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Electronically FILED by
Superior Court of California,
County of Los Angeles
1/25/2024 5:17 PM
David W. Slayton,
Executive Officer/Clerk of Court,
By N. Valles, Deputy Clerk

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

JOSE DECASTRO,
Plaintiff,
v.
KATHERINE PETER; DANIEL CLEMENT;
MICHAEL PIERATTINI; DAVID OMO JR.;
and DOES 1 TO 30, inclusive,
Defendants.

) Case No. 23SMCV00538
)
) Assigned for all purposes to the Honorable
) H. Jay Ford, Dept. O
)
) **NOTICE OF MOTION AND MOTION TO**
) **COMPEL FURTHER RESPONSES TO**
) **DEFENDANT MICHAEL PIERATTINI'S**
) **SPECIAL INTERROGATORIES TO**
) **PLAINTIFF JOSE DECASTRO, SET ONE,**
) **AND REQUEST FOR MONETARY**
) **SANCTIONS AGAINST PLAINTIFF IN**
) **THE SUM OF \$4,560.00; MEMORANDUM**
) **OF POINTS AND AUTHORITIES**

Date: March 7, 2024
Time: 8:30 a.m.
Dept: O

[Declaration of R. Paul Katrinak and Separate
Statement filed concurrently]

RES ID: 171178967765

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

1 TO ALL PARTIES AND TO THEIR ATTORNEYS OF RECORD:


2 PLEASE TAKE NOTICE that on March 7, 2024, at 8:30 AM, or as soon thereafter as
3 the matter may be heard in Department O of the above-entitled court, located at 1725 Main
4 Street Santa Monica, CA 90401, Defendant Michael Pierattini (“Mr. Pierattini”) will, and
5 hereby does, move the Court for an order compelling Plaintiff Jose DeCastro (“Plaintiff”) to
6 provide, forthwith, verified full and complete answers, without objections, to Mr. Pierattini’s
7 Special Interrogatories, Set One (the “Special Interrogatories”), served on Plaintiff on
8 December 11, 2023, and requests monetary sanctions against Plaintiff in the amount of
9 \$4,560.00.

10 This Motion is made pursuant to Code of Civil Procedure Section 2030.300 on the
11 grounds that Plaintiff’s responses to Mr. Pierattini’s Special Interrogatories consist exclusively
12 of meritless objections and no responses. Further, counsel for Mr. Pierattini met and conferred
13 with Plaintiff in good faith to no avail.

14 This Motion is based upon this Notice, the attached Memorandum of Points and
15 Authorities in support thereof, the concurrently-filed Separate Statement, the concurrently-filed
16 Declaration of R. Paul Katrinak, and all pleadings, records, and papers on file herein, as well as
17 such other oral arguments as may be presented at the hearing on this Motion.

18
19 DATED: January 25, 2024

20 THE LAW OFFICES OF
21 R. PAUL KATRINAK



22 R. Paul Katrinak
23 Attorneys for Defendant
24 Michael Pierattini

1 **MEMORANDUM OF POINTS AND AUTHORITIES**

2 **I. INTRODUCTION**

3 Plaintiff Jose DeCastro (“Plaintiff”) is engaging in recreational litigation against
4 Defendant Michael Pierattini (“Mr. Pierattini”). Plaintiff’s Complaint barely mentions Mr.
5 Pierattini and primarily takes issue with the conduct of other defendants whom, for some
6 reason, Plaintiff has refused to serve. Frankly, Mr. Pierattini has no idea why he has been
7 dragged into this frivolous case. The facts important for this Motion are that on December 11,
8 2023, counsel for Mr. Pierattini served Mr. Pierattini’s Special Interrogatories, Set One (the
9 “Special Interrogatories”) to Plaintiff by electronic mail. (Declaration of R. Paul Katrinak
10 (“Katrinak Decl.”) ¶ 2, Ex. “A”.)

11 To date, Mr. Pierattini has received no substantive responses to any of the Special
12 Interrogatories. Instead, Plaintiff has “responded” to Mr. Pierattini’s Special Interrogatories
13 with a series of frivolous objections. (Katrinak Decl. ¶ 3, Ex. “B”.) Plaintiff did not produce
14 any responsive answers to Mr. Pierattini’s Special Interrogatories. (Katrinak Decl., at ¶ 4.)¹

15 Mr. Pierattini respectfully requests the Court order Plaintiff to provide full and
16 complete verified responses without objection to the Special Interrogatories propounded. Mr.
17 Pierattini additionally requests that the Court impose mandatory sanctions against Plaintiff in
18 the amount of \$4,560.00.²

19 **II. FACTUAL AND PROCEDURAL BACKGROUND**

20 Plaintiff filed this lawsuit against Mr. Pierattini and several other defendants alleging
21 eight causes of action. The complaint, which meanders and is often difficult to follow,
22 contained vague allegations against Mr. Pierattini that were few and far between. Although

23 _____
24 ¹ The parties entered into a Protective Order to preserve information, including documents, exchanged in
25 discovery. Plaintiff has refused to provide any information or documents and has solely relied on frivolous
objections. Therefore, the Protective Order is not at issue concerning the objections served by Plaintiff.

26 ² Counsel for Mr. Pierattini called the Clerk’s office to inquire whether an informal discovery conference
27 would be required before the filing of this Motion. (Katrinak Decl., at ¶ 7.) The Clerk stated that the informal
28 discovery conference does not toll the timeframe for the Motion, so it would be fine to file the Motion without an
informal discovery conference. *Id.* The Clerk also stated that the Court would schedule the informal discovery
conference on the same date as the hearing on the Motion and that if the issues are not resolved then there would be
a hearing. *Id.*

1 nearly none of the allegations in the complaint were directed at Mr. Pierattini, Plaintiff asserted
2 all eight of his causes of action against him. In an attempt to understand what exactly
3 Plaintiff's claims against him actually were, Mr. Pierattini propounded commonplace
4 discovery requests to Plaintiff. Rather than responding to Mr. Pierattini's discovery requests
5 with proper responses, Plaintiff has instead engaged in gamesmanship by improperly objecting
6 to Mr. Pierattini's discovery requests at sporadic intervals. Plaintiff has refused to provide
7 virtually any information, even after Mr. Pierattini properly responded to Plaintiff's own
8 discovery requests. To date, Plaintiff has only responded to a few of Mr. Pierattini's Requests
9 for Admission, otherwise exclusively responding with dozens of improper objections. Plaintiff
10 is also improperly evading his deposition, claiming he does not live within 150 miles of the
11 deposition location in Los Angeles County even though Plaintiff's address with the Court is in
12 Santa Monica and Plaintiff filed this action in Los Angeles County. Plaintiff's actions have
13 severely prejudiced Mr. Pierattini, who has yet to gain a full understanding of what exactly
14 Plaintiff's claims against him are.

15 On December 11, 2023, counsel for Mr. Pierattini propounded Mr. Pierattini's Special
16 Interrogatories, Set One on Plaintiff. (Declaration of R. Paul Katrinak ("Katrinak Decl.") ¶ 2,
17 Ex. "A".)

18 On January 9, 2024, Plaintiff responded to Mr. Pierattini's Special Interrogatories with
19 a series of meritless and frivolous objections. (Katrinak Decl., at ¶ 3, Ex. "B".)

20 On January 12, 2024, counsel for Mr. Pierattini sent a letter attempting to meet and
21 confer with Plaintiff regarding his failure to properly respond to Mr. Pierattini's discovery
22 requests, including Mr. Pierattini's Special Interrogatories. (Katrinak Decl., at ¶ 5, Ex. "C".)
23 True to form, Plaintiff ignored counsel for Mr. Pierattini's attempt to meet and confer, forcing
24 counsel for Mr. Pierattini to file this Motion. (Katrinak Decl., at ¶ 6.)

25 **III. THE COURT IS AUTHORIZED TO GRANT THIS MOTION TO COMPEL**
26 **FURTHER RESPONSES**

27 Code of Civil Procedure section 2030.300 states:
28

1 “On receipt of a response to interrogatories, the propounding party may move for
2 an order compelling a further response if the propounding party deems that any of
the following apply:

- 3 (1) An answer to a particular interrogatory is evasive or incomplete.
- 4 (2) An exercise of the option to produce documents under Section
2030.230 is unwarranted or the required specification of those
5 documents is inadequate.
- 6 (3) An objection to an interrogatory is without merit or too general.”

Code Civ. Proc. § 2030.300(a).

7 The court has the inherent power to resolve discovery disputes. “The [Discovery Act] is
8 to be liberally interpreted so that it may accomplish its purpose. The trial court has a wide
9 discretion in granting discovery.” *Caryl Richards, Inc. v. Super. Ct.* (1961) 188 Cal.App.2d
10 300, 303. As discussed below and in Mr. Pierattini’s concurrently filed Separate Statement,
11 Plaintiff served evasive, nonresponsive answers, which included general and meritless
12 objections. Accordingly, the Court is authorized to compel further responses for the reasons
13 stated below.

14 **IV. LAW APPLICABLE TO PLAINTIFF’S REFUSAL TO PROVIDE PROPER** 15 **RESPONSES**

16 **A. The Right to Discovery**

17 The right to discovery is liberally construed. As noted in a leading treatise, Brown &
18 Weil, *California Practice Guide: Civil Procedure Before Trial* (2017 update):

19 **“[8:36] Right to Discovery Liberally Construed:** Courts have construed the
20 discovery statutes broadly, so as to *uphold the right to discovery wherever*
21 *possible*. [*Greyhound Corp. v. Sup.Ct. (Clay)* (1961) 56 C2d 355, 377-378, 15 CR
22 90, 100 (decided under former law); *Emerson Elec. Co. v. Sup.Ct. (Grayson)*
23 (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)]

24 **B. Plaintiff’s Legal Obligations Concerning These Discovery Responses**

25 As noted in Brown & Weil, there is a duty to provide complete answers:

26 **“[8:1047] Duty to provide “complete” answers:** Each answer in the response
27 must be “as *complete* and *straightforward* as the information reasonably available
28 to the responding party permits. If an interrogatory cannot be answered
completely, it shall be answered to the extent possible.” [CCP § 2030.220(a),(b)
(emphasis added)]”.

1 Plaintiff's responses to Mr. Pierattini's discovery requests are, at best, evasive. Plaintiff
2 does not adequately respond, nor does he comply with the Code. Furthermore, evasive
3 responses constitute sanctionable conduct. Code Civ. Proc. § 2023.010(f).

4 **C. Plaintiff has Refused to Provide Proper Responses to Mr. Pierattini's Special**
5 **Interrogatories**

6 With regard to Mr. Pierattini's Special Interrogatories, Plaintiff's "responses" are
7 completely improper and inadequate. As noted in Brown & Weil, the response must be as
8 follows:

9 [8:1023] Unless excused by protective order, the party to whom the interrogatories
10 are directed is under a duty to respond to each question separately, under oath, and
within the time limits stated below (¶ 8:1024 ff.). [CCP § 2030.210(a)]

11 Such response may be either:

- 12 • An answer (¶ 8:1046 ff.);
13 • An objection (¶ 8:1071 ff.); or
14 • An election to allow inspection and copying of records (¶ 8:1065 ff.). [CCP §
2030.210(a)]

15 A response stating "inability to respond" is legally insufficient. If the responding
16 party lacks personal knowledge sufficient to respond, the party may so state, but
only after making a reasonable and good faith effort to obtain the information by
inquiry to other persons or organizations.

17 *Id.* at 8:1023. Plaintiff's responses to Mr. Pierattini's Special Interrogatories fail to state
18 what the Code requires them to state, as they consist exclusively of improper objections (as
19 discussed in detail below). Brown & Weil makes plain the duty to obtain information. It states:

20 **"Duty to obtain information:** "If the responding party does not have personal
21 knowledge sufficient to respond fully to an interrogatory, that party shall so state,
but shall make a reasonable and good faith effort to obtain the information by
22 inquiry to other natural persons or organizations, except where the information is
equally available to the propounding party." [CCP § 2030.220(c) (emphasis
23 added); *Regency Health Services, Inc. v. Sup.Ct. (Settles)* (1998) 64 CA4th 1496,
1504, 76 CR2d 95, 100 (citing text)]"

24 *Id.* at 8:1051. Certainly, Plaintiff has not made a "reasonable and good faith effort" to
25 obtain the information sought. Again, as plainly noted in Brown & Weil:

26 **"Information available from sources under party's control:** In answering
27 interrogatories, a party must furnish information available from sources under
the party's control: "(A party) cannot plead ignorance to information which can
28 be obtained from sources under his control." [*Deyo v. Kilbourne*, supra, 84
CA3d at 782, 149 CR at 509 (parentheses added); *Regency Health Services, Inc.*

1 v. *Sup.Ct. (Settles)* (1998) 64 CA4th 1496, 1504, 76 CR2d 95, 100 (citing
text)]”.

2 *Id.* at 8:1054. The information sought is presumably available, and on that issue Brown
3 & Weil states:

4 “**Information presumably available to responding party:** Another consequence
5 of the duty to attempt to obtain information is that “I don't know” or “Unknown”
6 are *insufficient* answers to matters presumably known to the responding party.
7 (Example: Question asks, “What is the name and address of each physician who
8 treated you for the injuries described in your complaint?”) The responding party
9 must make a reasonable effort to obtain whatever information is sought; and if
10 unable to do so, must *specify* why the information is unavailable and *what efforts*
11 *he or she made to obtain it.* [See *Deyo v. Kilbourne* (1978) 84 CA3d 771, 782,
12 149 CR 499, 509]”

13 *Id.* at 8:1061.

14 **D. Plaintiff's Objections are Improper**

15 Rather than providing proper responses, Plaintiff has responded to Mr. Pierattini's
16 Special Interrogatories with a flurry of improper objections. As explained in Brown & Weil:

17 “[8:1071] **Objections:** In lieu of answering or allowing inspection of records,
18 the responding party may serve objections. Each objection must be
19 stated *separately* (no objections to entire set), and must bear the same number or letter
20 as the interrogatory to which it is directed. [CCP § 2030.210(a)(3)]

21 Objections must be *specific*. A motion to compel lies where objections are “too
22 general.” [CCP § 2030.300(a)(3); see *Korea Data Systems Co. Ltd. v. Sup.Ct.*
23 (*Aamazing Technologies Corp.*) (1997) 51 CA4th 1513, 1516, 59 CR2d 925, 926—
24 objecting party subject to sanctions for “boilerplate” objections; and ¶[8:1920]”

25 *Id.* at 8:1071 (discussing interrogatories). Plaintiff's objections to Mr. Pierattini's Special
26 Interrogatories have no specificity and do not state the specific grounds for objection.

27 Furthermore, Plaintiff bears the burden on the objections he has asserted. As explained in
28 Brown & Weil:

[8:1074] **Burden on responding party to justify objection:** If a motion to
compel answers is filed, the burden will then be on the objecting party to
establish whatever facts are necessary to justify the objection. Usually, this is
done by filing declarations in opposition to the motion to compel (*see* ¶
8:1179).

...

(2) [8:1076] **Grounds for objection:** The grounds for objecting to
interrogatories are even more limited than the grounds for objecting to
deposition questions. There is *less concern* as to the *form* of questioning
because the answering party will have the assistance of counsel in preparing
responses. [*Greyhound Corp. v. Sup.Ct. (Clay)* (1961) 56 C2d 355, 392, 15 CR
90, 110, fn. 16]

1 *Id.* at 8:1474.

2 Objections Common to Special Interrogatories Nos. 1-35:

3 As an initial matter, Plaintiff’s “premature contention” objections to the first 35
4 interrogatories are bizarre and frivolous. Plaintiff cannot claim that the interrogatories are
5 “premature” because they were properly sent during the discovery period. Plaintiff filed this
6 lawsuit. If Plaintiff truly cannot answer any of Mr. Pierattini’s Special Interrogatories, which
7 are fully based on Plaintiff’s allegations against Mr. Pierattini, then Plaintiff should dismiss his
8 claims against Mr. Pierattini.

9 Additionally, Plaintiff’s “equally (or more) available to Pierattini” objections to the first
10 35 Special Interrogatories are without merit and frivolous. These 35 Special Interrogatories
11 seek information regarding facts, witnesses, and documents from Plaintiff that support his
12 allegations against Mr. Pierattini. Plaintiff cannot make such allegations and then refuse to
13 respond to discovery with supporting evidence for such allegations based on the false and
14 unsubstantiated assertion that such evidence is potentially available to Mr. Pierattini. Contrary
15 to Plaintiff’s assertion, the Special Interrogatories seek information that is solely available to
16 Plaintiff. These interrogatories are requested based on Plaintiff’s allegations. Therefore,
17 Plaintiff must respond by providing the information sought.

18 Furthermore, Plaintiff’s “not self-contained” objections to the first 35 Special
19 Interrogatories are without merit. Each Special Interrogatory is full and complete in and of
20 itself as required by California Code Civ. Proc. § 2030.060(d). Each Special Interrogatory
21 specifically references a claim or allegation made in the complaint and does not require
22 Plaintiff to refer to the complaint itself to understand what information is being sought. There
23 are no general or ambiguous references to the complaint, and the use of paragraph numbers in
24 each Special Interrogatory serves solely to supplement the specific quotes from the complaint.

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

26 Plaintiff’s objections to the Special Interrogatories seeking identification of facts or
27 documents as “unduly burdensome” are frivolous. Specifically, Plaintiff’s claim that these
28 Special Interrogatories are unduly burdensome because of an alleged “long history of

1 defendant ... harming Plaintiff” is absurd given that Plaintiff has alleged no facts, nor has he
2 provided any evidence, of Mr. Pierattini allegedly harming him over any period of time.

3 Plaintiff also improperly objects to these Special Interrogatories by stating that they
4 “will require a continuing duty to supplement.” Such objections have no legal basis and are
5 without merit, as these Special Interrogatories simply require Plaintiff to provide the facts and
6 identify the documents *currently* available to him. The Special Interrogatories do not impose
7 on Plaintiff a continuing duty to supplement his responses, so long as his responses are correct
8 and complete. Therefore, these Special Interrogatories do not run afoul of California Code Civ.
9 Proc. § 2030.060(g).

10 Objections to the “Witness” Special Interrogatories:

11 Plaintiff’s objections to the Special Interrogatories seeking the identification of
12 witnesses based on his alleged “lack of personal knowledge” defy logic and are completely
13 improper. Frankly, it is absurd for Plaintiff to state that he has no personal knowledge of any
14 witnesses to support his claims and allegations against Mr. Pierattini. If Plaintiff is attempting
15 to state that he cannot identify any witnesses as requested by the Special Interrogatories at
16 issue, then he must respond as such in a complete and straightforward manner, and not through
17 an improper objection.

18 Objections to Special Interrogatories Nos. 36-187:

19 Plaintiff’s objection to these Special Interrogatories because the “number of
20 interrogatories [was] exceeded” is without merit. Under § 2030.040 of the California Code of
21 Civil Procedure, a party may exceed the 35-interrogatory limit set by § 2030.030 so long as the
22 party seeking additional discovery attaches a supporting declaration as described in §
23 2030.050. The Special Interrogatories Mr. Pierattini propounded were delivered to Plaintiff
24 with such a declaration attached. Plaintiff filed an ambiguous and unintelligible Complaint that
25 contains numerous unsupported allegations, and Mr. Pierattini is entitled to the information
26 Plaintiff has concerning these allegations.

27 Furthermore, these Special Interrogatories are not “frivolous” or “duplicative,” nor do
28 they require an “undue burden” to answer. These Special Interrogatories directly address

1 Plaintiff's allegations against Mr. Pierattini. The number of interrogatories directly correlates
2 to the complexity of the case and the large number of allegations Plaintiff has made against
3 Mr. Pierattini. Therefore, Plaintiff must withdraw these objections and provide complete
4 responses without objection.

5 Plaintiff's improper objections to Mr. Pierattini's Special Interrogatories should be
6 overruled in their entirety and Plaintiff should be ordered to provide a Code-compliant response
7 without objection.

8 **V. GOOD CAUSE EXISTS FOR COMPELLING FURTHER RESPONSES**

9 Each answer in an interrogatory response must be "as complete and straightforward as
10 the information reasonably available to the responding party permits." CCP §§ 2030.220(a)
11 and (b). In answering interrogatories, a party must furnish information available from sources
12 under the party's control. "[A party] cannot plead ignorance to information which can be
13 obtained from sources under his control." *Deyo v. Kilbourne* (1978) 84 Cal. App. 3d 771, 783;
14 *Regency Health Services, Inc. v. Sup.Ct.* (Settles) (1998) 64 Cal. App. 4th 1496, 1504.
15 Moreover, it is improper to provide "deftly worded conclusionary answers designed to evade a
16 series of explicit questions." *Deyo v. Kilbourne* (1978) 84 Cal.App. 3d 771, 783.

17 Here, each and every one of Mr. Pierattini's Special Interrogatories is supported by
18 good cause and is specifically tailored to obtain information that is essential to supporting Mr.
19 Pierattini's defenses against Plaintiff's frivolous claims against him. The Special
20 Interrogatories sent to Plaintiff were straightforward interrogatories to determine the actual
21 facts, documents, and witnesses that Plaintiff relies on in his complaint. Plainly, Mr. Pierattini
22 still does not fully understand Plaintiff's allegations against him, as Plaintiff's meandering
23 complaint is difficult to follow. A crucial purpose of Mr. Pierattini's discovery requests is to
24 understand exactly what Plaintiff's allegations against Mr. Pierattini are, and what support, if
25 any, Plaintiff has for these allegations.

26 **VI. MR. PIERATTINI MET AND CONFERRED IN GOOD FAITH**

27 A motion to compel further responses to interrogatories "shall be accompanied by a
28 meet and confer declaration under Section 2016.040." Code Civ. Proc. § 2030.300(b)(1). "A

1 meet and confer declaration in support of a motion shall state facts showing a reasonable and
2 good faith attempt at an informal resolution of each issue presented by the motion.” *Id.*
3 § 2016.040. Here, as described above, the Declaration of R. Paul Katrinak attests to Mr.
4 Pierattini’s meet and confer efforts with Plaintiff in writing. Plaintiff has responded with
5 stonewalling and a refusal to produce complete, Code-compliant responses. Thus, Mr.
6 Pierattini has fully met and conferred as required by statute, and Plaintiff has left Mr. Pierattini
7 with no other option but to seek assistance from the Court by filing this Motion.

8 **VII. THIS MOTION IS TIMELY FILED**

9 Code of Civil Procedure section 2030.300, subdivision (c) states:

10 Unless notice of this motion is given within 45 days of the service of the
11 verified response, or any supplemental **verified** response, or on or before
12 any specific later date to which the propounding party and the responding
13 party have agreed in writing, the propounding party waives any right to
14 compel a further response to the interrogatories.

15 Code Civ. Proc. § 2030.300(c) (emphasis added). *See also Steven M. Garber & Assocs. v.*
16 *Eskandarian* (2007) 150 Cal.App.4th 813, 817 at n.4, *as modified* (May 22, 2007) (“unverified
17 responses ‘are tantamount to no responses at all.’”).

18 Here, Mr. Pierattini is timely filing this Motion within the 45-day statutory deadline.
19 Plaintiff’s verification of his responses to Mr. Pierattini’s Requests was served on December
20 19, 2023. Therefore, this Motion is timely filed.

21 **VIII. MONETARY SANCTIONS AGAINST PLAINTIFF ARE WARRANTED FOR**
22 **FAILURE TO RESPOND TO LEGITIMATE DISCOVERY AND FOR**
23 **NECESSITATING THIS MOTION**

24 Section 2023.030(a) of the Code of Civil Procedure provides that “[t]he court may
25 impose a monetary sanction ordering that one engaging in the misuse of the discovery process,
26 or any attorney advising that conduct, or both pay the reasonable expenses, including
27 attorney’s fees, incurred by anyone as a result of that conduct.” *Id.* “Misuses of the discovery
28 process include, but are not limited to . . . (e) Making, without substantial justification, an
unmeritorious objection to discovery. . . . (f) Making an evasive response to discovery. . . . (h)

1 Making or opposing, unsuccessfully and without substantial justification, a motion to compel
2 or to limit discovery.” *Id.* § 2023.010.

3 “The court **shall** impose a monetary sanction ... against any party, person, or attorney
4 who unsuccessfully makes or opposes a motion to compel a further response to interrogatories,
5 unless it finds that the one subject to the sanction acted with substantial justification or that
6 other circumstances make the imposition of the sanction unjust.” *Id.* § 2030.300(d) (emphasis
7 added). These sanctions may be awarded “under the Discovery Act in favor of a party who
8 files a motion to compel discovery, even though no opposition to the motion was filed, or an
9 opposition to the motion was withdrawn, or the requested discovery was provided to the
10 moving party after the motion was filed.” Cal. R. Ct. 3.1348(a).

11 The purpose of discovery sanctions is “to prevent abuse of the discovery process and
12 correct the problem presented.” *Do v. Super. Ct.* (2003) 109 Cal.App.4th 1210, 1213 (citations
13 omitted). Here, there is no excuse or justification for Plaintiff’s refusal to provide further
14 responses to the subject discovery. The Declaration of R. Paul Katrinak attests to the efforts
15 expended by Mr. Pierattini to avoid this motion. It is evident from the facts presented that
16 Plaintiff will not comply with this authorized method of discovery absent a court order and the
17 imposition of sanctions.


18 In the present case, Mr. Pierattini has incurred and will incur in excess of \$4,560.00 in
19 costs and attorney’s fees in connection with this Motion and enforcing this discovery.
20 (Katrinak Decl., at ¶ 9). Pursuant to Code of Civil Procedure §§ 2023.010, 2023.030, and
21 2030.300, and the power of this Court to impose monetary sanctions against the losing party on
22 a motion to compel further responses, Mr. Pierattini submits that given Mr. Pierattini’s
23 attempts to avoid having to file this motion, and Plaintiff’s lack of compliance, sanctions
24 should properly be awarded to Mr. Pierattini and against Plaintiff in the amount of \$4,560.00,
25 as reflected in the Declaration of R. Paul Katrinak.

26 In the event that Plaintiff provides Code-compliant responses after this Motion has been
27 filed, this hearing should still remain on calendar and be heard before the Court in order to
28 grant sanctions for Plaintiff’s gross misuse of the discovery process.

1 **IX. CONCLUSION**

2 For the foregoing reasons, Defendant Michael Pierattini respectfully requests that this
3 Motion be granted and that this Court issue an Order compelling Plaintiff Jose DeCastro to
4 provide further, Code-compliant responses to Mr. Pierattini’s Special Interrogatories, Set One,
5 within thirty (30) days. Mr. Pierattini further requests that this Court issue an Order imposing
6 monetary sanctions on Plaintiff in the amount of \$4,560.00, payable within thirty (30) days.

7
8 DATED: January 25, 2024

THE LAW OFFICES OF
R. PAUL KATRINAK


R. Paul Katrinak
Attorneys for Defendant
Michael Pierattini

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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:

NOTICE OF MOTION AND MOTION TO COMPEL FURTHER RESPONSES TO DEFENDANT MICHAEL PIERATTINI'S SPECIAL INTERROGATORIES TO PLAINTIFF JOSE DECASTRO, SET ONE, AND REQUEST FOR MONETARY SANCTIONS AGAINST PLAINTIFF IN THE SUM OF \$4,560.00; MEMORANDUM OF POINTS AND AUTHORITIES

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



Make a Reservation

JOSE DECASTRO vs KATHERINE PETER

Case Number: 23SMCV00538 Case Type: Civil Unlimited Category: Defamation (slander/libel)
Date Filed: 2023-02-06 Location: Santa Monica Courthouse - Department O

Reservation

Case Name: JOSE DECASTRO vs KATHERINE PETER	Case Number: 23SMCV00538
Type: Motion to Compel Further Discovery Responses	Status: RESERVED
Filing Party: Michael Pierattini (Defendant)	Location: Santa Monica Courthouse - Department O
Date/Time: 03/07/2024 8:30 AM	Number of Motions: 1
Reservation ID: 171178967765	Confirmation Code: CR-SYF6AX6PBG2MC9YZU

Fees

Description	Fee	Qty	Amount
Motion to Compel Further Discovery Responses	60.00	1	60.00
Credit Card Percentage Fee (2.75%)	1.65	1	1.65
TOTAL			\$61.65

Payment

Amount: \$61.65	Type: MasterCard
Account Number: XXXX7784	Authorization: 66098Z
Payment Date: 1969-12-31	

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