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JACK POULSON

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

**DECLARATION OF JOSHUA A.  
BASKIN IN SUPPORT OF MOTION OF  
DEFENDANTS POULSON, SUBSTACK,  
INC., AND TECH INQUIRY TO  
RECOVER FEES AND COSTS**

Date: July 29, 2025  
Time: 9:00 AM  
Dept.: 301  
Before: Hon. Christine Van Aken

Action Filed: October 3, 2024  
Trial Date: None Set

ELECTRONICALLY  
**FILED**  
Superior Court of California,  
County of San Francisco  
**04/25/2025**  
Clerk of the Court  
BY: WILMA CORRALES  
Deputy Clerk

1 I, Joshua A. Baskin, declare:

2 1. I am an attorney admitted to practice before all the courts of the State of  
3 California, including this Court. Additionally, I am a member of the law firm of Wilson Sonsini  
4 Goodrich & Rosati, P.C. (“WSGR”), and I am counsel of record for Substack, Inc. (“Substack”) in the above-captioned action. I submit this declaration in support of Defendants’ Motion for  
5 Attorneys’ Fees, following the Court’s grant of Defendants’ anti-SLAPP Motions to strike, and  
6 entry of judgment in the matter in Defendants’ favor. The following facts are true of my own  
7 personal knowledge, and if called and sworn as a witness, I could competently testify to them.  
8

9 2. WSGR is a premier legal advisor to technology, Internet, and other growth  
10 enterprises worldwide. WSGR has approximately 1,000 attorneys and, according to the National  
11 Law Journal’s 2024 NLJ 500 ranking of firms based on size, it is among the top 50 largest firms  
12 in the United States by headcount. The firm has often been recognized as one of the nation’s  
13 leading intellectual property, securities, and commercial litigation firms.

14 3. I, alongside Colleen Bal, Thomas R. Wakefield, and Benjamin Margo, have  
15 represented Substack in this matter, with research and writing support from law clerks Rasheed  
16 Evelyn and Sophie Lombardo. I have reviewed WSGR’s billing records for work on this case.  
17 The following chart shows the billing rates for the WSGR lawyers and paralegals who  
18 represented Substack in the proceedings at issue in the Fee Motion:  
19  
20  
21  
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Name	Title	2024 Rate Charged by WSGR	2025 Rate Charged by WSGR	2024 PwC Benchmark Rate <sup>1</sup>
Colleen Bal	Partner	\$1,383	N/A	\$1,692
Joshua A. Baskin	Partner	\$1,094	\$1,194	\$1,475
Thomas R. Wakefield	Partner <sup>2</sup>	\$1,068	\$1,181	\$1,232
Benjamin Margo	Senior Counsel	\$1,041	\$1,138	\$1,275
Rasheed Evelyn	Law Clerk	\$499	N/A	N/A
Sophie Lombardo	Law Clerk	N/A	\$643	N/A
Mariana McNamara	Paralegal	\$446	N/A	\$565

4. WSGR's standard rates are designed to be competitive in the markets in which WSGR competes for similar work performed by attorneys of comparable skill, experience, and reputation. The markets in which WSGR has offices and competes for clients include the geographic market comprising San Francisco and Silicon Valley. That is the market relevant to attorneys' fees in this action, as Substack is headquartered in San Francisco, on information and belief Plaintiff resides in San Francisco, and all but one of the WSGR attorneys who worked on this matter are located in San Francisco,<sup>3</sup> as is this Court. WSGR billed Substack at discounted billing rates. In the chart in Paragraph 3, the columns labeled "2024 Rate Charged" and "2025 Rate Charged" reflect the actual rates billed to Substack in the ordinary course during this matter. All relevant time worked prior to January 1, 2025 was billed at the 2024 Rate Charged for each timekeeper; all time worked after January 1, 2025 was billed at the 2025 Rate Charged.

<sup>1</sup> The 2024 PwC Benchmark Rates shown are the 50th percentile rates charged by litigators (on non-intellectual property matters) at AmLaw 50 firms in the San Francisco and Silicon Valley markets, as reported by PwC. The Finance Department of WSGR obtained this data directly from PwC. The AmLaw 50 is a well-known list of the 50 largest law firms in the United States, measured by total annual revenue. More detail on the 2024 PwC Benchmark Rates is shown in Exhibit G, as described *infra*.

<sup>2</sup> Thomas R. Wakefield and Benjamin Margo's titles changed on February 1, 2025. Mr. Wakefield was redesignated from Of Counsel to Partner, and Mr. Margo was redesignated from Associate to Senior Counsel. The chart reflects their current titles.

<sup>3</sup> The exception, Benjamin Margo, primarily works from WSGR's New York office but is admitted to the bar in California and regularly represents clients in the Bay Area.

1           5.       Attached as Exhibit G is a chart reflecting standard rate data reported by  
2 PricewaterhouseCoopers (PwC) from AmLaw 50 litigators in the Bay Area (on non-intellectual  
3 property matters). This data was collected in 2024. According to these benchmarks, the 50<sup>th</sup>  
4 percentile hourly rate charged by Partners with 11-15 years of experience was \$1,475. For  
5 Partners with 31-35 years of experience, the 50<sup>th</sup> percentile hourly rate was \$1,692. This is  
6 substantially higher than the hourly rates sought for the work performed by the Partners who  
7 worked on this case: Colleen Bal, Thomas R. Wakefield, and me. Similarly, the PwC data  
8 reflects that the 50<sup>th</sup> percentile of rates for Associates who graduated with a J.D. in 2014 was  
9 \$1,275. And the 50<sup>th</sup> percentile billable rates for Counsel with less than 21 years of experience is  
10 \$1,232. Mr. Margo's hourly rate is less than either of these possible benchmarks. (He began this  
11 case as an Associate and was redesignated as Senior Counsel on February 1, 2025.)

12           6.       Attached as Exhibit J is a true and correct copy of a chart that WSGR's Finance  
13 Department prepared at my direction, based on contemporaneous billing records that I have  
14 reviewed, documenting time entries that were billed to Substack in connection with WSGR's  
15 work on this matter, including regarding Substack's Special Motion to Strike Plaintiff's  
16 Complaint under California Code of Civil Procedure § 425.16 (the "anti-SLAPP Motion") as  
17 well as Substack's Demurrer to Plaintiff's Complaint. This chart includes a summary of the rates  
18 and hours for each timekeeper.

19           7.       Over the course of this case, I reviewed all time entries for WSGR personnel on  
20 the matter. I used my normal and experienced judgment to examine the recorded time entries and  
21 to make adjustments where appropriate to ensure that the recorded time was reasonable and  
22 necessary to the litigation. I performed this review with the same perspective I used when  
23 preparing bills for other clients with hourly fee billing arrangements and in accordance with the  
24 Rules of Professional Conduct and WSGR guidelines. In my experience and judgment, the time  
25 spent and fees billed for which Substack now seeks reimbursement were reasonable and  
26 reasonably necessary to the successful defense of the matter. Substack was not billed for the  
27 work that I excised, which appears as zero hours for zero dollars in Exhibit J (even though the  
28 work was in fact done).

8. I also reviewed the communications between WSGR and Blackman. In my experience and judgment, the time which WSGR's team dedicated to successfully defending Substack in this matter was directly responsive to and necessarily increased by Blackman's aggressive tactics, including his decision to file as an anonymous Doe Plaintiff without leave of the Court, and his surprise motion for a temporary restraining order ("TRO") that required me and my team to work late nights on short notice. These tactics are consistent with the threat issued by Blackman via email to the CEO of Substack on September 14, 2024, a copy of which I have reviewed. Blackman warned Substack that he would impose serious litigation costs on the company if it did not accede to his demands, writing: "this will become a 8 figure lawsuit and once I file, I will not settle."

9. To that end, Substack seeks to recover \$500,311.41 in fees and \$16,166.20 in costs through the filing of the Fee Motion, in addition to fees and costs generated in the course of briefing and arguing this fees motion, consistent with the information contained in Exhibit J and Paragraph 7. WSGR's team actually and necessarily performed the legal services described in the time entries in Exhibit J, and the resulting bills were either paid or submitted to Substack for payment. WSGR will submit supplemental evidence documenting any further hours incurred in connection with the Fee Motion, for which Substack also seeks reimbursement.

\* \* \*

10. Attached hereto as Exhibit A is a true and correct copy of the Order Granting Defendants' Motions to Strike in *Blackman v. Substack, et al.*

11. Attached hereto as Exhibit B is a true and correct copy of an article published by the *San Francisco Chronicle* on October 29, 2024, authored by Bob Egelko and entitled, “Tech exec sues journalist for \$25M for publishing his sealed arrest report.”

12. Attached hereto as Exhibit C is a true and correct copy of an article published by the Freedom of the Press Foundation on November 13, 2024, authored by Seth Stern and Caitlin Vogus and entitled, “Anatomy of a censorship campaign: A tech exec’s crusade to stifle journalism.”

1           13.     Attached hereto as Exhibit D is a true and correct copy of the complaint filed by  
2 the First Amendment Coalition in *First Amendment Coalition, et al., v. Chiu, et al.*, challenging  
3 the constitutionality of California Penal Code § 851.92(c).

4           14.     Attached hereto as Exhibit E is a true and correct copy of the Stipulation and  
5 Proposed Order in *First Amendment Coalition, et al., v. Chiu, et al.*

6           15.     Attached hereto as Exhibit F is a true and correct copy of the order denying  
7 Blackman's motion to proceed as a Doe in *Blackman v. Substack, et al.*

8           16.     Attached hereto as Exhibit G is a true and correct copy of a document  
9 synthesizing data collected by PwC regarding the median hourly rates of attorneys at AmLaw 50  
10 firms in the San Francisco and Silicon Valley legal markets.

11          17.     Attached hereto as Exhibit H is a true and correct copy of the Demurrer filed by  
12 Substack in *Blackman v. Substack, et al.*

13          18.     Attached hereto as Exhibit I is a true and correct copy of biographical information  
14 related to each member of Substack's legal defense team in this matter.

15          19.     Attached hereto as Exhibit J is a true and correct copy of all time entries billed by  
16 members of Substack's legal team on this matter through April 17, 2025.

17  
18           I declare under penalty of perjury under the laws of the State of California that the  
19 foregoing is true and correct and that this declaration was executed on April 24, 2025, in Los  
20 Angeles, California.

21  
22 Dated: April 24, 2025

WILSON SONSINI GOODRICH & ROSATI  
Professional Corporation

23  
24 By: /s/ Joshua A. Baskin  
Joshua A. Baskin  
E-mail: [jbaskin@wsgr.com](mailto:jbaskin@wsgr.com)

25  
26 *Attorney for Defendant*  
*Substack, Inc.*

# **EXHIBIT A**

FEB 14 2025

CLERK OF THE SUPERIOR COURT  
By Victoria Pa. Poulson Deputy

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Attorneys for Defendant  
JACK POULSON

SUPERIOR COURT OF THE STATE OF CALIFORNIA  
FOR THE 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

~~PROPOSED~~ ORDER  
GRANTING MOTIONS TO STRIKE  
COMPLAINT BY SUBSTACK, INC.,  
AMAZON WEB SERVICES, INC.,  
JACK POULSON, AND TECH  
INQUIRY, INC.

Date: February 4, 2025  
Time: 9:00 AM  
Dept.: 301  
Before: Hon. Christine Van Aken

Action Filed: October 3, 2024  
Trial Date: None Set

1 Plaintiff Maury Blackman has filed a 15-count complaint against Substack, Inc.; Amazon  
2 Web Services, Inc. (AWS), Jack Poulson, and Tech Inquiry, Inc. Each of these defendants now  
3 makes a special motion to strike the complaint in its entirety pursuant to CCP 425.16.

4 The complaint and declarations submitted by parties establish that Blackman was arrested  
5 in December 2021 for domestic violence at a time when he was the CEO of Premise Data, a private  
6 company. (Blackman Dec. paras. 4, 9.) As is customary, police officers prepared a report  
7 (“Incident Report”) describing the incident and their encounters with Blackman and another person  
8 present. No charges were ultimately pursued against Blackman arising from the incident and the  
9 Superior Court entered an order sealing the arrest and related records under Penal Code sections  
10 851.91 and 851.92 on February 15, 2022. (Blackman Dec. paras. 18-20; Baskin Dec. Ex. 2.)

11 In September 2023, after the sealing order, Poulson published a blog post reporting the  
12 arrest and relating what was described in the Incident Report. (Blackman Dec. 20.) Poulson later  
13 reported on his blog that Blackman was terminated in part because of the incident. (Blackman Dec.  
14 para. 20; Baskin Dec. Ex. 6.) Poulson had previously published other blog posts about Premise  
15 Data, including concerning (according to those posts) its contracts with U.S. Special Operations  
16 Forces for intelligence collection, its contracts with the United States Department of Defense, and  
17 Blackman’s security clearance. (Poulson Dec. paras. 6-8; Baskin Dec. Exs. 3 and 4.)

18 Poulson’s post about the arrest appeared on his newsletter, published by Substack. He also  
19 posted a redacted version of the Incident Report on an eponymous website owned by Tech Inquiry.  
20 The Tech Inquiry website is a source of articles and data about surveillance, weapons companies,  
21 and public contracts. (Poulson Dec. para. 2.) Poulson is the founder and executive director of Tech  
22 Inquiry. (*Id.*) Defendant AWS provides web hosting services for Substack. (Complaint paras. 36,  
23 38.)

24 Blackman unsuccessfully attempted to have Poulson’s posts removed based on the sealing  
25 order. (Blackman Dec. paras. 49-62.) Blackman has submitted a declaration describing financial  
26 and nonfinancial injuries from Poulson’s blog posts. (Blackman Dec. paras. 74-76.) All of the  
27 claims asserted in the complaint relate to the blog posts and the effect of their publication on  
28 Blackman. The *San Francisco Chronicle* has covered Blackman’s lawsuit. (Baskin Dec. Ex. 7.)

1       The four named defendants have now brought separate anti-SLAPP motions. As the court  
2 grants them for largely the same reasons, the court discusses them in tandem.

3       “Resolution of an anti-SLAPP motion involves two steps. First, the defendant must  
4 establish that the challenged claim arises from activity protected by section 425.16. If the  
5 defendant makes the required showing, the burden shifts to the plaintiff to demonstrate the merit  
6 of the claim by establishing a probability of success.” (*Baral v. Schnitt* (2016) 1 Cal.5th 376, 384  
7 [internal citation omitted].)

8       To proceed with the first step: the anti-SLAPP statute reaches any “cause of action against  
9 a person arising from any act of that person in furtherance of the person’s right of petition or free  
10 speech . . . in connection with a public issue.” (CCP 425.16(b)(1).) CCP 425.16(e) provides that  
11 such a protected act includes, *inter alia*, “(2) any written or oral statement or writing made in  
12 connection with an . . . official proceeding . . . , (3) any written or oral statement or writing made  
13 in . . . a public forum in connection with an issue of public interest, or (4) any other conduct in  
14 furtherance of the exercise of . . . the constitutional right of free speech in connection with a public  
15 issue or an issue of public interest.” The moving defendants contend that the claims here arise from  
16 Poulson’s conduct as a journalist.

17       The court has little difficulty finding defendants succeed at the first step. Poulson was  
18 reporting on a blog post about Blackman, the CEO of a company with that Poulson had previously  
19 covered as part of his Substack newsletter, a public newsletter with at least 3,000 subscribers,  
20 concerning companies making surveillance technologies. (Poulson Dec. paras. 1, 4, 10.) This was  
21 a writing in a public forum. (*Wilbanks v. Wolk* (2004) 121 Cal.App.4th 883, 897 [“the Web, as a  
22 whole, can be analogized to a public bulletin board”].) And it concerned the character and conduct  
23 of the CEO of a company with government contracts in the security and intelligence arena.  
24 (Poulson Dec. paras 6, 7, 11.) The character and trustworthiness of members of the business  
25 community have been held to be of public significance where business leaders hold themselves  
26 out as trustworthy and advertise their businesses to members of the public (see *Chaker v. Mateo*  
27 (2012) 209 Cal.App.4th 1138, 1146); the court cannot see how the character and trustworthiness  
28 of the leader of a business with contracts with the U.S. government and a security clearance can

1 be of any less public significance. Thus, defendants succeed under 425.16(e)(3), and the court need  
2 not analyze the other prongs of step one.

3 Blackman contends that Poulson's speech is outside the anti-SLAPP statute because it was  
4 illegal, regardless of its public significance. (Opp. to Poulson Mtn. to Strike at 10 [citing *Flatley*  
5 v. *Mauro* (2006) 39 Cal.4th 299, 320].) The speech at issue in *Flatley* was extortion, a threat to  
6 publicly accuse the plaintiff of rape unless the plaintiff paid money to the defendant. (*Id.* at 305,  
7 320.) *Flatley* holds that the question whether speech is illegal is a first-step inquiry under the anti-  
8 SLAPP statute, *id.* at 320, but the First Amendment issues that inform this analysis will also be  
9 relevant at the second step.

10 To assess the argument that Poulson's speech was illegal, it is useful to review the law  
11 about sealing with some precision, because courts in California (and elsewhere) have recognized  
12 that there is a "continuum" of illegal acts by newsgatherers, and only wrongful conduct at the  
13 "extreme end" will overcome the First Amendment protection for reporting. (See *Jenni Rivera*  
14 *Enterprises, LLC v. Latin World Entertainment Holdings, Inc.* (2019) 36 Cal.App.5th 766, 798  
15 ["*Jenni Rivera Enterprises*"] [" 'At one extreme, routine ... reporting techniques, such as asking  
16 questions of people with information (including those with confidential or restricted information)  
17 could rarely, if ever, be deemed an actionable intrusion. [Citations.] At the other extreme, violation  
18 of well-established legal areas of physical or sensory privacy—trespass into a home or tapping a  
19 personal telephone line, for example—could rarely, if ever, be justified by a reporter's need to get  
20 the story. Such acts would be deemed highly offensive even if the information sought was of  
21 weighty public concern; they would also be outside any protection the Constitution provides to  
22 newsgathering.' " [quoting *Shulman v. Group W Prods., Inc.* (1998) 18 Cal.4th 200, 237 [some  
23 internal quotation marks omitted]].) Thus, it is worth understanding the statutory scheme in  
24 greater detail.

25 The record of Blackman's arrest was sealed pursuant to Penal Code section 851.91. That  
26 section permits "[a] person who has suffered an arrest that did not result in a conviction" to petition  
27 the court to have "arrest and related records sealed." (*Id.*, subd. (a).) When the court grants relief,  
28 as the Superior Court did here, provisions of Penal Code section 851.92 then apply.

1 Specifically, “[a]rrest records” and the incident reports that document the arrest that are  
2 sealed “shall not be disclosed to any person or entity except the person whose arrest was sealed or  
3 a criminal justice agency.” (Penal Code 851.92(b)(5).) Once an arrest is sealed, it becomes  
4 unlawful for someone to “disseminate[] information relating to a sealed arrest.” (Penal Code  
5 851.92(c).) That provision is subject to a “civil penalty” enforceable by a public prosecutor, but  
6 not by the arrested person and not through criminal sanctions. (*Id.*) The arresting agency is  
7 supposed to stamp its digital or paper master copies of the incident report with stamped  
8 “ ‘ARREST SEALED: DO NOT RELEASE OUTSIDE THE CRIMINAL JUSTICE SECTOR.’ ”  
9 (*Id.* 851.92(b)(3).) In this case, either the arresting agency did not do so, or the copy of the Incident  
10 Report that Poulson received duplicated the master copy before the court issued its sealing order.  
11 It is undisputed that the copy of the Incident Report that Poulson received did not include any  
12 language indicating the arrest was sealed, and the police did not inform Poulson of this when he  
13 called to verify the authenticity of the report. (Poulson Dec. para. 15 & Ex. G.)

14 Blackman alleges that Poulson committed a misdemeanor by knowingly possessing the  
15 Incident Report, but he is incorrect even as to the period after Blackman made him aware that the  
16 arrest had been sealed. Penal Code 11143 makes it a misdemeanor for a member of the public to  
17 knowingly possess a “record.” Record is defined in that statute as “state summary criminal history”  
18 (*id.* 11140(a)), a summary of all criminal history related to a particular person maintained by the  
19 state, which is distinct from the Incident Report alleged to have been unlawfully disseminated here.  
20 In any event, this provision exempts journalists, as does Labor Code 432.7(g), another provision  
21 Blackman relies on. (See Penal Code 11143; Labor Code 432.7(g)(3); Evidence Code 1070.)

22 Nor is Blackman correct that Poulson committed a violation of Penal Code 166 by  
23 disseminating the Incident Report related to a sealed arrest; as relevant, that statute prohibits  
24 “[w]illful disobedience of the terms, as written, of a . . . court order.” (*Id.* subd. (a)(4).) The sealing  
25 order here (Blackman Dec. Ex. A) does not include written terms that, by themselves, create an  
26 obligation by Poulson or anyone else not to disseminate the Incident Report; those obligations are  
27 a legal consequence of granting relief pursuant to 851.91 and 851.92 but do not independently  
28 arise from the written terms of the Superior Court’s February 15, 2022 order.

1        Thus, to summarize, Poulson did not violate any law in obtaining the Incident Report.  
2        There is no evidence that Poulson and the other defendants had reason to believe the Incident  
3        Report was sealed when Poulson first published his September 2023 post reporting the incident.  
4        In disseminating the sealed Incident Report, the defendants' conduct violated Penal Code  
5        851.92(c), but no criminal liability attached to that conduct. Instead, civil penalties sought by the  
6        Attorney General or other public prosecutors were available, but there is no evidence that any  
7        public prosecutor ever sought penalties, although the San Francisco City Attorney did contact at  
8        least some of the defendants to request that they remove information about the Incident Report.  
9        Applying *Jenni Rivera Enterprises*'s "continuum," the court finds here that the Poulson's conduct  
10       was not at the "extreme end" of bad newsgatherer behavior. Indeed, it was farther from the extreme  
11       end than the conduct at issue in *Bartnicki v. Vopper* (2001) 532 U.S. 514. That case involved a  
12       federal law prohibiting disclosure of intercepted communications for which civil or criminal  
13       penalties were available. (*Id.* at pp. 517-18, 524.) The Supreme Court nonetheless concluded that  
14       to apply it to a truthful publication of an intercepted conversation concerning a matter of public  
15       significance would violate the First Amendment. (*Id.* at 527-528.) In any event, "the Supreme  
16       Court's use of the phrase 'illegal' [in *Flatley*] was intended to mean criminal, and not merely  
17       violative of a statute." (*Mendoza v. ADP Screening & Selection Services, Inc.* (2010) 182  
18       Cal.App.4th 1644, 1654.)

19       Thus, to the extent Blackman claims that the speech was illegal and therefore did not satisfy  
20       the first prong of the SLAPP inquiry under *Flatley*, his claims are unpersuasive. Blackman's  
21       remaining contentions that the speech was unprotected by the First Amendment are better  
22       addressed at the second step.

23       The court now turns to that second step, where Blackman bears the burden of showing that  
24       his claims have a probability of success. At this stage, "[t]he court does not weigh evidence or  
25       resolve conflicting factual claims. Its inquiry is limited to whether the plaintiff has stated a legally  
26       sufficient claim and made a prima facie factual showing sufficient to sustain a favorable judgment.  
27       It accepts the plaintiff's evidence as true, and evaluates the defendant's showing only to determine  
28       if it defeats the plaintiff's claim as a matter of law." (*Baral v. Schnitt, supra*, 1 Cal.5th at pp. 384–

1 385 [internal citations omitted].) Blackman need only show that his claims have “minimal merit”  
2 at this stage to defeat the anti-SLAPP motions. (*Id.* at p. 385.)

3 This court is persuaded that the First Amendment’s protections for the publication of  
4 truthful speech concerning matters of public interest vitiate Blackman’s merits showing. In *Jenni*  
5 *Rivera Enterprises*, the court found no minimal merit in a lawsuit against Univision for  
6 broadcasting a program based on confidential information about a celebrity that was obtained  
7 through a breached non-disclosure agreement (“NDA”). The plaintiff in that case showed  
8 sufficient merit at step two to proceed with its claims against the former manager who breached  
9 the NDA, and the producers of the program who knowingly induced the breach. (*Supra*, 36  
10 Cal.App.5th at pp. 782-795.) But as to Univision, the court stated:

11 “It is uncontroverted Univision had no knowledge of the nondisclosure agreement at the  
12 time it entered into the license agreement with [the producers]. The evidence of Univision’s  
13 actions, after it learned of the nondisclosure agreement, that arguably contributed to [the former  
14 manager’s] continued breaches of the agreement consisted of continuing to pay license fees to [the  
15 producers] and promoting [the former manager’s] involvement with the Series. Even if those  
16 actions were sufficient to serve as the basis of liability for tortious interference, they are not  
17 sufficiently ‘wrongful’ or ‘unlawful’ to overcome the First Amendment newsgathering and  
18 broadcast privileges. See *Bartnicki v. Vopper*, *supra*, 532 U.S. at p. 535 ...; *Nicholson [v.*  
19 *McClatchy Newspapers* (1986)] ... 177 Cal.App.3d [509,] ... 519 ...). Therefore, the First  
20 Amendment protected Univision’s use and broadcast of the Series.” (*Id.* at p. 800.)

21 Similarly, in this case there is no evidence that Poulson and the other defendants knew the  
22 arrest was sealed before Poulson reported on it, and all defendants’ actions in not taking down the  
23 arrest information after Blackman informed them of the sealing order was not so wrongful or  
24 unlawful that they are not protected.

25 Blackman further contends that Poulson’s speech that he was arrested is false, and therefore  
26 not protected by the First Amendment, because an arrest is “deemed not to have occurred” when  
27 it is sealed. (Penal Code 851.91(e)(2)(B).) This contention is unpersuasive; the arrest occurred but  
28 Blackman has been exempted from some of the consequences of an arrest (although not all; law

1 enforcement officers, for instance, will still see the arrest if they run Blackman's name through the  
2 state criminal history database). (Penal Code 851.92(b)(6).) "Deemed not to have occurred" is  
3 language that effectuates this exemption from some of the consequences of the arrest, but it cannot  
4 alter how past events unfolded.

5 Blackman also argues that Poulson's speech is false because it misleadingly implied that  
6 Poulson was present and viewed the events instead of reporting observations by police officers,  
7 and further implied that Blackman was guilty of or convicted of a crime. This is not how falsity is  
8 assessed for purposes of First Amendment analysis; a journalist does not become subject to suit  
9 because he does not include every detail the subject of the piece would like him to include.  
10 Adopting Blackman's frame of analysis would greatly expand the potential liability of the press  
11 and chill protected speech.

12 In sum, Poulson's activity in writing about the Incident Report is directly protected by the  
13 First Amendment. AWS, Substack, and Tech Inquiry are publishers or aid in the publication of  
14 this protected activity. Each has shown that its conduct as described in the Complaint and the  
15 parties' declarations arises out of protected activity under the First Amendment that cannot be  
16 subject to civil liability without compromising well established speech protections.

17 Tech Inquiry raises a further argument that Penal Code 851.92(c)'s prohibition on  
18 dissemination of information relating to sealed arrest records is an unconstitutional content-based  
19 restriction on speech, which fails the strict scrutiny test applicable to content-based restrictions.  
20 (Tech Inquiry opening brief at 19.) Because the court finds that the First Amendment as applied to  
21 Blackman's claims defeats them, it has no occasion here to decide that the sealing statute is facially  
22 unconstitutional.

23 All defendants contend that the Communications Decency Act, 47 U.S.C. 230, immunizes  
24 claims arising from third-party content on interactive websites where the websites merely act as a  
25 publisher. The court finds that Blackman has not carried his burden of proving minimal merit as  
26 to AWS, Substack, and Tech Inquiry, which are immunized under the CDA. Blackman contends  
27 that these defendants' possession of the Incident Report is unlawful, and therefore they are not  
28 merely publishers but are held liable for the actions they have taken. But it is not possession of the


1 Incident Report that is prohibited by Penal Code 851.92; it is disclosure or dissemination, which  
2 is what the CDA immunizes. In any event, it is difficult to see how a publisher of a website could  
3 publish content without being in possession of it, and accordingly the court concludes that the  
4 conduct alleged in the complaint as to these defendants is immunized. As to Poulson, the complaint  
5 alleges that he is the creator of content, and thus the speaker rather than the publisher. The CDA  
6 does not immunize his conduct.

7 \* \* \*

8 The Court exercises its discretion to hear Tech Inquiry's special motion to strike outside  
9 of the 60-day limit because the motion presents the same issues as the timely filed motions of other  
10 defendants. (CCP 425.16(f).)

11  
12 SO ORDERED.

13  
14 Dated: 2/11/2025

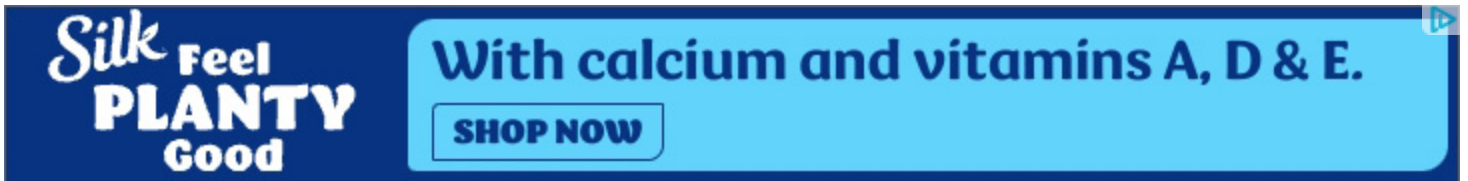
15   
16 Hon. Christine Van Aken  
17 JUDGE OF THE SUPERIOR COURT  
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# **EXHIBIT B**

## JUST IN

12m ago

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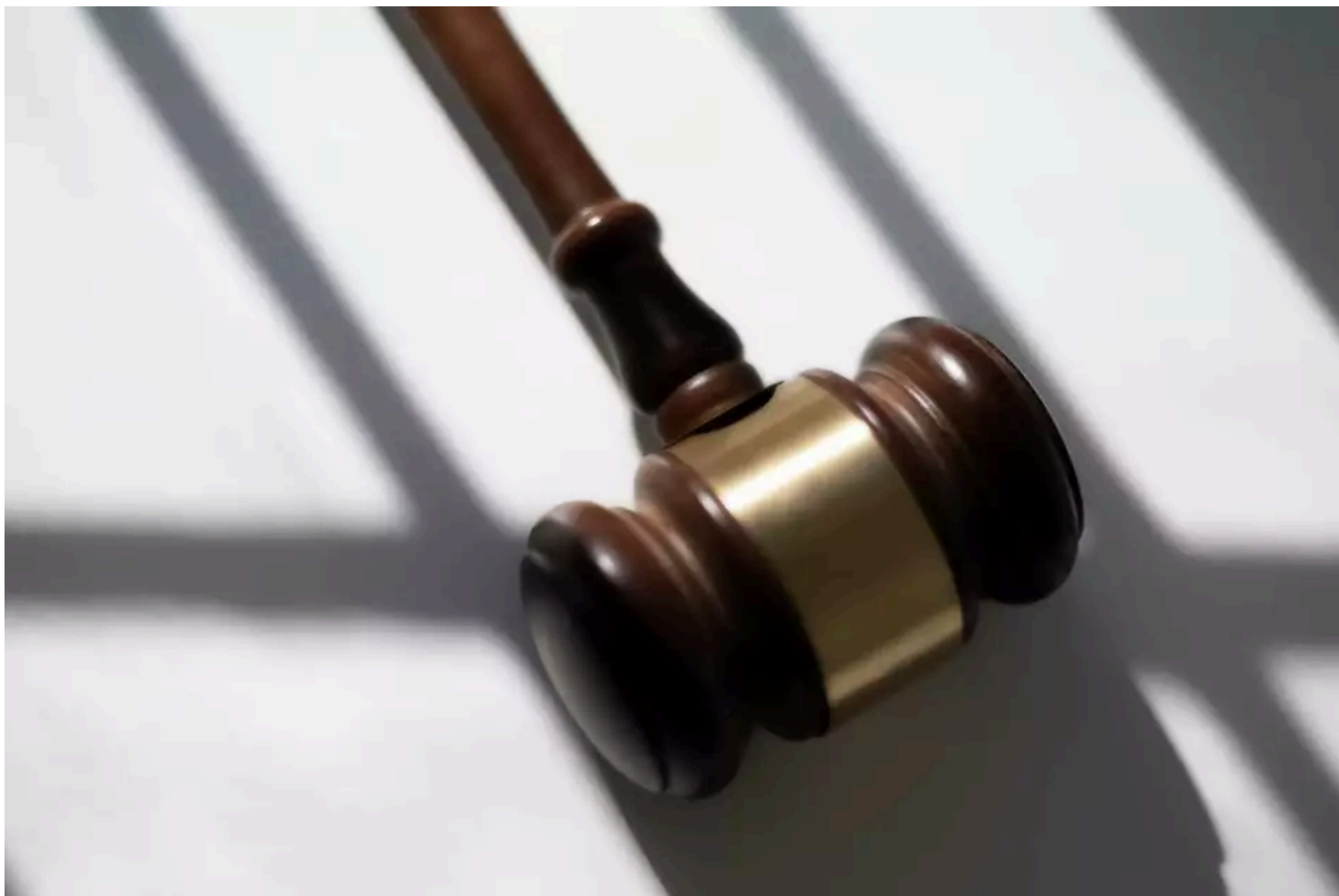
## POLITICS

## Tech exec sues journalist for \$25M for publishing his sealed arrest report

By **Bob Egelko**, Courts Reporter

Oct 29, 2024





A tech executive is suing a journalist for \$25 million for reporting, accurately, that he had been arrested on suspicion of domestic violence.

Getty Images



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A tech executive is suing a journalist for \$25 million for reporting, accurately, that he had been arrested on suspicion of domestic violence.

The executive, Maury Blackman, was not charged with a crime for the 2021 incident, and police sealed his arrest report from public view in 2022 — which, under California law, made it illegal to publish the report. The judge who signed the

sealing order said it meant that Blackman's arrest was legally "deemed not to have occurred."

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Jack Poulson runs the online news site Tech Inquiry and said he first received the arrest report from a confidential source, then contacted San Francisco police, who confirmed it. Later, he said, another journalist, whom he declined to identify, obtained the same document legally through a records request and forwarded it to him.

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The city of San Francisco has agreed with Blackman that Poulson's report of the arrest was illegal and demanded that he remove its posting on Substack.

In an Oct. 3, letter to Poulson's lawyer, Joshua Stokes, Deputy City Attorney Jennifer Choi said that, based on California law 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.” And, she added, “please refrain from publishing this material in the future.”

But a First Amendment lawyer says the Supreme Court has made it clear that any laws punishing journalists for publishing information they obtained legally are unconstitutional.

“Journalists are entitled to publish documents that they lawfully obtained, specifically government documents,” said Seth Stern, advocacy director for the nonprofit Freedom of the Press Foundation and former chair of the American Bar Association’s Media, Privacy and Advocacy Law Committee. He is not involved in the San Francisco case but agrees with Poulson that Blackman’s lawsuit should be dismissed.

Blackman had been chief executive of the San Francisco tech firm Premise Data but says he lost his job after disclosure of the arrest report.

---

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His lawsuit acknowledged that he had been subjected to “a felony domestic violence arrest.” Poulson described further details of the arrest report in a September 2023 post on Substack.

The city has taken no legal action against Poulson for reporting the arrest or for rejecting Choi’s demand to remove his post. But on Oct. 2, the day before Choi’s letter, Blackman filed suit accusing Poulson and Substack of maliciously damaging his well-being and his career.

Blackman’s “reputation amongst his friends, family and business associates has been forever altered,” his lawyer, David Marek, said in the Superior Court filing.

Blackman “has been unable to find subsequent employment, resulting in significant lost employment compensation and benefits; and ... has been forced to spend money to cure this situation that will haunt him the rest of his life,” Marek wrote. [Blackman’s website](#), however, lists him as managing director of another technology fund, Pierpoint Ventures.

Marek said Poulson’s “conduct was outrageous and so extreme as to exceed all bounds of (behavior) ... usually tolerated in a civilized community.”

Stern, of the Freedom of the Press Foundation, said the Supreme Court has refused to enforce comparable laws elsewhere.

He cited the court’s 1989 ruling in *Florida Star v. B.J.F.*, overturning a Florida jury’s damage award against a newspaper for publishing the name of a sexual assault victim, publication that was prohibited by state law. A 2001 ruling, in *Bartnicki v. Vopper*, rejected a damage suit against a radio commentator who legally obtained and broadcast a recording of a phone conversation between labor negotiators that may have been illegally wiretapped.

And in 1971, the court allowed the New York Times and Washington Post to publish the Pentagon Papers, the secret history of the Vietnam War that had been disclosed, without legal authorization, by Daniel Ellsberg. The votes in all three rulings were 6-3.

Referring to San Francisco's argument that Poulson's disclosure of the arrest report was illegal, Stern said, "Unless the city wants to take the position that a sealed arrest report is more sensitive than national security or (identifying) victims of terrible crimes, I don't think they are in good standing."

Poulson and Stokes, his lawyer, did not immediately return requests for comment on the suit.

*Reach Bob Egelko: [begelko@sfchronicle.com](mailto:begelko@sfchronicle.com); X: @BobEgelko*

Oct 29, 2024



**Bob Egelko**

COURTS REPORTER



Bob Egelko has been a reporter since June 1970. He spent 30 years with the Associated Press, covering news, politics and occasionally sports in Los Angeles, San Diego and Sacramento, and legal affairs in San Francisco from 1984 onward. He worked for the San Francisco Examiner for five months in 2000, then joined The Chronicle in November 2000.

His beat includes state and federal courts in California, the Supreme Court and the State Bar. He has a law degree from McGeorge School of Law in Sacramento and is a member of the bar. Coverage has included the passage of Proposition 13 in 1978, the appointment of Rose Bird to the state Supreme Court and her removal by the voters, the death penalty in California and the battles over gay rights and same-sex marriage.

---

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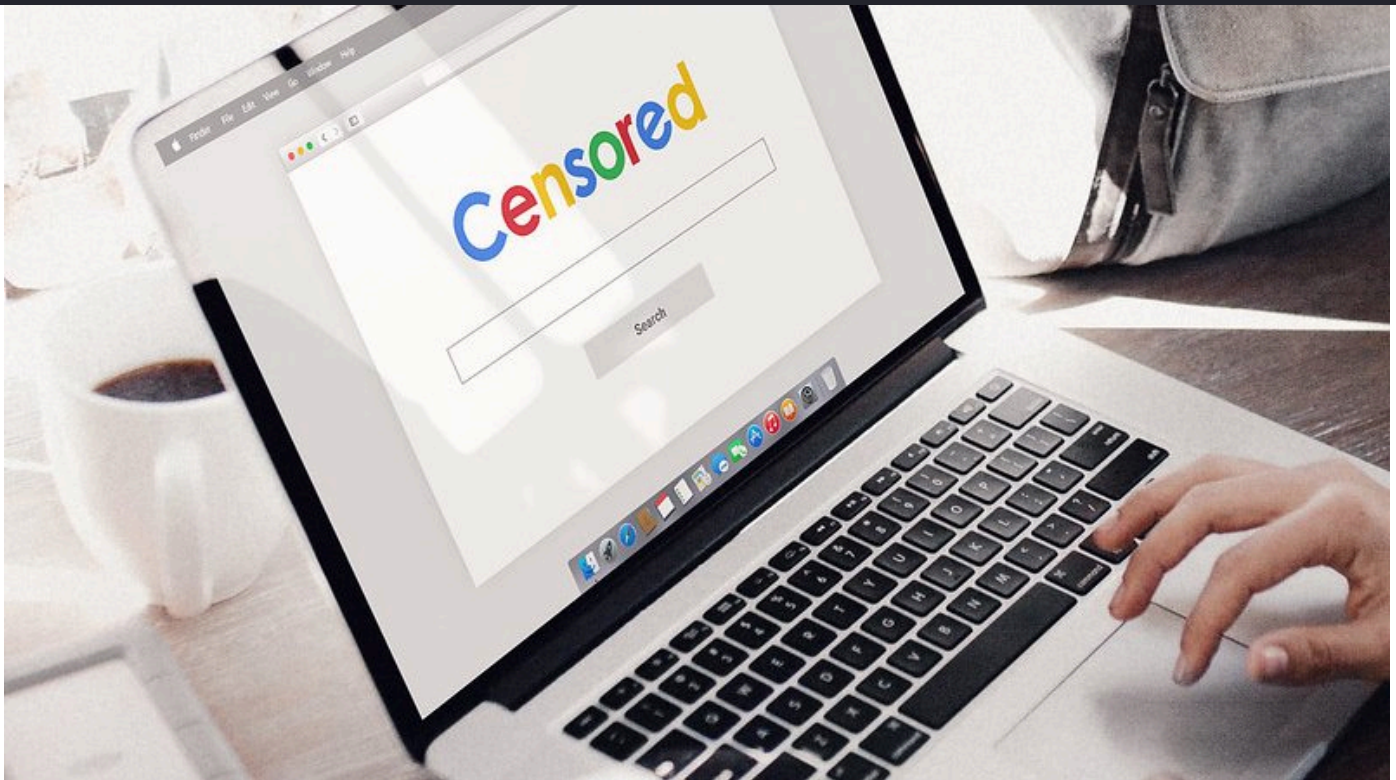
# **EXHIBIT C**

 LEAKS

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# Anatomy of a censorship campaign: A tech exec's crusade to stifle journalism

Nov. 13, 2024 / [SETH STERN](#) [CAITLIN VOGUS](#)

A tech executive's tactics against journalist Jack Poulson are a prime example of how the wealthy and powerful try to silence reporting, and how the First Amendment is often the

only thing standing in their way. [Google Censorship](#) by mikemacmarketing is licensed under CC BY 2.0.

Maury Blackman's tactics against journalist Jack Poulson are a prime example of how the wealthy and powerful try to silence reporting, and how the First Amendment is often the only thing standing in their way.

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Poulson is the executive director of the nonprofit Tech Inquiry and author of All-Source Intelligence, a Substack newsletter that focuses on links between technology companies and the defense and intelligence agencies. Blackman is the former CEO of Premise Data, a company that Poulson had written about repeatedly. He's not the only one writing about the company and its ties to the national security state — The [Wall Street Journal](#) reported in 2021 that it pays app users to “unwittingly provid[e] basic intelligence to the U.S. military.”

Blackman's censorship campaign started when Poulson published an article in 2023 about the executive's 2021 arrest on suspicion of domestic violence and then linked to the disturbing arrest report. Blackman was never charged, and the victim recanted her statements in the report. A California court had sealed the arrest report in 2022. Poulson says he obtained it from a confidential source.

Since publication, Blackman or his apparent representatives have used a variety of methods to try to get the article and arrest report taken down. These tactics — from the misuse of copyright law to threats of penalties explicitly prohibited by the First Amendment and the abuse of the legal system — show how determined and well-resourced people can attack reporting they dislike.

It also shows what journalists can do to prepare.

### **Abusive DMCA takedown request**

Shortly after the article was published, Poulson reported that someone claiming to represent Blackman emailed him to ask for the article to be taken down, and even suggested they would pay to have it removed.

When Poulson refused, a person using a very similar name sent a takedown request under the Digital Millennium Copyright Act to the cloud service provider that was hosting an external copy of the arrest report. Poulson successfully refuted the request, but also decided to host the report on Substack himself.

There's nothing remotely copyright-infringing about the arrest report. It's a government record, so it can't be copyrighted in California. According to Poulson, the DMCA notice also used a fake phone number and address, and a fake digital signature claiming to be from Poulson himself.

But although the DMCA notice-and-takedown scheme — which was intended to protect both copyright and free expression online — appears to have worked in

this case, it's undoubtedly become a target for abuse. Shady reputation management firms, among others, know that while news outlets may be willing to invest in a First Amendment battle, disinterested internet providers often are not.

Journalists must understand that the DMCA can be used as a weapon against their reporting, and respond to takedown notices with information refuting claims of copyright infringement.

### **Complaint made to other hosting providers**

Blackman also complained about Poulson's reporting to Substack and Amazon Web Services, in an attempt to have them remove the arrest report and other information under those sites' internal policies.

Substack appears to have complied, at least in part. Poulson's article about Blackman includes an editor's note from June 2024 noting that Substack had "temporarily unpublished" the article twice, until Poulson removed the address where Blackman was arrested. Substack did not, apparently, require Poulson to remove the arrest report or details from it, as Blackman had demanded.

This further shows how journalists' ability to publish their work can be subject to the whims of tech companies when they publish online through third-party services. Reporters should scrutinize the platforms where they publish to ensure they'll stick up for First Amendment rights, even in the face of threats. (And, to Substack's credit, it appears mostly to have done so.)

### **Blackman involves city attorney**

In the fall of 2024, the San Francisco City Attorney's Office began writing to Poulson and Substack, at the behest of Blackman and his lawyers, demanding removal of the arrest report. The letters claim that the posting of the arrest report

violates a California law that imposes a civil penalty for the publication of sealed arrest reports.

For some reason, the letters don't mention all of the Supreme Court cases that say that journalists have a strong First Amendment right to publish lawfully obtained, truthful information on matters of public concern, and that state laws that say otherwise are unconstitutional.

The city attorney's first letter to Substack also doesn't mention Section 230 of the Communications Decency Act, which would clearly immunize Substack for liability based on Poulson's posts. Substack, however, apparently pointed out the law to the city attorney in its response.

The government bolstering powerful tech executives' efforts to silence critics is, unfortunately, becoming more and more commonplace. Everyone who cares about free speech must push back on officials who do other's censorious bidding. And a city attorney, who presumably learned about prior restraints in law school, should certainly know better.

### **Attempts to unmask Poulson's source**

While all this was going on, Blackman was simultaneously trying to unmask Poulson's source for the arrest report.

While Blackman was still CEO of Premise Data, the company filed a lawsuit against some former employees. According to discovery demands in that lawsuit, Premise Data demanded records of some people's communications about the arrest report with Poulson or with the San Francisco Police Department. Premise Data's lawyers also investigated who had filed public records requests for the arrest report.

It's not clear if the discovery demands yielded information about Poulson's source. But reporters working with confidential sources should keep in mind that sources can be unmasked in a variety of ways and always try to practice good digital security.

### **Executive files frivolous anonymous lawsuit**

Apparently unsatisfied with these previous efforts, last month Blackman reportedly filed a lawsuit against Poulson, Tech Inquiry, AWS, and Substack, claiming \$25 million in damages based on the publication of the arrest report.

Although he used a pseudonym to file the lawsuit, it's been widely reported that Blackman is the plaintiff, and the allegations in the case match the facts described by Poulson in his newsletter (plus, Blackman admitted in court filings that the San Francisco Chronicle accurately identified him).

The lawsuit is frivolous for the same reasons as the city attorney's letter. But, unfortunately, Blackman may not need to win his lawsuit for it to have a chilling effect on journalism. Strategic lawsuits against public participation, or SLAPPs, punish journalists and others by making them spend time and money defending themselves — and they send a message to any other journalists out there who might be considering challenging the wealthy and powerful.

Fortunately, numerous states, including California, have anti-SLAPP laws that allow SLAPP victims to have cases dismissed against them early and to recoup their costs. Reporters should familiarize themselves with their state's law and, if they live in a state without anti-SLAPP protection, urge lawmakers to pass one.

### **Blackman seeks emergency takedown order**

Not only has Blackman filed a frivolous lawsuit but he's also seeking an emergency order that would require the immediate takedown of Poulson's article

reporting on his arrest.

On Nov. 12, Blackman filed a motion for a temporary restraining order as part of his ongoing lawsuit against Poulson and the other defendants. At a Nov. 13 hearing, a judge put that motion on pause, ruling that Blackman first had to seek the court's permission to litigate under a pseudonym. That should be tough — the cat's already out of the bag, because Blackman's lawyers created a public record of his identity by emailing city officials about Poulson's article. But we're told Blackman's attorney said he plans to revive the censorship motion after dealing with the pseudonym issue.

Such an order would be an unconstitutional prior restraint — but emergency motions like Blackman's are often used to get judges to censor journalists without having time to do their research first.

Journalists must be ready to respond quickly when a litigant seeks an order from a court requiring a takedown or prior restraint. Freelance journalists, especially, may want to think in advance about whether they will be able to find legal counsel if they're ever in this position.

Thankfully, Poulson and Tech Inquiry are represented by counsel from the Electronic Frontier Foundation and law professor Susan Seager.

Poulson's fellow journalists should not be intimidated to show their solidarity and report on this disturbing censorship campaign. Blackman admitted in his declaration that since he sued Poulson, "the sealed report and its contents ... have been spread and are spreading far more broadly than before." It sounds like he's already learning about the Streisand Effect — let's make sure the next SLAPP-happy tech bro knows about it too.

*Editor's Note: This article has been updated to reflect the outcome of the Nov. 13 hearing and to correct an inaccurate description of the response by the cloud service provider to*

*the DMCA request targeting the arrest report.*

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# **EXHIBIT D**

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*Attorneys for Plaintiffs*

\* Pro hac vice application forthcoming

**UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION**

FIRST AMENDMENT COALITION,  
VIRGINIA LAROE, and EUGENE  
VOLOKH,

Plaintiffs,

v.

DAVID CHIU, in his official capacity as  
City Attorney of San Francisco; and  
ROB BONTA, in his official capacity as  
Attorney General of California,

Defendants.

Civil Case No. 3:24-cv-08343

**COMPLAINT FOR DECLARATORY  
AND INJUNCTIVE RELIEF FOR  
CIVIL-RIGHTS VIOLATIONS**

## **INTRODUCTION**

1  
2 1. California Penal Code § 851.92(c) prohibits almost any person—whether  
3 journalist, advocate, activist, lawyer, victim, or witness—from disseminating any  
4 information “relating to” a sealed arrest record.

5 2. In doing so, Penal Code § 851.92(c) forbids speaking or writing about  
6 information from sealed arrest records even by those who learn of that arrest through lawful  
7 means, like reading records the government provides, reading about the arrest in the  
8 newspaper, or even witnessing the arrest.

9 3. But the First Amendment does not permit the government to punish a speaker  
10 for conveying information of public concern the speaker already lawfully possesses.

11 4. The First Amendment prohibits such punishment even if the information  
12 might be embarrassing to an influential member of the community.

13 5. Penal Code § 851.92(c), California’s anti-dissemination statute, ignores those  
14 clear First Amendment limits, imposing a civil penalty of up to \$2,500 for each utterance—  
15 a penalty the Attorney General or any City Attorney can enforce.

16 6. By itself, the anti-dissemination statute threatens a host of protected speech  
17 on important public issues.

18 7. Presently, the San Francisco City Attorney is using the anti-dissemination  
19 statute to chill journalists and publishers from reporting on the arrest of the now-former  
20 CEO of a controversial tech company. After the San Francisco Police Department shared that  
21 information in response to a public record request, the CEO enlisted the City Attorney in a  
22 joint effort to try to put the horse back in the barn by having the City Attorney’s office  
23 repeatedly send letters, “pursuant to” the anti-dissemination statute, demanding censorship  
24 of articles about the arrest.

25 8. Plaintiffs are a First Amendment advocacy group that champions press rights,  
26 its director of public advocacy, and the publisher of a well-known legal blog who frequently  
27 writes about censorship campaigns like the one now being undertaken by the CEO and City  
28 Attorney. Plaintiffs credibly fear the City Attorney will enforce the anti-dissemination

1 statute's civil penalty against them for publishing the same materials the City Attorney has  
2 targeted in recent weeks.

3 9. Plaintiffs therefore bring this action to enjoin Defendants from enforcing the  
4 anti-dissemination statute against speech the First Amendment undoubtedly protects.

### 5 **THE PARTIES**

#### 6 ***Plaintiffs***

7 10. Plaintiff First Amendment Coalition ("FAC") is a San Rafael-based,  
8 nonpartisan, public-interest nonprofit dedicated to protecting and promoting a free press,  
9 freedom of expression, and the people's right to know.

10 11. FAC advocates for expressive freedom, including through public commentary  
11 and open letters.

12 12. Plaintiff Virginia LaRoe is FAC's Advocacy Director, known professionally as  
13 Ginny LaRoe. In that role, LaRoe and other staff speak in the press about current threats to  
14 the free press, including through policies like the anti-dissemination statute.

15 13. Plaintiff Eugene Volokh is a Senior Fellow at the Hoover Institution at  
16 Stanford University, and a Professor of Law Emeritus at UCLA School of Law. He specializes  
17 in the First Amendment and related topics, and routinely publishes and comments on access  
18 to government records, defamation, and anonymous litigants.

19 14. For over 20 years, Volokh has edited and written a legal blog, *The Volokh*  
20 *Conspiracy*, which is now hosted by *Reason Magazine* at <https://reason.com/volokh>.

#### 21 ***Defendants***

22 15. Defendant David Chiu is the elected City Attorney for the City and County of  
23 San Francisco. In this role, he "[r]epresent[s] the City and County in legal proceedings." S.F.  
24 Charter § 6.102(1). Additionally, "[w]henever a cause of action exists in favor of the City and  
25 County," he must "commence legal proceedings when such action is within [his] knowledge  
26 . . . or when directed to do so by the Board of Supervisors, except for the collection of taxes  
27 and delinquent revenues." *Id.* § 6.102(3); *see also* Cal. Gov. Code § 41803.



San Francisco City Attorney's threats to enforce the anti-dissemination statute, occurred in the City and County of San Francisco.

### **FACTUAL ALLEGATIONS**

#### ***California's anti-dissemination statute.***

26. California Penal Code § 851.92 specifies certain measures that take effect when arrest records are sealed pursuant to other statutes.

27. When a court grants a petition to seal records, the statute requires criminal justice agencies to stamp arrest records with the words "ARREST SEALED: DO NOT RELEASE OUTSIDE THE CRIMINAL JUSTICE SECTOR." Cal. Penal Code § 851.92(b)(3).

28. Criminal justice agencies are permitted to continue to "furnish" the record to other criminal justice agencies and to discuss "in open court and in unsealed court filings" the information relating to a sealed arrest. Cal. Penal Code § 851.92(b)(6).

29. The statute broadly defines "criminal justice agency" to include agencies involved in law-enforcement, courts, and individuals within the criminal justice system, including police, investigators, and other law-enforcement officers. Cal. Penal Code § 851.92(d)(4).

30. Section 851.92(c) provides for a civil penalty against any entity or person other than a "criminal justice agency or the person whose arrest was sealed" that disseminates information relating to a sealed arrest, by providing that:

Unless specifically authorized by this section, a person or entity, other than a criminal justice agency or the person whose arrest was sealed, *who disseminates information relating to a sealed arrest* is subject to a civil penalty of not less than five hundred dollars (\$500) and not more than two thousand five hundred dollars (\$2,500) per violation. The civil penalty may be enforced by a city attorney, district attorney, or the Attorney General. This subdivision does not limit any existing private right of action. A civil penalty imposed under this section shall be cumulative to civil remedies or penalties imposed under any other law.

Cal. Penal Code § 851.92(c) (emphasis added).

***Media coverage of a tech CEO at the center of a controversy over involvement with U.S. intelligence agencies.***

31. A San Francisco-based company developed a phone app that allowed companies to pay users around the globe to collect information.

32. After the company hired a new CEO, it began to market its services and app to military and intelligence agencies in Washington, D.C., as a means of gathering intelligence in foreign countries and hostile areas through crowdsourcing (*i.e.*, gathering information from a significant number of users, often unpaid or marginally compensated).

33. The CEO and the company drew significant public attention due to this practice, including news reports from national media outlets in the United States and the United Kingdom.

34. A book about the intersection of intelligence agencies and Silicon Valley, published in 2024 by one of the largest publishers in the United States, dedicated a chapter to the CEO and the company.

35. The CEO has a security clearance issued by the United States Department of Defense.

36. Persons with a security clearance are required to self-report any arrest, as embarrassing arrests can be exploited by other states' intelligence agencies to gain access to sources and information. Nat'l Security Adjudicative Guidelines, Security Exec. Agent Directive 3, at G(2)(c) (effective June 8, 2017), <https://www.dni.gov/files/NCSC/documents/Regulations/SEAD-3-Reporting-U.pdf>.

***After the San Francisco Police Department releases an arrest report in response to a public record request, the CEO takes action to suppress a journalist's reporting.***

37. In or about February 2022, the CEO petitioned a California state court to seal an arrest report documenting his arrest.

38. The California state court granted the CEO's petition to seal the arrest.

39. Nevertheless, the San Francisco Police Department subsequently released the arrest report in response to a public record request under the California Public Records Act.

1       40. On information and belief, the San Francisco Police Department failed to mark  
2 the arrest report with the stamp required by California Penal Code section 851.92(b)(3):  
3 “ARREST SEALED: DO NOT RELEASE OUTSIDE THE CRIMINAL JUSTICE SECTOR.”

4       41. In the fall of 2023, a journalist posted a report on his website disclosing the  
5 arrest, sharing a redacted copy of the San Francisco Police Department arrest report.

6       42. The journalist received the arrest report unsolicited from a confidential source.

7       43. The journalist had repeatedly written about the company and its CEO, and  
8 their relationships with intelligence agencies, before writing about the arrest report.

9       44. On information and belief, the journalist does not reside in the City of San  
10 Francisco.

11       45. Before publishing his report, the journalist contacted the San Francisco Police  
12 Department, which confirmed the arrest report as genuine.

13       46. The San Francisco Police Department did not inform the journalist that the  
14 arrest report had been sealed.

15       47. The arrest report the journalist published did not bear the “ARREST SEALED”  
16 stamp required by California Penal Code section 851.92(b)(3).

17       48. Several weeks after the journalist wrote about the arrest report, the CEO  
18 resigned from the company.

19       49. After the journalist published his report, he also reported that a person  
20 claiming to act on behalf of the CEO:

- 21           a. Offered to pay the journalist to remove his reporting in exchange for  
22 money;
- 23           b. Contacted a company hosting the journalist’s website, claiming the  
24 posts violated the host’s policies; and
- 25           c. Sent a Digital Millennium Copyright Act notice claiming a copyright in  
26 the San Francisco Police Department arrest report and demanding its  
27 removal.
- 28

1           50. More than one year after the journalist's report, the now-former CEO filed a  
2 pseudonymous state court action against the journalist and two companies that host his  
3 website.

4 ***At the CEO's behest, the San Francisco City Attorney repeatedly pressures***  
5 ***the journalist and his webhost, citing the anti-dissemination statute.***

6           51. Shortly before the now-former CEO filed his lawsuit, an attorney acting on his  
7 behalf contacted the office of the San Francisco City Attorney.

8           52. On September 19, 2024, a Deputy City Attorney sent a letter to one of the  
9 companies hosting the journalist's website.

10           53. The deputy sent the September 19 letter "[p]ursuant to California Penal Code  
11 section 851.92(c)."

12           54. The September 19 letter stated that "we expect you will immediately remove  
13 the Incident Report and its contents from your website."

14           55. The September 19 letter demanded that the company "alert us when the  
15 documents [sic] and its contents have been taken down from your website by no later than  
16 September 23, 2024."

17           56. The September 19 letter instructed the company to "refrain from publishing  
18 this material in the future."

19           57. When the company did not do so, the former CEO personally contacted the  
20 Deputy City Attorney to solicit "continued efforts in notifying" the company.

21           58. On October 3, 2024, an attorney for the former CEO sent a letter to the City  
22 Attorney, Defendant David Chiu.

23           59. That same day, Chiu's deputy sent a second letter to the company.

24           60. The second letter to the company complained that the company's "inadequate"  
25 response fell short of what "court orders" required, namely removal of both the arrest report  
26 and also "posts related to" the arrest report.

27           61. On that same day, the Deputy City Attorney sent a third letter concerning the  
28 matter to an attorney for the journalist.

1           62. The Deputy City Attorney sent the third letter “[p]ursuant to” the anti-  
2 dissemination statute.

3           63. In the third letter, the Deputy City Attorney warned that “we expect” removal  
4 of “this material” from the internet “immediately.”

5           64. On October 4, 2024, the ex-CEO’s attorney emailed the Deputy City Attorney,  
6 sharing his “hope that your office will continue to help us in our efforts to enforce these  
7 various laws designed to protect” the ex-CEO.

8 ***The anti-dissemination statute is chilling The First Amendment Coalition’s***  
9 ***efforts to protect freedom of the press through public advocacy and***  
10 ***commentary.***

11           65. Plaintiff FAC and its Director of Advocacy, Plaintiff Virginia “Ginny” LaRoe,  
12 engage in public advocacy to defend the First Amendment rights of the press and public.

13           66. FAC and LaRoe frequently share their analyses of current events and policies  
14 with the public, including through writing about these issues on FAC’s own website or in  
15 opinion pieces published in media outlets, in open letters, and in position papers.

16           67. FAC is based in San Rafael and primarily focuses its advocacy efforts on threats  
17 to expressive freedom and transparency in California.

18           68. On behalf of FAC, LaRoe co-authored an opinion piece critical of the CEO’s  
19 censorship campaign and the City Attorney’s participation in it.

20           69. The opinion piece contains information about the sealed arrest record, which  
21 has been reported on publicly, both by the journalist and at least one other news outlet.

22           70. A San Francisco newspaper published the opinion piece.

23           71. FAC and LaRoe’s intended audience is primarily based in the Bay Area, and  
24 San Francisco residents make up a substantial portion of the readership of the opinion piece  
25 and their similar future commentary.

26           72. FAC and LaRoe are concerned that they will be subject to a civil penalty for  
27 their published opinion piece.  
28

1       73.     FAC and LaRoe are also concerned that they will be subject to a civil penalty  
2 (whether for the first time or in addition to a penalty due to their published piece) for future  
3 speech.

4       74.     FAC and LaRoe are further chilled from republishing or commenting on the  
5 CEO's censorship campaign and the City Attorney's participation in it because the anti-  
6 dissemination statute provides for a civil penalty for each dissemination. Cal. Penal Code  
7 § 851.92(c).

8       75.     On behalf of FAC, LaRoe has drafted and would like to send a public letter to  
9 San Francisco City Attorney David Chiu and to other officials criticizing the existence of and  
10 application of California Penal Code section 851.92(c) to the journalist.

11       76.     FAC and LaRoe intend for the drafted letter to reach a wider audience in San  
12 Francisco and California more broadly.

13       77.     The letter LaRoe drafted includes more detailed information about the sealed  
14 arrest report that was not included in the opinion piece previously published, emphasizing  
15 the manner in which the statute frustrates reporting on matters of public concern.

16       78.     FAC and LaRoe are similarly situated to the journalist who reported on the  
17 CEO's censorship campaign, in that they have published and intend to again publish the  
18 same information that drew multiple demand letters from the City Attorney.

19       79.     But for the anti-dissemination statute, FAC and LaRoe would send and publish  
20 the open letter to the San Francisco City Attorney, as well as publish additional information  
21 and content on their website, in media outlets, and on social media, containing information  
22 about the sealed arrest report and directed to a San Francisco audience.

23       80.     FAC and LaRoe are also concerned that they will be asked for comment on the  
24 First Amendment issues raised by the dispute and will be unable to provide their accurate  
25 opinion as to the facts and the law.

26  
27  
28

***The anti-dissemination statute prevents Volokh from publishing articles and the sealed arrest report.***

81. Plaintiff Volokh publishes an online legal blog, the *Volokh Conspiracy*, which is affiliated with *Reason Magazine*.

82. Volokh frequently writes about the First Amendment and public access to court records. Among other topics, he frequently covers in particular:

- a. Efforts to remove content from the internet through the use of court orders, copyright takedown notices, and similar complaints;
- b. Anonymous or pseudonymous litigation (*i.e.*, suits brought by John or Jane Does);
- c. Defamation lawsuits involving peculiar or dubious theories; and
- d. The use of civil harassment injunctions to suppress speech directed to the public.

83. Volokh routinely posts and links to source documents to inform his readers and to assure them that his accounts are accurate and credible.

84. Plaintiff Volokh thus frequently writes about, and posts source documents relating to, matters like the actions of the ex-CEO and the City Attorney described in this Complaint.

85. Volokh wants to write in detail about the lawsuit and controversy related to the journalist's publication about the CEO, including the CEO's name and details from the arrest.

86. Consistent with his past practice, Volokh wants to link to the publicly available arrest report, or to publish it in the event it is removed from other sources.

87. But for the anti-dissemination statute, Volokh would have already written about the events described in this Complaint and shared a copy of the publicly available arrest report.

88. A substantial number of readers of the *Volokh Conspiracy*, where Volokh intends to disseminate this information, reside in the City of San Francisco.

1           89. Volokh’s commentary will criticize the conduct of San Francisco officials in  
2 threatening to enforce the anti-dissemination statute.

3           90. But Volokh is not publishing anything about the lawsuit, controversy, or arrest  
4 report, because he is concerned that he may be subject to the anti-dissemination statute’s  
5 civil penalty.

6           91. Moreover, because Volokh is a California attorney, he does not want to violate  
7 the California Penal Code, particularly considering Rule 8.4(d) of the California Rules of  
8 Professional Conduct, which makes it “professional misconduct” to “engage in conduct that  
9 is prejudicial to the administration of justice.”

10          92. While Volokh believes that disclosing lawfully obtained sealed arrest records  
11 is protected by the First Amendment and consistent with the administration of justice, the  
12 anti-dissemination statute appears to embody the contrary view. Volokh wishes to challenge  
13 the law before it is enforced rather than being required to risk enforcement as the sole means  
14 of seeking relief.

15                           **INJURY TO PLAINTIFFS AND TO THE PUBLIC**

16          93. Plaintiffs are chilled from writing, publishing, or speaking about matters of  
17 public concern arising from the CEO’s censorship campaign and the City Attorney’s support  
18 of that campaign.

19          94. Because of the anti-dissemination statute and the City Attorney’s credible  
20 threats to enforce the statute, each Plaintiff has refrained from publishing articles or  
21 information about the arrest (and related controversy) or otherwise limited their public  
22 comments on the matter despite wanting to publish materials that contain information  
23 relating to the sealed report.

24          95. That chill inures to the detriment of not only Plaintiffs but also the general  
25 public, which benefits from the informed commentary of scholars and advocates, like  
26 Plaintiffs, with expertise in these matters of public concern.

27          96. The chill also extends to others who wish to disseminate lawfully obtained  
28 information about sealed arrests, including the sealed arrest at issue here. Journalists, crime

1 victims and their advocates, commentators on court proceedings, and criminal justice  
 2 researchers are just some of the many who engage in the protected speech the anti-  
 3 dissemination statute threatens.

4 97. The statute's complete lack of constitutional guardrails vests unfettered  
 5 discretion in officials like Defendants to enforce the statute's civil penalties, creating a tool  
 6 for officials to wield those penalties to silence unfavorable facts about the government or  
 7 those with whom it works, as the City Attorney's efforts here show.

8 98. That risk is illustrated by the City Attorney's efforts to suppress information  
 9 that has been publicly available for some time and, among other things, (a) reveals that the  
 10 San Francisco Police Department (an agency for which the City Attorney provides legal  
 11 representation) mishandled information in violation of a court order and state law; and (b) is  
 12 embarrassing to a local executive.

13 99. That threat of arbitrary enforcement only deepens the statute's chilling effects  
 14 on a range of reporting on matters about sealed arrests, as members of the public are left to  
 15 guess whether they will face financial penalties for truthfully reporting newsworthy facts that  
 16 they lawfully acquire.

17 100. The statute's chill, which the City Attorney's threats have amplified, is  
 18 currently causing irreparable harm. News reporting concerns *current* events, and the time  
 19 to litigate the constitutionality of the statute through trial, if necessary, will continue to chill  
 20 Plaintiffs, and others like them, from reporting on developments in this or similar disputes.

## 21 CLAIMS

### 22 **FIRST CLAIM**

#### 23 **First Amendment Violation—Content-Based Speech Regulation** 24 **(42 U.S.C. § 1983)** **(Facial and As-Applied Challenge Against All Defendants in their Official** **Capacities)**

25 101. Plaintiffs re-allege and re-incorporate the preceding paragraphs as though  
 26 fully set forth herein.  
 27  
 28

1       102. The First Amendment generally prohibits state statutes that target speech  
2 based on the speech’s content.

3       103. By imposing civil penalties for “disseminating information,” the statute targets  
4 speech—and only speech.

5       104. And by prohibiting speech that is “related to a sealed arrest report,” Cal. Penal  
6 Code § 851.92(c) penalizes speech based on its content, targeting the subject matter of the  
7 speech and requiring reference to the speech’s content to determine whether it falls within  
8 the statute.

9       105. Because this content-based restriction penalizes the “dissemination” of  
10 lawfully obtained “information related to a sealed arrest report,” it targets an expansive  
11 range of speech about matters of public concern, all of which the First Amendment protects.

12       106. Cal. Penal Code § 851.92(c) is presumptively unconstitutional on its face and  
13 subject to strict scrutiny, to the extent it regulates disseminating lawfully obtained  
14 information about sealed arrests. The statute violates the First Amendment in all of its  
15 applications to that range of expressive activity.

16       107. Likewise, Cal. Penal Code § 851.92(c) is presumptively unconstitutional as  
17 applied to each Plaintiff.

18       108. The statute threatens Volokh’s protected speech because he intends to publish  
19 commentary on a pending civil lawsuit and controversy based on a sealed arrest report  
20 involving a defense contractor with a federal security clearance, consistent with his regular  
21 commentary on disputes involving government records, the First Amendment, and lawsuits  
22 targeting exercises of free speech. Volokh intends to include a lawfully obtained copy of the  
23 sealed arrest report that exists in the public domain and to discuss the report’s contents.

24       109. The statute threatens FAC’s and LaRoe’s protected speech, because they intend  
25 to publish and comment on the same civil lawsuit and controversy as part of their regular  
26 advocacy for the First Amendment, press freedoms, and government transparency. As part  
27 of their publication and commentary, FAC and its staff may need to share a publicly available  
28 copy of the sealed arrest report and will need to be able to discuss its contents.

110. Cal. Penal Code § 851.92(c) fails strict scrutiny.

111. The State has no compelling governmental interest in penalizing the dissemination of lawfully obtained information about a sealed arrest that involves a matter of public concern.

112. Nor is the statute the least restrictive means of achieving any government interest.

113. Alternatively, if the State's interest lies in regulating how consumer reporting agencies share sealed arrest information, as asserted in the statute's legislative history, a blanket penalty on *anyone* who shares that information—including the press, scholars, advocates, and crime watchdogs—is far from the least restrictive means of achieving that interest.

114. If the State's interest lies in protecting the reputation of arrestees, it has already passed and enforced regulations requiring government officials to safeguard sealed information. Yet with Cal. Penal Code § 851.92(c), the State exempts those officials from civil penalty when they breach their duty.

115. Cal. Penal Code § 851.92(c) is not the least restrictive means to advance any governmental interest, let alone narrowly tailored to address that interest. For instance, the statute lacks any element requiring intent to use sealed arrest information for unlawful means, and it lacks any exception for journalistic and similarly protected activities centered on publishing or sharing lawfully acquired information about sealed arrests.

116. Because Cal. Penal Code § 851.92(c) fails strict scrutiny in every or almost every application to the dissemination of lawfully acquired sealed arrest information, it is facially unconstitutional as to that range of First Amendment protected activity.

117. Because Cal. Penal Code § 851.92(c) fails strict scrutiny as applied to Plaintiffs' protected First Amendment activities, it also violates the First Amendment as applied to each of them.

118. There is a substantial threat that Defendants will enforce Cal. Penal Code § 851.92(c) now and in the future.

119. Because California Penal Code § 851.92(c) is a content-based regulation on protected speech, Plaintiffs are suffering and will continue to suffer irreparable injury, including loss of their First Amendment right to publish lawfully gathered information on matters of public concern and their due process right to have sufficient notice of the statute's reach.

**SECOND CLAIM**  
**First Amendment Violation—Facial Overbreadth**  
**(42 U.S.C. § 1983)**  
**(Against All Defendants in their Official Capacities)**

120. Plaintiffs re-allege and re-incorporate the preceding paragraphs as though fully set forth herein.

121. Cal. Penal Code § 851.92(c) prohibits a substantial amount of protected expression, under the pain of civil penalty.

122. Cal. Penal Code § 851.92(c) prohibits “any person or entity” from “disseminat[ing] information relating to a sealed arrest.”

123. Cal. Penal Code § 851.92(c) does not include an intent, recklessness, or negligence requirement.

124. Thus, Cal. Penal Code § 851.92(c) applies to an expansive range of speech that addresses a matter of public concern, without regard to the speaker's state of mind or whether the speaker lawfully obtained the information disseminated.

125. If Cal. Penal Code § 851.92(c) has any plainly legitimate sweep, it is exceedingly narrow, applying to:

- a. persons who obtain information through independently unlawful conduct like theft or blackmail, then disseminate it; and
- b. the few non-exempt government employees who obtain information through their employment and then disseminate it.

126. By excluding “criminal justice agencies” from the statute's reach, the statute excludes government employees and contractors who fail to safeguard sealed arrest

1 information from the statute’s civil penalties, in turn excluding potentially constitutional  
2 applications from the statute’s sweep.

3 127. Cal. Penal Code § 851.92(c) exempts from the civil penalty (1) “the person  
4 whose arrest was sealed” or (2) a “criminal justice agency,” defined to include:

- 5 a. Any “agency at any level of government that performs, as its principal  
6 function, activities relating to” criminal law-enforcement  
7 (§ 851.92(d)(4));
- 8 b. California state courts (§ 851.92(d)(4)(A));
- 9 c. Police officials, police officers, probation officers, parole officers  
10 (§ 851.92(d)(4)(B), (F), (G) & (J));
- 11 d. Any person employed by the investigation division of the Department  
12 of Consumer Affairs or the state Dental Board (§ 851.92(d)(4)(B) &  
13 § 830.3(a));
- 14 e. Prosecutors, including district attorneys and city attorneys  
15 (§ 851.92(d)(4)(C)–(E));
- 16 f. Criminal defense attorneys, including public defenders  
17 (§ 851.92(d)(4)(H)); and
- 18 g. Investigators employed by prosecutors or defense attorneys  
19 (§ 851.92(d)(4)(I)).

20 128. Whatever legitimate sweep the statute has—if any—does not approach the  
21 number of the statute’s abundant unconstitutional applications, which vastly outweigh the  
22 lawful applications.

23 129. The statute ensnares not only Plaintiffs’ protected speech, but also the  
24 protected speech of other members of the press, criminal justice and government  
25 transparency advocates, academics, legal commentators, community watchdogs, witnesses,  
26 victims, and anyone else who lawfully obtains information about a sealed arrest and wishes  
27 to share it. And as the crime and courts pages of any California newspaper or online news  
28 source show, publishing information about arrests is a routine occurrence in California and  
elsewhere.

130. The statute is so unbounded that it prohibits sharing information about a  
sealed arrest that has made its way into the public domain.

131. By way of example, the statute's plain language would (and does) reach:

- a. Plaintiffs' republication or description of an arrest report obtained from public reporting;
- b. A journalist's publication of a sealed arrest report negligently provided to her by a police department in response to a public record request;
- c. The republication (for example, by LexisNexis or Westlaw) of a published decision of an appellate court concerning the underlying arrest;
- d. A newspaper's editorial about a political figure whose arrest was widely publicized before it was sealed;
- e. Statements by a victim of or witness to a crime to friends, family, or a mental health professional concerning the circumstances of the now-sealed arrest;
- f. Statements by a victim or a witness to a crime to a journalist, and the journalist's publication of that account, concerning the circumstances of the now-sealed arrest; and
- g. A social media user's post sharing an article concerning the circumstances of a sealed arrest.

132. California's choice to deliberately shrink the potentially legitimate sweep of the statute underscores how that sweep pales in comparison to the swath of protected speech the statute prohibits.

133. In sum, Cal. Penal Code § 851.92(c) serves chiefly to penalize and chill protected speech and lacks any plainly legitimate sweep.

134. Because of California Penal Code § 851.92(c)'s unconstitutional overbreadth, Plaintiffs are suffering and will continue to suffer irreparable injury, including being deprived of their First Amendment right to publish lawfully gathered information on matters of public concern.

**THIRD CLAIM**  
**First and Fourteenth Amendment Violation—Void for Vagueness**  
**(42 U.S.C. § 1983)**  
**(Against All Defendants in their Official Capacities)**

135. Plaintiffs re-allege and re-incorporate the preceding paragraphs as though fully set forth herein.

136. California Penal Code § 851.92(c) punishes any person or entity who “disseminates information related to a sealed arrest,” but in doing so fails to provide ordinary persons with fair notice of what the statute prohibits.

137. For example, the statute requires reasonable people to guess whether “information” is “related to” an arrest, including whether it encompasses, among other things:

- a. The facts and circumstances of the arrest, as known to the witnesses who reported it;
- b. The facts and circumstances of the arrest, as known to people who learned of them—from witnesses, victims, or media reports—before the report was sealed;
- c. The facts and circumstances of the arrest, as known to people who learned of them—from witnesses, victims, or media reports—after the report was sealed;
- d. Information disclosed “in open court and in unsealed court filings” by prosecutors, court staff, or a judge, as the statute permits (Cal. Penal Code § 851.92(b)(6));
- e. Information voluntarily made public by the arrestee (Cal. Penal Code § 851.92(c) (exempting dissemination by “the person whose arrest was sealed”));
- f. Information disclosed in open court proceedings, such as in the civil action filed by the CEO;
- g. Information inadvertently or purposefully disclosed to the public by government officials in contravention of the statute; or
- h. The existence of a sealed report.

138. What’s more, “disseminates information related to a sealed arrest” invites Defendants, and other district attorneys and city attorneys, with unbridled discretion to

1 impose civil penalties on the press, scholars, concerned citizens, and many others—and in  
2 arbitrary and discriminatory ways.

3 139. In its vagueness, California Penal Code § 851.92(c) violates the First  
4 Amendment and the Due Process Clause of the Fourteenth Amendment.

5 140. And because California Penal Code § 851.92(c) targets speech, its vagueness  
6 only heightens its chilling effects on protected speech, including the freedom to publish  
7 lawfully obtained information on matters of public concern.

8 141. The statute also fails to define the operational term “related to a sealed arrest,”  
9 which is broad, ambiguous, and lacks objective meaning.

10 142. To that end, “disseminates information related to a sealed arrest” also lacks  
11 objective meaning. Instead, it is subject to open-ended interpretation, as ordinary people  
12 can disagree on what it means.

13 143. As City Attorney Chiu’s threats to enforce California Penal Code § 851.92(c)  
14 show, Defendants can and will enforce the statute in arbitrary and discriminatory ways,  
15 including against those who may lawfully gain access to and publish sensitive or  
16 embarrassing newsworthy information about the government or about powerful figures  
17 having sway over government officials.

18 144. Having no way to discern the limits of California Penal Code § 851.92(c) or its  
19 enforcement, Plaintiffs, and others like them, face a no-win choice: risk civil penalty by  
20 exercising their First Amendment rights, or self-censor to avoid those penalties.

21 145. In all cases, the chill on protected speech from the statute’s vagueness, and the  
22 unfettered discretion it gives Defendants and other authorized officials, are substantial and  
23 ongoing.

24 146. Because of California Penal Code § 851.92(c)’s unconstitutional vagueness,  
25 Plaintiffs are suffering and will continue to suffer irreparable injury, including being  
26 deprived of their First Amendment right to publish lawfully gathered information on matters  
27 of public concern and their due process right to have sufficient notice of the statute’s reach.

28

**PRAYER FOR RELIEF**

Plaintiffs respectfully request this Court enter judgment against Defendants and issue the following relief:

- A. Declare California Penal Code § 851.92(c) unconstitutional, facially and as applied to Plaintiffs, under the First and Fourteenth Amendments;
- B. Issue a preliminary injunction and permanent injunction enjoining Defendants (including all of their officers, agents, servants, employees, attorneys, and other persons in active concert or participation with Defendants) from enforcing California Penal Code § 851.92(c) as applied to Plaintiffs' speech;
- C. Issue a preliminary injunction and permanent injunction enjoining Defendants (including all of their officers, agents, servants, employees, attorneys, and other persons in active concert or participation with Defendants) from enforcing California Penal Code § 851.92(c) against the dissemination of any lawfully obtained information about a sealed arrest record;
- D. Award Plaintiffs their attorneys' fees under 42 U.S.C. § 1988;
- E. Award Plaintiffs their costs; and
- F. Award such other relief as the Court deems appropriate.

DATED: November 22, 2024

Respectfully submitted,

By: /s/ Adam Steinbaugh

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9 \* Pro hac vice *application*  
10 *forthcoming.*  
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# **EXHIBIT E**

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9 IN THE UNITED STATES DISTRICT COURT  
10 FOR THE NORTHERN DISTRICT OF CALIFORNIA  
11 SAN FRANCISCO DIVISION  
12

13 **FIRST AMENDMENT COALITION, et al.,**  
14 Plaintiffs,  
15  
16 v.  
17 **DAVID CHIU, et al.,**  
18 Defendants.  
19

Case No. 3:24-cv-08343-RFL

**STIPULATION AND ~~PROPOSED~~  
ORDER FOR ENTRY OF  
PRELIMINARY INJUNCTION AND TO  
EXTEND TIME FOR DEFENDANTS TO  
RESPOND TO COMPLAINT**

Date/Time: January 14, 2025 at 10:00 a.m.  
Location: Courtroom 15, 18th Floor  
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Pursuant to Civil Local Rule 6-1 and 7-12, the Parties, through their counsel of record, enter into the following stipulation.

### STIPULATION

WHEREAS, Plaintiffs filed their Complaint on November 22, 2024 (Dkt. No. 1);

WHEREAS, Plaintiffs filed a Motion for a Preliminary Injunction on November 25, 2024 (Dkt. No. 11-3), and re-noticed the Motion on December 11, 2024 (Dkt. No. 29);

WHEREAS, the Parties agree to resolve the Motion without the time, expense, and uncertainty associated with further litigation of the Motion;

THEREFORE, IT IS HEREBY AGREED AND STIPULATED, subject to the Court's approval and order, that:

1. Defendants, and all their officers, agents, servants, employees, attorneys, and other persons in active concert or participation with them, are preliminarily enjoined from enforcing California Penal Code § 851.92(c) against the dissemination by any person or entity of (a) information relating to any arrest report that the person or entity reasonably believes was obtained from the government through a public records request; or (b) information that is or has been at any time otherwise made publicly available and relates to any arrest report, including (but not limited to) the arrest report at issue in this case (described in the Complaint (Dkt. No. 1) at ¶¶ 41, 47, 54–56, 63) and the contents thereof.
2. This stipulation resolves, subject to the rights reserved in paragraph (4), Plaintiffs' Motion for a Preliminary Injunction, and the January 14, 2025 hearing on the Motion is taken off calendar.
3. This stipulation is limited to California Penal Code § 851.92(c) and does not affect Defendants' right or ability to enforce any other law or provision.
4. This stipulation is without prejudice to any position that any party may take in the remainder of this case, including without limitation (a) Plaintiffs' seeking preliminary injunctive relief (beyond the scope of the relief the Court orders as a result of this stipulation) or permanent injunctive relief or (b) Defendants' arguing

that no further preliminary injunctive relief and no permanent injunctive relief are warranted.

5. The time for Defendants to respond to Plaintiffs' Complaint is extended to February 14, 2025.

Dated: December 16, 2024

Respectfully submitted,

FOUNDATION FOR INDIVIDUAL RIGHTS &  
EXPRESSION

s/Adam Steinbaugh\*

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City and County of San Francisco*

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Supervising Deputy Attorney General

s/Shiwon Choe

SHIWON CHOE  
Deputy Attorney General  
*Attorneys for Defendant Rob Bonta, in his  
official capacity as California Attorney  
General*

\* In accordance with Civil Local Rule 5-1(i)(3), the filer attests that all signatories have concurred in the filing of this document.

~~PROPOSED~~ ORDER

The Court, having reviewed and fully considered the parties' stipulation, **ORDERS** the preliminary injunction and conditions to which the parties have stipulated.

Dated: December 19, 2024

  
THE HON. RITA F. LIN  
*United States District Judge*

# **EXHIBIT F**

1  
2  
3 PREPARED BY DEFENSE COUNSEL FOR SUBSTACK.  
4

FILED  
San Francisco County Superior Court

DEC 13 2024  
CLERK OF THE COURT  
By: [Signature] Deputy Clerk  
William Trupek

8 SUPERIOR COURT OF THE STATE OF CALIFORNIA  
9 COUNTY OF SAN FRANCISCO

10 JOHN DOE, an individual,  
11

12 Plaintiff,

13 v.

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

18 Defendants.  
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Case No.: CGC-24-618681

~~PROPOSED~~ ORDER DENYING PLAINTIFF  
JOHN DOE'S MOTION SEEKING  
PERMISSION FOR PLAINTIFF TO  
PROCEED UNDER A FICTITIOUS NAME

DATE: December 12, 2024

TIME: 9:30 a.m.

DEPT: 301

Judge: JOSEPH M. QUINN

Action Filed: October 3, 2024

Trial Date:

1 PLAINTIFF JOHN DOE'S Motion Seeking Permission For Plaintiff To Proceed Under A  
2 Fictitious Name is before this Court. and the Court having considered the arguments of the parties  
3 rules that the motion is DENIED.  
4

5 Plaintiff John Doe filed his defamation complaint on October 3, 2024, generally alleging  
6 that Defendants unlawfully published false information about him taken from a sealed arrest record.  
7 Plaintiff alleges causes of action for (1) negligence, (2) gross negligence, (3) intentional interference  
8 with prospective economic relations, (4) negligent interference with prospective economic relations,  
9 (5) intentional interference with contractual relations, (6) public disclosure of private facts, (7) false  
10 light, (8) intrusion into private affairs, (9) IIED, (10) NIED, (11) defamation, (12) Bus & Prof. Code  
11 Section 17200, (13) violation of California Constitution Section 1, (14) violation of California Penal  
12 Code Section 851.92, and (15) violation of California Penal Code Section 11143 Plaintiff now  
13 moves to proceed under a fictitious name.  
14

15 Generally, “[i]n the complaint, the title of the action shall include the names of all the  
16 parties.” (CCP Section 422.40.) Where a statute does not specifically allow a party to file the  
17 complaint anonymously, a plaintiff must file a conditionally anonymous complaint. (Dept. of Fair  
18 Employment and Housing v. Superior Court (2022) 82 Cal.App.5th 105, 111 [“DFEH”].) The court  
19 must conduct a hearing and apply the overriding interest test. (Id.) Under that test, “[a] party's  
20 request for anonymity should be granted only if the court finds that an overriding interest will likely  
21 be prejudiced without use of a pseudonym, and that it is not feasible to protect the interest with less  
22 impact on the constitutional right of access.” (Id.) The court “must bear in mind the critical  
23 importance of the public's right to access judicial proceedings. Outside of cases where anonymity is  
24 expressly permitted by statute, litigating by pseudonym should occur ‘only in the rarest of  
25 circumstances.’” (DFEH, supra, 82 Cal.App.5th at 111.) California courts look to the Advanced  
26 Textile factors to evaluate the need for anonymity. (Does I thru XXIII v. Advanced Textile Corp.  
27 (9th Cir. 2000) 214 F.3d 1058, 1068.) Under Advanced Textile, courts consider: (1) severity of  
28

1 harm, (2) reasonableness of fears, and (3) vulnerability. (Does I thru XXIII v. Advanced Textile  
2 Corp., 214 F.3d 1058, 1068 (9th Cir. 2000).)

3  
4 This is not a case where anonymity is expressly permitted. Nor is it a case that presents “the  
5 rarest of circumstances” that would allow Plaintiff to proceed anonymously. (DFEH, supra, 82  
6 Cal.App.5th at 111.) Plaintiff argues he has an overriding privacy interest in not being tied to his  
7 sealed arrest record. Plaintiff, however, admits, “[a]n article in the San Francisco  
8 Chronicle...identified Plaintiff’s actual name and connected him to the incidents described in the  
9 sealed arrest report...” (MPA, 4.) As such, the highly personal details of Plaintiff’s arrest record  
10 have already been publicly disclosed and tied to this complaint. The cat, so to speak, is out of the  
11 bag. Further, Plaintiff’s argument that neither Defendants nor the public interest will be prejudiced  
12 if he proceeds anonymously is unpersuasive. (MPA, 8.) Plaintiff’s identity, his reputation, his  
13 specific economic relationships and opportunities, the extent to which his affairs are private or  
14 public are among the issues raised by his claims and the parties, including the defendants, have an  
15 interest in developing an accurate record specific to Plaintiff. Imposing anonymity requirements  
16 will interfere with this process. “[T]he public has an interest, in all civil cases, in observing and  
17 assessing the performance of its public judicial system, and that interest strongly supports a general  
18 right of access in ordinary civil cases.” (NBC Subsidiary (KNBC-TV), Inc. v. Superior Court  
19 (1999) 20 Cal.4th 1178, 1210. On this record, Plaintiff’s generalized concerns in anonymity do not  
20 predominate.

21  
22 It might be one thing if Plaintiff’s claims were limited to whether the media is (or should be)  
23 prohibited from publishing facts taken exclusively from sealed criminal records and he was seeking  
24 no personal relief. Perhaps affording such a plaintiff anonymity would not prejudice any other  
25 party. But that’s not this case. Plaintiff, here, is seeking relief personal to him that requires  
26 development of a record about him. Additionally, he is alleging that the information published was  
27 false and seeking personal damages resulting from publication of the falsities. Requiring Defendants  
28

To be sure, that a party may have a privacy interest in information related to a sealed arrest. It does not follow, however, that this interest alone precludes this case the request of courts suppressing anonymity. Nor does this interest considered in the context of this case tip the scales in favor of allowing Plaintiff to proceed under a pseudonym.

to litigate such claims without disclosing Plaintiff's identity in any way would be to impose an undue burden, if not make it nearly impossible for Defendants to develop their defenses and protect their interests.

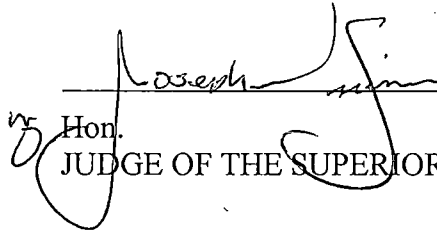
At the hearing, Plaintiff seemed to urge that a compelling and overriding privacy interest is articulated in Penal Code section 851.92, which authorizes a civil penalty of \$500 to \$2,500 for dissemination of information relating to a sealed arrest.

Next, the Advanced Textile factors weigh against Plaintiff's requested relief. First, Plaintiff has not established he will face severe harm in the form of retaliation if he is named. As his name and arrest record have been published, Plaintiff cannot show he will encounter any new harm he has not already encountered or would not likely encounter based on the existing public record. Second, Plaintiff's fear is unreasonable because no retaliatory harm is threatened against him. Third, naming Plaintiff would not render him more vulnerable than when this information was first disseminated to the public. Plaintiff claims he is vulnerable because "Defendants have been unwavering their position that they can act in direct violation of California Law..." (MPA, 7.) However, this is not a vulnerability recognized in the cited cases. In DFEH, the plaintiff was scared his family would be the subject of immediate caste violence in India if his identity were revealed. (DFEH, supra, 82 Cal.App.5th at 108.) In Advanced Textile, the plaintiffs feared immediate physical violence and deportation for themselves and their families. This case, where a third-party news publication has already reported the sealed arrest record and the facts surrounding it, is not one where privacy interests override the public's interest in this information.

Loss of employment or employment opportunities cannot generally be "retaliation" green lighting anonymity for a party. If so, every employment plaintiff who concedes some wrongdoing but claims his termination was unjustified would be able to proceed anonymously because, for example, the admitted wrongdoing would give current and future potential employers pause. Similarly, every fraud defendant would have a claim to anonymity whenever the allegations put them in a bad light with employers and potential employers. Likewise, here Plaintiff's employment issues and concerns do not override the general and specific interests in open litigation of this matter. ✓

1  
2 **IT IS HEREBY ORDERED:** PLAINTIFF JOHN DOE'S Motion Seeking Permission For  
3 Plaintiff To Proceed Under A Fictitious Name is **DENIED**.

4  
5 DATED: Dec 12, 2024

6   
7 Hon.  
8 JUDGE OF THE SUPERIOR COURT

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JOSEPH M. QUINN

I, the undersigned, certify that I am an employee of the Superior Court of California, County Of San Francisco and not a party to the above-entitled cause and that on December 13, 2024 I served the foregoing ORDER DENYING PLAINTIFF JOHN DOE'S MOTION SEEKIING PERMISSION FOR PLAINTIFF TO PROCEED UNDER A FICTITIOUS NAME on each counsel of record or party appearing in propria persona by causing a copy thereof to be enclosed in a postage paid sealed envelope and deposited in the United States Postal Service mail box located at 400 McAllister Street, San Francisco CA 94102-4514 pursuant to standard court practice.

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# **EXHIBIT G**

<b>Timekeeper</b>	<b>Title</b>	<b>Seniority</b>	<b>Rate Charged in 2024</b>	<b>Rate Charged in 2025</b>	<b>AmLaw 50 Litigation Medians in 2024</b>
Colleen Bal	Partner	31-35 Years	\$1,383	N/A	\$1,692
Joshua A. Baskin	Partner	11-15 Years	\$1,094	\$1,194	\$1,475
Thomas R. Wakefield	Partner	<21 Years	\$1,068	\$1,181	\$1,232
Benjamin D. Margo	Senior Counsel	11 Years	\$1,041	\$1,138	\$1,275
Mariana McNamara	Paralegal	N/A	\$446	N/A	\$565

# **EXHIBIT H**

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Attorneys for Defendant  
SUBSTACK, INC.

ELECTRONICALLY  
**FILED**  
*Superior Court of California,  
County of San Francisco*  
**12/06/2024**  
**Clerk of the Court**  
BY: SANDRA SCHIRO  
Deputy Clerk

SUPERIOR COURT OF THE STATE OF CALIFORNIA  
COUNTY OF SAN FRANCISCO

JOHN DOE, 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

**DEFENDANT'S NOTICE OF  
DEMURRER AND DEMURRER TO  
PLAINTIFF'S COMPLAINT**

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

Action Filed: October 3, 2024  
Trial Date: None Set

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**DEMURRER**

Substack hereby demurs to Plaintiff's Complaint on the following grounds:

**FIRST CAUSE OF ACTION:** Plaintiff's cause of action for Negligence arises from Substack's alleged failure to prevent or take down the publication of First Amendment-protected information on the internet, and is thus barred by Section 230 of the Communications Decency Act, the First Amendment to the United States Constitution, and Article I, Section 2 of the California Constitution. It therefore fails to state facts sufficient to constitute a cause of action. (Code Civ. Proc., § 430.10(e).)

**SECOND CAUSE OF ACTION:** Plaintiff's cause of action for Gross Negligence arises from Substack's alleged failure to prevent or take down the publication of First Amendment-protected information on the internet, and is thus barred by Section 230 of the Communications Decency Act, the First Amendment to the United States Constitution, and Article I, Section 2 of the California Constitution. It therefore fails to state facts sufficient to constitute a cause of action. (Code Civ. Proc., § 430.10(e).)

**THIRD CAUSE OF ACTION:** Plaintiff's cause of action for Intentional Interference with Prospective Economic Relations arises from Substack's alleged failure to prevent or take down the publication of First Amendment-protected information on the internet, and is thus barred by Section 230 of the Communications Decency Act, the First Amendment to the United States Constitution, and Article I, Section 2 of the California Constitution. It therefore fails to state facts sufficient to constitute a cause of action. (Code Civ. Proc., § 430.10(e).)

**FOURTH CAUSE OF ACTION:** Plaintiff's cause of action for Negligent Interference with Prospective Economic Relations arises from Substack's alleged failure to prevent or take down the publication of First Amendment-protected information on the internet, and is thus barred by Section 230 of the Communications Decency Act, the First Amendment to the United States Constitution, and Article I, Section 2 of the California Constitution. It therefore fails to state facts sufficient to constitute a cause of action. (Code Civ. Proc., § 430.10(e).)

**FIFTH CAUSE OF ACTION:** Plaintiff's cause of action for Intentional Interference with Contractual Relations arises from Substack's alleged failure to prevent or take down the publication

1 of First Amendment-protected information on the internet, and is thus barred by Section 230 of the  
2 Communications Decency Act, the First Amendment to the United States Constitution, and Article  
3 I, Section 2 of the California Constitution. It therefore fails to state facts sufficient to constitute a  
4 cause of action. (Code Civ. Proc., § 430.10(e).)

5 SIXTH CAUSE OF ACTION: Plaintiff's cause of action for Public Disclosure of Private  
6 Facts arises from Substack's alleged failure to prevent or take down the publication of First  
7 Amendment-protected information on the internet, and is thus barred by Section 230 of the  
8 Communications Decency Act, the First Amendment to the United States Constitution, and Article  
9 I, Section 2 of the California Constitution. It therefore fails to state facts sufficient to constitute a  
10 cause of action. (Code Civ. Proc., § 430.10(e).)

11 SEVENTH CAUSE OF ACTION: Plaintiff's cause of action for False Light arises from  
12 Substack's alleged failure to prevent or take down the publication of First Amendment-protected  
13 information on the internet, and is thus barred by Section 230 of the Communications Decency Act,  
14 the First Amendment to the United States Constitution, and Article I, Section 2 of the California  
15 Constitution. It therefore fails to state facts sufficient to constitute a cause of action. (Code Civ.  
16 Proc., § 430.10(e).)

17 EIGHTH CAUSE OF ACTION: Plaintiff's cause of action for Intrusion into Private Affairs  
18 arises from Substack's alleged failure to prevent or take down the publication of First Amendment-  
19 protected information on the internet, and is thus barred by Section 230 of the Communications  
20 Decency Act, the First Amendment to the United States Constitution, and Article I, Section 2 of the  
21 California Constitution. It therefore fails to state facts sufficient to constitute a cause of action. (Code  
22 Civ. Proc., § 430.10(e).)

23 NINTH CAUSE OF ACTION: Plaintiff's cause of action for Intentional Infliction of  
24 Emotional Distress arises from Substack's alleged failure to prevent or take down the publication  
25 of First Amendment-protected information on the internet, and is thus barred by Section 230 of the  
26 Communications Decency Act, the First Amendment to the United States Constitution, and Article  
27 I, Section 2 of the California Constitution. (Code Civ. Proc., § 430.10(e).)  
28

1        TENTH CAUSE OF ACTION: Plaintiff's cause of action for Negligent Infliction of  
2 Emotional Distress arises from Substack's alleged failure to prevent or take down the publication  
3 of First Amendment-protected information on the internet, and is thus barred by Section 230 of the  
4 Communications Decency Act, the First Amendment to the United States Constitution, and Article  
5 I, Section 2 of the California Constitution. It therefore fails to state facts sufficient to constitute a  
6 cause of action. (Code Civ. Proc., § 430.10(e).)

7        ELEVENTH CAUSE OF ACTION: Plaintiff's cause of action for Defamation arises from  
8 Substack's alleged failure to prevent or take down the publication of First Amendment-protected  
9 information on the internet, and is thus barred by Section 230 of the Communications Decency Act,  
10 the First Amendment to the United States Constitution, and Article I, Section 2 of the California  
11 Constitution. It therefore fails to state facts sufficient to constitute a cause of action. (Code Civ.  
12 Proc., § 430.10(e).)

13        TWELFTH CAUSE OF ACTION: Plaintiff's cause of action for Violation of Business &  
14 Professions Code Section 17200 arises from Substack's alleged failure to prevent or take down the  
15 publication of First Amendment-protected information on the internet, and is thus barred by Section  
16 230 of the Communications Decency Act, the First Amendment to the United States Constitution,  
17 and Article I, Section 2 of the California Constitution. It therefore fails to state facts sufficient to  
18 constitute a cause of action. (Code Civ. Proc., § 430.10(e).)

19        THIRTEENTH CAUSE OF ACTION: Plaintiff's cause of action for Violation of California  
20 Constitution, Section 1 arises from Substack's alleged failure to prevent or take down the publication  
21 of First Amendment-protected information on the internet, and is thus barred by Section 230 of the  
22 Communications Decency Act, the First Amendment to the United States Constitution, and Article  
23 I, Section 2 of the California Constitution. It therefore fails to state facts sufficient to constitute a  
24 cause of action. (Code Civ. Proc., § 430.10(e).)

25        FOURTEENTH CAUSE OF ACTION: Plaintiff's cause of action for Violation of California  
26 Penal Code Section 851.92 arises from Substack's alleged failure to prevent or take down the  
27 publication of First Amendment-protected information on the internet, and is thus barred by Section  
28 230 of the Communications Decency Act, the First Amendment to the United States Constitution,

1 and Article I, Section 2 of the California Constitution. It therefore fails to state facts sufficient to  
2 constitute a cause of action. (Code Civ. Proc., § 430.10(e).)

3 FIFTEENTH CAUSE OF ACTION: Plaintiff's cause of action for Violation of California  
4 Penal Code Section 11143 arises from Substack's alleged failure to prevent or take down the  
5 publication of First Amendment-protected information on the internet, and is thus barred by Section  
6 230 of the Communications Decency Act, the First Amendment to the United States Constitution,  
7 and Article I, Section 2 of the California Constitution. It therefore fails to state facts sufficient to  
8 constitute a cause of action. (Code Civ. Proc., § 430.10(e).)

9  
10 Dated: December 6, 2024

WILSON SONSINI GOODRICH & ROSATI  
Professional Corporation

11 By: /s/ Joshua A. Baskin  
12 Joshua A. Baskin  
13 E-mail: [jbaskin@wsgr.com](mailto:jbaskin@wsgr.com)

14 Attorneys for Defendant  
Substack, Inc.



1     **I.       BACKGROUND**

2           Before the events giving rise to this case, Plaintiff was arrested by the San Francisco Police  
3 Department in December 2021. (Pl.’s Mot. to Proceed under a Fictitious Name at 3; Compl. ¶¶ 14-  
4 17, 24-25.) Plaintiff’s arrest was detailed in a police incident report, which was a public record for  
5 nearly two months, from December 2021 until February 17, 2022, when a judge sealed the report at  
6 Plaintiff’s request. (Pl.’s Mot. to Proceed under a Fictitious Name at 3; Compl. ¶ 17; see also Gov.  
7 Code, §§ 7923.610, 7923.615(a) [mandating that arrest reports and incident reports are public  
8 records].)

9           Defendant Jack Poulson, a journalist, published multiple articles on Substack about Plaintiff  
10 and the technology company for which he was the chief executive officer. (Compl. ¶¶ 30, 34, 140.)  
11 This was part of Plaintiff’s reporting on the role of American companies in intelligence operations  
12 (Poulson Decl. ¶ 4), and in particular concerns about Plaintiff’s former company and Plaintiff’s  
13 integrity in light of his U.S. security clearance and the work he and his company were performing  
14 on behalf of the US Government. (See Baskin Decl. Exs. 3-6.) Some of Poulson’s articles included  
15 a link to the Incident Report.<sup>3</sup> (See Compl. ¶¶ 24, 29, 30, 34, 140; Baskin Decl. Ex. 1.) Poulson  
16 obtained the Incident Report from a source, and did not know at the time that it had been sealed.  
17 (Poulson Decl. ¶¶ 13-15.)

18           According to the December 21, 2021 police report (hereinafter, “Incident Report”), police  
19 arrested Plaintiff, who was then 53 years old, after he became involved in an alleged domestic-  
20 violence incident that injured his 25-year-old girlfriend and attracted the attention of a neighbor.  
21 (Baskin Decl. Ex. 1.) Plaintiff was evidently not criminally charged over this incident, and at his  
22 request, the San Francisco Superior Court sealed his Incident Report. (*Ibid.*; Mot. at 3.) Plaintiff  
23 does not allege that Poulson or any of the other Defendants obtained the Incident Report unlawfully.

24  
25 \_\_\_\_\_  
26 Cal.App.4th 841, 864-65.) Substack requests that the Court decide this demurrer only if it denies  
Substack’s Anti-SLAPP motion.

27           <sup>3</sup> Plaintiff alternatively refers to the police report as an “arrest report” and an “incident report,”  
28 both of which are presumptively public records under different sections of the Public Records Act.  
(See Gov. Code, §§ 7923.610, 7923.615(a).) The report itself appears to be titled “Incident  
Report.”

1 Nor does Plaintiff dispute that the copy of the Incident Report posted online was a true and  
2 accurate representation of the original, or claim that Poulson’s stories contain any false statements.  
3 Indeed, he does not even allege that the police description of events was false in the report itself.  
4 Instead, without disputing that all relevant statements in Poulson’s articles are true, Plaintiff alleges  
5 two theories of falsity that defy common sense.

6 *First*, Plaintiff alleges that unspecified “[s]tatements” by Poulson “create the false and  
7 intentionally misleading understanding that PLAINTIFF was found guilty” of felony domestic  
8 violence. (Compl. ¶ 29.) The only reason suggested for this is that Poulson’s articles did not initially  
9 say expressly that Poulson was *not* found guilty. (*Ibid.*) But Plaintiff does not (and cannot) allege  
10 that Poulson’s stories ever said that he was charged and brought to trial, much less found guilty.  
11 Again, Plaintiff does not allege that Poulson made *any* false statement of fact.

12 *Second*, Plaintiff asserts that “any statement that the arrest did occur is, ***by operation of law,***  
13 ***not truthful***” because a judge sealed the report in an order that stated in part that “the arrest [was]  
14 ***deemed not to have occurred.***” (Compl. ¶ 20 [emphasis added].) But the sealing order does not  
15 purport to have the Kafkaesque effect that Plaintiff suggests. (Baskin Decl. Ex. 2.) It is true that  
16 Plaintiff was arrested on suspicion of felony domestic violence in 2022, and the sealing order does  
17 not render it false. (*Ibid.*; cf. *G.D. v. Kenny* (N.J. 2011) 15 A.3d 300, 315-16.)<sup>4</sup> This is clear from  
18 the order itself, which is incorporated by reference in the Complaint. (Baskin Decl. Ex. 2.)<sup>5</sup>

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19  
20 <sup>4</sup> In a case involving an analogous statute, the New Jersey Supreme Court explained: “It is true  
21 that under the expungement statute, as a matter of law, an expunged conviction is ‘deemed not to  
22 have occurred,’ N.J.S.A. 2C:52–27. But the expungement statute does not transmute a once-true  
23 fact into a falsehood.... It is not intended to create an Orwellian scheme whereby previously public  
24 information—long maintained in official records—now becomes beyond the reach of public  
discourse on penalty of a defamation action. Although our expungement statute generally permits  
a person whose record has been expunged to misrepresent his past, it does not alter the  
metaphysical truth of his past, nor does it impose a regime of silence on those who know the truth.”  
(*G.D.*, 15 A.3d at 315-16.)

25 <sup>5</sup> The order makes clear that the *Court* deems the arrest not to have occurred, and restores to  
26 Plaintiff certain privileges as a result, but it does not require parties not before the Court to pretend  
27 that the arrest did not actually happen. (*Ibid.* [“The court GRANTS the petition. The record of  
28 arrest in the following matter shall be sealed under the provisions of section 851.91, and the arrest  
deemed not to have occurred[.]”]) The order goes on to explain what this means: while Plaintiff  
“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,” there are exceptions. (*Ibid.*)  
For example, “[t]he sealed arrest may be pleaded and proved in any later prosecution of the  
(continued...) ”

## II. PROCEDURAL BACKGROUND

On October 3, 2024, Plaintiff sued Poulson, Tech Inquiry, Substack, and AWS (collectively, “Defendants”). (Compl. ¶ 1.) Every one of Plaintiff’s claims against Defendants arises from the publication of the Incident Report that was a public record from December 2021 to February 2022—with Poulson’s corresponding news articles—and Defendants’ purported failure to remove these documents from Poulson’s online newsletter. (Compl. ¶¶ 50-176.) Yet the Complaint omits the details of the Incident Report, and the order that sealed it in February 2022.

Throughout, Plaintiff has taken steps that have increased litigation costs on Defendants. At the outset, he ignored the requirement that he seek leave of Court before filing under a fictitious name (*Dep’t of Fair Emp. & Hous. v. Superior Court* (2022) 82 Cal.App.5th 105, 111, fn. 1), and sued as a “John Doe” despite his name being publicized in the *San Francisco Chronicle* and elsewhere on the internet (Compl. ¶ 1; Baskin Decl. Exs. 3-7). Defendants have accordingly had to undertake expensive additional steps to oppose Plaintiff’s motion to proceed anonymously and lodge documents tentatively under seal merely because they reflect Plaintiff’s (widely known) identity. (Baskin Decl. ISO Mot. to Seal.)

Later, on November 12, 2024—over a year after Poulson’s first published the arrest report and over a month after filing suit—Plaintiff sandbagged Defendants by filing an *ex parte* application for a temporary restraining order (“TRO”). (Pl.’s App. for TRO.) The TRO sought to compel Defendants to remove information about his arrest report from the internet. (*Ibid.*) This forced Defendants to undertake an expensive round of overnight briefing and to prepare for argument the next day. (See Def’s Opp’n to Pl.’s App. for TRO.) The TRO motion was futile: at the hearing, the Court declined to reach the merits, instead ordering Plaintiff to do what he had been required to do from the beginning: “Plaintiff should first file a regularly-noticed motion for Court authorization to proceed in this action as a Doe plaintiff.” (Defs.’ Opp. to Pl.’s Mot. to Proceed under a Fictitious Name at 8.) Plaintiff thereafter filed a belated motion to proceed under a pseudonym (Pl.’s Mot. to

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petitioner for any other offense.” (*Ibid.*) The order, by its terms, did not command any non-party to do anything at all—and certainly did not purport to command journalists to censor themselves.

1 Proceed Under a Fictitious Name), which Defendants opposed (Defs.’ Opp. to Pl.’s Mot. to Proceed  
2 under a Fictitious Name), and which remains pending.

3 Defendants, including Substack, are today bringing Anti-SLAPP motions to specially strike  
4 Plaintiff’s complaint in its entirety. (See Code Civ. Proc., § 425.16.)

### 5 **III. LEGAL STANDARD**

6 “A demurrer tests the legal sufficiency of the complaint.” (*Hamilton v. Greenwich Invs.*  
7 *XXVI, LLC* (2011) 195 Cal.App.4th 1602, 1608.) Plaintiff must demonstrate that his Complaint  
8 “alleges facts sufficient to establish every element of each cause of action.” (*Rakestraw v. Cal.*  
9 *Physicians’ Serv.* (2000) 81 Cal.App.4th 39, 43.) Allegations must be “factual and specific, not  
10 vague or conclusionary.” (*Id.* at 44.) A demurrer is proper where, as here, the Complaint does not  
11 state facts sufficient to constitute a cause of action. (Code Civ. Proc., § 430.10(e).)

### 12 **IV. ARGUMENT**

#### 13 **A. SECTION 230 BARS PLAINTIFF’S CLAIMS AGAINST SUBSTACK.**

14 Plaintiff’s claims against Substack are barred by Section 230 of the Communications  
15 Decency Act. (See 47 U.S.C. § 230(c)(1).) Section 230 provides expansive immunity to internet  
16 service providers<sup>6</sup> against claims based on enabling third parties to publish content online, such as  
17 Poulson’s blog and the arrest report linked therein. (See *Hassell v. Bird* (2018) 5 Cal.5th 522, 535,  
18 538 [California courts have also construed Section 230 to “afford[] interactive service providers  
19 broad immunity from tort liability for third party speech”]; *Barrett v. Rosenthal* (2006) 40 Cal.4th  
20 33, 39 [Section 230 has “been widely and consistently interpreted to confer broad immunity against  
21 defamation liability for those who use the Internet to publish information that originated from  
22 another source.”]). Indeed, just months ago, a court dismissed a complaint based on a Substack blog  
23 post after finding Substack was “an interactive computer service” entitled to Section 230 immunity.  
24 (*Smith*, 2024 WL 3757501, at \*2-3, \*5 [“Substack did not create the content nor decide to post  
25  
26

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27 <sup>6</sup> Substack is a “provider ... of an interactive computer service,” and therefore entitled to  
28 Section 230 immunity in appropriate circumstances. (47 U.S.C. § 230(c)(1); see *Smith v.*  
*Substack, Inc.* (N.D.Cal., Aug. 12, 2024, No. 24-cv-727-AGT) 2024 WL 3757501, at \*2 [“The  
parties agree that Substack is a provider of an interactive computer service.”]).

1 material unintended for publication. Substack merely decided whether or not to withdraw the post  
2 from publication, which is lawfully within the purview of a publisher.”].)

3 Section 230 states that “[n]o provider ... of an interactive computer service shall be treated  
4 as the publisher or speaker of any information provided by another information content provider.”  
5 (47 U.S.C. § 230(c)(1).) Congress enacted this provision because it “recognized the threat that tort-  
6 based lawsuits pose to freedom of speech in the new and burgeoning Internet medium.” (*Hassell*, 5  
7 Cal.5th at 536 [quoting *Zeran v. Am. Online, Inc.* (4th Cir. 1997) 129 F.3d 327, 330].) Section 230  
8 aims “to maintain the robust nature of Internet communication and, accordingly, to keep government  
9 interference in the medium to a minimum.” (*Ibid.*)

10 “[A]ny activity” by an internet service provider “that can be boiled down to deciding whether  
11 to exclude material that third parties seek to post online is perforce immune under section 230.”  
12 (*Fair Hous. Council of San Fernando Valley v. Roommates.com, LLC* (9th Cir. 2008) 521 F.3d  
13 1157, 1170-71 (en banc).) Substack’s decision not to take down Poulson’s material falls squarely  
14 within this broad protection. This applies even if Plaintiff attempts to circumvent Section 230  
15 immunity claiming that Substack is liable for “possession” of the Incident Report separate from any  
16 publishing activity. (Compl. ¶ 58.) Not so: the only thing Substack allegedly did to harm Plaintiff  
17 was enable publication of content by a third party (Poulson), and “possession” of Poulson’s content  
18 on its servers is a necessary step in publishing that third-party content online—exactly what Section  
19 230 protects. The totality of Plaintiff’s Complaint is that Substack did not make decisions he likes  
20 with respect to Poulson’s blog, but Section 230 gives Substack the discretion to make that decision.<sup>7</sup>

21 Section 230 thus bars all of his claims regardless of labels, including: defamation (*Hassell*,  
22 5 Cal.5th at 536), negligence (*Zeran*, 129 F.3d at 330 [holding that Section 230 immunity applies  
23 where allegations of negligence require publication of another’s statement]; *Doe II v. MySpace Inc.*  
24 (2009) 175 Cal.App.4th 561, 573 [holding that claims for gross negligence are barred by Section  
25 230 where they are based on decisions to “restrict or make available certain material”]), privacy-

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26  
27 <sup>7</sup> This is true even if Substack allegedly requested edits to Poulson’s stories. (See  
28 *Roommates.com*, 521 F.3d at 1169 (“A website operator who edits user-created content—such as  
by correcting spelling, removing obscenity or trimming for length—retains his immunity for any  
illegality in the user-created content, provided that the edits are unrelated to the illegality.”).)

1 related torts (*Caraccioli v. Facebook, Inc.* (2016) 167 F. Supp. 3d 1056, 1066 [holding that Section  
2 230 bars claims for public disclosure of private facts, false light, intrusion into private affairs, and  
3 intentional and negligent infliction of emotional distress], *affd.* (9th Cir. 2017) 700 F.App’x 588),  
4 and business torts (*Jurin v. Google, Inc.* (E.D.Cal. 2010) 695 F.Supp.2d 1117, 1122 [holding that  
5 Section 230 bars claims for negligent and intentional interference with prospective economic  
6 relations and intentional interference with contractual relations]; *Gentry v. eBay, Inc.* (2002) 99  
7 Cal.App.4th 816, 836 [barring plaintiff from bringing a cause of action against an interactive service  
8 provider under unfair competition law when the information originated with a third party]). Section  
9 230 also bars Plaintiff’s claims based on California criminal laws. (See *Voicenet Commc’ns, Inc. v.*  
10 *Corbett* (E.D.Pa., Aug. 30, 2006, No. 04-1318) 2006 WL 2506318, at \*3-4 [“the plain language of  
11 the CDA provides internet service providers immunity from inconsistent state criminal laws”].)

12 Moreover, even if Plaintiff could show that Poulson violated the law by publishing the  
13 Incident Report and stories about it online (he cannot), that would not pierce Substack’s immunity  
14 under the CDA. Section 230 immunity applies “even if a service provider knows that third parties  
15 are using such tools to create illegal content.” (*Goddard v. Google, Inc.* (N.D.Cal., Dec. 17, 2008,  
16 No. C 08-2738JF(PVT)) 2008 WL 5245490, at \*3.) In that case, “the service’s provider’s failure to  
17 intervene is immunized.” (*Ibid.*; see also *Coffee v. Google, LLC* (N.D.Cal., Feb. 10, 2021, No. 20-  
18 CV-03901-BLF) 2021 WL 493387, at \*8 [same]; *Voicenet*, 2006 WL 2506318, at \*3-4 [“the plain  
19 language of the CDA provides internet service providers immunity from inconsistent state criminal  
20 laws”].) Plaintiff simply has no viable argument that Section 230 does not apply because Poulson’s  
21 content violated criminal law.

22 Plaintiff also cannot argue that Section 230 does not protect Substack because it was engaged  
23 in illegal conduct. The only accusation against Substack is that it refuses to take down content posted  
24 by Poulson. But “deciding whether to publish or to withdraw from publication third-party content”  
25 is “*publishing conduct*” squarely protected by Section 230. (*Barnes v. Yahoo!, Inc.*, (9th Cir. 2009)  
26 570 F.3d 1096, 1102-05 (“[Section 230](c)(1) ... shields from liability all publication decisions,  
27 whether to edit, to remove, or to post, with respect to content generated entirely by third parties.”].)  
28

1 Because all Plaintiff's claims against Substack arise from its publishing conduct with respect to a  
2 third-party newsletter, they are all barred by Section 230.

3 **B. THE FIRST AMENDMENT BARS PLAINTIFF'S CLAIMS.**

4 The First Amendment<sup>8</sup> bars Plaintiff's claims, all of which arise from the publication of  
5 information Poulson lawfully obtained from a confidential source on a matter of public significance.

6 The Supreme Court has repeatedly reaffirmed that the First Amendment bars legal action  
7 against media organizations for publishing lawfully obtained information that is a matter of public  
8 significance, absent extraordinary circumstances. As the Court explained in a seminal case: "our  
9 synthesis of prior cases involving attempts to punish truthful publication: '[I]f a newspaper lawfully  
10 obtains truthful information about a matter of public significance then state officials may not  
11 constitutionally punish publication of the information, absent a need to further a state interest of the  
12 highest order.'" (*Florida Star v. B.J.F.* (1989) 491 U.S. 524, 533 [quoting *Smith v. Daily Mail Publ'g*  
13 *Co.* (1979) 443 U.S. 97, 103].) Similarly, in *Cox Broadcasting Corp. v. Cohn* (1975) 420 U.S. 469,  
14 495, the Supreme Court held that the First Amendment barred civil damages against a television  
15 station for broadcasting the name of a rape-murder victim lawfully obtained by a reporter from a  
16 court proceeding because "[s]tates may not impose sanctions on the publication of truthful  
17 information contained in official court records open to public inspection." (See also *Okla. Publ'g*  
18 *Co. v. Okla. Cnty. Dist. Ct.* (1977) 430 U.S. 308 [First Amendment barred injunction blocking  
19 publication of the name and photograph of minor charged in a juvenile proceeding lawfully obtained  
20 by reporters]; *Daily Mail*, 443 U.S. at 103 [under First Amendment, statute barring publication of  
21 information about juvenile criminal defendant could not be applied to newspaper publisher that  
22 obtained information by monitoring police band and interviewing witnesses]; *Landmark Commc'ns,*  
23 *Inc. v. Virginia* (1978) 435 U.S. 829 [striking down law criminalizing publication of information  
24 from confidential judicial misconduct commission proceedings].)

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25  
26  
27 <sup>8</sup> Substack uses "First Amendment" to refer both to the United States Constitution ((U.S. Const.  
28 am. I ["Congress shall make no law ... abridging the freedom of speech, or of the press"]), and the  
California Constitution (Cal. Const., art. I, § 2(a) ["A law may not restrain or abridge liberty of  
speech or press."])).

1 In *Florida Star*, a local police department mistakenly released the name of a rape victim to  
2 a reporter, who published the rape victim's name in the newspaper in violation of a state statute.  
3 The Supreme Court held that the statute violated the First Amendment's protection for the press,  
4 reaffirming that "where a newspaper publishes truthful information which it has lawfully obtained,  
5 punishment may lawfully be imposed, if at all, only when narrowly tailored to a state interest of the  
6 highest order, and that no such interest is satisfactorily served by imposing liability" on the press.  
7 (491 U.S. at 541.) The Court held that the statute violated the First Amendment because the  
8 newspaper lawfully obtained the rape victim's name from the police; its article concerned a matter  
9 of public importance because it reported about "the commission, and investigation, of a violent  
10 crime that had been reported to authorities" (*id.* at 525); and the rape victim had not shown that  
11 imposing liability on the newspaper was a "punishment ... narrowly tailored to a state interest of  
12 the highest order" (*id.* at 541).

13 These principles have been reaffirmed in the California courts. The California Supreme  
14 Court has recognized that "state officials may not constitutionally punish publication of [truthful]  
15 information" that "a newspaper lawfully obtains ... about a matter of public significance" absent "a  
16 need to further a state interest of the highest order," and that the interest of alleged criminals and  
17 crime victims in remaining anonymous is generally *not* a state interest "of the highest order." (See  
18 *Gates v. Discovery Commc'ns, Inc.* (2004) 34 Cal.4th 679, 690, 692-93 & fn. 6 [quoting *Daily Mail*,  
19 443 U.S. at 103].) Just as the United States Supreme Court did not prioritize the privacy and  
20 anonymity interests of juvenile offenders in *Daily Mail*, or those of rape victims in *Cox* and *Florida*  
21 *Star*, so too the California Supreme Court did not prioritize "the long-term anonymity of former  
22 convicts." (*Id.* at 693.) All of these interests give way to the interest of the press in publishing truthful  
23 stories on matters of public significance.

24 This case falls clearly within the principle expressed in *Florida Star*, *Daily Mail*, and *Gates*,  
25 and Plaintiff's claims accordingly fail. All Plaintiff's claims arise from harm allegedly caused by  
26 "disseminating the sealed Incident Report or information related to the sealed Incident Report."  
27  
28

1 (Compl. ¶ 53; see also *id.* ¶¶ 58, 69, 105, 110, 122, 136, 141, 153, 164, 170, 175.)<sup>9</sup> There is no  
2 dispute that the published information is truthful. Indeed, Plaintiff implicitly acknowledges that  
3 Poulson published an accurate copy of the Incident Report. (See Compl. ¶ 14.) And he nowhere  
4 alleges that any of the information is factually incorrect—despite his frivolous claim that “any  
5 statement that the arrest did occur is, by operation of law, not truthful.” (Compl. ¶ 20.) Poulson also  
6 lawfully obtained the Incident Report from a confidential source (Poulson Decl. ¶¶ 13-15), and  
7 Plaintiff does not allege otherwise. Regardless, even if Plaintiff had alleged that Poulson obtained  
8 the Incident Report in an unlawful manner (which, again, he does not), Plaintiff certainly does not—  
9 and cannot—allege that **Substack** obtained the Incident Report unlawfully. Poulson’s reporting  
10 about the Incident Report is also about a matter of public significance. The public significance of a  
11 powerful man being arrested for felony domestic violence—without suffering job-related  
12 consequences for his role as a CEO with government contracts and a role in national security—is  
13 obvious. (See *ante*, at pp. 18-19.)

14 Further, the First Amendment protects one’s right to disclose material received from a source  
15 regarding a matter of public concern even if the *source* obtained it unlawfully. (*Bartnicki v. Vopper*  
16 (2001) 532 U.S. 514, 535). In *Bartnicki*, the U.S. Supreme Court held that the First Amendment  
17 protected journalists who repeatedly reported the contents of a telephone conversation about a public  
18 issue, which they obtained from a source who illegally intercepted the conversation. (*Id.* at 517-18.)  
19 Despite the journalists knowing, or having reason to know, that their source obtained the  
20 conversation unlawfully, they were free to disclose its contents because “a stranger’s illegal conduct  
21 does not suffice to remove the First Amendment shield from speech about a matter of public  
22 concern.” (*Id.* at 535; see also *Jean v. Mass. State Police* (1st Cir. 2007) 492 F.3d 24, 31-32 [holding  
23 that defendants “made the decision to proceed with their disclosures knowing that the tape was  
24 illegally intercepted, yet the Supreme Court held in *Bartnicki* that such a knowing disclosure is

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25  
26 <sup>9</sup> Plaintiff cannot evade the First Amendment by arguing that his claims do not arise from  
27 publication, but rather “possession” of the Incident Report, “allow[ing] the sealed Incident  
28 Report ... to remain publicly accessible,” or “refusal to remove” the report from the internet.  
(Compl. ¶ 58.) Such actions and omissions—maintaining a digital copy of the information,  
making it publicly accessible, and not subsequently removing it—are encompassed within the act  
of publication.

1 protected by the First Amendment”]; *Democratic Nat’l Comm. v. Russian Fed’n* (S.D.N.Y. 2019)  
2 392 F. Supp. 3d 410, 435-36, 449 [“A person is entitled [to] publish stolen documents that the  
3 publisher requested from a source so long as the publisher did not participate in the theft.”)]; *Bowley*  
4 *v. City of Uniontown Police Dep’t* (3d Cir. 2005) 404 F.3d 783, 787 [“[a]lthough [the source]  
5 violated Pennsylvania law prohibiting the release of juvenile arrest records by doing so, his unlawful  
6 release of the information does not make receipt of that information by the Herald Standard  
7 unlawful”].)

8 *Bartnicki*, which itself dealt with a statutory command of secrecy, controls even if the  
9 government requires that information be kept confidential. As the Court of Appeal has recognized,  
10 “it may not impose criminal or civil liability upon the press for obtaining and publishing newsworthy  
11 information through routine reporting techniques,” which “of course, include asking persons  
12 questions, including those with confidential or restricted information.” (*Nicholson v. McClatchy*  
13 *Newspapers* (1986) 177 Cal.App.3d 509, 511, 519-20.) Plaintiff “cannot distinguish[] the ‘wealth  
14 of both State and Federal case law, discussing the protection journalists and the press enjoy under  
15 the First Amendment where there have been allegations that published or disclosed content had been  
16 illegally obtained.’” (*Ass’n for L.A. Deputy Sheriffs v. L.A. Times Commc’ns LLC* (2015) 239  
17 Cal.App.4th 808, 819-20 [collecting cases].)

18 Even considering Plaintiff’s self-serving allegations, the conduct of all Defendants—and  
19 certainly Substack’s—falls squarely within *Bartnicki*’s protection. It is undisputed that Poulson  
20 obtained the arrest report from a source. (Compl. ¶¶ 43, 46; Poulson Decl. ¶ 13.) Although the  
21 Complaint advances the conclusory allegation that “[u]pon information and belief, POULSON knew  
22 or should have known at all times that the report had been sealed” (Compl. ¶ 15), it is undisputed  
23 that Poulson himself did not himself illegally obtain the report from the San Francisco Police  
24 Department (Poulson Decl. ¶¶ 13-15). Nor did Poulson violate the law merely by receiving the  
25 report from his source. Obtaining confidential information from a source is a constitutionally  
26 protected newsgathering technique, and cannot be “stripped” of its constitutional shield by “calling”  
27 it “tortious.” (*Ass’n for L.A. Deputy Sheriffs*, 239 Cal.App.4th at 819 [quoting *Nicholson*, 177  
28 Cal.App.3d at 513].)

1 As for Substack, there are no allegations that it acted unlawfully to obtain the report either.  
2 Their only alleged wrongdoing was to facilitate Poulson’s journalism generally and then not act to  
3 take down the arrest report when posted online. (See Compl. ¶¶ 27, 32, 42, 141.)<sup>10</sup> And Plaintiff  
4 cannot evade Defendants’ First Amendment protections by claiming that even if Poulson is  
5 protected for the act of writing news stories, the Defendants are not protected for their actions in  
6 allowing the dissemination of those stories and the underlying Incident Report. Both “creation and  
7 dissemination of information are speech within the meaning of the First Amendment.” (*Sorrell v.*  
8 *IMS Health Inc.* (2011) 564 U.S. 552, 570.) And “[w]hether government regulation applies to  
9 creating, distributing, or consuming speech makes no difference.” (*Brown v. Ent. Merchs. Ass’n*  
10 (2011) 564 US 786, 792, fn. 1.)

11 Simply put, the First Amendment forecloses Plaintiff’s claims in light of *Florida Star* and  
12 *Bartnicki*.

### 13 **V. CONCLUSION**

14 Substack respectfully requests that the Court sustain this Demurrer and dismiss the  
15 Complaint with prejudice.

16  
17 Dated: December 6, 2024

WILSON SONSINI GOODRICH & ROSATI  
Professional Corporation

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Substack, Inc.

26  
27 <sup>10</sup> Substack was allegedly “involved in reviewing” and “editing” Poulson’s articles, but this is  
28 not alleged to be wrongdoing. The only changes allegedly made by Substack were to remove  
certain content or request that Poulson add the caveat that “the charges were later dropped.”  
(Compl. ¶ 32.)

# **EXHIBIT I**

Colleen Bal is an experienced, first chair trial lawyer and a partner in Wilson Sonsini's San Francisco office. She has more than 25 years of experience litigating complex, high-profile matters in the areas of intellectual property, commercial contract, privacy, and antitrust litigation. She has tried cases on a broad range of issues before courts, arbitrators, and juries. She has significant experience in the field of privacy law, handling matters under the Wiretap Act, Video Privacy Protection Act, Stored Communications Act, Computer Fraud and Abuse Act, and related state law claims involving advertising, data collection, and telephone recording practices. Ms. Bal is a recognized leading practitioner and has been named to *The Recorder's* "Women Leaders in Tech Law" list in 2017, the *Daily Journal's* "Top 100 Women Lawyers in California" in 2015, and the list of *Northern California Super Lawyers* from 2016 to 2024. She holds a J.D. from Harvard Law School.

Joshua A. Baskin is a partner in the San Francisco office of Wilson Sonsini, where he specializes in intellectual property and commercial litigation, as well as trial practice. Mr. Baskin has significant jury trial experience in federal courts across the country, including in trade secret, unfair competition, and patent trials. Mr. Baskin is also well versed in all aspects of pre-trial litigation, including discovery practice, hearings, and dispositive motions. During law school, Mr. Baskin served as a judicial extern to the Honorable Marla J. Miller of the California Superior Court of San Francisco and the Honorable Susan Y. Illston of the U.S. District Court for the Northern District of California. Mr. Baskin graduated with a J.D. from the University of California College of the Law, San Francisco in 2013.

Thomas R. Wakefield is a partner based in San Francisco, where he practices in the firm's internet and technology litigation practice. Mr. Wakefield's practice focuses on litigating groundbreaking issues for internet companies. He represents online platforms in copyright litigation in trial court and on appeal, having defended technology platforms in cases that tested the boundaries of the Digital Millennium Copyright Act (DMCA). He also has extensive experience representing companies in privacy class actions against claims brought under the Children's Online Privacy Protection Act (COPPA), the Illinois Biometric Information Privacy Act (BIPA), the Wiretap Act, common-law and constitutional theories of liability, among others. In addition to litigating, Mr. Wakefield is a trusted advisor to companies on issues that are integral to their online operations, from the rules governing online contracts to the immunity provided by Section 230 of the Communications Decency Act. Before entering privacy practice, Mr. Wakefield was a law clerk to the Honorable John Woodcock in the U.S. District Court for the District of Maine. He is a graduate of Stanford Law School.

Benjamin Margo is senior counsel based in New York, where he represents and counsels internet companies. Admitted in New York, California, and the District of Columbia, Mr. Margo has significant experience litigating in federal and state courts around the country. He has contributed to successful outcomes in complex matters involving content moderation, copyright and trademark infringement, defamation, online privacy, products liability, and unfair competition. Prior to joining the firm, Mr. Margo clerked for the Honorable Kermit V. Lipez of the U.S. Court of Appeals for the First Circuit and worked as a litigation associate at law firms in New York and Washington, D.C. Mr. Margo graduated with a J.D. from New York University School of Law in 2014.

Rasheed Evelyn is a law clerk in the San Francisco office of Wilson Sonsini, where he focuses on internet strategy and litigation. During law school, Mr. Evelyn served as a legal extern for Commissioner Geoffrey Starks of the Federal Communications Commission and as an extern for the U.S. Department of Commerce's Commercial Law Development Program. Mr. Evelyn graduated from Georgetown University Law Center in 2024.

Sophie Lombardo is a law clerk in Wilson Sonsini's San Francisco office, where she focuses on commercial litigation. During law school, Ms. Lombardo served as a researcher for the University of California, Berkeley's Human Rights Center, where she supported strategic litigation on emerging issues at the intersection of technology and international law. Ms. Lombardo graduated from the University of California, Berkeley, School of Law in 2024.

# **EXHIBIT J**

## Fees Billed through April 17, 2025

Date	Name	Billed Hrs	Billed Amt	Narrative
9/18/2024	Bal, Colleen	0.4	\$553.00	Attention to demand letter and research; confer re same
9/19/2024	Baskin, Joshua A.	0.4	\$437.50	Strategize regarding response to demand
9/21/2024	Bal, Colleen	0.3	\$414.75	Correspond re research issues
9/21/2024	Baskin, Joshua A.	0.8	\$875.00	strategize about response to city attorney
9/25/2024	Evelyn, Rasheed	0.8	\$399.00	Review correspondence regarding plaintiff's claims, applicable legal defenses, and statutory requirements imposed on defendant
9/25/2024	Evelyn, Rasheed	1.8	\$897.75	Review case law regarding applicability of Section 230 defenses for platforms
9/26/2024	Evelyn, Rasheed	0.8	\$399.00	Draft preliminary research memo for team and assess further research avenues to address remaining issues
9/26/2024	Evelyn, Rasheed	3.9	\$1,945.12	Research case law relating to Section 230 defenses for platforms
9/27/2024	Evelyn, Rasheed	0.6	\$299.25	Draft memo regarding Section 230 immunity and its applicability to the publication of public records
9/27/2024	Evelyn, Rasheed	2.4	\$1,197.00	Conduct legal research regarding Section 230 immunity for platforms
10/3/2024	Baskin, Joshua A.	0.4	\$437.50	Correspondence re service
10/4/2024	Margo, Benjamin D.	0.3	\$312.37	Communications with J. Baskin re possible preliminary injunction motion
10/4/2024	Baskin, Joshua A.	0.9	\$984.37	Review complaint and strategize regarding potential motion for preliminary injunction
10/4/2024	Evelyn, Rasheed	1.2	\$598.50	Research standing requirements for causes of actions in plaintiff's filing to determine viable claims
10/4/2024	Evelyn, Rasheed	0.8	\$399.00	Review documents related to plaintiff's filing
10/6/2024	Wakefield, Tom	3.9	\$4,163.25	Analyze complaint and arguments for dismissal, including w/r/t striking anonymous complaint
10/6/2024	Evelyn, Rasheed	2.2	\$1,097.25	Draft document and email correspondence regarding standing requirements for plaintiff's cause of action
10/6/2024	Evelyn, Rasheed	6.1	\$3,042.37	Research standing requirements for plaintiff's causes of action

10/7/2024	Margo, Benjamin D.	0.7	\$728.87	Meet with J. Baskin and client re planned demurrer, response to anonymous nature of complaint, and possible preliminary injunction motion
10/7/2024	Baskin, Joshua A.	0.9	\$984.37	Strategize regarding response to complaint/motion
10/7/2024	Wakefield, Tom	1.9	\$2,028.25	Send analysis/research of Blackman's chances of proceeding pseudonymously, and correspond with team re same
10/7/2024	Evelyn, Rasheed	0.4	\$199.50	Draft email memo on pseudonymous filing research
10/7/2024	Evelyn, Rasheed	3.2	\$1,596.00	Conduct research on pseudonymous filing and whether there is preemption for third-party disclosure
10/7/2024	Evelyn, Rasheed	1.4	\$698.25	Conduct follow-up research on requirements for pseudonymous filing
10/7/2024	Vargas, Christopher	0.2	\$65.62	Retrieve case docket and order
10/8/2024	Evelyn, Rasheed	1.4	\$698.25	Draft joint stipulated motion related to the extension for responsive pleading
10/8/2024	Evelyn, Rasheed	2.3	\$1,147.12	Research requirements for pseudonymous filings with prior disclosure of sensitive information
10/8/2024	Evelyn, Rasheed	1.1	\$548.62	Review precedent filings for stipulated motions
10/9/2024	Margo, Benjamin D.	0.9	\$937.12	Communication with J. Baskin re Section 230 issue; edit draft stipulation to extend time to answer the complaint
10/9/2024	Wakefield, Tom	1.2	\$1,281.00	Continue researching, and begin drafting, argument that plaintiffs proceeded improperly by not seeking leave to sue anonymously
10/9/2024	Evelyn, Rasheed	1.4	\$698.25	Review court rules and CA civil code related to stipulated motions
10/9/2024	Evelyn, Rasheed	1.2	\$598.50	Revise draft of joint stipulated motion
10/10/2024	Wakefield, Tom	1.6	\$1,708.00	Continue drafting argument re striking complaint for violating CA law
10/10/2024	Evelyn, Rasheed	2.3	\$1,147.12	Research case law that relates to Section 230 as an affirmative defense to plaintiff's claims
10/10/2024	Margo, Benjamin D.	0.6	\$624.75	Legal research on potential anti-SLAPP motion
10/11/2024	Wakefield, Tom	2.8	\$2,989.00	Research cases in which parties sought to proceed anonymously in litigation involving already-published news articles, or otherwise implicated such 1st A. concerns

10/11/2024	Wakefield, Tom	3.1	\$3,309.25	Research unfavorable caselaw under order to head off arguments in briefing
10/14/2024	Evelyn, Rasheed	1.7	\$847.87	Complete research on pseudonymous filing requirements based on public disclosure of prior sealed convictions
10/14/2024	Evelyn, Rasheed	0.7	\$349.12	Draft email memo and research chart regarding pseudonymous filings and Section 230 affirmative defenses
10/14/2024	Evelyn, Rasheed	2.9	\$1,446.37	Complete research on Section 230 affirmative defenses relating to plaintiff's claims
10/15/2024	Evelyn, Rasheed	0.4	\$199.50	Devise chart detailing filing deadlines based on court rules in coordination with calendaring department
10/16/2024	Margo, Benjamin D.	1.8	\$1,874.25	Draft letter to San Francisco City Attorney in response to their demand letter; communication with J. Baskin re same
10/17/2024	Baskin, Joshua A.	0.4	\$437.50	Discuss strategy with Amazon
10/21/2024	Evelyn, Rasheed	3.3	\$1,645.87	Research case law surrounding standard for anti-SLAPP motions, including the definition of "matters of public concern"
10/21/2024	Wakefield, Tom	0.4	\$427.00	Analyze research into whether to file anti-SLAPP motion
10/22/2024	Evelyn, Rasheed	3.4	\$1,695.75	Conduct research and draft memo on public interest standard for anti-SLAPP motions
10/23/2024	Margo, Benjamin D.	0.2	\$208.25	Edit draft stipulation to extend time to move to dismiss
10/23/2024	Evelyn, Rasheed	0.9	\$448.87	Revise draft of joint stipulation motion to align with new timeline for the case
10/29/2024	Wakefield, Tom	0.3	\$320.25	Revise stipulation to extend time to respond to complaint
10/29/2024	Evelyn, Rasheed	0.4	\$199.50	Revise and send draft stipulation to co-counsel
10/29/2024	Evelyn, Rasheed	2.7	\$1,346.62	Research co-counsel's background, expertise, and litigation experience to determine how best to advocate for client and implement simultaneous defense strategies
10/30/2024	Wakefield, Tom	1.6	\$1,708.00	Prepare for and sync re stipulation and demurrer, and revise same
10/30/2024	Wakefield, Tom	0.4	\$427.00	Send update on SF Chronicle article, and consider implications for demurrer
10/30/2024	Evelyn, Rasheed	0.8	\$399.00	Meet with team to discuss litigation strategy for the case and delegate research and writing duties for upcoming brief

10/30/2024	Evelyn, Rasheed	1.4	\$698.25	Research links between domestic violence disputes and matters of public concern
10/30/2024	Margo, Benjamin D.	1.2	\$1,249.58	Plan for potential demurrer and/or anti-SLAPP motions; call with T. Wakefield and R. Evelyn re same; legal research re same
10/31/2024	Wakefield, Tom	2.8	\$2,989.00	Analyze merits of an anti-SLAPP motion, and consider sequencing of demurrer and anti-SLAPP
10/31/2024	Evelyn, Rasheed	0.9	\$448.87	Research effect of filing anti-SLAPP motion on discovery
11/1/2024	Evelyn, Rasheed	0.9	\$448.87	Research on the impact of filing deadline for demurrer based on the filing of an anti-SLAPP motion
11/1/2024	Margo, Benjamin D.	0.6	\$624.75	Plan for potential anti-SLAPP motion; call with counsel for co-defendant re same, with T. Wakefield
11/1/2024	Wakefield, Tom	3.3	\$3,522.75	Finish drafting pseudonym portion of briefing
11/1/2024	Wakefield, Tom	0.4	\$427.00	Confer with EFF re strategy
11/4/2024	Wakefield, Tom	0.4	\$427.00	Finalize stipulation to extend briefing and confer with same re various lawyers
11/4/2024	Wakefield, Tom	1.1	\$1,174.25	Research cases for the proposition that one cannot suppress, or anonymize, speech that has already occurred, and revise briefing to incorporate same
11/4/2024	Evelyn, Rasheed	3	\$1,496.25	Research case law concerning the intellectual property exception for Section 230
11/4/2024	Evelyn, Rasheed	0	\$0.00	Research case law where Section 230 and first amendment defenses are incorporated into anti-SLAPP motions
11/4/2024	Evelyn, Rasheed	0.5	\$249.37	Revise and coordinate filing of joint stipulated motion
11/5/2024	Margo, Benjamin D.	0.4	\$416.50	Call with T. Wakefield re draft briefing in support of anti-SLAPP motion or demurrer
11/5/2024	Wakefield, Tom	0.5	\$533.75	Sync re strategy for demurrer / anti-SLAPP, and correspond with opposing counsel re same
11/5/2024	Wakefield, Tom	1.1	\$1,174.25	Finish briefing portions of demurrer
11/5/2024	Evelyn, Rasheed	0	\$0.00	Begin draft of background section for upcoming demurrer
11/5/2024	Evelyn, Rasheed	0	\$0.00	Review draft of argument section for motion to dismiss and provide feedback for team

11/5/2024	Evelyn, Rasheed	0.7	\$349.12	Research case law to determine whether domestic violence can be considered a public matter of concern
11/6/2024	Margo, Benjamin D.	2.3	\$2,394.87	Communication with T. Wakefield re possible anti-SLAPP motion and demurrer; call with T. Wakefield and counsel for co-defendant AWS re same; edit draft section of brief on Plaintiff's failure to satisfy standard to proceed pseudonymously
11/6/2024	Wakefield, Tom	3	\$3,202.50	Research grounds for First Amendment defense and "public issues" under SLAPP
11/6/2024	Wakefield, Tom	2.2	\$2,348.50	Prepare for and lead sync with AWS's counsel re strategy
11/6/2024	Wakefield, Tom	1.6	\$1,708.00	Draft overview of strategy on motion papers for client
11/6/2024	Evelyn, Rasheed	2	\$997.50	Draft background section of demurrer
11/6/2024	Evelyn, Rasheed	1.8	\$897.75	Research case law to determine whether domestic violence issues are considered public matters of concern
11/6/2024	Evelyn, Rasheed	0	\$0.00	Revise and prepare joint stipulated motion for filing
11/7/2024	Wakefield, Tom	0.4	\$427.00	Advise on whether to respond to city attorney's letter
11/7/2024	Wakefield, Tom	1.1	\$1,174.25	Continue drafting demurrer
11/7/2024	Margo, Benjamin D.	2.2	\$2,290.75	Legal research re anti-SLAPP, with R. Evelyn; draft portion of anti-SLAPP brief
11/7/2024	Evelyn, Rasheed	3.5	\$1,745.62	Research the application of intellectual property exception within Section 230 to right of publicity claims
11/8/2024	Wakefield, Tom	3.1	\$3,309.25	Continue drafting anti-SLAPP briefing, and sync with B. Margo on progress with briefing, research, etc.
11/8/2024	Wakefield, Tom	1.3	\$1,387.75	Analyze research into potential applicability of (e)(4) of anti-SLAPP statute, and advise client re same
11/8/2024	Margo, Benjamin D.	0.6	\$624.75	Prepare Anti-SLAPP motion; call with T. Wakefield re same
11/10/2024	Margo, Benjamin D.	0.5	\$520.62	Draft anti-SLAPP motion
11/10/2024	Wakefield, Tom	1.9	\$2,028.25	Continue researching/drafting anti-SLAPP brief, including section re public forums
11/11/2024	Wakefield, Tom	1.3	\$1,387.75	Research and draft portions of anti-SLAPP brief
11/11/2024	Evelyn, Rasheed	1.5	\$748.12	Draft background section of motion to dismiss for team review

11/12/2024	Wakefield, Tom	8	\$8,540.00	Research, devise strategy for, sync re and draft opposition to plaintiff's TRO
11/12/2024	Malferrari, Candida R.	0	\$0.00	Review joint stipulation to extend time
11/12/2024	Margo, Benjamin D.	6	\$6,247.50	Analyze TRO motion filed by Plaintiff, in coordination with J. Baskin, T. Wakefield, and R. Evelyn; draft sections of opposition to TRO including re Section 230 and the First Amendment; legal research re same; fact research re same; coordinate with counsel for co-defendants re same
11/12/2024	Baskin, Joshua A.	3.1	\$3,390.62	Revise opposition to TRO
11/12/2024	Evelyn, Rasheed	0	\$0.00	Work with staff to coordinate remote appearances for attorneys and schedule court reporter for motion hearing
11/12/2024	Evelyn, Rasheed	0.9	\$448.87	Research procedure for filing motions under conditional seal
11/12/2024	Evelyn, Rasheed	3.6	\$1,795.50	Research irreparable harm standard for temporary restraining orders; analyze interplay between irreparable harm and prior publication of defamatory content
11/12/2024	Evelyn, Rasheed	0	\$0.00	Meet with J. Baskin, T. Wakefield, and B. Margo to discuss legal strategy for opposing temporary restraining order
11/12/2024	Evelyn, Rasheed	0	\$0.00	Assist attorneys in revising draft opposition motion and complete cite checks for attorneys
11/12/2024	Evelyn, Rasheed	0	\$0.00	Work with paralegal staff to revise joint stipulated motion for formatting compliance
11/12/2024	McNamara, Mariana	4.4	\$1,963.50	Verify and conform citations in opposition to application for order to show cause and temporary restraining order
11/12/2024	McNamara, Mariana	0.5	\$223.12	Draft case pleading template
11/13/2024	Fritz, Tracy	0	\$0.00	Extract and download cases from brief
11/13/2024	Margo, Benjamin D.	3.8	\$3,956.75	Edit draft opposition to Plaintiff's TRO motion, in coordination with J. Baskin and T. Wakefield; prepare talking points for T. Wakefield for TRO motion hearing; case law research re same
11/13/2024	Evelyn, Rasheed	0.3	\$149.62	Draft email correspondence to co-counsel on revised joint stipulation
11/13/2024	Evelyn, Rasheed	0.3	\$149.62	Work with team to moot hearing on temporary restraining order
11/13/2024	Evelyn, Rasheed	1.9	\$947.62	Research deadline and civil procedure for requesting publication of an unpublished

				opinion; research exemplars for draft motion
11/13/2024	Evelyn, Rasheed	0.6	\$299.25	Review and complete final revisions of opposition to temporary restraining order
11/13/2024	Wakefield, Tom	0.3	\$320.25	Confer re opposition to Doe motion
11/13/2024	Wakefield, Tom	4.7	\$5,017.25	Prepare for and argue opposition to TRO
11/14/2024	Wakefield, Tom	0.6	\$640.50	Prepare for and sync w/r/t plan for upcoming briefing
11/14/2024	Wakefield, Tom	1.3	\$1,387.75	Read, summarize, and begin drafting opposition to Doe's motion to proceed anonymously
11/14/2024	Evelyn, Rasheed	1.4	\$698.25	Revise background section in support of opposition to motion to proceed anonymous
11/14/2024	Evelyn, Rasheed	0.7	\$349.12	Draft memo on the process for filing a Request for Publication
11/14/2024	Evelyn, Rasheed	0.5	\$249.37	Meet with team to discuss assignments for draft demurrer
11/14/2024	Evelyn, Rasheed	0.6	\$299.25	Research statistics surrounding gender abuse in the technology industry in support of opposition motion
11/14/2024	Margo, Benjamin D.	1.7	\$1,770.12	Plan letter brief to Court of Appeal to request publication of Nelson v. Bridgers in support of Anti-SLAPP motion, with T. Wakefield (1 hour); review Plaintiff's motion to appear under pseudonym, and plan response with T. Wakefield and R. Evelyn (.7 hours)
11/15/2024	Evelyn, Rasheed	2.9	\$1,446.37	Draft Request for Publication letter for Nelson v. Bridgers opinion
11/15/2024	Evelyn, Rasheed	1	\$498.75	Research deadlines for Requesting Publication of Unpublished Opinions under California Rules of Court
11/15/2024	Wakefield, Tom	1.1	\$1,174.25	Draft opposition to motion to proceed anonymously
11/15/2024	Margo, Benjamin D.	0.6	\$624.75	Outline letter to Court of Appeal requesting publication of Nelson v. Bridgers in support of Anti-SLAPP motion
11/17/2024	Wakefield, Tom	7.1	\$7,579.25	Continue researching and drafting opposition to Doe motion
11/17/2024	Margo, Benjamin D.	0.6	\$624.75	Edit draft letter brief re publication of Nelson v. Bridgers, in support of Anti-SLAPP motion

11/18/2024	Margo, Benjamin D.	2.8	\$2,915.50	Edit and prepare for filing letter brief to California Court of Appeal requesting publication of Nelson v. Bridgers opinion in support of Anti-SLAPP motion, in coordination with T. Wakefield and R. Evelyn (.8 hrs); draft Section 230 argument section for Anti-SLAPP motion (2 hrs)
11/18/2024	Evelyn, Rasheed	1.5	\$748.12	Revise draft of Request for Publication
11/18/2024	Evelyn, Rasheed	0.4	\$199.50	Research case law relating to protections for speech concerning domestic violence under California's anti-SLAPP statute
11/18/2024	Wakefield, Tom	1.1	\$1,174.25	Revise letter seeking publication of Nelson v. Bridgers
11/18/2024	Wakefield, Tom	4.8	\$5,124.00	Draft sections of anonymity briefing w/r/t prejudice to plaintiffs and to the public interest
11/19/2024	Wakefield, Tom	0.3	\$320.25	Oversee filing of letter brief re publication of Bridgers case
11/19/2024	Wakefield, Tom	4.1	\$4,376.75	Draft portions of opposition brief w/r/t background, legal standard, and procedural history
11/19/2024	Wakefield, Tom	0.4	\$427.00	Sync re First Amendment argument for anti-SLAPP
11/19/2024	Wakefield, Tom	0.4	\$427.00	Research whether arrest records constitute "sensitive and highly personal matters"
11/19/2024	Evelyn, Rasheed	1.5	\$748.12	Revise and file Request for Publication in support of upcoming opposition motion
11/19/2024	Evelyn, Rasheed	0.3	\$149.62	Meet and confer with team to discuss draft of demurrer
11/19/2024	Evelyn, Rasheed	1	\$498.75	Research civil procedure for filing Request for Publication of unpublished case
11/19/2024	Margo, Benjamin D.	3.5	\$3,644.37	Draft First Amendment section of Anti-SLAPP brief; legal research re same; call with T. Wakefield re same
11/19/2024	McNamara, Mariana	0.5	\$223.29	Review and edit publication letter
11/20/2024	Margo, Benjamin D.	3.9	\$4,060.87	Draft section of opposition brief to Plaintiff's motion to proceed anonymously; edit draft opposition brief, with T. Wakefield
11/20/2024	Wakefield, Tom	0	\$0.00	Draft introduction to opposition to pseudonym motion, and revise sections drafted by B. Margo
11/20/2024	Evelyn, Rasheed	1.2	\$598.50	Review draft of opposition to plaintiff's motion to file pseudonymously
11/21/2024	Baskin, Joshua A.	2.3	\$2,515.62	Revise opposition to motion to proceed anonymously

11/21/2024	Wakefield, Tom	0	\$0.00	Revise opposition to Doe motion in keeping with J. Baskin's comments
11/21/2024	Evelyn, Rasheed	1	\$498.75	Research case law to use as persuasive authority in support of opposition to plaintiff's motion to file pseudonymously
11/21/2024	Margo, Benjamin D.	1.8	\$1,874.25	Draft Anti-SLAPP motion
11/22/2024	Baskin, Joshua A.	1.1	\$1,203.12	Edit opposition to motion to proceed anonymously
11/22/2024	Wakefield, Tom	2.4	\$2,562.00	Finalize first draft of pseudonym opposition, including by responding to team comments, and share same with client
11/22/2024	Evelyn, Rasheed	0.9	\$448.87	Research procedure for filings briefs under seal in state court
11/22/2024	Evelyn, Rasheed	2.8	\$1,396.50	Research case law to use as persuasive authority in support of opposition to plaintiff's motion to file pseudonymously
11/22/2024	Margo, Benjamin D.	0.2	\$208.25	Prepare for demurrer, in coordination with J. Baskin and T. Wakefield
11/24/2024	Evelyn, Rasheed	5.2	\$2,593.50	Research case law to use as persuasive authority in support of opposition to plaintiff's motion to file pseudonymously
11/25/2024	Wakefield, Tom	2.6	\$2,775.50	Advise on sealing declaration, review/respond to JDG's additional comments, and send client update with redline showing today's changes
11/25/2024	Evelyn, Rasheed	1.9	\$947.62	Draft declaration in support of opposition motion contesting plaintiff's request to file pseudonymously
11/25/2024	Evelyn, Rasheed	1.6	\$798.00	Research procedure for filing opposition motion conditionally under seal
11/26/2024	Margo, Benjamin D.	3.7	\$3,852.62	Draft anti-SLAPP motion
11/26/2024	Wakefield, Tom	2	\$2,135.00	Oversee finalization of opposition papers
11/26/2024	Evelyn, Rasheed	0	\$0.00	Draft motion to seal and declaration in support of opposition motion
11/26/2024	McNamara, Mariana	4.1	\$1,829.62	Verify and conform citations in opposition to motion to proceed with fictitious name
11/26/2024	Baskin, Joshua A.	2.2	\$2,406.25	Revise opposition to motion to proceed anonymously
11/27/2024	Wakefield, Tom	4.4	\$4,697.00	Revise brief to incorporate final edits, review sealing motion and associated papers, and edit declarations
11/27/2024	Evelyn, Rasheed	2.7	\$1,346.62	Revise draft opposition and declaration to contest plaintiff's motion for pseudonymity

11/27/2024	Evelyn, Rasheed	0	\$0.00	Meet and confer with team to discuss revisions to opposition motion
11/27/2024	Evelyn, Rasheed	3.6	\$1,795.50	Draft motion to seal, declaration, and proposed order in support of opposition motion
11/27/2024	Evelyn, Rasheed	0.9	\$448.87	Compile exhibits in support of opposition motion to plaintiff's request for pseudonymity
11/27/2024	Evelyn, Rasheed	1	\$498.75	Review case law in support of opposition motion to plaintiff's request to file pseudonymously
11/27/2024	Margo, Benjamin D.	2.3	\$2,394.87	Plan meet and confer regarding planned demurrer (.3 hours); draft Anti-SLAPP motion (2 hours)
11/27/2024	McNamara, Mariana	3.4	\$1,517.25	Review, edit and finalize opposition to motion to proceed with fictitious name and supporting documents in preparation for filing
11/29/2024	Margo, Benjamin D.	2.3	\$2,394.87	Draft Anti-SLAPP motion
11/30/2024	Margo, Benjamin D.	1.1	\$1,145.37	Draft anti-SLAPP motion
12/1/2024	Margo, Benjamin D.	1.7	\$1,770.12	Edit draft Anti-SLAPP motion
12/2/2024	Wakefield, Tom	0.9	\$960.75	Sync re strategy for anti-SLAPP and demurrer, and follow up with team/JDG re same
12/2/2024	Evelyn, Rasheed	0.4	\$199.50	Review California Rules of Court and SF Superior Local Rules to determine motion and hearing deadlines/requirements
12/2/2024	Margo, Benjamin D.	0.9	\$937.12	Draft anti-SLAPP motion
12/2/2024	Margo, Benjamin D.	1.1	\$1,145.37	Meet and confer with Plaintiff's counsel re planned demurrer; prepare demurrer
12/2/2024	Fritz, Tracy	0	\$0.00	Download cases from briefs
12/3/2024	Margo, Benjamin D.	5.1	\$5,310.37	Draft Anti-SLAPP motion; legal research re same
12/3/2024	Wakefield, Tom	1.3	\$1,387.75	Revise anti-SLAPP motion
12/3/2024	Wakefield, Tom	0.4	\$427.00	Negotiate briefing schedule with opposing counsel and co-defendants
12/3/2024	Wakefield, Tom	1.6	\$1,708.00	Begin preparing for hearing on Doe motion
12/3/2024	Evelyn, Rasheed	1.4	\$698.25	Research case law connecting national security concerns to matters of public interest in support of anti-SLAPP motion

12/3/2024	Evelyn, Rasheed	0.5	\$249.37	Research case law to support Section 230 defense to plaintiff's claims in anti-SLAPP and demurrer motions
12/3/2024	Evelyn, Rasheed	0.9	\$448.87	Draft anti-SLAPP and demurrer motions
12/3/2024	Evelyn, Rasheed	0.5	\$249.37	Research filing requirements and supporting papers needed for demurrer and anti-SLAPP motions
12/4/2024	Wakefield, Tom	0.2	\$213.50	Advise on finalizing papers with team and JDG
12/4/2024	Baskin, Joshua A.	3.4	\$3,718.75	Revise anti-slapp motion and supporting papers
12/4/2024	Evelyn, Rasheed	2.1	\$1,047.37	Draft supporting documents for anti-SLAPP, demurrer and sealing motions
12/4/2024	Margo, Benjamin D.	0.4	\$416.50	Adapt anti-SLAPP motion into draft demurrer
12/5/2024	Margo, Benjamin D.	5.1	\$5,310.37	Revise draft Anti-SLAPP motion and demurrer, with ancillary documents including draft declaration, in coordination with J. Baskin and R. Evelyn
12/5/2024	Wakefield, Tom	0.9	\$960.75	Sync with co-counsel re strategy for SLAPP
12/5/2024	Wakefield, Tom	1.1	\$1,174.25	Read reply in support of Doe motion and make notes on counter-arguments to same
12/5/2024	Baskin, Joshua A.	2.1	\$2,296.87	Revise demurrer and supporting papers
12/5/2024	Evelyn, Rasheed	2.1	\$1,047.37	Revise drafts of supporting documents for demurrer and anti-SLAPP motions
12/5/2024	Evelyn, Rasheed	0.7	\$349.12	Review declaration for conformity with co-defendants' assertions and arguments
12/6/2024	Wakefield, Tom	0.9	\$960.75	Review final SLAPP and demurrer papers before filing
12/6/2024	Wakefield, Tom	1.2	\$1,281.00	Read cases cited in plaintiff's reply brief
12/6/2024	Margo, Benjamin D.	1.4	\$1,457.75	Finalize and file Anti-SLAPP motion, demurrer, declaration in support of both motions, and sealing motion, with R. Evelyn and J. Baskin
12/6/2024	Baskin, Joshua A.	0.9	\$984.37	Final review of anti-slapp motion and demurrer
12/6/2024	Evelyn, Rasheed	1.7	\$847.87	Revise drafts of anti-SLAPP, demurrer and joinder motions including supporting documents for filing
12/6/2024	McNamara, Mariana	8.3	\$3,703.87	Verify and conform citations in demurrer and anti-SLAPP motion and prepare supporting documents for same

12/6/2024	Gutierrez, Tanya	0	\$0.00	Pull all the cases cited in the attached brief - 13 cases
12/7/2024	Wakefield, Tom	2.1	\$2,241.75	Continue reading cases cited in briefing and preparing talking points for Doe hearing
12/8/2024	Wakefield, Tom	4.1	\$4,376.75	Draft notes on distinguishing features of plaintiff's cases and begin drafting opening statement
12/9/2024	Wakefield, Tom	0.6	\$640.50	Continue preparing talking points for hearing
12/10/2024	Evelyn, Rasheed	0.4	\$199.50	Research procedures for contesting court's tentative ruling on a motion
12/11/2024	Baskin, Joshua A.	1.9	\$2,078.12	Prepare for argument on motion to proceed as a Doe
12/11/2024	Wakefield, Tom	3.2	\$3,416.00	Read tentative, prepare talking points for hearing, and moot hearing with J. Baskin
12/11/2024	Margo, Benjamin D.	1.3	\$1,353.62	Review tentative order on Plaintiff's motion to proceed as a John Doe; prepare for hearing re same; prepare for reply briefing on Anti-SLAPP motion and demurrer
12/12/2024	Baskin, Joshua A.	0	\$0.00	Attend hearing on motion to proceed as a Doe
12/12/2024	Wakefield, Tom	2.3	\$2,455.25	Prepare for and argue Doe motion before J. Quinn
12/12/2024	Evelyn, Rasheed	0	\$0.00	Attend hearing on Plaintiff's Motion to Proceed Under A Fictitious Name
12/13/2024	Baskin, Joshua A.	0	\$0.00	Attention to sealing issues; reply ISO motion to seal
12/13/2024	Wakefield, Tom	0.3	\$320.25	Review order entering tentative and strategize re briefing schedule
12/13/2024	Evelyn, Rasheed	0.9	\$448.87	Draft Reply for Motion to Seal in support of Opposition to Plaintiff's Request to Proceed under a Fictitious Name
12/13/2024	Evelyn, Rasheed	1.3	\$648.37	Research case law in support of Reply for Motion to Seal
12/16/2024	Baskin, Joshua A.	0.9	\$984.37	Correspondence regarding motion to seal
12/16/2024	Wakefield, Tom	0	\$0.00	Discuss strategy for briefing schedule w/r/t sealing
12/16/2024	Wakefield, Tom	0	\$0.00	Review papers filed by First Amendment Coalition & FIRE
12/16/2024	Bal, Colleen	0.2	\$276.50	Confer re status and arguments
12/17/2024	Baskin, Joshua A.	0	\$0.00	Correspondence on motions to seal and substituting Does
12/17/2024	Evelyn, Rasheed	0	\$0.00	Strategize with team regarding Plaintiff's response to Motions to Seal
12/18/2024	Evelyn, Rasheed	0	\$0.00	Review joint stipulation regarding motions to seal

12/18/2024	Wakefield, Tom	0.5	\$533.75	Draft stipulation w/r/t briefing on merits and sealing, and review recent filings
12/19/2024	Baskin, Joshua A.	0.4	\$437.50	Attention to sealing issues and case schedule
12/20/2024	Wakefield, Tom	0	\$0.00	Review court's order re sealing motions and briefing schedule, and confer with team re next steps
12/20/2024	Evelyn, Rasheed	0.3	\$149.62	Research rules regarding procedures for rescheduling hearing in SF Superior Court
12/20/2024	Evelyn, Rasheed	0.7	\$349.12	Revise prior demurrer and anti-SLAPP pleadings to reflect parties' revised agreement
12/21/2024	Wakefield, Tom	1.7	\$1,814.75	Review Blackman's oppositions to demurrer and anti-SLAPP briefs, and get team started on replies to same
12/22/2024	Evelyn, Rasheed	3.1	\$1,546.12	Draft memo in support of reply brief for demurrer and anti-SLAPP motions
12/23/2024	Margo, Benjamin D.	4.8	\$4,998.00	Draft reply in further support of anti-SLAPP motion; case law research in support of same
12/23/2024	Evelyn, Rasheed	2.8	\$1,396.50	Draft memo in support of reply brief for demurrer and anti-SLAPP motions
12/23/2024	Wakefield, Tom	0	\$0.00	Review plaintiffs' stipulations and notice of related case
12/24/2024	Margo, Benjamin D.	0.4	\$416.50	Draft reply brief in further support of anti-SLAPP motion
12/24/2024	Baskin, Joshua A.	0.8	\$875.12	Argue ex parte regarding hearing dates
12/26/2024	Margo, Benjamin D.	0.3	\$312.37	Plan reply in further support of anti-SLAPP motion; communication with J. Baskin re same
12/26/2024	Evelyn, Rasheed	0.3	\$149.62	Draft Notice of Joinder in support of opposition to plaintiff's motion to seal
12/27/2024	Baskin, Joshua A.	0	\$0.00	Revise reply in support of motion to seal
12/27/2024	Wakefield, Tom	0	\$0.00	Review sealing replies filed by the parties
12/31/2024	Wakefield, Tom	0	\$0.00	Review/revise opposition to notice of related case
1/2/2025	Evelyn, Rasheed	0	\$0.00	Review filings in preparation for hearing on motions to seal
1/3/2025	Baskin, Joshua A.	0.4	\$477.75	Review tentative orders on motions to seal
1/3/2025	Wakefield, Tom	0.4	\$472.50	Review tentatives re sealing and weigh in on whether to contest
1/3/2025	Evelyn, Rasheed	0	\$0.00	Review court's tentative order related to plaintiff's motion to seal

1/6/2025	Evelyn, Rasheed	0	\$0.00	Confer with J. Baskin regarding follow-up actions required to comply with plaintiff's motion to seal
1/8/2025	Evelyn, Rasheed	0	\$0.00	Confer with case team regarding strategy for upcoming anti-SLAPP and demurrer motions
1/8/2025	Wakefield, Tom	0	\$0.00	Prepare for and join strategy meeting re reply brief
1/8/2025	Lombardo, Sophie	0.6	\$385.87	Coordinate with R.Evelyn on onboarding tasks and review materials in preparation of team transition meeting
1/12/2025	Lombardo, Sophie	2.4	\$1,543.50	Draft document summarizing all authorities cited in plaintiff's opposition to anti-SLAPP motion
1/13/2025	Lombardo, Sophie	7.6	\$4,887.75	Draft document summarizing all authorities cited in plaintiff's opposition to anti-SLAPP motion
1/13/2025	Margo, Benjamin D.	0.4	\$455.00	Plan meet and confer with Plaintiff and co-Defendants re effects of court's sealing order
1/14/2025	Lombardo, Sophie	0.4	\$257.25	Draft document summarizing all authorities cited in plaintiff's opposition to anti-SLAPP motion
1/14/2025	Wakefield, Tom	0	\$0.00	Read opposition and begin strategizing re arguments in reply brief
1/15/2025	Lombardo, Sophie	0	\$0.00	Meet with B.Margo to discuss research on response to plaintiff's opposition
1/15/2025	Lombardo, Sophie	0	\$0.00	Review plaintiff's opposition to Substack's anti-SLAPP motion
1/15/2025	Lombardo, Sophie	6.3	\$4,051.69	Draft document summarizing all authorities cited in plaintiff's opposition to anti-SLAPP motion
1/15/2025	Margo, Benjamin D.	0.4	\$455.00	Call with S. Lombardo re opposition briefs and planning reply brief in further support of anti-SLAPP motion
1/16/2025	Fritz, Tracy	0	\$0.00	Download cases from briefs and send as PDF's
1/16/2025	Wakefield, Tom	0	\$0.00	Advise on arguments for reply
1/16/2025	Margo, Benjamin D.	0.4	\$455.00	Draft outline for reply in further support of anti-SLAPP motion and demurrer; case law research in support of same, in coordination with S. Lombardo
1/17/2025	Wakefield, Tom	2.4	\$2,835.00	Prepare for and lead call w/r/t arguments in reply
1/17/2025	Baskin, Joshua A.	1.8	\$2,149.87	Review oppositions to SLAPP and demurrer and strategize regarding replies

1/17/2025	Margo, Benjamin D.	0.8	\$910.00	Plan reply briefs in further support of anti-SLAPP motion and demurrer, with J. Baskin, T. Wakefield and S. Lombardo
1/17/2025	Lombardo, Sophie	0.4	\$257.25	Coordinate with team on reply to plaintiff's opposition
1/17/2025	Lombardo, Sophie	2.4	\$1,543.51	Draft outline and initial draft of reply to plaintiff's opposition
1/18/2025	Wakefield, Tom	3.8	\$4,488.75	Read new cases cited in opp'ns to prepare reply and for argument
1/19/2025	Wakefield, Tom	3.4	\$4,016.25	Continue reading cases cited in opposition and drafting thoughts for reply brief/argument
1/19/2025	Lombardo, Sophie	1.1	\$707.44	Draft reply to plaintiff's opposition
1/21/2025	Wakefield, Tom	0	\$0.00	Review progress on reply briefs and research related to same, and read ex parte papers re prior briefing
1/21/2025	Margo, Benjamin D.	0.2	\$227.50	Communications with T. Wakefield and Plaintiff re Plaintiff's motion to strike his initial oppositions to anti-SLAPP motions and Substack's demurrer
1/22/2025	Lombardo, Sophie	6.4	\$4,116.00	Draft reply to plaintiff's opposition
1/22/2025	Lombardo, Sophie	0.4	\$257.25	Attend coordination call with B.Margo regarding draft reply
1/22/2025	Baskin, Joshua A.	0.8	\$955.50	Correspondence re journalist
1/22/2025	Margo, Benjamin D.	5.9	\$6,711.25	Draft reply brief in further support of anti-SLAPP motion; case law research in support of same
1/23/2025	Lombardo, Sophie	0.9	\$578.81	Incorporate first round of edits to draft reply
1/23/2025	Lombardo, Sophie	0	\$0.00	Attend coordination call with B.Margo to discuss draft revisions
1/23/2025	Margo, Benjamin D.	4.9	\$5,573.75	Revise draft reply brief in further support of anti-SLAPP motion; case law research in support of same
1/23/2025	Wakefield, Tom	2.2	\$2,598.75	Revise anti-SLAPP brief
1/24/2025	Margo, Benjamin D.	0	\$0.00	Edit draft reply brief in further support of anti-SLAPP motion
1/24/2025	Baskin, Joshua A.	0.9	\$1,074.94	Revise anti-slapp reply
1/24/2025	Lombardo, Sophie	0.9	\$578.81	Draft reply to opposition to demurrer
1/25/2025	Margo, Benjamin D.	0.9	\$1,023.75	Review J. Baskin and T. Wakefield's edits and comments on draft reply in further support

				of anti-SLAPP motion; communication with J. Baskin and T. Wakefield re same
1/25/2025	Wakefield, Tom	4.6	\$5,433.75	Revise reply brief and prepare for argument on 2/4
1/26/2025	Margo, Benjamin D.	3.6	\$4,095.00	Edit reply brief in further support of anti-SLAPP motion; case law research in support of same
1/26/2025	Lombardo, Sophie	3	\$1,929.37	Revise draft reply to reflect edits from T.Wakefield and J.Baskin
1/27/2025	Margo, Benjamin D.	8.3	\$9,441.25	Edit reply briefs in further support of anti-SLAPP motion and demurrer, and associated papers, in coordination with J. Baskin, T. Wakefield, and S. Lombardo; meet and confer with Plaintiff re required sealing motion; communication with co-defendants and plaintiff re same
1/27/2025	Wakefield, Tom	0	\$0.00	Review J. Baskin's edits to reply
1/27/2025	McNamara, Mariana	4.2	\$2,058.00	Verify and conform citations in anti-SLAPP motion and prepare and review legal history reports of cases cited in same
1/27/2025	Baskin, Joshua A.	2.1	\$2,508.19	Revise anti-slap and demurrer replies
1/27/2025	Lombardo, Sophie	0.9	\$578.81	Revise demurrer draft to reflect B.Margo's feedback
1/27/2025	Lombardo, Sophie	1.6	\$1,029.00	Draft declarations of J.Baskin and B.Margo in further support of reply to plaintiff's anti-SLAPP and demurrer motions
1/27/2025	Lombardo, Sophie	0	\$0.00	Coordinate with B.Margo on next steps for reply to plaintiff's opposition to demurrer and anti-SLAPP
1/27/2025	Lombardo, Sophie	0.4	\$257.25	Send draft reply materials for citation check
1/27/2025	Lombardo, Sophie	0.4	\$257.25	Attend meet and confer regarding materials under seal
1/27/2025	Lombardo, Sophie	0.3	\$192.94	Coordinate with B.Margo on next steps regarding demurrer draft
1/27/2025	Lombardo, Sophie	0.4	\$257.25	Draft reply in further support of demurrer
1/28/2025	Van Horn, Stephanie M.	0	\$0.00	Review factual citations and quotations to non-legal citations in demurrer and prepare legal history reports in preparation for review
1/28/2025	Wakefield, Tom	0	\$0.00	Oversee finalizing and filing of brief

1/28/2025	McNamara, Mariana	4.6	\$2,254.00	Verify and conform citations in demurrer and anti-SLAPP motion and prepare tables same
1/28/2025	Baskin, Joshua A.	0.9	\$1,074.94	Finalize anti-slapp and demurrer filings
1/28/2025	Margo, Benjamin D.	6.4	\$7,280.00	Edit and finalize replies in further support of anti-SLAPP motion and demurrer, and associated declarations, with S. Lombardo
1/28/2025	Lombardo, Sophie	0.4	\$257.25	Draft sealing motion for B.Margo's review
1/28/2025	Lombardo, Sophie	1.1	\$707.44	Revise reply to plaintiff's opposition to anti-SLAPP
1/28/2025	Lombardo, Sophie	1.2	\$771.75	Revise reply to plaintiff's opposition to demurrer
1/28/2025	Lombardo, Sophie	1.7	\$1,093.31	Conduct substantive citation review of reply to anti-SLAPP opposition
1/28/2025	Lombardo, Sophie	0.6	\$385.87	Coordinate with Office of the Clerk on filing needs
1/28/2025	Lombardo, Sophie	0.4	\$257.25	Coordinate with Y.Sheard on drafting exhibits for filing
1/28/2025	Lombardo, Sophie	0.7	\$450.19	Coordinate with J.Baskin, T.Wakefield, and B.Margo on outstanding needs for demurrer draft and draft declarations
1/28/2025	Lombardo, Sophie	0.4	\$257.25	Review final draft of reply in further support of demurrer and anti-SLAPP with B.Margo in advance of filing
1/29/2025	Margo, Benjamin D.	0.6	\$682.50	Finalize filing of reply briefs in further support of anti-SLAPP motion and demurrer (after midnight Eastern Time)
1/30/2025	Wakefield, Tom	1.7	\$2,008.12	Continue preparing for demurrer/anti-SLAPP argument
1/30/2025	Lombardo, Sophie	3.9	\$2,508.19	Draft synthesizing document identifying most significant cases to support T.Wakefield argument preparation
1/31/2025	Margo, Benjamin D.	0.3	\$341.25	Assist T. Wakefield with oral argument prep for anti-SLAPP motion and demurrer
1/31/2025	Wakefield, Tom	0.8	\$945.00	Prepare for and join sync with JDG re strategy for hearing
1/31/2025	Wakefield, Tom	3.8	\$4,488.75	Prepare for hearing
1/31/2025	Lombardo, Sophie	1.2	\$771.75	Draft synthesizing document identifying most significant cases to support T.Wakefield argument preparation
2/1/2025	Wakefield, Tom	4.1	\$4,843.12	Draft argument for and practice arguing demurrer and anti-SLAPP issues, with emphasis on public interest

2/2/2025	Wakefield, Tom	3.3	\$3,898.12	Draft and practice oral argument for anti-SLAPP motion, focusing on First Amendment and 230
2/3/2025	Margo, Benjamin D.	0.2	\$227.50	Analyze tentative order on anti-SLAPP motion and demurrer
2/3/2025	Baskin, Joshua A.	0	\$0.00	Prepare for anti-slapp hearing
2/3/2025	Margo, Benjamin D.	1.1	\$1,251.25	Assist T. Wakefield with oral argument on anti-SLAPP motion; analyze court's tentative order re same
2/3/2025	Wakefield, Tom	4.3	\$5,079.37	Read tentative and cases cited therein; moot with J. Baskin; sync re. plan for argument with other defendants; and make final preparations for argument
2/3/2025	Lombardo, Sophie	0.9	\$578.81	Review filings and collect supporting materials for T.Wakefield in advance of hearing
2/3/2025	Lombardo, Sophie	0.4	\$257.25	Review tentative order and coordinate with G.Glynn regarding preparation of binders in advance of hearing
2/3/2025	Lombardo, Sophie	0.4	\$257.25	Attend coordination call with co-defendants in advance of hearing
2/3/2025	Vargas, Christopher	0	\$0.00	Retrieve cases
2/4/2025	Margo, Benjamin D.	1.6	\$1,820.00	Assist T. Wakefield in advance of oral argument; draft proposed order granting anti-SLAPP motion; coordinate with co-defendants re joint proposed order on anti-SLAPP motion, per court request
2/4/2025	Baskin, Joshua A.	2.7	\$3,224.81	Attend and win anti-slapp motion; attention to media statements and proposed order
2/4/2025	Wakefield, Tom	1.9	\$2,244.37	Argue anti-SLAPP motion
2/4/2025	Lombardo, Sophie	0.8	\$514.50	Conduct legal research on scope of attorney fees and requirements for fee motions upon grant of anti-SLAPP
2/4/2025	Lombardo, Sophie	0	\$0.00	Revise proposed order in coordination with B.Margo
2/4/2025	Lombardo, Sophie	1.4	\$900.37	Attend hearing regarding anti-SLAPP motion
2/5/2025	Lombardo, Sophie	3.7	\$2,379.56	Conduct legal research regarding scope of recoverable attorney fees and requirements for filing motions upon grant of an anti-SLAPP motion
2/5/2025	Margo, Benjamin D.	0.2	\$227.53	Plan anti-SLAPP fees motion

2/6/2025	Margo, Benjamin D.	0.2	\$227.50	Coordinate motion for attorneys' fees after grant of anti-SLAPP motion, with S. Lombardo
2/10/2025	Lombardo, Sophie	0	\$0.00	Coordinate with P.Rucker regarding entry of judgment requirements
2/13/2025	Margo, Benjamin D.	0	\$0.00	Communication with J. Baskin and T. Wakefield re anti-SLAPP fees motion
2/14/2025	Wakefield, Tom	0.2	\$236.25	Begin strategizing for CMC statement
2/14/2025	Lombardo, Sophie	1.1	\$707.44	Draft Joint Case Management Statement
2/14/2025	Lombardo, Sophie	0	\$0.00	Research requirements for filing Case Management Statement
2/18/2025	Lombardo, Sophie	0	\$0.00	Complete and file CM-110 Statement
2/18/2025	Wakefield, Tom	0.8	\$945.00	Advise on case management statement
2/19/2025	Lombardo, Sophie	0.6	\$385.87	Conduct legal research regarding requirements related to seeking entry of judgment
2/19/2025	Lombardo, Sophie	0.4	\$257.25	Prepare Notice of Entry of Judgment or Order and circulate draft with team
2/19/2025	Wakefield, Tom	0.4	\$472.50	Advise on order and fees motion
2/20/2025	Lombardo, Sophie	0	\$0.00	Coordinate with J.Baskin on entry of judgment next steps
2/20/2025	Lombardo, Sophie	2.7	\$1,736.44	Conduct legal research on entry of judgment requirements in San Francisco Superior Court
2/20/2025	Lombardo, Sophie	0	\$0.00	Research deadlines for filing a motion for attorneys fees upon prevailing in anti-SLAPP motion
2/20/2025	Lombardo, Sophie	0.9	\$578.81	Draft proposed judgment for dismissal
2/24/2025	Wakefield, Tom	0.2	\$236.25	Review notice of entry of judgment and deadlines related to same
2/25/2025	Lombardo, Sophie	0.4	\$257.25	Revise draft proposed judgment in advance of filing
2/25/2025	Lombardo, Sophie	0.4	\$257.25	Circulate revised proposed judgment to co-defendants for final approval
2/27/2025	Lombardo, Sophie	0	\$0.00	Conduct final review of proposed judgment before filing.
3/4/2025	Lombardo, Sophie	0.4	\$257.25	Attend team coordination call regarding fees motion drafting plan
3/4/2025	Lombardo, Sophie	0.7	\$450.19	Research fees motion deadline and circulate findings as well as sample fees motions with team

3/4/2025	Wakefield, Tom	0.4	\$472.50	Advise re fees motion
3/4/2025	Baskin, Joshua A.	0.4	\$477.75	Strategize regrading fees motion
3/4/2025	Margo, Benjamin D.	1.1	\$1,251.25	Plan motion for attorneys' fees, with T. Wakefield; call with counsel for co-defendant Amazon Web Services re same; legal research on procedure re same
3/5/2025	Wakefield, Tom	0.4	\$472.50	Confer re strategy for fees
3/6/2025	Lombardo, Sophie	4.2	\$2,701.12	Draft fees motion
3/7/2025	Lombardo, Sophie	2.3	\$1,479.19	Draft motion for attorneys fees
3/10/2025	Lombardo, Sophie	0.3	\$192.94	Circulate draft fees motion with team and coordinate on next steps
3/10/2025	Margo, Benjamin D.	0.4	\$455.00	Develop legal arguments for motion for attorneys' fees after successful anti-SLAPP motion to strike; communication with S. Lombardo re same
3/13/2025	Lombardo, Sophie	0	\$0.00	Synthesize information regarding fee rates
3/13/2025	Lombardo, Sophie	0.2	\$128.62	Coordinate on obtaining 2024 billing rate data for inclusion in draft fees motion
3/18/2025	Lombardo, Sophie	0.3	\$192.94	Coordinate with B.Margo on next steps in drafting fees motion
3/19/2025	Margo, Benjamin D.	0.2	\$227.50	Communication with co-defendants to plan joint motion for attorneys' fees after successful anti-SLAPP motion to strike
3/20/2025	Lombardo, Sophie	0.4	\$257.25	Coordinate with B.Margo on draft fees motion next steps
3/20/2025	Margo, Benjamin D.	0.6	\$682.50	Revise draft motion for attorneys' fees after successful anti-SLAPP motion to strike; call with S. Lombardo re same
3/21/2025	Margo, Benjamin D.	0.6	\$682.50	Edit draft motion for attorneys' fees after successful anti-SLAPP motion
3/24/2025	Lombardo, Sophie	5.7	\$3,665.81	Revise fees motion
3/25/2025	Lombardo, Sophie	0.4	\$257.25	Revise draft fees motion, per B.Margo's guidance
3/25/2025	Lombardo, Sophie	1.7	\$1,093.31	Draft Baskin Declaration in support of fees motion
3/25/2025	Lombardo, Sophie	0.2	\$128.62	Correspond with B.Margo regarding fees motion edits and next steps
3/25/2025	Lombardo, Sophie	0.2	\$128.62	Prepare exhibits for submission with fees motion

3/25/2025	Margo, Benjamin D.	1.9	\$2,161.25	Draft section of motion for attorneys' fees after successful anti-SLAPP Motion to strike
3/26/2025	Lombardo, Sophie	0.9	\$578.81	Revise fees motion based on B.Margo's feedback
3/26/2025	Lombardo, Sophie	1.4	\$900.37	Review billing spreadsheets to support team's strategy in fees motion and circulate with B.Margo
3/26/2025	Margo, Benjamin D.	1.6	\$1,820.00	Edit draft fees motion and supporting declaration; communication with co-defendants re same; legal research re same
3/27/2025	Lombardo, Sophie	0.3	\$192.94	Research case law on fees motions involving TROs
3/27/2025	Lombardo, Sophie	0.4	\$257.25	Research "inextricably intertwined" standard for fees motion
3/27/2025	Lombardo, Sophie	0.4	\$257.25	Coordinate with B.Margo on proposed revisions
3/27/2025	Lombardo, Sophie	3.1	\$1,993.69	Revise draft fees motion to reflect B.Margo's edits
3/27/2025	Margo, Benjamin D.	3.9	\$4,436.25	Draft motion for attorneys' fees after successful anti-SLAPP motion to strike complaint; case law research re same; call with S. Lombardo re same
3/28/2025	Lombardo, Sophie	0.9	\$578.81	Legal research on reasonableness
3/28/2025	Lombardo, Sophie	0.2	\$128.62	Coordinate with R.Evelyn on fees calculations
3/28/2025	Lombardo, Sophie	0	\$0.00	Research Local Rules regarding filing requirements
3/28/2025	Lombardo, Sophie	3.6	\$2,315.25	Revise draft fees motion
4/1/2025	Lombardo, Sophie	0.9	\$578.81	Revise J.Baskin Declaration
4/1/2025	Lombardo, Sophie	0.4	\$257.25	Prepare exhibits for fees motion
4/1/2025	Lombardo, Sophie	0.3	\$192.94	Revise fees motion exhibit citations
4/1/2025	Margo, Benjamin D.	1.2	\$1,365.00	Edit draft motion for attorneys' fees; calculate actual rates billed to Substack against benchmark rates from PwC
4/2/2025	Lombardo, Sophie	1.7	\$1,093.31	Revise fee motion
4/2/2025	Lombardo, Sophie	0.6	\$385.87	Coordinate with B.Margo on revisions to fee motion
4/2/2025	Lombardo, Sophie	0.3	\$192.94	Correspond with B.Margo regarding outstanding fees motion needs
4/2/2025	Margo, Benjamin D.	1.4	\$1,592.50	Edit declaration in support of motion for attorneys' fees after successful anti-SLAPP

				motion to strike; review time entries for reasonableness
4/3/2025	Lombardo, Sophie	2.4	\$1,543.50	Revise fees motion and circulate draft with team
4/3/2025	Margo, Benjamin D.	0.9	\$1,023.75	Edit motion for attorneys' fees; coordinate associated data collection with S. Lombardo; communication with counsel for co-defendants re draft motion
4/4/2025	Lombardo, Sophie	0.3	\$192.94	Coordinate with finance regarding billing data
4/4/2025	Lombardo, Sophie	0.2	\$128.62	Circulate draft fees motion with co-counsel for review
4/7/2025	Lombardo, Sophie	0.8	\$514.50	Revise fees motion
4/7/2025	Lombardo, Sophie	0.6	\$385.87	Attend to outstanding needs in advance of filing fees motion
4/7/2025	Lombardo, Sophie	0.2	\$128.62	Correspond with B.Margo regarding exhibits
4/7/2025	Margo, Benjamin D.	0.6	\$682.50	Research in support of motion for attorneys' fees after successful anti-SLAPP motion to strike, including preparation to edit resumes and other supporting documents; coordinate with co-defendants re same
4/8/2025	Margo, Benjamin D.	0.7	\$796.25	Coordinate with S. Lombardo re the fees exhibit and brief in support of fees motion; coordinate with co-defendants seeking a declaration to show reasonableness of fees
4/8/2025	Lombardo, Sophie	0.8	\$514.50	Attend to outstanding needs in advance of filing fees motion
4/8/2025	Lombardo, Sophie	0.2	\$128.62	Revise fees motion
4/8/2025	Lombardo, Sophie	0.6	\$385.87	Coordinate with B.Margo on outstanding fees motion needs
4/9/2025	Wakefield, Tom	1.1	\$1,299.37	Revise fees brief
4/10/2025	Lombardo, Sophie	0.7	\$450.19	Revise fees motion
4/10/2025	Lombardo, Sophie	0.2	\$128.62	Correspond regarding T.Wakefield's edits
4/10/2025	Wakefield, Tom	1.9	\$2,244.37	Finish revising fees brief and instruct team on exhibits, etc.
4/10/2025	Margo, Benjamin D.	0.4	\$455.00	Fact research in support of motion for attorneys' fees after successful anti-SLAPP motion, including identifying Plaintiffs' previous threat to impose costs through litigation

4/11/2025	Lombardo, Sophie	0.2	\$128.62	Correspond re preparation of fees motion exhibits
4/11/2025	Lombardo, Sophie	1.3	\$836.06	Correspond re notice of appeal and filing deadlines
4/11/2025	Wakefield, Tom	1.1	\$1,299.37	Review NOA papers filed by Blackman and deadlines related to same
4/11/2025	Margo, Benjamin D.	0.3	\$341.25	Coordinate filing logistics and procedure for motion for attorneys' fees, with T. Wakefield and S. Lombardo
4/14/2025	Lombardo, Sophie	0.2	\$128.62	Correspond re appeal deadlines
4/14/2025	Lombardo, Sophie	0.9	\$578.81	Prepare exhibits for fees motion
4/14/2025	Margo, Benjamin D.	0.3	\$341.25	Coordinate with co-defendants re edits to brief in support of fees motion; coordinate preparation of time-worked descriptions for fees motion
4/14/2025	Wakefield, Tom	0.6	\$708.75	Begin strategizing re. appeal
4/15/2025	Margo, Benjamin D.	2.2	\$2,502.50	Edit draft brief in support of fees motion, as well as supporting declaration, exhibit showing hourly rates of attorneys against PWC benchmark rates, and attorney biographies; call with S. Lombardo re applicable benchmark metrics to show reasonableness of rates
4/15/2025	Lombardo, Sophie	0.4	\$257.25	Revise attorney biographies for fees motion and circulate with team
4/15/2025	Lombardo, Sophie	0.9	\$578.81	Research local rules regarding hearing dates
4/15/2025	Lombardo, Sophie	0.9	\$578.81	Touchbase with B.Margo on outstanding fees motion needs
4/15/2025	Lombardo, Sophie	0.9	\$578.81	Revise Baskin Declaration
4/15/2025	Lombardo, Sophie	1.4	\$900.37	Revise fees motion
4/15/2025	Lombardo, Sophie	0.6	\$385.87	Coordinate outstanding needs in advance of filing date
4/15/2025	Lombardo, Sophie	1.4	\$900.37	Prepare exhibits for fees motion
4/16/2025	Lombardo, Sophie	0.9	\$578.81	Circulate draft motion with co-defendants for review and coordinate on outstanding needs
4/16/2025	Lombardo, Sophie	0.6	\$385.87	Revise fees motion
4/16/2025	Lombardo, Sophie	0.4	\$257.25	Correspond re billing entries

4/16/2025	Margo, Benjamin D.	0.4	\$455.00	Edit draft brief in support of fees motion; email communications with co-defendants re supporting documents for fees motion
4/16/2025	Wakefield, Tom	2.2	\$2,598.75	Make final revisions to fees' motion, revise bio for declaration, and circulate same to client
4/17/2025	Lombardo, Sophie	0.8	\$514.50	Correspond re final needs on fees motion filing
4/17/2025	Lombardo, Sophie	0.4	\$257.25	Review record designation and appeal deadlines
4/17/2025	Lombardo, Sophie	0	\$0.00	Review biography revisions for submission with fee motion
4/17/2025	Lombardo, Sophie	0	\$0.00	Coordinate on exhibit preparation
4/17/2025	Lombardo, Sophie	0.6	\$385.87	Research declaration filing requirements in S.F. Superior
4/17/2025	Lombardo, Sophie	0.2	\$128.62	Revise Baskin Declaration
4/17/2025	Margo, Benjamin D.	0.8	\$910.12	Edit draft motion for attorneys' fees and supporting documents; call with T. Wakefield re same
	<b>Total Hours &amp; Fees</b>	<b>592.50</b>	<b>\$500,311.41</b>	

### Costs Billed through April 17, 2025

Date	Cost Desc	Billed Amt
10/10/2024	Lexis Database Service	\$116.28
11/6/2024	Messenger expense	\$75.00
11/7/2024	Lexis Database Service	\$6.53
11/12/2024	Document Filing Fees	\$22.75
11/12/2024	Westlaw Database Service	\$128.69
11/12/2024	Lexis Database Service	\$199.24
11/13/2024	Westlaw Database Service	\$662.40
11/13/2024	Lexis Database Service	\$790.43
11/13/2024	Lexis Database Service	\$144.00

11/13/2024	Filing fee	\$454.75
11/14/2024	Telephone expense	\$72.00
11/14/2024	Telephone expense	\$72.00
11/15/2024	Lexis Database Service	\$65.98
11/18/2024	Lexis Database Service	\$299.84
11/19/2024	Lexis Database Service	\$79.04
11/19/2024	Filing fee	\$10.50
11/21/2024	Filing fee	\$48.75
11/22/2024	Westlaw Database Service	\$496.80
11/22/2024	Miscellaneous	\$660.00
11/26/2024	Westlaw Database Service	\$496.80
11/27/2024	Messenger expense	\$100.00
12/2/2024	Document Filing Fees	\$79.75
12/2/2024	Reproduction - Color - Copy Center	\$108.00
12/2/2024	Reproduction - Color - Copy Center	\$108.00
12/3/2024	Westlaw Database Service	\$1,802.98

12/3/2024	Lexis Database Service	\$467.07
12/5/2024	Westlaw Database Service	\$180.30
12/6/2024	Westlaw Database Service	\$370.80
12/6/2024	Lexis Database Service	\$59.40
12/9/2024	Document Filing Fees	\$139.75
12/9/2024	Reproduction - Color - Copy Center	\$36.90
12/9/2024	Reproduction - Color - Copy Center	\$36.90
12/17/2024	Westlaw Database Service	\$331.20
12/18/2024	Westlaw Database Service	\$1,159.20
12/23/2024	Lexis Database Service	\$7.84
12/27/2024	Deposition Transcripts	\$799.60
12/27/2024	Reproduction - Color - Copy Center	\$1.50
12/27/2024	Reproduction - Color - Copy Center	\$1.50
12/30/2024	Document Filing Fees	\$20.75
1/13/2025	Lexis Database Service	\$165.36
1/15/2025	Lexis Database Service	\$79.50
1/16/2025	Lexis Database Service	\$176.17
1/17/2025	Lexis Database Service	\$6.36
1/17/2025	Reproduction - Color - Copy Center	\$120.00
1/22/2025	Lexis Database Service	\$87.13
1/22/2025	Lexis Database Service	\$329.89
1/23/2025	Lexis Database Service	\$29.26
1/26/2025	Lexis Database Service	\$661.09
1/28/2025	Lexis Database Service	\$399.41
1/28/2025	Lexis Database Service	\$69.90
1/28/2025	Lexis Database Service	\$121.20
1/28/2025	Lexis Database Service	\$252.00
1/29/2025	Messenger expense	\$95.00
1/29/2025	Reproduction - Color - Copy Center	\$79.50

1/30/2025	Document Filing Fees	\$20.75
1/31/2025	Lexis Database Service	\$302.74
2/3/2025	Reproduction - Color - Copy Center	\$0.00
2/3/2025	Reproduction - Color - Copy Center	\$0.00
2/4/2025	Taxi/Rideshare	\$0.00
2/4/2025	Reproduction - B & W - Copy Center	\$0.00
2/4/2025	Lexis Database Service	\$10.18
2/5/2025	Lexis Database Service	\$270.94
2/20/2025	Westlaw Database Service	\$662.71
2/26/2025	Document Filing Fees	\$20.75
3/5/2025	Filing fee	\$30.75
3/6/2025	Lexis Database Service	\$11.45
3/6/2025	Filing fee	\$30.75
3/7/2025	Lexis Database Service	\$7.63
3/24/2025	Lexis Database Service	\$489.08
3/25/2025	Lexis Database Service	\$43.25
3/27/2025	Lexis Database Service	\$338.99
3/28/2025	Lexis Database Service	\$541.24
	<b>Total Costs</b>	<b>\$16,166.20</b>