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

**MAURY BLACKMAN**, an individual,

*Plaintiff,*

v.

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

*Defendants.*

**Case No.: CGC-24-618681**

**PLAINTIFF'S OPPOSITION TO  
DEFENDANT SUBSTACK, INC.'S SPECIAL  
MOTION TO STRIKE TO PLAINTIFF'S  
COMPLAINT**

Date: January 6, 2025  
Time: 9:30 AM  
Dept.: 302  
Judge: Hon. Richard B. Ulmer

**Reservation of Rights**

The parties reached an agreement via email dated December 13, 2024 that Defendants would change the hearing dates for their Anti-SLAPP motions and Substack's demurrer from January 6, 2025 to February 4, 2025, and agreed on a briefing schedule that was intended to account for the multiple briefs and holidays. The parties drafted and executed a stipulation that memorialized their agreement.

On December 19, 2024, counsel for defendant Poulson filed a Joint Stipulation and Proposed Order Extending Time for Briefing and Hearing on Defendants' Special Motions to Strike and

**ELECTRONICALLY  
FILED**

*Superior Court of California,  
County of San Francisco*

**12/23/2024  
Clerk of the Court**

**BY: JAMES FORONDA  
Deputy Clerk**

Demurrer and the Parties Motions to Seal (the “Joint Stipulation”). Per the Joint Stipulation, which was signed by counsel for all parties, the parties agreed to move the hearing date on Defendants’ Anti-SLAPP Motions to February 4, 2025. With the new hearing date, Plaintiff’s Opposition to Defendants’ Anti-SLAPP Motions and Substack’s Demurrer would have been due on January 13, 2025. Without the extension, Plaintiff’s Oppositions to three of the four anti-SLAPP motions and Substack’s Demurrer would be due on December 20.

At 2:51 p.m. on December 20, the Deputy Clerk emailed the parties’ Counsel that a rejection notice would be mailed stating, in part: “Defendants’ joint stipulation extending time for briefing and hearings is rejected. All defendants should file their own “Amended motion” to reflect the new hearing date with a code compliant date and new briefing should follow CCP based on the new hearing date.” Counsel for defendant Poulson promptly agreed to file an Amended Motion with the new date. However, defendant Substack’s Counsel emailed that Plaintiff must move ex parte for an order allowing the February 4 hearing date. Because the Oppositions were due on the same date the rejection notice was issued, and Plaintiff did not have time to seek ex parte relief before the deadline, Plaintiff files this Motion out of an abundance of caution while reserving Plaintiff’s right to file an Amended Opposition if the hearing date is continued.

In addition, the parties agreed that Plaintiff would be permitted to have 30 pages to file one opposition to the four anti-SLAPP motions. This mechanism would promote efficiency for the Court and make it easier to follow the arguments, most of which are repetitive. Accordingly, Plaintiff has now filed three oppositions, all of which refer to sections in the other oppositions.

### **Introduction**

Plaintiff incorporates by references the arguments made in his Oppositions to all Defendants’ anti-SLAPP motions.

### **Statement of Facts**

Plaintiff incorporates by references the arguments made in his Oppositions to all Defendants’ anti-SLAPP motions.

### **Argument**

#### **I. The Anti-SLAPP Statute Does Not Apply.**

##### **A. Illegal Activities Fall Outside the Protection of Anti-SLAPP.**

Plaintiff incorporates by references the arguments made in his Oppositions to all Defendants’ anti-SLAPP motions.

##### **B. Defendants Conduct Violated And Continues To Violate Several Sections of the California Penal Code.**

1 Plaintiff incorporates by references the arguments made in his Oppositions to all  
2 Defendants' anti-SLAPP motions.

3 **C. The First Amendment Does Not Immunize Defendants' Illegal Activities.**

4 Plaintiff incorporates by references the arguments made in his Oppositions to all  
5 Defendants' anti-SLAPP motions.

6 **1. The Sealing Order Is Binding Because The Trial Court Already Decided, After**  
7 **Weighing The First Amendment Issues, To Seal The Record.**

8 Plaintiff incorporates by references the arguments made in his Oppositions to all  
9 Defendants' anti-SLAPP motions.

10 **2. Defendants' Speech At Issue In This Matter Is Neither "Newsworthy" Nor A**  
11 **"Matter Of Public Significance".**

12 Plaintiff incorporates by references the arguments made in his Oppositions to all  
13 Defendants' anti-SLAPP motions.

14 **3. A "Matter Of Public Significance" Is Less Broad Than An "Issue Of Public**  
15 **Interest"**

16 Plaintiff incorporates by references the arguments made in his Oppositions to all  
17 Defendants' anti-SLAPP motions.

18 **D. The Sealed Report And Its Contents Are Not An Issue Of Public Interest.**

19 Plaintiff incorporates by references the arguments made in his Oppositions to all  
20 Defendants' anti-SLAPP motions.

21 **1. Plaintiff Was Not And Is Not a Public Figure.**

22 Plaintiff incorporates by references the arguments made in his Oppositions to all  
23 Defendants' anti-SLAPP motions.

24 **2. Sealed Report And Its Contents Did Not Affect A Large Number Of People.**

25 Plaintiff incorporates by references the arguments made in his Oppositions to all  
26 Defendants' anti-SLAPP motions.

27 **3. Sealed Report And Its Contents Are Not, In And Of Themselves, A Topic Of**  
28 **Widespread Public Interest.**

Plaintiff incorporates by references the arguments made in his Oppositions to all  
Defendants' anti-SLAPP motions.

**E. Defendants' Speech Was Not "Truthful."**

Plaintiff incorporates by references the arguments made in his Oppositions to all  
Defendants' anti-SLAPP motions.

**F. California Has A Compelling Need To Protect The Privacy Of Sealed Arrest**  
**Reports And Sealed Documents.**

Plaintiff incorporates by references the arguments made in his Oppositions to all  
Defendants' anti-SLAPP motions.

1       **II. The Complaint Does Not Arise Out Of An Act In Furtherance Of Defendants’ Right**  
2       **Of Petition Or Free Speech In Connection With A Public Issue And Therefore**  
3       **Defendants’ Special Motion To Strike Should Be Denied.**

4       Defendants bear the initial burden of demonstrating that the conduct alleged in the  
5       complaint is arising from protected activity within the meaning of the statute. *Navellier v. Sletten*,  
6       29 Cal.4th 82, 88 (2002). The statute must be construed broadly; however, the statute is not  
7       intended to apply to purely private transactions. *See e.g., Weinberg v. Feisel*, 110 Cal. App. 4th  
8       1122 (2003) (complaint relating to false allegations of criminal conduct against party who is not  
9       public figure nor has thrust himself into a public issue is a private matter not subject to anti-  
10      SLAPP statute). If Defendants fail to meet this burden, the motion must be denied. *Blackburn v.*  
11      *Brady*, 116 Cal.App.4th 670 (2004). Here, Defendants argue that Poulson’s Substack posts that  
12      disseminated the Sealed Report and its contents qualify for anti-SLAPP protection under Section  
13      425.16(e)(2), (3), and (4).

14      **A. Poulson’s Substack Posts Do Not Fall Under 425.16(e)(2).**

15      Defendants argue that Poulson’s dissemination of the Sealed Report and its contents arise  
16      from a statement made in connection with an issue under consideration or review by a judicial body  
17      or an official proceeding authorized by law. “An issue is ‘under consideration’ by an executive,  
18      legislative or judicial body, as required by § 425.16(e)(2), if it is ‘kept before the mind’ of an official  
19      body, and ‘given attentive thought, reflection, [or] meditation’ by it. An issue is ‘under review’ if it  
20      is subject to inspection or examination. Courts interpreting § 425.16(e)(2) have held that a matter  
21      must be at issue in pending or upcoming litigation to be ‘under consideration or review’ by a court or  
22      tribunal.” *Mireskandari v. Daily Mail & Gen. Tr. PLC*, No. CV1202943MMMSSX, 2013 WL  
23      12114762, at \*5 (C.D. Cal. Oct. 8, 2013) (internal citations omitted). In *Cole v. Patricia A. Meyer &*  
24      *Assoc.*, the Court rejected defendant’s application of Section 425.16(e)(2) because the speech at issue  
25      was published at a time when the issue was no longer under consideration by a judicial body. 206  
26      Cal.App.4th 1095, 1120 (2012). The *Cole* Court also considered that the defendants failed to  
27      distinguish the speech made in connection with the investigation and “its republication on the  
28      internet.” *Id.*

29      Here, it is undisputed that Poulson initially disseminated the Sealed Report and its contents  
30      more than 18 months after Sealing Order was granted. In fact, Poulson admitted that he knew the

1 matter was not pending at the time because he had spoken with the San Francisco Police Department  
2 about the matter before his initial post in September 2023. In addition, the speech at issue was not  
3 made in connection with an investigation; rather – like in *Cole* – the speech is the republication of the  
4 Sealed Report and its contents.

5 Defendants rely on inapposite cases where the investigation was ongoing or the matter  
6 was still under consideration. *See e.g., Comstack v. Aber*, 212 Cal.App.4th 931 (2012) (involving  
7 anti-SLAPP by plaintiff relating to defendant’s cross-complaint for defamation for statements that  
8 were part of an ongoing investigation); *Hansen v. Cal. Dep’t of Corr. and Rehab.*, 171  
9 Cal.App.4th 1537 (2008) (challenging speech defendant personnel made during the internal  
10 investigation and in securing a search warrant.”); *Fox Searchlight Pictures, Inc. v. Paladino*, 89  
11 Cal.App.4th 294, 305 (2001) (holding that a complaint filed in court “arises from” a statement  
12 made in connection with an issue under consideration); *Schaffer v. City and County of San*  
13 *Francisco*, 168 Cal.App.4th 992, 1004 (2008) (holding a memorandum to the district attorney  
14 asserting that criminal activity by the plaintiff was in connection with an issue under  
15 consideration). The speech at issue here is not related to an ongoing investigation or proceeding  
16 and thus Defendants cannot seek protection under 425.16(e)(2).

17  
18 **B. Poulson’s Substack Posts are Not Protected by 425.16(e)(3) or (4) Because They**  
19 **Do Not Concern Matters Of Public Interest.**

20 For all the reasons discussed herein in Section I.D, *supra*, the Sealed Report and its contents  
21 do not satisfy Subsections (e)(3) or (4) because they are not an issue of public interest.

22 Particularly instructive in this analysis is the court’s enumeration in *Weinberg, supra*, 110  
23 Cal.App.4th at 1132 of what it considered to be additional attributes of an issue that would render  
24 it one of public, rather than merely private, interest: “First, ‘public interest’ does not equate with  
25 mere curiosity. Second, a matter of public interest should be something of concern to a  
26 substantial number of people. Thus, a matter of concern to the speaker and a relatively small,  
27 specific audience is not a matter of public interest. Third, there should be some degree of  
28 closeness between the challenged statements and the asserted public interest; the assertion of a

1 broad and amorphous public interest is not sufficient. Fourth, the focus of the speaker's conduct  
2 should be the public interest rather than a mere effort 'to gather ammunition for another round of  
3 [private] controversy....' [Citation.] Finally, ... [a] person cannot turn otherwise private  
4 information into a matter of public interest simply by communicating it to a large number of  
5 people." *See also Cross v. Cooper*, 197 Cal.App.4th 357, 374 (2011), as modified on denial of  
6 reh'g (Aug. 4, 2011). The speech at issue here does not satisfy these attributes. Defendants did  
7 not act to advance the public interests of issues concerning domestic violence or police conduct.  
8 Rather, Defendants turned Plaintiff's private, confidential and sealed information into a matter of  
9 public interest by communicating it publicly in violation of the law and thus losing the protection  
10 of 425.16(e)(3) or (4).

### 11 **III. Plaintiff Has A Probability Of Success On His Claims.**

12 If Defendants demonstrate the challenged claims arise from protected activity (which is not  
13 the case here), the burden shifts to Plaintiff to show a probability he will prevail on the merits. *City of*  
14 *Santa Monica v. Stewart*, 126 Cal.App.4th 43, 71 (2005), *as modified on denial of reh'g* (Feb. 28,  
15 2005). However, if Defendants fail to meet the initial burden of demonstrating that the challenged  
16 causes of action arise out of Defendants' constitutional rights of petition or free speech in connection  
17 with an issue of public interest, the Court need not address Plaintiff's probability of to prevail. *See*  
18 *Hylton v. Frank E. Rogozienski, Inc.* 177 Cal.App.4th 1264 (2009).

19 Under an anti-SLAPP motion, a plaintiff is required to demonstrate only a minimal  
20 level of sufficiency and triability of the claim. *Lin v. City of Pleasanton*, 176 Cal.App.4th 408 (2009).  
21 The complaint is not subject to being stricken if it is legally sufficient and supported by merely a  
22 prima facie showing of facts. *Jarrow Formulas, Inc. v. LaMarche*, 31 Cal.App.4th 728 (2003). In  
23 determining whether the plaintiff has made a sufficient showing, the court looks to pleadings and  
24 evidentiary submissions of both parties. *Anschutz Entertainment Group, Inc. v. Snepp*, 71  
25 Cal.App.4th 598, (2009). However, the court cannot weigh the credibility of the evidence or compare  
26 the relative strengths of the competing evidence. *Balzaga v. Fox News Network, LLC*, 173  
27 Cal.App.4th 1325 (2009). Here, Plaintiff has established that there is a probability that he will  
28 prevail. The evidence demonstrates that Plaintiff can satisfy each of the elements of the causes of  
action, and Defendants' defenses are not viable.

1                   **A. The First Amendment Does Not Immunize Defendants.**

2           Each Defendant argued that Plaintiff could not succeed on his claims against him/it because  
3 the First Amendment immunized them from this unlawful misconduct. As discussed above in section  
4 I, the First Amendment does not protect against the publication of information that is not a matter of  
5 public significance, was not truthful, and where the state has a compelling interest in protecting the  
6 privacy of and safeguarding the interests of individuals arrested without convictions, sealed arrest  
7 reports, and documents sealed by Court Order.

8                   **B. Plaintiff Is Entitled To Injunctive Relief Against All Defendants.**

9           Defendants argue that Plaintiff's attempt at seeking an injunction will fail because it  
10 constitutes an impermissible prior restraint on speech in violation of the federal and state  
11 Constitutions. Initially, as argued above, because the dissemination of a Sealed Report constitutes  
12 unlawful activity that is "unprotected by the First Amendment, there can be no objection to their  
13 subsequent suppression or prosecution." *See Evans v. Evans*, 162 Cal.App.4th 1157, 1168 (2008)  
14 citing *Balboa Island Village Inn, Inc. v. Lemen*, 40 Cal.4th 1141, 1155–1156, (2007). Here, Plaintiff  
15 seeks to prohibit Defendants from the continued distribution of a Sealed Report and its contents  
16 because that information remains subject to a court's Sealing Order and thus cannot be disseminated  
17 as a matter of law. *Evans v. Evans*, 162 Cal. App. 4th 1157, 1168 (2008) (noting injunction against  
18 continued distribution of a publication which a jury has determined to be defamatory may be more  
19 readily granted.); *see also* Cal. Prac. Guide Civ. Pro. Before Trial Ch. 9(II)-A [9:708], citing *Aguilar*  
20 *v. Avis A Car System, Inc.*, 21 Cal.4th 121, 140-142 (1999) (the California Supreme Court has  
21 recognized that "[a]n injunction may properly issue to prohibit the repetition or continuation of  
22 speech that the court has found to be unlawful. Such an injunction does not constitute an invalid prior  
23 restraint of speech.").

24           Additionally, even if viewed as a potential prior restraint, it would be permissible because it is  
25 narrowly tailored to achieve a countervailing compelling interest – sealing the records of persons who  
26 suffered an arrest that did not lead to a conviction. The Court's consideration and grant of sealing, in  
27 conjunction with California law, establishes Plaintiff's countervailing interest is compelling and  
28 outweighed the competing First Amendment interests. Moreover, given Defendants' refusal to abide  
the law sealing the record, the relief Plaintiff seeks – prohibiting Defendants from disseminating and  
publishing the Sealed Report and its contents and requiring Defendants to comply with Pen. Code  
§851.91 – is a narrowly tailored, necessary measure that would effectively protect Plaintiff's privacy  
interest. *See Nebraska Press Assn. v. Stuart* (1976) 427 U.S. 539, 562–568 (1976); *see also Carroll*

1 *v. Princess Anne* 393 U.S. 175, 183–184 (1968). A prohibition against disclosing information  
2 deemed confidential pursuant to a Sealing Order and that concerns a countervailing interest is proper  
3 here due to compelling or extraordinary circumstances. *See Gilbert v. National Enquirer, Inc.*, 43  
4 Cal.App.4th at p. 1145; *see also Shulman v. Group W Productions, Inc.* 18 Cal.4th 200, 245 (1998)  
5 (conc. opn. of Kennard, J.); *In re Marriage of Burkle*, 135 Cal.App.4th 1045, 1059–1060, 1063  
6 (2006).

### 7 **C. Section 230 Does Not Immunize Defendants.**

8 While courts have held that Section 230 provides broad immunity in certain circumstances,  
9 “this immunity is not limitless.” *Calise v. Meta Platforms, Inc.*, 103 F.4th 732, 739 (9th Cir. 2024)  
10 *citing Barnes v. Yahoo!, Inc.*, 570 F.3d 1096, 1100 (9th Cir. 2009) (Section 230(c)(1) does not  
11 “declare[] a general immunity from liability deriving from third-party content” and reversing District  
12 Court’s finding of immunity under Section 230 because all of the plaintiffs’ claims are premised on  
13 Meta’s publication of a third-party advertisement). Further, “[n]one of the policies within section  
14 230(b) state or suggest an express immunity from compliance with state court orders.” *See Hassell v.*  
15 *Bird*, 5 Cal. 5th 522, 568; 571 (2018), (dissent disagreeing with “plurality opinion’s conclusion that  
16 section 230 protects an Internet platform from complying with a state court order simply because the  
17 platform operates as a publisher of third-party speech.”). As explained by the dissent, Section  
18 230(c)(2) “explains that providers or users of interactive computer services shall not be liable for  
19 actions taken in good faith to restrict access to obscene, harassing, or objectionable material,  
20 regardless of whether such material is constitutionally protected”. *Id.* This section, however, “does  
21 not endow Internet platforms with a complete immunity from compliance with state court orders.”

22 Section 230(e) only prohibits causes of action from being brought and liability from being  
23 imposed under state laws that are inconsistent with the section. (Section 230(e)(3)). Here, the state  
24 laws at issue, which prohibit the possession and dissemination of court ordered sealed documents and  
25 their contents, are not inconsistent with the section.

#### 26 **1. Poulson Does Not Have Immunity Under Section 230.**

27 Poulson’s claims to immunity under Section 230 are frivolous. He argues that under Section  
28 230 he is immune from liability for republishing on the internet a document drafted by someone else.  
(Poulson Motion, p. 20) Poulson’s argument ignores that the document he disseminated and refused  
to take down were sealed by Court Order pursuant to Section 851.91, and that his dissemination of  
this document was itself criminal conduct. *See* Sections 851.92(c); 166(a). Further, Plaintiff’s claims  
against Poulson arise from his multiple posts on Substack and Tech Inquiry, and therefore the claims



are not limited to his republication of a document drafted by someone else. *See Phan v. Pham*, 182 Cal. App. 4th 323, 326 fn. 5 (2010) (“the term development ... refer[s] not merely to augmenting the content generally, but to materially contributing to the alleged unlawfulness.”) (internal citations omitted). Further, Poulson is liable for disseminating the Sealed Report because the act of doing so violated the Penal Code.

## **2. Substack And AWS Do Not Have Immunity Under Section 230.**

Substack and AWS cannot claim immunity under CDA Section 230 because their violation of Penal Code section 11143 does not “seek to treat [Substack and AWS] as a publisher or speaker.” *Calise*, 103 F.4th at 739, citing *Barnes*, 570 F.3d at 1100 (immunity to an interactive computer service provider against claims that “seek to treat [the provider] as a publisher or speaker.”); *see also In re Facebook Simulated Casino-Style Games Litig.*, No. 22-16888, 2024 WL 2287200, at \*2 (9th Cir. May 21, 2024) (“To determine whether a particular claim should be dismissed under Section 230, a court must identify “the underlying legal duty” and determine whether “it seek[s] to hold the defendant liable as a ‘publisher or speaker’ of third-party content.”) citing *HomeAway.com, Inc. v. City of Santa Monica*, 918 F.3d 676, 682 (9th Cir. 2019); *Doe v. Internet Brands* 824 F.3d 846, 851, 853(9th Cir. 2016); *Hassell v. Bird*, 5 Cal. 5th at 544 (“we recognize that not all legal duties owed by Internet intermediaries necessarily treat them as the publishers of third party content, even when these obligations are in some way associated with their publication of the material.”). Penal Code section 11143 has criminalized any unauthorized party from being in receipt or possession of a record or information the party is not authorized to receive. *See Loder*, 17 Cal.3d at 873 (likening the sealed arrest report to “contraband”). This illegal conduct forms the basis of their liability to Plaintiff because the source of their duty to Plaintiff arises from the statutes they violated. *See In re Apple Inc. App Store Simulated Casino-Style Games Litig.*, 625 F. Supp. 3d 971, 994 (N.D. Cal. 2022) (permitting one theory of liability to proceed where Plaintiffs did not attempt to treat the Platforms as “the publisher or speaker” of third-party content, but rather sought to hold the Platforms responsible for their own illegal conduct), appeal dismissed and remanded sub nom. *In re Facebook Simulated Casino-Style Games Litig.* (9th Cir. May 21, 2024) No. 22-16888, 2024 WL 2287200.

In addition, the record shows Substack “developed at least in part” Poulson’s posts. *Fair Housing Council of San Fernando Valley v. Roommates.Com, LLC*, 521 F.3d 1157 (9th Cir. 2008). Here, Substack instructed Poulson to make substantive edits to his posts to comply with legal and policy requirements. (Poulson Decl., Exh C; Plaintiff Decl, ¶48; Exh I, showing Defendants tampered with Poulson’s admission that Substack was involved in the development of the posts.) Accordingly,

1 by these acts to work with Poulson so that his posts would comply with the law and Substack policy,  
2 Substack has developed at least in part the posts that constitute violations of the Penal Code.

3 **D. Defendants' Conduct Is Not Protected Newsgathering.**

4 Defendants argue that their conduct is protected newsgathering. For the reasons stated herein,  
5 Defendants' speech at issue – the Sealed Report and its contents – are not truthful matters of public  
6 significance. Only speech that occupies the highest rung of First Amendment values is protected. See  
7 *Jenni Rivera Enterprises, LLC v. Latin World Entertainment Holdings, Inc.*, 36 Cal.App.5h 766, 796  
8 (holding that First Amendment protection for newsgathering is limited to speech on public issues that  
9 occupies the highest rung of First Amendment values). Moreover, "[t]he right to speak and publish  
10 ... does not carry with it the unrestrained right to gather information. ... t]he United States Supreme  
11 Court has held that the 'First Amendment does not guarantee the press a constitutional right of special  
12 access to information not available to the public generally.' The press has no 'special immunity'  
13 from the application of general laws,' nor does it have 'a special privilege to invade the rights and  
14 liberties of others.'" *Id.*, citing *Zemel v. Rusk*, 381 U.S. 1, 17 (1965); *Branzburg v. Hayes*, 408 U.S.  
15 665, 683 (1972). See also *Cohen v. Cowles Media Co.*, 501 U.S. 663 (1991) ("generally applicable  
16 laws do not offend the First Amendment simply because their enforcement against the press has  
17 incidental effects on its ability to gather and report the news."); *Shulman v. Group W. Productions,*  
18 *Inc.*, 18 Cal.4th 200, 236 (1998) ("the First Amendment does not immunize the press from liability  
19 for torts or crimes committed in an effort to gather news."). For the same reasons that the First  
20 Amendment does not protect Defendants' conduct herein, the First Amendment does not protect  
21 Defendants' conduct to the extent it is labeled newsgathering.

22 **IV. AWS's Arguments That Plaintiff's Claims Fail for Other Independent Reasons**  
23 **Should Be Rejected.**

24 Plaintiff incorporates by references the arguments made in his Oppositions to all  
25 Defendants' anti-SLAPP motions.

26 Dated: December 20, 2024

Respectfully submitted,

THE MAREK LAW FIRM, INC.

27 By: /s/ David Marek  
28 David Marek  
Attorney for Plaintiff

**PROOF OF SERVICE**

I, Jennifer Baker, declare as follows:

I am over eighteen years of age and not a party to the within action. I am employed in San Francisco County, California. My business address is 2001 Van Ness Avenue, Suite 300, San Francisco, CA 94109.

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

- **PLAINTIFF'S OPPOSITION TO DEFENDANT SUBSTACK, INC.'S SPECIAL MOTION TO STRIKE TO PLAINTIFF'S COMPLAINT**

on the parties named below as follows:

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

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

**SEE ATTACHED SERVICE LIST**

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct and that this declaration was executed on December 20, 2024, at Redwood City, California.

  
Jennifer Baker

**SERVICE LIST**

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