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27 **UNITED STATES DISTRICT COURT**
28 **FOR THE NORTHERN DISTRICT OF CALIFORNIA**
SAN FRANCISCO DIVISION

FIRST AMENDMENT COALITION,
VIRGINIA LAROE, and EUGENE
VOLOKH,

Plaintiffs,

v.

DAVID CHIU, in his official capacity as
City Attorney of San Francisco; and
ROB BONTA, in his official capacity as
Attorney General of California,

Defendants.

Civil Case No. 3:24-cv-08343-TSH

**DECLARATION OF VIRGINIA LAROE
IN SUPPORT OF PLAINTIFFS'
MOTION FOR PRELIMINARY
INJUNCTION**

1 Under 28 U.S.C. § 1746, I, VIRGINIA LAROE, declare as follows:

2 1. I am over the age of 18. I have personal knowledge of the facts set forth in
3 this declaration, and if called to testify as a witness, could do so competently under oath.

4 2. I am a Plaintiff in this action. I am known professionally as Ginny LaRoe.

5 3. I am the Advocacy Director for the First Amendment Coalition, or FAC,
6 where I direct our public policy advocacy, with a focus on protecting and advancing free
7 speech, a free press and government transparency in California.

8 4. I have also been a journalist. Before I joined FAC, I worked as a reporter and
9 editor at newspapers in five states, focusing on the criminal justice system and local
10 government.

11 5. As a former journalist, I focus my work on advancing press rights, work that
12 was recognized this month by the Society of Professional Journalists, Northern California
13 Chapter, which honored me with its Distinguished Service to Journalism Award.

14 6. FAC is a nonpartisan public interest nonprofit dedicated to protecting and
15 promoting a free press, freedom of expression, and the people's right to know.

16 7. As part of FAC's mission, staff at FAC, including myself, regularly speak
17 publicly about issues affecting freedom of the press, freedom of expression and
18 government transparency.

19 8. FAC's advocacy takes place in the press, in public letters to lawmakers and
20 other officials, on FAC's website (<https://www.firstamendmentcoalition.org>), and in other
21 public venues.

22 9. I have read posts and materials published by Jack Poulson relevant to the
23 subject matter of the Complaint filed in this action.

24 10. I have read the arrest report (also called an "incident report") that Poulson
25 posted.

26 11. The copy of the arrest report Poulson posted was available to the public, and
27 to my knowledge, remains available to the public.

28

1 12. I have also read three letters sent by Deputy City Attorney Jennifer Choi to
2 Poulson’s lawyer and to Substack, Inc., the company that hosts Poulson’s publication.
3 These letters are attached as Exhibits 2, 4, and 5 to the Declaration of Adam Steinbaugh.

4 13. I understand from Choi’s letters that the arrest report Poulson posted has
5 been sealed by a California state court.

6 14. In these letters, Choi demanded that Poulson and Substack “immediately
7 remove” the arrest report, that Poulson “take down the posts related to the Incident
8 Report,” and that they “refrain from publishing this material in the future.”

9 15. Choi sent these letters “[p]ursuant to California Penal Code section
10 851.92(c),” which provides a civil penalty of up to \$2,500 for any “person or entity . . . who
11 disseminates information relating to a sealed arrest.” Cal. Penal Code § 851.92(c).

12 16. I have also read several emails, which I understand to have been released by
13 the City Attorney’s office in response to a public records request, between Choi and the
14 executive’s attorney and Choi and the executive himself discussing efforts to suppress
15 Poulson’s reporting of information about the sealed arrest. These include the emails
16 attached to the Declaration of Adam Steinbaugh as Exhibits 1, 3, and 7.

17 17. I have also read the Complaint, attached to the Declaration of Adam
18 Steinbaugh as Exhibit 6, in *Doe v. Substack, Inc.*, No. CGC-24-618681 (Cal. Super. Ct.
19 County of S.F. filed Oct. 3, 2024).

20 18. FAC, including myself, wants to comment publicly, including in the press, on
21 FAC’s own website, and in public letters to lawmakers or other officials about the efforts by
22 the technology executive and the government to suppress Poulson’s publication as
23 examples of risks to press freedom and transparency.

24 19. Bringing public attention to the executive’s lawsuit, which attempts to censor
25 coverage of his arrest, is important to educate the public about speech- and press-chilling
26 lawsuits and advancing FAC’s mission.

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1 20. Bringing attention to the fact that a state court sealed a prominent executive’s
2 arrest is also an important press freedom and government transparency issue, worthy of
3 informing the public, and important to advancing FAC’s mission.

4 21. On behalf of FAC, I co-authored an opinion piece critical of the executive’s
5 censorship campaign and the City Attorney’s participation in it.

6 22. The piece includes information about the publicly available sealed arrest
7 record.

8 23. The opinion piece was published by a San Francisco newspaper.

9 24. In addition to the published opinion piece, I drafted an open letter that I
10 intended to send to the San Francisco City Attorney and publish on our website or in another
11 outlet.

12 25. The open letter I drafted includes additional details from the arrest report that
13 I did not include in my published opinion piece.

14 26. In addition to the published opinion piece, I (or my colleagues at FAC) want to
15 send public letters to lawmakers, post on social media, and comment in media interviews
16 about the same information targeted by the San Francisco City Attorney.

17 27. Still, FAC and I are concerned about the potential for enforcement of California
18 Penal Code Section 851.92(c), which provides a civil penalty of up to \$2,500 for any “person
19 or entity . . . who disseminates information relating to a sealed arrest.”

20 28. FAC and I are concerned that each time we disseminate information relating
21 to a sealed arrest, we will be subject to an additional civil penalty.

22 29. For those reasons, even though we intend to publish and comment in the
23 future on the *Doe v. Substack* lawsuit, the executive’s and City Attorney’s efforts to suppress
24 information about the arrest record, the state court’s decision to seal a technology executive’s
25 arrest record, and the policy adopted by California to prohibit speech on these topics, we are
26 restraining ourselves from doing so and avoiding commentary we would otherwise freely
27 undertake.

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