

1 R. Paul Katrinak, State Bar No. 164057
2 LAW OFFICES OF R. PAUL KATRINAK
3 9663 Santa Monica Blvd., 458
4 Beverly Hills, California 90210
5 Telephone: (310) 990-4348
6 Facsimile: (310) 921-5398

7 Attorneys for Defendant
8 Michael Pierattini

Electronically FILED by
Superior Court of California,
County of Los Angeles
1/25/2024 5:54 PM
David W. Slayton,
Executive Officer/Clerk of Court,
By N. Valles, Deputy Clerk

9 SUPERIOR COURT OF THE STATE OF CALIFORNIA
10 FOR THE COUNTY OF LOS ANGELES

11 JOSE DECASTRO,

12 Plaintiff,

13 v.

14 KATHERINE PETER; DANIEL CLEMENT;
15 MICHAEL PIERATTINI; DAVID OMO JR.;

16 and DOES 1 TO 30, inclusive,

17 Defendants.

) Case No. 23SMCV00538

) Assigned for all purposes to the Honorable
H. Jay Ford, Dept. O

) **DECLARATION OF R. PAUL KATRINAK**
) **IN SUPPORT OF DEFENDANT**
) **MICHAEL PIERATTINI'S MOTION TO**
) **COMPEL DEPOSITION OF PLAINTIFF**
) **AND REQUEST FOR MONETARY**
) **SANCTIONS AGAINST PLAINTIFF IN**
) **THE SUM OF \$4,560.00**

18 Date: April 30, 2024
19 Time: 8:30 a.m.
20 Dept: O

21 **RES ID: 155195753424**

THE KERNAN LAW FIRM
9663 Santa Monica Blvd., Suite 450
Beverly Hills, California 90210
(310) 490-9777

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DECLARATION OF R. PAUL KATRINAK

I, R. Paul Katrinak, declare as follows:

1. I am an attorney duly licensed to practice law before all courts of the State of California. My law firm is counsel for Defendant Michael Pierattini (“Mr. Pierattini”) in this action. The following facts are within my personal knowledge and, if called as a witness herein, I can and will competently testify thereto.

2. On December 11, 2023, Mr. Pierattini’s Notice of the Deposition of Plaintiff Jose DeCastro (“Plaintiff”) was served on Plaintiff. Attached hereto as Exhibit “A” is a true and correct copy of Mr. Pierattini’s Notice of the Deposition of Plaintiff Jose DeCastro.

3. On January 8, 2024, Plaintiff served frivolous objections to the Deposition Notice claiming that he does not reside within 150 miles of the deposition and that he would not appear at the deposition or produce documents. Attached hereto as Exhibit “B” is a true and correct copy of Plaintiff’s Objection to the Deposition Notice.

4. The address on all of Plaintiff’s pleadings is 1258 Franklin Street, Santa Monica, California. The Complaint Plaintiff filed states that he is a resident of the County of Los Angeles in paragraph 8. Tellingly, Plaintiff did not provide a different address or any explanation.

5. On January 12, 2024, I sent an extensive meet and confer letter to Plaintiff explaining in detail why his deposition should proceed and if he did not appear I would file a Motion to Compel. Attached hereto as Exhibit “C” is a true and correct copy of my meet and confer letter dated January 12, 2024.

6. Plaintiff ignored my meet and confer letter. On January 25, 2022 Plaintiff failed to appear for his deposition, necessitating the filing of this Motion.

7. From mid-December through early January Plaintiff served a series of frivolous objections to Mr. Pierattini’s written discovery and refused to respond to virtually all of the discovery served. This discovery is critical as Mr. Pierattini has no idea what the basis of Plaintiff’s frivolous Complaint is against. Mr. Pierattini. Plaintiff is engaging in recreational

1 litigation costing Mr. Pierattini substantial attorney's fees and yet abjectly refuses to engage in
2 the discovery process.

3 8. On or about January 23, 2024, I called the Clerk's office to inquire whether an
4 informal discovery conference would be required before the filing of this Motion. The Clerk
5 stated that the informal discovery conference does not toll the timeframe for the Motion, so it
6 would be fine to file the Motion without an informal discovery conference. The Clerk also
7 stated that the Court would schedule the informal discovery conference on the same date as the
8 hearing on the Motion and that if the issues are not resolved then there would be a hearing.

9 9. I spent no less than 4.0 hours preparing this motion, researching the issues,
10 preparing the memorandum of points & authorities, preparing this declaration and the
11 supporting exhibits. I anticipate spending no less than 3.0 hours on a Reply and no less than an
12 additional 3.0 hours for attending the hearing on this matter, for a total of 10.0 hours. My
13 hourly rate is typically \$745 an hour. I have reduced my hourly rate to \$450 an hour, which
14 this court has consistently given for my hourly rate. My hourly rate of \$450 an hour is
15 reasonable.

16 10. I have the requisite skill, training, and experience to testify as to how these
17 matters are typically handled and attempts to deviate therefrom. The cost of this motion is
18 \$60.00. Thus, my client should be reimbursed a total of no less than \$4,560.00 for this motion.

19 I declare under penalty of perjury under the laws of the State of California that the
20 foregoing is true and correct.

21
22 DATED: January 25, 2024

23 THE LAW OFFICES OF
24 R. PAUL KATRINAK

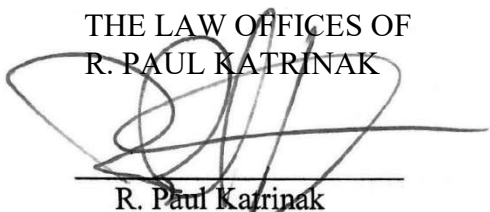
25 
26 R. Paul Katrinak
27 Attorneys for Defendant
28 Michael Pierattini

EXHIBIT A

1 R. Paul Katrinak, State Bar No. 164057
LAW OFFICES OF R. PAUL KATRINAK
2 9663 Santa Monica Blvd., 458
Beverly Hills, California 90210
3 Telephone: (310) 990-4348
Facsimile: (310) 921-5398
4

5 Attorneys for Defendant
Michael Pierattini
6

7 SUPERIOR COURT OF THE STATE OF CALIFORNIA
8 FOR THE COUNTY OF LOS ANGELES
9

10 JOSE DECASTRO,

11 Plaintiff,

12 v.

13 KATHERINE PETER; DANIEL CLEMENT;
14 MICHAEL PIERATTINI; DAVID OMO JR.;
and DOES 1 TO 30, inclusive,

15 Defendants.
16
17

) Case No. 23SMCV00538
)
)

) Assigned for all purposes to the Honorable
) H. Jay Ford, Dept. O
)

) **DEFENDANT MICHAEL PIERATTINI'S**
) **NOTICE OF THE DEPOSITION OF**
) **PLAINTIFF JOSE DECASTRO AND**
) **REQUESTS FOR PRODUCTION OF**
) **DOCUMENTS**

) Date: January 25, 2023
) Time: 10:00 a.m.
) Place: Veritext Legal Solutions
) 2049 Century Park E #2450
) Los Angeles, CA 90067

LAW OFFICES OF R. PAUL KATRINAK
9663 Santa Monica Blvd., Suite 458
Beverly Hills, California 90210
(310) 990-4348

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1 TO ALL PARTIES AND TO THEIR ATTORNEYS OF RECORD:

2 PLEASE TAKE NOTICE THAT pursuant to California Code of Civil Procedure
3 Sections 2025.210 et seq., Defendant Michael Pierattini (hereinafter “Pierattini”) will take the
4 oral deposition of Plaintiff Jose DeCastro (hereinafter “Plaintiff”).

5 The deposition will take place in person on January 25, 2023, beginning at 10:00 a.m.
6 at Veritext Legal Solutions, 2049 Century Park E #2450, Los Angeles, CA 90067, and will
7 continue from day to day thereafter until completed. If a translator is required for this
8 deposition, Plaintiff shall notify this noticing party of that fact and the language required at
9 least seven (7) days prior to the date set for the deposition.

10 The deposition of Plaintiff will be taken upon oral examination before a certified court
11 reporter or other officer duly authorized to administer oaths, pursuant to California law. In
12 addition, Pierattini may record the deposition by audio or video technology and/or by
13 stenographic method through the instant visual display of the testimony.

14 PLEASE TAKE FURTHER NOTICE that pursuant to Code of Civil Procedure
15 §2034.415, Plaintiff is required to produce the following documents by no later than three
16 business days before the deposition:

17 **DEFINITIONS**

18 Words in CAPITALS below are specifically defined as follows:

19 A. “AND,” “AND/OR” and “OR” as used in these Document Requests shall be
20 construed disjunctively or conjunctively as necessary to bring within the scope of these
21 Document Requests any information which otherwise might be construed to be outside its
22 scope. The plural of any word used herein includes the singular and the singular includes the
23 plural. The masculine gender or any word used herein includes the feminine. The past tense
24 of a word used herein includes the present tense, and the present tense includes the past tense.

25 B. “YOU” or “YOUR” as used in these Document Requests shall mean Plaintiff
26 Jose DeCastro, his agents, representatives, employees, independent contractors, companies,
27 law firms, attorneys, members, managing members, affiliates and any others acting on his
28 behalf.

1 C. "DOCUMENT" and "DOCUMENTS" as used in these Document Requests
2 shall mean any and all writings as defined in Section 250 of the California Evidence Code, all
3 forms of expression, photographs, pictures, electronic, video or sound recordings, however
4 produced or reproduced, and all originals, copies and drafts of all handwriting, typewriting,
5 printing, photostating, photographing and any other means of recording upon any tangible
6 thing any form of communication or representation, including without limitation letters, words,
7 notes, memoranda, ledgers, journals, minutes, books, telephone slips, expense accounts,
8 timesheets, telegrams, cables, photographs, microfilm, prints, publications, recordings,
9 videotapes, electronic recordings, computer disks, transcriptions, affidavits, bills, receipts,
10 prescriptions, diagnoses, checks and/or electronic mail. Without limiting the foregoing, the
11 terms "DOCUMENT" and "DOCUMENTS" include all writings, papers, agreements,
12 contracts, correspondence, letters, facsimile transmissions, memoranda, reports, notes,
13 telegrams, telex, envelopes, statements, studies, publications, records, messages, books,
14 pamphlets, leaflets, inter-office and intra-office communications, notebooks, instruments,
15 transcripts, minutes, agendas, indices, cards, diaries, drafts, revisions, photocopies, calendars,
16 appointment records, disclosures, questionnaires, histories, chronologies, time-lines, medical
17 records and reports, health care records and reports, mental health records and reports, notices,
18 investigation reports and materials, declarations, accountings, evaluations, summaries,
19 valuations, audits, verifications, inventories, appraisals, studies, endorsements, powers of
20 attorney, account statements, receipts, invoices, financial statements, balance sheets, ledgers,
21 books, income statements, expense reports, bills, billing records, checks, canceled checks,
22 check stubs, bank records, bank deposits and withdrawals, wire transfer and receipt records,
23 accounts receivable, accounts payable, tax records, safe deposit records, telephone bills and
24 records, microfiches, computer indices, computer printouts, records stored by means of
25 computer or other electronic means, contents of computer hard disks, contents of computer
26 backup tapes and disks, photographs, videotapes, films, motion pictures, video discs, audio
27 recordings and cassettes, transcriptions, drawings, surveys, plans, blueprints, specifications,
28

1 charts, graphics, notes of oral or telephone communications, other written transfers of
2 information, and OTHER DATA COMPILATIONS.

3 D. "COMMUNICATION" or "COMMUNICATIONS" as used in these Document
4 Requests shall mean any oral or written exchange or transmission of words, numbers or ideas
5 to another person. Oral communications include, without limitation, conversations, meetings,
6 speeches, statements and questions. Written communications include, without limitation, all
7 DOCUMENTS.

8 E. "PERSON" as used in these Document Requests shall mean any natural person,
9 firm, association, organization, partnership, trust, Limited Liability Company, corporation or
10 other entity of any type, nature or description.

11 F. The words "CONCERN," "CONCERNING," "RELATED TO," "RELATING
12 TO," "REFER TO", or "REFERRING TO" shall mean mentioning or describing, pertaining to,
13 referring to, relating to, connected with, created in connection with or as a result of,
14 commenting on, referring to, embodying, memorializing, evaluating, describing, analyzing,
15 reflecting, disproving, proving, contradicting, constituting, or evidencing, whether directly or
16 indirectly, explicitly or implicitly, or in whole or in part, a stated subject matter.

17 G. "IDENTIFY" as used in these Document Requests shall mean to comply with
18 the identification requirements or Code of Civil Procedure § 2031, including stating the name,
19 title, address, and telephone number of any PERSON identified and the location of any
20 DOCUMENT identified.

21 H. "PIERATTINI" as used in these Document Requests shall mean Defendant
22 Michael Pierattini.

23 **INSTRUCTIONS**

24 A. The response to each request shall be identified by request number and
25 segregated from responses to other requests. If a DOCUMENT is responsive to more than one
26 request, reference to the DOCUMENT may be noted in the response to the latter specification
27 in lieu of production of additional copies of the DOCUMENT.
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1 **REQUEST FOR PRODUCTION NO. 3.**

2 Any and all DOCUMENTS CONCERNING any lawsuit to which YOU were a party
3 since January 1, 2008.

4 **REQUEST FOR PRODUCTION NO. 4.**

5 Any and all DOCUMENTS that YOU claim support damages to YOUR reputation for
6 the matters set forth in YOUR complaint.

7 **REQUEST FOR PRODUCTION NO. 5.**

8 Any and all DOCUMENTS that support YOUR claims against PIERATTINI of
9 harassment, trolling, vandalism, hacking, or any other alleged behavior directed at YOU or
10 YOUR trade.

11 **REQUEST FOR PRODUCTION NO. 6.**

12 Any and all DOCUMENTS that support YOUR first cause of action for “libel, slander,
13 and false light” against PIERATTINI.

14 **REQUEST FOR PRODUCTION NO. 7.**

15 Any and all DOCUMENTS that support YOUR second cause of action for “battery”
16 against PIERATTINI.

17 **REQUEST FOR PRODUCTION NO. 8.**

18 Any and all DOCUMENTS that support YOUR third cause of action for “trespass”
19 against PIERATTINI.

20 **REQUEST FOR PRODUCTION NO. 9.**

21 Any and all DOCUMENTS that support YOUR fourth cause of action for “harassment
22 and civil conspiracy” against PIERATTINI.

23 **REQUEST FOR PRODUCTION NO. 10.**

24 Any and all DOCUMENTS that support YOUR fifth cause of action for “stalking,
25 cyberstalking, and civil conspiracy” against PIERATTINI.

26 **REQUEST FOR PRODUCTION NO. 11.**

27 Any and all DOCUMENTS that support YOUR sixth cause of action for “assault”
28 against PIERATTINI.

1 **REQUEST FOR PRODUCTION NO. 12.**

2 Any and all DOCUMENTS that support YOUR seventh cause of action for “economic
3 interference” against PIERATTINI.

4 **REQUEST FOR PRODUCTION NO. 13.**

5 Any and all DOCUMENTS that support YOUR eighth cause of action for “right to
6 publicity torts” against PIERATTINI.

7 **REQUEST FOR PRODUCTION NO. 14.**

8 Any and all DOCUMENTS that YOU sent to or received from any person
9 CONCERNING this action.

10 **REQUEST FOR PRODUCTION NO. 15.**

11 Any and all DOCUMENTS which REFER or RELATE TO PIERATTINI.

12 **REQUEST FOR PRODUCTION NO. 16.**

13 Any and all social media posts YOU have posted from January 1, 2022 to the present.

14 **REQUEST FOR PRODUCTION NO. 17.**

15 Any and all YouTube videos YOU have posted from January 1, 2022 to the present.

16 **REQUEST FOR PRODUCTION NO. 18.**

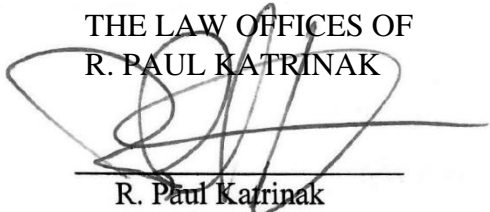
17 Any and all emails YOU have allegedly received from PIERATTINI.

18 **REQUEST FOR PRODUCTION NO. 19.**

19 The letter YOUR friend allegedly found in his mailbox on October 25, 2022 while
20 YOU were staying with him.

21
22 DATED: December 12, 2023

THE LAW OFFICES OF
R. PAUL KATRINAK



R. Paul Katrinak
Attorneys for Defendant
Michael Pierattini

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1 **PROOF OF SERVICE**

2 STATE OF CALIFORNIA
3 COUNTY OF LOS ANGELES

4 I am employed in the County of Los Angeles, State of California; I am over the age of
5 18 and not a party to the within action; my business address is 9663 Santa Monica Boulevard,
6 Suite 458, Beverly Hills, California 90210.

7 On December 12, 2023, I served the foregoing document(s) described as:

8 **DEFENDANT MICHAEL PIERATTINI'S NOTICE OF THE DEPOSITION OF
9 PLAINTIFF JOSE DECASTRO AND REQUESTS FOR PRODUCTION OF
10 DOCUMENTS**

11 on the interested parties to this action addressed as follows:

12 Jose DeCastro
13 1258 Franklin Street
14 Santa Monica, CA 90404
15 iamalaskan@gmail.com

16 (BY MAIL) I deposited such envelope in the mail at Los Angeles, California.
17 The envelope was mailed with postage thereon fully prepaid and addressed to the
18 person above.

19 (BY PERSONAL SERVICE) by causing a true and correct copy of the above
20 documents to be hand delivered in sealed envelope(s) with all fees fully paid to the person(s) at
21 the address(es) set forth above.

22 (BY EMAIL) I caused such documents to be delivered via electronic mail to the
23 email address for counsel indicated above.

24 Executed December 12, 2023, at Los Angeles, California.

25 I declare under penalty of perjury under the laws of the United States that the above is
26 true and correct.

27 
28 R. Paul Katrinak

EXHIBIT B

1 Jose DeCastro
1258 Franklin St.
2 Santa Monica, CA 90404
310-963-2445
3 chille@situationcreator.com
In Pro Per
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8 **SUPERIOR COURT OF CALIFORNIA**
9 **COUNTY OF LOS ANGELES**
10

11 JOSE DECASTRO) Case No.: 23SMCV00538
12)
13) **PLAINTIFF'S OBJECTIONS TO**
14) **PIERATTINI'S NOTICE OF DEPOSITION**
15) Judge: Hone. H. Jay Ford III
16)
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CONFIDENTIAL


Deposition Notice: Plaintiff objects in full on the following grounds: Plaintiff does not reside within 150 miles of the deposition location, contrary to CCP § 2025.250.

Requests for Production 1 - 19: Plaintiff objects in full on the following grounds: 1) Plaintiff does not reside within 150 miles of the deposition location, contrary to CCP § 2025.250 and will not be at the deposition in order to produce these documents; 2) Unduly burdensome due to the number of frivolous and duplicative (already requested in Pierattini's first set of RPDs) requests. Plaintiff requests the opportunity to further object to these if made again in a valid deposition notice.

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CONFIDENTIAL

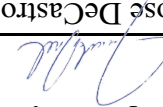
PS: You only provided a few of the documents that I requested, and you are severely past due.



true and correct. Executed this 8th day of January, 2024.

I declare under penalty of perjury under the laws of the State of California that the foregoing is

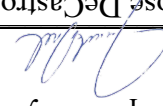
DECLARATION OF JOSE DECASTRO

In Pro Per
Jose DeCastro


Respectfully submitted, DATED: January 8, 2024

On this day, Plaintiff has sent copies to the only participating defendants by email to Paul Katrinak, attorney for Defendant at katrinaklaw@gmail.com.

CERTIFICATE OF SERVICE

In Pro Per
Jose DeCastro


Respectfully submitted, DATED: January 8, 2024

EXHIBIT C

Law Offices of
R. PAUL KATRINAK
9663 Santa Monica Blvd., No. 458
Beverly Hills, California 90210

R. Paul Katrinak, Esq.
Direct: (310) 990-4348
Fas: (310) 921-5398
E-mail: Katrinaklaw@gmail.com

January 12, 2024

VIA E-MAIL

Jose DeCastro
1258 Franklin St.
Santa Monica, CA 90404
chille@situationcreator.com

Re: Plaintiff's Discovery Objections in *Jose DeCastro v. Katherine Peter, et al.*
Case No. 23SMCV00538

Dear Mr. DeCastro:

We are in receipt of your "responses" to our discovery requests sent to you on December 11, 2023. Your "responses" are completely improper. Specifically, your "responses" to our special interrogatories, requests for admission, and requests for production of documents consist primarily of improper objections and contain virtually no responsive information. You are the Plaintiff. You presumably had some evidence to sue my client. You have not provided a shred of evidence or information and your Complaint is devoid of any allegations against my client, which I have repeatedly pointed out to you. You cannot simply refuse to participate in discovery by hiding behind dozens of inappropriate objections. This is not how the discovery process works, and your actions are completely prejudicing my client.

Your outrageous non-responses to discovery, especially in light of your ambiguous Complaint, is sanctionable.

I. YOUR IMPROPER OBJECTIONS

As an initial matter, I want to clarify some of the law as it relates to your objections to our discovery.

A. Relevance, Materiality, Propriety, and Admissibility

Your general objections regarding relevance, materiality, propriety, and admissibility are not well taken. As explained in Brown & Weil, *California Practice Guide: Civil Procedure Before Trial*, The Rutter Group (2017 update) (hereafter "Brown & Weil"):

[8:36] Right to Discovery Liberally Construed: Courts have construed the discovery

statutes broadly, so as to *uphold the right to discovery wherever possible*. [*Greyhound Corp. v. Sup.Ct. (Clay)* (1961) 56 C2d 355, 377-378, 15 CR 90, 100 (decided under former law); *Emerson Elec. Co. v. Sup.Ct. (Grayson)* (1997) 16 C4th 1101, 1108, 68 CR2d 883, 886—“Our conclusions in *Greyhound* apply equally to the new discovery statutes enacted by the Civil Discovery Act of 1986, which retain the expansive scope of discovery”; see *Obregon v. Sup.Ct. (Cimm's, Inc.)* (1998) 67 CA4th 424, 434, 79 CR2d 62, 69 (citing text)]

[8:37] For example, even where the statutes require a showing of “good cause” to obtain discovery (e.g., for court-ordered mental examinations), this term is *liberally* construed—to permit, rather than to prevent, discovery wherever possible. [*Greyhound Corp. v. Sup.Ct. (Clay)*, *supra*, 56 C2d at 377-378, 15 CR at 100]

On the issue of relevance, Brown & Weil adds:

[8:66] “Relevant to Subject Matter”:

[8:66.1] Purpose The first and most basic limitation on the scope of discovery is that the information sought must be relevant to the “subject matter” of the pending action or to the determination of a motion in that action. [CCP § 2017.010] The phrase “subject matter” does not lend itself to precise definition. It is *broader* than relevancy to the *issues* (which determines admissibility of evidence at trial). [*Bridgestone/Firestone, Inc. v. Sup.Ct. (Rios)* (1992) 7 CA4th 1384, 1392, 9 CR2d 709, 713]

[8:66.1] **Purpose:** For discovery purposes, information should be regarded as “relevant to the subject matter” if it might reasonably assist a party in *evaluating* the case, *preparing* for trial, or facilitating *settlement* thereof. [*Gonzalez v. Sup.Ct. (City of San Fernando)* (1995) 33 CA4th 1539, 1546, 39 CR2d 896, 901 (citing text); *Lipton v. Sup.Ct. (Lawyers' Mut. Ins. Co.)* (1996) 48 CA4th 1599, 1611, 56 CR2d 341, 347 (citing text); *Stewart v. Colonial Western Agency, Inc.* (2001) 87 CA4th 1006, 1013, 105 CR2d 115, 120 (citing text)]

The objections are improper and are not well taken. As explained in Brown & Weil in relation to the phrase “reasonably calculated”:

“This phrase is more helpful in defining the scope of permissible discovery. It makes it clear that discovery extends to any information that reasonably might lead to other evidence that would be admissible at trial. Thus, the scope of permissible discovery is one of *reason, logic and common sense*. [*Lipton v. Sup.Ct. (Lawyers' Mut. Ins. Co.)* (1996) 48 CA4th 1599, 1611, 56 CR2d 341, 348 (citing text)]”. *Id.* at 8:70.

B. The policy is to favor discovery

The policy is to favor discovery, as Brown & Weil explains:

[8:71] **Policy favoring discovery:** The “relevance to the subject matter” and “reasonably calculated to lead to discovery of admissible evidence” standards are applied *liberally*. Any doubt is generally resolved in favor of *permitting* discovery, particularly where the

precise issues in the case are not yet clearly established. [*Colonial Life & Acc. Ins. Co. v. Sup.Ct. (Perry)* (1982) 31 C3d 785, 790, 183 CR 810, 813, fns. 7-8].

That leading treatise adds:

[8:72] **“Fishing trips” permissible:** Lawyers sometimes make the objection that opposing counsel are on a “fishing expedition.” But this is *not* a valid ground for refusal to make discovery. The plain and simple answer is that “fishing expeditions” are expressly authorized by statute—i.e., the Discovery Act provides for discovery of matters “reasonably calculated to *lead* to discovery of admissible evidence.” [CCP § 2017.010 (emphasis added); see *Greyhound Corp. v. Sup.Ct. (Clay)* (1961) 56 C2d 355, 384, 15 CR 90, 104—“The method of ‘fishing’ may be, in a particular case, entirely improper ... But the possibility that it may be abused is not of itself an indictment of the fishing expedition *per se*”; see also *Gonzalez v. Sup.Ct. (City of San Fernando)* (1995) 33 CA4th 1539, 1546, 39 CR2d 896, 901].

C. Attorney-Client Privilege Objections

In many of your responses, you object on grounds of attorney-client privilege. As an initial point, the attorney-client privilege does not apply to you as an In Pro Per party. Attorney-client privilege requires “a confidential communication between client and lawyer.” Evid. Code, § 954. You cannot communicate with yourself.

Additionally, when asserting claims of privilege or attorney work product protection, the objecting party must provide “sufficient factual information” to enable other parties to evaluate the merits of the claim, including a privilege log. *Lopez v. Watchtower Bible & Tract Soc. Of New York, Inc.* (2016) 246 Cal.App.4th 566, 596-597. You must be prepared to explain why this objection is applicable to *every individual* discovery request.

In addition, you must prepare a privilege log that identifies each document withheld in response to the discovery requests and the specific privilege claimed. You have not produced a single document, so presumably, this privilege log would be extensive. The information in the privilege log must be sufficiently specific to allow a determination of whether each withheld document is or is not in fact privileged. As further explained in *Brown & Weil*, a privilege log is required for discovery that is being held back on privilege:

[8:1474.5] **Objection based on privilege; “privilege log” may be required:** When asserting claims of privilege or attorney work product protection, the objecting party must provide “sufficient factual information” to enable other parties to evaluate the merits of the claim, “including, *if necessary*, a privilege log.” [CCP § 2031.240(c)(1) (emphasis added); *Lopez v. Watchtower Bible & Tract Soc. of New York, Inc.* (2016) 246 CA4th 566, 596-597, 201 CR3d 156, 181—burden to show preliminary facts supporting application of privilege not met where D failed to produce privilege log or identify any specific confidential communications]

As to the contents, that treatise explains:

[8:1474.5a] **Required contents of privilege log:** As the term is commonly used by courts and attorneys, a “privilege log” identifies each document for which a privilege or work product protection is claimed, its author, recipients, date of preparation, and the *specific* privilege or work product protection claimed.

[*Hernandez v. Sup.Ct. (Acheson Indus., Inc.)* (2003) 112 CA4th 285, 291-292, 4 CR3d 883, 888-889, fn. 6; see CCP § 2031.240(c)(2)—Legislative intent to codify concept of privilege log “as that term is used in California case law”]

“The information in the privilege log must be sufficiently specific to allow a determination of whether each withheld document is or is not [in] fact privileged.” [*Wellpoint Health Networks, Inc. v. Sup.Ct. (McCombs)* (1997) 59 CA4th 110, 130, 68 CR2d 844, 857; see *Catalina Island Yacht Club v. Sup.Ct. (Beatty)* (2015) 242 CA4th 1116, 1130, 195 CR3d 694, 704 & fn. 5—privilege log deficient due to failure to describe documents or contents (other than noting they were emails with counsel) since not all communications with attorneys are privileged]

FORM: Privilege Log, see *Form 8:26.2* in Rivera, *Cal. Prac. Guide: Civ. Pro. Before Trial FORMS* (TRG).

Furthermore, a privilege log is due with the objections, Brown & Weil states on the timing:

The Code seems to indicate that if a privilege log is “necessary” to enable other parties to evaluate the merits of a privilege or work product claim, it must be provided by the objecting party *with the response* to the § 2031.010 inspection demand (i.e., at the time the objection is made). [See CCP § 2031.240(c)(1)—if objection is based on privilege or work product claim, “the response shall provide ... including, if necessary, a privilege log”] *Id.* at 1474.6.

D. Your Attempts to Deftly Evade Discovery are Sanctionable

The way you seek to deftly word what responses you will or will not produce is improper. The law is plain that deftly worded attempts to evade discovery are improper. *Deyo v. Kilbourne* (1978) 84 CA3d 771, 783, 149 CR 499, 509.

II. YOUR IMPROPER DISCOVERY RESPONSES

A. Responses to Special Interrogatories

Each answer in an interrogatory response must be “as complete and straightforward as the information reasonably available to the responding party permits.” CCP §§ 2030.220(a) and (b). “[A party] cannot plead ignorance to information which can be obtained from sources under his control.” *Deyo v. Kilbourne* (1978) 84 Cal. App. 3d 771, 783; *Regency Health Services, Inc. v. Sup.Ct. (Settles)* (1998) 64 Cal. App. 4th 1496, 1504. Your responses to these special interrogatories are neither complete nor straightforward. In fact, you did not respond at all to the special interrogatories. Here are the specific issues on the special interrogatories:

Objections Common to Special Interrogatories Nos. 1-35:

Your “premature contention” objections to the first 35 interrogatories are absurd. You are the plaintiff. You filed this lawsuit. If you filed this outrageous lawsuit against my client with no evidence, you are subject to a malicious prosecution action. You cannot claim that the interrogatories are “premature” because they were properly sent during the discovery period. Therefore, you must withdraw these objections so that your responses are made without improper limitations.

Your “equally (or more) available to Pierattini” objections to the first 35 interrogatories is without merit and improper. These 35 interrogatories seek facts, witnesses, and documents from you that support your outrageous allegations against my client. You cannot make such allegations and then refuse to respond to discovery with supporting evidence for such allegations based on the false and unsubstantiated assertion that such evidence is potentially available to my client. Contrary to your false assertion, these interrogatories seek information that is *solely* available to you, and you must respond by providing the information sought. Therefore, you must withdraw these objections so that your responses are made without improper limitations.

Your “not self-contained” objections to the first 35 interrogatories are without merit. Each interrogatory we requested is full and complete in and of itself as required by California Code Civ. Proc. § 2030.060(d). Each interrogatory specifically references a claim or allegation made in the complaint and does not require you to refer to the complaint itself to understand what information is being requested. There are no general or ambiguous references to the complaint, and the use of paragraph numbers in each interrogatory serves solely to supplement the specific quotes from the Complaint. Therefore, you must withdraw these outrageous and meritless objections and answer the interrogatories.

Objections Common to the “Fact” and “Document” Special Interrogatories:

Your objections to the interrogatories seeking identification of facts or documents as “unduly burdensome” are without merit. Specifically, your claim that these interrogatories are unduly burdensome because of an alleged “long history of defendant ... harming Plaintiff” makes no sense and is completely improper given that you have alleged no facts, nor have you provided any evidence, of my client allegedly harming you over any period of time. Therefore, you must withdraw these objections.

You also object to these special interrogatories by stating that they “will require a continuing duty to supplement.” Such objections have no legal basis and are without merit, as these interrogatories simply require you to provide the facts and identify the documents *currently* available to you. The interrogatories do not impose on you a continuing duty to supplement your responses, so long as your responses are correct and complete. Therefore, these interrogatories do not run afoul of California Code Civ. Proc. § 2030.060(g). You must withdraw these ridiculous objections and provide responses.

Objections to the “Witness” Special Interrogatories:

Your objections to the interrogatories seeking identification of witnesses based on your alleged “lack of personal knowledge” defy logic. Frankly, it is absurd for you to state that you have no personal knowledge of any witnesses to support *your* ridiculous claims and allegations against my client. If you are attempting to state that you cannot identify any witnesses as requested by the interrogatories at issue, then you must respond as such in a complete and straightforward manner, and not through an improper objection. You must withdraw these objections.

Objections to Special Interrogatories Nos. 36-187:

Your objections to these interrogatories because the “number of interrogatories [was] exceeded” is without merit. Under § 2030.040 of the California Code of Civil Procedure, a party may exceed the 35-interrogatory limit set by § 2030.030 so long as the party seeking additional discovery attaches a supporting declaration as described in § 2030.050. The special interrogatories we propounded were delivered to you with such a declaration attached. You filed an ambiguous and unintelligible Complaint that contains numerous unsupported allegations. We are entitled to what information you have concerning these absurd allegations. If you have none, then dismiss your complaint.

Furthermore, these interrogatories are not “frivolous” or “duplicative,” nor do they require an “undue burden” to answer. These interrogatories directly address your allegations against my client. The number of interrogatories directly correlates to the complexity of the case and the large number of allegations you have made against my client. You must withdraw these objections and provide complete responses without objection.

B. Responses to Requests for Admission

The Requests for Admission are simple and do not warrant objections. Absent an objection, a response to a request for admission must contain an admission, a denial, or a statement claiming inability to admit or deny. Code of Civ. Proc. § 2033.220. The responding party is required to undertake a good faith obligation to investigate sources reasonably available to him or her in formulating responses.

Responses to Requests for Admission Nos. 11, 12, and 13:

For the three requests for which you have rewritten the question, that is improper. Your responses to these requests are insufficient based on the requirements of California Code of Civ. Proc. § 2033.220. You must either admit, deny, or provide a statement claiming inability to admit or deny. If you provide such a statement, you must also state that a reasonable inquiry was made to obtain sufficient information. Here, you did not answer according to these requirements. You must amend your responses to properly respond to these requests.

Request 11 states “Admit that PIERATTINI does not run a “troll channel” on YouTube where he harasses people.” Your response is: “Denied as to whether Pierattini has run a troll channel on YouTube where he harasses people during the time of the action. Plaintiff does not

have enough information to otherwise respond as to the current status.” This response does not answer the request for admission. You have a duty to investigate when you respond to these requests. That means you have a duty to go to whatever channel you claimed was a troll channel and see whether you believe it exists and whether you believe it is still a troll channel. You cannot say that you do not have enough information because it would be easy for you to verify. You claim that there was a troll channel which means you have allegedly viewed it already. So why can you not go view it again? This is certainly part of your obligation to answer this request. It is easy to say whether a YouTube channel exists. And it is easy to say who runs it because it is available on YouTube. If you took up a basic investigation, you could answer this request.

Request 12 states “Admit that PIERATTINI does not pretend to be a private investigator.” Your response is: “Denied as to whether Pierattini has pretended to be a private investigator in the past. Plaintiff does not have enough information to otherwise respond as to the current status.” This response does not answer the request for admission. My client does not pretend to be a private investigator. However, you claim to have facts to say that he did so “in the past” yet you cannot take the steps required to determine whether he is allegedly doing so now? What is the basis for that? You have a duty to investigate when you do these responses.

Request 13 states “Admit that PIERATTINI does not pretend to be a military police officer.” Your response is: “Denied as to whether Pierattini has pretended to be a military police officer. Plaintiff does not have enough information to otherwise respond as to the current status.” This response does not answer the request for admission. My client does not pretend to be a military officer. However, you claim to have facts to say that he did so previously yet you cannot take the steps required to determine whether he is allegedly doing so now? What is the basis for that? You have a duty to investigate when you do these responses.

For the requests that you did not respond to at all, see below as to why your objections lack merit.

Objections Common to Requests for Admission Nos. 19 and 22-27:

You objected to these requests with the same improper and lengthy objection which states as follows:

- 1) After reasonable inquiry, the information that Plaintiff knows or can readily obtain is insufficient to enable him to admit or deny the truth of this request. The admission or denial of this request requires Plaintiff to have information which Plaintiff does not have in hi [sic] records and which is not within the knowledge of Plaintiff’s employees, agents, and others of whom Plaintiff has made reasonable inquires;

These rambling and completely improper objections are absurd and without merit. Simply put, you are the plaintiff in this litigation, and you made the decision to sue my client under various causes of action. Apparently, you have no evidence or information to sue my client. If you do not have sufficient information to respond to these requests for admission, which are fully based on your allegations against my client, then you must dismiss your claims against my client.

Additionally, your objections that “admission or denial of the matter requested would result in the disclosure of information protected by the attorney-client-privilege” is completely improper and is without merit. You are personally suing. There is no attorney-client privilege. As discussed above, the attorney-client privilege does not apply to you as an In Pro Per plaintiff. Furthermore, even if such a privilege existed, a proper response to each request for admission, as described in California Code of Civ. Proc. § 2033.220, would not result in the disclosure of any allegedly protected information.

“Compound and Conjunctive” Objections:

Your objections that requests 19 and 26 are “compound and conjunctive” are without merit. Request 26 quotes and refers to specific allegations you have made. Request 19 is neither compound nor conjunctive. You cannot refuse to respond to these requests based on the fact that they quote your own words, nor can you refuse to respond to them by falsely claiming that they are compound or conjunctive. You must withdraw these frivolous objections and provide a complete response without objection.

“Matters Outside the Question” Objections:

Your objection that Request 19 refers to matters outside the question by referring to the complaint is without merit. This request is full and complete in and of itself as required by California Code Civ. Proc. § 2033.060(d). This request specifically references an allegation made in the complaint and does not require you to refer to the complaint itself to understand what admission is being requested. There are no general or ambiguous references to the complaint. Therefore, you must withdraw this objection.

Your objections that Requests 24 and 25 refer to matters outside the question are completely improper and is without merit. On these requests, you repeatedly write “alleged where?” even though we are referencing specific allegations you made in the complaint. You cannot feign ignorance when each request is full and complete in and of itself as required by California Code Civ. Proc. § 2033.060(d). Therefore, you must withdraw these objections so that your responses are made without improper limitations.

Relevance Objections:

Your relevance objection to request 19 is without merit. As discussed extensively in Sections I(A) and I(B) above, the scope of discovery is extremely broad and allows for discovery reasonably calculated to *lead* to the discovery of admissible evidence. You do not have the right to arbitrarily proclaim that a request is “irrelevant” for purposes of discovery and then refuse to respond to that request. Notably, the request you objected to as irrelevant is derived directly from assertions *you* made in your complaint, making it directly relevant to this lawsuit. Therefore, you must withdraw this objection and answer the Request without objection.

Objections to Requests for Admission Nos. 36-76:

Your objections to these requests because the “number of requests [was] exceeded” are without merit. Under § 2033.040 of the California Code of Civil Procedure, a party may exceed

the 35-request limit set by § 2033.030 so long as the party seeking additional discovery attaches a supporting declaration as described in § 2033.050. The requests for admission we propounded were delivered to you with such a declaration attached. Therefore, your objections are invalid, and you cannot refuse to answer these additional interrogatories.

Furthermore, these requests are not “frivolous” or “duplicative,” nor do they require an “undue burden” to answer. These requests directly address your allegations in your Complaint against my client. The number of requests directly correlates to the complexity of the case and the large number of allegations you have made against my client. You must withdraw these meritless objections and answer without objection.

C. Responses to Requests for Production of Documents

The Response Required for a Request for Production of Documents:

Your “responses” to our document requests are completely improper. As explained in *Brown & Weil*, your response needs to be one of the following:

- **Agreement to comply:** A statement that the party will comply by the date set for inspection with the particular demand for inspection, testing, etc.; or
- **Representation of inability to comply:** A statement that the party lacks the ability to comply with the particular demand; or
- **Objections:** An objection to all or part of the demand. CCP § 2031.210(a).

Remarkably, you are in essence claiming that every single document request we have served is fully objectionable, and that you are therefore exempt from producing even a single responsive document. This position is outrageous and is an affront to the discovery process. We are entitled to your production of the requested documents. If you want to claim that only part of an item or category demanded is objectionable, your response must contain an agreement to comply with the remainder, or a representation of inability to comply. CCP § 2031.240(a) (General objections to the entire request are unauthorized and constitute discovery misuse; see ¶ 8:1071 (dealing with interrogatories).) *Id.* at 8:1469.

Brown & Weil explains as to what constitutes compliance:

[8:1471] What constitutes “compliance”: Documents must be produced either:

- as they are kept in the usual course of business, or
- sorted and labeled to correspond with the categories in the document demand. CCP § 2031.280(a).

No documents have been produced by you. It is outrageous that you have refused to produce even a single document. You are the plaintiff. You filed this frivolous lawsuit. If you have any responsive documents in your possession, custody, or control, you must produce the documents.

Additionally, many of your objections are completely improper and do not fall within the strict requirements of California Code Civ. Proc. § 2031.240(2) which states that objections must “[s]et forth clearly the extent of, and the specific ground for, the objection.” One specific series of objections stands out as completely improper: your objections to requests 2-81, which state “After a diligent search and reasonable inquiry, the responsive documents cannot be produced as they have never existed, have been destroyed, have been lost, misplaced, or stolen. Responding party believes that Pierattini has possession, custody, or control of the responsive documents.”

This repeated objection fails to clearly state the extent of and specific grounds for the objection, instead opting for a “see-what-sticks” approach. You cannot state that the responsive documents were either destroyed, lost, misplaced, stolen, or never existed. You must be specific. Furthermore, your repeated assertion that you “believe” my client has possession of the responsive documents is absurd given that the requests seek documents solely in your possession. If you truly do not have any documents to respond to these requests for production, which are fully based on your allegations against my client, then you *must* dismiss your claims against my client.

Objections Common to Requests for Production Nos. 1-81:

Your objections that each request is “cumulative, duplicative, overbroad, or unduly burdensome in that it places no limitation on the relevant time frame or the events relating to the subject matter of the litigation” are not well taken. Unless otherwise specified, the relevant period encompasses the time during which your allegations against my client occurred up until the present day, the entirety of which is fully relevant to this litigation. Additionally, as discussed extensively in Sections I(A) and I(B) above, the scope of discovery is extremely broad and allows for discovery reasonably calculated to lead to the discovery of admissible evidence. You do not have the right to arbitrarily proclaim that a request is somehow unrelated to the subject matter of the litigation and then refuse to respond to that request. You must withdraw these objections so that your responses and production are made without improper limitations.

Your objections that each request “calls for the disclosure of information protected from discovery by the attorney-client privilege” are completely improper and are without merit. As discussed above, the attorney-client privilege does not apply to you as an In Pro Per plaintiff. If for some reason such a privilege applies, you must be prepared to explain why the privilege is applicable to *each individual* request. In addition, and as discussed extensively above, you must prepare a privilege log that identifies each document withheld in response to the discovery requests and the specific privilege claimed. You have not produced a single document, so presumably, this privilege log would be extensive. The information in the privilege log must be sufficiently specific to allow a determination of whether each withheld document is or is not in fact privileged. You must withdraw these objections and answer without objection.

Your objections that each request is objectionable because “[i]t seeks proprietary information that is a trade secret” are not well taken. Since the requests do not suggest or imply that you must produce documents containing your alleged “trade secrets” or other confidential information, this objection is unnecessary and baseless. Additionally, a protective order is in

place, so this objection is moot. On the contrary, these requests seek documents that support your allegations against my client. If you refuse to provide such supporting documents during the discovery period, then you must dismiss your case against my client based on a complete lack of evidence. It is not our job to build your case for you while you lob outrageous allegations at my client. You must withdraw these objections, respond properly, and produce all documents in your possession, custody and control.

Your objections that each request is objectionable because “[i]t seeks ESI that is not reasonably accessible to the Plaintiff and Plaintiff will not proceed without an agreement of costs” are without merit. You are the plaintiff. You have to produce documents. For you to claim that all of the responsive documents are “not reasonably accessible” to you is outrageous. Communications you have had are accessible to you. Emails you have sent and received are accessible to you. The videos you have made are accessible to you. The list goes on. You cannot claim that *all* responsive documents are difficult-to-access ESI, and then refuse to provide any responsive documents. If you truly do not have any documents to respond to these requests for production, which are fully based on your allegations against my client, then you must dismiss your claims against my client. Otherwise, you must withdraw these objections and produce documents forthwith.

Additional Objections Common to Requests for Production Nos. 2-81:

Your objections that all but the first request are “so vague and ambiguous that Plaintiff cannot in good faith determine the scope of the request” are without merit. Frankly, the requests are very specific as to the information they seek. Each request we proffered designates the documents to be produced either by specifically describing each document or by reasonably particularizing each category of document, as required by California Code Civ. Proc. § 2031.030. Some of them, such as requests 16, 17, 18, and 19, even go so far as to specify the exact document or item being sought. You must withdraw these objections, provide a proper response and produce any documents that you have forthwith.

Relevance and Scope Objections:

Your relevance and scope objections to requests 1, 3, 14-17, 20-81 are without merit. As discussed extensively in Sections I(A) and I(B) above, the scope of discovery is extremely broad and allows for discovery reasonably calculated to lead to the discovery of admissible evidence. You do not have the right to arbitrarily proclaim that a request is “irrelevant” and/or “beyond the scope of discovery” and then refuse to respond to that request. Additionally, you cannot improperly refuse to answer a special interrogatory, and then state that your improper answer to that interrogatory makes a related request for production irrelevant (as you did with requests 20-81). Therefore, you must withdraw these objections, provide a proper response and produce documents forthwith.

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By way of this letter, we hereby demand that you comply with the California discovery statutes and produce all responsive documents and provide proper responses no later than 12:00 p.m. on Friday, January 19, 2024. If you do not promptly withdraw your objections and provide proper responses to our discovery requests, we will file motions to compel your responses to our discovery requests and seek monetary sanctions. Your gamesmanship and outrageous conduct in this matter concerning discovery warrants the imposition of substantial attorney's fees as sanctions.

I look forward to complete responses, without objection, and the production of documents from you. You are the plaintiff. You must have some basis to be suing my client. If you do not, dismiss my client forthwith.

This letter is not intended, nor should it be construed, as a full recitation of all of the facts in this matter. Additionally, this letter is written without waiver or relinquishment of all of my client's rights or remedies, all of which are hereby expressly reserved.

Very Truly Yours,



R. Paul Karinak

PROOF OF SERVICE

STATE OF CALIFORNIA
COUNTY OF LOS ANGELES

I am employed in the County of Los Angeles, State of California; I am over the age of 18 and not a party to the within action; my business address is 9663 Santa Monica Boulevard, Suite 458, Beverly Hills, California 90210.

On January 25, 2024, I served the foregoing document(s) described as:

**DECLARATION OF R. PAUL KATRINAK IN SUPPORT OF DEFENDANT
MICHAEL PIERATTINI'S MOTION TO COMPEL FURTHER RESPONSES
TO HIS REQUESTS FOR PRODUCTION OF DOCUMENTS TO PLAINTIFF
JOSE DECASTRO, SET ONE, AND REQUEST FOR MONETARY
SANCTIONS AGAINST PLAINTIFF**

on the interested parties to this action addressed as follows:

Jose DeCastro
1258 Franklin Street
Santa Monica, CA 90404
chille@situationcreator.com

(BY MAIL) I deposited such envelope in the mail at Los Angeles, California. The envelope was mailed with postage thereon fully prepaid and addressed to the person above.

(BY PERSONAL SERVICE) by causing a true and correct copy of the above documents to be hand delivered in sealed envelope(s) with all fees fully paid to the person(s) at the address(es) set forth above.

X (BY EMAIL) I caused such documents to be delivered via electronic mail to the email address for counsel indicated above.

Executed January 25, 2024, at Los Angeles, California.

I declare under penalty of perjury under the laws of the United States that the above is true and correct.



R. Paul Katrinak