

Tesla lawyers claim Elon Musk's past statements about self-driving safety could just be deepfakes

By James Vincent

Lawyers for automaker Tesla have argued that statements by Elon Musk about the capabilities of the company's Autopilot software can't be trusted as they could be deepfakes, according to reports from [Reuters](#) and [Bloomberg](#).

Tesla presented this argument as part of its justification as to why Musk shouldn't be interviewed under oath for a [lawsuit blaming the company](#) for the death of Apple engineer Walter Huang in a fatal crash in 2018.

Huang died while driving a Tesla Model X, with attorneys for his family arguing Tesla's driver assist software was at fault. The attorneys seek to interview Musk regarding statements he made about the safety of this software. These include an interview in 2016 in which Musk claimed that "a Model S and Model X, at this point, can drive autonomously with greater safety than a person." You can watch Musk making this [statement in a YouTube video](#) below:

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Per *Reuters*, Tesla's lawyers stated that Musk could not recall details about such claims and that, "like many public figures, is the subject of many 'deepfake' videos and audio recordings that purport to show him saying and doing things he never actually said or did."

But the judge in the case said this argument by Tesla's lawyers was "deeply troubling."

"Their position is that because Mr. Musk is famous and might be more of a target for deep fakes, his public statements are immune," wrote Santa Clara County Superior Court Judge Evette D.

Pennypacker. "In other words, Mr. Musk, and others in his position, can simply say whatever they like in the public domain, then hide behind the potential for their recorded statements being a deep fake to avoid taking ownership of what they did actually say and do."

Judge Evette Pennypacker tentatively ordered that Musk give a limited, three-hour deposition about these statements. *Reuters* notes that "California judges often issue tentative rulings, which are almost always finalized with few major changes after such a hearing." A hearing is scheduled for Thursday to finalize the deposition and the lawsuit is set to go into trial on July 31.