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5 Michael Pierattini

Electronically FILED by
Superior Court of California,
County of Los Angeles
7/25/2024 9:27 AM
David W. Slayton,
Executive Officer/Clerk of Court,
By A. Ilieva, Deputy Clerk

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

9 JOSE DECASTRO,)
10)
Plaintiff,)
11)
v.)
12)
KATHERINE PETER; DANIEL CLEMENT;)
13 MICHAEL PIERATTINI; DAVID OMO JR.;)
and DOES 1 TO 30, inclusive,)
14)
Defendants.)
15)
16)

Case No. 23SMCV00538
Assigned for all purposes to the Honorable
H. Jay Ford, Dept. O
**REQUEST FOR JUDICIAL NOTICE OF
MOTION FOR RECONSIDERATION
AND OPPOSITION**
Date: July 30, 2024
Time: 8:30 A.M.
Dept: O

LAW OFFICES OF R. PAUL KATRINAK
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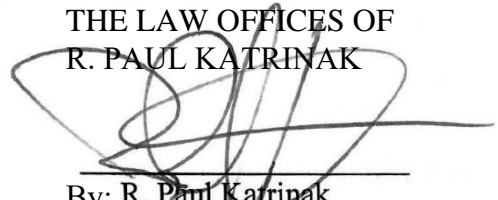
1 TO ALL PARTIES, AND THEIR ATTORNEY OF RECORD:

2 PLEASE TAKE NOTICE THAT Defendant Michael Pierattini respectfully requests that
3 the Court take Judicial Notice pursuant to Evidence Code §§ 451 and 452 of the following:

- 4 1. Attached hereto as Exhibit “1” is a true and correct copy of the “Plaintiff’s Ex Parte Motion
5 for Clarification; Motion to Reconsider Motion for Sanctions or in the Alternative for
6 Factual Findings” in *Jose DeCastro v. Katherine Peter, et al.*, LASC Case No.
7 23SMCV00538, filed on March 18, 2024.
- 8 2. Attached hereto as Exhibit “2” is a true and correct copy of the “Defendant Pierattini’s
9 Memorandum of Points and Authorities in Opposition to Plaintiff’s Ex Parte Motion for
10 Reconsideration of This Court’s Order Granting Defendant Pierattini’s Motion to Compel
11 Responses and for Sanctions; Request for Sanctions in the Amount of \$2,700.00 Against
12 Plaintiff” in *Jose DeCastro v. Katherine Peter, et al.*, LASC Case No. 23SMCV00538,
13 filed on March 21, 2024.
- 14 3. Attached hereto as Exhibit “3” is a true and correct copy of the ““Declaration of R. Paul
15 Katrinak in Opposition to Plaintiff’s Ex Parte Motion for Reconsideration of this Court’s
16 Order Granting Defendant Pierattini’s Motion to Compel Responses and for Sanctions;
17 Request for Sanctions in the Amount of \$2,700.00 Against Plaintiff” in *Jose DeCastro v.*
18 *Katherine Peter, et al.*, LASC Case No. 23SMCV00538, filed on March 21, 2024.
- 19 4. Attached hereto as Exhibit “4” is a true and correct copy of the Court Order denying the Ex
20 Parte Application in *Jose DeCastro v. Katherine Peter, et al.*, LASC Case No.
21 23SMCV00538, filed on March 21, 2024.
- 22 5. Attached hereto as Exhibit “5” is a true and correct copy of the executed Court Order
23 awarding sanctions in *Jose DeCastro v. Katherine Peter, et al.*, LASC Case No.
24 23SMCV00538, filed on April 4, 2024.

1 DATED: July 24, 2024
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THE LAW OFFICES OF
R. PAUL KATRINAK



By: R. Paul Katrinak
Attorneys for Defendant
Michael Pierattini

EXHIBIT 1

1 Jose DeCastro
1258 Franklin St.
2 Santa Monica, CA 90404
310-963-2445
3 iamalaskan@gmail.com
In Pro Per
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8 **SUPERIOR COURT OF CALIFORNIA**
9 **COUNTY OF LOS ANGELES**
10

11 JOSE DECASTRO

12 Plaintiff,

13 vs.

14 KATHERINE PETER, et al.

15 Defendants.

) Case No.: 23SMCV00538

)

) **PLAINTIFF’S *EX PARTE* MOTION FOR**
) **CLARIFICATION; MOTION TO**
) **RECONSIDER MOTION FOR SANCTIONS**
) **OR IN THE ALTERNATIVE FOR**
) **FACTUAL FINDINGS;**

)

) **Telephone Appearance (please email me info)**

)

) Judge: Hone. H. Jay Ford III

)

) Ex Parte Hearing:

) Date: March 22, 2024

) Time: 8:30 am

) Department: O

19
20 TO ALL PARTIES AND TO THEIR ATTORNEYS OF RECORD:

21 PLEASE TAKE NOTICE that on March 22, 2024, at 8:30 AM, or as soon thereafter as the
22 matter may be heard in Department O of the above-entitled court, located at 1725 Main Street Santa
23 Monica, CA 90401, Plaintiff Jose DeCastro (“Plaintiff”, “me” or “I”) will appear *ex parte* to present
24 his motion to this Court for clarification of its tentative ruling of March 7, 2024. Plaintiff will further
25

1 moves this Court pursuant to Cal. Code Civ. Proc. § 1008 to reconsider its oral orders made on
2 March 7, 2024 or in the alternative to make factual findings on the record.

3 In my previous *ex parte* hearing request, I requested the clerk to notify me of when it would be
4 scheduled and provide me with a link to appear remotely. That didn't happen. Please continue the
5 hearing if this doesn't happen unless the Court is ready to grant this motion. I will be in trial from
6 March 19 – 21, 2024. I may be in jail if I lose, but otherwise am available March 22, 2024.

7 This Motion is based upon this Notice, the attached Memorandum of Points and Authorities in
8 support thereof, the included Declaration of Jose DeCastro, and all pleadings, records, and papers on
9 file herein, as well as such other oral arguments as may be presented at the hearing on this Motion.

10 **MEMORANDUM OF POINTS AND AUTHORITIES**

11 **I. INTRODUCTION**

12 Pierattini, as a member and officer of Masshole Troll Mafia, has led and engaged in harassment
13 and defamation actions against Plaintiff. Pierattini refused to cease and desist and begged me to sue
14 him and now we're in discovery.

15 Although Pierattini refused to materially respond to Plaintiff's request for production of
16 documents, and while Plaintiff was super patient with Pierattini, agreeing to a protective order and
17 allowing additional time to respond, Pierattini has engaged in recreational litigation in return.

18 Pierattini sent over 406 discovery requests and a subpoena for a deposition. For that deposition,
19 Pierattini did not follow this court's guidelines on working with the other party's schedule. Instead,
20 he intentionally scheduled a deposition more than 150 miles away from where Plaintiff resides, and
21 more than 150 miles away from a trial that Pierattini knew that Plaintiff was to be at that same week.

22 The 406 discovery requests were overly broad, duplicative, and without merit as recognized by
23 this court (Minutes of the March 7, 2024 hearing).

24 While Plaintiff responded with timely objections to the majority of the discovery requests and
25 deposition, provided verified answers to the RFA, and attempted to meet and confer to request

1 additional time to provide responses, Pierattini canceled the meet and confer and instead filed 699
2 pages of motions seeking sanctions. If Pierattini would have met and conferred, the fact Plaintiff
3 overlooked the form interrogatories probably would have come up. Additionally, Pierattini has
4 violated the protective order, refuses to admit that he did, and so it can be inferred that he will
5 continue to do so, leaving Plaintiff in an impossible position as far as providing further discovery.

6 Although all of this information was filed in Plaintiff's opposition, this Court surprised
7 Plaintiff with a tentative ruling, did not provide an actual sanctions hearing to Plaintiff, and
8 somehow found facts or applied the law in clear error.

9 **II. FACTUAL AND PROCEDURAL BACKGROUND**

10 On January 25, 2024, Pierattini filed his 599 pages of motions for sanctions and motions to
11 compel with five different hearings. Pierattini scheduled one of these hearings when he knew that I
12 was not available and then refused to voluntarily reschedule, which is a sanctionable offense. This
13 caused Plaintiff to make an *ex parte* application to reschedule the hearing, which was granted.
14 Oddly, the hearing was *ex parte* without *my* appearance because the clerk did not provide me with a
15 hearing date or remote appearance link as I requested. The sanctions motions were all consolidated
16 to be held March 7, 2024.

17 On March 7, 2024, Plaintiff arrived at court and was given a tentative ruling. This court does
18 not normally engage in tentative rulings, and there are no local rules on them. Not only was Plaintiff
19 not prepared to argue against the tentative ruling, but Plaintiff was not allowed to at the hearing.
20 Although Pierattini's counsel apparently did not object to the tentative ruling, he was allowed to
21 argue at length about it. When Plaintiff wished to speak, he was told that the Court only had about
22 five minutes but was only allowed two minutes to speak at which time I was only able to cover one
23 of my substantial justifications for not yet complying, where I attempted to address my inability to
24 respond due to Pierattini breaking the protective order and releasing confidential information. What
25 this Court instead heard was that I was having a hard time responding because I didn't have an

1 attorney.

2 At no time did I say that I wasn't going to provide responses to Pierattini's discovery. It was
3 my intent to ask for additional time to respond, which I had allowed Pierattini. This did not happen
4 because Pierattini refused to meet and confer.

5 Plaintiff can not respond without a protective order that is enforced by this Court.

6 This Court kept saying that I did not respond correctly to the form interrogatories, when
7 Plaintiff did not respond **AT ALL** to Pierattini's form interrogatories.

8 In this Court's ruling that Pierattini's requests were excessive, and my admission that I
9 overlooked the form interrogatories, there are no other facts to say that I did not have good cause and
10 substantial justification.

11 This Court also mentioned the possibility of allowing Plaintiff to provide initial disclosures
12 instead of responding to Pierattini's discovery requests. I was not allowed to respond, but I would
13 like to do that. It seems like it was granted by your making the tentative ruling as a whole.

14 This Court made it clear in the hearing and said that it "could" order sanctions for Pierattini not
15 meeting and conferring. The rule is "shall", not "could". Pierattini did not meet and confer as
16 required under Cal. Code. Civ. Proc. § 2020.020, but this Court failed to issue sanctions against
17 Pierattini, as required under the rule.

18 **III. THIS COURT LACKED JURISDICTION TO AWARD SANCTIONS**

19 This Court cannot issue sanctions under Cal. Code Civ. Proc. § 2030.290(c) because I did not
20 oppose a motion to compel responses, per the plain language of the rule. My request was for the
21 "Court to order an extension of discovery deadlines and a meet and confer."

22 This Court did not provide an actual hearing for the sanctions under Cal. Code Civ. Proc. §
23 2023.030 because I was not materially allowed to be heard at the hearing.

24 **IV. THIS COURT ABUSED ITS DISCRETION IN AWARDING SANCTIONS**

25 This Court should have found, given the facts, that Plaintiff had substantial justification under

1 Cal. Code Civ. Proc. §§ 2023.030(a) and 2030.290(c) for failure to respond to the form
2 interrogatories due to being overwhelmed with frivolous discovery requests, causing one to be
3 overlooked. Especially whereby default Gmail only shows the first three attachments of an email,
4 and this was the fourth. Additionally, this Court should have found substantial justification in that
5 Plaintiff was attempting to extend the deadline for responses and not intentionally refusing to
6 respond. Finally, that Plaintiff has substantial justification for failing to respond due to Pierattini
7 violating the protection order and Plaintiff will need a new one before responding.

8 This Court should have found that Plaintiff's failure to serve a timely response was the result
9 of mistake, inadvertance, or excusable neglect under Cal. Code Civ. Proc. § 2030.290(a)(2) based on
10 his declaration of overlooking the form interrogatories, especially where Plaintiff timely filed
11 objections to all of the discovery requests where objection was reasonable except for the form
12 interrogatories, making it clear that Plaintiff didn't just fail to respond, but completely overlooked
13 them. Pierattini provided no opposing evidence.

14 This Court should have found that Pierattini's expenses under Cal. Code Civ. Proc. §
15 2023.030(a) were not reasonable because the problem could have been resolved by a meet and
16 confer, which Pierattini intentionally avoided, and Pierattini was otherwise obligated to provide an
17 extension of time. *Obregon v. Superior Court* (1998) 67 Cal.App.4th 424, 431.

18 The findings that this Court made are not supported by substantial evidence and will not be
19 relied on in an extraordinary writ. *Tucker v. Pacific Bell Mobile Services* (2010) 186 Cal.App.4th
20 1548, 1562.

21 **V. FACTUAL FINDINGS AUTHORIZED**

22 If a party subject to monetary sanctions desires written findings, he or she is not precluded
23 from requesting them from the trial court (*Estate of Ruchti* (1993) 12 Cal. App. 4th 1593, 1604, 16
24 Cal. Rptr. 2d 151 (noting that unsuccessful party failed to request findings from the trial court, and
25 thus waived any entitlement to successfully raise the issue on appeal)).

1 Here, Plaintiff requests a recording of its factual findings related to substantial justification,
2 mistake, inadvertence, excusable neglect, objections to motions to compel, notice, material right to a
3 hearing, and whether Pierattini's meet and confer requirements were met.

4 **VI. MOTION TO RECONSIDER SHALL BE GRANTED IF REQUIREMENTS MET**

5 This Court may correct errors in an interim ruling under Cal. Code Civ. Proc. § 1008(h).

6 Any party affected by an order made on application and refused in whole or in part, or granted,
7 or granted conditionally, or on terms, may, within 10 days after service upon the party of written
8 notice of entry of the order and based on new or different facts, circumstances, or law, make
9 application to the same judge who made the order to reconsider the matter and modify, amend, or
10 revoke the prior order (Code Civ. Proc. § 1008(a); see also *Graham v. Hansen* (1982) 128 Cal. App.
11 3d 965, 970, 180 Cal. Rptr. 604.

12 An order denying a motion for reconsideration is interpreted as a determination that the
13 application for reconsideration does not meet the requirements of Code Civ. Proc. § 1008(a). If the
14 requirements have been met to the satisfaction of the court but the court is not persuaded the earlier
15 ruling was erroneous, the proper course is to grant reconsideration and to reaffirm the earlier ruling
16 *Corns v. Miller* (1986) 181 Cal. App. 3d 195, 226.

17 **VII. CONCLUSION**

18 For the foregoing reasons, Plaintiff respectfully requests:

19 1) That this Motion be granted and that this Court reconsider its motion for Sanctions, due to
20 its obvious error which is recorded in the transcript and the tentative ruling.

21 2) That in the alternative, recording of its factual findings related to substantial justification,
22 mistake, inadvertence, excusable neglect, objections to motions to compel, notice, material right to a
23 hearing, and whether Pierattini's meet and confer requirements were met.

24 3) Motion for clarification on whether Plaintiff will be allowed to proceed with initial
25 disclosures instead of other discovery.

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DECLARATION OF JOSE DECASTRO

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct. Further, where an attorney preparing a motion typically is not a declaring party, requiring a separate declaration from the party, I am a pro se party and an included declaration is therefore proper and there is no code saying otherwise.

DATED: March 18, 2024

Respectfully submitted,

/s/ Jose DeCastro
Jose DeCastro
In Pro Per

CERTIFICATE OF SERVICE

On this day, Plaintiff has sent copies to the only participating defendants by email to Paul Katrinak, attorney for Defendant at katrinaklaw@gmail.com.

DATED: March 18, 2024

Respectfully submitted,

/s/ Jose DeCastro
Jose DeCastro
In Pro Per

EXHIBIT 2

1 R. Paul Katrinak, State Bar No. 164057
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2 9663 Santa Monica Blvd., 458
Beverly Hills, California 90210
3 Telephone: (310) 990-4348
Facsimile: (310) 921-5398
4

5 Attorneys for Defendant
Michael Pierattini
6

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

9 JOSE DECASTRO,
10

11 Plaintiff,

12 v.

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

15 Defendants.
16

) Case No. 23SMCV00538
)
)

) Assigned for all purposes to the Honorable
H. Jay Ford, Dept. O
)

) **DEFENDANT PIERATTINI'S**
) **MEMORANDUM OF POINTS AND**
) **AUTHORITIES IN OPPOSITION TO**
) **PLAINTIFF'S EX PARTE MOTION FOR**
) **RECONSIDERATION OF THIS COURT'S**
) **ORDER GRANTING DEFENDANT**
) **PIERATTINI'S MOTION TO COMPEL**
) **RESPONSES AND FOR SANCTIONS;**
) **REQUEST FOR SANCTIONS IN THE**
) **AMOUNT OF \$2,700.00 AGAINST**
) **PLAINTIFF**

17
18 Date: March 22, 2024
19 Time: 8:30 a.m.
Dept: O

20 [Declaration of R. Paul Katrinak filed
21 concurrently]
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1 **I. INTRODUCTION**

2 Plaintiff Jose DeCastro’s (“Plaintiff”) Ex Parte Motion to Reconsider is frivolous on its
3 face and further evidences Plaintiff’s outrageous conduct. There is no basis for this Ex Parte
4 Motion for Reconsideration and Plaintiff has not presented any new facts or law warranting
5 reconsideration. All Plaintiff is doing is rearguing what he argued at the hearing. Plaintiff
6 makes this plain in the introduction of his Ex Parte Motion, in which he unambiguously
7 proclaims that “[a]lthough all of this information was filed in Plaintiff’s opposition,” (Motion,
8 p. 3, ll. 6-8). The Court should deny Plaintiff’s Ex Parte Motion in its entirety and issue
9 sanctions.

10 Plaintiff’s allegations in the introduction are false in some respects and entirely based
11 on Plaintiff’s imagination in other respects. Defendant Michael Pierattini (“Mr. Pierattini”) is
12 not a member or even associated with “Masshole Troll Mafia.” This is a complete fabrication
13 by Plaintiff as evidenced by Plaintiff producing no evidence to support this absurd allegation,
14 nor responding to any discovery at all in this case. Plaintiff filed this frivolous lawsuit yet
15 repeatedly attempts to make it sound like Mr. Pierattini somehow commenced this litigation.
16 Rest assured, Mr. Pierattini wants nothing to do with Plaintiff and does not want to waste his
17 time “harassing” or doing anything to Plaintiff.

18 Concerning Plaintiff’s absurd discovery allegations, they have no basis in fact and,
19 frankly, Plaintiff is lying about the discovery issues:

- 20 • Mr. Pierattini fully responded to Plaintiff’s Requests for Production of
21 Documents pursuant to the California Code of Civil Procedure on **August 1,**
22 **2023.**
- 23 • The discovery served was necessary as Plaintiff refuses to provide any evidence
24 or information that Mr. Pierattini did anything to Plaintiff.
- 25 • The Court has ordered that Mr. Pierattini narrow the requests, which counsel for
26 Mr. Pierattini will do, but has had no time to do so due to the barrage of emails
27 and frivolous filings by Plaintiff.

28 (See Katrinak Declaration).

1 Plaintiff touts his knowledge of the law. Regardless, in representing himself here, he is
2 held to the same standard as if represented by counsel. That is particularly true here where a
3 pro per Plaintiff has an intimate knowledge of the law and files frivolous document after
4 frivolous document seeking to drive up fees. Here, there was no reasonable basis to file this Ex
5 Parte Motion for Reconsideration. It is not fair for the Mr. Pierattini, a man who lives paycheck
6 to paycheck, to pay attorney's fees for this nonsense. There is going to be an unnecessary
7 reconsideration of every single action in this case, unless some modicum of attorney's fees is
8 issued (as required by CCP § 1008).

9 Plaintiff has sued multiple times for harassment and has lost. He brings one frivolous
10 lawsuit after another. The fact that he has no evidence to support his claim is not surprising.
11 This is a tactic by Plaintiff to cause his innocent victims to expend tens of thousands of dollars
12 defending against his frivolous lawsuits.

13 As opposed to complying with the Court's Order, Plaintiff has been bombarding
14 counsel for Mr. Pierattini with emails making frivolous demands and threatening frivolous
15 motions, such as this Ex Parte Motion. This conduct is completely improper and evidences a
16 complete disregard of the Court and California law. In sum, as Plaintiff has presented no new
17 facts or law warranting reconsideration, Plaintiff' Ex Parte Motion should be denied and Mr.
18 Pierattini respectfully requests that the Court issue sanctions for this frivolous Ex Parte Motion
19 in the amount of \$2,700.00 to compensate Mr. Pierattini for a portion of the attorney's fees that
20 he has incurred.

21 **II. PLAINTIFF HAS FAILED TO PRESENT NEW FACTS OR LAW AS REQUIRED**
22 **BY CALIFORNIA CODE OF CIVIL PROCEDURE SECTION 1008 MANDATING**
23 **DENIAL OF PLAINTIFF'S MOTION**

24 As explained in Brown & Weil, The Rutter Group California Practice Guide: Civil
25 Procedure Before Trial § 9:324, a Motion for Reconsideration requires a very specific
26 showing:

- 26 c. [9:324] **Motion for reconsideration:** Under the conditions described below,
27 the losing party may make a motion before the same judge to reconsider and
28 enter a different order (CCP § 1008(a)). Such motion must be:
- brought before the same judge that made the order (§ 9:324.3);
 - “made within 10 days after service upon the party of notice of entry of the order” (§ 9:325);

- based on “new or different facts, circumstances or law” than those before the court at the time of the original ruling (§ 9:328);
- supported by declaration stating the previous order, by which judge it was made, and the new or different facts, circumstances or law claimed to exist (§ 9:331); and
- made and decided before entry of judgment (§ 9:332.1)

Here, Plaintiff has submitted no new facts or law warranting reconsideration. In fact, Plaintiff admits on page 3 of his Ex Parte Motion that there are no new facts and law supporting the Ex Parte Motion and that “[a]ll of this information [contained in the application] was filed in Plaintiff’s opposition“ to Mr. Pierattini’s Motion to Compel. (Motion, p. 3, ll. 6 – 8.) There are simply no new facts or evidence presented by Plaintiff requiring that the Court deny Plaintiff’s Ex Parte Motion.

III. THIS COURT DID NOT LACK JURISDICTION TO AWARD SANCTIONS

Plaintiff’s assertion that the Court somehow lacked jurisdiction to award sanctions with regard to Mr. Pierattini’s Motion to Compel Responses to his form interrogatories is simply untrue. Plaintiff claims that he “did not oppose a motion to compel responses, per the plain language of the statute.” The statute cited by Plaintiff is unambiguous:

The court shall impose a monetary sanction under Chapter 7 (commencing with Section 2023.010) against any party, person, or attorney who unsuccessfully makes **or opposes** a motion to compel a response to interrogatories, unless it finds that the one subject to the sanction acted with substantial justification or that other circumstances make the imposition of the sanction unjust.

Cal. Civ. Proc. Code § 2030.290(c) (emphasis added).

In response to Mr. Pierattini’s Motion to Compel Responses to his form interrogatories (and various other motions), Plaintiff filed a document titled “Plaintiff’s **Memorandum In Opposition To Defendant Michael Pierattini’s Motions To Compel And For Sanctions**” (emphasis added). Based on this title alone, it is plain that Plaintiff did in fact oppose Mr. Pierattini’s Motion to Compel. Additionally, the very first line of Plaintiff’s opposition brief states “I Plaintiff Jose DeCastro (“Plaintiff” or “I”) **oppose** Defendant Michael Pierattini (“Pierattini”)’s multiple motions to compel and for monetary sanctions.” Plainly, Plaintiff opposed Mr. Pierattini’s motions to compel, lost, and was properly sanctioned.

Plaintiff’s additional argument that the Court “did not provide an actual hearing for the sanctions” is simply untrue. Both parties had an opportunity to be heard at the hearing. The fact

1 that Plaintiff was not satisfied with the result of the hearing does not mean that he did not have an
2 opportunity to be heard and is entitled to reconsideration.

3 **IV. THE COURT DID NOT ABUSE ITS DISCRETION IN AWARDING SANCTIONS**

4 Plaintiff's various arguments for how the Court allegedly abused its discretion in awarding
5 sanctions are little more than a list incorrect statements with no basis in fact or law. First, the Court
6 properly found that Plaintiff did not have a substantial justification under Cal. Code Civ. Proc. §§
7 2023.030(a) and 2030.290(c) for his failure to respond to Mr. Pierattini's form interrogatories.
8 Plaintiff's claims that he was too "overwhelmed" to respond, that he did "not intentionally" refuse
9 to respond, and that he would need a new protective order before responding were all previously
10 heard by the Court and were all properly rejected.

11 Second, the Court properly found that Plaintiff's failure to respond was not the result of
12 mistake, inadvertence, or excusable neglect under Cal. Code Civ. Proc. § 2030.290(b). Plaintiff's
13 claim that he "overlooked" the form interrogatories was previously heard by the Court and was
14 properly rejected.

15 Third, any arguments regarding reasonable expenses and each party's meet and confer
16 efforts and obligations were previously heard by the Court and were all properly considered when
17 the Court decided on and calculated the award of sanctions.

18 Plaintiff's arguments regarding the Court's alleged abuse of discretion are incorrect, have
19 no basis in fact or law, and are not applicable to this type of motion. The Court relied on substantial
20 evidence presented by both parties in making its decision, and all of the arguments relied on by
21 Plaintiff were already heard and decided on by the Court.

22 **V. FACTUAL FINDINGS ARE UNNECESSARY**

23 Plaintiff is not entitled to factual findings, and such findings are not required here. The case
24 Plaintiff cites actually supports Mr. Pierattini's side of this argument. It states:

25 *Mattco Forge, Inc. v. Arthur Young & Co.* (1990) 223 Cal.App.3d 1429, 273
26 Cal.Rptr. 262 is dispositive. There the court construed the similar provisions of
27 Code of Civil Procedure section 2031, subdivision (e)(6) and noted that there is
28 no need for written findings where the party opposing the motion for sanctions
was unsuccessful. (223 Cal.App.3d at p. 1438, 273 Cal.Rptr. 262.) However,
where the trial court determines that the one subject to the sanctions acted with
substantial justification, the Court of Appeal implies that findings might be

1 necessary since the sanctions are no longer mandatory. (Ibid.) In the absence of
2 such a determination, findings are not required.

3 *Estate of Ruchti* (1993) 12 Cal.App.4th 1593, 1603.

4 Here, the Court did **not** find that Plaintiff acted with substantial justification in refusing to
5 respond to Mr. Pierattini's Form Interrogatories. How could it? Plaintiff did not respond at all and
6 blew off the form interrogatories. Therefore, Plaintiff is not entitled to a factual finding, and a
7 factual finding is not required here.

8 **VI. SANCTIONS IN THE AMOUNT OF \$ 2,700.00 ARE WARRANTED UNDER**
9 **CALIFORNIA CODE OF CIVIL PROCEDURE SECTION 1008(d)**

10 California Code of Civil Procedure § 1008(d) provides as follows:

11 A violation of this section may be punished as a contempt and with sanctions as
12 allowed by Section 128.7. In addition, an order made contrary to this section may
13 be revoked by the judge or commissioner who made it, or vacated by a judge of
14 the court in which the action or proceeding is pending.

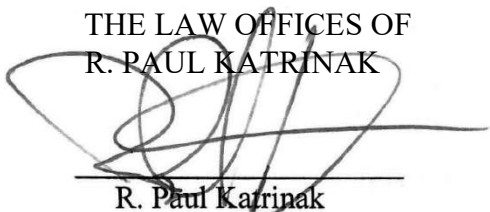
15 Here, there is simply no justification for Plaintiff's frivolous Ex Parte Motion for
16 Reconsideration. In fact, Plaintiff on page 3 of his Ex Parte Motion admits that there are no new
17 facts or law contained in the Ex Parte Motion. (Motion, p. 3, ll. 7-9). Counsel for Mr. Pierattini
18 incurred no less than \$2,700.00 in attorney's fees opposing Plaintiff's frivolous Ex Parte Motion.
19 Therefore, sanctions in the amount of \$2,700.00 are appropriate.

20 **VII. CONCLUSION**

21 For the foregoing reasons, Mr. Pierattini respectfully requests that the Court deny Plaintiff's
22 Ex Parte Motion and award sanctions in the amount of \$2,700.00 against Plaintiff.

23 DATED: March 21, 2024

24 THE LAW OFFICES OF
25 R. PAUL KATRINAK

26 
27 R. Paul Katrinak
28 Attorneys for Defendant
Michael Pierattini

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 March 21, 2024, I served the foregoing document(s) described as:

8 **DEFENDANT PIERATTINI'S MEMORANDUM OF POINTS AND**
9 **AUTHORITIES IN OPPOSITION TO PLAINTIFF'S EX PARTE MOTION**
10 **FOR RECONSIDERATION OF THIS COURT'S ORDER GRANTING**
11 **DEFENDANT PIERATTINI'S MOTION TO COMPEL RESPONSES AND FOR**
12 **SANCTIONS; REQUEST FOR SANCTIONS IN THE AMOUNT OF \$2,700.00**
13 **AGAINST PLAINTIFF**

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

15 Jose DeCastro
16 1258 Franklin Street
17 Santa Monica, CA 90404
18 chille@situationcreator.com
19 iamalaskan@gmail.com

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

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

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

28 Executed March 21, 2024, 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

EXHIBIT 3

1 R. Paul Katrinak, State Bar No. 164057
LAW OFFICES OF R. PAUL KATRINAK
2 9663 Santa Monica Blvd., 458
Beverly Hills, California 90210
3 Telephone: (310) 990-4348
Facsimile: (310) 921-5398
4

5 Attorneys for Defendant
Michael Pierattini
6

7 SUPERIOR COURT OF THE STATE OF CALIFORNIA
8 FOR THE COUNTY OF LOS ANGELES
9

10 JOSE DECASTRO,

11 Plaintiff,

12 v.

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

15 Defendants.
16

) Case No. 23SMCV00538
)
)

) Assigned for all purposes to the Honorable
H. Jay Ford, Dept. O
)

) **DECLARATION OF R. PAUL KATRINAK**
) **IN OPPOSITION TO PLAINTIFF'S EX**
) **PARTE MOTION FOR**
) **RECONSIDERATION OF THIS COURT'S**
) **ORDER GRANTING DEFENDANT**
) **PIERATTINI'S MOTION TO COMPEL**
) **RESPONSES AND FOR SANCTIONS;**
) **REQUEST FOR SANCTIONS IN THE**
) **AMOUNT OF \$2,700.00 AGAINST**
) **PLAINTIFF**

17 Date: March 22, 2024
18 Time: 8:30 a.m.
19 Dept: O
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LAW OFFICES OF R. PAUL KATRINAK
9663 Santa Monica Blvd., Suite 458
Beverly Hills, California 90210
(310) 990-4348

DECLARATION OF R. PAUL KATRINAK

I, R. Paul Katrinak, declare as follows:

1. I am an attorney duly licensed to practice law before all courts of the State of California. My law firm is counsel for Defendant Michael Pierattini (“Mr. Pierattini”) in this action. The following facts are within my personal knowledge and, if called as a witness herein, I can and will competently testify thereto.

2. Since the hearing on March 7, 2024, Plaintiff Jose DeCastro (“Plaintiff”) has completely ignored the Court’s Order and has bombarded me with emails about various frivolous motions that Defendant is planning on filing, or has already filed. Also, Plaintiff has gone on his YouTube channel and talked about this case and how he uses the legal system to intimidate and “destroy” his opponents by running up the costs of the litigation. According to Plaintiff, his intent is to ruin their lives. True to his statements, Plaintiff is doing just that, as evidenced by the battery of emails and threatened motions set forth below.

3. Plaintiff’s Ex Parte Motion is replete with falsehoods and fantasies. As an initial point, Mr. Pierattini has absolutely nothing to do with this nonsense alleged organization called “Masshole Troll Mafia.” Additionally, Mr. Pierattini has not engaged in harassment of Plaintiff or defamed Plaintiff. These are complete fabrications as evidenced by the complete refusal of Plaintiff to provide any responses to discovery or any evidence to support his outlandish accusations.

4. Concerning Plaintiff’s Request for Production of Documents, a full response was served on **August 1, 2024**, over seven months ago. In addition, over a hundred pages of documents were produced by Defendant. There are no more responsive documents. Again, Plaintiff believes something that is simply not true.

5. Concerning the discovery that was served, Plaintiff has filed a fantastical Complaint over 25 pages long making bizarre allegations and then trying to bootstrap Mr. Pierattini into those bizarre allegations. I have repeatedly tried to have a rational discussion with Plaintiff and requested him to provide some evidence or information for months to no avail. As a result, I was forced to propound the discovery requests due to Plaintiff’s non-

1 cooperation. As opposed to responding, requesting an extension, or seeking to discuss the
2 discovery, Plaintiff merely served a host of frivolous objections and completely ignored my
3 meet and confer letters.

4 6. At no time did Plaintiff seek to discuss or request a call to discuss the discovery
5 at issue or seek an extension. That is completely false. The one call that Plaintiff is claiming
6 was a cancelled meet and confer concerning discovery was a call that was scheduled after the
7 deadline to file a demurrer to the Answer that Plaintiff is belatedly harping about. The call had
8 nothing to do with discovery. There was no basis for a demurrer to the Answer. Again, at no
9 time did Plaintiff want to discuss the discovery at issue, nor did Plaintiff request an extension.
10 Plaintiff has no intent on providing responses to discovery and is merely playing games.

11 7. Concerning the hearing on March 7, 2024, Plaintiff had ample opportunity to
12 present his arguments and fully addressed the issues in the Court’s tentative ruling. In fact,
13 Plaintiff became agitated during oral argument and stormed out of the courtroom. The Court
14 did not prevent Plaintiff from being heard.

15 8. There is a Protective Order in place. There is no need for another Protective
16 Order to be issued by the Court.

17 9. There were zero justifications for Plaintiff not to respond to the Form
18 Interrogatories at issue. This is a game that Plaintiff plays. He files frivolous lawsuits with no
19 evidence and harasses innocent people, like Mr. Pierattini, with expensive and unnecessary
20 litigation.

21 10. On March 11, 2024, after obtaining the Court’s Minute Order online and in
22 accordance with the Court’s March 7, 2024 Minute Order, I drafted a [Proposed] Order
23 Granting Defendant Michael Pierattini’s Motion to Compel Responses to Form Interrogatories
24 and Request For Sanctions (the “[Proposed] Order”). Attached hereto as Exhibit “A” is a true
25 and correct copy of the [Proposed] Order.

26 11. On March 11, 2024, I emailed a copy of the [Proposed] Order to Plaintiff for
27 review as required under CRC Rule 3.1312. Attached hereto as Exhibit “B” is a true and
28 correct copy of my email sent to Plaintiff on March 11, 2024.

1 12. On March 11, 2024, Plaintiff sent me an email containing a meet and confer
2 letter regarding Mr. Pierattini’s response to Plaintiff’s Second Set of Requests for Production
3 of Documents. The letter was not drafted by Plaintiff to address any specific issues regarding
4 Plaintiff’s second set of requests for production, and was instead just a modified copy of the
5 meet and confer letter I sent to Plaintiff on January 12, 2024, on a separate set of issues.
6 Attached hereto as Exhibit “C” are true and correct copies of Plaintiff’s email sent to me on
7 March 11, 2024, and of Plaintiff’s meet and confer letter which was attached.

8 13. On March 12, 2024, Plaintiff sent me an email containing four requests to
9 stipulate to frivolous motions, including a frivolous motion to disqualify the Court and a
10 request to stipulate to a motion for sanctions against myself. Attached hereto as Exhibit “D” is
11 a true and correct copy of Plaintiff’s email sent to me on March 12, 2024.

12 14. On March 12, 2024, I sent an email to Plaintiff informing him that his proposed
13 motions were frivolous and that I would seek sanctions against him as appropriate if he were to
14 file such motions. I also reminded Plaintiff that he had provided virtually no discovery
15 responses. I also inquired about when Plaintiff would provide his address as ordered by the
16 Court. Attached hereto as Exhibit “E” is a true and correct copy of my email sent to Plaintiff
17 on March 12, 2024.

18 15. On March 13, 2024, Plaintiff sent me an email falsely claiming that I had
19 breached the protective order. Plaintiff also asked where in the Court’s Minute Order it was
20 stated that Plaintiff had to provide his address. Plaintiff stated that he resides in Las Vegas, but
21 did not provide a specific address. Plaintiff also asked when I would be able to meet and confer
22 to narrow each side's discovery requests. Attached hereto as Exhibit “F” is a true and correct
23 copy of Plaintiff’s email sent to me on March 13, 2024.

24 16. On March 13, 2024, I sent an email to Plaintiff informing him that I did not file
25 anything covered by the protective order. I also attached the March 7, 2024 Minute Order, and
26 stated that I had previously sent Plaintiff the [Proposed] order as per the Court’s Minute Order.
27 I also stated that I would respond to Plaintiff’s meet and confer letter on Friday, March 15,
28 2024, and that I would work to narrow my client’s discovery requests as per the Court’s

1 Minute Order. Attached hereto as Exhibit “G” are true and correct copies of my email sent to
2 Plaintiff on March 13, 2024, and of the Court’s March 7, 2024 Minute Order which was
3 attached.

4 17. On March 14, 2024, Plaintiff sent me an email again falsely claiming that I had
5 breached the protective order. Plaintiff also incorrectly stated that the requirement that Plaintiff
6 provide his address was not a part of the Court’s Minute Order because it was “under the
7 tentative ruling part of the document.” Plaintiff also threatened to file a “motion for sanctions”
8 if I did not provide responses to Plaintiff’s second set of requests for production, and
9 incorrectly claimed that any objections to the request were untimely. Plaintiff also falsely
10 stated that I was refusing to meet and confer. Attached hereto as Exhibit “H” is a true and
11 correct copy of Plaintiff’s email sent to me on March 14, 2024.

12 18. On March 14, 2024, I sent an email to Plaintiff again explaining that I did not
13 file anything covered by the protective order. I explained that the Court adopted the tentative
14 ruling part of the Court’s final order on the issues. I also again stated that I would respond to
15 Plaintiff’s meet and confer letter on Friday, March 15, 2024. I also expressed confusion at
16 Plaintiff’s claim that I was refusing to meet and confer, as I had been responding to Plaintiff’s
17 repeated emails and had agreed to narrow the discovery requests. Attached hereto as Exhibit
18 “I” is a true and correct copy of my email sent to Plaintiff on March 14, 2024.

19 19. On March 14, 2024, Plaintiff sent me an email asking if I would stipulate to a
20 “motion for a factual determination of the sanctions order.” Attached hereto as Exhibit “J” is a
21 true and correct copy of Plaintiff’s email sent to me on March 14, 2024.

22 20. On March 15, 2024, I sent an email to Plaintiff explaining that there was no
23 basis for such a motion and that I would seek sanctions if Plaintiff filed such a motion.
24 Attached hereto as Exhibit “K” is a true and correct copy of my email sent to Plaintiff on
25 March 15, 2024.

26 21. On March 15, 2024, Plaintiff filed a Motion for Sanctions and to Compel prior
27 to receiving Mr. Pierattini’s meet and confer letter. Attached hereto as Exhibit “L” is a true and
28

1 correct copy of Plaintiff's email enclosing his Motion for Sanctions and to Compel on March
2 15, 2024.

3 22. On March 15, 2024, shortly after receipt of Plaintiff's Motion, I sent my meet
4 and confer letter that I was working on to explain that his position had no merit. I advised that
5 Plaintiff was not meeting and conferring in good faith and that Plaintiff should withdraw his
6 frivolous Motion. Attached hereto as Exhibit "M" are true and correct copies of my email to
7 Plaintiff and my responsive meet and confer letter.

8 23. On March 18, 2024, Plaintiff sent me an email questioning why I did not
9 include the entire tentative ruling in the [Proposed] Order. Attached hereto as Exhibit "N" is a
10 true and correct copy of Plaintiff's email to me.

11 24. On March 18, 2024, I responded to Plaintiff's email explaining that I followed
12 the Court's Order. Attached hereto as Exhibit "O" is a true and correct copy of my email to
13 Plaintiff.

14 25. On March 18, 2024, Plaintiff again sent an email requesting various frivolous
15 stipulations and threatening various frivolous motions. Additionally, Plaintiff included his
16 frivolous ex parte application. Attached hereto as Exhibit "P" is a true and correct copy of
17 Plaintiff's email to me.

18 26. On March 19, 2024, I responded to Plaintiff's email explaining that the motions
19 threatened were frivolous and sanctionable. Attached hereto as Exhibit "Q" is a true and
20 correct copy of my email response.

21 27. As indicated by this declaration, Plaintiff is abusing the litigation process in
22 order to harass Mr. Pierattini. Plaintiff's true intent is to make this case as expensive as
23 possible for Mr. Pierattini by running up Mr. Pierattini's attorney's fees, for entertainment
24 purposes in connection with his livestreams and YouTube videos, and to attempt to ruin Mr.
25 Pierattini professionally.

26 28. I spent no less than 3.0 hours researching the issues, preparing the memorandum
27 of points and authorities, preparing this declaration and the supporting exhibits. I anticipate
28 spending no less than 3.0 hours for attending the hearing on this matter, for a total of 6.0 hours.

1 My hourly rate is typically \$745 an hour. I have reduced my hourly rate to \$450 an hour, which
2 this court has consistently given for my hourly rate. My hourly rate of \$450 an hour is
3 reasonable.

4 29. I have the requisite skill, training, and experience to testify as to how these
5 matters are typically handled and attempts to deviate therefrom. Thus, my client should be
6 reimbursed a total of no less than \$2,700.00 for Plaintiff's frivolous ex parte.

7 I declare under penalty of perjury under the laws of the State of California that the
8 foregoing is true and correct.

9
10 DATED: March 21, 2024

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14 R. Paul Katrinak

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EXHIBIT A

1 R. Paul Katrinak, State Bar No. 164057
2 LAW OFFICES OF R. PAUL KATRINAK
3 9663 Santa Monica Blvd., 458
4 Beverly Hills, California 90210
5 Telephone: (310) 990-4348
6 Facsimile: (310) 921-5398

7 Attorneys for Defendant
8 Michael Pierattini

9
10 SUPERIOR COURT OF THE STATE OF CALIFORNIA
11 FOR THE COUNTY OF LOS ANGELES

12 JOSE DECASTRO,

13 Plaintiff,

14 v.

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

18 Defendants.

) Case No. 23SMCV00538

) Assigned for all purposes to the Honorable
) H. Jay Ford, Dept. O

) **[PROPOSED] ORDER GRANTING**
) **DEFENDANT MICHAEL PIERATTINI'S**
) **MOTION TO COMPEL RESPONSES TO**
) **FORM INTERROGATORIES AND**
) **REQUEST FOR SANCTIONS**

) Date: March 7, 2024
) 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

ORDER

The Motion by Defendant Michael Pierattini, to compel Plaintiff Jose DeCastro to respond to Defendant Pierattini's Form Interrogatories, Set One, and for an award of monetary sanctions against Plaintiff, came on regularly for hearing in the above-entitled court on March 7, 2024. R. Paul Katrinak appeared on behalf of Defendant Pierattini. Plaintiff appeared on behalf of himself. After oral argument and good cause appearing therefore, the Court orders as follows:

1. No later than thirty (30) days after the date of service of this Order, Plaintiff Jose DeCastro is ordered to serve full and complete responses, without objections, to Defendant Michael Pierattini's Form Interrogatories, Set One.
2. No later than thirty (30) days after the date of service of this Order, Plaintiff Jose DeCastro is ordered to pay to Defendant Michael Pierattini monetary sanctions in the amount of \$1,635.00.

IT IS SO ORDERED.

DATED: _____

The Honorable H. Jay Ford III
Judge of the Superior Court

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 March 11, 2024, I served the foregoing document(s) described as:

8 **[PROPOSED] ORDER GRANTING DEFENDANT MICHAEL PIERATTINI'S
9 MOTION TO COMPEL RESPONSES TO FORM INTERROGATORIES AND
10 REQUEST FOR SANCTIONS**

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

12 Jose DeCastro
13 1258 Franklin Street
14 Santa Monica, CA 90404
15 chille@situationcreator.com

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

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

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

24 Executed March 11, 2024, at Los Angeles, California.

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

27
28

R. Paul Katrinak

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

EXHIBIT B



Paul Katrinak <katrinaklaw@gmail.com>

Order Granting Motion to Compel and Sanctions

1 message

Paul Katrinak <katrinaklaw@gmail.com>
To: Chille DeCastro <chille@situationcreator.com>

Mon, Mar 11, 2024 at 11:45 AM

See attached.

--

Paul Katrinak
Law Offices of R. Paul Katrinak
9663 Santa Monica Blvd., 458
Beverly Hills, California 90210
Tel: (310) 990-4348
Fax: (310) 921-5398

The information contained in this e-mail is intended only for the personal and confidential use of the designated recipient(s) named above. This message may be an attorney-client communication and, as such, is privileged and confidential. If the reader of this message is not the intended recipient, you are hereby notified that you have received this communication in error, and that any review, dissemination, or copying of this message is strictly prohibited. If you have received this communication in error, please notify us immediately by telephone and delete the original message. Thank you.

 **PIERATTINI [Proposed] Order re FROGs and Sanction.pdf**
378K

EXHIBIT C



Paul Katrinak <katrinaklaw@gmail.com>

Meet and Confer Letter attached

Chille DeCastro <chille@situationcreator.com>

Mon, Mar 11, 2024 at 10:15 AM

To: Paul Katrinak <Katrinaklaw@gmail.com>, Paul Katrinak <pkatrinak@kernanlaw.net>

Meet and Confer Letter attached

Respectfully,
Chille DeCastro
Exec Producer & Writer
www.DeleteLawZ.com

Ethics SCS Inc.
205 S. Beverly Drive
Suite 205
Beverly Hills, CA
90212

 **meet-and-confer-letter-rfp2.pdf**
262K

Jose DeCastro
1258 Franklin St.
Santa Monica, CA 90404
(310) 963-2445
chill@situationcreator.com

March 11, 2024

VIA E-MAIL

Paul Katrinak
9663 Santa Monica Blvd. No. 458
Beverly Hills, California 90210
katrinaklaw@gmail.com

Re: Defendant Michael Pierattini's discovery objections in Jose DeCastro v. Katherine Peter, et al. Case No. 23SMC00538

Dear Mr. Katrinak:

I am in receipt of your "responses" to my discovery requests sent to you on February 5, 2024. Your "responses" are completely improper. Specifically, your "responses" to my requests for production of documents consist primarily of improper objections and contain virtually no responsive information. You are the Defendant. You presumably had some evidence to harass my client with a deposition held during his scheduled trial in a state you know that he didn't reside in. You have not provided a shred of evidence or information and your Answer is devoid of any allegations against me, which I have repeatedly pointed out to you. You cannot simply refuse to participate in discovery by hiding behind dozens of inappropriate objections. This is not how the discovery process works, and your actions are completely prejudicing me.

Your outrageous non-responses to discovery, especially in light of your ambiguous Answer, is sanctionable.

I. YOUR IMPROPER OBJECTIONS

As an initial matter, I want to clarify some of the law as it relates to your objections to my discovery.

A. Relevance, Materiality, Propriety, and Admissibility

Your general objections regarding relevance, materiality, propriety, and admissibility are not well taken. As explained in Brown & Weil, *California Practice Guide: Civil Procedure Before Trial*, The Rutter Group (2017 update) (hereafter "Brown & Weil"):

[8:36] Right to Discovery Liberally Construed: Courts have construed the discovery statutes broadly, so as to *uphold the right to discovery wherever possible*. [*Greyhound Corp. v. Sup.Ct. (Clay)* (1961) 56 C2d 355, 377-378, 15 CR 90, 100 (decided under former law); *Emerson Elec. Co. v. Sup.Ct. (Grayson)* (1997) 16 C4th 1101, 1108, 68 CR2d 883, 886—"Our conclusions in *Greyhound* apply equally to the new discovery

statutes enacted by the Civil Discovery Act of 1986, which retain the expansive scope of discovery”; see *Obregon v. Sup.Ct. (Cimm's, Inc.)* (1998) 67 CA4th 424, 434, 79 CR2d 62, 69 (citing text)]

[8:37] For example, even where the statutes require a showing of “good cause” to obtain discovery (e.g., for court-ordered mental examinations), this term is *liberally* construed—to permit, rather than to prevent, discovery wherever possible. [*Greyhound Corp. v. Sup.Ct. (Clay)*, *supra*, 56 C2d at 377-378, 15 CR at 100]

On the issue of relevance, Brown & Weil adds:

[8:66] “Relevant to Subject Matter”:

[8:66.1] Purpose The first and most basic limitation on the scope of discovery is that the information sought must be relevant to the “subject matter” of the pending action or to the determination of a motion in that action. [CCP § 2017.010] The phrase “subject matter” does not lend itself to precise definition. It is *broader* than relevancy to the issues (which determines admissibility of evidence at trial). [*Bridgestone/Firestone, Inc. v. Sup.Ct. (Rios)* (1992) 7 CA4th 1384, 1392, 9 CR2d 709, 713]

[8:66.1] Purpose: For discovery purposes, information should be regarded as “relevant to the subject matter” if it might reasonably assist a party in *evaluating* the case, *preparing* for trial, or facilitating *settlement* thereof. [*Gonzalez v. Sup.Ct. (City of San Fernando)* (1995) 33 CA4th 1539, 1546, 39 CR2d 896, 901 (citing text); *Lipton v. Sup.Ct. (Lawyers' Mut. Ins. Co.)* (1996) 48 CA4th 1599, 1611, 56 CR2d 341, 347 (citing text); *Stewart v. Colonial Western Agency, Inc.* (2001) 87 CA4th 1006, 1013, 105 CR2d 115, 120 (citing text)]

The objections are improper and are not well taken. As explained in Brown & Weil in relation to the phrase “reasonably calculated”:

“This phrase is more helpful in defining the scope of permissible discovery. It makes it clear that discovery extends to any information that reasonably might lead to other evidence that would be admissible at trial. Thus, the scope of permissible discovery is one of *reason, logic and common sense*. [*Lipton v. Sup.Ct. (Lawyers' Mut. Ins. Co.)* (1996) 48 CA4th 1599, 1611, 56 CR2d 341, 348 (citing text)]”. *Id.* at 8:70.

B. The policy is to favor discovery

The policy is to favor discovery, as Brown & Weil explains:

[8:71] Policy favoring discovery: The “relevance to the subject matter” and “reasonably calculated to lead to discovery of admissible evidence” standards are applied *liberally*. Any doubt is generally resolved in favor of *permitting* discovery, particularly where the precise issues in the case are not yet clearly established. [*Colonial Life & Acc. Ins. Co. v. Sup.Ct. (Perry)* (1982) 31 C3d 785, 790, 183 CR 810, 813, fns. 7-8].

That leading treatise adds:

[8:72] “Fishing trips” permissible: Lawyers sometimes make the objection that opposing counsel are on a “fishing expedition.” But this is *not* a valid ground for refusal to make

discovery. The plain and simple answer is that “fishing expeditions” are expressly authorized by statute—i.e., the Discovery Act provides for discovery of matters “reasonably calculated to *lead* to discovery of admissible evidence.” [CCP § 2017.010 (emphasis added); see *Greyhound Corp. v. Sup.Ct. (Clay)* (1961) 56 C2d 355, 384, 15 CR 90, 104—“The method of ‘fishing’ may be, in a particular case, entirely improper ... But the possibility that it may be abused is not of itself an indictment of the fishing expedition *per se*”; see also *Gonzalez v. Sup.Ct. (City of San Fernando)* (1995) 33 CA4th 1539, 1546, 39 CR2d 896, 901].

C. Attorney-Client Privilege Objections

In many of your responses, you object on grounds of attorney-client privilege. As an initial point, the attorney-client privilege does not apply to you as an In Pro Per party. Attorney-client privilege requires “a confidential communication between client and lawyer.” Evid. Code, § 954. You cannot communicate with yourself.

Additionally, when asserting claims of privilege or attorney work product protection, the objecting party must provide “sufficient factual information” to enable other parties to evaluate the merits of the claim, including a privilege log. *Lopez v. Watchtower Bible & Tract Soc. Of New York, Inc.* (2016) 246 Cal.App.4th 566, 596-597. You must be prepared to explain why this objection is applicable to *every individual* discovery request.

In addition, you must prepare a privilege log that identifies each document withheld in response to the discovery requests and the specific privilege claimed. You have not produced a single document, so presumably, this privilege log would be extensive. The information in the privilege log must be sufficiently specific to allow a determination of whether each withheld document is or is not in fact privileged. As further explained in *Brown & Weil*, a privilege log is required for discovery that is being held back on privilege:

[8:1474.5] Objection based on privilege; “privilege log” may be required: When asserting claims of privilege or attorney work product protection, the objecting party must provide “sufficient factual information” to enable other parties to evaluate the merits of the claim, “including, *if necessary*, a privilege log.” [CCP § 2031.240(c)(1) (emphasis added); *Lopez v. Watchtower Bible & Tract Soc. of New York, Inc.* (2016) 246 CA4th 566, 596-597, 201 CR3d 156, 181—burden to show preliminary facts supporting application of privilege not met where D failed to produce privilege log or identify any specific confidential communications]

As to the contents, that treatise explains:

[8:1474.5a] Required contents of privilege log: As the term is commonly used by courts and attorneys, a “privilege log” identifies each document for which a privilege or work product protection is claimed, its author, recipients, date of preparation, and the *specific* privilege or work product protection claimed. [*Hernandez v. Sup.Ct. (Acheson Indus., Inc.)* (2003) 112 CA4th 285, 291-292, 4 CR3d 883, 888-889, fn. 6; see CCP § 2031.240(c)(2)—Legislative intent to codify concept of privilege log “as that term is used in California case law”]

“The information in the privilege log must be sufficiently specific to allow a determination of whether each withheld document is or is not [in] fact privileged.”

[Wellpoint Health Networks, Inc. v. Sup.Ct. (McCombs) (1997) 59 CA4th 110, 130, 68 CR2d 844, 857; see Catalina Island Yacht Club v. Sup.Ct. (Beatty) (2015) 242 CA4th 1116, 1130, 195 CR3d 694, 704 & fn. 5—privilege log deficient due to failure to describe documents or contents (other than noting they were emails with counsel) since not all communications with attorneys are privileged]

FORM: Privilege Log, *see Form 8:26.2* in Rivera, *Cal. Prac. Guide: Civ. Pro. Before Trial FORMS* (TRG).

Furthermore, a privilege log is due with the objections, Brown & Weil states on the timing:

The Code seems to indicate that if a privilege log is “necessary” to enable other parties to evaluate the merits of a privilege or work product claim, it must be provided by the objecting party with the response to the § 2031.010 inspection demand (i.e., at the time the objection is made). [See CCP § 2031.240(c)(1)—if objection is based on privilege or work product claim, “the response shall provide ... including, if necessary, a privilege log”] *Id.* at 1474.6.

D. Your Attempts to Deftly Evade Discovery are Sanctionable

The way you seek to deftly word what responses you will or will not produce is improper. The law is plain that deftly worded attempts to evade discovery are improper. *Deyo v. Kilbourne* (1978) 84 CA3d 771, 783, 149 CR 499, 509.

II. YOUR IMPROPER DISCOVERY RESPONSES

A. Responses to Requests for Production of Documents

The Response Required for a Request for Production of Documents:

Your “responses” to our document requests are completely improper. As explained in Brown & Weil, your response needs to be one of the following:

- **Agreement to comply:** A statement that the party will comply by the date set for inspection with the particular demand for inspection, testing, etc.; or
- **Representation of inability to comply:** A statement that the party lacks the ability to comply with the particular demand; or
- **Objections:** An objection to all or part of the demand. CCP § 2031.210(a).

Remarkably, you are in essence claiming that every single document request we have served is fully objectionable, and that you are therefore exempt from producing even a single responsive document. This position is outrageous and is an affront to the discovery process. We are entitled to your production of the requested documents. If you want to claim that only part of an item or category demanded is objectionable, your response must contain an agreement to comply with the remainder, or a representation of inability to comply. CCP § 2031.240(a) (General objections to the entire request are unauthorized and constitute discovery misuse; see ¶ 8:1071 (dealing with interrogatories).) *Id.* at 8:1469.

Brown & Weil explains as to what constitutes compliance:

[8:1471] What constitutes “compliance”: Documents must be produced either:

- as they are kept in the usual course of business, or
- sorted and labeled to correspond with the categories in the document demand. CCP § 2031.280(a).

No documents have been produced by you. It is outrageous that you have refused to produce even a single document. You are the Defendant who begged me to sue you so that you could participate in discovery. Instead, you continue to harass me by trying to schedule depositions while I’m in trial and out of state. If you have any responsive documents in your possession, custody, or control, you must produce the documents.

By way of this letter, we hereby demand that you comply with the California discovery statutes and produce all responsive documents and provide proper responses no later than 12:00 p.m. on Friday, March 15, 2024. If you do not promptly withdraw your objections and provide proper responses to our discovery requests, we will file motions to compel your responses to our discovery requests and seek monetary sanctions. Your gamesmanship and outrageous conduct in this matter concerning discovery warrants the imposition of substantial attorney’s fees as sanctions.

I look forward to complete responses, without objection, and the production of documents from you. You are the plaintiff. You must have some basis to be suing my client. If you do not, dismiss my client forthwith.

This letter is not intended, nor should it be construed, as a full recitation of all of the facts in this matter. Additionally, this letter is written without waiver or relinquishment of all of my client’s rights or remedies, all of which are hereby expressly reserved.

Very Truly Yours,



Jose DeCastro

EXHIBIT D



Paul Katrinak <katrinaklaw@gmail.com>

motion stipulation check-in

Chille DeCastro <chille@situationcreator.com>

Tue, Mar 12, 2024 at 12:42 PM

To: Paul Katrinak <Katrinaklaw@gmail.com>, Paul Katrinak <pkatrinak@kernanlaw.net>

Mr. Katrinak, I was wondering if you would stipulate to any of these motions before I file them:

1. Motion to disqualify Judge Ford.
2. Motion to stay order "for sanctions and to compel" pending motion for protective order and appeal.
3. Motion for protective order to stop you from continuing to file documents marked as confidential.
4. Motion for sanctions against you for violating prior protective order

Thank you.

Respectfully,
Chille DeCastro
Exec Producer & Writer
www.DeleteLawZ.com

Ethics SCS Inc.
205 S. Beverly Drive
Suite 205
Beverly Hills, CA
90212

EXHIBIT E



Paul Katrinak <katrinaklaw@gmail.com>

motion stipulation check-in

Paul Katrinak <katrinaklaw@gmail.com>
To: Chille DeCastro <chille@situationcreator.com>

Tue, Mar 12, 2024 at 6:58 PM

Dear Mr. De Castro,

If you file Motions 2, 3 and 4, I will seek sanctions. You have no legal basis to file these Motions and they are frivolous on their face. I will let the Court address Number 1.

I did not file a document marked confidential by you with the Court that provided any confidential information. You haven't even provided any documents and you have not answered any discovery, other than some RFAs. Your position is frivolous and absurd.

When will you provide your address as ordered by the Court?

Very Truly Yours,

Paul Katrinak

[Quoted text hidden]

--
Paul Katrinak
Law Offices of R. Paul Katrinak
9663 Santa Monica Blvd., 458
Beverly Hills, California 90210
Tel: (310) 990-4348
Fax: (310) 921-5398

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EXHIBIT F



Paul Katrinak <katrinaklaw@gmail.com>

motion stipulation check-in

Chille DeCastro <chille@situationcreator.com>
To: Paul Katrinak <katrinaklaw@gmail.com>

Wed, Mar 13, 2024 at 9:47 AM

I misspoke, you filed with the court information that was marked confidential, which was required to be protected according to the plain language of the protective order.

Where is providing my address listed in the order? Do you mean as part of answering the form interrogatories? I'll be seeking a protective order before providing any further discovery, but I'm residing in Las Vegas, as your client and his troll mafia associates are well aware of.

When did you want to meet and confer to narrow yours and mine discovery disputes?

Thank you for the quick response.

[Quoted text hidden]

EXHIBIT G



Paul Katrinak <katrinaklaw@gmail.com>

motion stipulation check-in

Paul Katrinak <katrinaklaw@gmail.com>
To: Chille DeCastro <chille@situationcreator.com>

Wed, Mar 13, 2024 at 8:01 PM

Dear Mr. DeCatro,

1. I did not file anything covered by the Protective Order.
2. Here is the Court's Minute Order that was mailed to your mail drop in California. The Court Ordered this orally as well at the hearing. I sent you the proposed order on the sanctions and form interrogatories that I was ordered to prepare by the Court.
3. I will respond to your letter on Friday per your deadline.
4. I will go through our discovery and look at narrowing it per the Court's Order.

Very Truly Yours,

Paul Katrinak
[Quoted text hidden]

 **PIERATTINI Minute Order re Motions to Compel.pdf**
61K

SUPERIOR COURT OF CALIFORNIA, COUNTY OF LOS ANGELES

Civil Division

West District, Santa Monica Courthouse, Department O

23SMCV00538

JOSE DECASTRO vs KATHERINE PETER

March 7, 2024

8:30 AM

Judge: Honorable H. Jay Ford III

Judicial Assistant: K. Neal

Courtroom Assistant: A. Elder

CSR: None

ERM: None

Deputy Sheriff: None

APPEARANCES:

For Plaintiff(s): Jose Decastro (In Court)

For Defendant(s): Raymond Paul Katrinak (In Court)

NATURE OF PROCEEDINGS: Hearing on Motion to Compel Deposition of Plaintiff and Request for Monetary Sanctions in the Sum of \$4,560; Hearing on Motion to Compel Responses to Form Interrogatories, Set One and Request for Monetary Sanctions in the sum of \$4,560; Hearing on Motion to Compel Further Discovery Responses to Special Interrogatories, Set One, to Plaintiff and Request for Monetary Sanctions Against Plaintiff in the Sum of \$4,560; Hearing on Motion to Compel Further Discovery Responses to Requests for Admission, Set One, to Plaintiff and Requests for Monetary Sanctions Against Plaintiff in the Sum of \$4,560; Hearing on Motion to Compel Further Discovery Responses to Requests for Production of Documents, Set One, to Plaintiff and Requests for Monetary Sanctions Against Plaintiff in the Sum of \$4,560

The Court issues the following tentative ruling:

TENTATIVE RULING

1. Defendant Michael Pierattini's motion to compel responses to form interrogatories and request for sanctions is granted. Plaintiff José DeCastro's is ordered to serve the responses, without objections, and pay monetary sanctions in the amount of \$1,635 within 30 days of service of the order. Pierattini is ordered to submit the proposed order in accordance with CRC Rule 3.1312.
2. The Court orders the parties to meet and confer regarding the necessity of serving more than 30 "contention" requests for admissions and 30 "contention" special interrogatories. It appears that many of 187 special interrogatories are duplicative of each other and seek the information sought by the form interrogatories. Likewise, the purpose of requests for admissions is to narrow discovery by eliminating undisputed issues. The Court's concerned that the 76 request for admissions that essentially ask DeCastro to admit his case has no merit is inconsistent with that purpose. Likewise, when coupled with form interrogatory 17.1, they become duplicative of much of the information to be disclosed in response to the remaining form interrogatories. Therefore, in lieu of ordering DeCastro to serve further responses to more than 30 requests for admission and 30 special interrogatories the Court is inclined to order DeCastro to serve a verified response

SUPERIOR COURT OF CALIFORNIA, COUNTY OF LOS ANGELES

Civil Division

West District, Santa Monica Courthouse, Department O

23SMCV00538

JOSE DECASTRO vs KATHERINE PETER

March 7, 2024

8:30 AM

Judge: Honorable H. Jay Ford III

Judicial Assistant: K. Neal

Courtroom Assistant: A. Elder

CSR: None

ERM: None

Deputy Sheriff: None

that identifies the “initial disclosures” that are required to be disclosed under Code of Civil Procedure section 2016.090 for cases filed after January 1, 2024. Similarly, Pierattini’s request for production of documents that are linked to the special interrogatories that exceed 30 may be excessive and rendered moot by DeCastro complying with CCP 2016.090 subd (a) (1)(b) and responding to the form interrogatories.

3. Regarding Pierattini’s motion to compel Decastro’s appearance at his deposition, DeCastro is ordered to file a notice of change of address that discloses his purported out of state residence, not just mailing address, within 10 days. DeCastro may seek to file that notice with his residence address redacted from the public filing by making the appropriate motion to seal that notice under California rules of Court 2.551.

4.The hearing on Pierattini’s motions to compel further responses to the requests for admission, special interrogatories and production of documents, and to compel DeCastro's deposition are continued to May 2, 2024 at 8:30.

*****END OF TENTATIVE RULING*****

The matters are called for hearing and argued.

The Court adopts its tentative ruling as indicated above.

The Motion to Compel Responses to Form Interrogatories, Set One and Request for Monetary Sanctions Against Plaintiff in the Amount of \$4, 560 filed by Michael Pierattini on 01/25/2024 is Granted. Plaintiff José DeCastro's ordered to serve the responses, without objections, and pay monetary sanctions in the amount of \$1635 within 30 days of service of the order. Defendant Pierattini is ordered to submit the proposed order in accordance with CRC Rule 3.1312.

On the Court's own motion, the Hearing on Motion to Compel Deposition of Plaintiff and Request for Monetary Sanctions in the Sum of \$4,560 scheduled for 03/07/2024, Hearing on Motion to Compel Further Discovery Responses to Special Interrogatories, Set One, to Plaintiff and Request for Monetary Sanctions Against Plaintiff in the Sum of \$4,560 scheduled for 03/07/2024, Hearing on Motion to Compel Further Discovery Responses to Requests for Admission, Set One, to Plaintiff and Requests for Monetary Sanctions Against Plaintiff in the Sum of \$4,560 scheduled for 03/07/2024, and Hearing on Motion to Compel Further Discovery Responses to Requests for Production of Documents, Set One, to Plaintiff and Requests for Monetary Sanctions Against Plaintiff in the Sum of \$4,560 scheduled for 03/07/2024 are continued to 05/02/2024 at 08:30 AM in Department O at Santa Monica Courthouse.

SUPERIOR COURT OF CALIFORNIA, COUNTY OF LOS ANGELES

Civil Division

West District, Santa Monica Courthouse, Department O

23SMCV00538

JOSE DECASTRO vs KATHERINE PETER

March 7, 2024

8:30 AM

Judge: Honorable H. Jay Ford III

Judicial Assistant: K. Neal

Courtroom Assistant: A. Elder

CSR: None

ERM: None

Deputy Sheriff: None

The clerk is to give notice.

Certificate of Mailing is attached.

EXHIBIT H



Paul Katrinak <katrinaklaw@gmail.com>

motion stipulation check-in

Chille DeCastro <chille@situationcreator.com>

Thu, Mar 14, 2024 at 9:23 AM

To: Paul Katrinak <katrinaklaw@gmail.com>

1. The protective order said that we could mark anything as confidential and that it would have to be filed under seal. I even discussed this with you, that it could be potentially expensive for each of us to put things on the record if a party marked things as confidential. You seemed to understand my objections. You seemed to have clearly understood the requirements of protecting information marked as confidential by the other party. You violated the protective order, and the judge seemed ready to rule on that if I filed a motion for relief. Clearly I can not continue to release confidential discovery until we resolve this matter.
2. The part about providing my address is under the tentative ruling part of the document and is not in the order. If you wanted to file a motion to clarify, I would stipulate to it.
3. I will be filing a motion for sanctions unless you provide the discovery. You are aware of how to redact any mixed communications. You should be aware that not all email between you and your defendant will be privileged, especially regarding scheduling and illegal activities. You also failed to provide a privilege log. Any objections are untimely.
4. So you're still refusing to meet and confer? I wanted to discuss my requests as well as yours.

[Quoted text hidden]

EXHIBIT I



Paul Katrinak <katrinaklaw@gmail.com>

motion stipulation check-in

Paul Katrinak <katrinaklaw@gmail.com>
To: Chille DeCastro <chille@situationcreator.com>

Thu, Mar 14, 2024 at 8:26 PM

Dear Mr. DeCastro,

1. The Protective Order speaks for itself. All you served were ridiculous objections that clearly would not be subject to the Protective Order. I marked the documents that we produced as confidential. They would be confidential.
2. Page 2 of the Minute Order states that the Court adopts the tentative as the final order of the Court. Adopt means "to accept and establish (something, such as a law or policy) in a formal or official way." Webster's Dictionary. The tentative is the final order of the Court. There is nothing to clarify.
3. I will respond to your meet and confer letter tomorrow as you demanded. The objections were not untimely and I will explain in my response tomorrow. If you file a Motion, I will seek sanctions against you.
4. I am not refusing to meet and confer. I have responded to your emails. I said in my last email that I will go through the discovery and narrow the requests. What more do I have to say?

These continuous daily emails are tiresome. I have many other matters that I am working on and do not have time to daily respond to your emails.

Very Truly Yours,

Paul Katrinak

[Quoted text hidden]

EXHIBIT J



Paul Katrinak <katrinaklaw@gmail.com>

A check in for stipulation regarding a separate matter

Chille DeCastro <chille@situationcreator.com>

Thu, Mar 14, 2024 at 6:25 PM

To: Paul Katrinak <Katrinaklaw@gmail.com>, Paul Katrinak <pkatrinak@kernanlaw.net>

I'm going to be filing a motion for a factual determination of the sanctions order.

Will you stipulate to it?

Respectfully,
Chille DeCastro
Exec Producer & Writer
www.DeleteLawZ.com

Ethics SCS Inc.
205 S. Beverly Drive
Suite 205
Beverly Hills, CA
90212

EXHIBIT K



Paul Katrinak <katrinaklaw@gmail.com>

A check in for stipulation regarding a separate matter

Paul Katrinak <katrinaklaw@gmail.com>
To: Chille DeCastro <chille@situationcreator.com>

Fri, Mar 15, 2024 at 7:18 PM

Dear Mr. DeCastro,

There is no basis for such a motion and it is frivolous to do so. I will seek sanctions if you file such a motion.

Very Truly Yours,

Paul Katrinak
[Quoted text hidden]

—
Paul Katrinak
Law Offices of R. Paul Katrinak
9663 Santa Monica Blvd., 458
Beverly Hills, California 90210
Tel: (310) 990-4348
Fax: (310) 921-5398

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EXHIBIT L



Paul Katrinak <katrinaklaw@gmail.com>

Notice and Motion for Sanctions and to Compel attached

Chille DeCastro <chille@situationcreator.com>

Fri, Mar 15, 2024 at 2:03 PM

To: Paul Katrinak <Katrinaklaw@gmail.com>, Paul Katrinak <pkatrinak@kernanlaw.net>

Notice and Motion for Sanctions and to Compel attached

Respectfully,
Chille DeCastro
Exec Producer & Writer
www.DeleteLawZ.com

Ethics SCS Inc.
205 S. Beverly Drive
Suite 205
Beverly Hills, CA
90212

 **motion_to_compel_and_for_sanctions_rfp_2_with_exhibits.pdf**
438K

EXHIBIT M



Paul Katrinak <katrinaklaw@gmail.com>

Notice and Motion for Sanctions and to Compel attached

Paul Katrinak <katrinaklaw@gmail.com>
To: Chille DeCastro <chille@situationcreator.com>

Fri, Mar 15, 2024 at 2:10 PM

Dear Mr. DeCastro,

You gave me until today to respond to your meet and confer letter. Attached is the response to your letter. If you filed this Motion, immediately withdraw it or I will seek sanctions. This is blatantly not meeting and conferring in good faith. Your Motion is completely frivolous. This whole situation is really tiresome.

Very Truly Yours,

Paul Katrinak
[Quoted text hidden]

--
Paul Katrinak
Law Offices of R. Paul Katrinak
9663 Santa Monica Blvd., 458
Beverly Hills, California 90210
Tel: (310) 990-4348
Fax: (310) 921-5398

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 **PIERATTINI 3.15.24 M&C Letter.pdf**
129K

Law Offices of
R. PAUL KATRINAK
9663 Santa Monica Blvd., No. 458
Beverly Hills, California 90210

R. Paul Katrinak, Esq.
Direct: (310) 990-4348
Fas: (310) 921-5398
E-mail: katrinaklaw@gmail.com

March 15, 2024

VIA E-MAIL

Jose DeCastro
1258 Franklin St.
Santa Monica, CA 90404
chille@situationcreator.com

Re: Plaintiff's Meet and Confer Letter Sent on March 11, 2024 in *Jose DeCastro v. Katherine Peter, et al.*, Case No. 23SMCV00538

Dear Mr. DeCastro:

I am in receipt of the meet and confer letter sent on March 11, 2024 regarding the responses to your second set of requests for production. Upon reviewing the letter, it is apparent that you did not actually bother researching the law as it applies to our responses to your improper requests for production. In fact, you did not even bother to draft "your" own letter at all. The letter you sent is just a copy of the meet and confer letter I sent to you on January 12, 2024 with only minor changes.

You did not try to hide the fact that "your" letter is just a modified copy of the letter I previously sent you. You refer to yourself in "your" letter as "my client," and "we." You leave in sentences such as "the attorney-client privilege does not apply to you as an In Pro Per party," "You are the plaintiff," and "You must have some basis to be suing my client." You leave in entire legal arguments that are completely inapplicable to the responses we provided to your requests for production. You even kept the exact same formatting and structure.

Frankly, it is insulting that you would send such a blatantly copied letter to me. This is not a proper attempt to meet and confer. The legal arguments you copied from my original letter do not even apply in this situation. This is clearly another attempt to waste time and run up my client's legal fees.

I. THE RESPONSES AND OBJECTIONS WERE TIMELY

Although you do not discuss this in "your" meet and confer letter, your claim in your email sent on March 14, 2024 that "any objections are untimely" is incorrect and again displays your complete and utter lack of understanding of the discovery timing rules. A response to

Jose DeCastro

Jose DeCastro v. Katherine Peter, et al., Case No. 23SMCV00538

Page 2

requests for production is due 30 days after service of the requests. Cal Code Civ Proc § 2031.260(a). **Service of the requests by email extends the deadline to respond by two calendar days. Code Civ. Proc. § 1010.6(a)(3)(B).**

You served the requests for production at issue on February 5, 2024 by email. Therefore, based on the 30-day response deadline plus two additional days based on email service, the deadline to serve a timely response was on March 8, 2024. As you know, the responses and objections were served on March 8, 2024. **Therefore, the responses were timely and there is no waiver of objections.**

II. THE RESPONSES WERE PROPER

In “your” letter, you claim that the responses provided to your second set of requests for production were somehow “improper” and that we claim to be “exempt from producing even a single responsive document.” Although these statements were true in the original letter you copied from, they do not apply here. As noted in Brown & Weil, California Practice Guide: Civil Procedure Before Trial (2023 update) (and in “your” letter) the response must be as follows:

Content: The party to whom the CCP § 2031.010 demand is directed must respond separately to each item in the demand by one of the following:

- **Agreement to comply:** A statement that the party will comply by the date set for inspection with the particular demand for inspection, testing, etc.; or
- **Representation of inability to comply:** A statement that the party lacks the ability to comply with the particular demand; or
- **Objections:** An objection to all or part of the demand. [CCP § 2031.210(a)]

Civ. Pro. Before Trial, § 8:1469.

As you are aware, we provided specific responses to each of your requests. While these responses were made subject to certain objections, specific responses were still provided to each request. Additionally, “your” letter did not address the specific objections you take issue with. As you saw in our January 12, 2024 letter (which, again, you copied verbatim), we specifically addressed each of your frivolous objections. In “your” letter, you did not address our legal and proper objections, making it impossible for us to properly meet and confer on the objections.

A. Response to Request for Production No. 1

Our response to your request for “All COMMUNICATIONS between YOU and Your attorney(s) regarding the scheduling or planning of the ‘Deposition of Plaintiff Jose DeCastro’ scheduled for January 25, 2023” is proper. So far as such communications may exist, any communication between Mr. Pierattini and his attorneys regarding the scheduling or planning of a deposition would be protected, as such communications are confidential communication

Jose DeCastro

Jose DeCastro v. Katherine Peter, et al., Case No. 23SMCV00538

Page 3

between client and lawyer protected by the attorney-client privilege as defined by Cal. Evid. Code §§ 950 et seq. Put another way, you are requesting communications which, by definition, are privileged.

When asserting claims of privilege or attorney work product protection, the objecting party must provide “sufficient factual information” to enable other parties to evaluate the merits of the claim. *Lopez v. Watchtower Bible & Tract Soc. Of New York, Inc.* (2016) 246 Cal.App.4th 566, 596-597. Here, you have been provided with sufficient factual information to evaluate the merits of the privilege claim. Frankly, *any* communication responsive to this request would be protected by the privilege, making a privilege log unnecessary. A California Appeals court nicely summarized the extent of the privilege:

“The attorney-client privilege, one of the oldest recognized, allows a client to refuse to disclose, and to prevent others from disclosing, confidential communications with an attorney. (Evid. Code, § 954.) The ‘fundamental purpose behind the privilege is to safeguard the confidential relationship between clients and their attorneys **so as to promote full and open discussion of the facts and tactics surrounding individual legal matters.**’ (*Mitchell v. Superior Court* (1984) 37 Cal.3d 591, 599 [208 Cal.Rptr. 886, 691 P.2d 642].) The privilege is absolute” (*People v. Bell* (2019) 7 Cal.5th 70, 96, 246 Cal.Rptr.3d 527, 439 P.3d 1102.) It “prevents disclosure of the communication regardless of its relevance, necessity or other circumstances peculiar to the case.” (*Kerner v. Superior Court* (2012) 206 Cal.App.4th 84, 111, 141 Cal.Rptr.3d 504.)

Carroll v. Commission on Teacher Credentialing (2020) 56 Cal.App.5th 365, 380 (emphasis added). Your request for obviously privileged information is improper, and we properly objected to it.

B. Response to Request for Production Nos. 2-4

Our responses to these three requests were specific and complete. While these responses were made subject to certain objections, specific responses were still provided to each request. The fact is that there are **no documents responsive to these three requests**. The fact that you are not satisfied with such a response because it does not fit your fantastical narrative of some great conspiracy against you does not change the fact that documents responsive to this request **do not exist**.

III. CONCLUSION

As explained above, the responses to your second set of requests for production were timely and proper. Frankly, you have no basis to file a motion to compel further responses, and your threat to do so is not well taken. Your requests were frivolous, and any attempt at compelling further responses would be just as frivolous, and would be another example of your goal to drag this out and run up my client’s legal costs as much as possible. If you file such a motion, I will seek sanctions against you for your continued abuse of the discovery process.

Jose DeCastro

Jose DeCastro v. Katherine Peter, et al., Case No. 23SMCV00538

Page 4

Additionally, I want to emphasize that your blatant copying of the meet and confer letter I previously sent is not well taken. The point of the meet and confer requirement is to address specific issues as they arise. By copying the meet and confer letter which I sent you and which was drafted regarding a completely separate set of issues, you have made your lack of seriousness in this matter even clearer. I will not waste further time responding to legal arguments I wrote.

This letter is not intended, nor should it be construed, as a full recitation of all of the facts in this matter. Additionally, this letter is written without waiver or relinquishment of all of my client's rights or remedies, all of which are hereby expressly reserved.

Very Truly Yours,



R. Paul Katrinak

EXHIBIT N



Paul Katrinak <katrinaklaw@gmail.com>

motion stipulation check-in

Chille DeCastro <chille@situationcreator.com>
To: Paul Katrinak <katrinaklaw@gmail.com>

Mon, Mar 18, 2024 at 2:57 PM

Mr. Katrinak,

Then why does your proposed order not match the tentative ruling? If a tentative ruling is upheld, isn't the proposed order supposed to use the language of the tentative ruling verbatim?

Right now, I have to say that this order does not match what was ruled on.

/s/Jose DeCastro

[Quoted text hidden]

EXHIBIT O



Paul Katrinak <katrinaklaw@gmail.com>

motion stipulation check-in

Paul Katrinak <katrinaklaw@gmail.com>
To: Chille DeCastro <chille@situationcreator.com>

Mon, Mar 18, 2024 at 7:10 PM

Dear Mr. DeCastro,

If you read the Minute Order from the Court, the Court ordered me to prepare a proposed order on the Form Interrogatories only, not concerning the Court's entire order. I followed the Court's Order to me and prepared a proposed order only on the Form Interrogatories and the sanctions that you were ordered to pay.

Very Truly Yours,

Paul Katrinak
[Quoted text hidden]

EXHIBIT P



Paul Katrinak <katrinaklaw@gmail.com>

Motion attached for your service and record, and a couple more requests for stipulation

Chille DeCastro <chille@situationcreator.com>

Mon, Mar 18, 2024 at 7:00 PM

To: Paul Katrinak <Katrinaklaw@gmail.com>, Paul Katrinak <pkatrinak@kernanlaw.net>

Mr. Katrinak,

I'm still typing up the rest of the motions, but please let me know if you'll stipulate to:

1. Sanctions against you for failing to meet and confer for form interrogatories sanction motion.
2. Motion to compel my RFP set one.
3. Find you as a vexatious litigator for all of your "I will seek sanctions" emails and following through on it.

Ones you already answered for that are coming up:

1. Disqualify judge
2. Sanctions against you for violating protective order
3. Stay your motion for sanctions pending writ
4. Protective order to stop you from continuing to file documents marked as confidential.

Thank you.

Respectfully,
Chille DeCastro

 **motion_to_reconsider_sanctions.pdf**
152K

EXHIBIT Q



Paul Katrinak <katrinaklaw@gmail.com>

Motion attached for your service and record, and a couple more requests for stipulation

Paul Katrinak <pkatrinak@kernanlaw.net>
To: Chille DeCastro <chille@situationcreator.com>

Tue, Mar 19, 2024 at 1:19 PM

Dear Mr. DeCastro,

In response to you three new frivolous demands:

1. I legally am not required to meet and confer on the non-response to the Form Interrogatories. See the Motion to Compel I filed against you concerning the Form Interrogatories. If you file such a frivolous motion, I will seek sanctions.
2. There is no basis to move to compel Mr. Pierattini's responses to your Requests for Production of Documents that were served on **August 1, 2023 SEVEN MONTHS AGO**. Notwithstanding the fact that I fully complied with the California Code of Civil Procedure in responding and produced responsive documents, unlike you, the time for you to move to compel **expired on September 15, 2023**. If you file such a frivolous motion, I will seek sanctions.
3. I frankly do not understand your issue claiming I am a vexatious litigant. That is certainly a frivolous allegation. I am warning you that I will seek sanctions for every frivolous thing that you do. You have bragged on your livestreams and videos that you file frivolous motions and run up the attorney's fees and costs for your opposition as a tactic to intimidate and ruin people's lives. You plainly meet the definition of a vexatious litigant.

As you pointed out, I have responded to your other frivolous requests.

Very Truly Yours,

Paul Katrinak
[Quoted text hidden]
[Quoted text hidden]

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 March 21, 2024, I served the foregoing document(s) described as:

DECLARATION OF R. PAUL KATRINAK IN OPPOSITION TO PLAINTIFF’S EX PARTE MOTION FOR RECONSIDERATION OF THIS COURT’S ORDER GRANTING DEFENDANT PIERATTINI’S MOTION TO COMPEL RESPONSES AND FOR SANCTIONS; REQUEST FOR SANCTIONS IN THE AMOUNT OF \$2,700.00 AGAINST PLAINTIFF

on the interested parties to this action addressed as follows:

Jose DeCastro
1258 Franklin Street
Santa Monica, CA 90404
chille@situationcreator.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 March 21, 2024, 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

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

EXHIBIT 4

SUPERIOR COURT OF CALIFORNIA, COUNTY OF LOS ANGELES

Civil Division

West District, Santa Monica Courthouse, Department O

23SMCV00538

JOSE DECASTRO vs KATHERINE PETER

March 21, 2024

11:25 AM

Judge: Honorable H. Jay Ford III

Judicial Assistant: K. Neal

Courtroom Assistant: None

CSR: None

ERM: None

Deputy Sheriff: None

APPEARANCES:

For Plaintiff(s): No Appearances

For Defendant(s): No Appearances

NATURE OF PROCEEDINGS: Court Ruling on Ex Parte Motion For Clarification; Motion To Reconsider Motion For Sanctions Or In The Alternative For Factual Findings;

On the Court's own motion, the Hearing on Ex Parte Application Motion For Clarification; Motion To Reconsider Motion For Sanctions Or In The Alternative For Factual Findings scheduled for 03/22/2024 is advanced to this date and heard.

The Court rules on the above said ex parte application without further hearing or argument.

The Ex Parte Motion For Clarification; Motion To Reconsider Motion For Sanctions Or In The Alternative For Factual Findings filed by Jose Decastro on 03/19/2024 is Denied. The declaration in support of the application fails to "make an affirmative factual showing in a declaration containing competent testimony based on personal knowledge of irreparable harm, immediate danger, or any other statutory basis for granting relief ex parte." CRC Rule 3.1202. Moreover, the requested relief cannot be granted by ex parte application. (CRC Rule 3.1203(a); CCP §1005(a)(13).

The clerk is to give notice.

Clerk's Certificate of Service By Electronic Service is attached.

The clerk also serves Jose DeCastro at chille@situationcreator.com

SUPERIOR COURT OF CALIFORNIA COUNTY OF LOS ANGELES		<small>Reserved for Clerk's File Stamp</small>
COURTHOUSE ADDRESS: Santa Monica Courthouse 1725 Main Street, Santa Monica, CA 90401		FILED Superior Court of California County of Los Angeles 03/21/2024 <small>David W. Slayton, Executive Officer / Clerk of Court</small>
PLAINTIFF: Jose Decastro		By: <u> K. Neal </u> Deputy
DEFENDANT: Katherine Peter, et al.		
CERTIFICATE OF ELECTRONIC SERVICE CODE OF CIVIL PROCEDURE 1010.6		CASE NUMBER: 23SMCV00538

I, the below named Executive Officer/Clerk of Court of the above-entitled court, do hereby certify that I am not a party to the cause herein, and that on this date I served one copy of the Minute Order entered herein, on 03/21/2024, upon each party or counsel of record in the above entitled action, by electronically serving the document(s) on Jose DeCastro; R. Paul Katrinak at iamalaskan@gmail.com; katrinaklaw@gmail.com on 03/21/2024 from my place of business, Santa Monica Courthouse 1725 Main Street, Santa Monica, CA 90401 in accordance with standard court practices.

David W. Slayton, Executive Officer / Clerk of Court

Dated: 03/21/2024

By: K. Neal
Deputy Clerk

EXHIBIT 5

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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
Telephone: (310) 990-4348
Facsimile: (310) 921-5398

Attorneys for Defendant
Michael Pierattini

FILED
Superior Court of California
County of Los Angeles

04/04/2024

David W. Slayton, Executive Officer / Clerk of Court

By: K. Neal Deputy

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

) **[PROPOSED] ORDER GRANTING**
) **DEFENDANT MICHAEL PIERATTINI'S**
) **MOTION TO COMPEL RESPONSES TO**
) **FORM INTERROGATORIES AND**
) **REQUEST FOR SANCTIONS**

) Date: March 7, 2024
) Time: 8:30 a.m.
) Dept: O

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ORDER

The Motion by Defendant Michael Pierattini, to compel Plaintiff Jose DeCastro to respond to Defendant Pierattini’s Form Interrogatories, Set One, and for an award of monetary sanctions against Plaintiff, came on regularly for hearing in the above-entitled court on March 7, 2024. R. Paul Katrinak appeared on behalf of Defendant Pierattini. Plaintiff appeared on behalf of himself. After oral argument and good cause appearing therefore, the Court orders as follows:

1. No later than thirty (30) days after the date of service of this Order, Plaintiff Jose DeCastro is ordered to serve full and complete responses, without objections, to Defendant Michael Pierattini’s Form Interrogatories, Set One.
2. No later than thirty (30) days after the date of service of this Order, Plaintiff Jose DeCastro is ordered to pay to Defendant Michael Pierattini monetary sanctions in the amount of \$1,635.00.

IT IS SO ORDERED.

DATED: 04/04/2024



H. Jay Ford III

The Honorable H. Jay Ford III
Judge of the Superior Court
H. Jay Ford / Judge

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 March 11, 2024, I served the foregoing document(s) described as:

8 **[PROPOSED] ORDER GRANTING DEFENDANT MICHAEL PIERATTINI'S
9 MOTION TO COMPEL RESPONSES TO FORM INTERROGATORIES AND
10 REQUEST FOR SANCTIONS**

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

12 Jose DeCastro
13 1258 Franklin Street
14 Santa Monica, CA 90404
15 chille@situationcreator.com

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

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

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

24 Executed March 11, 2024, at Los Angeles, California.

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

27 
28 R. Paul Katrinak

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 July 24, 2024, I served the foregoing document(s) described as:

8 **REQUEST FOR JUDICIAL NOTICE OF MOTION FOR RECONSIDERATION
9 AND OPPOSITION**

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

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

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

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

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

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

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

27 
28 R. Paul Katrinak