

**FILED BY FAX**  
ALAMEDA COUNTY

August 04, 2020

CLERK OF  
THE SUPERIOR COURT  
By Gina Fu, Deputy

CASE NUMBER:  
**RG20069852**

1 D. GILL SPERLEIN (SBN 172887)  
THE LAW OFFICE OF D. GILL SPERLEIN  
2 345 Grove Street  
San Francisco, CA 94102  
3 Telephone: (415) 404-6615  
Facsimile: (415) 404-6616  
4 [gill@sperleinlaw.com](mailto:gill@sperleinlaw.com)

5 LAWRENCE J. FOSSI (TX SBN 07280650)  
(*pro hac vice* pending)<sup>1</sup>  
6 25 Hawthorn Lane  
Bozeman, MT 59715  
7 Telephone: (713) 854-4027  
8 [lawrence.fossi@outlook.com](mailto:lawrence.fossi@outlook.com)

9 Attorneys for Plaintiff Randeep Hothi

11 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**  
12 **COUNTY OF ALAMEDA**  
13 **UNLIMITED JURISDICTION**

14 Randeep Hothi,

15 Plaintiff,

16 v.

17 Elon Musk,

18 Defendant.

)  
) **Case No:** \_\_\_\_\_

) **VERIFIED COMPLAINT FOR DAMAGES**  
) **AND DEMAND FOR JURY TRIAL**

) **1. DEFAMATION/ DEFAMATION PER**  
) **SE**

) **Amount demand exceeds \$10,000**

) **By fax**  
)  
)

22 \_\_\_\_\_  
23 COMES NOW Plaintiff Randeep Hothi (“Hothi”), an individual, for causes of action against  
24 Defendant Elon Musk (“Musk”), an individual, and alleges as follows:  
25  
26  
27 \_\_\_\_\_

28 <sup>1</sup> An application for admission *pro hac vice* will be filed once the clerk has assigned this action.

d. gill sperlein  
the law office of d. gill sperlein

1 PARTIES AND VENUE

2 1. Plaintiff Hothi is an individual who, at all times herein mentioned, maintained his  
3 principal place of residence in Alameda County in the State of California.

4 2. Plaintiff is informed and believes and based thereon alleges that Defendant is an  
5 individual who, at all times herein mentioned, resided in Los Angeles County in the State of  
6 California.

7 3. This court has jurisdiction over Defendant because he is a resident of and/or doing  
8 business in the State of California.

9 4. The incidents giving rise to this litigation occurred in this jurisdiction.

10 5. This court is the proper venue for this action because the harm Defendant caused to  
11 Plaintiff occurred in this jurisdiction.

12 FACTS COMMON TO ALL CAUSES OF ACTION

13 6. Defendant Musk is the Chief Executive Officer and largest shareholder of Tesla, Inc.  
14 (“Tesla”), which manufactures electric vehicles in Fremont, California and Shanghai, China.

15 7. Musk exerts a high degree of control over all aspects of Tesla operations, particularly  
16 Tesla communications. All claims or statements of Tesla referred to in this Complaint were either  
17 prepared by Musk or approved in advance by Musk.

18 8. Plaintiff Hothi is, and at all relevant times was, a graduate student in Asian Languages  
19 & Cultures at the University of Michigan.

20 **A. Hothi’s Interest in, and skepticism about, the claims of Musk**

21 9. In the fall of 2015, Hothi developed an interest in Tesla’s business and, in particular,  
22 its claims about its technology. Hothi began reviewing Tesla’s and Musk’s published claims, and  
23 became skeptical about several of those claims, including (among other things) that Tesla was  
24 developing “alien dreadnought” manufacturing capability and that Tesla was close to achieving full-  
25 self driving capability with its so-called “Autopilot” technology.

26 10. Eventually, Hothi created a Twitter account under the handle of @skabooshka. In  
27 Twitter postings, Hothi shared his skepticism about Tesla’s claims. At all times in his Twitter  
28

1 communications, Hothi attempted to remain anonymous, and toward that end always posted under the  
2 pseudonym “@skabooshka.”

3 11. In August of 2016, Musk began claiming that Tesla’s manufacturing processes for the  
4 forthcoming Tesla Model 3 car would be hyper-automated, would be able to function largely without  
5 human input, and would be superior to those of any other automobile manufacturer. Musk called this  
6 process “alien dreadnought.”

7 12. Hothi was skeptical of Musk’s claims about “alien dreadnought,” and believed Tesla’s  
8 manufacturing capabilities were actually less efficient and less well-developed than those of most  
9 other automobile manufacturers.

10 13. In February of 2017, Tesla claimed it was on track to start production of the Model 3  
11 in July. In fact, Tesla did deliver the first 30 or so Model 3 cars in July of 2017. All the recipients  
12 were Tesla employees. It later emerged that the first cars delivered were, in fact, in significant part  
13 built by hand, a practice which continued at least into September.

14 14. In February of 2017, Tesla said it expected to exceed a weekly production rate of  
15 5,000 cars by the end of the year, and to achieve a rate of 10,000 vehicles per week at some point in  
16 2018. It repeated these weekly production rate claims in May and August of 2017.

17 15. By May of 2018, Tesla had backtracked significantly on its earlier promises. It  
18 announced it was targeting a Model 3 weekly production rate of 5,000 “in about two months.”

19 **B. Hothi’s observation of Tesla’s activities angers Musk**

20 16. Hothi was in California in June of 2018. He began observing the production at Tesla’s  
21 Fremont factory. He determined that Tesla’s production rate was well below the rate promised by  
22 Musk and shared his findings on Twitter.

23 17. In that same month, Hothi documented Tesla’s construction of a tent in which to place  
24 an assembly line for the Model 3. The use of a tent structure was, obviously, a far cry from the “alien  
25 dreadnought” claim of Musk. Hothi shared through his @skabooshka Twitter account photos he had  
26 taken of the erection of the tent structure and installation into it of the assembly line.

27

28

1 18. On information and belief, Musk became aware of the Twitter postings of Hothi and  
2 was enraged by them. Musk caused Tesla and its agents to investigate aspects of Hothi's personal  
3 life, and by January of 2019 had recorded the license plate number of Hothi's car.

4 19. On February 21, 2019, Hothi entered the Fremont factory grounds with an intention of  
5 visiting the sales center there to attempt to gather information about Model 3 production. Hothi  
6 parked in an area accessible to the public. Tesla's security system read the license plate on Hothi's  
7 car, identified the car as belonging to someone against whom Musk had developed an animus, and  
8 sent a security officer to confront the vehicle driver.

9 **C. Hothi's skepticism about "autonomous driving" and "robotaxis"**

10 20. Musk's claims about the production rate for the Model 3 were not the only issue about  
11 which Hothi doubted Musk's claims. He was also deeply skeptical of Musk's claims about "full self-  
12 driving," the sale of which feature has been a material and important component of Tesla's revenues.

13 21. In October of 2016, Musk stated that by the end of 2017, a Tesla vehicle would be able  
14 to drive from Los Angeles to New York with no human intervention. Tesla began offering "full self-  
15 driving" as an expensive option on their purchases.

16 22. On April 3, 2019, Tesla announced it would host for its investors an "Autonomy Day"  
17 on April 22, at which it would showcase its supposed autonomous driving technology.

18 23. In the Spring of 2019, including in great detail on Autonomy Day and a private  
19 investor call a few days later on the eve of a Tesla capital raise, Musk boasted that all Model 3 cars  
20 with the full self-driving option would soon appreciate in value three-fold or four-fold because they  
21 would become "robotaxis" that would drive autonomously and earn money around the clock for their  
22 owners. Musk famously claimed that by the end of 2020, a million or more such "robotaxi" capable  
23 Tesla vehicles would be on the road.

24 24. Hothi had long been skeptical about Tesla's autonomous driving claims and was  
25 doubtful the claims Musk and Tesla would make on Autonomy Day would be truthful.

26 25. On April 16, 2019, Hothi, while driving, happened upon a Tesla-owned vehicle with  
27 roof-mounted cameras. Hothi guessed (correctly) that the vehicle was engaged in recording audio,  
28

1 video, and/or other data intended for possible use at Tesla's upcoming Autonomy Day. Hothi  
2 followed the vehicle, observed it, photographed it, and posted the photographs at Twitter. At no point  
3 did Hothi either drive recklessly or endanger the safety of the occupants of the Tesla vehicle.

4 26. On information and belief, the occupants of the Tesla vehicle captured Hothi's license  
5 and advised their supervisors at Tesla. The Tesla supervisors realized the driver was Hothi, and  
6 informed Musk. Musk directed that Tesla file suit against Hothi.

7 **D. Tesla, with no notice to Hothi, obtains a temporary injunction based on false claims**

8 27. On April 19, 2019, Tesla, Inc. filed a petition for a civil restraining order against Hothi  
9 under California Code of Civil Procedure § 527.8. In the petition, Tesla falsely accused Hothi of  
10 trespassing, stalking, harassing, and endangering Tesla employees. More specifically, Tesla falsely  
11 claimed that Hothi hit a Tesla security guard with his car in the February 19 incident, and  
12 dangerously swerved his car towards the Tesla-owned Model 3 in the April 16 incident. (*Tesla, Inc. v.*  
13 *Randeep Hothi* (April 19, 2019) Alameda County Superior Court, RG19015770)

14 28. Tesla gave Hothi no notice of the petition's filing, and Hothi was unrepresented at the  
15 time the court (as a matter of course in such proceedings), granted the temporary relief Tesla sought.

16 29. On the same day Tesla filed its petition, Musk posted on Twitter the photo of an  
17 obscene Tesla identification badge. On information and belief, Musk requested that personnel at  
18 Tesla produce the badge, featuring a cartoon character in the shape of a penis and testicles, with the  
19 character labeled "Totally Legitimate" and the classification labeled "Espionage," all in accordance  
20 with his instructions. Given the contemporaneous filing of the petition against Hothi, and Hothi's  
21 earlier work observing Tesla production rates and tent construction, Musk's publication of the badge  
22 was obviously an insult aimed at Hothi

23 30. In advance of the permanent injunction hearing, Hothi requested discovery, which is  
24 ordinarily not available in harassment proceedings because of their summary nature. Among the  
25 items Hothi requested, and the Court ordered to be produced, were all audio and video recordings  
26 made by Tesla while Hothi was in the vicinity of the Tesla car on April 16. Tesla vigorously opposed  
27 the request, even though, were Tesla's claims truthful, the recordings would have established the  
28

1 recklessness of Hothi and hence the correctness of the injunction. When Tesla's efforts to thwart  
2 Hothi's request for discovery documents failed, Tesla voluntarily withdrew the petition rather than  
3 have its false claims subjected to scrutiny.

4 **E. Musk accuses Hothi of almost killing Tesla employees**

5 31. Aaron Greenspan is the owner of a website called plainsite.org, which publishes  
6 pleadings in thousands of state and federal court lawsuits throughout the United States. Greenspan  
7 has been a prominent and frequent critic of Tesla and Musk. By the beginning of 2019, Musk was  
8 well aware of both Greenspan and his website.

9 32. In August 2019, Greenspan exchanged a series of e-mails with Musk in which  
10 Greenspan criticized Tesla's history of taking action against whistleblowers or others who criticized  
11 Tesla. In his email, Greenspan identified a number of individuals whom Tesla had tried to silence,  
12 including Hothi.

13 33. In response, Musk wrote, "[a]s for the people you mention below, they have actively  
14 harassed and, in the case of Hothi, *almost killed Tesla employees*. What was a sideswipe when Hothi  
15 hit one of our people *could easily have been a death with 6 inches of difference*." (emphasis added)

16 34. Musk's statement made no reference to the harassment petition filed by Tesla on April  
17 19, 2019. It exceeded the scope of litigation communications and was not a fair report made to a  
18 public journal under California Civil Code § 47.

19 35. As one of the highest-profile and wealthiest individuals in the world, Musk knew or  
20 should have known his accusations concerning Hothi would be conveyed to a worldwide audience  
21 and would result in the accusations receiving significant publicity. Indeed, Musk knew, or should  
22 have known, that Greenspan was publishing the email correspondence on Twitter, and that it was  
23 being widely viewed, retweeted, and commented upon.

24 36. Unsurprisingly, Greenspan published his email correspondence with Musk on Twitter,  
25 including Musk's statement that Hothi had almost killed Tesla employees, that Hothi sideswiped a  
26 Tesla employee which, with six inches difference, could easily have been fatal.

27

28

1           37.     Greenspan's Twitter postings of the correspondence with Musk was retweeted more  
2 than 100 times. On the day of Greenspan's Twitter posting, his Twitter received more than 25,000  
3 "impressions" (views by other Twitter users), on the following day received more than 150,000  
4 impressions, and over the next 28 days another 240,000 impressions.

5           38.     The accusations of Musk and Tesla against Hothi prompted an onslaught of hateful  
6 Twitter response, accusing Hothi of being a liar, a murderer, a terrorist, and a deranged maniac.

7                   **FIRST CAUSE OF ACTION - DEFAMATION/ DEFAMATION PER SE**

8           39.     By this reference, Plaintiff Hothi incorporates all of the allegations in this complaint  
9 into this cause of action.

10           40.     Defendant harmed Plaintiff by making the following false and Defamatory Statement:  
11 "As for the people you mention below, they have actively harassed and, in the case of Hothi, almost  
12 killed Tesla employees. What was a sideswipe when Hothi hit one of our people could easily have  
13 been a death with 6 inches of difference."

14           41.     Musk made the Defamatory Statement to persons other than Hothi on at least August  
15 7, 2019, when Musk sent an e-mail with the subject line "Musk Private Foundation Inquiry" to Aaron  
16 Greenspan, and the e-mail was later distributed throughout the Internet.

17           42.     The Defamatory Statement was false and unprivileged and was written and published  
18 with the goal of making Hothi an object of ridicule, contempt, hatred, or disgrace.

19           43.     The actions of which Musk accused Hothi constitute crimes. In California harassment  
20 is an element of the crime of stalking as set forth at California Penal Code § 646.9(a). Killing  
21 someone while engaged in unlawful activity constitutes the crime of manslaughter. Cal. Penal Code §  
22 192(b). Hitting someone constitutes battery. Cal. Penal Code § 242. Harassment can also be  
23 sanctioned under Code of California Civil §§ 527.6 and 527.8.

24           44.     Greenspan, and others who later read the e-mail on Twitter and at various Internet  
25 locations, reasonably understood that the Defamatory Statement was about Plaintiff Hothi and that it  
26 purported to state that Hothi had harassed, almost killed, hit, and came within six inches of causing  
27  
28

1 death to one or more Tesla employees or agents. The Defamatory Statement was understood by those  
2 who read it in a way that defamed Hothi and injured his reputation.

3 45. The Defamatory Statement was false as it pertains to Hothi. Hothi did not harass,  
4 almost kill, hit, or come within six inches of causing death to any Tesla employee or agent.

5 46. Musk did not make the Defamatory Statement as a matter of opinion but as a matter of  
6 fact.

7 47. Musk did not make the Defamatory Statement hyperbolically.

8 48. The Defamatory Statement Musk published was not protected or privileged in any  
9 way.

10 49. Musk failed to use reasonable care to determine the truth or falsity of the Defamatory  
11 Statement.

12 50. Musk made the Defamatory Statement either with knowledge that it was false or with  
13 reckless disregard as to its truth and falsity.

14 51. As a direct and proximate result of the Defamatory Statement published by Musk,  
15 Hothi has suffered and will suffer loss of his reputation, shame, mortification, and hurt feelings, all  
16 to his general damages.

17 52. As a direct and proximate result of the Defamatory Statement published by  
18 Defendant, Plaintiff has suffered and will suffer actual damages for harm to his property, business,  
19 trade, profession, or occupation, including, loss of wages and loss of business opportunities,  
20 according to proof.

21 53. As evidenced by, among other things, the animus Musk had developed toward Hothi  
22 in view of Hothi's Twitter postings that undermined the claims and boasts of Musk, the investigations  
23 Musk directed be conducted regarding Hothi, and the obscene Tesla badge Musk published on the  
24 day Tesla sought its *ex parte* injunction, Musk published the Defamatory Statement with malice.

25 ///

26 ///

27 ///

28



1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

PRAYER

Plaintiff prays for judgment against defendant as follows:

1. General Damages as established at the time of trial;
2. Special Damages at the time of trial;
3. Punitive and/or exemplary damages, as established at the time of trial;
4. Prejudgment interest, as allowed by law according to proof;
5. Costs of suit;
6. Reasonable attorneys' fees; and
7. Such other relief as the Court deems in the interest of justice.

Respectfully Submitted,

By: D. Gill Sperlein



Date: August 4, 2020

\_\_\_\_\_  
D. Gill Sperlein  
THE LAW OFFICE OF D. GILL SPERLEIN

Lawrence J. Fossi (*pro hac vice* pending)

Attorneys for Plaintiff Randeep Hothi

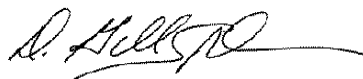
d. gill sperlein  
the law office of d. gill sperlein

**DEMAND FOR JURY TRIAL**

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

Plaintiff hereby demands a trial by jury on all causes of action.

By: D. Gill Sperlein



Date: August 4, 2020

\_\_\_\_\_  
D. Gill Sperlein  
THE LAW OFFICE OF D. GILL SPERLEIN

Lawrence J. Fossi

Attorneys for Plaintiff Randeep Hothi

d. gill sperlein  
the law office of d. gill sperlein

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

**VERIFICATION OF PLEADING  
(Code Civ. Proc. §§ 446, 2015.5)**

I, the undersigned, certify and declare: I am the plaintiff in the foregoing complaint. I have read the complaint and know the contents thereof. The same is true of my own knowledge, except as to those matters which are therein stated on information and belief, and, as to those matters, I believe it to be true.

I certify (or declare) under penalty of perjury under the laws of the State of California that the foregoing is true and correct and that this declaration was executed at Fremont, California.

Dated: August 4, 2020

*Randeep Hothi*  
Randeep Hothi

d. gill sperlein  
the law office of d. gill sperlein

**VERIFICATION OF PLEADING  
(Code Civ. Proc. §§ 446, 2015.5)**

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

I, the undersigned, certify and declare: I am the plaintiff in the foregoing complaint. I have read the complaint and know the contents thereof. The same is true of my own knowledge, except as to those matters which are therein stated on information and belief, and, as to those matters, I believe it to be true.

I certify (or declare) under penalty of perjury under the laws of the State of California that the foregoing is true and correct and that this declaration was executed at Fremont, California.

Dated: \_\_\_\_\_

\_\_\_\_\_  
Randeep Hothi

d. gill spertein  
the law office of d. gill spertein