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Superior Court of California,
County of Los Angeles
7/30/2024 10:44 PM
David W. Slayton,
Executive Officer/Clerk of Court,
By L. Kulkin, Deputy Clerk

5 Attorneys for Defendant
6 Michael Pierattini

7
8 IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA
9 IN AND FOR THE COUNTY OF LOS ANGELES

10 JOSE DECASTRO,
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12 Plaintiff,
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14 v.
15 KATHERINE PETER; DANIEL CLEMENT;
16 MICHAEL PIERATTINI; DAVID OMO JR.;
17 and DOES 1 TO 30, inclusive,
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19 Defendants.
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) Case Number: 23SMCV00538
)
) Assigned for all purposes to Honorable H. Jay
) Ford III, Dept. O
)
) **DECLARATION OF R. PAUL KATRINAK**
) **IN SUPPORT OF DEFENDANT**
) **MICHAEL PIERATTINI'S REPLY TO**
) **OPPOSITION TO DEFENDANT'S**
) **MOTION FOR SUMMARY JUDGMENT**
) **OR IN THE ALTERNATIVE SUMMARY**
) **ADJUDICATION**
)
) Date: August 6, 2024
) Time: 8:30 a.m.
) Dept: O

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DECLARATION OF R. PAUL KATRINAK

I, R. Paul Katrinak, declare as follows:

1. I am an attorney duly licensed to practice law before all courts of the State of California. My law firm is counsel for Defendant Michael Pierattini (“Mr. Pierattini”) in this action. The following facts are within my personal knowledge and, if called as a witness herein, I can and will competently testify thereto. Plaintiff’s counsel will not say Plaintiff has no criminal and civil records in California, Nevada, Washington, Ohio, Massachusetts, Alaska, and Oregon.

Plaintiff’s Long Criminal History

2. I hired G.G. & Associates to conduct an investigation on Plaintiff wherein it was discovered that Plaintiff had various criminal and civil charges against him. Plaintiff’s criminal charges included harassment, obstructing and resisting a peace officer, trespassing and disorderly conduct, criminal threats, giving false information to police officer, stalking and theft in the second degree. G.G. & Associates found a total of 29 criminal and civil charges against Plaintiff.

3. I personally went to the various court websites and downloaded the documents in the attached Request for Judicial Notice.

4. On September 25, 1993, Plaintiff was charged with stalking and disorderly conduct to which Plaintiff pled guilty. (See RJN, No. 1).

5. On December 13, 1993, Plaintiff was charged with theft in the District Court of the State of Oregon to which Plaintiff pled guilty. A bench/arrest warrant was made for Plaintiff’s failure to appear as directed. Thereafter, Plaintiff violated the conditions of probation by failing to attend “Theft Talk” class. (See RJN, No. 2).

6. On May 8, 1995, Plaintiff was charged with giving false information to a police officer in the District Court of the State of Oregon. (See RJN, No. 3).

7. On April 24, 1996, Plaintiff was charged with giving false information to a police officer in the District Court of the State of Oregon. (See RJN, No. 4).

8. On June 11, 2004, Kacey Bytheway filed a Request for Order in the Los Angeles Superior Court against Plaintiff. Kacey Bytheway requested both personal conduct orders and stay-away orders against Plaintiff. Kacey Bytheway further requested the judge to order Plaintiff to sell

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1 or turn in any guns or firearms that Plaintiff has or controls. In the request, Kacey Bytheway
2 describes the five most recent instances of abuse she and her fiancée, Eric Alan Montoya, endured
3 from Plaintiff. First, on June 10, 2004, Plaintiff threatened to go to Colombia and pay a Colombian
4 \$1,000.00 to come back to the U.S. to kill Kacey Bytheway and Eric Alan Montoya or to break
5 their legs. Previously in February of 2004, Plaintiff trespassed onto Kacey Bytheway's balcony and
6 was observing Kacey Bytheway and her friends in the living room. Plaintiff threw a lighter at the
7 door to scare Kacey Bytheway and her friends. Plaintiff then ran to the front door of the apartment
8 and attempted to get Kacey Bytheway to come outside. When she refused, Plaintiff began yelling
9 profanities and threatening to harm everyone when they left the apartment. Plaintiff attempted to
10 open the balcony door to the bedroom where Eric Alan Montoya was sleeping. In January of 2004,
11 Plaintiff attempted to break into Kacey Bytheway's apartment by repeatedly pounding and kicking
12 her front door. Plaintiff cracked Kacey Bytheway's front door in the process. Plaintiff then broke
13 through four sheets of plexiglass covering Kacey Bytheway's apartment balcony and attempted to
14 open the balcony door. During which, Plaintiff was threatening to kill both Kacey Bytheway and
15 Eric Alan Montoya and to tamper with their vehicles. Kacey Bytheway sustained bruises on her hip
16 and leg from attempting to hold her front door shut from Plaintiff's kicking. Lastly in October of
17 2003, Plaintiff broke into Kacey Bytheway's apartment through her balcony door. Plaintiff threw
18 Kacey Bytheway against a wall, spat on her face and choked, hit, and kicked her. Plaintiff assaulted
19 Eric Alan Montoya. Plaintiff was yelling profanities and threatening to kill Kacey Bytheway and
20 Eric Alan Montoya the entire time. Additionally, Plaintiff destroyed Kacey Bytheway's personal
21 property and kicked a hole in her bedroom door. That evening, Plaintiff stayed inside Kacey
22 Bytheway's parking garage waiting for Kacey Bytheway and Eric Alan Montoya to come and go.
23 (See RJN, No. 5).

24 9. On June 11, 2004, Kacey Bytheway filed a domestic violence prevention action
25 against Plaintiff in the Santa Monica Courthouse. (See RJN, No. 6).

26 10. On July 13, 2004, Eric Montoya filed a civil harassment action against Plaintiff in
27 the Santa Monica Courthouse. (See RJN, No. 7).

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1 11. On August 27, 2007, Michael Hanson filed a civil harassment action and temporary
2 restraining order against Plaintiff in the Burbank Courthouse. (See RJN, No. 8).

3 12. On November 14, 2007, Kacey Bytheway filed yet another restraining order against
4 Plaintiff. Kacey Bytheway requested personal conduct orders, stay-away orders and for Plaintiff to
5 be taken under submission for attorney fees. (See RJN, No. 9).

6 13. On December 4, 2015, Francis Koenig filed a civil harassment prevention action
7 and temporary restraining order against Plaintiff in the Stanley Mosk Courthouse. (See RJN, No.
8 10).

9 14. On January 3, 2018, Laurence Wainer filed a small claims action against Plaintiff
10 and Plaintiff's corporation, Ethics SCS Inc., in the Pasadena Courthouse. (See RJN, No. 11).

11 15. On September 23, 2021, Dina B Chavez filed a civil harassment prevention action
12 and temporary restraining order against Plaintiff in the Stanley Mosk Courthouse. (See RJN, No.
13 12).

14 16. On August 31, 2022, in a letter to opposing counsel, the Disciplinary Counsel of the
15 Supreme Court of Ohio stated that Plaintiff engaged in the unauthorized practice of law by drafting
16 what purported to be a power of attorney and instructing another person to sign it. Disciplinary
17 Counsel notes multiple unsuccessful attempts to reach Plaintiff. The letter further states Plaintiff
18 has an active warrant for his arrest in Lawrence County, Ohio. For these reasons, Disciplinary
19 Counsel concludes that service on Plaintiff will be unlikely. (See RJN, No. 13).

20 17. On October 17, 2022, Daniel Clement filed a civil harassment prevention action and
21 temporary restraining order against Plaintiff in the Van Nuys Courthouse East. (See RJN, No. 14).

22 18. On January 6, 2023, Michael Pierattini filed an antiharassment protection order with
23 the District Court of Washington, County of Pierce. The order included the following restraints: no
24 contact as well as exclude and stay away. (See RJN, No. 15).

25 19. On March 15, 2023, Plaintiff was arrested by the Las Vegas Metropolitan Police
26 Department. Plaintiff approached the driver of a detained vehicle. Officer Bourque, who was
27 conducting the traffic stop, told Plaintiff he can continue recording but had to stay away from the
28 detained driver. Plaintiff continued video recording with his cell phone and did not move. Plaintiff

1 advised Officer Bourque that he is a constitutional law scholar. Plaintiff refused to move or back
2 away from the detained driver. Officer Bourque told Plaintiff that he is being detained and to go to
3 his patrol vehicle. Plaintiff told Officer Bourque not to put his hands on him. Plaintiff was being
4 physically uncooperative, argumentative, and disobeying lawful commands while being detained.
5 Plaintiff refused to approach the patrol vehicle after being instructed to do so various times.
6 Plaintiff again declared himself to be a constitutional law scholar. Plaintiff refused to comply with
7 Officer Borouque's verbal commands or escort. Upon being handcuffed, Plaintiff admitted that he
8 has been arrested 4 times previously for similar crimes in various states. Plaintiff was cited and
9 booked for refusing to give the officer reasonable space to work, refusing to obey lawful
10 commands after being advised that he was detained, swatting Officer Borouque's hand away,
11 physically tensing up his body, physically resisting handcuffing by tensing up his arms, and being
12 physically uncooperative with officers. (See RJN, No. 16).

13 20. On February 26, 2024, Plaintiff was charged with harassment, telephone misuse,
14 and electronic communication harassment in the District Court for Hartford County. (See RJN, No.
15 17).

16 **Plaintiff's Recent Incarceration and Production of his YouTube Channel from Jail**

17 21. Counsel for Defendant only learned that Plaintiff was allegedly incarcerated on
18 June 28, 2024. After receiving this information, I personally reviewed his YouTube channel.
19 He plainly had access to his email and is playing games once again. He was producing shows
20 regularly from jail. Below is his youtube channel:

21 https://www.youtube.com/channel/UCF08Wb_1z0ONDwh4Lvhu2AA.

22 (See RJN, No. 18).

23 22. It will certainly be disingenious for Plaintiff to claim ignorance of the service of
24 documents and the inability to litigate this case prior to counsel substituting in. He produced
25 78 youtube videos while in jail, which is almost one video a day. He had access to his
26 computer, access to his email and certainly the ability to litigate this matter prior to counsel
27 substituting in.

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1 23. I personally looked at the video of the sentencing upon receiving notice from
2 counsel that he is in jail, and his conduct was outrageous.

3 **DeCastro got lucky at the District court level, and if it goes to the court of appeal, his**
4 **conviction will be reinstated**

5 24. A municipal court judge sentenced DeCastro in Nevada and a District Court
6 judge overturned that conviction. DeCastro has called his conviction frivolous, but it is
7 anything but. We are not addressing the incorrect claims that his conviction was frivolous in
8 the objection. Suffice it to say that a prominent First Amendment lawyer has explained why, if
9 the District Attorney appeals, his conviction will be reinstated. See *Chille DeCastro's*
10 *Appellate "Win" Can Be Reversed. He Consented To The "Illegal" Detention.*

11 <https://www.youtube.com/watch?v=NFPcSRLlBj0>

12 25. DeCastro's transcript did not garner sympathy from the Nevada Court of
13 Appeal should the District Attorney decide to appeal.

14 DeCastro called the court bailiff a "pig"

15 As noted in the description:

16 "He even called the Marshal a 'pig' in front of the judge."

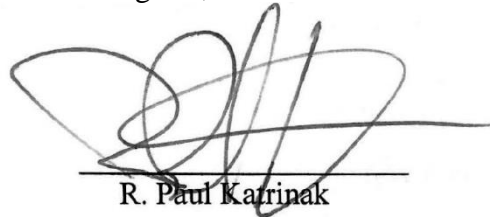
17 <https://www.youtube.com/watch?v=kVE7MptBk3c>

18 26. DeCastro called the bailiff a "pig" and the Judge said what did you
19 say? DeCastro responded: "I said he [the bailiff] is a 'pig'."

20 I declare under the penalty of perjury under the laws of the State of California that the
21 foregoing is true and correct.

22 Executed by me this 30th day of July 2024 in Los Angeles, California.

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R. Paul Katrinak

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.

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

8 **DECLARATION OF R. PAUL KATRINAK IN SUPPORT OF DEFENDANT
9 MICHAEL PIERATTINI'S REPLY TO OPPOSITION TO DEFENDANT'S
10 MOTION FOR SUMMARY JUDGMENT OR IN THE ALTERNATIVE
11 SUMMARY ADJUDICATION**

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

13 Steven T. Gebelin, Esq.
14 LESOWITZ GEBELIN LLP
15 8383 Wilshire Blvd., Suite 800
16 Beverly Hills, CA 90211
17 steven@lawbylg.com

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

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

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

26 Executed July 30, 2024, at Los Angeles, California.

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



R. Paul Katrinak

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