

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF TEXAS  
BROWNSVILLE DIVISION**

SPACE EXPLORATION  
TECHNOLOGIES CORP.,

Plaintiff,

v.

NATIONAL LABOR RELATIONS  
BOARD, a federal administrative agency,  
JENNIFER ABRUZZO, in her official  
capacity as the General Counsel of the  
National Labor Relations Board, LAUREN  
M. McFERRAN, in her official capacity as  
the Chairman of the National Labor  
Relations Board, MARVIN E. KAPLAN,  
GWYNNE A. WILCOX, and DAVID M.  
PROUTY, in their official capacities as  
Board Members of the National Labor  
Relations Board, and JOHN DOE in his  
official capacity as an Administrative Law  
Judge of the National Labor Relations  
Board,

Defendants.

Case No. 1:24-cv-00001

**DECLARATION OF TOM MOLINE IN SUPPORT OF MOTION TO INTERVENE**

I, Tom Moline, declare as follows:

1. I have personal knowledge of the facts herein and, if called upon to testify to those facts, I could and would do so competently.
2. I currently reside in Los Angeles, California and resided in this location during my entire employment with Space Exploration Technologies Corp. ("SpaceX").
3. I was first employed by SpaceX in 2014 as a "Wire Harness Design Engineer."
4. My employment was involuntarily terminated on June 16, 2022. At the time of my termination my position was Senior Avionics Operations and Integration Engineer – Dragon.
5. During my entire employment with SpaceX I worked at its headquarters which is located at One Rocket Road, Hawthorne, CA 90250.
6. On or about December 14, 2021 I became aware of published accounts by several of having been sexually harassed at SpaceX, and then having been retaliated against by HR for reporting it. I found these accounts very disconcerting.
7. Separately, on or about May 19, 2022 I learned that SpaceX's CEO Elon Musk was accused of sexually harassing a SpaceX flight attendant and that in response, he publicly ridiculed the alleged victim. In response to Musk's denial and ridicule of the alleged victim, SpaceX's President, Gwynne Shotwell publicly supported Musk by sending an email to the company claiming that the allegations against him were not true.
8. In addition to these specific issues arising from the allegations concerning Musk's alleged sexual harassment, I, as a SpaceX employee, was continually bombarded with social media posts by CEO Elon Musk in degrading women and the LGBTQ community that featured inappropriate sexual comments and jokes. These posts were actively circulated in the workplace, with many actually posted on internal SpaceX platforms, making it impossible for employees to

avoid Musk's degrading and demeaning comments. Indeed, important information about our substantive work was often mixed into Musk's Tweets, so we could not afford to ignore them.

9. Neither SpaceX management nor its Human Relations department took corrective action to remediate the hostile work environment that was created by Musk.

10. In order to try to effectuate change in the workplace, in late May 2022, I began discussing with other colleagues mechanisms for getting management to take action. I attended a series of meetings at SpaceX headquarters in Hawthorne, as well as off-hour virtual teleconferences, to discuss what action we could take. I and others in the group decided to write an Open Letter to SpaceX's executive team asking that the company distance itself from Musk's social media comments—that is, make clear that those comments were not SpaceX's own position—and that it clarify and enforce an anti-harassment policy in the workplace.

11. I, along with other SpaceX employees shared this letter internally within SpaceX channels while working in California on June 15, 2022.

12. On June 16, 2022, SpaceX terminated my employment at an in-person meeting in Hawthorne, California. The termination meeting was attended by Vice President of HR, Brian Bjelde and HR Manager Rebecca Balayan, with President Gwynne Shotwell attending by video conference. To the best of my knowledge, Mr. Bjelde, Ms. Balayan, and Ms. Shotwell were based in Hawthorne during the events described in this declaration.

13. During the termination meeting the above SpaceX officials told me that my employment was being terminated for my participation in conceiving of, drafting, and distributing the Open Letter.

14. After my termination I, along with seven other colleagues who were terminated over the same issue (participating in the Open Letter), retained counsel (Anne Shaver of Lieff,

Cabraser Heimann & Bernstein, LLP and Laurie Burgess, Burgess Law Offices, P.C.) to file charges under the NLRB on our behalf.

15. Our counsel filed charges of unfair labor practices with the NLRB Region 31 in Los Angeles on November 16, 2022. A true and accurate copy of the charges is submitted herewith as Exhibit A.

16. I spent significant time providing evidence of SpaceX's misconduct to NLRB agents in Region 31 in Los Angeles, California. Thereafter my counsel filed amended charges and on January 3, 2024 Region 31 issued a complaint with a hearing set for March 5, 2024 in Los Angeles, California. A true and accurate copy of the Region 31 consolidated Complaint is submitted herewith as Exhibit B.

17. My lawyers advised me that SpaceX filed a Complaint in Texas on January 4, 2024. I have reviewed that Complaint, which among other things seeks to require a "trial by jury" of the allegations contained in the NLRB Complaint. In fact, SpaceX's employment agreement that I was required to execute requires all employees to *forego* trial by jury as a term of employment by forcing me to accept arbitration of all employment-related disputes. The agreement further provides that such disputes must take place "in the state of the SpaceX facility in which I primarily work or in the case that I work remotely, the state of the SpaceX facility in which my supervisor(s) work(s). Where the facility is in Hawthorne or Los Angeles, California, the arbitration will occur in Los Angeles County, California." Therefore, pursuant to SpaceX's employment agreement any claims that involve my employment must be adjudicated in Los Angeles, California.

18. Other mandatory employment documents mandate that legal actions with SpaceX are governed by the laws of the State of California. Specifically, the "confidentiality agreement"

states that “[t]he validity, interpretation, construction and performance of this Agreement shall be governed by the laws of the State of California, without giving effect to the principles of conflict of laws.”

19. It would be an extreme hardship for me to participate in any litigation in the State of Texas. I would have to pay the costs of travel, lodging, and meals, as well as take extra time off work over and above what would normally be required to provide testimony in order to travel.

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct.

Executed on the 8th of January, 2024 in Los Angeles, California.

/s/ Tom Moline

# EXHIBIT A

FORM NLRB-501  
(3-21)UNITED STATES OF AMERICA  
NATIONAL LABOR RELATIONS BOARD  
**CHARGE AGAINST EMPLOYER****DO NOT WRITE IN THIS SPACE**

Case

Date Filed

**INSTRUCTIONS:**

File an original with NLRB Regional Director for the region in which the alleged unfair labor practice occurred or is occurring.

**1. EMPLOYER AGAINST WHOM CHARGE IS BROUGHT**

a. Name of Employer Space Exploration Technologies Corp.		b. Tel. No. 202-649-2716
		c. Cell No. 202-285-8834
		f. Fax. No.
d. Address (Street, city, state, and ZIP code) One Rocket Road Hawthorne, California 90250	e. Employer Representative Christopher Cardaci 1030 15th Street N.W. Washington, D.C. 20005	g. e-mail Christopher.Cardaci@spacex.com
		h. Number of workers employed 9,500
i. Type of Establishment (factory, mine, wholesaler, etc.) Office, manufacturing, and mission control	j. Identify principal product or service Designs, manufactures, and launches rockets and spacecraft	

The above-named employer has engaged in and is engaging in unfair labor practices within the meaning of section 8(a), subsections (1) and (list subsections) 8(a)(1) of the National Labor Relations Act, and these unfair labor practices are practices affecting commerce within the meaning of the Act, or these unfair labor practices are practices affecting commerce within the meaning of the Act and the Postal Reorganization Act.

**2. Basis of the Charge (set forth a clear and concise statement of the facts constituting the alleged unfair labor practices)**

Paige Holland-Thielen brings this charge against her former employer, Space Exploration Technologies Corp. ("SpaceX"), which committed an unfair labor practice when it fired her and eight other individuals for engaging in protected concerted activity at work.

Please see attached Addendum for a concise statement of the facts.

**3. Full name of party filing charge (if labor organization, give full name, including local name and number)**  
Paige Holland-Thielen

4a. Address (Street and number, city, state, and ZIP code) c/o Anne Shaver, Lieff Cabraser Heimann & Bernstein LLP 275 Battery Street, 29th Floor San Francisco, CA 94000	4b. Tel. No. 415-956-1000
	4c. Cell No.
	4d. Fax No.
Laurie Burgess Burgess Law Offices P.C. 498 Utah St., San Francisco, CA 94110	4e. e-mail ashaver@lchb.com

**5. Full name of national or international labor organization of which it is an affiliate or constituent unit (to be filled in when charge is filed by a labor organization)****6. DECLARATION**

I declare that I have read the above charge and that the statements are true to the best of my knowledge and belief.

DocuSigned by:



E159702CF3F945

(Signature of representative or person making charge)

Paige Holland-Thielen

(Print/type name and title or office, if any)

Tel. No.  
415-956-1000

Office, if any, Cell No.

Fax No.

e-mail  
ashaver@lchb.com

Address 275 Battery Street, 29th Floor, San Francisco CA 94111

Date 11/16/22 | 8:58 AM PST

**WILLFUL FALSE STATEMENTS ON THIS CHARGE CAN BE PUNISHED BY FINE AND IMPRISONMENT (U.S. CODE, TITLE 18, SECTION 1001)  
PRIVACY ACT STATEMENT**

Solicitation of the information on this form is authorized by the National Labor Relations Act (NLRA), 29 U.S.C. § 151 *et seq.* The principal use of the information is to assist the National Labor Relations Board (NLRB) in processing unfair labor practice and related proceedings or litigation. The routine uses for the information are fully set forth in the Federal Register, 71 Fed. Reg. 74942-43 (Dec. 13, 2006). The NLRB will further explain these uses upon request. Disclosure of this information to the NLRB is voluntary; however, failure to supply the information may cause the NLRB to decline to invoke its processes.

## Addendum – NLRB Charge of Paige Holland-Thielen

In the past six months SpaceX has violated the NLRA by terminating employees for engaging in the core concerted protected activity of speaking up against SpaceX's failure and refusal to address the culture of sexism, harassment and discrimination that pervades the workplace via the permission granted such behavior by SpaceX management including its CEO Elon Musk and President Gwynne Shotwell. SpaceX's unlawful conduct includes the following:

On June 15, 2022 Paige Holland-Thielen and co-workers sent an Open Letter to SpaceX's leadership protesting Musk's repeated conduct of issuing inappropriate, disparaging, sexually charged comments on Twitter – a platform that SpaceX specifically acknowledges as a formal source of news regarding SpaceX activities. The Open Letter authors complained that Musk's statements (examples of which were attached to the Letter) permeated the workplace and created a hostile work environment. The Open Letter authors called upon SpaceX to take appropriate remedial action including condemning Musk's harmful behavior, holding all leadership accountable for their actions and seeking uniform enforcement of SpaceX's "No Asshole" policy. The Open Letter that Paige Holland-Thielen co-authored and its appendices are attached hereto as **Exhibit A**.

On June 16, 2022, *immediately on the heels of engaging in this concerted protected activity*, SpaceX fired Ms. Holland-Thielen and four (4) other employees who participated in organizing to redress sexual harassment and discrimination in the workplace. SpaceX President Shotwell called the Open Letter "overreaching activism" and stated that SpaceX had "terminated a number of employees involved." See **Exhibit B**.

After this initial wave of wrongful retaliatory terminations, over the next two months SpaceX continued its campaign of retaliation and intimidation by interrogating dozens of employees in private meetings and falsely telling them that the conversations were attorney-client privileged and could not be disclosed to anyone. As a result of its unlawful coercive interrogations SpaceX terminated four (4) other employees in July and August in retaliation for their conduct of drafting and/or sharing the Open Letter with other SpaceX employees on internal company channels.

SpaceX engaged in the above unlawful conduct for the purpose of retaliating against employees for engaging in concerted protected activities and to discourage other employees from engaging in similar organizing activities protected under the NLRA.



FORM NLRB-501  
(3-21)UNITED STATES OF AMERICA  
NATIONAL LABOR RELATIONS BOARD  
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Case

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**1. EMPLOYER AGAINST WHOM CHARGE IS BROUGHT**

a. Name of Employer Space Exploration Technologies Corp.		b. Tel. No. 202-649-2716
		c. Cell No. 202-285-8834
		f. Fax. No.
d. Address ( <i>Street, city, state, and ZIP code</i> ) One Rocket Road Hawthorne, California 90250	e. Employer Representative Christopher Cardaci 1030 15th Street N.W. Washington, D.C. 20005	g. e-mail Christopher.Cardaci@spacex.com
		h. Number of workers employed 9,500
i. Type of Establishment ( <i>factory, mine, wholesaler, etc.</i> ) Office, manufacturing, and mission control	j. Identify principal product or service Designs, manufactures, and launches rockets and spacecraft	

The above-named employer has engaged in and is engaging in unfair labor practices within the meaning of section 8(a), subsections (1) and (list subsections) 8(a)(1) of the National Labor Relations Act, and these unfair labor practices are practices affecting commerce within the meaning of the Act, or these unfair labor practices are practices affecting commerce within the meaning of the Act and the Postal Reorganization Act.

**2. Basis of the Charge (*set forth a clear and concise statement of the facts constituting the alleged unfair labor practices*)**

Tom Moline brings this charge against his former employer, Space Exploration Technologies Corp. ("SpaceX"), which committed an unfair labor practice when it fired Mr. Moline and eight other individuals for engaging in protected concerted activity at work.

Please see attached Addendum for a concise statement of the facts.

**3. Full name of party filing charge (*if labor organization, give full name, including local name and number*)**  
Tom Moline

4a. Address ( <i>Street and number, city, state, and ZIP code</i> ) c/o Anne Shaver Lieff Cabraser Heimann & Bernstein, LLP 275 Battery Street, 29th Floor, San Francisco, CA 94111  Laurie Burgess Burgess Law Offices P.C. 498 Utah St., San Francisco, CA 94110	4b. Tel. No. 415-956-1000
	4c. Cell No.
	4d. Fax No.
	4e. e-mail ashaver@lchb.com

**5. Full name of national or international labor organization of which it is an affiliate or constituent unit (*to be filled in when charge is filed by a labor organization*)****6. DECLARATION**

I declare that I have read the above charge and that the statements are true to the best of my knowledge and belief.

DocuSigned by:

Thomas Moline

731E7A5E31324D1

(signature of representative or person making charge)

Tom Moline

(Print/type name and title or office, if any)

Tel. No.  
415-956-1000

Office, if any, Cell No.

Fax No.

e-mail  
ashaver@lchb.com

Address 275 Battery Street, 29th Floor, San Francisco, CA 94111 Date 11/15/22 | 2:55 PM PST

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PRIVACY ACT STATEMENT**

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## **Addendum – NLRB Charge of Tom Moline**

In the past six months SpaceX has violated the NLRA by terminating employees for engaging in the core concerted protected activity of speaking up against SpaceX's failure and refusal to address the culture of sexism, harassment and discrimination that pervades the workplace via the permission granted such behavior by SpaceX management including its CEO Elon Musk and President Gwynne Shotwell. SpaceX's unlawful conduct includes the following:

On June 15, 2022 employee Tom Moline and several co-workers sent an Open Letter to SpaceX's leadership protesting Musk's repeated conduct of issuing inappropriate, disparaging, sexually charged comments on Twitter – a platform that SpaceX specifically acknowledges as a formal source of news regarding SpaceX activities. The Open Letter authors complained that Musk's statements (examples of which were attached to the Letter) permeated the workplace and created a hostile work environment. The Open Letter authors called upon SpaceX to take appropriate remedial action including condemning Musk's harmful behavior, holding all leadership accountable for their actions and seeking uniform enforcement of SpaceX's "No Asshole" policy. The Open Letter that Moline co-authored and its appendices are attached hereto as **Exhibit A**.

On June 16, 2022, *immediately on the heels of engaging in this concerted protected activity*, SpaceX fired Moline and four (4) other employees who participated in organizing to redress sexual harassment and discrimination in the workplace. SpaceX President Shotwell called the Open Letter "overreaching activism" and stated that SpaceX had "terminated a number of employees involved." See **Exhibit B**.

After this initial wave of wrongful retaliatory terminations, over the next two months SpaceX continued its campaign of retaliation and intimidation by interrogating dozens of employees in private meetings and falsely telling them that the conversations were attorney-client privileged and could not be disclosed to anyone. As a result of its unlawful coercive interrogations SpaceX terminated another four (4) employees in July and August in retaliation for their conduct of drafting and/or sharing the Open Letter with other SpaceX employees on internal company channels.

SpaceX engaged in the above unlawful conduct for the purpose of retaliating against employees for engaging in concerted protected activities and to discourage other employees from engaging in similar organizing activities protected under the NLRA.

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		c. Cell No. 202-285-8834
		f. Fax. No.
d. Address (Street, city, state, and ZIP code) One Rocket Road Hawthorne, California 90250	e. Employer Representative Christopher Cardaci 1030 15th Street N.W. Washington, D.C. 20005	g. e-mail Christopher.Cardaci@spacex.com
		h. Number of workers employed 9,500
i. Type of Establishment (factory, mine, wholesaler, etc.) Office, manufacturing, and mission control	j. Identify principal product or service Designs, manufactures, and launches rockets and spacecraft	

The above-named employer has engaged in and is engaging in unfair labor practices within the meaning of section 8(a), subsections (1) and (list subsections) 8(a)(1) of the National Labor Relations Act, and these unfair labor practices are practices affecting commerce within the meaning of the Act, or these unfair labor practices are practices affecting commerce within the meaning of the Act and the Postal Reorganization Act.

**2. Basis of the Charge (set forth a clear and concise statement of the facts constituting the alleged unfair labor practices)**

Attorney Anne Shaver brings this charge on behalf of Employee A against their former employer, Space Exploration Technologies Corp. ("SpaceX"), which committed an unfair labor practice when it fired Employee A and eight other individuals for engaging in protected concerted activity at work.

Please see attached Addendum for a concise statement of the facts.

**3. Full name of party filing charge (if labor organization, give full name, including local name and number)**  
Anne Shaver

4a. Address (Street and number, city, state, and ZIP code) Lief Cabraser Heimann & Bernstein LLP 275 Battery Street, 29th Floor San Francisco, CA 94000	4b. Tel. No. 415-956-1000
	4c. Cell No.
	4d. Fax No.
Laurie Burgess Burgess Law Offices P.C. 498 Utah St., San Francisco, CA 94110	4e. e-mail ashaver@lchb.com

**5. Full name of national or international labor organization of which it is an affiliate or constituent unit (to be filled in when charge is filed by a labor organization)****6. DECLARATION**

I declare that I have read the above charge and that the statements  
are true to the best of my knowledge and belief.

/s/Anne B. Shaver

Anne B. Shaver

(signature of representative or person making charge)

(Print/type name and title or office, if any)

Tel. No.  
415-956-1000

Office, if any, Cell No.

Fax No.

e-mail  
ashaver@lchb.com

Address 275 Battery Street, 29th Floor, San Francisco CA 94111 Date 11/16/2022

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### **Addendum – NLRB Charge of Employee A<sup>1</sup>**

In the past six months SpaceX has violated the NLRA by terminating employees for engaging in the core concerted protected activity of speaking up against SpaceX's failure and refusal to address the culture of sexism, harassment and discrimination that pervades the workplace via the permission granted such behavior by SpaceX management including its CEO Elon Musk and President Gwynne Shotwell. SpaceX's unlawful conduct includes the following:

On June 15, 2022 a group of employees sent an Open Letter to SpaceX's leadership protesting Musk's repeated conduct of issuing inappropriate, disparaging, sexually charged comments on Twitter – a platform that SpaceX specifically acknowledges as a formal source of news regarding SpaceX activities. Employee A participated in the drafting of the Open Letter and its appendices. The Open Letter authors complained that Musk's statements (examples of which were attached to the Letter) permeated the workplace and created a hostile work environment. The Open Letter authors called upon SpaceX to take appropriate remedial action including condemning Musk's harmful behavior, holding all leadership accountable for their actions and seeking uniform enforcement of SpaceX's "No Asshole" policy. The Open Letter that Employee A co-authored and its appendices are attached hereto as **Exhibit A**.

On June 16, 2022, *immediately on the heels of engaging in this concerted protected activity*, SpaceX fired five (5) employees who participated in organizing to redress sexual harassment and discrimination in the workplace. SpaceX President Shotwell called the Open Letter "overreaching activism" and stated that SpaceX had "terminated a number of employees involved." See **Exhibit B**.

After this initial wave of wrongful retaliatory terminations, over the next two months SpaceX continued its campaign of retaliation and intimidation by interrogating dozens of employees in private meetings and falsely telling them that the conversations were attorney-client privileged and could not be disclosed to anyone. As a result of its unlawful coercive interrogations SpaceX terminated Employee A on July 22, 2022, as well as three (3) other employees in July and August, in retaliation for their conduct of drafting and/or sharing the Open Letter with other SpaceX employees on internal company channels.

SpaceX engaged in the above unlawful conduct for the purpose of retaliating against employees for engaging in concerted protected activities and to discourage other employees from engaging in similar organizing activities protected under the NLRA.

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<sup>1</sup> Employee A is proceeding anonymously to protect themselves from public harassment (aka "doxing") from fans of SpaceX and/or Mr. Musk.

FORM NLRB-501  
(3-21)UNITED STATES OF AMERICA  
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		f. Fax. No.
d. Address (Street, city, state, and ZIP code) One Rocket Road Hawthorne, California 90250	e. Employer Representative Christopher Cardaci 1030 15th Street N.W. Washington, D.C. 20005	g. e-mail Christopher.Cardaci@spacex.com
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i. Type of Establishment (factory, mine, wholesaler, etc.) Office, manufacturing, and mission control	j. Identify principal product or service Designs, manufactures, and launches rockets and spacecraft	

The above-named employer has engaged in and is engaging in unfair labor practices within the meaning of section 8(a), subsections (1) and (list subsections) 8(a)(1) of the National Labor Relations Act, and these unfair labor practices are practices affecting commerce within the meaning of the Act, or these unfair labor practices are practices affecting commerce within the meaning of the Act and the Postal Reorganization Act.

**2. Basis of the Charge (set forth a clear and concise statement of the facts constituting the alleged unfair labor practices)**

Attorney Anne Shaver brings this charge on behalf of Employee B against their former employer, Space Exploration Technologies Corp. ("SpaceX"), which committed an unfair labor practice when it fired Employee B and eight other individuals for engaging in protected concerted activity at work.

Please see attached Addendum for a concise statement of the facts.

**3. Full name of party filing charge (if labor organization, give full name, including local name and number)**  
Anne Shaver

4a. Address (Street and number, city, state, and ZIP code) Lief Cabraser Heimann & Bernstein LLP 275 Battery Street, 29th Floor San Francisco, CA 94000	4b. Tel. No. 415-956-1000
	4c. Cell No.
	4d. Fax No.
Laurie Burgess Burgess Law Offices P.C. 498 Utah St., San Francisco, CA 94110	4e. e-mail ashaver@lchb.com

**5. Full name of national or international labor organization of which it is an affiliate or constituent unit (to be filled in when charge is filed by a labor organization)****6. DECLARATION**

I declare that I have read the above charge and that the statements are true to the best of my knowledge and belief.

/s/Anne B. Shaver

Anne B. Shaver

(signature of representative or person making charge)

(Print/type name and title or office, if any)

Tel. No.  
415-956-1000

Office, if any, Cell No.

Fax No.

e-mail  
ashaver@lchb.com

Address 275 Battery Street, 29th Floor, San Francisco CA 94111 Date 11/16/2022

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## **Addendum – NLRB Charge of Employee B<sup>1</sup>**

In the past six months SpaceX has violated the NLRA by terminating employees for engaging in the core concerted protected activity of speaking up against SpaceX's failure and refusal to address the culture of sexism, harassment and discrimination that pervades the workplace via the permission granted such behavior by SpaceX management including its CEO Elon Musk and President Gwynne Shotwell. SpaceX's unlawful conduct includes the following:

On June 15, 2022 Employee B and several co-workers sent an Open Letter to SpaceX's leadership protesting Musk's repeated conduct of issuing inappropriate, disparaging, sexually charged comments on Twitter – a platform that SpaceX specifically acknowledges as a formal source of news regarding SpaceX activities. The Open Letter authors complained that Musk's statements (examples of which were attached to the Letter) permeated the workplace and created a hostile work environment. The Open Letter authors called upon SpaceX to take appropriate remedial action including condemning Musk's harmful behavior, holding all leadership accountable for their actions and seeking uniform enforcement of SpaceX's "No Asshole" policy. The Open Letter that Employee B co-authored and its appendices are attached hereto as **Exhibit A**.

On June 16, 2022, *immediately on the heels of engaging in this concerted protected activity*, SpaceX fired Employee B and four (4) other employees who participated in organizing to redress sexual harassment and discrimination in the workplace. SpaceX President Shotwell called the Open Letter "overreaching activism" and stated that SpaceX had "terminated a number of employees involved." See **Exhibit B**.

After this initial wave of wrongful retaliatory terminations, over the next two months SpaceX continued its campaign of retaliation and intimidation by interrogating dozens of employees in private meetings and falsely telling them that the conversations were attorney-client privileged and could not be disclosed to anyone. As a result of its unlawful coercive interrogations, SpaceX terminated another four (4) employees in July and August in retaliation for their conduct of drafting and/or sharing the Open Letter with other SpaceX employees on internal company channels.

SpaceX engaged in the above unlawful conduct for the purpose of retaliating against employees for engaging in concerted protected activities and to discourage other employees from engaging in similar organizing activities protected under the NLRA.

---

<sup>1</sup> Employee B is proceeding anonymously to protect themselves from public harassment (aka "doxing") from fans of SpaceX and/or Mr. Musk.



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		c. Cell No. 202-285-8834
		f. Fax. No.
d. Address (Street, city, state, and ZIP code) One Rocket Road Hawthorne, California 90250	e. Employer Representative Christopher Cardaci 1030 15th Street N.W. Washington, D.C. 20005	g. e-mail Christopher.Cardaci@spacex.com
		h. Number of workers employed 9,500
i. Type of Establishment (factory, mine, wholesaler, etc.) Office, manufacturing, and mission control	j. Identify principal product or service Designs, manufactures, and launches rockets and spacecraft	

The above-named employer has engaged in and is engaging in unfair labor practices within the meaning of section 8(a), subsections (1) and (list subsections) 8(a)(1) of the National Labor Relations Act, and these unfair labor practices are practices affecting commerce within the meaning of the Act, or these unfair labor practices are practices affecting commerce within the meaning of the Act and the Postal Reorganization Act.

## 2. Basis of the Charge (set forth a clear and concise statement of the facts constituting the alleged unfair labor practices)

Attorney Anne Shaver brings this charge on behalf of Employee C against their former employer, Space Exploration Technologies Corp. ("SpaceX"), which committed an unfair labor practice when it fired Employee C and eight other individuals for engaging in protected concerted activity at work.

Please see attached Addendum for a concise statement of the facts.

3. Full name of party filing charge (if labor organization, give full name, including local name and number)  
Anne Shaver

4a. Address (Street and number, city, state, and ZIP code) Lief Cabraser Heimann & Bernstein LLP 275 Battery Street, 29th Floor San Francisco, CA 94000  Laurie Burgess Burgess Law Offices P.C. 498 Utah St., San Francisco, CA 94110	4b. Tel. No. 415-956-1000
	4c. Cell No.
	4d. Fax No.
	4e. e-mail ashaver@lchb.com

## 5. Full name of national or international labor organization of which it is an affiliate or constituent unit (to be filled in when charge is filed by a labor organization)

## 6. DECLARATION

I declare that I have read the above charge and that the statements are true to the best of my knowledge and belief.

/s/Anne B. Shaver

Anne B. Shaver

(signature of representative or person making charge)

(Print/type name and title or office, if any)

Tel. No.  
415-956-1000

Office, if any, Cell No.

Fax No.

e-mail  
ashaver@lchb.com

Address 275 Battery Street, 29th Floor, San Francisco CA 94111 Date 11/16/2022

**WILLFUL FALSE STATEMENTS ON THIS CHARGE CAN BE PUNISHED BY FINE AND IMPRISONMENT (U.S. CODE, TITLE 18, SECTION 1001)  
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## Addendum – NLRB Charge of Employee C<sup>1</sup>

In the past six months SpaceX has violated the NLRA by terminating employees for engaging in the core concerted protected activity of speaking up against SpaceX's failure and refusal to address the culture of sexism, harassment and discrimination that pervades the workplace via the permission granted such behavior by SpaceX management including its CEO Elon Musk and President Gwynne Shotwell. SpaceX's unlawful conduct includes the following:

On June 15, 2022 a group of employees sent an Open Letter to SpaceX's leadership protesting Musk's repeated conduct of issuing inappropriate, disparaging, sexually charged comments on Twitter – a platform that SpaceX specifically acknowledges as a formal source of news regarding SpaceX activities. Employee C participated in the drafting of the Open Letter. The Open Letter authors complained that Musk's statements (examples of which were attached to the Letter) permeated the workplace and created a hostile work environment. The Open Letter authors called upon SpaceX to take appropriate remedial action including condemning Musk's harmful behavior, holding all leadership accountable for their actions and seeking uniform enforcement of SpaceX's "No Asshole" policy. The Open Letter that Employee C co-authored and its appendices are attached hereto as **Exhibit A**.

On June 16, 2022, *immediately on the heels of engaging in this concerted protected activity*, SpaceX fired five (5) employees who participated in organizing to redress sexual harassment and discrimination in the workplace. SpaceX President Shotwell called the Open Letter "overreaching activism" and stated that SpaceX had "terminated a number of employees involved." See **Exhibit B**.

After this initial wave of wrongful retaliatory terminations, over the next two months SpaceX continued its campaign of retaliation and intimidation by interrogating dozens of employees in private meetings and falsely telling them that the conversations were attorney-client privileged and could not be disclosed to anyone. As a result of its unlawful coercive interrogations SpaceX terminated Employee C on August 17, 2022, as well as three (3) other employees in July and August, in retaliation for their conduct of drafting and/or sharing the Open Letter with other SpaceX employees on internal company channels.

SpaceX engaged in the above unlawful conduct for the purpose of retaliating against employees for engaging in concerted protected activities and to discourage other employees from engaging in similar organizing activities protected under the NLRA.

---

<sup>1</sup> Employee C is proceeding anonymously to protect themselves from public harassment (aka "doxing") from fans of SpaceX and/or Mr. Musk.



FORM NLRB-501  
(3-21)UNITED STATES OF AMERICA  
NATIONAL LABOR RELATIONS BOARD  
**CHARGE AGAINST EMPLOYER**

DO NOT WRITE IN THIS SPACE	
Case	Date Filed

**INSTRUCTIONS:**

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## 1. EMPLOYER AGAINST WHOM CHARGE IS BROUGHT

a. Name of Employer Space Exploration Technologies Corp.		b. Tel. No. 202-649-2716
		c. Cell No. 202-285-8834
		f. Fax. No.
d. Address (Street, city, state, and ZIP code) One Rocket Road Hawthorne, California 90250	e. Employer Representative Christopher Cardaci 1030 15th Street N.W. Washington, D.C. 20005	g. e-mail Christopher.Cardaci@spacex.com
		h. Number of workers employed 9,500
i. Type of Establishment (factory, mine, wholesaler, etc.) Office, manufacturing, and mission control	j. Identify principal product or service Designs, manufactures, and launches rockets and spacecraft	

The above-named employer has engaged in and is engaging in unfair labor practices within the meaning of section 8(a), subsections (1) and (list subsections) 8(a)(1) of the National Labor Relations Act, and these unfair labor practices are practices affecting commerce within the meaning of the Act, or these unfair labor practices are practices affecting commerce within the meaning of the Act and the Postal Reorganization Act.

## 2. Basis of the Charge (set forth a clear and concise statement of the facts constituting the alleged unfair labor practices)

Attorney Anne Shaver brings this charge on behalf of Employee D against their former employer, Space Exploration Technologies Corp. ("SpaceX"), which committed an unfair labor practice when it fired Employee D and eight other individuals for engaging in protected concerted activity at work.

Please see attached Addendum for a concise statement of the facts.

3. Full name of party filing charge (if labor organization, give full name, including local name and number)  
Anne Shaver

4a. Address (Street and number, city, state, and ZIP code) Lief Cabraser Heimann & Bernstein LLP 275 Battery Street, 29th Floor San Francisco, CA 94000	4b. Tel. No. 415-956-1000
	4c. Cell No.
	4d. Fax No.
Laurie Burgess Burgess Law Offices P.C. 498 Utah St., San Francisco, CA 94110	4e. e-mail ashaver@lchb.com

## 5. Full name of national or international labor organization of which it is an affiliate or constituent unit (to be filled in when charge is filed by a labor organization)

## 6. DECLARATION

I declare that I have read the above charge and that the statements are true to the best of my knowledge and belief.

/s/Anne B. Shaver

Anne B. Shaver

(signature of representative or person making charge)

(Print/type name and title or office, if any)

Tel. No.  
415-956-1000

Office, if any, Cell No.

Fax No.

e-mail  
ashaver@lchb.com

Address 275 Battery Street, 29th Floor, San Francisco CA 94111 Date 11/16/2022

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## Addendum – NLRB Charge of Employee D<sup>1</sup>

In the past six months SpaceX has violated the NLRA by terminating employees for engaging in the core concerted protected activity of speaking up against SpaceX's failure and refusal to address the culture of sexism, harassment and discrimination that pervades the workplace via the permission granted such behavior by SpaceX management including its CEO Elon Musk and President Gwynne Shotwell. SpaceX's unlawful conduct includes the following:

On June 15, 2022 a group of employees sent an Open Letter to SpaceX's leadership protesting Musk's repeated conduct of issuing inappropriate, disparaging, sexually charged comments on Twitter – a platform that SpaceX specifically acknowledges as a formal source of news regarding SpaceX activities. Employee D participated in the drafting of the Open Letter. The Open Letter authors complained that Musk's statements (examples of which were attached to the Letter) permeated the workplace and created a hostile work environment. The Open Letter authors called upon SpaceX to take appropriate remedial action including condemning Musk's harmful behavior, holding all leadership accountable for their actions and seeking uniform enforcement of SpaceX's "No Asshole" policy. The Open Letter that Employee D co-authored and its appendices are attached hereto as **Exhibit A**.

On June 16, 2022, *immediately on the heels of engaging in this concerted protected activity*, SpaceX fired five (5) employees who participated in organizing to redress sexual harassment and discrimination in the workplace. SpaceX President Shotwell called the Open Letter "overreaching activism" and stated that SpaceX had "terminated a number of employees involved." See **Exhibit B**.

After this initial wave of wrongful retaliatory terminations, over the next two months SpaceX continued its campaign of retaliation and intimidation by interrogating dozens of employees in private meetings and falsely telling them that the conversations were attorney-client privileged and could not be disclosed to anyone. As a result of its unlawful coercive interrogations SpaceX terminated Employee D on August 1, 2022, as well as three (3) other employees in July and August, in retaliation for their conduct of drafting and/or sharing the Open Letter with other SpaceX employees on internal company channels.

SpaceX engaged in the above unlawful conduct for the purpose of retaliating against employees for engaging in concerted protected activities and to discourage other employees from engaging in similar organizing activities protected under the NLRA.

---

<sup>1</sup> Employee D is proceeding anonymously to protect themselves from public harassment (aka "doxing") from fans of SpaceX and/or Mr. Musk.

FORM NLRB-501  
(3-21)UNITED STATES OF AMERICA  
NATIONAL LABOR RELATIONS BOARD  
**CHARGE AGAINST EMPLOYER****DO NOT WRITE IN THIS SPACE**

Case

Date Filed

**INSTRUCTIONS:**

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**1. EMPLOYER AGAINST WHOM CHARGE IS BROUGHT**

a. Name of Employer Space Exploration Technologies Corp.		b. Tel. No. 202-649-2716
		c. Cell No. 202-285-8834
		f. Fax. No.
d. Address (Street, city, state, and ZIP code) One Rocket Road Hawthorne, California 90250	e. Employer Representative Christopher Cardaci 1030 15th Street N.W. Washington, D.C. 20005	g. e-mail Christopher.Cardaci@spacex.com
		h. Number of workers employed 9,500
i. Type of Establishment (factory, mine, wholesaler, etc.) Office, manufacturing, and mission control	j. Identify principal product or service Designs, manufactures, and launches rockets and spacecraft	

The above-named employer has engaged in and is engaging in unfair labor practices within the meaning of section 8(a), subsections (1) and (list subsections) 8(a)(1) of the National Labor Relations Act, and these unfair labor practices are practices affecting commerce within the meaning of the Act, or these unfair labor practices are practices affecting commerce within the meaning of the Act and the Postal Reorganization Act.

**2. Basis of the Charge (set forth a clear and concise statement of the facts constituting the alleged unfair labor practices)**

Attorney Anne Shaver brings this charge on behalf of Employee E against their former employer, Space Exploration Technologies Corp. ("SpaceX"), which committed an unfair labor practice when it fired Employee E and eight other individuals for engaging in protected concerted activity at work.

Please see attached Addendum for a concise statement of the facts.

**3. Full name of party filing charge (if labor organization, give full name, including local name and number)**  
Anne Shaver

4a. Address (Street and number, city, state, and ZIP code) Lieff Cabraser Heimann & Bernstein LLP 275 Battery Street, 29th Floor San Francisco, CA 94000	4b. Tel. No. 415-956-1000
	4c. Cell No.
	4d. Fax No.
Laurie Burgess Burgess Law Offices P.C. 498 Utah St., San Francisco, CA 94110	4e. e-mail ashaver@lchb.com

**5. Full name of national or international labor organization of which it is an affiliate or constituent unit (to be filled in when charge is filed by a labor organization)****6. DECLARATION**

I declare that I have read the above charge and that the statements  
are true to the best of my knowledge and belief.

/s/Anne B. Shaver

Anne B. Shaver

(signature of representative or person making charge)

(Print/type name and title or office, if any)

Tel. No.  
415-956-1000

Office, if any, Cell No.

Fax No.

e-mail  
ashaver@lchb.com

Address 275 Battery Street, 29th Floor, San Francisco CA 94111

Date 11/16/2022

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## **Addendum – NLRB Charge of Employee E<sup>1</sup>**

In the past six months SpaceX has violated the NLRA by terminating employees for engaging in the core concerted protected activity of speaking up against SpaceX's failure and refusal to address the culture of sexism, harassment and discrimination that pervades the workplace via the permission granted such behavior by SpaceX management including its CEO Elon Musk and President Gwynne Shotwell. SpaceX's unlawful conduct includes the following:

On June 15, 2022 Employee E and co-workers sent an Open Letter to SpaceX's leadership protesting Musk's repeated conduct of issuing inappropriate, disparaging, sexually charged comments on Twitter – a platform that SpaceX specifically acknowledges as a formal source of news regarding SpaceX activities. The Open Letter authors complained that Musk's statements (examples of which were attached to the Letter) permeated the workplace and created a hostile work environment. The Open Letter authors called upon SpaceX to take appropriate remedial action including condemning Musk's harmful behavior, holding all leadership accountable for their actions and seeking uniform enforcement of SpaceX's "No Asshole" policy. The Open Letter that Employee E co-authored and its appendices are attached hereto as **Exhibit A**.

On June 16, 2022, *immediately on the heels of engaging in this concerted protected activity*, SpaceX fired Employee E and four (4) other employees who participated in organizing to redress sexual harassment and discrimination in the workplace. SpaceX President Shotwell called the Open Letter "overreaching activism" and stated that SpaceX had "terminated a number of employees involved." See **Exhibit B**.

After this initial wave of wrongful retaliatory terminations, over the next two months SpaceX continued its campaign of retaliation and intimidation by interrogating dozens of employees in private meetings and falsely telling them that the conversations were attorney-client privileged and could not be disclosed to anyone. As a result of its unlawful coercive interrogations SpaceX terminated four (4) other employees in July and August in retaliation for their conduct of drafting and/or sharing the Open Letter with other SpaceX employees on internal company channels.

SpaceX engaged in the above unlawful conduct for the purpose of retaliating against employees for engaging in concerted protected activities and to discourage other employees from engaging in similar organizing activities protected under the NLRA.

---

<sup>1</sup> Employee E is proceeding anonymously to protect themselves from public harassment (aka "doxing") from fans of SpaceX and/or Mr. Musk.

FORM NLRB-501  
(3-21)UNITED STATES OF AMERICA  
NATIONAL LABOR RELATIONS BOARD  
**CHARGE AGAINST EMPLOYER****DO NOT WRITE IN THIS SPACE**

Case

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a. Name of Employer Space Exploration Technologies Corp.		b. Tel. No. 202-649-2716
		c. Cell No. 202-285-8834
		f. Fax. No.
d. Address (Street, city, state, and ZIP code) One Rocket Road Hawthorne, California 90250	e. Employer Representative Christopher Cardaci 1030 15th Street N.W. Washington, D.C. 20005	g. e-mail Christopher.Cardaci@spacex.com
		h. Number of workers employed 9,500
i. Type of Establishment (factory, mine, wholesaler, etc.) Office, manufacturing, and mission control	j. Identify principal product or service Designs, manufactures, and launches rockets and spacecraft	

The above-named employer has engaged in and is engaging in unfair labor practices within the meaning of section 8(a), subsections (1) and (list subsections) 8(a)(1) of the National Labor Relations Act, and these unfair labor practices are practices affecting commerce within the meaning of the Act, or these unfair labor practices are practices affecting commerce within the meaning of the Act and the Postal Reorganization Act.

**2. Basis of the Charge (set forth a clear and concise statement of the facts constituting the alleged unfair labor practices)**

Attorney Anne Shaver brings this charge on behalf of Employee F against his former employer, Space Exploration Technologies Corp. ("SpaceX"), which committed an unfair labor practice when it fired Employee F and eight other individuals for engaging in protected concerted activity at work.

Please see attached Addendum for a concise statement of the facts.

**3. Full name of party filing charge (if labor organization, give full name, including local name and number)**  
Anne Shaver

4a. Address (Street and number, city, state, and ZIP code) Lief Cabraser Heimann & Bernstein LLP 275 Battery Street, 29th Floor San Francisco, CA 94000  Laurie Burgess Burgess Law Offices P.C. 498 Utah St., San Francisco, CA 94110	4b. Tel. No. 415-956-1000
	4c. Cell No.
	4d. Fax No.
	4e. e-mail ashaver@lchb.com

**5. Full name of national or international labor organization of which it is an affiliate or constituent unit (to be filled in when charge is filed by a labor organization)****6. DECLARATION**

I declare that I have read the above charge and that the statements are true to the best of my knowledge and belief.

/s/Anne B. Shaver

Anne B. Shaver

(signature of representative or person making charge)

(Print/type name and title or office, if any)

Tel. No.  
415-956-1000

Office, if any, Cell No.

Fax No.

e-mail  
ashaver@lchb.com

Address 275 Battery Street, 29th Floor, San Francisco CA 94111 Date 11/16/2022

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## Addendum – NLRB Charge of Employee F<sup>1</sup>

In the past six months SpaceX has violated the NLRA by terminating employees for engaging in the core concerted protected activity of speaking up against SpaceX's failure and refusal to address the culture of sexism, harassment and discrimination that pervades the workplace via the permission granted such behavior by SpaceX management including its CEO Elon Musk and President Gwynne Shotwell. SpaceX's unlawful conduct includes the following:

On June 15, 2022 a group of employees sent an Open Letter to SpaceX's leadership protesting Musk's repeated conduct of issuing inappropriate, disparaging, sexually charged comments on Twitter – a platform that SpaceX specifically acknowledges as a formal source of news regarding SpaceX activities. Employee F participated in the drafting of the Open Letter. The Open Letter authors complained that Musk's statements (examples of which were attached to the Letter) permeated the workplace and created a hostile work environment. The Open Letter authors called upon SpaceX to take appropriate remedial action including condemning Musk's harmful behavior, holding all leadership accountable for their actions and seeking uniform enforcement of SpaceX's "No Asshole" policy. The Open Letter that Employee F co-authored and its appendices are attached hereto as **Exhibit A**.

On June 16, 2022, *immediately on the heels of engaging in this concerted protected activity*, SpaceX fired five (5) employees who participated in organizing to redress sexual harassment and discrimination in the workplace. SpaceX President Shotwell called the Open Letter "overreaching activism" and stated that SpaceX had "terminated a number of employees involved." See **Exhibit B**.

After this initial wave of wrongful retaliatory terminations, over the next two months SpaceX continued its campaign of retaliation and intimidation by interrogating dozens of employees in private meetings and falsely telling them that the conversations were attorney-client privileged and could not be disclosed to anyone. As a result of its unlawful coercive interrogations SpaceX terminated Employee F on July 29, 2022, as well as three (3) other employees in July and August in retaliation for their conduct of drafting and/or sharing the Open Letter with other SpaceX employees on internal company channels.

SpaceX engaged in the above unlawful conduct for the purpose of retaliating against employees for engaging in concerted protected activities and to discourage other employees from engaging in similar organizing activities protected under the NLRA.

---

<sup>1</sup> Employee F is proceeding anonymously to protect themselves from public harassment (aka "doxing") from fans of SpaceX and/or Mr. Musk.

# Exhibit A



An open letter to the Executives of SpaceX,

In light of recent allegations against our CEO and his public disparagement of the situation, we would like to deliver feedback on how these events affect our company's reputation, and through it, our mission. Employees across the spectra of gender, ethnicity, seniority, and technical roles have collaborated on this letter. We feel it is imperative to maintain honest and open dialogue with each other to effectively reach our company's primary goals together: making SpaceX a great place to work for all, and making humans a multiplanetary species.

As SpaceX employees we are expected to challenge established processes, rapidly innovate to solve complex problems as a team, and use failures as learning opportunities. Commitment to these ideals is fundamental to our identity and is core to how we have redefined our industry. But for all our technical achievements, SpaceX fails to apply these principles to the promotion of diversity, equity, and inclusion with equal priority across the company, resulting in a workplace culture that remains firmly rooted in the status quo.

Individuals and groups of employees at SpaceX have spent significant effort beyond their technical scope to make the company a more inclusive space via conference recruiting, open forums, feedback to leadership, outreach, and more. However, we feel an unequal burden to carry this effort as the company has not applied appropriate urgency and resources to the problem in a manner consistent with our approach to critical path technical projects. To be clear: recent events are not isolated incidents; they are emblematic of a wider culture that underserves many of the people who enable SpaceX's extraordinary accomplishments. As industry leaders, we bear unique responsibility to address this.

Elon's behavior in the public sphere is a frequent source of distraction and embarrassment for us, particularly in recent weeks. As our CEO and most prominent spokesperson, Elon is seen as the face of SpaceX—every Tweet that Elon sends is a de facto public statement by the company. It is critical to make clear to our teams and to our potential talent pool that his messaging does not reflect our work, our mission, or our values.

SpaceX's current systems and culture do not live up to its stated values, as many employees continue to experience unequal enforcement of our oft-repeated "No Asshole" and "Zero Tolerance" policies. This must change. As a starting point, we are putting forth the following categories of action items, the specifics of which we would like to discuss in person with the executive team within a month:

**Publicly address and condemn Elon's harmful Twitter behavior.** SpaceX must swiftly and explicitly separate itself from Elon's personal brand.

**Hold all leadership equally accountable to making SpaceX a great place to work for everyone.** Apply a critical eye to issues that prevent employees from fully performing their jobs and meeting their potential, pursuing specific and enduring actions that are well resourced, transparent, and treated with the same rigor and urgency as establishing flight rationale after a hardware anomaly.

**Define and uniformly respond to all forms of unacceptable behavior.** Clearly define what exactly is intended by SpaceX's "No Asshole" and "Zero Tolerance" policies and enforce them consistently. SpaceX must establish safe avenues for reporting and uphold clear repercussions for all unacceptable behavior, whether from the CEO or an employee starting their first day.

We care deeply about SpaceX's mission to make humanity multiplanetary. But more importantly, we care about each other. The collaboration we need to make life multiplanetary is incompatible with a culture that treats employees as consumable resources. Our unique position requires us to consider how our actions today will shape the experiences of individuals beyond our planet. Is the culture we are fostering now the one which we aim to bring to Mars and beyond?

We have made strides in that direction, but [there is so much more to accomplish.](#)



## Proposed Action Items

**Publicly address and condemn Elon's harmful Twitter behavior.** SpaceX must swiftly and explicitly separate itself from Elon's personal brand.

- Publicly state that Elon's Twitter behavior is not in line with SpaceX values.
- Expand the company's official social media presence to provide a professional and coherent public image of the company completely separate from Elon's online presence.
- Cease retweeting or directly linking to Elon's personal social media posts on any official SpaceX channels.

**Hold all leadership equally accountable to making SpaceX a great place to work for everyone.** Apply a critical eye to issues that prevent employees from fully performing their jobs and meeting their potential, pursuing specific and enduring actions that are well resourced, transparent, and treated with the same rigor and urgency as establishing flight rationale after a hardware anomaly.

- Institute an executive-level position, distinctly independent from Human Resources, responsible for ensuring that SpaceX is a great place to work for all individuals.
- Create direct channels for employee feedback to this new executive on the state of SpaceX culture across all departments to hold ourselves accountable for making progress towards this goal.
- Document workplace culture progress by regularly reporting data on employee hiring, promotion, and attrition disaggregated by experience, performance, and background.

**Define and uniformly respond to all forms of unacceptable behavior.** Clearly define what exactly is intended by SpaceX's "No Asshole" and "Zero Tolerance" policies and enforce them consistently. SpaceX must establish safe avenues for reporting and uphold clear repercussions for all unacceptable behavior, whether from the CEO or an employee starting their first day.

- Update the Employee Handbook and enforce annual in-person participation in comprehensive Diversity, Inclusion, and Misconduct training to ensure all employees adhere to these guidelines. Leadership candidates should be evaluated on these criteria.
- Commit to a consistent and transparent process for responses to all substantiated claims of misconduct, regardless of the alleged perpetrator.
- Document the efficacy of these policies by regularly reporting aggregate data on unacceptable behavior claims, involved party outcomes, and disciplinary actions.

To provide feedback on the above action items, fill out [this survey](https://s.surveypplanet.com/h409awcp) or scan the QR code below.



<https://s.surveypplanet.com/h409awcp>

# Unwelcome behavior on Elon's Twitter

This document is a compilation of various examples of problematic Twitter posts by Elon, including “unwelcome behavior”, “subtle sexual harassment”, “sexual harassment”<sup>1</sup>, and bullying directed at individuals and various marginalized groups via his Twitter posts. It also includes examples of excessively vulgar and sexual content that is inappropriate at our workplace. Most of these tweets have been posted within the last two years (March 2020 - June 2022). The purpose of this document is to warn coworkers of the resulting harm to our work culture, harm to marginalized employees, and our impaired ability as a community of space enthusiasts to do the amazing work which we're all here for.

The tweets selected for this document were chosen because they most clearly depict the “Bro culture” Elon seems to not only tolerate, but embrace and encourage online and in his personal life. The effects of these tweets, however, are not just limited to public perception of Elon's character. [Elon's Twitter account](#) is routinely used to announce SpaceX company news, is referenced in page 23 of the SpaceX employee handbook as a source of company news, and is documented as an official source of company information ([source](#)) in various SEC filings made by Tesla ([example](#)). For these and other reasons, statements made by Elon on Twitter either directly speak for SpaceX or indirectly reflect on our company's culture and those who work here. Various examples support this claim, from personal accounts of families and friends reaching out to employees asking if they agree with what Elon says to news articles and essays written about the type of work culture being promoted at SpaceX in light of statements made by Elon online<sup>2</sup>. And in the absence of SpaceX saying otherwise, there's no reason for anyone to believe that the behavior repeatedly and consistently demonstrated by Elon in public, in spaces used for official company announcements, is not acceptable at SpaceX.

The content that Elon creates and promotes demonstrates tolerance, and even encouragement, of a workplace culture that is hostile to various marginalized and underrepresented groups. By mocking federally protected characteristics (including sex, sexual orientation, age, and race/religion), trivializing serious and traumatic challenges faced by those marginalized, and silencing attempts at raising legitimate concerns about our workplace culture by dismissing them as politically motivated attacks, Elon has set a very concerning example for what is acceptable and tolerated at SpaceX.

**By staying silent on his public actions, taken on a platform which is considered official company communication, SpaceX and its executives have affirmed that Elon's behavior is acceptable at our company.**

Please note that for each example screenshotted, a link is provided to the official source so that the full context can be examined. The vast majority of Tweets are still live on Elon's account, but

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<sup>1</sup> Such language, defined on [this PDF](#) published by the United Nations, often leads to a “hostile work environment”.

<sup>2</sup> Examples of articles are included with various tweets throughout this document.

some which have been deleted are also included because they are relevant in establishing the ongoing pattern of harassment and/or bullying that started years ago and continues to this day.

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## Tweets targeting or affecting an individual

If you touch my wiener



**Status:** online

**Link:** <https://twitter.com/elonmusk/status/1527757119239380993>

## Describe me while exposed



**Status:** online

**Link:** <https://twitter.com/elonmusk/status/1527505449905528846>

**Context:** Elon presumably challenging the accuser to describe his genitalia, after the [Sexual Harassment allegation at SpaceX](#) reported by Insider on May 19th, 2022.

Stop hitting on me



**Alexandria Ocasio-Cortez** ✓ @AOC · Apr 29

...

Tired of having to collectively stress about what explosion of hate crimes is happening bc some billionaire with an ego problem unilaterally controls a massive communication platform and skews it because Tucker Carlson or Peter Thiel took him to dinner and made him feel special



51.4K



23.5K



190.4K



**Elon Musk** ✓  
@elonmusk

...

Replying to @AOC

Stop hitting on me, I'm really shy 🙄

2:27 PM · Apr 29, 2022 · Twitter for iPhone

52.1K Retweets

10.6K Quote Tweets

515.4K Likes

Status: online

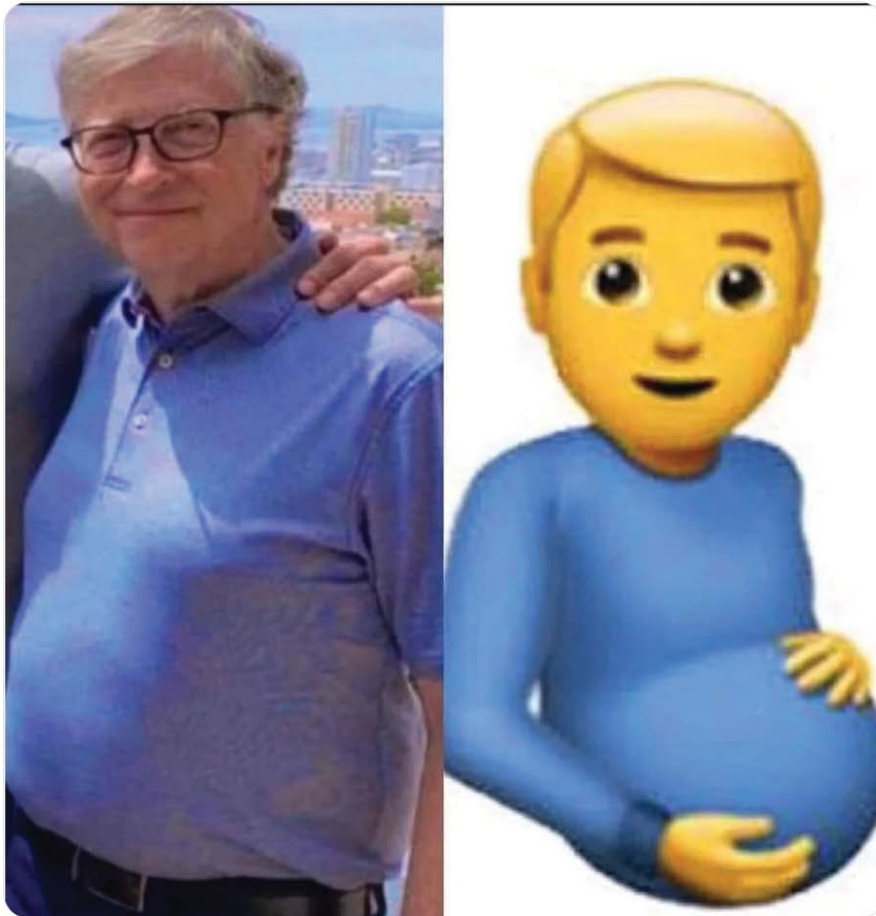
Link: <https://twitter.com/elonmusk/status/1520152887090892800>

In case you need to lose a boner



...

in case u need to lose a boner fast



8:30 PM · Apr 22, 2022 · Twitter for iPhone

142.6K Retweets 31.3K Quote Tweets 1.4M Likes

**Status:** online

**Link:** <https://twitter.com/elonmusk/status/1517707521343082496>

**Article:**

<https://nypost.com/2022/06/06/elon-musk-posts-vulgar-tweet-about-bill-gates-during-fued/>



I keep forgetting you're still alive



**Status:** online

**Link:** <https://twitter.com/elonmusk/status/1459891238384115722>

**Articles:**

- <https://www.cnn.com/2021/11/14/business/elon-musk-bernie-sanders-tweet/index.html>
- <https://www.independent.co.uk/news/world/americas/us-politics/elon-musk-bernie-sanders-twitter-b1957625.html>

Looks like you just came

← **Tweet**

 **Ron Wyden** ✓ @RonWyden · Nov 6, 2021 ...  
Whether or not the world's wealthiest man pays any taxes at all shouldn't depend on the results of a Twitter poll. It's time for the Billionaires Income Tax.

 **Elon Musk** ✓ @elonmusk · Nov 6, 2021  
Much is made lately of unrealized gains being a means of tax avoidance, so I propose selling 10% of my Tesla stock.

Do you support this?  
[Show this poll](#)

3,119 2,192 16.3K

 **Elon Musk** ✓ @elonmusk ...  
Replying to @RonWyden

**Why does ur pp look like u just came?**

3:57 PM · Nov 7, 2021 · Twitter for iPhone

10.3K Retweets 5,808 Quote Tweets 94.1K Likes

**Status:** online

**Link:** <https://twitter.com/elonmusk/status/1457497438474981384>

**Article:** <https://sports.yahoo.com/elon-musk-made-gross-sex-130902137.html>

Can't get it up (to orbit)



**Kenneth Chang** @kchangnyt · Apr 26, 2021

SCOOP: Jeff Bezos' Blue Origin files a protest against NASA's awarding of the lunar lander contract to Elon Musk's SpaceX.



nytimes.com

Jeff Bezos' Rocket Company Challenges NASA Over SpaceX Moon La...  
The space agency picked Elon Musk's company over two other bidders to take its astronauts back to the lunar surface.

447

832

5,199



**Elon Musk** ✓  
@elonmusk

Replying to @kchangnyt

Can't get it up (to orbit) lol

4:31 PM · Apr 26, 2021 · Twitter for iPhone

4,775 Retweets 1,363 Quote Tweets 49.2K Likes

Status: online

Link: <https://twitter.com/elonmusk/status/1386825367948644352>

You're an idiot



**Jarrett Walker** ✓ @humantransit · Dec 14, 2017  
In cities, @elonmusk's hatred of sharing space with strangers is a luxury (or pathology) that only the rich can afford. Letting him design cities is the essence of elite projection. [humantransit.org/2017/07/the-da...](https://humantransit.org/2017/07/the-da...)



**Yonah Freemark** ✓ @yfreemark · Dec 14, 2017  
To summarize Elon Musk's views on transit: It's terrible. You might be killed. Japanese trains are awful. Individualized transport for everyone! Congestion? Induced demand? Climate change impacts? Unwalkable streets? Who cares! [wired.com/story/elon-mus...](https://www.wired.com/story/elon-mus...)

in the ass," he continued. "That's why  
t. And there's like a bunch of random  
might be a serial killer, OK, great. And  
like individualized transport, that go  
then you want."

189 1,473 3,885



**Elon Musk** ✓ @elonmusk · Dec 14, 2017  
You're an idiot

811 4,973 35.8K



**Elon Musk** ✓ @elonmusk · Dec 14, 2017  
Sorry

110 336 2,895



**Adam Lilling** @ALilling · Dec 14, 2017  
Sorry that he's an idiot?

4 24 232



**Elon Musk** ✓ @elonmusk

Replying to @ALilling and @humantransit

Meant to say "sanctimonious idiot"

10:13 PM · Dec 14, 2017 · Twitter for iPhone

237 Retweets 70 Quote Tweets 2,937 Likes

Status: online

Link: <https://twitter.com/elonmusk/status/941500121564332032>

Link: <https://twitter.com/elonmusk/status/941551760799277056>

**Context:** A tweet from Jarrett Walker, a public transit planning and policy consultant, criticizing him for championing individual, over public, transport.

**Article:**

<https://www.theguardian.com/cities/2017/dec/21/elon-musk-public-transport-transit-painful-twitte>  
r

## Tweets targeting or affecting a group

Here it comes



7:44 AM · May 31, 2022 · Twitter for iPhone

147K Retweets 23.1K Quote Tweets 1.4M Likes

**Status:** online

**Link:** <https://twitter.com/elonmusk/status/1531647849599057921>

Later followed by this tweet:




9:05 AM · Jun 1, 2022 · Twitter for iPhone

4,426 Retweets 534 Quote Tweets 69.3K Likes

**Link:** <https://twitter.com/elonmusk/status/1532030554778087424>

Note the original “here it comes” tweet is still up. An apology, if this is what it is, means nothing if behavior is not corrected.

Politically motivated



**Elon Musk** ✓  
@elonmusk

...

The attacks against me should be viewed through a political lens – this is their standard (despicable) playbook – but nothing will deter me from fighting for a good future and your right to free speech

8:28 PM · May 19, 2022 · Twitter for iPhone

---

**85.3K** Retweets   **10.7K** Quote Tweets   **741.6K** Likes

**Status:** online  
**Link:** <https://twitter.com/elonmusk/status/1527491436005957633>  
**Context:** the [Sexual Harassment allegation at SpaceX](#) reported by Insider on May 19th, 2022

## Mansplaining



**Elon Musk** ✓  
@elonmusk

...



10:46 AM · May 19, 2022 · Twitter for iPhone

**30.8K** Retweets **4,202** Quote Tweets **368K** Likes

**Status:** online

**Link:** <https://twitter.com/elonmusk/status/1527344969471520768>

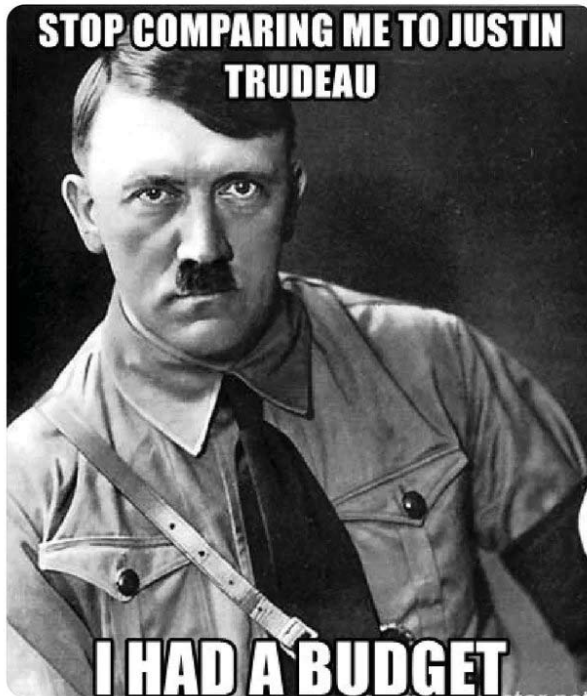


## Comparison to Hitler



**Elon Musk**   
@elonmusk

Replying to @CoinDesk @Aoyon\_A and  
@realDannyNelson



11:46 PM · 16 Feb 22 · [Twitter for iPhone](#)

**Status:** deleted

**Context:** In response to [a tweet](#) linking the coinbase article about Trudeau blocking crypto donations to Canadian Trucker protesters.

**Article:**

<https://www.theguardian.com/technology/2022/feb/17/elon-musk-criticised-for-comparing-justin-trudeau-to-adolf-hitler-tweet-auschwitz>

## TITS



**Status:** partially deleted

**Link:** <https://twitter.com/elonmusk/status/1453954994546229253>

**Article:** <https://mashable.com/article/elon-musk-sexist-joke-tweets>

## Pronouns are oppression



Status: online

<https://twitter.com/elonmusk/status/1338365886542049282>

Article:

<https://cleantechnica.com/2020/12/16/real-friends-interrupt-you-when-you-are-making-a-mistake/>

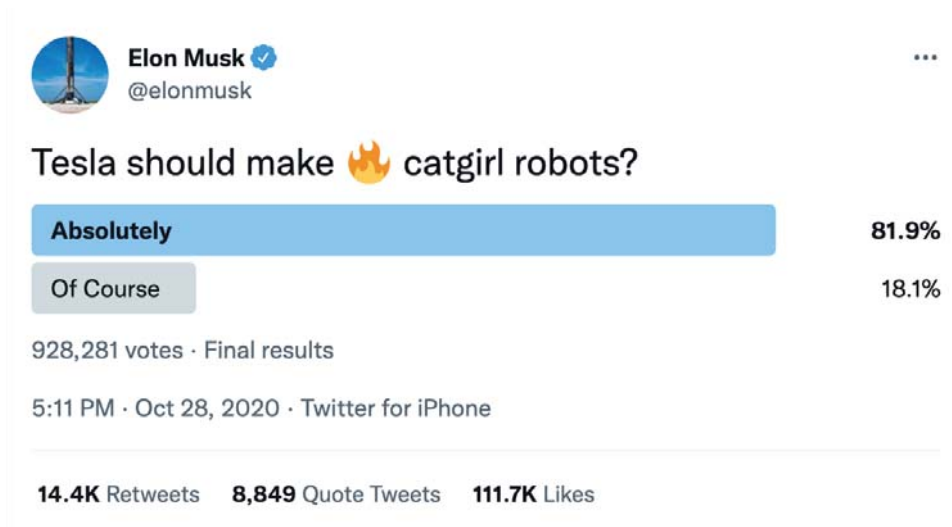
In response to the above article:



Status: online

Link: <https://twitter.com/elonmusk/status/1339253909546823682>

## Catgirl robots



**Status:** online

**Link:** <https://twitter.com/elonmusk/status/1321605428963233794>

Pronouns suck



**Elon Musk** ✓  
@elonmusk

...

Pronouns suck

8:42 PM · Jul 24, 2020 · Twitter for iPhone

19.7K Retweets 15.3K Quote Tweets 255.8K Likes

**Status:** online

<https://twitter.com/elonmusk/status/1286869404874088448>

**Article:**

<https://www.forbes.com/sites/sethcohen/2020/07/25/tesla-founder-elon-musk-uses-twitter-to-mock-transgender-inclusion/?sh=11f2b1e1647f>

## Sperm Donor Clinic



Status: online

Link: <https://twitter.com/elonmusk/status/1321275062998257665>

Later in the thread, he replied:



## Elongate



**Elon Musk** ✓  
@elonmusk

...

Finally, we get to use Elongate as scandal name. It's kinda perfect. 🤖



**Elon Musk** ✓ @elonmusk · Mar 25, 2021

If there's ever a scandal about me, \*please\* call it Elongate

10:43 PM · May 19, 2022 · Twitter for iPhone

**28.1K** Retweets   **3,922** Quote Tweets   **293K** Likes

**Status:** online

**Link:** <https://twitter.com/elonmusk/status/1527525498460508160>

**Context:** the [Sexual Harassment allegation at SpaceX](#) reported by Insider on May 19th, 2022

Other Tweets promoting an unwelcome and potentially hostile environment



## Macrohard



## Naughtius Maximus



youtube.com

Biggs Dickus - Monty Python, Life of Brian.

Just one of many brilliant scenes from the epic comedy "Life of Brian" by Monty Python.PS: Subtitles is the originals from the blu-ray.PS 2: Yes, we know abo...

1:02 AM · Oct 25, 2021 · Twitter for iPhone

952 Retweets 145 Quote Tweets 19.6K Likes

Status: online

Link: <https://twitter.com/elonmusk/status/1452546064591040513>

## Erotic Democracy



**Elon Musk** ✓  
@elonmusk

...

**erotic democracy >> sclerotic democracy**

6:08 PM · Oct 24, 2021 · Twitter for iPhone

**4,158** Retweets   **499** Quote Tweets   **63.4K** Likes

**Status:** online

**Link:** <https://twitter.com/elonmusk/status/1452442007784263682>

## Deep thots



**Elon Musk**  
@elonmusk

...

## Deep thots



**ginivera\_** she/he/they has no hair

52m 25 likes Reply



— Hide replies



**hani\_srou** @ginivera\_ are you afraid to misgender a dinosaur



11:47 AM · May 26, 2021 · Twitter for iPhone

26K Retweets 3,697 Quote Tweets 289.8K Likes

Status: online

Link: <https://twitter.com/elonmusk/status/1397625459437826049>

## Our crane



Check out our new crane



8:34 PM · Mar 26, 2021 · Twitter for iPhone

45.4K Retweets 6,454 Quote Tweets 559K Likes

Status: online

Link: <https://twitter.com/elonmusk/status/1375652425814704128>

## Weekend meme juice



**Elon Musk** ✓  
@elonmusk

...

Lil meme juice for the weekend

Personally I don't think they thought  
this through at all



6:12 AM · Feb 13, 2021 · Twitter for iPhone

19.1K Retweets 2,368 Quote Tweets 273.8K Likes

**Status:** online

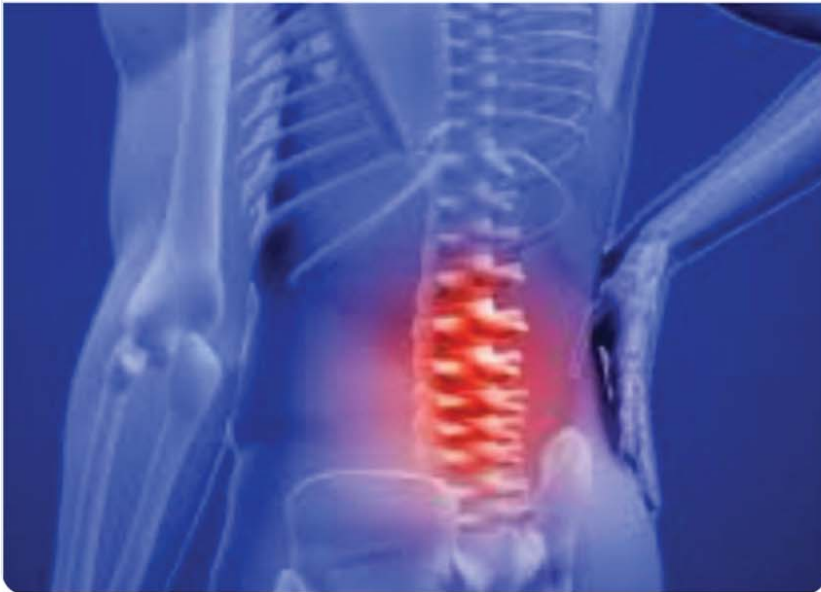
**Link:** <https://twitter.com/elonmusk/status/1360592735409946625>

Huge cock



Replying to @Zwiebelbach @its\_menieb and @CyberpunkGame

My back after carrying  
my huge cock all day



7:25 AM · Dec 14, 2020 · Twitter for iPhone

12.8K Retweets 4,685 Quote Tweets 72.4K Likes

Status: online

Link: <https://twitter.com/elonmusk/status/1338505515719143425>

## Emails



## Tesla do the right thing

Elon Musk

Inbox - Exchange May 31, 2017 at 2:37 AM

Doing the right thing

To: Everybody

About four years ago, I sent out an email describing some of the core principles of Tesla. Since then, we have grown from 4,500 people to 33,000, so the vast majority of the company has never received this note. We are redoing the first day orientation and Tesla handbook to more clearly capture and emphasize these points, but I thought I should send this out in advance.

In my email below, please pay particular attention to the first point on the list. Tesla has to be hardcore and demanding, not for the hell of it, but because we are fighting for a good cause against giant, entrenched competitors who just want the status quo to continue. The list of companies that want to kill Tesla is so long, I've lost track – a week doesn't go by without some "Tesla Killer" article. The only way for a little company to prevail against those much larger companies is to work faster, smarter and harder. The passing grade at Tesla is excellence, because it has to be.

However, this does not give license to anyone to be a jerk. It is incredibly important that people look forward to coming to work in the morning. One of the best feelings in the world is to be part of a team that is fired up to achieve what most industry experts say is impossible! For many companies out there, work is like jail – employees look forward to Friday and dread Monday. That's horrible. We never want to be like that.

Part of not being a huge jerk is considering how someone might feel who is part of an historically less represented group. They have endured difficulties that someone born or raised in a more privileged situation did not. This doesn't mean that there is a different standard of performance or that you can't give critical feedback. You should – doing anything else would be an insult to the hard work it took to get there – but don't ever intentionally allow someone to feel excluded, uncomfortable or unfairly treated. Sometimes these things happen unintentionally, in which case you should apologize.

In fairness, if someone is a jerk to you, but sincerely apologizes, it is important to be thick-skinned and accept that apology. If you are part of a less represented group, you don't get a free pass on being a jerk yourself. We have had a few cases at Tesla where someone in a less represented group was actually given a job or promoted over more qualified highly represented candidates and then decided to sue Tesla for millions of dollars because they felt they weren't promoted enough. That is obviously not cool.

What it comes down to is this: do what would make your parents proud. If you can't look someone you respect in the eye and explain what you did, don't do it.

Thanks,  
Elon

**Link:** <https://www.tesla.com/blog/hotbed-misinformation>

**Article:**

<https://money.cnn.com/2017/11/15/technology/elon-musk-tesla-racial-discrimination/index.html>

Excerpt from email:

In fairness, if someone is a jerk to you, but sincerely apologizes, it is important to be thick-skinned and accept that apology. If you are part of a less represented group, you don't get a free pass on being a jerk yourself. We have had a few cases at Tesla where someone in a less represented group was actually given a job or promoted over more qualified highly represented candidates and then decided to sue Tesla for millions of dollars because they felt they weren't promoted enough. That is obviously not cool.

Commentary:

It seems like the *real* problem at Tesla (and SpaceX) is not the lack of diversity, but rather a plethora of maliciously acting diverse employees who are suing Tesla and not forgiving jerks when they apologize. These diverse employees are also getting a free pass to be jerks to the white male population.



# Exhibit B



Gwynne Shotwell

Gwynne Shotwell; Brian Bjelde

6/16/2022

Please stay focused on the SpaceX mission

You may have received an unsolicited request from a small group of SpaceX employees for your signature on an “open letter” yesterday and your participation in a related survey. Based on diverse employee feedback, this has upset many. That is, the letter, solicitations and general process made employees feel uncomfortable, intimidated and bullied, and/or angry because the letter pressured them to sign onto something that did not reflect their views. Employees also complained that it interfered with their ability to focus on and do their work. We have 3 launches within 37 hours for critical satellites this weekend, we have to support the astronauts we delivered to the ISS and get cargo Dragon back to flight-ready, and after receiving environmental approval early this week, we are on the cusp of the first orbital launch attempt of Starship. We have too much critical work to accomplish and no need for this kind of overreaching activism – our current leadership team is more dedicated to ensuring we have a great and ever-improving work environment than any I have seen in my 35-year career.

We solicit and expect our employees to report all concerns to their leadership, senior management, HR, or Legal. But blanketing thousands of people across the company with repeated unsolicited emails and asking them to sign letters and fill out unsponsored surveys during the work day is not acceptable, goes against our documented handbook policy, and does not show the strong judgment needed to work in this very challenging space transportation sector. We performed an investigation and have terminated a number of employees involved.

I am sorry for this distraction. Please stay focused on the SpaceX mission, and use your time at work to do your best work. This is how we will get to Mars.

# EXHIBIT B

**UNITED STATES OF AMERICA  
BEFORE THE NATIONAL LABOR RELATIONS BOARD  
REGION 31**

**SPACE EXPLORATION TECHNOLOGIES  
CORP.**

**And**

**Cases 31-CA-307446  
31-CA-307532  
31-CA-307539  
31-CA-307546  
31-CA-307551  
31-CA-307555**

**6,7(C)**

**and**

**Case 31-CA-307514**

**6,7(C)**

**an Individual**

**and**

**Case 31-CA-307525**

**6,7(C)**

**, an Individual**

**ORDER CONSOLIDATING CASES, CONSOLIDATED COMPLAINT,  
AND NOTICE OF HEARING**

Pursuant to Section 102.33 of the Rules and Regulations of the National Labor Relations Board (the Board) and to avoid unnecessary costs or delay, IT IS ORDERED THAT Cases 31-CA-307446, 31-CA-307532, 31-CA-307539, 31-CA-307546, 31-CA-307551, and 31-CA-307555, which are based on charges filed by **6,7(C)** Case 31-CA-307514, which is based on a charge filed by **6,7(C)** an Individual; and Case 31-CA-307525, which is based on a charge filed by **6,7(C)** an individual, respectively, against Space Exploration Technologies Corp. (Respondent) are consolidated.

This Order Consolidating Cases, Consolidated Complaint, and Notice of Hearing, which is based on these charges, is issued pursuant to Section 10(b) of the National Labor Relations Act

(the Act), 29 U.S.C. § 151 et seq., and Section 102.15 of the Board's Rules and Regulations, and alleges Respondent has violated the Act as described below.

1. The charges in the above cases were filed by the respective Charging Parties, as set forth in the following table, and served upon Respondent on the dates indicated by U.S. mail:

Case Number	Amended	Charging Party	Date Filed	Date Served
31-CA-307446	N/A	<b>6,7(C)</b>	November 16, 2022	November 18, 2022
31-CA-307446	First Amended		January 20, 2023	January 27, 2023
31-CA-307446	Second Amended		December 15, 2023	December 20, 2023
31-CA-307514	N/A		November 16, 2022	November 21, 2022
31-CA-307514	First Amended		January 20, 2023	January 27, 2023
31-CA-307525	N/A		November 16, 2022	November 21, 2022
31-CA-307525	First Amended		January 20, 2023	January 30, 2023
31-CA-307532	N/A		November 16, 2022	November 21, 2022
31-CA-307532	First Amended		January 20, 2023	January 27, 2023
31-CA-307539	N/A		November 16, 2022	November 21, 2022
31-CA-307539	First Amended		January 20, 2023	January 30, 2023
31-CA-307546	N/A		November 16, 2022	November 21, 2022
31-CA-307546	First Amended		January 20, 2023	January 30, 2023
31-CA-307551	N/A		November 16, 2022	November 21, 2022
31-CA-307551	First Amended		January 20, 2023	January 30, 2023
31-CA-307555	N/A		November 16, 2022	November 21, 2022
31-CA-307555	First Amended		January 20, 2023	January 27, 2023

2. (a) At all material times, Respondent has been a corporation with an office and place of business at 1 Rocket Road, Hawthorne, California 90250 (Hawthorne facility).

(b) In conducting its operations during the 12-month period ending September 21, 2023, a representative period, Respondent has been engaged in the manufacture and operation of rocket vehicles and satellites and has provided launch services to the United States valued in excess of \$1,000,000.

(c) Based on its operations described above in paragraph 2(b), Respondent has a substantial impact on the national defense of the United States.

(d) In conducting its operations during the period described above in paragraph 2(b), Respondent purchased and received at its Hawthorne facility goods valued in excess of \$5,000 directly from points outside of the State of California.

3. At all material times, Respondent has been an employer engaged in commerce within the meaning of Section 2(2), (6), and (7) of the Act.

4. At all material times, the following individuals held the positions set forth opposite their respective names and have been supervisors of Respondent within the meaning of Section 2(11) of the Act and/or agents of Respondent within the meaning of Section 2(13) of the Act:

<b>6,7(C)</b>	-	<b>6,7(C)</b>
---------------	---	---------------

[6,7(C)] - [6,7(C)]

5. (a) About [6,7(C)] 2022, Respondent's employees [6,7(C)]

[6,7(C)], [6,7(C)], [6,7(C)], [6,7(C)], [6,7(C)], [6,7(C)]

and [6,7(C)] engaged in concerted activities with other employees for the purposes of mutual aid or protection by drafting and distributing an open letter that detailed workplace concerns (Open Letter).

(b) About [6,7(C)] 2022, Respondent discharged [6,7(C)]

[6,7(C)] [6,7(C)] and [6,7(C)]

(c) About [6,7(C)] 2022, Respondent placed [6,7(C)] on

administrative leave.

(d) About [6,7(C)] 2022, Respondent placed [6,7(C)] on

administrative leave.

(e) About [6,7(C)] 2022, Respondent discharged [6,7(C)]

and [6,7(C)]

(f) About [6,7(C)] 2022, Respondent discharged [6,7(C)]

(g) About [6,7(C)] 2022, Respondent discharged [6,7(C)]

(h) Respondent engaged in the conduct described above in paragraphs 5(b)

through 5(g) because [6,7(C)], [6,7(C)], [6,7(C)], [6,7(C)]

[6,7(C)], [6,7(C)], [6,7(C)] and [6,7(C)] engaged in the conduct

described above in paragraph 5(a), and to discourage employees from engaging in these or other concerted activities.

///

///

6. About May 24, 2022, Respondent, by [6,7(C)] in a [6,7(C)] conference room on the second floor of the main building of the Hawthorne facility, interrogated an employee about the Confluence pages [6,7(C)] to address workplace concerns.

7. About [6,7(C)] 2022, Respondent, by [6,7(C)] through an email unlawfully restricted employees from distributing the Open Letter.

8. About [6,7(C)] 2022, Respondent, by [6,7(C)] in a conference room [6,7(C)] of the Hawthorne facility, disparaged employees' participation in, and the content of, the Open Letter.

9. About [6,7(C)] 2022, Respondent, by [6,7(C)] in a conference room [6,7(C)] [6,7(C)] of the Hawthorne facility, interrogated an employee about the Open Letter.

10. About [6,7(C)] 2022, Respondent, by [6,7(C)] and/or [6,7(C)] in the following locations, told employees that they were being discharged for their participation in the Open Letter:

- (a) A conference room at the Hawthorne facility, and
- (b) Via telephone.

11. About [6,7(C)] 2022, Respondent, by [6,7(C)] in an email to all employees announced that employees had been discharged for their involvement in the Open Letter.

12. About [6,7(C)] 2022, Respondent, by [6,7(C)] at the Hawthorne facility, made coercive statements concerning employees' protected concerted activities by disparaging the Open Letter and those employees who had participated in drafting it and by inviting employees to quit if they disagreed with the behavior of Chief Executive Officer Elon Musk.



13. About [6,7(C)] 2022, Respondent, by [6,7(C)] at the Hawthorne facility, told employees at a meeting that the terminated employees were discharged for their involvement with the Open Letter.

14. About [6,7(C)] 2022, Respondent, by [6,7(C)] outside of the Hawthorne facility, impliedly invited employees to quit if they wished to engage in protected concerted activities.

15. About [6,7(C)] 2022, Respondent, by [6,7(C)] outside of the Hawthorne facility, impliedly invited employees to quit if they wished to engage in protected concerted activities.

16. About [6,7(C)] 2022, Respondent, by [6,7(C)] outside of the Hawthorne facility, interrogated employees about their protected concerted activities.

17. About [6,7(C)] 2022, Respondent, by [6,7(C)] impliedly threatened employees with discharge if they continued discussion of the issues contained in the Open Letter.

18. About [6,7(C)] 2022, Respondent, by [6,7(C)] told employees during a meeting that employees were discharged for their participation in creating and distributing the Open Letter.

19. About [6,7(C)] 2022, Respondent, by [6,7(C)] in a small conference room on the first floor of the main building of the Hawthorne facility, interrogated employees about their involvement in the Open Letter and other employees' protected concerted activities.

20. About [6,7(C)] 2022, Respondent, by [6,7(C)] in a small conference room on the first floor of the main building of the Hawthorne facility, during an investigatory interview instructed an employee not to discuss the interview with anyone.

21. About [6,7(C)] 2022, Respondent, by [6,7(C)] at Respondent's facility in Redmond, Washington, interrogated employees about their protected concerted activities.

22. About [6,7(C)] 2022, Respondent, by [6,7(C)] at Respondent's facility in Redmond, Washington, by showing employees screen shots of communications between employees concerning the Open Letter created an impression among its employees that their protected concerted activities were under surveillance by Respondent.

23. About [6,7(C)] 2022, Respondent, by [6,7(C)] at Respondent's facility in Redmond, Washington, during an investigatory interview instructed an employee to not discuss the interview with anyone.

24. About [6,7(C)] 2022, Respondent, by [6,7(C)] in a small conference room on the first floor of the main building of Respondent's Hawthorne facility, interrogated employees about their involvement with the Open Letter and other protected concerted activities.

25. About [6,7(C)] 2022, Respondent, by [6,7(C)] in a small conference room on the first floor of the main building of Respondent's Hawthorne facility, by reading aloud to employees communications between employees concerning the Open Letter, created an impression among its employees that their protected concerted activities were under surveillance by Respondent.

26. About [6,7(C)] 2022, Respondent, by [6,7(C)] at the Hawthorne facility, interrogated employees about their participation in group chats and involvement with the Open Letter.

27. About [6,7(C)] 2022, Respondent, by [6,7(C)] at the Hawthorne facility, by showing employees screen shots of communications between employees concerning

the Open Letter, created an impression among its employees that their protected concerted activities were under surveillance by Respondent.

28. About 6,7(C) 2022, Respondent, by 6,7(C) at the Hawthorne facility, during an investigatory interview instructed an employee to not discuss the interview with anyone.

29. By the conduct described above in paragraphs 5(b) through (g) and 6 through 28, Respondent has been interfering with, restraining, and coercing employees in the exercise of the rights guaranteed in Section 7 of the Act in violation of Section 8(a)(1) of the Act.

30. The unfair labor practices of Respondent described above affect commerce within the meaning of Section 2(6) and (7) of the Act.

WHEREFORE, as part of the remedy for the unfair labor practices alleged above in paragraphs 5 through 28, the General Counsel seeks an Order requiring Respondent to:

- i. Post the notice for 120 days, including electronically posting the notice on platforms where Respondent regularly communicates with employees;
- ii. Hold a meeting or meetings scheduled to ensure the widest possible attendance, at which Respondent's representative 6,7(C) reads the notice to the employees on worktime in the presence of a Board agent.

Alternatively, the General Counsel seeks an order requiring that Respondent promptly have a Board agent read the notice to employees during worktime in the presence of Respondent's supervisors and/or agents identified above in paragraph 4. Each employee present at the meeting at which the Notice is to be read shall be provided a copy of the Notice before it is read aloud;

- iii. Post the Board's Explanation of Employee Rights poster for one year to ensure that employees fully understand their rights under the Act;
- iv. Within 60 days of the issuance of a Board Order, permit a Board Agent to conduct a training on the National Labor Relations Act and unfair labor practices for all management officials and supervisors employed by Respondent. This training will take place either in person or via a videoconference platform, at the General Counsel's discretion. The date, time, and manner of the training must be approved by the General Counsel. The General Counsel will determine the curriculum for the training; and
- v. Draft and send letters to each of the discriminatees named in paragraph 5 apologizing to them for their discharge and/or discipline, any hardship or distress this caused, and requiring Respondent to provide a copy of each letter to the Regional Director within 14 days of distribution.

The General Counsel further seeks all other relief as may be just and proper to remedy the unfair labor practices alleged.

#### **ANSWER REQUIREMENT**

Respondent is notified that, pursuant to Sections 102.20 and 102.21 of the Board's Rules and Regulations, it must file an answer to the complaint. The answer must be **received by this office on or before January 17, 2024, or postmarked on or before January 16, 2024.**

Respondent also must serve a copy of the answer on each of the other parties.

The answer must be filed electronically through the Agency's website. To file electronically, go to [www.nlr.gov](http://www.nlr.gov), click on **E-File Documents**, enter the NLRB Case Number, and follow the detailed instructions. Responsibility for the receipt and usability of the answer rests exclusively upon the sender. Unless notification on the Agency's website informs users that

the Agency's E-Filing system is officially determined to be in technical failure because it is unable to receive documents for a continuous period of more than 2 hours after 12:00 noon (Eastern Time) on the due date for filing, a failure to timely file the answer will not be excused on the basis that the transmission could not be accomplished because the Agency's website was off-line or unavailable for some other reason. The Board's Rules and Regulations require that an answer be signed by counsel or non-attorney representative for represented parties or by the party if not represented. See Section 102.21. If the answer being filed electronically is a pdf document containing the required signature, no paper copies of the answer need to be transmitted to the Regional Office. However, if the electronic version of an answer to a complaint is not a pdf file containing the required signature, then the E-filing rules require that such answer containing the required signature continue to be submitted to the Regional Office by traditional means within three (3) business days after the date of electronic filing. Service of the answer on each of the other parties must still be accomplished by means allowed under the Board's Rules and Regulations. The answer may not be filed by facsimile transmission. If no answer is filed, or if an answer is filed untimely, the Board may find, pursuant to a Motion for Default Judgment, that the allegations in the complaint are true.

#### **NOTICE OF HEARING**

PLEASE TAKE NOTICE THAT on **Tuesday, March 05, 2024, 9:00 a.m. at Region 31 of the National Labor Relations Board, 11500 West Olympic Blvd, Suite 600, Los Angeles, CA 90064**, and on consecutive days thereafter until concluded, a hearing will be conducted before an administrative law judge of the National Labor Relations Board. At the hearing, Respondent and any other party to this proceeding have the right to appear and present testimony regarding the allegations in this complaint. The procedures to be followed at the hearing are

described in the attached Form NLRB-4668. The procedure to request a postponement of the hearing is described in the attached Form NLRB-4338.

Dated: January 3, 2024

A handwritten signature in black ink, reading "Mori Rubin", is positioned above a horizontal line.

MORI RUBIN, REGIONAL DIRECTOR  
NATIONAL LABOR RELATIONS BOARD  
REGION 31  
11500 WEST OLYMPIC BLVD, SUITE 600  
LOS ANGELES, CA 90064-1753

Attachments

FORM NLRB 4338  
(6-90)

UNITED STATES GOVERNMENT  
NATIONAL LABOR RELATIONS BOARD  
**NOTICE**

Cases 31-CA-307446, et al.

The issuance of the notice of formal hearing in this case does not mean that the matter cannot be disposed of by agreement of the parties. On the contrary, it is the policy of this office to encourage voluntary adjustments. The examiner or attorney assigned to the case will be pleased to receive and to act promptly upon your suggestions or comments to this end.

An agreement between the parties, approved by the Regional Director, would serve to cancel the hearing. However, unless otherwise specifically ordered, the hearing will be held at the date, hour, and place indicated. Postponements ***will not be granted*** unless good and sufficient grounds are shown ***and*** the following requirements are met:

- (1) The request must be in writing. An original and two copies must be filed with the Regional Director when appropriate under 29 CFR 102.16(a) or with the Division of Judges when appropriate under 29 CFR 102.16(b).
- (2) Grounds must be set forth in ***detail***;
- (3) Alternative dates for any rescheduled hearing must be given;
- (4) The positions of all other parties must be ascertained in advance by the requesting party and set forth in the request; and
- (5) Copies must be simultaneously served on all other parties (listed below), and that fact must be noted on the request.

Except under the most extreme conditions, no request for postponement will be granted during the three days immediately preceding the date of hearing.

**6,7(C)**

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Hawthorne, CA 90250

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**6,7(C)**

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Lief Cabraser Heimann & Bernstein LLP  
275 Battery Street, 29th Floor  
San Francisco, CA 94111

Form NLRB-4668  
(6-2014)

## Procedures in NLRB Unfair Labor Practice Hearings

The attached complaint has scheduled a hearing that will be conducted by an administrative law judge (ALJ) of the National Labor Relations Board who will be an independent, impartial finder of facts and applicable law. **You may be represented at this hearing by an attorney or other representative.** If you are not currently represented by an attorney, and wish to have one represent you at the hearing, you should make such arrangements as soon as possible. A more complete description of the hearing process and the ALJ's role may be found at Sections 102.34, 102.35, and 102.45 of the Board's Rules and Regulations. The Board's Rules and regulations are available at the following link: [www.nlr.gov/sites/default/files/attachments/basic-page/node-1717/rules\\_and\\_regs\\_part\\_102.pdf](http://www.nlr.gov/sites/default/files/attachments/basic-page/node-1717/rules_and_regs_part_102.pdf).

The NLRB allows you to file certain documents electronically and you are encouraged to do so because it ensures that your government resources are used efficiently. To e-file go to the NLRB's website at [www.nlr.gov](http://www.nlr.gov), click on "e-file documents," enter the 10-digit case number on the complaint (the first number if there is more than one), and follow the prompts. You will receive a confirmation number and an e-mail notification that the documents were successfully filed.

**Although this matter is set for trial, this does not mean that this matter cannot be resolved through a settlement agreement.** The NLRB recognizes that adjustments or settlements consistent with the policies of the National Labor Relations Act reduce government expenditures and promote amity in labor relations and encourages the parties to engage in settlement efforts.

### I. BEFORE THE HEARING

The rules pertaining to the Board's pre-hearing procedures, including rules concerning filing an answer, requesting a postponement, filing other motions, and obtaining subpoenas to compel the attendance of witnesses and production of documents from other parties, may be found at Sections 102.20 through 102.32 of the Board's Rules and Regulations. In addition, you should be aware of the following:

- **Special Needs:** If you or any of the witnesses you wish to have testify at the hearing have special needs and require auxiliary aids to participate in the hearing, you should notify the Regional Director as soon as possible and request the necessary assistance. Assistance will be provided to persons who have handicaps falling within the provisions of Section 504 of the Rehabilitation Act of 1973, as amended, and 29 C.F.R. 100.603.
- **Pre-hearing Conference:** One or more weeks before the hearing, the ALJ may conduct a telephonic prehearing conference with the parties. During the conference, the ALJ will explore whether the case may be settled, discuss the issues to be litigated and any logistical issues related to the hearing, and attempt to resolve or narrow outstanding issues, such as disputes relating to subpoenaed witnesses and documents. This conference is usually not recorded, but during the hearing the ALJ or the parties sometimes refer to discussions at the pre-hearing conference. You do not have to wait until the prehearing conference to meet with the other parties to discuss settling this case or any other issues.

### II. DURING THE HEARING

The rules pertaining to the Board's hearing procedures are found at Sections 102.34 through 102.43 of the Board's Rules and Regulations. Please note in particular the following:

- **Witnesses and Evidence:** At the hearing, you will have the right to call, examine, and cross-examine witnesses and to introduce into the record documents and other evidence.
- **Exhibits:** Each exhibit offered in evidence must be provided in duplicate to the court reporter and a copy of each of each exhibit should be supplied to the ALJ and each party when the exhibit is offered in evidence. If a copy of any exhibit is not available when the original is received, it will be the responsibility of the party offering such exhibit to submit the copy to the ALJ before the close of hearing.

(OVER)



If a copy is not submitted, and the filing has not been waived by the ALJ, any ruling receiving the exhibit may be rescinded and the exhibit rejected.

- **Transcripts:** An official court reporter will make the only official transcript of the proceedings, and all citations in briefs and arguments must refer to the official record. The Board will not certify any transcript other than the official transcript for use in any court litigation. Proposed corrections of the transcript should be submitted, either by way of stipulation or motion, to the ALJ for approval. Everything said at the hearing while the hearing is in session will be recorded by the official reporter unless the ALJ specifically directs off-the-record discussion. If any party wishes to make off-the-record statements, a request to go off the record should be directed to the ALJ.
- **Oral Argument:** You are entitled, on request, to a reasonable period of time at the close of the hearing for oral argument, which shall be included in the transcript of the hearing. Alternatively, the ALJ may ask for oral argument if, at the close of the hearing, if it is believed that such argument would be beneficial to the understanding of the contentions of the parties and the factual issues involved.
- **Date for Filing Post-Hearing Brief:** Before the hearing closes, you may request to file a written brief or proposed findings and conclusions, or both, with the ALJ. The ALJ has the discretion to grant this request and to will set a deadline for filing, up to 35 days.

### III. AFTER THE HEARING

The Rules pertaining to filing post-hearing briefs and the procedures after the ALJ issues a decision are found at Sections 102.42 through 102.48 of the Board's Rules and Regulations. Please note in particular the following:

- **Extension of Time for Filing Brief with the ALJ:** If you need an extension of time to file a post-hearing brief, you must follow Section 102.42 of the Board's Rules and Regulations, which requires you to file a request with the appropriate chief or associate chief administrative law judge, depending on where the trial occurred. You must immediately serve a copy of any request for an extension of time on all other parties and furnish proof of that service with your request. You are encouraged to seek the agreement of the other parties and state their positions in your request.
- **ALJ's Decision:** In due course, the ALJ will prepare and file with the Board a decision in this matter. Upon receipt of this decision, the Board will enter an order transferring the case to the Board and specifying when exceptions are due to the ALJ's decision. The Board will serve copies of that order and the ALJ's decision on all parties.
- **Exceptions to the ALJ's Decision:** The procedure to be followed with respect to appealing all or any part of the ALJ's decision (by filing exceptions with the Board), submitting briefs, requests for oral argument before the Board, and related matters is set forth in the Board's Rules and Regulations, particularly in Section 102.46 and following sections. A summary of the more pertinent of these provisions will be provided to the parties with the order transferring the matter to the Board.