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FILED
SUPERIOR COURT of CALIFORNIA
COUNTY of SANTA BARBARA
08/26/2019
Darrel E. Parker, Executive Officer
BY Chavez, Terri
Deputy Clerk

9 IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA
10 COUNTY OF SANTA BARBARA

11 DAVID WEISMAN,)
12) Case No. 1469303
13 Plaintiff,)
14 v.) JUDGMENT IN FAVOR OF
15 MICHAEL POST, an individual, and) PLAINTIFF DAVID WEISMAN
16 DOES 1 – 10, inclusive,)
17)
18) Assigned to the Honorable
19) DONNA D. GECK
20) Trial Dates:
21) May 6 - 13, 2019
22) Time: 9:00 A.M.
23) Dept.: FOUR

24 This matter was heard in a Court Trial in Department Four of the Santa Barbara Superior
25 Court before the Honorable Donna D. Geck, Judge of the Superior Court on May 6, 2019, May 7,
26 2019, May 8, 2019, May 9, 2019, and May 13, 2019. Plaintiff DAVID WEISMAN was present
27 at Trial and was represented by his attorney of record, JAMES P. BALLANTINE, ESQ.
28 Defendant MICHAEL POST was present at Trial and was represented by his attorney of record,
GEOFF CONNOR NEWLAN, ESQ. Thereafter, the matter was submitted as of July 1, 2019,
upon the submission of post-trial briefing of the parties.

1 The Court, having considered the testimony of the witnesses at trial, the exhibits admitted
2 into evidence, the trial briefs and post-trial briefing submitted by both parties, and having heard
3 arguments by the attorneys for both parties, issued its Tentative Statement of Decision on July 15,
4 2019. No party specified any other controverted issues or made any other proposals not covered
5 in the Statement of Decision, and pursuant to Rule 3.1590 of the California Rules of Court, the
6 Court adopted its Tentative Statement of Decision as its final Statement of Decision, which it
7 incorporates herein by this reference.

8 In its Statement of Decision, the Court found that Edie Sedgwick was not a deceased
9 personality under California Civil Code section 3344.1 because her publicity rights did not have
10 commercial value at the time of or as a result of her death on November 16, 1971, and found that
11 all of Edie Sedgwick's publicity rights having any commercial value at the time of her death had
12 already been assigned to Plaintiff's predecessor-in-interest by contract, which contract assigned
13 Edie Sedgwick's rights to her biography in addition to her publicity rights provided for under
14 Civil Code section 3344.1. In its Statement of Decision, the Court found that Plaintiff David
15 Weisman is entitled to Judgment on his First Amended Complaint.

16 In accordance with the foregoing, good cause appearing for the reasons stated herein, the
17 Court grants Plaintiff David Weisman Judgment on his First Amended Complaint as set forth
18 herein:

19
20 THE COURT HEREBY ORDERS, ADJUDGES, AND DECREES, as follows:

21 1. The Court hereby issues declaratory judgment in favor of Plaintiff David Weisman,
22 and declares as set forth herein:

23 A. That Defendant Michael Post is not a valid Successor-In-Interest to Edith Sedgwick,
24 aka Edie Sedgwick, ("Sedgwick") under Civil Code section 3344.1, has no rights under Civil
25 Code section 3344.1 as Successor-In-Interest to Sedgwick, and that any past or future filing with
26 the California Secretary of State or any other person or entity or agency by Michael Post or any
27 other person or entity claiming to be Successor-In-Interest to Sedgwick is null and void;

1 B. That Defendant Michael Post has no rights to or interest in the name, voice,
2 signature, photograph, or likeness, in any manner, (“Publicity Rights”) of Sedgwick; and

3 C. That Defendant Michael Post has no Rights adverse to the rights of Plaintiff, as the
4 successor to all rights of the Producer under that certain contract dated December 18, 1970
5 between Court Pictures as Producer and Sedgwick as Artist, with respect to the motion picture,
6 *Ciao! Manhattan* (“*Ciao! Contract*”).

7
8 2. The Court further hereby issues injunctive relief in favor of Plaintiff David
9 Weisman, in the form of a permanent injunction against Defendant Michael Post, and hereby
10 enjoins Defendant Michael Post, and his agents, servants, and employees, and all persons acting
11 under, in concert with, or for, him from all of the following:

12 A. From acting or purporting to act in any way as Successor-In-Interest to Sedgwick or
13 under Civil Code section 3344.1 with respect to Sedgwick;

14 B. From claiming to have or possess any Publicity Rights of Sedgwick, or entitlement
15 to any Publicity Rights of Sedgwick; and

16 C. From taking any acts or engaging in any conduct to interfere with any of Plaintiff’s
17 rights under the *Ciao! Contract* or with any of Plaintiff’s Publicity Rights in Sedgwick, or any of
18 Plaintiff’s rights with respect to the motion picture, *Ciao! Manhattan*.

19 3. Plaintiff David Weisman is the prevailing party entitled to costs of suit and is hereby
20 awarded his costs of suit against Defendant Michael Post in an amount to be determined
21 following Plaintiff’s appropriate application and the Court’s determination of the amount to
22 which Plaintiff is entitled.

23
24 Dated: **08/25/2019**



HON. DONNA D. GECK
JUDGE OF THE SUPERIOR COURT

Donna D. Geck