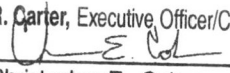


SUPERIOR COURT OF CALIFORNIA COUNTY OF LOS ANGELES

JOSE DECASTRO  
Plaintiff, In Pro Per  
1258 Franklin Street  
Santa Monica, CA 90404  
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Phone: (310) 963-2445

**FILED**  
Superior Court of California  
County of Los Angeles

**MAY 27 2025**

Sherri R. Carter, Executive Officer/Clerk of Court  
By  Deputy  
Christopher E. Coleman

vs

KATHERINE PETER; DANIEL CLEMENT; MICHAEL PIERATTINI; DAVID OMO  
JR.; and DOES 1 through 30,  
Defendants.

Case No.: 23SMCV00538  
Assigned to: Hon. H. Jay Ford, Dept. O  
Hearing Date: May 29, 2025  
Time: 8:30 a.m.  
Dept.: O

PLAINTIFF'S OPPOSITION TO DEFENDANT MICHAEL PIERATTINI'S MOTION  
TO VACATE/STRIKE REQUEST FOR DISMISSAL WITHOUT PREJUDICE

- 1 Date: May 29, 2025 Time: 8:30 a.m. Dept.: O Judge: Hon. H. Jay Ford
- 2 TO THE COURT, ALL PARTIES, AND THEIR COUNSEL OF RECORD:
- 3
- 4 Plaintiff JOSE DECASTRO respectfully submits this Opposition to Defendant
- 5 MICHAEL PIERATTINI's Motion to Vacate or Strike Plaintiff's Request for  
Dismissal
- 6 Without Prejudice, filed pursuant to California Code of Civil Procedure section 581.
- 7
- 8 I. INTRODUCTION
- 9
- 10 Defendant seeks to vacate Plaintiff's lawful dismissal under Code of Civil Procedure
- 11 section 581 by portraying Plaintiff as a vexatious litigant. That claim is factually

12 incorrect and legally unsupported. This dismissal was filed before any dispositive  
13 ruling, during a period where Plaintiff was recovering from wrongful incarceration  
14 and persistent stalking. The Court should not permit Defendant to rewrite the  
15 record or punish Plaintiff for exercising his lawful right to withdraw from litigation.  
16

## 17 II. PLAINTIFF'S STATUTORY RIGHT UNDER CODE OF CIVIL PROCEDURE SECTION 581

18

19 Under Code of Civil Procedure section 581, subdivision (c), a plaintiff may dismiss  
20 an action without prejudice at any time before trial commences or a dispositive  
21 ruling is issued. When Plaintiff filed his dismissal on April 15, 2025:

22

23 No ruling had been entered on the Motion for Summary Judgment;

24

25 No terminating sanctions had been imposed;

26

27 Trial had not commenced.

28

29 Thus, the dismissal was timely and proper. Defendant's attempt to strip away this  
30 statutory right lacks legal basis.

31

## 32 III. PLAINTIFF WAS DENIED DUE PROCESS WHILE INCARCERATED

33

34 Plaintiff was incarcerated from March 19 to July 14, 2024. During this period,  
35 Defendant's counsel claimed to have served multiple motions and discovery

36 demands—yet Plaintiff never received them. Defense counsel was fully aware of  
37 Plaintiff's incarceration and knew he lacked meaningful access to mail, legal  
38 counsel, or court filings.

39

40 The alleged noncompliance with discovery must be viewed in light of these facts.  
41 Plaintiff was not evading discovery—he was physically and legally incapacitated,  
42 and he never had notice of the documents now used to support terminating  
43 sanctions. This failure of service undermines any fair basis for sanctions or  
44 adverse rulings.

45

#### 46 IV. EXTRAORDINARY CIRCUMSTANCES: WRONGFUL INCARCERATION AND RECOVERY

47

48 Plaintiff's incarceration was later reversed on appeal. He was exonerated and  
49 his record cleared. That experience caused lasting psychological harm and  
50 significant functional impairment after release.

51

52 From July 2024 through early 2025, Plaintiff was recovering from trauma,  
53 emotional disassociation, and severe brain fog. Upon release on July 14, 2024,  
54 Plaintiff was in a total state of dismay and was not functioning as himself until  
55 January 2025. His ability to participate in litigation was severely limited. The Court  
56 should not equate inability with bad faith.

57

#### 58 V. CONTEXT OF PLAINTIFF'S STATEMENT: STALKING AND TRAUMA, NOT LITIGATION ABUSE

59

60 Defendant's motion fixates on one sentence from Plaintiff's response to discovery:

61

62 "I will never stop suing Michael Pierattini..."

63

64 This quote is not evidence of bad faith. It was written during a period when

65 Plaintiff was being actively stalked and harassed by individuals affiliated with an

66 online group called "Troll Mafia." At that time:

67

68 Plaintiff's real-time location was broadcast online;

69

70 Businesses he entered were harassed with phone calls;

71

72 Friends, family, investors, and business associates were harassed and

73 review-bombed on Google;

74 Plaintiff's car was stolen, with Troll Mafia claiming credit;

75

76 Dog feces was left on Plaintiff's doorstep and smeared on his front doorknob;

77

78 These incidents created a state of constant anxiety and justified hypervigilance.

79 The quote reflects a trauma-fueled reaction to escalating harassment—not an

80 intent to abuse the legal system. Plaintiff was seeking lawful relief and protection

81 from targeted harassment and has the legal right to seek justice when legitimately

82 harmed.

83

84 VI. CASE LAW CITED BY DEFENDANT IS INAPPLICABLE

85

86 Defendant relies heavily on Hartbrodt v. Burke and M & R Properties v. Thomson.

87 Those cases involved parties who were fully served, willfully disobeyed court

88 orders, and then filed dismissals to avoid imminent adverse rulings.

89

90 Plaintiff here:

91

92 Was not properly served;

93

94 Was wrongfully incarcerated;

95

96 Filed his dismissal before any adverse ruling;

97

98 Has not acted in bad faith.

99

100 The factual record in Hartbrodt does not apply here. The dismissal in this case

101 was lawful and appropriate.

102

103 VII. PLAINTIFF'S GOOD FAITH OFFER TO RESOLVE THIS MATTER

104

105 To further demonstrate that this dismissal was not gamesmanship, Plaintiff now

106 proposes a mutual resolution and permanent disengagement:

107

108 Plaintiff is willing to enter into a written agreement in which:

109

110 Plaintiff agrees to permanently dismiss this case with prejudice;

111

112 Plaintiff agrees not to file any future lawsuit against Defendant Pierattini based

113 on the same underlying events or conduct;

114

115 Defendant agrees to withdraw all pending sanctions motions and waive

116 previously imposed sanctions;

117

118 Both parties agree to no contact, no public reference, and mutual disengagement

119 from one another, directly or indirectly;

120

121 Each party agrees to bear their own legal costs and fees.

122

123 If Defendant's concern is ongoing litigation, this offer removes that possibility.

124 Plaintiff seeks to conclusively resolve this matter and avoid further litigation. This

125 offer directly undermines Defendant's claim of bad faith and demonstrates

126 Plaintiff's intent to resolve—not prolong—conflict.

127

128 Plaintiff makes this offer in writing and is prepared to execute a stipulated

129 agreement immediately upon Defendant's acceptance.

130

131 VIII. CONCLUSION

132

133 This is not a case of gamesmanship. It is the result of:

134

135 Wrongful incarceration;

136

137 Improper service and denial of due process;

138

139 Coordinated harassment and psychological trauma;

140

141 A sincere effort to withdraw from litigation, not prolong it.

142

143 Plaintiff respectfully requests that the Court:

144

145 DENY Defendant's Motion to Vacate/Strike the Dismissal Without Prejudice;

146

147 Uphold Plaintiff's voluntary dismissal under Code of Civil Procedure section 581;

148

149 Consider Plaintiff's offer of a mutual walkaway to end all litigation and sanction

150 disputes;

151

152 Decline to issue terminating sanctions under these unique and inequitable

153 circumstances.

Dated: 5-27, 2025

Respectfully submitted,

Jose DeCastro

Plaintiff, Pro Se

