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

15 MATTHEW R. WALSH

16 Plaintiff,

17 vs.

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

19 Defendant.

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

[Assigned to Hon. Otis D. Wright, II, Courtroom 5D]

**DEFENDANT’S EX PARTE APPLICATION
FOR ADDITIONAL TIME TO PLEAD OR
OTHERWISE RESPOND TO
COMPLAINT; MEMORANDUM OF
POINTS AND AUTHORITIES IN
SUPPORT THEREOF**

[Filed Concurrently with (1) Declaration of Katherine J. Ellena; (2) Proposed Order]

State Court Action Filed: May 12, 2025

Removal Date: June 12, 2025

Current Responsive Pleading Due: June 19, 2025

Proposed Responsive Pleading Due: July 10, 2025

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1 TO THE CLERK OF THE ABOVE-ENTITLED COURT AND TO PLAINTIFF,
2 APPEARING *PRO SE*:

3 PLEASE TAKE NOTICE that Defendant Rokoko Electronics (“Defendant”) without
4 waiving any arguments will and hereby does move, by *ex parte* application, for an Order extending
5 the deadline for Defendant to file a response or otherwise plead in response to the Complaint from
6 June 19, 2025 to July 10, 2025.

7 Defendant makes this application under Federal Rule of Civil Procedure 6(b) on the grounds
8 that good cause exists for enlarging time. As detailed herein, this action was removed to this Court
9 on Thursday, June 12, 2025. While Defendant intends to file a motion to dismiss most, if not all, of
10 the fourteen causes of action asserted against it, given the volume of allegations asserted, Defendant
11 has not had sufficient time to prepare its response to the Complaint. The motion to dismiss will address
12 several deficiencies in the Complaint that may dispose of the entire action, including failure to state
13 causes of action and statutes of limitations.

14 Defendant attempted to confer with Plaintiff for an extension pursuant to L.R. 8-3, but Plaintiff
15 has refused, necessitating this *ex parte* application. When defense counsel spoke to Plaintiff on the
16 phone to discuss the extension of time to respond to the Complaint, Plaintiff refused, saying, “I will
17 oppose pretty much everything.”

18 Pursuant to L.R. 7-19, notice of this *ex parte* application was provided on June 16, 2025 to
19 Plaintiff via phone and email. (19197 Golden Valley Rd. #333, Santa Clarita, CA 91387; (661) 644-
20 0012; matthew@winteryear.com). When Plaintiff was notified he indicated that he would oppose this
21 *ex parte* application.

22 This *ex parte* application is based on this Notice; the Memorandum of Points and Authorities
23 in Support; the Declaration of Katherine J. Ellena, and all exhibits thereto, and the complete files and
24 records in this action; matters that may be judicially noticed; and any oral or documentary evidence
25 that may be presented at or before the hearing on this matter.

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DATED: June 16, 2025

REED SMITH LLP

By: /s/ Katherine J. Ellena
Katherine J. Ellena
Michael Galibois (*PHV* forthcoming)
Emily Graue (*PHV* forthcoming)

*Attorney for Defendant
Rokoko Electronics*

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MEMORANDUM AND POINTS OF AUTHORITIES

I. INTRODUCTION

Reasonable litigation deadline extensions should not require court intervention, but Plaintiff’s complete refusal to agree to a short extension of time to respond to its 256 page Complaint necessitates this *ex parte* application. With this *ex parte* application, Defendant seeks a short twenty-one day extension of time—from June 19, 2025 to July 10, 2025—to evaluate the fourteen separate causes of action in the Complaint and determine how to respond or otherwise plead in response to the Complaint. Defendant’s request for additional time is consistent with Local Rule 8-3 and the Central District’s Civility and Professionalism Guidelines. Accordingly, the Court should grant Defendants’ *ex parte* application and order that the deadline to respond or otherwise plead in response to the Complaint is July 10, 2025.

II. STATEMENT OF RELEVANT FACTS

Defendant is an international brand of consumer motion capture and animation technology products. This lawsuit was filed by Matthew R. Walsh (“Plaintiff”) and is just the latest event in a long-standing harassment campaign against Defendant. The Complaint was filed May 12, 2025 in the Superior Court of California, County of Los Angeles. *See* Dkt. 3. The Complaint is 256 pages long including exhibits, 80 pages without, and has fourteen causes of action including fraudulent concealment, unconscionable contract terms, intellectual property infringement, and deceptive business practices. Defendants received service on May 14, 2025. *Id.* On June 13, 2025, Defendants removed this case to the Central District of California. *See* Dkt. 1. While Defendant intends to file a motion to dismiss most, if not all, of the fourteen causes of action asserted against it, given the volume of allegations asserted, Defendant has not had sufficient time to prepare its response to the Complaint. Due to the insufficient amount of time, on June 12, 2025, defense counsel sought Plaintiff’s consent for an extension of time to respond to the Complaint pursuant to a Local Rule 8-3 stipulation. *See* Declaration of Katherine J. Ellena, ¶¶ 3-4. Plaintiff refused. *Id.* ¶ 4.

The Complaint consists of fabricated and fanciful allegations that at bottom take issue with products that Plaintiff purchased from Defendant. *See generally* Complaint. Plaintiff has now turned to the judicial system to ask this Court to, among other things, award damages of upwards of \$6.5

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1 million. Deficiencies in the Complaint raise multiple legal bars to the claims pled, including failure to
2 state a claim and applicable statutes of limitation. A short continuance to allow Defendants time to
3 evaluate the applicability of these legal bars and to prepare the motion to dismiss comports with
4 principles of fairness and promotes judicial efficiency, and will not prejudice Plaintiff. Alternatively,
5 were Defendant not to receive additional time to respond to the Complaint, Defendant would be
6 substantially prejudiced because it would not have adequate time to present the Court with a motion
7 to dismiss that may significantly narrow the dispute, or resolve the dispute altogether.

8 **III. GOOD CAUSES EXISTS TO EXTEND DEFENDANT’S TIME TO RESPOND TO**
9 **THE COMPLAINT ON AN EX PARTE BASIS**

10 Rule 6(b) of the Federal Rules of Civil Procedure authorizes a court to enlarge the time within
11 which a party may do any act required by the rules. If a request for enlargement of time is made before
12 the expiration of the time originally prescribed, it may be made by *ex parte* application. *Id.*

13 Here, Defendant readily satisfies this test.

14 *First*, Defendants only just removed this lawsuit on June 13, 2025 and a Motion for
15 Enlargement of Time was filed on June 16, 2025, immediately after the action was assigned to this
16 Honorable Court. Due to the short deadline for Defendant to file a responsive pleading to the
17 Complaint, which is currently due on June 19, 2025, Defendant sought additional time to respond
18 through its Motion for Enlargement of Time.. Defendant needs additional time to evaluate the grounds
19 for its forthcoming motion to dismiss and to prepare the motion. Defendant will be irreparably
20 prejudiced without additional time to evaluate and prepare its response because the lengthy Complaint
21 asserts fourteen separate causes of action that require Defendant to spend significant time responding
22 to the inaccurate and legally deficient allegations. In contrast, Plaintiff will suffer no prejudice because
23 there are no other deadlines or case management orders set in this action yet. Moreover, the local
24 rules permit the parties to agree to an extension to respond to an initial complaint of a cumulative total
25 of thirty days without the need for court intervention. *See* Local Rule 8-3. Here, Defendant seeks just
26 twenty-one days.

27 *Second*, the need for *ex parte* relief is a direct result of Plaintiff’s refusal to stipulate to an
28 extension. Due to the time constraint, Defendants sought agreement from Plaintiff for an extension of

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1 time to respond to the Complaint. However, Plaintiff did not consent to the extension and stated that
2 “I will oppose pretty much everything.” See Ellena Decl., ¶ 4. As the Central District of California’s
3 Civility and Professional Guidelines provide, “Unless time is of the essence, as a matter of courtesy
4 we will grant first requests for reasonable extensions of time to respond to litigation deadlines. After
5 a first extension, any additional requests for time will be considered by balancing the need for
6 expedition against the deference one should ordinarily give to an opponent’s schedule of personal and
7 professional engagements, the reasonableness of the length of extension requested, the opponent’s
8 willingness to grant reciprocal extensions, the time actually needed for the task, and whether it is likely
9 a court would grant the extension if asked to do so.” See Civility and Professionalism Guidelines |
10 Central District of California | United States District Court, ¶ B.2. The fact that Plaintiff is in *pro per*
11 should not permit him to run afoul of the Civility and Professional Guidelines. Moreover, Defendant
12 has not previously sought an extension of any deadline in this matter.

13 Given the foregoing, the Court should find good cause to extend the initial response deadline
14 and order that Defendant has up until and including July 10, 2025 to file a response to the Complaint.

15 **IV. DEFENDANT PROVIDED TIMELY NOTICE OF THIS APPLICATION**

16 In compliance with Local Rule 7-19, on June 16, 2025, Defendant provided notice of this *ex*
17 *parte* application to Plaintiff via phone and email (19197 Golden Valley Rd. #333, Santa Clarita, CA
18 91387; (661) 644-0012; matthew@winteryear.com). See Ellena Decl., ¶¶ 6.

19 Defendant contacted Plaintiff at the phone number he provided to the Court. See Complaint.
20 In Plaintiff’s Complaint, he identifies (661) 644-0012 as his phone number. Plaintiff has also been
21 contacting defense counsel through the email matthew@winteryear.com. See Exhibit 2. Defense
22 counsel emailed Plaintiff at the email address he has communicated through and called him at the
23 telephone number he provided to the Court. See Ellena Decl., ¶¶ 3-4, 6, Exhibit 2. Upon the filing of
24 this *ex parte* application, Defendant will email a copy of the filed application and have copies delivered
25 to Plaintiff at 19197 Golden Valley Rd. #333, Santa Clarita, CA 91387, the addresses listed for him
26 on the Complaint. When Plaintiff was notified he indicated that he would oppose this motion. *Id.* at ¶
27 6.

28

1 **V. CONCLUSION**

2 For the foregoing reasons, Defendant respectfully requests that the Court grant this *ex parte*
3 application and order that Defendant shall have up to and including July 10, 2025 to respond or
4 otherwise plead in response to the Complaint.

5
6 DATED: June 16, 2025

REED SMITH LLP

7
8 By: /s/ Katherine J. Ellena
Katherine J. Ellena
9 Michael Galibois (*PHV* forthcoming)
Emily Graue (*PHV* forthcoming)

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11 *Attorney for Defendant*
Rokoko Electronics

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CERTIFICATE OF SERVICE

I am a resident of the State of California, over the age of eighteen years, and not a party to the within action. I am employed in the office of a member of the bar of this court at whose direction the service was made. My business address is REED SMITH LLP, 515 South Flower Street, Suite 4300, Los Angeles, CA 90071. On June 16, 2025, I served the following document(s) by the method indicated below:

DEFENDANT’S *EX PARTE* APPLICATION FOR ADDITIONAL TIME TO PLEAD OR OTHERWISE RESPOND TO COMPLAINT; MEMORANDUM OF POINTS AND AUTHORITIES IN SUPPORT THEREOF

by transmitting via email to the parties at the email addresses listed below:

Matthew R. Walsh
19197 Golden Valley Rd #333
Santa Clarita, CA 91387
Email: matthew@winteryear.com

I declare under penalty of perjury under the laws of the United States that the above is true and correct. Executed on June 16, 2025, at Los Angeles, California.



Heather Valencia

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