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15  
16

17 SUPERIOR COURT OF THE STATE OF CALIFORNIA  
18 COUNTY OF SANTA CLARA  
19

20 TESLA, INC.,

21 Plaintiff,

22 v.

23 RIVIAN AUTOMOTIVE, INC., RIVIAN  
AUTOMOTIVE, LLC, TAMI PASCALE,  
24 VINCE TANNER-DURAN, KIM WONG,  
JESSICA SIRON, CARRINGTON  
25 BRADLEY, JESSIE YOSTE, SAVAYIA  
BERO and DOES 1-20.

26 Defendants.  
27  
28

CASE NO. 20-CV-368472

**DEFENDANTS' THIRD JOINT CASE  
MANAGEMENT STATEMENT**

Date: March 30, 2021  
Time: 10:00 AM  
Dept: 20

Action Filed: July 17, 2020  
Trial Date: TBD

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1 Defendants Rivian Automotive, Inc., Rivian Automotive, LLC (collectively, “Rivian”),  
2 Tami Pascale (“Pascale”), Kim Wong (“Wong”), Jessica Siron (“Siron”), Carrington Bradley,  
3 (“Bradley”), Vince Tanner-Duran (“Duran”), Jessie Yoste (“Yoste”), and Savayia Bero (“Bero”)  
4 (and together with Pascale, Wong, Siron, Bradley, Yoste, and Duran, the “Individual Defendants”)  
5 (collectively with Rivian, “Defendants”), by and through their attorneys of record, hereby submit  
6 the following Third Joint Case Management Statement (the “Statement”) pursuant to the Court’s  
7 March 9, 2021 Order setting the third Case Management Conference for March 30, 2021.

8 **I. STATUS OF THE PLEADINGS**

9 Defendants previously described the background of the case in their Case Management  
10 Statement submitted on November 2, 2020. This Court held the first Case Management  
11 Conference on November 17, 2020. The defendants submitted a second Case Management  
12 Statement on December 18, 2020 and this Court held a second Case Management Conference on  
13 January 5, 2021. This Court also heard demurrers for all defendants except Siron and Yoste on  
14 February 23, 2021, but declined to issue final rulings, and instead continued those demurrers to  
15 March 30, 2021. As such, this Court has provided that it will hear demurrers for all defendants,  
16 including defendants Siron and Yoste, concurrently with the March 30, 2021 Case Management  
17 Conference.

18 This Court signed the parties’ Stipulated Protective Order on December 30, 2020.

19 **II. PARTIES**

20 At this time, Defendants are not aware of any additional parties. The Parties are as  
21 follows:

22 **A. Plaintiff**

23 Plaintiff in this action is Tesla, Inc.

24 **B. Defendants**

25 **1. Individual Defendants**

26 Tami Pascale, Kim Wong, Jessica Siron, Carrington Bradley, Vince Tanner-Duran, Jessie  
27 Yoste, and Savayia Bero are the Individual Defendants.

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**2. Rivian**

Rivian Automotive, Inc., Rivian Automotive, LLC

**III. SERVICE LIST**

The below counsel for Defendants will be included on all service:

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11                                  Defendants understand that Tesla is represented by:

13                                  **CHARIS LEX, P.C.**  
14                                  Sean P. Gates (CA SBN 186247)  
15                                  301 N. Lake Ave, Ste 1100  
16                                  Pasadena, CA 91101

15                                  **IV.     DESCRIPTION OF THE CASE**

16                                  Tesla’s Second Amended Complaint (“SAC”) asserts four causes of action: (1) the  
17                                  California Uniform Trade Secrets Act (“CUTSA”) against all Defendants except Bradley; (2)  
18                                  breach of contract against the Individual Defendants; (3) intentional interference with contract  
19                                  solely against Rivian; and (4) the California Comprehensive Data Access and Fraud Act against  
20                                  only the Individual Defendants.

21                                  Defendants generally deny all material allegations in Tesla’s SAC. Specifically, Rivian  
22                                  denies that it ever acquired or used any of the purported trade secrets vaguely referenced in the  
23                                  SAC. Rivian further denies that any of the information that Tesla contends constitutes “trade  
24                                  secrets” is a trade secret at all. Finally, Rivian maintains that Tesla’s claim for Intentional  
25                                  Interference with Contract is preempted by Tesla’s misappropriation claims.

26                                  The Individual Defendants further deny that any action purportedly taken by any of them  
27                                  amounts to breach of any contract with Tesla or a violation of the California Comprehensive Data  
28

1 Access and Fraud Act. Individual Defendants Siron, Pascale, Wong, Bero, Yoste, and Tanner-  
2 Duran further deny that they have acquired or used any alleged trade secrets, which Tesla has not  
3 described with any particularity.

4 **V. STATUS OF TRIAL**

5 Tesla has demanded a jury trial. The Parties agree that any trial date should be set in late  
6 summer or fall 2022. The Parties estimate that 10-15 days are required for trial. Defendants  
7 anticipate that they will be represented by the attorneys listed in Section III.

8 **VI. RELATED LITIGATION**

9 Defendants are not aware of related litigation currently pending in state or federal court.  
10 At this time, Defendants do not anticipate additional related litigation.

11 **VII. ALTERNATIVE DISPUTE RESOLUTION**

12 To the extent Tesla's case is still viable following the resolution of Defendants' demurrers,  
13 Defendants have discussed their preference for, and the possibility of, early mediation with Tesla.  
14 Counsel for Tesla has indicated that Tesla is also inclined to mediate, but prefers to wait until after  
15 it has formal discovery from Defendants. Defendants agree that Tesla should get some initial  
16 discovery so it can be assured that neither Rivian nor the Individual Defendants took or made use  
17 of any trade secrets, but Defendants suggest that mediation should be as soon as possible after fact  
18 discovery starts—presuming, as an initial matter, that Tesla meets its burden under C.C.P. section  
19 2019.210.

20 **VIII. INSURANCE**

21 Defendants are not aware of any insurance that is relevant to this litigation.

22 **IX. BIFURCATION**

23 Defendants do not intend to file a motion for an order bifurcating, severing, or  
24 coordinating any issues or causes of action at this time.

25 **X. OTHER MOTIONS**

26 Based on the lack of specificity of Tesla's trade secret claim thus far, Defendants anticipate  
27 that there might be the need for motion practice related to Tesla's required trade secret disclosure  
28

1 under C.C.P. section 2019.210, which Tesla has not yet provided. If Tesla’s SAC survives  
2 demurrer, certain Individual Defendants may seek summary judgement and/or summary  
3 adjudication.

4 **XI. DISCOVERY**

5 Code of Civil Procedure section 2019.210 requires that, “before commencing discovery . . .  
6 the party alleging the misappropriation [of trade secrets] shall identify the trade secret with  
7 reasonable particularity.” C.C.P. § 2019.210. Moreover, section 2019.210 . . . is not limited in its  
8 application to a cause of action under the Uniform Trade Secrets Act (UTSA) . . . for  
9 misappropriation of the trade secret, but extends to any cause of action which relates to the trade  
10 secret.” *Advanced Modular Sputtering, Inc. v. Super. Ct.*, 132 Cal. App. 4th 826, 830 (2005). This  
11 requirement serves a fourfold purpose: First, it promotes well-investigated claims and dissuades  
12 the filing of meritless trade secret complaints. *Glassdoor, Inc. v. Super. Ct.*, 9 Cal. App. 5th 623,  
13 639 (2017). Second, it prevents plaintiffs from using the discovery process as a means to obtain  
14 the defendant’s trade secrets. *Id.* Third, the rule assists the court in framing the appropriate scope  
15 of discovery and in determining whether plaintiff’s discovery requests fall within that scope. *Id.*  
16 Fourth, it enables defendants to form complete and well-reasoned defenses, ensuring that they need  
17 not wait until the eve of trial to effectively defend against charges of trade secret misappropriation.  
18 *Id.*

19 Here, Tesla has not yet described any of its trade secrets with the level of particularity  
20 required by section 2019.210. Indeed, Tesla has not yet served its C.C.P. 2019.210 disclosure.  
21 Discovery should not move forward until Tesla provides the requisite detail on the purported trade  
22 secrets at issue in this action. Accordingly, consideration of discovery is premature until Tesla  
23 makes this showing under California law. Defendants represent they have taken appropriate steps  
24 to preserve potentially relevant documents and other evidence.

25 There is no outstanding discovery.  
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1 **XII. JURISDICTION**

2 There are no anticipated issues with jurisdiction over Rivian or the Individual  
3 Defendants.

4 **XIII. ECONOMIC LITIGATION**

5 This is not a limited civil case.

6 **XIV. OTHER ISSUES**

7 Defendants are unaware of any additional issues at this time.

8 **XV. MEET AND CONFER**

9 In accordance with California Rules of Court 3.724, 3.727, and 3.750, prior to filing this  
10 statement, Defendants met and conferred with Tesla on October 27, 2020, prior to the first Case  
11 Management Conference, regarding the issues set forth herein.

12

13 Dated: March 15, 2021

Respectfully submitted,

14

LATHAM & WATKINS LLP

15

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1 **PROOF OF SERVICE**

2 I am employed in the County of San Mateo, State of California. I am over the age of 18  
3 years and not a party to this action. My business address is Latham & Watkins LLP, 140 Scott  
4 Drive Menlo Park, CA 94025.

5 On March 15, 2021, I served the following documents described as:

6 **DEFENDANTS' THIRD JOINT CASE MANAGEMENT STATEMENT**

7 by serving true copies in the following manner:

8 **BY ODYSSEY EFILECA**

---

9 Pursuant to Santa Clara Superior Court Local Rule 6(A),(C), I hereby certify that a true  
10 and correct copy of the above-described document was electronically served on counsel of record  
11 by transmission to Odyssey eFileCA. The transmission was reported as complete and without error  
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I declare that I am employed in the office of a member of the Bar of, or permitted to practice  
before, this Court at whose direction the service was made and declare under penalty of perjury  
under the laws of the State of California that the foregoing is true and correct.

Executed on **March 15, 2021**, at Menlo Park, California.

  
\_\_\_\_\_  
Donny Kong