

1 TO ALL PARTIES AND TO THEIR ATTORNEYS OF RECORD:

2 PLEASE TAKE NOTICE THAT on January 23, 2025 at 8:30 a.m. or as soon thereafter
3 as counsel may be heard, in Department O of the above entitled court located at 1725 Main St.,
4 Santa Monica, California 90401, Defendant Michael Pierattini will and hereby does move for
5 an order that:

- 6 1. Plaintiff's Complaint against Defendant Michael Pierattini be dismissed; or
7 Sanctions as the Court sees just.
- 8 2. Plaintiff and his counsel of record pay the sum of \$4,560.00 as the reasonable costs
9 and the attorney fees incurred by Mr. Pierattini in this matter.

10 This Motion for sanctions is made on the grounds that Plaintiff willfully disobeyed
11 multiple orders of the Court, and further misused the discovery process; and on the further
12 ground that the sanctions requested are reasonably required to enforce the orders of this Court
13 and to compensate Mr. Pierattini for the expenses caused by such disobedience. We are only a
14 few months before trial and Mr. Pierattini has been greatly prejudiced by the violation of the
15 Court Orders.

16 This Motion will be based upon this Notice, the accompanying Memorandum of Points
17 and Authorities, the Separate Statement, the attached Declaration of R. Paul Katrinak in
18 support thereof, the Court's file in this action, and such other matters as may be presented prior
19 to or at the hearing of the motion.

20
21 DATED: October 1, 2024

THE LAW OFFICES OF
R. PAUL KATRINAK



R. Paul Katrinak
Attorneys for Defendant
Michael Pierattini

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1 **MEMORANDUM OF POINTS AND AUTHORITIES**

2 **I. INTRODUCTION**

3 The Plaintiff Chile DeCastro sued Defendant Michael Pierattini (hereinafter “Mr.
4 Pierattini”) and several other people for every possible cause of action he could think of.
5 Plaintiff then immediately refused to respond to discovery on the bare claims in his complaint.

6 This Motion is not some petty discovery dispute. This Motion seeks to address a major
7 problem. The problem is Plaintiff’s complete failure to respond to written discovery (which
8 should be self-executing and should not require court involvement), which is preventing Mr.
9 Pierattini from mounting a defense in this case. Mr. Pierattini filed a Motion for Summary
10 Judgment in this case, which was granted except for one cause of action. We needed discovery
11 for that cause of action (we needed Plaintiff to admit that he did not lose money or was not
12 otherwise damaged). Plaintiff refused to answer any discovery and blocked his deposition. In
13 doing so, Plaintiff is preventing summary judgment by simply refusing to respond with the
14 necessary evidence. Plaintiff is forcing Mr. Pierattini to an unnecessary trial. We ask that the
15 court strike the remaining cause of action (which has no basis anyway) due to this misconduct.

16 **The summary judgment in this case**

17 The Court granted Mr. Pierattini’s Motion for Summary Judgment on all the claims
18 except one. The court denied summary judgment on the right of publicity claim in this case.
19 That is an intellectual property claim.¹ It is a complicated claim to defend. And, it is even
20 harder to defend when Plaintiff produces zero evidence to support his claim, and where
21 Plaintiff will not allow discovery to test the validity of such claim. Here, we could not get
22 summary judgment on this claim, because we did not have the evidence from this written
23 discovery. Plaintiff avoided Summary Judgement on this claim by refusing to answer.

24 The simple fact is that, as noted more thoroughly in the next section, written discovery
25 is key to resolving a claim like this on summary judgment due to the different obligations
26 between written discovery and depositions.

27
28 ¹ *Doe v. Friendfinder Network, Inc.*, 540 F. Supp. 2d 288, 302 (D.N.H. 2008).

1 **II. PLAINTIFF’S WILLFUL VIOLATION OF THE COURT’S ORDERS IS**
2 **CAUSING SEVER PREJUDICE TO MR. PIERATTINI**

3 Obviously for a person working in the National Guard, like Mr. Pierattini, the cost of
4 going to trial is prohibitive. He is unable to avoid trial by a second motion for summary
5 judgment, because we are too close to trial to file another motion for summary judgment. That
6 is highly prejudicial.

7 The written discovery is essential to an MSJ. The problem is that, in these cases, you
8 cannot just simply take a deposition. These are not like car accident cases where you can just
9 depose Plaintiff about who ran the red light. Counsel has handled many of these cases in his
10 many years of the practice of entertainment law. The problem with depositions, without
11 written discovery in cases like this, are statements such as “I don’t know” or “I don’t recall.”
12 Here, when Plaintiff goes to a deposition and has amnesia, and he testifies over and over again
13 “I don’t remember,” or “I don’t recall,” you have nothing for summary judgment or a motion
14 in limine or trial. Plaintiff just comes back and recalls later the evidence. So when Mr.
15 Pierattini moves for summary judgment or does a motion in limine the Plaintiff recalls later the
16 evidence (when he has to produce it in response to the motion).

17 Written discovery has a different obligation. Only written discovery solves the
18 problem. As the Court is aware, the difference between written discovery and depositions is
19 important here. Written discovery requires the Plaintiff to do an investigation and requires
20 them to go out and find the evidence to support his case. A deposition does not have the same
21 requirement.

22 As explained in Brown & Weil, California Practice Guide: Civil Procedure Before
23 Trial, Sections 8:1051-54 (2024 update), there is a major difference between written discovery
24 and depositions and that is key here. It states:

25
26 "[8:1051] **Duty to obtain information:** “If the responding party does not have personal
27 knowledge sufficient to respond fully to an interrogatory, that party shall so state, *but*
28 *shall make a reasonable and good faith effort to obtain* the information by inquiry to
other natural persons or organizations, except where the information is equally
available to the propounding party.” [CCP § 2030.220(c) (emphasis added); *Regency*

1 *Health Services, Inc. v. Sup.Ct. (Settles)* (1998) 64 CA4th 1496, 1504, 76 CR2d 95, 100
(citing text)]. [8:1052] *Reserved*.

2 [8:1053] **Compare—depositions:** An individual deponent is required to answer only
3 according to the deponent's *personal knowledge* at the time of deposition (*see* ¶ 8:705).
4 The deponent is *not* under any duty to investigate or search out information. But the
5 rules are different for interrogatories because, unlike depositions, *interrogatory*
answers are prepared with the assistance of counsel. Therefore, a broader duty of
6 response is justified. [*Field v. U.S. Bank Nat'l Ass'n* (2022) 79 CA5th 703, 708, 294
7 CR3d 822, 825 (citing text)]

8 [8:1054] **Information available from sources under party's control:** In answering
9 interrogatories, a party must furnish information available from sources under the
10 party's control: “[A party] cannot plead ignorance to information which can be obtained
11 from sources under his control.” [*Deyo v. Kilbourne*, *supra*, 84 CA3d at 782, 149 CR at
12 509; *Regency Health Services, Inc. v. Sup.Ct. (Settles)* (1998) 64 CA4th 1496, 1504, 76
13 CR2d 95, 100 (citing text)]”.

14 So the written discovery at issue which was ordered many months ago, and which was
15 served last December 11, 2023, is essential. In other words, there is no point in taking the
16 deposition in a case like this until you have the written discovery. So we have been blocked
17 from taking the deposition at the same time we are being blocked from getting this key written
18 discovery.

19 Mr. Pierattini is serving his country and cannot afford this. Mr. Pierattini is an ordinary
20 citizen, who is serving this country in the National Guard. He cannot afford to go to trial on
21 this nonsense lawsuit. Yet Mr. Pierattini could not get a complete summary judgment, because
22 Plaintiff will not produce any evidence to support his case.

23 The fact is that we have trial in months on February 24, 2025. There is no time
24 to do a motion for summary judgment, and Mr. Pierattini has incurred thousands of
25 dollars in legal fees that he cannot afford, all due to these violations of Court
26 Orders. Plaintiff does not care because he is not even paying the prior Court Orders for
27 sanctions for his non-compliance with discovery.

28 **III. PROCEDURAL BACKGROUND**

By the time of this motion, this discovery will be well over a year old and nothing, not
one thing, has gotten done because it is one game after another by Plaintiff.

1. The complaint was filed by Plaintiff on February 6, 2023. Mr. Pierattini filed a demurrer on April 21, 2023; and then answered on July 31, 2023.

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2. On January 25, 2024, Mr. Pierattini filed a motion to compel further responses to request for admission.
3. On January 25, 2024, Mr. Pierattini filed a motion to compel further responses to special interrogatories because there were essentially no answers.
4. On January 25, 2024, Mr. Pierattini filed a motion to compel further responses to form interrogatories because there were essentially no answers.
5. On January 25, 2024, Mr. Pierattini filed a motion to compel further responses to document requests because there was no real response and no document production.
6. On March 7, 2024, the Court granted Mr. Pierattini’s Motion to Compel Form Interrogatory responses, issued sanctions in the amount of \$1,635.00, ordered Plaintiff to respond within 30 days and continued the other Motions to Compel until May 2, 2024.
7. On March 15, 2024, instead of responding to the discovery, Plaintiff filed a frivolous Motion to Compel the Production of Documents against Mr. Pierattini.
8. On March 27, 2024, instead of responding to all the discovery, Plaintiff filed an ex parte motion for reconsideration of the motion sanctioning him for not complying with discovery, which was denied by the Court.
9. On April 8, 2024, instead of responding to discovery, Plaintiff filed a Motion for Reconsideration of the sanctions order on the Motion to Compel Form Interrogatories.
10. On May 2, 2024, the Court granted Mr. Pierattini’s Motions to Compel Requests for Admission, Special Interrogatories, Requests for Production and Plaintiff’s deposition. The written responses and production of documents was ordered to occur within 30 days. Court deferred ruling on the location of the deposition pending Plaintiff providing his address to the Court and continued the hearing on the Motion to Compel the Deposition concerning locations and sanctions.
11. On June 18, 2024, this Court denied Plaintiff’s frivolous motion to compel and awarded sanctions in the amount of \$4,500. In other words, instead of responding to the written discovery that was served on him in December, Plaintiff filed a frivolous motion to compel for which he was sanctioned yet again. Plaintiff did not care because he consistently ignores the Court Orders and does not pay the Court Ordered sanctions.
12. On July 30, 2024, the Court denied Plaintiff’s frivolous Motion for Reconsideration, granted Mr. Pierattini’s Motion to Compel the deposition of Plaintiff and issued sanctions in the amount of \$4,560.00.
13. On September 5, 2024, the Court denied Mr. Pierattini’s Motion for Summary Judgment on the right of publicity claim because Mr. Pierattini did not have the discovery needed to attack the one claim for which summary judgment was denied. In fact, Plaintiff’s argument was, in opposition to summary judgment, that Defendant did not have the discovery responses to show that Plaintiff had no evidence to support his case.

1 Everything is a delay tactic. This discovery is from December of 2023. To date,
2 Plaintiff has not complied with one Court Order. Plaintiff is simply flouting the Court's
3 Orders.

4 **IV. THERE HAVE BEEN FIVE DIFFERENT ORDERS VIOLATED**

5 Plaintiff is in violation following five court orders:

- 6 • The Order on the Motion to Compel Plaintiff's Responses to Defendant's
7 Special Interrogatories has not been complied with;
- 8 • The Order on the Motion to Compel Plaintiff's Responses to Defendant's
9 Form Interrogatories has not been complied with;
- 10 • The Order on the Motion to Compel Plaintiff's Responses to Defendant's
11 Requests for Production of Documents has not been complied with;
- 12 • The Order on the Motion to Compel Plaintiff's Responses to Defendant's
13 Requests for Admission has not been complied with; and
- 14 • The Order on Plaintiff's Reconsideration of Sanctions and he has not paid
15 the original sanctions or the sanction for that motion.

16 For example, this Court's Minute Order on March 7, 2024 states:

- 17 1. "Defendant Michael Pierattini's motion to compel responses to form interrogatories and
18 request for sanctions is granted. Plaintiff Jose DeCastro's is ordered to serve the
19 responses, without objections, and pay monetary sanctions in the amount of \$1,635
20 within 30 days of service of the order. Pierattini is ordered to submit the proposed order
21 in accordance with CRC Rule 3.1312."

22 (RJN No. 1) Also, for example, this Court's Minute Order on May 2, 2024 states:

- 23 1. "Pierattini's motion to compel further responses to the requests for admission is
24 granted, in part. DeCastro is ordered to serve full and complete responses, without
25 objections, to request for admission nos. 22, 23, 24, 25, 26, 27, 37, 38, 40, 41, 42, 43,
26 44, 45, 46, 47, 48, 49, 50, 51, 52, 54, 55, 56, 57, 58, 59, 61, 62, 63, 64, 65, 66, 67
27 trauma 68, 69, 70, 71 2072, 73, 74, 75, and 76 within 30 days . . . Interrogatory No.
28 17.1 for any request that was denied, appears to be the most precise and efficient way in
this case for Pierattini to discovery the facts, witnesses and documents that support the
disputed allegations drawn from of DeCastro's complaint."
2. "Pierattini's motion to compel further responses to the Special Interrogatories (set one)
is GRANTED, in part. DeCastro is ordered to serve full and complete responses,
without objections, to Special Interrogatory nos. 1 through 27 withing 30 days"
3. "Pierattini's motion to compel further responses to the request for production of
documents (set no. one) is GRANTED, in part. DeCastro is ordered to serve full and
complete responses, without objections, to request for production of documents nos. 1,
2, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 18, and 19 within 30 days"
4. "Pierattini's motion to compel the deposition of DeCastro is GRANTED"

(RJN No. 2.)

1 **V. THE DISMISSAL OF THE COMPLAINT IS APPROPRIATE HERE**

2 This action presents a classic instance of Plaintiff simply ignoring the orders of the Court.
3 That is what his website and his business are all about. Plaintiff has engaged in a consistent and
4 demonstrable pattern of ignoring discovery and ignoring court orders. As noted herein, this has
5 caused Mr. Pierattini severe prejudice (even though prejudice is not required), because had Plaintiff
6 responded, Mr. Pierattini would have been out of this case on summary judgment.

7 **A. The Legal Standard for Sanctions**

8 Where a party engages in a pattern of discovery abuse, or if a party willfully disobeys a
9 discovery order, courts have discretion to impose terminating, issue, evidence or monetary
10 sanctions. (Code Civ. Proc., §§ 2023.010, subds. (d), (g); *R.S. Creative, Inc. v. Creative*
11 *Cotton, Ltd.* (1999) 75 Cal.App.4th 486, 495.) Ultimate discovery sanctions are justified
12 where there is a willful discovery order violation, a history of abuse, or there is evidence
13 showing that less severe sanctions would not produce compliance with discovery rules. (*Van*
14 *Sickle v. Gilbert* (2011) 196 Cal.App.4th 1495, 1516.)

15 Here, “the court may impose a terminating sanction by one of the following orders:

16 (1) An order striking out the pleadings or parts of the pleadings of any party
17 engaging in the misuse of the discovery process.

18 ...

19 (3) An order dismissing the action, or any part of the action, of that party.

20 (4) An order rendering a judgment by default against that party.”

21 Code Civ. Proc., § 2023.030, subd. (d)

22 **B. The Court Considers Not Just the Actions Since the Court Order, but the Actions**
23 **Leading up to the Original Motions**

24 In determining the specific sanction(s) to be imposed, the court may consider, among other
25 things, the existence of the pattern of conduct here and the months of stonewalling discovery. *See,*
26 *e.g., Do It Yourself Moving & Storage, Inc. v. Brown, Leifer, Slatkin & Berns* (1992) 7 Cal.App.4th 27,
27 35–36, superseded by statute on other grounds as stated in *Union Bank v. Superior Court* (1995) 31
28 Cal.App.4th 573; *Vallbona v. Springer* (1996) 43 Cal.App.4th 1525, 1545; *see also Manzetti v.*
Superior Court (1993) 21 Cal.App.4th 373, 379. The Court may also consider, among other things,

1 the time that has elapsed since the service of the discovery. *Deyo v. Kilbourne* (1978) 84 Cal.App.3d
2 771, 796. Here, the discovery has been pending since last fall and we are now close to trial. The
3 Court may also consider whether the answering party acted in good faith and with reasonable
4 diligence. *Id.* Of course, as noted in the authorities herein, in deciding terminating sanctions the
5 court looks not just at the orders violated, but also to the totality of the circumstances, like Plaintiff's
6 complete disrespect for court orders in other cases, and the discovery nonsense (in addition to the
7 court order violations) wherein Plaintiff has just blocked the progress of the case for a year, by
8 refusing to respond to basic discovery for a case like this.

9 **C. Plaintiff Cannot Benefit from His Own Egregious Stalling Tactics**

10 Courts that have examined similar conduct have held that imposition of lesser sanctions may
11 not be appropriate where it would permit a party to benefit from its own stalling tactics. *Do It Urself*
12 *Moving & Storage, Inc.*, 7 Cal.App.4th at 37; *Collisson & Kaplan v. Hartunian* (1994) 21
13 Cal.App.4th 1611, 1618–19. This is exactly what is happening here. Mr. Pierattini has notified
14 Plaintiff of his intent to seek this discovery and documents since the beginning of this case. We
15 asked Plaintiff for his deposition off the bat. Here, courts have upheld terminating sanctions where,
16 in addition to nonpayment of monetary sanctions, the party simply continues to violate a discovery
17 order. *See, e.g., Stein v. Hassen* (1973) 34 Cal.App.3d 294, 302–303; *Williams v. Travelers Ins.*
18 *Co.* (1975) 49 Cal.App.3d 805, 810.

19 Moreover, the law is well settled that a party should not be allowed to take advantage of his
20 own wrongdoing and to profit from it.² Here, Plaintiff avoided summary judgement and avoided
21 discovery and is doing exactly that.

22 The law is well settled that a plaintiff or any party to a lawsuit should not profit from
23 his own wrong. (See below.) Yet, here, he was able to evade summary judgment on this claim
24 because Plaintiff refuses to answer discovery. He has literally violated five orders:

- 25 (1) violated the order, ordering him to produce documents and respond to the
26 document requests;

27 _____
28 ² *See St. James Armenian Church of Los Angeles v. Kurkjian* (1975) 47 Cal.App.3d 547; *Jeong Soon v. Beckman* (1965) 234 Cal.App.2d 33. A court of equity or law does not allow one to take advantage of his own misconduct. *Welch v. Oakland Unified Sch. Dist.* (2001) 91 Cal.App.4th 1421.

- 1 (2) violated the order, ordering him respond to the special interrogatories;
- 2 (3) violated the order, ordering him to respond to request for admission;
- 3 (4) violated the order for him to answer form interrogatories; and
- 4 (5) violated the order that he sought for reconsideration of sanctions and has not paid
- 5 the sanctions.

6 How can a person violate five different Court orders and then slide past summary judgment
7 because he violated those orders? Of course, the order to appear for deposition is a sixth
8 order violated, and that cannot take place because we need the written discovery. At the same
9 time, as noted throughout his website (permeating with disrespect for the courts), he simply
10 thumbs his nose at the Court Orders. He has not complied with the Orders. Plaintiff has not
11 paid any of the sanctions ordered by the Court. Thus, Plaintiff has felt no repercussions from
12 violations of these orders. This motion seeks to rectify this. The only fair solution is to strike
13 the last remaining claim.

14 **D. Plaintiff is not Harmed by Striking this Cause of Action**

15 Separately, of course, there is no basis for Plaintiff's remaining claim of right of
16 publicity. There is no showing of any kind that Plaintiff's right of publicity was used. There is
17 no showing that any monies were made using Plaintiff's likeness. In fact, nothing was made,
18 and Plaintiff's likeness was not used.

19 In addition to no money having been made from using Plaintiff's name or likeness, any
20 comments about Plaintiff were broadly protected by the First Amendment. But putting the First
21 Amendment aside, none of the elements can be met because there was no money was made
22 based upon the fact that Mr. Pierattini commented about Plaintiff.

23 The elements for common law right of publicity (which mirror those required for a
24 claim under Cal. Civ. Code § 3344) require that Plaintiff show how he lost money or how Mr.
25 Pierattini made money from the name or likeness. (*Local TV, LLC v. Superior Court* (2016) 3
26 Cal.App.5th 1, 7–8). Here, we know Mr. Pierattini made no money. But, DeCastro has not
27 shown in over a year and a half of litigation how he somehow lost money by the use of his
28 likeness. Thus, striking this claim is no harm.

1 Also, Plaintiff still has a case against the culpable parties, so he is not really harmed by
2 striking this frivolous claim. Striking the remaining claim does justice for everyone. The
3 remaining Ms (the ones actually culpable according to Plaintiff) are still available to Plaintiff.
4 But, Mr. Pierattini did nothing wrong. The only fair solution is to strike the remaining claim in
5 the Complaint against Mr. Pierattini, and enter judgment for Mr. Pierattini on this last
6 remaining claim against him.

7 **E. Plaintiff’s Defiance of the Court’s Orders dated May 2, 2024 Warrant the**
8 **Dismissal of Plaintiff’s Complaint Against Mr. Pierattini**

9 Plaintiff’s conduct demonstrates that compliance with the Court’s orders cannot be achieved
10 through lesser sanctions. “The court [is] not required to allow a pattern of abuse to continue ad
11 infinitum.” *Mileikowsky v. Tenet Healthsystem* (2005) 128 Cal.App.4th 262, 280. Here, the abuse is
12 not limited to the court orders on (1) the deposition; (2) the interrogatories; and (3) the document
13 requests. It is the totality of the circumstances and the constant gamesmanship leading up to these
14 orders (even before the non-compliance with these multiple orders). Compliance with the Court’s
15 May 2, 2024 order compelling responses to Form Interrogatories, Special Interrogatories, Requests
16 for Admission, and Requests for Production of Documents would have been easy. But Plaintiff
17 refuses to comply. As a result, Mr. Pierattini can only speculate as to the basis of Plaintiff’s
18 allegations. Plaintiff’s conduct has significantly increased the amount of fees incurred for Mr.
19 Pierattini.

20 **F. The Totality of the Circumstances Suggest That the Dismissal of the Complaint is**
21 **the Appropriate Remedy**

22 The Court considers the totality of the circumstances in determining whether to dismiss
23 Plaintiff’s complaint. Here, that manifests itself in four ways. First, it is manifested in the
24 absolute disregard and intentional stalling that took place up to the filing of the original
25 motions. Second, it is manifested in the noncompliance with the multiple Court Orders. Third,
26 it is manifested in the level of sanctions and being sanctioned there three separate times.
27 Fourth, it is manifested in the total lack of respect for the Court and Court Orders.

28 As to the Fourth point, we look at Plaintiff’s website, and see he has no respect for the courts.
When instructed by the court bailiff in the Nevada case to comply with a Judge’s order on his phone

1 in court, Plaintiff called the bailiff taking his phone a “pig.” As noted in the video of his sentencing
2 in Nevada and as noted in the description, DeCastro “even called the Marshal a ‘pig’ in front of the
3 judge.”

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

5 The bailiff was simply trying to carry out the order of the Judge to take Plaintiff’s cell phone.
6 After Plaintiff DeCastro called the bailiff a “pig,” the Judge said “What did you say?” DeCastro
7 responded: “I said he [the bailiff] is a ‘pig.’” This is admissible here because in the totality of the
8 circumstances it shows that Plaintiff has no respect for the court, court orders or court officers. In
9 fact, his website is called “Delete Lawz”,³ and according to his website, he wants to delete the justice
10 system.

11 **VI. MR. PIERATTINI IS ALSO ENTITLED TO MONETARY SANCTIONS**

12 While it may make little difference because Plaintiff will not pay it, Mr. Pierattini
13 cannot afford this motion. So, the Court may impose a monetary sanction for this misuse of the
14 discovery process. CCP § 2023.030. Monetary sanctions compensating the moving party’s
15 “reasonable expenses” are proper-including fees on the motion to compel. *See Marriage of*
16 *Niklas* (1989) 211 Cal.App. 3d 28, 37–38; *Ghanooni v. Super Shuttle of Los Angeles* (1993) 20
17 Cal.App.4th 256, 262. The purpose of sanctions is to compensate for the costs of enforcing the
18 Court’s Orders on the discovery requests. *Deyo v. Kilbourne* (1978) 84 Cal.App.3d 771, 796.
19 Without the issuance of monetary sanctions, Mr. Pierattini can win but still has to pay fees for
20 a lawsuit he should not have been in. Mr. Pierattini also should have been out long ago if
21 Plaintiff complied with discovery. In light of Plaintiff’s willful violation of the Court Orders,
22 Mr. Pierattini respectfully requests that the Court order Plaintiff and his counsel to pay
23 sanctions in the amount no less than \$4,560.00. (Katrinak Decl., ¶ 14.)

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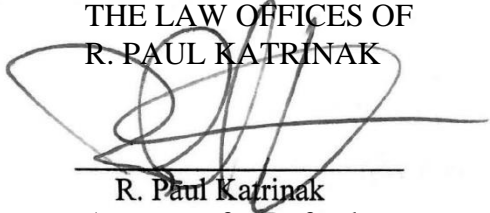
28 ³ https://www.youtube.com/channel/UCF08Wb_1z0ONDwh4Lvhu2AA

1 **VII. CONCLUSION**

2 For the foregoing reasons, Mr. Pierattini respectfully requests that the Court issue
3 evidentiary sanctions, including striking the last remaining cause of action in Plaintiff's
4 complaint, along with monetary sanctions in the amount of \$4,560.00.

5
6 DATED: October 1, 2024

7 THE LAW OFFICES OF
8 R. PAUL KATRINAK



9 R. Paul Katrinak
10 Attorneys for Defendant
11 Michael Pierattini

LAW OFFICES OF R. PAUL KATRINAK
9663 Santa Monica Blvd., Suite 458
Beverly Hills, California 90210
(310) 990-4348

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,
Suite 458, Beverly Hills, California 90210.

6 On October 1, 2024, I served the foregoing document(s) described as:

7 **NOTICE OF MOTION AND MOTION FOR SANCTIONS, INCLUDING A**
8 **REQUEST FOR MONETARY SANCTIONS AGAINST PLAINTIFF IN THE**
SUM OF \$4,560.00

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

10 Steven T. Gebelin, Esq.
11 LESOWITZ GEBELIN LLP
8383 Wilshire Blvd., Suite 800
12 Beverly Hills, CA 90211
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
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
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 October 1, 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