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15 Attorneys for Plaintiff

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

19 MAURY BLACKMAN, an individual,

20 *Plaintiff,*

21 v.

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

28 *Defendants.*

Case No.: CGC-24-618681

**NOTICE OF AND EX PARTE  
APPLICATION TO AMEND HEARING  
DATE; AND PLAINTIFF'S UNOPPOSED  
REQUEST PERMISSION TO FILE ONE  
OPPOSITION TO DEFENDANTS' ANTI-  
SLAPP MOTIONS THAT IS NO MORE  
THAN 40 PAGES;**

**MEMORANDUM IN SUPPORT;**

**DECLARATION IN SUPPORT**

**Date: December 24, 2025  
Time: 11:00 AM  
Dept.: 302  
Judge: Hon. Richard B. Ulmer, Jr.**

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

**12/23/2024**  
**Clerk of the Court**  
BY: JEFFREY FLORES  
Deputy Clerk

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

3 PLEASE TAKE NOTICE that at the time and place indicated above, Plaintiff Maury  
4 Blackman (“Plaintiff”), through his counsel, will appear ex parte on behalf of all parties to move the  
5 above-captioned court for an order (i) amending the hearing dates for Defendants’ Jack Poulson’s,  
6 Substack, Inc.’s, and AWS’s Special Motion to Strike (the “anti-SLAPP Motions”) and Substack’s  
7 demurrer (the “Demurrer”); and (ii) granting Plaintiff permission to file one opposition to these  
8 Defendants’ anti-SLAPP motions that is no more than 40 pages in length.

9 **NOTICE OF APPLICATION**

10 Notice of the date, time, and place of the hearing on this application was given via email to all  
11 parties, which was sent at approximately 8:44 am on December 23, 2024. (Declaration of David  
12 Marek (“Marek Decl.”) at ¶2, Exh. A)

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

14 Plaintiff, on behalf of all parties, has good cause to move this Court ex parte for the relief  
15 requested herein because it is necessary to address hearing dates that are on the Court’s calendar,  
16 including a hearing date that is currently set for January 6, 2025.

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1 **MEMORANDUM IN SUPPORT OF EX PARTE APPLICATION**

2 **I. STATEMENT OF FACTS**

3 Plaintiff commenced this action by filing a Complaint on October 3, 2024. Defendants'  
4 Substack, Inc. and AWS were served on October 7, 2024, and Poulson was served on November 14,  
5 2024. On December 6, 2024, Defendants' Jack Poulson, Substack, Inc., and AWS filed an anti-  
6 SLAPP Motion and Substack also filed a Demurrer. Defendants Substack, Poulson, and AWS's anti-  
7 SLAPP Motion and Substack's Demurrer noticed a hearing date of January 6, 2025.

8 The parties reached an agreement via email dated December 13, 2024 that Defendants would  
9 re-notice the hearing dates for their anti-SLAPP Motions and Substack's Demurrer until February 4,  
10 2026.

11 On December 19, 2024, counsel for defendant Poulson filed a Joint Stipulation and Proposed  
12 Order Extending Time for Briefing and Hearing on Defendants' Special Motions to Strike and  
13 Demurrer and the Parties Motions to Seal. Per the Joint Stipulation, which was signed by counsel for  
14 all parties, the parties agreed to move the hearing date on Defendants' Anti-SLAPP Motions and  
15 Substack's Demurrer to February 4, 2025. With the new hearing date, Plaintiff's Opposition to  
16 Defendants' Anti-SLAPP Motions and Opposition to Substack's Demurrer (collectively referred to as  
17 the "Oppositions") would have been due on January 13, 2025.

18 On December 19, 2024, counsel for defendant Poulson filed the Stipulation. This Stipulation  
19 was rejected by the Court on December 20, 2024. At 2:51 p.m. on December 20, the Deputy Clerk  
20 emailed the parties' Counsel that a rejection notice would be mailed stating, in part: "Defendants'  
21 joint stipulation extending time for briefing and hearings is rejected. All defendants should file their  
22 own "Amended motion" to reflect the new hearing date with a code compliant date and new briefing  
23 should follow CCP based on the new hearing date."

24 The parties also agreed that Plaintiff would be permitted to have 40 pages to submit one  
25 opposition to Defendants' anti-SLAPP Motions. The anti-SLAPP Motions make similar arguments  
26 and address many of the same issues, and by filing one opposition, Plaintiff believes it will the Court  
27 streamline the issues being considered.

28 //

1 **II. LEGAL AUTHORITY**

2 **1. Request to Move The Hearing Date for the Anti-SLAPP Motions to**  
3 **February 4, 2024.**

4 The Court has discretion to grant the request to reset the hearing date of Defendants’ anti-  
5 SLAPP Motions. California Civil Procedure Code § 425.16(f), provides that a special motion to  
6 strike “may be filed within 60 days of the service of the complaint or, in the Court’s discretion, at any  
7 later time upon terms it deems proper” and that the “motion shall be scheduled by the clerk of the  
8 court for a hearing not more than 30 days after the service of the motion unless the docket conditions  
9 of the court require a later hearing.” Here, the parties agreed to move the hearing date from January  
10 6, 2025 to February 4, 2025 to accommodate the volume and complexity of the legal issues presented  
11 in four anti-SLAPP Motions and the holidays.

12 **2. Request to Move The Hearing Date for Substack’s Demurrer to February**  
13 **4, 2024.**

14 The Court has discretion to grant the request to reset the hearing date of Substack’s Demurrer.  
15 California Rule of Court 3.1320(d) provides that “Demurrers must be set for hearing not more than 35  
16 days following the filing of the demurrer or on the first date available to the court thereafter. For good  
17 cause shown, the court may order the hearing held on an earlier or later day on notice prescribed by  
18 the court.” Here, the good cause exists to move the hearing dates. The issues presented in the  
19 Demurrer are complex legal issues, and the parties need more time to fully brief these issues  
20 particularly in light of the holiday season.

21 **3. Request to File One Opposition to All Defendants’ Anti-SLAPP Motions**  
22 **With A 40 Page Limit.**

23 Pursuant to California Rules of Court, Rule 3.1113(e), Plaintiff makes this unopposed  
24 application to the Court for permission to file one opposition to the four anti-SLAPP Motions that is  
25 no longer than 40 pages in length. Plaintiff requires additional pages because Plaintiff’s is opposing  
26 three Motions, each one is 15 pages in length. Plaintiff is allotted 15 pages per opposition, but by  
27 filing one brief in opposition to the Motions, Plaintiff will facilitate a more streamlined and efficient  
28 process.

1     **III.     RELIEF REQUESTED**

2             Accordingly, Plaintiff now seeks the following relief: (1) Plaintiff seeks that the Court notice  
3     the hearing date for Substack Inc.’s, Jack Poulson’s, and AWS’s anti-SLAPP Motions and Substack’s  
4     Demurrer to February 4, 2025; and (2) grant Plaintiff permission to file one opposition to these anti-  
5     SLAPP Motions that is no more than 40 pages.

6  
7     Dated: December 23, 2024

Respectfully submitted,

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9                             THE MAREK LAW FIRM, INC.

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11                             By: /s/ David Marek  
12                                     David Marek  
13                                     Attorney for Plaintiff

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

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

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

17             2.       I emailed counsel for all Defendants at or around 8:44 am on December 23, 2024  
18     giving notice that we would be filing this application, on behalf of all parties, seeking ex parte relief.  
19     (The email is attached as “Exhibit A.”)

20             3.       Plaintiff filed the complaint in the above-entitled action on October 3, 2024.

21             4.       Defendants’ Substack Inc. and AWS were served on October 7, 2024. Defendant Jack  
22     Poulson was served on November 14, 2024.

23             5.       Substack, Inc., Jack Poulson, and AWS filed an anti-SLAPP motion on December 6,  
24     2024, and Substack also filed a Demurrer on January 6, 2024. These motions were all noticed for  
25     January 6, 2024.

26             6.       On December 13, 2024, the parties agreed to move the hearing date for all anti-SLAPP  
27     motions and the Demurrer to February 4, 2025, because of the number of motions and to account for  
28     the holidays.

7. The parties signed a Joint Stipulation and Proposed Order Extending Time for Briefing and Hearing (the “Stipulation”) that was drafted by Poulson’s attorney.

8. On December 19, 2024, counsel for defendant Poulson filed the Stipulation.

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

10. 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."

11. The parties also agreed that Plaintiff would be permitted to file one opposition to Defendants' anti-SLAPP motions that would be no more than 40 pages in length.

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

13. However, defendant Substack's Counsel emailed that Plaintiff must move ex parte for an order allowing the February 4 hearing date.

14. I have conferred with Defendants' counsel, and counsel for Substack, Inc., Jack Poulson, and AWS agreed to join Plaintiff's ex parte application to renote the hearing dates for February 4, 2025.

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

Dated: December 23, 2024

THE MAREK LAW FIRM

By: /s/ David Marek

DAVID MAREK

Attorneys for Plaintiff

**PROOF OF SERVICE**

I, Christina Yanacek, 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:

**NOTICE OF AND EX PARTE APPLICATION TO AMEND HEARING DATE; AND  
PLAINTIFF'S UNOPPOSED REQUEST PERMISSION TO FILE ONE OPPOSITION TO  
DEFENDANTS' ANTI-SLAPP MOTIONS THAT IS NO MORE THAN 40 PAGES;**

**MEMORANDUM IN SUPPORT;**

**DECLARATION IN SUPPORT**

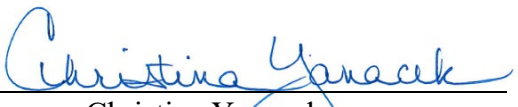
on the parties named below as follows:

- (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 23, 2024, at Long Beach, California.

  
Christina Yanacek

**SERVICE LIST**

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

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

Susan E. Saeger  
The Office of Susan E. Saeger  
Phone: (310) 890-8991  
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**Counsel for Defendant  
Tech Inquiry, Inc.**

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**Counsel for Jack Poulson**



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**EXHIBIT A**



David Marek &lt;david@marekfirm.com&gt;

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**Poulson v. Substack; Case No.: CGC-24-618681; Ex Parte Application**

1 message

**David Marek** <david@marekfirm.com>

Mon, Dec 23, 2024 at 8:44 AM

To: David Greene <davidg@eff.org>, David Marek <david@marekfirm.com>, Josh Baskin <jbaskin@wsgr.com>, Stacy North <Stacy@bermannorth.com>, Ami Sanghvi <ami@marekfirm.com>, Tom Wakefield <twakefield@wsgr.com>, Christina Yanacek <christina@bermannorth.com>, Baker Jenn <jenn@bermannorth.com>, Benjamin Margo <bmargo@wsgr.com>, Evelyn Rasheed <revelyn@wsgr.com>, "Kumar, Ambika" <AmbikaKumar@dwt.com>, Victoria Noble <tori@eff.org>, "Burns, Sarah" <SarahBurns@dwt.com>

Counsel

Per the parties express agreement, I am providing notice that today we file **NOTICE OF AND EX PARTE APPLICATION ON BEHALF OF ALL PARTIES TO AMEND HEARING DATES; AND PLAINTIFFS' UNOPPOSED REQUEST PERMISSION TO FILE ONE OPPOSITION TO ALL DEFENDANTS' ANTI-SLAPP MOTIONS THAT IS NO MORE THAN 40 PAGES** to be heard ex parte on December 24, 2024. Please note that I initially indicated to counsel, and counsel agreed, that we would request permission to file a 30 page brief, but I am requesting permission for a 40 page brief. This is substantially less than the 60 pages allotted for the four oppositions.

The ex parte hearing is noticed for Department 302 at 11:00 am on December 24, 2024. Attached is the Courtcall information.

David

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David Marek  
The Marek Law Firm  
o 650-460-7148  
c 917-721-5042  
California New York Florida



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**court call for ex parte - 12-23-2024.pdf**

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