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15 *Attorneys for Plaintiff John Doe*

16 **SUPERIOR COURT OF STATE OF CALIFORNIA**

17 **COUNTY OF SAN FRANCISCO**

18 **CIVIL UNLIMITED JURISDICTION**

19 JOHN DOE, an individual,

20 *Plaintiff,*

21 v.

22 SUBSTACK, INC., a Delaware
23 Corporation; AMAZON WEB SERVICES,
24 INC., a Delaware corporation; JACK
25 POULSON, an individual; TECH
26 INQUIRY, INC., a Delaware corporation;
27 DOES 1-25, inclusive,

28 *Defendants.*

Case No.: CGC-24-618681

**DECLARATION OF DAVID MAREK IN
SUPPORT OF APPLICATION FOR ORDER
TO SHOW CAUSE AND TEMPORARY
RESTRAINING ORDER**

Hearing Date: November 13, 2024
Time: 11:00 a.m.
(Ex parte calendar) Dept. No. 302

ELECTRONICALLY
FILED

Superior Court of California,
County of San Francisco

11/12/2024
Clerk of the Court

BY: SANDRA SCHIRO
Deputy Clerk

1
2 **DECLARATION OF DAVID MAREK IN SUPPORT OF APPLICATION FOR ORDER TO**
3 **SHOW CAUSE AND TEMPORARY RESTRAINING ORDER**

4 I, DAVID MAREK, declare:

5 1. I am the attorney for Plaintiff in this action. I have personal knowledge of each fact stated in
6 this declaration.

7 2. On Tuesday, November 12, 2024 at or before 10:00 AM, I notified Defendants Substack,
8 AWS, and Tech Inquiry through each's counsel listed below that that Plaintiff would be presenting to
9 this Court at November 12, 2024 at 11:00 AM in Department 302 an application for an order to show
10 cause and temporary restraining order that would (1) prohibit Defendants from disseminating incident
11 report number 210-844-280 (the "Incident Report") or any information related to or describing the
12 contents of the sealed Incident Report (collectively referred to as the "Sealed Report"); (2)
13 immediately remove all URLs, posts, articles, and other content under Defendants' control that
14 reference, link to, or otherwise disclose the Sealed Report or any information related to it; and (3)
15 order Defendants to show cause why a preliminary injunction enjoining such act(s) should not issue
16 pending trial in this action.

17 Substack: Joshua A. Baskin at Jbaskin@wsgr.com
18 Wilson Sonsini Goodrich & Rosati
(415) 947-2160

19 AWS: Ambika Kumar at ambikakumar@dwt.com
20 Sarah Burns at sarahburns@dwt.com
21 Davis Wright Tremaine, LLP
(206) 757-8030
22 (415) 276-4892

23 Tech Inquiry: Susan E. Saeger at susanseager1999@gmail.com
24 The Office of Susan E. Saeger
(310) 890-8991

25 3. I provided notice described herein to Defendant Substack's counsel, Joshua Baskin, via email.
26 The email is attached at **Exhibit A** to this declaration. In response to the notice, I was informed that
27 they intended to appear and oppose the application.

28 //

1 4. I provided notice described herein to Defendant AWS's counsel, Ambika Kumar and Sarah
2 Burns, via email. The email is attached at **Exhibit A** to this declaration. In response to the notice, I
3 was informed that they intended to appear and oppose the application.

4 5. I provided notice described herein to Defendant Tech Inquiry's counsel, Susan Saeger, via
5 email. The email is attached at **Exhibit A** to this declaration. In response to the notice, I was
6 informed that they intended to appear and oppose the application.

7 6. Defendant Poulson had not appeared in this matter as of 10:00 AM on November 12, 2024.
8 However, at 10:38 AM on November 12, 2024, I received an email from David Greene, indicating
9 that he represents Poulson. David Greene's address 815 Eddy Street, San Francisco, California
10 94109; his phone number is 415-436-9333 x143; his email address is david@eff.org. I spoke with
11 Greene at approximately 10:50 AM and sent Greene notification of the of the ex parte motion by
12 email dated November 12, 2024 at 11:02 AM. (**Exhibit A**) Greene took the position that Poulson had
13 not yet been properly served, but also agreed to accept service on behalf of Poulson. Greene
14 indicated that he would appear and oppose the application.

15 I declare under penalty of perjury under the laws of the State of California that the foregoing is
16 true and correct.

17 Dated: November 12, 2024

David Marek
David Marek

EXHIBIT A



David Marek <david@marekfirm.com>

Re: Doe v. Substack; CGC-24-618681

1 message

David Marek <david@marekfirm.com>

Tue, Nov 12, 2024 at 11:02 AM

To: "Baskin, Josh" <jbaskin@wsgr.com>, "Kumar, Ambika" <AmbikaKumar@dwt.com>, Susan Seager <susanseager1999@gmail.com>, "Wakefield, Tom" <twakefield@wsgr.com>, "Burns, Sarah" <SarahBurns@dwt.com>, davidg@eff.org, tori@eff.org

Cc: Ami Sanghvi <ami@marekfirm.com>, Stacy North <stacy@bermannorth.com>, Christina Yanacek <christina@bermannorth.com>, Jenn Baker <jenn@bermannorth.com>

All:

I am correcting the location of tomorrow's hearing yet again. The ex parte hearing will take place tomorrow (11/13) in Department 302 at 11:00AM. That was what I indicated in the original notice, and again apologies for the necessary correction. Attached is a revised Courtcall appearance form.

David

On Tue, Nov 12, 2024 at 10:11 AM David Marek <david@marekfirm.com> wrote:

All

Attached is the service copy for Courtcall appearance ID 11877092.

David

On Tue, Nov 12, 2024 at 10:03 AM David Marek <david@marekfirm.com> wrote:

Counsel

Apologies for the correction, but we will be in Department 206 tomorrow at 11:00 for the ex parte motion. I incorrectly wrote Department 302 in my email below.

All other information in my email remains the same.

Best

David

On Tue, Nov 12, 2024 at 9:59 AM David Marek <david@marekfirm.com> wrote:

Counsel:

I am writing to provide notice that Plaintiff will be moving ex parte tomorrow at 11:00 AM in Department 302 for an application for an order to show cause and temporary restraining order that would (1) prohibit Defendants from disseminating incident report number 210-844-280 (the "Incident Report") or any information related to or describing the contents of the sealed Incident Report (collectively referred to as the "Sealed Report"); (2) immediately remove all URLs, posts, articles, and other content under Defendants' control that reference, link to, or otherwise disclose the Sealed Report or any information related to it; and (3) order Defendants to show cause why a preliminary injunction enjoining such act(s) should not issue pending trial in this action.

Please let us know if you intend to appear and/or object to this motion.

Best,

David

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c 917-721-5042
California New York Florida

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Court Call Appearance - Service Copy - TRO - 11-13-2024 - Dept 302.pdf
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