

1 **LESOWITZ GEBELIN LLP**
Steven T. Gebelin, Esq. (Bar No. 261507)
2 steven@lawbylg.com
3 8383 Wilshire Blvd., Suite 800
Beverly Hills, CA 90211
4 Telephone: (310) 341-3072
Facsimile: (310) 341-3070

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David W. Slayton,
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5 Attorneys for Plaintiff Jose DeCastro
6

7 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**
8 **COUNTY OF LOS ANGELES, SANTA MONICA COURTHOUSE**

9 JOSE DECASTRO,

10 Plaintiff,

11 V.

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

16 Defendants.
17

Case No.: 23SMCV00538

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

**NOTICE OF LODGING OF TRANSCRIPT
OF ELECTRONIC RECORDING**

Hearing Date: August 30, 2024
Hearing Time: 8:30 am
Dept: O

Case Filed: February 6, 2023
Trial Date: February 24, 2025

1 Pursuant to California Rules of Court 2.1040, Plaintiff Jose DeCastro (“Plaintiff”) hereby
2 gives notice of the lodging of the attached written transcript of the electronic sound and video
3 recording file previously lodged with the Court, which was identified and authenticated as **Exhibit**
4 **1** to the Declaration of Plaintiff Jose DeCastro in Support Of Plaintiff Jose DeCastro’s Opposition
5 to Defendant Michael Pierattini’s Motion for Summary Judgment or, in the Alternative, Summary
6 Adjudication:

7
8 DATED: August 23, 2024

LESOWITZ GEBELIN LLP

9 By: 
10 Steven T. Gebelin

11 Attorneys for Plaintiff Jose DeCastro
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1 **TRANSCRIPT OF EXHIBIT 1**
2 **TO DECLARATION OF JOSE DECASTRO**
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5 **June 5, 2022 Live Stream Video**
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Transcript of Michael Pierattini (MP) addressing his audience of approximately 20,000 subscribers.

Silence]

00:00:00,000 --> 00:00:14,000

MP

...a bunch of stupid things that you think are correct but aren't. And now here I am, making fun of it. Because... obviously, look at it.

00:00:14,000 --> 00:00:23,000

MP

Now cease and desist. Leave me alone! I'm gonna keep making the videos. Because you're still lying to people and scamming them. It's gonna keep happening. Got a lot of content I've made. It'd be a shame to waste it.

00:00:23,000 --> 00:00:36,000

MP

I don't want to speak with you. I will not debate you! He put the air quotes, "Oh, okay. Well, if you're running scared..." See? He's running scared. I'm just trying to make the debate happen. He ran away scared. That's fine.

00:00:36,000 --> 00:00:48,000

You're the biggest douchebag I've ever seen. That's weird. He has eyeballs. He's looked in mirrors before. So I don't know where the confusion there is because... he would be the biggest I would think. But I don't know. Maybe it's because I'm taller than him. He's what? Five-seven? So, yeah. Tiny little dude.

00:00:48,000 --> 00:01:09,000

I have never seen a video you made until last night. You truly are beta.

00:01:09,000 --> 00:01:14,000

Well, that's actually a lie because he's commented on my videos and he's been to my live streams a couple times. So that's a lie. Congratulations. I can prove you wrong. And my first live stream about you. You were there. You watched a video. You big liar. It's not defamation if it's true.

00:01:14,000 --> 00:01:36,000

Anyway, there obviously is because you tried to enter into the fight with the debate and then you ran twice. This is the second time you've run from a debate that you asked for, that you came begging to me about. So, sorry, bud. I know, Renny. I know. We're just finishing this. I was getting to the end. She's like, "Super Chats! Stop ignoring your audience!" I was just getting to the end of that.

00:01:36,000 --> 00:01:58,000

I was just saying, you truly are beta. Boom. And that's the break. She texted me right. It's like, "This part of us can do Super Chats." It's fine, though.

00:01:58,000 --> 00:02:07,000

She's keeping me. Make sure I'm an honest man. That's why I keep her around. It's actually because she helps me incredible amount. Suba Chats, though! Let's do this.

00:02:16,000 --> 00:02:28,000

Oh, right. Where was I?

00:02:28,000 --> 00:02:32,000

The Z. Like a scammer impersonator. Just terrible in every execution. You said it, not me. Careful. I might be a harassment.

00:02:32,000 --> 00:02:39,000

Uncle Arty thinks I'm much less. Listen to your uncle Arty. Watch my Chille to catch the defamation lawsuit scam. You win that one. I challenge you to an... Wait, I lost it. An Apple Juice shot contest. You'll lose against your uncle Arty on this one. I believe you. I think I absolutely would lose.

00:02:39,000 --> 00:02:53,000

Mark Jones thinks I'm much. Says, "Is it possible his brain is turned to goo from repeated concussions and brain injuries sustained from all these fights he claims to have had?" I think there are a lot of things that might be turning his brain to glue, assuming his brain is being turned to glue. And that might be part of it. That could very well be part of it. And Justin Benjamin thinks so much.

00:02:53,000 --> 00:03:10,000

James then moves to call me three times. I'm doing my job and James is calling me mocking and harassing bullying. It won't stop.

00:03:10,000 --> 00:03:18,000

No, the... Yeah, I called you three times. The mocking... Bullying, no. The mocking, yes. Yes, I've been mocking you because you're ridiculous. You are... You're like a parody of a person at this point. But I wasn't interrupting your stream mocking you. I wasn't like joining in your stream and doing that. I was doing it from a safe distance. Where you were not influenced at all by me.

00:03:18,000 --> 00:03:45,000

And I sent nobody over to you to change that fact. So I don't know what to tell you, man. I do. You're an idiot.

00:03:45,000 --> 00:03:54,000

24/47. James Fuller. After he has called me two times and I've sent his calls to voicemail because I'm doing my job. James announces... James announces... Quote, "He knows it's me. He mentions me here."

00:03:54,000 --> 00:04:07,000

Yes, because after the two calls, someone identified to you that it was me and I saw you acknowledge that with your face where you sort of looked and paused. I knew that that was what you were reading. I could... I... It wasn't difficult. It wasn't complicated.

00:04:07,000 --> 00:04:22,000

MP

Your voicemail's full, bud. I would have left you a voicemail the first time. But it's full. Sorry. Maybe if you were more responsible with your voicemail, I wouldn't have had to try again. Crazy how that works. Oh my god. It's almost like that makes sense. Crazy. Next.

00:04:22,000 --> 00:04:46,000

25/07. James Fuller. Quote, "Hold on. Let me see." Nope. I'm still blocked. Let me send him a tweet. End quote.

00:04:46,000 --> 00:04:54,000

Yes, he's blocked me on YouTube. And I was under the impression that he might not communicate with me ever again on Messenger, despite saying that I was the one not messaging him. He wasn't answering his phone, so he was telling people to go to his Twitter. So I went to his Twitter. He told us to.

00:04:54,000 --> 00:05:09,000

I said, "There you go. I know that you monitored this. I was worried that you weren't monitoring anything else." I don't know if I said that, but it was implied through my stream, which he has seen now. We know that. And the tweet I sent him. So I wonder if he's blocked me on Twitter. I bet he has. I'm not going to tweet him again. He told me not to contact him. So unless he reaches out to me.

00:05:09,000 --> 00:05:35,000

But yeah, he's being real stupid about that.

00:05:35,000 --> 00:05:40,000

26/19. Log chat. User Skygon104.

00:05:40,000 --> 00:05:45,000

Skygon, are you here? You made it. You did it. Quote, "He'd linked any messages asking him to answer his phone." End quote.

00:05:45,000 --> 00:05:53,000

Yes, I did. I never asked to be harassed. After I stopped doing my job, my phone rang over 600 times. On the direction of James Foner to contact me, my phone line is now completely compromised.

00:05:53,000 --> 00:06:05,000

I never told him to contact you. You have no evidence that I did. And regardless, it doesn't matter. I didn't do it. I'm not being like, "Oh, I did it, but you don't have evidence." No.

00:06:05,000 --> 00:06:16,000

I never did that. I specifically said, "Do not do that." I specifically said, "Do not do that."

00:06:16,000 --> 00:06:27,000

So don't do that. And Chille, stop being stupid.

00:06:27,000 --> 00:06:32,000

Phone is comfortable. Why do they only start after the stream and not during? What are you talking about? I don't know. Anyway.

00:06:32,000 --> 00:06:38,000

Also, why are you deleting messages asking him to answer his phone? Answer your phone. Why do you need to just ignore those messages? Why are you deleting them? That's just worse, I think. Anyway.

00:06:38,000 --> 00:06:48,000

"Me, Marjor6, says, quote, "Ease his bracket now." End quote. Call your harassment and bullying.

00:06:48,000 --> 00:06:54,000

No. Once I knew he knew it was me and he didn't answer, I stopped. I stopped. I was not doing it to distract or harass. It was because he wanted me to communicate with you through voice over your phone.

00:06:54,000 --> 00:07:11,000

And I figured once you do it while you're streaming, and I'm streaming, that way we can clear up the confusion live and none of us can be like, "Oh, the other person is talking to the other person."

00:07:11,000 --> 00:07:21,000

No, we're live. So obviously we can't be manipulating facts like that. Chille, the person who's manipulating facts about me, is so crazy. My facts are true. Your facts are not facts. So that's fine.

00:07:21,000 --> 00:07:35,000

"2716, quote, "He's scared of me. He's terrified of me." End quote. Yeah, because you're like, "Oh, I'm going to defend myself." Because you're scared of me. I don't actually think you're scared of me physically. I think you're scared that I'm going to ruin your scam.

00:07:35,000 --> 00:07:54,000

"If James thinks that or believes that and I've broken across all platforms, this is IIED, Intentional Infliction of Emotional Distress."

00:07:54,000 --> 00:08:03,000

I don't think that you are s- You told me to contact you. You told me to contact you. **You're scared that I'm going to expose your scam**, not that I'm going to hurt you. Oh my god. There's a- there's a brain in there somewhere. Let me check.

00:08:03,000 --> 00:08:23,000

Hello? There a brain? Somewhere? Maybe there's not. I don't know. "2914, live chat." You're the 10th time. You made all this train. Well done, I guess.

00:08:23,000 --> 00:08:43,000

Not well done for communicating with. I'm not saying well done. Make it onto this train. Yay, guest. "His mom's aren't deleting any chat messages about calls." End quote. This dog whistled. Excuse me. This dog whistled for his subs to call my phone.

00:08:43,000 --> 00:09:00,000

No. It's that- what a stupid statement. And it's not a dog whistle from me. Even if it was a dog whistle, which is not, I'm not the one saying it. I'm not saying go after 10, Kai. 10, Kai. You're great.

00:09:00,000 --> 00:09:16,000

I'm saying that that's- who would be responsible for that if anyone was responsible? What a stupid statement. Oh my god. How many times should I say that? Stupid statement. Oh my god. I gotta stop because it's just- there are worse things I want to say and that's where I'm like defaulting back to to avoid just swearing like I guess I almost did it right there. Swearing like a sailor.

00:09:16,000 --> 00:09:40,000

Oh he's so incredibly stupid.

00:09:40,000 --> 00:09:44,000

3004, James 4 quote, "This is going to upset him. He's not going to appreciate this. I'm not saying he should harass him in any way." End quote.

00:09:44,000 --> 00:09:56,000

Correct! It's right there, stupid! I'm saying- I believe I was saying after I called him like, "Oh, this is just going to upset him if I keep calling. Don't call him." In the context of, "I'm not going to keep doing this," to avoid upsetting him. You stupid idiot. Anyway.

00:09:56,000 --> 00:10:18,000

Clearly, role modeling, how to harass and be a nuisance to me.

00:10:18,000 --> 00:10:23,000

No! I was telling people not to do it, stupid. If I say like, "Hey, don't mix napalm and styrofoam together, you might get napalm." I'm still telling you not to make napalm despite telling you that those ingredients are actually pretty terrifying. Don't do that.

00:10:23,000 --> 00:10:40,000

Honestly, don't do that. It's public knowledge though, which is why I'm not uncomfortable sharing it. Do not do it. It's super illegal. But no, do not contact him.

00:10:40,000 --> 00:10:50,000

My God, I- From the beginning- Why is he so dumb? Oh my God.

00:10:50,000 --> 00:10:56,000

How did the phone come?

00:10:56,000 --> 00:10:59,000

I don't even know what that's about. I literally said, "Do not call him."

00:10:59,000 --> 00:11:04,000

3947, my chat. These are grubber bat it.

00:11:04,000 --> 00:11:08,000

Is grubber bat it here? Eh, man.

00:11:08,000 --> 00:11:11,000

He would not pick up. I'd call him over and over and over and over and over.

00:11:11,000 --> 00:11:17,000

Oh, I didn't see that message. Maybe I did. If I did, I told you not to. Don't do it.

00:11:17,000 --> 00:11:25,000

On the direction of James Fuller, this person is grubber. Call my phone over 100 times.

00:11:25,000 --> 00:11:31,000

I didn't do that. At all. You're gonna have to prove it. Now he's basically defaming me.

Honestly, I should be the one filing lawsuit against him. Because this is defamation against me.

00:11:31,000 --> 00:11:44,000

Well, what are the damages, right? Well, if he filed a lawsuit against me, and I could be like, "Oh, my time, my travel, the money for a lawyer,"

00:11:44,000 --> 00:11:53,000

I could counterclaim for that defamation saying he lied to file his suit.

00:11:53,000 --> 00:11:58,000

And therefore, I knew the damages for that in some way in whatever the appropriate filing would be.

00:11:58,000 --> 00:12:03,000

And I would talk to an actual attorney about it because I would- I'm not an idiot.

00:12:03,000 --> 00:12:07,000

And I would want someone who actually knows what they're talking about to make sure this all goes according to plan.

00:12:07,000 --> 00:12:12,000

Whereas Chille has no idea what he's doing. And he still does all this. And it's nuts. I don't think I'm ever gonna see that paperwork.

00:12:12,000 --> 00:12:18,000

But if I do, I'm the one getting money from Chille. Not the other way around. Not even close. But anyway.

00:12:18,000 --> 00:12:27,000

[FORTERSREEL, FORTERSREEL4, LAUNCHAT, USERS, McNulty Sober Companion]

00:12:29,000 --> 00:12:34,000

Are you here? You got a name as well.

00:12:34,000 --> 00:12:37,000

[I'M MAKING AN ART FORM OUT OF THE CREW-SIZING DELETE LAWS IN HIS COMMON SECHION. IT'S DEPHARIC AND I DEVASTATE HIM.]

00:12:37,000 --> 00:12:44,000

Apparently that's what McNulty Sober Companion did.

00:12:44,000 --> 00:12:48,000

I told you guys, be careful. Don't do it for me. I have never told you to go there. You are individuals.

00:12:48,000 --> 00:12:55,000

We don't own people in the United States. I don't control you. But I don't condone it. I never have. I've made that very clear.

00:12:55,000 --> 00:13:02,000

So I don't know where Delete Laws is getting off. But he's on the wrong station.

00:13:02,000 --> 00:13:07,000

[FORTERSREEL23, FORTERSSEEL4, LAUNCHAT, USERS, McNulty Sober Companion]

00:13:07,000 --> 00:13:17,000

I feel like that was me going, "Did I thank him? Like, I didn't do that."

00:13:19,000 --> 00:13:24,000

Heck, let's find out.

00:13:24,000 --> 00:13:28,000

I am curious.

00:13:28,000 --> 00:13:31,000

What is he talking about?

00:13:31,000 --> 00:13:34,000

Me. Put that back up.

00:13:34,000 --> 00:13:43,000

What did he say? Was 43... no. 4323.

00:13:44,000 --> 00:13:52,000

Did I say, did I thank Dax for saying hi to Chille for me? Thumbs up. I feel like I did.

00:13:52,000 --> 00:14:01,000

That's because there was a Super Chat. And I was asking, did I thank him for the Super Chat?

00:14:01,000 --> 00:14:12,000

Oh my god. It was because Dax sent a Super Chat. I was reading through Super Chats going, "Did I thank him for that? For the Super Chat?"

00:14:13,000 --> 00:14:22,000

Not because he said hi for me.

00:14:22,000 --> 00:14:25,000

I think say hi to Chille for me. Thumbs up.

00:14:25,000 --> 00:14:28,000

Because I think Dax said say hi to Chille for me. Not to communicate or like to him, but in the streams. Be like, "Hi, Chille."

00:14:28,000 --> 00:14:35,000

And I don't think he actually wanted me to do that. It was just sort of like a, "Haha, say hi to him for me."

00:14:35,000 --> 00:14:42,000

So I said, "Did I thank him for that? Did I thank him for the donation?"

00:14:42,000 --> 00:14:47,000

Jesus Christ. Take more out of context, Chille. These are my words. These are my streams. I think I know them pretty well.

00:14:47,000 --> 00:14:54,000

And I know the context and the intent.

00:14:54,000 --> 00:14:57,000

You understand you filed this lawsuit. I'm going to rip you apart. Because all of these things are cherry picking.

00:14:57,000 --> 00:15:06,000

I'm supposed to be like, "Oh yes." If you go 10 seconds back farther, that makes it clear it's the exact opposite of what he's saying.

00:15:06,000 --> 00:15:11,000

Jesus Christ. What a moron.

00:15:11,000 --> 00:15:15,000

With his eyeliner. I imagine he could. Technically, I think you'd probably be able to.

00:15:15,000 --> 00:15:23,000

But...

00:15:23,000 --> 00:15:26,000

Sounds right. Sounds doable.

00:15:26,000 --> 00:15:32,000

Alright. Let's see. Alright. Let's get back to what he was saying.

00:15:32,000 --> 00:15:36,000

Dramatic reading.

00:15:36,000 --> 00:15:38,000

Ooh.

00:15:39,000 --> 00:15:41,000

What was that?

00:15:41,000 --> 00:15:43,000

"After I block James on all platforms, he sends people to harass me."

00:15:43,000 --> 00:15:50,000

You've already established this, not at all what happened was stupid man.

00:15:50,000 --> 00:15:54,000

"43, 46, James former. Quote, Chille starts debating me. And he's blocked me on everything." End quote.

00:15:54,000 --> 00:16:01,000

Yeah. And then he tells people that I'm the one avoiding you. So obviously I'm going to try to fix that.

00:16:01,000 --> 00:16:05,000

Because otherwise you're defaming me. Damages? I don't know. But you're the one who's lying, so I'm going to try to fix that.

00:16:05,000 --> 00:16:14,000

"Chilin is showing that I want no contact with this person."

00:16:14,000 --> 00:16:18,000

Except you said before this, after my scream, before this message that you would be in contact, we would set this up.

00:16:18,000 --> 00:16:26,000

So you didn't establish that you don't want any contact with me.

00:16:26,000 --> 00:16:29,000

As far as I know, you just made a mistake and forgot.

00:16:29,000 --> 00:16:32,000

So, no. Absolutely not. What a joke.

00:16:34,000 --> 00:16:41,000

"I don't know James Foreman. I've never met him. Anybody where I left his victim."

00:16:41,000 --> 00:16:47,000

Oh, except for that theft you admitted to committing, right? Or what about the restraining order? There was a victim there.

00:16:47,000 --> 00:16:55,000

"Ooh, your roommate was the victim when you used his ID to pretend that he was the one that got the speeding ticket, or the traffic ticket, because you were on probation and didn't have a license and would have gone back to jail."

00:16:55,000 --> 00:17:11,000

Remember that? That had a victim. It was your roommate because you pretended to be him. And he almost got in a lot of trouble. Remember that?

00:17:11,000 --> 00:17:22,000

"Oh my God, it's so crazy."

00:17:22,000 --> 00:17:25,000

Excuse me.

00:17:25,000 --> 00:17:26,000

"Yeah, lie to me again."

00:17:26,000 --> 00:17:29,000

You can't out- You can't lie to me about yourself when I know all these things about you. A lot of publicly available information out there, champ.

00:17:29,000 --> 00:17:38,000

Former criminal investigator for the United States Army. Former counter-narctics; Private investigator.

The, you know, whatever this is, I do on YouTube.

00:17:38,000 --> 00:17:51,000

You think that you can outplay me? You haven't yet. Still waiting for it, but that's fine.

Let's see.

00:17:51,000 --> 00:18:03,000

"James is unhinged and I fear for my safe thing."

00:18:03,000 --> 00:18:06,000

I'm the one unhinged, but those are the comments he's leaving. I've heard some information that really contradicts your story about that one, bud. You're not gonna like that video at all.

00:18:06,000 --> 00:18:17,000

But we're waiting for the paperwork to be finalized. We got a couple things. We're waiting for the rest of it.

00:18:17,000 --> 00:18:22,000

Oh, I don't think your story checks out. That's gonna be real embarrassing. Because this content's not gonna stop. It might slow down.

00:18:22,000 --> 00:18:28,000

I'm gonna still be there in the background, at the very least, **making sure that people aren't being scammed.** Or at least trying to make a difference.

00:18:28,000 --> 00:18:36,000

Because I'm not a big fan of scammers. Chille? So I'm gonna try to make the world a better place by stopping you from making it worse.

00:18:36,000 --> 00:18:45,000

Okay. Great. "Now while I've gone off of my rant, Gina thinks so much." Says Chille Robis-Lossu on his mirror in lip gloss. We all know his mirror is certainly big enough.

00:18:45,000 --> 00:18:54,000

Oh! That's spicy. "Maranja thinks so much." Says, "I consider your YouTube public investigation." As it's in the open and for the people, like a reporter reporting on information, found my opinion.

00:18:54,000 --> 00:19:06,000

Excuse me, I had a weird emphasis there. I mean, I like that. I actually kind of, I like that. That's good. Paul says, "Ohayr Vice Coach, I've heard rumors that I cannot verify."

00:19:06,000 --> 00:19:17,000

So this is not a statement of fact anyway. But there are rumors, don't know where this information's coming from. Not defamation. I'm making it very clear this may not be true.

00:19:17,000 --> 00:19:28,000

I'm reporting on the fact there are rumors that some of those subscribers may have been purchased. However, I will not, I will not comment further without hard evidence of it. Or very, very close to hard evidence at the very least.

00:19:28,000 --> 00:19:44,000

I know some of you here have made those statements. I'm not trying to discredit you in any way. I'm just saying that that's my standard. Unfortunately, I know.

00:19:44,000 --> 00:19:56,000

Two to all four shorts. Been there. Welcome to the bacon bits, thanks so much. Let's see where we're going.

00:19:56,000 --> 00:20:03,000

[silence]

00:20:03,000 --> 00:20:32,000

[silence]

00:24:24,000 --> 00:24:43,000

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PROOF OF SERVICE

STATE OF CALIFORNIA, COUNTY OF LOS ANGELES

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

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

On August 23, 2024, I served the following document(s) on the interested parties in this action: **NOTICE OF LODGING OF TRANSCRIPT OF ELECTRONIC RECORDING** by placing true copies thereof enclosed in sealed envelopes addressed as follows:

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

Attorneys for Defendant
Michael Pierattini

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

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

Executed on August 23, 2024, at Los Angeles, California.


Steven T. Gebelin