

Defendants Turner Entertainment Networks, Inc. and Raw TV, Ltd.'s Special Motion to Strike is GRANTED.

FILED
Superior Court of California
County of Los Angeles

OCT 15 2025

I. BACKGROUND

David W. Slayton, Executive Officer/Clerk of Court

On May 28, 2025, Plaintiff Yasiel Puig Valdes ("Plaintiff") filed a complaint against Defendants RAW TV, Ltd. erroneously sued as All3Media America, LLC dba RAW TV ("RAW TV"), All3Media USA, Inc. dba RAW TV ("All3Media USA"), Turner Entertainment Networks, Inc. erroneously sued as Turner Broadcasting System, Inc. ("TEN"), TNT Originals, Inc. ("TNT"), Warnermedia Studios Inc. ("Warnermedia"), Warner Bros. Discovery, Inc. ("Discovery"), and Bleacher Report, Inc. ("BR" and collectively with RAW TV, All3Media USA, TEN, TNT, Warnermedia, Discovery, and BR as the "Defendants"). The Complaint alleges the following causes of action:

1. Defamation; and
2. False Light.

On July 7, 2025, Plaintiff filed a First Amended Complaint ("FAC") against Defendants alleging the same causes of action.

On September 2, 2025, TEN and RAW TV filed individual answers to Plaintiff's FAC.

On September 3, 2025, at the request of Plaintiff, the court dismissed All3Media USA, TNT, Warnermedia, Discovery, and BR without prejudice.

On September 3, 2025, Plaintiff filed an Amendment to the Complaint naming TEN and RAW TV.

On September 16, 2025, TEN and RAW TV ("Moving Defendants") filed this Special Motion to Strike under Code of Civil Procedure section 425.16. On September 25, 2025, Plaintiff filed an opposition. On October 2, 2025, Moving Defendants filed a reply.¹

¹ In reply, Moving Defendants contend that Plaintiff's opposition should be stricken for citing fabricated cases. (Reply, at pp. 6-7.) Upon review of Plaintiff's opposition, the court confirms that Plaintiff improperly cited to "*Edwards v. Hearst Corp.* (1991) 53 Cal.3d 30, 43" and "*Heath v. San Joaquin Comm. Hosp. Dist.* (1993) 15 Cal.App.4th 708, 713-14". (Opp., at p. 5.) These cases apparently do not exist. At the hearing, the Plaintiff's counsel confirmed that those citations do not exist and appeared when Plaintiff's counsel sought the assistance of ChatGPT to assist him in filing the Opposition. Moreover, Plaintiff filed an ex parte application "to correct" errors in his Opposition. The court denied the motion as well as the request to strike the Opposition and alerted the parties that this conduct would be referred to the Chief Trial Counsel of the State Bar of California. As aptly stated recently by Judge Carolyn Caietti concerning a similar issue, at first glance, "this conduct is contrary to the rules of professional responsibility and is the type of conduct that erodes trust in the legal profession." ("Judge Blasts Tyson & Mendes over fake citations, AI-reliant briefs", Los Angeles Daily Journal, October 6, 2025.) The court is keenly aware that "relying on fabricated legal authority is sanctionable" (see *Noland v. Land of the Free*,

II. LEGAL STANDARD

A special motion to strike under Code of Civil Procedure section 425.16, the anti-SLAPP statute, allows a defendant to seek early dismissal of a lawsuit that qualifies as a strategic lawsuit against public participation (“SLAPP”). (*Nygard, Inc. v. Uusi-Kerttula* (2008) 159 Cal.App.4th 1027, 1035.) A SLAPP is “a cause of action against a person arising from any act of that person in furtherance of the person’s right of petition or free speech under the United States Constitution or the California Constitution in connection with a public issue[.]” (Code Civ. Proc., § 425.16, subd. (b)(1).)

Code of Civil Procedure section 425.16 posits a two-step process for determining whether an action is a SLAPP. (Code Civ. Proc., § 425.16.) Courts first decide whether the defendant has made a *prima facie* showing that the attacked claims arise from a protected activity, including defendants’ right of petition or free speech. (*Healy v. Tuscany Hills Landscape & Recreation Corp.* (2006) 137 Cal.App.4th 1, 5; *Soukup v. Law Offices of Herbert Hafif* (2006) 39 Cal.4th 260, 278; Code Civ. Proc., § 425.16, subd. (e).) If the defendant meets this initial burden, the burden shifts to the plaintiff to prove the plaintiff has a legally sufficient claim and to prove with admissible evidence a probability of prevailing on the claim. (*De Havilland v. FX Networks, LLC* (2018) 21 Cal.App.5th 845, 855.)

“Only a cause of action that satisfies *both* prongs of the anti-SLAPP statute—i.e., that arises from protected speech or petitioning *and* lacks even minimal merit—is a SLAPP, subject to being stricken under the statute.” (*Navellier v. Sletten* (2002) 29 Cal. 4th 82, 89 [emphasis in original].)

III. DISCUSSION

Moving Defendants seek to strike Plaintiff’s FAC pursuant to Code of Civil Procedure section 425.16. (Motion, at pp. 9-10.)

A. Request for Judicial Notice

Moving Defendants’ Request for Judicial Notice is granted. Judicial notice may be taken of “[f]acts and propositions that are not reasonably subject to dispute and are capable of immediate and accurate determination by resort to sources of reasonably indisputable accuracy.” (Evid. Code §§ 452, subd. (c) and (h).) This court may also take judicial notice of the records of any court of record of the United States. (Evid. Code § 452, subd. (d).)

L.P. (Cal. Ct. App., Sept. 12, 2025, No. B331918) 2025 WL 2629868, at *10), but believes that officials of the State Bar are better equipped to appropriately investigate this matter and highlight the issue to all counsel concerning the consequences of using this type of technology.

B. Evidentiary Objections

Plaintiff's evidentiary objections are OVERRULED.

Moving Defendants' evidentiary objections are OVERRULED as to Objections Nos. 1, 3, 4 (first and second sentence), and 5, and SUSTAINED as to Objections Nos. 2, 4 (third sentence), and 6.

C. Prong One: Protected Activity

Under the first prong of an anti-SLAPP motion, the moving party must show that the conduct which forms the basis for the challenged causes of action are protected under Code of Civil Procedure section 425.16. This burden may be met by showing the act which forms the basis for the plaintiff's causes of action was an act that falls within one of the four categories of conduct set forth in Section 425.16, subdivision (e):

- (1) [A]ny written or oral statement or writing made before a legislative, executive, or judicial proceeding, or any other official proceeding authorized by law;
- (2) [A]ny written or oral statement or writing made in connection with an issue under consideration or review by a legislative, executive, or judicial body, or any other official proceeding authorized by law;
- (3) [A]ny written or oral statement or writing made in a place open to the public or a public forum in connection with an issue of public interest; or
- (4) [A]ny other conduct in furtherance of the exercise of the constitutional right of petition or the constitutional right of free speech in connection with a public issue or an issue of public interest.

(Code Civ. Proc., § 425.16(e).)

"At this first step, courts are to consider the elements of the challenged claim and what actions by the defendant supply those elements and consequently form the basis for liability. The defendant's burden is to identify what acts each challenged claim rests on and to show how those acts are protected under a statutorily defined category of protected activity." (*Bonni v. St. Joseph Health System* (2021) 11 Cal.5th 995, 1009 [internal quotes and citations omitted].)

Plaintiff alleges that Defendants knowingly and falsely accused Plaintiff of **"awaiting trial for his gambling charges"** through an on-screen text ("end card") displayed in the series *Rich & Shameless*, Season 2, Episode 8 titled "Dirty Moneyball: Cuba's Ransomed Stars" ("Alleged Defamatory Episode"). (FAC, ¶ 1 [emphasis added];

see Declaration of Joel Richert (“Richert Decl.”), ¶¶ 2-3, Exhibit (“Exh.”) 1 at 42:44.)² Plaintiff claims causes of action for defamation and false light based on the harm allegedly caused by Defendants’ statement. (*Id.*, ¶¶ 33-39.) The FAC alleges that the Alleged Defamatory Episode first aired on or about May 29, 2024. (FAC, ¶ 23.)

Moving Defendants argue that the alleged defamatory statement (i.e. ***Plaintiff is awaiting trial for his gambling charges***) made in the Alleged Defamatory Episode relates to pending criminal proceedings against Plaintiff and is protected through Section 425.16(e)(2). (Motion, at p. 16.)

Protected activity includes “any written or oral statement or writing made in connection with an issue under consideration or review by a legislative, executive, or judicial body, or any other official proceeding authorized by law.” (Code Civ. Proc., § 425.16, subd. (e)(2).) This provision is “construed broadly, to protect the right of litigants” and applies to a communication “if it has ‘some relation’ to judicial proceedings.” (*Healy v. Tuscany Hills Landscape & Recreation Corp.* (2006) 137 Cal.App.4th 1, 5.) “[A] statement is ‘in connection with’ litigation under section 425.16, subdivision (e)(2) if it relates to the substantive issues in the litigation and is directed to persons having some interest in the litigation.” (*Neville v. Chudacoff* (2008) 160 Cal.App.4th 1255, 1266.) This provision also applies to statements in connection with “anticipated litigation.” (*Bel Air Internet, LLC v. Morales* (2018) 20 Cal.App.5th 924, 943.)

The court finds that Moving Defendants meet their burden of showing Plaintiff’s FAC seeks to hold them liable for a protected activity. Plaintiff’s allegations arise from Defendants’ statement regarding the ongoing criminal prosecution of Plaintiff in *United States v. Yasiel Puig Valdez*, Case No. 2:22-cr-00394 (C.D. Cal.). (RJN, Exh. 12.)

Furthermore, the court finds, as Moving Defendants argue, that such conduct is also protected under Sections 425.16(e)(3) and 425.16(e)(4). (Motion, at pp. 16-18.)

Section 425.16(e)(3) provides that “any written or oral statement or writing made in a place open to the public or a public forum in connection with an issue of public interest” constitutes a protected activity. (Code Civ. Proc., § 425.16, subd. (e)(3).) “In general, ‘[a] public issue is implicated if the subject of the statement or activity underlying the claim (1) was a person or entity in the public eye; (2) could affect large numbers of people beyond the direct participants; or (3) involved a topic of widespread, public interest.’” (*D.C. v. R.R.* (2010) 182 Cal.App.4th 1190, 1215, quoting *Jewett v. Capital One Bank* (2003) 113 Cal.App.4th 805, 814.) Here, the FAC alleges that Plaintiff “is a professional baseball player and public figure[.]” (FAC, ¶ 20.) Thus, Moving

² There is an updated version of the episode that edits the alleged actionable statement to read: “As of June 2024, Yasiel Puig is awaiting trial on charges that he obstructed justice by lying to federal agents in their gambling investigation.” (*Id.*, Exh. 2 at 42:45.) This subsequent statement is not alleged to be actionable.

Defendants' alleged defamatory statement regarding Plaintiff is protected as it concerns a public issue made in a public forum, that is, a documentary series.

Additionally, Section 425.16(e)(4) provides that "any other conduct in furtherance of the exercise of the constitutional right of petition or the constitutional right of free speech in connection with a public issue or an issue of public interest" constitutes a protected activity. (Code Civ. Proc., § 425.16, subd. (e)(4).) Moreover, it is well-established in California that the creation of a television show is an exercise of free speech. (*Musero v. Creative Artists Agency, LLC* (2021) 72 Cal.App.5th 802, 816 ["Creating a television show is an exercise of constitutionally protected expression"].) As Plaintiff's claims are based upon allegedly defamatory statements made regarding a public figure in a documentary series, the court also finds that Defendants' alleged conduct is protected under Section 425.16(e)(4).

The court further notes that Plaintiff fails to provide relevant arguments disputing that Defendants' alleged conduct is not within the protections of Section 425.16(e). (Opp., at pp. 5-7.) At the hearing, the parties confirmed that Prong One was not at issue in this case and the focus of the motion was concerning Prong Two.

As a result, Moving Defendants have met their burden under prong one establishing that Plaintiff's lawsuit arises from protected activity. The burden shifts to Plaintiff to establish a probability of succeeding on the merits.

D. Prong Two: Probability of Prevailing

"[T]he plaintiff must demonstrate that the complaint is both legally sufficient and supported by a sufficient prima facie showing of facts to sustain a favorable judgment if the evidence submitted by the plaintiff is credited." (*Matson v. Dvorak* (1995) 40 Cal.App.4th 539, 548 [internal quotations omitted].) The evidentiary showing by the plaintiff must be made by competent and admissible evidence. (*Morrow v. Los Angeles Unified Sch. Dist.* (2007) 149 Cal.App.4th 1424, 1444; *Evans v. Unkow* (1995) 38 Cal.App.4th 1490, 1497-98 [proof cannot be made by declaration based on information and belief]; *Tuchscher Dev. Enters., Inc. v. San Diego Unified Port Dist.* (2003) 106 Cal.App.4th 1219, 1236-38 [documents submitted without proper foundation could not be considered in determining plaintiff's probability of prevailing on its claim].)

"[I]n order to establish the requisite probability of prevailing . . . the plaintiff need only have stated and substantiated a legally sufficient claim." (*Navellier v. Sletten* (2002) 29 Cal. 4th 82, 88 [internal quotes and citations omitted].)

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1. First Cause of Action – Defamation

“Defamation is an invasion of the interest in reputation. The tort involves the intentional publication of a statement of fact that is false, unprivileged, and has a natural tendency to injure or which causes special damage.” (*Smith v. Maldonado* (1999) 72 Cal.App.4th 637, 645.)³

Moving Defendants argue that the alleged defamatory statement is not actionable as it is protected by the fair report privilege codified in Civil Code section 47(d). (Motion, at p. 19.)⁴

Civil Code section 47(d) provides that a fair and true report in, or communication to, a public journal of a “judicial proceeding” is an absolute privileged communication. (Civ. Code, § 47, subd. (d).) In determining what a “fair report” is under Section 47(d), courts have permitted a **certain degree of flexibility** and “**literary license**” as long as the statements can reasonably be understood by the community as reporting on a judicial proceeding involving a plaintiff in a defamation case. (*Dorsey v. National Enquirer* (1992) 973 F.2d 1431, 1436 [emphasis added].) Moreover, the statements are privileged under California Civil Code section 47(d) if **the gist or the sting** of the statements made in the report so **closely relate to a judicial proceeding** such that one cannot say that the average reader is being led to believe that the nature of the judicial proceedings are different than they are, or that a plaintiff is being accused of conduct outside of, or not contemplated by, the judicial proceedings. (*Id.*; see also *Jennings v. Telegram-Tribune Co.* (1985) 164 Cal.App.3d 119 [emphasis added].) Only if the character of the publication deviates so substantially from the judicial proceeding that it produces a different effect on the reader will the privilege be suspended. (*Microsoft v. Yokohama Telecom* (1998) 993 F. Supp. 782.)

In *Jennings*, the plaintiff, who pled no contest to the misdemeanor offenses of **willfully and knowingly failing to file income tax returns** for two calendars years, brought a libel action against defendants for **publishing news articles stating that plaintiff committed “tax fraud” and “tax evasion”**. (*Jennings, supra*, 164 Cal.App.3d at 122 [emphasis added].) The Court of Appeal held that the fair report privilege applied to defendants’ statements as “[t]he gist or sting of the articles is that [plaintiff] was convicted on his no contest plea to several serious tax crimes. In view of the sentence imposed, the offenses certainly fit that description. The facts of the crimes were accurately described in the articles, as were the court proceedings and judgment. ‘Tax

³ Typically, Plaintiff would proffer his evidence “establishing the requisite probability of prevailing.” (*Navellier, supra*, 29 Cal. 4th at p. 88.) However, the court will focus on the section 47(d) privilege as Moving Defendants do not discuss such evidence and focus their efforts on the privilege and affirmative defense.

⁴ Moving Defendants assert in their “Eleventh Separate and Additional Defendant” and their “Thirteenth Separate and Additional Defense”, each contained in their separate Answers that the alleged defamatory statement is “privileged” and “substantially true.”

fraud’ and ‘tax evasion’ are harsh terms; but we cannot say the average reader would have viewed the offenses differently, given the amount of gross income involved and the length of time it had gone unreported, had less colorful descriptions been chosen.” (*Id.*, at 127 [citations omitted].)

In *Tiwari v. NBC Universal* (N.D. Cal. Oct. 25, 2011) 2011 WL 5079505, plaintiff was convicted of a **criminal misdemeanor for attempting to communicate with a girl under 14 years of age for the purpose of persuading and luring, or transporting**, the girl away from home without parental consent which was later reduced to a criminal infraction in a plea deal. (*Tiwari, supra*, 2011 WL 5079505 at *14.) Plaintiff brought an action against defendant for stating that Plaintiff was “**convicted of attempted lewd and lascivious acts with a child**” during an episode of a television series created by defendant. (*Ibid.*) The District Court held that the statement that plaintiff had been convicted of attempted lewd and lascivious acts with a child, which was a felony under state law, was substantially true and protected by the fair reporting privilege even though plaintiff was only convicted of a misdemeanor. (*Id.*, at *15.)

As set forth in *Jennings* and *Tiwari*, the court finds that Moving Defendants have established that the alleged defamatory statement, i.e. **Plaintiff is awaiting trial for his gambling charges**, is protected by the Fair Report Privilege, and substantially true, making it nonactionable. (Motion, at p. 19-23.) The episode itself enlightened the viewer that Plaintiff had been charged with lying “to federal agents denying he placed bets through an illegal gambling operation in 2019.” (Richert Decl., ¶¶ 2-3, Exh. 1 at 40:35-40.) Furthermore, as found in *Jennings*, the court finds the facts of the crimes were accurately described in the Alleged Defamatory Episode and the charging instrument. (*Jennings, supra*, 164 Cal.App.3d at 127.) For example, the First Superseding Indictment (“FSI”), which was filed on January 20, 2023, and charged Plaintiff in federal court with Obstruction of Justice and Making False Statements, provided the context that related the alleged federal criminal violations with the gambling organization being investigated. (Richert Decl., ¶ 14, Exh. 13.) The FSI alleged Plaintiff began placing gambling bets with an “illegal book[] making business” and placed “899” illegal bets through this business. (*Id.*, ¶¶ 9, 24.) When interviewed about his conduct with the “illegal book[] making business”, Plaintiff allegedly made false statements to a federal law enforcement officer by denying having spoken with individuals involved in the gambling organization and, specifically, by “falsely stat[ing] that he never discussed sports gambling” and withholding information about the involvement of other gambling associates concerning “bets made by [Plaintiff] and the payment of [Plaintiff’s] gambling debts.” (*Id.*, ¶ 27.)

Moving Defendants’ summary that Plaintiff was awaiting trial for gambling charges did not change the substance of Plaintiff’s underlying charges, which include making false statements but certainly portend his alleged, illegal gambling conduct. In fact, while the court finds that inserting the words “false statements” or “obstructing” to

the end card would have presumably added more context, and the subsequent end card found in Exhibit No. 2 in Richert's declaration certainly does that, the court finds the initial end card that contains the alleged defamatory statement does not change the view of a viewer that Plaintiff was involved in a judicial proceeding concerning illegal gambling.⁵

The motion is GRANTED as to the first cause of action.

2. Second Cause of Action – False Light

As to the second cause of action, Moving Defendants argue that a claim for false light is superfluous of the defamation claim, thus subject to the same protections that would have barred Plaintiff's first cause of action. (Motion, at p. 24.)

As the court has found that the Fair Report Privilege and the substantial truth defense are available to Moving Defendants as shown above, the court similarly GRANTS the motion as to the second cause of action.

IV. CONCLUSION

Based on the foregoing, Moving Defendants' Motion to Strike Plaintiff's First Amended Complaint is GRANTED.

⁵ An alleged criminal charge may include a variety of illegal conduct. A summary of such conduct can be captured in a variety of criminal statutes. The severity of punishment may be limited by the ultimate statutory charge, but the conduct described in supporting the charges does not make the statement actionable given the Fair Reporting Privilege or substantial truth defense.