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Superior Court of California,
County of Los Angeles
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SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF LOS ANGELES

JOSE DECASTRO,)
)
Plaintiff,)
)
v.)
)
KATHERINE PETER; DANIEL CLEMENT;)
13 MICHAEL PIERATTINI; DAVID OMO JR.;)
14 and DOES 1 TO 30, inclusive,)
)
Defendants.)

Case No. 23SMCV00538
Assigned for all purposes to the Honorable
H. Jay Ford, Dept. O
**DECLARATION OF MICHAEL
PIERATTINI IN SUPPORT OF
DEFENDANT MICHAEL PIERATTINI'S
MOTION FOR SUMMARY JUDGMENT
OR IN THE ALTERNATIVE SUMMARY
ADJUDICATION**
Date: May 29, 2025
Time: 8:30 A.M.
Dept: O

LAW OFFICES OF R. PAUL KATRINAK
9663 Santa Monica Blvd., Suite 458
Beverly Hills, California 90210
(310) 990-4348

DECLARATION OF MICHAEL PIERATTINI

I, Michael Pierattini, declare as follows:

1. I am over 18 and can testify to the matters herein.

2. Plaintiff claims I have “used his name, voice, and photograph or likeness for unauthorized commercial use.” (Complaint, ¶ 3). I have not used his name for a commercial use.

3. Plaintiff also alleges in Paragraph 73 of his complaint as follows: “Defendants have used my likeness to advertise most of their YouTube videos about me.” I have not used his likeness for any advertisements.

4. Plaintiff alleges in Paragraph 74 of the complaint that “Defendants gained a commercial benefit because their following, as well as my following, were looking for content about me and used the images to find the content, which earned advertising revenue for the Defendants.” While this is not actionable, I have no used Plaintiff’s likeness in advertising, so this does not make sense.

5. Any YouTube content produced by me about DeCastro is free to view. DeCastro's position in Paragraph 75 of the complaint that: “I was harmed by not having that ad revenue myself...” does not make sense. I do not see how he could have received revenue, and again, I did not have any agreement with any advertisers, as noted above.

6. I did not advertise any product or service with Plaintiff’s name or likeness. No advertiser paid me any money for the use of his name or likeness.

7. I produced a web series which discussed DeCastro, and I own the copyright in that web series. That web series never contained Ad Reads. While “Ad Reads” would be protected the same way as the commercials in the CBS program in the *Fleet* case, I have never done an Ad Read. In terms of Ad Reads, an advertiser might reach out to a content creator and ask them to talk favorably about a product or service. They may provide a script to be read, or ask for certain talking points to be discussed over a certain amount of time. They may also require the ad to appear at a certain time in the video. I have never conducted an Ad Read and I have never been offered anything of pecuniary value to discuss any product or service on any

1 video published on my channel, including any videos about DeCastro. If I had, that would be
2 protected, the same as the commercials in the television show in the *Fleet* case, but cannot
3 apply here due to the fact that I have never conducted an Ad Read.

4 I declare under the penalty of perjury under the laws of the State of California that the
5 foregoing is true and correct. Executed by me this 22nd day of January 2025 in Los Angeles,
6 California.



Michael Pierattini

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1 **PROOF OF SERVICE**

2 STATE OF CALIFORNIA
3 COUNTY OF LOS ANGELES

4 I am employed in the County of Los Angeles, State of California; I am over the age of
5 18 and not a party to the within action; my business address is 9663 Santa Monica Boulevard,
6 Suite 458, Beverly Hills, California 90210.

7 On January 22, 2025, I served the foregoing document(s) described as:

8 **DECLARATION OF MICHAEL PIERATTINI IN SUPPORT OF DEFENDANT
9 MICHAEL PIERATTINI'S MOTION FOR SUMMARY JUDGMENT OR IN
10 THE ALTERNATIVE SUMMARY ADJUDICATION**

11 on the interested parties to this action addressed as follows:

12 Steven T. Gebelin, Esq.
13 LESOWITZ GEBELIN LLP
14 8383 Wilshire Blvd., Suite 800
15 Beverly Hills, CA 90211
16 steven@lawbylg.com

17 (BY MAIL) I deposited such envelope in the mail at Los Angeles, California.
18 The envelope was mailed with postage thereon fully prepaid and addressed to the person
19 above.

20 (BY PERSONAL SERVICE) by causing a true and correct copy of the above
21 documents to be hand delivered in sealed envelope(s) with all fees fully paid to the person(s) at
22 the address(es) set forth above.

23 (BY EMAIL) I caused such documents to be delivered via electronic mail to the
24 email address for counsel indicated above.

25 Executed January 22, 2025, at Los Angeles, California.

26 I declare under penalty of perjury under the laws of the United States that the above is
27 true and correct.

28 
R. Paul Katrinak