

1 THE MAREK LAW FIRM, INC.
2 DAVID MAREK (CA Bar No. 290686)
3 David@marekfirm.com
4 AMI SANGHVI (CA Bar No. 331801)
5 ami@marekfirm.com
6 228 Hamilton Avenue
7 Palo Alto, CA 94301
8 (650) 460-7148

9 BERMAN NORTH LLP
10 Stacy Y. North (CA Bar No. 219034)
11 stacy@bermannorth.com
12 2001 Van Ness, Suite 300
13 San Francisco, CA 94109
14 (650) 463-9158

15 Attorneys for Plaintiff

12 **SUPERIOR COURT OF STATE OF CALIFORNIA**
13 **COUNTY OF SAN FRANCISCO**
14 **CIVIL UNLIMITED JURISDICTION**

15 MAURY BLACKMAN, an individual,

16 *Plaintiff,*

17 v.

18 SUBSTACK, INC., a Delaware
19 Corporation; AMAZON WEB SERVICES,
20 INC., a Delaware corporation; JACK
21 POULSON, an individual; TECH
22 INQUIRY, INC., a Delaware corporation;
23 DOES 1-25, inclusive,

24 *Defendants.*

Case No.: CGC-24-618681

**NOTICE OF AND UNOPPOSED EX
PARTE APPLICATION TO STRIKE
PLAINTIFF'S OPPOSITION TO (i) JACK
POULSON'S SPECIAL MOTION TO
STRIKE FILED ON DECEMBER 23, 2024;
(ii) AWS'S SPECIAL MOTION TO
STRIKE FILED ON DECEMBER 23, 2024;
(iii) SUBSTACK'S SPECIAL MOTION TO
STRIKE FILED ON DECEMBER 23, 2024;
AND (iv) SUBSTACK'S DEMURRER
FILED ON DECEMBER 20, 2024.**

**MEMORANDUM IN SUPPORT
DECLARATION IN SUPPORT;**

**Date: January 22, 2025
Time: 11:00 AM
Dept.: (ex parte calendar) 301**

1 **TO THE COURT, DEFENDANTS SUBSTACK, INC., AMAZON WEB SERVICES, INC.,**
2 **JACK POULSON, AND TECH INQUIRY, INC. AND ITS ATTORNEYS OF RECORD:**

3 PLEASE TAKE NOTICE that on January 22, 2025 at 11:00 am or as soon thereafter as the
4 matter may be heard in Department 301 of the above-entitled court, located at 400 McAllister St., San
5 Francisco, CA, Plaintiff Maury Blackman (“Plaintiff”), through his counsel, will appear ex parte,
6 without opposition from Defendants, to move the above-captioned court for an order striking from the
7 docket Plaintiff’s Oppositions to (i) Jack Poulson’s Special Motion to Strike filed on December 23,
8 2024; (ii) AWS’s Special Motion to Strike filed on December 23, 2024; (iii) Substack’s Special
9 Motion to Strike filed on December 23, 2024; and (iv) Substack’s Demurrer filed on December
10 20,2024 (all of the Oppositions are collectively referred to herein as the “December Oppositions”).

11 **NOTICE OF APPLICATION**

12 Plaintiff’s counsel provided notice of this application via email to all parties, which was sent
13 at approximately 8:45 am on January 21, 2025. (Declaration of David Marek (“Marek Decl.”) at ¶2,
14 Exh. A) Defendants Jack Poulson, Substack, and AWS notified Plaintiff that they do not oppose this
15 ex parte application.

16 **GOOD CAUSE GROUNDS FOR EX PARTE HEARING**

17 Plaintiff, on behalf of all parties, has good cause to move this Court ex parte for the relief
18 requested herein because it is necessary to ensure the correct opposition filings are considered by the
19 Court in advance of the hearing date scheduled for February 4, 2025.
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1 **MEMORANDUM IN SUPPORT OF EX PARTE APPLICATION**

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3 **I. STATEMENT OF FACTS**

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5 Plaintiff commenced this action by filing a Complaint on October 3, 2024. Defendants’

6 Substack, Inc., Tech Inquiry, and AWS were served on October 7, 2024, and Poulson was served on

7 November 14, 2024. On December 6, 2024, Defendants’ Jack Poulson, Substack, Inc., and AWS

8 filed an anti-SLAPP Motion and Substack also filed a Demurrer. Defendants Substack, Poulson, and

9 AWS’s anti-SLAPP Motions and Substack’s Demurrer noticed a hearing date of January 6, 2025.

10 Thereafter, the parties reached an agreement that Defendants would re-notice the hearing

11 dates for their anti-SLAPP Motions and Substack’s Demurrer to February 4, 2025. As part of this

12 agreement between the parties, Plaintiff agreed to file and serve his Oppositions to Defendants’ anti-

13 SLAPP Motions and Substack’s Demurrer by no later than January 13, 2025.

14 On December 19, 2024, counsel for defendant Poulson filed a Joint Stipulation and Proposed

15 Order Extending Time for Briefing and Hearing on Defendants’ Special Motions to Strike and

16 Demurrer and the Parties Motions to Seal. Per the Joint Stipulation, which was signed by counsel for

17 all parties, the parties agreed to re-calendar the hearing date on Defendants’ Anti-SLAPP Motions

18 and Substack’s Demurrer for February 4, 2025.

19 On Thursday, December 19, 2024, counsel for Defendant Poulson electronically filed the

20 Stipulation. This Stipulation was rejected by the Court on Friday, December 20, 2024. At 2:51 p.m.

21 on December 20, the Deputy Clerk emailed the parties’ Counsel that a rejection notice would be

22 mailed stating, in part: “Defendants’ joint stipulation extending time for briefing and hearings is

23 rejected. All defendants should file their own “Amended motion” to reflect the new hearing date with

24 a code compliant date and new briefing should follow CCP based on the new hearing date.”

25 Following the Court’s rejection of the Stipulation, Defendants took the position that

26 Defendants could not re-notice the anti-SLAPP motions and demurrer for February 4, 2025 without

27 further court order and therefore required Plaintiff to move ex parte for an order allowing the

28 February 4 hearing date for all pending anti-SLAPP motions and demurrers. The earliest that

1 Plaintiff could be heard ex parte on whether the amended date of February 4, 2025 was acceptable to
2 the Court was Tuesday, December 24, which would have been four days after the oppositions were
3 due if the hearing date remained January 6, 2025. Accordingly, out of an abundance of caution,
4 Plaintiff filed the December Oppositions as “placeholders” in the event the Court did not grant the
5 parties permission to be heard on these motions on February 4, 2025. The Court, however, did, by
6 order dated December 24, 2024, re-calendar the hearing date for Defendants Substack, Inc., Jack
7 Poulson, Tech Inquiry, and AWS Special Motions to Strike and Substack’s Demurrer to February 4,
8 2025, rendering the “placeholder” December Oppositions unnecessary. Accordingly, pursuant to CCP
9 § 1005, Plaintiff had until January 22, 2025 to file his oppositions to these individual motions.
10 Plaintiff nonetheless filed his oppositions on January 14, 2025, in recognition of the parties’ prior
11 discussions. The purpose of this unopposed ex parte motion is to strike the December Oppositions
12 from the record so that the Court only considers the oppositions Plaintiff filed and served on January
13 14, 2025.

14 15 **II. ARGUMENT**

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17 Courts maintain an inherent authority to control their dockets and the relief requested herein
18 only seeks to avoid confusion and eliminate unnecessary pleadings from the docket. *See* CCP
19 §473(a)(1) (“The court may ... in its discretion, after notice to the adverse party, allow, upon such
20 terms as may be just, an amendment to any pleading or proceeding in other particulars. ...”). Plaintiff
21 only filed the December Oppositions as place holders to preserve his opposition to the motions in the
22 event the Court did not grant the parties permission to re-calendar the hearing date to February 4,
23 2025. Defendants do not oppose and suffer no prejudice by this ex parte request. *Id.* The request
24 promotes efficiency and eliminates cause for confusion on the appropriate, timely opposition.

25 26 **III. RELIEF REQUESTED**

27 Accordingly, Plaintiff now seeks the following relief: an order striking from the docket
28 Plaintiff’s Oppositions to (i) Jack Poulson’s Special Motion to Strike filed on December 23, 2024; (ii)

1 AWS's Special Motion to Strike filed on December 23, 2024; (iii) Substack's Special Motion to
2 Strike filed on December 23, 2024; and (iv) Substack's Demurrer filed on December 20,2024.

3 Dated: January 22, 2025

Respectfully submitted,

4 THE MAREK LAW FIRM, INC.

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6 By: /s/ David Marek

7 David Marek
8 *Attorney for Plaintiff*

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1 **DECLARATION OF DAVID MAREK IN SUPPORT OF EX PARTE APPLICATION**

2 In support of this application, I can state the following based upon personal knowledge:

3 1. I am counsel for Plaintiff and have personal knowledge of the facts set forth herein.

4 2. I emailed counsel for all Defendants at or around 8:45 am on January 21, 2025 giving
5 notice that we would be filing this application seeking ex parte relief.

6 3. Counsel for Defendants Substack, AWS, Tech Inquiry, and Poulson indicated that they
7 do not oppose the relief sought.

8 4. Plaintiff filed the Complaint in the above-entitled action on October 3, 2024.

9 5. Defendants' Substack Inc., Tech Inquiry, and AWS were served on October 7, 2024.
10 Defendant Jack Poulson was served on November 14, 2024.

11 6. Substack, Inc., Jack Poulson, and AWS filed an anti-SLAPP motion on December 6,
12 2024, and Substack also filed a Demurrer on January 6, 2024. These motions were all noticed for
13 January 6, 2024.

14 7. On December 13, 2024, the parties agreed to move the hearing date for all anti-SLAPP
15 motions and the Demurrer to February 4, 2025 because of the number of motions and to account for
16 the holidays.

17 8. The parties signed a Joint Stipulation and Proposed Order Extending Time for Briefing
18 and Hearing (the "Stipulation") that was drafted by Poulson's attorney.

19 9. On December 19, 2024, counsel for defendant Poulson filed the Stipulation with the
20 Court.

21 10. This Stipulation was rejected by the Court on December 20, 2024.

22 11. At 2:51 p.m. on December 20, the Deputy Clerk emailed the parties' Counsel that a
23 rejection notice would be mailed stating, in part: "Defendants' joint stipulation extending time for
24 briefing and hearings is rejected. All defendants should file their own "Amended motion" to reflect
25 the new hearing date with a code compliant date and new briefing should follow CCP based on the
26 new hearing date."

27 12. Counsel for defendant Poulson promptly agreed to file an Amended Motion with the
28 new date.

1 13. However, defendant Substack’s Counsel emailed that Plaintiff must move ex parte for
2 an order allowing the February 4 hearing date due to the concern that Defendant could not re-notice
3 the anti-SLAPP motions and demurrer for February 4, 2025 without further court order.

4 14. Because this occurred on Friday, December 20, 2024, the earliest Plaintiff could be
5 heard ex parte on whether the amended hearing date of February 4, 2025 was acceptable to the Court
6 was Tuesday, December 24, 2024.

7 15. Pursuant to a January 6, 2025 hearing date, Plaintiff’s opposition was due on
8 December 20, 2024.

9 16. Accordingly, out of an abundance of caution, Plaintiff notified Defendants and then
10 filed “placeholder” briefs on December 20, 2024. Some of the filings were submitted after midnight
11 and thus bore a filing date of December 23, 2024.

12 17. On December 24, 2024, Plaintiff moved ex parte, unopposed, to seek permission to re-
13 calendar the hearing date for Defendants’ motions to February 4, 2025. The Court granted this
14 petition and moved the hearing dates for all of Defendants’ motions until February 4, 2025.

15 18. As a result, the “placeholder” oppositions filed in December were unnecessary.

16 19. Pursuant to the February 4, 2025 hearing date, Plaintiff’s oppositions are due on
17 January 22, 2025. Nonetheless, Plaintiff filed and served his oppositions to the individual motions on
18 January 14, 2025.

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

21 Dated: January 21, 2025

THE MAREK LAW FIRM

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24 By: /s/ David Marek

25 DAVID MAREK

26 Attorneys for Plaintiff
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2 **PROOF OF SERVICE**

3 I, Ami Sanghvi, declare as follows:

4 I am over eighteen years of age and not a party to the within action. I am employed in San
5 Francisco County, California. My business address is 228 Hamilton Avenue, Palo Alto, CA 94301.

6 On the date set forth below, I served a copy of the following:

- 7 - **NOTICE OF AND UNOPPOSED EX PARTE APPLICATION TO STRIKE**
8 **PLAINTIFF'S OPPOSITION TO (i) JACK POULSON'S SPECIAL MOTION TO**
9 **STRIKE FILED ON DECEMBER 23, 2024; (ii) AWS'S SPECIAL MOTION TO**
10 **STRIKE FILED ON DECEMBER 23, 2024; (iii) SUBSTACK'S SPECIAL MOTION**
11 **TO STRIKE FILED ON DECEMBER 23, 2024; AND (iv) SUBSTACK'S DEMURRER**
12 **FILED ON DECEMBER 20, 2024.**
13 - **MEMORANDUM IN SUPPORT**
14 - **DECLARATION OF DAVID MAREK IN SUPPORT;**

15 on the parties named below as follows:

- 16 (X) **(BY EMAIL)** – by electronically mailing a true and correct copy through BERMAN
17 NORTH LLP's electronic mail system to the email address(es) set forth below, or as
18 stated in the attached service list per the parties' agreement.
19 (X) **(BY E-SERVICE)** – by electronically serving the document(s) listed above and on the
20 Transaction Receipt, which were e-filed with the San Francisco County Superior Court
21 and e-served via the One Legal's electronic filing system, to the email address(es) of
22 the party(ies) designated below in accordance with the San Francisco County Superior
23 Court Local Rules.

24 I served the above document(s) on the following person(s):

25 **SEE ATTACHED SERVICE LIST**

26 I declare under penalty of perjury under the laws of the State of California that the foregoing
27 is true and correct and that this declaration was executed on January 22, 2025, at San Francisco,
28 California.

/s/ Ami Sanghvi
Ami Sanghvi

SERVICE LIST

Ambika Kumar
Sarah E. Burns
DAVIS WRIGHT TREMAINE LLP
50 California Street, 23rd Floor
San Francisco, CA 94111
Phone: (206) 757-8030
(415) 276-4892
Email: ambikakumar@dwt.com;
sarahburns@dwt.com
cc: ryanrubio@dwt.com

**Counsel for Defendant
Amazon Web Services, Inc.**

Joshua A. Baskin
Thomas R. Wakefield
Wilson Sonsini Goodrich & Rosati
1 Market Plaza, Spear Tower, Suite 3300
San Francisco, CA 94105
Email: jbaskin@wsgr.com;
twakefield@wsgr.com;
Substack-Doe@wsgr.com
cc: rglynn@wsgr.com

**Counsel for Defendant
Substack, Inc.**

Susan E. Saeger
The Office of Susan E. Saeger
Phone: (310) 890-8991
Email: susanseager1999@gmail.com

**Counsel for Defendant
Tech Inquiry, Inc.**

David Greene
Victoria Noble
Electronic Frontier Foundation
815 Eddy Street
San Francisco, CA 94109
Tel.: (415) 436-9333
Fax: (415) 436-9993
Email: davidg@eff.org;
tori@eff.org;
cc: victoria@eff.org

Counsel for Jack Poulson

Stacy Y. North
BERMAN NORTH LLP
2001 Van Ness Avenue, Suite 300
San Francisco, CA 94109
Phone: (650) 463-9158
Email: stacy@bermannorth.com

Counsel for Plaintiff Maury Blackman