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In Pro Per
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8 **SUPERIOR COURT OF CALIFORNIA**

9 **COUNTY OF LOS ANGELES**

10
11 JOSE DECASTRO

12 Plaintiff,

13 vs.

14 KATHERINE PETER, et al.

15 Defendants.

) Case No.: 23SMCV00538

)

) **PLAINTIFF’S MEMORANDUM IN**
) **OPPOSITION TO DEFENDANT MICHAEL**
) **PIERATTINI’S MOTIONS TO COMPEL**
) **AND FOR SANCTIONS**
) **Telephone Appearance**

)

) Judge: Hone. H. Jay Ford III

)

) Date: February 20, 2024: RES 229069495204

) Date: February 22, 2024: RES 517882917907

) Date: March 7, 2024: RES 171178967765

) Date: March 28, 2024: RES 321556434034

) Date: April 30, 2024: RES 155195753424

) Time: 8:30 am

) Department: O

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18
19
20 *“Where’s my lawsuit? It was supposed to be here weeks ago*
21 *and I haven’t got it. Where’s the lawsuit, Chille?”*

22 Michael Pierattini, May 25, 2022

in his YouTube Video titled “where’s my lawsuit, Chille?”

23 **INTRODUCTION AND FACTUAL BACKGROUND**

24 I Plaintiff Jose DeCastro (“Plaintiff” or “I”) oppose Defendant Michael Pierattini
25

1 (“Pierattini”)’s multiple motions to compel and for monetary sanctions recorded on January 25,
2 2024, and scheduled for hearing on February 20, February 22, March 7, March 28, and April 30 of
3 2024.

4 This Opposition is based on the Declaration, and supporting Memorandum of Points and
5 Authorities, filed concurrently, and incorporated here, records in this action, on the oral argument of
6 counsel, if any, and on such other and further evidence as the Court might deem proper.

7 **Pierattini’s Failure to Materially Respond or Object to Discovery Requests**

8 June 30, 2023, I served Pierattini a request for production of documents with 30 requests.

9 July 14, 2023, I emailed Pierattini with “It’s been two weeks. Just wanted to check in on this
10 request. Please let me know as soon as possible if you have questions or expect delays.”

11 July 17, 2023, Pierattini emailed with some questions which I answered on July 19, 2023.

12 July 31, 2023, I emailed Pierattini “I haven’t received any of the discovery that I requested. If I
13 receive at least some discovery, I would be willing to give you an extension of time to respond.”

14 August 1, 2023, I forwarded the email chain to Pierattini’s new counsel, Paul Katrinak
15 (“Katrinak”).

16 August 1, 2023, Katrinak mistakenly emailed me a response meant for Pierattini with “I’m
17 going to serve objections by mail today, including a demand for a protective order. That will make
18 his head spin.”

19 I never received any objections to this day, but they would have been untimely.

20 August 1, 2023, I cc’d Katrinak and Pierattini with “It’s not going to make my head spin. I’ve
21 filed protective orders before. I would even stipulate to a mutual protective order. You can serve me
22 by email, I’ve agreed to accept electronic service. Mail will make things slower, but you do you. Mr.
23 Pierattini, I believe the below response was meant for you.”

24 August 1, 2023, Katrinak emailed back “Will you grant an extension to respond or no? Also,
25 cease all communications with my client.” Nine minutes later, he sent a second email “Will you

1 stipulate to a Protective Order?”

2 August 1, 2023, I emailed back “Were you thinking about one preventing disclosure other than
3 for the needs of litigation, or something else? I'm not a lawyer. There are no rules of professional
4 conduct that prevent me from contacting your client directly. I would rather not contact him, though.
5 You could cease and desist sending me emails meant for him. I sent Mr. Pierattini cease and desist
6 demands to stop harassing me and my family members, but it had no effect, which is why we're here.
7 Mr. Pierattini has provided NO discovery. If he sends over some of the discovery that I requested,
8 I'm happy to agree to an extension because it will be in good faith. So far, it seems like Mr. Pierattini
9 has made no effort other than to do what he wants to do instead of what is legally required of him.
10 Optionally, if you can give me a good reason for the delay, how many days he needs, and what
11 discovery I can expect first and when, then I will agree.”

12 August 1, 2023, Katrinak emailed back “You profess to be a lawyer apparently. You served
13 one request for production of documents that is due today. I just substituted in yesterday. I requested
14 an extension for two weeks, which is a common courtesy. Frankly, what is more common is a thirty
15 day extension. You do not piecemeal respond to discovery on a rolling basis. That all being said, the
16 purpose of the protective order would be to prevent disclosure of the discovery responses outside of
17 this litigation. Everyone involved in this case is all over the internet and I do not want a situation
18 where discovery in a civil action is plastered all over the internet. It is not fair to third parties whose
19 names come up in the discovery, nor is it fair for Mr. Pierattini, or you.”

20 It is ironic that **Katrinak is demanding a 30 day extension**, but **he immediately filed six**
21 **motions to compel without even a meet and confer**. It is also ironic that **Pierattini wanted a**
22 **protective order before responding to any discovery, but it is Pierattini and Katrinak that have**
23 **already violated it by putting documents marked confidential in the record**.

24 Due to a shortage of time, it was my intention to timely file the responses including objections
25 and then supplement them with the few bits of discovery that was relevant and properly requested

1 (“Code-compliant”). I expected an extension of time. I allowed extensions by Katrinak and Pierattini
2 so that they can try to force me to miss a deadline. Prior to Pierattini’s instant motions to compel, I
3 had already followed up with all of the answers to the Requests for Admission where I did not object
4 due to nature or form (“Code-compliant”).

5 To this date, Mr. Pierattini has only sent a few documents over, none which comply fully to
6 even a single request for production in my first set of requests for production, containing 30 requests,
7 which was served on June 30, 2023. It is long past due for Pierattini to object to any of the requestst.

8 Katrinak and this Court has also said that there will be plenty of time to complete discovery,
9 but here Katrinak is needlessly filing 300 pages of motions to compel instead of attending an
10 informal discovery conference.

11 **Katrinak’s Refusal to Read the Case Management Statement**

12 August 2, 2023, Katrinak emailed “What is the status of service on [the other] Defendants? It’s
13 a waste of time battling over discovery and pleadings when the primary Defendants are not even in
14 the case.” Katrinak offered to prepare a protective order.

15 Again, Katrinak is saying we shouldn’t battle over discovery when the primary defendants are
16 not even in the case, but then he files six motions to compel without even a meet and confer.

17 August 2, 2023, I emailed back “Read my case management statement for the status of service
18 of the named defendants. It hasn’t changed.”

19 August 4, 2023, I emailed, “It looks like the majority of the issues that Mr. Pierattini had was
20 related to not having a protective order regarding disclosure. Once we get this signed, is he planning
21 on sending over some discovery? I don't want to delay sending in this request for an informal
22 discovery conference, if it's needed.”

23 August 4, 2023, Katrinak emails back “I do not understand the urgency. I will get you a
24 proposed protective order next week. I have been tied up on multiple other matters. Again, I reiterate
25 what is going on with serving the apparently culpable defendants from your complaint. You allege

1 zero facts against Mr. Pierattini. It appears from your complaint that he is merely peripheral to the
2 people that you want to sue. You served Peter before in Massachusetts and know how to serve her.
3 Why have you not served her?"

4 August 7, 2023, I emailed back "Did you miss my email from 8/2? I'll quote it below: Read
5 my case management statement for the status of service of the named defendants. It hasn't changed."

6 August 7, 2023, Katrinak emails back "I keep responding to your emails. I will not get into a
7 back and forth like you are trying to do attacking Mr. Pierattini's character. You have asserted no
8 facts against Mr. Pierattini in your Complaint. If it is a "criminal organization" like you claim, why
9 have you not served the Defendants who your Complaint is directed to. It is not directed at all to Mr.
10 Pierattini. What is the status on serving the allegedly culpable Defendants? You are all amped up
11 about your case, why are you not pursuing the culpable Defendants? I do not understand. I keep
12 asking you and you keep ignoring me."

13 August 8, 2023, I emailed back "See, your outrage says that you hadn't read that email before.
14 It's from three emails ago now, where you said to stop the ad hominem attacks, and I said that I
15 didn't mean to attack him. You're not being very diplomatic. Also, you keep overlooking 'Read my
16 case management statement for the status of service of the named defendants. It hasn't changed.'
17 Facts against Mr. Pierattini are in the first amended complaint under his name. Additionally, I
18 believe that discovery will reveal that he's responsible for some of the torts currently attributed to
19 John Does. Why do I have to keep repeating myself? I also presented the caselaw that you asked for
20 regarding the deficiencies in your answer. Are you going to amend it or do I need to file a demurrer?
21 If I don't receive some discovery responses by Thursday, I will be requesting a discovery conference
22 on Friday."

23 Pierattini has mentioned the fact that I have failed to answer him as to why the other
24 defendants haven't been served, but I have answered him three times that the information is in the
25 Case Management Statement, which he refuses to read. Instead he would just tell this court, multiple

1 times, that I refuse to tell him why they haven't been served. This Court said in a hearing that the
2 trial isn't until 2025 so there will be plenty of time to serve the other defendants. Pierattini is
3 withholding information on the location of the other defendant that needs served, failing to answer
4 discovery requests for the information. Katrinak refuses to read his client's Case Management
5 Statement, even though it's literally his job. He'd rather write motions complaining about it.
6 Following are his statements in his latest 300+ pages. It's too hard to provide locations, because of
7 his similarly titled motions all filed on the same day.

- 8 1. Plaintiff's Complaint barely mentions Mr. Pierattini and primarily takes issue with the
9 conduct of other defendants whom, for somereason, Plaintiff has refused to serve.
- 10 2. Plaintiff's Complaint barely mentions Mr. Pierattini and primarily takes issue with the
11 conduct of other defendants whom, for some reason, Plaintiff has refused to serve.
- 12 3. Plaintiff's Complaint barely mentions Mr. Pierattini and primarily takes issue with the
13 conduct of other defendants whom, for some reason, Plaintiff has refused to serve.
- 14 4. Plaintiff's Complaint barely mentions Mr. Pierattini and takes issue with other defendants'
15 conduct, who Plaintiff for some Plaintiff's Complaint barely mentions Mr.
- 16 5. Plaintiff's Complaint barely mentions Mr. Pierattini and primarily takes issue with the
17 conduct of other defendants whom, for some reason, Plaintiff has refused to serve.

18 **Further Delays and Pierattini Knows My Location When it Suits Him**

19 August 10, 2023, Katrinak emails me a draft protective order and asks me for changes or
20 comments. We go back and forth, but Katrinak refuses to make any changes and I finally agree to
21 the stipulation as written on August 17, 2023, tell him that it's fine and authorize him to digitally
22 sign it for me.

23 September 14, 2023, I emailed "Since there has been no movement. Tomorrow I'm filing to
24 request a discovery conference."

25 September 14, 2023, Katrinak emails back "I take it you have returned from your travels. I

1 looked back at where we were with the Protective Order and you indicated that you were fine with it
2 other than we have to disclose people other than consultants that the documents are shared with.
3 That's the whole point. You are not supposed to disclose the documents to anyone outside the
4 litigation. If it is disclosed to consultants, then they have to sign Exhibit A."

5 I was traveling, but I never told Katrinak or Pierattini. Additionally, I'd already agreed to the
6 stipulation for the protective order but Katrinak had not done anything.

7 September 15, 2023, I email back "What travels are you talking about? I told you weeks ago to
8 go ahead and digitally sign for me and submit it." I signed it in ink this time, and forwarded it to
9 him.

10 September 21, 2023, I email again "Any update?" Katrinak replies to say that it was filed.

11 October 5, 2023, I email back "The order was signed by the judge a week ago. When can I
12 expect to receive some discovery? It is way past due."

13 October 13, 2023, I get a few communications between Omo and Pierattini (which even
14 reference additional missing communications between them), a copy of Pierattini's alleged
15 protective order, and a DD-214. Pierattini failed to provide any documents including
16 communications revealing Omo's location. Plaintiff's RFP is attached at **Exhibit 1**. I finally got a
17 frivolous response, four months after making my request.

18 I contacted Katrinak on October 18, and October 25 about the missing documents, and
19 resigned to probably needing to schedule an informal discovery conference, but there's no hurry.
20 The trial isn't until 2025, and I have two other civil suits and a criminal case to deal with. Also, the
21 leader of the criminal enterprise that Pierattini is a member of has already defaulted in this case.

22 **Pierattini's Frivolous Discovery Requests and Deposition**

23 December 6, 2023, I appeared in criminal court in Las Vegas Nevada. The hearing was aired
24 on YouTube and the trial continued to January 23, 2024.

25 December 11, 2023, I received four discovery requests from Pierattini by email. The

1 interrogatories go well past the 35 limited by court rules, the majority of them are not self-contained
2 and reference other documents, and the majority of them are requests for documents unrelated to the
3 case.

4 December 12, 2023, well after Pierattini knew that I had a trial starting in Las Vegas on
5 January 23, 2024, I received Pierattini's notice of a deposition in Los Angeles on January 25, 2024,
6 during my upcoming trial.

7 This was clearly meant to harass as Pierattini knew of my other obligations, Pierattini knew
8 that I resided in Las Vegas, and Pierattini made no effort to discuss the scheduling or location of this
9 deposition, but instead purposely scheduled the deposition during my trial and playing games wanted
10 me to travel multiple hundreds of miles for a deposition during the week of my trial because they
11 were set on taking the stance that they could force me to travel because my mailing address is in Los
12 Angeles, and when the case was filed, I was residing in Los Angeles. However, they cite no law,
13 because there is none, requiring that a plaintiff update his residence on a complaint. My residence
14 was not even relevant to the jurisdiction in this case. I continue to receive mail for this case in Los
15 Angeles, which is forwarded to me, albeit only once or twice a month, but that is sufficient for this
16 case.

17 Further, in a frivolous manner meant only to vex me, they put on the deposition notice "The
18 deposition will take place on January 25, 2023, beginning at 10:00 a.m. ... and will continue from
19 day to day thereafter until completed." It's possible that Pierattini is drafting these frivolous filing
20 meant in a vexatious way, but Katrinak is signing them. As far as I can tell, the courts have limited
21 depositions to seven hours.

22 **December 14, 2023**, I email Katrinak "**I'm not currently residing within 75 miles of the**
23 **address in the deposition request. Additionally, your client, who continues to stalk me, is**
24 **certainly aware of where I'm residing and that I'm in trial in Nevada that week. Do you want**
25 **to withdraw this request so we can discuss a more suitable time and location? I'll object within**

1 **30 days, if not.”**

2 December 19, 2023, I responded to Pierattini’s first set of “special” interrogatories.

3 January 8, 2023, After not haring back from Katrinak, I responded to Pierattini’s deposition
4 notice, objecting to its location, and first set of requests for admission.

5 **If Katrinak failed to cancel the deposition appointment on January 25, 2023, with five**
6 **weeks’ notice, he contributed 100% to his own harm.**

7 January 9, 2023, I responded to Pierattini’s requests for production of documents.

8 January 11, 2023, I supplemented Pierattini’s first set of requests for admission.

9 I never received the form interrogatories now shown in the record.

10 Here it should be obvious that I’m filing my objections timely and then supplementing, but
11 Katrinak and I are also planning on meeting and conferring, on my request, about a demurrer to his
12 amended answer, so I thought we’d discuss discovery at the same time. As it turns out, Katrinak
13 would refuse to meet and confer about the demurrer, and would insist on discussing it over email,
14 which we do. **He never once mentioned discovery or any issue with my “sporadic intervals” in**
15 **our emails.** See my “Declaration of Meet and Confer” filed January 31, 2024.

16 January 25, 2023. Pierattini and Katrinak file 300+ pages of frivolous motions to compel and
17 for sanctions, without even attempting to meet and confer, definitely failing to meet and confer,
18 before scheduling an informal discovery conference, and wasting this Court’s and my time in order
19 to vex me. Katrinak mentions sending a “meet and confer letter”, which isn’t a thing as it doesn’t
20 comply with the court’s rules, but also which I never received. It is likely that he mailed it to my Los
21 Angeles address, which hasn’t been forwarded to me, just to try to prove some point. He never once
22 made a phone call, let alone leave a message, and never mentioned any discovery issues in email.
23 This barrage of filings was a shock, and obviously meant to harass me, at everyone’s expense.

24 Pierattini has still not materially responded to a single request for production of documents.
25 I’ve sent another request for production of documents for all communications related to the

1 scheduling of the January 25, 2023 deposition, as they're likely to reveal that they knew of my trial
2 and my residence and scheduled it simply to harass me. I don't imagine they'll respond with
3 anything, though.

4 **MEMORANDUM OF POINTS AND AUTHORITIES**

5 **A. Pierattini and Katrinak had a requirement to meet and confer and must now pay my**
6 **costs and theirs.** Cal Code Civ Proc § 2016.040. Cal Code Civ Proc § 2023.020. Cal. Code. Civ.
7 Proc. § 2025.450(b)(2). Cal. Code. Civ. Proc. § 2030.300(b)(1). Cal Code Civ Proc §
8 2033.290(a)(1). Cal. Code. Civ. Proc. § 2031.310(b)(2).

9 Pierattini and Katrinak are responsible for the costs of their motions and my response for
10 failing to meet and confer. Cal Code Civ Proc § 2023.020.

11 Pierattini and Katrinak don't even include a declaration saying that they attempted to meet and
12 confer, apparently unwilling to say it under the penalty of perjury. Katrinak even cites the need for a
13 meet and confer declaration but instead has a heading "MR. PIERATTINI MET AND
14 CONFERRED IN GOOD FAITH". The section says nothing about their attempts to call me or
15 schedule a conference. Instead they just say that I was stonewalling, apparently by not reading their
16 minds.

17 Pierattini says that he wasn't required to meet and confer if a party fails to respond to discovery
18 requests. Pierattini also admits, almost 100 times, that I did respond. I additionally declare here that I
19 responded.

20 In Katrinak's email to me on January 24, 2024 he writes regarding my emailing him several
21 times and attempting to reach him on the phone and schedule a conference "That does not meet the
22 requirement of meeting and conferring and I will seek sanctions from the judge for your failure to
23 meet and confer." See my "Declaration of Meet and Confer" filed January 31, 2024 at 3:15-16.

24 Here, Katrinak alleges to have sent me a letter, which I never received, but the roles have
25 reversed. He declares that is sufficient. He never left a voicemail, or even tried to call. He never sent

1 an email. He never mentioned any of these issues in the emails that he was regularly sending me.

2 Katrinak and Pierattini failed to make a “reasonable and good faith attempt at an informal
3 resolution of each issue presented by the motion”. Cal Code Civ Proc § 2016.040.

4 **B. Informal Discovery Conference.** This court ruled in this action on May 23, 2023:

5 The parties are admonished not to reserve any motion hearing dates unless they are
6 prepared to file the motion within 2 days of reserving said hearing date. The parties are also
7 informed that an Informal Discovery Conference is required prior to hearing a Motion to
8 Compel Further Discovery and a Motion for Protective Order seeking to limit discovery.

9 Additionally, this Court’s standing orders:

10 The Court generally will conduct a Informal Discovery Conference with counsel prior to
11 hearing any motion to compel further discovery responses or motion for protective order
12 seeking to limit discovery. The IDC may be requested, and a hearing date reserved, by calling
13 the clerk of Department O. IDCs are held every Monday at 11:00 a.m. and 1:30 p.m. The
14 parties are to submit a five-page summary of the disputes, specifically identifying any pending
15 motions to compel further responses that will be the subject of the conference.

16 Since Pierattini and Katrinak did not schedule an Informal Discovery Conference before
17 scheduling their hearings they are not in compliance and can only hope that an IDC can be scheduled
18 before February 20, 2024 along with notice requirements. Further, they made their own decision to
19 type up the motions which likely won’t even be needed and contributed 100% to their own costs.

20 It is apparent based on their filings that they forgot about this requirement until last minute,
21 adding information on an IDC to their filings as a footnote. It is also 100% their fault that they didn’t
22 know the court rules and did things out of order in an unnecessary fashion.

23 **C. A foreign resident can not be forced to attend a deposition in California.** Cal. Code.
24 Civ. Proc. § 1989. *Toyota Motor Corp. v. Superior Court*, 197 Cal. App. 4th 1107, 1108 (2011).

25 Pierattini raises *Glass v. S.Ct.* (1988) 204 Caql.App.3d 1048, which is distinguishable. *Glass*
involves a foreign resident that lived within 150 miles of the county of the action, even if they were
across state lines. Here, I have made it clear that I live more than 150 miles from the county of the
action. Pierattini wants to dwell on the fact that I haven’t shared my residence, but he already knew,
as his criminal gang emailed my landlord, and I really expected to discuss my residence when

1 Katrinak contacted me to reschedule the deposition. I will not be making my residence a part of
2 court record due to the fact that this action is about my being stalked and harassed by a criminal
3 enterprise ran by Katherine Peter (“Peter”), of which Pierattini is an admitted member.

4 **D. No requirement to update the residence of a party on a complaint.** Katrinak and
5 Pierattini have not cited any requirement that I update this court when I change residence, nor can
6 they. Cal. Rules of Ct. Rule 3.254 only requires the updating of address for service. Cal. Rules of Ct.
7 Rule 2.200 only requires updates of mailing addresses. Further, the choice of forum here was due to
8 the majority of the witnesses being here related to Peter’s defamatory remarks, the majority of the
9 harm occurring here, that Daniel Clement resides here, and Pierattini never objected to it.

10 If Pierattini and Katrinak, who both know that I don’t reside in California had simply reached
11 out to me I would have explained the rules to them and worked with them to schedule an out of state
12 deposition. They didn’t, because they preferred to surprise and harass me.

13 **E. Pierattini and Katrinak have violated the protective order.** Most specifically, they have
14 exposed the fact that I don’t reside in LA, even though that information was marked
15 CONFIDENTIAL, in violation of the protective order. They have included verbatim some of my
16 responses to their requests for admission, even though I marked the papers CONFIDENTIAL, in
17 violation of the protective order:

18 Denied as to whether Pierattini has run a troll channel on YouTube where he harasses
19 people during the time of the action. Plaintiff does not have enough information to otherwise
20 respond as to the current status.

20 Denied as to whether Pierattini has pretended to be a private investigator in the past.
21 Plaintiff does not have enough information to otherwise respond as to the current status.

21 Pierattini and Katrinak suppose that I’m required to investigate whether Pierattini is currently
22 pretending to be a private investigator or whether he currently runs a troll YouTube channel, as if it’s
23 relevant to whether he has previously. If he continues to run the troll channel, then obviously I can
24 supplement my complaint to add more charges, but I am not required to conduct an investigation.
25 Katrinak cites no law requiring that I do.

1 Even though Pierattini and Katrinak violated the protective order by filing my responses even
2 though they had “CONFIDENTIAL” on the top and bottom and complied with the protective order,
3 you can see that although repetitive, like the requests, each objection is tailored to the request and
4 are all valid and obviously so.

5 It is obvious that Pierattini and Katrinak didn’t bother to read each objection, or they would
6 have noticed that the objections that they recorded were tailored and were interspersed with
7 information that is CONFIDENTIAL and should have been protected.

8 I will need a better protective order before responding to any more discovery.

9 When I make a statement to the public, it is planned. The trolls that harass me, including
10 Pieratinni, feed off of everything that I say. It was not my intention to disclose these admissions to
11 the public. If this Court doesn't sanction Katrinak and Pieratinni in an amount sufficient to deter their
12 future releases, I don't know how I continue to produce any discovery.

13 **F. Interrogatories and requests for admission requests limited to 35 total.** See Cal. Civ.
14 Proc. Code § 2033(c)(1).

15 Yet, Pierattini and Katrinak sent **229 interrogatories** and **76 requests for admission**, on top of
16 the 100 overly burdensome RFPs, many of which were duplicative, and in his motion to compel,
17 keeps copying and pasting his generic reason why I should respond to them even well past 35. Also,
18 many of their requests are duplicative and unreasonably duplicative and irrelevant in violation of
19 Cal. Civ. Proc. Code § 2019(b). For example: The entire form interrogatory is asking questions
20 about an “INCIDENT”, but the incident doesn’t refer to any one incident in the complaint. There are
21 two RFPs with these exact same requests (there are 19 exact duplicates in total):

- 22 1. Any and all COMMUNICATIONS between YOU and anyone CONCERNING PIERATTINI.
- 23 2. Any and all DOCUMENTS that support YOUR claims for damages in YOUR complaint.
- 24 3. Any and all DOCUMENTS CONCERNING any lawsuit to which YOU were a party since January 1,
25 2008.

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

3 Notice that the request for unrelated documents goes back 15 years.

4 Pierattini and Katrinak apparently learned of their limit of 35 and are trying to say that their
5 initial requests were in accordance with Cal. Code. Civ. Proc. § 2033.050 when they clearly weren't.
6 This code requires that a party be thrifty with their first set of interrogatories and then if further
7 interrogatories are actually needed because of the complexity of the case, they send a second set.
8 This is clearly not what Katrinak and Pierattini did, instead choosing to unduly burden me with
9 irrelevant and exhaustive requests that were unnecessary and unrelated, thinking that they could just
10 make as many requests as they wanted. Apparently, completely unfamiliar with the law.

11 I was going to get a protective order, if their excessive requests couldn't be resolved at a meet
12 and confer or informal discovery conference. This Court has established this as the correct
13 procedure.

14 **G. Plaintiff not contacted about the nonappearance.** Katrinak claims that he can file for
15 sanctions for my not attending the deposition because he contacted me about his nonappearance and
16 attached a declaration saying so. Cal. Code. Civ. Proc. § 2025.450(b)(2) requires a meet and confer
17 declaration. Katrinak did not make a good faith attempt to informally resolve each issue in his
18 motion. Katrinak did not truthfully make such a declaration. Katrinak never even contacted me or
19 attempted to contact me. Further, I was never contacted about a "nonappearance". Katrinak even
20 admits to not contacting me with his "meet and confer letter" except for before the deposition.
21 However, I didn't receive his letter, and a letter does not qualify, even in Katrinak's own words. He
22 has not contacted me at all about any nonappearance, nor did he respond to my objection to the
23 deposition. I assumed he would be sane and cancel the deposition, and I am under the belief that he
24 did. I requested receipts in a discovery request but have not yet received them.

25 **H. Plaintiff's admissions were "verified".** Katrinak makes the claim that my admissions were

1 not verified. However, I am not a corporation, and the admissions were signed under the penalty of
2 perjury. Cal. Code Civ. Proc. § 2015.5.

3 **I. Privilege log.** Pierattini and Katrinak argue that I can't claim privilege without a privilege
4 log. However, a failure to provide a privilege log with a timely response where the objections are
5 raised ARE NOT grounds to waive any privileges pursuant to *Best Products, Inc. v. Superior Court*
6 (2004) 119 CA4th 1181, at 1187. Where I raised the objection, it seemed obvious, but I might have
7 also gotten carried away with the copy and paste, which Katrinak will never admit to doing way
8 more than I did.

9 **J. Plaintiff sticks to his objections and can defend them orally at the hearing.** For example,
10 one of Pierattini's requests for admission was "Admit that YOU have been arrested multiple times."
11 I objected primarily with "Asks for irrelevant information."

12 Pierattini and Katrinak now argue:

13 Request No. 19 seeks an admission that Plaintiff has "been arrested multiple times". This
14 admission would shed light on Plaintiff's propensity to seek out legal conflicts and make
15 similar improper allegations against others, allowing Mr. Pierattini to bolster his defense
16 against Plaintiff's frivolous claims against him.

17 I am suing Pierattini for harassing me, and through agency, it includes maintaining an entire
18 web site with all of my alleged criminal records at <https://www.thepublicdocuments.com>. The
19 criminal organization is just looking for more "embarrassing" information on me. Pierattini has filed
20 no cross complaints against me related to my being arrested. None of Pierattini's affirmative
21 defenses mention that I'm seeking out legal conflicts. None of the questions after that ask if I sought
22 out any arrests or how many times I wasn't arrested after seeking out being arrested. It is meant to
23 harass me, but minimally is completely irrelevant.

24 Pierattini and Katrinak admit that my objections to the requests for admission contain the
25 statement "After reasonable inquiry, the information that Plaintiff knows or can readily obtain is
insufficient to enable him to admit or deny the truth of this request. The admission or denial of this

1 request requires Plaintiff to have information which Plaintiff does not have in hi records and which
2 is not within the knowledge of Plaintiff’s employees, agents, and others of whom Plaintiff has made
3 reasonable inquires;”.

4 Yet, Katrinak copy and pastes in his objection after each one “If a responding party gives lack
5 of information or knowledge as a reason for a failure to admit all or part of a request for admission,
6 that party shall state in the answer that a reasonable inquiry concerning the matter in the particular
7 request has been made, and that the information known or readily obtainable is insufficient to enable
8 that party to admit the matter... Plaintiff has not provided a responsive answer, and there is no
9 indication in the response that Plaintiff has not made a “reasonable inquiry” as required.” He says
10 that I’m making a “flurry of improper objections, as explained in Brown & Weil”, yet he is the one
11 not even reading what he’s objecting to. He has wasted his time with his copying and pasting.

12 **K. Unclean hands.** Although I know that Pierattini’s failure to respond to discovery requests
13 does not allow me to fail to respond, the record shows that I was responding, apparently just not fast
14 enough for Mr. Katrinak, even though he had sent over burdensome requests. Still, I raise the
15 doctrine of unclean hands, because Pierattini has failed miserably at responding to my discovery
16 requests, which were not even excessive like his.

17 **L. Attorney fees.** Katrinak is trying to collect attorney fees by calling them sanctions, but
18 doesn’t cite any authority authorizing their collection, because there isn’t any authority. Katrinak
19 often says in his declarations “I have reduced my hourly rate to \$450 an hour, which this court has
20 consistently given for my hourly rate. My hourly rate of \$450 is reasonable. I have the requisite skill,
21 training, and experience to testify as to how these matters are typically handled and attempts to
22 deviate therefrom.”

23 These are legal conclusions. Katrinak does not say why this specific case should pay more than
24 this county Court’s fee limit, only that it has in the past. He says that they are reasonable, but not
25 why. He provides no authority for market rate. He says he has the skill, but it is clear based on his

1 behavior that he doesn't. Katrinak's fees should be calculated at this Court's guideline rate for an
2 incompetent attorney as no skill has been displayed here. Katrinak does not say whether the nature
3 of his employment precluded other employment, and doesn't say if Pierattini is paying him on
4 contingency. While an attorney can attempt to recover costs at the market rate even if they aren't
5 billing the market rate, Katrinak should be required to provided receipts just because he can't be
6 trusted at this point. I rebut his presumption that his calculations are accurate. *Ketchum v. Moses*, 24
7 Cal. 4th 1122, 1132 (2001). *Odden v. County Foresters, Firewardens and County Fire Protection*
8 *District Firemen's Retirement Board of Los Angeles County*, 108 Cal. App. 2d 48, 50 (1951).

9 The unjustified duplicative and superfluous litigation of Katrinak was not in the public interest
10 and his fees should have a negative multiplier. Katrinak has clearly over litigated this. *Thayer v.*
11 *Wells Fargo Bank*, 92 Cal. App. 4th 819, 839 (2001); *Cowan v. Superior Court*, 14 Cal. 4th 367, 392
12 (1996). My actions certainly didn't warrant this over litigation. *Weeks v. Baker McKenzie*, 63 Cal.
13 App. 4th 1128, 1175-1176 (1998). Moreover, an attorney fee is awarded based on the results. It is
14 likely that these motions are completely unnecessary, but Katrinak certainly won't prevail on even
15 the majority items in his six motions. *Chavez v. City of Los Angeles*, 47 Cal. 4th 970, 989-991
16 (2010); *Goglin v. BMW of North America, LLC*, 4 Cal. App. 5th 462, 470 (2016).

17 Katrinak says multiple times "My law firm", but it is clear that Katrinak works at the Kernan
18 Law Firm, of which Katrinak is obviously not a named partner. (<https://www.kernanlaw.net>).
19 Katrinak's is being misleading about his value.

20 **M. Katrinak should know why I'm suing his client.** Katrinak writes many times that he
21 doesn't know why I'm suing his client. Shouldn't he though? Isn't it literally his job?

22 Pieratinni knows why I'm suing him. He even made a video inviting me to sue him. He ignored
23 numerous cease and desist requests. He appeared in the primary defamatory video made by Peter.
24 Pieratinni has never complained that he had any lack of notice of my claims. He's made numerous
25 videos where he's proud to have been one of the bigger thorns in my side. He has said that he's

1 fighting me in court for the benefit of his Masshole Troll Mafia colleagues.

2 Katrinak might not understand my claims, but if so it's because he seems to have never read
3 the complaint or the case management conference or the emails I've sent him, and Pieratinni is
4 incapable of having an honest conversation with anyone, let alone his attorney.

5 **N. This Court's GUIDELINES FOR CIVILITY IN LITIGATION:**

6 First requests for reasonable extensions of time to respond to litigation deadlines, whether
7 relating to pleadings, discovery or motions, should ordinarily be granted as a matter of courtesy
8 unless time is of the essence. A first extension should be allowed even if the counsel requesting
9 it has previously refused to grant an extension.

10 Counsel should at all times be civil and courteous in communicating with adversaries,
11 whether in writing or orally.

12 Unless specifically permitted or invited by the Court, letters between counsel should not
13 be sent to judges.

14 Depositions should be taken only where actually needed to ascertain facts or information
15 or to perpetuate testimony. They should never be used as a means of harassment or to generate
16 expense.

17 In scheduling depositions, reasonable consideration should be given to accommodating
18 schedules or opposing counsel and of the deponent, where it is possible to do so without
19 prejudicing the client's rights.

20 Demands for production of documents should be limited to documents actually and
21 reasonably believed to be needed for the prosecution or defense of an action and not made to
22 harass or embarrass a party or witness or to impose an inordinate burden or expense in
23 responding.

24 Demands for document production should not be so broad as to encompass documents
25 clearly not relevant to the subject matter of the case.

Interrogatories should be used sparingly and never to harass or impose undue burden or
expense on adversaries.

Before filing a motion, counsel should engage in more than a mere pro forma discussion
of its purpose in an effort to resolve the issue.

26 **CONCLUSION**

27 Based on the foregoing, Plaintiff respectfully requests that this Court deny all of Pierattini's
28 motions to compel, motions for sanctions. I further request this Court to order an extension of
29 discovery deadlines and a meet and confer. I believe that even an informal discovery conference is
30 premature at this time, until we can narrow our disagreements in a meet and confer.

31 I further request that this court order sanctions for the violation of the protective order, the utter
32 failure to meet and confer, and their frivolous filings that were made simply to harass. As Katrinak
33

1 has said, while blaming me for “recreational litigation” and “gamesmanship”, it has clearly been
2 Katrinak and Pierattini’s objective from the start to shirk their own responsibilities and to “make my
3 head spin”.

4 **DECLARATION OF JOSE DECASTRO**

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

7 DATED: February 7, 2024

Respectfully submitted,

8 /s/ Jose DeCastro
9 Jose DeCastro
In Pro Per

10 **CERTIFICATE OF SERVICE**

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

13 DATED: February 7, 2024

Respectfully submitted,

14 /s/ Jose DeCastro
15 Jose DeCastro
16 In Pro Per

EXHIBIT 1

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

11 JOSE DECASTRO) Case No.: 23SMCV00538
12)
13) **REQUESTS FOR PRODUCTION OF**
14) **DOCUMENTS**
15) Judge: Hon. H. Jay Ford III
16) Department: O
17) Case Filed: 2/7/2023
18)
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25)

REQUESTING PARTY: Plaintiff, Jose DeCastro

SET NUMBER: First

RESPONDING PARTY: Defendant Michael Pierattini

Pursuant to California Code of Civil Procedure Section 2031.210 et seq., Plaintiff Jose DeCastro requests that Defendant Michael Pierattini produce and/or permit inspection of each of the following categories of documents and electronically stored information within thirty (30) days at 1258 Franklin St., Santa Monica, CA 90404:

ARTICLE I: INSTRUCTIONS.

- 1 **1.1.** Electronically stored information shall be produced in the following format: searchable PDF
including timestamps for messages.
- 2 **1.2.** If Defendant objects to the production of any document on the grounds of the attorney-client
3 privilege or work product doctrine or any other privilege or doctrine, Defendant shall, on the
4 date responses are due, provide a privilege log that includes the following information for
5 each document:
6 (a) The names of each writer, sender, or initiator of each copy of the document
7 (b) The names of each recipient, addressee, or party to whom the document was sent or
8 whom received the document
9 (c) The date of each copy of the document, or an estimate of its date
10 (d) A non-privileged description of the contents of the document
11 (e) The relevant privilege or doctrine and a statement of the basis for the claim
- 12 **1.3.** Unless otherwise indicated, these requests cover the time period from March 1, 2022 to the
13 present.

14 **ARTICLE II. DEFINITIONS.**

- 15 **1.4.** “DOCUMENT” has the same meaning as the definition of “writing” in California Evidence
16 Code Section 250 and includes all written and graphic matter, however produced or
17 reproduced, of any kind or description, whether sent or received or neither, including
18 originals, non-identical copies and drafts, and both sides thereof, including letters,
19 correspondence, memoranda, email, texts, tweets, posts, messages in any digital or electronic
20 format, contracts, photographs, diaries, journals, calendars, logs, notebooks, computer files
21 stored by any means, computer printouts, and includes all DOCUMENTS in your possession,
22 custody, or control that may be stored in or accessible through any cloud-based service.
- 23 **1.5.** “PERSON” means any natural person, entity, firm, corporation, partnership, association,
24 joint venture, or other form of business organization or arrangement, and/or government or
25 government agency.
- 1.6.** “COMMUNICATION” means any exchange or conversation and includes, by example,
those transmitted written letter, memorandum, email, or DOCUMENT of any kind
transmitted from one PERSON to another, by telephone, voicemail, text message, chat, or
any other medium, or in person.
- 1.7.** “Concerning” means constituting, comprising, relating to, referring to, reflecting, evidencing,
or in any way relevant.
- 1.8.** “Associate” refers to any two people that are familiar to each other, including but not limited
to friends, family members, business associates, and vendors.
- 1.9.** “Masshole Troll Mafia” refers to any organization that Katherine Peter founded regardless of
how the organization transformed afterward.
- 1.10.** “YOU” and “YOUR” mean Michael Pierattini and any business entities concerning you.
- 1.11.** The terms “any” and “all” mean “any and all.”
- 1.12.** The singular of any term includes the plural and the plural includes the singular.
- 1.13.** The terms “and” and “or” shall be construed conjunctively or disjunctively as necessary to
make the document request inclusive, rather than exclusive.

1 The use of a verb in any tense shall be construed as the use of the verb in all other tenses
2 whenever necessary to bring documents within the scope of the request.

3 **ARTICLE III. REQUESTS.**

4 Request for Production No. 1: All COMMUNICATIONS between YOU and David Omo Jr.

5 Request for Production No. 2: All COMMUNICATIONS between YOU and Katherine Peter

6 Request for Production No. 3: All COMMUNICATIONS between YOU and Sean O’Dea
7 A.K.A John O’Dea.

8 Request for Production No. 4: All COMMUNICATIONS between YOU and Daniel Clement

9 Request for Production No. 5: All COMMUNICATIONS between YOU and Todd Lyon

10 Request for Production No. 6: All COMMUNICATIONS between YOU and any associate of
11 Plaintiff, including but not limited to Jeff Lloyd, David Condon, and Plaintiff’s family
12 members.

13 Request for Production No. 7: All COMMUNICATIONS between YOU and Airbnb
14 concerning Plaintiff or any associate of Plaintiff.

15 Request for Production No. 8: All COMMUNICATIONS between YOU and any other party
16 that disparages Plaintiff or any associate of Plaintiff.

17 Request for Production No. 9: All COMMUNICATIONS between YOU and any commercial
18 vendor concerning Plaintiff or any associate of Plaintiff.

19 Request for Production No. 10: All COMMUNICATIONS between YOU and any
20 government entity concerning Plaintiff or any associate of Plaintiff.

21 Request for Production No. 11: All COMMUNICATIONS between YOU and any
22 roommates or family members concerning Plaintiff, or this action, or any associate of
23 Plaintiff.

24 Request for Production No. 12: All COMMUNICATIONS on any Discord server, that YOU
25 have ever accessed, concerning Plaintiff, or this action, or any associate of Plaintiff.
Including but not limited to “private” channels.

Request for Production No. 13: All COMMUNICATIONS concerning YOUR alleged
restraining order against Plaintiff, including its application.

Request for Production No. 14: All COMMUNICATIONS concerning YOUR service on
Plaintiff of YOUR alleged restraining order against Plaintiff, including its application.

Request for Production No. 15: All COMMUNICATIONS alleging violations of YOUR
alleged restraining order against Plaintiff.

Request for Production No. 16: All COMMUNICATIONS between YOU and any current or
past member of the Masshole Troll Mafia discord server.

Request for Production No. 17: All COMMUNICATIONS between YOU and any current or
past member of the Masshole Troll Mafia.

Request for Production No. 18: All documents and things showing the current and past status
of YOU being a military police officer.

Request for Production No. 19: All documents and things showing the current and past status
of YOU being a licensed private investigator.

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Request for Production No. 20: All documents and things showing the current and past status of YOU being a tuba player in the army national guard.

Request for Production No. 21: All documents and things showing monies YOU were paid for media that was published concerning Plaintiff.

Request for Production No. 22: All documents and things sufficient to show any current or past organizational structure of the Masshole Troll Mafia.

Request for Production No. 23: All documents and things that would identify the true name, address, and phone number of any current or past member of the Masshole Troll Mafia, any current or past member of the Masshole Troll Mafia discord server, or any party in this action.

Request for Production No. 24: All documents and things concerning disparagement of Plaintiff and his associates.

Request for Production No. 25: All documents and things concerning the location, tracking of location, or "geoguessing" of Plaintiff or his associates.

Request for Production No. 26: All documents and things concerning the facts or reputation of Plaintiff or his trade.


Request for Production No. 27: All documents and things concerning harassment, trolling, vandalism, hacking, or any other behavior directed at Plaintiff or his trade.

Request for Production No. 28: All non-privileged documents and things concerning this action.

Request for Production No. 29: All non-privileged documents that Defendant sent to or received from any person concerning this action.

Request for Production No. 30: All non-privileged communications concerning Plaintiff or this action.


DATED: June 30, 2023

By,


Jose DeCastro
In Pro Per

CERTIFICATE OF SERVICE

I, Jose DeCastro certify that on June 30, 2023, a copy of the foregoing Plaintiff Jose DeCastro's First Set of Requests for Productions of Documents was served by email on Michael Pierattini, who has consented to receiving service by email, at sgtbluebacon@gmail.com. No other parties have made an appearance in this action. I certify under penalty under the laws of the State of California that the foregoing is true and correct.



Jose DeCastro
chille@situationcreator.com