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David W. Slayton,
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7 Attorneys for Defendant
8 Michael Pierattini

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

) **DEFENDANT PIERATTINI'S REPLY TO**
) **PLAINTIFF'S OPPOSITION TO**
) **MOTIONS TO COMPEL AND FOR**
) **SANCTIONS**

) Date: February 20, 2024
) Time: 8:30 a.m.
) Dept: O

[Declaration of R. Paul Katrinak filed
concurrently]

RES ID: 229069495204

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1 **I. INTRODUCTION**

2 It is very difficult to litigate a case with Plaintiff. Plaintiff claims to be some legal guru, but
3 he is completely refusing to comply with his discovery obligations and, for some reason, he
4 prepared one opposition, filed late, for the first Motion to Compel, haphazardly arguing primarily
5 false accusations and nonsense rather than either (1) properly responding to the discovery or (2)
6 properly opposing each Motion to Compel at the appropriate time. Plaintiff's Opposition randomly
7 takes statements from the various Motions and disperses them throughout his arguments without
8 citation, making it difficult to follow exactly which parts of Mr. Pierattini's Motions he opposes
9 and which parts he is in agreement with.

10 Once again, counsel for Mr. Pierattini has simply no idea why Mr. Pierattini is even in
11 Plaintiff's absurd lawsuit. It is time for Plaintiff to either provide evidence of why Mr. Pierattini is
12 allegedly liable or to dismiss Mr. Pierattini from this lawsuit. Plaintiff's abject failure to provide
13 any documents or responses to discovery narrowly tailored to the fantastical allegations of
14 Plaintiff's Complaint is telling. Plaintiff simply has no evidence to support his absurd allegations
15 against Mr. Pierattini. If he has evidence, he is required to produce it in discovery.

16 Additionally, Plaintiff has filled his Opposition brief with dozens of false accusations and
17 personal attacks against Mr. Pierattini and his counsel, using much of his brief to air out alleged
18 grievances that have no basis in reality instead of addressing the issues raised in Mr. Pierattini's
19 Motions. Mr. Pierattini has engaged in the discovery process and has provided Plaintiff with all the
20 documents he has. Plaintiff somehow believes that some magical documents to support his
21 fantastical Complaint against Mr. Pierattini exist in Mr. Pierattini's possession; however, they do
22 not. Plaintiff has refused to comply with California law and provide the documents and evidence
23 that he allegedly has to support his frivolous Complaint, which necessitated the filing of the
24 Motions. Plaintiff holds himself out to be a legal scholar and advocate. (Declaration of R. Paul
25 Katrinak ("Katrinak Decl.") ¶ 2, Ex. "A".) However, his behavior in this case reveals Plaintiff's
26 utter contempt of his legal obligations and the Court.

27 Counsel for Mr. Pierattini filed separate Motions, as required, in order to properly address
28 the distinct issues with Plaintiff's failure to properly respond to each of Mr. Pierattini's legitimate

1 and legally permissible discovery requests. Again, it is important to emphasize that Plaintiff has
2 failed to produce a single document, failed to identify a single witness, and failed to factually
3 explain how Mr. Pierattini is liable in any way for any of Plaintiff's claims.

4 Three of Mr. Pierattini's Motions are to compel further responses to Mr. Pierattini's
5 Requests for Admission, Requests for Production of Documents, and Special Interrogatories, one
6 Motion is to compel responses to Mr. Pierattini's Form Interrogatories, and one Motion is to
7 compel Plaintiff's deposition. Counsel for Mr. Pierattini expended great effort to address every
8 single one of Plaintiff's objections, deficient responses, and non-responses, in an orderly fashion,
9 and Plaintiff's refusal to do the same in his Opposition makes it difficult to properly reply to
10 Plaintiff's arguments. Still, Mr. Pierattini will attempt to address Plaintiff's frivolous grievances in
11 order via this Reply brief.

12 In sum, Plaintiff has failed to provide a reason for the Court to deny Mr. Pierattini's
13 Motions. Therefore, Mr. Pierattini's respectfully requests that the Court grant Mr. Pierattini's
14 Motions in their entirety and award sanctions to deter Plaintiff's outrageous conduct in this matter.

15 **II. PLAINTIFF'S OPPOSITION BRIEF WAS FILED LATE AND IS OVER THE**
16 **PAGE LIMIT IN VIOLATION OF THE COURT'S RULES AND SHOULD**
17 **THEREFORE BE STRUCK BY THE COURT**

18 Plaintiff filed his Opposition beyond the statutory deadline. The California Code of Civil
19 Procedure is unambiguous in explaining the briefing schedule applicable here: "[A]ll moving and
20 supporting papers shall be served and filed at least 16 court days before the hearing. . . . All papers
21 opposing a motion so noticed shall be filed with the court and a copy served on each party **at least**
22 **nine court days**, and all reply papers at least five court days before the hearing." Code Civ. Proc.,
23 § 1005 (emphasis added).

24 The first hearing date regarding Mr. Pierattini's first Motion to Compel is February 20,
25 2024, in relation to Mr. Pierattini's Motion to Compel Further Responses to Requests for
26 Admission. Mr. Pierattini filed his Motions to Compel on January 25, 2024, as required by CCP §
27 1005. Plaintiff served his single-document Opposition to all of Mr. Pierattini's Motions on
28 February 8, 2024. By filing his Opposition less than nine days prior to the noticed hearing date,
Plaintiff has flouted the Code of Civil Procedure and has unduly burdened and prejudiced Mr.

1 Pierattini in trying to quickly compose and file this Reply while addressing Plaintiff’s legally
2 untenable positions. Plaintiff’s failure to file and serve his Opposition on time is a continuation of
3 Plaintiff’s antics throughout this litigation, and such behavior is exactly the reason Mr. Pierattini
4 was forced to file his various Motions to Compel. It is patently unfair to both Mr. Pierattini and the
5 Court to have to work around Plaintiff’s inability to file his pleadings on time, and the Court should
6 therefore strike Plaintiff’s Opposition to Mr. Pierattini’s Motions.

7 Additionally, Plaintiff’s Opposition brief is several pages over the 15-page limit set by
8 California Rules of Court (“CRC”), Rule 3.1113(d). If this Court does not strike Plaintiff’s
9 untimely Opposition, the Court should still disregard all pages of Plaintiff’s Opposition brief over
10 the 15-page limit. Plaintiff begins his argument on page 1 of his Opposition. Plaintiff’s
11 “Conclusion” ends on page 19. If the Court includes the first page in its total page count, then the
12 pages marked 16, 17, 18, and 19 should be struck by the Court.

13 **III. THE “INTRODUCTION AND FACTUAL BACKGROUND” SECTION OF**
14 **PLAINTIFF’S BRIEF IS COMPLETELY IMPROPER, AND PLAINTIFF’S BRIEF**
15 **VIOLATES THIS COURT’S PREVIOUS ORDER ON FILING REQUIREMENTS**

16 This Court did not mince words in its Ruling on June 29, 2023:

17 These separate papers (ie. Notice of Motion, Motion, Memorandum of Points and
18 Authorities and "other papers" such as declarations and exhibits may either be filed as
19 separate documents or attached together and combined in one or more documents **if the**
20 **party filing a combined pleading specifies these items separately in the caption ...**
21 **A motion filed without the supporting papers upon which it is based is treated as an**
22 **"incomplete motion" and may be continued, placed off calendar, or denied without**
23 **prejudice. [Weinstein v. Blumberg (2018) 25 CA5th 316, 320-321, 235 CR3d 658, 661-**
24 **662] ... Both parties are admonished to fully comply with the requirements relating**
25 **to the filing of motions or other papers ...**

26 (See June 23, 2023, Ruling After Hearing on Motion to Recover Costs, emphasis added.) Plaintiff
27 attempts to skirt around the Court’s rules and previous order by beginning his Opposition with an
28 improper, 10-page long “Introduction and Factual Background” section. This section is filled with
false factual assertions and reads like a declaration by Plaintiff, yet is labeled as an introduction.
Plaintiff writes that his Opposition is “based on the Declaration, and supporting Memorandum of
Points and Authorities, filed concurrently, and incorporated here,” yet there is no such separate
declaration was filed. (Opposition, 2:4-5.) If Plaintiff’s Opposition is meant to be a combined
pleading, it is not properly broken up as required by the Court. In fact, for formatting purposes,

1 Plaintiff could easily have just followed the formatting of the Motions filed by counsel for Mr.
2 Pierattini, but he refused to do so.

3 Additionally, Plaintiff’s brief is missing a table of contents and table of authorities as
4 required for memoranda over 10 pages. CRC Rule 3.1113(f). The Court’s admonishment of
5 Plaintiff has not reigned in his blatant contempt of the rules, and the Court should not condone this
6 prejudicial behavior any longer. Plaintiff’s Opposition should be struck.

7 **IV. PLAINTIFF CONTINUES A PATTERN OF ABUSING THE COURT SYSTEM**

8 Plaintiff’s abject failure to properly respond to virtually all of Mr. Pierattini’s discovery
9 requests is yet another example of Plaintiff’s repeated abuse of the judicial system. This Court has
10 already admonished Plaintiff for his failure to follow the Court’s procedures. (See June 23, 2023,
11 Ruling After Hearing on Motion to Recover Costs, emphasis added.) As another example, Plaintiff
12 was able to conduct a livestream lasting nearly five hours on January 23, 2024, even though his
13 alleged Las Vegas trial was continued allegedly “due to medical reasons” that very same day.
14 (Katrinak Decl. ¶ 3, Ex. “B”.) Plaintiff has shown that he is not interested in complying with the
15 California Discovery Statutes, and is more interested in flouting his discovery obligations and the
16 Court’s rules all to the prejudice of Mr. Pierattini. Plaintiff’s behavior indicates that this case is a
17 malicious prosecution, due to Plaintiff’s abject failure to provide *any* support or evidence of his
18 allegations against Mr. Pierattini. As the Court is well aware, pursuing a case with absolutely no
19 evidence is plainly malicious prosecution.

20 **V. MR. PIERATTINI SATISFIED HIS MEET AND CONFER OBLIGATIONS PRIOR**
21 **TO FILING HIS MOTIONS TO COMPEL**

22 As Mr. Pierattini’s Motions state, counsel for Mr. Pierattini sent multiple, extensive meet
23 and confer letters to Plaintiff. Plaintiff’s claim that “Pierattini and Katrinak don’t even include a
24 declaration saying that they attempted to meet and confer” is false, as each of Mr. Pierattini’s
25 Motions was filed concurrently with a Declaration of R. Paul Katrinak stating that such efforts
26 were made, and including the meet and confer letters as exhibits. (Opposition, 10:11-12.) Only Mr.
27 Pierattini’s Motion to Compel Responses to Mr. Pierattini’s Form Interrogatories does not include
28 such a statement, as there is no requirement to meet and confer when a party completely fails to

1 provide any responses. (*Sinaiko Healthcare Consulting, Inc. v. Pacific Healthcare Consultants*
2 (2007) 148 Cal. App. 4th 390, 404.) Plaintiff misleadingly states in relation to all of Mr. Pierattini’s
3 Motions that “Pierattini says that he wasn’t required to meet and confer if a party fails to respond to
4 discovery requests,” but this argument was only made concerning the Form Interrogatories.
5 (Opposition, 10:17-18.)

6 Plaintiff claims that Mr. Pierattini and his counsel should be sanctioned because of a failure
7 to meet and confer, yet Mr. Pierattini’s meet and confer letters clearly met the requirements set by
8 Code of Civil Procedure § 2016.040. Even the statute regarding sanctions states that the meet and
9 confer requirement can be satisfied “in person, by telephone, or by letter.” Code Civ. Proc., §
10 2023.010(i). Frankly, due to Plaintiff’s history, it made sense to explain in detail the law and why
11 Plaintiff is required to respond to discovery in writing, which Plaintiff chose to blatantly ignore.

12 Finally, Plaintiff’s claim that he was never sent the meet and confer letters is provably false,
13 as both letters were emailed to Plaintiff on January 12, 2024. (Katrinak Decl. ¶ 4, Ex. “C”.)
14 Counsel for Mr. Pierattini acknowledges that the wrong meet and confer letter was inadvertently
15 attached to the Declaration of R. Paul Katrinak In Support of Defendant Michael Pierattini’s
16 Motion To Compel Deposition Of Plaintiff And Request For Monetary Sanctions Against Plaintiff
17 In The Sum Of \$4,560.00, and has attached the correct letter to the Katrinak Declaration supporting
18 this Reply. (Katrinak Decl. ¶ 4, Ex. “D”.)

19 **VI. COUNSEL FOR MR. PIERATTINI CONFIRMED WITH THE CLERK THAT AN**
20 **INFORMAL DISCOVERY CONFERENCE WAS NOT NECESSARY PRIOR TO**
21 **THE FILING OF MR. PIERATTINI’S MOTIONS**

22 As was clearly stated in each of Mr. Pierattini’s Motions, as well as in the Declarations of
23 R. Paul Katrinak supporting each Motion, counsel for Mr. Pierattini called the Clerk to inquire
24 whether an informal discovery conference would be necessary prior to filing the Motions at issue
25 here. The Clerk stated that the informal discovery conference does not toll the timeframe for the
26 Motions, so it would be fine to file the Motions without an informal discovery conference. The
27 Clerk further stated that the Court would schedule an informal discovery conference on the same
28 date as the hearing on the Motion if necessary. Here, just a conference would be a waste of time.
Plaintiff’s “responses” are basically non-responses and the Court should grant Mr. Pierattini’s

1 Motions and order Plaintiff to comply with his discovery obligations.

2 **VII. AT NO POINT IN THIS LITIGATION HAS PLAINTIFF FILED OR SERVED A**
3 **DOCUMENT WITH AN ADDRESS OTHER THAN THE SANTA MONICA**
4 **ADDRESS ON HIS OPPOSITION**

5 The text of Plaintiff’s Opposition seems to be the first time that Plaintiff has notified the
6 Court of his alleged change of residence to Las Vegas. However, Plaintiff has not filed a change of
7 address with the Court and still files pleadings and serves documents with a Santa Monica address.
8 Still, Plaintiff repeatedly alleges, without any evidence, that Mr. Pierattini and his counsel
9 somehow knew of Plaintiff’s relocation because a criminal trial that Plaintiff appeared in was
10 “aired on YouTube.” (Opposition, 7:23-24.) Plaintiff further claims, without evidence, that his
11 deposition was scheduled during his trial to “[play] games.” (Opposition, 8:9.) Frankly, Mr.
12 Pierattini’s counsel had no idea about a criminal trial in Las Vegas and Plaintiff did not inform
13 counsel of the name of the court or the case. In addition, Plaintiff provided no alternative dates just
14 claiming that he resides out of state, notwithstanding every piece of paper Plaintiff served or filed
15 in this case has a Santa Monica address. Counsel for Mr. Pierattini does not have the time, energy,
16 or desire to “track” Plaintiff’s location and is not legally required to do so.

17 Plaintiff cites to *Toyota Motor Corp. v. Superior Court* (2011) 197 Cal.App.4th 1107, 1108,
18 but that case is wholly distinguishable here. The *Toyota* case concerned a motion to compel the
19 deposition of five employees of a corporate *defendant*, all of whom lived in Japan. Here, Plaintiff is
20 the person who *filed this case in Santa Monica*, and has not properly notified the Court nor Mr.
21 Pierattini’s counsel of his newly-alleged address. The only address on file is a Santa Monica
22 address and the deposition was noticed within 150 miles of Santa Monica.

23 **VIII. THERE HAS BEEN NO VIOLATION OF THE PROTECTIVE ORDER BY**
24 **COUNSEL FOR MR. PIERATTINI**

25 Plaintiff claims that the protective order was violated because Mr. Pierattini’s Motions have
26 “exposed the fact that [Plaintiff does not] reside in LA...” (Opposition, 12:14.) This assertion is
27 absurd given that Plaintiff’s basis for opposing his deposition is that he does not reside in Los
28 Angeles. Plaintiff cannot have it both ways by claiming that his alleged non-residence in Los
Angeles is *so* confidential that its revelation implicates the protective order *while also* using his

1 alleged non-residence as a core argument repeated throughout his Opposition. Additionally, if
2 Plaintiff changed his address, he is required to let the Court know of his change of address. Here,
3 the only address that the Court has and counsel for Mr. Pierattini is an address in Santa Monica.

4 Additionally, Plaintiff's responses to the Requests for Admission were redacted when they
5 were attached to Mr. Pierattini's Motion to Compel Further Responses to Requests for Admission.
6 Plaintiff's objections are not covered by the protective order and were therefore not redacted.
7 Plainly, none of Plaintiff's alleged sensitive or private information has been revealed by Mr.
8 Pierattini's Motions. Only Plaintiff's Opposition contains information concerning Plaintiff's
9 alleged whereabouts. Plaintiff cannot unilaterally reveal information himself and then claim it was
10 actually Mr. Pierattini who did so.

11 **IX. MR. PIERATTINI'S SPECIAL INTERROGATORIES AND REQUESTS FOR**
12 **ADMISSION WERE SERVED WITH THE REQUIRED DECLARATIONS**
13 **ALLOWING THE REQUESTS TO GO BEYOND THE 35-REQUEST LIMIT, AND**
14 **PLAINTIFF'S REFUSAL TO RESPOND IS COMPLETELY IMPROPER AND**
15 **OUTRAGEOUS**

16 Plaintiff continues to incorrectly claim that Mr. Pierattini was limited to only 35 Special
17 Interrogatories and 35 Requests for Admission without citing any legal authority to support such a
18 false assertion. First, Plaintiff cites "Cal. Civ. Proc. Code § 2033(c)(1)" and "§ 2019(b)," but
19 neither of these citations is proper as there are no Code sections numbered as such. Second, in an
20 attempt to apply § 2033.050 (which only applies to requests for admission) to Mr. Pierattini's
21 Requests for Admission *and* Special Interrogatories, Plaintiff states: "[t]his code requires that a
22 party be thrifty with their first set of interrogatories and then if further interrogatories are actually
23 needed because of the complexity of the case, they send a second set." (Opposition, 14:6-7.)
24 Plaintiff cites no legal basis for this incorrect statement of Code Civ. Proc. § 2033.050. The statute
25 states: "**Any party who is requesting** or who has already requested more than 35 admissions not
26 relating to the genuineness of documents by any other party shall attach to each set of requests for
27 admissions a declaration containing substantially the following words..." Code Civ. Proc., §
28 2033.050 (emphasis added). Code. Civ. Pro. § 2030.050 states the same for Special Interrogatories.

 Mr. Pierattini's requests and interrogatories were served with declarations attached, as is
made plain in the underlying Motions. Plaintiff cannot simply refuse to answer these discovery

1 requests. This is true especially in light of the fact that Mr. Pierattini has no idea why he has been
2 dragged into this fantastical lawsuit brought by Plaintiff. Plaintiff must provide his alleged
3 evidence and must provide the facts supporting any alleged claims against Mr. Pierattini. That is
4 the whole purpose of discovery. Mr. Pierattini did not bring this lawsuit, Plaintiff did.

5 **X. THERE IS SIMPLY NO BASIS TO CLAIM AN ATTORNEY-CLIENT PRIVILEGE**
6 **OBJECTION**

7 It is important to emphasize a Plaintiff is pro per. There should be no attorney-client
8 privilege objection. Plaintiff misstates Mr. Pierattini's arguments as to Plaintiff's improper blanket
9 invocation of attorney-client privilege. Mr. Pierattini does not claim that Plaintiff has waived his
10 claimed attorney-client privilege by failing to provide a privilege log, but rather, that Plaintiff
11 cannot simply toss out a blanket privilege objection without *any* specificity as to how the privilege
12 would apply to each discovery request objected to. Plaintiff cites to *Best Products, Inc. v. Superior*
13 *Court* (2004) 119 Cal.App.4th 1181, 1187, but this case is inapplicable so far as Plaintiff's
14 argument is concerned because it dealt with a trial court improperly stating that the privilege was
15 waived by failure to provide a privilege log. Again, this is not Mr. Pierattini's contention.
16 However, *Best Products, Inc.* does provide support for Mr. Pierattini's actual argument, which is
17 that this court must compel Plaintiff to either provide proper responses or explain *specifically*
18 where the alleged attorney-client privilege applies.¹ Again, in this case, the objection does not
19 apply because Plaintiff is pro per. The Court should make a similar order here.

20 **XI. PLAINTIFF'S OPPOSITION WAIVES ALL ARGUMENT CONCERNING HIS**
21 **FRIVOLOUS OBJECTIONS EXCEPT FOR TWO TO ONE REQUEST FOR**
22 **ADMISSION**

23 Plaintiff completely ignored and waived any argument concerning Mr. Pierattini's
24 lengthy discussion of why Plaintiff's objections are frivolous. It is without dispute that the

25 ¹ After overruling the trial court's original order, the appellate court in *Best Products, Inc.* compelled the trial
26 court to make a new order as follows:

27 Let a peremptory writ of mandate issue compelling respondent court to ... make a new and different order
28 directing defendant (1) to serve further responses to the production requests which include a particularized
identification of all documents to which the attorney-client or work product privilege is asserted and the
facts justifying assertion of the privileges, and (2) to serve further responses, without objection, to
interrogatories requesting identification of relevant documents but not their contents.

Best Products, Inc. v. Superior Court (2004) 119 Cal.App.4th 1181, 1191.

1 failure to address a legal argument in opposition constitutes a waiver of any opposition. *See*
2 *Nelson v. Avondale HOA* (2009) 172 Cal.App.4th 857, 862; *In re Marriage of Falcone* (2008)
3 164 Cal.App.4th 814, 830 (“The absence of timely, cogent legal argument or citation to
4 authority allows this court to treat the contentions as waived.”). Here, Plaintiff made no
5 argument in response to the lengthy explanations in Mr. Pierattini’s Motions about why his
6 objections are frivolous. Therefore, Plaintiff waived any argument and Mr. Pierattini’s Motions
7 should be granted in their entirety.

8 It is particularly galling that Mr. Pierattini had to incur thousands of dollars in
9 attorney’s fees addressing all of Plaintiff’s frivolous objections only for Plaintiff to fail to even
10 address his frivolous objections in opposition. This is further evidence of Plaintiff’s
11 gamesmanship in order to cost Mr. Pierattini attorney’s fees and evidence of the frivolousness
12 of Plaintiff’s Complaint.

13 Plaintiff claims that counsel for Mr. Pierattini did not read the objections and has “wasted
14 his time copying and pasting” responses to the Plaintiff’s objections. (Opposition, 16:11.)
15 However, Mr. Pierattini’s memoranda or points and authorities, as well as the meet and confer
16 letters, clearly evidence that counsel for Mr. Pierattini specifically addressed and responded to
17 **every single frivolous objection** and grouped them accordingly.

18 In Section J of his Opposition, Plaintiff only discusses a single request, Request for
19 Admission No. 19, and only discusses two of his objections to that request. Plaintiff again asserts
20 that the request is “irrelevant” without addressing Mr. Pierattini’s extensive discussion in his
21 Motion as to the wide breadth and scope of discovery. Mr. Pierattini specifically explained why
22 this Request was relevant, and Plaintiff has failed to rebut this explanation.

23 Plaintiff is blatantly ignoring Mr. Pierattini’s Motions and their supporting Separate
24 Statements. While quoting the Separate Statement in Support of Mr. Pierattini’s Motion to Compel
25 Further Responses to his Requests for Admission, Plaintiff states multiple times that counsel for
26 Mr. Pierattini is making “objections”. (Opposition, 16:4-11.) Of course, Mr. Pierattini is not
27 making objections, and is simply explaining why Plaintiff’s repeated “reasonable inquiry”
28 objection is improper. Plaintiff is falsely asserting that he has made a reasonable inquiry as a

1 blanket shield from having to answer Mr. Pierattini’s Requests for Admission. Indeed, after serving
2 this same objection to the first 35 Requests on January 8, 2024, Plaintiff quickly retracted these
3 improper objections by providing responses to some of the Requests two days later. This
4 gamesmanship is prejudicial on Mr. Pierattini, is costing Mr. Pierattini thousands of dollars in
5 attorney’s fees, and Plaintiff must not be allowed to continue to abuse the discovery process.

6 **XII. PLAINTIFF’S INVOCATION OF UNCLEAN HANDS IS ABSURD**

7 The doctrine of unclean hands does not apply here and has no bearing on Plaintiff’s abject
8 failure to respond to Mr. Pierattini’s reasonable discovery requests. As Plaintiff states in his
9 Opposition, any alleged failure by Mr. Pierattini to respond to discovery requests “does not allow
10 [Plaintiff] to fail to respond.” (Opposition, 16:12-13.) However, this is a moot point, as Mr.
11 Pierattini has fully and completely responded to Plaintiff’s discovery requests.


12 **XIII. MR. PIERATTINI’S REQUEST FOR SANCTIONS WAS PROPER**

13 Plaintiff claims that Mr. Pierattini’s requests for sanctions in each Motion are improper
14 because they seek attorney’s fees. (Opposition, 16:17-18.) Plaintiff also incorrectly states that the
15 Motions cite no authority allowing for such a sanction. *Id.* It appears that Plaintiff did not actually
16 read the Motions he now opposes, as Mr. Pierattini cites to Section 2023.030(a) of the Code of
17 Civil Procedure, as well as the statutes relevant to each specific type of discovery request (e.g., §
18 2031.310 for requests for production, § 2030.300 for interrogatories, etc.). Plainly, Mr. Pierattini’s
19 Motions cite to extensive and specific legal support for each request for sanctions.

20 **XIV. CONCLUSION**

21 For the foregoing reasons, Mr. Pierattini respectfully requests that the Court order that
22 Plaintiff submit full responses to Mr. Pierattini’s various discovery requests, compel Plaintiff to
23 attend his deposition, and that Plaintiff be sanctioned as requested in the underlying Motions.

24 DATED: February 12, 2024

25 THE LAW OFFICES OF
26 R. PAUL KATRINAK
27 
28 R. Paul Katrinak
Attorneys for Defendant
Michael Pierattini

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 February 12, 2024, I served the foregoing document(s) described as:

8 **DEFENDANT PIERATTINI'S REPLY TO PLAINTIFF'S OPPOSITION TO
9 MOTIONS TO COMPEL AND FOR SANCTIONS**

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

11 Jose DeCastro
12 1258 Franklin Street
13 Santa Monica, CA 90404
14 chille@situationcreator.com

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

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

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

23 Executed February 12, 2024, at Los Angeles, California.

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

26
27
28

R. Paul Katrinak