

1 **LESOWITZ GEBELIN LLP**
2 Steven T. Gebelin, Esq. (Bar No. 261507)
3 steven@lawbylg.com
4 8383 Wilshire Blvd., Suite 800
5 Beverly Hills, CA 90211
6 Telephone: (310) 341-3072
7 Facsimile: (310) 341-3070

8 Attorneys for Plaintiff Jose DeCastro

Electronically FILED by
Superior Court of California,
County of Los Angeles
2/25/2025 12:00 PM
David W. Slayton,
Executive Officer/Clerk of Court,
By S. Gardner, Deputy Clerk

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

**DECLARATION OF PLAINTIFF JOSE
DECASTRO IN SUPPORT OF PLAINTIFF
JOSE DECASTRO'S OPPOSITION TO
DEFENDANT MICHAEL PIERATTINI'S
MOTION FOR SANCTIONS, INCLUDING A
REQUEST FOR MONETARY SANCTIONS
AGAINST PLAINTIFF IN THE SUM OF
\$4,560.00**

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

Declaration of JOSE DECASTRO

1
2 1. I, Jose DeCastro, am the Plaintiff in this matter. I make this declaration in support of my
3 opposition to Defendant Michael Pierattini’s (“Defendant” or “Pierattini”) Motion for Terminating
4 and Monetary Sanctions. Except where explicitly stated otherwise, I have personal knowledge of
5 all facts contained in this declaration and, if called as a witness, I could and would competently
6 testify to all said facts.

7 2. On March 17, 2024, I was wrongfully convicted in Clark County Nevada of two
8 misdemeanor counts brought in connection with me recording a Las Vegas Metropolitan Police
9 Department police officer making a traffic stop on March 15, 2023. The conviction was
10 overturned on appeal on July 11, 2024. Although I was not released until July 12, 2024.

11 3. The total sentence on the two counts was 180 days and I was taken into custody
12 immediately after my wrongful and unlawful conviction. On July 11, 2024, I won my appeal of
13 that conviction, and was released on July 12, 2024 after serving nearly four months in the Clark
14 County Detention Center. I had never been sentenced to incarceration before; it was a brutal
15 experience mentally and physically. While I was incarcerated, in June 2024, I hired an attorney to
16 appear on my behalf in this case. Although I was able to hire counsel, my ability to coordinate
17 and assist in non-routine matters in the case was severely limited during my incarceration, as my
18 only means of communication with my counsel in this case was sporadic telephone calls through
19 the Clark County Detention Center’s inmate phone system. Which included limited windows of
20 time, often at off hours or not at all.

21 4. As such, I was incarcerated when the Court issued its orders dated April 4, 2024 (requiring
22 supplemental responses to Defendants’ Form Interrogatories) and May 2, 2024 (requiring
23 supplemental responses to Defendants’ Special Interrogatories, Requests for Admission, and
24 Requests for Production) and at the end of the 30 day period in which the Court ordered the
25 supplemental responses to be provided. This denied me my proper due process.

26 5. I had less than two weeks after my release to try and coordinate with counsel and to
27 prepare my files and information and to provide non-public information from my files to my
28 counsel in advance of filing an opposition to Pierattini’s Motion for Summary Judgment (which

1 was filed while I was incarcerated).

2 6. Additionally, my computer, that has/had all my document, downloaded videos, discord
3 screenshots; essentially my entire life on it, crashed. I have the receipt showing that I did not have
4 access to any files until only days before the unforgiving court deadline.

5 7. During my incarceration I did not have or see a copy of the motion for summary judgment
6 or the orders requiring supplemental discovery responses. This denies me proper due process.

7 8. Since my release, in addition to needing to spend substantial time to reestablish my
8 occupation and income, I am suffering from PTSD and have otherwise suffered from significant
9 mental stress, fatigue, and confusion preventing me from participating in and focusing on the
10 litigation of this case at the level that I would have ordinarily provided.

11 9. Despite the mental stress, I have provided supplemental responses to the written discovery
12 to the best of my ability.

13
14 I declare under penalty of perjury of the State of California that the above is true and correct to the
15 best of my belief and understanding.

16 Date: January 10, 2025

17 By: 

18 Jose DeCastro
19
20
21
22
23
24
25
26
27
28

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

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 January 10, 2025, I served the following document(s) on the interested parties in this action:
DECLARATION OF PLAINTIFF JOSE DECASTRO IN SUPPORT OF PLAINTIFF JOSE DECASTRO'S OPPOSITION TO DEFENDANT MICHAEL PIERATTINI'S MOTION FOR SANCTIONS, INCLUDING A REQUEST FOR MONETARY SANCTIONS AGAINST PLAINTIFF IN THE SUM OF \$4,560.00

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
9663 Santa Monica Blvd., 458
Beverly Hills, California 90210
Telephone: (310) 990-4348
Facsimile: (310) 921-5398
katrinaklaw@gmail.com
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 January 22, 2025, at Los Angeles, California.


Steven T. Gebelin