

Susan E. Seager (SBN 204824)
LAW OFFICE OF SUSAN E. SEAGER
128 N. Fair Oaks Avenue
Pasadena, CA 91103
Tel: (310) 890-8991
Email: susanseager1999@gmail.com

Attorneys for Defendant Tech Inquiry, Inc.

ELECTRONICALLY
FILED

Superior Court of California,
County of San Francisco

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

SUPERIOR COURT OF THE STATE OF CALIFORNIA
COUNTY OF SAN FRANCISCO

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

**NOTICE OF JOINDER AND JOINDER OF
DEFENDANT TECH INQUIRY, INC. TO
PLAINTIFF MAURY BLACKMAN'S EX
PARTE APPLICATION TO AMEND
HEARING DATE AND PLAINTIFF'S
UNOPPOSED REQUEST FOR PERMISSION
TO FILE ONE OPPOSITON TO
DEFENDANTS' ANTI-SLAPP MOTIONS
THAT IS NO MORE THAN 40 PAGES;
MEMORANDUM OF POINTS AND
AUTHORITIES; DECLARATION OF SUSAN
E. SEAGER**

DATE: December 24, 2024

TIME: 11:00a.m.

DEPT: 302

Judge: Hon. Richard B. Ulmer, Jr.

Action Filed: October 3, 2024

Trial Date: None set

NOTICE OF JOINDER

TO ALL PARTIES AND THEIR ATTORNEYS OF RECORD:

1 PLEASE TAKE NOTICE THAT Defendant Tech Inquiry, Inc. will, and hereby does, join in
2 Plaintiff's Ex Parte Application to Amend Hearing Date; and Plaintiff's Unopposed Request for
3 Permission to File One Opposition to Defendants' Anti-SLAPP Motions That is No More Than 40
4 Pages set to be heard on December 24, 2024 at 11:00 a.m., and requests that this Court also amend
5 the hearing date for Tech Inquiry's anti-SLAPP motion to February 4, 2025 and order Plaintiff to
6 file a combined opposition to *all* defendants' anti-SLAPP motions, including Tech Inquiry's.

7 For the avoidance of doubt, Tech Inquiry does not join in Plaintiff's Ex Parte Application to
8 any extent that the arguments or factual assertions therein are inconsistent or conflict with the facts
9 contained in concurrently filed declaration of Susan E. Seager, counsel for Tech Inquiry, Inc.

10 This Joinder is based on: (1) this Notice of Joinder and Joinder; (2) Memorandum of Points and
11 Authorities; (3) Declaration of Susan E. Seager; (4) Plaintiff's Ex Parte Application and his
12 supporting documents and memoranda; (5) the concurrently filed declaration Susan E. Seager; (6)
13 the pleadings, records, and papers on file in this action; (7) arguments of counsel at the hearing; and
14 (8) any matters of which the Court may take judicial notice.

15 In the abundance of caution, Tech Inquiry is concurrently filing an Amended Notice of its
16 Special Motion to Strike, changing the hearing date of Tech Inquiry's anti-SLAPP motion to
17 February 4, 2025, per the instructions of the court clerk.

18 DATED: December 24, 2024

LAW OFFICE OF SUSAN E. SEAGER

19 /s/ Susan E. Seager
Susan E. Seager

20 *Attorneys for Defendant Tech Inquiry, Inc.*
21
22
23
24
25
26
27
28

1 **MEMORANDUM OF AUTHORITIES IN SUPPORT OF JOINDER**

2 **I. INTRODUCTION**

3 Plaintiff Maury Blackman is seeking to increase the burden on this Court by excluding
4 defendant Tech Inquiry, Inc., from his ex parte application requesting a combined hearing for all the
5 defendants' anti-SLAPP motions and combined opposition to all the anti-SLAPP motions.

6 Instead, Plaintiff is trying to back out of a joint stipulation signed by *all parties* – including
7 Mr. Blackman and defendant Tech Inquiry, Inc. – in which all parties agreed to seek a new
8 combined hearing date for *all* defendants' anti-SLAPP motions on February 4, 2025 and allow
9 Plaintiff to file a combined opposition to all of the motions.

10 But there is no legal or factual basis to exclude Tech Inquiry from the February 4, 2024
11 hearing date for the other defendants or from Plaintiff's combined opposition; to do so would be a
12 waste of judicial resources. Tech Inquiry requests this Court to move Tech Inquiry's hearing date
13 for its anti-SLAPP motion to February 4, 2024 and allow Plaintiff to file a combined opposition to
14 all the anti-SLAPP motions, including Tech Inquiry's, to preserve judicial resources.

15 In the abundance of caution, Tech Inquiry is filing an amended notice of hearing for its anti-
16 SLAPP motion for the February 4, 2024 date, as instructed by the court clerk.

17 **II. STATEMENT OF FACTS**

18 Plaintiff commenced this action by filing a complaint on October 3, 2024. Defendants Tech
19 Inquiry, Inc., Substack, Inc., and Amazon Web Services, Inc., were served on October 7, 2024, and
20 defendant Jack Poulson was served on November 14, 2024. Defendants' Jack Poulson, Tech
21 Inquiry, Substack, Inc., and Amazon Website Services, each filed anti-SLAPP motions. Poulson,
22 Substack, and Amazon filed their anti-SLAPP motions on December 6, 2024, and noticed their
23 hearings for January 6, 2025. Defendant Tech Inquiry e-filed its anti-SLAPP motion after midnight
24 on December 6, 2024, and it was accepted for filing on December 9, 2024, and counsel
25 inadvertently noticed the hearing for January 10, 2025. Declaration of Susan E. Seager ¶ 4.

26 All the parties – including Tech Inquiry – reached an agreement via email dated December
27 13, 2024 that all defendants would file a joint stipulation seeking to re-notice the hearing dates for
28

1 their anti-SLAPP Motions and Substack’s Demurrer for February 4, 2026. *Id.* ¶ 5. All the parties,
2 including Tech Inquiry, signed a Joint Stipulation with Plaintiff to that effect. *Id.* ¶ 6.

3 On December 19, 2024, counsel for defendant Poulson filed a Joint Stipulation and
4 Proposed Order Extending Time for Briefing and Hearing on Defendants’ Special Motions to Strike
5 and Demurrer and the Parties Motions to Seal. Per the Joint Stipulation, which was signed by
6 counsel for *all parties – including Tech Inquiry* – and all parties agreed to move the hearing date on
7 Defendants’ Anti-SLAPP Motions and Substack’s Demurrer to February 4, 2025.

8 The Stipulation was rejected by the Court on December 20, 2024. *Id.* ¶ 8. At 2:51 p.m. on
9 December 20, the Deputy Clerk emailed the parties’ Counsel that a rejection notice would be
10 mailed stating, in part: “Defendants’ joint stipulation extending time for briefing and hearings is
11 rejected. All defendants should file their own ‘Amended motion’ to reflect the new hearing date
12 with a code compliant date and new briefing should follow CCP based on the new hearing date.” *Id.*

13 The parties discussed filing amended notices and alternatively, requiring Plaintiff to file an
14 ex parte application to change the hearing date. Plaintiff indicated that he would file an ex parte
15 application on December 23, 2024 seeking a hearing before this Court on December 24, 2024 to
16 seek February 4, 2025 as the hearing date on all the anti-SLAPP motions. *Id.* ¶ 10. However, on the
17 morning December 23, 2023, Plaintiff did not provide notice to Tech Inquiry of Plaintiff’s planned
18 ex parte application on the morning of December 23, 2024. *Id.* ¶ 11.

19 Tech Inquiry contacted Plaintiff’s counsel about the lack of notice on the morning of
20 December 23, 2024, and Plaintiff’s counsel explained that he had decided not to seek the new
21 combined hearing date of February 4, 2025 for Tech Inquiry’s anti-SLAPP motion. *Id.* ¶ 12.
22 Plaintiff stated that Tech Inquiry had noticed its hearing date for its anti-SLAPP motion on January
23 10, 2025, not January 6, 2025, and violated the requirement C.C.P. § 425.16(f) that an anti-SLAPP
24 “motion shall be scheduled by the clerk of the court for a hearing not more than 30 days after the
25 service of the motion unless the docket conditions of the court require a later hearing.” *Id.* I
26 indicated that I intended to notice the hearing for Tech Inquiry’s anti-SLAPP motion for January 6,
27 2025, and mistakenly noticed it for January 10, 2025, but that it shouldn’t matter since we had
28 signed a stipulation to move the hearing for all anti-SLAPP motions to February 4, 2025.

1 **III. ARGUMENT**

2 **A. Tech Inquiry's Anti-SLAPP Motion Hearing Should be Held on February 4, 2025**

3 This Court has discretion to reset the hearing date of *all* defendants' anti-SLAPP Motions,
4 including Tech Inquiry's. California Civil Procedure Code § 425.16(f), provides that a special
5 motion to strike "may be filed within 60 days of the service of the complaint or, in the Court's
6 discretion, at any later time upon terms it deems proper" and that the "motion shall be scheduled by
7 the clerk of the court for a hearing not more than 30 days after the service of the motion unless the
8 docket conditions of the court require a later hearing." Tech Inquiry filed its anti-SLAPP motion on
9 December 9, 2024, well within the 60-day filing deadline of January 5, 2025.

10 In this case, *all* parties signed a stipulation to move the hearing date for all anti-SLAPP
11 motions to February 4, 2025 to accommodate the volume and complexity of the legal issues
12 presented in four anti-SLAPP Motions and the holidays. Seager Decl. ¶ 6. All parties agreed to
13 permit Plaintiff to file a combined opposition to all the parties' anti-SLAPP motions.

14 But now Plaintiff seeks to violate his joint stipulation by excluding Tech Inquiry from his ex
15 parte application to move the hearing date for *all* defendants' anti-SLAPP motions to February 4,
16 2025 and excluding Tech Inquiry from his requested combined opposition. This is a violation of the
17 joint stipulation. Even if there were no stipulation, Plaintiff's decision to exclude Tech Inquiry from
18 the new hearing date of February 4, 2025 and combined opposition would greatly increase the
19 burden on the Court by splitting the anti-SLAPP motion hearings into two dates and two
20 oppositions.

21 Plaintiff claims that Tech Inquiry somehow can't be permitted to change its hearing date
22 along with the other defendants because Tech Inquiry inadvertently noticed its hearing date for its
23 anti-SLAPP motion for January 10, 2025, not January 6, 2025. Plaintiff claims that Tech Inquiry
24 violated C.C.P. § 425.16(f), which provides that an anti-SLAPP "motion shall be scheduled by the
25 clerk of the court for a hearing not more than 30 days after the service of the motion unless the
26 docket conditions of the court require a later hearing."

27 But § 425.16(f) cannot be used to exclude Tech Inquiry from the new combined hearing date
28 of February 4, 2025 for all defendants' anti-SLAPP motions. The provision referenced by Plaintiff

1 places the burden on the court clerk – not the moving party – when it says, “the motion shall be
2 *scheduled by the clerk of the court* for a hearing not more than 30 days after the service of the
3 motion unless the docket conditions of the court require a later hearing.” This provision is intended
4 to place anti-SLAPP motions at the front of a court docket, not prevent moving parties from
5 scheduling hearings at a date later than 30 days from service of the anti-SLAPP motions.

6 This Court should schedule the hearing for Tech Inquiry’s anti-SLAPP Motion on February
7 4, 2025 so that all of the anti-SLAPP motions will be heard on the same day. All the motions make
8 similar arguments and address many of the same issues, and scheduling them for the same hearing
9 date will preserve judicial resources.

10 **B. Tech Inquiry Asks the Court to Order Plaintiff to File a Combined Opposition**

11 Tech Inquiry has indicated to Plaintiff that, pursuant to California Rules of Court, Rule
12 3.1113(e), Tech Inquiry does not oppose Plaintiff’s request to file a combined opposition to all
13 defendants’ anti-SLAPP Motions, including Tech Inquiry’s. Tech Inquiry asks this Court to order
14 Plaintiff to file a combined opposition to all anti-SLAPP motions, including Tech Inquiry’s.

15 **IV. RELIEF REQUESTED**

16 Accordingly, Defendant Tech Inquiry now seeks the following relief: (1) the Court
17 schedules the hearing date for Tech Inquiry’s anti-SLAPP motion one February 4, 2025 and (2) the
18 Court permits Plaintiff to file a combined opposition brief to all defendants’ anti-SLAPP motions,
19 including Tech Inquiry’s.

20 In the abundance of caution, Tech Inquiry has concurrently filed an Amended Notice of its
21 anti-SLAPP motion, moving the hearing date to February 4, 2025, pursuant to the clerk’s
22 instructions.

23 DATED: December 24, 2024

LAW OFFICE OF SUSAN E. SEAGER

24 /s/ Susan E. Seager
Susan E. Seager

25 *Attorneys for Defendant Tech Inquiry, Inc.*
26
27
28

1 **DECLARATION OF SUSAN E. SEAGER IN SUPPORT OF JOINDER**

2 In support of this joinder, I can state the following based upon personal knowledge. I am
3 counsel for defendant Tech Inquiry, Inc. and have personal knowledge of the facts set forth herein.

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

5 2. Defendants' Substack Inc., Amazon Web Services, Inc., and Tech Inquiry, Inc. were
6 served on October 7, 2024. Defendant Jack Poulson was served on November 14, 2024.

7 3. Substack, Inc., Jack Poulson, and Amazon Web Services, Inc. filed an anti-SLAPP
8 motion on December 6, 2024. These motions were all noticed for January 6, 2024.

9 4. I attempted to e-file Tech Inquiry's anti-SLAPP motion on the evening of December
10 6, 2024, however I had difficulties with the e-filing process, and the filing went through after
11 midnight was accepted for filing on December 9, 2024. I intended to notice the hearing for January
12 6, 2024, but inadvertently wrote "January 10, 2025" on the Notice. I did not realize my mistake
13 until counsel for Plaintiff, David Marek, told me about it a few days ago.

14 5. On December 13, 2024, I agreed via email with all the defendants and Plaintiff's
15 counsel to move the hearing date for *all* anti-SLAPP motions, including Tech Inquiry's, to February
16 4, 2025, because of the number of motions and to account for the holidays.

17 6. On December 19, 2024, I signed a Joint Stipulation and Proposed Order Extending
18 Time for Briefing and Hearing (the "Stipulation") to extend the hearing for *all* defendants' anti-
19 SLAPP motions, including Tech Inquiry's, to February 4, 2024.

20 7 On December 19, 2024, counsel for defendant Poulson filed the Stipulation.

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

26 9. I agreed via email with counsel for all the defendants and Plaintiff that Plaintiff
27 would be permitted to file one opposition to *all* Defendants' anti-SLAPP motions that would be no
28

1 more than 30 pages in length. Tech Inquiry does not object to a combined opposition no more than
2 40 pages in length.

3 10. Plaintiff indicated that he would move ex parte for an order seeking the February 4,
4 2025 combined hearing date for all the defendants' anti-SLAPP motions.

5 11. On the morning of December 23, 2023, I realized that I did not receive notice from
6 Plaintiff of his planned ex parte application with this Court and planned ex parte hearing on
7 December 24, 2024 to change the hearing date on all the defendants' anti-SLAPP motions

8 12. On the morning of December 23, 2024, I emailed Plaintiff's counsel, David Marek
9 and left a voicemail message saying that I did not receive notice of Plaintiff's planned ex parte
10 application to move the hearing date for all the anti-SLAPP motions to February 4, 2025. Plaintiff
11 returned my call and said that Plaintiff would not add Tech Inquiry to his ex parte application to
12 move the hearing on anti-SLAPP motions to February 4, 2025 because Tech Inquiry noticed its
13 anti-SLAPP hearing date for January 10, 2025, not January 6, 2025, which allegedly violated the
14 requirement C.C.P. § 425.16(f) that an anti-SLAPP "motion shall be scheduled by the clerk of the
15 court for a hearing not more than 30 days after the service of the motion unless the docket
16 conditions of the court require a later hearing."

17 13. I explained that I had intended to notice the hearing on Tech Inquiry's anti-SLAPP
18 motion for January 6, 2025, not January 10, 2025, and that it should not change our prior agreement
19 to change the hearing date for all defendants' anti-SLAPP motions to February 4, 2024, including
20 Tech Inquiry's.

21 14. On December 23, 2024, I e-filed and served an Amended Notice of Tech Inquiry's
22 Special Motion to Strike, changing the hearing date to February 4, 2024, per the court clerk's
23 instructions.

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

26 Dated: December 23, 2024

By: /s/ Susan E. Seager
Susan E. Seager

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28