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UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

THOMAS LAMONTAGNE, Individually and  
on Behalf of All Others Similarly Situated,

Plaintiff,

v.

TESLA, INC., ELON R. MUSK, ZACHARY J.  
KIRKHORN, and DEEPAK AHUJA,

Defendants.

Case No.

CLASS ACTION

COMPLAINT FOR VIOLATIONS OF THE  
FEDERAL SECURITIES LAWS

DEMAND FOR JURY TRIAL

Plaintiff Thomas Lamontagne (“Plaintiff”), individually and on behalf of all others similarly situated, by Plaintiff’s undersigned attorneys, for Plaintiff’s complaint against Defendants, alleges the following based upon personal knowledge as to Plaintiff and Plaintiff’s own acts, and information and belief as to all other matters, based upon, *inter alia*, the investigation conducted by and through Plaintiff’s attorneys, which included, among other things, a review of the Defendants’ public documents, conference calls and announcements made by Defendants, United States (“U.S.”) Securities and Exchange Commission (“SEC”) filings, wire and press releases published by and regarding Tesla, Inc. (“Tesla” or the “Company”), analysts’ reports and advisories about the Company, and information readily obtainable on the Internet. Plaintiff believes that substantial, additional evidentiary support will exist for the allegations set

1 forth herein after a reasonable opportunity for discovery.

2 **NATURE OF THE ACTION**

3 1. This is a federal securities class action on behalf of a class consisting of all persons  
4 and entities other than Defendants that purchased or otherwise acquired Tesla common stock  
5 between February 19, 2019 and February 17, 2023, both dates inclusive (the “Class Period”),  
6 seeking to recover damages caused by Defendants’ violations of the federal securities laws and  
7 to pursue remedies under Sections 10(b) and 20(a) of the Securities Exchange Act of 1934 (the  
8 “Exchange Act”) and Rule 10b-5 promulgated thereunder, against the Company and certain of its  
9 top officials.  
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11 2. Tesla designs and manufactures electric vehicles, battery energy storage, solar  
12 panels and roof tiles, and related products and services. Tesla is headquartered in Austin, Texas  
13 and incorporated in Delaware. The Company’s common stock trades on the Nasdaq Stock Market  
14 (“NASDAQ”) under the ticker symbol “TSLA”.  
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16 3. In 2014, Tesla announced Tesla Autopilot (“Autopilot”), a suite of purportedly  
17 advanced driver-assistance system (“ADAS”) features including automated lane-centering,  
18 traffic-aware cruise control, lane changes, semi-autonomous navigation, and self-parking. In  
19 September 2014, all Tesla cars started shipping with the sensors and software necessary to support  
20 the Autopilot system. Since then, the Company has touted refinements and enhancements to the  
21 Company’s ADAS and Autopilot features, including so-called “Full Self-Driving” (“FSD”)  
22 software, which purportedly enables Tesla vehicles to drive autonomously to a destination entered  
23 in the car’s navigation system.  
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25 4. Throughout the Class Period, Defendants made materially false and misleading  
26 statements regarding the Company’s business, operations, and prospects. Specifically,  
27 Defendants made false and/or misleading statements and/or failed to disclose that: (i) Defendants  
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1 had significantly overstated the efficacy, viability, and safety of the Company’s Autopilot and  
2 FSD technologies; (ii) contrary to Defendants’ representations, Tesla’s Autopilot and FSD  
3 technologies created a serious risk of accident and injury associated with the operation of Tesla  
4 vehicles; (iii) all the foregoing subjected Tesla to an increased risk of regulatory and governmental  
5 scrutiny and enforcement action, as well as reputational harm; and (iv) as a result, the Company’s  
6 public statements were materially false and misleading at all relevant times.  
7

8         5.         On April 18, 2021, media outlets reported that a Tesla vehicle with “no one”  
9 driving it had crashed into a tree, killing two passengers near Houston, Texas in a “fiery” crash.  
10 A Harris County Precinct constable told local news station KPRC 2 that the investigation showed  
11 “no one was driving” the 2019 Tesla vehicle when the accident occurred.

12         6.         On this news, Tesla’s stock price fell \$25.15 per share, or 3.4%, to close at \$714.63  
13 per share on April 19, 2021.  
14

15         7.         On August 16, 2021, media outlets reported that the National Highway Traffic  
16 Safety Administration (“NHTSA”) had opened a formal investigation into Tesla’s Autopilot  
17 system after a series of collisions with parked emergency vehicles. The scope of the investigation  
18 included 765,000 vehicles, or nearly every vehicle that Tesla has sold in the U.S. since the start  
19 of the 2014 model year.  
20

21         8.         On this news, Tesla’s stock price fell \$31.00 per share, or 4.32%, to close at  
22 \$686.17 per share on August 16, 2021.

23         9.         On June 3, 2022, media outlets reported that NHTSA had issued a formal inquiry  
24 to Tesla about the Autopilot and FSD features for certain models of its vehicles after receiving  
25 complaints from more than 750 owners of the vehicles about sudden and unexpected braking with  
26 no immediate cause.  
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1           10. On this news, Tesla’s stock price fell \$71.45 per share, or 9.22%, to close at  
2 \$703.55 per share on June 3, 2022.

3           11. On January 27, 2023, media outlets reported that the SEC was investigating  
4 statements made by Tesla and its Chief Executive Officer (“CEO”), Defendant Elon R. Musk  
5 (“Musk”), concerning the Autopilot system, including whether Musk made inappropriate  
6 forward-looking statements regarding the Autopilot system.  
7

8           12. On this news, Tesla’s stock price fell \$11.24 per share, or 6.32%, to close at  
9 \$166.66 per share on January 30, 2023.

10           13. On February 16, 2023, media outlets reported that NHTSA had ordered a recall of  
11 nearly 363,000 Tesla vehicles equipped with the Company’s FSD “Beta” software, stating that  
12 the software may allow the equipped vehicles to act “in an unlawful or unpredictable manner,”  
13 increasing the risk of a crash.  
14

15           14. On this news, Tesla’s stock price fell \$12.20 per share, or 5.69%, to close at  
16 \$202.04 per share on February 16, 2023.

17           15. Then, on February 18, 2023, media outlets reported that a Tesla vehicle had  
18 crashed into a fire truck that was responding to an earlier accident, killing the driver and injuring  
19 a passenger and four firefighters. News reports linked the crash with prior reports of Tesla  
20 vehicles crashing into stationary emergency vehicles as a consequence of poorly performing  
21 ADAS technologies, increasing market and public concerns regarding the Autopilot system in  
22 Tesla’s vehicles.  
23

24           16. On this news, Tesla’s stock price fell \$10.94 per share, or 5.25%, to close at  
25 \$197.37 per share on February 21, 2023, the next trading day.  
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1 17. As a result of Defendants' wrongful acts and omissions, and the precipitous  
2 decline in the market value of the Company's common stock, Plaintiff and other Class members  
3 have suffered significant losses and damages.

4 **JURISDICTION AND VENUE**

5 18. The claims asserted herein arise under and pursuant to Sections 10(b) and 20(a) of  
6 the Exchange Act (15 U.S.C. §§ 78j(b) and 78t(a)) and Rule 10b-5 promulgated thereunder by  
7 the SEC (17 C.F.R. § 240.10b-5).

8 19. This Court has jurisdiction over the subject matter of this action pursuant to 28  
9 U.S.C. § 1331 and Section 27 of the Exchange Act.

10 20. Venue is proper in this Judicial District pursuant to Section 27 of the Exchange  
11 Act (15 U.S.C. § 78aa) and 28 U.S.C. § 1391(b). Tesla maintains significant operations in this  
12 Judicial District, Defendants conduct business in this Judicial District, Tesla's headquarters were  
13 located in this Judicial District throughout the Class Period until December 2021, and a significant  
14 portion of Defendants' activities took place within this Judicial District.

15 21. In connection with the acts alleged in this complaint, Defendants, directly or  
16 indirectly, used the means and instrumentalities of interstate commerce, including, but not limited  
17 to, the mails, interstate telephone communications, and the facilities of the national securities  
18 markets.

19 **PARTIES**

20 22. Plaintiff, as set forth in the attached Certification, acquired Tesla securities at  
21 artificially inflated prices during the Class Period and was damaged upon the revelation of the  
22 alleged corrective disclosures.

23 23. Defendant Tesla is a Delaware corporation with principal executive offices located  
24 at 1 Tesla Road, Austin, Texas 78725. The Company's principal executive offices were  
25

1 previously located at 3500 Deer Creek Road, Palo Alto, California 94304, until December 2021.  
2 Tesla's common stock trades in an efficient market on the NASDAQ under the ticker symbol  
3 "TSLA".

4 24. Defendant Musk has served as Tesla's CEO at all relevant times.

5 25. Defendant Zachary J. Kirkhorn ("Kirkhorn") has served as Tesla's Chief Financial  
6 Officer ("CFO") since March 2019.  
7

8 26. Defendant Deepak Ahuja ("Ahuja") served as Tesla's CFO from before the start  
9 of the Class Period to March 2019.

10 27. Defendants Musk, Kirkhorn, and Ahuja are sometimes referred to herein  
11 collectively as the "Individual Defendants."

12 28. The Individual Defendants possessed the power and authority to control the  
13 contents of Tesla's SEC filings, press releases, and other market communications. The Individual  
14 Defendants were provided with copies of Tesla's SEC filings and press releases alleged herein to  
15 be misleading prior to or shortly after their issuance and had the ability and opportunity to prevent  
16 their issuance or to cause them to be corrected. Because of their positions with Tesla, and their  
17 access to material information available to them but not to the public, the Individual Defendants  
18 knew that the adverse facts specified herein had not been disclosed to and were being concealed  
19 from the public, and that the positive representations being made were then materially false and  
20 misleading. The Individual Defendants are liable for the false statements and omissions pleaded  
21 herein.  
22  
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## 24 **SUBSTANTIVE ALLEGATIONS**

### 25 **Background**

26 29. Tesla designs and manufactures electric vehicles, battery energy storage, solar  
27 panels and roof tiles, and related products and services.  
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1           30.     In 2014, Tesla announced Tesla Autopilot, a suite of purported ADAS features  
2 including automated lane-centering, traffic-aware cruise control, lane changes, semi-autonomous  
3 navigation, and self-parking. In September 2014, all Tesla cars started shipping with the sensors  
4 and software necessary to support the Autopilot system. Since then, the Company has touted  
5 refinements and enhancements to the Company’s ADAS and Autopilot features, including its  
6 FSD software, which purportedly enables Tesla vehicles to drive autonomously to a destination  
7 entered in the car’s navigation system.  
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9                   **Materially False and Misleading Statements Issued During the Class Period**

10           31.     The Class Period begins on February 19, 2019, when Tesla filed an annual report  
11 on Form 10-K with the SEC during pre-market hours, reporting the Company’s financial and  
12 operational results for the quarter and year ended December 31, 2018 (the “2018 10-K”). The  
13 2018 10-K contained the following representations regarding the purported safety-enhancing  
14 features and capabilities of Tesla’s Autopilot technology, as well as advancements in the  
15 development of the same:  
16

17                   ***Self-Driving Development***

18           We have expertise in developing self-driving systems, and currently offer in our  
19 vehicles an advanced driver assist system that we refer to as Autopilot, including  
20 auto-steering, traffic aware cruise control, automated lane changing, automated  
21 parking, Summon and driver warning systems. In October 2016, we began  
22 equipping all Tesla vehicles with hardware needed for full self-driving capability,  
23 including cameras that provide 360 degree visibility, updated ultrasonic sensors for  
24 object detection, a forward-facing radar with enhanced processing, and a powerful  
25 new onboard computer. Our Autopilot systems relieve our drivers of the most  
26 tedious and potentially dangerous aspects of road travel. Although, at present, the  
27 driver is ultimately responsible for controlling the vehicle, our system provides  
28 safety and convenience functionality that allows our customers to rely on it much  
like the system that airplane pilots use when conditions permit. This hardware suite,  
along with over-the-air firmware updates and field data feedback loops from the  
onboard camera, radar, ultrasonics, and GPS, enables the system to continually  
learn and improve its performance.

          Additionally, we continue to make significant advancements in the development of  
fully self-driving technologies.

1 (Emphasis in original.)

2  
3 32. The 2018 10-K also repeatedly referenced the purported “high performance” of  
4 the Autopilot system, including its “active safety and convenience features[.]”

5 33. In addition, the 2018 10-K purported to warn that Tesla “*may* become subject to  
6 product liability claims” (emphasis added) regarding, *inter alia*, the Company’s Autopilot  
7 technology, while simultaneously downplaying such risks and touting the purported safety of the  
8 Company’s vehicles, stating, in relevant part:

9  
10 *Although we design our vehicles to be the safest vehicles on the road*, product  
11 liability claims, even those without merit, could harm our business, prospects,  
12 operating results and financial condition. The automobile industry in particular  
13 experiences significant product liability claims and we face inherent risk of  
14 exposure to claims in the event our vehicles do not perform or are claimed to not  
15 have performed as expected. As is true for other automakers, our cars have been  
16 involved and we expect in the future will be involved in crashes resulting in death  
17 or personal injury, and such crashes where Autopilot is engaged are the subject of  
18 significant public attention. We have experienced and we expect to continue to face  
19 claims arising from or related to misuse or claimed failures of new technologies  
20 that we are pioneering, including Autopilot in our vehicles . . . . A successful  
21 product liability claim against us could require us to pay a substantial monetary  
22 award. Our risks in this area are particularly pronounced given the relatively limited  
23 number of vehicles and energy storage products delivered to date and limited field  
24 experience of our products. Moreover, a product liability claim could generate  
25 substantial negative publicity about our products and business and could have a  
26 material adverse effect on our brand, business, prospects and operating results.

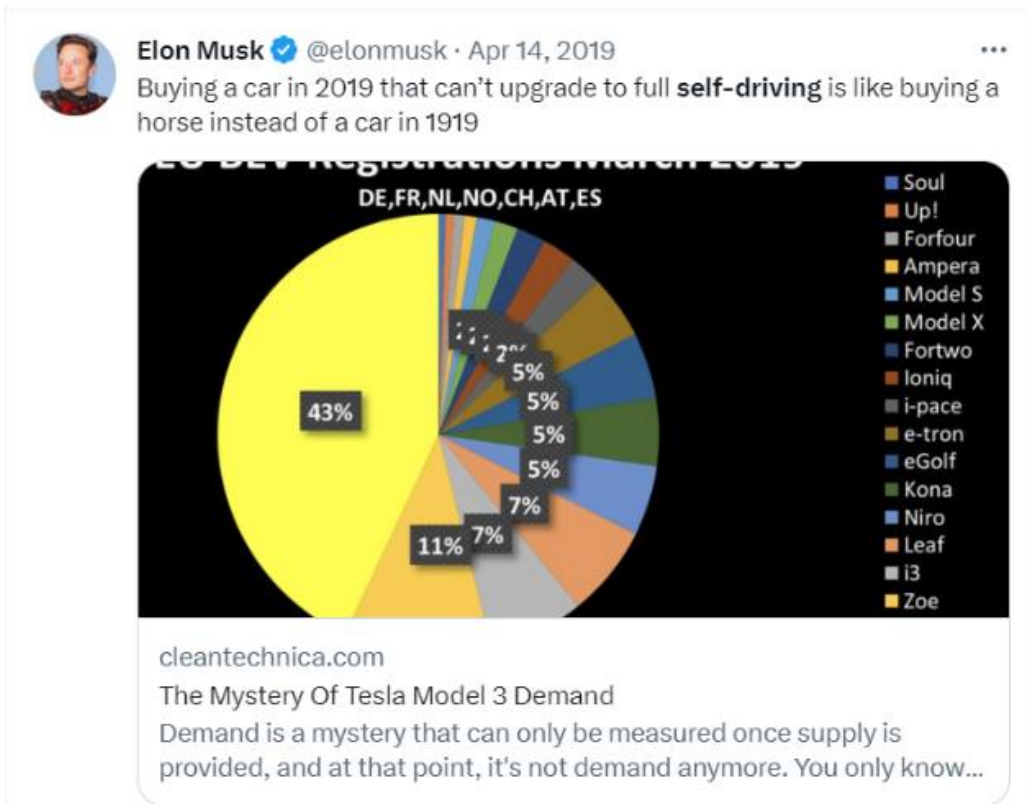
27 (Emphasis added.)

28 34. Appended as an exhibit to the 2018 10-K were signed certifications pursuant to  
the Sarbanes-Oxley Act of 2002 (“SOX”), wherein Defendants Musk and Ahuja “certif[ied],  
pursuant to 18 U.S.C. Section 1350, that, to [their] knowledge, the [2018 10-K] (i) fully complies  
with the requirements of Section 13(a) or 15(d) of the [Exchange Act] and (ii) that the information  
contained in [the 2018 10-K] fairly presents, in all material respects, the financial condition and  
results of operations of Tesla, Inc.”



1 35. On April 3, 2019, Tesla issued a press release stating that “Tesla is making  
 2 significant progress in the development of its autonomous driving software and hardware,  
 3 including our FSD computer, which is currently in production and which will enable full-self  
 4 driving via future over-the-air software updates.”

5  
 6 36. On April 14, 2019, hyping the viability of Tesla’s Autopilot technology,  
 7 Defendant Musk tweeted that “[b]uying a car in 2019 that can’t upgrade to full self-driving is like  
 8 buying a horse instead of a car in 1919”:



37. Likewise, on April 22, 2019, Defendant Musk posted a nearly four-hour video under the caption “Tesla Full Self-Driving,” which depicted footage of Tesla cars purportedly driving autonomously, as well as Musk and other Tesla executives discussing at length the various features of the Autopilot system, at a “Tesla Autonomy Day” event:



14 38. On February 2, 2020, Defendant Musk tweeted that “Tesla will soon have over a  
 15 million connected vehicles worldwide with sensors & compute needed for full self-driving, which  
 16 is orders of magnitude more than everyone else combined, giving you the best possible dataset to  
 17 work with”, thereby endorsing the viability of the Autopilot system’s technology.

18 39. On February 13, 2020, Tesla filed an annual report on Form 10-K with the SEC,  
 19 reporting the Company’s financial and operational results for the quarter and year ended  
 20 December 31, 2019 (the “2019 10-K”). The 2019 10-K contained the following representations  
 21 regarding the purported safety-enhancing features and capabilities of Tesla’s Autopilot and FSD  
 22 technologies, as well as advancements in the development of the same:  
 23

24 ***Self-Driving Development***

25 We have expertise in developing technologies, systems and software to achieve  
 26 self-driving vehicles. We are equipping all new Tesla vehicles with hardware  
 27 needed for full self-driving in the future, including a new powerful and proprietary  
 28 on-board computer that we introduced in 2019. This hardware suite enables field  
 data from the on-board camera, radar, ultrasonics, and GPS to continually train and  
 improve our neural network for real-world performance.

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Currently, we offer in our vehicles certain advanced driver assist systems under our Autopilot and FSD options, including auto-steering, traffic aware cruise control, automated lane changing, automated parking, driver warning systems, and a Smart Summon feature that enables vehicles to be remotely summoned over short distances in parking lots and driveways. These systems relieve our drivers of the most tedious and potentially dangerous aspects of road travel, and the field data feedback loops from the on-board hardware, as well as over-the-air firmware updates, allow us to improve them over time. Although at present the driver is ultimately responsible for controlling the vehicle, our systems provide safety and convenience functionality that allows our customers to rely on them much like the system that airplane pilots use when conditions permit.

(Emphasis in original.)

40. Similarly, the 2019 10-K represented that, “[c]ombined with technical advancements in our [*inter alia*] . . . Autopilot and [FSD] hardware . . . , our electric vehicles boast advantages such as . . . superior acceleration, handling and safety characteristics”; and that “[w]e believe that a key factor in our success will be our Autopilot and FSD technologies that currently enable the driver-assistance features in our vehicles, and in which we are making significant strides through our proprietary and powerful FSD computer and remotely updateable artificial intelligence software.”

41. The 2019 10-K also contained substantively the same generic, boilerplate provision as referenced in ¶ 33, *supra*, regarding the risk that Tesla “*may*” be subjected to product liability claims regarding, among other things, the Company’s Autopilot and FSD technologies, while simultaneously downplaying that risk and touting that “we design our vehicles to be the safest vehicles on the road[.]”

42. Appended as an exhibit to the 2019 10-K were substantively the same SOX certifications as referenced in ¶ 34, *supra*, signed by Defendants Musk and Kirkhorn.

43. On February 8, 2021, Tesla filed an annual report on Form 10-K with the SEC, reporting the Company’s financial and operational results for the quarter and year ended December 31, 2020 (the “2020 10-K”). The 2020 10-K contained the following representations

1 regarding the purported safety-enhancing features and capabilities of Tesla’s Autopilot and FSD  
2 technologies, as well as advancements in the development of the same:

3 ***Self-Driving Development***

4 We have expertise in developing technologies, systems and software to enable self-  
5 driving vehicles using primarily vision and radar-based sensors. Our FSD  
6 Computer runs our neural networks in our vehicles, and we are also developing  
7 additional computer hardware to better enable the massive amounts of field data  
8 captured by our vehicles to continually train and improve these neural networks for  
9 real-world performance.

10 Currently, we offer in our vehicles certain advanced driver assist systems under our  
11 Autopilot and FSD options. Although at present the driver is ultimately responsible  
12 for controlling the vehicle, our systems provide safety and convenience  
13 functionality that relieves drivers of the most tedious and potentially dangerous  
14 aspects of road travel much like the system that airplane pilots use, when conditions  
15 permit. As with other vehicle systems, we improve these functions in our vehicles  
16 over time through over-the-air updates.

17 We intend to establish in the future an autonomous Tesla ride-hailing network,  
18 which we expect would also allow us to access a new customer base even as modes  
19 of transportation evolve.

20 (Emphasis in original.)

21 44. The 2020 10-K also contained substantively the same generic, boilerplate  
22 provision as referenced in ¶ 33, *supra*, regarding the risk that Tesla “*may*” be subjected to product  
23 liability claims regarding, among other things, the Company’s Autopilot and FSD technologies,  
24 while simultaneously downplaying that risk.

25 45. Appended as an exhibit to the 2020 10-K were substantively the same SOX  
26 certifications as referenced in ¶ 34, *supra*, signed by Defendants Musk and Kirkhorn.

27 46. The statements referenced in ¶¶ 31-45 were materially false and misleading  
28 because Defendants made false and/or misleading statements, as well as failed to disclose material  
adverse facts about the Company’s business, operations, and prospects. Specifically, Defendants  
made false and/or misleading statements and/or failed to disclose that: (i) Defendants had  
significantly overstated the efficacy, viability, and safety of the Company’s Autopilot and FSD

1 technologies; (ii) contrary to Defendants’ representations, Tesla’s Autopilot and FSD  
2 technologies created a serious risk of accident and injury associated with the operation of Tesla  
3 vehicles; (iii) all the foregoing subjected Tesla to an increased risk of regulatory and governmental  
4 scrutiny and enforcement action, as well as reputational harm; and (iv) as a result, the Company’s  
5 public statements were materially false and misleading at all relevant times.  
6

7 **The Truth Begins to Emerge**

8 47. On Sunday, April 18, 2021, media outlets reported that a Tesla vehicle with “no  
9 one” driving it had crashed into a tree, killing two passengers near Houston, Texas in a “fiery”  
10 crash. For example, local Houston, Texas news station KPRC 2 published an article that day  
11 reporting, in relevant part:

12 A Memorial Hermann doctor has been identified as one of two men killed when the  
13 Tesla they were in crashed into a tree. The accident has made national headlines  
14 because *local officials investigating the accident say no one was driving the  
15 vehicle.*

16 \* \* \*

17 Harris County Precinct 4 Constable Mark Herman told KPRC 2 that the  
18 investigation showed *“no one was driving” the fully electric 2019 Tesla when the  
19 accident happened. There was a person in the passenger seat of the front of the  
20 car and in the rear passenger seat of the car.*

21 \* \* \*

22 Constable Herman said authorities believe no one else was in the car and that it  
23 burst into flames immediately. He said he believes *it wasn’t being driven by a  
24 human.*

25 Harris County Constable Precinct 4 deputies said the vehicle was traveling at a high  
26 speed when it *failed to negotiate a cul-de-sac turn*, ran off the road and hit the tree.

27 (Emphases added.)

28 48. The same KPRC 2 article also quoted the following statement received from  
NHTSA regarding the incident:

1 NHTSA is aware of the tragic crash involving a Tesla vehicle outside of Houston,  
2 Texas. NHTSA has immediately launched a Special Crash Investigation team to  
3 investigate the crash. We are actively engaged with local law enforcement and  
4 Tesla to learn more about the details of the crash and will take appropriate steps  
5 when we have more information.

6 49. On this news, Tesla's stock price fell \$25.15 per share, or 3.4%, to close at \$714.63  
7 per share on April 19, 2021.

8 50. Then, on August 16, 2021, during pre-market hours, media outlets reported that  
9 NHTSA had opened a formal investigation into Tesla's Autopilot system after a series of  
10 collisions with parked emergency vehicles. For example, an article published by *Forbes* that day  
11 stated, in relevant part:

12 ***U.S. regulators have opened up the biggest review of Tesla's Autopilot since the***  
13 ***driving-assistance feature was introduced, centered around a string of collisions***  
14 ***with emergency vehicles that resulted in numerous injuries and at least one***  
15 ***fatality.***

16 The [NHTSA] says its Office of Defect Investigations opened the review on August  
17 13 to look into 11 crashes involving Teslas hitting vehicles at "first responder  
18 scenes." An estimated 765,000 vehicles produced between 2014 and 2021 and  
19 including every model in Tesla's lineup-the Model S, X, 3 and Y-are covered in the  
20 investigation.

21 It will "assess the technologies and methods used to monitor, assist and enforce the  
22 driver's engagement with the dynamic driving task during Autopilot operation,"  
23 NHTSA said. The investigation will assess the effectiveness of the system's  
24 "Object and Event Detection and Response" and circumstances under which  
25 Autopilot is designed to be functional.

26 \* \* \*

27 The investigation is the biggest in company history and comes as Tesla expands  
28 availability of its so-called [FSD] feature, which the company has told California  
regulators isn't actually autonomous driving technology. NHTSA in January 2017  
concluded an investigation into a Model S crash in Florida that killed the vehicle's  
owner who was using Autopilot at the time without finding the company at fault.  
The family of a Model X driver who was killed in a Silicon Valley crash while  
using the system sued Tesla in May 2019 saying the technology is defective.

Since the system was introduced seven years ago, safety advocates have raised  
concerns that the Autopilot name suggests the driver-assistance feature can lead  
many users to place too much confidence in it. That's been born out by numerous

1 Tesla owners posting videos over the years treating Autopilot as an autonomous  
2 system, with some sleeping at the wheel or even sitting in the back seat while  
3 traveling down the highway.

4 (Emphasis added.)

5 51. On this news, Tesla’s stock price fell \$31.00 per share, or 4.32%, to close at  
6 \$686.17 per share on August 16, 2021. Despite the declines in Tesla’s stock price on April 19  
7 and August 16, 2021, the Company’s common stock continued to trade at artificially inflated  
8 prices throughout the remainder of the Class Period because of Defendants’ continued  
9 misstatements and omissions regarding Tesla’s Autopilot and FSD technologies.

10 52. For example, on February 7, 2022, Tesla filed an annual report on Form 10-K with  
11 the SEC, reporting the Company’s financial and operational results for the quarter and year ended  
12 December 31, 2021 (the “2021 10-K”). That filing contained substantively the same statements  
13 as referenced in ¶ 43, *supra*, regarding the purported safety-enhancing features and capabilities  
14 of Tesla’s Autopilot and FSD technologies, as well as advancements in the development of the  
15 same.

16 53. In addition, the 2021 10-K contained substantively the same generic, boilerplate  
17 provision as referenced in ¶ 33, *supra*, regarding the risk that Tesla “*may*” be subjected to product  
18 liability claims regarding, among other things, the Company’s Autopilot and FSD technologies,  
19 while simultaneously downplaying that risk.

20 54. Appended as an exhibit to the 2021 10-K were substantively the same SOX  
21 certifications as referenced in ¶ 34, *supra*, signed by Defendants Musk and Kirkhorn.

22 55. The statements referenced in ¶¶ 52-54 were materially false and misleading  
23 because Defendants made false and/or misleading statements, as well as failed to disclose material  
24 adverse facts about the Company’s business, operations, and prospects. Specifically, Defendants  
25 made false and/or misleading statements and/or failed to disclose that: (i) Defendants had  
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1 significantly overstated the efficacy, viability, and safety of the Company’s Autopilot and FSD  
2 technologies; (ii) contrary to Defendants’ representations, Tesla’s Autopilot and FSD  
3 technologies created a serious risk of accident and injury associated with the operation of Tesla  
4 vehicles; (iii) all the foregoing subjected Tesla to an increased risk of regulatory and governmental  
5 scrutiny and enforcement action, as well as reputational harm; and (iv) as a result, the Company’s  
6 public statements were materially false and misleading at all relevant times.  
7

8 56. On June 3, 2022, during pre-market hours, media outlets reported that NHTSA  
9 had issued a formal inquiry to Tesla about the Autopilot and FSD features for certain models of  
10 its vehicles after receiving complaints from more than 750 owners of the vehicles about sudden  
11 and unexpected braking with no immediate cause. For example, an article published by *Street*  
12 *Insider* that day stated, in relevant part:

13  
14 US authorities have received 758 complaints concerning Tesla . . . vehicles  
15 unexpectedly braking. The electric vehicle manufacturer must respond to the issue  
16 by June 20th. Tesla has issued several recalls this year. However, the latest  
17 complaint count to the [NHTSA] has more than doubled since February.

18 The NHTSA revealed the number of complaints in a 14-page letter to the company  
19 asking the automaker for all consumer and field reports it has received about false  
20 braking, as well as reports of crashes, injuries, deaths and property damage claims.  
21 It also asks whether the company’s “Full Self Driving” and automatic emergency  
22 braking systems were active at the time of any incident.

23 ***In opening the probe, the agency said it was looking into vehicles equipped with  
24 automated driver-assist features such as adaptive cruise control and “Autopilot,”  
25 which allows them to automatically brake and steer within their lanes.***

26 “Complainants report that the rapid deceleration can occur without warning, and  
27 often repeatedly during a single drive cycle,” the agency says.  
28

(Emphasis added.)

57. On this news, Tesla’s stock price fell \$71.45 per share, or 9.22%, to close at  
\$703.55 per share on June 3, 2022. Despite this decline in Tesla’s stock price, the Company’s  
common stock continued to trade at artificially inflated prices throughout the remainder of the



1 Class Period because of Defendants’ continued misstatements and omissions regarding Tesla’s  
2 Autopilot and FSD technologies.

3 58. For example, on August 18, 2022, Defendant Musk tweeted, in relevant part, that  
4 “side mirrors won’t be needed in a self-driving future”, thereby once again endorsing the viability  
5 of the Autopilot system’s technology and FSD Beta software and suggesting that the Company’s  
6 ADAS technologies obviated the need for basic, common-sense safety practices (*e.g.*, checking a  
7 vehicle’s mirrors).

8  
9 59. The statement referenced in ¶ 58 was materially false and misleading because  
10 Defendants failed to disclose material adverse facts about the Company’s business, operations,  
11 and prospects. Specifically, the statement was false and/or misleading and/or failed to disclose  
12 that: (i) Defendants had significantly overstated the efficacy, viability, and safety of the  
13 Company’s Autopilot and FSD technologies; (ii) contrary to Defendants’ representations, Tesla’s  
14 Autopilot and FSD technologies created a serious risk of accident and injury associated with the  
15 operation of Tesla vehicles; (iii) all the foregoing subjected Tesla to an increased risk of  
16 regulatory and governmental scrutiny and enforcement action, as well as reputational harm; and  
17 (iv) as a result, the Company’s public statements were materially false and misleading at all  
18 relevant times.  
19

20  
21 60. On January 27, 2023, during after-market hours, media outlets reported that the  
22 SEC was investigating statements made by Tesla and Defendant Musk concerning the Autopilot  
23 system, including whether Musk made inappropriate forward-looking statements regarding the  
24 Autopilot system. For example, an article published by *Bloomberg News* that day stated, in  
25 relevant part:

26 US regulators are investigating Elon Musk’s role in shaping Tesla Inc.’s self-  
27 driving car claims, the latest effort by watchdogs to scrutinize the actions of the  
28 world’s second-richest person.

1 The review is part of an ongoing [SEC] probe of the company’s statements about  
2 its Autopilot driver-assistance system, according to a person with knowledge of the  
3 matter who asked not to be identified discussing aspects of the investigation that  
4 haven’t been disclosed.

5 As Tesla’s [CEO], the veracity of Musk’s comments carry particular heft under the  
6 agency’s rules. The SEC declined to comment. Musk and his attorney Alex Spiro  
7 didn’t respond to requests for comment.

8 Musk is already clashing with the SEC on several fronts. But the regulator’s  
9 Autopilot review directly touches on a business priority that Musk has singled out  
10 as crucial to Tesla’s future.

11 *SEC officials are weighing whether Musk may have inappropriately made*  
12 *forward-looking statements, said the person. An investigation by the agency’s*  
13 *enforcement unit doesn’t always lead to consequences, but can result in lawsuits,*  
14 *fines or other civil penalties for companies and executives.*

15 It couldn’t be determined specifically which of Musk’s statements or activities  
16 about Autopilot have garnered the attention of the SEC.

17 Tesla’s driver-assistance technology has for years been a focus of Musk. He  
18 personally directed the creation of a 2016 video that may have exaggerated the  
19 technology’s capabilities. *The video’s promises of eventual fully autonomous,*  
20 *hands-free driving functionality have yet to materialize.*

21 In a behind-the-scenes glimpse into Musk’s thinking about the Autopilot video, he  
22 told Tesla staff in internal emails in 2016, “I will be telling the world that this is  
23 what the car \*will\* be able to do.” Musk continued, “not that it can do this upon  
24 receipt.”

25 Tesla beats out its competitors on self-driving vehicles because “the car is  
26 upgradeable to autonomy,” Musk said during a Twitter Spaces conversation in  
27 December. “That’s something that no other car company can do,” he added.

28 (Emphases added.)

61. On this news, Tesla’s stock price fell \$11.24 per share, or 6.32%, to close at  
\$166.66 per share on January 30, 2023, the next trading day. Despite this decline in Tesla’s stock  
price, the Company’s common stock continued to trade at artificially inflated prices throughout  
the remainder of the Class Period because of Defendants’ continued misstatements and omissions  
regarding Tesla’s Autopilot and FSD technologies.

1           62. For example, on January 31, 2023, Tesla filed an annual report on Form 10-K with  
2 the SEC, reporting the Company’s financial and operational results for the quarter and year ended  
3 December 31, 2022 (the “2022 10-K”). That filing contained substantively the same statements  
4 as referenced in ¶ 43, *supra*, regarding the purported safety-enhancing features and capabilities  
5 of Tesla’s Autopilot and FSD technologies, as well as advancements in the development of the  
6 same.  
7

8           63. In addition, the 2022 10-K contained substantively the same generic, boilerplate  
9 provision as referenced in ¶ 33, *supra*, regarding the risk that Tesla “*may*” be subjected to product  
10 liability claims regarding, among other things, the Company’s Autopilot and FSD technologies,  
11 while simultaneously downplaying that risk.

12           64. Appended as an exhibit to the 2022 10-K were substantively the same SOX  
13 certifications as referenced in ¶ 34, *supra*, signed by Defendants Musk and Kirkhorn.  
14

15           65. The statements referenced in ¶¶ 62-64 were materially false and misleading  
16 because Defendants made false and/or misleading statements, as well as failed to disclose material  
17 adverse facts about the Company’s business, operations, and prospects. Specifically, Defendants  
18 made false and/or misleading statements and/or failed to disclose that: (i) Defendants had  
19 significantly overstated the efficacy, viability, and safety of the Company’s Autopilot and FSD  
20 technologies; (ii) contrary to Defendants’ representations, Tesla’s Autopilot and FSD  
21 technologies created a serious risk of accident and injury associated with the operation of Tesla  
22 vehicles; (iii) all the foregoing subjected Tesla to an increased risk of regulatory and governmental  
23 scrutiny and enforcement action, as well as reputational harm; and (iv) as a result, the Company’s  
24 public statements were materially false and misleading at all relevant times.  
25  
26  
27  
28

**The Truth Fully Emerges**

1  
2 66. On February 16, 2023, media outlets reported that NHTSA had ordered a recall of  
3 nearly 363,000 Tesla vehicles equipped with the Company’s FSD “Beta” software, stating that  
4 the software may allow the equipped vehicles to act “in an unlawful or unpredictable manner,”  
5 increasing the risk of a crash. For example, an article published by *Bloomberg News* that day  
6 stated, in relevant part:  
7

8 Tesla Inc. is recalling 362,758 vehicles due to a crash risk associated with its so-  
9 called Full Self-Driving Beta software, according to US authorities.

10 The system “may allow the vehicle to act unsafe around intersections,” including  
11 traveling straight through an intersection from a turn lane and proceeding through  
12 steady-yellow traffic lights, according to a filing Thursday. Tesla is expected to fix  
the issue through an over-the-air software update by April 15, the US National  
Highway Traffic Safety Administration said.

13 The system’s errors “could increase the risk of a collision if the driver does not  
14 intervene,” the NHTSA said.

15 \* \* \*

16 The agency said it first notified Tesla on Jan. 25 that it had identified “potential  
17 concerns related to certain operational characteristics of FSD Beta in four specific  
roadway environments” and requested that the automaker file a recall.

18 Tesla met with the agency multiple times in the following days. The company did  
19 not concur with the agency’s analysis, but decided on Feb. 7 to move forward with  
the recall “out of an abundance of caution,” according to NHTSA.

20  
21 67. On this news, Tesla’s stock price fell \$12.20 per share, or 5.69%, to close at  
22 \$202.04 per share on February 16, 2023.

23 68. Then, on February 18, 2023, media outlets reported that a Tesla vehicle had  
24 crashed into a fire truck that was responding to an earlier accident, killing the driver and injuring  
25 a passenger and four firefighters. News reports linked the crash with prior reports of Tesla  
26 vehicles crashing into stationary emergency vehicles as a consequence of poorly performing  
27  
28

1 ADAS technologies, increasing market and public concerns regarding the Autopilot system in  
2 Tesla’s vehicles. For example, an article published by *Reuters* that day stated, in relevant part:

3 A Tesla . . . driver in California died early on Saturday after crashing into a fire  
4 truck on an interstate highway, the fire department said.

5 *U.S. regulators are investigating Tesla vehicles with the Autopilot driver*  
6 *assistance system over a string of crashes with parked emergency vehicles.*

7 Tesla did not immediately respond to Reuters requests for comment outside of  
8 business hours.

9 The Contra Costa County Fire Protection District Department said in a tweet that a  
10 passenger in the Tesla was taken to the hospital in critical condition. An official  
11 said four firefighters were released with minor injuries after evaluation.

12 The department said the truck had been blocking lanes of I-680 after a previous  
13 accident.

14 *The [NHTSA] said on Thursday its investigation, opened in 2021, “into Tesla’s*  
15 *Autopilot and associated vehicle systems remains open and active.” It is*  
16 *reviewing whether Tesla vehicles adequately ensure drivers are paying attention.*

17 The statement followed Tesla announcing a recall of more than 362,000 U.S.  
18 vehicles to update its Full Self-Driving Beta software after regulators raised  
19 concerns about the driver assistance system did not adequately adhere to traffic  
20 safety laws and could cause crashes.

(Emphases added.)

21 69. On this news, Tesla’s stock price fell \$10.94 per share, or 5.25%, to close at  
22 \$197.37 per share on February 21, 2023, the next trading day.

23 70. As a result of Defendants’ wrongful acts and omissions, and the precipitous  
24 decline in the market value of the Company’s common stock, Plaintiff and other Class members  
25 have suffered significant losses and damages.

26 **PLAINTIFF’S CLASS ACTION ALLEGATIONS**

27 71. Plaintiff brings this action as a class action pursuant to Federal Rule of Civil  
28 Procedure 23(a) and (b)(3) on behalf of a Class, consisting of all those who purchased or  
otherwise acquired Tesla common stock during the Class Period (the “Class”); and were damaged

1 upon the revelation of the alleged corrective disclosures. Excluded from the Class are Defendants  
2 herein, the officers and directors of the Company, at all relevant times, members of their  
3 immediate families and their legal representatives, heirs, successors or assigns and any entity in  
4 which Defendants have or had a controlling interest.

5  
6 72. The members of the Class are so numerous that joinder of all members is  
7 impracticable. Throughout the Class Period, Tesla common stock was actively traded on the  
8 NASDAQ. While the exact number of Class members is unknown to Plaintiff at this time and  
9 can be ascertained only through appropriate discovery, Plaintiff believes that there are hundreds  
10 or thousands of members in the proposed Class. Record owners and other members of the Class  
11 may be identified from records maintained by Tesla or its transfer agent and may be notified of  
12 the pendency of this action by mail, using the form of notice similar to that customarily used in  
13 securities class actions.

14  
15 73. Plaintiff's claims are typical of the claims of the members of the Class as all  
16 members of the Class are similarly affected by Defendants' wrongful conduct in violation of  
17 federal law that is complained of herein.

18  
19 74. Plaintiff will fairly and adequately protect the interests of the members of the Class  
20 and has retained counsel competent and experienced in class and securities litigation. Plaintiff  
21 has no interests antagonistic to or in conflict with those of the Class.

22  
23 75. Common questions of law and fact exist as to all members of the Class and  
24 predominate over any questions solely affecting individual members of the Class. Among the  
25 questions of law and fact common to the Class are:

- 26 • whether the federal securities laws were violated by Defendants' acts as alleged  
27 herein;
- 28 • whether statements made by Defendants to the investing public during the Class  
Period misrepresented material facts about the business, operations and  
management of Tesla;

- 1 • whether the Individual Defendants caused Tesla to issue false and misleading  
2 financial statements during the Class Period;
- 3 • whether Defendants acted knowingly or recklessly in issuing false and  
4 misleading financial statements;
- 5 • whether the prices of Tesla common stock during the Class Period were  
6 artificially inflated because of the Defendants' conduct complained of herein;  
7 and
- 8 • whether the members of the Class have sustained damages and, if so, what is the  
9 proper measure of damages.

10 76. A class action is superior to all other available methods for the fair and efficient  
11 adjudication of this controversy since joinder of all members is impracticable. Furthermore, as  
12 the damages suffered by individual Class members may be relatively small, the expense and  
13 burden of individual litigation make it impossible for members of the Class to individually redress  
14 the wrongs done to them. There will be no difficulty in the management of this action as a class  
15 action.

16 77. Plaintiff will rely, in part, upon the presumption of reliance established by the  
17 fraud-on-the-market doctrine in that:

- 18 • Defendants made public misrepresentations or failed to disclose material facts  
19 during the Class Period;
- 20 • the omissions and misrepresentations were material;
- 21 • Tesla common stock is traded in an efficient market;
- 22 • the Company's shares were liquid and traded with moderate to heavy volume  
23 during the Class Period;
- 24 • the Company traded on the NASDAQ and was covered by multiple analysts;
- 25 • the misrepresentations and omissions alleged would tend to induce a reasonable  
26 investor to misjudge the value of the Company's common stock; and
- 27 • Plaintiff and members of the Class purchased, acquired and/or sold Tesla  
28 common stock between the time the Defendants failed to disclose or

1 misrepresenated material facts and the time the true facts were disclosed, without  
2 knowledge of the omitted or misrepresented facts.

3 78. Based upon the foregoing, Plaintiff and the members of the Class are entitled to a  
4 presumption of reliance upon the integrity of the market.

5 79. Alternatively, Plaintiff and the members of the Class are entitled to the  
6 presumption of reliance established by the Supreme Court in *Affiliated Ute Citizens of the State*  
7 *of Utah v. United States*, 406 U.S. 128, 92 S. Ct. 2430 (1972), as Defendants omitted material  
8 information in their Class Period statements in violation of a duty to disclose such information,  
9 as detailed above.

10  
11 **COUNT I**

12 **(Violations of Section 10(b) of the Exchange Act and Rule 10b-5 Promulgated Thereunder**  
13 **Against All Defendants)**

14 80. Plaintiff repeats and re-alleges each and every allegation contained above as if  
15 fully set forth herein.

16 81. This Count is asserted against Defendants and is based upon Section 10(b) of the  
17 Exchange Act, 15 U.S.C. § 78j(b), and Rule 10b-5 promulgated thereunder by the SEC.

18 82. During the Class Period, Defendants engaged in a plan, scheme, conspiracy and  
19 course of conduct, pursuant to which they knowingly or recklessly engaged in acts, transactions,  
20 practices and courses of business which operated as a fraud and deceit upon Plaintiff and the other  
21 members of the Class; made various untrue statements of material facts and omitted to state  
22 material facts necessary in order to make the statements made, in light of the circumstances under  
23 which they were made, not misleading; and employed devices, schemes and artifices to defraud  
24 in connection with the purchase and sale of securities. Such scheme was intended to, and,  
25 throughout the Class Period, did: (i) deceive the investing public, including Plaintiff and other  
26 Class members, as alleged herein; (ii) artificially inflate and maintain the market price of Tesla  
27  
28



1 common stock; and (iii) cause Plaintiff and other members of the Class to purchase or otherwise  
2 acquire Tesla common stock and options at artificially inflated prices. In furtherance of this  
3 unlawful scheme, plan and course of conduct, Defendants, and each of them, took the actions set  
4 forth herein.

5  
6 83. Pursuant to the above plan, scheme, conspiracy and course of conduct, each of the  
7 Defendants participated directly or indirectly in the preparation and/or issuance of the quarterly  
8 and annual reports, SEC filings, press releases and other statements and documents described  
9 above, including statements made to securities analysts and the media that were designed to  
10 influence the market for Tesla common stock. Such reports, filings, releases and statements were  
11 materially false and misleading in that they failed to disclose material adverse information and  
12 misrepresented the truth about Tesla's finances and business prospects.

13  
14 84. By virtue of their positions at Tesla, Defendants had actual knowledge of the  
15 materially false and misleading statements and material omissions alleged herein and intended  
16 thereby to deceive Plaintiff and the other members of the Class, or, in the alternative, Defendants  
17 acted with reckless disregard for the truth in that they failed or refused to ascertain and disclose  
18 such facts as would reveal the materially false and misleading nature of the statements made,  
19 although such facts were readily available to Defendants. Said acts and omissions of Defendants  
20 were committed willfully or with reckless disregard for the truth. In addition, each Defendant  
21 knew or recklessly disregarded that material facts were being misrepresented or omitted as  
22 described above.

23  
24 85. Information showing that Defendants acted knowingly or with reckless disregard  
25 for the truth is peculiarly within Defendants' knowledge and control. As the senior managers  
26 and/or directors of Tesla, the Individual Defendants had knowledge of the details of Tesla's  
27 internal affairs.  
28

1           86.     The Individual Defendants are liable both directly and indirectly for the wrongs  
2 complained of herein. Because of their positions of control and authority, the Individual  
3 Defendants were able to and did, directly or indirectly, control the content of the statements of  
4 Tesla. As officers and/or directors of a publicly-held company, the Individual Defendants had a  
5 duty to disseminate timely, accurate, and truthful information with respect to Tesla's businesses,  
6 operations, future financial condition and future prospects. As a result of the dissemination of the  
7 aforementioned false and misleading reports, releases and public statements, the market price of  
8 Tesla common stock was artificially inflated throughout the Class Period. In ignorance of the  
9 adverse facts concerning Tesla's business and financial condition which were concealed by  
10 Defendants, Plaintiff and the other members of the Class purchased or otherwise acquired Tesla  
11 common stock at artificially inflated prices and relied upon the price of the common stock, the  
12 integrity of the market for the common stock and/or upon statements disseminated by Defendants,  
13 and were damaged thereby.

14  
15  
16           87.     During the Class Period, Tesla common stock was traded on an active and efficient  
17 market. Plaintiff and the other members of the Class, relying on the materially false and  
18 misleading statements described herein, which the Defendants made, issued or caused to be  
19 disseminated, or relying upon the integrity of the market, purchased or otherwise acquired shares  
20 of Tesla common stock at prices artificially inflated by Defendants' wrongful conduct. Had  
21 Plaintiff and the other members of the Class known the truth, they would not have purchased or  
22 otherwise acquired said common stock, or would not have purchased or otherwise acquired them  
23 at the inflated prices that were paid. At the time of the purchases and/or acquisitions by Plaintiff  
24 and the Class, the true value of Tesla common stock was substantially lower than the prices paid  
25 by Plaintiff and the other members of the Class. The market price of Tesla common stock  
26  
27  
28

1 declined sharply upon public disclosure of the facts alleged herein to the injury of Plaintiff and  
2 Class members.

3 88. By reason of the conduct alleged herein, Defendants knowingly or recklessly,  
4 directly or indirectly, have violated Section 10(b) of the Exchange Act and Rule 10b-5  
5 promulgated thereunder.

6  
7 89. As a direct and proximate result of Defendants' wrongful conduct, Plaintiff and  
8 the other members of the Class suffered damages in connection with their respective purchases,  
9 acquisitions and sales of the Company's common stock during the Class Period, upon the  
10 disclosure that the Company had been disseminating misrepresented financial statements to the  
11 investing public.

12 **COUNT II**

13 **(Violations of Section 20(a) of the Exchange Act Against the Individual Defendants)**

14  
15 90. Plaintiff repeats and re-alleges each and every allegation contained in the  
16 foregoing paragraphs as if fully set forth herein.

17 91. During the Class Period, the Individual Defendants participated in the operation  
18 and management of Tesla, and conducted and participated, directly and indirectly, in the conduct  
19 of Tesla's business affairs. Because of their senior positions, they knew the adverse non-public  
20 information about Tesla's misstatement of income and expenses and false financial statements.

21  
22 92. As officers and/or directors of a publicly owned company, the Individual  
23 Defendants had a duty to disseminate accurate and truthful information with respect to Tesla's  
24 financial condition and results of operations, and to correct promptly any public statements issued  
25 by Tesla which had become materially false or misleading.

26  
27 93. Because of their positions of control and authority as senior officers, the Individual  
28 Defendants were able to, and did, control the contents of the various reports, press releases and

1 public filings which Tesla disseminated in the marketplace during the Class Period concerning  
2 Tesla's results of operations. Throughout the Class Period, the Individual Defendants exercised  
3 their power and authority to cause Tesla to engage in the wrongful acts complained of herein. The  
4 Individual Defendants, therefore, were "controlling persons" of Tesla within the meaning of  
5 Section 20(a) of the Exchange Act. In this capacity, they participated in the unlawful conduct  
6 alleged which artificially inflated the market price of Tesla common stock.  
7

8 94. Each of the Individual Defendants, therefore, acted as a controlling person of  
9 Tesla. By reason of their senior management positions and/or being directors of Tesla, each of  
10 the Individual Defendants had the power to direct the actions of, and exercised the same to cause,  
11 Tesla to engage in the unlawful acts and conduct complained of herein. Each of the Individual  
12 Defendants exercised control over the general operations of Tesla and possessed the power to  
13 control the specific activities which comprise the primary violations about which Plaintiff and the  
14 other members of the Class complain.  
15

16 95. By reason of the above conduct, the Individual Defendants are liable pursuant to  
17 Section 20(a) of the Exchange Act for the violations committed by Tesla.  
18

19 **PRAYER FOR RELIEF**

20 **WHEREFORE**, Plaintiff demands judgment against Defendants as follows:

21 A. Determining that the instant action may be maintained as a class action under Rule  
22 23 of the Federal Rules of Civil Procedure, and certifying Plaintiff as the Class representative;

23 B. Requiring Defendants to pay damages sustained by Plaintiff and the Class by  
24 reason of the acts and transactions alleged herein;

25 C. Awarding Plaintiff and the other members of the Class prejudgment and post-  
26 judgment interest, as well as their reasonable attorneys' fees, expert fees and other costs; and

27 D. Awarding such other and further relief as this Court may deem just and proper.  
28

**DEMAND FOR TRIAL BY JURY**

Plaintiff hereby demands a trial by jury.

Dated: February 27, 2023

Respectfully submitted,

POMERANTZ LLP

/s/ Jennifer Pafiti

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*Attorneys for Plaintiff*

**CERTIFICATION PURSUANT  
TO FEDERAL SECURITIES LAWS**

1. I, thomas lamontagne, make this declaration pursuant to Section 27(a)(2) of the Securities Act of 1933 (“Securities Act”) and/or Section 21D(a)(2) of the Securities Exchange Act of 1934 (“Exchange Act”) as amended by the Private Securities Litigation Reform Act of 1995.

2. I have reviewed a Complaint against Tesla, Inc. (“Tesla”) and authorize the filing of a comparable complaint on my behalf.

3. I did not purchase or acquire Tesla securities at the direction of plaintiffs’ counsel or in order to participate in any private action arising under the Securities Act or Exchange Act.

4. I am willing to serve as a representative party on behalf of a Class of investors who purchased or otherwise acquired Tesla securities during the Class Period as specified in the Complaint, including providing testimony at deposition and trial, if necessary. I understand that the Court has the authority to select the most adequate lead plaintiff in this action.


5. The attached sheet lists all of my transactions in Tesla securities during the Class Period as specified in the Complaint.

6. During the three-year period preceding the date on which this Certification is signed, I have not served or sought to serve as a representative party on behalf of a class under the federal securities laws.

7. I agree not to accept any payment for serving as a representative party on behalf of the class as set forth in the Complaint, beyond my pro rata share of any recovery, except such reasonable costs and expenses directly relating to the representation of the class as ordered or approved by the Court.

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

Executed 2/23/23  
(Date)

  
(Signature)

Thomas Lamontagne  
(Type or Print Name)

Tesla Inc. (TSLA)

Thomas Lamontagne

## List of Purchases and Sales

| Transaction Type   | Date       | Number of Shares/Unit | Price Per Share/Unit |
|--------------------|------------|-----------------------|----------------------|
| Purchase           | 3/27/2020  | 12                    | \$512.6083           |
| Purchase           | 4/1/2020   | 4                     | \$504.5933           |
| Purchase           | 4/13/2020  | 4                     | \$639.8787           |
| Purchase           | 4/28/2020  | 1                     | \$769.7156           |
| Purchase           | 4/28/2020  | 1                     | \$777.5299           |
| Purchase           | 5/4/2020   | 21                    | \$731.5626           |
| Purchase           | 5/4/2020   | 15                    | \$740.9399           |
| Purchase           | 5/4/2020   | 2                     | \$738.1001           |
| Purchase           | 5/4/2020   | 1                     | \$733.7399           |
| Purchase           | 6/10/2020  | 2                     | \$1,018.0865         |
| Purchase           | 7/9/2020   | 4                     | \$1,376.8700         |
| Purchase           | 7/13/2020  | 2                     | \$1,769.0000         |
| Purchase           | 8/18/2020  | 3                     | \$1,866.4183         |
| Purchase           | 8/19/2020  | 1                     | \$1,902.3600         |
| Purchase           | 8/21/2020  | 3                     | \$2,073.5499         |
| Purchase           | 8/26/2020  | 1                     | \$2,108.4800         |
| Purchase           | 8/27/2020  | 1                     | \$2,211.6000         |
| Purchase           | 8/27/2020  | 1                     | \$2,211.5750         |
| Purchase           | 8/28/2020  | 1                     | \$2,273.6400         |
| Purchase           | 9/1/2020   | 12                    | \$498.6200           |
| Purchase           | 11/24/2020 | 4                     | \$544.6500           |
| Purchase           | 12/30/2020 | 11                    | \$688.3651           |
| Purchase           | 1/6/2021   | 15                    | \$760.0307           |
| Purchase           | 1/11/2021  | 20                    | \$823.9700           |
| Purchase           | 1/11/2021  | 7                     | \$808.7228           |
| Purchase           | 1/13/2021  | 2                     | \$842.3519           |
| Purchase           | 1/28/2021  | 50                    | \$834.2700           |
| Purchase           | 1/28/2021  | 25                    | \$833.8800           |
| Purchase           | 2/1/2021   | 25                    | \$821.7500           |
| Purchase           | 2/1/2021   | 50                    | \$827.5748           |
| Purchase           | 2/23/2021  | 30                    | \$702.8500           |
| Purchase           | 2/24/2021  | 40                    | \$727.8699           |
| Purchase           | 3/9/2021   | 150                   | \$644.4600           |
| Purchase           | 3/9/2021   | 200                   | \$667.6899           |
| Purchase           | 3/26/2021  | 25                    | \$617.8999           |
| Purchase           | 3/31/2021  | 25                    | \$670.5150           |
| Purchase           | 5/14/2021  | 25                    | \$590.4099           |
| Purchase           | 2/24/2022  | 100                   | \$746.9400           |
| Sale               | 5/4/2020   | (22)                  | \$701.0200           |
| Sale               | 5/4/2020   | (21)                  | \$730.5874           |
| Sale               | 2/23/2021  | (10)                  | \$675.4100           |
| Sale               | 2/23/2021  | (5)                   | \$677.1332           |
| Sale               | 3/4/2021   | (40)                  | \$626.9550           |
| Sale               | 3/4/2021   | (200)                 | \$615.0801           |
| Sale               | 3/4/2021   | (221)                 | \$612.0027           |
| Sale               | 3/9/2021   | (150)                 | \$664.1101           |
| Sale               | 2/24/2022  | (275)                 | \$701.1900           |
| Received 5:1 Split | 8/30/2020  | 148                   |                      |
| Received 3:1 Split | 8/25/2022  | 200                   |                      |



# ClassAction.org

This complaint is part of ClassAction.org's searchable class action lawsuit database and can be found in this post: [Class Action Claims Tesla, Musk Misled Investors on Viability of Self-Driving Tech](#)

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