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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. Otis D. Wright II,
Courtroom 5D]*

Hearing date: February 23, 2026
Hearing time: 1:30PM
Place: Dept. 5D

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

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9 **INTRODUCTION**

10 The Defendants have once again filed an improper and untimely Motion to
11 Dismiss. Their arguments are wholly moot, invalid, improper and many designed
12 out of blatant falsities and mischaracterizing the record and ignoring the evidence.
13 Their MTD was filed simply because they cannot answer truthfully or defend
14 honestly. They did what they are accused of and have wholly admitted to every
15 cause of action dozens of times independently.

16 **DEFENDANT FILED THEIR MOTION TO DISMISS WITHOUT**
17 **MEETING AND CONFERRING – FOR THE THIRD TIME IN A ROW**

18 1. Defendants once again filed a Motion to Dismiss (“MTD”) violating
19 Local Rule 7-3. This will be the third Motion to Dismiss filed violating 7-
20 3 despite repeated Court warnings. Throughout this entire proceeding,
21 Defendant ignores Local Rule 7-3 and files what and when they want:

22 a. **DEFECTIVE MTD #1:** On June 20, 2025, Defendants filed a
23 Motion to Dismiss (Dkt #23) which did not even contain a
24 certificate of conference, because one never occurred.

25 b. **DEFECTIVE MTD #2:** On June 26, 2025, Defendant filed a
26 motion to dismiss hours after a phone call. This very Court has
27 found that to be improper yet allowed it to stand [*“Counsel’s*
28 *efforts are insufficient. Parties do not meet their obligations under*
29 *Local Rule 7-3 by making a single perfunctory phone call on the*
30 *last possible day to do so.”*] (UPS Supply Chain Sols., Inc. v.
31 Directed Elecs., Inc., No. 220CV10305-**ODW-RAO**, 2022 WL
32 21785582, at *1 (C.D. Cal. Mar. 7, 2022)))

33 c. **DEFECTIVE MTD #3:** On January 15, 2025, Defendant filed
34 their latest Motion to Dismiss, which admits they did not meet and
35 confer prior and contend that the meet and confer from June 26,

36 2025 is sufficient 7-months later, despite the fact that the issues are
37 not the same and RICO has been added.

- 38 2. As Plaintiff has outlined in almost every motion, objection and reply –
39 Defendant refuses to follow this Courts rules, refuses to adhered to any
40 timeline as ordered and refuses to meet and confer under. **To date,**
41 **across 127 filings and dozens of motions, the Parties have met and**
42 **conferred a total of three times.**
- 43 3. This very Court and the assigned judges regularly strike Motions to
44 Dismiss Amended Complaints for this exact issue. [*“Having received*
45 *and reviewed Defendants' Motion to Dismiss the Second Amended*
46 *Complaint, (Mot., ECF No. 39), the Court finds that counsel did not meet*
47 *the requirements of Local Rule 7-3 before filing the Motion. The Motion*
48 *lacks any indication that Defendants' counsel made any additional*
49 *attempt to make contact with Plaintiff's counsel in the seven days before*
50 *Defendants filed their motion. Thus, it appears that counsel did not*
51 *engage in any sort of two-way communication before this motion was*
52 *filed.”*] (UPS Supply Chain Sols., Inc. v. Directed Elecs., Inc., No.
53 220CV10305-**ODW-RAO** 2022 WL 21785582, at *1 (C.D. Cal. Mar. 7,
54 2022))

55 4. This very Court and the presiding Judges found that filing three Motions
56 to Dismiss without meeting and conferring carries significant legal
57 punishment [“*Because this appeared to be the third time that*
58 *[Defendant] failed to meaningfully meet and confer with [Plaintiff]*
59 *concerning the allegations in Plaintiff’s complaint...the Court ordered*
60 *[Defendants] counsel to show cause why (1) they should not be*
61 *sanctioned ...[or] strike [Defendants] opposition entirely”] (Clark v.
62 EmCare, Inc., No. CV 16-07503-ODW (JC), 2017 WL 7858273, at *1
63 (C.D. Cal. May 9, 2017))*

64 5. Defendants did not file an MTD because the Complaint lacked merit or
65 evidentiary quality. They filed an MTD without a 7-3 because they know
66 they must actually answer and cannot lawfully. [“*The lack of a meet and*
67 *confer is concerning: Avoiding the conference could plausibly have been*
68 *a tactic to run up the fees incurred by opposing a motion that was not*
69 *necessary in the first place.”] (Ghalehshahi v. Ford Motor Co., No. CV
70 23-07043-MWF (SKX), 2024 WL 5372401, at *6 (C.D. Cal. Nov. 13,
71 2024)). If Defendants must finally answer the evidence and the facts,
72 they stand no chance to prevail on the merits [“*The judicial system*
73 *cannot function if the only consequence of lying is the loss of a suit that**

would have had no chance from the outset, had the truth been told.”] (Rivera v. Drake, 767 F.3d 338 685, 687 (7th Cir. 155 2014)).

THIS COURT HAS REPEATEDLY WARNED OF VIOLATIONS AND THE CONSEQUENCES THEREOF

6. **Dkt #25:** Court struck multiple motions that “*fail to comply with Local Rules 7-3, 7-4, and 11-6*”

7. **Dkt #39:** (Striking a motion for no 7-3) “*Missing statement of Conference of Counsel Prior to Filing of Motions, or conference held less than seven days prior to filing of the motion*”

8. **Dkt #58:** “*Further filings that fail to comply with applicable rules or that are otherwise inappropriate will be summarily stricken, and the Court will not hesitate to impose monetary sanctions in cases where the violations are particularly egregious or repeated.*”

9. **Dkt #83:** “*The parties shall not file any ... motion until they have exhausted good faith efforts to resolve or narrow their disputes.*”

10. **Dkt #101:** “*STRICKEN for failure to comply with the Local Rules... LR 7-3, 6.1 and LR 11-6*”

DEFENDANTS MTD FAILS REGARDLESS OF CONTENT

11. The last possible day to confer for Defendant to be able to file their MTD due to L.R. 7-3 for January 8, 2025. As they did not seek to engage in a 7-3, any Motion to Dismiss would now be untimely. The Court had already given Defendant's a sua sponte 10-day extension, which was not provided to Plaintiff, leaving him to asymmetrically amend his Complaint over Christmas. The Court, as explained prior, has told Defendants they will receive no further extensions to MTD filings "*No further extensions will be granted*" (Dkt #24). The argument and content of their MTD is moot given it's procedural standing. Defendants had more than enough time to answer and chose to squander it with the third defective MTD in a row.

PLAINTIFF DECLINES TO ANSWER A MOTION WHICH SHOULD NOT EXIST.

12. Plaintiff does not waive objection. However, as a matter of law – this motion should not exist. Respectfully, three Motions to Dismiss violating L.R. 7-3 and filed as a surprise is de facto sandbagging and is highly improper. Plaintiff should have no obligation to respond to a motion which should not exist.

113 13. Defendant prejudiced Plaintiff once again by giving no notice of a
114 forthcoming motion, especially one which aims to be dispositive.

115 14. *“When a party fails to comply with Local Rule 7-3, “[t]he Court may*
116 *decline to consider [the] motion.” C.D. Cal. L.R. 7-4; see Christian v.*
117 *Mattel, Inc., 286 F.3d 1118, 1129 (9th Cir. 2002) (“The district court has*
118 *considerable latitude in managing the parties’ motion practice and*
119 *enforcing local rules that place parameters on briefing.”). The court*
120 *finds that doing so is appropriate here. “Compliance with the Local*
121 *Rules is not optional.” Cerelux Ltd. v. Yue Shao, 2017 WL 4769459, at*
122 **1 (C.D. Cal. June 9, 2017). In particular, Local Rule 7-3 is not “just a*
123 *piece of petty pedantry put down to trip up lawyers” or “mere formalism*
124 *simply there” for lawyers to “check[] off.” Lopez v. Wells Fargo Bank,*
125 *N.A., 2016 WL 6088257, at *2 (C.D. Cal. Oct. 17, 2016). Rather, it*
126 *serves important functions to help “secure the just, speedy, and*
127 *inexpensive determination of every action and proceeding.” Id. (quoting*
128 *Fed. R. Civ. P. 1); Communities v. Centerline Hous. P’ship I, L.P., 2022*
129 *WL 17224665, at *2 (C.D. Cal. Aug. 9, 2022) (“The purpose of Rule 7-3*
130 *is not merely to provide notice of a pending motion, but to encourage*
131 *parties to discuss their respective positions and identify any common*
132 *ground. This is an essential step to conserve limited judicial*

133 *resources.”); Cerelux, 2017 WL 4769459, at *1 (“The meet-and-confer*
134 *requirement of Local Rule 7-3 assists in promoting the resolution of*
135 *disputes without requiring the intervention of the Court. It also serves the*
136 *important purpose of providing the opposing party sufficient notice as to*
137 *the contents of a proposed motion and an opportunity to negotiate on the*
138 *hearing date. This allows for the preparation of an adequate response*
139 *given the otherwise short briefing schedule for motions provided for by*
140 *the Local Rules.”); R.H. v. Cnty. of San Bernardino, 2019 WL 10744836,*
141 *at *1 (C.D. Cal. Sept. 25, 2019) (citation modified) (“The purpose of*
142 *Local Rule 7-3 is to help parties reach a resolution and eliminate the*
143 *necessity for a hearing, which in turn promotes judicial economy and the*
144 *administration of justice.”). For these reasons, the rule does not include*
145 *exceptions for futility or redundancy” quoting Cerelux, 2017 WL*
146 *4769459, at *1; Sundby v. Fid. Nat'l Title Ins. Co., 2022 WL 19795654,*
147 *at *2 (C.D. Cal. Dec. 9, 2022).*

148 15. *“However, in the Prior Motion to Dismiss... Defendants' counsel also*
149 *relies on the [prior motions], meeting between parties to demonstrate*
150 *compliance with Local Rule 7-3. ...Moreover, Defendants rely on the*
151 *same correspondence with Plaintiff in the Motion and Prior Motion to*
152 *Dismiss to demonstrate compliance with Local Rule 7-3. ... Because*

153 *Defendants fail to demonstrate a conference regarding the “substance*
154 *of” the Motion and “any potential resolution,” the court finds that the*
155 *Motion does not comply with Local Rule 7-3. C.D. Cal. L.R. 7-3” quoting*
156 *(Davidson-Gesser v. Aequor Healthcare Servs., LLC, No. 8:25-CV-*
157 *00760-FWS-ADS, 2025 WL 2019448, at *2 (C.D. Cal. July 14, 2025))*
158 *16. “The [Defendant] has made clear that he will not comply with the court’s*
159 *orders. No sanction short of dismissal will be sufficient to bring about*
160 *compliance. The [Defendant] has been given repeated opportunities to*
161 *comply but has steadfastly refused to do so. **Enough is enough.**”*
162 *(Verano v. State of Fla., No. 4:15CV518-RH/EMT, 2016 WL 1559589,*
163 *at *1 (N.D. Fla. Apr. 18, 2016))*
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165 **REGARDING THE MERITS**

166 17. Defendants entire argument is predicated on:

- 167 a. Ignoring the evidence wholly
- 168 b. Ignoring the specificity of the pleadings
- 169 c. Asserting fact-based claims with zero evidence (such as
- 170 “Nintendo’s free registration” – which has *never* existed).
- 171 d. Making false statements about the Complaint’s contents which
- 172 simply are easily disproven by reading the Complaint.

173 18. Defendant makes many statements of ‘fact’ (not law) to Counter
174 Plaintiff’s claims which completely lack industry knowledge, reality-
175 based foundation or any evidence. They are simply inventing ‘facts’; and
176 asserting them before the Court as true.

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178 **DEFENDANTS MTD SHOULD BE STRICKEN, THEY SHOULD BE**
179 **DEFAULTED AND THE MATTER SHOULD MOVE TO SUMMARY**
180 **JUDGMENT ON THE MERITS**

181 **19. DUE TO MISCONDUCT** – Throughout this motion, Defendants have
182 engaged in extreme, egregious and repeated misconduct. They have done
183 everything imaginable to torpedo these proceedings. They have not
184 directly denied a single accusation (see the un rebutted Motion for
185 Sanctions (Dkt #117)); nor have they submitted a single piece of counter-
186 evidence to clear their names; nor have they denied any direct accusation
187 in the Requests for Admission.

188 **20. EXTREME PREJUDICE** – Defendant’s last opportunity in order to file
189 this motion required them to meet and confer was January 8, 2025. Now,
190 the Defendant has – once again – manipulated and disregarded the rules
191 of the Court to force Plaintiff into a entirely different legal posture that is
192 no longer available to them due to their own decisions.

193 21. **FAILURE TO ANSWER** – Defendants’ third purported “answer” is
194 once again a procedurally defective Motion to Dismiss, filed in violation
195 of Local Rule 7-3 at a minimum. **An improperly filed motion does not**
196 **constitute a valid responsive pleading.** Plaintiff does not dispute the
197 Court’s prior findings regarding Defendants’ earlier Motion to Dismiss
198 despite it’s flaws, and appreciates the Court’s enforcement of FRCP and
199 the Local Rules. However, the operative Amended Complaint asserts
200 additional claims and materially different allegations, requiring a new
201 and compliant response. Reliance on a prior, unrelated meet-and-confer
202 or motion is insufficient as a matter of law. Because Defendants failed to
203 file a proper answer or otherwise defend within the time prescribed by
204 the Federal Rules, the Motion should be stricken, and Defendants should
205 be entered into default pursuant to Rule 55(a).

206 22. [*“The [Defendant] has made clear that he will not comply with the*
207 *court's orders. No sanction short of dismissal will be sufficient to bring*
208 *about compliance. The [Defendant] has been given repeated*
209 *opportunities to comply but has steadfastly refused to do so. **Enough is***
210 ***enough.**”](Verano v. State of Fla., No. 4:15CV518-RH/EMT, 2016 WL*
211 *1559589, at *1 (N.D. Fla. Apr. 18, 2016))*

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PRAYER FOR RELIEF

- Strike Defendants’ third Motion to Dismiss for once again intentionally failing to comply with Local Rule 7-3;
- Enter the Clerk’s Default against Defendants pursuant to Federal Rule of Civil Procedure 55(a) for failure to file a valid responsive pleading within the time prescribed;
- Permit Plaintiff to proceed toward summary judgment on the merits.

In the alternative, Plaintiff requests that the Court:

- Deny Defendants’ Motion to Dismiss in its entirety;
- Order Defendants to show cause why sanctions should not issue for repeated failure to comply with Local Rule 7-3;
- Order Defendants to file a proper answer addressing the merits of the operative Amended Complaint.

If the Court is inclined to grant the motion despite it’s failures, Plaintiff requests:

- That Plaintiff be given a hearing or an opportunity to oppose upon the Court’s decision to entertain it despite it’s clear procedural flaws.

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

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236 Dated this January 16, 2026, in Santa Clarita, California.

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Matthew R. Walsh
Plaintiff In Pro Per

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CERTIFICATE OF COMPLIANCE

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245 The undersigned, counsel of record for Plaintiff appearing in pro per, certifies that
246 this brief contains 2,182 words, which complies with the word limit of L.R. 11-6.2.

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