

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

_____)	
JOSE MARIA DeCASTRO,)	
Plaintiff,)	
)	
v.)	C.A. No. 1:25-cv-11610-LTS
)	
JOSHUA ABRAMS,)	
DALE HILLER,)	
KATHERINE PETER,)	
JOHN DOES 1 THROUGH 5,)	
Defendants.)	
_____)	

MOTION FOR REASSIGNMENT

I. PRELIMINARY STATEMENT

NOW COMES defendant Joshua Abrams (“Abrams”) who respectfully moves pursuant to D. MASS. L. RULE 40.1(g) that this Honorable Court reassign this case as related to prior litigation, namely *Jose Maria DeCastro v. Joshua Abrams, et al.*, U.S.D.C., D.Mass., C.A. No. 1:22-cv-11421-ADB (the “Related Case”) and return to the Clerk for transfer and reassignment to Judge Allison D. Burroughs’s session.¹ Because this case involves the same parties, arises out of similar issues of fact, and arises out of the same occurrence, the plaintiff Jose Maria DeCastro (“DeCastro”) should have designed it as related to the Related Case when filed. Having failed to do so, the case was randomly assigned to Judge Leo T. Sorokin. By this motion, Abrams seeks reassignment to Judge Allison D. Burroughs.

II. FACTUAL BACKGROUND

These cases involve YouTube online personalities. With respect to defendant Abrams, both lawsuits arose out of statements Abrams purportedly made during the same June 10, 2022

¹ Co-defendant Dale Hiller assents to Abrams’ request for reassignment.

YouTube livestream video:

THIS LAWSUIT: “On or about June 10, 2022, Defendant Joshua Abrams published a livestream on YouTube to an audience exceeding 25,000 viewers.” *See* FIRST AMENDED COMPLAINT (“FAC.”) (ECF No. 10), at ¶ 8

RELATED LAWSUIT: “On June 10, 2022, Defendant Abrams livestreamed a video to his YouTube channel.” *See* COMPLAINT FOR DEFAMATION (“Related Lawsuit Compl.”) (ECF No. 1), at ¶ 11.

In both lawsuits DeCastro alleged that Abrams’ statements were false and defamatory. This includes the following allegations that appear in both this case and the Related Case:

- **DeCastro Engages in Blackmail and Extortion:** *See* FAC., at ¶ 8(c) (“[DeCastro regularly engages in blackmail and extortion”]; *see also* RELATED LAWSUIT COMPL., at ¶ 11.9 (“[DeCastro] has this long substantiated history of blackmailing people”).
- **DeCastro Assaulted a Woman:** *See* FAC., at ¶ 8(e) (DeCastro “commit[ed] assault and battery on a woman in public”); *see also* RELATED LAWSUIT COMPL., at ¶ 11.6 (“Buddy, you beat a woman”); and ¶ 11.9 (“I released a video of [DeCastro] beating up a chick”).
- **DeCastro Steals From Investors:** *See* FAC., at ¶ 8(h) (DeCastro is “borrowing from Peter to pay Paul”); *see also* RELATED LAWSUIT COMPL., at ¶ 11.1 (“[DeCastro] sets up these businesses to get monetary assistance from investors . . . But once it comes time to registering for the businesses, he lets it fall flat, and starts a new business, and kinda ponzi scheme pays back the previous investors.”)

It appears that this case is simply DeCastro repackaging the facts and allegations previously raised in the Related Lawsuit.

In the Related Lawsuit, DeCastro also filed defamation claims against co-defendant Kate Peter (“Peter”) arising out of Peter’s participation in the June 10, 2022 YouTube livestream. *See* RELATED LAWSUIT COMPL., at ¶ 12 (stating that “Peter appeared in Defendant Abrams’s livestream” and then listing several allegedly defamatory statements she made on the livestream). Co-defendant Dale Hiller (“Hiller”) was not named as a defendant in the Related Lawsuit. However, in this case, DeCastro includes defamation claims against Hiller arising out of this very same June 10, 2022 YouTube livestream. *See* FAC., at ¶ 9 (“[o]n the same

livestream, defendant Dale Hiller endorsed or affirmed these accusations . . .”). The Related Lawsuit was dismissed on July 11, 2023.² Less than two years later, DeCastro filed this lawsuit on June 3, 2025. It appears that the only difference between the two are that it now adds Hiller and other John Doe defendants into the mix.

III. ARGUMENT

Under this Court’s Local Rules, civil cases are related if:

- (A) some or all of the parties are the same; and
- (B) one or more of the following similarities exist:
 - i. the cases involve the same or substantially similar issues of fact;
 - ii. the cases arise out of the same occurrence, transaction or property;
 - iii. the cases involve insurance coverage for the same property, transaction or occurrence.

See D. MASS. L. RULE 40.1(g)(1). This standard is easily met. First, both lawsuits were brought by the same plaintiff (DeCastro) against the same defendants (Peter and Abrams). While DeCastro added additional parties, the standard is simply that “some” parties be the same, not all. Second, the two cases involve the same issues of fact, as they both relate to whether statements made during the June 10, 2022 YouTube livestream were defamatory.³ Finally, this lawsuit was filed within two years of the dismissal of the Related Lawsuit. Accordingly, all elements are satisfied showing that the matters are related under Rule 40.1.

IV. CONCLUSION

Because this case involves the same parties, arises out of similar issues of fact, and arises

² Prior to dismissal, DeCastro amended the case to add causes of action arising out of copyright infringement.

³ Even the copyright claims raised in the amended complaint are related as it arises out of the same occurrence (i.e., the June 20, 2022 YouTube livestream).

out of the same occurrence, DeCastro should have designed it as related to the Related Case when filed. Having failed to do so, the Court should now return the case to the Clerk for transfer and reassignment to Judge Allison D. Burroughs.

Respectfully Submitted,

/s/ Joshua N. Garick, Esq.

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Counsel for Joshua Abrams

Dated: December 1, 2025

CERTIFICATE OF SERVICE

I hereby certify that this document filed through the CM/ECF system will be sent electronically to the registered participants as identified on the Notice of Electronic Filing.

/s/ Joshua N. Garick

Joshua N. Garick (BBO #674603)

Dated: December 1, 2025

LOCAL RULE 7.1(A)(2) CERTIFICATE

I certify that, in compliance with Local Rule 7.1(a)(2), I conferred with plaintiff and have attempted in good faith to resolve or narrow the issues that are the subject of this motion.

/s/ Joshua N. Garick

Joshua N. Garick (BBO #674603)

Dated: December 1, 2025