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Superior Court of California,  
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David W. Slayton,  
Executive Officer/Clerk of Court,  
By L. Kulkin, Deputy Clerk

6 SUPERIOR COURT OF THE STATE OF CALIFORNIA  
7 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.

) Case No. 23SMCV00538

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

)  
) **DEFENDANT'S RESPONSE TO**  
) **PLAINTIFF'S SEPARATE STATEMENT**  
) **OF UNDISPUTED MATERIAL FACTS IN**  
) **SUPPORT OF PLAINTIFF'S**  
) **OPPOSITION TO DEFENDANT'S**  
) **MOTION FOR SUMMARY JUDGEMENT**

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

18 **RES ID: 927212480364**

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1 Defendant Michael Pierattini (“Mr. Pierattini”) hereby submits the following Separate  
 2 Statement of Material Facts in Support of his Motion for Summary Judgment or, in the Alternative,  
 3 Summary Adjudication as follows:

4 **PLAINTIFF’S ADDITIONAL MATERIAL FACTS:**

5 1. RELEVANT TO PIERATTINI’S DIRECT DEFAMATION AND HARASSMENT

50.	Starting in or about early 2022, Pierattini began harassing DeCastro through the use of his YouTube channel “Blue Bacon” to which he would post videos and live stream. DeCastro sent several cease and desist notices to Pierattini over the following months, instructing Pierattini to stop contacting DeCastro and stop having others contact him. (DeCastro Decl., ¶ 5)	Objection No. 4: No foundation, hearsay, improper opinion, legal conclusion, mischaracterizes the evidence, irrelevant speculation. There is no evidence of these alleged “cease and desist notices.” Plaintiff has not produced a single document in this matter and has violated multiple Court Orders by the Court to provide discovery.
51.	In a video published by Pierattini through his YouTube Channel “BlueBacon” on or about June 5, 2022, Pierattini defamed DeCastro by falsely asserting: a. That DeCastro’s brain was being “turned to glue” because of repeated concussions as a professional fighter. He did not have repeated concussions or brain damage from such fights, there are no medical records of any concussions, and he did not suffer brain damage. b. DeCastro “defamed” Pierattini. DeCastro didn’t publish any false statements of fact about Pierattini to third parties. c. That DeCastro had a restraining order with a “victim there,” implying that he assaulted or harmed a “victim.” d. That DeCastro stole his roommate’s ID and got his roommate a traffic ticket by using it. This is false as DeCastro never stole an ID from his roommate, nor did such non-existent theft result in his roommate getting a traffic ticket that should have been attributed to DeCastro. e. That DeCastro stole his roommate’s ID because DeCastro was on probation	Objection No. 5: Hearsay, improper conclusion, no foundation, speculation. As pointed out in the concurrently filed Reply and the original Motion, these statements are non-actionable opinion, non-actionable as they are true, or they are not defamatory on their face. Plaintiff has submitted zero evidence of Mr. Pierattini being liable for anything.

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	<p>and didn't want to go back to jail. DeCastro was never on probation, and at the time the video was published DeCastro had never been to jail so DeCastro couldn't be sent back. g. Repeatedly called DeCastro a scammer because of the legal information products that DeCastro sells.</p> <p>DeCastro Decl. ¶6.</p>	
52.	<p>Pierattini attempted to assert his credibility to further his defamation by falsely claiming to be a criminal investigator in the United States Army, that he worked counter-narcotics, and was a licensed private investigator. In fact, rather than serve in the US Army as a police officer or criminal investigator, Pierattini played tuba in the Army Reserve and was not licensed as a private investigator in any state. Further attempting to embellish his credibility, Pierattini even appeared on the Dr. Phil television show as a "former military police officer." DeCastro Decl. ¶6(f).</p>	<p>Objection No. 5: Hearsay, improper conclusion, no foundation, speculation. As pointed out in the concurrently filed Reply and the original Motion, these statements are non-actionable opinion, non-actionable as they are true, or they are not defamatory on their face. Plaintiff has submitted zero evidence of Mr. Pierattini being liable for anything.</p>
53.	<p>In the June 5, 2022 video, Pierattini is responding to an email DeCastro sent him about the ongoing harassment by his viewers at his direction. While Pierattini appears to play down and duck responsibility for the harassment interfering with DeCastro's YouTube channel (because it would be a clear violation of YouTube community rules), he continues to communicate his approval and desire for his viewers to continue harassing DeCastro, giving approval to users for harassing DeCastro, repeatedly calling him stupid, a moron, an idiot, and mocking DeCastro for complaining about the harassment. Pierattini further admits to calling DeCastro three times in a row on a single day to "mock [him]" because he's a "parody of a person." Pierattini continues on to state the different platforms he's used to try and contact DeCastro, despite blocking him (and</p>	<p>Objection No. 6: No foundation, hearsay, improper opinion, legal conclusion, mischaracterizes the evidence, irrelevant, speculation. There is no evidence of this alleged "cease and desist letter." Plaintiff has not produced a single document in this matter and has violated multiple Court Orders by the Court to provide discovery.</p>

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	that DeCastro had already sent Pierattini a cease and desist letter telling him to stop contacting him). The point of the video is to coordinate his viewers to call and harass a target, and DeCastro was the target of this video. Pierattini also congratulates his users for getting mentioned in DeCastro’s live stream and even brags that DeCastro’s moderators are deleting mentions of call flooding in his livestream comments. DeCastro Decl. ¶7.	
54.	Prior to the June 5, 2022 video, Pierattini directed his viewers to call DeCastro while DeCastro was live streaming so that they could get recordings of him answering the phone, becoming upset, and telling them they were interrupting the stream. Pierattini would then post those recordings as part of his own live streams, bragging that his viewers were interrupting DeCastro’s live streams. DeCastro Decl. ¶ 8.	Objection No. 7: No foundation, hearsay, improper opinion, legal conclusion, mischaracterizes the evidence, irrelevant, speculation. There is no evidence of this alleged video. Plaintiff has not produced a single document in this matter and has violated multiple Court Orders by the Court to provide discovery.
55.	In a different live stream, Pierattini reports that DeCastro bought subscribers for his YouTube channel. DeCastro has not bought subscribers to cheat his subscriber count. DeCastro Decl. ¶ 9	Objection No. 8: No foundation, hearsay, improper opinion, legal conclusion, mischaracterizes the evidence, irrelevant, speculation. There is no evidence of this alleged video. Plaintiff has not produced a single document in this matter and has violated multiple Court Orders by the Court to provide discovery.
56.	Messages produced by Pierattini in discovery in this matter between his user “SGT Blue Bacon” and “RL aka txpacket” discussed plans to attempt to find DeCastro to send people to him and also plans to send multiple emails a day to four different email addresses for DeCastro. DeCastro Decl. ¶ 14, Ex. 4.	Objection No. 9: No foundation, hearsay, improper opinion, legal conclusion, mischaracterizes the evidence, irrelevant. The only threatening message is from Plaintiff threatening Mr. Pierattini. Ex. 2, Bates Number P0014.
2. RELEVANT TO EVIDENCE THAT MAY BE OBTAINED TO CONNECTION PIERATTINI TO CO-DEFENDANT’S CONDUCT		
57.	DeCastro was wrongfully incarcerated starting in March 2024 and only recently released, impeding his efforts to obtain discovery and evidence in this case and to marshal evidence in opposition to this motion. DeCastro ¶¶ 2-4, 12, 13.	Objection No. 1: Irrelevant, mischaracterizes the evidence, no foundation, hearsay.
58.	Among relevant discovery for this motion, DeCastro has not been able to	Objection No. 11: No foundation, hearsay, improper opinion, legal conclusion,


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	<p>obtain information or documents from co-defendant Peter, the head of the Troll Mafia Official and who lead significant portions of the conduct alleged in the First Amended Complaint. However, the messages between Pierattini and Peter coordinating their efforts about Plaintiff already produced by Pierattini indicate additional evidence relating to his liability for actions of others alleged in the First Amended Complaint may exist. DeCastro Decl. ¶12.</p>	<p>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.</p>
59.	<p>Mr. Pierattini has removed significant amounts of videos relating to DeCastro’s claims from his YouTube account and has not yet produced them in discovery. DeCastro Decl. ¶ 13.</p>	<p>Objection No. 12: 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.</p>
60.	<p>Additionally, DeCastro has not had an opportunity to depose Mr. Pierattini regarding the claims in the case. DeCastro Decl. ¶ 13.</p>	<p>Objection No. 12: 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.</p>
61.	<p>There are Discord messages produced by Pierattini in discovery in this matter between his user “SGT blue bacon” and “TeamSkeptic” a username for co-defendant David Omo. In the messages Pierattini and Omo discuss DeCastro and their interactions with him. DeCastro Decl. ¶ 10, Ex. 2.</p>	<p>Objection No. 9: No foundation, hearsay, improper opinion, legal conclusion, mischaracterizes the evidence, irrelevant. The only threatening message is from Plaintiff threatening Mr. Pierattini. Ex. 2, Bates Number P0014.</p>
62.	<p>There are Discord messages produced by Pierattini in discovery in this matter between his user “SGT blue bacon” and “Huge Fan” a username for co-defendant Kate Peter. In the messages</p>	<p>Objection No. 10: No foundation, hearsay, improper opinion, legal conclusion, mischaracterizes the evidence, irrelevant, speculation. There is nothing harassing in these messages.</p>

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Pierattini and Peter discuss plans to find and video DeCastro, first suggesting that they will travel to Florida to find him (he was actually in Columbia at the time but there were online rumors that DeCastro was in Florida), and talking about their interactions with DeCastro. DeCastro Decl. ¶ 11, Ex. 3.

DATED: July 30, 2024

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\_\_\_\_\_  
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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 458, Beverly Hills, California 90210.

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

**DEFENDANT’S RESPONSE TO PLAINTIFF’S SEPARATE STATEMENT OF UNDISPUTED MATERIAL FACTS IN SUPPORT OF PLAINTIFF’S OPPOSITION TO DEFENDANT’S MOTION FOR SUMMARY JUDGEMENT**

on the interested parties to this action addressed as follows:

Steven T. Gebelin, Esq.  
LESOWITZ GEBELIN LLP  
8383 Wilshire Blvd #520  
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[contact@lawbylg.com](mailto:contact@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.

X (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.

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



R. Paul Katrinak