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Electronically FILED by  
Superior Court of California,  
County of Los Angeles  
7/30/2024 10:44 PM  
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SUPERIOR COURT OF THE STATE OF CALIFORNIA  
FOR THE COUNTY OF LOS ANGELES

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

Case No. 23SMCV00538  
Assigned for all purposes to the Honorable  
H. Jay Ford, Dept. O  
**OBJECTIONS TO PLAINTIFF'S  
DECLARATION IN SUPPORT OF  
OPPOSITION TO DEFENDANT  
MICHAEL PIERATTINI'S MOTION FOR  
SUMMARY JUDGMENT OR IN THE  
ALTERNATIVE SUMMARY  
ADJUDICATION**

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

**RES ID: 927212480364**

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**INTRODUCTION**

Plaintiff’s self-serving declaration should be completely disregarded by the Court. Plaintiff is grossly speculating and simply has no evidence to support his fantastical allegations against Defendant Michael Pierattini (“Mr. Pierattini”). Plaintiff has not presented any evidence warranting the denial of Defendant’s Motion for Summary Judgment. Therefore, Mr. Pierattini respectfully requests that the Court sustain their objections to the Declaration of Plaintiff accompanying the Opposition as set forth below.

**BACKGROUND ON THESE OBJECTIONS**

1. Declarations must contain facts not conclusions. To explain the deficiency, we turn to a leading treatise on procedure, which explains:

[9:46.1] **PRACTICE POINTERS:** Make sure your declarations include *facts* demonstrating the declarant's personal observations or knowledge. For example, it is not enough for a declarant to state simply, “The light was green.” The declaration must contain additional *facts* showing the declarant was in a position to see the light at the relevant time.” Weil & Brown, *California Practice Guide: Civil Procedure Before Trial* (The Rutter Group 2023) ¶¶ 9:46.1, p. 9(I)-25.

2. There is no competent witness testimony submitted. As explained in Weil & Brown, *California Practice Guide: Civil Procedure Before Trial* (The Rutter Group 2023) ¶¶ 9:57 to 9:59, p. 9(I)-32 to 9(I)-33.

[9:57] Admissibility of evidence: The evidence submitted to the court must meet all statutory requirements for admissibility of evidence at trial. The standards are the same as for evidence presented by a live witness. Basically, this means the declarations or affidavits must be from competent witnesses having personal knowledge of the facts stated therein, rather than hearsay or conclusions. [*Pajaro Valley Water Mgmt. Agency v. McGrath* (2005) 128 CA4th 1093, 1107, 27 CR3d 741, 751].

3. Plaintiff’s declarations are simply conclusions that do not state facts. The declarations also make statements that are speculation and without any foundation. As noted in Wegner, et al., "Civil Trials and Evidence", Section 8:1034 (2023 ed.):

[8:1034] **Includes witness' own statements:** A witness' testimony as to his or her own statements *outside* court (“I said ...” on the event in question) are likewise subject to the hearsay rule.

1 [8:1035] **Example:** Witness testifies at trial that, just before the accident, he said to his  
2 wife, “That guy (D) is driving like a maniac! He must be doing 95!”. If offered to  
3 prove its truth (i.e., that D was driving too fast), Witness' testimony as to what he told  
4 his wife is hearsay. Though the witness is currently present in court, he or she is  
5 testifying to a statement *made out of court* (thus, the trier of fact cannot evaluate the  
6 witness' perception, memory, veracity, etc. *when the statement was made*).

7 **OBJECTION TO DECLARATION OF JOSE DECASTRO**

8 **OBJECTION NO. 1**

9 **Material objected to:** Paragraph 2. On March 19, 2024, I was wrongfully convicted in  
10 Clark County Nevada of two misdemeanor counts brought in connection with me recording a  
11 Las Vegas Metropolitan Police Department police officer making a traffic stop on March 15,  
12 2023. The conviction was overturned on appeal on July 10, 2024.

13 **Grounds for Objection:** Irrelevant, mischaracterizes the evidence, no foundation,  
14 hearsay.

15 GRANTED: \_\_\_\_\_

16 DENIED: \_\_\_\_\_

17 **OBJECTION NO. 2**

18 **Material objected to:** Paragraph 3. The total sentence on the two counts was 180 days  
19 and I was taken into custody immediately after my conviction. I recently won my appeal of  
20 that conviction, and was released on or about July 10, 2024, after serving nearly four months of  
21 the sentence. While I was incarcerated, in June 2024, I hired an attorney to appear on my  
22 behalf in this case. Although I was able to hire counsel, my ability to coordinate and assist in  
23 non-routine matters in the case was severely limited during my incarceration, as my only  
24 means of communication with my counsel in this case was sporadic telephone calls through the  
25 Clark County Detention Center's phone system.

26 **Grounds for Objection:** Irrelevant, mischaracterizes the evidence, no foundation,  
27 hearsay. Plaintiff regularly posted YouTube videos from jail and plainly had access to his  
28 computer the entire time of his incarceration. Plaintiff was able to post 78 YouTube videos  
from jail. Additionally, Plaintiff could hire an attorney in June, but there is no explanation or

1 evidence why an attorney could not be hired months ago to deal with all the violations of  
2 discovery orders of the Court or to pay the sanctions that have been ordered.

3 GRANTED: \_\_\_\_\_

4 DENIED: \_\_\_\_\_

5 **OBJECTION NO. 3**

6 **Material objected to:** Paragraph 4. I was incarcerated when Defendant Pierattini filed  
7 the instant motion, and have had less than two weeks after my release to try and coordinate  
8 with counsel and to prepare my files and information and to provide non-public information  
9 from my files to my counsel. During my incarceration I did not have or see a copy of the  
10 motion, and did not have the ability to help my attorney prepare the opposition to the motion or  
11 to identify and explain any evidence that might be necessary to oppose the motion.

12 **Grounds for Objection:** Irrelevant, mischaracterizes the evidence, no foundation,  
13 hearsay. Plaintiff regularly posted YouTube videos from jail and plainly had access to his  
14 computer the entire time of his incarceration. Plaintiff was able to post 78 YouTube videos  
15 from jail. Also, as Plaintiff had access to his computer, he plainly had access to his email and  
16 the documents that have been served. Additionally, Plaintiff could hire an attorney in June, but  
17 there is no explanation or evidence why an attorney could not be hired months ago to deal with  
18 all the violations of discovery orders of the Court or to pay the sanctions that have been  
19 ordered. Plaintiff filed this lawsuit and has not produced a shred of evidence or a single  
20 document in over a year.

21 GRANTED: \_\_\_\_\_

22 DENIED: \_\_\_\_\_

23 **OBJECTION NO. 4**

24 **Material objected to:** Paragraph 5. Starting in or about early 2022, Pierattini began  
25 harassing me through the use of his YouTube channel “Blue Bacon” to which he would post  
26 videos and live stream. I sent several cease and desist notices to Pierattini over the following  
27 months, instructing him to stop contacting me and stop having others contact me.  
28



1 f. That Pierattini was a criminal investigator in the United States Army, worked  
2 counter-narcotics, and a licensed private investigator. In fact, rather than serve in  
3 the US Army as a police officer or criminal investigator, Pierattini played tuba in  
4 the Army Reserve and was not licensed as a private investigator in any state.  
5 Further attempting to embellish his credibility, Pierattini even appeared on the Dr.  
6 Phil television show as a “former military police officer.”

7 g. Repeatedly calls me a scammer or says that I am running a scam because of the  
8 legal information products that I sell, like a trifold to be used in traffic stops. I have  
9 very high customer satisfaction as demonstrated by the incredibly low return rate for  
10 the products.

11 **Grounds for Objection:** Hearsay, improper conclusion, no foundation, speculation.  
12 As pointed out in the concurrently filed Reply and the original Motion, these statements are  
13 non-actionable opinion, non-actionable as they are true, or they are not defamatory on their  
14 face. Plaintiff has submitted zero evidence of Mr. Pierattini being liable for anything.

15 GRANTED: \_\_\_\_\_

16 DENIED: \_\_\_\_\_

17 **OBJECTION NO. 6**

18 **Material objected to:** Paragraph 7. In the June 5, 2022 video, Pierattini is responding  
19 to an email I sent him about the ongoing harassment by his viewers at his direction. While  
20 Pierattini appears to play down and duck responsibility for the harassment interfering with my  
21 YouTube channel (because it would be a clear violation of YouTube community rules), he  
22 continues to communicate his approval and desire for his viewers to continue harassing me,  
23 giving approval to users for harassing me, repeatedly calling me stupid, a moron, an idiot, and  
24 mocking me for complaining about the harassment. Pierattini further admits to calling me three  
25 times in a row on a single day to “mock me” because I’m a “parody of a person.” He continues  
26 on to state the different platforms he’s used to try and contact me, despite blocking him (and  
27 that I had already sent him a cease and desist letter telling him to stop contacting me). The  
28 point of the video is to coordinate his viewers to call and harass a target, and I was the target of

1 this video. Pierattini also congratulates his users for getting mentioned in my live stream and  
2 even brags that my moderators are deleting mentions of call flooding in my livestream  
3 comments.

4 **Grounds for Objection:** No foundation, hearsay, improper opinion, legal conclusion,  
5 mischaracterizes the evidence, irrelevant, speculation. There is no evidence of this alleged  
6 “cease and desist letter.” Plaintiff has not produced a single document in this matter and has  
7 violated multiple Court Orders by the Court to provide discovery.

8 ///

9 GRANTED: \_\_\_\_\_

10 DENIED: \_\_\_\_\_

11 **OBJECTION NO. 7**

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

17 **Grounds for Objection:** No foundation, hearsay, improper opinion, legal conclusion,  
18 mischaracterizes the evidence, irrelevant, speculation. There is no evidence of this alleged  
19 video. Plaintiff has not produced a single document in this matter and has violated multiple  
20 Court Orders by the Court to provide discovery.

21 GRANTED: \_\_\_\_\_

22 DENIED: \_\_\_\_\_

23 **OBJECTION NO. 8**

24 **Material objected to:** Paragraph 9. In a different live stream Pierattini reports that I  
25 bought subscribers for my YouTube channel. I have not bought subscribers to cheat my  
26 subscriber count.

27 **Grounds for Objection:** No foundation, hearsay, improper opinion, legal conclusion,  
28 mischaracterizes the evidence, irrelevant, speculation. There is no evidence of this alleged

1 video. Plaintiff has not produced a single document in this matter and has violated multiple  
2 Court Orders by the Court to provide discovery.

3 GRANTED: \_\_\_\_\_

4 DENIED: \_\_\_\_\_

5 **OBJECTION NO. 9**

6 **Material objected to:** Paragraph 10. Attached hereto as Exhibit 2 is a true and accurate  
7 copy of Discord messages produced by Pierattini in discovery and marked as  
8 “CONFIDENTIAL” in this matter between his user “SGT blue bacon” and “TeamSkeptic” a  
9 username for co-defendant David Omo. In the messages Pierattini and Omo discuss me and  
10 their interactions with me.

11 **Grounds for Objection:** No foundation, hearsay, improper opinion, legal conclusion,  
12 mischaracterizes the evidence, irrelevant. The only threatening message is from Plaintiff  
13 threatening Mr. Pierattini. Ex. 2, Bates Number P0014.

14 GRANTED: \_\_\_\_\_

15 DENIED: \_\_\_\_\_

16 **OBJECTION NO. 10**

17 **Material objected to:** Paragraph 11. Attached hereto as Exhibit 3 is a true and accurate  
18 copy of Discord messages produced by Pierattini in discovery and marked as  
19 “CONFIDENTIAL” in this matter between his user “SGT blue bacon” and “Huge Fan” a  
20 username for co-defendant Kate Peter. In the messages Pierattini and Peter discuss plans to  
21 find and video me, first suggesting that they will travel to Florida to find me (I was actually in  
22 Columbia at the time but there were online rumors that I was in Florida), and talking about  
23 their interactions with me.

24 **Grounds for Objection:** No foundation, hearsay, improper opinion, legal conclusion,  
25 mischaracterizes the evidence, irrelevant, speculation. There is nothing harassing in these  
26 messages.

27 GRANTED: \_\_\_\_\_

28 DENIED: \_\_\_\_\_



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**OBJECTION NO. 11**

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

**Grounds for Objection:**

GRANTED: \_\_\_\_\_

DENIED: \_\_\_\_\_

**OBJECTION NO. 12**

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

**Grounds for Objection:** No foundation, hearsay, improper opinion, legal conclusion, mischaracterizes the evidence, irrelevant., speculation. Plaintiff filed this case with zero evidence. There is no evidence of anything by Mr. Pierattini that is actionable. Plaintiff has not produced a single document in this matter and has violated multiple Court Orders by the Court to provide discovery. This case has been pending for over a year and there is no reason why this discovery could not have been conducted long ago.

GRANTED: \_\_\_\_\_

DENIED: \_\_\_\_\_

**OBJECTION NO. 13**

**Material objected to:** Paragraph 14. Attached hereto as Exhibit 4 is a true and accurate copy of messages produced by Pierattini in discovery and marked as “CONFIDENTIAL” in

1 this matter between his user “SGT Blue Bacon” and “RL aka txpacket.” In the messages  
2 Pierattini and discussed plans to attempt to find me to send people to me and also to send  
3 multiple emails a day to four different email addresses for me.

4       **Grounds for Objection:** No foundation, hearsay, improper opinion, legal conclusion,  
5 mischaracterizes the evidence, irrelevant., speculation. It is obvious from these messages that  
6 Mr. Pierattini was attempting to serve Plaintiff with a Restraining Order. These messages are  
7 privileged and irrelevant. Plaintiff filed this case with zero evidence. There is no evidence of  
8 anything by Mr. Pierattini that is actionable. Plaintiff has not produced a single document in  
9 this matter and has violated multiple Court Orders by the Court to provide discovery. This  
10 case has been pending for over a year and there is no reason why this discovery could not have  
11 been conducted long ago.

12       GRANTED: \_\_\_\_\_

13       DENIED: \_\_\_\_\_

14 DATED: July 30, 2024

15 THE LAW OFFICES OF  
16 R. PAUL KATRINAK



17 R. Paul Katrinak  
18 Attorneys for Defendant  
19 Michael Pierattini

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**PROOF OF SERVICE**

STATE OF CALIFORNIA  
COUNTY OF LOS ANGELES

I am employed in the County of Los Angeles, State of California; I am over the age of 18 and not a party to the within action; my business address is 9663 Santa Monica Boulevard, Suite 450, Beverly Hills, California 90210.

On July 30, 2024, I served the foregoing document(s) described as:

**OBJECTIONS TO PLAINTIFF’S DECLARATION IN SUPPORT OF  
OPPOSITION TO DEFENDANT MICHAEL PIERATTINI’S MOTION FOR  
SUMMARY JUDGMENT OR IN THE ALTERNATIVE SUMMARY  
ADJUDICATION**

on the interested parties to this action addressed as follows:

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

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

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

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

Executed July 30, 2024, at Los Angeles, California.

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

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