

1 Katherine J. Ellena (SBN 324160)
kellena@reedsmith.com
2 Valentino Gorospe IV (SBN 352854)
vgorospe@reedsmith.com
3 REED SMITH LLP
515 South Flower Street, Suite 4300
4 Los Angeles, CA 90071-1514
Telephone: +1 213 457 8000
5 Facsimile: +1 213 457 8080

6 Michael B. Galibois (*pro hac vice*)
mgalibois@reedsmith.com
7 Emily Graue (*pro hac vice*)
egraue@reedsmith.com
8 REED SMITH LLP
10 South Wacker Drive, 40th Floor
9 Chicago, IL 60606-7507
Telephone: +1 312.207 1000
10 Facsimile: +1 312.207 6400

11 *Attorneys for Defendant,*
Rokoko Electronics

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

15
16 MATTHEW R. WALSH

17 Plaintiff,

18 vs.

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

20 Defendant.
21

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

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

**DEFENDANT ROKOKO
ELECTRONICS' OPPOSITION TO
PLAINTIFF'S MOTION TO DEEM
ADMISSIONS AS ADMITTED**

Date: February 18, 2026
Time: 10:00 a.m.
Place: Courtroom 590

[Concurrently Filed With Declaration of
Katherine Ellena]

State Court Action Filed: May 12, 2025
Removal Date: June 12, 2025
Trial Date: March 9, 2027

REED SMITH LLP
A limited liability partnership formed in the State of Delaware

TABLE OF CONTENTS

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

Page

MEMORANDUM OF POINTS AND AUTHORITIES..... 1

I. INTRODUCTION 1

II. ARGUMENT..... 1

 A. Plaintiff Has Failed To Comply With Local Rule 37. 1

 B. Plaintiff’s Meet And Confer Allegations Are Inaccurate. 2

 C. Plaintiff’s Allegations Regarding His Requests For Admission
 Are Unfounded. 3

 1. Plaintiff’s Contention That Rokoko Has Provided No
 Substantive Response to the RFAs Is Demonstrably
 False. 3

 2. Rokoko’s Objections Are Sufficiently Specific. 3

 3. The Case Law Plaintiff Cites Is Inapplicable. 4

III. CONCLUSION 5

REED SMITH LLP
A limited liability partnership formed in the State of Delaware

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

TABLE OF AUTHORITIES

Page(s)

Cases

A. Farber & Ptnrs., Inc. v. Garber,
234 F.R.D. 186 (C.D. Cal. 2006).....3

Davis v. Fendler,
650 F.2d 1154 (9th Cir. 1981)3

Dominguez v. City of Rialto,
2025 U.S. Dist. LEXIS 85579 (C.D. Cal. Jan. 17, 2025).....4

Josephs v. Harris Corp.
677 F.2d 985 (3d Cir. 1982)3

Miramontes v. Mills,
2015 U.S. Dist. LEXIS 191729 (C.D. Cal. Aug. 14, 2025)5

Stones v. Boys Republic,
2008 U.S. Dist. LEXIS 127713 (C.D. Cal. March 11, 2008).....4

Rules

L.R. 263

L.R. 26(f)2, 3

L.R. 371, 2

L.R. 37-11

L.R. 37-22

L.R. 37-2.12

L.R. 37-2.42

MEMORANDUM OF POINTS AND AUTHORITIES

I. INTRODUCTION

Plaintiff’s Motion to Deem Admissions Admitted (“Motion”) is yet another improper attempt by Plaintiff to use the Court to secure unwarranted relief. The issues raised in this Motion are largely the same as those raised in Plaintiff’s Motion to Compel, which was stricken by this Court due to failing to meet and confer. ECF Nos. 80 & 83. Plaintiff then filed a Motion for Reconsideration, which is still pending before the Court. EFC No. 85. This Motion is, therefore, improperly duplicative. More importantly, however, is the fact that Rokoko has provided timely responses, including substantive responses to Plaintiff’s RFAs that are the subject of this Motion. To the extent Plaintiff takes issue with Rokoko’s responses, Plaintiff has not complied with Local Rule 37.

Accordingly, Plaintiff’s Motion should be denied.

II. ARGUMENT

A. Plaintiff Has Failed To Comply With Local Rule 37.

Local Rule 37 requires a party seeking to compel further discovery to serve the opposing party with a letter requesting a meet and confer and identifying “each issue and/or discovery request in dispute, state briefly as to each such issue/request the moving party’s position (and provide any legal authority the moving party believes is dispositive of the dispute as to that issue/request), and specify the terms of the discovery order to be sought.” L.R. 37-1. To date, Rokoko has not received any Rule 37 letter from Plaintiff addressing the RFAs that are the subject of this Motion. *See* Declaration of Katherine Ellena (“Ellena Decl.”), ¶ 7.

Additionally, Rule 37 requires that the parties meet and confer regarding any discovery motions. That has not happened. Plaintiff points to two dates wherein he contends that the parties substantively discussed Rokoko’s responses to his RFAs. However, his own documents demonstrate that is not the case. First, Plaintiff points to

REED SMITH LLP
A limited liability partnership formed in the State of Delaware

1 October 30, 2025. On this date, the parties held their Rule 26(f) conference. At no time
2 did the parties discuss the substance of Rokoko’s responses to the RFAs, let alone did
3 Plaintiff state that he would be moving to have his RFAs deemed admitted. This is
4 demonstrated by Plaintiff’s own declaration he filed following the Rule 26(f)
5 conference and summarizing the parties’ discussions. *See* ECF No. 86.

6 The second date that Plaintiff points to is December 16, 2025 during which the
7 parties discussed Plaintiff’s intent to file a renewed motion for sanctions. The parties
8 did not discuss the substance of Rokoko’s responses to Plaintiff’s RFAs during that call
9 and Plaintiff did not state that he intended to file this Motion. *See* Ellena Decl., ¶ 11-12.

10 Further, Rule 37 requires that a party filing a discovery motion must provide a
11 joint stipulation to the opposing party stating each issue in dispute, each party’s
12 positions, and each party’s proposed resolution. L.R. 37-2, 37-2.1. No such joint
13 stipulation has ever been provided by Plaintiff. *See* Ellena Decl., ¶ 8. If the opposing
14 party refuses to respond to the joint stipulation, the movant must file a declaration
15 stating that the opposing party failed to meet and confer or failed to provide their portion
16 of the joint stipulation. L.R. 37-2.4. If neither the joint stipulation nor the proper
17 declaration are attached, “[t]he Court will not consider any discovery motion.” *Id.* Here,
18 it is clear on the face of the Motion that Plaintiff failed to meet this requirement.
19 Accordingly, this Motion should be denied in its entirety.

20 **B. Plaintiff’s Meet And Confer Allegations Are Inaccurate.**

21 Plaintiff falsely contends that counsel for Rokoko “refused to participate in the
22 26(f) conference twice.” Mot., 2:26-27. While this is irrelevant to the issue presented in
23 this Motion, it is also not accurate. While counsel for Rokoko did take a previously-
24 scheduled Rule 26(f) conference off-calendar, the conference was rescheduled and held
25 on October 30, 2025. *See* Ellena Decl., ¶ 9. Plaintiff further alleges that Rokoko “refused
26 to collaborate and stipulate to the joint report until *after the deadline...*” Mot., 2:28-29
27 (emphasis in original). This is again untrue. In fact, following the parties’ October 30,
28

1 2025 conference, counsel for Rokoko provided Plaintiff with its portions of the joint
2 Rule 26(f) report on November 7, 2025. Ellena Decl., ¶ 10, Ex. C. In response, Plaintiff
3 refused to engage and instead proceeded to file his own Rule 26(f) report, forcing
4 counsel for Rokoko to submit its own report on November 10, 2025, as well. ECF Nos.
5 90-91. Notably, both reports were filed on November 10, 2025; the date they were due
6 per this Court’s September 9, 2025 Order. ECF Nos. 71, 90-91. Not after the deadline
7 as Plaintiff contends.

8 **C. Plaintiff’s Allegations Regarding His Requests For Admission Are**
9 **Unfounded.**

10 **1. Plaintiff’s Contention That Rokoko Has Provided No**
11 **Substantive Response to the RFAs Is Demonstrably False.**

12 Plaintiff alleges that Rokoko has answered “zero substantive RFAs.” Mot., 3:36.
13 This is clearly and demonstrably false. On September 10 and 12, 2025, Plaintiff served
14 Defendant Rokoko Electronics (“Rokoko”) with two sets of Requests for Admission
15 (“RFAs”), totaling ninety requests. On October 10, 2025, Rokoko timely responded to
16 the RFAs. *See* Ellena Decl., ¶ 4, Exs. A and B. Specifically, Rokoko denied nineteen
17 of Plaintiff’s RFAs and admitted two others. *See id.* at ¶ 5.

18 **2. Rokoko’s Objections Are Sufficiently Specific.**

19 Rule 26 does not address the specificity with which an objection must be made
20 as Plaintiff claims that it does. Mot., 9:153-59. His assertion that a mere statement is
21 improper actually comes from a Third Circuit case, *Josephs v. Harris Corp.* 677 F.2d
22 985, 992 (3d Cir. 1982), which has no precedential value. In the Ninth Circuit, the rule
23 is similar in that “objections should be plain enough and specific enough so that the
24 court can understand in what way the [requests] are alleged to be objectionable.” *Davis*
25 *v. Fendler*, 650 F.2d 1154, 1160 (9th Cir. 1981). Boilerplate objections “without setting
26 forth any explanation or argument why the requested documents are [objectionable]”
27 are “improper.” *A. Farber & Ptnrs., Inc. v. Garber*, 234 F.R.D. 186, 188 (C.D. Cal.

REED SMITH LLP
A limited liability partnership formed in the State of Delaware

2006). Rokoko has provided the required explanation in its objections.

Contrary to Plaintiff’s contentions, Rokoko does not simply state the RFAs are “overbroad,” “irrelevant,” “burdensome,” or “vague and ambiguous.” Instead, there is context and detail added to the objections.¹ Rokoko identifies the words that are vague and ambiguous, what is privileged, and why the request is overbroad, among other objections. An objection to something as overbroad, vague and ambiguous, or irrelevant is not forbidden. In fact, it is common practice.

Therefore, Plaintiff’s Motion should be denied.

3. The Case Law Plaintiff Cites Is Inapplicable.

Plaintiff cites two cases for support, but neither is applicable. The first case, *Stones v. Boys Republic*, concerns a matter in which a motion to compel had already been granted. 2008 U.S. Dist. LEXIS 127713 (C.D. Cal. March 11, 2008). This Court’s order to provide full responses was ignored, and that was when this Court issued terminating sanctions. *Id.* at *2, *6-7. Reliance on this case is misplaced because in the current action, this Court has not ordered Rokoko to provide further responses to Plaintiff’s discovery. Accordingly, there is no court order being violated that would make terminating sanctions appropriate.

Additionally, *Dominguez v. City of Rialto*, is inapplicable. 2025 U.S. Dist. LEXIS 85579 (C.D. Cal. Jan. 17, 2025). While the *Dominguez* court overruled a party’s boilerplate objection at issue in that case, Rokoko’s objections are not boilerplate for the reasons explained herein. Additionally, *Dominguez* addresses a motion to compel requests for production, not a motion to deem admissions admitted, which requires

¹ See Ellena Decl., Ex. A, Request No. 12 (“Rokoko further objects that this Request is unduly burdensome and harassing insofar as it is a speculative mischaracterization of events without factual support.”); Request No. 18 (“Rokoko objects that this Request is vague and ambiguous with respect to the terms ‘metadata’ and ‘accurate.’”); Request No. 19 (“Rokoko further objects to the extent that the process and methods by which to respond to a discovery request, including Request No. 18, are protected work-product doctrine and/or attorney-client privilege.”). See also *id.*, Ex. B, Request No. 1 (“Rokoko objects to the extent that this Request is vague and ambiguous as to which ‘PDF documents’ Plaintiff is referring.”); Request No. 37 (“Rokoko further objects to the extent that this request is overbroad as to scope and time, and further overbroad as to subject matter insofar as it fails to identify whether ‘anonymizing’ refers to industry practice or Rokoko’s practices specifically.”).

REED SMITH LLP
A limited liability partnership formed in the State of Delaware

1 different considerations. *See Miramontes v. Mills*, 2015 U.S. Dist. LEXIS 191729, at
2 *8 (C.D. Cal. Aug. 14, 2025) (citing *Pasternak v. Kim*, 2011 U.S. Dist. LEXIS 113998,
3 at *15 (S.D.N.Y. Sept. 28, 2011) (“Unlike interrogatories, document requests, and
4 depositions, requests for admission ‘are not a discovery device at all, ‘since [they]
5 presuppose[] that the party proceeding under [Rule 36] knows the facts or has the
6 document and merely wishes its opponent to concede their genuineness.’”).

7 **III. CONCLUSION**

8 For the reasons stated herein, the Court should deny Plaintiff’s Motion, or, in the
9 alternative, allow Rokoko to supplement its responses.

11 DATED: January 28, 2026

REED SMITH LLP

13 By: /s/ Katherine J. Ellena _____
14 Katherine J. Ellena
15 Michael Galibois (*pro hac vice*)
16 Emily Graue (*pro hac vice*)
Valentino Gorospe IV

17 *Attorneys for Defendant*
18 *Rokoko Electronics*

REED SMITH LLP
A limited liability partnership formed in the State of Delaware

10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

CERTIFICATE OF COMPLIANCE

The undersigned, counsel of record for Defendant Rokoko Electronics, certifies that this brief contains 1,495 words, which complies with the word limit of L.R. 11-6.2.

DATED: January 28, 2026

/s/ Katherine J. Ellena
Katherine J. Ellena

REED SMITH LLP
A limited liability partnership formed in the State of Delaware