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David W. Slayton,  
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By A. Ilieva, Deputy Clerk

8 Attorneys for Plaintiff Jose DeCastro

9 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**  
10 **COUNTY OF LOS ANGELES, SANTA MONICA COURTHOUSE**

11 JOSE DECASTRO,

12 Plaintiff,

13 V.

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

18 Defendants.

Case No.: 23SMCV00538

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

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

**Dept: O**

1       **I. Introduction.**

2           In addition to the concurrently submitted declaration and objections, Plaintiff Jose “Chille”  
3 DeCastro’s (“DeCastro”) submits this further response to the new evidence presented by  
4 Defendant Michael Pierattini (“Defendant” or “Pierattini”) in support of his reply in support of his  
5 motion for summary judgment.

6           In short, the new evidence is largely inadmissible and irrelevant, and continues to fail to  
7 establish that Pierattini did not defame DeCastro and did not coordinate with co-defendants in the  
8 other harassing wrongful acts directed at Plaintiff.

9       **II. Summary of the New Evidence.**

10          Pierattini’s new evidence presented via the July 30, 2024 declarations of Pierattini, his  
11 counsel Katrinak, and the Request for Judicial Notice, is comprised of:

- 12           1) Irrelevant civil (*see* Plaintiffs’ new RJN at Exs.5-12, 15) and criminal (*see* Plaintiffs’  
13           new RJN at Exs. 1-4, 17) criminal court records , including records postdating the  
14           defamatory video publications by Pierattini and appearing to reference a different Jose  
15           DeCastro with a birthdate in 1964 (*See* Plaintiffs’ new RJN at Ex. 17);
- 16           2) Improper opinion by counsel Katrinak concerning Plaintiff’s incarceration during the  
17           first months that the motion for summary judgment was filed and served (new Katrinak  
18           Decl ¶ 21-23);
- 19           3) Improper and irrelevant references to the overturned Nevada criminal case (including a  
20           police report- new RJN Ex. 16) that caused Plaintiff’s incarceration during the  
21           pendency of this motion, including outrageous and irrelevant references to hearsay  
22           from an online commentator (new Katrinak Decl ¶ 24-26); and
- 23           4) Other irrelevant and non-judicially noticeable documents attached to the July 30, 2024,  
24           Request for Judicial Notice (*e.g.* Exs. 13 [August 31, 2022 letter from Ohio Supreme  
25           Court Disciplinary Council], 16 [2023 police report]), 18 [YouTube Screenshots]).

26          None of the records establish that Pierattini had any basis whatsoever to make his defamatory  
27 statements in his libelous June 5, 2022 video, wherein he **completely made up** the following false  
28 statements about Plaintiff:

- 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.
- DeCastro “defamed” Pierattini. DeCastro didn’t publish any false statements of fact about Pierattini to third parties.
- That DeCastro had a restraining order with a “victim there,” implying that he assaulted or harmed a “victim.”
- 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.
- That DeCastro stole his roommate’s ID because DeCastro was on probation 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.
- Repeatedly calling DeCastro a scammer because of the legal information products that DeCastro sells.

Pierattini’s new declaration only establishes that he had reviewed some of the Oregon state records around March or April 2022. Pierattini Supp. Decl. ¶¶ 4-5. None of those records support his false statements in the June 5, 2022 video. Nor does the new evidence support Pierattini’s false statement that DeCastro bought viewers for his YouTube channel.

Contrary to the baseless speculation of Defendant’s counsel, Plaintiff was incarcerated and unable to access his computers and records from March to July 2024. DeCastro Supp. Decl. ¶ 18. This did hinder his ability to conduct discovery

**III. Defendants’ New Evidence Further Indicates He Coordinated with Co-Defendants.**

Rather than establish his defenses, Pierattini’s new records do contain additional evidence indicating that he coordinated with other parties and defendants to harass and defame Plaintiff.

On page 3 of Pierattini’s new Exhibit 4 shows that there was a payment for the court records in 2022 by “Katherine Peter”, Pierattini’s co-defendant in this action. Interestingly, Mr. Pierattini declared that **he** acted to retrieve those records via public record request in April 2022 (Pierattini Supp. Decl. ¶5), indicating the he acted in concert with Ms. Peter.

Pierattini’s new Exhibit 13 is a letter not addressed to Pierattini responding to a coordinated online effort to have Plaintiff prosecuted in Ohio for “unauthorized practice of law.”

1 See DeCastro Supp. Decl. ¶ Pierattini’s unexplained possession of the non-public document also  
2 evidences his coordination with the persons concerning

3 **IV. Conclusion.**

4 As previously established in Plaintiff’s opposition, Defendant’s motion is premature and  
5 fails to meet his burden to show the absence of material issues of fact. The supplemental evidence  
6 still does not meet his burden, and the motion should be denied and Plaintiff’s claims survive.

7  
8 DATED: August 13, 2024

LESOWITZ GEBELIN LLP

9 By:



10 Steven T. Gebelin

11 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 RESPONSE TO DEFENDANT MICHAEL PIERATTINI'S NEW EVIDENCE SUBMITTED IN SUPPORT OF HIS REPLY IN SUPPORT OF HIS 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  
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*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 Angeles, California.

  
\_\_\_\_\_  
Steven T. Gebelin