

No. A173244

**IN THE COURT OF APPEAL OF THE  
STATE OF CALIFORNIA  
FIRST APPELLATE DISTRICT, DIVISION FOUR**

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MAURY BLACKMAN,

Plaintiff and Appellant,

v.

SUBSTACK, INC.; JACK POULSON; TECH INQUIRY, INC.,

Defendants and Respondents.

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Appeal from an Order of the Superior Court, County of San Francisco  
The Hon. Christine Van Aken  
Case No. CGC24618681

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**APPELLANT'S APPENDIX**

**VOLUME 1 OF 4 – PAGES AA0002-0341 OF AA1031**

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**MASTER CHRONOLOGICAL INDEX**

<b>Date</b>	<b>Description</b>	<b>Vol.</b>	<b>Page No.</b>
10/3/2024	Complaint	1	AA0010
11/27/2024	Defendant Substack, Inc.'s Motion to File Portions of Defendant's Opposition Under Seal	1	AA0010
11/27/2024	Declaration of Joshua A. Baskin in Support of Defendant Substack, Inc.'s Motion to File Portions of Plaintiff's Opposition Under Seal (Redacted)	1	AA0036
11/27/2024	Declaration of Joshua A. Baskin in Support of Defendant Substack, Inc.'s Opposition to Plaintiff's Motion Seeking Permission (Sealed)	1	AA0038
12/6/2024	Defendant Jack Poulson's Motion to Strike Complaint	1	AA0103
12/6/2024	Defendant Jack Poulson's Memorandum of Points and Authorities in Support of Special Motion to Strike (CCP § 425.16) (Sealed)	1	AA0105
12/6/2024	Defendant Jack Poulson's Memorandum of Points and Authorities in Support of Special Motion to Strike (CCP § 425.16) (Redacted)	1	AA0126
12/6/2024	Declaration of Victoria Noble in Support of Defendant Jack Poulson's Special Motion to Strike Under the Anti-SLAPP Statute (CCP § 425.16) (Sealed)	1	AA0147
12/6/2024	Declaration of Victoria Noble in Support of Defendant Jack Poulson's Special Motion to Strike Under the Anti-SLAPP Statute (CCP § 425.16) (Redacted)	1	AA0206
12/6/2024	Declaration of Jack Poulson in Support of Defendant Jack Poulson's Special Motion to Strike (CCP § 425.16) (Sealed)	1	AA0265
12/6/2024	Declaration of Jack Poulson in Support of Defendant Jack Poulson's Special Motion to Strike (CCP § 425.16) (Redacted)	2	AA0342
12/6/2024	Defendant Substack, Inc.'s Motion to Strike Complaint	2	AA0419
12/6/2024	Defendant Substack, Inc.'s Motion to File Portions of Defendant's Special Motion to Strike Plaintiff's Complaint and Defendant's Demurrer Under Seal	2	AA0419

Document received by the CA 1st District Court of Appeal.

12/6/2024	Declaration of Joshua A. Baskin in Support of Defendant Substack, Inc.'s Motion to Seal	2	AA0446
12/6/2024	Declaration of Joshua A. Baskin in Support of Defendant Substack, Inc.'s Motion to Strike and Demurrer (Redacted)	2	AA0448
12/6/2024	Declaration of Joshua A. Baskin in Support of Defendant Substack, Inc.'s Motion to Strike and Demurrer (Sealed)	2	AA0456
12/9/2024	Defendant Tech Inquiry, Inc.'s Notice of Motion and Motion to Strike Complaint / Motion to Strike Under the Anti-SLAPP Statute (CCP § 425.16)	2	AA0500
12/9/2024	Defendant Tech Inquiry, Inc.'s Memorandum of Points and Authorities in Support of Special Motion to Strike	2	AA0503
12/18/2024	Plaintiff Maury Blackman's Amended Notice of Motion and Motion to Seal Pursuant to Cal. R. Ct. 2.550; Amended Response to Defendants' Various Motions to Seal; Amended Opposition to Poulson's Motion to Seal; Memorandum of Points and Authorities in Support; Declaration of David Marek in Support; [Proposed] Order	3	AA0523
12/20/2024	Plaintiff Maury Blackman's Amendment to Complaint per Order (Plaintiff Sued Incorrectly as Doe, John to be Blackman, Maury)	3	AA0538
12/20/2024	Defendant Jack Poulson's Notice of Lodgment Under Conditional Seal	3	AA0539
12/20/2024	Defendant Jack Poulson's Notice of Motion and Motion to File a Record Under Seal; Memorandum of Points and Authorities in Support	3	AA0541
12/20/2024	Opposition of Defendants Tech Inquiry, Inc. and Jack Poulson to Plaintiff's Amended Motion to Seal	3	AA0545
12/27/2024	Defendant Substack, Inc.'s Reply to Plaintiff's Opposition to Defendant's Motion to File Portions of Special Motion to Strike Plaintiff's Complaint and Defendant's Demurrer Under Seal	3	AA0560
12/27/2024	Declaration of Plaintiff Maury Blackman in Further Support of Plaintiff's Motion to Seal	3	AA0562
12/27/2024	Plaintiff Maury Blackman's Reply in Further Support of Plaintiff's Motion to Seal	3	AA0606

1/7/2025	Order Granting Defendant Jack Poulson's Motion to Partially Seal Record	3	AA0619
1/7/2025	Order Granting Plaintiff Maury Blackman's Motion to Seal Documents	3	AA0622
1/7/2025	Order Denying Defendant Substack, Inc.'s Motion to Seal	3	AA0626
1/10/2025	Defendant Tech Inquiry, Inc.'s Amended Memorandum of Points and Authorities in Support of Special Motion to Strike Complaint	3	AA0628
1/14/2025	Plaintiff Maury Blackman's Opposition to Defendant Substack, Inc.'s Motion to Strike Under the Anti-SLAPP Statute (CCP § 425.16) (Redacted)	3	AA0649
1/14/2025	Plaintiff Maury Blackman's Opposition to Defendant Substack, Inc.'s Motion to Strike Under the Anti-SLAPP Statute (CCP § 425.16) (Sealed)	3	AA0671
1/14/2025	Plaintiff Maury Blackman's Opposition to Defendant Tech Inquiry, Inc.'s Motion to Strike Under the Anti-SLAPP Statute (CCP § 425.16) (Redacted)	3	AA0693
1/14/2025	Plaintiff Maury Blackman's Opposition to Defendant Tech Inquiry, Inc.'s Motion to Strike Under the Anti-SLAPP Statute (CCP § 425.16) (Sealed)	4	AA0715
1/14/2025	Plaintiff Maury Blackman's Opposition to Defendant Jack Poulson's Motion to Strike Under the Anti-SLAPP Statute (CCP § 425.16) (Redacted)	4	AA0737
1/14/2025	Plaintiff Maury Blackman's Opposition to Defendant Jack Poulson's Motion to Strike Under the Anti-SLAPP Statute (CCP § 425.16) (Sealed)	4	AA0759
1/14/2025	Declaration of Cameron Scherer (Redacted)	4	AA0781
1/14/2025	Declaration of Maury Blackman (Sealed)	4	AA0785
1/14/2025	Declaration of Cameron Scherer (Sealed)	4	AA0808
1/28/2025	Defendant Jack Poulson's Reply Memorandum of Points and Authorities in Support of Special Motion to Strike	4	AA0812
1/28/2025	Declaration of Victoria Noble in Support of Defendant Jack Poulson's Reply	4	AA0823

Document received by the CA 1st District Court of Appeal.

1/28/2025	Declaration of Defendant Jack Poulson in Support of Reply	4	AA0839
1/28/2025	Declaration of Plaintiff Maury Blackman (Redacted)	4	AA0843
1/28/2025	Defendant Substack, Inc.'s Reply Brief in Further Support of Special Motion to Strike Plaintiff's Complaint and Request for Attorneys' Fees	4	AA0866
1/28/2025	Reply Declaration of Joshua A. Baskin in Support of Defendant Substack, Inc.'s Reply to Plaintiff's Opposition to Special Motion to Strike Plaintiff's Complaint and Defendant's Demurrer	4	AA0882
1/29/2025	Defendant Tech Inquiry, Inc.'s Reply in Support of Special Motion to Strike Plaintiff's Complaint; Declaration of Susan E. Seager	4	AA0938
1/29/2025	Defendant Tech Inquiry, Inc.'s Amended Memorandum of Points and Authorities in Support of Special Motion to Strike Plaintiff's Complaint	4	AA0951
1/31/2025	Defendant Tech Inquiry, Inc.'s Errata to Reply in Support of Special Motion to Strike; Seager Declaration	4	AA0972
1/31/2025	Plaintiff Maury Blackman's Opposition to Defendant Tech Inquiry, Inc.'s Special Motion to Strike Plaintiff's Complaint Based on Filings Made After January 28, 2025	4	AA0983
2/14/2025	Order Granting Motions to Strike Complaint by Substack, Inc.; Amazon Web Services, Inc.; Jack Poulson; and Tech Inquiry, Inc.	4	AA0991
2/24/2025	Defendant Tech Inquiry, Inc.'s Notice of Entry of Order / Notice of Ruling	4	AA1000
4/11/2025	Appellant Maury Blackman's Notice of Appeal	4	AA1013
4/15/2025	Appellant Maury Blackman's Notice Designating Record on Appeal (CRC 8.124)	4	AA1014
8/25/2025	Register of Actions	4	AA1019

Document received by the CA 1st District Court of Appeal.

**MASTER ALPHABETICAL INDEX**

<b>Date</b>	<b>Description</b>	<b>Vol.</b>	<b>Page No.</b>
4/15/2025	Appellant Maury Blackman's Notice Designating Record on Appeal (CRC 8.124)	4	AA1014
4/11/2025	Appellant Maury Blackman's Notice of Appeal	4	AA1013
10/3/2024	Complaint	1	AA0010
1/14/2025	Declaration of Cameron Scherer (Redacted)	4	AA0781
1/14/2025	Declaration of Cameron Scherer (Sealed)	4	AA0808
1/28/2025	Declaration of Defendant Jack Poulson in Support of Reply	4	AA0839
12/6/2024	Declaration of Jack Poulson in Support of Defendant Jack Poulson's Special Motion to Strike (CCP § 425.16) (Redacted)	2	AA0342
12/6/2024	Declaration of Jack Poulson in Support of Defendant Jack Poulson's Special Motion to Strike (CCP § 425.16) (Sealed)	1	AA0265
11/27/2024	Declaration of Joshua A. Baskin in Support of Defendant Substack, Inc.'s Motion to File Portions of Plaintiff's Opposition Under Seal (Redacted)	1	AA0036
12/6/2024	Declaration of Joshua A. Baskin in Support of Defendant Substack, Inc.'s Motion to Seal	2	AA0446
12/6/2024	Declaration of Joshua A. Baskin in Support of Defendant Substack, Inc.'s Motion to Strike and Demurrer (Redacted)	2	AA0448
12/6/2024	Declaration of Joshua A. Baskin in Support of Defendant Substack, Inc.'s Motion to Strike and Demurrer (Sealed)	2	AA0456
11/27/2024	Declaration of Joshua A. Baskin in Support of Defendant Substack, Inc.'s Opposition to Plaintiff's Motion Seeking Permission (Sealed)	1	AA0038
1/14/2025	Declaration of Maury Blackman (Sealed)	4	AA0785
1/28/2025	Declaration of Plaintiff Maury Blackman (Redacted)	4	AA0843
12/27/2024	Declaration of Plaintiff Maury Blackman in Further Support of Plaintiff's Motion to Seal	3	AA0562

Document received by the CA 1st District Court of Appeal.

1/28/2025	Declaration of Victoria Noble in Support of Defendant Jack Poulson's Reply	4	AA0823
12/6/2024	Declaration of Victoria Noble in Support of Defendant Jack Poulson's Special Motion to Strike Under the Anti-SLAPP Statute (CCP § 425.16) (Redacted)	1	AA0206
12/6/2024	Declaration of Victoria Noble in Support of Defendant Jack Poulson's Special Motion to Strike Under the Anti-SLAPP Statute (CCP § 425.16) (Sealed)	1	AA0147
12/6/2024	Defendant Jack Poulson's Memorandum of Points and Authorities in Support of Special Motion to Strike (CCP § 425.16) (Redacted)	1	AA0126
12/6/2024	Defendant Jack Poulson's Memorandum of Points and Authorities in Support of Special Motion to Strike (CCP § 425.16) (Sealed)	1	AA0105
12/6/2024	Defendant Jack Poulson's Motion to Strike Complaint	1	AA0103
12/20/2024	Defendant Jack Poulson's Notice of Lodgment Under Conditional Seal	3	AA0539
12/20/2024	Defendant Jack Poulson's Notice of Motion and Motion to File a Record Under Seal; Memorandum of Points and Authorities in Support	3	AA0541
1/28/2025	Defendant Jack Poulson's Reply Memorandum of Points and Authorities in Support of Special Motion to Strike	4	AA0812
11/27/2024	Defendant Substack, Inc.'s Motion to File Portions of Defendant's Opposition Under Seal	1	AA0010
12/6/2024	Defendant Substack, Inc.'s Motion to File Portions of Defendant's Special Motion to Strike Plaintiff's Complaint and Defendant's Demurrer Under Seal	2	AA0419
12/6/2024	Defendant Substack, Inc.'s Motion to Strike Complaint	2	AA0419
1/28/2025	Defendant Substack, Inc.'s Reply Brief in Further Support of Special Motion to Strike Plaintiff's Complaint and Request for Attorneys' Fees	4	AA0866
12/27/2024	Defendant Substack, Inc.'s Reply to Plaintiff's Opposition to Defendant's Motion to File Portions of Special Motion to Strike Plaintiff's Complaint and Defendant's Demurrer Under Seal	3	AA0560

Document received by the CA 1st District Court of Appeal.

1/10/2025	Defendant Tech Inquiry, Inc.'s Amended Memorandum of Points and Authorities in Support of Special Motion to Strike Complaint	3	AA0628
1/29/2025	Defendant Tech Inquiry, Inc.'s Amended Memorandum of Points and Authorities in Support of Special Motion to Strike Plaintiff's Complaint	4	AA0951
1/31/2025	Defendant Tech Inquiry, Inc.'s Errata to Reply in Support of Special Motion to Strike; Seager Declaration	4	AA0972
12/9/2024	Defendant Tech Inquiry, Inc.'s Memorandum of Points and Authorities in Support of Special Motion to Strike	2	AA0503
2/24/2025	Defendant Tech Inquiry, Inc.'s Notice of Entry of Order / Notice of Ruling	4	AA1000
12/9/2024	Defendant Tech Inquiry, Inc.'s Notice of Motion and Motion to Strike Complaint / Motion to Strike Under the Anti-SLAPP Statute (CCP § 425.16)	2	AA0500
1/29/2025	Defendant Tech Inquiry, Inc.'s Reply in Support of Special Motion to Strike Plaintiff's Complaint; Declaration of Susan E. Seager	4	AA0938
12/20/2024	Opposition of Defendants Tech Inquiry, Inc. and Jack Poulson to Plaintiff's Amended Motion to Seal	3	AA0545
1/7/2025	Order Denying Defendant Substack, Inc.'s Motion to Seal	3	AA0626
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1/14/2025	Plaintiff Maury Blackman's Opposition to Defendant Jack Poulson's Motion to Strike Under the Anti-SLAPP Statute (CCP § 425.16) (Redacted)	4	AA0737
1/14/2025	Plaintiff Maury Blackman's Opposition to Defendant Jack Poulson's Motion to Strike Under the Anti-SLAPP Statute (CCP § 425.16) (Sealed)	4	AA0759
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1/14/2025	Plaintiff Maury Blackman's Opposition to Defendant Substack, Inc.'s Motion to Strike Under the Anti-SLAPP Statute (CCP § 425.16) (Sealed)	3	AA0671
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1/14/2025	Plaintiff Maury Blackman's Opposition to Defendant Tech Inquiry, Inc.'s Motion to Strike Under the Anti-SLAPP Statute (CCP § 425.16) (Sealed)	4	AA0759
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12/27/2024	Plaintiff Maury Blackman's Reply in Further Support of Plaintiff's Motion to Seal	3	AA0606
8/25/2025	Register of Actions	4	AA1019
1/28/2025	Reply Declaration of Joshua A. Baskin in Support of Defendant Substack, Inc.'s Reply to Plaintiff's Opposition to Special Motion to Strike Plaintiff's Complaint and Defendant's Demurrer	4	AA0882

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

19 **CGC-24-618681**

20 JOHN DOE, an individual,  
21 *Plaintiff,*

22 v.

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

*Defendants.*

Case No.:

**PLAINTIFF'S COMPLAINT FOR DAMAGES FOR:**

1. Negligence
2. Gross Negligence
3. Intentional Interference with Prospective Economic Relations
4. Negligent Interference with Prospective Economic Relations
5. Intentional Interference with Contractual Relations
6. Public Disclosure of Private Facts
7. False Light
8. Intrusion into Private Affairs
9. Intentional Infliction of Emotional Distress
10. Negligent Infliction of Emotional Distress
11. Defamation
12. Violation of Business & Professions Code Section 17200
13. Violation of California Constitution, Section 1
14. Violation of California Penal Code Section 851.92
15. Violation of California Penal Code Section 11143

Request for Punitive Damages  
DEMAND FOR JURY TRIAL

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ELECTRONICALLY  
**FILED**  
Superior Court of California,  
County of San Francisco  
**10/03/2024**  
Clerk of the Court  
BY: AUSTIN LAM  
Deputy Clerk





1 and information related to the sealed Incident Report relating to PLAINTIFF.

2 15. Upon information and belief, POULSON knew or should have known at all times that  
3 the report had been sealed and that he was not authorized to disseminate it.

4 16. From September 14, 2023 through the present, DEFENDANTS have knowingly  
5 possessed the sealed Incident Report and information related to the sealed Incident Report.

6 17. The issues contained in the sealed Incident Report do not concern matters of public  
7 significance. The issues are personal in nature and concern only private individuals' private lives.  
8 The issues do not relate to PLAINTIFF'S employment.

9 18. The sealed Incident Report published by DEFENDANTS included a unique  
10 watermark identifier: "Retrieved by A07034 on 5/17/22 at 10:37:33 AM."

11 19. The sealed Incident Report was sealed by a court order entered three months earlier by  
12 the Honorable Carolyn Gold dated February 17, 2022 (the "Court Order").

13 20. According to the Court Order, "the arrest [was] deemed not to have occurred."  
14 Accordingly, any statement that the arrest did occur is, by operation of law, not truthful.

15 21. According to California Penal Code section 851.92(c), "Unless specifically authorized  
16 by this section, a person or entity, other than a criminal justice agency or the person whose arrest was  
17 sealed, who disseminates information relating to a sealed arrest is subject to a civil penalty of not less  
18 than five hundred dollars (\$500) and not more than two thousand five hundred dollars (\$2,500) per  
19 violation. The civil penalty may be enforced by a city attorney, district attorney, or the Attorney  
20 General. This subdivision does not limit any existing private right of action. A civil penalty imposed  
21 under this section shall be cumulative to civil remedies or penalties imposed under any other law."

22 22. According to California Penal Code section 11143, "[a]ny person ... who, knowing he  
23 is not authorized by law to receive a record or information obtained from a record, knowingly buys,  
24 receives, or possesses the record or information is guilty of a misdemeanor."

25 23. Upon information and belief, and based on facts alleged herein, POULSON knew or  
26 should have known at all times, and knows as of the date of this filing, that the sealed Incident Report  
27 was sealed, and therefore that he was not permitted to possess or disseminate the sealed Incident  
28 Report or information related to it.

1           24.     Despite this, DEFENDANTS repeatedly published and republished the sealed Incident  
2 Report and information related to the sealed Incident Report on October 13, 2023, November 20,  
3 2023, December 19, 2023, and June 3, 2024 to his Substack blog and published related articles,  
4 causing the sealed Incident Report in his possession to be disseminated widely without legal  
5 authorization.

6           25.     In addition to the unauthorized publication and dissemination of the actual sealed  
7 Incident Report, DEFENDANTS repeatedly published the contents of the sealed Incident Report. On  
8 October 13, 2023, DEFENDANTS published the contents of the sealed Incident Report with direct  
9 references to PLAINTIFF, PLAINTIFF’S EMPLOYER, and nearly every detail contained in the  
10 sealed Incident Report. On November 20, 2023, DEFENDANTS again published a detailed  
11 description of the contents of the sealed Incident Report underneath a picture of PLAINTIFF and  
12 referring directly to PLAINTIFF by name and PLAINTIFF’S EMPLOYER.

13           26.     DEFENDANT POULSON admits that in or around November 2023 he called a client  
14 of PLAINTIFF’S EMPLOYER and an entity with whom PLAINTIFF had worked with and would  
15 potentially work with in the future and disclosed the existence and contents of the sealed Incident  
16 Report, expressly questioning whether this entity would continue to do business with PLAINTIFF  
17 and/or PLAINTIFF’S EMPLOYER as a result of the sealed Incident Report. POULSON appears to  
18 have taken this action for the express purpose of interfering with PLAINTIFF’S existing and potential  
19 business relationships.

20           27.     TECH INQUIRY and POULSON also published the sealed Incident Report and  
21 information related to the sealed Incident Report on the TECH INQUIRY website. These  
22 publications were made or appear to have been made on October 13, 2023, November 20, 2023,  
23 December 19, 2023, and June 3, 2024.

24           28.     Statements by POULSON that were published by all DEFENDANTS fail to state that  
25 the arrest was deemed by a Court “not to have occurred.”

26           29.     Statements by POULSON that were published by all DEFENDANTS create the false  
27 and intentionally misleading understanding that PLAINTIFF was found guilty of the events described  
28 in POULSON’S statements and in the sealed Incident Report. In POULSON’S initial publication on

1 September 14, 2023, POULSON did not indicate that the charges were dropped, but when  
2 POULSON republished the sealed Incident Report, after receiving edits from SUBSTACK,  
3 POULSON included language that the charges were dropped.

4 30. Statements by POULSON that were published by all DEFENDANTS on December  
5 29, 2023 indicate that PLAINTIFF’S EMPLOYER until December 10, 2023 “demanded” that  
6 PLAINTIFF separate from PLAINTIFF’S EMPLOYER because of a felony domestic arrest.  
7 California Labor Code Section 432.7 prohibits an employer from taking any action against an  
8 employee for an arrest that does not lead to a conviction. POULSON’S statements therefore  
9 intentionally intimate that PLAINTIFF arrest led to a conviction.

10 31. At all times and at least prior to the filing of this Complaint, all DEFENDANTS knew  
11 or should have known that PLAINTIFF was never charged with any crime and that PLAINTIFF was  
12 not found guilty of any crime.

13 32. DEFENDANT SUBSTACK was involved in reviewing, editing, and deciding whether  
14 to publish or withdraw from the publication of POULSON’S blog posts. In or around June 2024,  
15 SUBSTACK, through its Trust & Safety Team and after a review of POULSON’S blog posts, twice  
16 temporarily unpublished POULSON’S blogs on this topic and demanded that POULSON edit his  
17 blog posts to remove PLAINTIFF’S address. POULSON’S SUBSTACK post expressly refers to  
18 passages that were “censored by Substack.” Upon information and belief, SUBSTACK also was  
19 involved in editing POULSON’S blogs by mandating or suggesting that he add language in 2024 that  
20 “the charges were later dropped.” POULSON complied with SUBSTACK’S edits, and  
21 DEFENDANTS immediately republished content related to the sealed Incident Report and a link to  
22 the sealed Incident Report.

23 33. DEFENDANT SUBSTACK was informed multiple times, beginning in November  
24 2023, about the illegal nature of the content. Among other communications, PLAINTIFF and/or  
25 PLAINTIFF’S counsel sent SUBSTACK written communication on April 26, 2024, June 23, 2024,  
26 and September 13 and 20, 2024 that being in possession of, disseminating, and failing to take down  
27 the sealed Incident Report and information related to the sealed Incident Report violated the Court  
28 Order and California Penal Code §§ 851.91 and 851.92, as well as its own policies that prohibit the

1 publication of illegal content. Despite PLAINTIFF’S repeated requests and that SUBSTACK was on  
2 notice of its unlawful conduct that also violated its policies and was causing PLAINTIFF severe harm,  
3 SUBSTACK failed to remove the content, allowing the illegal dissemination to continue, resulting in  
4 significant harm to Plaintiff.

5 34. By letter dated September 19, 2024, the City and County of San Francisco, Office of  
6 the City Attorney sent a letter to Substack titled “Notice of Publication of Sealed Document.” In this  
7 letter, the Office of the City Attorney wrote to Substack:

8 It has come to our office’s attention that San Francisco Police Department ... Incident  
9 Report as well as its contents have been published in multiple postings on your  
10 website. The Incident Report was previously sealed by court order. ... Pursuant to  
11 California Penal Code section 851.92(c) and your own “Acceptable Use Policy,” we  
12 expect that you will immediately remove the Incident Report and its contents from  
13 your website and ensure that the index to postings no longer allows for the Incident  
14 Report to be viewed or downloaded. Please alert us when the documents and its  
15 contents have been taken down from your website by no later than September 23,  
16 2024. Finally, please refrain from publishing this material in the future.

17 35. Upon information and belief, DEFENDANT SUBSTACK gained a competitive  
18 advantage over its competitors by unlawfully disseminating the sealed Incident Report and  
19 information related to the sealed Incident Report.

20 36. PLAINTIFF also notified DEFENDANT AWS, which provides the hosting services  
21 for SUBSTACK, on September 13 and 20, 2024, about the illegal nature of the content hosted on  
22 Substack’s platform, which included the sealed Incident Report.

23 37. PLAINTIFF informed AWS that the content violated California Penal Code §§ 851.91  
24 and 851.92, along with AWS’s Terms of Service that prohibit the use of its infrastructure for illegal  
25 activities.

26 38. Despite being notified of the illegal content on September 13, 2024, AWS has failed to  
27 act, continuing to provide hosting services that facilitate the ongoing illegal dissemination of the  
28 sealed Incident Report and information related to the sealed Incident Report.

1           39.     AWS’s ongoing provision of hosting services to DEFENDANT SUBSTACK, after  
2 being informed of the illegal content on September 13, 2024, constitutes a violation of its own Terms  
3 of Service, specifically in the areas of compliance with laws, prohibition on illegal content, and  
4 violation of privacy rights.

5           40.     Upon information and belief, DEFENDANT AWS gained a competitive advantage  
6 over its competitors by unlawfully disseminating, through hosting SUBSTACK, the sealed Incident  
7 Report and related information.

8           41.     On September 16, 2024, PLAINTIFF notified DEFENDANTS POULSON and TECH  
9 INQUIRY of their unlawful conduct with respect to their unauthorized possession and dissemination  
10 of the sealed Incident Report and information related to the sealed Incident Report. PLAINTIFF  
11 informed DEFENDANTS POULSON and TECH INQUIRY that is conduct violated California Penal  
12 Code §§ 166(a)(4) and 851.92(b)(5) and (c), among other relevant laws. PLAINTIFF further  
13 requested that POULSON and TECH INQUIRY immediately take down all references to the sealed  
14 Incident Report and information related to the sealed Incident Report and that their conduct had  
15 caused and was causing PLAINTIFF substantial harm.

16           42.     POULSON and TECH INQUIRY failed and refused to remove any of the offensive  
17 publications.

18           43.     Newton Oldfather (“OLDFATHER”) appears to have played critical role in the  
19 unlawful dissemination of the sealed Incident Report. OLDFATHER is currently a partner at the law  
20 firm of Lewis & Llewellyn, LLP and, according to his firm biography, previously served as an  
21 attorney for the San Francisco City Attorney’s Office and the Department of Police Accountability  
22 (DPA), from November 2012 until April 2021.

23           44.     On May 3, 2022, OLDFATHER, who was involved in a litigation against  
24 PLAINTIFF’S EMPLOYER, initially requested the sealed Incident Report from the San Francisco  
25 Police Department (SFPD), but his request was denied because he lacked authorization.

26           45.     Despite this, OLDFATHER submitted a second request on May 9, 2022, which  
27 resulted in the release of the sealed report by the SFPD.

28 //









1 77. PLAINTIFF claims that DEFENDANTS negligently interfered with a relationship  
2 between PLAINTIFF and PLAINTIFF'S EMPLOYER and members of the Board of Directors of and  
3 entities and individuals who invested in PLAINTIFF'S EMPLOYER that probably would have  
4 resulted in an economic benefit to PLAINTIFF.

5 78. PLAINTIFF and PLAINTIFF'S EMPLOYER and members of the Board of Directors  
6 of and entities and individuals who invested in PLAINTIFF'S EMPLOYER were in an economic  
7 relationship that probably would have resulted in a future economic benefit to PLAINTIFF.

8 79. DEFENDANTS knew or should have known of these relationships.

9 80. DEFENDANTS knew or should have known that these relationships would be  
10 disrupted if DEFENDANTS failed to act with reasonable care.

11 81. DEFENDANTS failed to act with reasonable care.

12 82. DEFENDANTS engaged in wrongful and improper conduct by the conduct described  
13 herein that violated the Court Order, California statutes, the California constitution, and California  
14 public policy.

15 83. PLAINTIFF'S relationships were disrupted.

16 84. PLAINTIFF was harmed.

17 85. DEFENDANTS' wrongful conduct was a substantial factor in causing PLAINTIFF'S  
18 harm.

19 86. As a result of DEFENDANTS' negligent interference with PLAINTIFF'S prospective  
20 economic relations, PLAINTIFF has suffered and will continue to suffer severe harm, including but  
21 not limited to emotional harm, loss of income, reputational harm, and additional economic damages  
22 to be presented at trial.

23 **FIFTH CLAIM FOR RELIEF**

24 **Intentional Interference with Contractual Relations against all DEFENDANTS**

25 87. PLAINTIFF refers to and incorporates by reference each and every allegation  
26 contained in the foregoing paragraphs as though set forth fully herein.

27 88. PLAINTIFF claims that DEFENDANTS intentionally interfered with the contract  
28 between PLAINTIFF and PLAINTIFF'S EMPLOYER.

1 89. There was a contract between PLAINTIFF and PLAINTIFF’S EMPLOYER.

2 90. DEFENDANTS knew of the contract between PLAINTIFF and PLAINTIFF’S  
3 EMPLOYER.

4 91. DEFENDANTS’ performance of the conduct described herein prevented performance  
5 of the contract or made performance of the contract more difficult by PLAINTIFF.

6 92. DEFENDANTS intended to disrupt the performance of this contract or knew that  
7 disruption of performance was certain or substantially likely to occur.

8 93. PLAINTIFF was harmed.

9 94. DEFENDANTS’ conduct was a substantial fact in causing PLAINTIFF’S harm.

10 95. As a result of DEFENDANTS’ intentional interference with PLAINTIFF’S  
11 contractual relations, PLAINTIFF has suffered and will continue to suffer severe harm, including but  
12 not limited to emotional harm, loss of income, reputational harm, and additional economic damages  
13 to be presented at trial.

14 96. The conduct of DEFENDANTS as alleged above, was malicious, fraudulent,  
15 despicable, and oppressive and was done with the wrongful intent of injuring PLAINTIFF, thereby  
16 entitling PLAINTIFF to an award of punitive damages in amounts to be proved at trial.

17 **SIXTH CLAIM FOR RELIEF**  
18 **Public Disclosure of Private Facts against all DEFENDANTS**

19 97. PLAINTIFF refers to and incorporates by reference each and every allegation  
20 contained in the foregoing paragraphs as though set forth fully herein.

21 98. Pursuant to California Constitution, Article 1, Section 1, “All people are by nature free  
22 and independent and have inalienable rights. Among these are enjoying and defending life and  
23 liberty, acquiring, possessing, and protecting property, and pursuing and obtaining safety, happiness,  
24 and privacy.”

25 99. PLAINTIFF claims that DEFENDANTS violated PLAINTIFF’S right to privacy.

26 100. DEFENDANTS publicized private information concerning PLAINTIFF.

27 101. A reasonable person in PLAINTIFF’S position would consider the publicity highly  
28 offensive.



1 114. PLAINTIFF was harmed.

2 115. PLAINTIFF sustained harm to his profession, occupation, and reputation, including  
3 but not limited to money spent as a result of the statement.

4 116. DEFENDANTS' conduct was a substantial factor in causing PLAINTIFF'S harm.

5 117. As a result of DEFENDANTS' depicting PLAINTIFF in a false light, PLAINTIFF has  
6 suffered and will continue to suffer severe harm, including but not limited to emotional harm, loss of  
7 income, reputational harm, and additional economic damages to be presented at trial.

8 118. The conduct of DEFENDANTS as alleged above, was malicious, fraudulent,  
9 despicable, and oppressive and was done with the wrongful intent of injuring PLAINTIFF, thereby  
10 entitling PLAINTIFF to an award of punitive damages in amounts to be proved at trial.

11 **EIGHTH CLAIM FOR RELIEF**  
12 **Intrusion into Private Affairs against all DEFENDANTS**

13 119. PLAINTIFF refers to and incorporates by reference each and every allegation  
14 contained in the foregoing paragraphs as though set forth fully herein.

15 120. PLAINTIFF claims that DEFENDANTS violated PLAINTIFF'S right to privacy.

16 121. PLAINTIFF had a reasonable expectation of privacy in the sealed Incident Report and  
17 information related to the sealed Incident Report, the privacy of which was guaranteed to  
18 PLAINTIFF by the Court Order and applicable California statutes.

19 122. DEFENDANTS intentionally intruded in PLAINTIFF'S reasonable expectation of  
20 privacy in the sealed Incident Report and information related to the sealed Incident Report when  
21 DEFENDANTS publicly disseminated and refused to take down this information that  
22 DEFENDANTS were legally prohibited from having in their possession and disseminating.

23 123. DEFENDANTS' intrusion would be highly offensive to a reasonable person.

24 124. PLAINTIFF was harmed.

25 125. DEFENDANTS' conduct in disseminating this information and refusing to take down  
26 this information was a substantial factor in causing PLAINTIFF'S harm.

27 //

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1 136. DEFENDANTS were negligent in obtaining, disseminating, and refusing to take down  
2 the sealed Incident Report and information related to the sealed Incident Report.

3 137. PLAINTIFF suffered serious emotional distress.

4 138. DEFENDANTS' negligence was a substantial factor in causing PLAINTIFF'S serious  
5 emotional distress.

6 **ELEVENTH CLAIM FOR RELIEF**  
7 **Defamation against all DEFENDANTS**

8 139. PLAINTIFF refers to and incorporates by reference each and every allegation  
9 contained in the foregoing paragraphs as though set forth fully herein.

10 140. PLAINTIFF claims that DEFENDANTS harmed PLAINTIFF by making one or more  
11 of the following statements: PLAINTIFF'S EMPLOYER demanded that PLAINTIFF separate from  
12 his employment because of a felony domestic violence arrest, which, among other things, intimates  
13 that PLAINTIFF was convicted of a crime; and DEFENDANTS stated that PLAINTIFF was  
14 "arrested" when it was "deemed not to have occurred."

15 141. DEFENDANTS made one or more public statement to persons other than  
16 PLAINTIFF, including but not limited to posts written, published, and republished by POULSON  
17 and published and republished by SUBSTACK, AWS, and TECH INQUIRY dated October 13, 2023,  
18 November 20, 2023, December 19, 2023, and June 3, 2024.

19 142. It was reasonably understood that these statements were about PLAINTIFF, who was  
20 directly named and identified.

21 143. Persons reasonably understood the statements to mean that PLAINTIFF had  
22 committed a crime that resulted in PLAINTIFF'S EMPLOYER demanding his separation from the  
23 EMPLOYER and/or that PLAINTIFF's arrest had occurred.

24 144. DEFENDANTS' statements were reasonably understood to mean that PLAINTIFF  
25 had committed a crime because California Labor Law Section prohibits an employer from taking any  
26 action against an employee for an arrest that does not lead to a conviction.

27 145. DEFENDANTS' statements also state that the arrest occurred, when, according to the  
28 Court Order, "the arrest is deemed not to have occurred."

1 146. DEFENDANTS failed to use reasonable care to determine the truth or falsity of the  
2 statement or DEFENDANTS knew their statements were false.

3 147. DEFENDANTS acted with actual malice because DEFENDANTS knew the  
4 statements were false or acted with reckless disregard of the statements' falsity.

5 148. As a result of DEFENDANTS' defamation, PLAINTIFF has suffered and will  
6 continue to suffer severe harm, including but not limited to emotional harm, loss of income,  
7 reputational harm, and additional economic damages to be presented at trial.

8 149. The conduct of DEFENDANTS as alleged above, was malicious, fraudulent,  
9 despicable, and oppressive and was done with the wrongful intent of injuring PLAINTIFF, thereby  
10 entitling PLAINTIFF to an award of punitive damages in amounts to be proved at trial.

11 **TWELFTH CLAIM FOR RELIEF**  
12 **Unfair Business Practices against all SUBSTACK and AWS**

13 150. PLAINTIFF refers to and incorporates by reference each and every allegation  
14 contained in the foregoing paragraphs as though set forth fully herein.

15 151. As set forth more fully herein, DEFENDANTS' conduct was unlawful, unfair, and  
16 constituted an unfair business practice in violation of California Business and Professions Code  
17 Section 17200.

18 152. Among other things, DEFENDANTS SUBSTACK and AWS conduct violated  
19 multiple California statutes, the California constitution, and the Court Order designed to protect  
20 PLAINTIFF'S privacy and safeguard his fundamental rights.

21 153. DEFENDANTS SUBSTACK'S and AWS'S practices described herein – including  
22 possessing and disseminating the sealed Incident Report and information related to the sealed  
23 Incident Report and refusal to remove this information – offended established public policy, that is  
24 immoral, unethical, oppressive, unscrupulous, or substantially injurious to consumers, or has an  
25 impact on PLAINTIFF that outweighs DEFENDANTS' reasons, justifications, and motives for the  
26 practice.

27 154. The public policy at issue here is tethered to California Constitution Article 1, Section  
28 1 and the specific statutes addressed herein intended to protect the privacy of individuals who are

1 arrested and, in particular, protect those individuals from experiencing adverse employment acts  
2 because of such arrests.

3 155. As a result of DEFENDANTS SUBSTACK’S and AWS’S unfair business practices,  
4 PLAINTIFF suffered injury in fact, including but not limited to loss of money.

5 156. PLAINTIFF seeks to recover all available relief for violations of California Business  
6 & Professions Code Section 17200, including but not limited to restitution, disgorgement of profits  
7 and any amounts by which they have been unjustly enriched as a result of their wrongful conduct,  
8 appoint of a receiver, constructive trust, and in injunction prohibiting SUBSTACK and AWS from  
9 engaging in the unfair business practices alleged herein.

10 **THIRTEENTH CAUSE OF ACTION**

11 **Violation of California Constitution, Article I, § 1 against all DEFENDANTS**

12 157. PLAINTIFF refers to and incorporates by reference each and every allegation  
13 contained in the foregoing paragraphs as though set forth fully herein.

14 158. “For every wrong there is a remedy.” (Civ.Code § 3523)

15 159. California’s Constitution guarantees all people certain “inalienable rights,” including  
16 “pursuing and obtaining ... privacy.” Ca Const Art. 1, § 1.

17 160. Included in the protections afforded by the California Constitution is the individual  
18 interest in avoiding disclosure of personal matters.

19 161. The sealed Incident Report and the contents of the sealed police contained intimate  
20 facts of a personal nature well within the ambit of material entitled to privacy protection.

21 162. By virtue of the Court Order sealing the report, California Penal Code Section 851.92,  
22 and the public policy of California, PLAINTIFF was entitled to privacy protection with respect to the  
23 sealed Incident Report and its contents.

24 163. The sealed Incident Report and its contents were not a matter of public significance.

25 164. Accordingly, DEFENDANTS violated PLAINTIFF’S Constitutional right to privacy  
26 when it disseminated the sealed Incident Report and its contents.

27 165. This violation has caused and continues to cause PLAINTIFF harm.

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**FOURTEENTH CAUSE OF ACTION**  
**Violation of California Penal Code Section 851.92(c) against all DEFENDANTS**

166. PLAINTIFF refers to and incorporates by reference each and every allegation contained in the foregoing paragraphs as though set forth fully herein.

167. “The violation of a statute gives to any person within the statute’s protection a right of action to recover damages caused by its violation.” *Palo Alto-Menlo Park Yellow Cab Co., v. Santa Clara County Transit Dist.* (1976) 65 Cal.App.3d 121, 131, 135 Cal.Rptr. 192.

168. Section 851.92(c) prohibits any unauthorized person or entity from disseminating information related to a sealed Incident Report.

169. In addition to the civil penalties described in Section 851.92(c), this Section also contemplates a private right of action stemming from the violation of this provision.

170. By the conduct described herein, DEFENDANTS violated Section 851.92(c) by disseminating the sealed Incident Report and information related to the sealed Incident Report.

171. DEFENDANTS’ conduct caused and continues to cause PLAINTIFF harm.

**FIFTEENTH CAUSE OF ACTION**  
**Violation of California Penal Code Section 11143 against all DEFENDANTS**

172. PLAINTIFF refers to and incorporates by reference each and every allegation contained in the foregoing paragraphs as though set forth fully herein.

173. California Penal Code section 11143 makes it unlawful for any person who “knowingly buys, receives, or possesses [a sealed arrest record] or information”.

174. The California Supreme Court held that “such materials are virtually treated as contraband, as it is further declared that any unauthorized person who knowingly ‘buys, receives, or possesses’ such a record or information is also guilty of a misdemeanor. (s 11143.)” *Loder v. Mun Court*, 533 P.3d 624, 628-30 (Cal. 1976).

175. By the conduct described herein, Defendants violated this section because they received and are in possession of the sealed arrest record and information.

176. DEFENDANTS’ conduct caused and continues to cause PLAINTIFF harm.

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**PRAYER FOR RELIEF**

WHEREFORE, PLAINTIFF requests that this Court grant PLAINTIFF relief as follows:

1. Entry of a preliminary injunction, followed by a permanent injunction that:
  - i. Compels all DEFENDANTS to immediately remove the sealed police and all information related to the sealed Incident Report, including but not limited to its contents, and ensure that the index to postings no longer allows for the sealed Incident Report to be viewed or downloaded;
  - ii. Compels all DEFENDANTS to immediately remove and eliminate access to all URLs that include reference to the sealed Incident Report or information related to the sealed Incident Report;
  - and
  - iii. Enjoins all DEFENDANTS from disseminating directly or indirectly the sealed Incident Report or information related to the sealed Incident Report;
2. General damages for harm to reputation, humiliation mental anguish and emotional distress;
3. Compensatory damages for lost pay and benefits;
4. Disgorgement;
5. Liquidated damages;
6. Punitive damages;
7. Applicable interest on PLAINTIFF’S damages;
8. Attorney’s fees;
9. Costs of the suit;
10. Injunctive relief; and
11. Such relief as the Court may deem just and proper.

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**JURY DEMAND**

PLAINTIFF hereby respectfully demands a jury trial on each of the Causes of Action set forth above.

Dated: 2<sup>nd</sup> day of October 2024

Respectfully Submitted,  
THE MAREK LAW FIRM, INC.

BY: *David Marek*  
David Marek

*Attorney for Plaintiff*

1 JOSHUA A. BASKIN, State Bar No. 294971  
2 THOMAS R. WAKEFIELD, State Bar No. 330121  
3 WILSON SONSINI GOODRICH & ROSATI  
Professional Corporation  
4 One Market Plaza  
Spear Tower, Suite 3300  
San Francisco, CA 94105-1126  
Telephone: (415) 947-2000  
5 Facsimile: (866) 974-7329  
Email: jbaskin@wsgr.com  
6 Email: twakefield@wsgr.com

7 Attorney for Defendant  
SUBSTACK, INC.

ELECTRONICALLY  
**FILED**  
Superior Court of California,  
County of San Francisco  
**11/27/2024**  
Clerk of the Court  
BY: SANDRA SCHIRO  
Deputy Clerk

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

12 JOHN DOE, an individual,  
13 Plaintiff,  
14 v.  
15 SUBSTACK, INC., a Delaware corporation;  
AMAZON WEB SERVICES, INC., a  
16 Delaware corporation; JACK POULSON, an  
individual; TECH INQUIRY, INC., a  
17 Delaware corporation; DOES 1-25, inclusive,  
18 Defendants.

) CASE NO.: CGC-24-618681  
)  
) **DEFENDANTS' MOTION TO**  
) **FILE PORTIONS OF DEFENDANTS'**  
) **OPPOSITION UNDER SEAL;**  
) **MEMORANDUM OF POINTS AND**  
) **AUTHORITIES IN SUPPORT**  
) **THEREOF**  
) Date: December 23, 2024  
) Time: 9:30a.m.  
) Dept: 302  
) Before: Hon. Richard B. Ulmer, Jr.  
)  
)  
) Action Filed: November 27, 2024  
) Trial Date: None Set

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DEFENDANTS' MOTION TO FILE PORTIONS OF OPPOSITION UNDER SEAL

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1 **TO ALL PARTIES AND THEIR ATTORNEYS OF RECORD:**

2 PLEASE TAKE NOTICE that on December 23, 2024 at 9:30a.m. at Department 302  
3 Defendants will and hereby do move the Court pursuant to California Rules of Court 2.550 and  
4 2.551 to issue an order sealing the Declaration of Joshua A. Baskin in support of Defendant’s  
5 Opposition (“Declaration”) and the exhibits filed therewith (“Exhibits”), which have been lodged  
6 conditionally under seal.

7 Defendants file this Motion out of an abundance of caution. Defendants do not themselves  
8 believe any of the materials should be sealed. However, Plaintiff might believe that good cause  
9 exists for granting this Motion to Seal. See Declaration of Joshua A. Baskin, filed herewith.

10 This Motion is based on the accompanying Memorandum of Points and Authorities, the  
11 Declaration, the papers and records on file in this action, and such further evidence or argument as  
12 may be submitted at or before the time of the hearing.

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Dated: November 27, 2024

WILSON SONSINI GOODRICH & ROSATI  
Professional Corporation

By: /s/ Joshua A. Baskin  
Joshua A. Baskin  
E-mail: jbaskin@wsgr.com

Attorney for Defendant  
Substack, Inc.

1 **MEMORANDUM OF POINTS AND AUTHORITIES**

2 **I. INTRODUCTION**

3 On November 27, 2024, Defendants will file their opposition to Plaintiff’s Motion Seeking  
4 to File Under a Fictitious Name. As Plaintiff may believe that certain information in the Opposition  
5 and supporting materials thereto should be filed under seal, out of an abundance of caution,  
6 Defendants move to seal the Declaration of Joshua A. Baskin in support thereof, and the Exhibits  
7 attached thereto. Defendants make this motion to allow Plaintiff the opportunity to seek to seal  
8 this information, and provide sufficient justification under the rules to do so.

9 **II. ARGUMENT**

10 The Court may order a document to be sealed if the Court finds facts that establish: “(1)  
11 [t]here exists an overriding interest that overcomes the right of public access to the record; (2) [t]he  
12 overriding interest supports sealing the record; (3) [a] substantial probability exists that the  
13 overriding interest will be prejudiced if the record is not sealed; (4) [t]he proposed sealing is  
14 narrowly tailored; and (5) [n]o less restrictive means exist to achieve the overriding interest.” Cal.  
15 R. Ct. 2.550(d).

16 Here, Plaintiff may contend that certain of the information in the Declaration and the  
17 Exhibits is subject to sealing under this standard. Therefore, Defendants file this motion to seal to  
18 allow Plaintiff to the opportunity to justify sealing of the information, if he so wishes.

19 **III. CONCLUSION**

20 For the foregoing reasons, Defendants file this motion to seal.

21  
22 Dated: November 27, 2024

WILSON SONSINI GOODRICH & ROSATI  
Professional Corporation

23  
24 By: /s/ Joshua A. Baskin  
Joshua A. Baskin

25  
26 Attorney for Defendant  
Substack, Inc.

1 JOSHUA A. BASKIN, State Bar No. 294971  
THOMAS R. WAKEFIELD, State Bar No. 330121  
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6 Email: twakefield@wsgr.com

7 Attorney for Defendant  
SUBSTACK, INC.  
8

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BY: SANDRA SCHIRO  
Deputy Clerk

9 SUPERIOR COURT OF THE STATE OF CALIFORNIA  
10 COUNTY OF SAN FRANCISCO  
11

12 JOHN DOE, an individual, ) CASE NO.: CGC-24-618681  
13 Plaintiff, )  
14 v. ) **DECLARATION OF JOSHUA A.**  
15 ) **BASKIN IN SUPPORT OF**  
16 ) **DEFENDANTS' MOTION TO**  
17 ) **FILE PORTIONS OF PLAINTIFFS'**  
SUBSTACK, INC., a Delaware corporation; ) **OPPOSITION UNDER SEAL;**  
AMAZON WEB SERVICES, INC., a ) **MEMORANDUM OF POINTS AND**  
16 Delaware corporation; JACK POULSON, an ) **AUTHORITIES IN SUPPORT**  
17 Delaware corporation; TECH INQUIRY, INC., a ) **THEREOF**  
18 Defendants. )  
19 ) Hon. Richard B. Ulmer, Jr.  
20 ) Action Filed: November 27, 2024  
Trial Date: None Set

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BASKIN DECLARATION IN SUPPORT OF MOTION TO SEAL

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1 I, Joshua A. Baskin, declare and state as follows:

2 1. I am a Partner at Wilson Sonsini Goodrich & Rosati, Professional Corporation  
3 (“WSGR”), counsel for Defendant Substack, Inc. (“Substack”) in this litigation. I make this  
4 declaration of my personal knowledge obtained in my capacity as attorney of record for Substack  
5 and, if called as a witness, I could and would competently testify thereto.

6 2. I submit this declaration in support of Defendants’ Motion to Seal Portions of  
7 Defendants’ Opposition which is being concurrently filed with this Declaration.

8 3. Defendants file the Declaration of Joshua A. Baskin in Support of Defendants  
9 Opposition to Plaintiff’s Motion Seeking Permission for Plaintiff to Proceed under a Fictitious  
10 Name, including the exhibits attached thereto under seal to give Plaintiff an opportunity to justify  
11 whether they should be sealed.

12  
13 I declare under penalty of perjury under the laws of the State of California that the foregoing is  
14 true and correct and that this declaration was executed on November 27, 2024 in Palo Alto,  
15 California.

16 /s/ Joshua A. Baskin  
17 Joshua A. Baskin

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Declaration of Joshua A. Baskin in Support of Defendant  
Substack, Inc.'s Opposition to Plaintiff's Motion Seeking  
Permission (Sealed)

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11 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**

12 **COUNTY OF SAN FRANCISCO**

13 JOHN DOE, an individual,

14 Plaintiff,

15 v.

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

22 Defendants.

Case No.: CGC-24-618681

**DEFENDANT JACK POULSON'S NOTICE  
OF NOTICE OF MOTION AND MOTION  
TO STRIKE UNDER THE ANTI-SLAPP  
STATUTE (CCP § 425.16)**

DATE: January 6, 2025  
TIME: 9:30 a.m.  
DEPT: 302

Judge:

Action Filed: October 3, 2024  
Trial Date:

23 **NOTICE OF MOTION AND MOTION**

24 TO THE COURT, PLAINTIFF AND THEIR ATTORNEYS OF RECORD:

25 PLEASE TAKE NOTICE that on January 6, 2025 at 9:30, or as soon thereafter as the matter  
26 may be heard in Dept. 302, of the above-entitled court, located at 400 McAllister Street, San  
27 Francisco, California 94102, defendant Jack Poulson will and hereby moves to strike under Code of  
28 Civil Procedure § 425.16 each claim and cause of action brought against him. The motion will be  
based on Poulson's Memorandum of Points and Authorities, the Declarations of Jack Poulson and  
Victoria Noble in support thereof, all filed herewith, the pleadings filed concurrently by the other

1 defendants in this matter, any opposition papers and admissible evidence filed by Plaintiff, the reply  
2 papers of the Defendants, and any other material the Court deems proper.

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DATED: December 7, 2024

ELECTRONIC FRONTIER FOUNDATION

/s/ Victoria Noble  
Victoria Noble  
David Greene

*Attorneys for Defendant Jack Poulson*

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16 INQUIRY, INC., a Delaware corporation;  
DOES 1-25, inclusive,  
17  
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Case No.: CGC-24-618681

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**REDACTED**

DATE: January 6, 2025  
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**TABLE OF CONTENTS**

TABLE OF CONTENTS ..... 2

TABLE OF AUTHORITIES ..... 3

INTRODUCTION ..... 6

FACTS ..... 6

ARGUMENT ..... 9

    I. THE ANTI-SLAPP STATUTE WAS ENACTED TO PROTECT EXACTLY  
    THE TYPE OF SPEECH ██████████ SEEKS TO SUPPRESS ..... 9

    II. THE ANTI-SLAPP STATUTE APPLIES BECAUSE EACH CLAIM AGAINST  
    POULSON ARISES FROM POULSON’S JOURNALISM..... 10

        A. All of ██████████ claims against Poulson arise from protected activity ..... 10

        B. Poulson’s journalism falls within the ambit of § 425.16(e)..... 12

            1. Poulson’s reporting of the Incident Report satisfies 425.16 (e)(2). ..... 12

            2. Poulson’s journalism satisfies subsection (e)(3) ..... 12

            3. Poulson published the articles in a public forum ..... 12

            4. Poulson’s speech was made in connection with an issue of public interest. .... 13

                i. The Incident Report pertains to an issue of public interest..... 13

                ii. Poulson’s reporting contributed to the public debate on the public  
                    issues ..... 16

            5. Poulson’s articles satisfy subsection (e)(4). ..... 17

    III. ██████████ WILL BE UNABLE TO SHOW A PROBABILITY OF  
    PREVAILING ON HIS CLAIMS AGAINST POULSON. .... 17

        A. ██████████ claims lack minimal merit because the First Amendment bars  
        them..... 18

            1. The First Amendment protects the right to publish lawfully obtained,  
            truthful, newsworthy information..... 18

            2. ██████████ claimed injunctive relief would be an unconstitutional prior  
            restraint. .... 19

        B. ██████████ claims will also likely fail on their elements. .... 19

CONCLUSION..... 20

Document received by the CA 1st District Court of Appeal.

**TABLE OF AUTHORITIES**

**Cases**

1

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372 U.S. 58 (1963)..... 19

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1 Cal. 5th 376 (2016) ..... 10, 18

5

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40 Cal.4th 33 (2006) ..... 19

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532 U.S. 514 (2001)..... 18

8

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52 Cal. App. 4th 1036 (1997) ..... 12

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19 Cal. 4th 1106 (1999) ..... 10

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248 Cal. App. 4th 665 (2016) ..... 13

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221 Cal. App. 3d 1009 (1990) ..... 14

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29 Cal. 4th 69 (2002) ..... 10, 11

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93 Cal. App. 4th 993 (2001) ..... 12

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212 Cal. App. 4th 931 (2012) ..... 12

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145 Cal.App.4th 790 (2006) ..... 20

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101 Cal. App. 5th 540 (2024) ..... 14, 16

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29 Cal. 4th 53 (2002) ..... 10, 11

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7 Cal. 5th 133 (2019) ..... 13, 16

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13 Cal. 5th 1238 (2022) ..... 10, 13, 14, 17

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171 Cal. App. 4th 1537 (2008) ..... 12

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203 Cal. App. 4th 450 (2012) ..... 14

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492 F.3d 24 (1st Cir. 2007)..... 18

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26

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2		
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4	<i>Lafayette Morehouse, Inc. v. Chronicle Publishing Co.,</i> 37 Cal. App. 4th 855 (1995) .....	12
5	<i>Li v. Jenkins,</i> 95 Cal. App. 5th 493 (2023) .....	17
6		
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15	<i>New York Times Co. v. United States,</i> 403 U.S. 713 (1971).....	19
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17	<i>Nicholson v. McClatchy Newspapers,</i> 177 Cal. App. 3d 509 (1986) .....	6, 18
18	<i>Nygård, Inc. v. Uusi-Kerttula,</i> 159 Cal. App. 4th 1027 (2008) .....	14
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23		
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26	<i>The Florida Star v. B.J.F.,</i> 491 U.S. 524 (1989).....	18
27		
28	<i>Wilbanks v. Wolk,</i> 121 Cal.App.4th 883 (2004) .....	13

1 *Wilson v. Cable News Network, Inc.*,  
2 7 Cal. 5th 871 (2019) ..... 10, 11, 16, 19

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4 47 U.S.C. § 230..... 19

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8 Penal Code § 11143 ..... 11, 20

9 Penal Code § 653.2(a)..... 20

10 Penal Code § 851.91 ..... 8

11 Penal Code § 851.92(c)..... 11

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26 Stephanie Lizzo, “Intelligence Redefined: The Interplay of Private Companies and National  
27 Security,” *Columbia Journal of International Affairs* (Mar. 28, 2024)..... 15

28 U.S. Centers for Disease Control and Prevention, “About Intimate Partner Violence” ..... 15

U.S. Department of Justice Office on Violence Against Women, “Framework for Prosecutors to  
Strengthen Our National Response to Sexual Assault and Domestic Violence Involving Adult  
Victims,” (updated May 2024) ..... 7

U.S. Government Accountability Office, “Private Security Contractors: DOD Needs to Better  
Identify and Monitor Personnel and Contracts” (July 29, 2021) ..... 15

1 **INTRODUCTION**

2 This lawsuit seeks to punish the publication, and force the depublication, of lawfully  
3 acquired, truthful information about a matter of public interest: the felony domestic violence arrest  
4 of a prominent tech executive of a controversial surveillance company that conducts classified  
5 espionage operations for the U.S. military. This lawsuit is thus an eminently meritless SLAPP  
6 aimed at punishing the exercise of First Amendment rights.

7 The First Amendment bars Plaintiff ██████████ ██████████ from punishing Defendant Jack  
8 Poulson for investigating and reporting the news—from imposing a prior restraint on unfavorable  
9 news coverage. This fundamental constitutional protection applies even when the government has  
10 deemed the information secret—for good reason. “While the government may desire to keep some  
11 proceedings confidential...it may not impose criminal or civil liability upon the press for obtaining  
12 and publishing newsworthy information through routine reporting techniques.” *Nicholson v.*  
13 *McClatchy Newspapers*, 177 Cal. App. 3d 509, 519-20 (1986).

14 California’s anti-SLAPP statute, CCP § 425.16, thus requires that each claim against  
15 Poulson be struck. The anti-SLAPP statute applies to each claim against Poulson because each  
16 claim arises from Poulson’s established journalistic acts: receiving the Incident Report from a  
17 confidential source and publishing it and the information from it in his online newsletter. Poulson  
18 did not know—and had no reason to know—that the Incident Report was sealed when he received it  
19 from a source with whom he had no prior relationship and then verified its authenticity with the San  
20 Francisco Police.

21 The burden now shifts to ██████████ to prove a prima facie case for each of his claims.

22 He will not be able to do so because, among other reasons, the First Amendment protects the  
23 publication of lawfully acquired, truthful information pertaining to matters of public interest.

24 **FACTS**

25 On December 21, 2021, San Francisco Police responded to a 911 call regarding a suspected  
26 domestic violence incident involving plaintiff ██████████ ██████████ According to the incident report  
27 created by the responding officers (“the Incident Report”), the 911 caller had recorded the audio of  
28 an altercation among her neighbors that involved a heated argument and possible throwing of

1 furniture against the walls, and a female voice saying “stop, please stop.” [Declaration of Jack  
2 Poulson in Support of Special Motion to Strike (“Poulson Decl.”) Exh. F at 4] Upon entering the  
3 apartment, the police observed [REDACTED] and a distraught female who had visible redness and cuts  
4 on her face and possible swelling of her eye. [Id.] The female told police that, during an argument,  
5 [REDACTED] “just started beating” her, and had hit her with an open hand “many times.” [Id.] The  
6 police searched the apartment and located and collected two bloody pillowcases. [Id. at 5.] They  
7 then arrested [REDACTED] on suspicion of felony domestic violence and transported him to San  
8 Francisco County Jail #1, where he was booked. [Id.] Prosecutors never filed charges against  
9 [REDACTED] Compl., ¶¶ 29-31,—as they fail to do in 70 percent of domestic violence cases,<sup>1</sup> due to  
10 the difficulty of prosecuting even meritorious cases.<sup>2</sup>

11 [REDACTED] holds himself out as “prominent figure” in the technology industry. [Declaration  
12 of Victoria Noble in Support of Special Motion to Strike (“Noble Decl.”) Exh. A]. His personal  
13 website, press statements, public LinkedIn profile, and podcast cultivate his reputation as a “serial  
14 entrepreneur” and publicize his investments in and leadership of numerous “high-growth tech  
15 companies” over the past 25 years. [Id. Exhs. A-D] Many of these companies, including [REDACTED]  
16 [REDACTED] the company for which he was CEO at the time of the incident, are government contractors  
17 that have drawn public scrutiny for conducting surveillance for the U.S. military and foreign  
18 governments.<sup>3</sup> [REDACTED] actively sought to influence public policy discussions regarding  
19 government technology and data governance. For example, on his podcast, “[REDACTED]  
20  
21

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22 <sup>1</sup> Eric L. Nelson, “Investigating Domestic Violence: Raising Prosecution and Conviction Rates,”  
23 *Federal Bureau of Investigation*, (Dec. 10, 2013), <https://leb.fbi.gov/articles/featured-articles/investigating-domestic-violence-raising-prosecution-and-conviction-rates>.

24 <sup>2</sup> *U.S. Department of Justice Office on Violence Against Women*, “Framework for Prosecutors to  
25 Strengthen Our National Response to Sexual Assault and Domestic Violence Involving Adult  
26 Victims,” (updated May 2024), <https://www.justice.gov/ovw/framework-prosecutors-strengthen-our-national-response-sexual-assault-and-domestic-violence>.

27 <sup>3</sup> See, e.g., Byron Tau, “App Taps Unwitting Users Abroad to Gather Open-Source Intelligence,”  
28 *The Wall Street Journal*, <https://www.wsj.com/articles/app-taps-unwitting-users-abroad-to-gather-open-source-intelligence-11624544026> (June 24, 2021); Bryon Tau, “Gig App Gathering Data for U.S. Military, Others Prompts Safety Concerns,” *The Wall Street Journal*,  
<https://www.wsj.com/articles/gig-app-gathering-data-for-u-s-military-others-prompts-safety-concerns-11646481601> (Mar. 5, 2022).

1 ■■■ with ■■■ ■■■ he discusses “prominent topics at the intersection of data and the  
2 worlds of business, politics, and economics,” shares data collected from “over 4.5 million  
3 contributors in 135 countries,” and interviews prominent guests, such as former Secretary of the  
4 Treasury Larry Summers and former Speaker of the U.S. House of Representatives Newt Gingrich.  
5 [Noble Decl. Exh. D] He also frequently opines about politics, public policy, and technology in  
6 national publications and on television programs. [*Id.* Exhs. E-I]

7 ■■■ and ■■■ were thus among the individuals and companies defendant Jack  
8 Poulson reported on in his *All-Source Intelligence* newsletter, in which he covers the companies  
9 making surveillance and weapons technologies and the governments that contract with them.  
10 [Poulson Decl. ¶¶ 4, 10] Poulson began *All-Source Intelligence* in 2023. It currently has over 3,000  
11 subscribers and is publicly available on Substack. [*Id.* ¶1]

12 On September 14, 2023, Poulson published an article in his newsletter that reported the  
13 information from the Incident Report and linked to an uploaded copy of it. [*Id.* ¶8] Poulson received  
14 the Incident Report through an unsolicited message on the end-to-end encrypted messaging  
15 platform Signal from a confidential source in early September 2023 after publishing a September 1,  
16 2023 article about ■■■ ■■■ and ■■■ [*Id.* ¶15] Poulson did not request or otherwise seek  
17 out the Incident Report. [*Id.* ¶15] After receiving the Incident Report and prior to reporting on it,  
18 Poulson sought to verify its authenticity. He phoned the San Francisco Police Department’s Crime  
19 Information Services Unit and, after providing the incident report number, asked for and received  
20 confirmation of each pertinent detail in the report, including the names of the arrested individual  
21 and his alleged victim, as well as the alleged victim’s age and statement to the police that the  
22 plaintiff “just started beating me” and that police observed and seized bloody pillowcases in  
23 addition to observing multiple cuts, visible redness, and possible swelling on her face. [*Id.* ¶15]

24 When he received it and wrote about it, Poulson was not aware that the Incident Report had  
25 been sealed upon ■■■ request pursuant to California Penal Code § 851.91 two months after  
26 the incident. [*Id.* ¶14] There are no markings on the Incident Report that Poulson understood at the  
27 time or understand now to indicate it had been sealed. [*Id.*] The SFPD did not inform Poulson that  
28 the Incident Report had been sealed when they confirmed the accuracy of its contents. [*Id.* ¶15]

1 The same article also reported that the company of which ██████ was at the time the  
2 Chief Executive Officer, ██████ ██████ had been accused of being used by the Russian government  
3 to target Ukrainians as part of their ongoing invasion, of being a covert surveillance platform for  
4 U.S. Special Operations Command, and ██████ having confirmed ██████ work with U.S.  
5 defense and intelligence agencies in a public court filing in litigation the company had pursued  
6 against former employees who became whistleblowers against the company’s practices. [*Id.* ¶ 8]

7 Poulson also wrote about ██████ and ██████ questionable acts as CEO in *All-Source*  
8 *Intelligence* in several articles both before and after he reported the domestic violence arrest.  
9 Among other issues, these articles reported ██████ work as a human intelligence and signals  
10 intelligence provider for U.S. Special Operations Command, the whistleblower litigation, and  
11 ██████ claim that he holds a security clearance with the U.S. Department of Defense. [Poulson  
12 Decl. ¶¶ 6,7] Poulson similarly wrote about other companies and their executives. [*Id.* ¶ 11]

13 Poulson chose to report ██████ arrest for several reasons. Two of the primary concerns  
14 that arose in Poulson’s recent reporting on ██████ and ██████ reporting were about ██████  
15 ethics, as well as the company's willful ignorance of the safety of its gig workers. Poulson  
16 concluded that ██████ being arrested on suspicion of felony domestic violence against a much  
17 younger woman was relevant to these issues. [*Id.* ¶ 16]

18 In November 2023, as part of his newsgathering for further reporting, Poulson reached out  
19 to the public affairs office of the U.S. Special Operations Command for comment on whether  
20 ██████ arrest violates any Department of Defense policies for holding a security clearance.  
21 Poulson sought comment on these matters because plaintiff’s security clearance allows him to  
22 access sensitive national security information, placing him in a position of public trust. [*Id.* ¶19]

23 ██████ then filed this lawsuit, after the articles and the Incident Report had been publicly  
24 available for 14 months.

## 25 ARGUMENT

### 26 I. THE ANTI-SLAPP STATUTE WAS ENACTED TO PROTECT EXACTLY THE 27 TYPE OF SPEECH ██████ SEEKS TO SUPPRESS.

28 “The Legislature enacted Code of Civil Procedure section 425.16 to combat ‘a disturbing

1 increase' in strategic lawsuits against public participation (SLAPPs): 'lawsuits brought primarily to  
2 chill the valid exercise of the constitutional rights of freedom of speech and petition for the redress  
3 of grievances.'" *Geiser v. Kuhns*, 13 Cal. 5th 1238, 1242 (2022) (quoting CCP, § 425.16(a)).  
4 Nevertheless, the anti-SLAPP statute applies even to lawsuits brought without any intent to chill  
5 speech. *Equilon Enterprises v. Consumer Cause, Inc.*, 29 Cal. 4th 53, 66-67 (2002); *City of Cotati v.*  
6 *Cashman*, 29 Cal. 4th 69, 75-76 (2002). Courts broadly construe every element of anti-SLAPP  
7 statute. *Briggs v. Eden Council for Hope & Opportunity*, 19 Cal. 4th 1106, 1121-22 (1999).

8 Courts decide anti-SLAPP motions in two steps. First, the defendant must establish that the  
9 challenged claim arises from activity protected by section 425.16. *Baral v. Schnitt*, 1 Cal. 5th 376,  
10 384 (2016). The burden then "shifts to the plaintiff to demonstrate the merit of the claim by  
11 establishing a probability of success," meaning that the claims must be both "legally sufficient and  
12 factually substantiated." *Id.*, at 384, 396. The court must grant the motion if it finds the plaintiff is  
13 unlikely to prevail on the merits. *Equilon*, 29 Cal. 4th at 67.

14 Importantly, the defendant need only demonstrate that its conduct "falls within one of the  
15 four categories described in subdivision (e)." *Equilon*, 29 Cal. 4th 53, 66 (2002). They need *not*  
16 prove that their conduct was protected by the First Amendment. *Wilson v. Cable News Network,*  
17 *Inc.*, 7 Cal. 5th 871, 887-88 (2019). "[A]ny 'claimed illegitimacy of the defendant's acts is an issue  
18 which the plaintiff must raise *and* support in the context of the discharge of the plaintiff's  
19 [secondary] burden to provide a prima facie showing of the merits of the plaintiff's case.'" *Wilson*, 7  
20 Cal. 5th at 888 (quoting *Navellier v. Sletten*, 29 Cal. 4th 82, 94 (2002)).

21 **II. THE ANTI-SLAPP STATUTE APPLIES BECAUSE EACH CLAIM AGAINST**  
22 **POULSON ARISES FROM POULSON'S JOURNALISM.**

23 **A. All of [REDACTED] claims against Poulson arise from protected activity.**

24 "At the first step of the analysis, the defendant must make two related showings. Comparing  
25 its statements and conduct against the statute, it must demonstrate activity qualifying for protection"  
26 under "'one of the four categories described in subdivision (e) [of section 425.16].'" *Wilson*, 7 Cal.  
27 5th at 887-88 (quoting *Rand Res., LLC v. City of Carson*, 6 Cal. 5th 610, 620 (2019)) (alterations  
28 original). "And comparing that protected activity against the complaint, it must also demonstrate

Document received by the CA 1st District Court of Appeal.

1 that the activity supplies one or more elements of a plaintiff's claims." *Id.* The defendant need not  
2 show that the plaintiff brought the lawsuit with the intention to chill the defendant's exercise of  
3 their First Amendment rights, nor that the suit actually had a chilling effect. *Equilon*, 29 Cal. 4th at  
4 66-67; *City of Cotati*, 29 Cal. 4th at 75-76.

5 All of ██████ claims against Poulson arise from protected journalistic activities:  
6 publishing news articles and the Incident Report online, and/or from newsgathering activities  
7 performed as part of reporting those articles, such as receiving the Incident Report from a source,  
8 conducting interviews, and seeking comment from relevant people., *See Lieberman v. KCOP*  
9 *Television, Inc.*, 110 Cal. App. 4th 156, 165-66 (2003) ("Reporting the news usually requires the  
10 assistance of newsgathering, which therefore can be construed as undertaken in furtherance of the  
11 news media's right to free speech.") (citation omitted). ██████ claims for public disclosure of  
12 private facts, false light, intrusion into private affairs, defamation, violation of Article I, Sec. 1 of  
13 the California Constitution, and violation of California Penal Code Sec. 851.92(c) are based on  
14 Poulson's publication of a copy of the Incident Report and information gleaned from the report. *See*,  
15 *e.g.*, Compl. ¶¶ 14-15, 17-19, 21, 23-25, 27-43, 100, 105-06, 110-13, 122, 125. ██████ claims  
16 for negligence, gross negligence, intentional interference with contractual relations, intentional  
17 infliction of emotional distress, and negligent infliction of emotional distress also arise from  
18 Poulson's newsgathering and news reporting activities. ██████ claim under California Penal  
19 Code Sec. 11143 arises from Poulson's receipt of the Incident Report from a source, and his  
20 possession of the report. *See, e.g.*, Compl. at ¶¶ 16, 22-23, 26, 43-48, 173-75. ██████ claims  
21 for intentional interference with prospective economic relations, negligent interference with  
22 prospective economic relations, intentional interference with contractual relations, arise in part from  
23 the allegation that Poulson asked a client of ██████ and whether they would continue to work  
24 with ██████ in the future in light of his arrest for felony domestic violence. Compl. ¶¶ 26, 51, 53,  
25 58, 59, 69, 82, 91, 130, 136. As Poulson's reporting reflects, this allegation refers to his request for  
26 comment from the public affairs office of the U.S. Special Operations Command, an established  
27 newsgathering technique.

28



1 could be more public.” *Kronemyer v. Internet Movie Database Inc.*, 150 Cal. App. 4th 941, 950  
2 (2007) (quoting *Wilbanks v. Wolk*, 121 Cal.App.4th 883, 895 (2004)).

3 **4. Poulson’s speech was made in connection with an issue of public interest.**

4 California courts use a two-step inquiry to determine whether a statement was made “in  
5 connection with an issue of public interest” for 425.16(e)(3) or “in connection with a public issue or  
6 an issue of public interest” for 425.16(e)(4). *Geiser*, 13 Cal. 5th at 1243 (interpreting 425.16(e)(4)).  
7 First, the court determines what public issue the speech implicates. *Id.*, at 1243, 1249. Then the court  
8 then looks to make sure there is an “functional relationship” between the speech and the public  
9 issue such that the speech “contributes to the public debate” of the issue. *Id.*, at 1249 (quotation  
10 omitted). In each step, courts examine the full context in which the statements were made. *Id.* at  
11 1252. Like the anti-SLAPP statute as a whole, the “scope of the term ‘public interest[ ]’ is to be  
12 construed broadly.” *Brodeur v. Atlas Entertainment*, 248 Cal. App. 4th 665, 674 (2016).

13 **i. The Incident Report pertains to an issue of public interest.**

14 In this first sub-step, the statement need only broadly pertain to a matter of public interest,  
15 rather than the precise subject of the defendant’s speech. *Geiser*, 13 Cal. 5th at 1253. The “first step  
16 is satisfied so long as the challenged speech or conduct, considered in light of its context, may  
17 reasonably be understood to implicate a public issue, even if it also implicates a private dispute.” *Id.*  
18 It is in the second step that the focus moves from “identifying the relevant matters of public interest  
19 to addressing the specific nature of defendant[s]’ speech and its relationship to the matters of public  
20 interest.” *FilmOn.com Inc. v. DoubleVerify Inc.*, 7 Cal. 5th 133, 152 (2019).

21 Generally, news reports of criminal activity “serve important public interests.” *Lieberman*,  
22 110 Cal. App. 4th at 165. Courts have accordingly found a statement to be “made in connection  
23 with an issue of public interest” if it is just one example of a newsworthy wrongful practice, even if  
24 it involves non-public figures. See *M. G. v. Time Warner, Inc.*, 89 Cal.App.4th 623, 629 (2001). In  
25 *Geiser*, the Supreme Court found that a public protest about a real estate company’s eviction of two  
26 long-term residents from their home was in connection with the larger public issue of “foreclosures,  
27 evictions, and inadequate housing,” which were “major issues in Communities throughout  
28 California.” *Geiser*, 13 Cal. 5th at 125. And the Court disapproved of the reasoning of several Court

1 of Appeal cases that had seemingly required the statements themselves to refer to the larger issue  
2 and not just the specific example involving the plaintiffs. *See id.* at 1248-49. Other courts have  
3 reached similar conclusions. In *Hecimovich v. Encinal School Parent Teacher Organization*, 203  
4 Cal. App. 4th 450, 468 (2012) the court found that the anti-SLAPP statute applied because the  
5 statements about the plaintiff’s individual actions as a volunteer youth coach pertained to the more  
6 general public issues of “safety in youth sports” and “problem coaches/problem parents in youth  
7 sports.” And in *Terry v. Davis Community Church*, 131 Cal. App. 4th 1534, 1547 (2005), the court  
8 recognized that whether an adult church youth program leader engaged in an inappropriate  
9 relationship with any of the minors “is clearly a matter of public interest,” even though the speech at  
10 issue pertained only to the specific incidents involving the plaintiff and not the issue more broadly.

11 At its heart, an issue of public interest is simply “any issue in which the public is interested.”  
12 *Nygård, Inc. v. Uusi-Kerttula*, 159 Cal. App. 4th 1027, 1042 (2008) The public interest  
13 determination is flexible, but courts have identified several factors that “generally tend to make a  
14 statement implicate a public interest” under the anti-SLAPP statute: the statement “concerns a  
15 person or entity in the public eye”; the statement concerns conduct and issues that could directly  
16 affect a large number of people beyond the direct participants or of topic of widespread public  
17 interest and concern, as may be evidenced by media coverage. *Dubac v. Itkoff*, 101 Cal. App. 5th  
18 540, 548–49 (2024). In addition, all contextual factors are important, including “the audience, the  
19 location of the communication, and the purpose and timing of the communication.” *Id.*

20 These factors strongly support a finding that Poulson’s reporting of [REDACTED] domestic  
21 violence arrest was “in connection with an issue of public interest.”

22 First, California courts have consistently found that “Domestic violence is an extremely  
23 important public issue in our society.” *Sipple v. Foundation for National Progress*, 71 Cal. App. 4th  
24 216, 238 (1999). *See also Carney v. Santa Cruz Women Against Rape*, 221 Cal. App. 3d 1009, 1021  
25 (1990) (“[S]exual harassment and violence against women is a pressing public concern.”). This is  
26 because “major societal ills are issues of public interest,” *Lieberman*, 110 Cal. App. 4th at 164, and  
27 regretfully, domestic violence is a major societal ill. The issue of violence against women, both  
28 domestic and sexual violence, is one of particular strong and widespread public interest, dating back

1 at least to the Take Back the Night protests, which started in San Francisco in 1978.<sup>4</sup> Congress  
2 recognized the need to raise public awareness of domestic violence and declared October to be  
3 Domestic Awareness Month in 1989; it has been observed every October since.<sup>5</sup> Domestic violence  
4 affects a large number of people, and is of concern to many, many more: the Centers for Disease  
5 Control earlier this year reported that “41% of women and 26% of men experienced contact sexual  
6 violence, physical violence, or stalking by an intimate partner during their lifetime.”<sup>6</sup>

7 Moreover, the public has a special interest in violence against women within the tech and  
8 start-up community, which increasingly scrutinizes start-up founders’ conduct towards women, and  
9 investors even condition deals on the disclosure of these incidents.<sup>7</sup>

10 The other topics of Poulson’s reporting, such as the unethical conduct of ██████ and other  
11 companies that sell surveillance systems to governments are also a public issue.<sup>8</sup> ██████ arrest  
12 for felony domestic violence certainly bears on the trustworthiness of his company—particularly in  
13 light of ██████ and ██████ other questionable conduct reported by Poulson, [Poulson Decl.  
14 ¶¶5,7,9,10,16] including the Russian government’s alleged use of the ██████ platform to target  
15 airstrikes in Ukraine [*Id.* ¶8, Exh. C], and ██████ admitted secret surveillance of other

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18 <sup>4</sup> Sophia Chupein, “Take back the Night, 1978-”, <https://livinghistory.as.ucsb.edu/2019/10/10/take-back-the-night/>

19 <sup>5</sup> Amanda Kipert, “A comprehensive guide to Domestic Violence Awareness Month,”  
20 [https://www.domesticshelters.org/articles/ending-domestic-violence/a-comprehensive-guide-to-](https://www.domesticshelters.org/articles/ending-domestic-violence/a-comprehensive-guide-to-domestic-violence-awareness-month)  
21 [domestic-violence-awareness-month](https://www.domesticshelters.org/articles/ending-domestic-violence/a-comprehensive-guide-to-domestic-violence-awareness-month) (Sept. 21, 2021); [https://www.whitehouse.gov/briefing-](https://www.whitehouse.gov/briefing-room/presidential-actions/2024/09/30/a-proclamation-on-national-domestic-violence-awareness-and-prevention-month-2024/)  
22 [room/presidential-actions/2024/09/30/a-proclamation-on-national-domestic-violence-awareness-](https://www.whitehouse.gov/briefing-room/presidential-actions/2024/09/30/a-proclamation-on-national-domestic-violence-awareness-and-prevention-month-2024/)  
23 [and-prevention-month-2024/](https://www.whitehouse.gov/briefing-room/presidential-actions/2024/09/30/a-proclamation-on-national-domestic-violence-awareness-and-prevention-month-2024/)

24 <sup>6</sup> U.S. Centers for Disease Control and Prevention, “About Intimate Partner Violence,”  
25 <https://www.cdc.gov/intimate-partner-violence/about/index.html>

26 <sup>7</sup> Aliya Ram, “Tech investors include #MeToo clauses in start-up deals,” *Financial Times*  
27 <https://www.ft.com/content/5d4ef400-4732-11e9-b168-96a37d002cd3> (Mar. 17, 2019).

28 <sup>8</sup> *See, e.g.*, Byron Tau, *Means of Control: How the Hidden Alliance of Tech and Government Is Creating a New American Surveillance State* (2024); Stephanie Lizzo, “Intelligence Redefined: The Interplay of Private Companies and National Security,” *Columbia Journal of International Affairs*, [https://jia.sipa.columbia.edu/news/intelligence-redefined-interplay-private-companies-and-national-](https://jia.sipa.columbia.edu/news/intelligence-redefined-interplay-private-companies-and-national-security)  
29 [security](https://jia.sipa.columbia.edu/news/intelligence-redefined-interplay-private-companies-and-national-security) (Mar. 28, 2024); U.S. Government Accountability Office, “Private Security Contractors: DOD Needs to Better Identify and Monitor Personnel and Contracts,”

30 [https://www.gao.gov/products/gao-21-](https://www.gao.gov/products/gao-21-255#:~:text=Without%20better%20identifying%20and%20tracking,the%20implementation%20of%20this%20framework)  
31 [255#:~:text=Without%20better%20identifying%20and%20tracking,the%20implementation%20of](https://www.gao.gov/products/gao-21-255#:~:text=Without%20better%20identifying%20and%20tracking,the%20implementation%20of%20this%20framework)  
32 [%20this%20framework](https://www.gao.gov/products/gao-21-255#:~:text=Without%20better%20identifying%20and%20tracking,the%20implementation%20of%20this%20framework) (July 29, 2021).

1 executives who had heard an unflattering phone call between ██████████ and a young female  
2 employee. [*Id.* ¶ 16, Exh. H, I]

3 Second, although it is not required, the fact that ██████████ is a public person bolsters the  
4 finding that the statements pertain to issues of public interest. *See Sipple*, 71 Cal. App. 4th at 239  
5 (power and influence of public person accused of domestic violence heightened public interest in  
6 allegations of abuse). As set forth above, ██████████ is a high-profile tech entrepreneur who has led  
7 several government contractors that have drawn intense public scrutiny for conducting surveillance  
8 for the U.S. military, foreign governments, and local law enforcement, and who has attempted to  
9 influence public debate through his podcast and public speaking. [Noble Decl. Exhs. A-D]

10 Third, the entire context of Poulson’s reporting further supports a finding that Poulson’s  
11 reporting of the Incident Report is in connection with an issue of public interest. Poulson’s reporting  
12 was made in his public newsletter that is sent to his subscribers and was and remains publicly  
13 available on Substack. *Cf. Wilson*, 7 Cal. 5th at 903-04 (distinguishing private figure cases  
14 involving public communication, which tend to be subject to the anti-SLAPP statute, from those  
15 involving private communications). *See also Dubac*, 101 Cal. App. 5th at 550-51 (distinguishing  
16 private messages to a small number of people from public communications for the purposes of  
17 answering the public interest question). The reporting was part of Poulson’s work exposing the  
18 surveillance tech industry, its shadowy relationships with governments and its general  
19 untrustworthiness and unaccountability, and in particular, about ██████████ ██████████ allegedly unethical  
20 practices while ██████████ served as its CEO. [Poulson Decl. ¶¶ 4-12, 16]

21 **ii. Poulson’s reporting contributed to the public debate on**  
22 **the public issues.**

23 The second-step analysis focuses on “whether a defendant—through public or private  
24 speech or conduct—participated in, or furthered, the discourse that makes an issue one of public  
25 interest” and is not concerned “with the social utility of the speech at issue, or the degree to which it  
26 propelled the conversation in any particular direction.” *FilmOn.com*, 7 Cal. 5th at 150-51.

27 As set forth above, the context of Poulson’s reporting of the Incident Report as part of his  
28 overall reporting on the surveillance tech industry and its relationship with governments contributes

1 to the public debate on the issue by directly engaging the public with the issues. *See Geiser*, 13 Cal.  
2 5th at 1256 (explaining that same contextual consideration may support each step of the public  
3 interest analysis). Indeed, it was part of the public discussion.

4 And the receipt of the Incident Report from his confidential source is also functionally  
5 related to his furthering of the discourse through his reporting on it. Newsgathering and other acts of  
6 collecting information for the purposes of public reporting on an issue of public interest are “act[s]  
7 in furtherance” of the public issue. *See Ojje v. Brown*, 43 Cal. App. 5th 1027, 1039-42 (2019). In  
8 contrast, a private decision not to compensate a would-be producer of a television program was not  
9 seen as being functionally related to the contents of the program. *Li v. Jenkins*, 95 Cal. App. 5th  
10 493, 502 (2023) (distinguishing *Ojje*).

11 **5. Poulson’s articles satisfy subsection (e)(4).**

12 Subsection (e)(4)—“the catchall provision of the anti-SLAPP statute”—covers “any other  
13 conduct in furtherance of the exercise of the constitutional right of petition or the constitutional  
14 right of free speech in connection with a public issue or an issue of public interest.” *Geiser*, 13 Cal.  
15 5th at 1246 (quoting (§ 425.16(e)(4)). The Legislature added this “catchall provision” to broaden  
16 the scope of the anti-SLAPP statute and ensure that all “expressive conduct” would be protected. *Id.*  
17 at 1252-53.

18 Poulson’s journalism satisfies (e)(4) for the same reasons that it satisfied (e)(3). And to the  
19 extent his receipt of the Incident Report, request for comment from the U.S. Special Operations  
20 Command, and other acts of newsgathering are not covered by subsection(e)(3), they are within  
21 subsection (e)(4). *See Ojje*, 43 Cal. App. 5th at 1039-42.

22 **III. [REDACTED] WILL BE UNABLE TO SHOW A PROBABILITY OF PREVAILING**  
23 **ON HIS CLAIMS AGAINST POULSON.**

24 The burden now shifts to [REDACTED] to produce admissible evidence and demonstrate a  
25 probability of prevailing on each of his claims against Poulson. *Litinsky v. Kaplan*, 40 Cal. App. 5th  
26 970, 980 (2019) “The court ‘considers the pleadings and evidentiary submissions of both the  
27 plaintiff and the defendant.’” *Id.* at 980 (quoting § 425.16(b)(2)). The court “must determine  
28 whether the plaintiff’s showing, if accepted by the trier of fact, would be sufficient to sustain a

1 favorable judgment. If not, the claim is stricken.” *Baral*, 1 Cal. 5th at 396. “[T]hough the court  
2 does not weigh the credibility or comparative probative strength of competing evidence, it should  
3 grant the motion if, as a matter of law, the defendant's evidence supporting the motion defeats the  
4 plaintiff's attempt to establish evidentiary support for the claim.” *Litinsky*, 40 Cal. App. 5th at 980  
5 (citations omitted).

6  
7 **A. [REDACTED] claims lack minimal merit because the First Amendment bars  
8 them.**

9 [REDACTED] will not be able to carry his burden to show even “minimal merit” because two  
10 First Amendment defenses bar his claims against Poulson.

11 **1. The First Amendment protects the right to publish lawfully obtained,  
12 truthful, newsworthy information.**

13 The First Amendment protects a person’s right publish newsworthy truthful information that  
14 they legally obtained from a source, even if the source obtained it illegally. *Bartnicki v. Vopper*, 532  
15 U.S. 514, 535 (2001); *Jenni Rivera Enterprises v. Latin World Entertainment Holdings*, 36 Cal.  
16 App. 5th 766, 797-98 (2019) (holding that First Amendment barred liability for publishing  
17 information that source provided in violation of a nondisclosure agreement); *Nicholson*, 177 Cal.  
18 App. 3d at 515 (“The truthful reporting of newsworthy matters is prima facie privileged.”). This  
19 protection applies even when the publisher knows or should have known that their source obtained  
20 the information illegally, *see Bartnicki*, 532 U.S. at 535; *Jean v. Mass. State Police*, 492 F.3d 24, 33  
21 (1st Cir. 2007), and even if the information has been deemed confidential by law. *See The Florida  
22 Star v. B.J.F.*, 491 U.S. 524, 533 (1989); *Smith v. Daily Mail*, 443 U.S. 97, 103 (1979). And  
23 *Bartnicki* protects the publisher as long as they did not commit a crime to obtain the information;  
24 civil liability for such acts is not sufficient to nullify the First Amendment protections. *Jenni Rivera  
25 Enterprises*, 36 Cal. App. 5th 766, 800.

26 The mere act of receiving confidential information from a source who wrongfully disclosed  
27 it is also protected from punishment. Obtaining information from a source is a “routine reporting  
28 technique[.]” that “could rarely, if ever,” be deemed actionable consistent with the First  
Amendment. *Jenni Rivera Enterprises*, 36 Cal.App.5th at 798-800; *Nicholson*, 177 Cal. App. 3d at

1 519–20 (“While the government may desire to keep some proceedings confidential and may impose  
2 the duty upon participants to maintain confidentiality, it may not impose criminal or civil liability  
3 upon the press for obtaining and publishing newsworthy information through routine reporting  
4 techniques.”) (quotations omitted).

5 [REDACTED] will be hard-pressed to overcome these First Amendment protections. Poulson  
6 undisputedly obtained the Incident Report from a source. [Poulson Decl. ¶ 13] Poulson did not  
7 solicit the Incident Report. He had no prior relationship with the source. [Poulson Decl. ¶ 13]  
8 Poulson did not know the Incident Report had been sealed. [Poulson Decl. ¶ 14] Poulson confirmed  
9 the authenticity and accuracy of the Incident Report with the SFPD. [Poulson Decl. ¶ 15] There is  
10 no allegation or evidence that the Incident Report and Poulson’s reporting of it is not truthful.

11 **2. [REDACTED] claimed injunctive relief would be an unconstitutional prior**  
12 **restraint.**

13 The First Amendment additionally bars [REDACTED] claims for injunctive relief as a prior  
14 restraint. An injunction restraining further publication of existing newsletters “no doubt” is a “prior  
15 restraint.” *Wilson*, 13 Cal. 3d at 658. Prior restraints are “the essence of censorship,” *Near v.*  
16 *Minnesota ex rel. Olson*, 283 U.S. 713, 713 (1931), and bear “a heavy presumption against its  
17 constitutional validity,” *New York Times Co. v. United States*, 403 U.S. 713, 714 (1971) (quoting  
18 *Bantam Books, Inc. v. Sullivan*, 372 U.S. 58, 70 (1963)). “[P]rior restraints on speech and  
19 publication are the most serious and the least tolerable infringement on First Amendment rights.”  
20 *Neb. Press Ass’n v. Stuart*, 427 U.S. 539, 559 (1976).

21 **B. [REDACTED] claims will also likely fail on their elements.**

22 Even if the First Amendment does not bar [REDACTED] claims, he is unlikely to be able to  
23 prove a prima facie case for them on their elements.

24 [REDACTED] claims arising from Poulson’s publication of the Incident Report—a document  
25 created by a third party—are barred by 47 U.S.C. § 230, since Poulson is a “user” of “an interactive  
26 computer service,” namely, Substack. *Barrett v. Rosenthal*, 40 Cal.4th 33, 59(2006). Section 230  
27 “comprehensively immunized republication by individual Internet users” such as Poulson. *Id.* at 62.  
28 Plaintiff’s causes of action treat Poulson “as a publisher or speaker of information” authored by

1 someone else, in contravention of Section 230’s immunity. *See Delfino v. Agilent Technologies,*  
2 *Inc.*, 145 Cal.App.4th 790, 806 (2006).

3 [REDACTED] claims arising from alleged violations of Penal Code section 11143 are wholly  
4 invalid. Compl. ¶ 173-75. Section 11143 does not apply to arrest reports kept by local law  
5 enforcement, but instead only to “state summary criminal history information,” which is a  
6 comprehensive criminal record maintained by the Attorney General. *See* Cal. Penal Code  
7 §§ 11140(a); 11105(a)(2).

8 [REDACTED] will also be hard-pressed to provide evidence to support his claims under Penal  
9 Code § 653.2(a) because, as set forth above, his journalism serves a constitutionally protected, non-  
10 harassing, legitimate purpose. Poulson did not intend to make Plaintiff fear for his or his immediate  
11 family’s safety, nor did he send a “harassing” message “that serves no legitimate purpose” that was  
12 “likely to incite or produce” unlawful violence or harassment by a third party. Cal. Pen. Code  
13 § 653.2(a).

#### 14 CONCLUSION

15 For the foregoing reasons, Defendant Jack Poulson’s Special Motion to Strike should be  
16 GRANTED.

17  
18 DATED: December 6, 2024

ELECTRONIC FRONTIER FOUNDATION

19 /s/ David Greene  
20 David Greene  
21 Victoria Noble

22 *Attorneys for Defendant Jack Poulson*  
23  
24  
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26  
27  
28

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7 *Attorneys for Defendant Jack Poulson*

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

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

10  
11 JOHN DOE, an individual,  
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;  
18 DOES 1-25, inclusive,  
19 Defendants.

Case No.: CGC-24-618681  
**DECLARATION OF VICTORIA NOBLE  
IN SUPPORT OF DEFENDANT JACK  
POULSON'S SPECIAL MOTION TO  
STRIKE UNDER THE ANTI-SLAPP  
STATUTE (CCP 425.16)**

**REDACTED**  
DATE: January 6, 2025  
TIME: 9:30 a.m.  
DEPT: 302

Judge:  
Action Filed: October 3, 2024  
Trial Date:

20  
21  
22 **PUBLIC**  
23 **Redacted Material from Conditionally Sealed Record**  
24  
25  
26  
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10 *Attorneys for Defendant Jack Poulson*

11 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**

12 **COUNTY OF SAN FRANCISCO**

13 JOHN DOE, an individual,

14 Plaintiff,

15 v.

16 SUBSTACK, INC., a Delaware  
17 Corporation; AMAZON WEB SERVICES,  
18 INC., a Delaware Corporation; JACK  
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STATUTE (CCP 425.16)**

DATE: January 6, 2025

TIME: 9:30 a.m.

DEPT: 302

Judge:

Action Filed: October 3, 2024

Trial Date:

23 **DECLARATION OF VICTORIA NOBLE**

24 I, VICTORIA NOBLE, declare as follows:

- 25 1. I am an attorney licensed to practice in the State of California and am counsel for  
26 Defendant Jack Poulson in the above-captioned action. I have personal knowledge of  
27 the facts stated here, and if called upon to do so, could and would testify competently  
28 as follows:

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1. Attached as **Exhibit A** is a true and correct copy of the home page of the ‘[REDACTED]’ website, as downloaded from [https://www.\[REDACTED\].com/](https://www.[REDACTED].com/) on Dec. 5, 2024.
2. Attached as **Exhibit B** is a true and correct copy of the article ‘[REDACTED]’ by Jason Shueh, published on the *Government Technology* website on March 16, 2016, as downloaded from [https://www.govtech.com/top-25/\[REDACTED\].html](https://www.govtech.com/top-25/[REDACTED].html) on Dec. 5, 2024.
2. Attached as **Exhibit C** is a true and correct copy of the relevant pages of the public LinkedIn profile page for [REDACTED] as downloaded from [https://www.linkedin.com/in/\[REDACTED\]7740896/](https://www.linkedin.com/in/[REDACTED]7740896/) on Dec. 3, 2024.
3. Attached as **Exhibit D** is a true and correct copy of the webpage for the podcast ‘[REDACTED]’ as downloaded from [https://art19.com/shows/\[REDACTED\]](https://art19.com/shows/[REDACTED]) on December 5, 2024.
4. Attached as **Exhibit E** is a true and correct copy of the “Blog” webpage of the [REDACTED] website, as downloaded from [https://www.\[REDACTED\].com/blog](https://www.[REDACTED].com/blog) on December 5, 2024.
5. Attached as **Exhibit F** is a true and correct copy of the “Media” webpage of the [REDACTED] website, as downloaded from [https://www.\[REDACTED\].com/media](https://www.[REDACTED].com/media) on December 5, 2024.
6. Attached as **Exhibit G** is a true and correct copy of the “Disrupting Development: Keynote Part 2” webpage of the [REDACTED] website, as downloaded from [https://www.\[REDACTED\].com/post/disrupting-development-keynote-part-2](https://www.[REDACTED].com/post/disrupting-development-keynote-part-2) on December 5, 2024.

Document received by the CA 1st District Court of Appeal.

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- 7. Attached as **Exhibit H** is a true and correct copy of the article “Coronavirus: Crowdsourcing Uses Today’s Technology for Realistic Data Collection,” by ██████████ ██████████ published on *The Africa Report* website on June 22, 2020, as downloaded from <https://www.theafricareport.com/30502/coronavirus-crowdsourcing-uses-todays-technology-for-realistic-data-collection/> on December 5, 2024.
- 8. Attached as **Exhibit I** is a true and correct copy of the article “██████████ America Needs to Get Back to the Office,” by ██████████ published on the *Daily Caller* website on June 3, 2022, as downloaded from <https://dailycaller.com/2022/06/03/██████████-america-needs-to-get-back-to-the-office/> website on December 5, 2024.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct to the best of my knowledge.

Executed this 5th day of December 2024 in San Francisco, California.

  
Victoria J. Noble

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# **EXHIBIT A**

**CONDITIONALLY UNDER SEAL**

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### The High Cost of Review Fraud: How Fake...

2 hours ago



### Joe Biden Declares Himself a Lame Duck—...

22 hours ago



### South Korea's Democratic Crisis: A Stark...

1 day ago



### Joe Biden, Hunter, and the Power of a...

2 days ago

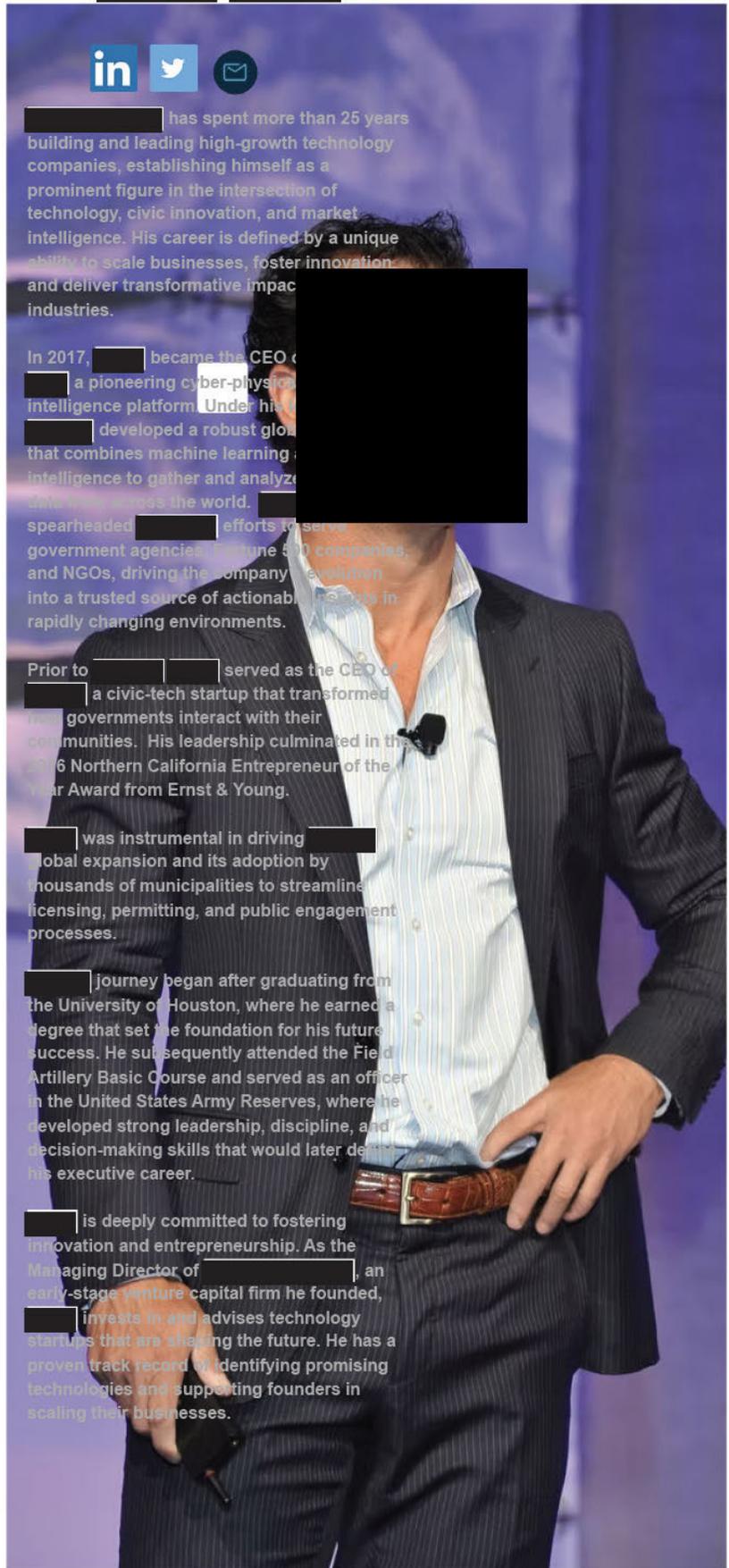


### The Decline of Respect in Rivalry Games: ...

4 days ago

1/3

READ PUBLICATIONS



[redacted] has spent more than 25 years building and leading high-growth technology companies, establishing himself as a prominent figure in the intersection of technology, civic innovation, and market intelligence. His career is defined by a unique ability to scale businesses, foster innovation, and deliver transformative impact across industries.

In 2017, [redacted] became the CEO of [redacted], a pioneering cyber-physical intelligence platform. Under his leadership, [redacted] developed a robust global network that combines machine learning, artificial intelligence to gather and analyze data from across the world. [redacted] spearheaded [redacted] efforts to serve government agencies, Fortune 500 companies, and NGOs, driving the company's evolution into a trusted source of actionable insights in rapidly changing environments.

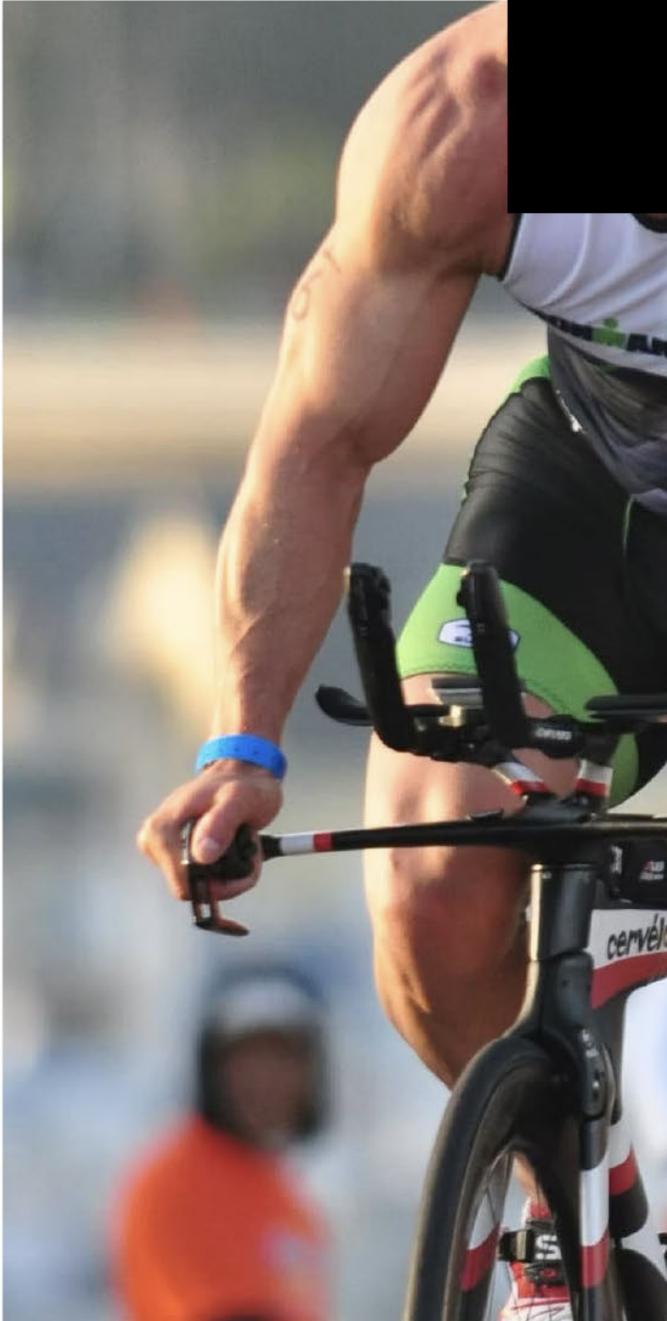
Prior to [redacted], [redacted] served as the CEO of [redacted], a civic-tech startup that transformed how governments interact with their communities. His leadership culminated in the 2016 Northern California Entrepreneur of the Year Award from Ernst & Young.

[redacted] was instrumental in driving [redacted] global expansion and its adoption by thousands of municipalities to streamline licensing, permitting, and public engagement processes.

[redacted] journey began after graduating from the University of Houston, where he earned a degree that set the foundation for his future success. He subsequently attended the Field Artillery Basic Course and served as an officer in the United States Army Reserves, where he developed strong leadership, discipline, and decision-making skills that would later define his executive career.

[redacted] is deeply committed to fostering innovation and entrepreneurship. As the Managing Director of [redacted], an early-stage venture capital firm he founded, [redacted] invests in and advises technology startups that are shaping the future. He has a proven track record of identifying promising technologies and supporting founders in scaling their businesses.

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## ENDURANCE

Over the past 20 years, [REDACTED] has participated in over 100 endurance events including marathons, trail running, mountain biking, open water swims, cycling, and triathlons.

His primary focus is Ironman distance triathlons (2.4m swim, 112m bike, 26.2 run), completing 11 full and 20+ half ironman distances.

[REDACTED] completed Ironman World Championship 2x and 70.3 World Championship 3x in Clearwater, Las Vegas, and Mt. Tremblant.

IRONMAN WORLD CHAMPIONSHIP  
Kailua Kona, HI

IRONMAN COUER D'ALENE  
Couer D'Alene, ID

IRONMAN ARIZONA  
Tempe, AZ

IRONMAN CANADA  
Pendicton & Whistler, BC

IRONMAN AUSTRIA  
Klagenfurt, AT

IRONMAN LAKE PLACID  
Lake Placid, NY

### AWARDS

Ernst & Young  
Northern California 2016  
Entrepreneur of the Year

Government Technology

[https://www.\[REDACTED\].com](https://www.[REDACTED].com)

### BOARD MEMBERSHIPS



Velosimo

### EDUCATION

**OFFICER LEADERSHIP COURSE**  
Field Artillery Training Center  
Fort Sill, OK

**MASTERS/POST BACC.**  
Political Science/Democratic



### NOTABLES

- B2B Executive with 25+ years experience
- CEO resume includes \$500M+ in capital raises, 15

12/5/24, 5:36 PM

2016 Top 25 Dreamers, Doers  
& Drivers



## ADVISOR ROLES



Thought

**BACHELOR OF ARTS**  
Political Science  
University of Houston

acquisitions, and 10X  
valuation growth

- Top Secret Clearance
- 11x Ironman Finisher
- U.S. Army Field Artillery  
Officer

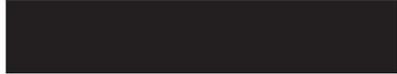
# **EXHIBIT B**

**CONDITIONALLY UNDER SEAL**

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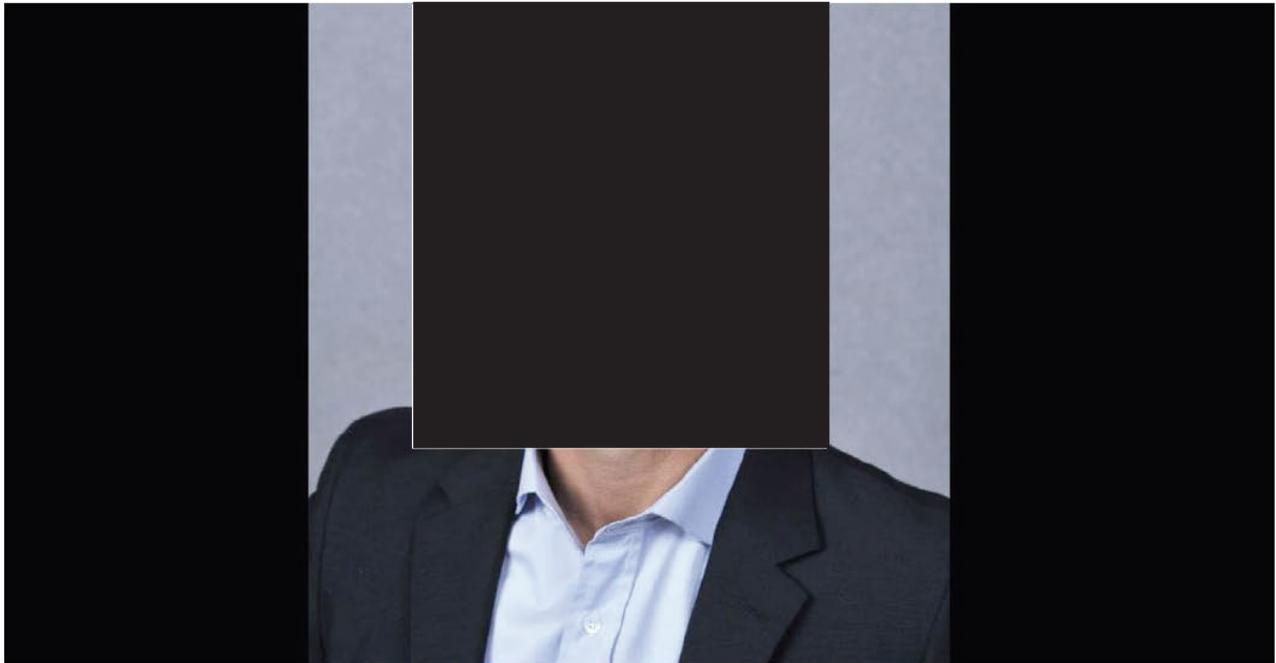


TOP 25 DOERS, DREAMERS & DRIVERS



CEO, [Redacted]

March 20, 2016 • Jason Shueh



If you dabble in government IT long enough you're likely to come across [Redacted] [Redacted] He is a well known drum beater on the boulevard of civic reinvention and also happens to be the CEO and president of [Redacted] a cloud software company focused on the government market. [Redacted] can be heard in *The Huffington Post* pounding out the virtues of open data, or in *TechCrunch* trumpeting calls for in-house innovation teams, or in *Government Technology* op-eds where he explains and advocates for the latest civic strategies. From cloud to analytics to citizen engagement, [Redacted] is both a pioneer and torchbearer for a host of technological advancements.

In 2015, this zeal for progress drove a couple of significant milestones. [Redacted] attracted

more than \$233 million worth of new investments, money slated for a spate of govtech acquisitions and partnerships. The company launched its [REDACTED] in October, refreshing the cloud management service for its more than 2,000 city and county customers.

[REDACTED] said the past year’s achievements for the company only reaffirm what he’s long seen as the dawning of a great shakeup for government.

ADVERTISEMENT

“Over the years, much of the focus of our business has been about creating streamlined processes and efficiencies for government agencies,” he said. “We’re now seeing a very distinct shift in demand, for not only technologies that improve intra-office processes, but also apps and software that create lines of communication between governments and citizens.”

To keep pace with the swiveling market, [REDACTED] acquired eight ventures in the past two years, and [REDACTED] said future additions must further the company’s mission to be “impactful in the lives of residents and cities.”

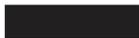
“This shift keeps me up at night, in the best way possible,” he said. “I’m motivated by the prospect of citizen engagement becoming a true reality across cities.”

ADVERTISEMENT

[Return to the Top 25 winners for 2016](#)

**Jason Shueh**

Jason Shueh is a former staff writer for Emergency Management and Government Technology magazines.



**SEE MORE STORIES BY JASON SHUEH**

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Email Address\*

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# **EXHIBIT C**

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██████████ · 2nd  
President & CEO

• ██████████



• University of Houston

San Francisco, California, United States · [Contact info](#)

500+ connections

Terry Kelliher is a mutual connection

[+ Follow](#) [Message](#) [More](#)

Profile enhanced with Premium

### About

██████████ has more than 20 years' experience leading mission-driven, high-growth tech companies that make an impact by connecting communities and providing a more transparent world. In 2016, EY (Ernst and Young) awarded him the prestigious Northern California's Entrepreneur of the Year for his work as ██████████ Chairman & CEO.

In February 2018, ██████████ took the helm at ██████████ a San Francisco company operating a software platform for empowering the world's highest impact institutions and companies to track and comprehend ground truth. Google Ventures, Andreessen Horowitz, Valor Equity Partners 8VC, and many others have invested \$100M+ in the platform that today touts more than ten million data contributors from 140+ countries. ██████████ contributors collect data providing real time insights that drive decision making and solve humanitarian issues around poverty, health, human rights, education and the environment.

Before ██████████ ██████████ was CEO of ██████████ a civic-tech startup aimed at moving citizen transactions from city hall to online and mobile services. He first served as ██████████ VP of Sales and Marketing before assuming the role of CEO in 2007. ██████████ was sold to Berkshire Partners in 2017.

Additionally, [Redacted] is a board member at [Redacted]

[Redacted] holds a B.A. in Political Science from the University of Houston and currently serves on the Board of Visitors. He was a commissioned field artillery officer in the United States Army Reserves, serving on both active and reserve duty for 10 years. [Redacted] is also an eleven-time Ironman finisher, including the 2008 and 2013 Ironman World Championship in Kailua-Kona.

### Activity

6,405 followers

+ Follow

[Redacted] hasn't posted yet  
Recent posts [Redacted] shares will be displayed here.

Show all activity →

### Experience

#### [Redacted] Advisor

Jul 2018 - Present · 6 yrs 6 mos  
San Francisco Bay Area

[Redacted] solutions drive impact by giving governments the right tools and relevant data for more informed decision-making and bet ...see more

#### [Redacted] Board Member

Feb 2020 - Present · 4 yrs 11 mos  
London, England, United Kingdom

#### [Redacted] Board Member, Investor

Jun 2021 - Present · 3 yrs 7 mos  
Salt Lake City Metropolitan Area

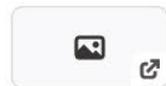
#### [Redacted] Advisor

Oct 2017 - Present · 7 yrs 3 mos  
San Francisco Bay Area

Unifying the commercial drone industry under one roof by providing the platform to connect developers, hardware partners, and pilots with...

#### [Redacted] Managing Director

[Redacted] · Full-time  
Nov 2015 - Present · 9 yrs 2 mos  
San Francisco Bay Area · On-site



Home | [Redacted] | Technology Investments

Show all 13 experiences →

### Education



**University of Houston**

BA, Political Science

Activities and societies: Sigma Chi Fraternity, Reserve Officers Training Corp.

### Skills

#### Cloud Computing



Endorsed by John Wheeler and 1 other who is highly skilled at this



Endorsed by 4 colleagues at ██████████



44 endorsements

#### Business Analysis



Endorsed by Mitch Bradley who is highly skilled at this



Endorsed by 6 colleagues at ██████████



8 endorsements

Show all 27 skills →

### Recommendations

Received

Given



**Gus Viteri** · 3rd

Information Technology / Management / Capital Budget

December 28, 2016, Gus was ██████████ client

██████████ was the inspiration and purpose behind ██████████ Inc. ██████████ personally involved himself with the product direction, design, features and functionality. ██████████ always led ██████████ by example, maintaining an open mind and always forward thinking, willing to understand and incorporated emerging technologies.

As a customer of ██████████ I was pleasantly surprised at the depth and breath of understanding ██████████ displayed and how he would easily...



**Jonathan Reichental, Ph.D.** · 3rd

CEO of Human Future | Professor | Adviser | Speaker | Coach | Investor | My Books, Videos, and More: [Reichental.com/Learn](https://Reichental.com/Learn)

December 3, 2016, Jonathan worked with ██████████ but they were at different companies

██████████ career has demonstrated significant business vision, leadership, and execution skills. In the few years I have known ██████████ he took a successful mid-sized government technology company, and built a powerhouse in the marketplace. He craft-fully took a business with more of a specialized focus, and created an enterprise that now meets services across government needs. He never deviated from his vision and took managed risk in executing on that vision. He attracted and recruited incredible talent. I've been impressed with ██████████ ability to...

Show all 6 received →

### Languages

#### English

Native or bilingual proficiency

#### German

### Interests

Top Voices

Companies

Groups

Schools



**Jessica E. Lessin** · 3rd

Founder, editor-in-chief, CEO at The Information; co-host More or Less podcast

261,942 followers

+ Follow



**Tim O'Reilly** · 3rd

Founder and CEO, O'Reilly Media

679,826 followers

+ Follow

Show all Top Voices →



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Get the latest jobs and industry news

Follow

### More profiles for you



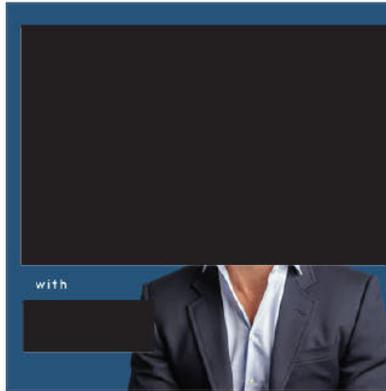
**Brad King** · 2nd

CRO, GTM Leader and Exec Team-member

# **EXHIBIT D**

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Part of  
Crossover Media

BUSINESS, NEWS, TECHNOLOGY

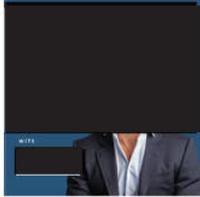
business, data, economy, information, politics

© [Redacted]

[Redacted] is a serial entrepreneur who has led high-growth tech companies for more than 25 years. [Redacted] is also an active investor, board member, and advisor to many tech companies. Currently, [Redacted] is the CEO of [Redacted] a global on-demand data insight company.

[Redacted] shares exclusive insightful interviews from the most influential industry leaders in the world, covering prominent topics at the intersection of data and the worlds of business, politics, and economics. [Redacted] and his guests explore how commercial businesses and governments can use real-time data to make actionable decisions.

Data presented in each podcast episode is collected on-demand by [Redacted] app available on App store and Google Play store with over 4.5 million contributors in 135 countries around the world.



11/23/2022

## 2022 Midterms - The Global Rethink, Social Media, and Electoral Impact

My guest today is Frank Luntz, one of the world's most renowned and sought-after communications consultants and pollsters. We're also joined today by Lanny Davis who is a life-long democrat and well-known as the former White House Special Counsel to President Clinton.

Today we will explore and unpack the driving forces behind the 2022 midterms, social media's impact on the electorate, and finally what the most recent post-midterm [redacted] Poll reveals about former President Trump's 3rd run for President.

Play



Results Per Page

10 ▾

Search...



2022	7
November	2
October	1
September	1
August	1
July	2



11/02/2022

## Newt Gingrich - How the "Politics of Life" Drives Election Outcomes



With the 2022 Midterms a week away, my guest today is Newt Gingrich. [REDACTED] | 2022 M...

the house and Time Magazine's 1995 "Man of the Year" led a revolution in 1994 as the co-author and architect of the contract with America. Under his leadership republicans swept the election, ending four decades of democratic control of the house. Two decades later, Newt remains a force in US politics though his speaking, writing, and his production company Gingrich360. In our conversation we focus on how political issues percolate to the top and become primary drivers of election outcomes, his thoughts on the upcoming midterms, and finally the US's current standing as a world leader.

00:00 / 59:48

Play



10/11/2022

## Larry Summers - The Inconvenient Truth of Economic Policy

My guest today is Larry Summers. Larry is one of America's leading economists. In addition to serving as 71st Secretary of the Treasury in the Clinton Administration, Dr. Summers served as Director of the White House National Economic Council in the Obama Administration, as President of Harvard University, and as the Chief Economist of the World Bank.

In today's episode, we will explore with Larry his thoughts leading up to his opinion piece in the Washington Post back in February 2021 and his thoughts on our current economic conditions, and most importantly how we should think



about navigating the turbulent seas ahead.

Some impor [redacted] | 2022 M...

00:00 / 59:48

Inflation, the Keystone pipeline, Student Loan Forgiveness, and the Federal Reserve's purpose, structure, and decision-making.

Play



09/22/2022

# John Rendon - War in Ukraine, China, and the 2024 Presidential Election

My guest today is John Rendon, one of the world's thought leaders in international and military affairs. John began his career in Democratic Party politics with George McGovern's 1972 presidential campaign. He later served as the Executive Director and Political Director of the Democratic National Committee and managed President Carter's 1980 Democratic convention in New York.

Today, John is considered to be the world's leading pioneer in the use of strategic communications as an element of national power and one of the first thought leaders to harness the power of emerging technologies in support of real-time information management. He has served as an executive communications consultant to the White House, the U.S. Department of Defense, the National Security community, and to the leadership of Fortune 500 companies.



In today's episode, we tapped John's knowl-  
 edge to brea [redacted] | 2022 M...  
 pact on the European community, and the grow-  
 ing nexus between Russia and China. We also  
 discussed the upcoming midterm elections and  
 theoretical matchups for the 2024 Presidential  
 election that include how Liz Cheney's entrance  
 into the race would increase the likelihood of  
 another Trump Presidency.

00:00 / 59:48

Follow [redacted] and [redacted]  
 @ [redacted] | @ [redacted] | [redacted]  
 website

Play



08/11/2022

## Alex Gladstein - Is Bitcoin The Next World's Currency?

My guest today is Alex Gladstein, Chief Strategy  
 Officer at the Human Rights Foundation and au-  
 thor of the book "Check your Financial  
 Privilege". Today's episode focuses on how  
 Bitcoin is changing the landscape of the finan-  
 cial services industry and offers hope to many  
 people who were born into a weaker financial  
 system. The episode illustrates how Americans  
 (which is only 4% of the world population) enjoy  
 financial privilege from the dominant U.S. dollar  
 system while 2 billion people live with double-  
 digit inflation every day. Most of us think of  
 Bitcoin as an investment opportunity, but  
 there's ample data that shows bitcoin is fast  
 becoming a transaction platform to move mon-  
 ey across borders, protect savings from infla-



tion, and pay for services in many countries around the world. [REDACTED] | 2022 M...  
crypto world's famous mantra "Not your keys, not your coins".

00:00 / 59:48

- 0:41 – Intro to Bitcoin and Alex Gladstein
- 3:50 – Financial Privilege and The Evolution of Global Currencies
- 23:40 – The U.S. Economy's Power
- 27:06 – Bitcoin as a Solution and Currency for the World
- 36:44 – Bitcoin's Impact in Countries with Lacking Financial Infrastructure
- 46:46 – Responding to Bitcoin Criticisms and Spreading Financial Freedom
- 57:00 – Alex's Three Insights for the World

Play



07/27/2022

## Lanny Davis - What America actually thinks: Trump vs. Biden

My guest today is Lanny Davis. Lanny became a household name in the late 1990s as a Special Counsel to President Bill Clinton during the Monica Lewinsky scandal and was a spokesperson for the President and the White House on matters concerning legal issues. Lanny is currently a lawyer, crisis manager, consultant, and author providing strategic counsel to clients under scrutiny on crisis management and legal issues by combining legal, media, and political strategies. Lanny is also a regular tele-



vision commentator and a political and legal analyst for M [REDACTED] | 2022 M...  
TV news programs.

00:00 / 59:48

At the time of this interview, [REDACTED] organized polling centered around the upcoming 2024 presidential election. The intent is to collect data tracking presidential candidates' polling numbers on a range of topics that are potentially important to election results.

0:44 – [REDACTED] and Lanny Davis

4:44 – The Inaugural [REDACTED] Presidential Poll

11:25 – 2024: Trump, Pence, DeSantis and Character

17:49 – The Democratic Base, Supreme Court and Polarization

25:56 – Independent Voters and Pragmatism in Politics

34:09 – The Media, Transitions of Power and President George W. Bush

40:45 – Family and Baseball

**Referenced in the podcast:**

Trump and Biden in Virtual Dead Heat, According to The [REDACTED] Poll



Follow

art19

2022 M...

00:00 / 59:48

@ [redacted] | @ [redacted] | [redacted]  
website

Play



07/25/2022

## Trailer

Coming soon! Is your business two steps ahead or always one behind? If the latter, chances are you lack data insights to confirm your instincts. Here's the deal: leaders are trapped in a world where data and insights are still a luxury rather than a commodity. While you might have strong intuitions about your business, my guess is you're hampered by legacy institutions and capabilities that provide only surface level data and insights that do very little to validate your assumptions. Join me on a journey with some of the world's most notable minds who will share with you their secrets in capturing and making data-driven decisions that power their business. I'm [redacted] and this is [redacted]

Play



Showing 1 to 7 of 7 Episodes



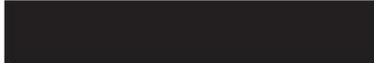


# **EXHIBIT E**

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MEDIA



19 hours ago

### Joe Biden Declares Himself a Lame Duck—Oops, I Mean “Final Weeks of His Presidency”

Sometimes, the President of the United States delivers a speech so impactful, so memorable, and powerful that it leaves us pondering the...



1 day ago

### South Korea’s Democratic Crisis: A Stark Contrast to North Korea and a Test of U.S. Commitment

South Korea’s democracy is facing its gravest challenge in decades. President Yoon Suk Yeol’s imposition of martial law represents a...



2 days ago

### Joe Biden, Hunter, and the Power of a Presidential Pardon

Joe Biden’s decision to pardon his son, Hunter Biden, marks one of the most polarizing moves of his presidency and political career. This...



Blog | [REDACTED]

4 days ago

## The Decline of Respect in Rivalry Games: A Call for Decency and Tradition

This past weekend marked one of the most exciting traditions in sports: college football rivalry weekend. These iconic games showcase...



Sep 19, 2019

## Disrupting Development: Keynote Part 2

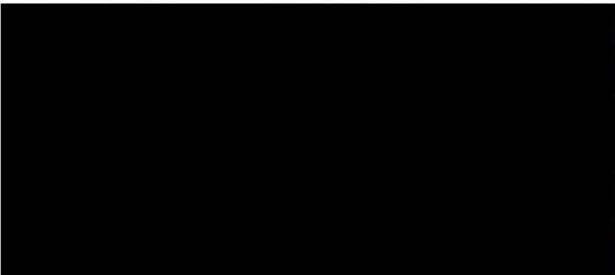
Keynote (Part 1) Bonnie Glick, Deputy Administrator of the US Agency for International Development and [REDACTED] CEO of [REDACTED]



Sep 19, 2019

## Disrupting Development: Keynote Part 1

Keynote (Part 1) Bonnie Glick, Deputy Administrator of the US Agency for International Development and [REDACTED] CEO of [REDACTED]



Nov 14, 2018

[REDACTED] [REDACTED]  
Nov 14, 2018 Real-time data collection through mobile technology is key to making development more effective, says [REDACTED]



Jun 12, 2018

## Devex World 2018: From Data to Action

June 12, 2018 How can we turn data insights into practice? [REDACTED] President and CEO [REDACTED] discusses key themes and takeaways...



Jun 12, 2018

## Devex World 2018: Acting on the data revolution

June 12, 2018 [REDACTED] President and CEO [REDACTED] shares practical guidance for acting on data insights.

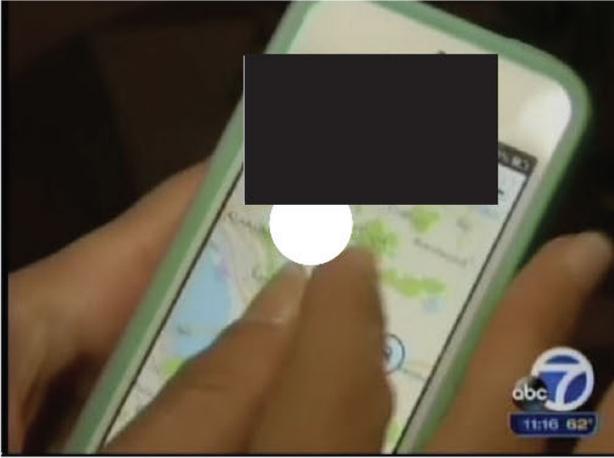


Mar 6, 2015

## Bloomberg West

March 6, 2015

12/5/24, 2:42 PM



Blog | [Redacted]

May 18, 2013

## KGO ABC 7

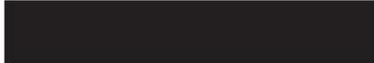
May 18, 2013

# **EXHIBIT F**

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MEDIA



MEDIA



**Joe Biden Declares Himself a Lame Duck—Oops, I...**

19 hours ago



**South Korea's Democratic Crisis: A Stark Contrast t...**

1 day ago



**Joe Biden, Hunter, and the Power of a Presidential Pardon**

2 days ago

1 2 3 4

PUBLICATIONS

**06/22/20**  
**Coronavirus: Crowdsourcing uses today's technology for realistic data collection**  
 The Africa Report

**11/08/19**  
**Why Hiring Veterans Is Good Business**  
 [REDACTED]

**03/05/17**  
**The Solar Onboarding Experience Needs a Refresh**  
 Huffpost

**2016**  
**Governing the Sharing Economy with Technology**  
 PublicCEO

# **EXHIBIT G**

**CONDITIONALLY UNDER SEAL**

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MEDIA



Sep 20, 2019

# Disrupting Development: Keynote Part 2

Keynote (Part 1)

Bonnie Glick, Deputy Administrator of the US Agency for International Development and [REDACTED] CEO of [REDACTED]

## Disrupting Development Conference

September 19, 2019 - Washington, D.C.

### About the Event

*Disrupting Development: How the Data Revolution will Radically Increase Development Impact* was a one-day educational and progressive gathering of thought leaders, influencers and senior policymakers from the international development community. Brought to you by [REDACTED], IBM, IBTCI and Fraym, the conference focused on how the data science methodologies that contributed to the rise of Silicon Valley enterprises can be applied to international development.

While digital technology holds the promise of improved results, the prevailing practice of running scores of pilots has created a sense of activity but little actual progress or strategic shift in the development industry. Traditional measurement and evaluation (M&E) approaches are not adaptive or operations-focused enough to improve outcomes in real-time.

Hear from a variety of innovative tech companies, as well as leading donor organizations (list of speakers below), on adopting a data-driven approach to reshaping the development landscape. Conference highlights and videos are available here.

- Chris Watson, Business Development Manager, International Development Market, [REDACTED]
- Bonnie Glick, Deputy Administrator and Chief Operating Officer, USAID
- Aisha Kasali, Global Health Fellow at the Bill & Melinda Gates Foundation
- Caroline Andresen, Team Leader, Office of U.S Foreign Disaster Assistance
- Sawyer Baker, Manager 211 at United Way Worldwide
- Jason Ladhier, Interagency Senior Advisor for Security and Stabilization at United States Institute of Peace

- Glenn Finch, GM and Global Leader of Cognitive Business Decision Support, IBM
- Ngozi Onwuaduegbo, Senior Managing Consultant of Cognitive Business Decision Support, IBM
- David Stanton, Director, office of HIV/AIDS, USAID

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# **EXHIBIT H**

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**DATA COLLECTION**

# Coronavirus: Crowdsourcing uses today's technology for realistic data collection

By [REDACTED]

Posted on June 22, 2020 14:40



A [REDACTED] Contributor captures a photo of an open market in Burkina Faso ([REDACTED] Contributor)

**China, Western Europe, the United States and Brazil have thus far been the regions hardest hit by the COVID-19 pandemic. The virus has also been spreading across the African continent and threatening to devastate vulnerable populations and overwhelm an already fragile healthcare system.**

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## LISTEN [North Africa and coronavirus: “massively insufficient” measures](#)

**Unlike with past pandemics**—even those that occurred in the relatively recent past like 2003's SARS and 2009's H1N1—this time organisations have been able to use technology more nimbly in an effort to both curb the spread and determine where people need resources acutely.

### Smartphones: a powerful tool

As citizens throughout Africa **bypass landlines and acquire smartphones**, the potential to use technology to engage large numbers of citizens in an effort to support economic and human development rises exponentially. What's more, crowdsourced data collected via smartphones allows unparalleled insight into the communities where such insight is desperately needed.

**“Crowdsourced data is also often more reliable than data collected from surveyors or data collectors,**

**Crowdsourcing is just one example of how the adoption of technological solutions** is accelerating during this pandemic. Video conferencing, online shopping for basics, including groceries, touchless interfaces, etc. are likely to be business-as-usual going forward.

**A population armed with a simple tool, like a smartphone**, coupled with enterprises that employ machine-learning, gives aid organisations and public health authorities the opportunity to collect massive amounts of information, make sense of it, and then act on it. In the current climate, crowdsourcing can also provide real-time glimpses of realities in places where data is notoriously hard to collect.

**READ MORE [Africa needs more health data to improve response to health crises](#)**



citizens have also shared first-hand observations—including photos showing adherence to social distancing—and alerted health authorities about the sources of misinformation campaigns, and shared photos of empty (and well-stocked) store shelves.

**In short, when people are out conducting their activities of daily living**, they are able to provide information about what sorts of supplies are available and which are in short supply.

## A more accurate picture on the ground

The information they collect demonstrates how real-time, citizen-generated data can inform a more accurate picture of realities on the ground, and support programme implementation. **Crowdsourced data is also often more reliable** than data collected from surveyors or data collectors simply because the volume of data collected is so much greater. It's also possible to collect crowdsourced data in real-time, with actionable analytics.

In the context of COVID-19, crowdsourced data can demonstrate that residents living in certain regions are neither wearing masks when in public, nor observing social-distancing recommendations. With such information, health authorities could elect to focus messaging on the importance of these strategies.



An open-air market in Yemen ( [REDACTED] Contributor)

Technological innovations can also provide aid organizations and authorities with a more detailed account of dynamic situations on the ground that traditional methods may not always capture. Tools that illustrate change over time, such as heat maps of specific neighbourhoods, can be invaluable in determining what resources are most needed in challenging environments.

**READ MORE [Technology to fight COVID-19 in the Developing World](#)**

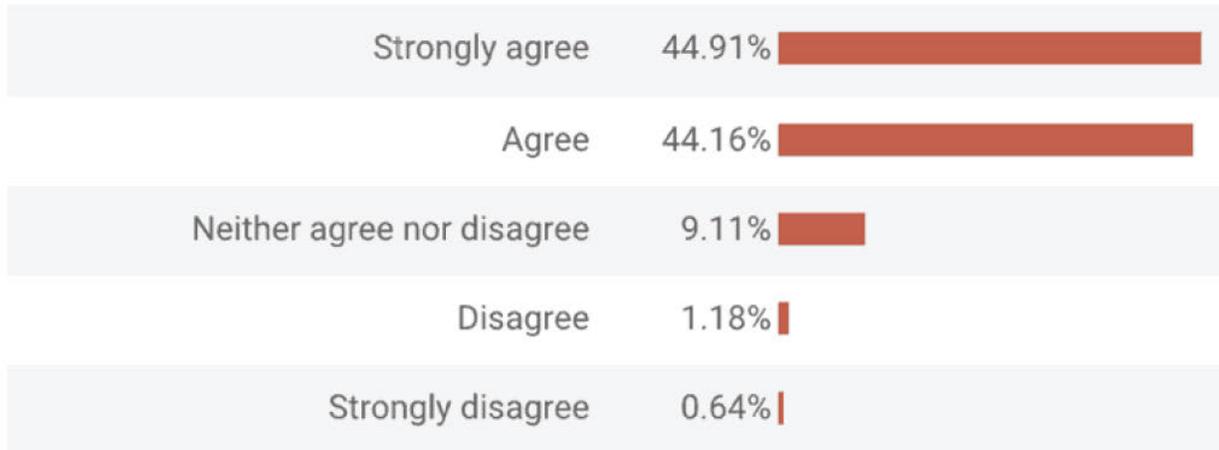
Understandably, the unpredictable spread of COVID-19 has led to equally uneven government responses; to date, Morocco and Tunisia have taken the strongest control measures, issuing nationwide shelter-in-place orders on 18 and 20 March, respectively.

Egypt, Kenya and Algeria implemented overnight curfews for a growing number of areas between March 24-27, while Nigeria issued stay-at-home orders for three of its states at the end of March. (30 March for Lagos, Ogun and Abuja, its most populous states.)

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statement 'Social distancing can help by preventing a spike in Coronavirus cases so we don't overwhelm the health system'

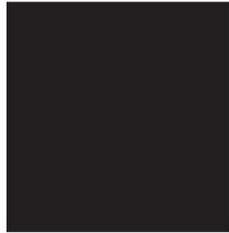


**Bottom line:** Crowdsourcing as a means of data collection **is here to stay and it makes it possible to closely monitor sentiments** in developing countries and understand the potential impact of citizens' behaviours as these countries' infections rise so authorities and organisations can take appropriate action.

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By [Redacted]

President and CEO of [Redacted]. He is also a board member at [Redacted] and serves as an advisor to the [Redacted].

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# **EXHIBIT I**

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Daily Caller - <https://dailycaller.com>

**OPINION**

# America Needs To Get Back To The Office



**OPINION**



**CONTRIBUTOR**

June 03, 2022  
11:37 AM ET

FONT SIZE: **+** **-**

Taskrabbit CEO Ania Smith and Brian Chesky of Airbnb made waves in the tech industry by announcing that all their employees will be allowed to work from home permanently. Elon Musk then made his own waves by announcing the opposite.

I have a friend whose daughter manages callers looking for sellers of residential homes to third party investors. And she agrees with Musk: She knows remote working is not the same, whether is in Silicon Valley or real estate or a law firm. There are reasons why even if you can do the same thing on a telephone from home, or a Zoom call, it still loses something. Something valuable. Here are a few reasons it's time to come back to work – at least, that should be a goal.

At the pandemic's onset, we listened to our public health authorities and shut down our lives to save others. Restaurants were shuttered, travel was restricted, kids went to school on the computer and businesses moved online. Two years later, we are once again traveling, enjoying meals at restaurants and learning on campuses. You'll notice I didn't say that we're back in the office ...

Today, we're witnessing a push to fundamentally change how we work. Rather than coming to the office, many employees are fighting to work remote permanently. Their most common argument is that they can perform every function of their job from afar. Yet, just because something *can* be done one way, does not mean that it *should*. I am not advocating for a swift and sudden return to five days a week in the office with no flexibility, but there are a few simple reasons for why in-person work should be our north star.

## The Workplace Is for Learning

Coming into the office allows employees to experience company culture, new ideas and the way that company does its business. This is learning, or in other words, training. Training helps us learn how to function as a unit; how to support our teammates; how to make effective presentations; how to receive and provide constructive feedback. Each lesson is critical to building a thriving workforce.

Certain companies now elect to bring employees together once or twice a year to substitute for workplace learning. While this may seem like a novel approach, the Department of Defense has deployed it for years through the military reserves. Reservists meet for one weekend each year and then spend two weeks training together.

As a former reservist, I know first-hand that our units were not as cohesive, nor did they learn as much about their teammates and duties, as those that trained together year-round. Though tech companies' work can't be compared to the military's, at the end of the day, the principle is the same. We learn from each other and grow when we're together – not when we're apart.

## **The Workplace Is for Creating**

When you put a group of capable team members in a room and present them with a challenge, magic happens. That creative process gets stymied when it is digitized and happens over video conferencing apps.

No matter who you are or what you're working on, video conferencing allows for endless distractions – from barking dogs to honking cars to commotion in the house. We all try our hardest to stay focused on our endless video calls, but there is an obvious drop-off in how close both managers and employees pay attention.

This reduces the energy level of a conversation. Our creative juices flow best when we're energetic about what we're working on and fully engaged. Over video, an invisible barrier exists that prevents full engagement.

## **The Workplace Is for Socializing**

Amid this debate, one often overlooked topic is the value of social relationships and interactions in the workplace. These relationships provide employees with both meaning and happiness. For one, teams work better when their members are close. Second, when employees are happy, they tend to stay with their companies longer.

There are countless studies about how social withdrawal can lead to loneliness, which can easily become depression. When an employee isn't going into the office,

they withdraw socially. This social withdrawal can have a serious impact on employees' states of mind, and as a result, their work product can suffer.

### A Necessary Inconvenience

None of this is to say that work can't be done at a high level away from the office. It can, and the last two years show it. It does, however, imply that we aren't doing our best work away from the office – and with tech companies so dependent on growth, they need their employees to constantly strive for their best.

Coming into the office every day is an inconvenience – it can't be denied. And of course, being flexible to the needs of employees is critical, as a lack of flexibility can also create an unhappy workforce. Yet, at some point, when remote work creates a drop-off in quality, that inconvenience becomes necessary. There's a happy medium to be found, but working from the office must remain the norm to foster both productivity and efficiency.

*██████████ has led high-growth tech companies for more than 25 years and is currently CEO of ██████████ a global platform that democratizes the way actionable insights are sourced and used by organizations in over 125 countries.*

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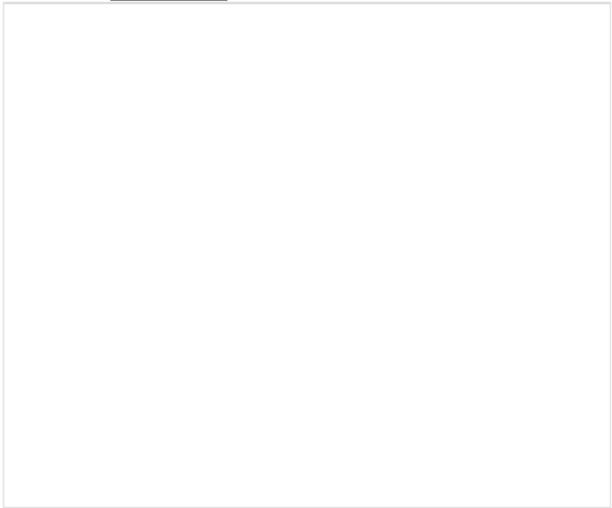
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DP **Dylan Pittman**

4 June, 2022

Interesting, it seems that in the four years since I stopped having to tolerate working for █████ he appears to still be an insufferable leader and is no closer to being able to relate to his employees in any capacity. Not surprising, but interesting.

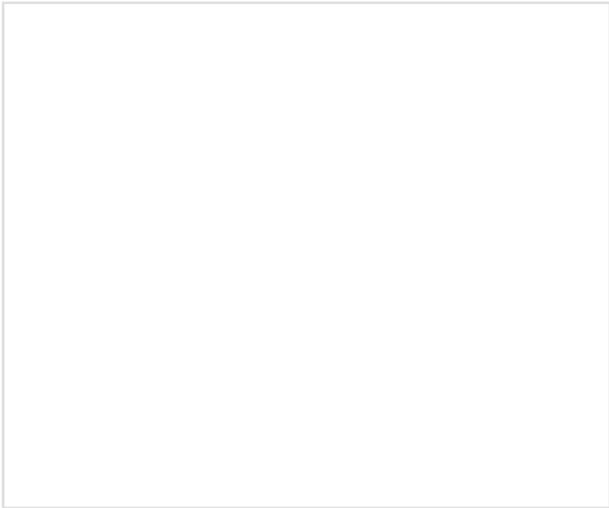
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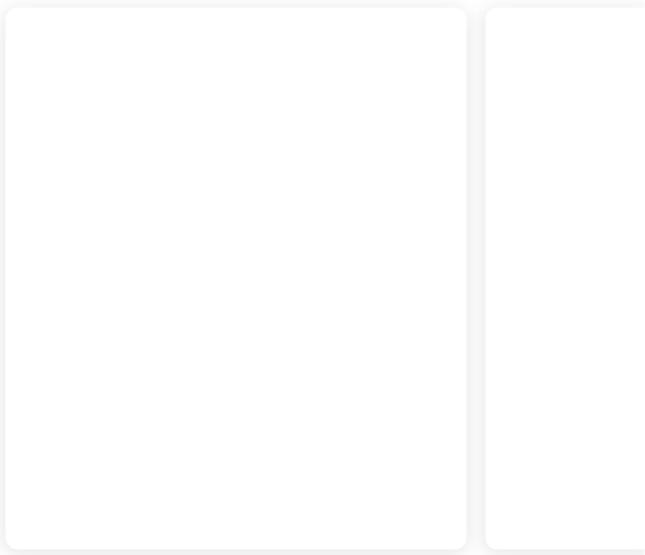
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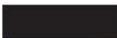
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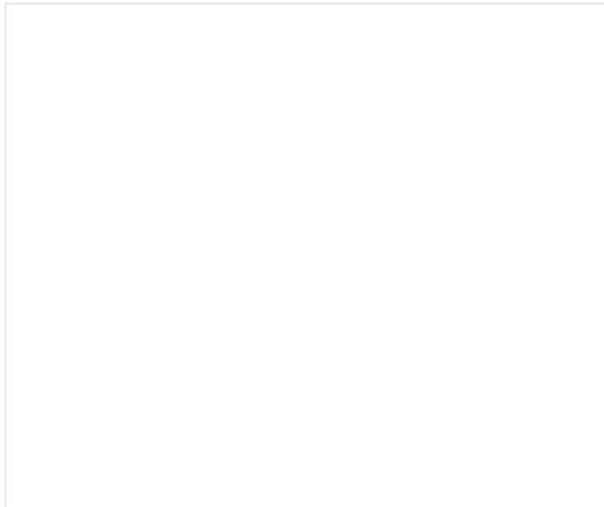
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