R. Paul Katrinak, State Bar No. 164057
LAW OFFICES OF R. PAUL KATRINAK
9663 Santa Monica Blvd., 458
Beverly Hills, California 90210
Telephone: (310) 990-4348
Facsimile: (310) 921-5398

Attorneys for Defendant
Michael Pierattini

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

SUPERIOR COURT OF THE STATE OF CALIFORNIA

FOR THE COUNTY OF LOS ANGELES

JOSE DECASTRO,

Plaintiff,

v.

KATHERINE PETER; DANIEL CLEMENT; MICHAEL PIERATTINI; DAVID OMO JR.; and DOES 1 TO 30, inclusive,

Defendants.

Case No. 23SMCV00538

Assigned for all purposes to the Honorable H. Jay Ford III, Dept. O

DECLARATION OF R. PAUL KATRINAK IN SUPPORT OF DEFENDANT MICHAEL PIERATTINI'S OPPOSITION TO PLAINTIFF'S MOTION TO COMPEL RESPONSES TO PLAINTIFF'S REQUEST FOR PRODUCTION OF DOCUMENTS TO MICHAEL PIERATTINI, SET TWO, AND REQUEST FOR MONETARY SANCTIONS AGAINST PLAINTIFF IN THE AMOUNT OF $4,500.00

Date: May 16, 2024
Time: 8:30 a.m.
Dept: O

RES ID: 310786113364

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9663 Santa Monica Blvd., Suite 458
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(310) 990-4348

DECLARATION OF R. PAUL KATRINAK

I, R. Paul Katrinak, declare as follows:

1. I am an attorney duly licensed to practice law before all courts of the State of California. My law firm is counsel for Defendant Michael Pierattini ("Mr. Pierattini") in this action. The following facts are within my personal knowledge and, if called as a witness herein, I can and will competently testify thereto.

2. A response to requests for production is due 30 days after service of the requests. Cal Code Civ Proc § 2031.260(a). Service of the requests by email extends the deadline to respond by two calendar days. Code Civ. Proc. § 1010.6(a)(3)(B). Plaintiff Jose DeCastro ("Plaintiff") served the requests at issue on February 5, 2024 by email. Therefore, based on the 30-day response deadline plus two additional days based on email service, the deadline to serve a timely response was on March 8, 2024. I emailed Mr. Pierattini's responses and objections to Plaintiff on March 8, 2024. Therefore, the responses were timely. Attached hereto as Exhibit "A" are true and correct copies of Defendant Michael Pierattini's Response To Plaintiff Jose DeCastro's Request For Production Of Documents, Set No. 2 and my email to Plaintiff serving that document.

3. Contrary to Plaintiff's false statements, I did not "ignore" Plaintiff's meet and confer letter. Plaintiff gave me until Friday, March 15, 2024 to respond to his meet and confer letter, and I emailed Plaintiff a responsive letter on that day at 2:10 P.M. Apparently, Plaintiff had set an arbitrary deadline of 12:00 p.m. for such a response, which I inadvertently overlooked. Still, in my email containing the responsive letter, I requested that Plaintiff immediately withdraw his Motion if it was filed because Plaintiff was not meeting and conferring in good faith. Even so, Plaintiff ignored my email, as well as the meet and confer letter contained therein, and kept his frivolous Motion on calendar even though there was simply no urgency to compel the improperly requested discovery. Attached hereto as Exhibit "B" are true and correct copies of my meet and confer letter responding to Plaintiff's meet and confer letter and my email to Plaintiff serving that document.

4. Furthermore, just like the Motion at issue here, "Plaintiff's" meet and confer letter was just a copy of the meet and confer letter I sent to Plaintiff on January 12, 2024. Plaintiff did not

try to hide the fact that "his" letter was just a modified copy of the letter I previously sent him. Plaintiff referred to himself in "his" letter as "my client," and "we." Plaintiff left in sentences such as "the attorney-client privilege does not apply to you as an In Pro Per party," "You are the plaintiff," and "You must have some basis to be suing my client." Just like the underlying Motion, Plaintiff left in entire legal arguments that were completely inapplicable to the responses provided to Plaintiff's requests for production. Plaintiff even kept the *exact* same formatting and structure in the meet and confer letter. This copied letter was not a proper attempt to meet and confer, and was just another attempt to waste time and run up Mr. Pierattini's legal fees. In "Plaintiff's" letter, he did not even address the specific objections he took issue with, making it impossible for me to properly meet and confer on the objections. Attached hereto as Exhibit "C" is a true and correct copy of the meet and confer letter I served on Plaintiff on January 12, 2024 which Plaintiff copied nearly verbatim for "his" meet and confer letter sent to me on March 11, 2024.

5. I spent no less than 7.0 hours preparing this motion, researching the issues, preparing the memorandum of points & authorities, preparing this declaration and the supporting exhibits. I anticipate spending no less than an additional 3.0 hours for attending the hearing on this matter, for a total of 10.0 hours. My hourly rate is typically $745 an hour. I have reduced my hourly rate to $450 an hour, which this court has consistently given for my hourly rate. My hourly rate of $450 an hour is reasonable.

6. I have the requisite skill, training, and experience to testify as to how these matters are typically handled and attempts to deviate therefrom. Thus, my client should be reimbursed a total of no less than $4,500.00 for this motion.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct. Executed by me this 3rd day of May, 2024 in Los Angeles, California.

R. Paul Katrinak

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PROOF OF SERVICE

STATE OF CALIFORNIA
COUNTY OF LOS ANGELES

I am employed in the County of Los Angeles, State of California; I am over the age of 18 and not a party to the within action; my business address is 9663 Santa Monica Boulevard, Suite 458, Beverly Hills, California 90210.

On May 3, 2024, I served the foregoing document(s) described as:

DECLARATION OF R. PAUL KATRINAK IN SUPPORT OF DEFENDANT MICHAEL PIERATTINI'S OPPOSITION TO PLAINTIFF'S MOTION TO COMPEL RESPONSES TO PLAINTIFF'S REQUEST FOR PRODUCTION OF DOCUMENTS TO MICHAEL PIERATTINI, SET TWO AND REQUEST FOR MONETARY SANCTIONS AGAINST PLAINTIFF IN THE AMOUNT OF $4,500.00

on the interested parties to this action addressed as follows:

Jose DeCastro
3909 S Maryland Pkwy, Ste. 314
Las Vegas, NV 89119
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 May 3, 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

Exhibit A

Gmail **Paul Katrinak <katrinaklaw@gmail.com>**

Response to Requests for Production of Documents

1 message

Paul Katrinak <katrinaklaw@gmail.com> Fri, Mar 8, 2024 at 4:37 PM
To: Chille DeCastro <chille@situationcreator.com>

Dear Mr. DeCastro,

Attached is the response to the frivolous Requests for Production of Documents that you served. These responses are timely based on the California Code of Civil Procedure.

Very Truly Yours,

Paul Katrinak

--

Paul Katrinak
Law Offices of R. Paul Katrinak
9663 Santa Monica Blvd., 458
Beverly Hills, California 90210
Tel: (310) 990-4348
Fax: (310) 921-5398

PIERATTINI Final Response to RPDs Set 2.pdf
307K

R. Paul Katrinak, State Bar No. 164057
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Facsimile: (310) 921-5398

Attorneys for Defendant
Michael Pierattini

SUPERIOR COURT OF THE STATE OF CALIFORNIA

FOR THE COUNTY OF LOS ANGELES

JOSE DECASTRO, Plaintiff, v. KATHERINE PETER; DANIEL CLEMENT; MICHAEL PIERATTINI; DAVID OMO JR.; and DOES 1 TO 30, inclusive, Defendants.	Case No. 23SMCV00538 Assigned for all purposes to the Honorable H. Jay Ford, Dept. O **DEFENDANT MICHAEL PIERATTINI'S RESPONSE TO PLAINTIFF JOSE DECASTRO'S REQUEST FOR PRODUCTION OF DOCUMENTS, SET NO. 2**

PROPOUNDING PARTY: Plaintiff, JOSE DECASTRO

RESPONDING PARTY: Defendant, MICHAEL PIERATTINI

SET NO.: TWO

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9663 Santa Monica Blvd., Suite 458
Beverly Hills, California 90210
(310) 990-4348

GENERAL RESPONSES

Defendant Michael Pierattini (hereinafter "Responding Party") submits these responses subject to, without limitation, without intending to waive, and expressly preserving: (a) any objection as to the competency, relevance, materiality, privilege, or admissibility of any of the responses or any of the documents identified in any response hereto, and (b) the right at any time to revise, correct, supplement or clarify any of the responses herein.

Furthermore, Plaintiff Jose DeCastro's (hereinafter "Propounding Party") Requests are completely improper and seek information protected by the attorney-client privilege. Indeed, the first Request seeks communications between Responding Party and his attorneys regarding the properly noticed deposition of Propounding Party. Not only is Propounding Party not entitled to this information, but this information is also completely irrelevant to the case at hand. Propounding Party seems to believe that there is some ulterior motive behind Responding Party's properly noticed deposition of Propounding Party. However, as with all of Responding Party's other discovery requests (which Propounding Party has refused to respond to), Responding Party's only motive behind the deposition is to gain an understanding of why he is even in this litigation and what evidence, if any, Propounding Party has for his claims against Responding Party. Moreover, the Requests are not properly formatted and not in compliance with the California Code of Civil Procedure.

Responding Party's investigation is ongoing and Responding Party has not completed his discovery in this matter and thereby reserves the right to amend, revise, correct, supplement or clarify any of the responses herein pursuant to any facts or information gathered at any time subsequent to the date of these responses to Propounding Party's discovery requests.

PRELIMINARY STATEMENT

Each of the following objections and responses are made solely for the purposes of this action. Each response is subject to all objections as to competence, relevance, materiality, propriety, admissibility and any and all objections on any ground that would require exclusion of any response herein, if it were introduced in Court, all of which objections and grounds are expressly reserved and may be interposed at time of trial.

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Responding Party has not fully completed the investigation of the facts relating to this case, discovery in this action or preparation for trial. All of the responses contained herein are based only upon such information and documents which are presently available to, and specifically known to Responding Party. Discovery is continuing and will continue as long as permitted by rule, statute or stipulation of the parties herein, and the investigation of Responding Party's attorneys and agents will continue to and through any hearing, judicial proceeding, or trial in this action. It is anticipated that further discovery, independent investigation, legal research and analysis will supply additional facts, which may, in turn, clarify and add meaning to known facts as well as establish entirely new factual matters, all of which will lead to substantial additions to, changes in, and variations from the contentions and responses herein set forth.

The following responses are given without prejudice to Responding Party's right to produce evidence of any subsequently discovered fact or facts, witnesses or documents which this Responding Party may later recall. Responding Party accordingly reserves the right to change any and all responses herein as additional facts are ascertained, analyses are made, legal research is completed and contentions are formulated. Responding Party, however, does not assume the obligation to revise, correct, augment, add to and/or clarify any responses stated herein based upon information, documentation, facts and/or contentions he may subsequently ascertain and/or develop.

Responding Party reserves the right, prior to or at the time of any hearing, judicial proceeding or trial to introduce any evidence from any source that hereafter may be discovered and testimony of witnesses whose identities may hereafter be discovered. If any information has been omitted from these responses, Responding Party reserves the right to apply for relief so as to permit insertion of responsive information omitted herefrom.

No incidental or implied admissions are intended by the objections and responses herein. The fact that Responding Party may respond to the subject discovery request should not be taken as an admission that such responses or objections constitute admissible evidence. Further, the fact that Responding Party indicates that it will produce non-privileged, responsive

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documents to any particular Request should not be taken as an admission that such documents exist. The fact that Responding Party may respond or object to any particular request is not intended to and should not be construed to be a waiver by Responding Party of any part of any objection to any portion of said request or any particular request. Each response is subject to all objections as to admissibility and any other objection which would result in the exclusion of any document at trial.

The responses are also given without prejudice to Responding Party's right to produce any inadvertently omitted evidence and introduce such evidence at trial. Thus, to the extent consistent with the Code of Civil Procedure, the following responses and objections are provided without prejudice to Responding Party's right to produce evidence, documentary or otherwise, of any subsequently discovered facts and/or documents. This preliminary statement is incorporated into each and every response set forth below.

RESPONSES

REQUEST FOR PRODUCTION NO. 1

"All COMMUNICATIONS between YOU and Your attorney(s) regarding the scheduling or planning of the 'Deposition of Plaintiff Jose DeCastro' scheduled for January 25, 2023."

RESPONSE TO REQUEST FOR PRODUCTION NO. 1

Responding Party incorporates herein by reference the general statement and objections stated above as though fully set forth herein. Responding Party objects to this Request for Production of Documents to the extent it seeks information protected by the attorney/client privilege and attorney work product doctrine. Responding Party objects to this Request for Production of Documents insofar as it is not reasonably calculated to lead to the discovery of admissible evidence. Responding Party objects to this Request for Production of Documents to the extent it assumes facts not in evidence or otherwise assumes any legal conclusion. Responding Party objects to this Request for Production of Documents as it violates Responding Party's Constitutional right to privacy and the Constitutional right to privacy of third parties.

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Subject to the above objections, Responding Party further objects to producing the requested communications, so far as such communications may exist, between Responding Party and his attorneys regarding the scheduling or planning of Propounding Party's deposition, as such communications are confidential communication between client and lawyer protected by the attorney-client privilege as defined by Cal. Evid. Code §§ 950 et seq.

REQUEST FOR PRODUCTION NO. 2

"All COMMUNICATIONS between YOU and any party regarding the 'Deposition of Plaintiff Jose DeCastro' scheduled for January 25, 2023."

RESPONSE TO REQUEST FOR PRODUCTION NO. 2

Responding Party incorporates herein by reference the general statement and objections stated above as though fully set forth herein. Responding Party objects to this Request for Production of Documents insofar as it is not reasonably calculated to lead to the discovery of admissible evidence. Responding Party objects to this Request for Production of Documents to the extent it assumes facts not in evidence or otherwise assumes any legal conclusion. Responding Party objects to this Request for Production of Documents to the extent it seeks information protected by the attorney/client privilege and attorney work product doctrine. Responding Party objects to this Request for Production of Documents as it violates Responding Party's Constitutional right to privacy and the Constitutional right to privacy of third parties. Without waiving said objections, Responding Party responds as follows:

Responding Party has no documents responsive to this Request for Production.

REQUEST FOR PRODUCTION NO. 3

"All receipts for payments made regarding the 'Deposition of Plaintiff Jose DeCastro' scheduled for January 25, 2023."

RESPONSE TO REQUEST FOR PRODUCTION NO. 3

Responding Party incorporates herein by reference the general statement and objections stated above as though fully set forth herein. Responding Party objects to this Request for Production of Documents insofar as it is not reasonably calculated to lead to the discovery of admissible evidence. Responding Party objects to this Request for Production of Documents to

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9663 Santa Monica Blvd., Suite 458
Beverly Hills, California 90210
(310) 990-4348

the extent it assumes facts not in evidence or otherwise assumes any legal conclusion. Responding Party objects to this Request for Production of Documents to the extent it seeks information protected by the attorney/client privilege and attorney work product doctrine. Responding Party objects to this Request for Production of Documents as it violates Responding Party's Constitutional right to privacy and the Constitutional right to privacy of third parties. Without waiving said objections, Responding Party responds as follows:

Responding Party has no documents responsive to this Request for Production.

REQUEST FOR PRODUCTION NO. 4

"All receipts for refunds made regarding the 'Deposition of Plaintiff Jose DeCastro' scheduled for January 25, 2023."

RESPONSE TO REQUEST FOR PRODUCTION NO. 4

Responding Party incorporates herein by reference the general statement and objections stated above as though fully set forth herein. Responding Party objects to this Request for Production of Documents insofar as it is not reasonably calculated to lead to the discovery of admissible evidence. Responding Party objects to this Request for Production of Documents to the extent it assumes facts not in evidence or otherwise assumes any legal conclusion. Responding Party objects to this Request for Production of Documents to the extent it seeks information protected by the attorney/client privilege and attorney work product doctrine. Responding Party objects to this Request for Production of Documents as it violates Responding Party's Constitutional right to privacy and the Constitutional right to privacy of third parties. Without waving said objections, Responding Party responds as follows:

Responding Party has no documents responsive to this Request for Production.

DATED: March 8, 2024

THE LAW OFFICES OF
R. PAUL KATRINAK

R. Paul Katrinak
Attorneys for Defendant
Michael Pierattini

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

VERIFICATION

I have read the foregoing Defendant Michael Pierattini's Response To Plaintiff Jose DeCastro's Request For Production Of Documents, Set No. 2, and know its contents. I am a party to this action. The matters stated in the foregoing document, as they concern me, are either true of my own personal knowledge or I am informed and believe and on that ground state that they are true.

I verify under penalty of perjury that the foregoing is true and correct.

Executed on March 8, 2024

Michael Pierattini

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Beverly Hills, California 90210
(310) 990-4348

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(310) 990-4348

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 March 8, 2024, I served the foregoing document(s) described as:

DEFENDANT MICHAEL PIERATTINI'S RESPONSE TO PLAINTIFF JOSE DECASTRO'S REQUEST FOR PRODUCTION OF DOCUMENTS, SET NO. 2

on the interested parties to this action addressed as follows:

Jose DeCastro
1258 Franklin Street
Santa Monica, CA 90404
chille@situationcreator.com

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

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

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

Executed March 8, 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

Exhibit B

Gmail **Paul Katrinak <katrinaklaw@gmail.com>**

Notice and Motion for Sanctions and to Compel attached

Paul Katrinak <katrinaklaw@gmail.com> Fri, Mar 15, 2024 at 2:10 PM
To: Chille DeCastro <chille@situationcreator.com>

Dear Mr. DeCastro,

You gave me until today to respond to your meet and confer letter. Attached is the response to your letter. If you filed this Motion, immediately withdraw it or I will seek sanctions. This is blatantly not meeting and conferring in good faith. Your Motion is completely frivolous. This whole situation is really tiresome.

Very Truly Yours,

Paul Katrinak
[Quoted text hidden]
--
Paul Katrinak
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9663 Santa Monica Blvd., 458
Beverly Hills, California 90210
Tel: (310) 990-4348
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PIERATTINI 3.15.24 M&C Letter.pdf
129K

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R. Paul Katrinak, Esq.
Direct: (310) 990-4348
Fas: (310) 921-5398
E-mail: katrinaklaw@gmail.com

March 15, 2024

VIA E-MAIL

Jose DeCastro
1258 Franklin St.
Santa Monica, CA 90404
chille@situationcreator.com

Re: Plaintiff's Meet and Confer Letter Sent on March 11, 2024 in *Jose DeCastro v. Katherine Peter, et al.,* Case No. 23SMCV00538

Dear Mr. DeCastro:

I am in receipt of the meet and confer letter sent on March 11, 2024 regarding the responses to your second set of requests for production. Upon reviewing the letter, it is apparent that you did not actually bother researching the law as it applies to our responses to your improper requests for production. In fact, you did not even bother to draft "your" own letter at all. The letter you sent is just a copy of the meet and confer letter I sent to you on January 12, 2024 with only minor changes.

You did not try to hide the fact that "your" letter is just a modified copy of the letter I previously sent you. You refer to yourself in "your" letter as "my client," and "we." You leave in sentences such as "the attorney-client privilege does not apply to you as an In Pro Per party," "You are the plaintiff," and "You must have some basis to be suing my client." You leave in entire legal arguments that are completely inapplicable to the responses we provided to your requests for production. You even kept the exact same formatting and structure.

Frankly, it is insulting that you would send such a blatantly copied letter to me. This is not a proper attempt to meet and confer. The legal arguments you copied from my original letter do not even apply in this situation. This is clearly another attempt to waste time and run up my client's legal fees.

I. THE RESPONSES AND OBJECTIONS WERE TIMELY

Although you do not discuss this in "your" meet and confer letter, your claim in your email sent on March 14, 2024 that "any objections are untimely" is incorrect and again displays your complete and utter lack of understanding of the discovery timing rules. A response to

requests for production is due 30 days after service of the requests. Cal Code Civ Proc § 2031.260(a). **Service of the requests by email extends the deadline to respond by two calendar days. Code Civ. Proc. § 1010.6(a)(3)(B)**.

You served the requests for production at issue on February 5, 2024 by email. Therefore, based on the 30-day response deadline plus two additional days based on email service, the deadline to serve a timely response was on March 8, 2024. As you know, the responses and objections were served on March 8, 2024. **Therefore, the responses were timely and there is no waiver of objections**.

II. THE RESPONSES WERE PROPER

In "your" letter, you claim that the responses provided to your second set of requests for production were somehow "improper" and that we claim to be "exempt from producing even a single responsive document." Although these statements were true in the original letter you copied from, they do not apply here. As noted in Brown & Weil, California Practice Guide: Civil Procedure Before Trial (2023 update) (and in "your" letter) the response must be as follows:

> **Content:** The party to whom the CCP § 2031.010 demand is directed must respond separately to each item in the demand by one of the following:
>
> • **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
>
> • **Representation of inability to comply:** A statement that the party lacks the ability to comply with the particular demand; or
>
> • **Objections:** An objection to all or part of the demand. [CCP § 2031.210(a)]

Civ. Pro. Before Trial, § 8:1469.

As you are aware, we provided specific responses to each of your requests. While these responses were made subject to certain objections, specific responses were still provided to each request. Additionally, "your" letter did not address the specific objections you take issue with. As you saw in our January 12, 2024 letter (which, again, you copied verbatim), we specifically addressed each of your frivolous objections. In "your" letter, you did not address our legal and proper objections, making it impossible for us to properly meet and confer on the objections.

A. Response to Request for Production No. 1

Our response to your request for "All COMMUNICATIONS between YOU and Your attorney(s) regarding the scheduling or planning of the 'Deposition of Plaintiff Jose DeCastro' scheduled for January 25, 2023" is proper. So far as such communications may exist, any communication between Mr. Pierattini and his attorneys regarding the scheduling or planning of a deposition would be protected, as such communications are confidential communication

between client and lawyer protected by the attorney-client privilege as defined by Cal. Evid. Code §§ 950 et seq. Put another way, you are requesting communications which, by definition, are privileged.

When asserting claims of privilege or attorney work product protection, the objecting party must provide "sufficient factual information" to enable other parties to evaluate the merits of the claim. *Lopez v. Watchtower Bible & Tract Soc. Of New York, Inc.* (2016) 246 Cal.App.4th 566, 596-597. Here, you have been provided with sufficient factual information to evaluate the merits of the privilege claim. Frankly, *any* communication responsive to this request would be protected by the privilege, making a privilege log unnecessary. A California Appeals court nicely summarized the extent of the privilege:

> "The attorney-client privilege, one of the oldest recognized, allows a client to refuse to disclose, and to prevent others from disclosing, confidential communications with an attorney. (Evid. Code, § 954.) The 'fundamental purpose behind the privilege is to safeguard the confidential relationship between clients and their attorneys **so as to promote full and open discussion of the facts and tactics surrounding individual legal matters**.' (*Mitchell v. Superior Court* (1984) 37 Cal.3d 591, 599 [208 Cal.Rptr. 886, 691 P.2d 642].) The privilege is absolute ...." (*People v. Bell* (2019) 7 Cal.5th 70, 96, 246 Cal.Rptr.3d 527, 439 P.3d 1102.) It "prevents disclosure of the communication regardless of its relevance, necessity or other circumstances peculiar to the case." (*Kerner v. Superior Court* (2012) 206 Cal.App.4th 84, 111, 141 Cal.Rptr.3d 504.)

Carroll v. Commission on Teacher Credentialing (2020) 56 Cal.App.5th 365, 380 (emphasis added). Your request for obviously privileged information is improper, and we properly objected to it.

B. <u>Response to Request for Production Nos. 2-4</u>

Our responses to these three requests were specific and complete. While these responses were made subject to certain objections, specific responses were still provided to each request. The fact is that there are **no documents responsive to these three requests**. The fact that you are not satisfied with such a response because it does not fit your fantastical narrative of some great conspiracy against you does not change the fact that documents responsive to this request **do not exist**.

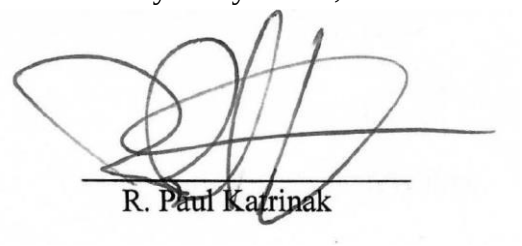
III. <u>CONCLUSION</u>

As explained above, the responses to your second set of requests for production were timely and proper. Frankly, you have no basis to file a motion to compel further responses, and your threat to do so is not well taken. Your requests were frivolous, and any attempt at compelling further responses would be just as frivolous, and would be another example of your goal to drag this out and run up my client's legal costs as much as possible. If you file such a motion, I will seek sanctions against you for your continued abuse of the discovery process.

Additionally, I want to emphasize that your blatant copying of the meet and confer letter I previously sent is not well taken. The point of the meet and confer requirement is to address specific issues as they arise. By copying the meet and confer letter which I sent you and which was drafted regarding a completely separate set of issues, you have made your lack of seriousness in this matter even clearer. I will not waste further time responding to legal arguments I wrote.

This letter is not intended, nor should it be construed, as a full recitation of all of the facts in this matter. Additionally, this letter is written without waiver or relinquishment of all of my client's rights or remedies, all of which are hereby expressly reserved.

Very Truly Yours,



R. Paul Katrinak

EXHIBIT C

Law Offices of
R. PAUL KATRINAK
9663 Santa Monica Blvd., No. 458
Beverly Hills, California 90210

R. Paul Katrinak, Esq.
Direct: (310) 990-4348
Fas: (310) 921-5398
E-mail: Katrinaklaw@gmail.com

January 12, 2024

VIA E-MAIL

Jose DeCastro
1258 Franklin St.
Santa Monica, CA 90404
chille@situationcreator.com

Re: Plaintiff's Discovery Objections in *Jose DeCastro v. Katherine Peter, et al.*
Case No. 23SMCV00538

Dear Mr. DeCastro:

We are in receipt of your "responses" to our discovery requests sent to you on December 11, 2023. Your "responses" are completely improper. Specifically, your "responses" to our special interrogatories, requests for admission, and requests for production of documents consist primarily of improper objections and contain virtually no responsive information. You are the Plaintiff. You presumably had some evidence to sue my client. You have not provided a shred of evidence or information and you Complaint is devoid of any allegations against my client, which I have repeatedly pointed out to you. You cannot simply refuse to participate in discovery by hiding behind dozens of inappropriate objections. This is not how the discovery process works, and your actions are completely prejudicing my client.

Your outrageous non-responses to discovery, especially in light of your ambiguous Complaint, is sanctionable.

I. YOUR IMPROPER OBJECTIONS

As an initial matter, I want to clarify some of the law as it relates to your objections to our discovery.

A. Relevance, Materiality, Propriety, and Admissibility

Your general objections regarding relevance, materiality, propriety, and admissibility are not well taken. As explained in Brown & Weil, *California Practice Guide: Civil Procedure Before Trial,* The Rutter Group (2017 update) (hereafter "Brown & Weil"):

[8:36] Right to Discovery Liberally Construed: Courts have construed the discovery

> statutes broadly, so as to *uphold the right to discovery wherever possible.* [*Greyhound Corp. v. Sup.Ct. (Clay)* (1961) 56 C2d 355, 377-378, 15 CR 90, 100 (decided under former law); *Emerson Elec. Co. v. Sup.Ct. (Grayson)* (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)]
>
> [8:37] For example, even where the statutes require a showing of "good cause" to obtain discovery (e.g., for court-ordered mental examinations), this term is *liberally* construed—to permit, rather than to prevent, discovery wherever possible. [*Greyhound Corp. v. Sup.Ct. (Clay)*, supra, 56 C2d at 377-378, 15 CR at 100]

On the issue of relevance, Brown & Weil adds:

> **[8:66] "Relevant to Subject Matter":**
>
> **[8:66.1] Purpose** The first and most basic limitation on the scope of discovery is that the information sought must be relevant to the "subject matter" of the pending action or to the determination of a motion in that action. [CCP § 2017.010] The phrase "subject matter" does not lend itself to precise definition. It is *broader* than relevancy to the *issues* (which determines admissibility of evidence at trial). [*Bridgestone/Firestone, Inc. v. Sup.Ct. (Rios)* (1992) 7 CA4th 1384, 1392, 9 CR2d 709, 713]
>
> [8:66.1] **Purpose:** For discovery purposes, information should be regarded as "relevant to the subject matter" if it might reasonably assist a party in *evaluating* the case, *preparing* for trial, or facilitating *settlement* thereof. [*Gonzalez v. Sup.Ct. (City of San Fernando)* (1995) 33 CA4th 1539, 1546, 39 CR2d 896, 901 (citing text); *Lipton v. Sup.Ct. (Lawyers' Mut. Ins. Co.)* (1996) 48 CA4th 1599, 1611, 56 CR2d 341, 347 (citing text); *Stewart v. Colonial Western Agency, Inc.* (2001) 87 CA4th 1006, 1013, 105 CR2d 115, 120 (citing text)]

The objections are improper and are not well taken. As explained in Brown & Weil in relation to the phrase "reasonably calculated":

> "This phrase is more helpful in defining the scope of permissible discovery. It makes it clear that discovery extends to any information that reasonably might lead to other evidence that would be admissible at trial. Thus, the scope of permissible discovery is one of *reason, logic and common sense*. [*Lipton v. Sup.Ct. (Lawyers' Mut. Ins. Co.)* (1996) 48 CA4th 1599, 1611, 56 CR2d 341, 348 (citing text)]". *Id.* at 8:70.

B. <u>The policy is to favor discovery</u>

The policy is to favor discovery, as Brown & Weil explains:

> [8:71] **Policy favoring discovery:** The "relevance to the subject matter" and "reasonably calculated to lead to discovery of admissible evidence" standards are applied *liberally.* Any doubt is generally resolved in favor of *permitting* discovery, particularly where the

> precise issues in the case are not yet clearly established. [*Colonial Life & Acc. Ins. Co. v. Sup.Ct. (Perry)* (1982) 31 C3d 785, 790, 183 CR 810, 813, fns. 7-8].

That leading treatise adds:

> [8:72] **"Fishing trips" permissible:** Lawyers sometimes make the objection that opposing counsel are on a "fishing expedition." But this is *not* a valid ground for refusal to make discovery. The plain and simple answer is that "fishing expeditions" are expressly authorized by statute—i.e., the Discovery Act provides for discovery of matters "reasonably calculated to *lead* to discovery of admissible evidence." [CCP § 2017.010 (emphasis added); see *Greyhound Corp. v. Sup.Ct. (Clay)* (1961) 56 C2d 355, 384, 15 CR 90, 104—"The method of 'fishing' may be, in a particular case, entirely improper ... But the possibility that it may be abused is not of itself an indictment of the fishing expedition *per se*"; see also *Gonzalez v. Sup.Ct. (City of San Fernando)* (1995) 33 CA4th 1539, 1546, 39 CR2d 896, 901].

C. <u>Attorney-Client Privilege Objections</u>

In many of your responses, you object on grounds of attorney-client privilege. As an initial point, the attorney-client privilege does not apply to you as an In Pro Per party. Attorney-client privilege requires "a confidential communication between client and lawyer." Evid. Code, § 954. You cannot communicate with yourself.

Additionally, when asserting claims of privilege or attorney work product protection, the objecting party must provide "sufficient factual information" to enable other parties to evaluate the merits of the claim, including a privilege log. *Lopez v. Watchtower Bible & Tract Soc. Of New York, Inc.* (2016) 246 Cal.App.4th 566, 596-597. You must be prepared to explain why this objection is applicable to *every individual* discovery request.

In addition, you must prepare a privilege log that identifies each document withheld in response to the discovery requests and the specific privilege claimed. You have not produced a single document, so presumably, this privilege log would be extensive. The information in the privilege log must be sufficiently specific to allow a determination of whether each withheld document is or is not in fact privileged. As further explained in Brown & Weil, a privilege log is required for discovery that is being held back on privilege:

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

> [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, date of preparation, and the *specific* privilege or work product protection claimed. [*Hernandez v. Sup.Ct. (Acheson Indus., Inc.)* (2003) 112 CA4th 285, 291-292, 4 CR3d 883, 888-889, fn. 6; see CCP § 2031.240(c)(2)—Legislative intent to codify concept of privilege log "as that term is used in California case law"]
>
> "The information in the privilege log must be sufficiently specific to allow a determination of whether each withheld document is or is not [in] fact privileged." [*Wellpoint Health Networks, Inc. v. Sup.Ct. (McCombs)* (1997) 59 CA4th 110, 130, 68 CR2d 844, 857; see *Catalina Island Yacht Club v. Sup.Ct. (Beatty)* (2015) 242 CA4th 1116, 1130, 195 CR3d 694, 704 & fn. 5—privilege log deficient due to failure to describe documents or contents (other than noting they were emails with counsel) since not all communications with attorneys are privileged]

FORM: Privilege Log, *see Form 8:26.2* in Rivera, *Cal. Prac. Guide: Civ. Pro. Before Trial FORMS* (TRG).

Furthermore, a privilege log is due with the objections, Brown & Weil states on the timing:

> The Code seems to indicate that if a privilege log is "necessary" to enable other parties to evaluate the merits of a privilege or work product claim, it must be provided by the objecting party *with the response* to the § 2031.010 inspection demand (i.e., at the time the objection is made). [See CCP § 2031.240(c)(1)—if objection is based on privilege or work product claim, "the response shall provide … including, if necessary, a privilege log"] Id. at 1474.6.

D. Your Attempts to Deftly Evade Discovery are Sanctionable

The way you seek to deftly word what responses you will or will not produce is improper. The law is plain that deftly worded attempts to evade discovery are improper. *Deyo v. Kilbourne* (1978) 84 CA3d 771, 783, 149 CR 499, 509.

II. YOUR IMPROPER DISCOVERY RESPONSES

A. Responses to Special Interrogatories

Each answer in an interrogatory response must be "as complete and straightforward as the information reasonably available to the responding party permits." CCP §§ 2030.220(a) and (b). "[A party] cannot plead ignorance to information which can be obtained from sources under his control." *Deyo v. Kilbourne* (1978) 84 Cal. App. 3d 771, 783; *Regency Health Services, Inc. v. Sup.Ct.* (Settles) (1998) 64 Cal. App. 4th 1496, 1504. Your responses to these special interrogatories are neither complete nor straightforward. In fact, you did not respond at all to the special interrogatories. Here are the specific issues on the special interrogatories:

Objections Common to Special Interrogatories Nos. 1-35:

Your "premature contention" objections to the first 35 interrogatories are absurd. You are the plaintiff. You filed this lawsuit. If you filed this outrageous lawsuit against my client with no evidence, you are subject to a malicious prosecution action. You cannot claim that the interrogatories are "premature" because they were properly sent during the discovery period. Therefore, you must withdraw these objections so that your responses are made without improper limitations.

Your "equally (or more) available to Pierattini" objections to the first 35 interrogatories is without merit and improper. These 35 interrogatories seek facts, witnesses, and documents from you that support your outrageous allegations against my client. You cannot make such allegations and then refuse to respond to discovery with supporting evidence for such allegations based on the false and unsubstantiated assertion that such evidence is potentially available to my client. Contrary to your false assertion, these interrogatories seek information that is *solely* available to you, and you must respond by providing the information sought. Therefore, you must withdraw these objections so that your responses are made without improper limitations.

Your "not self-contained" objections to the first 35 interrogatories are without merit. Each interrogatory we requested is full and complete in and of itself as required by California Code Civ. Proc. § 2030.060(d). Each interrogatory specifically references a claim or allegation made in the complaint and does not require you to refer to the complaint itself to understand what information is being requested. There are no general or ambiguous references to the complaint, and the use of paragraph numbers in each interrogatory serves solely to supplement the specific quotes from the Complaint. Therefore, you must withdraw these outrageous and meritless objections and answer the interrogatories.

Objections Common to the "Fact" and "Document" Special Interrogatories:

Your objections to the interrogatories seeking identification of facts or documents as "unduly burdensome" are without merit. Specifically, your claim that these interrogatories are unduly burdensome because of an alleged "long history of defendant … harming Plaintiff" makes no sense and is completely improper given that you have alleged no facts, nor have you provided any evidence, of my client allegedly harming you over any period of time. Therefore, you must withdraw these objections.

You also object to these special interrogatories by stating that they "will require a continuing duty to supplement." Such objections have no legal basis and are without merit, as these interrogatories simply require you to provide the facts and identify the documents *currently* available to you. The interrogatories do not impose on you a continuing duty to supplement your responses, so long as your responses are correct and complete. Therefore, these interrogatories do not run afoul of California Code Civ. Proc. § 2030.060(g). You must withdraw these ridiculous objections and provide responses.

Objections to the "Witness" Special Interrogatories:

Your objections to the interrogatories seeking identification of witnesses based on your alleged "lack of personal knowledge" defy logic. Frankly, it is absurd for you to state that you have no personal knowledge of any witnesses to support *your* ridiculous claims and allegations against my client. If you are attempting to state that you cannot identify any witnesses as requested by the interrogatories at issue, then you must respond as such in a complete and straightforward manner, and not through an improper objection. You must withdraw these objections.

Objections to Special Interrogatories Nos. 36-187:

Your objections to these interrogatories because the "number of interrogatories [was] exceeded" is without merit. Under § 2030.040 of the California Code of Civil Procedure, a party may exceed the 35-interrogatory limit set by § 2030.030 so long as the party seeking additional discovery attaches a supporting declaration as described in § 2030.050. The special interrogatories we propounded were delivered to you with such a declaration attached. You filed an ambiguous and unintelligible Complaint that contains numerous unsupported allegations. We are entitled to what information you have concerning these absurd allegations. If you have none, then dismiss your complaint.

Furthermore, these interrogatories are not "frivolous" or "duplicative," nor do they require an "undue burden" to answer. These interrogatories directly address your allegations against my client. The number of interrogatories directly correlates to the complexity of the case and the large number of allegations you have made against my client. You must withdraw these objections and provide complete responses without objection.

B. Responses to Requests for Admission

The Requests for Admission are simple and do not warrant objections. Absent an objection, a response to a request for admission must contain an admission, a denial, or a statement claiming inability to admit or deny. Code of Civ. Proc. § 2033.220. The responding party is required to undertake a good faith obligation to investigate sources reasonably available to him or her in formulating responses.

Responses to Requests for Admission Nos. 11, 12, and 13:

For the three requests for which you have rewritten the question, that is improper. Your responses to these requests are insufficient based on the requirements of California Code of Civ. Proc. § 2033.220. You must either admit, deny, or provide a statement claiming inability to admit or deny. If you provide such a statement, you must also state that a reasonable inquiry was made to obtain sufficient information. Here, you did not answer according to these requirements. You must amend your responses to properly respond to these requests.

Request 11 states "Admit that PIERATTINI does not run a "troll channel" on YouTube where he harasses people." Your response is: "Denied as to whether Pierattini has run a troll channel on YouTube where he harasses people during the time of the action. Plaintiff does not

have enough information to otherwise respond as to the current status." This response does not answer the request for admission. You have a duty to investigate when you respond to these requests. That means you have a duty to go to whatever channel you claimed was a troll channel and see whether you believe it exists and whether you believe it is still a troll channel. You cannot say that you do not have enough information because it would be easy for you to verify. You claim that there was a troll channel which means you have allegedly viewed it already. So why can you not go view it again? This is certainly part of your obligation to answer this request. It is easy to say whether a YouTube channel exists. And it is easy to say who runs it because it is available on YouTube. If you took up a basic investigation, you could answer this request.

Request 12 states "Admit that PIERATTINI does not pretend to be a private investigator." Your response is: "Denied as to whether Pierattini has pretended to be a private investigator in the past. Plaintiff does not have enough information to otherwise respond as to the current status." This response does not answer the request for admission. My client does not pretend to be a private investigator. However, you claim to have facts to say that he did so "in the past" yet you cannot take the steps required to determine whether he is allegedly doing so now? What is the basis for that? You have a duty to investigate when you do these responses.

Request 13 states "Admit that PIERATTINI does not pretend to be a military police officer." Your response is: "Denied as to whether Pierattini has pretended to be a military police officer. Plaintiff does not have enough information to otherwise respond as to the current status." This response does not answer the request for admission. My client does not pretend to be a military officer. However, you claim to have facts to say that he did so previously yet you cannot take the steps required to determine whether he is allegedly doing so now? What is the basis for that? You have a duty to investigate when you do these responses.

For the requests that you did not respond to at all, see below as to why your objections lack merit.

<u>Objections Common to Requests for Admission Nos. 19 and 22-27</u>:

You objected to these requests with the same improper and lengthy objection which states as follows:

> 1) 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 request requires Plaintiff to have information which Plaintiff does not have in hi [sic] records and which is not within the knowledge of Plaintiff's employees, agents, and others of whom Plaintiff has made reasonable inquires;

These rambling and completely improper objections are absurd and without merit. Simply put, you are the plaintiff in this litigation, and you made the decision to sue my client under various causes of action. Apparently, you have no evidence or information to sue my client. If you do not have sufficient information to respond to these requests for admission, which are fully based on your allegations against my client, then you must dismiss your claims against my client.

Additionally, your objections that "admission or denial of the matter requested would result in the disclosure of information protected by the attorney-client-privilege" is completely improper and is without merit. You are personally suing. There is no attorney-client privilege. As discussed above, the attorney-client privilege does not apply to you as an In Pro Per plaintiff. Furthermore, even if such a privilege existed, a proper response to each request for admission, as described in California Code of Civ. Proc. § 2033.220, would not result in the disclosure of any allegedly protected information.

"Compound and Conjunctive" Objections:

Your objections that requests 19 and 26 are "compound and conjunctive" are without merit. Request 26 quotes and refers to specific allegations you have made. Request 19 is neither compound nor conjunctive. You cannot refuse to respond to these requests based on the fact that they quote your own words, nor can you refuse to respond to them by falsely claiming that they are compound or conjunctive. You must withdraw these frivolous objections and provide a complete response without objection.

"Matters Outside the Question" Objections:

Your objection that Request 19 refers to matters outside the question by referring to the complaint is without merit. This request is full and complete in and of itself as required by California Code Civ. Proc. § 2033.060(d). This request specifically references an allegation made in the complaint and does not require you to refer to the complaint itself to understand what admission is being requested. There are no general or ambiguous references to the complaint. Therefore, you must withdraw this objection.

Your objections that Requests 24 and 25 refer to matters outside the question are completely improper and is without merit. On these requests, you repeatedly write "alleged where?" even though we are referencing specific allegations you made in the complaint. You cannot feign ignorance when each request is full and complete in and of itself as required by California Code Civ. Proc. § 2033.060(d). Therefore, you must withdraw these objections so that your responses are made without improper limitations.

Relevance Objections:

Your relevance objection to request 19 is without merit. As discussed extensively in Sections I(A) and I(B) above, the scope of discovery is extremely broad and allows for discovery reasonably calculated to *lead* to the discovery of admissible evidence. You do not have the right to arbitrarily proclaim that a request is "irrelevant" for purposes of discovery and then refuse to respond to that request. Notably, the request you objected to as irrelevant is derived directly from assertions *you* made in your complaint, making it directly relevant to this lawsuit. Therefore, you must withdraw this objection and answer the Request without objection.

Objections to Requests for Admission Nos. 36-76:

Your objections to these requests because the "number of requests [was] exceeded" are without merit. Under § 2033.040 of the California Code of Civil Procedure, a party may exceed

the 35-request limit set by § 2033.030 so long as the party seeking additional discovery attaches a supporting declaration as described in § 2033.050. The requests for admission we propounded were delivered to you with such a declaration attached. Therefore, your objections are invalid, and you cannot refuse to answer these additional interrogatories.

Furthermore, these requests are not "frivolous" or "duplicative," nor do they require an "undue burden" to answer. These requests directly address your allegations in your Complaint against my client. The number of requests directly correlates to the complexity of the case and the large number of allegations you have made against my client. You must withdraw these meritless objections and answer without objection.

C. Responses to Requests for Production of Documents

The Response Required for a Request for Production of Documents:

Your "responses" to our document requests are completely improper. As explained in Brown & Weil, your response needs to be one of the following:

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

Remarkably, you are in essence claiming that every single document request we have served is fully objectionable, and that you are therefore exempt from producing even a single responsive document. This position is outrageous and is an affront to the discovery process. We are entitled to your production of the requested documents. If you want to claim that only part of an item or category demanded is objectionable, your response must contain an agreement to comply with the remainder, or a representation of inability to comply. CCP § 2031.240(a) (General objections to the entire request are unauthorized and constitute discovery misuse; see ¶ 8:1071 (dealing with interrogatories).) Id. at 8:1469.

Brown & Weil explains as to what constitutes compliance:

[8:1471] What constitutes "compliance": Documents must be produced either:

- as they are kept in the usual course of business, or
- sorted and labeled to correspond with the categories in the document demand. CCP § 2031.280(a).

No documents have been produced by you. It is outrageous that you have refused to produce even a single document. You are the plaintiff. You filed this frivolous lawsuit. If you have any responsive documents in your possession, custody, or control, you must produce the documents.

Additionally, many of your objections are completely improper and do not fall within the strict requirements of California Code Civ. Proc. § 2031.240(2) which states that objections must "[s]et forth clearly the extent of, and the specific ground for, the objection." One specific series of objections stands out as completely improper: your objections to requests 2-81, which state "After a diligent search and reasonable inquiry, the responsive documents cannot be produced as they have never existed, have been destroyed, have been lost, misplaced, or stolen. Responding party believes that Pierattini has possession, custody, or control of the responsive documents."

This repeated objection fails to clearly state the extent of and specific grounds for the objection, instead opting for a "see-what-sticks" approach. You cannot state that the responsive documents were either destroyed, lost, misplaced, stolen, or never existed. You must be specific. Furthermore, your repeated assertion that you "believe" my client has possession of the responsive documents is absurd given that the requests seek documents solely in your possession. If you truly do not have any documents to respond to these requests for production, which are fully based on your allegations against my client, then you *must* dismiss your claims against my client.

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

Your objections that each request is "cumulative, duplicative, overbroad, or unduly burdensome in that it places no limitation on the relevant time frame or the events relating to the subject matter of the litigation" are not well taken. Unless otherwise specified, the relevant period encompasses the time during which your allegations against my client occurred up until the present day, the entirety of which is fully relevant to this litigation. Additionally, as discussed extensively in Sections I(A) and I(B) above, the scope of discovery is extremely broad and allows for discovery reasonably calculated to lead to the discovery of admissible evidence. You do not have the right to arbitrarily proclaim that a request is somehow unrelated to the subject matter of the litigation and then refuse to respond to that request. You must withdraw these objections so that your responses and production are made without improper limitations.

Your objections that each request "calls for the disclosure of information protected from discovery by the attorney-client privilege" are completely improper and are without merit. As discussed above, the attorney-client privilege does not apply to you as an In Pro Per plaintiff. If for some reason such a privilege applies, you must be prepared to explain why the privilege is applicable to *each individual* request. In addition, and as discussed extensively above, you must prepare a privilege log that identifies each document withheld in response to the discovery requests and the specific privilege claimed. You have not produced a single document, so presumably, this privilege log would be extensive. The information in the privilege log must be sufficiently specific to allow a determination of whether each withheld document is or is not in fact privileged. You must withdraw these objections and answer without objection.

Your objections that each request is objectionable because "[i]t seeks proprietary information that is a trade secret" are not well taken. Since the requests do not suggest or imply that you must produce documents containing your alleged "trade secrets" or other confidential information, this objection is unnecessary and baseless. Additionally, a protective order is in

place, so this objection is moot. On the contrary, these requests seek documents that support your allegations against my client. If you refuse to provide such supporting documents during the discovery period, then you must dismiss your case against my client based on a complete lack of evidence. It is not our job to build your case for you while you lob outrageous allegations at my client. You must withdraw these objections, respond properly, and produce all documents in your possession, custody and control.

Your objections that each request is objectionable because "[i]t seeks ESI that is not reasonably accessible to the Plaintiff and Plaintiff will not proceed without an agreement of costs" are without merit. You are the plaintiff. You have to produce documents. For you to claim that all of the responsive documents are "not reasonably accessible" to you is outrageous. Communications you have had are accessible to you. Emails you have sent and received are accessible to you. The videos you have made are accessible to you. The list goes on. You cannot claim that *all* responsive documents are difficult-to-access ESI, and then refuse to provide any responsive documents. If you truly do not have any documents to respond to these requests for production, which are fully based on your allegations against my client, then you must dismiss your claims against my client. Otherwise, you must withdraw these objections and produce documents forthwith.

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

Your objections that all but the first request are "so vague and ambiguous that Plaintiff cannot in good faith determine the scope of the request" are without merit. Frankly, the requests are very specific as to the information they seek. Each request we proffered designates the documents to be produced either by specifically describing each document or by reasonably particularizing each category of document. as required by California Code Civ. Proc. § 2031.030. Some of them, such as requests 16, 17, 18, and 19, even go so far as to specify the exact document or item being sought. You must withdraw these objections, provide a proper response and produce any documents that you have forthwith.

Relevance and Scope Objections:

Your relevance and scope objections to requests 1, 3, 14-17, 20-81 are without merit. As discussed extensively in Sections I(A) and I(B) above, the scope of discovery is extremely broad and allows for discovery reasonably calculated to lead to the discovery of admissible evidence. You do not have the right to arbitrarily proclaim that a request is "irrelevant" and/or "beyond the scope of discovery" and then refuse to respond to that request. Additionally, you cannot improperly refuse to answer a special interrogatory, and then state that your improper answer to that interrogatory makes a related request for production irrelevant (as you did with requests 20-81). Therefore, you must withdraw these objections, provide a proper response and produce documents forthwith.

By way of this letter, we hereby demand that you comply with the California discovery statutes and produce all responsive documents and provide proper responses no later than 12:00 p.m. on Friday, January 19, 2024. If you do not promptly withdraw your objections and provide proper responses to our discovery requests, we will file motions to compel your responses to our discovery requests and seek monetary sanctions. Your gamesmanship and outrageous conduct in this matter concerning discovery warrants the imposition of substantial attorney's fees as sanctions.

I look forward to complete responses, without objection, and the production of documents from you. You are the plaintiff. You must have some basis to be suing my client. If you do not, dismiss my client forthwith.

This letter is not intended, nor should it be construed, as a full recitation of all of the facts in this matter. Additionally, this letter is written without waiver or relinquishment of all of my client's rights or remedies, all of which are hereby expressly reserved.

Very Truly Yours,

R. Paul Katrinak