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

SARRITA ANASTASIA ADAMS,

Petitioner,

vs.

AMY GULLEY,

Respondent,

Case No.: CCH-24-587004

**PETITIONER'S EX PARTE NOTICE OF
MOTION AND MOTION TO STRIKE
NEW EVIDENCE OFFERED IN REPLY
BRIEF OR, IN THE ALTERNATIVE,
MOTION FOR LEAVE TO FILE A SUR-
REPLY AND CONTINUE HEARING
DATE**

HEARING DATE: SEPTEMBER 30, 2024
TIME: 9:30 A.M.
DEPT: 505

CASE FILED: JUNE 6, 2024

TO ALL PARTIES AND THEIR ATTORNEYS OF RECORD:

Please take notice that on September 30, 2024, at 9:30A.M, or as soon thereafter as
counsel may be heard, in Department 505 of the San Francisco County Superior Court, Petitioner

PETITIONER'S EX PARTE MOTION TO STRIKE NEW EVIDENCE OFFERED IN REPLY BRIEF

1 Sarrita Anastasia Adams hereby moves for an order to strike the new evidence introduced in the
2 reply brief submitted by Respondent, or in the alternative, for leave to file a sur-reply to address
3 the new evidence and for a continuance of the hearing date:

4 This motion is based on this notice, the attached memorandum of points and authorities,
5 all papers and records on file in this action, and any further argument or evidence that the court
6 may permit.

7 DATE: September 26, 2024

/s/ Okorie Okorochoa

8 _____
9 Okorie Okorochoa,
Co-Counsel for Petitioner

10 Dated: September 26, 2024

11 _____
12 Marc D. Pelta,
13 Attorney for Petitioner

1 **A. Exhibit 60 – Excerpts of the Reporter’s Transcript on Appeal**

2 This transcript was not introduced in the original motion and could have been offered at
3 that time. It relates to a previous case involving Petitioner (*Billings v. Adams*), and Respondent
4 uses it to question Petitioner’s credibility. However, any documents or arguments relating to
5 Petitioner’s past legal cases should have been presented in the moving papers, not in the reply.
6 The introduction of this exhibit at this stage is improper and prejudicial as it deprives Petitioner
7 of the opportunity to explain or rebut the contents of the transcript.

8 **B. Exhibit 61 – Notice of Entry of Judgment**

9 This exhibit, also related to *Billings v. Adams*, was likewise not part of the original
10 moving papers. The final judgment in a prior case should have been included in the initial
11 motion, as Respondent is clearly relying on it to establish a pattern of behavior or credibility
12 issue. Holding this evidence until the reply unfairly denies Petitioner a chance to address the
13 relevance or impact of that judgment.

14 **C. Exhibit 63 – June 29, 2017, Diploma Proffered by Sarrita Adams**

15 Respondent challenges Petitioner’s educational credentials, which is a central argument
16 in her Anti-SLAPP motion. This diploma was available at the time of the original filing and
17 should have been included to support the motion. Introducing this now, in the reply, is
18 strategically improper as it prevents Petitioner from addressing the authenticity or context of the
19 document.

20 **D. Exhibits 64–69 – University of Cambridge-Related Documents**

21 These exhibits include a series of screenshots, articles, and social media posts relating to
22 the University of Cambridge and Petitioner’s academic background. These materials go directly
23 to the credibility of Petitioner’s claims about her academic qualifications, which are central to
24 Respondent’s argument. These documents should have been part of the original moving papers
25 to allow Petitioner a fair opportunity to respond to any alleged inconsistencies or challenges to
26 her educational background.

27 **E. Exhibit 70 – Docket of *Adams v. Billings***

28 Respondent introduces this docket to suggest a pattern of litigious behavior on the part of
PETITIONER’S EX PARTE MOTION TO STRIKE NEW EVIDENCE OFFERED IN REPLY BRIEF

1 Petitioner. However, as with Exhibits 60 and 61, if Respondent intended to rely on Petitioner's
2 prior legal cases to bolster her arguments, this evidence should have been presented at the outset.
3 Holding it until the reply is procedurally improper and prejudicial.

4 **V. Basis for Sur-Reply and the Improper Introduction of New Evidence**

5 No exceptional circumstances justify Respondent's introduction of new evidence at the
6 reply stage. California courts have consistently held that new evidence should not be introduced
7 in reply briefs unless the case presents exceptional circumstances. (*Plenger v. Alza Corp.* (1992)
8 11 Cal.App.4th 349, 362, fn. 8.) The reply brief is not the proper stage to introduce substantial
9 new evidence that the opposing party has no opportunity to rebut. Respondent has not
10 demonstrated any reason, let alone exceptional circumstances, to justify withholding critical
11 exhibits until the reply, thereby preventing Petitioner from addressing these documents and
12 violating principles of procedural fairness.

13 Furthermore, the newly presented exhibits pertain solely to circumstantial questions of
14 fact—such as credibility, past conduct, and educational background—that are inappropriate for
15 consideration in the context of an Anti-SLAPP motion. Anti-SLAPP motions are intended to
16 address legal sufficiency, not to resolve factual disputes. *The purpose of an Anti-SLAPP motion*
17 *is to test whether the plaintiff's claims have a probability of prevailing on their merits, not to*
18 *weigh evidence or make credibility determinations.* As the California Supreme Court stated in
19 *Navellier v. Sletten* (2002) 29 Cal.4th 82, 88, the analysis in an Anti-SLAPP motion focuses on
20 whether the plaintiff can demonstrate a prima facie case, not whether factual disputes exist. The
21 introduction of new evidence related to circumstantial factual matters is improper at this stage
22 and beyond the scope of the Court's review under *Code Civ. Proc. § 425.16*.

23 Given Respondent's improper inclusion of new evidence and the importance of the
24 factual issues raised, Petitioner respectfully requests leave to file a sur-reply to address these new
25 exhibits fully. If the Court permits Respondent to rely on this new evidence, Petitioner must be
26 given an opportunity to respond to the factual arguments that have only now been introduced.
27 Without such an opportunity, Petitioner will suffer significant prejudice.

28 Furthermore, Petitioner requests that the hearing date be continued to allow time for a
meaningful response to these exhibits, ensuring that Petitioner is afforded her due process rights
and that the Court has the benefit of a complete record before ruling on the motion. The

1 inclusion of new evidence at the reply stage, without allowing a response, would unfairly tilt the
2 scales of justice and undermine the integrity of the Anti-SLAPP process.

3 **V. REQUEST FOR RELIEF**

4 For the reasons set forth above, Petitioner respectfully requests that the Court:

5 Strike Exhibits 60 through 70 from Respondent's reply brief on the grounds that they
6 were improperly introduced at the reply stage, in violation of California law, and should have
7 been offered in the original moving papers; or,

8 In the alternative, grant Petitioner leave to file a sur-reply addressing the new evidence
9 presented in Exhibits 60 through 70; and

10 Continue the hearing date to allow Petitioner sufficient time to review and respond to the
11 new evidence properly.

12 The introduction of this new evidence in reply violates the principles of fairness and
13 procedural due process. Respondent's attempt to bolster her arguments at the eleventh hour with
14 significant new evidence leaves Petitioner unable to respond, and the Court should not consider
15 these materials without providing Petitioner a meaningful opportunity to address them.

16 **V. CONCLUSION**

17 Respondent's decision to hold back nearly one hundred pages of attached exhibits until
18 the reply brief is improper and prejudicial. This tactic deprives Petitioner of a fair opportunity to
19 rebut the evidence and is contrary to well-established California law regarding motion practice.
20 For these reasons, Petitioner respectfully requests that the Court strike the new evidence or,
21 alternatively, grant leave to file a sur-reply and continue the hearing date.

22 Dated: September 26, 2024

/s/ Marc Pelta



23 Marc Pelta, Esq.
24 Attorney for Petitioner

25 Dated: September 26, 2024

/s/ Okorie Okorochoa

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27 Okorie Okorochoa, Esq.
28 Attorney for Petitioner

1 **[PROPOSED] ORDER**

2 The Court, having considered Petitioner Sarrita Anastasia Adams’s Motion to Strike New
3 Evidence or, in the Alternative, Motion for Leave to File a Sur-Reply and Continue the Hearing,
4 and all supporting and opposing papers, hereby orders as follows:

5 1. Petitioner’s Motion to Strike Exhibits 60 through 70 from Respondent’s Reply Brief is

6
7 GRANTED.

8 Or, in the alternative:

9 2. Petitioner’s Motion for Leave to File a Sur-Reply is GRANTED, and

10 3. The hearing on Respondent’s Anti-SLAPP Motion is CONTINUED to

11 _____ (October 30, 2024).

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13 IT IS SO ORDERED.

14 Dated:

15 _____
16 JUDGE OF THE SUPERIOR COURT
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