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Electronically FILED by
Superior Court of California,
County of Los Angeles
7/24/2024 10:20 AM
David W. Slayton,
Executive Officer/Clerk of Court,
By K. Parenteau, Deputy Clerk

8 Attorneys for Plaintiff Jose DeCastro

9 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**
10 **COUNTY OF LOS ANGELES, SANTA MONICA COURTHOUSE**

11 JOSE DECASTRO,

12 Plaintiff,

13 V.

14 KATHERINE PETER; DANIEL
15 CLEMENT; MICHAEL PIERATTINI;
16 DAVID OMO JR.; and DOES 1 TO 30,
17 inclusive,

18 Defendants.

Case No.: 23SMCV00538

Assigned for all Purposes to
Hon. H. Jay Ford III, Department O

**DECLARATION OF PLAINTIFF JOSE
DECASTRO IN SUPPORT OF PLAINTIFF
JOSE DECASTRO'S OPPOSITION TO
DEFENDANT MICHAEL PIERATTINI'S
MOTION FOR SUMMARY JUDGMENT OR,
IN THE ALTERNATIVE, SUMMARY
ADJUDICATION**

Date: August 6, 2024
Time: 8:30 A.M.
Dept: O

1 **Declaration of JOSE DECASTRO**

2 1. I, Jose DeCastro, am the Plaintiff in this matter. I make this declaration in support of my
3 opposition to Defendant Michael Pierattini’s (“Defendant” or “Pierattini”) Motion for Summary
4 Judgment or, in the Alternative, Summary Adjudication. Except where explicitly stated otherwise,
5 I have personal knowledge of all facts contained in this declaration and, if called as a witness, I
6 could and would competently testify to all said facts.

7 2. On March 19, 2024, I was wrongfully convicted in Clark County Nevada of two
8 misdemeanor counts brought in connection with me recording a Las Vegas Metropolitan Police
9 Department police officer making a traffic stop on March 15, 2023. The conviction was
10 overturned on appeal on July 10, 2024.

11 3. The total sentence on the two counts was 180 days and I was taken into custody
12 immediately after my conviction. I recently won my appeal of that conviction, and was released
13 on or about July 10, 2024 after serving nearly four months of the sentence. While I was
14 incarcerated, in June 2024, I hired an attorney to appear on my behalf in this case. Although I was
15 able to hire counsel, my ability to coordinate and assist in non-routine matters in the case was
16 severely limited during my incarceration, as my only means of communication with my counsel in
17 this case was sporadic telephone calls through the Clark County Detention Center’s phone system.

18 4. I was incarcerated when Defendant Pierattini filed the instant motion, and have had less
19 than two weeks after my release to try and coordinate with counsel and to prepare my files and
20 information and to provide non-public information from my files to my counsel. During my
21 incarceration I did not have or see a copy of the motion, and did not have the ability to help my
22 attorney prepare the opposition to the motion or to identify and explain any evidence that might be
23 necessary to oppose the motion.

24 5. Starting in or about early 2022, Pierattini began harassing me through the use of his
25 YouTube channel “Blue Bacon” to which he would post videos and live stream. I sent several
26 cease and desist notices to Pierattini over the following months, instructing him to stop contacting
27 me and stop having others contact me.

28 6. Attached hereto as Exhibit 1 is a true and accurate copy of a video I captured from

1 Defendant's YouTube channel "Blue Bacon" that was published via a live stream on or about June
2 5, 2022. In the video Defendant falsely asserts that:

- 3 a. That my brain was being "turned to glue" because of repeated concussions as a
4 professional fighter. I did not have repeated concussions or brain damage from
5 such fights, there are no medical records of any concussions, and I did not suffer
6 brain damage.
- 7 b. I "defamed" Pierattini. I didn't publish any false statements of fact about Pierattini
8 to third parties.
- 9 c. That I had a restraining order with a "victim there," implying that I assaulted or
10 harmed a "victim." Although I have had multiple restraining orders filed against
11 me for bogus reasons, there "victims" that were harmed or in danger of being
12 harmed by me in connection with any of those restraining order applications.
- 13 d. That I stole my roommate's ID and got my roommate a traffic ticket by using it.
14 This is false as I never stole an ID from my roommate, nor did such non-existent
15 theft result in my roommate getting a traffic ticket that should have been attributed
16 to me.
- 17 e. That I stole my roommate's ID because I was on probation and didn't want to go
18 back to jail. I was never on probation, and at the time the video was published I
19 had never been to jail so I couldn't be sent back.
- 20 f. That Pierattini was a criminal investigator in the United States Army, worked
21 counter-narcotics, and a licensed private investigator. In fact, rather than serve in
22 the US Army as a police officer or criminal investigator, Pierattini played tuba in
23 the Army Reserve and was not licensed as a private investigator in any state.
24 Further attempting to embellish his credibility, Pierattini even appeared on the Dr.
25 Phil television show as a "former military police officer."
- 26 g. Repeatedly calls me a scammer or says that I am running a scam because of the
27 legal information products that I sell, like a trifold to be used in traffic stops. I have
28 very high customer satisfaction as demonstrated by the incredibly low return rate

1 for the products.

2 7. In the June 5, 2022 video, Pierattini is responding to an email I sent him about the ongoing
3 harassment by his viewers at his direction. While Pierattini appears to play down and duck
4 responsibility for the harassment interfering with my YouTube channel (because it would be a
5 clear violation of YouTube community rules), he continues to communicate his approval and
6 desire for his viewers to continue harassing me, giving approval to users for harassing me,
7 repeatedly calling me stupid, a moron, an idiot, and mocking me for complaining about the
8 harassment. Pierattini further admits to calling me three times in a row on a single day to “mock
9 me” because I’m a “parody of a person.” He continues on to state the different platforms he’s
10 used to try and contact me, despite blocking him (and that I had already sent him a cease and
11 desist letter telling him to stop contacting me). The point of the video is to coordinate his viewers
12 to call and harass a target, and I was the target of this video. Pierattini also congratulates his users
13 for getting mentioned in my live stream and even brags that my moderators are deleting mentions
14 of call flooding in my livestream comments.

15 8. Prior to this video, Pierattini directed his viewers to call me while I was live streaming so
16 that they could get recordings of me answering the phone, becoming upset, and telling them they
17 were interrupting me. He would then post those recordings as part of his own live streams,
18 bragging that his viewers were interrupting my live streams.

19 9. In a different live stream Pierattini reports that I bought subscribers for my YouTube
20 channel. I have not bought subscribers to cheat my subscriber count.

21 10. Attached hereto as **Exhibit 2** is a true and accurate copy of Discord messages
22 produced by Pierattini in discovery and marked as “CONFIDENTIAL” in this matter between his
23 user “SGT blue bacon” and “TeamSkeptic” a username for co-defendant David Omo. In the
24 messages Pierattini and Omo discuss me and their interactions with me.

25 11. Attached hereto as **Exhibit 3** is a true and accurate copy of Discord messages
26 produced by Pierattini in discovery and marked as “CONFIDENTIAL” in this matter between his
27 user “SGT blue bacon” and “Huge Fan” a username for co-defendant Kate Peter. In the messages
28 Pierattini and Peter discuss plans to find and video me, first suggesting that they will travel to

1 Florida to find me (I was actually in Columbia at the time but there were online rumors that I was
2 in Florida), and talking about their interactions with me.


3 12. Due to my recent wrongful incarceration (which conviction was overturned on
4 appeal) and the state of discovery, I have not been able to obtain discovery materials or a
5 deposition from co-defendant Kate Peter, the head of Troll Mafia Official on YouTube who led
6 significant portions of the conduct at issue and alleged in the First Amended Complaint. Based on
7 the messages produced by Pierattini, there is reason to believe that discovery from Ms. Peter
8 would show additional communication and potentially evidence cooperation by Pierattini with her
9 harassing actions as alleged in the First Amended Complaint.

10 13. Mr. Pierattini has removed significant amounts of videos relating to my claims
11 from his YouTube account and has not produced them in discovery. Additionally, I have not had
12 an opportunity to depose Mr. Pierattini regarding the claims in the case.

13 14. Attached hereto as **Exhibit 4** is a true and accurate copy of messages produced by
14 Pierattini in discovery and marked as “CONFIDENTIAL” in this matter between his user “SGT
15 Blue Bacon” and “RL aka txpacket.” In the messages Pierattini and discussed plans to attempt to
16 find me to send people to me and also to send multiple emails a day to four different email
17 addresses for me.

18
19 I declare under penalty of perjury of the State of California that the above is true and correct to the
20 best of my belief and understanding.

21 Date: July 23, 2024

22 By: 
23 Jose DeCastro

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EXHIBIT 1

VIDEO FILE LODGED WITH COURT

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EXHIBIT 2

DOCUMENT PROVISIONALLY LODGED
WITH COURT PURSUANT TO CRC 2.551

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EXHIBIT 3

DOCUMENT PROVISIONALLY LODGED
WITH COURT PURSUANT TO CRC 2.551

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EXHIBIT 4

DOCUMENT PROVISIONALLY LODGED
WITH COURT PURSUANT TO CRC 2.551

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PROOF OF SERVICE

STATE OF CALIFORNIA, COUNTY OF LOS ANGELES

DeCastro v. Peter, et al., Los Angeles County Superior Court Case No 23SMCV00538

I am employed in the County of Los Angeles, State of California. I am over the age of 18 years and not a party to the within action; my business address is 8383 Wilshire Blvd., Suite 800, Beverly Hills, CA 90211.

On July 24, 2024, I served the following document(s) on the interested parties in this action:
DECLARATION OF PLAINTIFF JOSE DECASTRO IN SUPPORT OF PLAINTIFF JOSE DECASTRO'S OPPOSITION TO DEFENDANT MICHAEL PIERATTINI'S MOTION FOR SUMMARY JUDGMENT OR, IN THE ALTERNATIVE, SUMMARY ADJUDICATION

by placing true copies thereof enclosed in sealed envelopes addressed as follows:

R. Paul Katrinak, State Bar No. 164057
LAW OFFICES OF R. PAUL KATRINAK
9663 Santa Monica Blvd., 458
Beverly Hills, California 90210
Telephone: (310) 990-4348
Facsimile: (310) 921-5398

Attorneys for Defendant
Michael Pierattini

(BY E-MAIL) Pursuant to CCP § 1010.6, based on the named party's electronic filing in this case being deemed assent to electronic service under the local rules, I sent such document to the individual(s) identified at the email address referenced above.

(STATE) I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct

Executed on July 24, 2024, at Los Angeles, California.


Steven T. Gebelin