

1 MATTHEW R. WALSH
2 19197 GOLDEN VALLEY RD #333
3 SANTA CLARITA, CA 91387
4 (661) 644-0012

5 Plaintiff In Pro Per,

6 **UNITED STATES DISTRICT COURT**
7 **CENTRAL DISTRICT OF CALIFORNIA**

MATTHEW R. WALSH
Plaintiff In Pro Per,

vs.

ROKOKO ELECTRONICS
(AND DOES 1 THROUGH 50,
INCLUSIVE)

Defendant

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

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

**NOTICE OF DEFENDANTS
REFUSAL TO CURE DEFECTIVE
DISCOVERY REQUESTS,
PLAINTIFFS INABILITY TO
RESPOND**

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10 **TO THE COURT, ALL PARTIES, AND THEIR COUNSEL OF RECORD,**
11 **PLEASE TAKE NOTICE** that Plaintiff respectfully submits this notice of non-
12 compliance with discovery rules. Plaintiff wishes to make a formal notice to the
13 Court as Defendant's have been demonstrated to perpetually make mis-statements
14 to the Court regarding the occurrence of various events. While filing yet another
15 document on the docket may create noise; Plaintiff believes it will pre-emptively
16 prevent any further motion practice.

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Plaintiff hereby notifies the Court that Defendant’s discovery requests are facially defective due to incorrect numbering and structural errors and therefore violate a litany of rules. Plaintiff will respond once properly served requests exist.

TIMELINE OF EVENTS

1. On November 3, 2025 Defendant served RFP’s and ROG’s.
2. On November 9, 2025 Plaintiff notified Defendant multiple times (Exhibit 2) that the discovery requests had invalid/duplicated numbering and would need to be fixed before he could answer them stating: *“your discovery that you sent me is noncompliant and violates L.R. 33-1/34-1 so I cannot accept improper documents as properly served. Please re-serve them and we will restart the clock.”*
 - a. Rather than even look at the documents, Defendant replied *“As for your statement that the discovery we propounded on you is not compliant with the Local Rules, that is not accurate. The discovery requests are sequentially numbered. There is no need to re-serve them.”*

35 b. Plaintiff once again notified them: *“As for your discovery documents,*
36 *I reject the service of improper documents. Consider them not*
37 *received.”*

- 38 3. On November 10, 2025 Defendant served initial disclosures.
- 39 4. On November 13, 2025 Plaintiff served his initial disclosures.
- 40 5. At no time after notification of the deficiency, has Defendant even looked at
41 the documents to determine if they are compliant or not.
- 42 6. At no time after notification has Defendant cured or re-served the non-
43 compliant documents.
- 44 7. Discovery responses are due today, November 3, 2025; and unfortunately –
45 Plaintiff cannot answer them due to Defendants unwillingness to cure their
46 documents.
- 47 8. The facially defective documents are in Exhibit 1.

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49 **VIOLATIONS OF RULES**

50 At a minimum, the discovery requests violate:

- 51 1. FRCP 34(b)(1)(A)–(C), discovery requests must be stated with reasonable
52 particularity and identify each item.
- 53 2. FRCP 26(g)(1) - certification that discovery requests are “complete and
54 correct as to the best of the signer’s knowledge”. They clearly are not.

- 55 3. L.R. 33-1, L.R. 34-1, L.R. 36-1 – “... *shall be numbered sequentially*
56 *without repeating the numbers used on any prior set of requests propounded*
57 *by that party.*”
- 58 4. FRCP 33(b)(1), 34(b)(2) & 36(a)(3) - each discovery request must clearly
59 correspond to one response
- 60 5. FRCP 37(a)(1) - requirement to meet and confer and cure defects before
61 moving to compel; Defendants have a duty to cure prior to the procession of
62 any action by the court.
- 63 6. L.R. 1-3, L.R. 83-7, L.R. 11-4.1 – Refusing to cure non-compliant discovery
64 after being notified of the defect implicates bad faith or unprofessional
65 conduct.

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67 **NO JOINT REPORT / ESI STIPULATION**

- 68 1. Lastly troubling, as Defendnat did not appear on time for the 26(f)
69 conference, refused to stipulate to a joint report and refused to engage in
70 stipulation of an ESI protocol; discovery of electronic information; and
71 production thereof is severely hindered.

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73 Plaintiff does not respond to any item contained in Defendant’s defective discovery
74 requests, because the requests were served as a set and as served are invalid and

75 non-compliant. Once Defendant serves corrected discovery, Plaintiff will respond
76 per rule.

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78 Executed this 3rd day of December, 2025, in Santa Clarita, California.

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Matthew R. Walsh
Plaintiff In Pro Per

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EXHIBIT 1

REED SMITH LLP
A limited liability partnership formed in

13 **REQUEST FOR PRODUCTION NO. 56:**

14 Documents Relating to work performed by You for the Department of Homeland
15 Security between January 1, 2009 to the present.

16 **REQUEST FOR PRODUCTION NO. 57:**

17 Documents Relating to Your work as an expert consultant, as referenced in Your
18 September 18, 2025 Supplemental Declaration, ECF No. 74, from January 1, 2009 to
19 the present.

20 **REQUEST FOR PRODUCTION NO. 58:**

21 Documents Relating to Your work as a testifying expert, as referenced in Your
22 September 18, 2025 Supplemental Declaration, ECF No. 74, from January 1, 2009 to

23 **REQUEST FOR PRODUCTION NO. 52:**

24 Expert reports prepared by You in any matter in which You have been retained
25 as a testifying expert, as referenced in Your September 18, 2025 Supplemental
26 Declaration, ECF No. 74, from January 1, 2009 to the present, including without
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DEFENDANT ROKOKO ELECTRONICS' FIRST SET OF REQUESTS FOR PRODUCTION TO
PLAINTIFF MATTHEW R. WALSH

1 limitation Your engagement as an expert witness in the action captioned *Fay Latture v.*
2 *Emmerling, Reed, Friefeld, and Keves.*

3 **REQUEST FOR PRODUCTION NO. 53:**

4 Transcripts from any testimony You have provided in any matter in which You
5 have been retained as a testifying expert, as referenced in Your September 18, 2025
6 Supplemental Declaration, ECF No. 74, from January 1, 2009 to the present, including
7 without limitation Your engagement as an expert witness in the action captioned *Fay*

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EXHIBIT 2

RE: Rokoko - Joint Rule 26(f) Report.docx



matthew@winteryear.com

To: 'Ellena, Katherine J.'

Cc: 'Galibois, Michael B.'; 'Graue, Emily H.'; 'Gorospe, Valentino'

Gorospe, Valentino <vgorospe@freedomhill.com>

Subject: RE: Rokoko - Joint Rule 26(f) Report.docx



11/9/2025

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

I would never agree to that ESI protocol.

Statements like this "If a database or other source of structured data contains responsive information, the parties should promptly meet and confer to determine a mutually-agreeable format for review and/or production of the responsive data." Are just designed to slow this process down and stonewall further.

I want things as native files, in their original format, as they are; untouched and untampered with. No exceptions. Your Exhibit A and Exhibit B are not going to cut it. No intermediary file formats.

Also, your discovery that you sent me is noncompliant and violates L.R. 33-1/34-1 so I cannot accept improper documents as properly served. Please re-serve them and we will restart the clock.

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RE: Rokoko - Joint Rule 26(f) Report.docx



matthew@winteryear.com
To 'Ellena, Katherine J.'
Cc 'Galibois, Michael B.'; 'Graue, Emily H.'; 'Gorospe, Valentino'



11/9/2025

From: Ellena, Katherine J. <KEllena@reedsmith.com>
Sent: Sunday, November 9, 2025 11:13 AM
To: matthew@winteryear.com
Cc: Galibois, Michael B. <MGalibois@reedsmith.com>; Graue, Emily H. <EGraue@reedsmith.com>; Gorospe, Valentino <VGorospe@reedsmith.com>
Subject: RE: Rokoko - Joint Rule 26(f) Report.docx

Matt –

If you want to meet and confer over the ESI Protocol, please suggest some times that you are available this week.

As for your statement that the discovery we propounded on you is not compliant with the Local Rules, that is not accurate. The discovery requests are sequentially numbered. There is no need to re-serve them.

Thanks,

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

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RE: Rokoko - Joint Rule 26(f) Report.docx



matthew@winteryear.com
To 'Ellena, Katherine J.'
Cc 'Galibois, Michael B.'; 'Graue, Emily H.'; 'Gorospe, Valentino'



11/9/2025

I have made my position very clear. My ESI protocol is vividly transparent and fair to both sides. I get that your client doesn't want much of anything produced whatsoever and wants to essentially create a choke-point to ensure what I get is limited, but that's not really going to happen here. I have prepared argument for the Court with high-profile cases in which my ESI protocol is fairly standard; if not a little overboard in terms of reducing burden on each parties by making production highly simple.

As for your discovery documents, I reject the service of improper documents. Consider them not received.

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