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Electronically FILED by
Superior Court of California,
County of Los Angeles
10/01/2024 4:09 PM
David W. Slayton,
Executive Officer/Clerk of Court,
By A. Ilieva, Deputy Clerk

5 Attorneys for Defendant
Michael Pierattini
6

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

10 JOSE DECASTRO,)

Case No. 23SMCV00538

11 Plaintiff,)

Assigned for all purposes to the Honorable
H. Jay Ford, Dept. O

12 v.)

**REQUEST FOR JUDICIAL NOTICE IN
SUPPORT OF MOTION FOR
SANCTIONS**

13 KATHERINE PETER; DANIEL CLEMENT;)
MICHAEL PIERATTINI; DAVID OMO JR.;)
and DOES 1 TO 30, inclusive,)

Date: January 23, 2025
Time: 8:30 A.M.
Dept: O

14 Defendants.)
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1 Defendant, Michael Pierattini (“Mr. Pierattini”) submits this Request for Judicial Notice regarding
2 the attached court records pursuant to Rule 451 and 452 of the California Evidence Code.

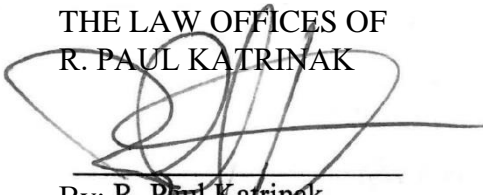
3 1. Attached hereto as Exhibit “1” is a true and correct copy of the Court’s Minute
4 Order in this case of March 7, 2024.

5 2. Attached hereto as Exhibit “2” is a true and correct copy of the Court’s Minute
6 Order in this case of May 2, 2024.

7 3. Attached hereto as Exhibit “3” is a true and correct copy of the Court’s Minute
8 Order in this case of July 30, 2024.

9
10 DATED: October 1, 2024

11 THE LAW OFFICES OF
12 R. PAUL KATRINAK



13 By: R. Paul Katrinak
14 Attorneys for Defendant
15 Michael Pierattini

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EXHIBIT 1

SUPERIOR COURT OF CALIFORNIA, COUNTY OF LOS ANGELES

Civil Division

West District, Santa Monica Courthouse, Department O

23SMCV00538

JOSE DECASTRO vs KATHERINE PETER

March 7, 2024

8:30 AM

Judge: Honorable H. Jay Ford III

Judicial Assistant: K. Neal

Courtroom Assistant: A. Elder

CSR: None

ERM: None

Deputy Sheriff: None

APPEARANCES:

For Plaintiff(s): Jose Decastro (In Court)

For Defendant(s): Raymond Paul Katrinak (In Court)

NATURE OF PROCEEDINGS: Hearing on Motion to Compel Deposition of Plaintiff and Request for Monetary Sanctions in the Sum of \$4,560; Hearing on Motion to Compel Responses to Form Interrogatories, Set One and Request for Monetary Sanctions in the sum of \$4,560; Hearing on Motion to Compel Further Discovery Responses to Special Interrogatories, Set One, to Plaintiff and Request for Monetary Sanctions Against Plaintiff in the Sum of \$4,560; Hearing on Motion to Compel Further Discovery Responses to Requests for Admission, Set One, to Plaintiff and Requests for Monetary Sanctions Against Plaintiff in the Sum of \$4,560; Hearing on Motion to Compel Further Discovery Responses to Requests for Production of Documents, Set One, to Plaintiff and Requests for Monetary Sanctions Against Plaintiff in the Sum of \$4,560

The Court issues the following tentative ruling:

TENTATIVE RULING

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

2. The Court orders the parties to meet and confer regarding the necessity of serving more than 30 "contention" requests for admissions and 30 "contention" special interrogatories. It appears that many of 187 special interrogatories are duplicative of each other and seek the information sought by the form interrogatories. Likewise, the purpose of requests for admissions is to narrow discovery by eliminating undisputed issues. The Court's concerned that the 76 request for admissions that essentially ask DeCastro to admit his case has no merit is inconsistent with that purpose. Likewise, when coupled with form interrogatory 17.1, they become duplicative of much of the information to be disclosed in response to the remaining form interrogatories. Therefore, in lieu of ordering DeCastro to serve further responses to more than 30 requests for admission and 30 special interrogatories the Court is inclined to order DeCastro to serve a verified response

SUPERIOR COURT OF CALIFORNIA, COUNTY OF LOS ANGELES

Civil Division

West District, Santa Monica Courthouse, Department O

23SMCV00538

JOSE DECASTRO vs KATHERINE PETER

March 7, 2024

8:30 AM

Judge: Honorable H. Jay Ford III

Judicial Assistant: K. Neal

Courtroom Assistant: A. Elder

CSR: None

ERM: None

Deputy Sheriff: None

that identifies the “initial disclosures” that are required to be disclosed under Code of Civil Procedure section 2016.090 for cases filed after January 1, 2024. Similarly, Pierattini’s request for production of documents that are linked to the special interrogatories that exceed 30 may be excessive and rendered moot by DeCastro complying with CCP 2016.090 subd (a) (1)(b) and responding to the form interrogatories.

3. Regarding Pierattini’s motion to compel Decastro’s appearance at his deposition, DeCastro is ordered to file a notice of change of address that discloses his purported out of state residence, not just mailing address, within 10 days. DeCastro may seek to file that notice with his residence address redacted from the public filing by making the appropriate motion to seal that notice under California rules of Court 2.551.

4. The hearing on Pierattini’s motions to compel further responses to the requests for admission, special interrogatories and production of documents, and to compel DeCastro's deposition are continued to May 2, 2024 at 8:30.

*****END OF TENTATIVE RULING*****

The matters are called for hearing and argued.

The Court adopts its tentative ruling as indicated above.

The Motion to Compel Responses to Form Interrogatories, Set One and Request for Monetary Sanctions Against Plaintiff in the Amount of \$4, 560 filed by Michael Pierattini on 01/25/2024 is Granted. Plaintiff José DeCastro's ordered to serve the responses, without objections, and pay monetary sanctions in the amount of \$1635 within 30 days of service of the order. Defendant Pierattini is ordered to submit the proposed order in accordance with CRC Rule 3.1312.

On the Court's own motion, the Hearing on Motion to Compel Deposition of Plaintiff and Request for Monetary Sanctions in the Sum of \$4,560 scheduled for 03/07/2024, Hearing on Motion to Compel Further Discovery Responses to Special Interrogatories, Set One, to Plaintiff and Request for Monetary Sanctions Against Plaintiff in the Sum of \$4,560 scheduled for 03/07/2024, Hearing on Motion to Compel Further Discovery Responses to Requests for Admission, Set One, to Plaintiff and Requests for Monetary Sanctions Against Plaintiff in the Sum of \$4,560 scheduled for 03/07/2024, and Hearing on Motion to Compel Further Discovery Responses to Requests for Production of Documents, Set One, to Plaintiff and Requests for Monetary Sanctions Against Plaintiff in the Sum of \$4,560 scheduled for 03/07/2024 are continued to 05/02/2024 at 08:30 AM in Department O at Santa Monica Courthouse.

SUPERIOR COURT OF CALIFORNIA, COUNTY OF LOS ANGELES

Civil Division

West District, Santa Monica Courthouse, Department O

23SMCV00538

JOSE DECASTRO vs KATHERINE PETER

March 7, 2024

8:30 AM

Judge: Honorable H. Jay Ford III

Judicial Assistant: K. Neal

Courtroom Assistant: A. Elder

CSR: None

ERM: None

Deputy Sheriff: None

The clerk is to give notice.

Certificate of Mailing is attached.

EXHIBIT 2

SUPERIOR COURT OF CALIFORNIA, COUNTY OF LOS ANGELES

Civil Division

West District, Santa Monica Courthouse, Department O

23SMCV00538

JOSE DECASTRO vs KATHERINE PETER

May 2, 2024

8:30 AM

Judge: Honorable H. Jay Ford III

CSR: None

Judicial Assistant: K. Neal

ERM: None

Courtroom Assistant: A. Elder

Deputy Sheriff: None

APPEARANCES:

For Plaintiff(s): No Appearances

For Defendant(s): Raymond Paul Katrinak (In Court); Michael Pierattini (Telephonic)

NATURE OF PROCEEDINGS: Hearing on Motion to Compel Deposition of Plaintiff and Request for Monetary Sanctions in the Sum of \$4,560; Hearing on Motion to Compel Further Discovery Responses to Requests for Admission, Set One, to Plaintiff and Requests for Monetary Sanctions Against Plaintiff in the Sum of \$4,560; Hearing on Motion to Compel Further Discovery Responses to Requests for Production of Documents, Set One, to Plaintiff and Requests for Monetary Sanctions Against Plaintiff in the Sum of \$4,560; Hearing on Motion to Compel Further Discovery Responses to Special Interrogatories, Set One, to Plaintiff and Request for Monetary Sanctions Against Plaintiff in the Sum of \$4,560

The Court issues the following tentative ruling:

TENTATIVE RULING

Having continued the hearing on Pierattini's motions to compel further responses to the requests for admission, special interrogatories and production of documents, hand having received and reviewed the declaration of counsel for Pierattini regarding counsel's efforts to meet and confer regarding any objections to the written proposed order granting pier routines motion to compel responses to form interrogatories and request for sanctions and having reviewed DeCastro's complaint, the Court orders as follows:

1. Pierattini's motion to compel further responses to the requests for admission is granted, in part. DeCastro is ordered to serve full and complete responses, without objections, to request for admission nos. 22, 23, 24, 25, 26, 27, 37, 38, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 54, 55, 56, 57, 58, 59, 61, 62, 63, 64, 65, 66, 67 trauma 68, 69, 70, 71 2072, 73, 74, 75 and 76 within 30 days. DeCastro's objections to these requests are all overruled. Pierattini's request for sanctions, however, is denied because DeCastro was justified in opposing the otherwise meritorious motion based on the objection to the number of requests exceeded 35 under CCP §2033.030. However, after further review, that objection is overruled as well. Requiring DeCastro to answer all of the above requests for admission, and thereafter, fully answer Form

SUPERIOR COURT OF CALIFORNIA, COUNTY OF LOS ANGELES

Civil Division

West District, Santa Monica Courthouse, Department O

23SMCV00538

JOSE DECASTRO vs KATHERINE PETER

May 2, 2024

8:30 AM

Judge: Honorable H. Jay Ford III

CSR: None

Judicial Assistant: K. Neal

ERM: None

Courtroom Assistant: A. Elder

Deputy Sheriff: None

Interrogatory No. 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. It appears to the Court that based on the complexity and issues in issues in this case, no more than 50 special interrogatories are reasonably warranted. The motion seeking further responses to the remaining special interrogatories is denied, without prejudice to Pierattini serving no more than 23 additional special interrogatories (for a total of 50), without seeking further leave of Court. Pierattini may re-serve any of the special interrogatories that are included in his set one (other than 1-27) or serve new special interrogatories, or any combination of either, provided the number of special interrogatories served in the future do not exceed 23. Pierattini's request for sanctions is denied because DeCastro was justified in opposing the otherwise meritorious motion based on the objection to the number of special interrogatories that exceeded 35 under CCP §2030.030.

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. The Court finds the more precise, efficient, and less burdensome why Pierattini has failed to show good cause for the production of many of the remaining requests and that most precise and efficient way in this case for Pierattini to obtain discoverable documents is to request the production of documents identified in the supplemental responses to the Special Interrogatories Form interrogatory 17.1(d) .

4. Pierattini's motion to compel the deposition of DeCastro is GRANTED, subject to the verification that Castro's current permanent address is 2858 Franklin St. Santa Monica, California 90404, as stated in the caption of DeCastro's notice of change of address filed April 8 2024 (and in all other pleading Castro has filed in this action) and that the "new address" stated in that notice of 330 S. Casino Center Blvd., Las Vegas, NV 89101, is not a temporary residence. Castro is ordered to appear for his deposition on May _____, at _____ . Plaintiff is to serve a new notice of deposition for this location.

*****END OF TENTATIVE RULING*****

The matters are called for hearing.

SUPERIOR COURT OF CALIFORNIA, COUNTY OF LOS ANGELES

Civil Division

West District, Santa Monica Courthouse, Department O

23SMCV00538

JOSE DECASTRO vs KATHERINE PETER

May 2, 2024

8:30 AM

Judge: Honorable H. Jay Ford III

Judicial Assistant: K. Neal

Courtroom Assistant: A. Elder

CSR: None

ERM: None

Deputy Sheriff: None

The Motion to Compel Further Discovery Responses to Requests for Admission, Set One, and Request for Monetary Sanctions Against Plaintiff in the Sum of \$4,560 filed by Michael Pierattini on 01/25/2024, Motion to Compel Further Discovery Responses to Special Interrogatories, Set One and Request for Monetary Sanctions Against Plaintiff in the Sum of \$4,560 filed by Michael Pierattini on 01/25/2024, and Motion to Compel Further Discovery Responses to Requests for Production of Documents, Set One, to Plaintiff and Requests for Monetary Sanctions Against Plaintiff in the Sum of \$4,560 filed by Michael Pierattini on 01/25/2024 are Granted in Part. Said motions are granted in part as indicated above. The requests for sanctions are denied.

The defendant may re-serve 17.1 interrogatories after the supplemental responses to the RFA are received.

The plaintiff is to file a declaration regarding whether the Nevada address is his permanent address, and why he is still using the California address on the pleadings.

On the Court's own motion, the Hearing on Motion to Compel Deposition of Plaintiff and Request for Monetary Sanctions in the Sum of \$4,560 scheduled for 05/02/2024 is continued to 06/18/2024 at 08:30 AM in Department O at Santa Monica Courthouse.

Defense counsel is to give notice.

EXHIBIT 3

SUPERIOR COURT OF CALIFORNIA, COUNTY OF LOS ANGELES

Civil Division

West District, Santa Monica Courthouse, Department O

23SMCV00538

JOSE DECASTRO vs KATHERINE PETER

July 30, 2024

8:30 AM

Judge: Honorable H. Jay Ford III

Judicial Assistant: K. Neal

Courtroom Assistant: None

CSR: None

ERM: None

Deputy Sheriff: None

APPEARANCES:

For Plaintiff(s): Steven T. Gebelin (In Court)

For Defendant(s): Raymond Paul Katrinak (In Court)

NATURE OF PROCEEDINGS: Hearing on Motion for Reconsideration of Motion for Sanctions or in the Alternative for Factual Findings; Hearing on Motion to Compel Deposition of Plaintiff and Request for Monetary Sanctions in the Sum of \$4,560

The matters are called for hearing.

The Motion for Reconsideration of Motion for Sanctions or in the Alternative for Factual Findings filed by Jose Decastro on 04/08/2024 is Denied. Said motion is denied as it fails to meet the requirements under C.C.P. 1008.

The Motion to Compel Deposition of Plaintiff and Request for Monetary Sanctions Against Plaintiff in the Sum of \$4,560 filed by Michael Pierattini on 01/25/2024 is Granted. The Court awards sanctions in the amount of \$4,560.00.

Counsel orally stipulate that plaintiff's deposition will take place on August 21, 2024 at 10:00 a.m. as noticed.

Defense counsel is to submit the proposed Order with the date and location of the deposition, and give notice.

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 458, Beverly Hills, California 90210.

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

8 **REQUEST FOR JUDICIAL NOTICE IN SUPPORT OF MOTION FOR
9 SANCTIONS**

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

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

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

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

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

24 Executed October 1, 2024, at Los Angeles, California.

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

27 
28 R. Paul Katrinak