1 2 3 4 5 6	JOSHUA A. BASKIN, State Bar No. 294971 THOMAS R. WAKEFIELD, State Bar No. 3301 WILSON SONSINI GOODRICH & ROSATI Professional Corporation One Market Plaza Spear Tower, Suite 3300 San Francisco, CA 94105-1126 Telephone: (415) 947-2000 Facsimile: (866) 974-7329 Email: jbaskin@wsgr.com Email: twakefield@wsgr.com	ELECTRONICALLY FILED Superior Court of California, County of San Francisco  12/06/2024 Clerk of the Court BY: SANDRA SCHIRO Deputy Clerk
7 8	Attorneys for Defendant SUBSTACK, INC.	
9	SUPERIOR COURT OF THE STATE OF CALIFORNIA	
10	COUNTY OF SAN FRANCISCO	
11		
12	JOHN DOE, an individual,	) CASE NO.: CGC-24-618681
13	Plaintiff,	) DEFENDANT'S MOTION TO
14	v.	) FILE PORTIONS OF SPECIAL ) MOTION TO STRIKE PLAINTIFF'S
15	SUBSTACK, INC., a Delaware corporation;	) COMPLAINT AND DEFENDANT'S ) DEMURRER UNDER SEAL
16	AMAZON WEB SERVICES, INC., a Delaware corporation; JACK POULSON, an individual; TECH INQUIRY, INC., a	) Date: January 6, 2025 Time: 9:30a.m.
17	Delaware corporation; DOES 1-25, inclusive,	) Dept: 9.30a.m. ) Dept: 302 ) Before: Hon. Richard B. Ulmer, Jr.
18	Defendants.	) Before. Holl. Richard B. Offiler, Jr.
19		) Action Filed: October 3, 2024 ) Trial Date: None Set
20		, That Bate. None Set
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## TO ALL PARTIES AND THEIR ATTORNEYS OF RECORD:

PLEASE TAKE NOTICE that on January 6, 2024 at 9:30a.m. at Department 302 Defendant will and hereby does move the Court pursuant to California Rules of Court 2.550 and 2.551 to issue an order sealing the Declaration of Joshua A. Baskin in support of Defendant's Special Motion to Strike and Defendant's Demurrer to Complaint ("Declaration") and the exhibits filed therewith ("Exhibits"), which have been lodged conditionally under seal.

Defendant files this Motion out of an abundance of caution. Defendant does not believe any of the materials should be sealed. However, Plaintiff might believe that good cause exists for granting this Motion to Seal. (See Declaration of Joshua A. Baskin, filed herewith.)

This Motion is based on the accompanying Memorandum of Points and Authorities, the Declaration, the papers and records on file in this action, and such further evidence or argument as may be submitted at or before the time of the hearing.

Dated: December 6, 2024 WILSON SONSINI GOODRICH & ROSATI Professional Corporation

By: /s/ Joshua A. Baskin

Joshua A. Baskin E-mail: jbaskin@wsgr.com

Attorneys for Defendant Substack, Inc.

### MEMORANDUM OF POINTS AND AUTHORITIES

### I. INTRODUCTION

On December 6, 2024, Defendant Substack Inc. will file its Special Motion to Strike and Demurrer. As Plaintiff may believe that certain information in the Special Motion to Strike, Demurrer, and supporting materials thereto should be filed under seal, out of an abundance of caution, Defendant moves to seal the Declaration of Joshua A. Baskin in support thereof, and the Exhibits attached thereto. Defendant makes this motion to allow Plaintiff the opportunity to seek to seal this information, and provide sufficient justification under the rules to do so.

# II. ARGUMENT

The Court may order a document to be sealed if the Court finds facts that establish: "(1) [t]here exists an overriding interest that overcomes the right of public access to the record; (2) [t]he overriding interest supports sealing the record; (3) [a] substantial probability exists that the overriding interest will be prejudiced if the record is not sealed; (4) [t]he proposed sealing is narrowly tailored; and (5) [n]o less restrictive means exist to achieve the overriding interest." (Cal. Rules of Court, rule 2.550(d).)

Here, Plaintiff may contend that certain of the information in the Declaration and the Exhibits is subject to sealing under this standard. Therefore, Defendant files this motion to seal to allow Plaintiff to the opportunity to justify sealing of the information, if he so wishes.

### III. CONCLUSION

For the foregoing reasons, Defendant files this motion to seal.

Dated: December 6. 2024 WILSON SONSINI GOODRICH & ROSATI Professional Corporation

By: <u>/s/ Joshua A. Baskin</u> Joshua A. Baskin

Attorneys for Defendant Substack, Inc.