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County of Los Angeles
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David W. Slayton,
Executive Officer/Clerk of Court,
By A. Mejia, Deputy Clerk

4 Attorneys for Defendant
5 Michael Pierattini

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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.)

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

15)
16)
17 Date: August 30, 2024
Time: 8:30 a.m.
Dept: O
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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. As an initial matter, these new records do not
10 relate to the claims in this case. Instead, they were introduced late by Pierattinni in order to
11 create a public record trying to paint me in a negative light. However, he continues to lie about
12 himself and made statements about me that aren't supported by these documents.

13 **Grounds for Objection:** Irrelevant, mischaracterizes the evidence, improper
14 conclusion. This statement is directly contradicted by the court records and documents.

15 GRANTED: _____

16 DENIED: _____

17 **OBJECTION NO. 2**

18 **Material objected to:** Paragraph 3. Responding to these documents attached as
19 Exhibit A to Pierattinni's July 30, 2024 declaration and that appear to be the same as Exhibit 2
20 to Pierattinni's July 30, 2024 Request for Judicial Notice (the "RJN"), the records appear to
21 relate to a case arising from a prank I participated in when I was 18 years old with fraternity
22 brothers in college. Several of us went into a clothing store, left some of our belongings in the
23 changing rooms, and walked out of the store wearing ten or more pairs of pants. It was a
24 stupid prank that I regret, but I made amends and even attended a court mandated theft class.
25 As the records reflect, I was not sent to jail in connection with the "theft."

26 **Grounds for Objection:** Irrelevant. Plaintiff does not contradict the evidence and
27 admits that the documents are true. Plaintiff merely presents an "explanation" that does not
28 contradict the evidence. He states that he did not go to jail, which is irrelevant.

GRANTED: _____

DENIED: _____

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OBJECTION NO. 3

Material objected to: Paragraph 4. Exhibit 1 to the RJN appears to be the Court Docket for a case where I was alleged to have stalked my girlfriend by coming to visit her from out of state after not hearing from her for weeks. Being eighteen years old and not knowledgeable or able to defend myself well against what at the time was a brand new law in Oregon, I unfortunately pled out the claim for diversion. I did not go to prison or serve jail time.

Grounds for Objection: Irrelevant. Plaintiff does not contradict the evidence and admits that the documents are true. Plaintiff merely presents an “explanation” that does not contradict the evidence. He states that he did not go to jail, which is irrelevant.

GRANTED: _____

DENIED: _____

OBJECTION NO. 4

Material objected to: Paragraph 5. RJN Exhibit 3 appears to be a record for a criminal case in Oregon from 1995 (when I was 19 years old) when I was arrested for having a false ID (which I had to get into bars) and charged with a misdemeanor charge of giving false information to a police officer. As demonstrated in the record, I was not sent to jail in connection with this case either.

Grounds for Objection: Irrelevant. Plaintiff does not contradict the evidence and admits that the documents are true. Plaintiff merely presents an “explanation” that does not contradict the evidence. He states that he did not go to jail, which is irrelevant.

GRANTED: _____

DENIED: _____

OBJECTION NO. 5

Material objected to: Paragraph 6. I don’t understand what RJN Exhibit 4 is referring to. It appears that it might be a duplicate or error of the issue in RJN Exhibit 3, as it is another false information charge. This record shows there was no conviction. Additionally, page 3 of

1 the document shows that payment for the record presented by Pierattini was made by co-
2 Defendant Katherine Peter.

3 **Grounds for Objection:** Irrelevant. Plaintiff does not contradict the evidence and
4 admits that the documents are true. Plaintiff merely presents an “explanation” that does not
5 contradict the evidence. It is irrelevant who paid. He is not disputing the charge itself.

6 GRANTED: _____

7 DENIED: _____

8 **OBJECTION NO. 6**

9 **Material objected to:** Paragraph 7. RJN Exhibits 5, 6, and 9 are records from a civil
10 harassment case brought in 2004 by a former girlfriend (Kacey Bytheway, aka KTLA
11 weatherperson Kacey Montoya) who made outlandish and outrageous false claims about me to
12 get a restraining order. I never hit or choked her or her “new” boyfriend- if I had there would
13 have been criminal charges. I couldn’t have gotten away with any of the conduct if it actually
14 happened. It didn’t happen. There was no supporting evidence, no police reports, no hospital
15 records, nothing. I didn’t even know there was a further hearing in 2007.

16 **Grounds for Objection:** Irrelevant. Plaintiff does not contradict the evidence and
17 admits that the documents are true. Plaintiff merely presents an “explanation” that does not
18 contradict the evidence.

19 GRANTED: _____

20 DENIED: _____

21 **OBJECTION NO. 7**

22 **Material objected to:** Paragraph 8. RJN Exhibit 7 appears to be a civil restraining
23 order case against me brought in 2004 by Eric Montoya that wasn’t prosecuted by beyond the
24 *ex parte* TRO and in which the records do not indicate I made any appearance. To the extent
25 that it’s relevant (it’s not) I deny harassing Mr. Montoya.

26 **Grounds for Objection:** Irrelevant. Plaintiff does not contradict the evidence and
27 admits that the documents are true. Plaintiff merely presents an “explanation” that does not
28 contradict the evidence.

1 GRANTED: _____

2 DENIED: _____

3 **OBJECTION NO. 8**

4 **Material objected to:** Paragraph 9. RJN Exhibit 8 also appears to be a civil restraining
5 order case brought in 2007 by Michael Hanson that wasn't prosecuted beyond the *ex parte*
6 TRO and in which the records do not indicate I made any appearance. To the extent that it's
7 relevant (it's not) I deny harassing Mr. Hanson.

8 **Grounds for Objection:** Irrelevant. Plaintiff does not contradict the evidence and
9 admits that the documents are true. Plaintiff merely presents an "explanation" that does not
10 contradict the evidence.

11 GRANTED: _____

12 DENIED: _____

13 **OBJECTION NO. 9**

14 **Material objected to:** Paragraph 10. RJN Exhibit 10 appears to be a record of a 2015
15 application for a civil restraining order against me by Francis Koenig, which the record
16 indicates the restraining order was denied after I presented evidence at a hearing. Obviously, I
17 still deny harassing Mr. Koenig.

18 **Grounds for Objection:** Irrelevant. Plaintiff does not contradict the evidence and
19 admits that the documents are true. Plaintiff merely presents an "explanation" that does not
20 contradict the evidence.

21 GRANTED: _____

22 DENIED: _____

23 **OBJECTION NO. 10**

24 **Material objected to:** Paragraph 11. RJN Exhibit 11 appears to be a court record of a
25 small claims case in which "CHILLE DECASTRO DBA CODED FRIENDS" was one of
26 several defendants. I don't understand its relevance to this case, except to create confusion and
27 wrongly try to tie me to spurious and irrelevant allegations of bad conduct.

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1 GRANTED: _____

2 DENIED: _____

3 **OBJECTION NO. 13**

4 **Material objected to:** Paragraph 14. RJN Exhibit 14 appears to be a record of a 2022
5 application for a civil restraining order against me by co-defendant Daniel Clement, which the
6 record indicates the restraining order was dismissed for lack of prosecution in November 2022.

7 **Grounds for Objection:** Irrelevant. Plaintiff does not contradict the evidence and
8 admits that the documents are true. Plaintiff merely presents an “explanation” that does not
9 contradict the evidence.

10 GRANTED: _____

11 DENIED: _____

12 **OBJECTION NO. 14**

13 **Material objected to:** Paragraph 15. RJN Exhibit 15 appears to be the baseless *ex*
14 *parte* Washington State restraining order that defendant Pierattini obtained against me in 2023.

15 **Grounds for Objection:** Irrelevant. Plaintiff does not contradict the evidence and
16 admits that the documents are true. Plaintiff merely presents an “explanation” that does not
17 contradict the evidence.

18 GRANTED: _____

19 DENIED: _____

20 **OBJECTION NO. 15**

21 **Material objected to:** Paragraph 16. RJN Exhibit 16 appears to be a redacted record of
22 my arrest in 2023 in Nevada for filming a police officer. I note that rather than indicate any
23 truth to allegations made by Pierattini in 2022, in July 2024 I won my appeal overturning my
24 conviction on the obstruction charges arising from filming a police officer in Nevada Case
25 C-24-381730-A, *Jose Decastro, Appellant(s) vs State of Nevada, Respondent(s)*.

26 **Grounds for Objection:** Irrelevant. Plaintiff does not contradict the evidence and
27 admits that the documents are true. Plaintiff merely presents an “explanation” that does not
28 contradict the evidence. No foundation regarding the status of the case.

1 GRANTED: _____

2 DENIED: _____

3 **OBJECTION NO. 16**

4 **Material objected to:** Paragraph 18. Responding to the supplemental declaration of
5 Defendant’s attorney R. Paul Katrinak concerning my incarceration in Nevada from March to
6 July of 2024: I was unable to access my computers or to email while incarcerated. Instead, I
7 had phone access I could use for a limited amount of time each day to call people running my
8 YouTube Channel or to hire counsel; the majority of videos published to the “DeleteLawz”
9 YouTube Channel by my Legal Literature company called Ethics SCS LLC while I was
10 incarcerated did not include new content from me; any new content from me was comprised of
11 recordings of my phone calls. Those videos published during my incarceration were posted by
12 agents of Ethic SCS LLC, not me personally.


13 **Grounds for Objection:** No foundation, hearsay, improper opinion, legal conclusion,
14 mischaracterizes the evidence, irrelevant. Plaintiff admits that he had phone access and could
15 instruct people to review his email and to hire counsel. Irrelevant concerning this brief
16 regarding the criminal and civil records that Plaintiff admits are authentic.

17 GRANTED: _____

18 DENIED: _____

19 DATED: August 20, 2024

THE LAW OFFICES OF
R. PAUL KATRINAK

21 

22 R. Paul Katrinak
23 Attorneys for Defendant
24 Michael Pierattini

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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 450, Beverly Hills, California 90210.

6 On August 20, 2024, I served the foregoing document(s) described as:

7 **OBJECTIONS TO PLAINTIFF'S DECLARATION IN SUPPORT OF
8 SUPPLEMENTAL BRIEF IN OPPOSITION TO DEFENDANT MICHAEL
9 PIERATTINI'S MOTION FOR SUMMARY JUDGMENT OR IN THE
10 ALTERNATIVE SUMMARY ADJUDICATION**

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

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

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

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

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

19 Executed August 20, 2024, at Los Angeles, California.

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

22 
23 _____
24 R. Paul Katrinak