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Rokoko Electronics, *et al.*

11  
12 **UNITED STATES DISTRICT COURT**  
13 **CENTRAL DISTRICT OF CALIFORNIA**

14 MATTHEW R. WALSH

15 Plaintiff,

16 vs.

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

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

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

**DECLARATION OF KATHERINE  
ELLENA IN SUPPORT OF  
DEFENDANT ROKOKO  
ELECTRONICS' SUPPLEMENTAL  
BRIEF IN SUPPORT OF  
[PROPOSED] ESI PROTOCOL**

[Concurrently filed with Supplemental  
Brief; Proposed ESI Protocol]

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

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**DECLARATION OF KATHERINE ELLENA**

I, Katherine Ellena, declare:

1. I am an attorney with Reed Smith LLP and counsel for Defendant Rokoko Electronics (“Rokoko”). I have personal knowledge of the following facts and, if called as a witness, I could and would testify competently thereto.

2. I submit this declaration in support of Rokoko’s Supplemental Brief in Support of Rokoko’s [Proposed] ESI Protocol.

3. On February 12, 2026, I engaged in a meet and confer conference with Plaintiff Matthew R. Walsh’s regarding proposed ESI Protocol provisions in this action.

4. During that call, I explained to Plaintiff the numerous reasons why producing email communications in native format as a matter of course is not common, not practical and also raises serious concerns regarding the post-production alteration of the files (whether inadvertent or otherwise).

5. I also explained to Plaintiff that, should the need arise for other types of documents to be produced (*i.e.*, Excel files, Powerpoint files, or audio files), Rokoko would produce those documents in native format.

6. A true and correct copy of Plaintiff’s February 16, 2026 email correspondence is attached hereto as **Exhibit A**.

I declare under penalty of perjury under the laws of the State of California and the United States that the foregoing is true and correct and that this declaration was executed on February 20, 2026, in Los Angeles, California.

/s/ Katherine J. Ellena

Katherine J. Ellena

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# **EXHIBIT A**

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**From:** matthew@winteryear.com  
**Sent:** Monday, February 16, 2026 1:11 PM  
**To:** Ellena, Katherine J.; Graue, Emily H.  
**Cc:** Galibois, Michael B.; Gorospe, Valentino  
**Subject:** RE: Rule 7-3 Meet and Confer

**External E-Mail - FROM matthew@winteryear.com <matthew@winteryear.com>**

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Kat,  
I will be leaving town in the morning and will be unavailable for the next week. Given the Court's upcoming deadline, I will be submitting my proposed ESI protocol to ensure compliance. I apologize that we didn't get to meet again, however, I simply will not be available.

I have noted in my brief that the parties met and conferred and discussed stipulating to certain provisions. I have also indicated that I remain willing to continue conferring and will amend the protocol should the parties reach agreement before the Court rules; and have asked the Court for leave to do so.

Please note my unavailability, I will unfortunately not be able to respond to e-mails often during this time.

Thank you,  
Matt