1 2 3 4 5	Adam Steinbaugh, SBN 304829 FOUNDATION FOR INDIVIDUAL RIGHTS & EX 510 Walnut Street, Suite 900 Philadelphia, PA 19106 Telephone: (215) 717-3473 Facsimile: (215) 717-3440 Email: adam@thefire.org Matthew Strugar, SBN 232951	PRESSION ELECTRONICALLY FILED Superior Court of California, County of San Francisco 09/23/2024 Clerk of the Court BY: WILLIAM TRUPEK Deputy Clerk		
7	LAW OFFICE OF MATTHEW STRUGAR 3435 Wilshire Blvd., Suite 2910			
8	Los Angeles, CA 90010			
9	Telephone: (323) 696-2299 Email: matthew@matthewstrugar.com			
10	Attorneys for Respondent Amy Gulley			
11	Thiorneys for Respondent Timy Guiley			
12	SUPERIOR COURT OF	THE STATE OF CALIFORNIA		
13	COUNTY OF SAN FRANCISO	CO – CIVIC CENTER COURTHOUSE		
14		Case No. CCH-24-587004		
15	SARRITA ANASTASIA ADAMS,	Assigned for all purposes to the		
16	Petitioner,	Hon. Michelle Tong		
17	vs.	FURTHER NOTICE OF NON- OPPOSITION TO RESPONDENT AMY		
18	AMY GULLEY,	GULLEY'S MOTION TO QUASH AND		
19	Dognandont	SPECIAL MOTION TO STRIKE [CCP § 425.16]; SUPPLEMENTAL		
20	Respondent.	DECLARATION OF ADAM STEINBAUGH; EXHIBIT 1.		
21		Date: September 30, 2024		
22		Time: 9:30 a.m.		
23				
24		Action Filed: June 6, 2024 Trial date: September 30, 2024		
25				
26				
27				
28				

NOTICE

On September 19, 2024, Petitioner Sarrita Adams requested a fifth continuance after her second failure to timely oppose Respondent Gulley's Motion to Quash for Lack of Personal Jurisdiction and anti-SLAPP Motion. In support of her extraordinary request, Adams represented that her "Oppositions will be completed before the end of this week." ¹

Adams has not filed or served an opposition to either motion—her *third* failure to file oppositions by any deadline, even when self-set.

Adams's refusal to abide by statutory deadlines, the Court's schedule, and even her own representations prejudices Gulley. Any dilatory opposition would come after Gulley's deadline *to reply*, leaving Gulley's counsel without time to research and respond while also preparing for the hearing and traveling from his office in Philadelphia. And Adams's preferred solution—a fifth continuance—would leave Gulley under a prior restraint. Either option rewards Adams's pattern of delay at Gulley's expense.

This Court can avoid that prejudice by granting the motions now—before Gulley's pro bono counsel spends additional preparatory time. Both motions have merit and each shifted a burden to Adams she refuses to carry. In repeatedly failing to oppose the motions, Adams forfeits the issues the motions raised. (See, e.g., Meridian Financial Services, Inc. v. Phan, 67 Cal.App.5th 657, 699 [party that "through inaction" fails to present arguments to the trial court forfeits them].)

The Motion to Quash required Adams to "carry the initial burden of demonstrating facts" showing the "existence of jurisdiction in California." (*In re Automobile Antitrust Cases I & II* (2005) 135 Cal.App.4th 100, 110.) But Adams has not shown how Gulley's commentary directed to a primarily British audience about a British ex-pat's involvement in a British criminal trial subjects Gulley to personal jurisdiction in *California*.²

27 Steinbaugh, Ex. 1.)

¹ Before making this representation to the Court, Adams's counsel made similar representations to Gulley's counsel, promising on the evening of September 18 that Adams would respond "tonight and tomorrow with our oppositions," and that an opposition to the anti-SLAPP motion would be forthcoming "in due course." (Supp. Decl. Adam

² Adams's counsel asserted via email that personal jurisdiction is appropriate because Respondent "initiated contact with my client who lives here." However, as Gulley's Motion to Quash explained, contact directed "at a plaintiff who lives here" does not create personal jurisdiction, nor do "online postings that are accessible by anyone who is interested

The anti-SLAPP motion established that Gulley's speech addressed matters of public concern and that her speech is protected by the First Amendment as a matter of law. That shifted the burden to Adams to "produce evidence to substantiate" her claim. (Siam v. Kizilbash (2005) 130 Cal.App.4th 1563, 1570.) Yet even if Adams had done so, Gulley would prevail because she has shown that her speech is protected by the First Amendment. (Id. [anti-SLAPP motions must be granted where the petitioner "fails to produce evidence to substantiate [her] claim or if the [respondent] has shown that the [petitioner] cannot prevail as a matter of law"].)

The Court should grant the motions before Gulley is forced to expend additional resources on Adams's SLAPP. (See, e.g., *Singh v. Lipworth* (2014) 227 Cal.App.4th 813, 829 [affirming Superior Court's "unassailable" reasoning in granting anti-SLAPP motion where the appellant "failed to file any opposition to the anti-SLAPP motion and thus [was] unable to meet her burden"].)

DATED: September 23, 2024

FOUNDATION FOR INDIVIDUAL RIGHTS & EXPRESSION

By:

Adam Steinbaugh

Attorney for Respondent Amy Gulley

in them" when there is no evidentiary showing that the respondent intentionally targeted a "California audience." (*ViaView, Inc. v. Retzlaff* (2016) 1 Cal.App.5th 198, 218–219.)

INDEX OF EXHIBITS

Exhibit	Description	Page(s)
1	September 18, 2024, email from Marc Pelta to Adam Steinbaugh	5-6

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SUPPLEMENTAL DECLARATION OF ADAM STEINBAUGH

I, Adam Steinbaugh, hereby declare:

- 1. I am an attorney licensed to practice in California. I work for a non-profit organization, the Foundation for Individual Rights and Expression (FIRE), which provides pro bono legal assistance on First Amendment matters. I am an attorney of record for Respondent Amy Gulley in this matter. As such, I have personal knowledge of the matters stated herein and could competently testify thereto.
- 2. I make this supplemental declaration in further support of Respondent Gulley's Motion to Quash Petition for Civil Harassment Restraining Order for Lack of Personal Jurisdiction ("Motion to Quash") and Special Motion to Strike ("anti-SLAPP Motion").
- 3. A true and correct copy of a September 18, 2024, email I received from Marc Pelta, Attorney for Petitioner Sarrita Adams, is attached as Exhibit 1. The email was sent on September 18, 2024, at 11:21 PM Pacific Daylight Time.
- I have not received an opposition to either the Motion to Quash or anti-SLAPP Motion.
- 5. If the hearing is to proceed on September 30, 2024, Respondent's pro bono counsel will incur substantial expenses, including the costs of air travel from Philadelphia, lodging in San Francisco, and the significant hours necessary to prepare for hearings on two motions and (if the motions are denied) an evidentiary hearing.

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

Executed this 23rd day of September, 2024, in Philadelphia, Pennsylvania.

Adam Steinbaugh



[Adams v. Gulley] Notice of non-opposition to Motion to Quash, anti-SLAPP Motion

Marc Pelta <marc@peltalaw.com>

Thu, Sep 19, 2024 at 2:21 AM

To: Adam Steinbaugh <adam@thefire.org>, Okorie Okorocha <OO@ooesq.com>
Cc: JT Morris <JT.Morris@thefire.org>, Colin McDonell <colin.mcdonell@thefire.org>, Gabe Walters
<gabe.walters@thefire.org>, Matthew Strugar <matthew@matthewstrugar.com>

Adam,

We will be responding tonight and tomorrow with our oppositions. As you know, I filed the Request to Continue that you were opposed to, so I requested it be dismissed. The CHRO petition clearly shows that your client, Ms Gulley, initiated contact with my client who lives here. Therefore your motion to quash is without merit. I will deal with the SLAPP in due course.

Thank you,

Marc Pelta, Attorney-at-Law PELTA|LAW <u>SF Bay Area Location</u>: 1390 Market Street, Suite 200 San Francisco, CA 94102 Tel. 415-963-1152 website: www.peltalaw.com

"Representing Clients Across California"

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From: Adam Steinbaugh <adam@thefire.org>
Sent: Wednesday, September 18, 2024 8:59 PM

To: Marc Pelta <marc@peltalaw.com>; Okorie Okorocha <00@ooesq.com>

Cc: JT Morris <JT.Morris@thefire.org>; Colin McDonell <colin.mcdonell@thefire.org>; Gabe Walters

<qabe.walters@thefire.org>: Matthew Strugar <matthew@matthewstrugar.com>

Subject: [Adams v. Gulley] Notice of non-opposition to Motion to Quash, anti-SLAPP Motion

Mr. Pelta and Mr. Okorocha,

Please see the attached, which was filed with the Court this evening. These have also been uploaded to Box.com at The password to access these documents is:

2024.09.18 - Notice of Non-Opposition to Anti-SLAPP Motion - 01 - Memorandum.pdf

2024.09.18 - Notice of Non-Opposition to Anti-

SLAPP Motion - 02 - Proposed Order.pdf



2024.09.18 - Notice of Non-Opposition to Anti-

SLAPP Motion - 03 - Proof of Service.pdf

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

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^{*} Admitted in California and Pennsylvania