

1 Katherine J. Ellena (SBN 324160)
kellena@reedsmith.com
2 REED SMITH LLP
515 South Flower Street, Suite 4300
3 Los Angeles, CA 90071-1514
Telephone: +1 213 457 8000
4 Facsimile: +1 213 457 8080

5 Michael B. Galibois (*pro hac vice*)
mgalibois@reedsmith.com
6 Emily Graue (*pro hac vice*)
egraue@reedsmith.com
7 Reed Smith LLP
10 South Wacker Drive, 40th Floor
8 Chicago, IL 60606-7507
Telephone: +1 312 207 1000
9 Facsimile: +1 312 207 6400

10 *Attorneys for Defendant,*
Rokoko Electronics, *et al.*

11
12 **UNITED STATES DISTRICT COURT**
13 **CENTRAL DISTRICT OF CALIFORNIA**

14 MATTHEW R. WALSH

15 Plaintiff,

16 vs.

17 ROKOKO ELECTRONICS, and
DOES 1 through 50, inclusive,

18 Defendant.
19
20

Case No.: 2:25-cv-05340-ODW-RAO

[Assigned to Hon. Otis D. Wright, II,
Courtroom 5D; Hon. Rozella A. Oliver,
Courtroom 590]

**DECLARATION OF KATHERINE
ELLENA IN SUPPORT OF
DEFENDANT ROKOKO
ELECTRONICS' OPPOSITION TO
PLAINTIFF MATTHEW R.
WALSH'S MOTION FOR
RECONSIDERATION RE MOTION
TO COMPEL**

Date: November 24, 2025
Time: 1:30 p.m.
Place: Dept. 590

[Concurrently filed with Opposition to
Motion to Compel]

State Court Action Filed: May 12, 2025
Removal Date: June 12, 2025
Trial Date: None

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DECLARATION OF KATHERINE ELLENA

I, Katherine Ellena, declare:

1. I am an attorney with Reed Smith LLP and counsel for Defendant Rokoko Electronics (“Rokoko”). I have personal knowledge of the following facts and, if called as a witness, I could and would testify competently thereto.

2. I submit this declaration in support of Rokoko’s Opposition to Plaintiff Matthew R. Walsh’s (“Plaintiff,” and together with Rokoko, “Parties”) Motion to Extend Page Limitations for Motion for Summary Judgment (“Motion”)

3. A true and correct copy of the email correspondence between Plaintiff and Counsel for Rokoko on November 25, 2025 is attached hereto as **Exhibit A**.

I declare under penalty of perjury under the laws of the State of California and the United States that the foregoing is true and correct and that this declaration was executed on December 1, 2025, in Los Angeles, California.

/s/ Katherine J. Ellena

Katherine J. Ellena

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EXHIBIT A

Subject: FW: Walsh v. Rokoko Electronics

From: matthew@winteryear.com <matthew@winteryear.com>

Sent: Tuesday, November 25, 2025 12:02 PM

To: 'Ellena, Katherine J.' <KEllena@reedsmith.com>; 'Valencia, Heather R.' <HValencia@ReedSmith.com>

Cc: 'Galibois, Michael B.' <MGalibois@reedsmith.com>; 'Gorospe, Valentino' <VGorospe@reedsmith.com>; 'Graue, Emily H.' <EGraue@reedsmith.com>

Subject: RE: Walsh v. Rokoko Electronics

Checking back in.

Would you like to save your client time, money and aggravation and stipulate to a page limit extension; and you will also receive one for your opposition... or must I continue with a fully noticed motion?

Please let me know today.

Matthew R. Walsh

From: Matthew R. Walsh (Winteryear Studios) <matthew@winteryear.com>

Sent: Monday, November 24, 2025 12:37 PM

To: 'Ellena, Katherine J.' <KEllena@reedsmith.com>; 'Valencia, Heather R.' <HValencia@ReedSmith.com>

Cc: 'Galibois, Michael B.' <MGalibois@reedsmith.com>; 'Gorospe, Valentino' <VGorospe@reedsmith.com>; 'Graue, Emily H.' <EGraue@reedsmith.com>

Subject: Re: Walsh v. Rokoko Electronics

I was open to it but i gave a deadline to respond to the settlement letter by august 17. Defense decided to not respond, which i believe will continue to be a pattern so I am instead moving for summary judgment. I am not interested in dragging this on any longer. I feel confident i will prevail on all causes of action even without further discovery.

If you wish to hold a settlement conference, Rokoko needs to make a good faith attempt first to discuss terms and amounts with me prior. As of now, they have not engaged in any good faith settlement discussions and I'm unwilling to allow settlement to be used as a chess piece.

Either they wish to settle the matter or they dont. History and the lack of response by the last deadline suggests they do not.

Sent via [BlackBerry Hub+ Inbox for Android](#)

From: KEllena@reedsmith.com

Sent: November 24, 2025 11:56 AM

To: matthew@winteryear.com; HValencia@ReedSmith.com

Cc:MGalibois@reedsmith.com; VGorospe@reedsmith.com; EGraue@reedsmith.com

Subject: RE: Walsh v. Rokoko Electronics

Hi Matt –

Given that the Court has still not ruled on Rokoko's motion to dismiss and that the parties have only just begun discovery, we think the more productive use of the parties' time (and the Court's) at this juncture is to get a settlement conference scheduled with the Court like we discussed. Please let us know if you are agreeable to focusing the parties' efforts on that for the time being instead of additional motion practice.

Thanks,

Katherine J. Ellena | Senior Associate

kellena@reedsmith.com

ReedSmith LLP

515 Flower St., Suite 4300 | Los Angeles, CA 90071 | Direct: [213.457.8254](tel:213.457.8254) | Cell: [424.302.1476](tel:424.302.1476) | Reception:

[213.457.8000](tel:213.457.8000) | Fax: [213.457.8080](tel:213.457.8080)

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From:matthew@winteryear.com <matthew@winteryear.com>

Sent: Monday, November 24, 2025 11:51 AM

To: Ellena, Katherine J. <KEllena@reedsmith.com>; Valencia, Heather R. <HValencia@ReedSmith.com>

Cc: Galibois, Michael B. <MGalibois@reedsmith.com>; Gorospe, Valentino <VGorospe@reedsmith.com>; Graue, Emily H. <EGraue@reedsmith.com>

Subject: RE: Walsh v. Rokoko Electronics

External E-Mail - FROM matthew@winteryear.com <matthew@winteryear.com>

Disregard the voicemail and e-mail; I was under the impression it was to be a noticed motion which it is not. I am filing shortly.

From:matthew@winteryear.com <matthew@winteryear.com>

Sent: Monday, November 24, 2025 11:21 AM

To: 'Ellena, Katherine J.' <KEllena@reedsmith.com>; 'Valencia, Heather R.' <HValencia@ReedSmith.com>

Cc: 'Galibois, Michael B.' <MGalibois@reedsmith.com>; 'Gorospe, Valentino' <VGorospe@reedsmith.com>; 'Graue, Emily H.' <EGraue@reedsmith.com>

Subject: RE: Walsh v. Rokoko Electronics

Kat,

Pursuant to our meeting on October 30 regarding the Motion for Summary judgment; I am prepared to now move for summary judgment.

I intend on moving the Court for leave to extend the page limit.

Do you have any good cause in which you would oppose that motion or can we agree to allowing it and preserve both our and the Court's resources by filing a stipulation instead?

Thank you

Matthew R. Walsh

From: matthew@winteryear.com <matthew@winteryear.com>
Sent: Friday, November 14, 2025 12:45 PM
To: 'Ellena, Katherine J.' <KEllena@reedsmith.com>; 'Valencia, Heather R.' <HValencia@ReedSmith.com>
Cc: 'Galibois, Michael B.' <MGalibois@reedsmith.com>; 'Gorospe, Valentino' <VGorospe@reedsmith.com>; 'Graue, Emily H.' <EGraue@reedsmith.com>
Subject: RE: Walsh v. Rokoko Electronics

Kat,
I am checking back in regarding the settlement letter as the due date to respond was by the 17th.

Has your client made a decision?

Thanks
Mat

From: Ellena, Katherine J. <KEllena@reedsmith.com>
Sent: Tuesday, November 11, 2025 4:38 PM
To: Matthew R. Walsh (Winteryear Studios) <matthew@winteryear.com>; Valencia, Heather R. <HValencia@ReedSmith.com>
Cc: Galibois, Michael B. <MGalibois@reedsmith.com>; Gorospe, Valentino <VGorospe@reedsmith.com>; Graue, Emily H. <EGraue@reedsmith.com>
Subject: RE: Walsh v. Rokoko Electronics

Friday at 2 pm does not work for us. We are available between 9 am – 11 am. Let us know if that window works. As for our October 30th call, that was a meet and confer discussion regarding the Rule 26(f) topics. We did not discuss a disqualification motion, a motion to stay the case, a motion for sanctions or a new motion to compel during that October 30th call.

Katherine J. Ellena | Senior Associate
kellena@reedsmith.com

ReedSmith LLP

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From: Matthew R. Walsh (Winteryear Studios) <matthew@winteryear.com>
Sent: Tuesday, November 11, 2025 4:22 PM
To: Ellena, Katherine J. <KEllena@reedsmith.com>; Valencia, Heather R. <HValencia@ReedSmith.com>
Cc: Galibois, Michael B. <MGalibois@reedsmith.com>; Gorospe, Valentino <VGorospe@reedsmith.com>; Graue, Emily H. <EGraue@reedsmith.com>
Subject: Re: Walsh v. Rokoko Electronics

External E-Mail - FROM matthew@winteryear.com <matthew@winteryear.com>

Nice try, but, We did meet. October 30. Notification was filed with the court along with what we discussed as soon as the meeting ended. If you want to play this game again ill be forced to definitively prove your dishonestly before the court which you do not want.

My next step is a highly detailed side by side report along with video for the state bar. Ive had enough.

Further in my prior email, I asked to meet and confer for those motions forthcoming. That was my notice beginning your 10 day requirement to comply or i will file pursuant to the exception allowing me to do so due to your refusal.

I am now preparing to file for summary judgment as well.

Friday 2pm.

Sent via [BlackBerry Hub+ Inbox for Android](#)

From: KEllena@reedsmith.com
Sent: November 11, 2025 3:50 PM
To: matthew@winteryear.com; HValencia@ReedSmith.com
Cc: MGalibois@reedsmith.com; VGorospe@reedsmith.com; EGraue@reedsmith.com
Subject: RE: Walsh v. Rokoko Electronics

Mr. Walsh:

We can make ourselves available for a call on Friday though we remind you again of the Court's meet and confer requirements under Local Rules 37-1 and 37-2 (for any motions related to discovery) and FRCP Rule 11 (motions for sanctions). Until there has been compliance with those requirements, we do not believe a meet and confer on the topics that you have broadly outlined below is complete. In any event, please let us know what time works for you on Friday.

Thanks,

Katherine J. Ellena | Senior Associate
kellena@reedsmith.com

ReedSmith LLP

515 Flower St., Suite 4300 | Los Angeles, CA 90071 | Direct: [213.457.8254](tel:213.457.8254) | Cell: [424.302.1476](tel:424.302.1476) | Reception: [213.457.8000](tel:213.457.8000) | Fax: [213.457.8080](tel:213.457.8080)

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From: matthew@winteryear.com <matthew@winteryear.com>
Sent: Monday, November 10, 2025 10:43 PM
To: Valencia, Heather R. <HValencia@ReedSmith.com>
Cc: Ellena, Katherine J. <KEllena@reedsmith.com>; Galibois, Michael B. <MGalibois@reedsmith.com>; Gorospe, Valentino <VGorospe@reedsmith.com>; Graue, Emily H. <EGraue@reedsmith.com>
Subject: RE: Walsh v. Rokoko Electronics

External E-Mail - FROM matthew@winteryear.com <matthew@winteryear.com>

I request a meet and confer immediately.

I am moving for the following:

1. A motion to disqualify you as counsel.
2. A motion stay all discovery and/or the case entirely until the Court has ruled on the motions that may dispose of your involvement
3. Another sanctions motion
4. An additional motion to compel

I think that will cover it for now.

From: Valencia, Heather R. <HValencia@ReedSmith.com>

Sent: Monday, November 10, 2025 4:31 PM

To: matthew@winteryear.com

Cc: Ellena, Katherine J. <KEllena@reedsmith.com>; Galibois, Michael B. <MGalibois@reedsmith.com>; Gorospe, Valentino <VGorospe@reedsmith.com>; Graue, Emily H. <EGraue@reedsmith.com>

Subject: Walsh v. Rokoko Electronics

Good afternoon,

please see the attached document.

DEFENDANT ROKOKO ELECTRONICS' INITIAL DISCLOSURES

Thank you,

Heather Valencia

Assistant to Katherine J. Ellena

Reed Smith LLP

515 South Flower Street, Suite 4300

Los Angeles, CA 90071-1514

Direct [213.457.6458](tel:213.457.6458) | hvalencia@reedsmith.com

Main [213.457.8000](tel:213.457.8000) | Fax [213.457.8080](tel:213.457.8080)

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