

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 5:21 PM  
David W. Slayton,  
Executive Officer/Clerk of Court,  
By N. Valles, Deputy Clerk

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

12 JOSE DECASTRO,

13 Plaintiff,

14 v.

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

17 and DOES 1 TO 30, inclusive,

18 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**  
) **REQUESTS FOR PRODUCTION OF**  
) **DOCUMENTS 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**

19 Date: February 22, 2024  
20 Time: 8:30 a.m.  
21 Dept: O

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

24 **RES ID: 517882917907**

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

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

1 TO ALL PARTIES AND TO THEIR ATTORNEYS OF RECORD:


2 PLEASE TAKE NOTICE that on February 22, 2024, at 8:30 AM, or as soon thereafter  
3 as 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 produce responsive documents pursuant to Mr. Pierattini’s Requests for Production of  
7 Documents, Set One (the “Requests”), served on Plaintiff on December 11, 2023, and requests  
8 monetary sanctions against Plaintiff in the amount of \$4,560.00.

9 This Motion is made pursuant to Code of Civil Procedure section 2031.310 on the  
10 grounds that Plaintiff’s responses to Mr. Pierattini’s Requests consist exclusively of meritless  
11 objections and no responses. Further, counsel for Mr. Pierattini met and conferred with  
12 Plaintiff in good faith to no avail.

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

17  
18 DATED: January 25, 2024

19 THE LAW OFFICES OF  
20 R. PAUL KATRINAK



21 R. Paul Katrinak  
22 Attorneys for Defendant  
23 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 Requests for Production of Documents,  
9 Set One (the “Requests”) 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 Requests.  
12 Instead, Plaintiff has “responded” to Mr. Pierattini’s Requests with a series of frivolous  
13 objections. (Katrinak Decl. ¶ 3, Ex. “B”.) Plaintiff has yet to produce even a single document  
14 in response to Mr. Pierattini’s Requests. (Katrinak Decl. ¶ 4.)<sup>1</sup>

15 Mr. Pierattini respectfully requests the Court order Plaintiff to provide full and  
16 complete verified responses and produce responsive documents without objection to the  
17 Requests propounded. Mr. Pierattini additionally requests that the Court impose mandatory  
18 sanctions against Plaintiff in the amount of \$4,560.00.<sup>2</sup>

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 <sup>1</sup> 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 <sup>2</sup> 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 and has provided no documents, even after Mr. Pierattini properly  
8 responded to Plaintiff's own discovery requests. To date, Plaintiff has only responded to a few  
9 of Mr. Pierattini's Requests for Admission, otherwise exclusively responding with dozens of  
10 improper objections. Plaintiff is also improperly evading his deposition, claiming he does not  
11 live within 150 miles of the deposition location in Los Angeles County even though Plaintiff's  
12 address with the Court is in Santa Monica and Plaintiff filed this action in Los Angeles County.  
13 Plaintiff's actions have severely prejudiced Mr. Pierattini, who has yet to gain a full  
14 understanding of what exactly Plaintiff's claims against him are.

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

18 On January 9, 2024, Plaintiff responded to Mr. Pierattini's Requests with a series of  
19 meritless and frivolous objections. (Katrinak Decl., at ¶ 3, Ex. "B".) Plaintiff did not produce  
20 any responsive documents. (Katrinak Decl., at ¶ 4.)

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

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

28 Code of Civil Procedure section 2031.310 states:

1 “On receipt of a response to a demand for inspection, copying, testing, or sampling,  
2 the demanding party may move for an order compelling further response to the  
demand if the demanding party deems that any of the following apply:

- 3 (1) A statement of compliance with the demand is incomplete.  
4 (2) A representation of inability to comply is inadequate, incomplete, or  
evasive.  
5 (3) An objection in the response is without merit or too general.”

6 Code Civ. Proc. § 2031.310(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  
stated below.

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

15 **A. The Right to Discovery**

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

18 “[8:36] **Right to Discovery Liberally Construed:** Courts have construed the  
19 discovery statutes broadly, so as to *uphold the right to discovery wherever*  
20 *possible*. [*Greyhound Corp. v. Sup.Ct. (Clay)* (1961) 56 C2d 355, 377-378, 15 CR  
21 90, 100 (decided under former law); *Emerson Elec. Co. v. Sup.Ct. (Grayson)*  
22 (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)]

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

24 As noted in Brown & Weil, the format of responses is identical to those for  
25 interrogatories. There is a duty to provide complete answers:

26 “**Duty to provide “complete” answers:** Each answer in the response must be “as  
27 *complete and straightforward* as the information reasonably available to the  
28 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. Further, evasive responses  
3 constitute sanctionable conduct. Code Civ. Proc. § 2023.010(f).

4 **C. Plaintiff has Refused to Provide Proper Responses to Mr. Pierattini's Requests**  
5 **for Production of Documents**

6 With regard to Mr. Pierattini's Requests, Plaintiff does not state that Plaintiff is  
7 producing all documents as required by the Code. In fact, Plaintiff has refused to produce *any*  
8 documents. Plaintiff's responses are thus improper. As noted in *Brown & Weil*, the response  
9 must be as follows:

10 [8:1469] **Content:** The party to whom the CCP § 2031.010 demand is directed  
11 must respond separately to each item in the demand by one of the following:

- 12 • **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
- 13 • **Representation of inability to comply:** A statement that the party lacks the  
ability to comply with the particular demand; or
- 14 • **Objections:** An objection to all or part of the demand. [CCP § 2031.210(a)]

15 Plaintiff must state that he has produced all responsive documents. The way that  
16 Plaintiff's responses are written, Plaintiff could produce documents at the last minute and  
17 claim he did not represent that he had produced all documents. Plaintiff's responses to Mr.  
18 Pierattini's Requests fail to state what the code requires them to state.

19 *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 knows that he has not produced any responsive  
25 documents. Again, as plainly noted in *Brown & Weil*:

26 **"Information available from sources under party's control:** In answering  
interrogatories, a party must furnish information available from sources under  
27 the party's control: "(A party) cannot plead ignorance to information which can  
be obtained from sources under his control." [*Deyo v. Kilbourne*, supra, 84  
28 CA3d at 782, 149 CR at 509 (parentheses added); *Regency Health Services, Inc.*  
*v. Sup.Ct. (Settles)* (1998) 64 CA4th 1496, 1504, 76 CR2d 95, 100 (citing

text)]”.

1  
2 *Id.* at 8:1054. The information sought is presumably available, and on that issue Brown  
& Weil states:

3  
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  
must make a reasonable effort to obtain whatever information is sought; and if  
unable to do so, must *specify* why the information is unavailable and *what efforts*  
*he or she made to obtain it.* [See *Deyo v. Kilbourne* (1978) 84 CA3d 771, 782,  
149 CR 499, 509]”

9 *Id.* at 8:1061.

10 **D. Plaintiff’s Objections are Improper**

11 Rather than providing proper responses, Plaintiff has responded to Mr. Pierattini’s  
12 Requests with a flurry of improper objections. As explained in Brown & Weil:

13 “[8:1071] **Objections:** In lieu of answering or allowing inspection of records,  
14 above, the responding party may serve objections. Each objection must be  
stated *separately* (no objections to entire set), and must bear the same number or letter  
as the interrogatory to which it is directed. [CCP § 2030.210(a)(3)]

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

17 *Id.* at 8:1071 (discussing interrogatories). The same holds true for requests for  
18 production of documents:

19 “If only part of an item or category demanded is objectionable, the response must  
20 contain an agreement to comply with the remainder, or a representation of inability to  
21 comply. [CCP § 2031.240(a)] (General objections to the entire request are unauthorized  
and constitute discovery misuse; see ¶8:1071.”

22 *Id.* at 8:1469.

23 Plaintiff’s objections to Mr. Pierattini’s Requests have no specificity and do not state  
24 the specific grounds for objection. As explained in Brown & Weil:

25 “[8:1474] **Objections:** The responding party may object to any item or category  
demanded in whole or in part. To be effective, the objection must:

- 26 • *Identify with particularity* the specific document or evidence demanded as to which  
the objection is made; and  
27 • Set forth the *specific ground* for objection, including claims of privilege or work  
product protection. [CCP § 2031.240(b); see *Standon Co., Inc. v. Sup.Ct.*  
28 (*Kim*) (1990) 225 CA3d 898, 901, 275 CR 833, 834—objections constitute implicit  
refusals to produce]”

1           *Id.* at 8:1474. One specific set of objections by Plaintiff stands out as completely  
2 frivolous based on its lack of specificity: Plaintiff’s objections to Requests 2-81, which state  
3 “After a diligent search and reasonable inquiry, the responsive documents cannot be produced as  
4 they have never existed, have been destroyed, have been lost, misplaced, or stolen. Responding  
5 party believes that Pierattini has possession, custody, or control of the responsive documents.”

6           This objection to nearly all of Mr. Pierattini’s Requests fails to clearly state the extent  
7 of and specific grounds for the objection, instead opting for a “see-what-sticks” approach.  
8 Plaintiff cannot generally state that the responsive documents were either destroyed, lost,  
9 misplaced, stolen, or never existed. Plaintiff must be specific. Furthermore, Plaintiff’s repeated  
10 assertion that he “believes” Mr. Pierattini has possession of the responsive documents is absurd  
11 given that Mr. Pierattini’s Requests seek documents solely in Plaintiff’s possession. If Plaintiff  
12 truly does not have any documents to respond to Mr. Pierattini’s Requests, which are fully  
13 based on Plaintiff’s allegations against Mr. Pierattini, then Plaintiff *must* dismiss his claims  
14 against Mr. Pierattini.

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

16           Plaintiff’s objections that each Request is “cumulative, duplicative, overbroad, or  
17 unduly burdensome in that it places no limitation on the relevant time frame or the events  
18 relating to the subject matter of the litigation” are without merit and improper. Unless  
19 otherwise specified, the relevant period encompasses the time during which Plaintiff’s  
20 allegations against Mr. Pierattini occurred up until the present day, the entirety of which is  
21 fully relevant to this litigation. Additionally, as discussed above, the scope of discovery is  
22 extremely broad and allows for discovery reasonably calculated to lead to the discovery of  
23 admissible evidence. Plaintiff does not have the right to arbitrarily proclaim that a Request is  
24 somehow unrelated to the subject matter of the litigation and then refuse to respond to that  
25 Request.

26           Additionally, Plaintiff’s objections that each Request “calls for the disclosure of  
27 information protected from discovery by the attorney-client privilege” are absurd and are  
28 without merit. The attorney-client privilege does not apply to Plaintiff as an In Pro Per party, as



1 it is legally and factually impossible for him to have “communications” with himself. If for  
2 some reason such a privilege does apply, then Plaintiff must be prepared to explain why the  
3 privilege is applicable to *each individual* Request. In addition, and as discussed below, Plaintiff  
4 must prepare a privilege log that identifies each document withheld in response to Mr.  
5 Pierattini’s Requests and the specific privilege claimed. Plaintiff has not produced a single  
6 document, so presumably, this privilege log would be extensive. The information in the  
7 privilege log must be sufficiently specific to allow a determination of whether each withheld  
8 document is or is not in fact privileged.

9 Plaintiff’s further objections that each Request is objectionable because “[i]t seeks  
10 proprietary information that is a trade secret” are without merit and improper. Since Mr.  
11 Pierattini’s Requests do not suggest or imply that Plaintiff must produce documents containing  
12 any alleged “trade secrets” or other confidential information, this objection is unnecessary and  
13 baseless. Additionally, a protective order is in place, so this objection is moot. On the contrary,  
14 these Requests seek documents that support Plaintiff’s allegations against Mr. Pierattini. If  
15 Plaintiff refuses to provide such supporting documents during the discovery period, then he  
16 must dismiss his case against Mr. Pierattini based on a complete lack of evidence. It is not Mr.  
17 Pierattini’s job to build Plaintiff’s case for him while Plaintiff lobs outrageous allegations at  
18 Mr. Pierattini.

19 Plaintiff’s objections that each Request is objectionable because “[i]t seeks ESI that is  
20 not reasonably accessible to the Plaintiff and Plaintiff will not proceed without an agreement of  
21 costs” are without merit. Plaintiff has a duty to produce documents. For Plaintiff to claim that  
22 *all* of the responsive documents are “not reasonably accessible” to him is outrageous.  
23 Communications Plaintiff has had are accessible to him. Emails Plaintiff has sent and received  
24 are accessible to him. The videos Plaintiff has made are accessible to him. The list goes on.  
25 Plaintiff cannot claim that *all* responsive documents are difficult-to-access ESI, and then refuse  
26 to provide *any* responsive documents. If Plaintiff truly does not have any documents to respond  
27 to these Requests, which are fully based on his allegations against Mr. Pierattini, then Plaintiff  
28 must dismiss his claims against Mr. Pierattini.

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

2           Plaintiff’s objections that all but the first Request are “so vague and ambiguous that  
3 Plaintiff cannot in good faith determine the scope of the request” are without merit. Frankly,  
4 Mr. Pierattini’s Requests are very specific as to the information they seek. Each Request  
5 designates the documents to be produced either by specifically describing each document or by  
6 reasonably particularizing each category of document, as required by California Code Civ.  
7 Proc. § 2031.030. Some of them, such as Requests 16, 17, 18, and 19, even go so far as to  
8 specify the *exact* document or item being sought.

9           Relevance and Scope Objections:

10          Plaintiff’s relevance and scope objections to Requests 1, 3, 14-17, 20-81 are without  
11 merit. As discussed above, the scope of discovery is extremely broad and allows for discovery  
12 reasonably calculated to lead to the discovery of admissible evidence. Plaintiff cannot  
13 arbitrarily proclaim that a Request is “irrelevant” and/or “beyond the scope of discovery” and  
14 then refuse to respond to that Request. Additionally, Plaintiff cannot improperly refuse to  
15 answer a special interrogatory, and then state that Plaintiff’s improper answer to that  
16 interrogatory makes a related Request for production irrelevant (as Plaintiff did with Requests  
17 20-81).

18          Plaintiff’s improper objections to Mr. Pierattini’s Requests should be overruled in their  
19 entirety and Plaintiff should be ordered to provide a Code-compliant response without objection.

20          **E. The Required Privilege Log Is Missing**

21          As explained in *Brown & Weil*:

22          (a) [8:1474.5] **Objection based on privilege; “privilege log” may be required:** When  
23 asserting claims of privilege or attorney work product protection, the objecting party  
24 must provide “sufficient factual information” to enable other parties to evaluate the  
25 merits of the claim, “including, *if necessary*, a privilege log.” [CCP § 2031.240(c)(1)  
26 (emphasis added); *Lopez v. Watchtower Bible & Tract Soc. of New York, Inc.* (2016)  
27 246 CA4th 566, 596-597, 201 CR3d 156, 181—burden to show preliminary facts  
28 supporting application of privilege not met where D failed to produce privilege log or  
identify any specific confidential communications]

1) [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,

1 date of preparation, and the *specific* privilege or work product protection  
2 claimed.

3 6. [8:1458] Responding to Demand, Cal. Prac. Guide Civ. Pro. Before Trial Ch. 8H-6.

4 Here, Plaintiff provides no privilege log but still claims protection under the attorney-  
5 client privilege. Additionally, there is no undue burden defense to preparing a privilege log.  
6 *Riddell, Inc. v. Super. Ct.* (2017) 14 Cal.App.5th 755, 772. In ruling on a motion to compel  
7 document production, a court may compel the party objecting on grounds of privilege to  
8 provide a privilege log. Further, “the information in the privilege log must be sufficiently  
9 specific to allow a determination of whether each withheld document is or is not fact  
10 privileged.” *Wellpoint Health Networks, Inc. v. Super. Ct.* (1997) 59 Cal.App.4th 110, 129–30.

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

12 A motion to compel further responses to an inspection demand must “set forth specific  
13 facts showing good cause justifying the discovery sought by the demand.” Code Civ. Proc.  
14 § 2031.310(b)(1). “Good cause” for production of documents may be established where it is  
15 shown that the request is made in good faith and that the documents sought are relevant to the  
16 subject matter and material to the issues in the litigation. See *Associated Brewers Distrib. Co.*  
17 *v. Super. Ct.* (1967) 65 Cal.2d 583. “For discovery purposes, information is relevant if it  
18 ‘might reasonably assist a party in evaluating the case, preparing for trial, or facilitating  
19 settlement . . . . Admissibility is not the test[.]’” *Gonzalez v. Super. Ct.* (1995) 33 Cal.App.4th  
20 1539, 1546 (citation omitted, emphasis in original). See also Code Civ. Proc. § 2017.010 (non-  
21 privileged information is discoverable if it “appears reasonably calculated to lead to the  
22 discovery of admissible evidence.”).

23 If good cause is shown, the burden shifts to the responding party to justify any  
24 objection made to document production. *Kirkland v. Super. Ct.* (2002) 95 Cal.App.4th 92, 98  
25 (citing *Coy v. Super. Ct.* (1962) 58 Cal.2d 210, 220–21). It has been held reversible error to  
26 deny discovery where the objectives of discovery—preventing surprise at trial and allowing  
27 proper preparation for trial—are defeated by the denial. *Associated Brewers*, 65 Cal.2d 583.

28 Here, each and every one of Mr. Pierattini’s Requests is supported by good cause and  
specifically tailored to obtain documents that are essential to supporting Mr. Pierattini’s

1 defenses against Plaintiff's frivolous claims against him. Plainly, Mr. Pierattini still does not  
2 fully understand Plaintiff's allegations against him, as Plaintiff's meandering complaint is  
3 difficult to follow. A crucial purpose of Mr. Pierattini's discovery requests is to understand  
4 exactly what Plaintiff's allegations against Mr. Pierattini are, and what support, if any, Plaintiff  
5 has for these allegations.

6 **Request No. 1** seeks documents concerning communications between Plaintiff and  
7 others regarding Mr. Pierattini. Documents concerning these communications are essential to  
8 Mr. Pierattini's defense against Plaintiff's claims against him because they would show that  
9 Plaintiff has filed this litigation without proper legal or factual basis in order to harass Mr.  
10 Pierattini.

11 **Request Nos. 2 and 4** seek documents concerning Plaintiff's claims for damages,  
12 including reputational damages. These documents are essential to Mr. Pierattini's defense  
13 against Plaintiff's claims against him because they would show that Plaintiff did not suffer any  
14 damages as a result of Mr. Pierattini's alleged conduct.

15 **Request No. 3** seeks documents related to complaints or claims filed by or against  
16 Plaintiff during the relevant time periods. These documents would shed light on Plaintiff's  
17 propensity to make similar improper allegations against others.

18 **Request Nos. 5 through 13, 18, and 19** seek documents that support Plaintiff's claims  
19 and allegations against Mr. Pierattini. These documents are essential to Mr. Pierattini's defense  
20 against Plaintiff's claims against him because they would show that Plaintiff does not have a  
21 sufficient legal or factual basis to support his allegations against Mr. Pierattini.

22 **Request No. 14** seeks non-privileged documents that Plaintiff has sent or received  
23 concerning this litigation. These documents are essential to Mr. Pierattini's defense against  
24 Plaintiff's claims against him because they would show that Plaintiff has filed this litigation  
25 without proper legal or factual basis in order to harass Mr. Pierattini.

26 **Request No. 15** seeks documents in Plaintiff's possession that refer to or relate to Mr.  
27 Pierattini. These documents are essential to Mr. Pierattini's defense against Plaintiff's claims  
28 against him because they would show that Plaintiff has filed this litigation without proper legal

1 or factual basis in order to harass Mr. Pierattini.

2           **Request Nos. 16 and 17** seek Plaintiff’s YouTube and social media posts since January  
3 1, 2022. These documents are essential to Mr. Pierattini’s defense against Plaintiff’s claims  
4 against him because they would show that Plaintiff has filed this litigation in order to harass  
5 Mr. Pierattini.

6           **Request Nos. 20 through 81** seek documents that are referenced in Plaintiff’s answers  
7 to Mr. Pierattini’s special interrogatories. These documents are essential to Mr. Pierattini’s  
8 defense against Plaintiff’s claims against him because they would show that Plaintiff does not  
9 have a sufficient legal or factual basis to support his allegations against Mr. Pierattini.

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

11           A motion to compel further responses to an inspection demand “shall be accompanied  
12 by a meet and confer declaration under Section 2016.040.” Code Civ. Proc. § 2031.310(b)(2).  
13 “A meet and confer declaration in support of a motion shall state facts showing a reasonable  
14 and good faith attempt at an informal resolution of each issue presented by the motion.” *Id.*  
15 § 2016.040. Here, as described above, the Declaration of R. Paul Katrinak attests to Mr.  
16 Pierattini’s meet and confer efforts with Plaintiff in writing. Plaintiff has responded with  
17 stonewalling and a refusal to produce complete, Code-compliant responses and responsive  
18 documents. Thus, Mr. Pierattini has fully met and conferred as required by statute, and Plaintiff  
19 has left Mr. Pierattini with no other option but to seek assistance from the Court by filing this  
20 Motion.

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

22           Code of Civil Procedure section 2031.310, subdivision (c) states:

23           Unless notice of this motion is given within 45 days of the service of the  
24 *verified* response, or any supplemental **verified** response, or on or before any  
25 specific later date to which the demanding party and the responding party  
26 have agreed in writing, the demanding party waives any right to compel a  
27 further response to the demand.

28           Code Civ. Proc. § 2031.310(c) (emphasis added). *See also Steven M. Garber & Assocs. v.*  
*Eskandarian* (2007) 150 Cal.App.4th 813, 817 at n.4, *as modified* (May 22, 2007) (“unverified  
responses ‘are tantamount to no responses at all.’”).

1 Here, Mr. Pierattini is timely filing this Motion within the 45-day statutory deadline.  
2 Plaintiff's verification of their responses to Mr. Pierattini's Requests was served on January 9,  
3 2024. Therefore, this Motion is timely filed.

4 **VIII. MONETARY SANCTIONS AGAINST PLAINTIFF ARE WARRANTED FOR**  
5 **FAILURE TO RESPOND TO LEGITIMATE DISCOVERY AND FOR**  
6 **NECESSITATING THIS MOTION**

7 Section 2023.030(a) of the Code of Civil Procedure provides that "[t]he court may  
8 impose a monetary sanction ordering that one engaging in the misuse of the discovery process,  
9 or any attorney advising that conduct, or both pay the reasonable expenses, including  
10 attorney's fees, incurred by anyone as a result of that conduct." *Id.* "Misuses of the discovery  
11 process include, but are not limited to . . . (e) Making, without substantial justification, an  
12 unmeritorious objection to discovery. . . . (f) Making an evasive response to discovery. . . . (h)  
13 Making or opposing, unsuccessfully and without substantial justification, a motion to compel  
14 or to limit discovery." *Id.* § 2023.010.

15 "The court *shall* impose a monetary sanction . . . against any party, person, or attorney  
16 who unsuccessfully makes or opposes a motion to compel further response to a demand, unless  
17 it finds that the one subject to the sanction acted with substantial justification or that other  
18 circumstances make the imposition of the sanction unjust." *Id.* § 2031.310(h) (emphasis  
19 added). These sanctions may be awarded "under the Discovery Act in favor of a party who  
20 files a motion to compel discovery, even though no opposition to the motion was filed, or an  
21 opposition to the motion was withdrawn, or the requested discovery was provided to the  
22 moving party after the motion was filed." Cal. R. Ct. 3.1348(a).

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

1 imposition of sanctions.

2 In the present case, Mr. Pierattini has incurred and will incur in excess of \$4,560.00 in  
3 costs and attorney's fees in connection with this Motion and enforcing this discovery.  
4 (Katrinak Decl., at ¶ 9). Pursuant to Code of Civil Procedure §§ 2023.010, 2023.030, and  
5 2031.310, and the power of this Court to impose monetary sanctions against the losing party on  
6 a motion to compel further responses, Mr. Pierattini submits that given Mr. Pierattini's  
7 attempts to avoid having to file this motion, and Plaintiff's lack of compliance, sanctions  
8 should properly be awarded to Mr. Pierattini and against Plaintiff in the amount of \$4,560.00,  
9 as reflected in the Declaration of R. Paul Katrinak.

10 In the event that Plaintiff provides responsive documents and further, Code-Compliant  
11 responses after this Motion has been filed, this hearing should still remain on calendar and be  
12 heard before the Court in order to grant sanctions for Plaintiff's gross misuse of the discovery  
13 process.

14 **IX. CONCLUSION**

15 For the foregoing reasons, Defendant Michael Pierattini respectfully requests that this  
16 Motion be granted and that this Court issue an Order compelling Plaintiff Jose DeCastro to  
17 produce responsive documents and to provide further, Code-compliant responses to Mr.  
18 Pierattini's Requests for Production of Documents, Set One, within thirty (30) days. Mr.  
19 Pierattini further requests that this Court issue an Order imposing monetary sanctions on  
20 Plaintiff in the amount of \$4,560.00, payable within thirty (30) days.

21  
22 DATED: January 25, 2024

23 THE LAW OFFICES OF  
24 R. PAUL KATRINAK



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

**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 REQUESTS FOR PRODUCTION OF DOCUMENTS 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](mailto: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: 02/22/2024 8:30 AM	Number of Motions: 1
Reservation ID: 517882917907	Confirmation Code: CR-79HFMV6KKKQ9KLIWZ

### 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
<b>TOTAL</b>			<b>\$61.65</b>

### Payment

Amount: \$61.65	Type: MasterCard
Account Number: XXXX7784	Authorization: 68517Z
Payment Date: 1969-12-31	

[Print Receipt](#)

[Reserve Another Hearing](#)

[View My Reservations](#)

