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

Attorneys for Plaintiff Jose DeCastro

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.

Case No.: 23SMCV00538

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

**PLAINTIFF JOSE DECASTRO'S  
OBJECTIONS TO EVIDENCE SUBMITTED  
BY DEFENDANT MICHAEL PIERATTINI  
IN SUPPORT OF REPLY IN SUPPORT OF  
MOTION FOR SUMMARY JUDGMENT OR,  
IN THE ALTERNATIVE, SUMMARY  
ADJUDICATION**

**Dept: O**

1 Plaintiff **JOSE DECASTRO** (“Plaintiff” or “DeCastro”) submits this following objections  
 2 to evidence cited by Defendant MICHAEL PIERATTINI’S (“Defendant” or “Pierattini”) in  
 3 support of Defendant MICHAEL PIERATTINI’S Reply In Support of Motion for Summary  
 4 Judgment or, In the Alternative, Summary Adjudication.

5 **I. JULY 30, 2024 Declaration of Michael Pierattini in Support of Defendant**  
 6 **Michael Pierattini’s Motion for Summary Judgment or in the Alternative Summary**  
 7 **Adjudication**

8 **OBJECTION NO. 16.**

Material Objected to:	Grounds for Objection:	RULING
¶ 2 “2. On January 5, 2022, Plaintiff conducted a livestream titled "Marijuana is Illegal BECAUSE of Racism or Big Business? STARTS: 8:00, Harry Anslinger, Rockefeller". At approximately seven minutes and twenty seconds he stated, "As you guys know I'm a big proponent of not saying things that are incorrect I need you guys to-anybody who corrects me, I will send you guys a free ebook and a free poster." At approximately thirteen minutes and forty-seven seconds he stated, "I want to be correct and factual more than I want to be, um, right. I want to be truthful instead of me being right.".”	Lack of Foundation and the Best Evidence Rule (Evid. Code § 1521, et seq.) applies to exclude all of the statements concerning the content of the referenced video, which was not presented to the court by Mr. Pierattini.	Sustained _____  Overruled _____

24 **OBJECTION NO. 17.**

Material Objected to:	Grounds for Objection:	RULING
¶ 3 “3. On or prior to March 8, 2022, I watched a livestream conducted by Team	Lack of Foundation and the Best Evidence Rule	Sustained _____

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1 2 3 4 5 6 7 8 9	<p>Skeptic, titled "Discussion About The First Amendment... With Delete Lawz" and aired on March 6, 2022. At approximately one hour and two minutes, Plaintiff stated he did not have a criminal record... I began conducting [sic] research into some of Plaintiff's claims, which included his statement about his criminal record."</p>	<p>(Evid. Code § 1521, et seq.) applies to exclude all of the statements concerning the content of the referenced video, which was not presented to the court by Mr. Pierattini.</p>	<p>Overruled _____</p>
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**OBJECTION NO. 18.**

	Material Objected to:	Grounds for Objection:	RULING
11 12 13 14 15 16 17 18 19 20 21 22 23 24 25	<p>¶ 3 "Based on my training and experience as Military Police, I identified several incorrect statements made by Plaintiff."</p>	<p>Lack of Foundation / Improper Opinion. Mr. Pierattini's conclusory statement that there were unidentified "incorrect" statements in the livestream not presented to this court are improper opinion testimony without any factual substance to support them, including a lack of details to establish his expertise or experience as "Military Police" and potentially provide expert opinions.</p>	<p>Sustained _____</p> <p>Overruled _____</p>

**OBJECTION NO. 19.**

	Material Objected to:	Grounds for Objection:	RULING
27 28			

1	¶ 4 “4. By March 10, 2022, I had	Lack of Foundation and the	
2	conducted a search of a government-	Best Evidence Rule (Evid.	Sustained _____
3	maintained public database of court	Code § 1521, et seq.) applies	
4	records in Oregon and discovered	to exclude all of Mr.	Overruled _____
5	Plaintiff was convicted of ORS	Pierattini’s statements	
6	807.620: Giving False Information to a	characterizing the content of	
7	Police Officer and ORS 164.045:	the referenced court records.	
8	Theft in the Second Degree. These		
9	offenses are misdemeanors, and ORS		
10	161.515 defines misdemeanors as		
11	crimes.”		

**OBJECTION NO. 20.**

	Material Objected to:	Grounds for Objection:	RULING
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14	¶ 4 “A public records request was	Lack of Foundation. Mr.	
15	made directly to the relevant Oregon	Pierattini’s statement does not	Sustained _____
16	public records authorities to obtain	provide foundation for when	
17	more context for these convictions. To	he received the records or who	Overruled _____
18	the best of my knowledge, I first	collected them. His	
19	publicly discussed Plaintiff in a March	conclusory statement that he	
20	12, 2022 livestream. Any public	based his statements on	
21	statements regarding Plaintiff’s	records other than the online	
22	criminal record would therefore have	court records he claimed to	
23	been based on information obtained, at	have first retrieved on March	
24	a minimum, two days prior, and made	10, 2022 and instead were the	
25	in accordance with Plaintiff’s January	subject of an unidentified	
26	request to be corrected.”.”	person’s public records request	
27		is improper speculation	
28			

	without foundation.	
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**OBJECTION NO. 21.**

Material Objected to:	Grounds for Objection:	RULING
¶ 5 “On April 5, 2022, I reviewed the 27-page response to my Oregon record request, which contained sufficient evidence to confirm Plaintiff has a criminal record.”	Lack of Foundation and the Best Evidence Rule (Evid. Code § 1521, et seq.) applies to exclude all of Mr. Pierattini’s statements characterizing the content of the referenced court records.	Sustained _____  Overruled _____

**II. Declaration of R. Paul Katrinak in Support of Defendant Michael Pierattini’s Reply In Support of Motion for Summary Judgment or in the Alternative Summary Adjudication**

**OBJECTION NO. 22.**

Material Objected to:	Grounds for Objection:	RULING
¶ 1 “Plaintiff’s counsel will not say Plaintiff has no criminal and civil records in California, Nevada, Washington, Ohio, Massachusetts, Alaska, and Oregon.”	Relevance of “criminal and civil records”  Lack of supporting foundation in documents presented by Defendant Pierattini as to both “criminal <b>and</b> civil records” in any state.	Sustained _____  Overruled _____

**OBJECTION NO. 23.**

Material Objected to:	Grounds for Objection:	RULING

1	¶ 2 “I hired G.G. & Associates to conduct an	<b><u>Hearsay.</u></b> Any	
2	investigation on Plaintiff wherein it was discovered	information concerning	Sustained
3	that Plaintiff had various criminal and civil charges	the information	_____
4	against him. Plaintiff’s criminal charges included	reportedly discovered by	
5	harassment, obstructing and resisting a peace officer,	the private investigator	Overruled
6	trespassing and disorderly conduct, criminal threats,	is hearsay, particularly	_____
7	giving false information to police officer, stalking	any information	
8	and theft in the second degree. G.G. & Associates	purporting to show the	
9	found a total of 29 criminal and civil charges against	truth of Defendant	
10	Plaintiff.”	Pierattini’s defamatory	
11		statements concerning	
12		Plaintiff.	
13		<b><u>Foundation / Lack of</u></b>	
14		<b><u>Personal Knowledge.</u></b>	
15		Mr. Katrinack lacks	
16		personal knowledge of	
17		the purported records he	
18		summarizes.	

**OBJECTION NO. 24.**

	Material Objected to:	Grounds for Objection:	RULING
20			
21	¶ 3 “I personally went to the various court websites	<b><u>Lack Foundation /</u></b>	
22	and downlowaded the documents in the attached	<b><u>Lack of Personal</u></b>	Sustained
23	Request for Judicial Notice.”	<b><u>Knowledge.</u></b> Mr.	_____
24		Katrinack’s statement is	
25		provably false. For	Overruled
26		example, Exhibit 1 to	_____
27		the July 30, 2024	
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Request for Judicial  
Notice bears a print date  
of “12/6/22, 7:29 PM”,  
Exhibit 3 bears a print  
date of “12/6/22, 7:04  
PM”, Exhibit 4 bears a  
print date of “12/6/22,  
7:31 PM” all of which  
are months before this  
case was filed, let alone  
before Mr. Katrinack  
became counsel of  
record for Defendant  
Pierattini. Moreover,  
several documents on  
their face do not appear  
to be downloaded from  
“various court  
websites”, such as  
Exhibits 2 (court file  
Mr. Pierattini declares  
was the result of a  
public records request),  
13 (Ohio Attorney  
General letter), and 16  
(Las Vegas Police  
Report)

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**OBJECTION NO. 25.**

Material Objected to:	Grounds for Objection:	RULING
¶¶ 4-20, inclusive.	Lack of Foundation, Personal Knowledge, and the Best Evidence Rule (Evid. Code § 1521, et seq.) apply to exclude all of Mr. Katrinack’s many statements characterizing the content of the referenced document(s) attached to the Request for Judicial Notice. Objections to those documents are presented separately below.	Sustained _____ Overruled _____

**OBJECTION NO. 26.**

Material Objected to:	Grounds for Objection:	RULING
¶ 21 “He plainly had access to his email and is playing games once again. He was producing shows regularly from jail..”	<b><u>Speculation and Improper Opinion.</u></b> Mr. Katrinack’s fact-free speculation that Plaintiff had “access to his email” while	Sustained _____ Overruled _____



1		incarcerated in Nevada	
2		is not supported by any	
3		personal knowledge.	
4	<b><u>OBJECTION NO. 27.</u></b>		
5	Material Objected to:	Grounds for Objection:	RULING
6	¶ 21-22 “He plainly had access to his email and is 7 playing games once again. He was producing shows 8 regularly from jail... He produced 78 youtube 9 videos while in jail, which is almost one video a day. 10 He had access to his computer, access to his email 11 and certainly the ability to litigate this matter prior to 12 counsel substituting in”	<b><u>Speculation and Improper Opinion.</u></b> Mr. Katrinack’s fact- free speculation that Plaintiff had “access to his email” while incarcerated in Nevada is not supported by any personal knowledge, particularly any knowledge concerning other persons able to post videos to the DeleteLawz YouTube channel in Plaintiff’s absence.	Sustained _____
13			Overruled _____
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22			<b><u>OBJECTION NO. 28.</u></b>
23	Material Objected to:	Grounds for Objection:	RULING
24	¶ 23. “I personally looked at the video of the 25 sentencing upon receiving notice from counsel that 26 he is in jail, and his conduct was outrageous.”	<b><u>Relevance, improper opinion.</u></b>	Sustained _____
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1			Overruled
2			_____
3	<b><u>OBJECTION NO. 29.</u></b>		
4	Material Objected to:	Grounds for Objection:	RULING
5	¶ 24. "A municipal court judge sentenced DeCastro in Nevada and a District Court judge overturned that conviction. DeCastro has called his conviction frivolous, but it is anything but. We are not addressing the incorrect claims that his conviction was frivolous in the objection. Suffice it to say that a prominent First Amendment lawyer has explained why, if the District Attorney appeals, his conviction will be reinstated. See Chille DeCastro's Appellate "Win" Can Be Reversed. He Consented To The "Illegal" Detention. <a href="https://www.youtube.com/watch?v=NFPcSRLlBj0">https://www.youtube.com/watch?v=NFPcSRLlBj0</a> ."	<b><u>Relevance, hearsay,</u></b> <b><u>improper opinion.</u></b>	Sustained
6			_____
7			Overruled
8			_____
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10	<b><u>OBJECTION NO. 30.</u></b>		
11	Material Objected to:	Grounds for Objection:	RULING
12	¶ 25-26. "25. DeCastro's transcript did not garner sympathy from the Nevada Court of Appeal should the District Attorney decide to appeal.  DeCastro called the court bailiff a "pig"  As noted in the description:  "He even called the Marshal a 'pig' in front of the judge." <a href="https://www.youtube.com/watch?v=kVE7MptBk3c">https://www.youtube.com/watch?v=kVE7MptBk3c</a> 26. DeCastro called the bailiff a "pig" and the Judge	<b><u>Relevance, hearsay,</u></b> <b><u>improper opinion.</u></b>	Sustained
13			_____
14			Overruled
15			_____
16			

1 said what did you say? DeCastro responded: "I said		
2 he [the bailiff] is a 'pig'."		

**III. July 30, 2024 Request for Judicial Notice in Support of Defendant Michael Pierattini’s Motion for Summary Judgment or in the Alternative Summary Adjudication**

**OBJECTION NO. 31.**

Material Objected to:	Grounds for Objection:	RULING
8 ¶¶ 1-19 and <b><u>Exhibits 1</u></b> 9 <b><u>through 19.</u></b>	Plaintiff generally objects to the attachments to the Request for Judicial Notice to the extent that Defendant seeks to rely on any such documents for the truth of the matters asserted therein. <i>See, e.g. Bd. of Pilot Commissioners v. Superior Ct.</i> , 218 Cal. App. 4th 577, 597 (2013) (“While judicial notice may be taken of court records (Evid. Code, § 452, subdivision (d)), the truth of matters asserted in such documents is not subject to judicial notice.” It is unclear whether any of the documents have evidentiary value solely for the fact of their existence.	Sustained _____  Overruled _____

**OBJECTION NO. 32.**

Material Objected to:	Grounds for Objection:	RULING
26 ¶¶ 5-12 and 15 and <b><u>Exhibits 5</u></b> 27 <b><u>through 12 and 15.</u></b>	Additionally, Plaintiff objects to the relevance of records pertaining to Civil	Sustained _____

1		protection orders sought to various	
2		levels of prosecution by Third Parties.	Overruled _____
3	<b><u>OBJECTION NO. 33.</u></b>		
4	Material Objected to:	Grounds for Objection:	RULING
5	¶¶ 13 and <b><u>Exhibit 13.</u></b>	The purported letter is neither a Court record nor facts without dispute and is not judicially noticeable. It is also irrelevant to the claims of defamation in videos published in 2022.	Sustained _____
6			Overruled _____
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10	<b><u>OBJECTION NO. 34.</u></b>		
11	Material Objected to:	Grounds for Objection:	RULING
12	¶¶ 16 and <b><u>Exhibit 16.</u></b>	The purported police report concerning an incident in 2023 is neither a Court record nor facts without dispute and is not judicially noticeable. It is also irrelevant to the claims of defamation in videos published in 2022.	Sustained _____
13			Overruled _____
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18	<b><u>OBJECTION NO. 35.</u></b>		
19	Material Objected to:	Grounds for Objection:	RULING
20	¶¶ 17 and <b><u>Exhibit 17.</u></b>	The purported court record concerning a defendant DeCastro with a birthdate in <b><u>1964</u></b> (not 1974) is not indisputably a record concerning Plaintiff. It is also irrelevant to the claims of defamation in videos published in 2022.	Sustained _____
21			Overruled _____
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26	<b><u>OBJECTION NO. 36.</u></b>		
27	Material Objected to:	Grounds for Objection:	RULING
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¶¶ 18 and <b><u>Exhibit 18.</u></b>	Purported YouTube screenshots are not judicially noticeable under any California authority, Defendants' citation to an unpublished New York federal case notwithstanding.	Sustained _____  Overruled _____
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DATED: August 13, 2024

LESOWITZ GEBELIN LLP

By:



Steven T. Gebelin

Attorneys for Plaintiff Jose DeCastro

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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 13, 2024, I served the following document(s) on the interested parties in this action: **PLAINTIFF JOSE DECASTRO’S OBJECTIONS TO EVIDENCE SUBMITTED BY DEFENDANT MICHAEL PIERATTINI IN SUPPORT OF REPLY IN SUPPORT OF MOTION FOR SUMMARY JUDGMENT OR, IN THE ALTERNATIVE, SUMMARY ADJUDICATION** 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 13, 2024, at Los Angles, California.

  
Steven T. Gebelin