THE MAREK LAW FIRM, INC.
DAVID MAREK (CA Bar No. 290686)
David@marekfirm.com
AMI SANGHVI (CA Bar No. 331801)
ami@marekfirm.com
228 Hamilton Avenuee
Palo Alto, CA 94301
(650) 460-7148

BERMAN NORTH LLP
Stacy Y. North (CA Bar No. 219034)
stacy@bermannorth.com
2001 Van Ness, Suite 300
San Francisco, CA 94109
(650) 843-1988

*Attorneys for Plaintiff Maury Blackman*



**SUPERIOR COURT OF STATE OF CALIFORNIA**
**COUNTY OF SAN FRANCISCO**
**[UNLIMITED JURISDICTION]**

| | |
|---|---|
| MAURY BLACKMAN, an individual,<br><br>*Plaintiff*,<br><br>v.<br><br>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<br><br>*Defendants*. | Case No.: CGC-24-618681<br><br>DECLARATION OF PLAINTIFF<br><br>[OPPOSITION TO DEFENDANTS' SPECIAL MOTION TO STRIKE PLAINTIFF'S COMPLAINT PURSUANT TO CALIFORNIA CODE OF CIVIL PROCEDURE SECTION 425.16]<br><br>HEARING: January 6, 2025 |

I declare and state as follows:

1. I made this declaration in support of the Opposition to Defendants' Anti-SLAPP Motions and Defendant Substack's Demurrer. The facts set forth herein are true to my own personal knowledge, and if called upon to testify thereto, I could and would competently do so under oath.
2. I am a resident of San Francisco, California. I am over 18 years old and fully competent to submit this affidavit. I make this statement based on my personal knowledge of the events described herein.

3. At no time have I ever been a public figure. While I have worked with government entities, my roles have never involved policy creation, decision-making authority, or public advocacy. I have never participated in any public controversies or debates, nor have I sought attention or notoriety in the public sphere. I am not famous, widely recognized, or well-known in any capacity.
4. From December 2017 through December 2023, I worked as the CEO of Premise Data (referred to as "Premise Data" or "Employer"). Premise Data was a private company with no more than 100 employees. Premise Data was not well known.
5. Certain individuals disagreed with what they believed was Premise Data's business model. These individuals, namely Defendant Jack Poulson and Byron Tau, opposed the use of surveillance by the U.S. military outside of the United States, for which they blamed Premise Data.
6. Like many people, I have a personal webpage. My webpage was created in 2016 to help in my job search at the time. My page has never received more than 1000 views in a calendar year.
7. For four months in September 2022, while I worked at Premise Data, I hosted five episodes of a podcast in which we paid guests. The podcast never had more than 200 listeners. The podcast was stopped because there was very little interest.
8. I am one of more than 1 million U.S. citizens who hold a security clearance. My clearance is the lowest level available, and I have never visited the Pentagon or the headquarters of SOCOM (U.S. Special Operations Command).
9. I was involved in an incident on December 21, 2001 that resulted in my being arrested for felony domestic violence.
10. I was never accused of or committed sexual violence.
11. After the trial court considered and reviewed the evidence, I was not charged with felony domestic violence, and the charges against me were dismissed.
12. Pursuant to Penal Code section 851.91, I successfully petitioned the trial to seal the arrest report and its contents.
13. On February 17, 2022, pursuant to California Criminal Code section 851.91, San Francisco Superior Court Judge Carolyn Gold entered an order sealing law enforcement agency report number 210844280 (the "Sealed Report") related to Court case number 21012755. (A copy of the redacted "Sealing Order" issued by Judge Gold is attached hereto as "Exhibit A".)

14. Between December 2021 and February 17, 2022, when the incident and report were public record, not one journalist or non-journalist reported on this incident.

15. On September 14, 2023, I learned that Jack Poulson published a blog on Substack that included a link to the Sealed Report and described in detail the events set forth in the Sealed Report in a way that suggested I was guilty of criminal conduct. Poulson, in his own words, wrote about the Sealed Report, but in this initial blog post, Poulson did not indicate or did not indicate in meaningful way that I was neither charged nor convicted with the underlying crime. Poulson also suggested that I was guilty by referring to "convicted rapist Harvey Weinstein" in this post. Poulson also wrote that "perhaps due to Mr. Blackman's alleged victim subsequently recanting her initial statements and telling police that 'nothing happened,' the incident has not previously been publicly reported." This statement was false and defamatory.

16. Poulson's blog post also stated that the arrest occurred, although as matter of law it was deemed not to have occurred and I was to answer "no" if asked I had been arrested.

17. The incident referred to and described in Poulson's blog post garnered no media interest when it occurred or during the six-week period prior to the Sealing Order. There was no reporting on the case for 21 months preceding Poulson's blog's post.

18. Between the date Poulson published this post on September 14, 2023 and the date I filed the Complaint on October 3, 2024, no media or journalist covered or reported on Poulson's post or the Sealed Report and its contents.

19. When my employment with Premise Data was terminated in December 2023, Poulson and Byron Tau were the only individuals to report the leadership change. Poulson wrote a Substack blog post that addressed the termination of my employment, and Byron Tau tweeted about the termination. Oher than Poulson and Tau, no media outlet covered my termination despite the controversy Poulson was trying to create.

20. All of the Defendants knew or should have known that Poulson had published these blog posts identifying me by name, picture, and home address and claiming that this arrest had occurred, as these posts were on Substack, hosted by AWS, and re-posted on Tech Inquiry, which Poulson ran.

21. As of September 14, 2023, Premise Data – but not me personally – was involved in a lawsuit against former employees who the Employer had accused of violating obligations to that company (referred to as the "Employee Litigation"). The employees were represented by,

among other lawyers, Newton Oldfather, an attorney at Lewis & Llewellen, LLP, and Kennith Nabity, an attorney at Delfino Madden.

22. Prior to joining Lewis & Llewellen, LLP, Oldfather served as an attorney for the San Francisco City Attorney's Office and the Department of Policy Accountability from November 2012 until April 2021. (A copy of Oldfather's firm biography is attached hereto as "Exhibit B.")

23. After September 14, 2023, when I became aware of Poulson's post through Lewis & Llewellen's use of the post and the Sealed Report in the Employee Litigation, I reached out to the City of San Francisco in an effort to learn how Oldfather and Poulson became in receipt and possession of the Sealed Report. Through these efforts, I was provided documents from the City that establish the facts set forth below regarding the disclosure of the Sealed Report.

24. On May 3, 2022, Oldfather requested a copy of the sealed Incident Report by the unique report number from the San Francisco Police Department ("SFPD") indicating that he had accessed my file. (Documents showing Oldfather's contact with the SFPD on May 3, 2022 are attached hereto as "Exhibit C.") In making this request, Oldfather responded to the inquiry, "Describe your interest in this Report," by stating "Attorney Investigator."

25. Prior to getting a response from the SFPD with respect to his initial request on May 3, on May 9, 2022, at 1:00 AM, Oldfather made a second request to the SFPD for the Sealed Report. (See Exhibit C.) In making this second request, Oldfather left blank the response to the inquiry to "Describe your interest in this Report."

26. On May 16, 2022, Diane Bryan, of the SFPD, wrote to Oldfather: "We have received your report request, but due to the nature of the report we must route the request to the investigative unit for final release/approval. Please be patient as this may add several days to our processing time." (See Exhibit C.)

27. On May 17, 2022, Diane Bryan wrote to Oldfather that the SFPD received his request dated May 9, 2022, that his request has been processed, and that the documents he requested have been made available via the San Francisco Public Records Portal. (See Exhibit C.)

28. The Sealed Report that the SFPD provided to Oldfather had a unique watermark identifier.

29. On July 21, 2022, after the SFPD had already provided Oldfather with the Sealed Report pursuant to his May 9 request, Daniel Leung sent an email to Oldfather in connection with Oldfather's initial request on May 3 for the Sealed Report that read: "Dear Newton Oldfather: We have received your request for Incident Report No. [XXX]. In order to process the request,

please provide authorization from the party named in the report. Your request will be processed upon receipt." Oldfather did not provide or have authorization from me.

30. During the Employee Litigation, Oldfather never disclosed that he was in receipt and possession of the Sealed Report

31. Nabity admitted that he sent the Sealed Report to Byron Tau.

32. The version of the sealed report that Jack Poulson published on September 14, 2023, contained the same unique watermark identifier as the copy of the report that the SFPD provided to Newton Oldfather. This makes it undeniable that the chain of custody of the sealed report traces directly back to Oldfather.

33. Poulson continues to publish articles claiming we are trying to illegally unmask his source, although the watermark identifier established that Oldfather is either the direct or indirect source of the Sealed Report.

34. According to records provided by the SFPD, as of October 3, 2023, five requests had been made to the SFPD for the release of this report (including the two requests by Oldfather). (See Exhibit C.) The SFPD only released the report two times: once to me in December 2021 and once to Oldfather in May 2022. The SFPD never released the report to a journalist. Neither Poulson nor Byron Tau ever submitted a request to the SFPD for release of the report, and the SFPD never released the report to either Poulson or Tau.

35. By no later than September 25, 2023, counsel representing my Employer in the Employee Litigation, Dhaivat Shah of Grellas Shah LLP, notified Oldfather and Nabity that the Sealed Report had been sealed by Court Order pursuant to Section 851.91.

36. On October 13, 2023, Poulson published a post that linked to the Sealed Report and described its contents. Poulson indicated in this post that "the charges were later dropped," showing that Poulson had been following these matters and therefore knew that the arrest did not result in a conviction.

37. In November 2023, I notified Substack that the Sealed Report that was in its possession and being disseminated on Poulson's blog had been sealed by a Court Order, and I requested that Substack give up possession of the Sealed Report and immediately take down all content describing or related to the Sealed Report, which was required by California law and Substack's Acceptable Use Policy, which prohibits illegal content. (Substack's Acceptable Use Policy is attached hereto as "Exhibit D.").

38. Substack remained in receipt and possession of the Sealed Report and did not remove Poulson's posts.

39. On November 28, 2023, counsel representing my Employer in the Employee Litigation filed a motion with respect to the Sealed Report that had been released publicly on September 14 seeking to keep the Sealed Report and its contents sealed and confidential pursuant to a protective order. The documents filed with the Court in connection with the Employee Litigation referenced that the Sealed Report that Poulson had published on Substack had been sealed pursuant to a court order dated February 17, 2022.

40. On November 20, 2023, Poulson published a post that linked to the Sealed Report and described its contents. Poulson also published a picture of me with a caption below the picture that described the content of the Sealed Report.

41. On December 18, 2023, Byron Tau published a Tweet that referred to and linked to Poulson's blog post that included the Sealed Report and its contents.

42. On December 19, 2023, Poulson published a post that linked to the Sealed Report and described its contents. Poulson also used this post to promote Tau's book that was published by Penguin Random House. In this post, Poulson acknowledged that he knew my Employer had terminated my employment in December 2023, which occurred because of the information in Poulson's posts.

43. On April 25, 2024, Poulson published a post that linked to the Sealed Report and described its contents. In this post, Poulson published various documents from the Employee Litigation. Poulson refers to various aspects of that litigation, including "unsealed filings from the Santa Clara County litigation" that addressed Poulson's publication of the Sealed Report. Poulson also conceded that he knew, at least as of April 25, 2024, that the report had been sealed by Court Order. In this post, Poulson stated that there was a "lack of public appetite" for and no "broad public attention" in Tau's coverage of Plaintiff's Employer, despite Tau's efforts to "expose" Plaintiff's Employer in 2021.

44. Poulson's posts continue to include my home address and my picture, and information that identifies the other individual involved in the incident.

45. On April 26, 2024, my counsel, Binall Law Group, sent correspondence to Substack requesting the immediate removal of the Sealed Report and its contents.

46. In June 2024, Police Accountability referred the matter to SFPD Internal Affairs

47. On June 3, 2024, Poulson published another post that linked to the Sealed Report and described its contents.

48. In Poulson's Declaration in support of his anti-SLAPP motion, Poulson included Exhibit C. This exhibit includes the word "REDACTED". However, Poulson and/or Substack changed this because when it was originally published, it included the words "CENSORED BY SUBSTACK." (Attached as "Exhibit I" is the version of Poulson's blog post that indicates "CENSORED BY SUBSTACK.")3

49. On June 3, 2024, Police Accountability informed me that they had referred the matter to SFPD internal affairs.

50. On June 20, 2024, after not hearing from them, I reached out directly to internal affairs.

51. On June 25, Lt. Chris Beauchamp #561reached out and informed me I would need to wait until department head Lt. Lisa Springer returned on July 7, 2023.

52. On June 23, 2024, I sent an email to Substack requesting the immediate removal of the Sealed Report and its contents due to the sealed nature of the report and violations of California law. Substack did not respond.

53. In August 2024, Lt Springer notified me that the department would be conduct an investigation into the release of the Sealed Report.

54. On September 13, through my counsel, I again contacted Substack to request that Substack immediately remove the Sealed Report because Substack was in violation of California law and Substack's Acceptable Use Policies. (See Exhibit D.)

55. On September 13, 2024, through counsel, I contacted Amazon Web Services, which hosts Substack, and requested that it remove the Sealed Report and its contents because AWS was in violation of California law and AWS's Acceptable Use Policy. (A copy of AWS's Acceptable Use Policy is attached hereto as "Exhibit E.")

56. On September 16, 2024, through counsel, I contacted Poulson and Tech Inquiry and requested that they remove the Sealed Report and related information because Poulson and Tech Inquiry were in violation of California law.

57. On September 19, 2024, the San Francisco City Attorney sent a letter to Substack that, pursuant to Section 851.92(c) and Substack's Acceptable Use Policy, requested that Substack "immediately remove the Sealed Report and its contents from your website and ensure that the index to postings no longer allows for the Sealed Report to be viewed or downloaded" by

September 23, 2024, and "refrain from publishing this material in the future." (A copy of the letter from the SF City Attorney is attached hereto as "Exhibit F.")

58. On September 23, 2024, through my counsel, I forwarded a copy of the letter the San Francisco City Attorney had sent to Substack to AWS.

59. On September 23, 2024, Substack's counsel, Wilson Sonsini, responded to my September 13, 2024, letter, indicating that Substack would not remove the Sealed Report.

60. On September 25, 2024, Joshua Stokes, of Berry, Silberberg, & Stokes, sent a letter to my lawyer on behalf of Poulson. In this letter, Poulson's lawyer indicated that Poulson would not remove the Sealed Report or its contents.

61. On October 3, 2024, the San Francisco City Attorney sent letters to each Substack and Poulson. (Copies of the letter from the San Francisco City Attorney are attached as "Exhibit G" and "Exhibit H.") In these letters, the San Francisco City Attorney instructed Substack and Poulson to remove the Sealed Report and related information pursuant to California law and Substack's Acceptable Use Policy.

62. On October 3, 2024, I filed this lawsuit as John Doe to protect my privacy, and all Defendants were immediately notified. In the lawsuit, I sought injunctive relief, including removal of the Sealed Report and its contents, and damages. Prior to filing this lawsuit, all of the Defendants had knowledge that the report was sealed, and all of the Defendants refused to take down the Sealed Report and its contents.

63. On October 29, 2024, a reporter from the San Francisco Chronicle, who had knowledge that the report had been sealed by Court Order, published an article online titled "Tech exec sues journalist for $25M for publishing his sealed arrest report," that referred to the Sealed Report and its contents, as well as my name. The article mistakenly confused what was in the demand letter I had sent to Poulson and Tech Inquiry with the actual Complaint, thereby showing that Poulson was the source for this article.

64. I called the reporter and asked where he learned of the lawsuit, and he informed me Susan Seager, Tech Inquiry's attorney, had contacted him.

65. The Sealed Report has not been taken down and remains in receipt and possession of all Defendants.

66. I am a private individual, and the events described in the Sealed Report are intensely personal and private to both me and the related third party. The events described in the Sealed Report have no relevance to any matter of public significance or issue of public interest. Any interest

into these events would constitute nothing more than a morbid and sensational prying into my private life for its own sake.

67. While I was never in the public eye, to the extent that Defendants argue I was in the public eye because I was the CEO of a small private company, the events described in the Sealed Report had no nexus to my employment. These events did not occur during work, at work, or in connection with my employment. I was in my private residence.

68. After Poulson published the Sealed Report and its contents on Substack and Tech Inquiry, no other legitimate news outlets covered this story (until I filed the Complaint in this matter, which was written about by one online newspaper). The only other blogger who even referred to Poulson's post was Byron Tau, who was given the Sealed Report by Ken Nabity and elected not to write about it until after the Complaint in this matter had been filed.

69. A review of Poulson's posts shows minimal engagement on this matter.

70. I have and will continue suffer severe and irreparable injuries if the Sealed Report are not immediately removed from the internet and taken out of the possession of these various unauthorized parties.

71. Poulson's blog posts are malicious and worded in a manner that people equate the arrest with a conviction. Among other things, Poulson's blog posts indicate that Premise Data terminated my employment because of the events he described in his blog posts. Because California law prohibits an employer from terminating an employee for an arrest that did not lead to a conviction, Poulson's blog posts are false and malicious.

72. Poulson published a blog post falsely asserting that I hired someone to bribe him into taking down the article. At no time did I, or any of my affiliates, hire anyone to bribe Poulson.

73. My professional and personal opportunities have been and will be severely impacted as a result of the Sealed Report and its contents being in the possession of Defendants. Among other things, I carry the stigma associated with the arrest, and being arrested creates the false belief that I was convicted of wrongdoing.

74. Despite my qualifications and performance, I have been unable to get full-time employment or a position on a Board. I have had numerous interviews and meetings about potential employment, but each time the prospective employer conducts due diligence into my background, offers of employment have not materialized.

75. While my arrest was not itself newsworthy, people and entities interested in hiring me will become aware of it by conducting a basic Google search because Poulson as a PhD in Computer Science has the domain knowledge to ensure his posts show up at the top of my search results.
76. In addition, friends, family, and community members have become wary of associating with me.
77. When I meet new people, they learn about the arrest by conducting a simple Google search.
78. This fear of exposure has caused me to withdraw from social settings and avoid forming new connections, further isolating me from society.
79. Because I am not a public figure, this Poulson's blog posts are the first thing – and one of the only things – that comes up when my name is searched on Google.
80. This situation has caused and will cause me severe emotional distress. The knowledge that my sealed record is in the possession of unauthorized parties and can be publicly accessed and possessed by others has led to ongoing anxiety, insomnia, and depression.
81. Anyone I meet – socially or professionally – will discover details about the Sealed Report and its contents. This causes me to live in fear, and feeling vulnerable, hopeless, and without control over my own life and reputation.
82. The related party in the arrest is also suffering from stress and fear because Poulson has contacted her and his articles note details about her age, location, and affiliation with me make her identifiable.
83. If this Court grants the injunction, it will prevent more people from becoming in possession of the Sealed Report and its contents and becoming aware of the contents of the Report. This is the only possible way my life can resume as it was.

I declare under penalty of perjury to the laws of the State of California that the foregoing facts are true and correct.

Executed on December 20, 2024 San Francisco, California.

/s/_____

Plaintiff Delwin Maurice Blackman III

# EXHIBIT A

# CR-410 Order to Seal Arrest and Related Records (Pen. Code, §§ 851.91, 851.92)

*Clerk stamps date here when form is filed.*

FEB 17 2022

(1) Name: BLACKMAN (Last) DELWIN (First) M (Middle)

Mailing address: 360 RITCH ST. #201 (Street)

SAN FRANCISCO (City) CA (State) 94107 (Zip)

(2) The court finds that the petitioner is eligible for the following requested relief and makes the following order:

☑ The court **GRANTS** the petition. The record of arrest in the following matter shall be sealed under the provisions of section 851.91, and the arrest deemed not to have occurred:

*Clerk fills in the name and street address of the court.*

**Superior Court of California, County of**
SAN FRANCISCO, 850 BRYANT STREET, SAN FRANCISCO, CA 94107

Law enforcement agency report number: 210844280

Prosecuting agency report number:

Court case number: 21012755

Other:

*Clerk fills in the number and name of the case.*

**Trial Court Case Number:**
21012756

**Trial Court Case Name:**
*People of the State of California*
v. BLACKMAN

Petitioner may answer any question relating to the sealed arrest as though it did not happen, and petitioner is released from all penalties and disabilities resulting from the arrest, except as follows:

- The sealed arrest may be pleaded and proved in any later prosecution of the petitioner for any other offense, and will have the same effect as if it had not been sealed.
- The sealing of an arrest under section 851.91 does not relieve the petitioner of the obligation to disclose the arrest, if otherwise required by law, in response to any direct question contained in a questionnaire or application for public office, for employment as a peace officer, for licensure by any state or local agency, or for contracting with the California State Lottery Commission.
- The sealing of an arrest under this section does not affect petitioner's authorization to own, possess, or have in his or her custody or control any firearm, or his or her susceptibility to conviction under Chapter 2 (commencing with section 29800) of Division 9 of Title 4 of Part 6, if the arrest would otherwise affect this authorization or susceptibility.
- The sealing of an arrest under this section does not affect any prohibition from holding public office that would otherwise apply under law as a result of the arrest.

(3) ☐ The court **DENIES** the petition *(check one)*:

a. ☐ The petition does not meet the requirements listed in Penal Code section 851.91(b)(1).

b. ☐ Petitioner's arrest does not qualify under Penal Code section 851.91(a).

c. ☐ The court finds that sealing the arrest would not serve the interests of justice under Penal Code section 851.91(c)(2).

d. ☐ Other:

Date: FEB 15 2022

Hon. Carolyn Gold
*Signature of judicial officer*

**This is a Court Order.**

# EXHIBIT B

CONTACT < HTTPS://LEWISLLEWELLYN.COM/CONTACT>

< https://lewisllewellyn.com/>

Attorney

# Newton Oldfather

Email Newton

62 60 75

## Education

Skidmore College, BA

UCLA School of Law, JD

CONTACT < HTTPS://LEWISLLEWELLYN.COM/CONTACT>

< https://lewisllewellyn.com/>

## Biography

Newton Oldfather is an experienced litigator with over ten years of experience in government practice, internal investigations, litigation, and trials.

Before joining Lewis & Llewellyn, Newton began his career in the San Francisco office of Latham & Watkins LLP, one of the world's premier international law firms. There, he worked on the white-collar defense team, specializing in high-profile complex

< https://lewisllewellyn.com/>

CONTACT < HTTPS://LEWISLLEWELLYN.COM/CONTACT>

commercial disputes.

Following that, Newton was a member of the San Francisco City Attorney's Office Trial Team, where he defended the City and County of San Francisco in a wide variety of cases, including personal injury, civil rights, property, and complex litigation. As a Deputy City Attorney, Newton tried multiple cases to jury verdict in both state and federal court.

More recently, Newton worked at the San Francisco Department of Police Accountability, where he prosecuted law enforcement

misconduct cases, oversaw high-profile internal investigations, and advised on issues of police reform and privacy. Newton also created and implemented the first civilian oversight system for the San Francisco Sheriff's Office.

Away from the office, Newton enjoys camping and exploring the outdoors with his wife and two kids.

CONTACT < HTTPS://LEWISLLEWELLYN.COM/CONTACT>

< https://lewisllewellyn.com/>

OUR CLIENTS

< https://lewisllewellyn.com/>

< https://lewisllewellyn.com/>



San Francisco Office

601 Montgomery Street
Suite 2000
San Francisco, CA 94111
415-800-0590

Los Angeles Office

2121 Avenue of the Stars
Suite 800
Los Angeles, CA 90067
213-510-8416

Email

info@lewisllewellyn.com

# EXHIBIT C

GovQA

Support Center 7 | GovQA Settings | 210 | AT

# All Requests

New Request | Browse | Edit | Export | Letters | Print | Delete Checked

Show Requests that match all of these conditions:

| | | | |
|---|---|---|---|
| IRR Report Number | contains | 210844280 | Search |
| Reference No | contains | Enter | |
| Any Field | contains | Enter | |
| Duplicate/Similar Requests | equals | Enter Number | |
| Customer Last Name | equals | Enter | |
| Customer Email | contains | Enter | |

Add Filter

Results: **5 Requests**

Displaying records 1 to 5 of 5

| Reference No | Request Info | | Create Date | Customer Full Name | Status | Assigned Dept | Assigned Staff | Summary | Public Record Desired | Customer Email | Extension |
|---|---|---|---|---|---|---|---|---|---|---|---|
| R030311-122721 | 2/2 | 1 | 12/27/2021 8:58 PM | Maury Blackman | Completed | CISU | Elizabeth Elemento | 210844280 | | [redacted] | release |
| R026514-100323 | | 1 | 10/3/2023 11:49 AM | David Siegel | Completed | CISU | Elizabeth Elemento | 210844280 | | | not release |
| R026487-100323 | | 1 | 10/3/2023 10:04 AM | Jake Lipton | Completed | CISU | Diane Harper | 210844280 | | | Not release |
| R011205-051622 | 2/2 | 2 | 5/9/2022 1:00 AM | Newton Oldfather | Completed | CISU | Diane Bryan | 210844280 | | | Release |
| R010166-050322 | | | 5/3/2022 1:20 PM | Newton Oldfather | Completed | CISU | Daniel Leung | 210844280 | | | Not release |

CISV staff entered request in GovQA

# 210844280 (Incident Report Request #R011205-051622)

## Incident Report Request Details

## Supervisor Review

## San Francisco Police Department Incident Report Information

**San Francisco Police Department Incident Report Information**

### Requester Category

| | |
|---|---|
| Is this a DHS ICE Report pursuant to 5.15 General Order?: | No |
| Please Select One: | Public |
| Report No.: | 210844280 |
| Date of Incident: | |
| Location of Incident: | |
| Incident Type: | Domestic Violence |
| Is this a Traffic Collision Report: | |
| Is this case assigned to Special Victims Unit (SVU)?: | Yes |
| Are you the victim?: | No |
| Relationship to Victim: | Other/Not Listed |
| If Relationship to Victim is Other - Please Provide Details: | I don't know who this person is |
| ID and Authorization Required to Pick Up Report: | |

## Requester Information

**Requester Information**

| | |
|---|---|
| Name: | Newton Oldfather |
| Address: | |
| City: | San Francisco |
| State: | CA |
| Zip Code: | |
| Country: | |
| Company/Agency Name: | |
| Phone: | |
| Email: | |
| Name of Party Listed on Report: | [redacted] |
| Date of Birth: | |

| | |
|---|---|
| Describe Your Interest in this Report: | |
| Preferred Method to Receive Report: | Pick-up Copies |
| Preferred Method to Receive Report (INTERNAL ONLY): | Email (Non-Portal) |

**Pick-Up Report:**

If you have elected to pick up your report, please be aware the report will be made available at:

**SFPD Headquarters**

**1245 3rd Street, 1st Floor**

**San Francisco, CA 94158**

Hours: Monday through Friday (8:00am-5:00pm)

We are closed on weekends and holidays.

Please call 415-575-7232 to confirm your report is ready for pick up.

**Authorization**
I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct. There is no legal requirement to fill out this form in its entirety. However, certain individuals are entitled to receive more information pursuant to California Government Code § 6254 (f). The more information you provide may help the Department determine the amount of information provided to you.

## ✓ Internal Information Only

| | |
|---|---|
| Incident Type Designation: | |
| Unit for PINK Assignment: | Special Victims Unit (SVU)\| |

## > Exemptions

## > Redaction Guidelines

## > Days in Status Counter (Internal Only)

## ✓ Message History

Date

On 5/17/2022 2:39:44 PM, Diane Bryan wrote:
**Subject:** Service Request Updated :: R011205-051622
**Body:**
May 17, 2022

Newton Oldfather

San Francisco, CA

RE: Police Incident Report Request, dated May 09, 2022, Reference # R011205-051622

Dear Newton Oldfather:

The San Francisco Police Department (SFPD) received your Police Incident Report Request, dated May 09, 2022.

Your request has been processed and is now complete. Documents/records have now been made available via the San Francisco Public Records Center.

Incident Report Request - R011205-051622

Please Note:
If you need to request a correction to a report or add additional lost/stolen items and your Initial Report was submitted:
1. Online through CopLogic: You may submit a Supplemental Report online using CopLogic via https://www.sanfranciscopolice.org/get-servicepolice-reports/file-police-report
2. Phone: Call 311 (outside of San Francisco 1-415-701-2311) and relay the information over the phone.
3. Person: Go to your local police station and file a supplemental report.

To Request Photos/Videos/Statements/Evidence:
File a public records request online at https://www.sanfranciscopolice.org/get-service/public-records-request

On 5/16/2022 1:12:07 PM, Diane Bryan wrote:
**Subject:** Service Request Updated :: R011205-051622
**Body:**
May 16, 2022

Dear Newton Oldfather:

We have received your report request, but due to the nature of the report we must route the request to the investigative unit for final release/approval. Please be patient as this may add several days to our processing time.

To monitor the progress or update this request please log into the SFPD Public Records Center.

Date

On 5/16/2022 1:04:37 PM, System Generated Message:
**Subject:** INCIDENT REPORT Request :: R011205-051622
**Body:**

**FAQ: Why is it taking so long to receive a copy of my report/record?**

As the result of the COVID-19 pandemic and an understaffed Unit, increased workload, and financial restrictions; CISU is currently experiencing a backlog of requests for public records. We appreciate your patience during this time. Please DO NOT make a duplicate request for a copy of your report/record. This could potentially further delay your request, it is advised you follow the steps below.

**FAQ: How do I send an email asking for a follow-up on the report/record I'm still waiting for?**

While on the *Incident Report Request Portal*, please click on *View My Requests* and sign in to your account. Once you have signed in, you should see a form that you are allowed to type in. In the box provided, you may type *"I would like an update on the status of my initial report requested"*. Please be patient while waiting for an email response back from CISU.

Dear Newton Oldfather:

The San Francisco Police Department has received your request for Incident Report Number 210844280.

Your request was received on 5/9/2022 and given the reference number R011205-051622 for tracking purposes. Your request will be processed within ten (10) days in the order it was received. If applicable, your request will be expedited pursuant to the statutory guidelines.

Under CA Family Code § 6228, incident reports requested by a victim or his or her representative for the alleged crimes of domestic violence, sexual assault, stalking, human trafficking, and abuse of an elder or dependent adult are entitled to receive copies within five (5) working days of the request, unless good cause for delay exists. If good cause exists, reports shall be released no later than ten (10) working days after request is made.

To monitor the progress or update this request please log into the SFPD Public Records Center.

Thank you,

San Francisco Police Department
Crime Information Services Unit
1245 3rd Street, First Floor
San Francisco, CA 94158
415-575-7232

Counter Operating Hours: Monday – Friday 8:00 am to 5:00 pm
Closed Saturday and Sunday

Date

On 5/16/2022 1:04:36 PM, System Generated Message:
Message sent to: **Newton Oldfather**
**Subject:** Incident Report Request :: R011205-051622
**Body:**

*If you have already picked up your incident report at Police Headquarters, please disregard the automated message below.

Dear Newton Oldfather:

The San Francisco Police Department has received your request for Incident Report Number 210844280.

Your request was received on 5/9/2022 and given the reference number R011205-051622 for tracking purposes. Your request will be processed within ten (10) days in the order it was received. If applicable, your request will be expedited pursuant to the statutory guidelines.

Under CA Family Code § 6228, incident reports requested by a victim or his or her representative for the alleged crimes of domestic violence, sexual assault, stalking, human trafficking, and abuse of an elder or dependent adult are entitled to receive copies within five (5) working days of the request, unless good cause for delay exists. If good cause exists, reports shall be released no later than ten (10) working days after request is made.

Thank you,

San Francisco Police Department
Crime Information Services Unit
1245 3rd Street, First Floor
San Francisco, CA 94158
415-575-7232

Counter Operating Hours:
Monday – Friday 8:00 am to 5:00 pm
Closed Saturday and Sunday

To monitor the progress or update this request please log into the CISU Incident Report Request Portal.

**This is an auto-generated email and has originated from an unmonitored email account. Please DO NOT REPLY.**

On 5/16/2022 1:04:35 PM, Diane Bryan wrote:
Request was created by staff

## Request Details

| | |
|---|---|
| Reference No: | R011205-051622 |
| Created By: | Diane Bryan |
| Create Date: | 5/9/2022 1:00 AM |
| Update Date: | 5/17/2022 2:39 PM |
| Completed/Closed: | Yes |
| Close Date: | 5/17/2022 2:39 PM |

| | |
|---|---|
| Status: | Completed |
| Priority: | Medium |
| Assigned Dept: | CISU |
| Assigned Staff: | Diane Bryan |
| | |
| Customer Name: | Newton Oldfather |
| Email Address: | [redacted] |
| Phone: | |
| Group: | CISU |
| | |
| Source: | Email |

# 210844280

Incident Report Request #R011205-051622

Details | Time | Activities (2/2) | Attachments (2) | Letters (0) | Customer | Followers (0) | History

ADD NEW | Search attachments...

| Name | Tags | Modified On | Added by | Size | Access |
|---|---|---|---|---|---|
| 210844280_Redacted.pdf #55333 | | 05/17/2022 | Andrea Creed | 7 MB | Customer |
| 210844280_REQUEST1.pdf | CISU Report Request | 05/16/2022 | Diane Bryan | 729 KB | Customer |

Incomplete

# 210844280 (Incident Report Request #R010166-050322)

## Incident Report Request Details

## Supervisor Review

## San Francisco Police Department Incident Report Information

**San Francisco Police Department Incident Report Information**

### Requester Category

| | |
|---|---|
| Is this a DHS ICE Report pursuant to 5.15 General Order?: | No |
| Please Select One: | Public |
| Report No.: | 210844280 |
| Date of Incident: | 12/22/2021 |
| Location of Incident: | Unknown |
| Incident Type: | |
| Is this a Traffic Collision Report: | |
| Is this case assigned to Special Victims Unit (SVU)?: | Does Not Apply |

## Requester Information

**Requester Information**

| | |
|---|---|
| Name: | Newton Oldfather |
| Address: | |
| City: | San Francisco |
| State: | CA |
| Zip Code: | |
| Country: | |
| Company/Agency Name: | |
| Phone: | 518-879-9060 |
| Email: | [redacted] |
| Name of Party Listed on Report: | [redacted] |
| Date of Birth: | |
| Describe Your Interest in this Report: | Attorney Investigation |
| Preferred Method to Receive Report (INTERNAL ONLY): | |

**Authorization**

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct. There is no legal requirement to fill out this form in its entirety. However, certain individuals are entitled to receive more information pursuant to California Government Code § 6254 (f). The more information you provide may help the Department determine the amount of information provided to you.

I acknowledge that by clicking on the submit button, I have read and understand the Authorization. |

Preferred Method to Receive Report: Pick-up Copies

## Internal Information Only

Incident Type Designation:

Unit for PINK Assignment:

## Exemptions

## Redaction Guidelines

## Days in Status Counter (Internal Only)

## Message History

Date

On 7/21/2022 10:17:40 AM, Daniel Leung wrote:
**Subject:** Service Request Updated :: R010166-050322
**Body:**
July 21, 2022

Dear Newton Oldfather:

We have received your request for Incident Report No. 210844280. In order to process the request, please provide authorization from the party named in the report. Your request will be processed upon receipt.

To monitor the progress or update this request please log into the SFPD Public Records Center.

Date

On 5/3/2022 1:20:51 PM, System Generated Message:
**Subject:** INCIDENT REPORT Request :: R010166-050322
**Body:**

**FAQ: Why is it taking so long to receive a copy of my report/record?**

As the result of the COVID-19 pandemic and an understaffed Unit, increased workload, and financial restrictions; CISU is currently experiencing a backlog of requests for public records. We appreciate your patience during this time. Please DO NOT make a duplicate request for a copy of your report/record. This could potentially further delay your request, it is advised you follow the steps below.

**FAQ: How do I send an email asking for a follow-up on the report/record I'm still waiting for?**

While on the *Incident Report Request Portal*, please click on *View My Requests* and sign in to your account. Once you have signed in, you should see a form that you are allowed to type in. In the box provided, you may type *"I would like an update on the status of my initial report requested"*. Please be patient while waiting for an email response back from CISU.

Dear Newton Oldfather:

The San Francisco Police Department has received your request for Incident Report Number 210844280.

Your request was received on 5/3/2022 and given the reference number R010166-050322 for tracking purposes. Your request will be processed within ten (10) days in the order it was received. If applicable, your request will be expedited pursuant to the statutory guidelines.

Under CA Family Code § 6228, incident reports requested by a victim or his or her representative for the alleged crimes of domestic violence, sexual assault, stalking, human trafficking, and abuse of an elder or dependent adult are entitled to receive copies within five (5) working days of the request, unless good cause for delay exists. If good cause exists, reports shall be released no later than ten (10) working days after request is made.

To monitor the progress or update this request please log into the SFPD Public Records Center.

Thank you,

San Francisco Police Department
Crime Information Services Unit
1245 3rd Street, First Floor
San Francisco, CA 94158
415-575-7232

Counter Operating Hours: Monday – Friday 8:00 am to 5:00 pm
Closed Saturday and Sunday

Date

On 5/3/2022 1:20:51 PM, System Generated Message:
Message sent to: **Newton Oldfather**
**Subject:** Incident Report Request :: R010166-050322
**Body:**

*If you have already picked up your incident report at Police Headquarters, please disregard the automated message below.

Dear Newton Oldfather:

The San Francisco Police Department has received your request for Incident Report Number 210844280.

Your request was received on 5/3/2022 and given the reference number R010166-050322 for tracking purposes. Your request will be processed within ten (10) days in the order it was received. If applicable, your request will be expedited pursuant to the statutory guidelines.

Under CA Family Code § 6228, incident reports requested by a victim or his or her representative for the alleged crimes of domestic violence, sexual assault, stalking, human trafficking, and abuse of an elder or dependent adult are entitled to receive copies within five (5) working days of the request, unless good cause for delay exists. If good cause exists, reports shall be released no later than ten (10) working days after request is made.

Thank you,

San Francisco Police Department
Crime Information Services Unit
1245 3rd Street, First Floor
San Francisco, CA 94158
415-575-7232

Counter Operating Hours:
Monday – Friday 8:00 am to 5:00 pm
Closed Saturday and Sunday

To monitor the progress or update this request please log into the CISU Incident Report Request Portal.

**This is an auto-generated email and has originated from an unmonitored email account. Please DO NOT REPLY.**

On 5/3/2022 1:20:50 PM, Newton Oldfather wrote:
Request Created on Public Portal

## Request Details

| | |
|---|---|
| Reference No: | R010166-050322 |
| Create Date: | 5/3/2022 1:20 PM |
| Update Date: | 9/19/2023 8:56 PM |
| Completed/Closed: | Yes |
| Close Date: | 9/19/2023 8:56 PM |
| Status: | Completed |

| | |
|---|---|
| Priority: | Medium |
| Assigned Dept: | CISU |
| Assigned Staff: | Daniel Leung |
| | |
| Customer Name: | Newton Oldfather |
| Email Address: | [redacted] |
| Phone: | |
| Group: | CISU |
| | |
| Source: | Web |

# EXHIBIT D

**Documents**



# Content Guidelines

Effective date: August 8, 2024

Substack is a place for independent writing. We host and celebrate a diverse range of thought and discussion. The following guidelines outline what is and is not acceptable on Substack. We have the exclusive right to interpret and enforce these guidelines, although we may consult outside experts, research, and industry best practices in doing so. If you encounter content that may be in breach of these guidelines or have any questions about them, you can email us at tos@substackinc.com.

If we determine that any content is in breach of these guidelines, we may remove it, hide it from public view, or impose other restrictions. This is an evolving document: we reserve the right to update these Content Guidelines at our discretion and without notice.

## Legal

Please respect people's intellectual property and don't infringe on their privacy or any other legal rights. Don't publish anything that violates laws or regulations. You and you alone are

## In General

We want Substack to be a safe place for discussion and expression. At the same time, we believe that critique and discussion of controversial issues are part of robust discourse, so we work to find a reasonable balance between these two priorities. In all cases, Substack does not allow credible threats of physical harm.

## Hate

Substack cannot be used to publish content or fund initiatives that incite violence based on protected classes. Offending behavior includes credible threats of physical harm to people based on their race, ethnicity, national origin, religion, sex, gender identity, sexual orientation, age, disability or medical condition.

## Private information

You may not publish or post other people's private information without their express authorization and permission. We also prohibit threatening to expose private information or incentivizing others to do so. Publishing private information that is publicly available for journalistic purposes is not a violation of this policy; however, we don't typically consider private home addresses or phone numbers to be a valid exception. Don't publish private information to intimidate, harass, or threaten others.

## Plagiarism

Do not publish any material that was written or created by someone else and claim it as your own.

## Impersonation

We don’t allow impersonation, which includes posing as another person, brand, or organization. This applies to Substack itself: don’t use Substack’s name, logo, or trademark in any way that misrepresents the company or misleads others.

## People restricted from making money on Substack

and Stripe's restricted businesses for more information about restricted business categories and practices.

**Harmful and illegal activities**

We don't allow content that promotes harmful or illegal activities, including material that advocates, threatens, or shows you causing harm to yourself, other people, or animals.

**Spam and phishing**

We are vehemently anti-spam and anti-phishing. If you are importing a mailing list from another platform, you are required to ensure it's made up of people who explicitly opted-in to receive emails from your specific publication. We don't allow imports of email addresses that were purchased, scraped, or harvested from third party websites. Don't add people to your mailing list without their consent, and don't import your contacts list or social graphs. Similarly, you may not create publications for spamming or phishing purposes. Don't post spam when interacting with others on Substack, such as in comments, discussion threads, or email replies.

**Marketing and Promotion**

Substack is intended for high quality editorial content, not conventional email marketing. We don't permit publications whose primary purpose is to advertise external products or services, drive traffic to third party sites, distribute offers and promotions, enhance search engine optimization, or similar activities. Brands and commercial organizations publishing on Substack may be subject to additional verification.

**Nudity, porn, erotica**

We don't allow porn or sexually exploitative content on Substack, including any visual depictions of sexual acts for the sole purpose of sexual gratification. We do allow depictions of nudity for artistic, journalistic, or related purposes, as well as erotic literature, however, we have a strict no nudity policy for profile images. We may hide or remove explicit content from Substack's discovery features, including search and on Substack.com.

**Comments, Notes & Community Surfaces**

readers for curating their own experiences on the platform. Don't create accounts for the sole purpose of circumventing boundaries like blocks and bans imposed by other users. We may intervene to remove accounts engaged in artificial or inauthentic activity on community surfaces.

# EXHIBIT E

# AWS Acceptable Use Policy

**Last Updated: July 1, 2021**

This Acceptable Use Policy ("**Policy**") governs your use of the services offered by Amazon Web Services, Inc. and its affiliates ("**Services**") and our website(s) including http://aws.amazon.com ("**AWS Site**"). We may modify this Policy by posting a revised version on the AWS Site. By using the Services or accessing the AWS Site, you agree to the latest version of this Policy.

You may not use, or facilitate or allow others to use, the Services or the AWS Site:

- for any illegal or fraudulent activity;
- to violate the rights of others;
- to threaten, incite, promote, or actively encourage violence, terrorism, or other serious harm;
- for any content or activity that promotes child sexual exploitation or abuse;
- to violate the security, integrity, or availability of any user, network, computer or communications system, software application, or network or computing device;
- to distribute, publish, send, or facilitate the sending of unsolicited mass email or other messages, promotions, advertising, or solicitations (or "spam").

**Investigation and Enforcement**

We may investigate any suspected violation of this Policy, and remove or disable access to any content or resource that violates this Policy. You agree to cooperate with us to remedy any violation.

When determining whether there has been a violation of this Policy, we may consider your ability and willingness to comply with this Policy, including the policies and processes you have in place to prevent or identify and remove any prohibited content or activity.

**Reporting of Violations**

To report any violation of this Policy, please follow our [illegible]

## Learn About AWS

- What Is AWS?
- What Is Cloud Computing?
- AWS Accessibility
- AWS Inclusion, Diversity & Equity
- What Is DevOps?
- What Is a Container?
- What Is a Data Lake?
- What is Artificial Intelligence (AI)?
- What is Generative AI?
- What is Machine Learning (ML)?
- AWS Cloud Security
- What's New
- Blogs
- Press Releases

## Getting Started

- Training and Certification
- AWS Solutions Library
- Architecture Center
- Product and Technical FAQs
- Analyst Reports
- AWS Partners

## Developer Center

- SDKs & Tools
- .NET on AWS
- Python on AWS
- Java on AWS
- PHP on AWS
- JavaScript on AWS

## Help

- Contact Us
- Get Expert Help
- File a Support Ticket
- AWS re:Post
- Knowledge Center
- AWS Support Overview
- Legal
- AWS Careers

# EXHIBIT F

CITY AND COUNTY OF SAN FRANCISCO

DAVID CHIU
City Attorney

OFFICE OF THE CITY ATTORNEY

JENNIFER CHOI
Deputy City Attorney

Direct Dial: (415) 554-3887
Email: jennifer.choi@sfcityatty.org

September 19, 2024

**Via U. S. Mail and Electronic Mail**

Substack
111 Sutter Street, 7th Flr.
San Francisco, CA 94104
"tos@substackinc.com"

Re: Notice of Publication of Sealed Document

Dear Substack:

It has come to our office's attention that San Francisco Police Department incident report number 210844280 ("Incident Report") as well as its contents have been published in multiple postings on your website.[1] The Incident Report was previously sealed by court order. A copy of the court order sealing the report is attached.

Pursuant to California Penal Code section 851.92(c) and your own "Acceptable Use Policy," we expect that you will immediately remove the Incident Report and its contents from your website and ensure that the index to postings no longer allows for the Incident Report to be viewed or downloaded. Please alert us when the documents and its contents have been taken down from your website by no later than September 23, 2024. Finally, please refrain from publishing this material in the future.

If you would like to discuss further, please let us know. Thank you.

Very truly yours,

DAVID CHIU
City Attorney

JENNIFER E. CHOI
Deputy City Attorney

Encl.

[1] See https://jackpoulson.substack.com/p/the-covert-gig-work-surveillance?utm_source=%2Fsearch%2Fmaury%2520blackman&utm_medium=reader2. See also https://jackpoulson.substack.com/p/fraudulent-dmca-takedown-submitted?utm_source=%2Fsearch%2Fmaury%2520blackman&utm_medium=reader2. See also https://jackpoulson.substack.com/p/ceo-of-gig-work-surveillance-firm?utm_source=%2Fsearch%2Fmaury%2520blackman&utm_medium=reader2. See also https://jackpoulson.substack.com/p/california-based-covert-surveillance?utm_source=%2Fsearch%2Fmaury%2520blackman&utm_medium=reader2.

# CR-410 Order to Seal Arrest and Related Records (Pen. Code, §§ 851.91, 851.92)

*Clerk stamps date here when form is filed.*

FEB 17 2022

(1) Name: BLACKMAN (Last) DELWIN (First) M (Middle)

Mailing address: 360 RITCH ST. #201 (Street)

SAN FRANCISCO (City) CA (State) 94107 (Zip)

(2) The court finds that the petitioner is eligible for the following requested relief and makes the following order:

☑ The court **GRANTS** the petition. The record of arrest in the following matter shall be sealed under the provisions of section 851.91, and the arrest deemed not to have occurred:

*Clerk fills in the name and street address of the court.*

**Superior Court of California, County of**
SAN FRANCISCO, 850 BRYANT STREET, SAN FRANCISCO, CA 94107

Law enforcement agency report number: 210844280

Prosecuting agency report number:

Court case number: 21012755

Other:

*Clerk fills in the number and name of the case.*

**Trial Court Case Number:**
21012756

**Trial Court Case Name:**
*People of the State of California*
v. BLACKMAN

Petitioner may answer any question relating to the sealed arrest as though it did not happen, and petitioner is released from all penalties and disabilities resulting from the arrest, except as follows:

- The sealed arrest may be pleaded and proved in any later prosecution of the petitioner for any other offense, and will have the same effect as if it had not been sealed.
- The sealing of an arrest under section 851.91 does not relieve the petitioner of the obligation to disclose the arrest, if otherwise required by law, in response to any direct question contained in a questionnaire or application for public office, for employment as a peace officer, for licensure by any state or local agency, or for contracting with the California State Lottery Commission.
- The sealing of an arrest under this section does not affect petitioner's authorization to own, possess, or have in his or her custody or control any firearm, or his or her susceptibility to conviction under Chapter 2 (commencing with section 29800) of Division 9 of Title 4 of Part 6, if the arrest would otherwise affect this authorization or susceptibility.
- The sealing of an arrest under this section does not affect any prohibition from holding public office that would otherwise apply under law as a result of the arrest.

(3) ☐ The court **DENIES** the petition *(check one)*:

a. ☐ The petition does not meet the requirements listed in Penal Code section 851.91(b)(1).

b. ☐ Petitioner's arrest does not qualify under Penal Code section 851.91(a).

c. ☐ The court finds that sealing the arrest would not serve the interests of justice under Penal Code section 851.91(c)(2).

d. ☐ Other:

Date: FEB 15 2022

Hon. Carolyn Gold
*Signature of judicial officer*

**This is a Court Order.**

# EXHIBIT G

CITY AND COUNTY OF SAN FRANCISCO

DAVID CHIU
City Attorney

OFFICE OF THE CITY ATTORNEY

JENNIFER CHOI
Deputy City Attorney

Direct Dial: (415) 554-3887
Email: jennifer.choi@sfcityatty.org

October 3, 2024

**Via U. S. Mail and Electronic Mail**

Joshua A. Baskin
Wilson Sonsini Goodrich & Rosati
One Market Plaza
Spear Tower, Suite 3300
San Francisco, CA 94105
"jbaskin@wsgr.com"

Re: Publication of Sealed Document by Substack

Dear Mr. Baskin:

On September 19, 2024, my office notified your client Substack in writing that it had published a sealed San Francisco Police Department incident report number 210844280 ("Incident Report") on its platform, in violation of a court order and Substack's own "Acceptable Use Policy." We demanded that Substack immediately remove the Incident Report and its contents from its website and ensure that the index to postings no longer allow for it to be downloaded. Substack failed to do so.

Instead, on September 24, 2024, you responded on behalf of Substack and advised that Section 230 of the Communications Decency Act bars Substack from liability for the content posted by its users. You then recommended that the City contact the post's publisher.

Your September 24, 2024 response is inadequate. Regardless of whether Substack has liability for continuing to post the Incident Report on its platform, Substack is now on notice that the posting of the Incident Report violates its own "Acceptable Use Policy" as well as a court order. Substack has also failed to remove what it now knows to be a posting that violates its own "Acceptable Use Policy" as well as a court order. Your September 24, 2024 letter also fails to state whether Substack has asked the author of the posts to comply with Substack's "Acceptable Use Policy" and take down the posts related to the Incident Report.

While the City will also contact the author of the posts, Substack has a separate duty to follow its own "Acceptable Use Policy" and court orders.

///

///

///

///

///

///

///

Please alert us when the Incident Report and its contents have been taken down from Substack's platform. As stated previously, please also refrain from publishing this material in the future.

Thank you.

Very truly yours,

DAVID CHIU
City Attorney

JENNIFER E. CHOI
Deputy City Attorney

**CR-410** **Order to Seal Arrest and Related Records (Pen. Code, §§ 851.91, 851.92)**

*Clerk stamps date here when form is filed.*

FEB 17 2022

(1) Name: BLACKMAN (Last) DELWIN (First) M (Middle)

Mailing address: 360 RITCH ST. #201 (Street)

SAN FRANCISCO (City) CA (State) 94107 (Zip)

(2) The court finds that the petitioner is eligible for the following requested relief and makes the following order:

☑ The court **GRANTS** the petition. The record of arrest in the following matter shall be sealed under the provisions of section 851.91, and the arrest deemed not to have occurred:

Law enforcement agency report number: 210844280

Prosecuting agency report number:

Court case number: 21012755

Other:

Petitioner may answer any question relating to the sealed arrest as though it did not happen, and petitioner is released from all penalties and disabilities resulting from the arrest, except as follows:

- The sealed arrest may be pleaded and proved in any later prosecution of the petitioner for any other offense, and will have the same effect as if it had not been sealed.
- The sealing of an arrest under section 851.91 does not relieve the petitioner of the obligation to disclose the arrest, if otherwise required by law, in response to any direct question contained in a questionnaire or application for public office, for employment as a peace officer, for licensure by any state or local agency, or for contracting with the California State Lottery Commission.
- The sealing of an arrest under this section does not affect petitioner's authorization to own, possess, or have in his or her custody or control any firearm, or his or her susceptibility to conviction under Chapter 2 (commencing with section 29800) of Division 9 of Title 4 of Part 6, if the arrest would otherwise affect this authorization or susceptibility.
- The sealing of an arrest under this section does not affect any prohibition from holding public office that would otherwise apply under law as a result of the arrest.

*Clerk fills in the name and street address of the court.*

**Superior Court of California, County of**
SAN FRANCISCO, 850 BRYANT STREET, SAN FRANCISCO, CA 94107

*Clerk fills in the number and name of the case.*

**Trial Court Case Number:**
21012756

**Trial Court Case Name:**
*People of the State of California*
v. BLACKMAN

(3) ☐ The court **DENIES** the petition *(check one)*:

a. ☐ The petition does not meet the requirements listed in Penal Code section 851.91(b)(1).

b. ☐ Petitioner's arrest does not qualify under Penal Code section 851.91(a).

c. ☐ The court finds that sealing the arrest would not serve the interests of justice under Penal Code section 851.91(c)(2).

d. ☐ Other:

Date: FEB 15 2022

Hon. Carolyn Gold
*Signature of judicial officer*

**This is a Court Order.**

# EXHIBIT H

CITY AND COUNTY OF SAN FRANCISCO

DAVID CHIU
City Attorney

OFFICE OF THE CITY ATTORNEY

JENNIFER CHOI
Deputy City Attorney

Direct Dial: (415) 554-3887
Email: jennifer.choi@sfcityatty.org

October 3, 2024

**Via U. S. Mail and Electronic Mail**

Joshua C. Stokes
Berry, Silberberg, & Stokes
11600 Washington Place, Suite 202C
Los Angeles, CA 90066
"jstokes@berrysilberberg.com"

Re: Notice of Publication of Sealed Document

Dear Mr. Stokes:

It has come to our office's attention that San Francisco Police Department incident report number 210844280 ("Incident Report") as well as its contents have been published in multiple postings on Substack by your client Jack Poulson.[1] The Incident Report was previously sealed by court order. A copy of the court order sealing the report is attached.

Pursuant to California Penal Code section 851.92(c) and Substack's "Acceptable Use Policy," we expect that you will immediately remove the Incident Report and its contents from Substack and ensure that the index to postings no longer allows for the Incident Report to be viewed or downloaded. Please alert us when the documents and its contents have been taken down from your website. Finally, please refrain from publishing this material in the future.

Thank you.

Very truly yours,

DAVID CHIU
City Attorney

JENNIFER E. CHOI
Deputy City Attorney

Encl.

[1] See https://jackpoulson.substack.com/p/the-covert-gig-work-surveillance?utm_source=%2Fsearch%2Fmaury%2520blackman&utm_medium=reader2. See also https://jackpoulson.substack.com/p/fraudulent-dmca-takedown-submitted?utm_source=%2Fsearch%2Fmaury%2520blackman&utm_medium=reader2. See also https://jackpoulson.substack.com/p/ceo-of-gig-work-surveillance-firm?utm_source=%2Fsearch%2Fmaury%2520blackman&utm_medium=reader2. See also https://jackpoulson.substack.com/p/california-based-covert-surveillance?utm_source=%2Fsearch%2Fmaury%2520blackman&utm_medium=reader2.

**CR-410** **Order to Seal Arrest and Related Records (Pen. Code, §§ 851.91, 851.92)**

*Clerk stamps date here when form is filed.*

FEB 17 2022

(1) Name: BLACKMAN (Last) DELWIN (First) M (Middle)

Mailing address: 360 RITCH ST. #201 (Street)

SAN FRANCISCO (City) CA (State) 94107 (Zip)

(2) The court finds that the petitioner is eligible for the following requested relief and makes the following order:

☑ The court **GRANTS** the petition. The record of arrest in the following matter shall be sealed under the provisions of section 851.91, and the arrest deemed not to have occurred:

Law enforcement agency report number: 210844280

Prosecuting agency report number:

Court case number: 21012755

Other:

Petitioner may answer any question relating to the sealed arrest as though it did not happen, and petitioner is released from all penalties and disabilities resulting from the arrest, except as follows:

- The sealed arrest may be pleaded and proved in any later prosecution of the petitioner for any other offense, and will have the same effect as if it had not been sealed.
- The sealing of an arrest under section 851.91 does not relieve the petitioner of the obligation to disclose the arrest, if otherwise required by law, in response to any direct question contained in a questionnaire or application for public office, for employment as a peace officer, for licensure by any state or local agency, or for contracting with the California State Lottery Commission.
- The sealing of an arrest under this section does not affect petitioner's authorization to own, possess, or have in his or her custody or control any firearm, or his or her susceptibility to conviction under Chapter 2 (commencing with section 29800) of Division 9 of Title 4 of Part 6, if the arrest would otherwise affect this authorization or susceptibility.
- The sealing of an arrest under this section does not affect any prohibition from holding public office that would otherwise apply under law as a result of the arrest.

*Clerk fills in the name and street address of the court.*

**Superior Court of California, County of**
SAN FRANCISCO, 850 BRYANT STREET, SAN FRANCISCO, CA 94107

*Clerk fills in the number and name of the case.*

**Trial Court Case Number:**
21012756

**Trial Court Case Name:**
*People of the State of California*
v. BLACKMAN

(3) ☐ The court **DENIES** the petition *(check one)*:

a. ☐ The petition does not meet the requirements listed in Penal Code section 851.91(b)(1).

b. ☐ Petitioner's arrest does not qualify under Penal Code section 851.91(a).

c. ☐ The court finds that sealing the arrest would not serve the interests of justice under Penal Code section 851.91(c)(2).

d. ☐ Other:

Date: FEB 15 2022

Hon. Carolyn Gold
*Signature of judicial officer*

**This is a Court Order.**

# EXHIBIT I

# The Covert Gig-Work Surveillance CEO Arrested for Felony Domestic Violence

After a Christmas party, then 53 year old CEO of Premise Data, Maury Blackman, was arrested when his 25 year old girlfriend told San Francisco police that "he just started beating me."

JACK POULSON
SEP 14, 2023

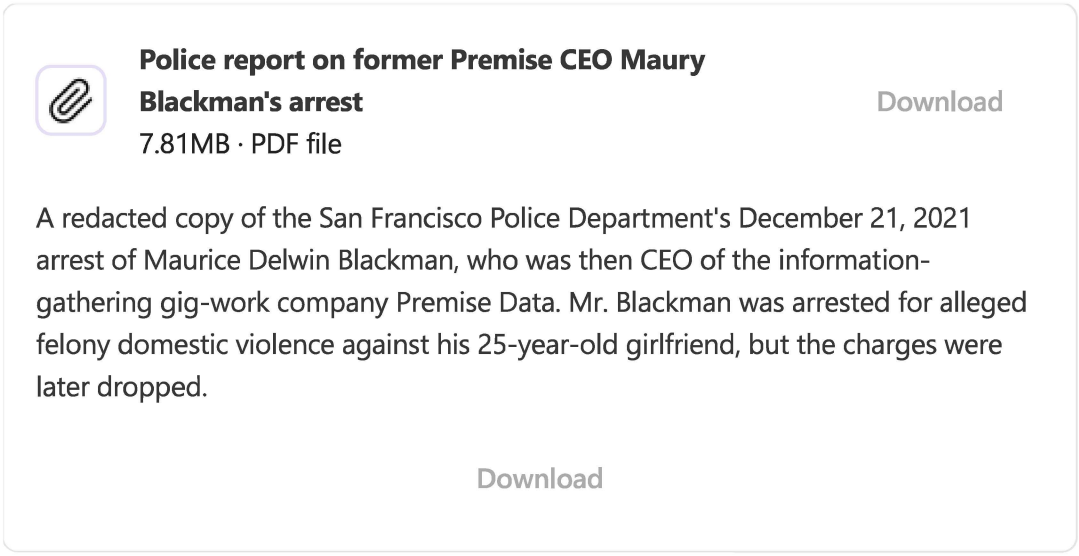


*2024-06-03: Today, roughly nine months after publication, a member of Substack's Trust & Safety Team, identified only as "Jim," twice "temporarily unpublished" this article demanding the removal of both the unit number and street address of the apartment complex where the covert intelligence contractor Premise Data's then-CEO Maury Blackman was arrested. In the time since the original publication, Premise filed at least six discovery requests in court to unmask this article's source, settled their lawsuit against numerous former employees for allegedly revealing Premise's contracts with U.S. special operations forces, and ousted Blackman as CEO.*

*2023-10-13: As a result of persistent attempts from an anonymous individual claiming to represent Maury Blackman to bribe the author into taking down this article, as well as an attempt to have the original police report file taken down through a fraudulent DMCA copyright claim, the report is now directly embedded in this article.*

Late on the Tuesday night before Christmas in 2021, San Francisco police officers Drew R. Jackson and Joshua A. Espinoza arrived on the sixth floor of the [CENSORED BY SUBSTACK] luxury apartments to respond to a 911 call regarding potential domestic violence and furniture thrown into the walls of unit [CENSORED BY SUBSTACK]. The officers were greeted by the 30 year old female neighbor who had reported the incident and handed an audio recording which they interpreted to be a voice saying "stop, please stop."

A shirtless, apparently sweating, 53 year-old white male — Premise Data CEO Delwin Maurice Blackman — then answered the door of unit [CENSORED BY SUBSTACK]. According to San Francisco Police Department Incident Report 210844280, Mr. Blackman's 25 year-old girlfriend — who also lived in the apartment — was then observed by Officer Jackson to have "visible redness to the left side of her face and possible swelling to the left of her eye."




Though initially distraught and having trouble controlling her breathing, Mr. Blackman's girlfriend reportedly told the officers that, after coming home from a Christmas party and having an argument, Mr. Blackman "just started beating me." Officer Jackson further described the young girlfriend as crying "uncontrollably" after stating that Mr. Blackman hit her in their bedroom "so many times" with his open hand.

After finding "bloody pillowcases" in the bedroom where Mr. Blackman allegedly beat his girlfriend, the two police officers placed the CEO under arrest for felony domestic violence. Seven months later, Mr. Blackman published the first episode of his new podcast, "Great Minds Think Data." The guest was Lanny Davis, a lawyer/crisis-manager who previously represented film producer and convicted rapist Harvey Weinstein.

A photo of Premise Data President and CEO Maury Blackman published on the company's 'leadership' page. According to San Francisco Police Department Incident Report 210844280, then 53 year-old Mr. Blackman was arrested for felony domestic violence against his 25 year-old girlfriend on the night of Tuesday, December 21, 2021.

Perhaps due to Mr. Blackman's alleged victim subsequently recanting her initial statements and telling police that "nothing happened," the incident has not previously been publicly reported. And, less than a year after the police encounter, she publicly promoted Mr. Blackman's podcast interview with Clinton-era Treasury Secretary Larry Summers.

Neither Mr. Blackman nor his alleged victim responded to requests for comment.

Mr. Blackman's company, the covert gig-work surveillance platform Premise Data, is undoubtedly best known for having been accused in February 2022 — just two months after Blackman's arrest — of having been used by the Russian government to target Ukrainians as part of their ongoing invasion. Ironically, the company had been exposed the previous year by The Wall Street Journal as a covert surveillance platform for U.S. Special Operations Forces, including providing support for Human Intelligence

(HUMINT), Signals Intelligence (SIGINT), and Information Operations (IO). By March, Premise had hired Lanny Davis to help manage their crisis communications.

The most recent confirmation of Premise's work with U.S. defense and intelligence agencies came from Mr. Blackman himself. Premise initiated a lawsuit against former employee Alex Pompe and many of his colleagues in 2019 for allegedly having alerted the Bill & Melinda Gates Foundation as to Premise's covert intelligence work. As part of the ongoing lawsuit, which goes to trial early next year, Mr. Blackman submitted a declaration last month requesting that his company's covert intelligence activities be protected from disclosure due to the damage it would cause Premise, as well as potential risk to their gigworkers "simply by virtue of having the Premise app on their phones."

(The San Francisco Police Department Incident Report is being published here in redacted form to protect both the alleged victim and the neighbor who called 911. The original was available upon request from the San Francisco Police Department.)


An artistic rendition of [CENSORED BY SUBSTACK], which is down the hall from where Premise Data CEO Delwin Maurice Blackman was arrested

for felony domestic violence on the night of Tuesday, December 21, 2021.
Credit: UDR



12 Likes

## Discussion about this post

Comments Restacks



Maria Accounting and Finance Newslett... Sep 23, 2023 Liked by Jack Poulson

Mr. Poulson, thank you for your great reporting! I read the Racket News article this morning and immediately signed on to your Substack. I look forward to more of this fantastic intel!

LIKE (6) REPLY SHARE

## 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:

- **DECLARATION OF PLAINTIFF [OPPOSITION TO DEFENDANTS' SPECIAL MOTION TO STRIKE PLAINTIFF'S COMPLAINT PURSUANT TO CALIFORNIA CODE OF CIVIL PROCEDURE SECTION 425.16**

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**

| | |
|---|---|
| Ambika Kumar<br>Sarah E. Burns<br>DAVIS WRIGHT TREMAINE LLP<br>50 California Street, 23rd Floor<br>San Francisco, CA 94111<br>Phone: (206) 757-8030<br>(415) 276-4892<br>Email: ambikakumar@dwt.com;<br>sarahburns@dwt.com<br>cc: ryanrubio@dwt.com<br><br>**Counsel for Defendant Amazon Web Services, Inc.** | Joshua A. Baskin<br>Thomas R. Wakefield<br>Wilson Sonsini Goodrich & Rosati<br>1 Market Plaza, Spear Tower, Suite 3300<br>San Francisco, CA 94105<br>Email: jbaskin@wsgr.com;<br>twakefield@wsgr.com;<br>Substack-Doe@wsgr.com<br>cc: rglynn@wsgr.com<br><br>**Counsel for Defendant Substack, Inc.** |
| Susan E. Saeger<br>The Office of Susan E. Saeger<br>Phone: (310) 890-8991<br>Email: susanseager1999@gmail.com<br><br>**Counsel for Defendant Tech Inquiry, Inc.** | David Greene<br>Victoria Noble<br>Electronic Frontier Foundation<br>815 Eddy Street<br>San Francisco, CA 94109<br>Tel.: (415) 436-9333<br>Fax: (415) 436-9993<br>Email: davidg@eff.org;<br>tori@eff.org;<br>cc: victoria@eff.org<br><br>**Counsel for Jack Poulson** |
| Stacy Y. North<br>BERMAN NORTH LLP<br>2001 Van Ness Avenue, Suite 300<br>San Francisco, CA 94109<br>Phone: (650) 463-9158<br>Email: stacy@bermannorth.com<br><br>**Counsel for Plaintiff Maury Blackman** | |