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15 AMAZON WEB SERVICES, INC.

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17 IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA  
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19 IN AND FOR THE COUNTY OF SAN FRANCISCO  
20  
21 UNLIMITED JURISDICTION

22 JOHN DOE, an individual,  
23  
24 Plaintiff,

25 v.

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

Case No. CGC-24-618681

**REQUEST FOR JUDICIAL NOTICE IN  
SUPPORT OF SPECIAL MOTION TO  
STRIKE PLAINTIFF'S COMPLAINT  
PURSUANT TO CALIFORNIA CODE OF  
CIVIL PROCEDURE SECTION 425.16**

[Notice of Motion and Special Motion to Strike;  
Compendium of Evidence, Request for Judicial  
Notice, and Motion to File Portions of Special  
Motion to Strike, Declaration of Sarah E.  
Burns, and Exhibits 1-6 Under Seal Filed  
Concurrently]

Date: January 6, 2025  
Time: 9:30 a.m.  
Dept.: 302

Action Filed: October 3, 2024

ELECTRONICALLY  
**FILED**  
Superior Court of California,  
County of San Francisco

**12/06/2024**  
**Clerk of the Court**  
BY: SANDRA SCHIRO  
Deputy Clerk

Pursuant to Evidence Code §§ 452 and 453, Defendant Amazon Web Services, Inc. (“AWS”) respectfully requests that this Court take judicial notice of Exhibits 1-6 contained in the concurrently-filed Compendium of Evidence in support of AWS’s Special Motion to Strike Plaintiff’s Complaint Pursuant to California Code of Civil Procedure Section 425.16.<sup>1</sup>

*First*, Exhibit 1 and Exhibit 2 are judicially noticeable because both are incorporated by reference into the Complaint. *See* Declaration of Sarah E. Burns (“Burns Decl.”) ¶¶ 2-3. Specifically, the claims in the Complaint purport to be premised on news articles (“Articles”) published by co-defendant Jack Poulson in 2023 and 2024 containing information from an arrest report (“Incident Report”). *See* Compl. ¶ 24. Exhibit 1 contains the at-issue Articles and Exhibit 2 contains the Incident Report.

Because the Articles and Incident Report are referenced in the Complaint and form the basis of Plaintiff’s claims, they may be considered under the incorporation-by-reference doctrine. *See Circle Star Ctr. Assocs., L.P. v. Liberate Techs.*, 147 Cal. App. 4th 1203, 1206 n.1 (2007) (court may consider documents “incorporated by reference in the complaint”); *Ferlauto v. Hamsher*, 74 Cal. App. 4th 1394, 1397 n.1 (1999) (taking judicial notice of book that was subject of claims for defamation and emotional distress); *Hofmann Co. v. E.I. Du Pont de Nemours & Co.*, 202 Cal. App. 3d 390, 395 n.3 (1988) (taking judicial notice of newspaper article in which allegedly defamatory statements appeared); *Weingarten v. Block*, 102 Cal. App. 3d 129, 137 (1980) (taking judicial notice of series of articles containing allegedly defamatory statements).

*Second*, Exhibits 3-6 contain publicly-available online publications about Plaintiff, his former employer, and his work as an executive in the technology sector; op-eds Plaintiff has published; and publications about this lawsuit. *See* Burns Decl. ¶¶ 4-6. These materials are being submitted for the purposes of establishing that Plaintiff’s claims against AWS arise from acts in furtherance of speech “in connection with a public issue or an issue of public interest” under the

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<sup>1</sup> A court can properly consider admissible evidence in ruling on a special motion to strike under the SLAPP statute. *See* C.C.P. § 425.16(b)(2). All of the items for which AWS seeks judicial notice have been properly submitted and authenticated in AWS’s Compendium of Evidence. *See* Burns Decl. ¶¶ 2-5. Consequently, judicial notice is not necessary for these items to be considered. AWS therefore submits this RJN only out of an abundance of caution, because all of these items are publicly-available and subject to judicial notice.

1 SLAPP statute (*see* C.C.P. § 425.16(e)(3)-(4); SLAPP Motion, Section III) and related  
2 constitutional, statutory, and common law privileges, *see* SLAPP Motion, Section III.A-D.

3 It is proper to take judicial notice of these materials in order “to indicate what was in the  
4 public realm at the time.” *Makaeff v. Trump Univ.*, 715 F.3d 254, 259 n.2, 266-67 (9th Cir. 2013)  
5 (taking judicial notice of books, newspaper and magazine articles, and webpages that helped  
6 establish SLAPP public interest requirement, and demonstrated a “public controversy” for  
7 purposes of analyzing defamation claim). *See also Seelig v. Infinity Broadcasting Corp.*, 97 Cal.  
8 App. 4th 798, 807 n.5 (2002) (taking judicial notice of news articles discussing subject of  
9 defendant’s speech to analyze SLAPP public interest standard); *Cross v. Cooper*, 197 Cal. App.  
10 4th 357, 378 n.13 (2011) (“extensive media coverage” of broad topic of defendant’s speech  
11 supported finding of public interest); *Hecimovich v. Encinal School PTO*, 203 Cal. App. 4th 450,  
12 454 (2012) (Internet websites and search results showed public interest).

13 For all of these reasons, AWS respectfully requests that this Court take judicial notice of  
14 Exhibits 1-6 submitted in support of their SLAPP Motion.

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16 DATED: December 6, 2024

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