**DEPARTMENT: 505** Hearing: 08/20/2024 8:30 am Adam Steinbaugh, SBN 304829 FOUNDATION FOR INDIVIDUAL RIGHTS & EXPRESSION **ELECTRONICALLY** 2 510 Walnut Street, Suite 900 FILED Philadelphia, PA 19106 Superior Court of California, County of San Francisco 3 Telephone: (215) 717-3473 07/24/2024 Facsimile: (215) 717-3440 Clerk of the Court Email: adam@thefire.org BY: KEVIN DOUGHERTY **Deputy Clerk** Matthew Strugar, SBN 232951 LAW OFFICE OF MATTHEW STRUGAR 3435 Wilshire Blvd., Suite 2910 Los Angeles, CA 90010 Telephone: (323) 696-2299 Email: matthew@matthewstrugar.com 10 Attorneys for Respondent Amy Gulley 11 12 SUPERIOR COURT OF THE STATE OF CALIFORNIA 13 COUNTY OF SAN FRANCISCO — CIVIC CENTER COURTHOUSE 14 Case No. CCH-24-587004 15 SARRITA ANASTASIA ADAMS, Assigned for all purposes to the Hon. Michelle Tong 16 Petitioner, 17 **SPECIAL APPEARANCE:** VS. RESPONDENT AMY GULLEY'S 18 NOTICE OF MOTION AND MOTION AMY GULLEY, TO QUASH PETITION FOR CIVIL 19 HARASSMENT RESTRAINING ORDER FOR LACK OF PERSONAL 20 Respondent. JURISDICTION PURSUANT TO CAL. CODE CIV. PROC., § 418.10(a)(1); 21 MEMORANDUM OF POINTS AND 22 **AUTHORITIES: DECLARATION OF** AMY GULLEY; DECLARATION OF 23 ADAM STEINBAUGH 24 Date: August 20, 2024 Time: 8:30 a.m. 25 Dept.: 505 26 Action Filed: June 6, 2024 27 Trial date: August 20, 2024 28

RESPONDENT GULLEY'S NOTICE OF MOTION TO QUASH

#### TO ALL PARTIES AND TO THEIR ATTORNEYS OF RECORD:

PLEASE TAKE NOTICE that on August 20, 2024, at 8:30 a.m., or as soon thereafter as the matter may be heard, in Courtroom 505 of the above-entitled court located at 400 McAllister Street, San Francisco, California 94102-4514, Respondent AMY GULLEY through her counsel will appear *specially* and move under Code of Civil Procedure section 418.10(a)(1) to quash for lack of personal jurisdiction the petition from Petitioner SARRITA ANASTASIA ADAMS. The motion will be made on the basis that there are insufficient contacts between Respondent Gulley and this State to support any basis for jurisdiction over her under either the Constitution or California's long-arm statute (Code Civ. Proc., § 410.10).

This motion is based on this Notice, the Memorandum of Points and Authorities, the Declarations of Amy Gulley and Adam Steinbaugh filed with this motion, the files and records in this action, and on evidence as may be presented at or before the hearing.

PLEASE TAKE FURTHER NOTICE that the San Francisco Superior Court has adopted rule 3.1308 of the California Rules of Court as the tentative ruling procedure in civil law and motion and discovery matters. (See Super. Ct. LR. 8.3(A).) The Local Rules of the San Francisco Superior Court provide procedural requirements if the Court issues a tentative ruling. (See Super. Ct. LR 8.3, at pp. 43–44.)

19 DATED: July 24, 2024

FOUNDATION FOR INDIVIDUAL RIGHTS & EXPRESSION

By:

Adam Steinbaugh

Attorney for Respondent Amy Gulley

#### MEMORANDUM OF POINTS AND AUTHORITIES

#### I. BACKGROUND

Petitioner Sarrita Adams attracted worldwide attention by critiquing and seeking to intervene in the famous trial of a serial murderer in the United Kingdom as a self-proclaimed scientific expert. Her involvement attracted media scrutiny of her qualifications, public outrage over her attempt to profit from the matter, and a warning from British authorities that she was in contempt of court.

Like countless others, Amy Gulley, a resident of the Philadelphia suburbs, has commented on the trial on social media and criticized Adams's attempts to involve herself in it. Petitioner Adams filed the instant restraining-order petition seeking to force Gulley from Pennsylvania into this Court in California. Adams asks this Court to impose a prior restraint on Gulley by ordering her to never again speak ill of Adams or her business online.

But this Court lacks personal jurisdiction over Gulley. Gulley does not reside in California and has no substantial or ongoing contact with California. (Declaration of Amy Gulley ("Gulley Decl.") ¶¶ 5–20.) She has never lived in, worked in, or even traveled to the state. (*Id.* ¶¶ 6–7, 11.) The bases of Adams's petition are social media posts—allegedly by Gulley and others—criticizing Adams and her corporation, "Science on Trial, Inc." (See Petition Exs. B, C, E, F, G.) But any social media posts by Gulley were posted outside of California, primarily aimed at a *British* audience, and never specifically targeted at California. (Gulley Decl. ¶¶ 18–20; Declaration of Adam Steinbaugh ("Steinbaugh Decl.") ¶¶ 4–7, Exs. 1–4.) Indeed, the only connection between Gulley and California is that the social media posts are about a person or business that happens to reside in this state.

<sup>&</sup>lt;sup>1</sup> See, e.g., Tom Ball & Tom Witherow, *How Reddit armchair detectives threatened to derail Lucy Letby's trial*, The Times (Aug. 25, 2023), <a href="https://bit.ly/times-adams">https://bit.ly/times-adams</a> (discussing "pseudo-scientists" attracted to a criminal trial with "enormous interest" and noting that the Petitioner's "Science on Trial" "campaign" was "claiming" to identify problems in the scientific evidence); see also, e.g., Henry Bodkin, *Lucy Letbe appeal fund launched*, The Telegraph (Aug. 23, 2023), *available at* <a href="https://bit.ly/telegraph-adams">https://bit.ly/telegraph-adams</a> (questioning Adams' credentials) (also attached as Ex. 1).

1 2

In these circumstances, California courts lack personal jurisdiction over the nonresident. (*E.g.*, *ViaView*, *Inc.* v. *Retzlaff* (2016) 1 Cal.App.5th 198, 204–05, 209–19 [holding no personal jurisdiction existed over Texas resident who allegedly authored threatening, harassing, and defamatory social media posts about a California resident and his California business].) Forcing a far-flung internet user, like Gulley, to defend her First Amendment rights against a prior restraint obtained, without notice, through a civil harassment proceeding with limited procedural protections betrays norms of fair play and substantial justice.

Because this Court lacks personal jurisdiction over Gulley, she respectfully requests the Court to grant her motion to quash Adams's petition.

#### II. ARGUMENT

This Court should quash service of Adams's petition because the Court lacks personal jurisdiction over Gulley, a Pennsylvania resident whose relevant conduct consists only of social media posts authored outside of California. Adams, as the party seeking to force a Pennsylvania resident to litigate in California, bears the burden of proving that either general jurisdiction or specific jurisdiction exists. (*Vons Companies, Inc. v. Seabest Foods, Inc.* (1996) 14 Cal.4th 434, 449.) Because Adams cannot establish either, this Court should grant Gulley's motion to quash.

### A. The Petitioner on a civil harassment petition bears the burden to establish personal jurisdiction through admissible evidence.

The respondent in a restraining order action, like Gulley, may move under California Code of Civil Procedure section 418.10 to quash service of the petition for lack of personal jurisdiction. (*ViaView, supra*, 1 Cal.App.5th at pp. 209–219.) Because the state's long-arm statute is coextensive with the Due Process Clause of the United States Constitution, California courts may not exercise jurisdiction over nonresidents when doing so violates the Due Process Clause (*Vons, supra*, 14 Cal.4th at p. 444 [citing California's long-arm statute, Code Civ. Proc., § 410.10].) Due process, for reasons of fairness and state

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sovereignty, demands proof of sufficient contacts between the nonresident and California to create either general or specific jurisdiction. (Id. at pp. 444–45.) Although the respondent "is the moving party, the [petitioner] must carry the initial burden of demonstrating facts by a preponderance of the evidence justifying the exercise of jurisdiction in California." (In re Automobile Antitrust Cases I & II (2005) 135 Cal. App. 4th 100, 110.) To do so, the petitioner must do more than "merely allege jurisdictional facts," and instead "must provide affidavits and other authenticated documents" sufficient to "justify a finding that California may properly exercise jurisdiction over" the respondent. (*Id*.)

On that basis, the Due Process Clause prohibits a plaintiff with scant evidence of contact between a defendant and California from forcing the defendant to litigate in California court. And it prohibits Adams from suing Gulley in California.

#### Respondent Gulley is not subject to personal jurisdiction in В. California.

Personal jurisdiction "may be either general or specific." (Vons, supra, 14 Cal.4th at p. 445.) A person is subject to general jurisdiction when their contacts with the forum state are so substantial, continuous and systematic that they are indistinguishable from a resident. (Id. at pp. 445–446.) Specific jurisdiction exists where the nonresident does not have "substantial and systematic" contacts with the forum state but has nevertheless "purposefully availed . . . herself of forum benefits and the controversy is related to or arises out of" those contacts. (Id. at 446 [cleaned up].)

Neither general nor specific jurisdiction exists here. Respondent has no substantial ties to California, and criticizing a California resident does not purposefully avail herself of California benefits. And Adams cannot meet her burden to show otherwise.

#### Respondent Gulley is not subject to general jurisdiction. 1.

California courts cannot exercise general jurisdiction over Gulley, a Pennsylvania resident with no continuous ties to California. In the usual case, an individual defendant is 1 | su 2 | 35 3 | st 4 | su 5 | pl

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subject to general jurisdiction in her place of residence. (*Vons*, *supra*, 14 Cal.4th at pp. 358–59.) Otherwise, general jurisdiction exists only when the defendant's "contacts in this state are substantial, continuous and systematic." (*In re Automobile Antitrust Cases I & II*, *supra*, 135 Cal.App.4th at 108.) That means contacts "so wide-ranging that they take the place of physical presence in the forum as a basis for jurisdiction." (*Vons*, *supra*, 14 Cal.4th 434 at p. 446.)

Here, Gulley resides outside of California and has no regular contact with California (See Gulley Decl. ¶¶ 5–20.) She has never even been to California. (*Id.* ¶ 4.) Because Adams cannot meet her burden to show otherwise, California courts lack general jurisdiction over Gulley.

#### 2. Respondent Gulley is not subject to specific jurisdiction.

Nor can Adams demonstrate that this Court has specific jurisdiction over Gulley. For specific jurisdiction, due process requires that the respondent's "suit-related conduct" creates a "substantial connection" with the forum state. (*Walden v. Fiore* (2014) 571 U.S. 277, 283–284 & n.6.) This inquiry focuses on contacts that the respondent creates with "the forum State itself," *not* on the respondent's contact with "persons who reside there." (*Id.* at p. 285.) So, when the plaintiff is the "only link between the [respondent] and the forum," no specific jurisdiction exists. (*Id.*)

Here, according to the allegations in Adams's petition, Gulley's suit-related conduct consists only of Gulley posting negative comments about Adams and her business on social media. Adams does not allege that Gulley engaged in this social media activity in California, and Gulley has never posted in California—a state she has never visited. (Gulley Decl. ¶¶ 7, 18–20.)

That Adams and her company reside in California does not create specific jurisdiction over Gulley because Adams cannot be the "only link" between Gulley and California. (See *Walden*, *supra*, 571 U.S. at p. 285). As California courts have repeatedly held in factually similar cases, a nonresident "merely posting on the Internet negative

comments about the plaintiff" while "knowing the plaintiff is in the forum state" is insufficient to create personal jurisdiction in the forum state. (*Burdick v. Superior Court* (2015) 233 Cal.App.4th 8, 20–25; see also *Pavlovich v. Superior Court* (2002) 29 Cal.4th 262, 275–276 [no specific jurisdiction in California based on Texas resident's posting of trade secrets on a website, even if nonresident knew posts might harm industries in California]; *ViaView, supra*, 1 Cal.App.5th at pp. 204–205, 209–219.) And Adams provides no evidence, beside her own residence in the state, of any connection between Gulley's posts and California. That is insufficient to create specific jurisdiction.

Burdick shows why. In that case, the defendant was an Illinois resident who, from Illinois, posted allegedly harassing and defamatory statements on Facebook about the California-based plaintiffs. (*Id.* at pp. 13–15.) The Court of Appeal held that California courts lacked specific jurisdiction over the Illinois defendant. (*Id.* at p. 13.) For specific jurisdiction to exist, the defendant's conduct had to be intentionally aimed at California, not merely at a plaintiff who lives there. (*Id.*) So it was not enough that the defendant knew that the plaintiffs resided in California and knew that plaintiffs would suffer any injury in California. (*Id.* at pp. 24–25.) Setting aside that the plaintiffs happened to reside in California, the Facebook posts did not have a "California focus," and no evidence showed that the defendant targeted a California audience or otherwise "expressly aimed his intentional conduct at California." (*Id.* at pp. 25–26.)

As in *Burdick*, Gulley's suit-related conduct has no connection to California. Gulley did not specifically aim any social media activity at a California audience or otherwise target California. (Gulley Decl. ¶¶ 18–20; Steinbaugh Decl. ¶¶ 4–7, Exs. 1–4.) To the contrary, the alleged tweets here are directed to a primarily *British* audience about a trial in the *United Kingdom*, as the media coverage (largely from British outlets like the *Telegraph*, *BBC*, and *London Evening Standard*) and followers of the relevant Twitter

account show. (Steinbaugh Decl. ¶¶ 4-7, Exs. 1-4.)² Petitioner has acknowledged as much, asserting her work has been vindicated "by major British media outlets" and that the case is of "no concern" to Americans "since this is [a] case in Britain[.]" (*Id.* at Ex. 5 at p. 73.)

Because Gulley lacks meaningful ongoing or suit-related contacts with California, this Court lacks personal jurisdiction over Gulley and should quash the petition.

### C. Exercise of personal jurisdiction would conflict with fair play and substantial justice.

Even if Petitioner Adams were able to establish the minimum contacts necessary to justify the exercise of personal jurisdiction here, doing so would betray basic norms of fair play and substantial justice. Without notice, the petitioner has obtained a prior restraint against a party thousands of miles away, principally intended to shield her reputation from public criticism. Prior restraints are the "most serious and the least tolerable infringement on First Amendment rights." (Neb. Press Ass'n v. Stuart (1976) 427 U.S. 539, 559; see also Evans v. Evans (2008) 162 Cal.App.4th 1157, 1167–1168 ["An order prohibiting a party from making or publishing false statements is a classic type of an unconstitutional prior restraint"], Smith v. Silvey (1983) 149 Cal. App. 3d 400, 406–407 [restraint on respondent's "persistent attempts" to contact residents of petitioner's mobile home park was "infirm as unconstitutionally overbroad"].)

While First Amendment concerns normally do not "enter into the jurisdictional analysis," that is because "the potential chill on protected First Amendment activity . . . is already taken into account in the constitutional limitations on the substantive law governing such suits," like "libel and defamation actions." (*Calder v. Jones* (1984) 465 U.S. 783, 790.) But those considerations are not well-accounted for in the context of civil harassment petitions, which are considered on an expedited (and often *ex parte*) basis. (See generally Caplan, *Free Speech and Civil Harassment Orders* (2013) 64 Hastings L.J.

<sup>&</sup>lt;sup>2</sup> Of the 39 followers of the Twitter account, eleven are identified as being from the United Kingdom (Ex. 4 at pp. 34, 35, 36, 38, 45, 47, 48–49, 51, 52, 53, 66), two from the Netherlands (Ex. 4 at pp. 59, 62), and one from France (Ex. 4 at pp. 69). The remainder do not identify where they are located.

DATED: July 11, 2024

781 [describing systemic and constitutional implications of civil harassment orders arising from protected expression], available at <a href="https://bit.ly/caplan-hastings">https://bit.ly/caplan-hastings</a>.)

The expedited nature of civil harassment proceedings means that respondents do not have the procedural protections afforded in other civil suits. Those protections are vital where, as here, the petitioner seeks to limit allegedly false speech *about* her to protect her reputation—advancing a defamation theory sounding in tort, not harassment. For example, a defamation defendant can utilize more robust discovery—coupled with challenges to pleadings and narrowing of issues through summary judgment—to counter a plaintiff's claims of a given statement's falsity. Further, a defamation claim would be heard by a jury and any injunction entered only *after* a trial, not beforehand. (*Evans*, *supra*, 162 Cal.App.4th at pp. 1169 ["Because there has been no trial and no determination on the merits that any statement made by Linda was defamatory, the court cannot prohibit her from making statements characterized only as 'false and defamatory'"].) By characterizing her claim as one of harassment, Petitioner Adams is seeking an end-run around the rigorous procedural protections required by the First Amendment.

Moreover, civil harassment petitions are intended to address harassment, not to press courts into refereeing internet disputes, and certainly not to give defamation plaintiffs an end-run around the substantive and procedural guardrails the First Amendment requires of defamation claims. To do so would imperil speech on matters of public concern and burden already-busy courts with policing every online argument.

#### CONCLUSION

Respondent respectfully requests this Court grant her motion to quash service of the petition for lack of personal jurisdiction.

FOUNDATION FOR INDIVIDUAL RIGHTS & EXPRESSION

Adam Steinbaugh

Attorney for Respondent Amy Gulley

By:

### INDEX OF EXHIBITS

Exhibit	hibit Description			
1	The Telegraph Aug. 23, 2023 article reporting on Adams's controversial fundraiser.	13–16		
2	July 2, 2024 article published by the BBC identifying Adams as among the "[s]ceptics" involved in the controversy.	17-23		
3	London Evening Standard Aug. 24, 2023 article reporting on Adams's involvement in the controversy.	24-29		
4	List of the followers of "@mrjgossipgirl" and a collection of each of their profiles demonstrating their location.	30-71		
5	Email from Sarrita Adams, July 11, 2024.	72-82		

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I do not have, nor have I ever had, any bank accounts in California. 14.

I am over the age of eighteen and the named Respondent in this action. My knowledge of the information and events described here derives from my personal knowledge, unless otherwise stated. If called as a witness, I could and would testify

I respectfully submit this Declaration in support of my MOTION AND 2. MOTION TO QUASH SERVICE OF PETITION FOR LACK OF PERSONAL

JURISDICTION (the "Motion to Quash").

competently thereto.

I, Amy Gulley, hereby declare:

- With this Declaration, I am appearing specially for my Motion to Quash and 3. expressly do not otherwise submit to the Court's jurisdiction and provide this Declaration for the sole purpose of challenging this Court's jurisdiction over my person.
- I have not consented and do not consent to jurisdiction in the State of 4. California.
- I reside in Pennsylvania. I have continuously been a Pennsylvania resident 5. since 2005.
  - 6. I am not, and have never been, a California resident.
  - I have never visited California. 7.
  - I have never had a California driver's license. 8.
  - I have never voted in California. 9.
  - I do not now offer, nor have I ever offered, to do business in California. 10.
  - I have never been employed in California. 11.
- I do not now own, nor have I ever owned, real or personal property in 12. California.
- I do not now lease or rent, nor have I ever leased or rented, any real or 13. personal property in California.

DECLARATION OF RESPONDENT AMY GULLEY ISO MOTION TO QUASH

I, Adam Steinbaugh, hereby declare:

1. I am over the age of eighteen and an attorney for Amy Gulley, the named Respondent in this action. My knowledge of the information and events described here

derives from my personal knowledge, unless otherwise stated. If called as a witness, I could and would testify competently thereto.

- 2. I respectfully submit this Declaration in support of Gulley's MOTION AND MOTION TO QUASH SERVICE OF PETITION FOR LACK OF PERSONAL JURISDICTION (the "Motion to Quash").
- 3. With this Declaration, I am appearing specially for Gulley's Motion to Quash and provide this Declaration for the sole purpose of challenging this Court's jurisdiction over Gulley.
- 4. A true and correct copy of an article published by *The Telegraph* on August 23, 2024, is attached as **Exhibit 1**. The article is available at <a href="https://www.telegraph.co.uk/news/2023/08/23/lucy-letby-campaigners-freedom-launch-fundraising-appeal">https://www.telegraph.co.uk/news/2023/08/23/lucy-letby-campaigners-freedom-launch-fundraising-appeal</a> and archived at <a href="https://perma.cc/WNQ5-WZYS">https://perma.cc/WNQ5-WZYS</a>.
- 5. A true and correct copy of an article published by the BBC on or about July 2, 2024, is attached as **Exhibit 2**, available at <a href="https://www.bbc.com/news/articles/">https://www.bbc.com/news/articles/</a> <a href="https://perma.cc/5KXL-ZJV3">c727jgdm7r40</a>, and archived at <a href="https://perma.cc/5KXL-ZJV3">https://perma.cc/5KXL-ZJV3</a>.
- 6. A true and correct copy of an article published by the *London Evening Standard* on August 24, 2023, is attached at **Exhibit 3**. The article is available at <a href="https://www.standard.co.uk/news/uk/lucy-letby-legal-defence-appeal-science-on-trial-nurse-killer-b1102723.html">https://www.standard.co.uk/news/uk/lucy-letby-legal-defence-appeal-science-on-trial-nurse-killer-b1102723.html</a> and archived at <a href="https://perma.cc/3ZVK-H6KD">https://perma.cc/3ZVK-H6KD</a>.
- 7. A true and correct copy of the list of the followers of the "@mrjgossipgirl" account on "X" (formerly known as Twitter) and a collection of each of their profiles is attached as **Exhibit 4**.

A true and correct copy of an email I received from Sarrita Adams on July 11, 8. 2024, is attached as Exhibit 5. I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct. Executed this 11th day of July, 2024, in Philadelphia, Pennsylvania. 

## **EXHIBIT 1**

### Lucy Letby appeal fund launched

Supporters claim the nurse's conviction 'may represent the greatest miscarriage of justice the UK has ever witnessed'

23 August 2023 • 7:13pm







Lucy Letby's legal team have not yet revealed if they plan to appeal | CREDIT: Eliz

A campaign to fundraise for Lucy Letby's appeal has claimed the nurse's conviction "may represent the greatest miscarriage of justice the UK has ever witnessed".

Letby has the right to appeal against her whole life order for <u>murdering seven babies</u> and trying to kill another six, although successful appeals against this sentence are very rare.

Her legal team has not yet revealed if they plan to appeal, but campaigners who claim she did not have a fair trial are already gathering public support for a project they have named Science on Trial.

The main aim of the campaign, led by Sarrita Adams - a scientific consultant for biotech startups based in California - is "to ensure that scientific evidence is used responsibly in the criminal justice system".

She is trying to gather a group of scientists, lawyers and activists to help with the convicted murderer's appeal.



#### How internet sleuths are already trying to prove Lucy Letby innocent

As the former nurse begins her whole life sentence, a campaign to help her appeal has sparked outrage

READ MORE

The fundraising page of the Science on Trial website is not currently open to donations, but there is a "coming soon" note on the "donate" button.

"Our first mission is to campaign for a new trial for Lucy Letby, who was recently convicted of murdering infants, under her care at the Countess of Chester Hospital, UK," the campaign's website states.

"Lucy Letby's trial may represent the greatest miscarriage of justice that the UK has ever witnessed. Through fundraising, researching, and legal assistance, we aim to ensure that Lucy Letby can have a fair trial where evidence is reliable. We are currently working to form a group of scientists, lawyers, and activists to aid in the upcoming appeal for Lucy Letby."



#### More stories



Lucy Letby: Serial killer or a miscarriage of justice?



Starmer has already made three fatal mistakes



No UK refund for cancelling £270m Rwanda plan, says Kigali



Politics latest news: Starmer hails 'most diverse Parliament ever' as MPs sworn in



Blair predicts £50bn Labour tax



France under debt pressure in 'unprecedented situation', warns Moody's - latest updates



In a lengthy statement, Ms Adams criticises the medical evidence that was presented at the trial.

This includes criticism of how the high insulin levels detected in two of the babies were presented by the prosecution, although Letby did not contest that the babies were deliberately injected with insulin, instead denying it was she who had administered it.

Ms Adams also criticised the decision to allow medical expert Dr Dewi Evans to give evidence relating to the administering of air to other victims, and the quality of his

Ms Adams describes herself as "a scientist with rare expertise in rare paediatric diseases".

However, although she has a PhD in biochemistry from Cambridge University, according to her online LinkedIn profile, she appears not to have worked as a scientist subsequently.

She runs a consultancy called Railroad Children which works with under-18-yearolds who have rare diseases and their families to identify novel treatments.

Meanwhile, according to the PubMed database of biomedical research, Ms Adams appears only ever to have contributed to two published pieces of research, the last in 2013 related to autism.

Related Topics Lucy Letby, Crime, Murder

















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The Telegraph











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## **EXHIBIT 2**

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# Lucy Letby: Courtroom drama, a failed appeal, and battles over the truth

By Judith Moritz and Jonathan Coffey, BBC News

Share <



When former nurse Lucy Letby was convicted of murdering babies last year, news channels rolled on the story, and her mugshot was splashed across front pages and websites around the world.

The scale of Letby's crimes, the extreme vulnerability of her victims, and unanswered questions about the nurse all combined to stoke interest in the case.

But this was a saga that was still unfolding. Hospital consultants who'd suspected Letby spoke of the struggles they'd had to be heard. Public outcry quickly led to the announcement of a public inquiry.

Meanwhile, police said they were reviewing the cases of 4,000 admissions of babies into neonatal units at hospitals where Letby worked or trained, and were launching an investigation to establish whether the Countess of Chester Hospital should face criminal charges.

There was blanket coverage. Then the news cycle moved on, and Lucy Letby fell out of the headlines.

But that wasn't the only reason things went quiet. We can now explain why coverage of Letby's story has been restricted over the last 10 months – and what we haven't been able to report, until now.

#### · Listen to Judith read this article on BBC Sounds

A month after Britain's most notorious nurse was sentenced to spend the rest of her life in prison, the Crown Prosecution Service (CPS) announced it was seeking a fresh trial.

Letby had been convicted of murdering seven babies and attempting to murder another six at the Countess of Chester Hospital's neo-natal unit between June 2015 and June 2016. She was acquitted of two counts of attempted murder.

But there were six further charges on which jurors couldn't decide. Now the CPS said it was intending to run a retrial to put one of those undecided charges before a new jury. The judge quickly imposed a court order prohibiting the reporting of anything that could prejudice the upcoming trial. The result was a virtual news blackout, at least temporarily.

In the background, Letby's defence team applied for permission to appeal against her convictions. There was no public hearing, and journalists weren't told about Letby's grounds for appeal - or the judge's reasons when they decided to deny her request.

But that wasn't an end to it - Letby could make one final appeal request, in front of three judges at the Court of Appeal in London - and this time the hearing would take place in public.

Barristers, solicitors, police officers and journalists who'd been involved in the original trial traipsed down to the Royal Courts of Justice. Letby attended remotely, via a video link from a non-descript room in HMP Bronzefield, where she is currently an inmate.

It was the first time we'd seen her since she'd refused to turn up to her sentencing hearing. Her hair had grown, but it was still difficult to read anything from her expression – she maintained the same impassivity as she had during the trial.



Lucy Letby's arrest followed a painstaking investigation by Cheshire Police, Operation Hummingbird, involving nearly 70 officers and civilian staff

What unfolded in court was fascinating, but had to stay in our notebooks.

Letby's lawyers claimed her convictions were unsafe, calling into question the science behind the prosecution case, laying into the prosecution's expert witness, and arguing part of the judge's directions to the jury had been wrong.

It was the first time since the end of her trial eight months earlier that anyone had heard her team set out its stall - but much of it was familiar to those of us who'd been following the case.

The same attacks on the prosecution's experts had been made during the course of the trial, and Letby's lawyers had also previously argued against the judge's legal directions.

But Letby's lead barrister, Ben Myers KC, a seasoned courtroom performer, had a couple of cards up his sleeve. The first was a saga involving a fight in a cafe, the theft of a mobile phone, and an email to the court from someone alleging they'd overheard a juror claim the jury had already made up their minds from the start of the trial.

Although the judge had spoken to the juror and allowed him to carry on serving, Letby's barrister argued this wasn't enough. The judge, Mr Myers argued, should have questioned the person who'd made the allegation too.

None of this had anything to do with whether or not Letby had murdered babies - but it was thrown into the mix as one of the grounds for appeal.

#### More Lucy Letby coverage

What I learned about Lucy Letby after 10 months in court

The text messages Letby sent as she killed babies

Warnings ignored as Letby killed more babies

There was also a new witness - neonatologist Shoo Lee, from Toronto, the co-author of a 1989 medical research paper about air embolism in neonatal babies. An air embolism occurs when one or more air bubbles enter a vein or artery, causing a block in circulation. The consequences can be fatal.

Letby was found guilty of injecting air into the bloodstreams of some of the infants, causing air embolism. Prosecution experts had based some of their evidence on Dr Lee's paper, although he hadn't been called to give evidence.

Now he was appearing on behalf of the defence.

During the trial, much was made of changes in skin colour observed on some of the babies, which it was suggested were symptomatic of air embolism. The prosecution cited Dr Lee's paper in support of this, and paediatric consultant Dr Ravi Jayaram told the court a "chill went down (his) spine" in June 2016 when he read the research and believed it fitted with what he'd seen on babies in Chester.

But nobody had checked with Dr Lee. The point he now made, via webcam from 3,500 miles away, was that only one, very specific skin discolouration was diagnostic of air embolism, and none of the babies in the case had displayed this exactly.

For Letby's defence, it was a basis for appeal. The prosecution disagreed. They argued that all of the instances of skin discoloration in the Letby case were consistent with air embolism, and some of these could be proven using Dr Lee's own diagnostic method.

They said Dr Lee hadn't been shown any of the eyewitness testimony from the trial, or any of the babies' records – and so was not qualified to weigh in now.

Sitting on the uncomfortable wooden benches of court 4, one couldn't help but wonder why this development hadn't been aired at the trial. Letby's lawyers were arguing the science was too weak to support as many as nine of her 14 convictions.

But on 24 May, Court of Appeal judges again rejected Letby's request for permission to appeal against her convictions.



Police are investigating possible corporate manslaughter at the Countess of Chester Hospital where Lucy Letby worked

During Letby's trial, online forums and communities sprang up, where users analysed the evidence as the case unfolded. There were views on everything from the science, to the barristers' performance, and endless speculation about Letby herself.

Very few of those posting opinions were at Manchester Crown Court to watch the trial in person. The majority were following media reports, tweets, and a live blog on the Chester Standard newspaper's website.

The online commentary was voluminous – and often in breach of legal restrictions. The trial judge directed jurors not to go online, or conduct their own extra-curricular research, and the hearings continued without anyone being prosecuted for contempt of court.

After the verdicts finally came through last August, newspaper headlines screamed "Monster" and "Angel of Death". But the view on the internet wasn't always as condemnatory.

Sceptics appeared, including Richard Gill, a statistician in the Netherlands, who argued the data presented at the trial was flawed and used improperly. Sarrita Adams, a California-based biotech consultant, launched a campaign aimed at critiquing the science in Letby's case. Her website invites donations and describes itself as "the first organisation dedicated to fighting for a new trial for Lucy Letby".

They weren't the only ones. There are podcasts, blogs, websites and videos dedicated to the same topic. Some delve into the arguments presented by the defence about air embolism, and the expertise in the case. Others stray into different territory – statistics, or questions about other areas of science which Letby's team have steered clear of.





Lucy Letby was led away from her home in handcuffs after being arrested for the first time in July 2018

It was notable how the sceptics' arguments weren't incorporated in the defence submissions at the Court of Appeal. We understand some of those campaigning for Letby's freedom have made repeated attempts to contact her, her inner circle, and her lawyers.

But why the mismatch between the arguments raging online and those in the courtroom? It may be that Letby's team has looked into the sceptics' arguments and decided they don't check out and wouldn't stand up in a court of law.

But that's not the only possibility.

Letby and her legal team didn't have carte blanche to make any arguments they wanted in support of her request for permission to appeal.

Criminal appeals are not "a second bite of the cherry", as lawyers sometimes put it. The only way Letby would be allowed to appeal against her conviction was if she could show the judge in her original trial had made a legal mistake, or there was new evidence that, had it been available at the time, might have led the jury to different verdicts.

That meant the range of arguments Letby's legal team could present was limited. Cherry-picking the best of the online arguments was never an option.

#### · Who is baby serial killer Lucy Letby?

It's also important to remember the one person in control of the defence case was Letby herself. Her lawyers advised her, but they were required to act according to her instructions. Letby has used the same local Chester solicitor since her arrest in 2018, and has been represented by the same barristers throughout both trials and the appeal. Whether she's aware of the community campaigning in her name or not, she hasn't signalled she's unhappy with her lawyers' strategy.

Those who've continued to maintain the nurse's innocence are undeterred. They seem to be increasingly vocal and at the first hearing of the Thirlwall Inquiry, which will examine the way the hospital dealt with Letby, barristers representing the parents of the babies spoke of the anguish these campaigns have caused.

"The modern age has brought a proliferation of conspiracy theories which sprout, spread and fester on social media blogs and on websites," Peter Skelton KC said. "Lucy Letby's crimes, in particular, continue to be the subject of such conspiracies, some of which are grossly offensive and distressing for the families of her victims."

The families' lawyers argued, unsuccessfully, for the public inquiry to be live streamed when it gets under way in Liverpool in the autumn.

"It is well known that the case has generated considerable public interest and that conspiracy theories have grown around it," Richard Baker KC said. "They are toxic, they are often ill-informed, and they ultimately grow in the shadows. The more light that we put on this Inquiry, the less space there is for speculation and conspiracy."

It probably hasn't helped that much of the reporting of the Letby case over the past year has been restricted by court orders, to protect the retrial. It has left an information vacuum - one the internet has happily filled.





Giving evidence during her most recent trial, Lucy Letby denied attempting to harm Baby K in any way

On 10 June, 10 months after she was first convicted of murdering and attempting to murder babies, Letby was back in court for her retrial on one count of attempted murder.

Although there was a feeling of déjà vu - the same courtroom, the same lawyers, the same judge - there was something palpably different about the atmosphere.

During the first trial, which had lasted for nearly a year, only five or six members of the public turned up with any regularity. They sat quietly in an annexe alongside police officers and experts who couldn't fit into the main room.

At the retrial, up to 30 people crowded around the courtroom door each morning, jostling to be allowed in. Court ushers did their best to maintain order, asking them to move aside to allow the baby's family, police officers and journalists in, but then they were allowed to take their places in the public gallery.

Katie, Leah and Richard were in court throughout the first trial and came back for the second. They've asked for their names to be changed because they say they've felt intimidated by some of the people who've turned up this time around.

"People come literally from all over, we've had people come from the USA and Brazil," Katie says.

"They're not interested in listening to the arguments - they just want to be in that court," Leah adds. "Then halfway through they're trying to get up and leave because they realise it's quite dry, it's quite tedious."

They maintain it's important for members of the public to be allowed to observe trials. Richard, who had never been to one before, says he committed his time to following the Letby trial because of its complexity.

"To really understand the case, I think you have to be there to listen to it and absorb as much of it as you can."

#### · What did nurse Lucy Letby do to babies in her care?

Not everyone was there to listen carefully. A man handing out flyers about judicial corruption was asked to leave. Court ushers had to remind someone else not to record the hearing. And there was shouting and tears when competing views were aired outside in the corridor. But if the lack of decorum inside the courthouse felt new, it was as nothing compared with the invective raging online.

Reporters and even witnesses found themselves being trolled and accused of bias and dishonesty. There were two battles – the traditional courtroom duel of prosecution  $\boldsymbol{v}$  defence; and the information war going on in parallel.

Where will this all end up?

"I'm not guilty of what I've been found guilty of," Letby said at her retrial. But having been denied permission to appeal, she'd have to come up with startling new evidence or arguments to have a chance of overturning her convictions. That won't stop the debate though.

There could be further criminal prosecutions – Cheshire Police is still investigating Letby's career. And the public inquiry, which starts in September, will examine the wider fallout, interrogating hospital managers about the way they handled doctors' concerns.

We watched Letby as closely during her retrial as we had throughout the 10 months of the first prosecution. She was readier to catch our eye – looking up at the public gallery, and glancing across to where the baby's family was sitting. She often blinked rapidly and clutched a furry stress-toy under the desk of the witness box. When she gave evidence, she spoke in the same neutral, clipped tone as before, betraying little emotion.

These were intriguing little details, but they seemed to conceal more than they revealed. Even after two trials, questions about the nurse's character, motive and psychology are still unanswered.

Lucy Letby remains an enigma.

This is a distressing case, so if you - or someone you know - need help after reading about it, the details of organisations offering assistance can be found on the <u>BBC Action Line</u> website.

Nursing NHS Lucy Letby

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# **EXHIBIT 3**



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NEWS I UK

### Lucy Letby supporters launch defence fund appeal for child killer nurse



. ....

### BARNEY DAVIS @BARNEYDAVISES

Supporters of serial killer <u>Lucy Letby</u> have launched <u>an appeal to fund</u> <u>her defence calling the nurse's trial</u> the "greatest miscarriage of justice that the UK has ever witnessed".

Letby, who was sentenced to a whole life order for the murder of seven <u>babies</u> and attempted murder of six others, has the right to appeal her life term but her lawyers have so far not indicated they will.

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Despite this, a campaign calling itself Science on Trial is putting forward arguments questioning expert witness accounts and forensic evidence believing the killer nurse did not get a fair trial.

Its founder Sarrita Adams, a scientific consultant for biotech start-ups in California, says she has a PhD in biochemistry from Cambridge University, but, according to her LinkedIn profile, she appears not to have worked as a scientist since then.



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"Through fundraising, researching, and legal assistance, we aim to ensure that Lucy Letby can have a fair trial where scientific evidence is reliable," her website states.

"We are currently working to form a group of scientists, lawyers, and activists to aid in the upcoming appeal for Lucy Letby.

"We believe that Lucy's defence was not adequate, that there is more to this case which was not heard in court, which deserved to be heard, and that everyone deserves a fair trial. That is why we have come together to fight for the science to be brought to trial."



THE ARREST OF LUCY LETBY (CHESHIRE CONSTABULARY/PA)

Donations to the American website are not currently open but there are options to join the cause with a donation link saying "coming soon".

Ms Adams uses the site to criticise the reliability of the prosecution's evidence that high insulin levels detected in two babies showed they were deliberately injected.

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Lucy Letby has right to attend convictions appeal hearing



Snow leopards arrive at Chester Zoo for first time in 93-year history



Ministers rule out early election as focus shifts to race to succeed Varadkar



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However, Letby's legal team did not challenge the fact babies were injected with insulin, instead denying it was her that administered the fatal injections.

It comes as <u>Letby</u> faces being stripped of her <u>NHS</u> pension after being convicted of the "sadistic" murders.

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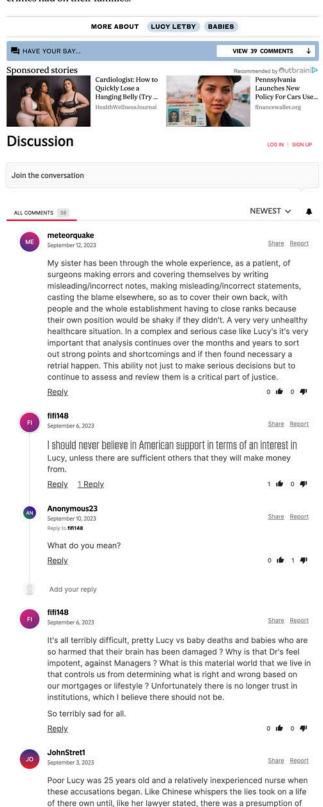
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It is understood the Government is looking at ways to prevent the benefit being paid to Britain's worst child killer.

Letby refused to leave her cell for sentencing on Monday, where the parents of her newborn victims described the horrifying impact the crimes had on their families.



guilt instead of innocence. The circumstantial evidence wad coincidence, nothing more. Anyone who knows about statistical analysis knows coincidences happen, a police officer does not have the qualifications to make the sweeping statement he made about his



Wrap Foil Around Doorknobs When Alone, Here's Why

a behaviour

amateurish spreadsheet, drawing conclusions that weren't true. A retired paediatrician who'd not worked for 14 years used an old clinical paper from 1998, because there was no up date research on premature baby embolism, he even said so, but then convinced a gullible jury it was accurate in this case. He had sought out the police with this "evidence" in a goulish example of ambulance chasing, he wasn't invited. The defence tried and failed to get this "expert" excluded because he's unreliable and in another case, his evidence was thrown out as inadmissible. The parents need to know what really happened to their babies and #LucyLetby after almost 8 years of lies against her, needs justice and should be released pending the public enquiry report.



#### Billy

igust 31, 2023

Share Report

Biggest miscarriage of Justice in years. Lucy had complained about consultant errors , they don't like that. Witchhunt started. The deaths were not ruled as murder by the coroner. They were all explained naturally. There was a raw sewage leak on the unit. All the symptoms of the babies can be explained via that and the fact that there was a lack of consultant cover, shown in a report by the RCPCH. These deaths were down to negligence, not murder. Dewi Evans the so called 'expert' who touted for work on this case (and who has been discredit by a judge on another case) decided to appoint himself coroner and rule the deaths murder. Unbelievable. His experience in neonatal care is out of date and he was simply just giving the police what they wanted. I hope the real criminals, ie those who ganged up to blame Letby to cover for their own negligence will face justice one day. Letby will be found innocent eventually if she survives her ordeal . What a total disgrace . British justice is a joke. It no longer exists.



#### Anonymous23

August 31, 2023 Reply to Billy Share Report

Totally agree. I've followed a lot of the court case in Chester Standard but now listening to the podcasts to maybe gain some extra knowledge. Currently on the insulin part. What a joke!

I keep thinking they have got to be joking - HOW are they coming to the conclusion it must have been her tampering with the bags and that there is no other explanation? All the other nurses said it was not them, so Dewy 'blame it all on Lucy' Evans decides there is no other explanation. It must be her. I'm infuriated at the one sided circus of horrors that this has been all along. It feels like a bad episode of Columbo. I'm embarrassed to be British having to be fed this tripe by the prosecution and the media.

<u>Reply</u> 2 **16** 1 **₹** 



Add your reply



CONTENT DEACTIVATED

5 Replies

3 SHOW OLDER REPLIES



#### Anonymous23 August 30, 2023

Reply to Eric

Share Report

I'm not sure why you are intent on trying to discredit what the science on trial campaign is trying establish.

It is very clear that SOT is NOT trying to scam anyone out of any money and if any fund raising commenced, SOT have made it crystal clear that they will go through the appropriate legal channels.

Am I right in thinking you are the person that infiltrated SOT and Chimp Investor and tried to get everyone to join your what's app group.

What is your reason to try and bring good people down?

Reply 1 Reply 3 ★ 1



#### Anonymous

August 31, 2023 Reply to Eric Share Report

Hi Eric, Having read the documentation around SA's divorce, in particular the Court's findings regarding her mental health, I must confess I share your concerns.

Reply 1 # 1 #



### LaRobi65

Share Report

She is guilty, there was more than enough evidence to support the verdict and that is exactly why she didn't want them to attend. Billy August 31, 2023 Share Report Reply to LaRobi6 Evidence of what? For a start all the deaths were ruled as natural deaths and there is no evidence of murder anyway, let alone that Letby did it. For example the so called insulin incidents were only measured after the event by discovering low c-peptide levels. But that can be explained by a baby or mother with a form of diabetes of liver problems. End of . NO need for rubbish about someone tampering with bags. And even if htey had done, where is the proof that would be Letby? Don't cite the chart showing her present because they cherry picked the incidents and deaths they showed on there. If the prosecution had picked other deaths which they chose deliberate to leave out, you could have shown other staff present all the time, including other nurses or consultants. She was framed. THere is ZERO evidence that she murdered anybody. Teh jury were not given the full picture by the prosecution and also there was a raw sewage leak on teh ward which no doubt caused some of the deaths and pathogens from that can look like they cause air in the abdomen. THis trial was a withhunt to blame Lucy for the negligence of higher level hospital consultants etc. 2 10 0 41 Reply JohnStret1 Share Report September 3, 2023 Reply to LaRobi65 There was no evidence, not a scrap. Just coincidence and conjecture, plus unsubstantiated accusations. 1 16 0 4 Reply Add your reply CONTENT DEACTIVATED 2 Replies SHOW OLDER REPLIES Anonymous Share Report I agree, the evidence against her is weak at best, and much of it is non evidence. I am however torn between part of me thinking she's guilty and the other not guilty. Being given a full life term on hearsay, circumstantial evidence and association is a first though. How did it take 7/8 years from alleged offences to conviction, how did such a

lengthy investigation aquire such little evidence? Reply 5 1 2 4

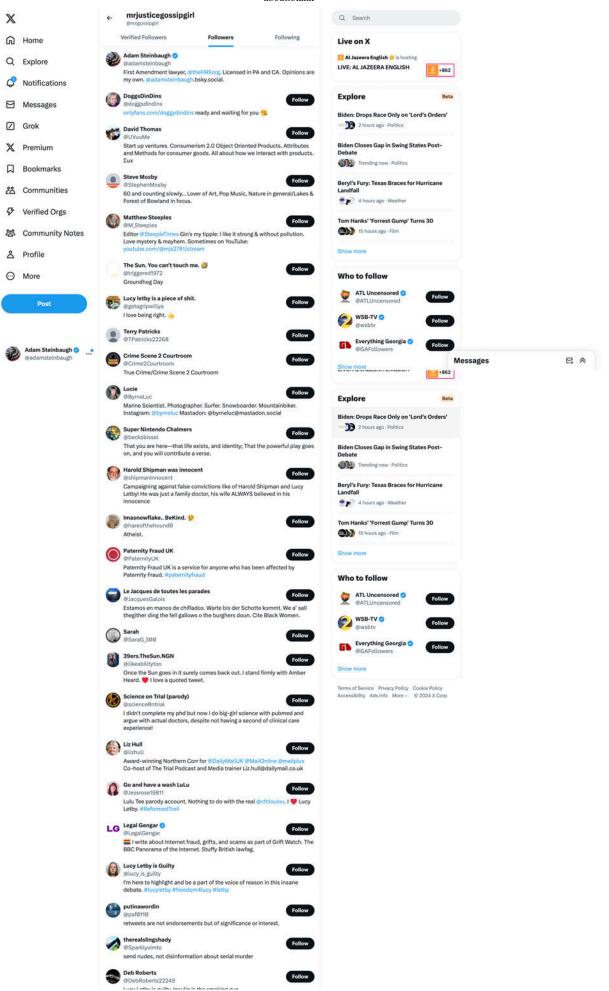
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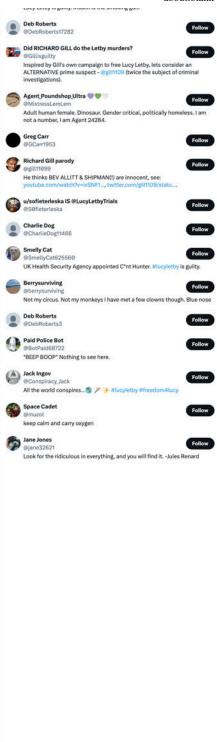
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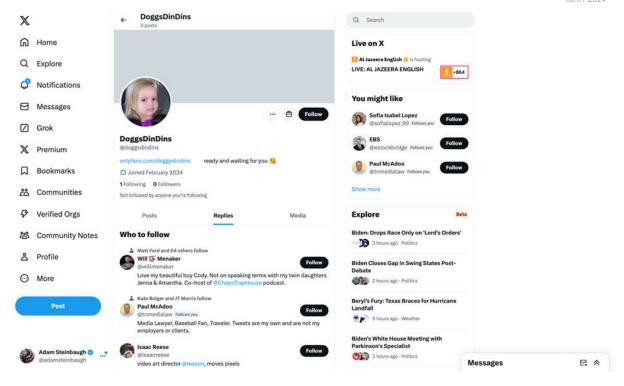
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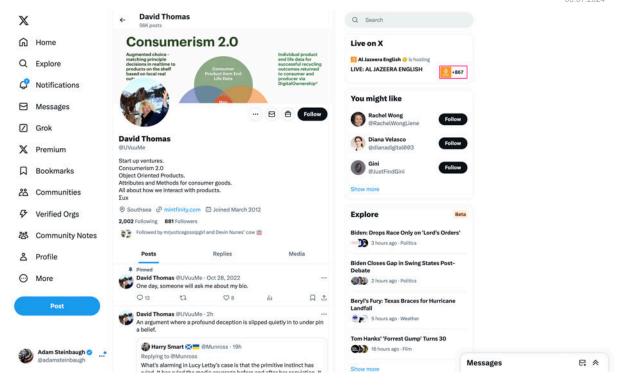




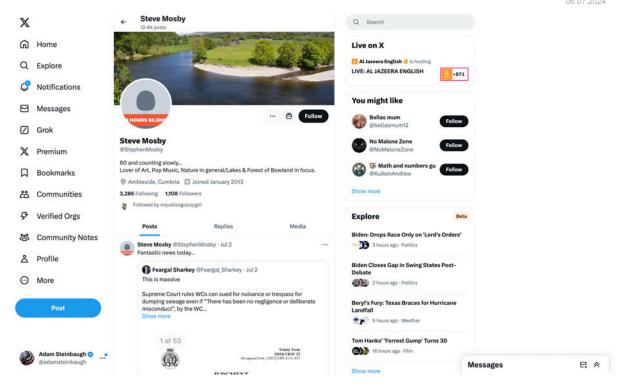
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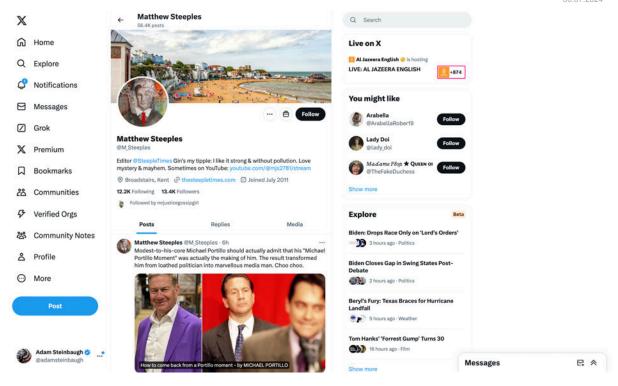
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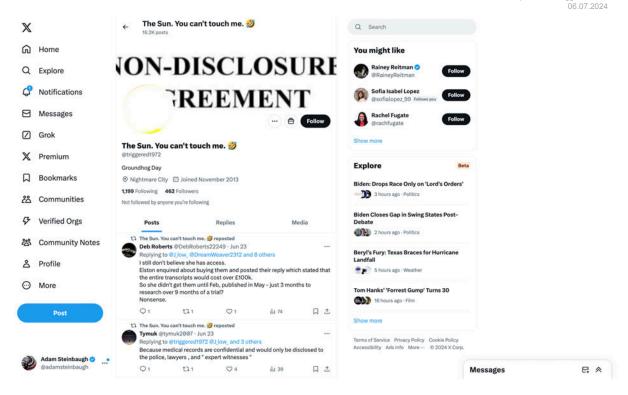
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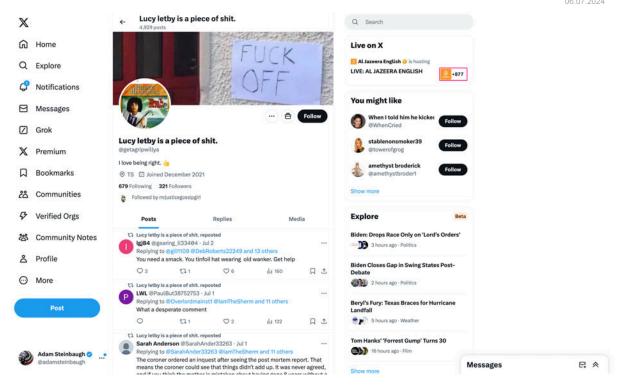
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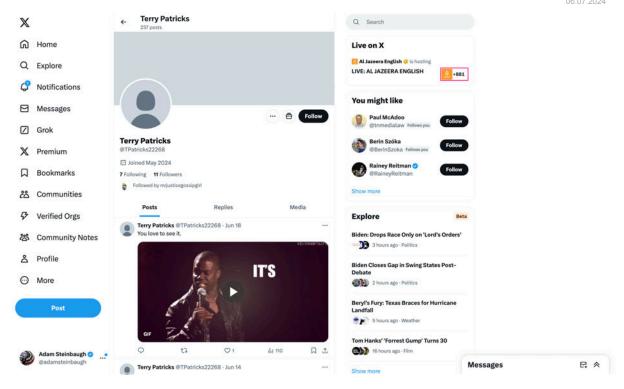
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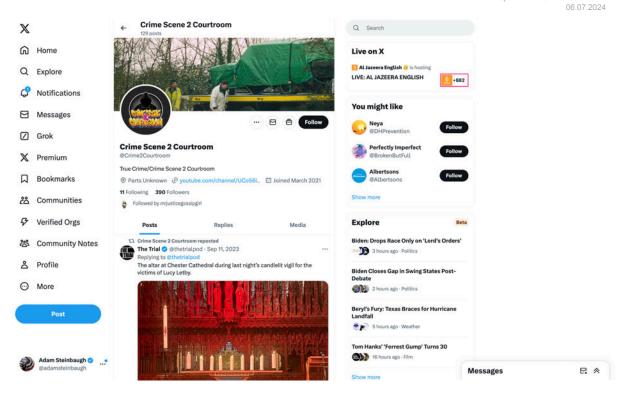
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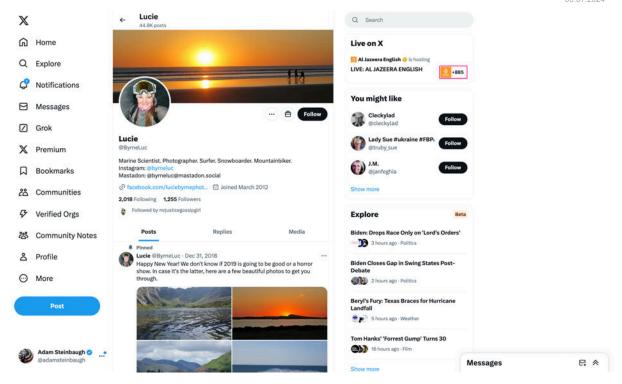
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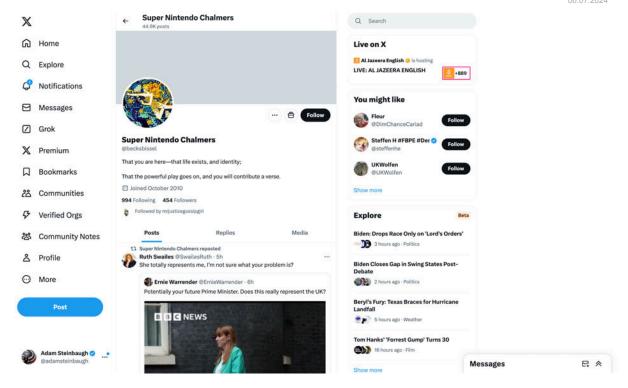
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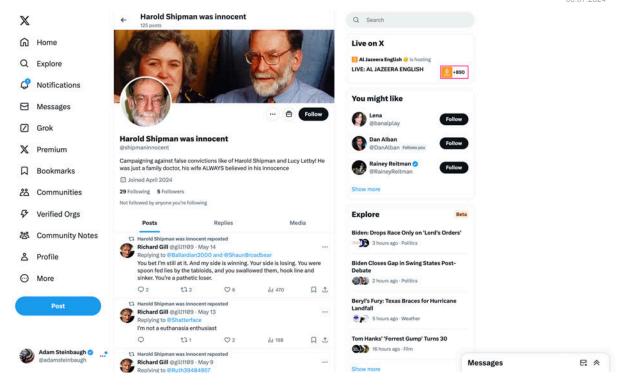
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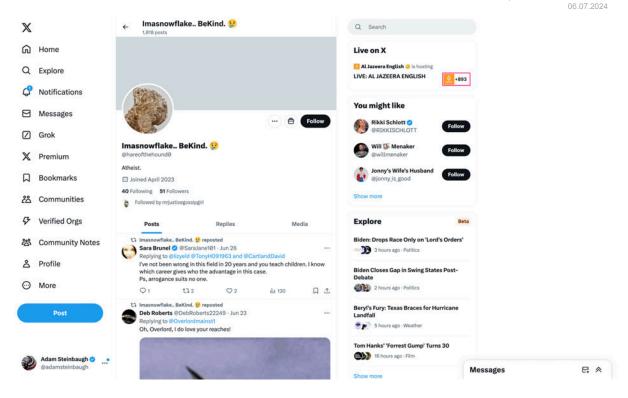
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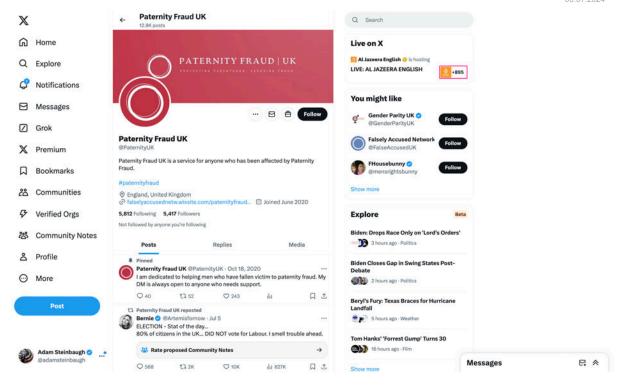
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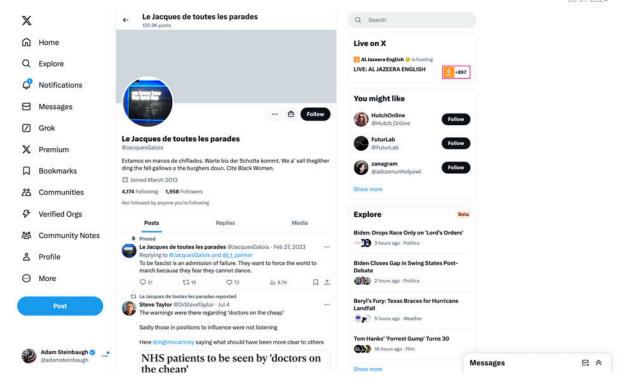
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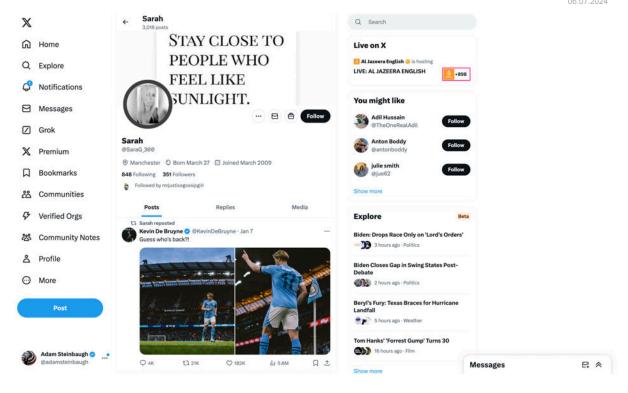
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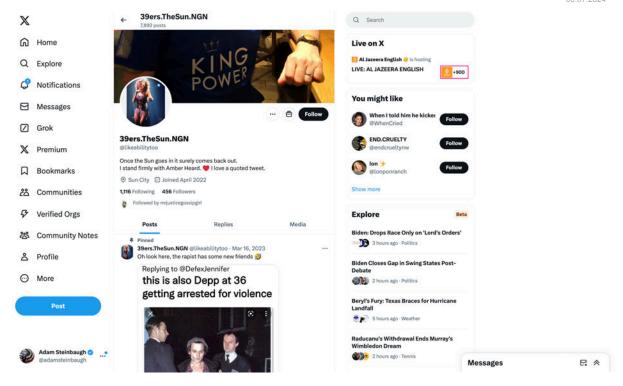
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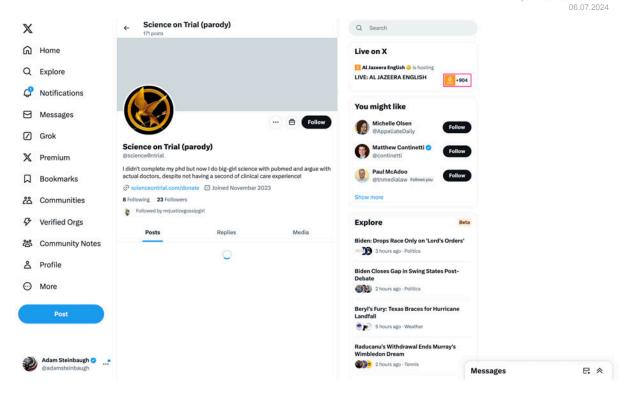


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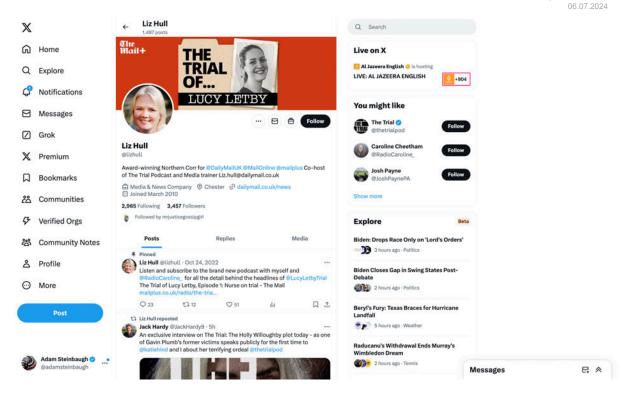
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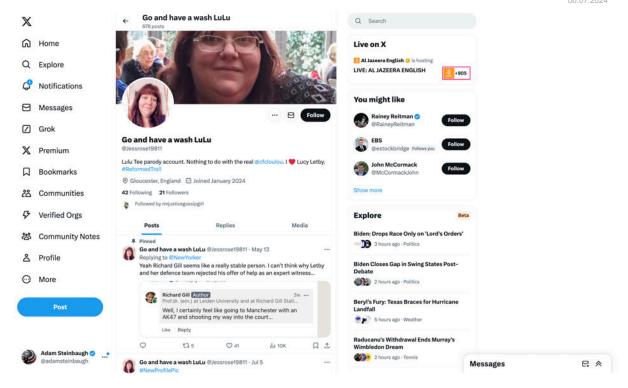
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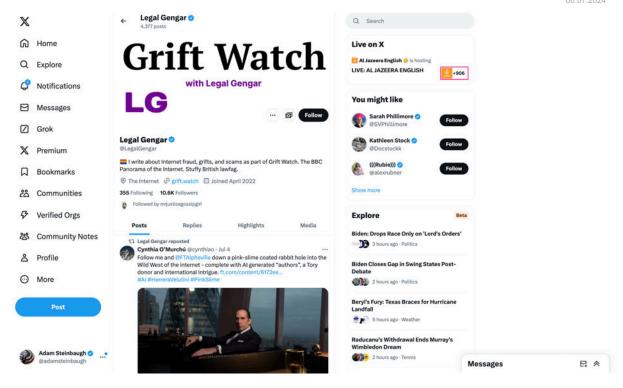
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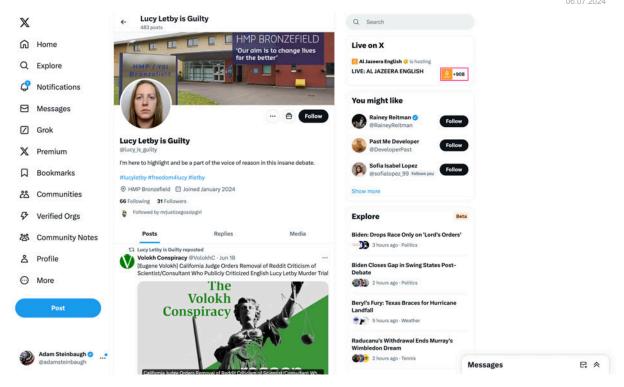
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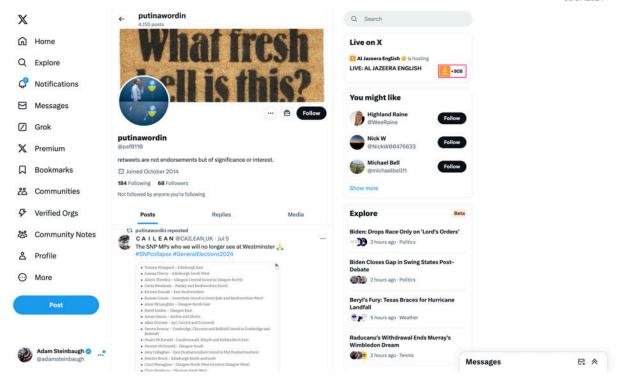
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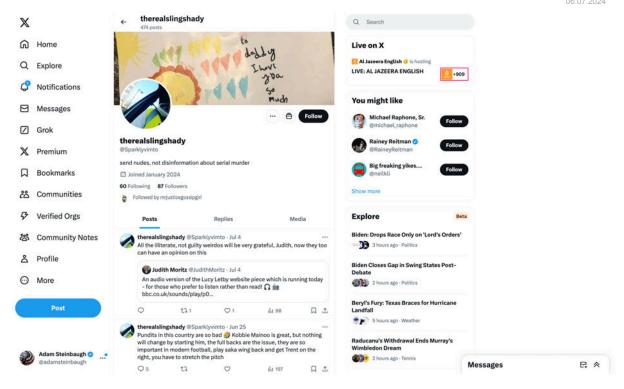
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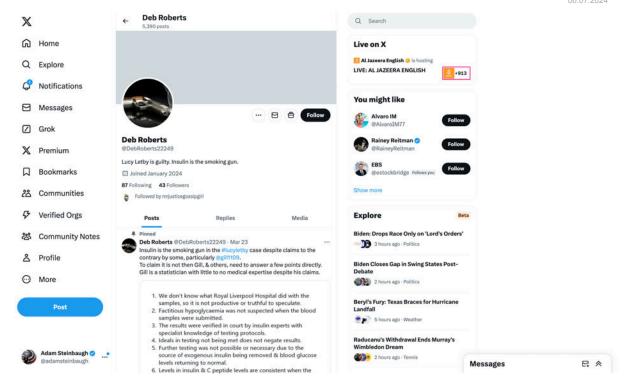
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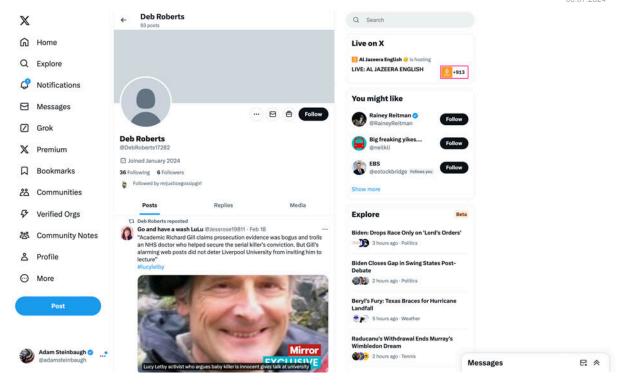
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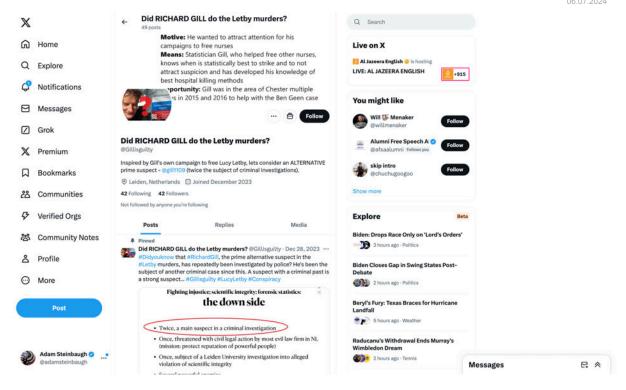
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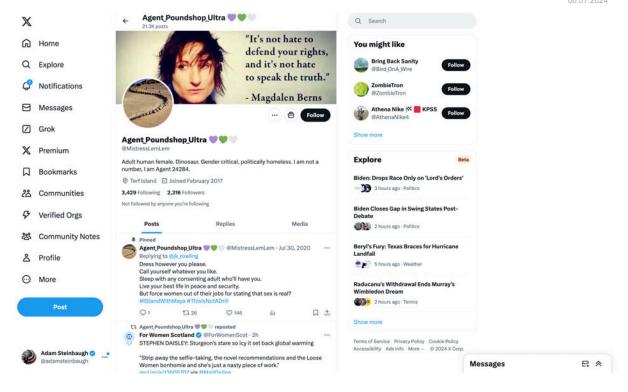
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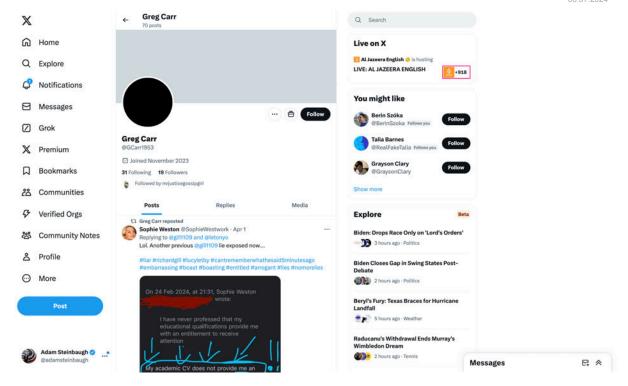
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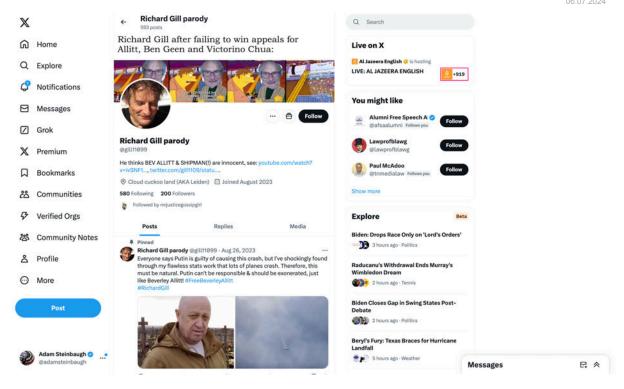
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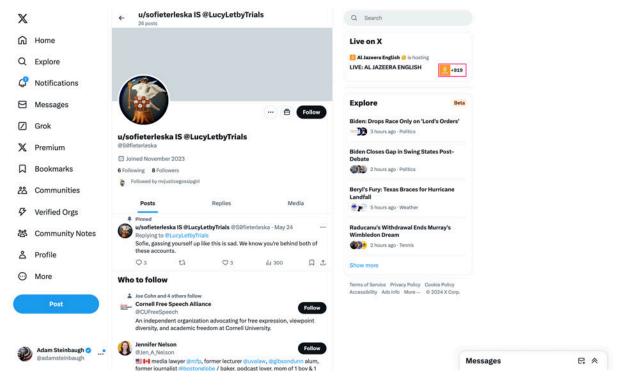
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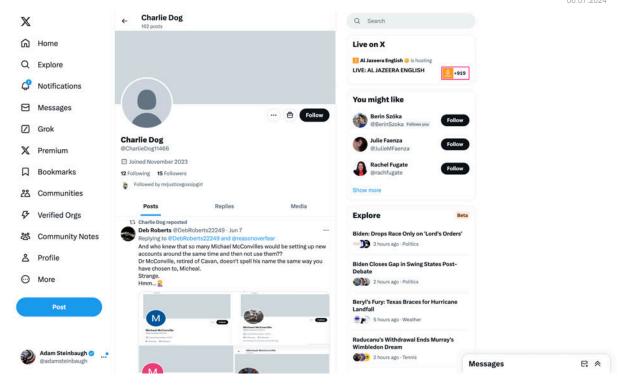


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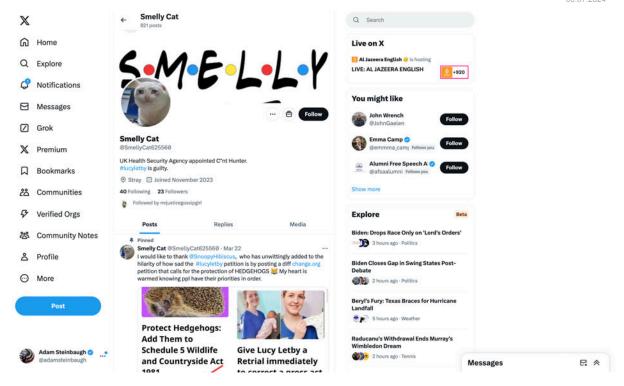


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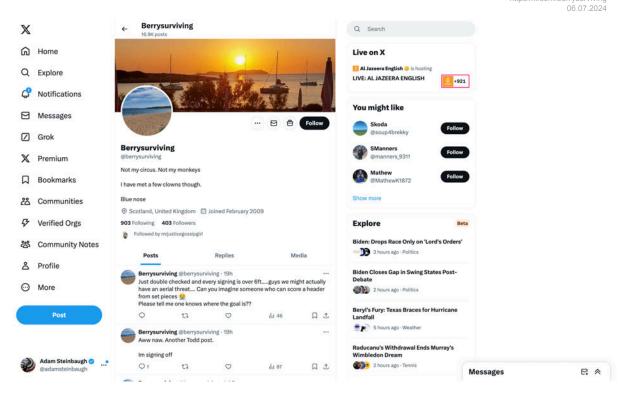
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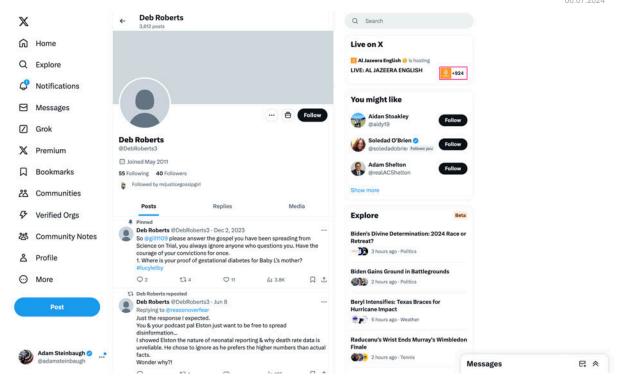
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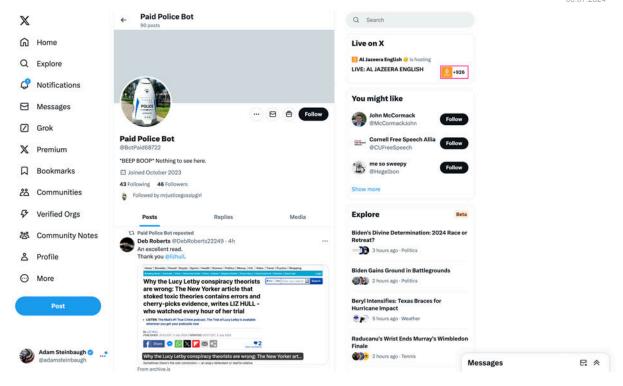
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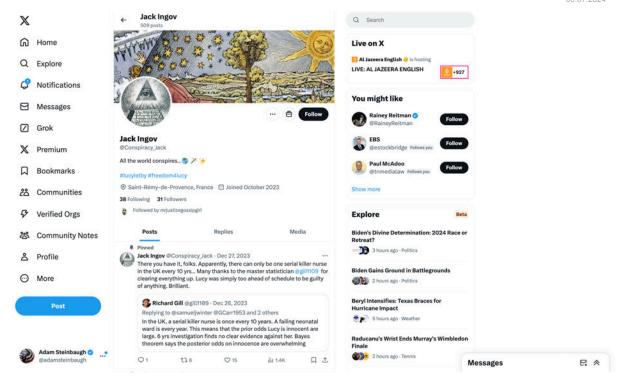
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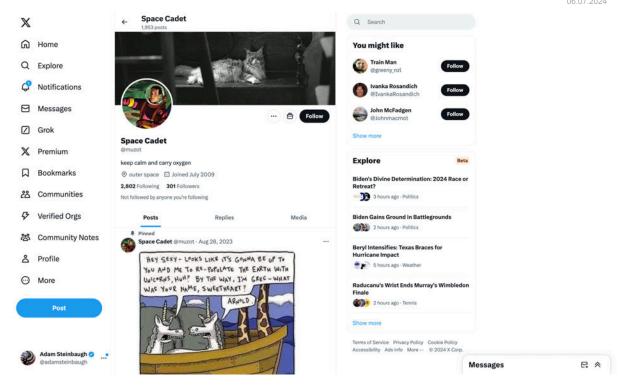
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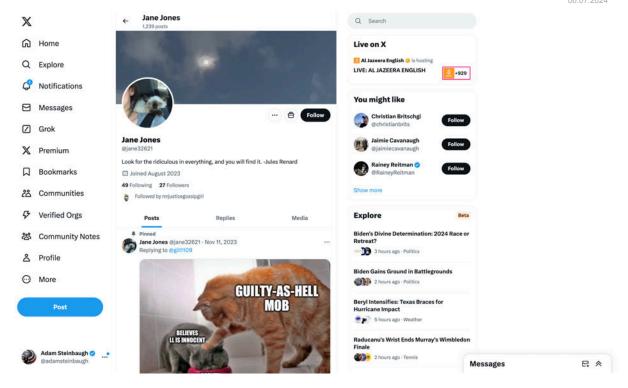
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## **EXHIBIT 5**



### Adam Steinbaugh <adam@thefire.org>

## Ongoing violation of Restraining Order and Copyright Infringement - Amy Gulley

Sarrita Adams

Thu, Jul 11, 2024 at 1:03 AM

To: Adam Steinbaugh <adam@thefire.org>

Thank you for this email. You have confirmed that Ms. Gulley is still stalking me. Owing to my status as a dependent adult, which Gulley has learned through reading my divorce fillings, I will be seeking to amend the complaint to obtain a dependent adult restraining order. I am very frightened of your client, and she has caused significant suffering and harm to me

Please note, this statement will form the basis of the contempt action.

2) the references to the name "Science on Trial" are to criticize -- not impersonate -- that entity;

Gulley's subreddit features my name and she is not allowed to stalk me but her subreddit performs this exact role. Her "criticism" amounts to statements such as I have been following Sarrita for a year..." Lying about the events in my divorce, and encouraging others to interfere with a private business. Gulley is not a customer of Science on Trial, she is simply my internet stalker, and she is not permitted to use the products of her stalking to continue to e courage others to stalk me, as this is still a breach of the court order.

The S.F. Police are being notified of the violation, and the fact that you have encouraged Gulley's criminal activity.

Since you are confused about the criminal conduct you are advocating see the statute. California Penal Code [CPC] §646.9(a) –

- (a) Any person who willfully, maliciously, and repeatedly follows or willfully and maliciously harasses another person and who makes a credible threat with the intent to place that person in reasonable fear for his or her safety, or the safety of his or her immediate family is guilty of the crime of stalking,
- (b) Any person who violates subdivision (a) when there is a temporary restraining order, injunction, or any other court order in effect prohibiting the behavior described in subdivision (a) against the same party, shall be punished by imprisonment in the state prison for two, three, or four years.

Please note the 200 pages of exhibits we have of your client's unhinged harassment, have been shown by major British media outlets to be nothing but defamation. Gulley's claims I am a fake scientist, a liar and so forth make up her stalking and harassing behavior. Major publications, along with scores of doctors, lawyers, scientists and experts have come out and supported the work conducted by Science on Trial. Her claims that my work is not accurate are now shown to be unfounded, and frankly of no concern of hers since this is case in Britain, where I am citizen.

https://www.theguardian.com/uk-news/article/2024/jul/09/lucy-letby-evidence-experts-question

https://www.telegraph.co.uk/news/2024/07/09/lucy-letby-serial-killer-or-miscarriage-justice-victim/

I would recommend you abandon your harassing litigation, you are supporting a woman who stalks and harasses people simply because they are engaged in matters relating to their country of citizenship. You will not meet either the 1st nor 2nd prong of an anti-SLAPP motion. Not least when you email me to inform me your client is going to continue stalking me as per your legal advice. Perhaps Ms Gulley should retain a RO attorney, as you appear unable to recognize that criminal stalking is not equivalent to free speech.

It is now clear Gulley's harassment was designed to silence my free speech such that she could limit the extent to which my work could impact issues in my home country. I have a write to engage in matters pertaining to my home country without violent and abusive American Citizens claiming they have a right to place me at fear of

serious harm.

We have already prepared a response to your anti-slapp, and we have numerous declarations from witnesses stating they observed Gulley's criminal conduct, in the form of stalking and harassment. We also have her numerous screenshots detailing her criminal actions to stalk and harass me.

Your continued involvement in this matter is simply a clear effort to extract money from me through vexatious litigation, where you state in writing that you are encouraging your client to maintain a subreddit group which only she controls and where she continues to highlight her stalking actions.

I am not agreeable to a continuance to the 20th. You have not served me with any filings, and you have sent me evidence that you are supporting your client's harassment. As stated the police will be notified of your client's ongoing criminal conduct and the DA can assess your claims that stalking is free speech.

Best,

Sarrita

On Wed, 10 Jul 2024 at 18:45, Adam Steinbaugh <adam@thefire.org> wrote:

Sarrita Adams:

Again, please let me know whether you will agree to a continuance of the hearing to August 20 so that you will have adequate time to respond to Respondent Gulley's forthcoming motion to quash and anti-SLAPP motion. Additionally, I would appreciate your cooperation on scheduling, as I have a family vacation and will not be able to prepare for or attend a hearing on July 23.

With respect to the Court's order: (1) the social media posts are not publicly available; (2) the references to the name "Science on Trial" are to criticize -- not impersonate -- that entity; and (3) Google has no more access to the social media posts than the general public (that is, none) and Gulley cannot control what Google publishes.

To the extent that you assert claims for defamation or copyright, those are not relevant to this proceeding. You should avoid issuing copyright takedown notices for fair uses of content.

Finally, for clarity, the balance of your allegations are denied.

Thanks in advance,

## Adam B. Steinbaugh

Attorney\*
Foundation for Individual Rights and Expression 510 Walnut Street
Suite 900
Philadelphia, PA 19106
(215) 717-3473
adam@thefire.org

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\* Admitted in California and Pennsylvania

On Tue, Jul 9, 2024 at 8:22 PM Sarrita Adams wrote:

Your client continues to violate the restraining order by maintaining her harassing posts and also impersonating our business name - Science on Trial, Inc in her subreddit page. Additionally, your client has extensively infringed on

Science on Trial, Inc copyright by publishing our copyrighted work. She maintains her posts on a private - invitation only site, where the content is still clearly searchable on Google.

The court order is clear that Ms. Gulley must remove her harassing posts and stop impersonating the business Science on Trial, Inc. Ms Gulley continues to impersonate Science on Trial, Inc, and her harassing posts are still searchable. Please instruct your client to adhere to the court order as written. In the event she fails to comply with the court order I will be required to report this offense to the police.

Further, we have documentation from your client stating that she has been watching, following and 'collecting receipts' on my online movements since May 2023, this predates any coverage of me in the UK media. Your client was involved in a stalking and smear campaign prior to the minor media coverage in which the work of Science on Trial, Inc, was featured.

Recent media coverage on the Letby Case further undermines your claims that I played a pivotal role as an expert of any kind, nor has there been any widespread interest in me. Your client has a massive platform on her LucyLetby subreddit, she has used that to silence numerous individuals, block and banning them from comment while silencing any person who has disagreed with her narrow and misinformed scientific opinions. Further, Ms. Gulley has repeatedly defamed me by stating I am a domestic abuser. A transcript from 2020 from my divorce proceedings makes clear that the court did not find me to be a domestic abuser. This is why it is unwise to rely on an unpublished opinion, based on actions that occurred in 2016/2017, and where the case is still ongoing. Further, separate findings make clear I was deemed to be the victim of abuse.

Please inform your client that we will proceed to report her ongoing violations to the police if she is unable to adhere to the court order. She is required to stop impersonating Science on Trial, Inc, this means she must stop advertising her harassing and defamatory subreddit using the business name.

I have included screenshots of her violations and proof of impersonation of Science on Trial, Inc. Please also instruct your client to remove all material that is the property of Science on Trial, Inc, which she copied, or stole, from our websites. We can provide Copyright Certification at your request.

Best,

Sarrita Adams



## mrjusticegossipgirl @

@mrjgossipgirl

The Justice Girl r/scienceontrial

47 Following 40 Followers

# These posts are protected.

Only confirmed followers have access to @@mrjgossipgirl's posts and complete profile. Tap the Follow button to send a follow request.













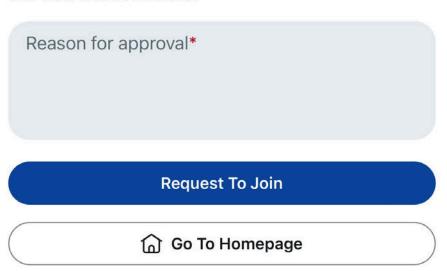


/11/24, 2	::39 PM	Foundation for Individual Rights and Expression Mail -	Ongoing violation of Restraining Order and Copyright Intringement - Amy	Gulley

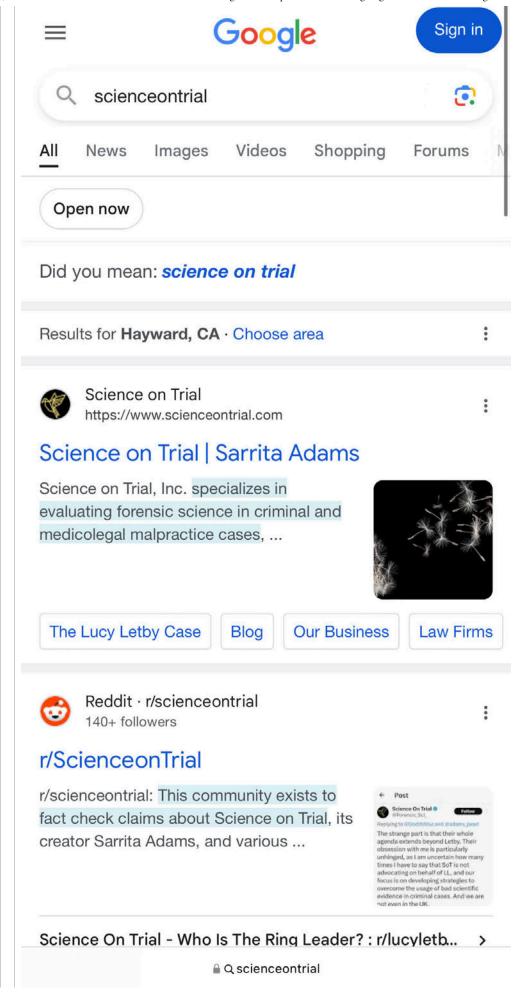


This community exists to fact check claims about Science on Trial, its creator Sarrita Adams, and various statements that can be credited to her.

This is a private community. Only approved members can view and contribute.



11/24, 2:39 PM	Foundation for Individual Rights and Expression Mail	- Ongoing violation of Restraining Order and Copyright Intringement - Amy Gulley



On Fri, 28 Jun 2024 at 23:30, Adam Steinbaugh <adam@thefire.org> wrote:

Dear Sarrita Adams --

As a courtesy, please find attached copies of the application we filed this evening. Again, I strongly suggest that you dismiss the petition before we file an anti-SLAPP motion. If you intend to voluntarily dismiss the petition, please let me know.

Sincerely,

#### Adam B. Steinbaugh

Attorney\*
Foundation for Individual Rights and Expression 510 Walnut Street
Suite 900
Philadelphia, PA 19106
(215) 717-3473
adam@thefire.org

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\* Admitted in California and Pennsylvania

On Fri, Jun 28, 2024 at 3:42 PM Adam Steinbaugh <adam@thefire.org> wrote:

Dear Sarrita Adams:

I represent Amy Gulley in connection with your petition for a civil harassment restraining order against Gulley and 20 John Doe defendants. The hearing on your petition is set for July 2, 2024.

First, I strongly urge you to voluntarily dismiss your petition. I am preparing to file a motion to quash and an anti-SLAPP motion. If the anti-SLAPP motion is granted, Gulley will be awarded attorneys' fees. (Code Civ. Pro., § 425.16 subd. (c)(1).) You can avoid that outcome by dismissing the petition at any time before we file the anti-SLAPP motion.

While you consider that, I'm writing to ask if you would agree to a continuance of the July 2 hearing. Under Code of Civil Procedure section 527.6, subdivision (o), Gulley is entitled to a continuance as a matter of right. Additionally, *Thomas v. Quintero* (2005) 126 Cal.App.4th 635, 649 allows continuances so that an anti-SLAPP motion is heard before the hearing on the civil harassment restraining order petition. I have attached a copy of that decision for your convenience.

Would you agree to (1) continue the hearing on your petition to August 20, 2024 (or a date three weeks after a hearing on the anti-SLAPP motion and motion to quash); and (2) hold a hearing on the anti-SLAPP motion and motion to quash on July 30, 2024, or as soon thereafter as the court may schedule it?

If you are agreeable to that, I have attached a stipulation to that effect and ask that you sign and email it to me.

Please let me know your position as soon as is practicable. If I do not hear from you **before 4:00 p.m. Pacific Time on June 28, 2024**, I will seek a continuance on an *ex parte* application.

Absent your agreement to that schedule, <u>please take notice</u> that on Tuesday, July 2, 2024, at 8:30 a.m. or as soon as the matter may be heard in Department 505 of the San Francisco Superior Court, at 400 McAllister St., San Francisco, CA, 94102, Respondent Amy Gulley will apply ex parte for an order setting the date for hearing on Respondent's anticipated anti-SLAPP motion and motion to quash for July 30, 2024, and continuing the July 2, 2024 hearing on the petition for a civil harassment restraining order to August 20, 2024, or a date three weeks after a hearing on the petition.

Also, please let me know whether you are amenable to service of documents we file via email. I am amenable.

Thank you in advance,

## Adam B. Steinbaugh

Attorney\*
Foundation for Individual Rights and Expression 510 Walnut Street
Suite 900
Philadelphia, PA 19106
(215) 717-3473
adam@thefire.org

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\* Admitted in California and Pennsylvania

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