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5 Plaintiff In Pro Per,

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

MATTHEW R. WALSH

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

Plaintiff In Pro Per,

Before: Hon. Otis D. Wright II
Courtroom 5D

vs.

ROKOKO ELECTRONICS
(AND DOES 1 THROUGH 50,
INCLUSIVE)

Hearing Date: January 26, 2025
Hearing Time: 1:30 PM

Defendant

**NOTICE OF MOTION AND
MOTION FOR SANCTIONS**

Concurrently filed with:
Walsh Decl. re: Corridor Digital Harassment,
Walsh Decl. re: Defamation on the Record,
Walsh Decl. re: Defendants Rule 37 Letter,
Walsh Decl. re: Discovery Obstruction,
Walsh Decl. re: Dual Reality Statements,
Walsh Decl. re: Fabricated and Invalid Caselaw,
Walsh Decl. re: False Statements,
Walsh Decl. re: Falsified Evidence,
Walsh Decl. re: Forged Signatures,
Walsh Decl. re: Missed Deadlines,
Walsh Decl. re: Personal Decls. Drafted By Others,
Walsh Decl. re: Spoliation of Nerve-Center Evidence,
Walsh Decl. re: Spoliation,
Walsh Decl. re: Wikipedia Harassment

8
9 **TO THE HONORABLE COURT, THE CLERK OF THE COURT AND ALL**
10 **PARTIES AND THEIR ATTORNEYS OF RECORD PLEASE TAKE**
11 **NOTICE:**

12 Plaintiff respectfully moves the Court for sanctions against Defendant
13 Rokoko Electronics and its counsel Reed Smith LLP Violating: Federal Rule of
14 Civil Procedure 37 and the Court’s inherent power. This Motion is based on this
15 Notice of Motion, the accompanying Memorandum of Points and Authorities,
16 attached Declarations and Exhibits, the record in this action, and any argument the
17 Court may hear.

19
20 **CERTIFICATION OF MEET AND CONFER**

21
22 Pursuant to Local Rule 7-3, the parties met and conferred on December 16, 2025,
23 for approximately one hour regarding **only** this motion for sanctions. Defendant
24 indicated they would oppose.

26
27 **MEMORANDUM OF POINTS AND AUTHORITIES**

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INTRODUCTION

46 Plaintiff moves for sanctions against defendant Rokoko Electronics and their
 47 Counsel, ReedSmith for multiple layers of misconduct. In addition, Plaintiff
 48 respectfully apologizes to the Defendants, their Counsel and the Court for his prior
 49 emotionally charged writing which has corrected and will maintain moving
 50 forward. Plaintiff submits this Motion in accordance with the Central District’s

51 Civility and Professionalism Guidelines; which he diligently studied and hereby
52 cites throughout as “*CACD C&P.G.*”

53 **BACKGROUND**

54 This motion has been slowly written and amended over 6 months. It is not
55 intended to be a kitchen sink motion and is not being filed with haste.

56 The Defendant and their Counsel have simply acted in ways that Plaintiff
57 believes are ultra vires and Plaintiff moves the Court to hold them accountable.
58 Regrettably this motion contains a bevy of accusations, which by a pro se may be
59 disfavored, however, the evidentiary material speaks for itself and stands on it’s
60 own even without the motion. Further, the legal standards are well researched.

61 This motion is the latest iteration of the prior denied motion which asked for
62 Rule 11 sanctions. Plaintiff does not believe the conduct within can be cured by
63 Defendant whatsoever, and so Rule 11 would be an inapplicable use. In the prior
64 motion, Defendants did not actually deny a single accusation (Dkt #76). They
65 simply implemented one of two responses to every accusation (1) “belied by the
66 record” and (2) “unfounded” while also declaring “*even if...[it were the case]*”. In
67 the prior motion, Defendant failed to rebut a single point and provided no counter-
68 evidence.

69 **LEGAL STANDARDS**

70

- 71 1. **FRCP 1** -- Requires the rules to be construed and administered to secure the
72 just, speedy, and inexpensive determination of every action.
- 73 2. **FRCP 5(d)(3)** -- Governs electronic filing and signing requirements for papers
74 filed with the court.
- 75 3. **FRCP 7(b)** -- Requires motions to state with particularity the grounds and relief
76 sought.
- 77 4. **FRCP 16(b)** -- Authorizes scheduling orders and enforcement of court-set
78 deadlines.
- 79 5. **FRCP 16(c)** -- Permits courts to manage pretrial matters and control the course
80 of litigation.
- 81 6. **FRCP 16(f)** -- Authorizes sanctions for failure to obey scheduling or pretrial
82 orders.
- 83 7. **FRCP 26(c)** -- Allows protective orders to prevent abuse, oppression, or undue
84 burden in discovery.
- 85 8. **FRCP 26(e)** -- Requires timely supplementation or correction of discovery
86 responses.
- 87 9. **FRCP 26(f)** -- Mandates a discovery planning conference and cooperative case
88 management.
- 89 10. **FRCP 26(f)(2)** -- Requires parties to submit a joint discovery plan/report.

- 90 11. **FRCP 26(g)** -- Certifies discovery is complete, correct, and not interposed for
91 improper purpose.
- 92 12. **FRCP 26(g)(1)** -- Imposes attorney certification obligations on discovery
93 responses.
- 94 13. **FRCP 26(g)(1)(B)(ii)** -- Prohibits discovery used to harass, delay, or needlessly
95 increase costs.
- 96 14. **FRCP 26(g)(3)** -- Authorizes sanctions for improper discovery certifications.
- 97 15. **FRCP 34(b)(2)** -- Requires timely, specific, and complete responses to
98 document requests.
- 99 16. **FRCP 34(b)(2)(B)** -- Requires objections to be stated with specificity.
- 100 17. **FRCP 34(b)(2)(C)** -- Requires production to be stated clearly or explained if
101 withheld.
- 102 18. **FRCP 37(a)(1)** -- Requires good-faith meet-and-confer before discovery
103 motions.
- 104 19. **FRCP 37(b)** -- Authorizes sanctions for failure to comply with court discovery
105 orders.
- 106 20. **FRCP 37(c)(1)** -- Bars use of undisclosed information and authorizes sanctions.
- 107 21. **FRCP 37(e)** -- Governs sanctions for spoliation of electronically stored
108 information.
- 109 22. **FRCP 45(d)(1)** -- Prohibits undue burden or obstruction in subpoena practice.

110 23.**FRCP 56(c)(4)** -- Requires affidavits and declarations to be based on personal
111 knowledge.

112 24.**FRCP 83(a)(2)** -- Limits enforcement of local rules absent notice or
113 consistency with federal rules.

114 25.**FRCP 83(b)** -- Allows courts to regulate practice using inherent authority.

115 26.**28 U.S.C. § 1746** -- Permits unsworn declarations under penalty of perjury in
116 lieu of affidavits.

117 27.**28 U.S.C. § 1927** -- Authorizes sanctions for attorneys who unreasonably and
118 vexatiously multiply proceedings.

119 28.**Local Rule 7-3** -- Requires pre-filing meet-and-confer efforts for motions.

120 29.**Local Rule 26-1** -- Governs joint discovery reports and scheduling compliance.

121 30.**Local Rule 37-1** -- Requires discovery disputes to be preceded by a conference
122 of counsel.

123 31.**Local Rule 37-2** -- Governs motions to compel and discovery enforcement
124 procedures.

125 32.**Central District of California Civility and Professionalism Guidelines** --
126 Require honest, cooperative, and non-abusive litigation conduct.

127 33.**Johnson v. Dunn, 2:21-cv-01701-AMM (N.D. Ala. 2025)** -- Holds that
128 fabricating legal authority is serious misconduct warranting serious sanctions,
129 especially in the AI-misuse context.

130 **34. Rivera v. Drake, 767 F.3d 685, 687 (7th Cir. 2014)** -- Explains that the
131 judicial system cannot function if lying has no consequence beyond losing a
132 case that never would have survived had the truth been told.

133 **35. Sun World, Inc. v. Lizarazu Olivarría, 144 F.R.D. 384, 390 (E.D. Cal. 1992)**
134 -- Supports terminating sanctions where a party commits fraud on the court and
135 lesser sanctions are inadequate or unlikely to stop the misconduct.

136 **36. Am. Rena Int'l Corp. v. Sis-Joyce Int'l Co., 2015 WL 12732433, at *46**
137 **(C.D. Cal. Dec. 14, 2015)** -- Recognizes the court's authority to impose strong
138 sanctions (including severe/terminating relief) for fraud on the court and
139 litigation-integrity abuses.

140 **37. N. Illinois Telecom, Inc. v. PNC Bank, N.A., 850 F.3d 880, 884 (7th Cir.**
141 **2017)** -- Warns that the threat of sanctions can be abused as an intimidation
142 tactic and should not be weaponized to harass or drive up costs.

143 **38. Rush v. McDonald's Corp., 966 F.2d 1104 (7th Cir. 1992)** -- States that
144 threats of sanctions should not be used to bully or intimidate an opponent.

145 **39. Wood v. New Orleans Nat'l Collection Serv., Inc., No. 95-1201, 1995 WL**
146 **686744, at *4 (E.D. La. Nov. 17, 1995)** -- Holds that using Rule 11 threats as a
147 litigation tactic is improper and a court will not tolerate sanction motions as
148 intimidation.

149 **40. Butler v. Biocore Med. Techs., Inc., 348 F.3d 1163 (10th Cir. 2003) –**
150 (Forgery) Finds it improper for pro hac vice counsel to sign local counsel’s
151 name and emphasizes compliance with signature and local-practice rules.

152 **41. Dassault Systèmes, SA v. Childress, No. 09-10534, 2013 WL 12181775, at**
153 ***3 (E.D. Mich. Sept. 5, 2013) --** (Discovery) Holds defective/overlapping
154 numbering and ambiguity in RFAs can justify protective relief and that a party
155 need not answer improperly framed requests.

156 **42. Stones v. Boys Republic, No. CV 06-8010 ODW (SHX), 2008 WL 11338535,**
157 **at *2 (C.D. Cal. Mar. 11, 2008) --**(Discovery) Holds failure to produce
158 document as ordered constitutes sufficient prejudice to justify terminating
159 sanctions.

160 **43. Stones v. Boys Republic, No. CV 06-8010 ODW (SHX), 2008 WL 11338535,**
161 **at *3 (C.D. Cal. Mar. 11, 2008) --** (Discovery) Finds willful disregard for
162 discovery rules and court orders supports dismissal/terminating sanctions to
163 prevent continued waste of resources.

164 **44. Computer Task Group, Inc. v. Brothby, 364 F.3d 1112, 1115 (9th Cir. 2004)**
165 **--** (Discovery) Reiterates that failure to comply with discovery orders can
166 support severe sanctions when prejudice is shown.

167 **45. *Adriana Int’l Corp. v. Thoeren*, 913 F.2d 1406, 1412 (9th Cir. 1990) --**
168 (Discovery) terminating sanctions for willful disobedience of discovery orders
169 and repeated discovery abuse.

170 **46. *A. Farber & Partners, Inc. v. Garber*, 234 F.R.D. 186, 188 (C.D. Cal. 2006)**
171 -- (Discovery) boilerplate/generalized objections are improper and effectively
172 no objection at all, especially without supporting evidence.

173 **47. *Dominguez v. City of Rialto*, No. 5:23-CV-1790-ODW-SPX, 2025 WL**
174 **819064, at *5 (C.D. Cal. Jan. 17, 2025) –** (Discovery) Reaffirms boilerplate
175 “overly burdensome/harassing” objections are improper absent evidentiary
176 support.

177 **48. *McGarity v. Experian Info. Sols., Inc.*, No. 8:24-CV-02100-FWS-AS, 2025**
178 **WL 506695, at *2 (C.D. Cal. Feb. 13, 2025) --** (Discovery) Finds failure to
179 meet and confer, file a Rule 26(f) report, and meet court deadlines can halt a
180 case and undermines the policy favoring merits disposition.

181 **49. *Bank of Am., N.A. v. Federalguarantee Mortg. Co.*, No. 3:04CV392, 2007**
182 **WL 952016, at *1 (W.D.N.C. Mar. 27, 2007) --** States that failure to obey
183 discovery orders (including Rule 26(f) orders) permits “just” sanctions up to
184 default judgment under Rule 37.

185 **50. *Leon v. IDX Sys. Corp.*, 464 F.3d 951, 958 (9th Cir. 2006) --** Explains
186 sanctions for spoliation may be imposed under Rule 37 and/or the court’s

187 inherent power; terminating sanctions require deliberate deceptive practices
188 undermining proceedings.

189 **51. Anheuser-Busch, Inc. v. Natural Beverage Distribs., 69 F.3d 337, 348 (9th**
190 **Cir. 1995)** -- Holds terminating sanctions are appropriate where deliberate
191 deception undermines the integrity of judicial proceedings.

192 **52. Pray v. M/Y NO BAD DAYS, 303 F. App'x 563, 564 (9th Cir. 2008)** --
193 Affirms terminating sanctions where noncompliance was not beyond the party's
194 control and the district court properly applied the governing factors.

195 **53. Michaels v. M/Y No Bad Days, No. CV06-1185-ODW, 2007 WL 9735013,**
196 **at *4 (C.D. Cal. Aug. 28, 2007)** -- States terminating sanctions under inherent
197 power are permissible for bad-faith conduct or willful disobedience of court
198 orders.

199 **54. Jorgensen v. Cassidy, 320 F.3d 906, 912 (9th Cir. 2003)** -- Discusses that
200 sanctions are appropriate where noncompliance is within the party's control
201 (not beyond it).

202 **55. Yourish v. Cal. Amplifier, 191 F.3d 983, 990 (9th Cir. 1999)** -- Provides the
203 factors courts consider when imposing terminating sanctions for failure to
204 comply with court orders/prosecution obligations.

205 **56. Fink v. Gomez, 239 F.3d 989, 993 (9th Cir. 2001)** -- Holds sanctions under
206 §1927 and/or inherent power are available for reckless conduct by counsel that

207 multiplies proceedings and reflects bad faith (or conduct tantamount to bad
208 faith).

209 **57. In re Girardi, 611 F.3d 1027, 1067 (9th Cir. 2010)** -- Recognizes substantial
210 sanctions are warranted where attorneys knowingly use falsehoods and
211 vexatiously multiply proceedings at great expense.

212 **58. Gregg v. Am. Coll. of Med. Genetics & Genomics, No. 3:22-01218-MGL,**
213 **2023 WL 2047504, at *4 (D.S.C. Feb. 16, 2023)** -- (Defamation) States core
214 defamation elements: false statement plus defamatory meaning (tending to harm
215 reputation and deter association).

216 **59. Blatty v. New York Times Co., 42 Cal. 3d 1033, 1044, 1046 (1986)** --
217 (Defamation) Explains the “of and concerning” requirement and that plaintiffs
218 must show the statement expressly or by reasonable implication refers to them

219 **60. Bartholomew v. YouTube, LLC, 17 Cal. App. 5th 1217, 1231 (2017)** –
220 (Defamation) Holds the plaintiff must show at least one third person understood
221 the statement to concern the plaintiff for defamation/publication.

222 **61. Neary v. Regents of Univ. of California, 185 Cal. App. 3d 1136, 1147 (1986)**
223 -- (Defamation) States publication requires communication of defamatory
224 matter to a third party who understands its defamatory meaning and
225 applicability.

226 **62. Dickinson v. Cosby, 37 Cal. App. 5th 1138, 1161 (2019) – (Defamation)**

227 Holds “of and concerning” may be met where a reasonable trier of fact could
228 conclude a challenged statement refers to the plaintiff, including by implication
229 in context.

230 **63. Miserendino v. Cai, 2023 N.Y. Slip Op. 04031 (4th Dep’t July 28, 2023) --**

231 (Defamation) Defines defamation per se where statements charge a serious
232 crime or tend to injure a person in their profession or business.

233 **64. Federal Rule of Evidence 602 --** Requires witness testimony to be based on

234 personal knowledge supported by evidence sufficient to find such knowledge.

235

236

ARGUMENT

237 For the following reasons, Plaintiff seeks sanctions:

238 **1. LITIGATION MISCONDUCT AFFECTING CASE DIRECTION**

239 **1. AI-FABRICATED CASELAW**

240 ***a. Violating: [Rule 1, Rule 7(b), Rule 16(f), ABA Model Rules***

241 ***1.1, 3.3 & 8.4, Courts Inherent Power.]***

242 **b.** Defendant filed multiple letters, e-mails and briefings which

243 rely on fabricated or non-existent legal authorities (See Dkt. 77;

244 Dkt. 82; Dkt. 97) then sent a Rule 11 safe harbor letter

245 threatening sanctions if the evidence of their use was not
246 withdrawn.

247 c. Defendant’s declared they would oppose the filings or seek s
248 sanctions multiple times and never attempted (Dkt #86, p.3,
249 L.35; see also “*Walsh Decl. Re: Fabricated and Invalid*
250 *Caselaw*”)

251 d. **LEGAL STANDARDS:**

252 i. (Johnson v. Dunn, 2:21-cv-01701-AMM (N.D. Ala.
253 2025)) also [*“Fabricating legal authority is serious*
254 *misconduct that demands a serious sanction. In the*
255 *court’s view, it demands substantially greater*
256 *accountability than the reprimands and modest fines that*
257 *have become common as courts confront this form of AI*
258 *misuse”*] (Rivera v. Drake, 767 F.3d 685, 687 (7th Cir.
259 2014)) (See, generally, Opp'n; Def'ts Second Fees Suppl.
260 Opp'n.); see also Sun World, 144 F.R.D. at 390
261 (terminating sanctions issued without alternative
262 sanctions considered where litigant “*committed a fraud*
263 *on the court*” by submitting fabricated evidence and
264 “*there is no sign of repentance or any indication that this*

265 *pattern of behavior would cease if this case were allowed*
266 *to proceed”*) (Am. Rena Int'l Corp. v. Sis-Joyce Int'l Co.,
267 2015 WL 12732433, at *46 (C.D. Cal. Dec. 14, 2015))
268 ii. *“When a [Defendant] invokes those powers in a civil*
269 *case, it puts machinery in gear that can be powerful,*
270 *intimidating, and often expensive. Those powers and*
271 *machinery can be abused by litigants... such as to*
272 *harass, cause unnecessary delay, or needlessly increase*
273 *the cost of litigation... Rule 11 quickly became a favorite*
274 *weapon in litigators’ briefcases, often used and even*
275 *more often brandished to threaten”* (N. Illinois Telecom,
276 Inc. v. PNC Bank, N.A., 850 F.3d 880, 884 (7th Cir.
277 2017))
278 *“The threat of sanctions should not be used as a means*
279 *of “bullying” an opponent. (Rush v. McDonald's Corp.,*
280 *966 F.2d 1104 (7th Cir.1992)). The court cannot and will*
281 *not tolerate turning a Rule 11 motion into a method of*
282 *intimidation. Moreover, using the threat of sanctions as a*
283 *litigation tactic is specifically prohibited”* (*Wood v. New*

284 *Orleans Nat'l Collection Serv., Inc., No. CIV. A. 95-1201,*
285 *1995 WL 686744, at *4 (E.D. La. Nov. 17, 1995))*

286 **2. PERSONAL DECLARATIONS AUTHORED BY OTHERS**

287 *a. Violating: [28 U.S.C. § 1746, FRCP 83(b), ABA Model Rules*
288 *1.1, 3.3 & 8.4, Courts Inherent Power]*

289 **b. OVERBY DECLARATION** - Defendant submitted
290 declarations drafted by counsel and rubber-stamped within 90
291 seconds by Mikkel Overby who claimed under penalty of
292 perjury he wrote it and that it was executed in Copenhagen,
293 DocuSign records show both to be false; Defendant perjured
294 themselves in admissions. (See “*Walsh Decl. Re: Personal*
295 *Declarations Drafted By Others*” – & Ex. 13, Ex. 15; see also
296 Dkt. 62, attachment 1).

297 **c. KATHERINE J. ELLENA DECLARATION** – Defense
298 Counsel submitted a personal declaration which was not
299 actually authored by lead attorney Katherine J. Ellena, but
300 instead by her associate Emily Graue, containing hearsay from
301 Emily’s perspective, who placed Katherine’s signature for her
302 prior to filing (Exhibit’s 13, 15), (See “*Walsh Decl. Re:*
303 *Personal Declarations Drafted By Others*”)

304 **d. LEGAL STANDARDS:**

- 305 i. FRE Rule 602 “*A witness may testify to a matter only if*
306 *evidence is introduced sufficient to support a finding that*
307 **the witness has personal knowledge of the matter.**
308 *Evidence to prove personal knowledge may consist of the*
309 *witness’s own testimony”. Counsel cannot have personal*
310 *knowledge of what remains contained within the*
311 *Defendants minds.*

312 **3. FORGED SIGNATURES**

313 **4. [Rule 5(d)(3), Rule 83(a)(2), ABA Model Rules 1.1, 3.3 & 8.4,**
314 ***Courts Inherent Power*]**

315 **5. Data analysis revealed forged or proxy signatures across multiple**
316 **filings. (See “*Walsh Decl. Re: Forged Signatures*” – & Ex. 13.)**

317 **a. LEGAL STANDARDS:**

- 318 b. “*The Court is especially concerned about the fact that [Pro*
319 *Hac Attorney] is seemingly unable to follow rules concerning*
320 *which [S]he has admitted knowledge. [Pro Hac Attorney]*
321 *began to sign local counsel's signature, purportedly with [Local*
322 *Attorney’s] express authority. This was clearly improper.”*

323 (aff'd) *Butler v. Biocore Med. Techs., Inc.*, 348 F.3d 1163 (10th
324 Cir. 2003))

325 **6. FALSE STATEMENTS & DUAL REALITIES**

326 **a. *Violating: [Rule 1, Rule 26(g)(1), Rule 56(c)(4), ABA Model***
327 ***Rules 1.1, 3.3 & 8.4, CACD C&P.G. (A)(5), Courts Inherent***
328 ***Power]***

329 b. Many materially false statements presented to the Court have
330 been made (see “*Walsh Decl. re: False Statements*”)

331 c. For each statement Defendant makes to the Court; they admit
332 to the complete opposite in public (see “*Walsh Decl. re: Dual*
333 *Reality Statements*”)

334 **d. LEGAL STANDARDS:**

335 e. [*“The judicial system cannot function if the only consequence*
336 *of lying is the loss of a suit that would have had no chance from*
337 *the outset, had the truth been told.”]* *Rivera v. Drake*, 767 F.3d
338 685, 687 (7th Cir. 155 2014).

339 f. “[*Defendants*] *efforts went beyond the use of “questionable*
340 *tactics”--they crossed the line to include the persistent use of*
341 *known falsehoods.... [Defendants] made these false*
342 *representations knowingly, intentionally, and recklessly. Their*

343 *actions vexatiously multiplied the proceedings at great expense*
344 *to [Plaintiff]... The court cannot and will not tolerate members*
345 *of the bar employing the use of known falsehoods to further*
346 *their objectives, no matter how appealing the underlying cause*
347 *of their clients may be. For such conduct, Respondents should*
348 *face substantial sanctions **commensurate with the sums at***
349 ***stake**, the efforts and resources expended in this litigation, and*
350 *the gravity of their misconduct.” (In re Girardi, 611 F.3d 1027,*
351 *1067 (9th Cir. 2010))*

353 **2. CONDUCT PREVENTING DISCOVERY FROM FUNCTIONING**

354 **1. ATTEMPTING TO FORCE DISCOVERY WAIVER**

- 355 a. *Violating: [Rule 26(g), Rule 34(b)(2), L.R. 37-1, CACD*
356 *C&P.G. (A) & (B)(8), Courts Inherent Power]*
- 357 b. Defendant engaged in bad faith tactics to force Plaintiff to
358 waive discovery objections by refusing to cure defective
359 discovery requests in violation of Rule 26(g), Rule 34(b)(2),
360 and L.R. 37-1. These requests contain overlapping and non-
361 sequential numbering, rendering them ambiguous and incapable
362 of being answered without inference. Defendant was notified

363 approximately seven times -- including by docket entry (Dkt.
364 109) -- yet refused to cure the defects, instead insisting that
365 Plaintiff must answer them “as-is” and that **Defendant deems**
366 **Plaintiff’s objections as waived.**

367 c. Defendant then re-served discovery on December 15, 2025, still
368 refusing to cure the acknowledged numbering defects. This
369 conduct constitutes prima facie bad faith under Rule
370 26(g)(1)(B)(ii), which prohibits discovery interposed for
371 improper purpose, and is sanctionable under Rule 26(g)(3).
372 (See also “*Walsh Decl. re: Defendants’ Rule 37 Letter.*”)

373 d. **LEGAL STANDARDS:**

374 i. “*Defendant's requests for admission suffer from a number*
375 *of defects*” (Dassault Systemes, SA v. Childress, No. 09-
376 10534, 2013 WL 12181775, at *3 (E.D. Mich. Sept. 5,
377 2013)) “*The numbers of these requests overlap the*
378 *numbers in the first set of requests for production, but are*
379 *different requests*” (granting a protective order and
380 denying Defendant’s motion to compel) “*Based on these*
381 *defects...plaintiff need not answer any of the requests for*
382 *admission.*”

383 **2. REFUSED 26f**

384 *a. Violating: [Rule 26(f), Rule 16(b), Rule 1, CACD C&P.G.*
385 *(B)(1) & (2), Courts Inherent Power]*

386 b. Defendant refused to hold a Rule 26(f) conference twice; even
387 despite Court order (Dkt #83); missing all deadlines to do so
388 (Dkt #71)– then finally only engaged late after Plaintiff notified
389 the Court (Dkt #86 “*Walsh Decl. Re: Missed Court-Ordered*
390 *Deadlines*”.)

391 **3. REFUSED JOINT REPORT**

392 *a. Violating: [Rule 26(f)(2), Rule 16(b), Rule 16(c), L.R. 26-1,*
393 *Courts Inherent Power]*

394 b. Defendant failed to participate in preparation of the joint Rule
395 26 report. (See Dkt. 71; Dkt. 83; Dkt. 109; “*Walsh Decl. Re:*
396 *Missed Deadlines*”). They participated only *after* the Court was
397 notified of their failures (Dkt #80)

398 **4. DISCOVERY OBSTRUCTION: BOILERPLATE OBJECTIONS**

399 *a. Violating: [Rule 26(g)(1), Rule 34(b)(2)(B)-(C), Rule 1,*
400 *CACD C&P.G. (B)(5) & (6), Courts Inherent Power]*

401 b. Defendant issued ~90 pages of boilerplate objections to
402 discovery requests and stated they did not understand about 250

403 words including { “false”, “attorney”, “plaintiff”, “warranty”,
404 “generally”, “employee”, “California”, “default”, “exhibits”,
405 “your”, “authority”, “counsel”, “declaration”, “expert”,
406 “existence”, “laugh”, “giggle”, “intended”, “evidence”,
407 “conduct”, “speaking”}.

408 c. Defendants have not produced a single document in this case
409 (See Dkt. 80-2 at pp. 75–91; “Walsh Decl. Re: Discovery
410 Obstruction”)

411 **d. LEGAL STANDARDS:**

412 i. As found in (Stones v. Boys Republic, No. CV 06-8010
413 ODW (SHX), 2008 WL 11338535, at *2 (C.D. Cal. Mar.
414 11, 2008)) “*Failure to produce documents as ordered ...*
415 *is considered sufficient prejudice*” to justify the
416 imposition of terminating sanctions. (Computer Task
417 Group, 364 F.3d at 1115 (quoting *Adriana Int’l Corp. v.*
418 *Thoeren*, 913 F.2d 1406, 1412 (9th Cir. 1990)))

419 ii. “[*Defendant*] has already shown a willful disregard for
420 *court orders and the rules of discovery. Thus, by not*
421 *dismissing this action, [Defendant] will continue to waste*
422 *both the Court's and [Plaintiff's] time and resources.*”

423 (Stones v. Boys Republic, No. CV 06-8010 ODW
424 (SHX), 2008 WL 11338535, at *3 (C.D. Cal. Mar. 11,
425 2008))

426 *iii. (“Boilerplate, generalized objections are inadequate and*
427 *tantamount to not making any objection at all.”); A.*
428 *Farber and Partners, Inc. v. Garber, 234 F.R.D. 186,*
429 *188 (C.D. Cal. 2006) (“[G]eneral or boilerplate*
430 *objections such as ‘overly burdensome and harassing’*
431 *are improper – especially when a party fails to submit*
432 *any evidentiary declarations supporting such*
433 *objections” quoting (Dominguez v. City of Rialto, No.*
434 *5:23-CV-1790-ODW-SPX, 2025 WL 819064, at *5 (C.D.*
435 *Cal. Jan. 17, 2025))*

436 **5. DISCOVERY OBSTRUCTION: SUBPOENA INTERFERENCE**

437 *a. Violating: [Rule 45(d)(1), Rule 26(g), CACD C&P.G. (B)(5) &*
438 *(6), Courts Inherent Power]*

439 b. Defendant interfered with third-party subpoena compliance;
440 causing all six parties to refuse to comply despite no granted
441 motion to quash (see Dkt #80, #80-3 for a full accounting)

442 **6. REFUSED MEET AND CONFERS**

443 *a. Violating: [Rule 37(a)(1), 26(c), L.R. 37-1, L.R. 37-2, CACD*
444 *C&P.G. (B)(2), Courts Inherent Power]*

445 b. Defendant failed to comply with magistrate scheduling orders
446 regarding subpoenas and a L.R. 37-1 conference which requires
447 a meeting within 10 days of an order or request. (See Dkt. 71;
448 Dkt. 83; “*Walsh Decl. re: Missed Deadlines*”)

449 c. Additionally, Defendant requested a meet and confer on
450 December 10, 2025; as the moving party, did nothing to
451 schedule it and then began drafting a Motion to Compel;
452 demanding a stipulation from Plaintiff on December 29, 2025
453 so they may file it.

454 **7. LEGAL STANDARDS FOR (2) THROUGH (6)**

455 a. “*In this case, the court finds [Defendant’s] failure to*
456 *correspond with [Plaintiff], file a Rule 26(f) report, and*
457 *respond to the court’s OSC by the court’s deadlines has brought*
458 *this case to a halt and undermines the strength of the public*
459 *policy favoring disposition on the merits.*” quoting (McGarity
460 v. Experian Info. Sols., Inc., No. 8:24-CV-02100-FWS-AS,
461 2025 WL 506695, at *2 (C.D. Cal. Feb. 13, 2025))

462 b. *“If a party ... fails to obey an order to provide or permit*
463 *discovery, including an order [to compel discovery], or if a*
464 *party fails to obey an order entered under Rule 26(f), the court*
465 *in which the action is pending may make such orders in regard*
466 *to the failure as are just, and among others the following: ... (C)*
467 *An order ... rendering a judgment by default against the*
468 *disobedient party.” (Bank of Am., N.A. v. Federalguarantee*
469 *Mortg. Co., No. 3:04CV392, 2007 WL 952016, at *1*
470 *(W.D.N.C. Mar. 27, 2007))*

471
472 **3. CONDUCT DEPRIVING THE COURT OF EVIDENCE**

473 **NECESSARY TO DECIDE THE CASE**

474 **8. FALSIFIED EVIDENCE USED IN MOTION TO DISMISS**

475 a. *Violating: [Rule 26(g)(1)(b), Rule 37(c)(1), Rule 37(e), Rule*
476 *83(b), ABA Model Rule 3.3 & 3.4 & 8.4(c) & 8.4(d), Courts*
477 *Inherent Power]*

478 b. Defendant’s intentionally filed their Motion to Dismiss with a
479 completely different set of Terms & Conditions than Plaintiff
480 made the heart of his Complaint. Defendant knew those terms
481 wholly admit to almost all the conduct in this matter and

482 substituted it intentionally after spoliating all historical copies
483 after notice (see “*Walsh Decl. Re: Falsified Evidence*”, “*Walsh*
484 *Decl. Spoliation*”).

485 **9. SPOILIATION EVENT #1: TERMS & CONDITIONS**

486 ***a. Violating: [Rule 37(e), 37(b), Courts Inherent Power]***

487 b. Defendant deleted historical versions of its Terms & Conditions
488 after receiving the Complaint draft because the action almost
489 entirely relies on them.

490 c. Once the Complaint was filed indicating spoliation occurred,
491 Defendant re-allowed indexing of their website moving
492 forward, however, prior versions remain missing. (See “*Walsh*
493 *Decl. re: Spoliation*”)

494 **10.SPOILIATION EVENT #2: BUSINESS RECORDS**

495 ***a. Violating: [Rule 37(e), 26(e), Courts Inherent Power]***

496 b. California Secretary of State records were altered and then an
497 entire year removed four days after Plaintiff notified the Court
498 that Defendant’s own words and filings prove that:

499 i. Jakob Balslev listed himself as the CEO, CFO and
500 Secretary making *him personally the nerve-center*.

501 ii. Jakob Balslev lived in California through 2024.

502 iii. Jakob Balslev personally registered Rokoko Electronics,
503 Inc. to his luxury San Francisco apartment through 2024.

504 c. This information directly contradicts Defendant’s sworn
505 statement (Dkt #62-1) that Jakob left California in 2020 and
506 that no operations remained. This was an intentional design to
507 maintain the illusion of diversity citizenship and avoid remand
508 or reclassification to ‘Federal Question’. (See “*Walsh Decl. Re:*
509 *Spoliation of Nerve-Center Evidence*”; & Ex. 18.)

510 **11.LEGAL STANDARDS:**

511 a. [*“A party that has despoiled evidence can be sanctioned by a*
512 *district court under two sources of authority: “the inherent*
513 *power of federal courts to levy sanctions in response to **abusive***
514 *litigation practices and the availability of sanctions under Rule*
515 *37 against a party who fails to obey an order to provide or*
516 *permit discovery.”] *Leon v. IDX Sys. Corp. , 464 F.3d 951,*
517 *958 (9th Cir. 2006)”.**

518 b. *“A terminating sanction, such as dismissal, is appropriate only*
519 *when “a party has engaged deliberately in deceptive practices*
520 *that undermine the integrity of judicial proceedings.” Leon,*

521 *464 F.3d at 958 (quoting Anheuser-Busch, Inc. v. Natural*
522 *Beverage Distribs., 69 F.3d 337, 348 (9th Cir. 1995)).*

523
524 **4. CONDUCT AFFECTING PROCEEDINGS AND PUBLIC**
525 **RELIANCE**

526 **12.DEFAMATION ON WIKIPEDIA –**

527 *Violating: [Rule 1, CACD C&P.G. (B)(1), Courts Inherent*
528 *Power]*

- 529 a. The Defendant made numerous statements on Wikipedia which
530 referenced the lawsuit including text that stated “*added by the*
531 *plaintiff as defamation*” them and that the case was a
532 “*supposed lawsuit*” with “*False information regarding an*
533 *unsettled legal dispute*” as well as other statements.
- 534 b. IP address traces tie the defamatory statements directly to
535 Defendant’s Copenhagen office location. (See “*Walsh Decl.*
536 *Re: Wikipedia Harassment*”).
- 537 c. The username ‘Sharleenbrando123’ made additional, legally
538 conclusive statements on Wikipedia which manifested within
539 days of Defendant retaining ReedSmith.

540 d. After Plaintiff filed his ‘Motion for Sanctions’ and sent a
541 subpoena to Wikipedia for information on the user, the account
542 was deleted from Wikipedia by user-request. (See “*Walsh Decl.*
543 *Re: Wikipedia Harassment*”).

544 **13.DEFAMATION ON THE RECORD –**

545 ***a. Violating: [Rule 26(g), ABA Model Rule 1.4(a)(5), Courts***
546 ***Inherent Power]***

547 b. The Defendant has made non-protected statements of
548 defamation per se upon the record (*see also “Walsh Decl. re:*
549 *Defamation on the Record”*)

550 i. “*The Complaint consists of fabricated*
551 *and fanciful allegations*” (Dkt #15, p4, L.26)

552 ii. “*This lawsuit was filed by Matthew R. Walsh*
553 *(“Plaintiff”) and is just the latest event in a long-*
554 *standing harassment campaign against Defendant.” (Dkt*
555 *#15, p4, L.14)*

556 **14.PAID MEDIA-PARTNER DEFAMATION –**

557 ***a. Violating: [Rule 1, CACD C&P.G. (A)(5), Courts Inherent***
558 ***Power]***

- 559 b. Defendant publicly asserted defamatory statements, similar to
560 those echoed here on the record, through a third party acting
561 with agency on the Corridor Digital podcast EP #227 that
562 Plaintiff fabricated claims, was “*unhinged*”, “*off his rocker*”,
563 “*I think he's might be a little crazy*”, “*those are bot*
564 *comments.*”, “*that's him using alt accounts just to like bump up*
565 *the drama*”, that Plaintiff is slandering and libelous against
566 Defendant, that “*Lawsuit was not accepted. Yeah, not even*
567 *accepted*” And “*when the evidence really came out, none of*
568 *that carried any water*”. At a minimum while simultaneously
569 claiming to the Court that *Plaintiff was the harasser*. A podcast
570 host openly stated on air “*Rokoko... I'm talking to them right*
571 *now*”. (See “*Walsh Decl. Corridor Digital Harrasment*”)
572 c. It should be lost on no one, that not a single news or media
573 outlet *except* Corridor Digital, Defendant’s self-admitted
574 business partner has published a single word regarding this
575 case. (See “*Walsh Decl. Corridor Digital Harrasment, Ex. 2*”)

576 **15.LEGAL STANDARDS:**

- 577 a. “*The first element of a defamation claim has two parts--first,*
578 *the plaintiff must allege a false statement was made; second,*

579 *the plaintiff has to allege the statement was defamatory--that is,*
580 *a communication which “tends to harm the reputation of*
581 *another as to lower him in the estimation of the community or*
582 *to deter third persons from associating or dealing with him.”*

583 (Gregg v. Am. Coll. of Med. Genetics and Genomics, No. 3:22-
584 01218-MGL, 2023 WL 2047504, at *4 (D.S.C. Feb. 16, 2023);
585 Holtzscheiter, 506 S.E.2d at 506)

586 b. *“An otherwise defamatory statement is actionable only if it is*
587 *“of and concerning” the plaintiff. “The ‘of and concerning’ or*
588 *specific reference requirement limits the right of action for*
589 *injurious falsehood, granting it to those who are the direct*
590 *object of criticism and denying it to those who merely complain*
591 *of nonspecific statements that they believe cause them some*
592 *hurt.”* (Blatty v. New York Times Co. (1986) 42 Cal.3d 1033,
593 1044, 232 Cal.Rptr. 542, 728 P.2d 1177 (Blatty).) *“To satisfy*
594 *the requirement, the plaintiff must show the statement expressly*
595 *mentions her or refers to her by reasonable implication.”* (Id. at
596 p. 1046, 232 Cal.Rptr. 542, 728 P.2d 1177.) *“The plaintiff must*
597 *also show the statement was understood by at least one third*
598 *person to have concerned [him].”* (Bartholomew v. YouTube,

599 LLC (2017) 17 Cal.App.5th 1217, 1231, 225 Cal.Rptr.3d 917;
600 see Neary v. Regents of University of California (1986) 185
601 Cal.App.3d 1136, 1147, 230 Cal.Rptr. 281 [*“For publication to*
602 *occur the defamatory matter must be communicated to a third*
603 *party who understands the defamatory meaning and its*
604 *applicability to the plaintiff.”*].).

605 c. Here all of those conditions are met and even more specifically
606 applicable: *“we think a reasonable trier of fact could conclude*
607 *the allegedly defamatory statement... (citation)*
608 *“unsubstantiated, fantastical stories about things they say*
609 *occurred” is also of and concerning [Plaintiff]”* (Dickinson v.
610 Cosby, 37 Cal. App. 5th 1138, 1161, 250 Cal. Rptr. 3d 350, 368
611 (2019)). Defendant used very similar words with exact meaning
612 [*“The Complaint consists of fabricated*
613 *and fanciful allegations”*] (Dkt #15, p4, L.26)

614 d. A false statement constitutes defamation per-se where, as
615 relevant in (*Miserendino v. Cai*, 2023 N.Y. Slip Op. 04031 (4th
616 Dept. July 28, 2023)) the statement *“charge[s] a person with*
617 *committing a serious crime or ... would tend to cause injury to*
618 *a person’s profession or business”*. Here, Defendant inherently

619 claimed perjury, harassment, fraud on the Court, fabricating
620 evidence, etc.

621 e. [*“When subject to this form of conditional privilege, statements*
622 *are protected if they were not made with ‘spite or ill will’ or*
623 *‘reckless disregard of whether [they were] false or not’ ... , i.e.,*
624 *malice.”*] The Court of Appeals has [*“reiterated that [a]s a*
625 *matter of policy, **the courts confine absolute privilege to a very***
626 ***few situations”***]. This is not one of those very few situations.

627

628

CONCLUSION

629 1. This is a major case with real-world consequences not for just Defendant,
630 but the unnamed DOES, many of which are daily spoken household names,
631 which Plaintiff alleges acted in concert with Defendant to defraud Plaintiff
632 and tens of thousands of their other users for the sole purpose of accruing
633 vast wealth. Doing whatever it takes, they simply cannot allow Plaintiff to
634 prevail, whether he is justified in doing so, or not. Therefore, Defendant’s
635 misconduct forced this case away from adjudication on the merits, far from
636 any discovery practice and into protracted satellite litigation, imposing
637 prejudice on both Plaintiff and the Court that cannot be cured by lesser
638 sanctions.

639 2. As the record here shows, their misconduct is occurring even up to the filing
640 of this motion. Defendant shows no sign of stopping.

641 3. This very Court has previously imposed terminating sanctions that were
642 affirmed on appeal for materially less misconduct:

643 (1) In (*Pray v. M/Y NO BAD DAYS*, 303 F. App'x 563, 564 (9th Cir.
644 2008)), the Ninth Circuit affirmed this Court's terminating sanctions
645 order, holding that where noncompliance was not shown to be beyond
646 the defendant's control (*Jorgensen v. Cassidy*, 320 F.3d 906, 912
647 (9th Cir. 2003)), the district court's factual findings were not clearly
648 erroneous (*Leon v. IDX Sys. Corp.*, 464 F.3d 951, 958 (9th Cir.
649 2006)), and the Court considered the governing factors (*Yourish v.*
650 *Cal. Amplifier*, 191 F.3d 983, 990 (9th Cir. 1999)), **terminating**
651 **sanctions were within its discretion**. Reckless conduct by counsel
652 that unreasonably multiplies proceedings independently supports
653 sanctions under 28 U.S.C. § 1927 (*Fink v. Gomez*, 239 F.3d 989, 993
654 (9th Cir. 2001)).

655 (2) [*"The imposition of terminating sanctions Violating: a court's*
656 *inherent powers is permissible when a party has engaged in bad faith*
657 *conduct or willfully disobeyed a court's order."*] (*Michaels v. M/Y No*
658 *Bad Days*, No. CV061185-**ODW**, 2007 WL 9735013, at *4 (C.D. Cal.

659 Aug. 28, 2007), aff'd sub nom. Pray v. M/Y NO BAD DAYS, 303 F.
660 App'x 563 (9th Cir. 2008)))

661 (3) [“*[Defendant] has already shown a willful disregard for court orders*
662 *and the rules of discovery. Thus, by not dismissing this action,*
663 *[Defendant] will continue to waste both the Court's and [Plaintiff's]*
664 *time and resources.*”] (Stones v. Boys Republic, No. CV 06-8010-
665 **ODW**, 2008 WL 11338535, at *3 (C.D. Cal. Mar. 11, 2008)) “*Failure*
666 *to produce documents as ordered ... is considered sufficient*
667 *prejudice*” to justify the imposition of terminating sanctions.
668 (Computer Task Group, 364 F.3d at 1115 (quoting Adriana Int'l Corp.
669 v. Thoeren, 913 F.2d 1406, 1412 (9th Cir. 1990)))

670
671
672 **PRAYER FOR RELIEF:**

673 Plaintiff respectfully request that the Court:

- 674
- 675 1. MODIFY Federal Jurisdiction as ‘Federal Question’ due to the nerve-center
676 evidence and spoliation.
 - 677 2. DEEM Admissions as admitted.
 - 678 3. GRANT terminating sanctions against the Defendant or in the alternative:

679 (1) STRIKE Defendant's answer as warned many times.

680 (2) ENTER Clerks Default against Defendant's.

681 4. ALLOW Plaintiff to proceed to Summary Judgment, as Denmark does not
682 recognize or enforce foreign Default Judgment's.

683 5. COMPEL Defendant to produce all requested discovery.

684 6. SANCTION Defendants and Counsel separately for their isolated roles.

685 7. REFER Defense Counsel to their respective state bars.

686

687

688 I declare under penalty of perjury under the laws of the United States of America
689 that the foregoing is true and correct.

690

691 Executed this December 29, 2025, in Santa Clarita, California.

692



Matthew R. Walsh
Plaintiff In Pro Per

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694

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697

CERTIFICATE OF COMPLIANCE

698

699

The undersigned, counsel of record for Plaintiff appearing in pro per, certifies that

700

this brief contains 4,152 words, which complies with the word limit of L.R. 11-6.2.

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