

**PLAINTIFF'S REPLY TO DEFENDANT PIERATTINI'S OBJECTION TO
AND REQUEST TO VACATE PLAINTIFF'S VOLUNTARY DISMISSAL
WITHOUT PREJUDICE**

TO THE COURT, ALL PARTIES, AND THEIR COUNSEL OF RECORD:

Plaintiff JOSE DECASTRO respectfully submits this reply to Defendant Michael Pierattini's objection to Plaintiff's voluntary dismissal without prejudice.

I. INTRODUCTION

Defendant's objection is an overreach and misrepresents both the purpose and legality of Plaintiff's request. California Code of Civil Procedure § 581(c) authorizes a plaintiff to dismiss an action without prejudice before trial commences. The voluntary dismissal filed on April 17, 2025, complies with both the letter and spirit of the law.

II. LEGAL RIGHT TO VOLUNTARY DISMISSAL

California law clearly provides that a plaintiff may dismiss an action without prejudice at any time **before the actual commencement of trial** (CCP § 581(b)(1)). No trial has begun in this case. No dispositive ruling has been made on the remaining cause of action. Plaintiff's exercise of that right should be respected.

Defendant improperly invokes *Hartbrodt v. Burke* and related cases, but those cases involved **dispositive rulings** or **terminating sanctions already granted**, which is not the case here. Plaintiff's dismissal was **timely, properly filed**, and within his rights.

III. PLAINTIFF'S MOTIVATION IS NOT IMPROPER

Defendant alleges bad faith and "gamesmanship." This is speculative and unsubstantiated. Plaintiff, now representing himself, made the voluntary choice to withdraw this case as a matter of discretion, not to frustrate the court or evade accountability.

Any prior litigation statements expressing frustration or emotional intent do not constitute legal grounds to override a statutory right to dismissal. Plaintiff has not violated any standing order in a manner that would justify conversion to dismissal with prejudice.

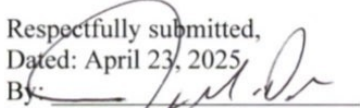
IV. NO PREJUDICE TO DEFENDANT

No trial date has been set. No final adjudication has occurred. Defendant retains all defenses and arguments in the unlikely event Plaintiff re-files. Defendant's rights are preserved; there is no legal harm from a dismissal without prejudice.

V. CONCLUSION

For the foregoing reasons, Plaintiff respectfully requests that this Court:

1. **DENY** Defendant Pierattini's request to strike or vacate the dismissal;
2. **UPHOLD** Plaintiff's right to voluntarily dismiss without prejudice under CCP § 581;
3. **DENY** any request to convert the dismissal to one with prejudice.

Respectfully submitted,
Dated: April 23, 2025
By: 
Jose DeCastro, Plaintiff, Pro Se

Address: 1258 Franklin Ave., Santa Monica, CA 90404
Email: chille@situationcreator.com
Phone: (310) 963-2445