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R. Paul Katrinak, State Bar No. 164057  
LAW OFFICES OF R. PAUL KATRINAK  
9663 Santa Monica Blvd., 458  
Beverly Hills, California 90210  
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Electronically FILED by  
Superior Court of California,  
County of Los Angeles  
1/22/2025 1:04 PM  
David W. Slayton,  
Executive Officer/Clerk of Court,  
By A. Mejia, Deputy Clerk

Attorneys for Defendant  
Michael Pierattini

SUPERIOR COURT OF THE STATE OF CALIFORNIA  
FOR THE COUNTY OF LOS ANGELES

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

Case No. 23SMCV00538  
Assigned for all purposes to the Honorable  
H. Jay Ford, Dept. O  
**SEPARATE STATEMENT OF  
UNDISPUTED MATERIAL FACTS 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  
**RES ID: 516095875168**

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

1 Defendant Michael Pierattini (“Mr. Pierattini”) hereby submits the following Separate  
 2 Statement of Material Facts in Support of his Motion for Summary Judgment or, in the Alternative,  
 3 Summary Adjudication as follows:

4 **I. MR. PIERATTINI IS ENTITLED TO SUMMARY ADJUDICATION AS TO**  
 5 **PLAINTIFF’S EIGHTH CAUSE OF ACTION FOR “RIGHT TO PUBLICITY**  
 6 **TORTS”**

| <b><u>MOVING PARTY’S UNDISPUTED MATERIAL FACTS AND EVIDENCE</u></b>   | <b><u>OPPOSING PARTY’S RESPONSE AND SUPPORTING EVIDENCE</u></b> |
|---|---|
| 1. Mr. Pierattini did not use Plaintiff’s name for a commercial use. (Pierattini Decl., ¶ 2)  |   |
| 2. Mr. Pierattini did not use Plaintiff’s likeness for any advertisements. (Pierattini Decl., ¶ 3)  |   |
| 3. Mr. Pierattini did not use Plaintiff’s likeness in advertising. (Pierattini Decl., ¶ 4)  |   |
| 4. Mr. Pierattini did not receive ad revenue from the use of Plaintiff’s likeness. (Pierattini Decl., ¶ 5)  |   |
| 5. Mr. Pierattini did not advertise any product or service with Plaintiff’s name or likeness. (Pierattini Decl., ¶ 6)                                       |   |
| 6. No advertiser paid Mr. Pierattini any money for the use of Plaintiff’s name or likeness. (Pierattini Decl., ¶ 6)   |   |
| 7. Mr. Pierattini produced a web series sometimes talking about Plaintiff and Mr. Pierattini owns the copyright in that web series. (Pierattini Decl., ¶ 7) |   |
| 8. Mr. Pierattini’s web series did not contain Ad Reads. (Pierattini Decl., ¶ 7)  |   |
| 9. Mr. Pierattini does not do Ad Reads for his shows or his livestreams. (Pierattini Decl., ¶ 7)  |   |

22 **XII. THERE HAS BEEN NO EVIDENCE PRODUCED TO SUPPORT PLAINTIFF’S**  
 23 **FRIVOLOUS CLAIMS**

| <b><u>MOVING PARTY’S UNDISPUTED MATERIAL FACTS AND EVIDENCE</u></b>   | <b><u>OPPOSING PARTY’S RESPONSE AND SUPPORTING EVIDENCE</u></b> |
|---|---|
| 10. On March 7, 2024, the Court granted Mr. Pierattini’s Motion to Compel Form Interrogatory responses, issued sanctions in the amount of \$1,635.00 and ordered Plaintiff to respond within 30 days. (Request for Judicial Notice ¶ 1, Ex “1”) |   |

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|---|--|
| 11. On May 2, 2024, the Court granted Mr. Pierattini's Motions to Compel Requests for Admission, Special Interrogatories, Requests for Production and Plaintiff's deposition and the written responses and production of documents was ordered to occur within 30 days. (Request for Judicial Notice ¶ 2, Ex "2") |  |
| 12. On July 30, 2024, the Court granted Mr. Pierattini's Motion to Compel deposition of Plaintiff and issued sanctions in the amount of \$4,560.00. (Request for Judicial Notice ¶ 3, Ex "3")   |  |
| 13. Plaintiff did not comply with any of these Court Orders and did not provide any responses as ordered by the Court. (Katrinak Decl., ¶ 2)  |  |

DATED: January 22, 2025

THE LAW OFFICES OF  
R. PAUL KATRINAK



By: R. Paul Katrinak  
Attorneys for Defendant  
Michael Pierattin

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**PROOF OF SERVICE**

STATE OF CALIFORNIA  
COUNTY OF LOS ANGELES

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

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

**SEPARATE STATEMENT OF UNDISPUTED MATERIAL FACTS IN SUPPORT OF DEFENDANT MICHAEL PIERATTINI'S MOTION FOR SUMMARY JUDGMENT OR, IN THE ALTERNATIVE, SUMMARY ADJUDICATION**

on the interested parties to this action addressed as follows:

Steven T. Gebelin, Esq.  
LESOWITZ GEBELIN LLP  
8383 Wilshire Blvd., Suite 800  
Beverly Hills, CA 90211  
[Steven@lawbylg.com](mailto:Steven@lawbylg.com)

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

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

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

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

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



R. Paul Katrinak