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Superior Court of California,
County of Los Angeles
1/23/2025 6:46 AM
David W. Slayton,
Executive Officer/Clerk of Court,
By J. Hernandez, Deputy Clerk

4 Attorneys for Defendant
5 Michael Pierattini

6
7 SUPERIOR COURT OF THE STATE OF CALIFORNIA
8 FOR THE COUNTY OF LOS ANGELES

9 JOSE DECASTRO,)
10)
Plaintiff,)
11)
v.)
12)
KATHERINE PETER; DANIEL CLEMENT;)
13 MICHAEL PIERATTINI; DAVID OMO JR.;)
and DOES 1 TO 30, inclusive,)
14)
Defendants.)

Case No. 23SMCV00538
Assigned for all purposes to the Honorable
H. Jay Ford, Dept. O
**BRIEF REGARDING NONSENSE
DISCOVERY SERVED THE NIGHT
BEORE THE HEARING ON THIS
MOTION FOR SANCTIONS**
**REQUEST TO CONTINUE MOTION FOR
SANCTIONS, AND CONTINUE MOTION
FOR SUMMARY JUDGMENT, AS WELL
AS THE TRIAL**

15)
16)
17)
18 Date: January 23, 2025
Time: 8:30 a.m.
19 Dept: O

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1 **REQUEST TO CONTINUE TO ADDRESS THIS GAMESMANSHIP**

2 Plaintiff's utter disrespect for opposing counsel and the Court continues. He has been
3 sanctioned multiple times for his conduct. Nonetheless, he has the Court work up this motion
4 and he sends some nonsense discovery at 8 p.m. the night before the hearing on this Motion for
5 sanctions, and he assumes that is it?

6 Plaintiff would have this court believe that, despite simply ignoring basic discovery for
7 a year and not paying any of this court's sanctions for his prior conduct, that he is allowed to
8 send some nonsense, and then the motion for sanctions just comes off calendar. That is not
9 how discovery works. No one would ever answer discovery if that was the case. As explained
10 in Brown & Weil:

11 [8:1137] **For FAILURE to respond:** If a party to whom interrogatories were
12 directed fails to serve a timely response, the propounding party may move for
13 an order compelling responses and for a monetary sanction. [CCP §
14 2030.290(b); see *Sinaiko Healthcare Consulting, Inc. v.*
Pacific Healthcare Consultants (2007) 148 CA4th 390, 404, 55 CR3d 751,
[760](#) (citing text)]

15 The motion to compel may be heard even if *tardy responses* are served *after* the
16 motion is filed. Unless the propounding party takes the matter off calendar, the
17 court may determine whether the responses are legally sufficient and award
sanctions for the failure to respond on time. [*Sinaiko Healthcare Consulting,*
Inc. v. Pacific Healthcare Consultants, supra, 148 CA4th at 410-411, 55 CR3d
at 765]

18 Brown & Weil, California Practice Guide: Civil Procedure Before Trial, Section 8:1137 (2024
19 update). Accordingly, we ask the court continue this hearing and the trial to let us address
20 these issues. We will address the fact that these responses are so deficient that they are no real
21 responses at all, and the case should be terminated. We will also amend our MSJ to show that
22 nothing has been produced to show any damages or liability.

23
24 DATED: January 22, 2025

25 THE LAW OFFICES OF
26 R. PAUL KATRINAK

27 R. Paul Katrinak
28 Attorneys for Defendant
Michael Pierattini

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 January 23, 2025, I served the foregoing document(s) described as:

8 **BRIEF REGARDING NONSENSE DISCOVERY SERVED THE NIGHT
9 BEFORE THE HEARING ON THIS MOTION FOR SANCTIONS**

10 **REQUEST TO CONTINUE MOTION FOR SANCTIONS, AND CONTINUE
11 MOTION FOR SUMMARY JUDGMENT, AS WELL AS THE TRIAL**

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 January 23, 2025, 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