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11
12 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**
13 **COUNTY OF SAN FRANCISCO — CIVIC CENTER COURTHOUSE**

14
15 SARRITA ANASTASIA ADAMS,
16
17 Petitioner,
18
19 vs.
20 AMY GULLEY,
21
22 Respondent.

Case No. CCH-24-587004

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

SPECIAL APPEARANCE:
RESPONDENT AMY GULLEY'S
REPLY MEMORANDUM OF POINTS
AND AUTHORITIES IN SUPPORT OF
MOTION TO QUASH;
SUPPLEMENTAL DECLARATION OF
AMY GULLEY

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

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

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1 **INTRODUCTION**

2 Adams’s untimely opposition to Gulley’s motion to quash Adams’s petition for lack
3 of personal jurisdiction is too little and (far) too late. Set aside her failure to file her
4 opposition on time—an independent reason to grant the motion to quash. (*Rancho Mirage*
5 *Country Club Homeowners Assn. v. Hazelbaker* (2016) 2 Cal.App.5th 252, 262 [affirming
6 trial court’s refusal to accept untimely papers from a self-represented litigant].) Even
7 considering Adams’s opposition, this Court should still grant the motion to quash. Adams’s
8 opposition largely rests on ever-shifting conspiracy theories unsupported by any evidence.
9 Where it falls short on the facts, Adams’s opposition falls shorter on the law, failing to
10 meaningfully grapple with cases holding on similar facts that a nonresident who merely
11 posts negative comments about a person in California does not subject themselves to
12 personal jurisdiction in California.

13 **ARGUMENT**

14 Whether for disregard for the rules or for the substantive shortcomings of Adams’s
15 opposition, this Court should grant Gulley’s motion to quash for lack of personal
16 jurisdiction.

17 The parties do not dispute that the Court lacks general personal jurisdiction over
18 Gulley. Adams, however, insists that specific jurisdiction exists on the allegations that
19 Gulley—through an intermediary—contacted Adams to propose a business venture (which
20 Adams spurned), that Gulley “initiated” a chat with Adams, that Gulley “hacked” Adams’s
21 website, and that Gulley and “associates” spoke about Adams online. Adams bears the
22 burden to prove that personal jurisdiction exists because she is the party seeking to force
23 Gulley to litigate in California. (*Vons Companies, Inc. v. Seabest Foods, Inc.* (1996) 14
24 Cal.4th 434, 449.) She fails to carry that burden on legal and factual grounds.

25 To start, Adams’s burden requires her to support her factual contentions with
26 specific evidence, which she fails to do. Even if she had competent evidence, her theory is
27 flawed as a matter of law, seeking to hold Adams accountable for the alleged conduct of
28

1 *third parties* whose conduct bears no relevance to whether *Gulley personally* fostered
2 intentional contacts with California. That leaves Adams with Gulley’s public, online
3 criticism of a person who happens to reside in California. And that’s not enough to force
4 litigate Gulley to litigate in California.

5 Adams also seeks an eleventh-hour continuance to conduct procedural discovery,
6 but that request is meritless, untimely, and procedurally improper. Lastly, because Adams
7 waited to file her opposition to the motion to quash until well after the deadline, this Court
8 may grant the motion on that basis alone—or, alternatively, decline to accept the untimely
9 opposition and hold that it would grant the motion even if it *were* considered.

10 **I. Adams Has Not Carried Her Burden to Establish Personal Jurisdiction.**

11 **A. Adams cannot establish personal jurisdiction through the conduct**
12 **of third parties.**

13 Adams’s attempt to establish personal jurisdiction over Gulley through the speech of
14 third parties—many with uncertain (if any) connection to Gulley, other than dislike of
15 Adams’s involvement in a public controversy—fails on both the facts and the law. On the
16 facts, Adams cannot establish jurisdiction through “vague assertions of ultimate facts” but
17 must prove jurisdiction through authenticated documents or declarations with “specific
18 evidentiary facts.” (*In re Automobile Antitrust Cases I & II* (2005) 135 Cal.App.4th 100,
19 110.)

20 Adams places great weight Adams on the importance of Gulley’s “associates,” but it
21 is irrelevant: The conduct of third parties has no relevance to ascertaining whether the
22 Court can exercise personal jurisdiction over Gulley. It is the “*defendant’s* conduct that
23 must form the necessary connection with the forum state,” not the defendant’s relationship
24 or interactions with a “third party.” (*Walden v. Fiore* (2014) 571 U.S. 277, 285–286
25 [emphasis added].) Even in cases involving an alleged conspiracy, the acts of an alleged co-
26 conspirator “cannot be imputed to establish jurisdiction” over another co-conspirator;
27 rather, personal jurisdiction must be based on the forum-related acts “personally
28

1 committed by each nonresident defendant.” (*CenterPoint Energy, Inc. v. Superior Court*
2 (2007) 157 Cal.App.4th 1101, 1118.) In other words, each person’s contacts with the forum
3 state “must be assessed individually.” (*Calder v. Jones* (1984) 465 U.S. 783, 790.) Only
4 specific evidence of *Gulley’s* conduct is relevant to personal jurisdiction. Adams’s
5 allegations about third parties are baseless distractions.

6 And even if they were relevant, Adams’s theories lack evidentiary support. She offers
7 no competent evidence that supports her opposition’s vague (and frequently opaque)
8 allegations that (a) it was Gulley who initiated an email from “Helena Spinelli” to Adams
9 volunteering to help a fellow activist (an email Adams characterizes as a “spurned business
10 proposal”); (b) “someone acting at [Gulley’s] direction” somehow “hacked into” a meeting;
11 or (c) various posts about Adams on social media were from Gulley’s “associates.” (Opp’n
12 Mot. Quash at pp. 2–3; Decl. of Okorie Okorochoa ¶ 9 & Exs. E, G, H.) But Gulley did not
13 send the “Helena Spinelli” email, simply watched videos Adams made available on social
14 media, and does not control the numerous social media accounts that Adams baselessly
15 attributes to her. (*See* Suppl. Decl. of Amy Gulley ¶¶ 1–2, 7–9.)

16 Adams’s irrelevant theory is also at odds with her allegations. In her petition, Adams
17 had alleged that a university professor in the Netherlands masterminded the assault on her
18 reputation because of “a perceived slight owing to Dr. Adams not wishing to collaborate
19 with him on a professional basis.” (Pet. at p. 2.) Now Adams alleges that *Gulley* is the
20 mastermind, also motivated by a “spurned business proposal.” (Opp’n Mot. Quash 2.)
21 Adams points to an email from a “Helena Spinelli” asking Adams if she can “join the fight
22 for helping in the cause.” (Opp’n Mot. Quash. Ex. E.) Adams characterizes this email as a
23 “business proposal” that Gulley initiated through her “associate” Helena Spinelli, without
24 any evidence supporting these characterizations. (Opp’n Mot. Quash at 2, Ex. A ¶ 5, Ex. E.)

25 But even if Adams’s legal theory were correct, it fails on the facts. Gulley did not
26 send this email, through an “associate” or otherwise. (Gulley Suppl. Decl. ¶¶ 1–2.) And
27 Gulley is not responsible for the other online users who post content disparaging Adams.
28

1 **B. Adams’s initiation of a chat with Gulley does not suffice to pull**
2 **Gulley into California.**

3 The conduct Adams attributes to *Gulley*, as opposed to her “associates,” is sparse—
4 and demonstrably misleading. For example, Adams accuses Gulley of initiating an online
5 chat with Adams on September 30, 2023, and submits a transcript of the chat as evidence.
6 (Opp’n Mot. Quash 2–3, Decl. of Okorie Okorochoa ¶ 6, Ex. E.) Adams’s exhibit arranges the
7 pages out of order to give the appearance that *Gulley* initiated the conversation. But the
8 timestamps in the chat show that *Adams* initiated the conversation, as the timestamps—
9 which precede a first message—appear immediately before Adams’s message, which begins
10 “Hi there.” (Gulley Suppl. Decl. ¶¶ 4–6; Decl. of Sarrita Adams ¶ 6 & Ex. E.) That shows
11 that *Adams* initiated the conversation. (Gulley Suppl. Decl. ¶¶ 4–6.)

12 Yet, even if Gulley had initiated the chat, sending a direct communication to
13 someone in California is not enough to create personal jurisdiction over a nonresident.
14 (*See, e.g., Janus v. Freeman* (9th Cir. 2020) 840 Fed.Appx. 928, 931 [in defamation case
15 involving nonresident who sent allegedly defamatory messages to California residents,
16 holding that the “mere making of defamatory comments to persons known to be
17 Californians” was insufficient to create personal jurisdiction].)¹ If a California resident
18 could subject a resident of any other state to California’s jurisdiction just by calling *them*,
19 why would anyone answer a call from a California area code?

20 Adams’s remaining claims fare no better. Without elaboration, she accuses Gulley
21 (or “someone,” who is not identified, “acting at her direction”) “hacked into” meetings.
22 (Opp’n Mot. Quash 3, Decl. of Okorie Okorochoa ¶ 9.) Again, she offers no evidence to
23 support this claim: The exhibit purportedly evidencing it (“Exhibit H”) is not attached to
24 her opposition. Charitably assuming that it is the same exhibit contained in her opposition
25 to the anti-SLAPP motion, that evidence shows only that Gulley watched a YouTube video
26

27 _____
28 ¹ Unpublished federal opinions may be considered as persuasive authority under the California Rules of Court. (*Gomes v. Countrywide Home Loans, Inc.* (2011) 192 Cal.App.4th 1149, 1155 n.6.)

1 available to anyone with a link—a far cry from “hacking,” and not conduct directed *at*
2 *California*.

3 **C. Adams cannot establish personal jurisdiction on the basis Gulley**
4 **posted online criticism of a person who resides in California.**

5 Stripped of this, all Adams has left is Gulley’s speech, directed to the public,
6 criticizing Adams online. Gulley’s motion cites various California cases holding that
7 publicly posting on the Internet allegedly harassing, defamatory, or otherwise unlawful
8 comments about someone who happens to reside in California is insufficient by itself to
9 create personal jurisdiction in California. (Mot. Quash at 4–5 (citing *Burdick v. Superior*
10 *Court* (2015) 233 Cal.App.4th 8, 20–25; *Pavlovich v. Superior Court* (2002) 29 Cal.4th
11 262, 275–276; *ViaView, Inc. v. Retzlaff* (2016) 1 Cal.App.5th 198, 204–205, 209–219).)
12 Adams’s opposition does not even discuss *Pavlovich* or *ViaView*.

13 Adams attempts to distinguish *Burdick* on the basis that Gulley’s speech was
14 “directly aimed at” a California resident. (*See* Opp’n Mot. Quash at 5 [discussing *Burdick*,
15 233 Cal.App.4th at 8].) In doing so, Adams confuses the legal distinction in these cases
16 between posts *about* a California resident versus posts *sent to* a California *audience*.
17 Online speech about a Californian does not by itself create personal jurisdiction, but online
18 speech aimed to reach a California audience in particular (rather than a more general
19 audience) could give rise to personal jurisdiction. (*Burdick, supra*, 233 Cal.App.4th at
20 pp. 8, 25, 27.) Beyond repeating the legally insufficient fact that she and her business are
21 based in California, Adams offers nothing suggesting that Gulley’s speech (about a UK-
22 based controversy) garnered a California-specific audience. Indeed, Adams does not
23 identify any person in California—other than herself—who read Gulley’s criticism of her, let
24 alone show that Gulley’s speech had a primarily Californian audience.

25 For that reason, Adams’s reliance on *Zehia* does not help her. (*Zehia v. Superior*
26 *Court* (2020) 45 Cal.App.5th 543.) That case involved a nonresident’s sending private
27 social media messages directly to two California residents—the audience was therefore
28 entirely Californian. (*Id.* at pp. 547–48, 556.) The court held that personal jurisdiction over

1 the nonresident was proper. (*Id.* at p. 788.) In so holding, that court emphasized that the
2 nonresident sent “*private* social media messages aimed exclusively at a California
3 audience,” whereas *Burdick* had involved a “*public* social media post.” (*Id.* at p. 787–788
4 [emphasis in original].) Here, unlike in *Zehia*, Gulley’s online posts were not sent
5 exclusively to a California audience. Rather, as in *Burdick*, her posts were public, published
6 for an audience without regard to state or country of residence.

7 Adams does not identify, besides herself, a single California-based reader of Gulley’s
8 public criticism, let alone show that Gulley’s posts about a British controversy cultivated a
9 primarily California-based audience. She has not met her burden to show personal
10 jurisdiction exists. California is not the “focal point” of the discussion—the United
11 Kingdom is. (See *Walden*, *supra*, 571 U.S. at p. 287 [quoting *Calder*, *supra*, 465 U.S. at
12 p. 789].)

13 **II. Exercise of personal jurisdiction would not conform to fair play and**
14 **substantial justice.**

15 In her oppositions, Adams makes clear that she is trying to litigate a defamation
16 case through the expedited civil harassment process. (See, e.g., Opp’n Mot. Strike at 7
17 [citing defamation elements as basis for her lawsuit]; Opp’n Mot. Quash Ex. A. ¶ 10
18 [arguing that the alleged “harassment” consisted of “defamatory posts”].) But as Gulley laid
19 out in her motion to quash, a defamation defendant is ordinarily entitled to important
20 procedural protections, including discovery on the truth of the statements at issue, the
21 right to a jury trial, and higher evidentiary standards than those in a civil harassment
22 proceeding. (See *Duronslet v. Kamps* (2012) 203 Cal.App.4th 717, 728–729 [holding that,
23 under Code of Civil Procedure section 527.6’s allowance for “any testimony that is
24 relevant” at civil harassment restraining order hearings, hearsay is permissible].) Adams
25 does not explain how it would be fair to subject a far-flung resident to an expedited
26 process, one intended to prevent harassment-induced emotional distress, to adjudicate her
27 defamation claim aimed at reputation-based harms.
28

1 **III. Adams’s dilatory request to conduct discovery should be denied.**

2 This Court should also reject Adams’s request for leave to conduct jurisdictional
3 discovery as dilatory, baseless, and procedurally defective.

4 Adams makes this request now for the first time months after Gulley to quash the
5 petition. Her prior continuances did not refer to any interest in or need for discovery. Even
6 if her eleventh-hour request were timely, it is baseless.

7 Because a party seeking jurisdictional discovery bears the burden to “demonstrate
8 that discovery is likely to lead to the production of evidence of facts establishing
9 jurisdiction,” a court properly denies such a continuance when the party requesting it fails
10 to “articulate what specific facts they would seek to develop.” (*Preciado v. Freightliner*
11 *Custom Chassis Corporation* (2023) 87 Cal.App.5th 964, 972–73 [holding that this ruling
12 is reviewed for “manifest abuse” of discretion].) Adams articulates no specific facts she
13 seeks to uncover, merely speculating that discovery “may” reveal a basis for jurisdiction by
14 providing “evidence regarding Respondent’s contacts with California.” (Opp’n Mot. Quash
15 at 8.)

16 Her request should also be denied because it is procedurally improper. The filing of
17 an anti-SLAPP motion stays all discovery until a ruling on the motion. (Code Civ. Proc., §
18 425.16, subd. (g).) The court may allow specified discovery earlier only “on noticed motion
19 and for good cause shown.” (*Ibid.*) But Adams has not filed a motion seeking discovery, let
20 alone established good cause.

21 Adams’s request for a late-night fishing expedition is another in her repeated efforts
22 to delay resolution of this matter—delay that benefits her, and prejudices Gulley, by
23 continuing to subject Gulley’s protected speech to an unconstitutional prior restraint.

24 **IV. Adams’s opposition should be stricken because it was filed past the**
25 **deadline for Gulley to reply.**

26 Adams’s failure to timely file her opposition is an independent basis for this Court to
27 grant the motion to quash. This court has “broad discretion” to accept or reject late-filed
28

1 papers. (*Rancho Mirage Country Club Homeowners Assn, supra*, 2 Cal.App.5th at p. 262.)
2 Despite receiving multiple continuances, Adams not only missed her *self-set* deadline, but
3 filed this opposition after the deadline for Gulley to reply to her opposition. Adams's
4 extreme lack of diligence continues to prejudice Gulley, requiring her to turn around this
5 reply brief in under two days, diverting time away from preparing for the upcoming
6 hearing. This Court should exercise its broad discretion and strike Adams's opposition.

7 **CONCLUSION**

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

10
11 DATED: September 26, 2024

FOUNDATION FOR INDIVIDUAL
RIGHTS & EXPRESSION

12
13 By: 
14 Adam Steinbaugh
15 Attorney for Respondent Amy Gulley
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- 1 d. "Eleanor."
- 2 e. "Ethelred" or "ethelred321@gmail.com."
- 3 f. "Helena Spinelli."
- 4 g. "@holt4321."
- 5 h. "Jess Rose," "Jess Harrison," or "@Jessrose19811."
- 6 i. "@LawHealthTech."
- 7 j. "Paid Police Bot" or "@BotPaid68722."
- 8 k. "PaulBeach" or "Paul Breach."
- 9 l. "PuzzleheadedCup2574."
- 10 m. "RevolutionaryHeat318."
- 11 n. "Rex v. Lucy Letby – Full Disclosure" or "@RexvsLucyLetby."
- 12 o. "Richard" or "Richard Gill" or "@gill1109."
- 13 p. "RioRiverRiviere."
- 14 q. "Ruth39484957."
- 15 r. "SadShoulder641."
- 16 s. "Sally Hart."
- 17 t. "Smelly Cat" or "SmellyCat625560."
- 18 u. "Terry Patricks" or "@TPatricks22268."
- 19 v. "TThomRogers."
- 20 w. "Unhappy-News7402."

21 8. Any video I saw of a 'Science on Trial' meeting was after it was made publicly
22 available by Adams or 'Science on Trial' on YouTube or similar social media sites, which
23 did not require a password or YouTube account to view.

24 //
25 //
26 //
27 //
28

1 9. I did not post the Facebook post reading "PLEASE RESEARCH SARRITA
2 ADAMS CEO OF SCIENCE ON TRIAL ON GOOGLE, FACEBOOK, REDDIT &
3 LINKEDIN," which is included as part of Exhibit G to Adams's Opposition to the Special
4 Motion to Strike.

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

7 Executed this 26th day of September, 2024, in Harleysville, Pennsylvania.

8
9
10 
11 Amy Gulley