From: **Aaron Greenspan** [redacted]
Subject: Musk Private Foundation Inquiry
Date: August 7, 2019 at 11:08 AM
To: Antonio Gracias [redacted] Antonio Gracias [redacted] Brad Buss [redacted] Brad Buss [redacted] Brad Buss [redacted] Elon Musk [redacted] Elon Musk [redacted] Elon Musk [redacted] Elon Musk [redacted] Ira Ehrenpreis [redacted] Ira Ehrenpreis [redacted] Ira Ehrenpreis [redacted] Ira Ehrenpreis [redacted] Kimbal Musk [redacted] Kimbal Musk [redacted] Kimbal Musk [redacted] Kimbal Musk [redacted] Robyn Denholm [redacted] Steve Jurvetson [redacted] Kathleen Wilson-Thompson [redacted] Kathleen Wilson-Thompson [redacted] Larry Ellison [redacted] James Murdoch [redacted] James Murdoch [redacted]

Present and Former Tesla Board Members:

I have a simple inquiry.

1. Does Elon Musk, Kimbal Musk, or any member of their family beneficially own the Musk Private Foundation in Curaçao, Registration No. 139538? (See attached.)
2. If so, has the Musk Private Foundation ever traded in Tesla stock or derivatives?

These are yes-or-no questions. I require an answer in the next 24 hours. I will interpret a lack of an answer to mean "yes" to both questions. If neither Elon nor Kimbal Musk has any connection to the Musk Private Foundation, this is your chance to clear up the confusion once and for all and put the issue to rest.

Regards,

Aaron

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Curaçao Commercial Register

Excerpt from the Commercial Register

Registration number: 139538 (0)
Date: February 11, 2019 Time: 2:48:12 PM

In the Commercial Register of the Curaçao Chamber of Commerce & Industry is registered under number 139538: Musk Private Foundation

Legal form	**Private Foundation**
Official name	**Musk Private Foundation**
Statutory seat	**Curaçao**
Date of incorporation	**April 4, 2016**
Address	**Pietermaai 15**
Country	**Curaçao**
Mailing address	**(same as above)**
Description English	**1. to hold domain names, trademarks and patents, to preserve and manage its assets and to make distributions to members of the family of those who contributed the assets to it, without prejudice to its right to make such distributions out of its assets, as referred to in the following paragraph, to the Founder or to others, as the Board in its sole discretion may decide. 2. The Foundation attempts to achieve its purpose by: a. acquiring, owning and managing its assets; b. making distributions out of its assets to such persons, as indicated in the preceding paragraph, as the Board in its sole discretion may determine, and to provide financial assistance to such institutions and persons by means of loans, guarantees, annuity contracts and the like. 3. The Foundation is entitled to invest its assets in securities, including shares and other certificates of participation and bonds, certificates of deposit as well as interest bearing claims however denominated and in any and all forms. The Foundation can incur risks from investment and reinvestment activities, including risks from "puts" and "calls", but it cannot undertake any activities which could result in the incurrence of a commercial risk or liability and any such activities are hereby expressly forbidden and excluded. 4. The Foundation furthermore shall be entitled, whether or not for the protection of its assets, to transfer all its assets or part thereof, revocably or irrevocably, to a trust organized according to the laws of any Anglo-American law system, and/or to transfer in fiduciary ownership to one or more trustees or fiduciaries, that can be natural persons or legal persons, with the understanding that such assets shall be held by the trustees or fiduciaries for the benefit of the Foundation, creditors or other persons designated by the Board, all in accordance with the provisions under which such trust relationship or fiduciary ownership has been constituted. 5. The Foundation is not entitled to make profits by means of the carrying on of an enterprise.**

Official(s)	
1	
Function	**Board Member**
Name	**TMF Curaçao N.V.**
Registration number official	**72307**

Source: Registry-information Internet. This document is not an excerpt in accordance with article 11 paragraph 2 of the Trade Ordinance (O.G. 2009 no. 51)

From: **Elon Musk** [redacted]
Subject: Re: Musk Private Foundation Inquiry
Date: August 7, 2019 at 2:23 PM
To: Aaron Greenspan [redacted] Lawrence Fossi [redacted]
Cc: Antonio Gracias [redacted] Antonio Gracias [redacted] Brad Buss [redacted] Brad Buss [redacted] Brad W. Buss [redacted] Elon Musk [redacted] Elon Musk [redacted] Ira Ehrenpreis [redacted] Ira Ehrenpreis [redacted] Ira Ehrenpreis [redacted] Ira Ehrenpreis [redacted] Kimbal Musk [redacted] Kimbal Musk [redacted] Kimbal Musk [redacted] Kimbal Musk [C] [redacted] Robyn Denholm [redacted] Steve Jurvetson [redacted] Kathleen Wilson-Thompson [redacted] Kathleen Wilson-Thompson [redacted] Larry Ellison [redacted] James Murdoch [redacted] James Murdoch [redacted]

EM

No

No

To the best of my knowledge, I have no assets outside of the United States at all. But I would like to know who did make this false filing. Any information about it would be appreciated.

Interesting that Mr. Fossil, who was on the bad side in the Enron fraud case, is copied on this email. Why is that? Fossil is in no way objective. He has a *laboriously* long history of attacking Tesla, major conflicting investments in oil & gas and has repeatedly made false statements about Tesla to support his short position.

I hope one day he gets the help he needs.

From: **Kimbal Musk** [redacted]
Subject: Re: Musk Private Foundation Inquiry
Date: August 7, 2019 at 2:29 PM
To: Elon Musk [redacted]
Cc: Aaron Greenspan [redacted] Lawrence Fossi [redacted] Antonio Gracias [redacted] Antonio Gracias [redacted] Brad Buss [redacted] Brad Buss [redacted] Brad W. Buss [redacted] Elon Musk [redacted] Elon Musk [redacted] Ira Ehrenpreis [redacted] Ira Ehrenpreis [redacted] Ira Ehrenpreis [redacted] Ira Ehrenpreis [redacted] Kimbal Musk [redacted] Kimbal Musk [redacted] Kimbal Musk [C] [redacted] Robyn Denholm [redacted] Steve Jurvetson [redacted] Kathleen Wilson-Thompson [redacted] Kathleen Wilson-Thompson [redacted] Larry Ellison [redacted] James Murdoch [redacted] James Murdoch [redacted]

No and no for me too. I have no knowledge of this entity.

Sent from my iPhone

From: **Aaron Greenspan** [redacted]
Subject: Re: Musk Private Foundation Inquiry
Date: August 7, 2019 at 2:49 PM
To: Elon Musk [redacted] Kimbal Musk [redacted]
Cc: Lawrence Fossi [redacted] Antonio Gracias [redacted] Antonio Gracias [redacted] Brad W. Buss [redacted] Ira Ehrenpreis [redacted] Ira Ehrenpreis [redacted] Ira Ehrenpreis [redacted] Robyn Denholm [redacted] Steve Jurvetson [redacted], Kathleen Wilson-Thompson [redacted] Kathleen Wilson-Thompson [redacted] Larry Ellison [redacted] James Murdoch [redacted] James Murdoch [redacted]

Elon and Kimbal,

Many thanks for the prompt reply, although it could be argued that given Tesla's international presence (not to mention SpaceX's interplanetary presence) and your substantial ownership of both, you do have considerable assets outside of the United States. In fact, your net worth depends heavily on your being on good terms with the Chinese government.

To be clear, the corporate filing is not false per se. It's just a filing, and regardless of whether the entity's name has any connection to you or not, it's a real legal entity that you can find on the Curaçao corporate register, which is why I provided a copy of the document. You are welcome to search the register yourself at http://www.curacao-chamber.cw/services/registry/search-company.

I sent the message to Mr. Fossi as I thought he might find it of interest. He did not influence or draft the questions.

If you find out who is actually behind the Musk Private Foundation, I share your interest in the identity of the true owner.

Regards,

Aaron

PlainSite | https://www.plainsite.org

> On Aug 7, 2019, at 2:05 PM, Elon Musk <[redacted]> wrote:
>
> No
>
> No
>
> To the best of my knowledge, I have no assets outside of the United States at all. But I would like to know who did make this false filing. Any information about it would be appreciated.
>
> Interesting that Mr. Fossil, who was on the bad side in the Enron fraud case, is copied on this email. Why is that? Fossil is in no way objective. He has a *laboriously* long history of attacking Tesla, major conflicting investments in oil & gas and has repeatedly made false statements about Tesla to support his short position.
>
> I hope one day he gets the help he needs.

From: **Elon Musk** [redacted]
Subject: Re: Musk Private Foundation Inquiry
Date: August 7, 2019 at 3:09 PM
To: Aaron Greenspan [redacted]

EM

Appreciate the note and very much agree with openness.

Tesla having international assets that are clear and reported is fundamentally different from me having owning or controlling an entity in a location known for dodgy activity.

I don't own any assets outside the US, don't have any passport aside from US and have no material diversification from Tesla and SpaceX. Neuralink and Boring Company are startups that may or may not succeed. Tesla is my only publicly traded security.

On Aug 7, 2019, at 2:52 PM, Aaron Greenspan <[redacted]> wrote:

> Elon and Kimbal,
>
> Many thanks for the prompt reply, although it could be argued that given Tesla's international presence (not to mention SpaceX's interplanetary presence) and your substantial ownership of both, you do have considerable assets outside of the United States. In fact, your net worth depends heavily on your being on good terms with the Chinese government.
>
> To be clear, the corporate filing is not false per se. It's just a filing, and regardless of whether the entity's name has any connection to you or not, it's a real legal entity that you can find on the Curaçao corporate register, which is why I provided a copy of the document. You are welcome to search the register yourself at http://www.curacao-chamber.cw/services/registry/search-company.
>
> I sent the message to Mr. Fossi as I thought he might find it of interest. He did not influence or draft the questions.
>
> If you find out who is actually behind the Musk Private Foundation, I share your interest in the identity of the true owner.
>
> Regards,
>
> Aaron
>
> PlainSite | https://www.plainsite.org
>
> > On Aug 7, 2019, at 2:05 PM, Elon Musk <[redacted]> wrote:
> >
> > No
> >
> > No
> >
> > To the best of my knowledge, I have no assets outside of the United States at all. But I would like to know who did make this false filing. Any information about it would be appreciated.
> >
> > Interesting that Mr. Fossil, who was on the bad side in the Enron fraud case, is copied on this email. Why is that? Fossil is in no way objective. He has a *laboriously* long history of attacking Tesla, major conflicting investments in oil & gas and has repeatedly made false statements about Tesla to support his short position.
> >
> > I hope one day he gets the help he needs.

From: **Aaron Greenspan** [redacted]
Subject: Additional Questions
Date: August 7, 2019 at 3:27 PM
To: Elon Musk [redacted]
Cc: Lawrence Fossi [redacted] Antonio Gracias [redacted] Brad W. Buss [redacted] Ira Ehrenpreis [redacted] Ira Ehrenpreis [redacted] Ira Ehrenpreis [redacted] Robyn Denholm [redacted] Steve Jurvetson [redacted] Kathleen Wilson-Thompson [redacted] Kathleen Wilson-Thompson [redacted] Larry Ellison [redacted] James Murdoch [redacted] James Murdoch [redacted] Kimbal Musk [redacted]

Present and Former Tesla Board Members:

I have a few additional unrelated questions. I hope you don't mind.

Tesla has numerous fans, and understandably some are more vocal than others. On Saturday, August 3rd, I received two text messages and a pornographic fax collectively threatening to file a false police report accusing me of harboring child pornography, with the supposed goal of having me arrested. Based on IP address logs and his own now-deleted admission, I believe these messages all originated from Omar Qazi of Torrance, CA and Santa Clara, CA, in retaliation for exposing his improper use of Tesla Autopilot (https://www.youtube.com/watch?v=BkXd97kOuPs) and violation of traffic laws. Mr. Qazi is a loyal fan of Tesla and Elon Musk, and writes prolifically in support of Tesla under the moniker of "Steve Jobs" at https://twitter.com/tesla_truth. Based on photos he has posted (see below), Mr. Qazi has in the past been invited to some of Tesla's exclusive events, which suggests he has a relationship with Tesla, or someone who works for Tesla. In addition, the same fax number used to send me pornography was also used to make an actual threat on another person's life in December. This has all been reported to the FBI, as several crimes are involved in what I just described—all carried out on Tesla's behalf.

Whether or not one admires your cars, hates your cars, is long the stock, or is short the stock, this kind of behavior is A) unlawful and B) unacceptable. My questions are:

1. Does Tesla have any relationship, direct or indirect with Mr. Qazi or other social media "influencers?"
2. How is it that Mr. Qazi was invited to Tesla events?
3. Will there be any relationship going forward?
4. Does Tesla compensate social media influencers with cash or in-kind in any way—including through a contractor such as a PR firm—and is there any monitoring of these individuals' behavior?
5. Why has your legal team allowed third parties such as Mr. Qazi to use the Tesla registered trademark? (See Mr. Qazi's Twitter handle above: @tesla_truth, but see also, for example, @TeslaOpinion.)

Thank you for your time. I realize you are all extremely busy, but as you can surely appreciate this is a serious matter.

Sincerely,

Aaron

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Omar Qazi @omarqazi · Mar 14

At @Tesla checking out the Model Y SUV

Check it out at livestream.tesla.com



2 6

From: **Aaron Greenspan** [redacted]
Subject: Re: Musk Private Foundation Inquiry
Date: August 7, 2019 at 4:02 PM
To: Elon Musk [redacted]

Elon,

If you actually agree with openness, you need to tell the public that actually, Autopilot isn't ready yet and further tell NHTSA you waive confidentiality on its subpoena responses, which they are currently withholding and which I will eventually get anyway. NHTSA just disclosed that people don't keep their hands on the wheel for even a minute on average (https://www.plainsite.org/documents/fnrhg/tesla-nhtsa-foia-response/, page 44)—they're using it properly 1.3% of the time at most. Even you didn't on 60 Minutes. That's insanely stupid and dangerous. When I'm driving on 101, I stay away from Teslas because I'm afraid of what could happen. And I have heard similar concerns from your own people.

Second, the way your organization has treated Anna Watson, Cristina Balan, Martin Tripp, Karl Hansen, and Randeep Hothi—among others—is truly shameful, and has exemplified anything but openness. Randeep was interested in your factory output precisely because you weren't being open at all. I realize you may have a different perspective with regard to each of these people, but in particular, I truly fail to see what Cristina did that threatened Tesla. On the contrary, she made significant contributions. And on the whole, this graph of worker litigation makes you come off as incredibly hostile as a CEO:

https://www.plainsite.org/tags/tesla-worker-rights/

Now that you have some cash in your accounts thanks to the capital raise, you can afford to be nice to people who have helped you succeed. Put your money where your mouth is.

Aaron

PlainSite | https://www.plainsite.org

From: **Elon Musk** [redacted]
Subject: Re: Musk Private Foundation Inquiry
Date: August 7, 2019 at 5:46 PM
To: Aaron Greenspan [redacted]

The data is unequivocal that Autopilot is safer than human driving by a significant margin. It is unethical and false of you to claim otherwise. In doing so, you are endangering the public.

As for the people you mention below, they have actively harassed and, in the case of Hothi, almost killed Tesla employees. What was a sideswipe when Hothi hit one of our people could easily have been a death with 6 inches of difference.

How can you possibly endorse this? You obviously couldn't care less about the truth.

> On Aug 7, 2019, at 4:03 PM, Aaron Greenspan <[redacted]> wrote:
>
> Elon,
>
> If you actually agree with openness, you need to tell the public that actually, Autopilot isn't ready yet and further tell NHTSA you waive confidentiality on its subpoena responses, which they are currently withholding and which I will eventually get anyway. NHTSA just disclosed that people don't keep their hands on the wheel for even a minute on average (https://urldefense.proofpoint.com/v2/url?u=https-3A__www.plainsite.org_documents_fnrhg_tesla-2Dnhtsa-2Dfoia-2Dresponse_&d=DwIFaQ&c=m5pJjvhoJ8du6Q8es33zcrlMoqSJBzBMtZh4icn4nJ8&r=GmDkN1-YXrABgHWdwyBDfw&m=r6d14d5EkUaGgDuGx8Jmcr59pEfcp-Czrn93bVpQRvU&s=dcW1qiXgNx0eard1UU2u5f6qdib_sYlxbzYCjOe3Kr8&e= , page 44)—they're using it properly 1.3% of the time at most. Even you didn't on 60 Minutes. That's insanely stupid and dangerous. When I'm driving on 101, I stay away from Teslas because I'm afraid of what could happen. And I have heard similar concerns from your own people.
>
> Second, the way your organization has treated Anna Watson, Cristina Balan, Martin Tripp, Karl Hansen, and Randeep Hothi—among others—is truly shameful, and has exemplified anything but openness. Randeep was interested in your factory output precisely because you weren't being open at all. I realize you may have a different perspective with regard to each of these people, but in particular, I truly fail to see what Cristina did that threatened Tesla. On the contrary, she made significant contributions. And on the whole, this graph of worker litigation makes you come off as incredibly hostile as a CEO:
>
> https://urldefense.proofpoint.com/v2/url?u=https-3A__www.plainsite.org_tags_tesla-2Dworker-2Drights_&d=DwIFaQ&c=m5pJjvhoJ8du6Q8es33zcrlMoqSJBzBMtZh4icn4nJ8&r=GmDkN1-YXrABgHWdwyBDfw&m=r6d14d5EkUaGgDuGx8Jmcr59pEfcp-Czrn93bVpQRvU&s=RNtMxplSt819nZy6C_HcgeZ2mpiZ_9kwscQiaLok70A&e=
>
> Now that you have some cash in your accounts thanks to the capital raise, you can afford to be nice to people who have helped you succeed. Put your money where your mouth is.
>
> Aaron
>
> PlainSite | https://urldefense.proofpoint.com/v2/url?u=https-3A__www.plainsite.org&d=DwIFaQ&c=m5pJjvhoJ8du6Q8es33zcrlMoqSJBzBMtZh4icn4nJ8&r=GmDkN1-YXrABgHWdwyBDfw&m=r6d14d5EkUaGgDuGx8Jmcr59pEfcp-Czrn93bVpQRvU&s=PYKNOyB62Bdj3ne5mOUFgTBhVH85VstUWNg6R2RxLRA&e=

From: **Aaron Greenspan** [redacted]
Subject: Re: Musk Private Foundation Inquiry
Date: August 7, 2019 at 6:16 PM
To: Elon Musk [redacted]

Elon,

Believe me, I will buy a Tesla tomorrow if I am convinced Autopilot makes it considerably less likely that I will suffer an accident. But check the assumptions you're feeding the algorithms that generate the data. With real-world inputs, like crap roads and fog and rain and construction barrels, which Autopilot happily plows into, the data on that is not unequivocal—not yet—and even (for the sake of argument) if it truly is, your marketing people aren't convincing people like me who actually know something about data and are in your target market. So the problem is somewhere on your end, not the customer's. And it doesn't follow that disagreeing with you is axiomatically unethical.

You run a car company and a space company that has suffered explosions on occasion and are tinkering with the brain without any peer-reviewed research and have a massive following. I don't. You have been sanctioned by multiple federal agencies for making false statements. I have not. Far be it from you to lecture me about ethics or endangering the public.

I don't endorse reckless driving, obviously (and why would you assume that I do)? I totally admit that it is within the realm of possibility that Randeep was driving recklessly, perhaps without meaning to, in his enthusiasm for following the Tesla vehicle. It's also possible you're lying, because you lie a lot. I've met Randeep, and he is not the type to try to actively harm anyone. He's incredibly down-to-earth. That being said, people do make mistakes.

But since you haven't released the video, I have no idea what actually happened. And I get that maybe the video has some sensitive information on audio, and that your competition is real and you want to protect your work—so just release it (unedited) without audio. If he drove recklessly, he'll have to account for his actions in the court of public opinion.

As for the alleged sideswipe, the statement—under penalty of perjury—made by your employee Christine Leslie directly contradicts the police report. Christie said he drove fast; the police said he drove slow. The police have no reason to lie. And the person allegedly sideswiped is a licensed PI, if I'm not mistaken, so he would know that even minimal contact with the vehicle would be necessary for a police report to have any chance of mattering. So you'll have to do better than trying to pin an almost-but-not-even-close murder on Randeep. No one was even injured. Any one of your vehicles could kill someone with 6 inches of difference, if, for example, there was a sudden acceleration event. Or a mis-reading of a lane marking, causing a head-on collision with a concrete barrier. Which actually happened on Highway 85 not long ago. That Tesla owner, Walter Huang, actually died—because Autopilot was not and is not ready. Not because Randeep tallied your factory production or videotaped your car.

Grow up.

Aaron

PlainSite | https://www.plainsite.org

From: **Elon Musk** [redacted]
Subject: Re: Musk Private Foundation Inquiry
Date: August 8, 2019 at 12:10 AM
To: Aaron Greenspan [redacted]

You are unequivocally attempting to mislead the public about Tesla safety and thereby putting people's lives at stake: https://insideevs.com/news/363978/tesla-model-3-safest-car-nhtsa/amp/

Are for my alleged lies, I've made on the order of 10,000 or more public statements in one forum or another, but, imo, never knowingly lied. I have been wrong or overly optimistic, but never intentionally deceptive.

Of the 10k or so statements I've made, which ones do you consider lies?

On Aug 7, 2019, at 6:17 PM, Aaron Greenspan <[redacted] wrote:

> Elon,
>
> Believe me, I will buy a Tesla tomorrow if I am convinced Autopilot makes it considerably less likely that I will suffer an accident. But check the assumptions you're feeding the algorithms that generate the data. With real-world inputs, like crap roads and fog and rain and construction barrels, which Autopilot happily plows into, the data on that is not unequivocal—not yet—and even (for the sake of argument) if it truly is, your marketing people aren't convincing people like me who actually know something about data and are in your target market. So the problem is somewhere on your end, not the customer's. And it doesn't follow that disagreeing with you is axiomatically unethical.
>
> You run a car company and a space company that has suffered explosions on occasion and are tinkering with the brain without any peer-reviewed research and have a massive following. I don't. You have been sanctioned by multiple federal agencies for making false statements. I have not. Far be it from you to lecture me about ethics or endangering the public.
>
> I don't endorse reckless driving, obviously (and why would you assume that I do)? I totally admit that it is within the realm of possibility that Randeep was driving recklessly, perhaps without meaning to, in his enthusiasm for following the Tesla vehicle. It's also possible you're lying, because you lie a lot. I've met Randeep, and he is not the type to try to actively harm anyone. He's incredibly down-to-earth. That being said, people do make mistakes.
>
> But since you haven't released the video, I have no idea what actually happened. And I get that maybe the video has some sensitive information on audio, and that your competition is real and you want to protect your work—so just release it (unedited) without audio. If he drove recklessly, he'll have to account for his actions in the court of public opinion.
>
> As for the alleged sideswipe, the statement—under penalty of perjury—made by your employee Christine Leslie directly contradicts the police report. Christie said he drove fast; the police said he drove slow. The police have no reason to lie. And the person allegedly sideswiped is a licensed PI, if I'm not mistaken, so he would know that even minimal contact with the vehicle would be necessary for a police report to have any chance of mattering. So you'll have to do better than trying to pin an almost-but-not-even-close murder on Randeep. No one was even injured. Any one of your vehicles could kill someone with 6 inches of difference, if, for example, there was a sudden acceleration event. Or a mis-reading of a lane marking, causing a head-on collision with a concrete barrier. Which actually happened on Highway 85 not long ago. That Tesla owner, Walter Huang, actually died—because Autopilot was not and is not ready. Not because Randeep tallied your factory production or videotaped your car.
>
> Grow up.
>
> Aaron
>
> PlainSite | https://www.plainsite.org

From: **Aaron Greenspan** [redacted]
Subject: Re: Musk Private Foundation Inquiry
Date: August 8, 2019 at 2:08 AM
To: Elon Musk [redacted]

Elon,

Hold on a minute. I'm not misleading anyone. What I did was A) file a FOIA request and B) publish, in full—including Tesla's portions—the response to the FOIA request for everyone to read, which a lot of knowledgeable people did, including Consumer Reports (see https://advocacy.consumerreports.org/press_release/consumer-reports-government-documents-show-failures-by-tesla-while-nhtsa-must-do-more-to-hold-companies-accountable/). I may be an idiot when it comes to cars, but David Friedman is not an idiot. So I'm not sure how any reasonable person could believe that posting the government's response to my request, which alarmed a former top NHTSA official, is putting lives at stake unless you think that NHTSA itself is putting lives at stake by not agreeing with you 100% (which perhaps you do). But let's also remember that the pages withheld from the FOIA response were withheld, according to NHTSA, because Tesla asked for them to be. So any selection bias is on you. Every page of that response provided is literally in plain sight. I'd still like to see the other 450 pages, especially if they support your assertions and make NHTSA look incompetent.

The two PlainSite tweets cited in that InsideEV article are completely accurate. Tesla did receive a cease and desist, and it is very unusual that the letter was directed to you specifically, as you're not a lawyer and lawyers tend to correspond with large corporations through counsel for a variety of reasons.

As for your propensity to lie: I understand to the maximum extent possible without actually being you, that you're in a high-pressure, extremely scrutinized, often pioneering role that a lot of dumb people have uninformed opinions on. Plus, no one can accurately predict the future all of the time. A lot of your statements are of the form "We're working on [thing A]," "[thing B] will be ready by [time x]," or "I think [thing C] is possible by [time y]." Many of those are just your opinion, which is fine. You're entitled to your opinion and you know a lot about what's really happening that most people don't.

Here's what's not fine:

- On October 24, 2018 on a regulated earnings call, you told investors that Tesla's medical care was "the absolute best." Bullshit. In reality, you hired a hand surgeon (Dr. Basil Besh) with no particular experience running a corporate medical facility to farm out your clinic to a bunch of contractors, including one guy whose medical license was revoked not long after because he kept sexually assaulting patients—something already well documented and public at the time he was hired. Being unaware that your Tesla doctor might very well grope or rape you is not "the absolute best." Another doctor was there for a total of one week. Sure, health care is horrifically screwed up all over the U.S., but that's egregiously wrong. You also called Besh's operation, Access Omnicare (which isn't even its own corporation!), "a really immediate first-class healthcare." But Reveal says, with evidence, that you've been trying to keep injury numbers down and denying workers care they need. Even after all of this came out, you still didn't fire Besh. So that's two lies, to investors, on a regulated call, concerning the health of people who put their faith in you, which you then failed to correct. After that, I believe Laurie Shelby went to CAEATFA and lied to the State of California on your behalf about the very same healthcare program so that Tesla would continue to qualify for its sales tax credit.

- On January 30, 2019, you had the Q4 2018 earnings call. You told investors you were "optimistic about being profitable in Q1 and all quarters going forward." Well, optimism is certainly a necessary and admirable trait in a leader—except that you have real-time access to your sales numbers and by January 30 you had to be well aware that the quarter was not shaping up well at all for January. You ended up with a $702 million loss. So either you were not actually optimistic, or you don't know what the word really means (maybe not a lie then, but still problematic), or you deliberately had no idea how your company was doing so you could continue being optimistic for the purpose of misleading investors. Perhaps I'm being too harsh. Is there another possibility that explains how you could have possibly not known what was coming by the end of January, after watching a month of slow sales? Maybe if it were a private conversation between friends you could hold out hope that months 2 and 3 would be way better. But on an SEC-regulated call? No. Boundless optimism is not a free pass to violate securities laws.

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- All of your statements about "Full Self-Driving" are lies. There's no such thing right now. You know that. I know that. Everyone in the industry way smarter than me knows that. Again, Autopilot still can't even reliably avoid bright orange construction barrels (https://electrek.co/2019/07/23/tesla-mows-down-construction-cones-autopilot/). I get it. It's hard. Construction signs are also bright orange, but they're not barrels, sometimes they're over here, sometimes they're in the middle of the road… It is a legitimately hard problem. But you just made the pitch—and then omitted it from your latest earnings call—that your own CPUs can solve every vision problem you have, LIDAR is stupid, and that consequently you'll have a million robo-taxis on the road soon. You won't. Saying that was stupid. Being generous, those are overly optimistic predictions based on a lie. But if I were an SEC attorney (which, lucky for you, I'm not), I'd just label it all securities fraud and refer you to the DOJ.

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- Even "Zero Emissions" on your marketing plates is a lie. Yes, you move emissions around, and that's definitely good, but they're also definitely not zero unless you've found some way to burn the diesel in the generators you rent all over at Tesla sales centers to charge your inventory with no emissions at all. And that's without getting into the power plant emissions, which you don't control. Tesla is renting those diesel generators, not someone else.

- You lied to Judge Nathan about not understanding what "pre-approval" means. Come on. You didn't really think the SEC believed pre-approval to mean "Elon approves everything." You just got your counsel to concede that it's one possible if not ridiculous interpretation, and you ran with it, not caring that it was totally in bad faith. And by the way, Hueston's disappearing act as you negotiated with the SEC seemingly without legal representation, and in violation of FRCP 11, still seems like something investors might have wanted to know about. If you had been assigned Jed Rakoff as your judge, you might have a new career by now and Hueston might have been sanctioned. Consider yourself lucky.

- The fundamental premise that Tesla can be a profitable company as it is currently structured—something you've said repeatedly—is a lie. It can't. Again, people far smarter than I am have reached this conclusion after careful analysis, and they're correct. You're not selling enough cars, let alone solar panels or solar shingles. You're not going to actually be able to pivot to a (super-regulated!) insurance company or magic yourself into being Uber. You have serious litigation to contend with. It really appears that you're re-living the life of John DeLorean, and at this rate you will likely meet a similar fate.

I could go on. I'm sure you've read a lot of this stuff before anyway. Like many, I don't want you to fail. The planet is indeed on the brink of ecological catastrophe and your goal of clean transportation and solar power is admirable and necessary. But if you can't even admit that you've told a few lies to get where you are, then you don't belong where you are—certainly not as CEO of a publicly traded company. As you've said, lives *are* at stake, the future of an industry is at stake, and who knows what the follow-on effects will be. That doesn't mean you aren't smart or uniquely persuasive. I can barely convince anyone I actually have arms and legs and I doubt I could design or sell one car let alone thousands. It just means you shouldn't be trusted with billions in cash and so many people's well-being.

So there you have it. Life necessarily involves trade-offs. We all make them. You traded your integrity for financial success. If you don't think so, customers, investors, employees, regulators, and everyone else aside, you're misleading yourself.

Aaron

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From: **Elon Musk** [redacted]
Subject: Re: Musk Private Foundation Inquiry
Date: August 8, 2019 at 3:19 AM
To: Aaron Greenspan [redacted]

Just finishing work now, but will respond in the morning.

On Aug 8, 2019, at 2:10 AM, Aaron Greenspan <[redacted] wrote:

> Elon,
>
> Hold on a minute. I'm not misleading anyone. What I did was A) file a FOIA request and B) publish, in full—including Tesla's portions—the response to the FOIA request for everyone to read, which a lot of knowledgeable people did, including Consumer Reports (see https://advocacy.consumerreports.org/press_release/consumer-reports-government-documents-show-failures-by-tesla-while-nhtsa-must-do-more-to-hold-companies-accountable/). I may be an idiot when it comes to cars, but David Friedman is not an idiot. So I'm not sure how any reasonable person could believe that posting the government's response to my request, which alarmed a former top NHTSA official, is putting lives at stake unless you think that NHTSA itself is putting lives at stake by not agreeing with you 100% (which perhaps you do). But let's also remember that the pages withheld from the FOIA response were withheld, according to NHTSA, because Tesla asked for them to be. So any selection bias is on you. Every page of that response provided is literally in plain sight. I'd still like to see the other 450 pages, especially if they support your assertions and make NHTSA look incompetent.
>
> The two PlainSite tweets cited in that InsideEV article are completely accurate. Tesla did receive a cease and desist, and it is very unusual that the letter was directed to you specifically, as you're not a lawyer and lawyers tend to correspond with large corporations through counsel for a variety of reasons.
>
> As for your propensity to lie: I understand to the maximum extent possible without actually being you, that you're in a high-pressure, extremely scrutinized, often pioneering role that a lot of dumb people have uninformed opinions on. Plus, no one can accurately predict the future all of the time. A lot of your statements are of the form "We're working on [thing A]," "[thing B] will be ready by [time x]," or "I think [thing C] is possible by [time y]." Many of those are just your opinion, which is fine. You're entitled to your opinion and you know a lot about what's really happening that most people don't.
>
> Here's what's not fine:
>
> - On October 24, 2018 on a regulated earnings call, you told investors that Tesla's medical care was "the absolute best." Bullshit. In reality, you hired a hand surgeon (Dr. Basil Besh) with no particular experience running a corporate medical facility to farm out your clinic to a bunch of contractors, including one guy whose medical license was revoked not long after because he kept sexually assaulting patients—something already well documented and public at the time he was hired. Being unaware that your Tesla doctor might very well grope or rape you is not "the absolute best." Another doctor was there for a total of one week. Sure, health care is horrifically screwed up all over the U.S., but that's egregiously wrong. You also called Besh's operation, Access Omnicare (which isn't even its own corporation!), "a really immediate first-class healthcare." But Reveal says, with evidence, that you've been trying to keep injury numbers down and denying workers care they need. Even after all of this came out, you still didn't fire Besh. So that's two lies, to investors, on a regulated call, concerning the health of people who put their faith in you, which you then failed to correct. After that, I believe Laurie Shelby went to CAEATFA and lied to the State of California on your behalf about the very same healthcare program so that Tesla would continue to qualify for its sales tax credit.
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From: **Aaron Greenspan** [redacted]
Subject: Re: Musk Private Foundation Inquiry
Date: August 8, 2019 at 1:17 PM
To: Elon Musk [redacted]

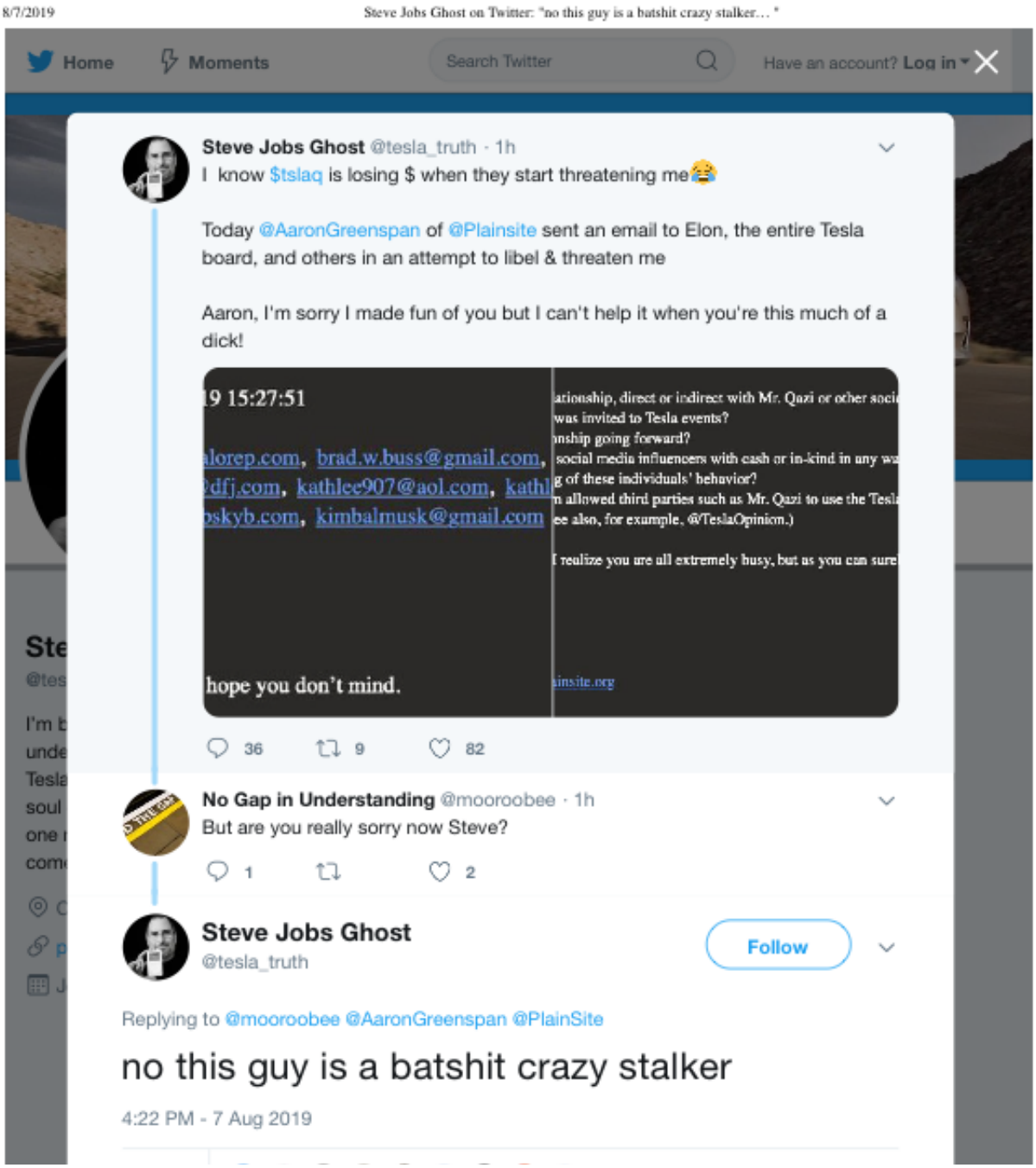
Elon,

Why did you (or someone on your end) send my e-mail to the Board to Omar Qazi? How could that possibly be the proper thing to do? He has, of course, deleted this post.

No answer to my other message, I see.

Aaron

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Replying to @tesla_truth @mooroobee @AaronGreenspan

