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Superior Court of California,
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13 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**
14 **COUNTY OF SAN FRANCISCO – CIVIC CENTER COURTHOUSE**

15 SARRITA ANASTASIA ADAMS,
16 Petitioner,
17 vs.
18 AMY GULLEY,
19 Respondent.

Case No. CCH-24-587004

*Assigned for all purposes to the
Hon. Michelle Tong*

**NOTICE OF NON-OPPOSITION TO
RESPONDENT AMY GULLEY'S
MOTION TO QUASH AND SPECIAL
MOTION TO STRIKE [CCP § 425.16]
AND REQUEST TO DISSOLVE
TEMPORARY RESTRAINING
ORDER; SUPPLEMENTAL
DECLARATION OF ADAM
STEINBAUGH; EXHIBITS 1-11**

Date: September 30, 2024
Time: 9:30 a.m.
Dept.: 505

Action Filed: June 6, 2024
Trial date: September 30, 2024

1 **NOTICE AND MEMORANDUM**

2 Petitioner Sarrita Anastasia Adams, who has thrust herself into the center of an
3 ongoing “media frenzy,”¹ has imposed a 115-day prior restraint on Respondent Amy Gulley,
4 a Pennsylvania resident barred from making online comments “about” Adams. Misusing
5 the civil harassment process to muzzle a critic is bad enough.

6 Even worse, the length of that prior restraint, in the form of a temporary restraining
7 order, is a direct result of Adams’s *repeated* refusals to participate in the action she
8 initiated. In fact, for the second time, and after four continuances, Adams has not filed or
9 served a timely opposition to Gulley’s Motion to Quash Petition for Civil Harassment
10 Restraining Order for Lack of Personal Jurisdiction (“Motion to Quash”) or her Special
11 Motion to Strike (“anti-SLAPP Motion”).

12 This Court should dissolve the TRO and deny any request by Adams for a fifth
13 continuance to make a *third* attempt at meeting her deadlines.

14 **BACKGROUND AND PROCEDURAL HISTORY**

15 ***Adams’s June 6, 2024, petition.***

16 Adams filed her petition on June 6, 2024. The following day, this Court granted a
17 TRO prohibiting Gulley from making any online comments “about” Adams. On June 28,
18 Gulley’s counsel asked Adams to dismiss her petition, warning that Gulley would file
19 an anti-SLAPP Motion if the matter were continued. (Supp. Decl. of Adam Steinbaugh
20 [“Steinbaugh Supp. Decl.”], ¶ 5, Ex. 1.) Adams refused and asserted that she had “already
21 prepared a response to your anti-slapp, and we have numerous declarations from
22 witnesses” in support. (*Id.* ¶ 10, Ex. 3.)

23 ***Adams seeks a continuance after failing to file a proof of service.***

24 On July 2, Gulley’s counsel attempted to appear for the hearing after traveling from
25 Philadelphia to California. (Steinbaugh Supp. Decl. ¶ 6.) Instead, at Adams’ request, the
26 Court continued the matter to July 23, 2024, because Adams had not filed a proof of
27 service. (See *id.* ¶ 8, Ex. 2.)

28 _____
¹ See Declaration of Adam Steinbaugh in Support of Special Motion to Strike, ¶ 19, Ex. 17.

1 ***The Court continues the hearing to resolve the anti-SLAPP and personal***
2 ***jurisdiction motions.***

3 On July 16, Gulley filed a request to continue the July 23 hearing to August 20 to
4 respond to the petition and provide Adams time to prepare an opposition to the Motion to
5 Quash for lack of personal jurisdiction and anti-SLAPP Motion. (*Id.* ¶ 11, Ex. 4.) Gulley
6 formally served Adams with the Motion to Quash and anti-SLAPP Motion on July 24 and
7 25, respectively, and the motions were set for hearing on August 20.² Adams’s oppositions
8 to the motions were due August 7, 2024. (See, Code Civ. Proc., § 1005, subd. (b) [“All
9 papers opposing a motion” are due nine court days before the hearing].)

10 ***Adams requests a third continuance after hiring a first attorney and missing***
11 ***the opposition deadline.***

12 Adams then retained her first attorney in this matter, Marc Pelta, who first
13 contacted Gulley’s counsel on August 6, the evening before Adams’s oppositions were due.
14 (Steinbaugh Supp. Decl. ¶ 14.) On August 9, Pelta requested, and the undersigned
15 provided, electronic copies of the anti-SLAPP Motion. (*Id.* ¶ 15.)

16 Adams did not file an opposition to either motion. Instead, Adams waited until
17 August 16—nine days after her oppositions were due, and just two court days before the
18 hearing—to file a request for a third continuance. (*Id.* ¶ 16, Ex. 5.) Adams’s request
19 asserted that Attorney Pelta was “recently hired” and needed time to review the “significant
20 discovery/evidence” in the matter. (*Id.*) Gulley, in response, explained that Adams had
21 missed her deadline to respond under Code of Civil Procedure section 1005, subdivision
22 (b). (*Id.* ¶ 17, Ex. 6.)

23 Because Adams did not file a request for a continuance until Friday, August 16 (two
24 court days before the hearing), the undersigned traveled to San Francisco from
25 Philadelphia to attend that hearing. (*Id.* ¶ 18.) On August 19, the Court granted Adams’s
26 request, continuing the hearing to September 17, 2024. (*Id.* ¶ 20, Ex. 7.)
27
28

² Although formally served later, Gulley first sent Adams the Motion to Quash on July 11. (Steinbaugh Supp. Decl. ¶ 9.)

1 ***After a fourth continuance, Adams again hires new counsel and again misses***
2 ***her deadline to oppose the motions.***

3 On August 20, the Court issued a further Order continuing the hearing a fourth
4 time, to September 30, to accommodate resolution of the motions. (*Id.* ¶ 21, Ex. 8.)
5 Adams’s deadline to respond to the motions was September 16, 2024. (Code Civ. Proc.,
6 § 1005, subd. (b).)

7 Adams then repeated this process, again hiring a new attorney and seeking a
8 continuance at the last minute. On September 12, four days before the oppositions were
9 due, Attorney Pelta informed the undersigned that Adams had retained a second attorney,
10 Okorie Okorochoa. (*Id.* ¶ 22, Ex. 9.) Attorney Pelta then asked—for a second time—for a
11 copy of “the motion so that we can respond to it.” (*Id.*) The undersigned again obliged. (*Id.*)

12 That evening, mistakenly believing the hearing was set for September 17, Pelta filed
13 a request for a further continuance. (*Id.* ¶ 23, Ex. 10.) Once again, Attorney Pelta asserted
14 that Adams required an extension for the new attorney to have sufficient time to “review
15 those two motions” and “comply with the California and Local Rules of Court to litigate
16 these two motions.” (*Id.*) Attorney Pelta provided a list of acceptable dates, *including*
17 *September 30.* (*Id.*) When the undersigned explained that the Court had already continued
18 the matter to that date, Pelta withdrew his request, committed to the September 30
19 hearing date, and represented to the Court that Adams would file oppositions this week.
20 (*Id.* ¶ 24, Ex. 11.)

21 Adams did not file an opposition to either motion by September 16, the deadline set
22 based on the date Adams *chose* for the hearing. (*Id.* ¶ 25.)

23 **ARGUMENT**

24 **I. Adams Has Repeatedly Failed to Oppose the Motions.**

25 Absent a court order or express law to the contrary, an opposition to a noticed
26 motion—including an anti-SLAPP motion—is due nine court days before the hearing.
27 (Code Civ. Proc., § 1005, subd. (b); *Changsha Metro Group Co., Ltd. v. Xufeng* (2020) 57
28 Cal.App.5th 1, 19.) That familiar timeline applies to anti-SLAPP motions challenging civil
harassment petitions. (See, *Thomas v. Quintero* (2005) 126 Cal.App.4th 635, 649

1 [recognizing that the time necessary for parties to adjudicate an anti-SLAPP motion may
2 be longer than the “short time line specified in the [civil harassment] statute for a hearing
3 on the merits of a petition.”)]

4 Adams has twice failed to meet this deadline. Her initial deadline to file a response
5 was on August 7, nine court days before the August 20 hearing. Although the Court showed
6 patience in continuing the hearing to accommodate Adams’ last-minute retention of
7 counsel, Adams did nothing with the 41-day extension. With just four days before her
8 second deadline (September 16, which is nine court days before the September 30
9 hearing), Adams again asked for a copy of the anti-SLAPP motion. (Steinbaugh Supp. Decl.
10 ¶ 22, Ex. 9.) And although Adams’s counsel *chose* the September 30 date (*id.* ¶¶ 23–24,
11 Exs. 10 & 11), Adams filed no opposition to either the anti-SLAPP Motion or the
12 straightforward Motion to Quash. (*Id.* ¶ 25.)

13 Adams’s twice-over failure to oppose the Motions is an implied concession of their
14 merit. (See *Herzberg v. County of Plumas* (2005) 133 Cal.App.4th 1, 20 [failure to oppose
15 portion of demurrer was an abandonment of the issue]; *DuPont Merck Pharmaceutical Co.*
16 *v. Superior Court* (2000) 78 Cal.App.4th 562, 566 [failure to challenge argument in a brief
17 concedes the argument].) At *best*, Adams’s refusal to participate in the action she initiated
18 is indicative of the costly time-wasting the anti-SLAPP statute is intended to cut short.

19 **II. Adams’s Repeated Failure to Respond Undermines the Expedited
20 Nature of These Proceedings.**

21 **A. Adams failed to use the extra time this Court afforded to her.**

22 Adams’s refusal to respond is not for lack of time: Ordinarily, a party opposing a
23 motion has seven court days to file an opposition, as the movant may serve the motion
24 sixteen court days before the hearing. (Code Civ. Proc. § 1005, subd. (b).) Adams has had
25 *thirty-six* court days (or 53 calendar days) to file an opposition³—more than five times the
26 advance notice required by the Code of Civil Procedure.
27

28 ³ The Motion to Quash was served on July 24 and the anti-SLAPP motion on July 25. There are thirty-six court days
between July 25 and September 16, the most recent deadline to file an opposition.

1 Setting aside her *formal* window to respond, Adams has long had advance warning
2 of the Motions. Adams was first provided a copy of the Motion to Quash on July 11, some
3 67 days before her most recent deadline to respond. (Steinbaugh Supp. Decl., ¶ 9.) She had
4 even *earlier* warning of the anti-SLAPP motion, as Gulley’s counsel alerted her on June
5 28—a full 80 days before an opposition would be due. (*Id.* ¶ 5, Ex. 1.)

6 Worse, after the Court continued this matter to provide Adams time to respond, she
7 did not do so. Instead, Attorney Pelta asked Gulley for a copy of the anti-SLAPP motion on
8 September 12 so that “we can respond to it.” (*Id.* ¶ 22, Ex. 9.) That Pelta again asked for a
9 copy of the motion on September 12—after Gulley had already provided it to Adams on
10 July 25, and to Attorney Pelta on August 9 (*id.* ¶¶ 13, 15)—shows that Adams has made no
11 effort to respond to the motion, despite her counsel telling the Court on August 16 they
12 needed that time to review the “significant discovery/evidence.” (*Id.* ¶ 16, Ex. 5.)

13 **B. Both the Motion to Quash and anti-SLAPP Motion are intended to**
14 **be adjudicated expeditiously.**

15 Adams’s delays of the hearing on the Motions are undermining a shared purpose of
16 the anti-SLAPP statute, California’s personal jurisdiction statute, and the civil harassment
17 statute—expedited resolution. California’s anti-SLAPP statute and personal jurisdiction
18 statute both present threshold issues to be decided early and before trial. And the civil
19 harassment statute is intended to provide for quick trial on the merits—*after* the threshold
20 issues presented by the Motion to Quash and anti-SLAPP Motion are resolved.

21 Motions to quash present threshold jurisdictional issues that must be resolved
22 before proceeding to the merits. (*Aghaian v. Minassian* (2021) 64 Cal. App. 5th 603, 610–
23 611 [explaining reasons why motions to quash are adjudicated before proceeding to the
24 merits].) That’s why a motion to quash must be filed before (or at the same time as)
25 challenging the pleadings by demurrer or motion to strike, and noticed for hearing within
26 thirty days. (Code Civ. Proc. § 418.10, subs. (b) & (e)(3).)

27 Likewise, the anti-SLAPP statute imposes time limits on anti-SLAPP motions to
28 facilitate the “legislative policy of early evaluation and expeditious resolution of claims

1 arising from protected activity.” (*Salma v. Capon* (2008) 161 Cal.App.4th 1275, 1294.)
2 These guardrails include the requirements that anti-SLAPP motions be *filed* early (within
3 60 days of service) and *heard* early (within 30 days of service of the motion). (Code Civ.
4 Proc. § 425.16, subd. (f).)

5 Moreover, the anti-SLAPP Motion presents threshold issues that must be resolved
6 *before* proceeding to a hearing on the merits, as the anti-SLAPP statute provides immunity
7 from trial and relief from other burdens of litigation, like discovery. (*Physicians Com. for*
8 *Responsible Medicine v. Tyson Foods, Inc.* (2004) 119 Cal.App.4th 120, 129 [recognizing
9 that the anti-SLAPP statute provides a “limited immunity from suit”]; Code. Civ. Proc.
10 § 425.16, subd. (g) [automatic stay of discovery].)

11 The repeated stalling by Adams and her counsel is contrary to the purposes of the
12 anti-SLAPP statute and their lackadaisical approach comes at the expense of Gulley’s core
13 First Amendment rights.

14 **III. Adams’s Refusal to Participate in this Action is Causing Prejudice to** 15 **Gulley’s First Amendment Rights.**

16 Adams’s obstruction frustrates the expeditious resolution of the anti-SLAPP motion
17 and is deeply prejudicial to Gulley. Adams has obtained a temporary restraining order
18 prohibiting Gulley from making online comments “about” Adams, who has thrust herself
19 to the forefront of a matter of public concern. The TRO is set to expire on September 30—a
20 full 115 days after its issuance. (Steinbaugh Supp. Decl. ¶ 21, Ex. 8.) Procedurally defective
21 at the outset, the TRO should not have issued, and—if the motions are not granted due to
22 Adams’s failure to respond—the Court should dissolve the TRO to ensure Gulley suffers no
23 more harm to her constitutional rights while Gulley’s motions and Adams’s petition are
24 pending.

25 **A. The Court should dissolve the TRO because it is a prior restraint** 26 **on speech on matters of public concern.**

27 A civil harassment restraining order prohibiting the respondent from “making or
28 publishing” statements about another person is a “classic type of an unconstitutional prior

1 restraint.” (*Evans v. Evans* (2008) 162 Cal.App.4th 1157, 1167–1169 [reversing order
2 prohibiting “false and defamatory” statements on the internet].)

3 Because prior restraints prohibit speech before it occurs, they are the “most serious
4 and the least tolerable” limit on First Amendment rights. (*Neb. Press Assn. v. Stuart* (1976)
5 427 U.S. 539, 559). The risks prior restraints present are so great that the “chief purpose”
6 in adopting the First Amendment was to prevent their use entirely. (*Near v. Minn.* (1931)
7 283 U.S. 697, 713.) A prior restraint carries a “heavy presumption against its constitutional
8 validity” and is rarely justified outside of the context of national security concerns. (*New*
9 *York Times Co. v. United States* (1971) 403 U.S. 713, 714 [per curiam] [rejecting prior
10 restraints in the context of the Pentagon Papers].)

11 Those dangers are why the Court of Appeal has repeatedly overturned prior
12 restraints like that applied to Gulley. (See, e.g., *Evans, supra*, 162 Cal.App.4th at 1167–
13 1169; *Smith v. Silvey* (1983) 149 Cal.App.3d 400, 406–407 [order prohibiting respondent
14 from “contacting” residents of mobile home park was “unconstitutionally overbroad”
15 because it limited distribution of “literature”]; *Thomas v. Quintero* (2005) 126 Cal.App.4th
16 635, 643, 663 [prohibition on “distributing false and misleading handbills” about
17 petitioner].)

18 The prior restraint on Gulley’s speech is *broader* than the orders the Court of
19 Appeal prohibited in *Evans, Silvey, and Thomas*. That infirmity requires its dissolution.

20 **B. The broad TRO is causing ongoing harm to Gulley’s First**
21 **Amendment rights.**

22 The TRO issued on June 7 broadly prohibits Gulley from posting anything “about”
23 Adams or her for-profit corporation and requires Gulley to remove existing comments
24 from public access. In doing so, the TRO prohibits Gulley from *any* speech about Adams,
25 even as Adams continues to seek out media attention. (Since the TRO was issued, several
26 outlets have covered Adams’s efforts to influence public opinion, including the New York
27 Times, Associated Press, and BBC, among others.⁴) In *Thomas v. Quintero*, a prohibition

28 ⁴ Mark Landler, *Inquiry Into ‘Killer Nurse’ Won’t Weigh Key Question: Is She Innocent?*, N.Y. Times (Aug. 29, 2024),
<https://www.nytimes.com/2024/08/29/world/europe/lucy-letby-innocent-inquiry-nurse-babies.html> [noting an “open

1 on distributing even *unprotected* “false and misleading handbills” at the petitioner’s
2 church violated the respondent’s First Amendment rights because that conduct was not of
3 the “qualitatively in a ‘pattern of conduct’ as contemplated by” the civil harassment statute.
4 (*Thomas, supra*, 126 Cal. App. 4th at pp. 663.) It follows that a *broader* prohibition on *any*
5 speech—none of which Adams has proven are false, let alone unprotected—is a content-
6 based regulation sweeping far more broadly than the First Amendment permits.

7 Nor does the putatively-temporary nature of the order staunch the harm caused by
8 the prior restraint. A restriction on “First Amendment freedoms, for even minimal periods
9 of time, unquestionably” abridges First Amendment rights (*Elrod v. Burns* (1976) 427 U.S.
10 347, 373), and an order prohibiting speech for 115 days is far from a “minimal” period.

11 SLAPP plaintiffs like Adams have an incentive to draw out a proceeding. Delay
12 forces the respondent to continue to “devote [her] time, energy and financial resources
13 to combatting the lawsuit” while removing her voice from public discourse. (*Wilcox v.*
14 *Superior Court* (1994) 27 Cal.App.4th 809, 816 [disapproved on other grounds by *Equilon*
15 *Enterprises v. Consumer Cause, Inc.* (2002) 29 Cal.4th 53, 68 n.5].) That incentive is
16 compounded where, as here, the petitioner can extend an order prohibiting her critics from
17 speaking about her, knowing the Order is likely to be lifted once meaningfully contested.

18 **C. The TRO should be dissolved because it was procedurally defective**
19 **when it was issued.**

20 The TRO’s substantive defects are also the product of a procedural infirmity which—
21 independent of its unconstitutional overbreadth—require its dissolution.

22 Both the California Supreme Court and United States Supreme Court have
23 confirmed a prior restraint issued without an opportunity to be heard is *always* unsound.
24 The First Amendment and California Constitution leave “no place” for “ex parte restraining
25 orders” affecting protected speech “unless a showing is made that it was not reasonably

26 letter to Prime Minister Keir Starmer” facilitated by Adams’s ‘Science on Trial’ site]; Brian Melley & Maria Cheng,
27 *Inquiry into UK hospital where a nurse killed 7 babies will not review evidence against her*, Assoc. Press (Sept. 10,
28 2024), <https://apnews.com/article/uk-nurse-babies-killed-hospital-investigation-letby-fbc582b210d498414451297395eab934> [describing Adams’s leadership in the public debate]; Judith Moritz & Jonathan Coffey, *Lucy Letby: Courtroom drama, a failed appeal, and battles over the truth*, BBC (July 3, 2024), <https://www.bbc.com/news/articles/c727jgdm7r4o> [same].

1 possible to notify opposing parties or their counsel *and* afford them an opportunity to be
2 heard.” (*United Farm Workers v. Superior Ct. of Santa Cruz Cnty.* (1975) 14 Cal.3d 902,
3 914 [citing, with approval, *Carroll v. Princess Anne* (1968), 393 U.S. 175, 180].)

4 Yet the TRO issued without a hearing, let alone an “opportunity to make an
5 opposing presentation,” which is alone “enough to render suspect *ex parte* proceedings
6 affecting First Amendment rights[.]” (*Id.* at pp. 908–909.) That’s because the lack of
7 “evidence and argument by both sides” inhibits “careful conclusions which are essential in
8 the area of First Amendment adjudication.” (*Id.* at pp. 909.) Moreover, the one-sided
9 presentation too often produces an injunction “which sweeps more broadly” than the
10 “narrowest terms that will accomplish the pin-pointed objective permitted by
11 constitutional mandate and the essential needs of public order.” (*Id.* [quoting, in part,
12 *Carroll, supra*, 393 U.S. at p. 183].)

13 The order here does not serve the essential needs of public order because it instead
14 targets speech on matters of public concern—speech that “occupies the highest rung of the
15 hierarchy of First Amendment values.” (*Snyder v. Phelps* (2011) 562, U.S. 443, 452.)

16 CONCLUSION

17 Respondent respectfully requests this Court grant the Motions, vacate the
18 September 30 hearing, and dissolve the TRO. This Court should not countenance Adams’
19 repeated delays in a case she filed, which continues to curtail Gulley’s exercise of First
20 Amendment rights. If Adams seeks a fifth continuance, the Court should exercise its
21 “broad discretion” to deny a continuance, as there is “no mandatory right to a continuance”
22 for a civil harassment petitioner.⁵ (*Freeman v. Sullivant* (2011) 192 Cal.App.4th 523, 527.)

23 DATED: September 18, 2024

FOUNDATION FOR INDIVIDUAL
RIGHTS & EXPRESSION

25 By: 
26 Adam Steinbaugh
Attorney for Respondent Amy Gulley

27 _____
28 ⁵ If Adams files a belated opposition to either Motion, this Court should exercise its “broad discretion” to “reject late-
filed papers.” (*Rancho Mirage Country Club Homeowners Assn. v. Hazelbaker* (2016) 2 Cal.App.5th 252, 262.) If the
Court were to consider a dilatory opposition, it would prejudice Gulley’s ability to file a reply.

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INDEX OF EXHIBITS

Exhibit	Description	Page(s)
1	June 28, 2024, email to Adams concerning forthcoming motion to quash, anti-SLAPP motion	14-16
2	July 2, 2024, Order on Adams's request to continue	17-20
3	July 11, 2024, email from Adams asserting she had prepared a response to the anti-SLAPP motion with "numerous declarations" in support	21-31
4	Request to Continue, July 16, 2024	32-34
5	Request to Continue, August 16, 2024	35-37
6	Opposition to Request to Continue, August 16, 2024	38-44
7	August 19, 2024, Order on Adams's request to continue	45-48
8	August 20, 2024, Order continuing hearing to accommodate resolution of motion to quash and anti-SLAPP motion	49-54
9	September 12, 2024, email correspondence with Adams's counsel re: "Request for Anti-SLAPP Motion"	55-57
10	September 12, 2024, Request to Continue	58-66
11	September 13, 2024, Amended Request to Continue	67-69

1 **SUPPLEMENTAL DECLARATION OF ADAM STEINBAUGH**

2 I, Adam Steinbaugh, hereby declare:

3 1. I am an attorney licensed to practice in California. I work for a non-profit
4 organization, the Foundation for Individual Rights and Expression (FIRE), which provides
5 *pro bono* legal assistance on First Amendment matters. I am an attorney of record for
6 Respondent Amy Gulley in this matter. As such, I have personal knowledge of the matters
7 stated herein and could competently testify thereto.

8 2. I make this supplemental declaration in further support of Respondent
9 Gulley’s Motion to Quash Petition for Civil Harassment Restraining Order for Lack of
10 Personal Jurisdiction (“Motion to Quash”) and Special Motion to Strike (“anti-SLAPP
11 Motion”).

12 3. I reside, and my office is located in, Philadelphia, Pennsylvania.

13 4. My services, and the services of my colleagues and co-counsel, are offered to
14 Respondent Amy Gulley on a *pro bono* basis.

15 5. A true and correct copy of an email I sent to Petitioner Adams on June 28,
16 2024, is attached as **Exhibit 1**. In the email, I informed Adams that I was preparing to file
17 a motion to quash and an anti-SLAPP motion.

18 6. On July 2, 2024, after traveling to San Francisco, I attempted to appear for
19 the hearing after traveling to California from Philadelphia.

20 7. In traveling to San Francisco for the July 2 hearing, I incurred more than
21 \$2,000.00 in travel and lodging expenses.

22 8. A true and correct copy of the Court’s July 2, 2024, Order on Adams’s request
23 to continue the hearing is attached as **Exhibit 2**.

24 9. On July 11, 2024, I attempted to file Gulley’s Motion to Quash. I served
25 Adams with a copy of the same on the same date, sending it to her via Express Mail to the
26 address listed on her petition. While the court clerk later rejected that filing, the papers I
27 served on Adams on July 11—including the memorandum, declarations, and exhibits—are
28

1 substantively identical to the version I subsequently served and filed on Petitioner Adams
2 on July 24, 2024.

3 10. A true and correct copy of an email I received from Petitioner Adams on July
4 11, 2024, is attached as **Exhibit 3**. In the email, Adams states: “We have already prepared
5 a response to your anti-slapp, and we have numerous declarations from witnesses stating
6 they observed Gulley’s criminal conduct, in the form of stalking and harassment.”

7 11. A true and correct copy of Respondent’s Request to Continue, filed on July
8 16, 2024, is attached as **Exhibit 4**.

9 12. On July 24, 2024, I served the Motion to Quash and associated documents
10 via overnight delivery to Petitioner Adams’s mailing address by Federal Express.

11 13. On July 25, 2024, I served the anti-SLAPP motion and associated documents
12 via overnight delivery to Petitioner Adams’s mailing address by the United States Postal
13 Service.

14 14. On the evening of August 6, 2024, I first heard from Petitioner Adams’s first
15 attorney in this matter, Marc Pelta.

16 15. On August 9, Mr. Pelta asked for a copy of the anti-SLAPP motion. I provided
17 him with access to an electronic copy of the motion the same day.

18 16. A true and correct copy of Adams’s second Request to Continue, dated
19 August 16, 2024, is attached as **Exhibit 5**. In the August 16 Request to Continue, Adams’s
20 attorney stated that he was “recently hired and needs time to prepare,” stating that he was
21 available on September 30.

22 17. A true and correct copy of the memorandum in support of Respondent’s
23 Opposition to the second Request to Continue, filed on August 16, 2024, is attached as
24 **Exhibit 6**.

25 18. Because Adams’s second Request to Continue was not filed until two court
26 days before the hearing, I traveled from Philadelphia to San Francisco to be able to attend
27 the scheduled hearing. I incurred at least \$1,326.72 in costs and expenses as a result.
28

EXHIBIT 1



Adam Steinbaugh <adam@thefire.org>

Adams vs. Gulley - Proposed Stipulation and EX PARTE NOTICE

Adam Steinbaugh <adam@thefire.org>

Fri, Jun 28, 2024 at 3:42 PM

To: Sarrita [REDACTED]

Cc: JT Morris <JT.Morris@thefire.org>, Gabe Walters <gabe.walters@thefire.org>, Matthew Strugar <matthew@matthewstrugar.com>, Colin McDonell <colin.mcdonell@thefire.org>

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, **please take notice** 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

This communication may contain information that is confidential or privileged. Unless you are the addressee (or authorized to receive this message by the addressee), you may not use, copy, or disclose the contents of this message or information contained in this message to anyone. If you believe that you have received this message in error, please advise the sender and delete this message.

* Admitted in California and Pennsylvania

2 attachments

 **Thomas v. Quintero_ 126 Cal. App. 4th 635.PDF**
522K

 **[DRAFT] Stipulation and Proposed Order Continuing July 2, 2024 Hearing.pdf**
110K

EXHIBIT 2

CH-116 Order on Request to Continue Hearing

Clerk stamps date here when form is filed.

ENDORSED
FILED
San Francisco County Superior Court

JUL 02 2024

CLERK OF THE COURT
BY: ANGELICA SUNGA
Deputy Clerk

Complete items ① and ② only.

① Protected Party: Sarrita Anastasia Adams

② Restrained Party: Amy Guiley

The court will complete the rest of this form

③ Next Court Date

a. The request to reschedule the court date is denied.

Your court date is: _____

(1) Any *Temporary Restraining Order* (form CH-110) already granted stays in full force and effect until the next court date.

(2) Your court date is not rescheduled because: _____

Fill in court name and street address.

Superior Court of California, County of San Francisco

400 McAllister St.
San Francisco, CA 94102

Fill in case number.

Case Number:
CCH-24-587004

b. The request to reschedule the court date is granted. Your court date is rescheduled for the day and time listed below. See ①–⑧ for more information.

Name and address of court, if different from above:

New Court Date → Date: Jul 23, 2024 Time: 8:30 am
Dept.: 505 Room: 505

④ Temporary Restraining Order

a. There is no *Temporary Restraining Order (TRO)* in this case until the next court date because:

(1) A TRO was not previously granted by the court.

(2) The court terminates (cancels) the previously granted TRO because: _____

b. A *Temporary Restraining Order (TRO)* is still in full force and effect because:

(1) The court extends the TRO previously granted on (date) June 7, 2024

It now expires on (date): July 23, 2024

(If no date is listed, the TRO expires at the end of the court date listed in 3b.)

(2) The court changes the TRO previously granted and signs a new TRO (form CH-110).

c. Other (specify): _____

Warning and Notice to the Restrained Party:

If ④b is checked, a civil harassment restraining order has been issued against you. You must follow the orders until they expire.

This is a Court Order.



5 Reason Court Date Is Rescheduled

- a. There is good cause to reschedule the court date (*check one*):
(1) The protected party has not served the restrained party.
(2) Other: _____

- b. This is the first time that the restrained party has asked for more time to prepare.
c. The court reschedules the court date on its own motion.

6 Serving (Giving) Order to Other Party

The request to reschedule was made by the:

- | | | |
|--|---|---|
| a. <input checked="" type="checkbox"/> Protected party | b. <input type="checkbox"/> Restrained party | c. <input type="checkbox"/> Court |
| (1) <input type="checkbox"/> You do not have to serve the restrained party because they or their lawyer were at the court date or agreed to reschedule the court date. | (1) <input type="checkbox"/> You do not have to serve the protected party because they or their lawyer were at the court date or agreed to reschedule the court date. | (1) <input type="checkbox"/> Further notice is not required. |
| (2) <input checked="" type="checkbox"/> You must have the restrained party personally served with a copy of this order and a copy of all documents listed on form CH-109, item (6) , by <i>(date)</i> : July 18, 2024 | (2) <input type="checkbox"/> You must have the protected party personally served with a copy of this order by <i>(date)</i> : _____ | (2) <input type="checkbox"/> The court will mail a copy of this order to all parties by <i>(date)</i> : _____ |
| (3) <input type="checkbox"/> You must have the restrained party served with a copy of this order. This can be done by mail. You must serve by <i>(date)</i> : _____ | (3) <input type="checkbox"/> You must have the protected party served with a copy of this order. This can be done by mail. You must serve by <i>(date)</i> : _____ | (3) <input type="checkbox"/> Other: _____

_____ |
| (4) <input type="checkbox"/> The court gives you permission to serve the restrained party as listed on the attached form CH-117. | (4) <input type="checkbox"/> Other: _____

_____ | |
| (5) <input type="checkbox"/> Other: _____

_____ | | |

This is a Court Order.



Case Number:
CCH-24-587004

7 **No Fee to Serve (Notify) Restrained Person** **Ordered** **Not Ordered**

The sheriff or marshal will serve this order for free because:

- a. The order is based on unlawful violence, a credible threat of violence, or stalking.
b. The person in ① is entitled to a fee waiver.

8 **Other Orders**

CHRISTOPHER C. HITE

Date: July 2, 2024

Judicial Officer



Request for Accommodations

Assistive listening systems, computer-assisted real-time captioning, or sign language interpreter services are available if you ask at least five days before the hearing. Contact the clerk's office or go to www.courts.ca.gov/forms.htm for *Disability Accommodation Request (form MC-419)*. (Civ. Code, § 54.8.)

Instructions to Clerk

If the hearing is rescheduled and the court extended, modified, or terminated a temporary restraining order, then the court must enter this order into CLETS or send this order to law enforcement to enter into CLETS. This must be done within one business day from the day the order is made.

—Clerk's Certificate—



Clerk's Certificate

I certify that this *Order on Request to Continue Hearing (Temporary Restraining Order) (CLETS-TCH)* is a true and correct copy of the original on file in the court.

Date: JUL 02 2024 Clerk, by Clerk of the Court, Deputy

This is a Court Order.

EXHIBIT 3



Ongoing violation of Restraining Order and Copyright Infringement - Amy Gulley

Sarrita Adams [REDACTED]

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 encourage 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 [REDACTED] wrote:

Sirs,

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



Follow

mrjusticegossipgirl

@mrjgossipgirl

The Justice Girl r/scienceontrial

[reddit.com/r/scienceontri...](https://reddit.com/r/scienceontrial) Joined October 2023

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.



12:03



scienceontrial

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.

Reason for approval*

[Request To Join](#)

[Go To Homepage](#)



scienceontrial

All News Images Videos Shopping Forums

Open now

Did you mean: science on trial

Results for Hayward, CA · Choose area



Science on Trial
https://www.scienceontrial.com

Science on Trial | Sarrita Adams

Science on Trial, Inc. specializes in evaluating forensic science in criminal and medicolegal malpractice cases, ...



- The Lucy Letby Case Blog Our Business Law Firms



Reddit · r/scienceontrial
140+ followers

r/ScienceonTrial

r/scienceontrial: This community exists to fact check claims about Science on Trial, its creator Sarrita Adams, and various ...



Science On Trial - Who Is The Ring Leader? : r/lucyletb...

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, **please take notice** 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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EXHIBIT 4

CH-115**Request to Continue Court Hearing**

Instructions: Use this form to ask the court to reschedule the court date listed on *Notice of Court Hearing* (form **CH-109**). Read, [How to Ask for a New Hearing Date \(form CH-115-INFO\)](#), for more information.

1 My Information

a. My name is: Amy Gulley

b. I am the:

- (1) **Protected party** (skip to **2**).
- (2) **Restrained party** (give your contact information below).

Address where I can receive mail:

This address will be used by the court and other party to notify you in this case. If you want to keep your home address private, you can use another address like a post office box or another person's address, if you have their permission. If you have a lawyer, give your lawyer's address and contact information.

Address: 510 Walnut Street, Suite 900

City: Philadelphia State: PA Zip: 19106

My contact information (optional):

Telephone: _____ Fax: _____

Email Address: _____

Lawyer's information (skip if you do not have one):

Name: Adam Steinbaugh State Bar No.: 304829

Firm Name: Foundation for Individual Rights and Expression

2 Information About My Case

a. The other party in this case is (full name): Sarrita Anastasia Adams

b. I have a court date currently scheduled for (date): July 23, 2024

Clerk stamps date here when form is filed.

ELECTRONICALLY

D

Superior Court of California,
County of San Francisco

07/16/2024

Clerk of the Court

BY LAUR SIMMONS
Deputy Clerk

Fill in court name and street address:

Superior Court of California, County of
San Francisco Superior Court
Civic Center Courthouse
400 McAllister Street, Room 103
San Francisco, CA 94102-4514

Fill in case number:

Case Number:
CCH-24-587004

This is not a Court Order.



3 Is a Temporary Restraining Order in effect?

- Yes. Date the order was made, if known: June 7, 2024
Please attach a copy of the order if you have one.
- No.
- I don't know.

Notice: If the court date is rescheduled, the *Temporary Restraining Order* (form [CH-110](#)) will remain in effect until the end of the new court date unless otherwise ordered by the court.

4 Why does the court date need to be rescheduled?

- a. I am the person asking for protection, and I need more time to have the restrained party personally served.
- b. I am the restrained party, and this is my first request to reschedule the court date.
- c. Other reason: I request a continuance to Tuesday, August 20, 2024.
- (1) I am entitled to a continuance under Code Civ. Proc., § 527.6 subd. (o).
- (2) I have filed a motion to quash and do not consent to personal jurisdiction. The Respondent will need time to prepare an opposition.
- (2) I will file a special motion to strike under Code Civ. Proc., § 425.16, and I need additional time to prepare that motion. An anti-SLAPP motion should be heard before the petition. (See Thomas v. Quintero (2003) 126 Cal.App.4th 635, 652 [affirming hearing on anti-SLAPP motion 75 days after petition filed].)
- (4) I need additional time to prepare. I am unavailable due to a family vacation between July 10-21, 2024.
- (5) My attorney, Adam Steinbaugh, will be unavailable due to family vacations between July 21-24 and Aug-11-16, 2024.

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

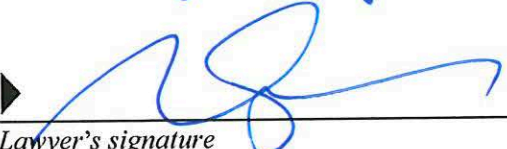
Date: July 9, 2024

Amy Gulley
Type or print your name


Sign your name

Date: July 9, 2024

Adam Steinbaugh
Lawyer's name, if you have one


Lawyer's signature

This is not a Court Order.

EXHIBIT 5

Instructions: Use this form to ask the court to reschedule the court date listed on *Notice of Court Hearing* (form **CH-109**). Read, *How to Ask for a New Hearing Date* (form **CH-115-INFO**), for more information.

1 My Information

a. My name is: Sarrita Anastasia Adams

b. I am the:

- (1) **Protected party** (skip to **2**).
- (2) **Restrained party** (give your contact information below).

Address where I can receive mail:

This address will be used by the court and other party to notify you in this case. If you want to keep your home address private, you can use another address like a post office box or another person's address, if you have their permission. If you have a lawyer, give your lawyer's address and contact information.

Address: Pelta Law, 1390 Market Street, Suite 200

City: San Francisco State: CA Zip: 94102

My contact information (optional):

Telephone: 415-963-1152 Fax: _____

Email Address: marc@peltalaw.com

Lawyer's information (skip if you do not have one):

Name: Marc David Pelta State Bar No.: 253315

Firm Name: Pelta Law

Fill in court name and street address:

Superior Court of California, County of
San Francisco

Fill in case number:

Case Number:
CCH-24-587004

2 Information About My Case

a. The other party in this case is (full name): Amy Gulley

b. I have a court date currently scheduled for (date): August 20, 2024

This is not a Court Order.



3 Is a Temporary Restraining Order in effect?

[x] Yes. Date the order was made, if known: July 17, 2024

Please attach a copy of the order if you have one.

[] No.

[] I don't know.

Notice: If the court date is rescheduled, the Temporary Restraining Order (form CH-110) will remain in effect until the end of the new court date unless otherwise ordered by the court.

4 Why does the court date need to be rescheduled?

a. [] I am the person asking for protection, and I need more time to have the restrained party personally served.

b. [] I am the restrained party, and this is my first request to reschedule the court date.

c. [x] Counsel for Petitioner was recently hired and needs time to prepare for the evidentiary hearing in order to effectively represent his client. There is significant discovery/evidence in this case that Petitioner's Counsel needs sufficient time to review and prepare for such a hearing. Petitioner's Counsel filed the Substitution of Attorney on August 15, 2024. Petitioner's Counsel has been in contact with Respondent's Counsel. Petitioner expects Respondent's Counsel to object to this motion being granted to a date after September 5, 2024. Unfortunately, Petitioner's Counsel will need more time than that to prepare for such a document-intensive, long cause evidentiary hearing. Petitioner's Counsel will be available between the following dates: September 16 - 30, 2024 & October 1, 7-8, 10, 22-25, 2024. Petitioner's Counsel thanks the Court for taking the time to consider this request.

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

Date: _____

Type or print your name

Date: August 16, 2024

Marc D. Pelta
Lawyer's name, if you have one

Sign your name

Lawyer's signature

This is not a Court Order.

EXHIBIT 6

1 Adam Steinbaugh, SBN 304829
2 FOUNDATION FOR INDIVIDUAL RIGHTS & EXPRESSION
3 510 Walnut Street, Suite 900
4 Philadelphia, PA 19106
5 Telephone: (215) 717-3473
6 Facsimile: (215) 717-3440
7 Email: adam@thefire.org

8 Matthew Strugar, SBN 232951
9 LAW OFFICE OF MATTHEW STRUGAR
10 3435 Wilshire Blvd., Suite 2910
11 Los Angeles, CA 90010
12 Telephone: (323) 696-2299
13 Email: matthew@matthewstrugar.com

14 *Attorneys for Respondent Amy Gulley*

15 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**
16 **COUNTY OF SAN FRANCISCO – CIVIC CENTER COURTHOUSE**

17 SARRITA ANASTASIA ADAMS,
18 Petitioner,
19 vs.
20 AMY GULLEY,
21 Respondent.

Case No. CCH-24-587004

*Assigned for all purposes to the
Hon. Michelle Tong*

**OPPOSITION TO REQUEST FOR
THIRD CONTINUANCE;
SUPPLEMENTAL DECLARATION OF
ADAM STEINBAUGH; EXHIBITS 1-7**

Date: August 20, 2024
Time: 8:30 a.m.
Dept.: 505

Action Filed: June 6, 2024
Trial date: August 20, 2024

22 Respondent Amy Gulley respectfully submits this memorandum in opposition to the
23 request by Petitioner Sarrita Anastasia Adams to continue the hearing on Gulley's
24 (1) Motion to Quash Petition for Civil Harassment Restraining Order for Lack of Personal
25 Jurisdiction ("Motion to Quash") and (2) Special Motion to Strike ("anti-SLAPP Motion").
26
27
28

ELECTRONICALLY

D

Superior Court of California,
County of San Francisco

08/16/2024

Clerk of the Court

BY KEVI DOUGHERTY
Deputy Clerk

1 **MEMORANDUM**

2 Despite ample forewarning that Respondent Gulley would file a Motion to Quash
3 and an anti-SLAPP Motion, Petitioner Sarrita Adams failed to respond to either motion.
4 She now seeks to continue this matter a *third* time. The Court should decline Adams’s
5 request because it is not supported by good cause. And extending the TRO for *any* period
6 of time will be deeply prejudicial to Gulley, irreparably harming her First Amendment
7 rights by continuing to impose an unconstitutional prior restraint.

8 **BACKGROUND**

9 Petitioner Sarrita Adams attracted a worldwide media “frenzy” by critiquing and
10 seeking to intervene in the famous trial of a serial murderer, British nurse Lucy Letby.
11 Proclaiming herself an expert by virtue of her claimed University of Cambridge PhD,
12 Adams bristled at the many people who questioned whether her background merited the
13 public attention she sought. She claims to have issued subpoenas, sent bogus copyright
14 takedown notices, and threatened criminal repercussions against her critics.

15 Adams filed this petition on June 6, 2024, targeting one critic—a Pennsylvania
16 resident who has never set foot in California. Adams claimed Respondent Amy Gulley’s
17 criticism harmed her reputation and frustrated her business, “Science on Trial, Inc.” Gulley
18 had raised concerns about whether Adams had completed her claimed PhD, pointing to an
19 opinion of the Court of Appeal suggesting she had not. This Court granted an *ex parte* TRO
20 prohibiting Gulley from making online posts “about” Adams or Science on Trial, Inc.

21 On June 28, Gulley’s counsel asked Adams to dismiss her petition, warning that
22 Gulley would file the anti-SLAPP Motion. (Supplemental Declaration of Adam Steinbaugh
23 [“Steinbaugh Supp. Decl.”], ¶ 3, Ex. 1.) Adams refused and asserted—even before receiving
24 the anti-SLAPP motion—that she had “already prepared a response to your anti-slapp, and
25 we have numerous declarations” in support. (*Id.* ¶ 6, Ex. 3.)

26 On July 11, Gulley’s counsel provided Adams with a copy of the Motion to Quash,
27 which was then formally noticed, filed, and served on July 24, 2024. (*Id.* ¶ 5.) The anti-
28

1 SLAPP Motion was timely noticed, filed, and served the following day. (*Id.* ¶ 8.) Gulley’s
2 counsel provided Adams with courtesy copies of the motions via email. (*Id.* ¶ 9.)

3 Adams’s oppositions were due on August 7, 2024. Adams retained counsel, who first
4 contacted Gulley’s counsel the evening before Adams’s deadline to respond to the motions.
5 (*Id.* ¶ 11.) Adams did not file an opposition to either motion. (*Id.* ¶ 10.)

6 After missing the deadline to respond, Adams now seeks to continue the hearing a
7 third time. At Adams’ request, the June 7 hearing was continued to July 23. (*Id.* ¶ 4, Ex. 2.)
8 That hearing was continued to August 20 to accommodate the hearing on the Motion to
9 Quash and anti-SLAPP Motion. If Adams’ request to continue this matter to September 16
10 were granted, this matter will have been pending for 102 days.

11 ARGUMENT

12 **I. The Court Should Exercise Its Broad Discretion to Refuse to Permit A 13 Dilatory Opposition and to Deny a Continuance.**

14 **A. The Court has “broad discretion” to decline a third continuance, 15 and to decline to consider a dilatory opposition.**

16 This Court should decline Adams’s invitation to extend these proceedings a third
17 time. Courts have “broad discretion in deciding whether to grant a request for a
18 continuance,” and there is “no mandatory right to a continuance” under the civil
19 harassment statute. (*Freeman v. Sullivant* (2011) 192 Cal.App.4th 523, 527.) That same
20 “broad discretion” also permits this Court “to accept or reject late-filed papers,” even when
21 a party has appeared in propria persona. (*Rancho Mirage Country Club Homeowners
22 Assn. v. Hazelbaker* (2016) 2 Cal.App.5th 252, 262 [emphasis added].) Here, Adams has
23 not even offered a proposed dilatory opposition to either the straightforward Motion to
24 Quash or the Anti-SLAPP Motion.

25 **B. The anti-SLAPP statute and public policy militates in favor of 26 expeditious resolution of SLAPPs like Adams’s petition.**

27 Adams’s request for a third continuance should also be denied because it
28 undermines the anti-SLAPP statute’s purpose of expeditious resolution of suits burdening
expressive freedom. The “overall purpose of the SLAPP statute is to provide [respondents]

1 with a procedural remedy which would allow *prompt* exposure and dismissal of SLAPP
2 suits.” (*Morin v. Rosenthal* (2004) 122 Cal.App.4th 673, 681 [cleaned up].)

3 SLAPP plaintiffs have an incentive to draw out a proceeding. Delay forces the
4 respondent to continue to “devote [her] time, energy and financial resources to combatting
5 the lawsuit” while removing her voice from public discourse. (*Wilcox v. Superior Court*
6 (1994) 27 Cal.App.4th 809, 816 [disapproved on other grounds by *Equilon Enterprises v.*
7 *Consumer Cause, Inc.* (2002) 29 Cal.4th 53, 68 n.5].) That incentive is compounded
8 where, as here, the petitioner can extend a TRO imposing a prior restraint on critics’
9 speech.

10 The public interest in avoiding extended litigation over expressive rights is why the
11 statute requires an anti-SLAPP motion be set for “hearing not more than 30 days after the
12 service of the motion.” (Code Civ. Proc., § 426.16, subd. (f).) That period expires on
13 Saturday, August 24, 2024.

14 **C. Adams’s failure to respond and her lack of diligence are not good
15 cause to continue to burden Gulley’s First Amendment rights.**

16 Adams, despite ample notice of the forthcoming motions, filed no response to
17 either. (Steinbaugh Supp. Decl., ¶¶ 3, 5–6, 10.) Adams’s deadline to file oppositions was
18 August 7, 2024. (See, Code Civ. Proc., § 1005, subd. (b) [“All papers opposing a motion”
19 must be filed and served at least nine court days before the hearing].)

20 Adams’s failure to oppose the Motions is an implied concession of their merit. (See
21 *Herzberg v. County of Plumas* (2005) 133 Cal.App.4th 1, 20 [failure to oppose portion of
22 demurrer was an abandonment of the issue]; *DuPont Merck Pharmaceutical Co. v.*
23 *Superior Court* (2000) 78 Cal.App.4th 562, 566 [failure to challenge argument in a brief
24 concedes the argument].)

25 Her refusal to respond is not for lack of time: Gulley provided Adams with a copy of
26 the Motion to Quash on July 11, nearly two weeks before it was formally filed and served.
27 (Steinbaugh Supp. Decl., ¶ 5.) And Adams had even *earlier* warning of the anti-SLAPP
28

1 motion, as Gulley’s counsel alerted her it was forthcoming on June 28—a full 40 days
2 before an opposition would be due. (*Id.* ¶ 3, Ex. 1.)

3 Yet Adams waited until the eleventh hour to retain counsel, a delay for which she
4 offers no explanation. That lack of diligence does not provide good cause to burden Gulley
5 with further delay in resolving this matter.

6 **II. Extending the TRO Will Prejudice Gulley by Imposing an**
7 **Unconstitutional Prior Restraint and Forcing Gulley to Litigate in a**
8 **Distant Court.**

9 If the Court were to grant a third continuance, extending the TRO would prejudice
10 Gulley by prolonging an unconstitutional prior restraint on speech protected by the First
11 Amendment. Further, by prolonging adjudication of the motions, Gulley will be forced to
12 continue litigating this matter in this Court—three time zones away—that has no
13 jurisdiction over her.¹

14 A civil harassment restraining order prohibiting the respondent from “making or
15 publishing” statements about another person—like the TRO prohibiting Gulley from
16 making posts “about” Adams—is a “classic type of an unconstitutional prior restraint.”
17 (*Evans v. Evans* (2008) 162 Cal.App.4th 1157, 1167–1169 [reversing order prohibiting
18 “false and defamatory” statements on the internet].)

19 The prejudicial effect of a prior restraint cannot be understated. A prior restraint is
20 the “most serious and the least tolerable” limit on First Amendment rights. (*Neb. Press*
21 *Assn. v. Stuart* (1976) 427 U.S. 539, 559). The risks that prior restraints present to freedom
22 of expression are so great that the “chief purpose” in adopting the First Amendment was to
23 prevent their use. (*Near v. Minn.* (1931) 283 U.S. 697, 713.) A prior restraint carries a
24 “heavy presumption against its constitutional validity” and is rarely justified outside of the
25 context of national security concerns—and even in that weighty context prior restraints are
26 treated with deep suspicion. (*New York Times Co. v. United States* (1971) 403 U.S. 713, 714

27 _____
28 ¹ A continuance prejudices Gulley by shifting the burden of Adams’s lack of diligence to Gulley. While the costs imposed by requiring Gulley’s counsel to change travel plans pale in comparison to the prejudice to Gulley’s First Amendment rights, they are nonetheless costs that Gulley’s *pro bono* counsel are unlikely to recover.

1 [per curiam] [rejecting prior restraints in the context of the Pentagon Papers and quoting,
2 in part, *Bantam Books, Inc. v. Sullivan* (1963) 372 U.S. 58, 70].)

3 Those risks are immediate. Gulley faces the possibility of arrest if she utters a word
4 about Adams or her company. Adams has used the TRO to threaten Gulley’s arrest even for
5 speech by *third parties*. (Steinbaugh Supp. Decl., ¶¶ 12–14, Exs. 5–7.) And Adams has
6 expanded the chilling effect beyond Gulley, using the TRO to threaten other online critics
7 by falsely representing that the TRO binds them. (*Id.* ¶ 12, Ex. 5.)

8 That is why the Court of Appeal has repeatedly overturned prior restraints like the
9 one currently applied to Gulley. (See, e.g., *Evans, supra*, 162 Cal.App.4th at 1167–1169;
10 *Smith v. Silvey* (1983) 149 Cal.App.3d 400, 406–407 [order prohibiting respondent from
11 “contacting” residents of mobile home park was “unconstitutionally overbroad” because it
12 limited distribution of “literature”]; *Thomas v. Quintero* (2005) 126 Cal.App.4th 635, 643,
13 663 [prohibition on “distributing false and misleading handbills” about petitioner].)

14 The prejudice to fragile speech rights is why the anti-SLAPP statute provides an
15 expeditious path to ending the litigation. A continuance undermines that purpose of the
16 anti-SLAPP statute. No continuance, however brief, can justify the continued imposition of
17 a prior restraint: As the Supreme Court has made clear, the “loss of First Amendment
18 freedoms, for even *minimal* periods of time, unquestionably constitutes irreparable
19 injury.” (*Elrod v. Burns* (1976) 427 U.S. 347, 373 [emphasis added].)

20 **CONCLUSION**

21 Respondent respectfully requests this Court deny a third continuance and dissolve
22 the TRO.

23
24 DATED: August 16, 2024

FOUNDATION FOR INDIVIDUAL
RIGHTS & EXPRESSION

25
26 By: 
Adam Steinbaugh
27 Attorney for Respondent Amy Gulley
28

EXHIBIT 7

CH-116 Order on request to Continue Hearing

Stamp date here when form is filed.

FILED
San Francisco County Superior Court

AUG 20 2024

CLERK OF THE COURT
BY: Laura Jimenez
Deputy Clerk

Complete items ① and ② only.

① Protected Party: Sarrita Anastasia Adams

② Restrained Party: Amy Gulley

The court will complete the rest of this form

③ Next Court Date

a. The request to reschedule the court date is denied.

Your court date is: _____

(1) Any *Temporary Restraining Order* (form CH-110) already granted stays in full force and effect until the next court date.

(2) Your court date is not rescheduled because: _____

Fill in court name and street address:

Superior Court of California, County of
San Francisco
San Francisco Superior Court
Civic Center Courthouse
400 McAllister Street, Room 103
San Francisco, CA 94102-4514

Fill in case number:

Case Number:
CCH-24-587004

b. The request to reschedule the court date is granted. Your court date is rescheduled for the day and time listed below. See ④-⑧ for more information.

Name and address of court, if different from above:

New Court Date

Date: 9-17-2024 Time: 8:30AM
Dept.: 505 Room: 505

④ Temporary Restraining Order

a. There is no *Temporary Restraining Order* (TRO) in this case until the next court date because:

(1) A TRO was not previously granted by the court.

(2) The court terminates (cancels) the previously granted TRO because: _____

b. A *Temporary Restraining Order* (TRO) is still in full force and effect because:

(1) The court extends the TRO previously granted on (date) June 7, 2024.
It now expires on (date): 9-17-2024

(If no date is listed, the TRO expires at the end of the court date listed in 3b.)

(2) The court changes the TRO previously granted and signs a new TRO (form CH-110).

c. Other (specify): _____

Warning and Notice to the Restrained Party:
If ④ b is checked, a civil harassment restraining order has been issued against you. You must follow the orders until they expire.

This is a Court Order.

5 Reason Court Date Is Rescheduled

- a. There is good cause to reschedule the court date (check one):
- (1) The protected party has not served the restrained party.
- (2) Other: due to petitioner's counsel availability.
-
- b. This is the first time that the restrained party has asked for more time to prepare.
- c. The court reschedules the court date on its own motion.

6 Serving (Giving) Order to Other Party

The request to reschedule was made by the:

- | | | |
|---|---|---|
| <p>a. <input checked="" type="checkbox"/> Protected party</p> <p>(1) <input type="checkbox"/> You do not have to serve the restrained party because they or their lawyer were at the court date or agreed to reschedule the court date.</p> <p>(2) <input type="checkbox"/> You must have the restrained party personally served with a copy of this order and a copy of all documents listed on form CH-109, item 6, by (date): _____</p> <p>(3) <input checked="" type="checkbox"/> You must have the restrained party served with a copy of this order. This can be done by mail. You must serve by (date): <u>8/19/2024</u></p> <p>(4) <input type="checkbox"/> The court gives you permission to serve the restrained party as listed on the attached form CH-117.</p> <p>(5) <input type="checkbox"/> Other: _____</p> | <p>b. <input type="checkbox"/> Restrained party</p> <p>(1) <input type="checkbox"/> You do not have to serve the protected party because they or their lawyer were at the court date or agreed to reschedule the court date.</p> <p>(2) <input type="checkbox"/> You must have the protected party personally served with a copy of this order by (date): _____</p> <p>(3) <input type="checkbox"/> You must have the protected party served with a copy of this order. This can be done by mail. You must serve by (date): _____</p> <p>(4) <input type="checkbox"/> Other: _____</p> | <p>c. <input type="checkbox"/> Court</p> <p>(1) <input type="checkbox"/> Further notice is not required.</p> <p>(2) <input type="checkbox"/> The court will mail a copy of this order to all parties by (date): _____</p> <p>(3) <input type="checkbox"/> Other: _____</p> |
|---|---|---|

This is a Court Order.

7 No Fee to Serve (Notify) Restrained Person Ordered Not Ordered

The sheriff or marshal will serve this order for free because:

- a. The order is based on unlawful violence, a credible threat of violence, or stalking.
- b. The person in ① is entitled to a fee waiver.

8 Other Orders

Date: AUG 19 2024

Judicial Officer

JUDGE MICHELLE TONG



Request for Accommodations

Assistive listening systems, computer-assisted real-time captioning, or sign language interpreter services are available if you ask at least five days before the hearing. Contact the clerk's office or go to www.courts.ca.gov/forms.htm for *Disability Accommodation Request (form MC-410)*. (Civ. Code, § 54.8.)

Instructions to Clerk

If the hearing is rescheduled and the court extended, modified, or terminated a temporary restraining order, then the court must enter this order into CLETS or send this order to law enforcement to enter into CLETS. This must be done within one business day from the day the order is made.

—Clerk's Certificate—



Clerk's Certificate
[seal]

I certify that this *Order on Request to Continue Hearing (Temporary Restraining Order) (CLETS-TCH)* is a true and correct copy of the original on file in the court.

Date: AUG 19 2024 Clerk, by _____, Deputy

KEVIN DOUGHERTY

This is a Court Order.

EXHIBIT 8

CH-116

Order on Request to Continue Hearing

Clerk stamps date here when form is filed.

FILED
San Francisco County Superior Court

AUG 20 2024

CLERK OF THE COURT
BY: *J. Valdes*
Deputy Clerk

Complete items ① and ② only.

① **Protected Party:** Sarrita Anastasia Adams

② **Restrained Party:** Amy Gulley

_____ The court will complete the rest of this form _____

③ **Next Court Date**

- a. The request to reschedule the court date is denied.
- Your court date is: _____
- (1) Any *Temporary Restraining Order* (form CH-110) already granted stays in full force and effect until the next court date.
- (2) Your court date is not rescheduled because: _____
- _____
- _____

Fill in court name and street address:

Superior Court of California, County of San Francisco
400 McAllister St.,
San Francisco, CA 94102

Fill in case number:

Case Number:
CCH-24-587004

- b. The request to reschedule the court date is granted. Your court date is rescheduled for the day and time listed below. See ④-⑧ for more information.

Name and address of court, if different from above:

New Court Date → Date: Sep-30-2024 Time: 9:30am

Dept.: 505 Room: 505

④ **Temporary Restraining Order**

- a. There is no *Temporary Restraining Order* (TRO) in this case until the next court date because:
- (1) A TRO was not previously granted by the court.
- (2) The court terminates (cancels) the previously granted TRO because: _____

- b. A *Temporary Restraining Order* (TRO) is still in full force and effect because:
- (1) The court extends the TRO previously granted on (date) Jun-07-2024
It now expires on (date): Sep-30-2024
(If no date is listed, the TRO expires at the end of the court date listed in 3b.)
- (2) The court changes the TRO previously granted and signs a new TRO (form CH-110).

Warning and Notice to the Restrained Party:
If ④ b is checked, a civil harassment restraining order has been issued against you. You must follow the orders until they expire.

c. Other (specify): _____

This is a Court Order.

**Order on Request to Continue Hearing
(Temporary Restraining Order) (CLETS-TCH)
(Civil Harassment Prevention)**

Judicial Council of California, www.courts.ca.gov
Rev. September 1, 2022, Mandatory Form
Code of Civil Procedure, §§ 527.6 and 527.9

5 Reason Court Date Is Rescheduled

- a. There is good cause to reschedule the court date (*check one*):
- (1) The protected party has not served the restrained party.
- (2) Other: The Court continues the matter to accomodate motions filed by the Respondent and the request for a Civil Harassment Restraining Order by Petitioner.
- b. This is the first time that the restrained party has asked for more time to prepare.
- c. The court reschedules the court date on its own motion.

6 Serving (Giving) Order to Other Party

The request to reschedule was made by the:

- | | | |
|---|--|--|
| <p>a. <input type="checkbox"/> Protected party</p> <p>(1) <input type="checkbox"/> You do not have to serve the restrained party because they or their lawyer were at the court date or agreed to reschedule the court date.</p> <p>(2) <input type="checkbox"/> You must have the restrained party personally served with a copy of this order and a copy of all documents listed on form CH-109, item ⑥, by (date): _____</p> <p>(3) <input type="checkbox"/> You must have the restrained party served with a copy of this order. This can be done by mail. You must serve by (date): _____</p> <p>(4) <input type="checkbox"/> The court gives you permission to serve the restrained party as listed on the attached form CH-117.</p> <p>(5) <input type="checkbox"/> Other: _____

_____</p> | <p>b. <input type="checkbox"/> Restrained party</p> <p>(1) <input type="checkbox"/> You do not have to serve the protected party because they or their lawyer were at the court date or agreed to reschedule the court date.</p> <p>(2) <input type="checkbox"/> You must have the protected party personally served with a copy of this order by (date): _____</p> <p>(3) <input type="checkbox"/> You must have the protected party served with a copy of this order. This can be done by mail. You must serve by (date): _____</p> <p>(4) <input type="checkbox"/> Other: _____

_____</p> | <p>c. <input checked="" type="checkbox"/> Court</p> <p>(1) <input type="checkbox"/> Further notice is not required.</p> <p>(2) <input checked="" type="checkbox"/> The court will mail a copy of this order to all parties by (date): _____</p> <p>(3) <input type="checkbox"/> Other: _____

_____</p> |
|---|--|--|

This is a Court Order.



Case Number:
CCH-2

7 No Fee to Serve (Notify) Restrained Person Ordered Not Ordered

The sheriff or marshal will serve this order for free because:

- a. The order is based on unlawful violence, a credible threat of violence, or stalking.
- b. The person in ① is entitled to a fee waiver.

8 Other Orders

Date: AUG 20 2024



Judicial Officer
MICHELLE TONG



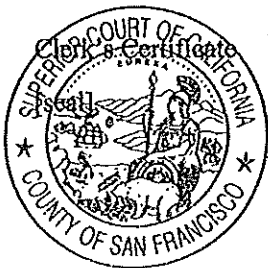
Request for Accommodations

Assistive listening systems, computer-assisted real-time captioning, or sign language interpreter services are available if you ask at least five days before the hearing. Contact the clerk's office or go to www.courts.ca.gov/forms.htm for *Disability Accommodation Request (form MC-410)*. (Civ. Code, § 54.8.)

Instructions to Clerk

If the hearing is rescheduled and the court extended, modified, or terminated a temporary restraining order, then the court must enter this order into CLETS or send this order to law enforcement to enter into CLETS. This must be done within one business day from the day the order is made.

—Clerk's Certificate—



I certify that this *Order on Request to Continue Hearing (Temporary Restraining Order) (CLETS-TCH)* is a true and correct copy of the original on file in the court.

Date: AUG 20 2024 Clerk, by Clerk of the Court , Deputy

This is a Court Order.

Clerk's Certificate of Mailing

I, Karen Valdes, a Deputy Clerk of the Superior Court of the City and County of San Francisco, Certify that I am not a party to the within action.

On August 20, 2024, I served the attached Order on Request to Continue Hearing with case number CCH-24-587004, by placing a copy thereof in a sealed envelope, addressed as follows:

Marc Pelta, Esq. attorney for Petitioner Sarrita Adams
Pelta Law
1390 Market Street
Suite 200
San Francisco, CA 94102

Adam Blair Steinbaugh, Esq. attorney for Respondent Amy Gulley
Foundation for Individual Rights & Expression
510 Walnut Street
Suite 900
Philadelphia PA 19106

And placing the addressed, postage paid, sealed envelope in the outgoing mail at 400 McAllister Street, San Francisco, CA 94102 on the date indicated above for collection and mailing on the that date following standard Court practices.

Dated: August 20, 2024

Brandon E. Riley,

By: 
Karen Valdes, Deputy Clerk

**SUPERIOR COURT OF CALIFORNIA
COUNTY OF SAN FRANCISCO**

400 MCALLISTER STREET, SAN FRANCISCO, CA 94102-4514

SARRITA ANASTASIA ADAMS

PLAINTIFF(S)

VS.

AMY GULLEY

DEFENDANT(S)

NO. CCH-24-587004

REJECT

The submitted document could not be entered because:

The matter is to be continued to a long cause date to accomodate other motions filed by respondent and the request for a civil harassment restraining order by petitioner to Sep-30-2024 at 9:30 am in Dept. 505. Notice sent by the court. (D505)

Date: Aug 20, 2024

DEPUTY COURT CLERK

TO EXPEDITE FURTHER PROCESSING, RETURN THIS FORM WITH YOUR PAPERS TO:

**SAN FRANCISCO SUPERIOR COURT
400 McAllister Street, Room 103
San Francisco, CA 94102**

EXHIBIT 9



Adam Steinbaugh <adam@thefire.org>

Request for Anti-SLAPP Motion

Adam Steinbaugh <adam@thefire.org>

Thu, Sep 12, 2024 at 1:08 PM

To: Marc Pelta <marc@peltalaw.com>

Cc: Okorie Okorochoa <OO@ooesq.com>, JT Morris <JT.Morris@thefire.org>, Colin McDonnell <colin.mcdonell@thefire.org>, Matthew Harwood <matthew.harwood@thefire.org>

Marc,

The motions served on Ms. Adams in July and provided via email to you on August 9 are still available at this URL : [https://app.box.com/s/\[REDACTED\]](https://app.box.com/s/[REDACTED]) The password to access these documents is: [REDACTED]

Best,

Adam B. Steinbaugh

Attorney*

Foundation for Individual Rights and Expression

510 Walnut Street

Suite 900

Philadelphia, PA 19106

(215) 717-3473

adam@thefire.org

This communication may contain information that is confidential or privileged. Unless you are the addressee (or authorized to receive this message by the addressee), you may not use, copy, or disclose the contents of this message or information contained in this message to anyone. If you believe that you have received this message in error, please advise the sender and delete this message.

* Admitted in California and Pennsylvania

On Thu, Sep 12, 2024 at 4:19AM Marc Pelta <marc@peltalaw.com> wrote:

Hi, Adam,

Please e-mail me the motion so that we can respond to it.

I've reviewed all of our e-mails. I thought you sent it to me.

I do not see it.

Attorney Okorie Okorochoa will be working the case with me.

Thank you,

Marc Pelta, Attorney-at-Law

PELTA|LAW

SF Bay Area Location:

1390 Market Street, Suite 200

San Francisco, CA 94102

Tel. 415-963-1152

website: www.peltalaw.com

"Representing Clients Across California"

DISCLAIMER: This e-mail may contain confidential or privileged information intended only for the use of the individual to whom it is being sent from this e-mail account. It may contain information belonging to the sender protected by the Electronic Communications Privacy Act. If you are not the intended recipient, any dissemination, distribution, copying or other use of this communication is not allowed. If you have received this by mistake, please notify us immediately by e-mail or telephone at 415.963.1152 and destroy this e-mail message.

EXHIBIT 10

Clerk stamps date here when form is filed.

Instructions: Use this form to ask the court to reschedule the court date listed on *Notice of Court Hearing* (form **CH-109**). Read, *How to Ask for a New Hearing Date* (form **CH-115-INFO**), for more information.

1 My Informationa. My name is: Sarrita Anastasia Adams

b. I am the:

- (1) **Protected party** (skip to **2**).
- (2) **Restrained party** (give your contact information below).

Address where I can receive mail:

This address will be used by the court and other party to notify you in this case. If you want to keep your home address private, you can use another address like a post office box or another person's address, if you have their permission. If you have a lawyer, give your lawyer's address and contact information.

Address: 1390 Market Street, Suite 200City: San Francisco State: CA Zip: 94102

My contact information (optional):

Telephone: (415) 963-1152 Fax: (415) 963-1152Email Address: marc@peltalaw.com

Lawyer's information (skip if you do not have one):

Name: Marc David Pelta State Bar No.: 253315Firm Name: Pelta Law

Fill in court name and street address:

Superior Court of California, County of
San Francisco

Fill in case number:

Case Number:
CCH-24-587004**2 Information About My Case**a. The other party in this case is (full name): Amy Gulleyb. I have a court date currently scheduled for (date): September 17, 2024**This is not a Court Order.**

3 Is a Temporary Restraining Order in effect?

- Yes. Date the order was made, if known: June 7, 2024
Please attach a copy of the order if you have one.
- No.
- I don't know.

Notice: If the court date is rescheduled, the *Temporary Restraining Order* (form CH-110) will remain in effect until the end of the new court date unless otherwise ordered by the court.

4 Why does the court date need to be rescheduled?

- a. I am the person asking for protection, and I need more time to have the restrained party personally served.
- b. I am the restrained party, and this is my first request to reschedule the court date.
- c. Other reason: Co-counsel to assist in litigating the pending motion to quash and the anti-SLAPP motion was only recently hired. The sheer number of pages for counsel to review those two motions exceeds 500 pages. Therefore, Petitioner's Counsel has been unable to file the Oppositions to each of those two motions. We can file it next week; however, we are requesting the Court grant us this Request so that we can comply with the California and Local Rules of Court to litigate these two motions. Availability of future court dates to do that are as follows: September 23-27, 30, or October 1, 7-8, 11, 14, 23-24, 2024. Respondent's Counsel is expected to oppose this motion.

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

Date: _____

Type or print your name

Date: September 12, 2024

Marc David Pelta
Lawyer's name, if you have one

▶ _____
Sign your name

▶ 
Lawyer's signature

This is not a Court Order.

Clerk stamps date here when form is filed.

Person in ① must complete items ①, ②, and ③ only.

① Protected Person

a. Your Full Name: Sarita Anastasia Adams

Your Lawyer (If you have one for this case):

Name: State Bar No.:

Firm Name:

b. Your Address (If you have a lawyer, give your lawyer's information. If you do not have a lawyer and want to keep your home address private, you may give a different mailing address instead. You do not have to give telephone, fax, or email.):

Address:

City: San Francisco State: Zip:

Telephone: Fax:

Email Address:

ENDORSED FILED San Francisco County Superior Court JUN 07 2024 CLERK OF THE COURT JEFFREY FLORES Deputy Clerk

Fill in court name and street address:

Superior Court of California, County of

San Francisco Superior Court Civic Center Courthouse 400 McAllister Street, Room 103 San Francisco, CA 94102-4514

Court fills in case number when form is filed.

Case Number: CCH-24-587004

② Restrained Person

(Give all the information you know. Information with a star (*) is required to add this order to the California police database. If age is unknown, give an estimate.)

*Full Name: AMy Gulley *Age: Date of Birth: *Race: White Height: Weight: Hair Color: Eye Color: *Gender: [] M [X] F [] Nonbinary Home Address: City: State: PA Zip: Relationship to Protected Person: None - Internet Stalker

③ [] Additional Protected Persons

In addition to the person named in ①, the following family or household members of that person are protected by the temporary orders indicated below:

Table with columns: Full Name, Gender, Age, Household Member?, Relation to Protected Person. Includes Yes/No checkboxes for household member status.

[] Check here if there are additional persons. List them on an attached sheet of paper and write "Attachment 3- Additional Protected Persons" as a title. You may use form MC-025, Attachment.

④ Expiration Date

The court will complete the rest of this form.

This Order expires at the end of the hearing scheduled for the date and time below:

Date: July 2, 2024 Time: 8:30 a.m. [X] a.m. [] p.m.

This is a Court Order.

To the Person in ②:

The court has granted the temporary orders checked as granted below. If you do not obey these orders, you can be arrested and charged with a crime. You may be sent to jail for up to one year, pay a fine of up to \$1,000, or both.

⑤ Personal Conduct Orders

Not Requested Denied Until the Hearing Granted as Follows:

a. You must not do the following things to the person named in ①

and to the other protected persons listed in ③:

- (1) Harass, intimidate, molest, attack, strike, stalk, threaten, assault (sexually or otherwise), hit, abuse, destroy personal property of, or disturb the peace of the person.
- (2) Contact the person, either directly or indirectly, in any way, including, but not limited to, in person, by telephone, in writing, by public or private mail, by interoffice mail, by email, by text message, by fax, or by other electronic means.
- (3) Take any action to obtain the person's address or location. If this item (3) is not checked, the court has found good cause not to make this order.
- (4) Other (specify):

Other personal conduct orders are attached at the end of this Order on Attachment 5a(4).

Do not make any social media posts about or impersonate plaintiff and the court's silence on trial on any public or social media platform all harassing posts shall be removed

b. Peaceful written contact through a process server or other person for service of legal papers related to a court case is allowed and does not violate this order. However, you may have your papers served by mail on the person in ①.

⑥ Stay-Away Order

Not Requested Denied Until the Hearing Granted as Follows:

a. You must stay at least 100 yards away from (check all that apply):

- (1) The person in ①
- (2) Each person in ③
- (3) The home of the person in ①
- (4) The job or workplace of the person in ①
- (5) The school of the person in ①
- (6) The school of the children of the person in ①
- (7) The place of child care of the children of the person in ①
- (8) The vehicle of the person in ①
- (9) Other (specify):

b. This stay-away order does not prevent you from going to or from your home or place of employment.

⑦ No Firearms (Guns), Firearm Parts, or Ammunition

a. You cannot own, possess, have, buy or try to buy, receive or try to receive, or in any other way get any prohibited items listed in b on the next page.

This is a Court Order.



7 b. Prohibited items are:

- (1) Firearms (guns);
- (2) Firearm parts, meaning receivers, frames, or any item that may be used as or easily turned into a receiver or frame (see Penal Code section 16531); and
- (3) Ammunition. **(4) body armor.**

c. You must:

- (1) Sell to or store with a licensed gun dealer, or turn in to a law enforcement agency, any firearms (guns) and firearm parts in your immediate possession or control. This must be done within 24 hours of being served with this Order.
- (2) File a receipt with the court within 48 hours of receiving this Order that proves that your firearms (guns) and firearm parts have been turned in, sold, or stored. (You may use *Receipt for Firearms and Firearm Parts* (form CH-800) for the receipt.)

d. The court has received information that you own or possess a firearm (gun), firearm parts, or ammunition.

8 Possession and Protection of Animals

Not Requested **Denied Until the Hearing** **Granted as Follows (specify):**

a. The person in ① is given the sole possession, care, and control of the animals listed below, which are owned, possessed, leased, kept, or held by him or her, or reside in his or her household.
(Identify animals by, e.g., type, breed, name, color, sex.)

b. The person in ② must stay at least _____ yards away from, and not take, sell, transfer, encumber, conceal, molest, attack, strike, threaten, harm, or otherwise dispose of, the animals listed above.

9 Other Orders

Not Requested **Denied Until the Hearing** **Granted as Follows (specify):**

Additional orders are attached at the end of this Order on Attachment 9.

To the Person in ①:

10 Mandatory Entry of Order Into CARPOS Through CLETS

This Order must be entered into the California Restraining and Protective Order System (CARPOS) through the California Law Enforcement Telecommunications System (CLETS). *(Check one):*

- a. The clerk will enter this Order and its proof-of-service form into CARPOS.
- b. The clerk will transmit this Order and its proof-of-service form to a law enforcement agency to be entered into CARPOS.

This is a Court Order.



Case Number:

- ⑩ c. By the close of business on the date that this Order is made, the person in ① or his or her lawyer should deliver a copy of the Order and its proof-of-service form to the law enforcement agency listed below to enter into CARPOS:

Name of Law Enforcement Agency

Address (City, State, Zip)

Additional law enforcement agencies are listed at the end of this Order on Attachment 10.

- ⑪ **No Fee to Serve (Notify) Restrained Person** **Ordered** **Not Ordered**

The sheriff or marshal will serve this Order without charge because:

- a. The Order is based on unlawful violence, a credible threat of violence, or stalking.
b. The person in ① is entitled to a fee waiver.

- ⑫ Number of pages attached to this Order, if any: _____

Date: 6.7.24

Judicial Officer

JUDGE MARIA EVANGELISTA

Warnings and Notices to the Restrained Person in ②

You Cannot Have Firearms (Guns), Firearm Parts, or Ammunition

You cannot own, have, possess, buy or try to buy, receive or try to receive, or otherwise get any prohibited items listed in item 7b on page 3 while this Order is in effect. If you do, you can go to jail and pay a \$1,000 fine. You must sell to or store with a licensed gun dealer, or turn in to a law enforcement agency, any firearms (guns) and firearm parts that you have or control as stated in item ⑦ above. The court will require you to prove that you did so.

Notice Regarding Nonappearance at Hearing and Service of Order

If you have been personally served with this Temporary Restraining Order and form CH-109, *Notice of Court Hearing*, but you do not appear at the hearing either in person or by a lawyer, and a restraining order that is the same as this Temporary Restraining Order except for the expiration date is issued at the hearing, a copy of the order will be served on you by mail at the address in item ②.

If this address is not correct or you wish to verify that the Temporary Restraining Order was converted into a restraining order at the hearing without substantive change, or to find out the duration of the order, contact the clerk of the court.

After You Have Been Served With a Restraining Order

- Obey all the orders.
- Read form CH-120-INFO, *How Can I Respond to a Request for Civil Harassment Restraining Orders?*, to learn how to respond to this Order.
- If you want to respond, fill out form CH-120, *Response to Request for Civil Harassment Restraining Orders*, and file it with the court clerk. You do not have to pay any fee to file your response if the Request claims that you inflicted or threatened violence against or stalked the person in ①.

This is a Court Order.



- You must have form CH-120 served by mail on the person in ① or that person's attorney. You cannot do this yourself. The person who does the mailing should complete and sign form CH-250, *Proof of Service by Mail*. File the completed proof of service with the court clerk before the hearing date or bring it with you to the hearing.
- In addition to the response, you may file and have declarations served, signed by you and other persons who have personal knowledge of the facts. You may use form MC-030, *Declaration*, for this purpose. It is available from the clerk's office at the court shown on page 1 of this form or at www.courts.ca.gov/forms. If you do not know how to prepare a declaration, you should see a lawyer.
- Whether or not you file a response, you should attend the hearing. If you have any witnesses, they must also go to the hearing.
- At the hearing, the judge can make restraining orders against you that last for up to five years. Tell the judge why you disagree with the orders requested.

Instructions for Law Enforcement

Enforcing the Restraining Order

This order is enforceable by any law enforcement agency that has received the order, is shown a copy of the order, or has verified its existence on the California Restraining and Protective Orders System (CARPOS). If the law enforcement agency has not received proof of service on the restrained person, the agency must advise the restrained person of the terms of the order and then must enforce it. Violations of this order are subject to criminal penalties.

Start Date and End Date of Orders

This order *starts* on the date next to the judge's signature on page 4. The order *ends* on the expiration date in item ④ on page 1.

Arrest Required if Order Is Violated

If an officer has probable cause to believe that the restrained person had notice of the order and has disobeyed the order, the officer must arrest the restrained person. (Pen. Code, §§ 836(c)(1), 13701(b).) A violation of the order may be a violation of Penal Code section 166 or 273.6. Agencies are encouraged to enter violation messages into CARPOS.

Notice/Proof of Service

The law enforcement agency must first determine if the restrained person had notice of the order. Consider the restrained person "served" (given notice) if (Pen. Code, § 836(c)(2)):

- The officer sees a copy of the Proof of Service or confirms that the Proof of Service is on file; or
- The restrained person was informed of the order by an officer.

An officer can obtain information about the contents of the order and proof of service in CARPOS. If proof of service on the restrained person cannot be verified, the agency must advise the restrained person of the terms of the order and then enforce it.

This is a Court Order.

Case Number: _____

If the Protected Person Contacts the Restrained Person

Even if the protected person invites or consents to contact with the restrained person, this order remains in effect and must be enforced. The protected person cannot be arrested for inviting or consenting to contact with the restrained person. The order can be changed only by another court order. (Pen. Code. § 13710(b).)

Conflicting Orders—Priorities for Enforcement

If more than one restraining order has been issued protecting the protected person from the restrained person, the orders must be enforced in the following priority (see Pen. Code. § 136.2 and Fam. Code. §§ 6383(h)(2), 6405(b)):

1. *Emergency Protective Order (EPO)*: If one of the orders is an *Emergency Protective Order* (form EPO-001), provisions (e.g., stay-away order) that are more restrictive than in the other restraining/protective orders must be enforced. Provisions of another order that do not conflict with the EPO must be enforced.
2. *No-Contact Order*: If a restraining/protective order includes a no-contact order, the no-contact order must be enforced. Item 5a(2) is an example of a no-contact order.
3. *Criminal Protective Order (CPO)*: If none of the orders include an EPO or a no-contact order, the most recent CPO must be enforced. (Fam. Code, §§ 6383(h)(2) and 6405(b).) Additionally, a CPO issued in a criminal case involving charges of domestic violence, Penal Code sections 261, 261.5, or former 262, or charges requiring sex offender registration must be enforced over any civil court order. (Pen. Code. § 136.2(e)(2).) All provisions in the civil court order that do not conflict with the CPO must be enforced.
4. *Civil Restraining Orders*: If there is more than one civil restraining order (e.g., domestic violence, juvenile, elder abuse, civil harassment), then the order that was issued last must be enforced. Provisions that do not conflict with the most recent civil restraining order must be enforced.

(Clerk will fill out this part.)

Clerk's Certificate
[seal]

—Clerk's Certificate—

I certify that this *Temporary Restraining Order* is a true and correct copy of the original on file in the court.

Date: **JUN 07 2024** Clerk, by **CLERK OF THE COURT**, Deputy



This is a Court Order.

EXHIBIT 11

First Amended

CH-115

Request to Continue Court Hearing

Clerk stamps date here when form is filed.

Instructions: Use this form to ask the court to reschedule the court date listed on Notice of Court Hearing (form CH-109). Read, How to Ask for a New Hearing Date (form CH-115-INFO), for more information.

1 My Information

a. My name is: Sarrita Anastasia Adams

b. I am the:

- (1) [X] Protected party (skip to 2).
(2) [] Restrained party (give your contact information below).

Address where I can receive mail:

This address will be used by the court and other party to notify you in this case. If you want to keep your home address private, you can use another address like a post office box or another person's address, if you have their permission. If you have a lawyer, give your lawyer's address and contact information.

Address: 1390 Market Street, Suite 200

City: San Francisco State: CA Zip: 94102

My contact information (optional):

Telephone: (415) 963-1152 Fax: (415) 963-1152

Email Address: marc@peltalaw.com

Lawyer's information (skip if you do not have one):

Name: Marc David Pelta State Bar No.: 253315

Firm Name: Pelta Law

Fill in court name and street address:

Superior Court of California, County of San Francisco

Fill in case number:

Case Number: CCH-24-587004

2 Information About My Case

a. The other party in this case is (full name): Amy Gulley

b. I have a court date currently scheduled for (date): September 30, 2024

This is not a Court Order.



3 Is a Temporary Restraining Order in effect?

- Yes. Date the order was made, if known: June 7, 2024
Please attach a copy of the order if you have one.
- No.
- I don't know.

Notice: If the court date is rescheduled, the *Temporary Restraining Order* (form CH-110) will remain in effect until the end of the new court date unless otherwise ordered by the court.

4 Why does the court date need to be rescheduled?

- a. I am the person asking for protection, and I need more time to have the restrained party personally served.
- b. I am the restrained party, and this is my first request to reschedule the court date.
- c. Other reason: Please withdraw the previous motion submitted for filing on September 12, 2024 to continue the hearing date from September 17, 2024. Petitioner's Counsel did not notice that the Court corrected it's previous order setting the hearing for September 30 from September 17, 2024. Counsel apologizes to the Court and Respondent's Counsel for this misunderstanding. We will appear on September 30, 2024, as ordered.

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

Date: _____

Type or print your name

Date: September 13, 2024

Marc David Pelta
Lawyer's name, if you have one

▶ _____
Sign your name

▶ 
Lawyer's signature

This is not a Court Order.