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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. Rozella A. Oliver,  
Courtroom 590]*

Hearing date: February 4, 2026  
Hearing time: 11:00AM

**REPLY TO DEFENDANTS  
OPPOSITION FOR PLAINTIFF'S  
MOTION FOR SANCTIONS**

8  
9 **DEFENDANTS OPPOSITION IS ONCE AGAIN UNTIMELY, IT MUST BE**  
10 **STRICKEN OR DISREGARDED IN ITS ENTIRETY**

11 1. Local Rule 7-9 sets forth that [*“not later than twenty-one (21) days before*  
12 *the date designated for the hearing of the motion” ... “serve upon all other*  
13 *parties and file with the Clerk” ... “the evidence upon which the opposing*  
14 *party will rely in opposition to the motion and a brief but complete*

15 *memorandum which shall contain a statement of all the reasons in*  
16 *opposition thereto”].*

17 2. Defendant once again filed a late opposition *only after* a notice of non-  
18 opposition had been filed (Dkt #123). Notices of non-opposition are not  
19 intended to be filing reminders for opposing Counsel. This is the second  
20 instance in under 60 days that Defendant has done so and in both instances,  
21 **defendant provides no excuse and shows no good cause why they are**  
22 **opposing late.** [*“A party’s failure to timely oppose a motion constitutes the*  
23 *non-moving party’s consent to granting of the motion.”*] (U.S. v. Warren,  
24 601 F.2d 471, 474 (9th Cir. 1979));

25 3. Local Rule 7-12 states [*“The failure to file any required document, or the*  
26 *failure to file it within the deadline, may be deemed consent to the granting*  
27 *or denial of the motion”*]. Defendant had their chance and chose to not  
28 answer in time. The Court did not consider their opposition to the last  
29 motion and must not consider it now. (Righthaven LLC v. Newman, Case  
30 No. 2:10-cv-01762, 2011 U.S. Dist. LEXIS 80518 (D. Nev. July 22, 2011))  
31 **(granting motion to dismiss due to plaintiff’s failure, by a matter of**  
32 **mere hours, to timely respond), aff’d on mtn. to reconsider, 2011 U.S.**  
33 **Dist. LEXIS 109327 (D. Nev. Sept. 23, 2011);** Moreover, failure to follow a  
34 district court's local rules is a proper grounds for termination of or from the

35 action (U.S. v. Warren, 601 F.2d 471, 474 (9th Cir. 1979)), which is what  
36 *both* motions for sanctions sought as relief.

37  
38 **THIS COURT HAS ALREADY WARNED DEFENDANT, THE RULES**  
39 **MUST BE UPHELD AND THEIR OPPOSITION BE STRICKEN.**

40 4. As warned prior [*“Further filings that fail to comply with applicable rules*  
41 *or that are otherwise inappropriate will be **summarily stricken**, and the*  
42 *Court will not hesitate to impose monetary sanctions in cases where the*  
43 *violations are particularly **egregious or repeated.**”*] - (Dkt #39 dated June,  
44 23, 2025). Defendants repeatedly oppose late.

45 5. And further in [*“Filings that do not conform to the Local Rules and this*  
46 *Order will not be considered”*] (Dkt #71). Their late opposition qualifies.

47 6. Defendants misconduct and violations of the Local Rules are constant.

48 Despite Plaintiff continually pointing out the violations, **every filing**  
49 **violates multiple Local Rules** from missing SBA numbers (L.R. 11-3.8), to  
50 basic formatting issues (L.R. 11-3.2), to refusing in almost every motion to  
51 meet and confer (L.R. 7-3, L.R. 37-1), to blatant demonstrable falsities,  
52 falsified evidence and AI-fabricated caselaw over and over again as detailed  
53 in the Motion for Sanctions. Their conduct is egregious and shows no sign of

54 improving.

55  
56 **DEFENDANT SUBMITTED NO SUBSTANTIVE COUNTER-EVIDENCE**

57 7. The Defendant supplied no substantive evidence to counter the points made  
58 in the Motion for Sanctions violating L.R. 7-9 [*“serve upon all other parties*  
59 *and file with the Clerk either (a) the evidence upon which the opposing party*  
60 *will rely in opposition”*]. Defendant provided none for the following:

61 8. Defendants submitted no evidence rebutting any of the substantive  
62 allegations raised in the Motion for Sanctions, including harassment and  
63 defamation (Corridor Digital and Wikipedia), false statements to the Court,  
64 dual reality representations to the Court versus the public, fabricated or  
65 invalid caselaw, falsified or substituted evidence, forged signatures, missed  
66 deadlines, or discovery obstruction.

67 9. Defendants likewise produced no evidence showing compliance with  
68 discovery obligations, no proof of any Rule 37 meet-and-confer efforts, no  
69 documents, interrogatory responses, or admissions, and no communications  
70 or records demonstrating that declarations attributed to Mr. Overby or Ms.  
71 Ellena were in fact drafted or executed by them, nor any evidence rebutting  
72 the metadata, email headers, IP traces, or DocuSign records.

73 10. Finally, Defendants provided no evidence refuting spoliation of key  
74 evidence, including nerve-center records via Secretary of State filings,  
75 strategic removals from archive.org and Defendants' website, or any  
76 evidence disproving Defendants' involvement in coordinated harassment  
77 activities.

78  
79 **FORGED SIGNATURES**

80 11. Defendant openly states [*“Plaintiff’s contention that certain declarations*  
81 *are somehow improper because they were allegedly authored by someone*  
82 *different than the signatory is not sanctionable”*] instead of simply saying  
83 *“That is false”* or *“That did not happen”* to this sanctions motion.

84 12. Interestingly, Defendant had in fact once before stated that it did **not** happen  
85 (Dkt #76-13): [*“At no point have I forged the signature of Katherine Ellena*  
86 *or Michael Galibois on filings in this action.”*]

87 13. However, when asked to admit or deny in RFA #2: [*“Admit that attorney*  
88 *Emily Graue affixed the typed signature ‘/s/ Katherine J. Ellena’ to one or*  
89 *more PDF filings in this action.”*]. Defendant outright refused to provide  
90 such a denial [*“Rokoko further objects to the extent that this Request seeks*  
91 *information protected by attorney-client privilege, work product doctrine, or*  
92 *another applicable privilege. Rokoko further objects to the extent that this*

93 *Request is vague and ambiguous as to which ‘PDF filings’ Plaintiff is*  
94 *referring”].*

95 **14.DEFENDANT CANNOT DISPROVE** - Defendant cannot disprove it, nor  
96 concretely deny it. Plaintiff’s contentions, the e-mail headers, the documents  
97 metadata and the document itself indicates that Plaintiff’s assertion is, in  
98 fact, correct. If Defendant could disprove Plaintiff, they would have:

- 99 a. Answered RFA #2 as DENIED
- 100 b. Provided even one redacted e-mail or internal record showing the  
101 document(s) circulating without a final signature.
- 102 c. Disputed the metadata using an expert witness.

103 In six months since this accusation surfaces -- none of that happened.

104 **15.DEFENDANT MISSTATES THE RECORD** - Defendant pretends that  
105 the e-mail headers, the document markup, the metadata, the DocuSign  
106 records all do not exist: [*“Plaintiff has not put forth any evidence*  
107 *demonstrating that signatures in any declarations submitted by Rokoko in*  
108 *this action have been forged.”]. When in fact, it’s been echoed in at least 6*  
109 documents on the record and came clearly attached to the Sanctions Motion  
110 (Dkt #117-8).

111 **16.IMPROPER BY LAW** - Further, Defendant’s statement that it is not  
112 improper is not only contrary to law – the impropriety of it is affirmed on

113 appeal. Further, it was found improper by very Court and -- the very Judges  
114 assigned to this case: [*“The Court is especially concerned about the fact that*  
115 *[Pro Hac Attorney] is seemingly unable to follow rules concerning which*  
116 *[S]he has admitted knowledge. [Pro Hac Attorney] began to sign local*  
117 *counsel's signature, purportedly with [Local Attorney's] express authority.*  
118 *This was clearly improper.”*] (Case 2:25-cv-05340-**ODW-RAO**) (aff'd  
119 Butler v. Biocore Med. Techs., Inc., 348 F.3d 1163 (10th Cir. 2003));  
120 Courts routinely recognize the same [*“The court expects the signer*  
121 *personally -- and not some nameless person within his law firm -- to validate*  
122 *the truth and legal reasonableness of the papers filed”*] (*Pavelic & LeFlore*  
123 *v. Marvel Entertainment Group*, 493 U.S. 120 (1989)). Further, the  
124 Supreme Court Disciplinary Board v Johnson (2015) indicted and disbarred  
125 Johnson for placing local counsels signature on filings while not granted pro  
126 hac status just; as Emily Graue allegedly did in this case (see also ABA  
127 Model Rule 5.5 and L.R. 83-2.1.1.1)

128  
129 **DEFENDANT HAS NO RIGHT TO REFUSE DISCOVERY**

130 17. In their opposition, Defendant once again admits to wasting five months of  
131 the Plaintiffs precious discovery time. [*“Rokoko has informed Plaintiff*  
132 *numerous times that it will **not** produce documents until a stipulated*

133 *protective order is in place.”]*. The decision to produce or not produce and  
134 when is not Defendant’s to make unilaterally without any action:

135 d. Rule 26(c) requires showing good cause for protection. Defendant has  
136 not done that.

137 e. Nearly five months have passed with zero discovery responses.

138 f. Defendant has not moved the Court, nor made a formal request  
139 whatsoever to impose a protective order. Instead, they just simply said  
140 “[Rokoko] will not produce”.

141 g. Defendant claims an IDC is forthcoming, however, that is not a good-  
142 faith attempt at resolution on their part as Defendant did not request  
143 that IDC – the form clearly shows -- Plaintiff requested it.

144 18. This very Court finds that the Rules of Discovery are not optional; yet  
145 Defendants have ignored 26(f), the joint report, issued boilerplate objections,  
146 and defied every deadline for discovery. [*“[Defendant] has already shown a*  
147 *willful disregard for court orders and the rules of discovery. Thus, by not*  
148 *dismissing this action, [Defendant] will continue to waste both the Court's*  
149 *and [Plaintiff's] time and resources.”]* (Stones v. Boys Republic, No. CV  
150 06-8010 **ODW** (SHX), 2008 WL 11338535, at \*3 (C.D. Cal. Mar. 11,  
151 2008)).

153 **DEFENDANTS FABRICATED CASELAW ARGUMENTS FAIL**

154 19. Defendant waived their right to oppose the caselaw arguments as they have  
155 never opposed the referenced RJN (despite threatening to do so) and each  
156 RJN and declaration forthwith outlining each instance in which they used  
157 fabricated caselaw.

158 20. Further, the record and motion clearly demonstrate – along with their own  
159 LEXIS PDF’s – which demonstrates the quotes are either misattributed,  
160 wholly made up, are explicitly labeled [“*This disposition is not appropriate*  
161 *for publication and is not precedent*”], and/or are from vacated cases which  
162 are legal nullities.

163 21. [(See *Wadsworth v. Walmart Inc.*, 348 F.R.D. 489, 497 (D. Wyo. 2025) (“*It*  
164 *is ... well-known in the legal community that AI resources generate fake*  
165 *cases.*”). “*We also suspected that the two misattributions were also*  
166 *produced by the use of a GenAI tool. Such fabricated cases and*  
167 *misattributions are often referred to as “AI hallucinations.”* See *id.* at 493  
168 (“*A hallucination occurs when an AI database generates fake sources of*  
169 *information.*” (citing *What are AI Hallucinations?*, Google Cloud,  
170 <https://cloud.google.com/discover/what-are-ai-hallucinations>  
171 [<https://perma.cc/EJS8-CFMX>])).] quoting *Moore v. City of Del City, No.*  
172 *25-6002*, 2025 WL 3471341, at \*2 (10th Cir. Dec. 3, 2025)

173           **22.**    [“*Moore's citation of nonexistent cases and her misrepresentation of*  
174           *at least one other case has impaired judicial efficiency and amounts to a*  
175           *failure to comply with ... requirement[s] that a...brief cite[s] supporting*  
176           *authority. See Grant v. City of Long Beach, 96 F.4th 1255, 1257 (9th Cir.*  
177           *2024) (striking brief and dismissing appeal because of similar failures to*  
178           *comply with Rule 28(a)(8)(A)). Fabricating case citations and clearly*  
179           *misrepresenting what a case stands for are the antithesis of citing to*  
180           *supporting authority.”] Quoting Moore v. City of Del City, No. 25-6002,*  
181           2025 WL 3471341, at \*2 (10th Cir. Dec. 3, 2025)

182  
183    **DEFENDANT’S REQUEST TO RESTRICT PLAINTIFF IS UNFOUNDED**

184    **23. CHILLING ACCESS** — Defendant seeks to chill Plaintiff’s access to the  
185    Courts and slow the progress of this matter, not due to misconduct, but  
186    because Plaintiff has demonstrated the ability to comply with Court  
187    directives, adapt, and improve rapidly.

188    **24. PLAINTIFF IS QUALIFIED** — Plaintiff has a constitutional right of  
189    access to the courts and to prosecute his claims. Plaintiff is a multi-case  
190    Court-recognized, Daubert-standard-meeting digital forensic expert witness  
191    and investigator — not a sovereign citizen fumbling through process and law  
192    making incoherent claims. Plaintiff is arguing this case because he can, not

193 because no lawyer would touch it; in fact, multiple attorneys have recently  
194 offered to take the case over on contingency. Defendant has no legal basis to  
195 request restriction of any kind as this matter proceeds toward summary  
196 judgment following the March settlement conference.

197 **25. BOTH SIDES MADE MISTAKES** — The Court has stricken improper  
198 filings by both parties when warranted. Plaintiff has not repeated the same  
199 violations. Defendants, by contrast, continue to commit the same procedural  
200 violations despite repeated warnings and showing no sign of stopping.

201 **26. PLAINTIFF IMPROVES, DEFENDANT DOES NOT** — When the  
202 Court has cautioned Plaintiff, Plaintiff has modified his conduct accordingly.  
203 When the Court has warned Defendants regarding compliance with the  
204 Local Rules, Defendants have continued to act in the same manner; or  
205 worse.

206 **27. NO BASIS TO RESTRICT** — Defendants have not filed a single fully  
207 compliant submission in this matter. They have repeatedly threatened  
208 sanctions against Plaintiff, yet have never succeeded in obtaining them.  
209 Defendants have not identified a single false statement by Plaintiff, a single  
210 fabricated piece of evidence, or any evidence demonstrating that Plaintiff  
211 has acted in bad faith. On the contrary, Plaintiff has produced explicit  
212 evidence that Defendants have refused to rebut or deny.

213 28. **FACTS DRIVE THIS CASE** — The evidence against Defendants consists  
214 of (a) accurate forensic evidence supporting Plaintiff’s allegations and (b)  
215 Defendants’ own admissions relevant to the causes of action asserted.  
216 Defendants’ procedural misconduct stems from those facts, not from  
217 Plaintiff’s litigation conduct.

218 29. **FILINGS NOT FRIVOLOUS** — Plaintiff acknowledges that he has made  
219 errors and has corrected them. None of Plaintiff’s motions have been  
220 deemed frivolous by the Court. By contrast, Defendants’ most recent Motion  
221 to Compel exemplifies the very deficiencies underlying this Motion for  
222 Sanctions.

223 30. If Defendants seek to restrict Plaintiff’s ability to litigate this matter, they  
224 must support such an extraordinary request with evidence. They have not  
225 done so.

226  
227 **REGARDING DEFENDANTS OTHER CLAIMS**

228 31. Plaintiff will not address any of the other topics brought by the Defendant as  
229 the record is clear and the evidence stands unopposed, unrebutted and un-  
230 countered.

232

233

**PRAYER FOR RELIEF**

234

- Strike the Defendants untimely opposition as it was filed *after* the notice of non-opposition.

235

236

- Grant Plaintiff's unopposed motion in full.

237

238

I declare under penalty of perjury under the laws of the United States of America

239

that the foregoing is true and correct.

240

241

Dated this January 14, 2026, in Santa Clarita, California.

242

243



Matthew R. Walsh  
Plaintiff In Pro Per

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248

**CERTIFICATE OF COMPLIANCE**

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250

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

251

this brief contains 2,194 words, which complies with the word limit of L.R. 11-6.2.

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253