UNITED STATES DISTRICT COURT DISTRICT OF MASSACHUSETTS

JOSE MARIA DECASTRO,

Plaintiff,

v. Civil Action No. 1:25-cv-11610-LTS

DALE HILLER a/k/a "LackLuster,"

JOSHUA ABRAMS a/k/a "Accountability For All,"

KATE PETER a/k/a "Masshole Mafia,"

and JOHN DOES 1 through 5,

Defendants.

EMERGENCY MOTION TO AMEND COMPLAINT TO CORRECT CRITICAL LEGAL DEFICIENCIES

TO THE HONORABLE LEO T. SOROKIN:

Plaintiff Jose Maria DeCastro, appearing pro se, respectfully moves this Court for leave to amend his Complaint filed on June 3, 2025, to correct critical legal deficiencies that, if left uncorrected, could impair Plaintiff's ability to proceed on the merits and could subject this case to dismissal on technical grounds.

I. NATURE OF EMERGENCY

This motion presents time-sensitive legal issues that could unjustly impair Plaintiff's rights under the applicable statute of limitations and federal jurisdiction requirements.

The proposed amendments address: (1) a critical date error affecting statute of limitations, (2) jurisdictional pleading deficiencies, and (3) specificity improvements required under federal pleading standards.

II. GROUNDS FOR RELIEF

A. Legal Standard

Federal Rule of Civil Procedure 15(a)(2) permits amendment when "justice so requires." Courts routinely allow amendment to correct legal deficiencies, particularly when: (1) the errors are obvious and correctable, (2) evidence supports the corrections, (3) no party is prejudiced, and (4) the amendments strengthen rather than fundamentally alter the claims.

B. Critical Date Error Requiring Immediate Correction

1. Typographical Error with Statute of Limitations Impact

- Current Paragraph 7 incorrectly states "on or about June 1, 2022"
- Correct date is June 10, 2022
- Massachusetts defamation statute of limitations is 3 years
- June 1, 2022 + 3 years = June 1, 2025 (2 days before filing)
- June 10, 2022 + 3 years = June 10, 2025 (case timely filed)

2. Multiple Evidence Sources Support June 10, 2022:

- Video metadata clearly showing June 10, 2022
- Defendants' own statements in the video repeatedly referencing "10 days" after Memorial Day
- Memorial Day 2022 was May 30; ten days later = June 9-10, 2022

- All contemporaneous events consistent with June 10 timing

C. Jurisdictional Pleading Deficiency

1. Current Problem

- Complaint cites only Massachusetts General Laws for jurisdiction

- Fails to cite proper federal diversity jurisdiction basis

- Could subject case to motion to dismiss for lack of subject matter jurisdiction

2. Proper Diversity Jurisdiction Exists

- Plaintiff is California resident

- Defendants are from Massachusetts and other states

- Amount in controversy exceeds $75,000

- Meets requirements of 28 U.S.C. § 1332(a)(1)

D. Pleading Specificity Improvements

1. Remove Vague "On or About" Language

- Current pleading uses imprecise "on or about" language

- Federal courts prefer specific dates when known

- Creates unnecessary ambiguity for statute of limitations analysis

2. Enhanced Factual Allegations

- Add more specific quotes from defamatory statements

- Include additional timeline evidence

- Strengthen factual foundation for claims

E. Time-Sensitive Nature of Relief

1. Statute of Limitations Preservation

- Date error could be fatal to entire case

- Massachusetts 3-year limitation period requires precision

- Any delay risks defendants arguing case is time-barred

2. Pre-Service Timing

- Defendants have not been served

- No responsive pleadings filed

- Ideal time for comprehensive amendments

3. Judicial Efficiency

- Avoids piecemeal motions later

- Addresses all technical deficiencies at once

- Allows case to proceed on merits

F. No Prejudice to Defendants

1. Same Core Facts and Legal Theories

- All amendments involve same June 10, 2022 livestream

- Same defendants, same defamatory statements

- No surprise or unfair advantage

2. Pre-Service Status

- Defendants not yet served with process

- No discovery conducted

- No responsive pleadings filed

3. Strengthens Rather Than Changes Case

- Corrects technical deficiencies

- Does not add new claims or theories

- Makes case stronger on existing foundation

Note on Conferral: Because defendants have not yet been served, Plaintiff was unable to confer under Local Rule 7.1(a)(2).

III. PROPOSED AMENDMENTS

A. Date and Specificity Corrections

Current Paragraph 7:

"On or about June 1, 2022, just after Memorial Day, Defendants appeared in a livestream..."

Proposed Paragraph 7:

"On June 10, 2022, ten days after Memorial Day as repeatedly referenced by Defendants in their own statements during the broadcast, Defendants appeared in a livestream..."

B. Jurisdictional Enhancement

Add to Paragraph 6:

"This Court has diversity jurisdiction over this action pursuant to 28 U.S.C. § 1332(a)(1) because Plaintiff is a citizen of California, Defendants are citizens of states other than California, and the amount in controversy exceeds $75,000, exclusive of interest and costs."

C. Additional Factual Specificity

- Enhanced quotes from video transcript
- Specific timeline references from defendants' own statements
- Additional evidence of reputational harm
- More detailed damages calculations

IV. SUPPORTING EVIDENCE

Plaintiff's video evidence (Exhibit 1, USB drive submitted with original Complaint) contains multiple forms of proof confirming the proposed amendments:

1. Date Confirmation:

- File metadata confirming June 10, 2022 date
- Defendants' own statements referencing "10 days" after Memorial Day
- Timeline confirmation: Memorial Day 2022 was May 30, 2022; ten days later = June 9–10, 2022

2. Jurisdictional Facts:

- Plaintiff's California residence established
- Defendants' various state residences documented
- Damages exceeding federal threshold detailed

3. Enhanced Factual Support:

- Complete video transcript with timestamps

- Additional documentary evidence

- Witness declarations supporting timeline

V. DECLARATION UNDER PENALTY OF PERJURY

I, Jose Maria DeCastro, declare under penalty of perjury under the laws of the United States that:

1. The date stated in Paragraph 7 of my Complaint as "June 1, 2022" was a typographical error, and the correct date is June 10, 2022, as confirmed by video metadata and defendants' own statements referencing "10 days" having passed since Memorial Day 2022.

2. The jurisdictional allegations require enhancement to properly cite federal diversity jurisdiction under 28 U.S.C. § 1332, which clearly applies to this case.

3. These amendments correct legal deficiencies without changing the fundamental nature of my claims or the factual basis for this lawsuit.

4. I have substantial evidence supporting all proposed amendments, including video proof, documentary evidence, and witness statements.

5. These corrections strengthen my case's legal foundation while maintaining the same core factual allegations and legal theories.

I declare under penalty of perjury that the foregoing is true and correct.

WHEREFORE

Plaintiff respectfully requests this Court:

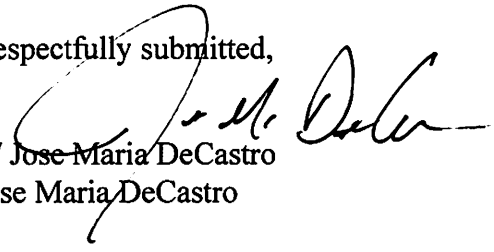
a. GRANT this Emergency Motion to Amend Complaint;

b. ALLOW Plaintiff to file an Amended Complaint incorporating all proposed corrections and enhancements;

c. FIND that these amendments relate back to the original filing date under Fed.R.Civ.P. 15(c);

d. GRANT such other relief as the Court deems just and proper.

Respectfully submitted,



/s/ Jose Maria DeCastro
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