

**SUPERIOR COURT OF CALIFORNIA, COUNTY OF LOS ANGELES**

**Civil Division**

West District, Santa Monica Courthouse, Department O

**23SMCV00538**

**JOSE DECASTRO vs KATHERINE PETER**

May 2, 2024

8:30 AM

Judge: Honorable H. Jay Ford III

Judicial Assistant: K. Neal

Courtroom Assistant: A. Elder

CSR: None

ERM: None

Deputy Sheriff: None

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**APPEARANCES:**

For Plaintiff(s): No Appearances

For Defendant(s): Raymond Paul Katrinak (In Court); Michael Pierattini (Telephonic)

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**NATURE OF PROCEEDINGS:** Hearing on Motion to Compel Deposition of Plaintiff and Request for Monetary Sanctions in the Sum of \$4,560; Hearing on Motion to Compel Further Discovery Responses to Requests for Admission, Set One, to Plaintiff and Requests for Monetary Sanctions Against Plaintiff in the Sum of \$4,560; Hearing on Motion to Compel Further Discovery Responses to Requests for Production of Documents, Set One, to Plaintiff and Requests for Monetary Sanctions Against Plaintiff in the Sum of \$4,560; Hearing on Motion to Compel Further Discovery Responses to Special Interrogatories, Set One, to Plaintiff and Request for Monetary Sanctions Against Plaintiff in the Sum of \$4,560

The Court issues the following tentative ruling:

**TENTATIVE RULING**

Having continued the hearing on Pierattini's motions to compel further responses to the requests for admission, special interrogatories and production of documents, hand having received and reviewed the declaration of counsel for Pierattini regarding counsel's efforts to meet and confer regarding any objections to the written proposed order granting pier routines motion to compel responses to form interrogatories and request for sanctions and having reviewed DeCastro's complaint, the Court orders as follows:

1. Pierattini's motion to compel further responses to the requests for admission is granted, in part. DeCastro is ordered to serve full and complete responses, without objections, to request for admission nos. 22, 23, 24, 25, 26, 27, 37, 38, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 54, 55, 56, 57, 58, 59, 61, 62, 63, 64, 65, 66, 67 trauma 68, 69, 70, 71 2072, 73, 74, 75 and 76 within 30 days. DeCastro's objections to these requests are all overruled. Pierattini's request for sanctions, however, is denied because DeCastro was justified in opposing the otherwise meritorious motion based on the objection to the number of requests exceeded 35 under CCP §2033.030. However, after further review, that objection is overruled as well. Requiring DeCastro to answer all of the above requests for admission, and thereafter, fully answer Form

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Interrogatory No. 17.1 for any request that was denied, appears to be the most precise and efficient way in this case for Pierattini to discovery the facts, witnesses and documents that support the disputed allegations drawn from of DeCastro's complaint.

2. Pierattini's motion to compel further responses to the Special Interrogatories ((set one) is GRANTED, in part. DeCastro is ordered to serve full and complete responses, without objections, to Special Interrogatory nos. 1 through 27 withing 30 days. It appears to the Court that based on the complexity and issues in issues in this case, no more than 50 special interrogatories are reasonably warranted. The motion seeking further responses to the remaining special interrogatories is denied, without prejudice to Pierattini serving no more than 23 additional special interrogatories (for a total of 50), without seeking further leave of Court. Pierattini may re-serve any of the special interrogatories that are included in his set one (other than 1-27) or serve new special interrogatories, or any combination of either, provided the number of special interrogatories served in the future do not exceed 23. Pierattini's request for sanctions is denied because DeCastro was justified in opposing the otherwise meritorious motion based on the objection to the number of special interrogatories that exceeded 35 under CCP §2030.030.

3. Pierattini's motion to compel further responses to the request for production of documents (set no. one) is GRANTED, in part. DeCastro is ordered to serve full and complete responses, without objections, to request for production of documents nos. 1, 2, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 18, and 19 within 30 days. The Court finds the more precise, efficient, and less burdensome why Pierattini has failed to show good cause for the production of many of the remaining requests and that most precise and efficient way in this case for Pierattini to obtain discoverable documents is to request the production of documents identified in the supplemental responses to the Special Interrogatories Form interrogatory 17.1(d) .

4. Pierattini's motion to compel the deposition of DeCastro is GRANTED, subject to the verification that Castro's current permanent address is 2858 Franklin St. Santa Monica, California 90404, as stated in the caption of DeCastro's notice of change of address filed April 8 2024 (and in all other pleading Castro has filed in this action) and that the "new address" stated in that notice of 330 S. Casino Center Blvd., Las Vegas, NV 89101, is not a temporary residence. Castro is ordered to appear for his deposition on May \_\_\_\_\_, at \_\_\_\_\_ . Plaintiff is to serve a new notice of deposition for this location.

\*\*\*\*\*END OF TENTATIVE RULING\*\*\*\*\*

The matters are called for hearing.

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The Motion to Compel Further Discovery Responses to Requests for Admission, Set One, and Request for Monetary Sanctions Against Plaintiff in the Sum of \$4,560 filed by Michael Pierattini on 01/25/2024, Motion to Compel Further Discovery Responses to Special Interrogatories, Set One and Request for Monetary Sanctions Against Plaintiff in the Sum of \$4,560 filed by Michael Pierattini on 01/25/2024, and Motion to Compel Further Discovery Responses to Requests for Production of Documents, Set One, to Plaintiff and Requests for Monetary Sanctions Against Plaintiff in the Sum of \$4,560 filed by Michael Pierattini on 01/25/2024 are Granted in Part. Said motions are granted in part as indicated above. The requests for sanctions are denied.

The defendant may re-serve 17.1 interrogatories after the supplemental responses to the RFA are received.

The plaintiff is to file a declaration regarding whether the Nevada address is his permanent address, and why he is still using the California address on the pleadings.

On the Court's own motion, the Hearing on Motion to Compel Deposition of Plaintiff and Request for Monetary Sanctions in the Sum of \$4,560 scheduled for 05/02/2024 is continued to 06/18/2024 at 08:30 AM in Department O at Santa Monica Courthouse.

Defense counsel is to give notice.