

REED SMITH LLP
A limited liability partnership formed in the State of Delaware

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12
13 **UNITED STATES DISTRICT COURT**

14 **CENTRAL DISTRICT OF CALIFORNIA**

15 MATTHEW R. WALSH,

16 Plaintiff,

17 vs.

18 ROKOKO ELECTRONICS, and
19 DOES 1 through 50, inclusive,

20 Defendant.

Case No.: 2:25-CV-5340

[Removal from Superior Court of California,
County of Los Angeles, Case No.
25STCV13828]

[Diversity of Citizenship]

**NOTICE OF REMOVAL OF CIVIL
ACTION UNDER 28 U.S.C. §§ 1332 AND
1441(b)**

[Filed concurrently with (1) Civil Cover Sheet;
(2) Corporate Disclosure Statement and Notice
of Interested Parties; and (3) Declaration of
Mikkel Overby]

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1 TO THE CLERK OF THE UNITED STATES DISTRICT COURT FOR THE
2 CENTRAL DISTRICT OF CALIFORNIA:

3 PLEASE TAKE NOTICE that Defendant Rokoko Electronics (“Rokoko”) hereby removes
4 to this Court the state court action described below, and hereby gives notice of its removal of the
5 above-captioned action, currently pending in the Superior Court of Los Angeles, California, to the
6 United States District Court for the Central District of California. As set out more fully below, this
7 case is a civil action over which this Court has jurisdiction pursuant to 28 U.S.C. § 1332, and is one
8 that may be removed to this Court pursuant to 28 U.S.C. § 1441(b) because it is a civil action between
9 citizens of different states and the amount in controversy exceeds \$75,000. In compliance with 28
10 U.S.C. § 1446(a), Rokoko asserts the following grounds for removal:

11 **BACKGROUND**

12 1. Plaintiff Matthew Walsh (“Plaintiff”) filed a Complaint (“Complaint”) on or about May
13 12, 2025 in the Superior Court of California, County of Los Angeles, entitled *Matthew R. Walsh v.*
14 *Rokoko Electronics, Does 1-50, inclusive*, at Case No. 25STCV13828 (the “State Court Action”). A
15 true and correct copy of the Complaint filed in the State Court Action is attached hereto as **Exhibit 1**
16 (“Exh. 1”).

17 2. On May 14, 2025, Rokoko was served with a copy of the Summons and Complaint in
18 the State Court Action. A true and correct copy of the Service of Process Transmittal is attached hereto
19 as **Exhibit 2** (“Exh. 2”).

20 3. Copies of the docket from the State Court Action, as well as all other documents that
21 have been filed in the State Court Action, are attached hereto as **Exhibit 3** (“Exh. 3”).

22 4. This action arises from a dispute regarding Plaintiff’s claim for damages due to
23 allegations of tortious interference, fraud, intellectual property theft, breach of warranty, and related
24 claims.

25 5. As more fully set forth below, this case is properly removed to this Court pursuant to
26 28 U.S.C. § 1441 because there is federal jurisdiction on diversity grounds. This is an action between
27 citizens of different states in which the amount in controversy exceeds \$75,000. Rokoko has satisfied
28 the procedural requirements for removal set forth in 28 U.S.C. § 1446. In filing this Notice of Removal,

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1 Rokoko reserves all defenses.

2 **I REMOVAL IS PROPER BASED ON DIVERSITY OF CITIZENSHIP**

3 6. The State Court Action may be removed to the United States District Court in
4 accordance with 28 U.S.C. § 1441(b), since this District Court has original jurisdiction over the State
5 Court Action on the basis of diversity of citizenship pursuant to 12 U.S.C. § 1332. Specifically, the
6 State Court Action is a civil action between citizens of different states and the amount in controversy
7 exceeds the sum of \$75,000.00.

8 **A. There is Complete Diversity of Citizenship**

9 7. In order to qualify for diversity of citizenship jurisdiction, all of the named plaintiffs’
10 citizenships must be completely diverse from all the named defendants’ citizenships, excluding
11 nominal, fraudulent and/or sham defendants. *See Grupo Dataflux v. Atlas Global Group, LP*, 541 U.S.
12 567, 571 (2004). Here, there is complete diversity of citizenship.

13 **1. Plaintiff’s Citizenship**

14 8. Plaintiff alleges that he “is Los Angeles-based.” Exh. 1, p. 3:9. Since Plaintiff’s
15 Complaint, which is a part of the state court record, alleges that Plaintiff’s permanent residence is in
16 California, Plaintiff is deemed to be domiciled in California, and is therefore a citizen of California
17 for diversity purposes. *See Lew v. Moss*, 797 F.2d 747, 749-50 (9th Cir. 1986) (a person is domiciled
18 in a location where he or she has established a fixed habitation or abode in a particular place, and
19 intends to remain there permanently or indefinitely, such as the location of “real property”). Therefore,
20 Plaintiff is a citizen of California for purposes of diversity jurisdiction.

21 **2. Rokoko’s Citizenship**

22 9. Plaintiff wrongfully asserts that Rokoko is a “California Corporation with an advertised
23 principal office in San Francisco.” Exh. 1, pp. 2:7-8.

24 10. Rokoko is a Delaware Corporation with its principal place of business in Copenhagen,
25 Denmark. This is demonstrated by the Declaration of Rokoko’s COO and CFO, Mikkel Overby, as
26 well as Rokoko’s certified Articles of Incorporation and Certificate of Good Standing in Delaware,
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1 attached hereto as **Exhibit 4**. (“Exh. 4”).¹ Therefore, Rokoko is a citizen of Delaware for purposes of
2 diversity jurisdiction. *See Strotek Corp. v. Transp. Ass’n of Am.*, 300 F.3d 1129, 1132 (9th Cir. 2002)
3 (noting that “actual citizenship controls -- not the plaintiff’s mistaken allegations.”).

4 **3. Defendant DOES 1 through 50’s Citizenship**

5 11. Upon information and belief, Does 1-50 have not been named or served, and thus their
6 consent is not required. *See* 28 U.S.C. § 1441(b)(1) (“In determining whether a civil action is
7 removable on the basis of the jurisdiction under section 1332(a) of this title, the citizenship of
8 defendants sued under fictitious names shall be disregarded.”).

9 12. Because no defendant has the same citizenship as Plaintiff, complete diversity of
10 citizenship exists.

11 **B. The Amount in Controversy Requirement is Satisfied**

12 13. The threshold amount associated with diversity jurisdiction is \$75,000. 28 U.S.C. §
13 1332(a). While Rokoko denies that Plaintiff is entitled to any relief, it is apparent on the face of the
14 Complaint that Plaintiff seeks more than \$5.6 million in damages. Exh. 1, pp. 78-79. In addition to
15 monetary damages, Plaintiff also seeks restitution, statutory damages, punitive damages, reasonable
16 attorney’s fees and costs. *See id.*

17 14. Generally, “[t]he amount in controversy is determined from the allegations or prayer
18 of the complaint.” *Schwarzer, Tashima & Wagstajfe, Fed. Civ. Proc. Before Trial* (2009), ¶ 2:450
19 (citing *St. Paul Mercury Indem. Co., v. Red Cab Co.*, 303 U.S. 283, 289 (1938), which held that an
20 inability to recover an amount adequate to give the court jurisdiction does not oust the court of
21 jurisdiction). Removal is proper if, from the allegations in the Complaint and the Notice of Removal,
22 it is more likely than not that the claims exceed \$75,000. *Sanchez v. Monument Life Ins. Co.*, 102 F.3d
23 398, 403-04 (9th Cir. 1996). In determining whether the jurisdictional minimum is met, courts consider
24 all recoverable damages, including emotional distress damages, punitive damages, statutory penalties,
25 and attorneys’ fees. *Hunt v. Washington State Apple Advertising Comm’n*, 432 U.S. 333 (1977); *Galt*
26 *G/S v. JSS Scandinavia*, 142 F.3d 1150, 1155-56 (9th Cir. 1998). The State Court Action is one in
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28 ¹ The Articles of Incorporation and Certificate of Good Standing are attached to Mikkel Overby’s
Declaration as **Exhibits A and B**, respectively.

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1 which the alleged amount in controversy plainly exceeds the sum or value of \$75,000, exclusive of
2 interest and costs.

3 15. Although Rokoko denies Plaintiff’s allegations, Plaintiff’s Complaint reflects that the
4 amount in controversy exceeds \$75,000, exclusive of interest and costs.

5 **II ROKOKO HAS SATISFIED THE PROCEDURAL REQUIREMENTS FOR**
6 **REMOVAL**

7 **A. Removal to This Court is Proper**

8 16. The Superior Court of California for the County of Los Angeles, in which the action
9 was originally filed, is located within the Central District of California where this Notice of Removal
10 is being filed. Thus, the Central District of California is the proper venue for this removal because it
11 is the “district and division embracing the place where such action is pending.” 28 U.S.C. § 1441(b);
12 *see also* 28 U.S.C. § 84(c)(2).

13 **B. The Procedural Requirements are Satisfied**

14 **1. Removal is Timely**

15 17. This Notice is timely in that it is being filed within thirty (30) days of Plaintiff’s service
16 of the Complaint. *See* Exh. 2; *see also* 28 U.S.C. § 1446(b)(1).

17 **2. No Co-Defendants Require Consent**

18 18. Pursuant to section 1441(a), “[w]hen a civil action is removed solely under section
19 1441(a), all defendants *who have been properly joined and served* must join in or consent to the
20 removal of the action.” 28 U.S.C. 1441(a) (emphasis added). As discussed above, the only other co-
21 defendants in this action are Does 1-100, who have not been named or served, and thus their consent
22 is not required. *See* 28 U.S.C. § 1441(b)(1) (“In determining whether a civil action is removable on
23 the basis of the jurisdiction under section 1332(a) of this title, the citizenship of defendants sued under
24 fictitious names shall be disregarded.”).

25 **3. Appropriate Notice Has Been Provided**

26 19. Rokoko will promptly serve Plaintiff and file with this Court its Notice of Removal to
27 All Adverse Parties, informing Plaintiff that this matter has been removed to federal court. *See* 28
28 U.S.C. §§ 1446(a), (d). Rokoko will also promptly file with the Clerk of the Superior Court of

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1 California, County of Los Angeles, and serve on Plaintiff a Notice to Clerk of Removal to Federal
2 Court, pursuant to 28 U.S.C. § 1446(d).

3 **4. Signature**

4 20. This Notice of Removal is signed pursuant to Fed. R. Civ. P. 11. See 28 U.S.C. §
5 1446(a).

6 21. Accordingly, all jurisdictional requirements for diversity removal are satisfied.

7 WHEREFORE, Defendant respectfully requests this case be removed from the Superior Court
8 of the State of California for the County of Los Angeles to the United States District Court for the
9 Central District of California, pursuant to 28 U.S.C. §§ 1332 and 1441(b).

10
11 Dated: June 12, 2025

12 REED SMITH LLP

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14 By: /s/ Katherine J. Ellena
15 Michael Galibois (pro hac vice forthcoming)
16 Katherine J. Ellena (SBN 324160)
Emily Graue (pro hac vice forthcoming)

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18 *Rokoko Electronics*
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