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

17 SARRITA ANASTASIA ADAMS,
18
19 Petitioner,

20 vs.

21 AMY GULLEY,

22 Respondent.

Case No. CCH-24-587004

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

**RESPONDENT AMY GULLEY'S
OPPOSITION TO PETITIONER'S
REQUEST FOR A FIFTH
CONTINUANCE**

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

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

ELECTRONICALLY

FILED

*Superior Court of California,
County of San Francisco*

09/19/2024
Clerk of the Court

BY: ANGELICA SUNGA
Deputy Clerk

1 **MEMORANDUM IN OPPOSITION**

2 Despite filing this action in June, Petitioner Sarrita Adams proposes that the Court
3 vacate the September 30 hearing and continue the matter—for a fifth time¹—to October.
4 The request follows Adams’s *second* failure to file timely oppositions to Respondent Amy
5 Gulley’s Motion to Quash and anti-SLAPP motion, which present threshold issues that the
6 Court must resolve before a hearing on the merits.²

7 Adams is abusing the civil harassment process to silence criticism of her
8 intervention in an international controversy, targeting speech “about” her that the First
9 Amendment squarely protects. That request for *extraordinary* equitable relief demands at
10 least basic diligence, which she has not shown, let alone the good cause required for a
11 continuance. On the other hand, there is good cause to reject that request: The longer
12 Adams delays, the longer an unconstitutional prior restraint hangs over Petitioner Amy
13 Gulley’s speech, particularly if the Court extends the Temporary Restraining Order beyond
14 its current 115-day lifespan.

15 The Court should deny Adams’s continuance request and vacate the TRO. Even if
16 the Court grants a fifth continuance, it should still vacate the TRO, schedule the hearing for
17 October 23 or 24 (the first of the dates proposed by Adams that Gulley’s counsel is
18 available), and require Adams to file and serve her oppositions by September 20 (as she
19 has committed).

20 **I. The Court Should Deny Adams’s Request for a Fifth Continuance and
21 Grant Gulley’s Motions as Uncontested.**

22 The Court should deny Adams’s request because neither of the rationales
23 advanced—that Adams’s attorneys need to review files and that Adams recently added a

24 ¹ This matter was first continued at Adams’s request, from July 2 to July 23. The second continuance (to August 20)
25 was provided on Respondent’s request to allow Gulley to prepare her response and Adams to file oppositions to the
26 Motions. After missing her first deadline to file oppositions, Adams requested a third continuance on August 16. After
27 the Court granted that continuance (to September 17), it issued a fourth continuance (to September 30) expressly to
facilitate adjudication of the Motions. On September 13, Adams committed to the September 30 hearing, rescinding a
request for a fifth continuance. Less than a week after *selecting* the September 30 date, and after missing her second
deadline to oppose the Motions, Adams now seeks a fifth continuance.

28 ² (*Aghaian v. Minassian* (2021) 64 Cal. App. 5th 603, 610–611 [explaining reasons why motions to quash are
adjudicated before proceeding to the merits]; *Physicians Com. for Responsible Medicine v. Tyson Foods, Inc.* (2004)
119 Cal.App.4th 120, 129 [recognizing that the anti-SLAPP statute provides a “limited immunity from suit”].)

1 second attorney—establish good cause for a continuance. Further, a continuance would
2 undermine the anti-SLAPP statute, which favors expeditious resolution of lawsuits
3 affecting protected speech.

4 **A. Adams has not affirmatively shown good cause to justify again**
5 **extending what should be an expedited proceeding.**

6 This Court has “broad discretion” to deny a continuance, as there is “no mandatory
7 right to a continuance” for a civil harassment petitioner. (*Freeman v. Sullivant* (2011) 192
8 Cal.App.4th 523, 527.) Continuances “are disfavored” and granted “only on an affirmative
9 showing of good cause requiring the continuance,” such as a “significant, unanticipated
10 change in the status of the case[.]” (Cal. Rules of Court, rule 3.1332, subd. (c).) Adams has
11 not made that showing, having failed to use the generous time this Court afforded her to
12 meet the motions.

13 **i. Continuances are disfavored, especially in expeditious civil**
14 **harassment petitions and anti-SLAPP motions.**

15 Because both civil harassment petitions and anti-SLAPP motions further the public
16 interest in expeditious resolution of claims targeting protected expression, continuances to
17 consider either are highly disfavored. The civil harassment statute reflects that policy by
18 limiting TROs to 25 days (Code Civ. Proc. § 527.6, subd. (f))—a period dwarfed by the 115-
19 day lifespan of the TRO here.

20 Likewise, the California Rules of Court concerning civil harassment petitions
21 expressly permit a “respondent” to seek a continuance on a showing of good cause. (Cal.
22 Rules of Court, rule 3.1152, subd. (e).) Conversely, the Rules of Court provide no parallel
23 rule for *petitioners* like Adams. (*Id.*) On the contrary, the rules afford a petitioner a
24 continuance only if the respondent provides their response to the petition less than two
25 days before the hearing. (Cal Rules of Court, rule 3.1152, subd. (d).)

26 That’s why petitioners do not have a “mandatory right to a continuance,” and the
27 denial of a continuance will be disturbed only on a showing of prejudice. (*Freeman, supra*,
28 192 Cal.App.4th at 527.). Adams cannot show that denying a fifth continuance will
prejudice her: If Adams cannot obtain a permanent prior restraint on her critics’ speech, it

1 is not because she did not have an adequate opportunity to respond. Instead, that inability
2 stems from her twice-over failure to respond to the motions and from the First
3 Amendment’s prohibition on the relief she seeks.

4 That public policy of quick resolution of civil harassment petitions resonates with
5 the purpose of the anti-SLAPP statute, which furthers the “legislative policy of early
6 evaluation and expeditious resolution of claims arising from protected activity.” (*Salma v.*
7 *Capon* (2008) 161 Cal.App.4th 1275, 1294.) Continuances frustrate that public policy, as
8 they “result in anti-SLAPP motions no longer being an efficient solution to SLAPP suits.”
9 (*Changsha Metro Grp. Co., Ltd. v. Xufeng* (2020) 57 Cal. App. 5th 1, 20.) That’s because
10 they would allow a litigant to “seek to extend the litigation process by applying for a
11 continuance,” thereby “drawing out the litigation to cause the defendant to spend
12 additional time defending against the suit.” (*Id.*)

13 **ii. Adams’s recycled claim she needs to review documents—**
14 **after failing to review them for weeks—is not good cause.**

15 Adams now seeks a further continuance to file oppositions to the motions, citing the
16 “number of documents” already filed with the Court. That does not provide good cause for
17 a continuance for two reasons. First, other than filings relating to Adams’s continuances,
18 there have not been filings since August 13—*before* Adams’s August 16 request for a
19 continuance. Second, and relatedly, this Court specifically provided Adams an extended
20 continuance to allow her to respond to the motions—time Adams unilaterally monopolized,
21 eliminating Gulley’s ability to file a timely reply.³

22 Yet Adams *did not use* the time the Court afforded her to review the records and
23 prepare oppositions. Instead, just four days before the September 16 deadline to file
24 oppositions, Adams’s counsel again asked for a copy of the anti-SLAPP motion “so that we
25 can respond to it.”⁴ That lack of diligence does not provide good cause to provide Adams a
26 *third* opportunity.

27 ³ Adams has pledged to file the oppositions on the same day Gulley’s replies are due.

28 ⁴ See Supplemental Declaration of Adam Steinbaugh in support of Notice of Non-Opposition to Respondent Amy Gulley’s Motion to Quash and Special Motion to Strike, ¶ 22, Ex. 9 (Sept. 12, 2024, email from Adams’s counsel: “Please e-mail me the motion so that we can respond to it.”)

1 **iii. Belatedly adding a second attorney on the eve of a**
2 **longstanding deadline is not good cause.**

3 Good cause does not exist when a litigant “demand[s] a continuance by engaging
4 counsel just prior to a trial date, where there is no showing of any necessity for any change
5 of counsel[.]” (*Vann v. Shilleh* (1975) 54 Cal.App.3d 192, 196.) The California Rules of
6 Court are in accord, mandating an “affirmative showing” that the substitution of counsel is
7 “required.” (Cal. Rules of Court, rule 3.1332, subd. (c)(4).)

8 While good cause might exist where counsel withdraws and must be *replaced* late in
9 the proceedings (see, e.g., *In re Marriage of Tara & Robert D.* (2024) 99 Cal.App.5th 871,
10 882), Adams is *adding* an attorney. But she has not made the required showing of (1) the
11 necessity for additional counsel or (2) the necessity of hiring additional counsel months
12 into these expedited proceedings. That Adams would be required to respond to the
13 Motions by September 16 is not a “significant, unanticipated change in the status of the
14 case.” (Cal. Rules of Court, Rule 3.1332, subd. (c)(7).) It is a familiar deadline, which
15 Adams has now twice bypassed.

16 **B. Continued delay prejudices Respondent’s First Amendment rights**
17 **to comment on matters of public concern.**

18 Balanced against the considerable First Amendment rights implicated by the prior
19 restraint Adams secured *ex parte* on Gulley’s speech, Adams’s interest in repeated
20 continuances is negligible. Adams has thrust herself into the center of an international
21 controversy, stoking what she calls a “media frenzy.”⁵ Her abuse of the civil harassment
22 restraining order process to suppress criticism of her role in that controversy imperils
23 speech on matters of public concern, which “occupies the highest rung” of protection under
24 the First Amendment. (*Snyder v. Phelps* (2011) 562 U.S. 443, 452.) In contrast to that
25 heightened protection, a prior restraint on speech is the “most serious and least tolerable”
26 limit on First Amendment rights. (*Neb. Press Assn v. Stuart* (1976) 427 U.S. 539, 559.)

27 _____
28 ⁵ See Declaration of Adam Steinbaugh in support of anti-SLAPP Motion, ¶ 19, Ex. 17 (article by Adams acknowledging that her involvement in a controversial murder trial sparked a “media frenzy,” including coverage doubting her credentials).

1 Were Adams offered a third bite at the apple, and even if the Court vacated the TRO
2 today, Gulley would continue to be subjected to the uncertainty of litigation, chilling her
3 speech on matters of public concern. That chill, even for “minimal periods of time,” harms
4 First Amendment rights where they should be most protected: in the public square. (*Elrod*
5 *v. Burns* (1976) 427 U.S. 347, 373; see also *Packingham v. North Carolina* (2017) 582 U.S.
6 98, 104 [cyberspace is the “most important” place for public debate].) And, needless to say,
7 if Adams is granted another continuance and the TRO is *not* vacated, that chill on Gulley’s
8 speech remains an outright ban.

9 Repeated continuances also harm Gulley’s constitutional due process rights—not
10 only because a prior restraint on her speech was issued without notice, but also because
11 she is obligated to litigate this matter from three time zones away. Yet resolving even *that*
12 question is frustrated by Adams’s refusal to explain why she believes this Court has
13 personal jurisdiction. And repeated continuances have a disruptive impact on Gulley by
14 requiring her to repeatedly reschedule her life around hearings that Adams jettisons.

15 **II. The Court Should Vacate the TRO Regardless of Whether it Grants a**
16 **Continuance.**

17 As explained in greater detail in Respondent’s Notice of Non-Opposition to the
18 Motion to Quash and Motion to Strike, the Court should vacate the TRO because it is
19 procedurally and substantively defective. Either defect renders the TRO infirm.

20 Procedurally, it issued without the mandatory showing, required by both the
21 California Supreme Court and United States Supreme Court, that “it was not reasonably
22 possible to notify opposing parties or their counsel *and* afford them an opportunity to be
23 heard.” (*United Farm Workers v. Superior Ct. of Santa Cruz Cnty.* (1975) 14 Cal.3d 902,
24 914 [citing *Carroll v. Princess Anne* (1968) 383 U.S. 175, 180] [emphasis added].)

25 Substantively, the TRO is a prior restraint on speech, broadly prohibiting Gulley
26 from speaking to other people about a figure who has inserted herself into a widely covered
27 controversy. (See anti-SLAPP Motion at pp. 2–4.) As such, the content-based prior
28 restraint sweeps far more broadly than the First Amendment permits.

1 **III. Gulley’s limited availability for the dates proposed by the Petitioner.**

2 Adams’s counsel has proposed that the hearing be continued to October 7, 8, 11, 14,
3 23, or 24. Of these, Respondent’s *pro bono* counsel—whose office is in Philadelphia—is
4 only available on October 23 or 24 for the following reasons:

- 5 • **October 7–8:** Respondent’s counsel has a scheduled trip to Washington,
6 D.C., for a multi-day meeting of his organization’s litigation team. Because
7 the meeting involves more than a dozen attorneys and support staff traveling
8 to Washington from across the country, it cannot be rescheduled.
- 9 • **October 11–14:** Respondent’s counsel has a long-planned trip to Saratoga,
10 New York, for his wedding anniversary.

11 **CONCLUSION**

12 This Court should deny the continuance, grant the Motions as unopposed, and—in
13 any event—dissolve the TRO.

14 DATED: September 19, 2024

15 FOUNDATION FOR INDIVIDUAL
16 RIGHTS & EXPRESSION

17 By: 
18 Adam Steinbaugh
19 Attorney for Respondent Amy Gulley