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Plaintiff In Pro Per,

UNITED STATES DISTRICT COURT
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; Hon. Rozella A. Oliver, Courtroom 590]

Hearing Date: February 22, 2026
Time: 10:00 AM
Department/Judge: Hon. Oliver,

SUPPLEMENTAL BRIEF ISO Plaintiff's Motion to Compel; Deem Admitted

State Court Action Filed: May 12, 2025
Removal Date: June 12, 2025
Discovery Cutoff: August 10, 2026
Trial Date: March 9, 2027

Filed concurrently with: Walsh Decl. re: Evidence Contradicting Defendants Discovery Responses

Plaintiff respectfully submits this supplemental brief capped at 5 pages of argument as ordered by the Court in support of his Motion to Compel; deem Admitted. It is concurrently filed with Walsh Decl. re: Factual Contradictions.

Should the Court find the declaration improper, Plaintiff asks the Court strike or disregard that document but allow the brief to stand.

Introduction: Seven months. No RFA's or interogatories answered without objection or condition. Not one compliant document production. Almost every answer, and even some evidence used for disposition -- a material fabrication *("Parties, like witnesses, **are required** to state the truth, the whole truth and nothing but the truth"* Hunter v. International Systems and Controls Corp., 56 F.R.D. 617, 631 (W.D.Mo.1972)*).* ("*An implicit condition in any order to answer ... is that the answer be true, responsive and complete. A false answer is in some ways worse than no answer; it misleads and confuses the party"* Smith v. Cessna Aircraft Co., 124 F.R.D. 103, 107 (D.Md.1989)). **Exteme Discovery Behavior Warrants Extreme Remedy:** Courts routinely find a false response to discovery is a failure to respond under Rule 37(d) and have imposed sanctions, including striking a party's pleadings and imposing judgment. See, e.g, Airtex Corp. v. Shelley Radiant Ceiling Co., 536 F.2d 145, 155 (7th Cir.1976); Bell v. Automobile Club of Michigan, 80 F.R.D. 228, appeal dismissed, 601 F.2d 587 (6th Cir.), cert. denied, 442 U.S. 918, 99 S.Ct. 2839, 61 L.Ed.2d 285 (1979). To refresh the Court's memory; nine 37-1's, two MTC's, one Mot. Deem Admitted, two sanctions motions and yet, no deterrence. **This list is a short preview of Defendants discovery posture:** *(see also Walsh Decl. re: Factual Contradictions)*

- **RFA 20 → Admit animations contain CMI.** Denied; fully contradicted (Ex. 1). A sole required material fact for three CoA's to rise or fall. Denial is strategic and prejudicial

- **RFA 17 → Admit 2025 terms granted right to anonymize animations and resell to third parties.** Denied; fully contradicted by their notice and terms (Ex. 2)
- **RFA 30 → Admit you refused to provide parts.** Denied. (Where are they then?) (Ex 3)
- **RFP 3 → Produce Third-party contracts.** *"None located."* Contradicted (Ex. 4, multiple agreements with third parties)
- **RFA 4 → Admit overlapping ownership (CoCo / Rokoko).** Partially Admitted as 2% → denied remainder; fully contradicted, its actually 78% (Ex. 5)
- **RFA 5 → Overlapping board meetings.** Denied; contradicted (Ex. 6)
- **RFP 6 → Communications/posts by Defendant or agents.** *"None located."* Contradicted (Ex. 7, postings, admissions on multiple sites)
- **RFP 2 → "Anonymization" policies/definition.** *"None located."* Contradicted (Ex. 8, published policies and public definition of anonymization aka CMI removal)
- **RFA 35 → Admit a single signature is handwritten.** Denied for ~7 months refusal to 26(e) → only later admitted when MTC is pending (3/20/2025) (Ex. 9)
- **RFA 9, 36 → False "executed in" location on a declaration** (Copenhagen). Denied; contradicted via DocuSign and IP address traces = Tranbjerg (~300km away). (Ex. 10)
- **RFA 28 → Admit MTD is more than 6,999 words**. "Obj. Equally available" → "Incorrectly accused… exceeding word count… including footnotes is 6,999" (Dkt #55) → Contradicted, it's 7,351 words not including the footnotes (Ex. 11)

This list is not exhaustive and shows their refusal to concede anything, regardless of truth. Rather than ever correct under 26(e), they waited until they were compelled, then doubled down on falsities. Rokoko mirrors Pierce: The circuit

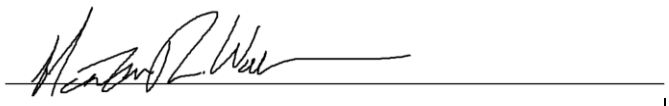
court judge found that some of the answers provided by Pierce were *"manifestly false."* – *"Pierce's conduct constitutes bad faith"*. Similarly, in Smith, he *"admitted his misconduct when he realized that his lie was about to be uncovered"* (Smith, 124 F.R.D. at 109). Rokoko **only** admitted that a simple signature was in fact, handwritten; and that a simple typo existed on a page **after** a Motion to Compel was imminent before the Court, never when 26(e) required it. These absurd examples are to show how far the egregiousness goes. **False Responses Constitute Discovery Abuse:** *("A false answer is in some ways worse than no answer; it misleads and confuses the party.")* Smith v. Cessna Aircraft Co., 124 F.R.D. 103, 107 (D.Md.1989)). Where relevant information exists and is not disclosed accurately, the responding party forfeits credibility in asserting compliance. See Mississippi Bar v. Land, 653 So. 2d 899, 909 (Miss. 1994). **Sanctions Still Appropriate Without Prior Compel Order:** Orkin Exterminating Co. v. McIntosh, affirmed and quoted in Pierce, sanctions were upheld [where a party falsely denied the existence of documents], even without a prior order compelling production. 452 S.E.2d 159, 163–64 (Ga. Ct. App. 1994); Pierce, 688 So. 2d at 1390–91. Courts treat failure to correct known inaccuracies as willful misconduct. *Pierce*, 688 So. 2d at 1391. **Relief Under Rule 37 Is Appropriate:** This Court has been patient. There is no standard on patience, but there are standards on when it ends. *Eaton v. Frisby* is directly on point: sanctions of $1.56

million and dismissal were imposed where a party **(1)** withheld operative agreements, **(2)** misrepresented their contents**, (3)** denied facts contradicted by its own records, **(4)** claimed inadvertence amid a clear pattern of obstruction, **(5)** asserted privilege without proper identification, **(6)** acted without any prior order to compel, and **(7)** failed to correct [known] false responses. The same pattern exists here almost uniformly. On appeal, those sanctions were affirmed where discovery responses were "inaccurate and misleading" and ultimately "truly false," with willfulness inferred from intentional concealment or gross indifference. The Supreme Court has held that a state district court may impose the sanction of dismissal for violation of discovery orders when the failure to comply is due to the wilfulness, bad faith, or fault of the disobedient party….The district court does not abuse its discretion when a party demonstrates flagrant bad faith and callous disregard for its responsibilities. (Medina v. Foundation Reserve Insurance Co., 117 N.M. 163, 870 P.2d 125, 126) (*"It would be ridiculous to allow a party who completely thwarts discovery to escape penalty simply because it could not be proven that other litigants were in fact deceived by such misconduct or actually relied upon it."*). **Lesser Sanctions May Be Inappropriate:** The Defendants show they will do whatever it takes to prevail. In Pierce, the Court weighed other sanctions even cross-exam on trial; but given the issues encountered, did not feel it was appropriate as she would be subjected to humiliation. (*"The other sanctions*

considered by the court would not achieve the deterrent value of the dismissal since any other sanction beside dismissal would virtually allow the plaintiff to get away with lying under oath without a meaningful penalty"), they affirmed the trial Court's decision in dismissal. These cases are not unique outliers (*"To condone such conduct would force parties to assume the falsity of every sworn … response and file endless motions preserving their right to relief. Such a rule would allow the unscrupulous to conceal documents from opposing parties by the simple expedient of denying their existence, without fear of penalty if the deception were by some chance discovered. It would discourage diligence in seeking out relevant documents even on the part of those not actively dishonest. Lack of diligence or negligence would not only be unpunished, it would be rewarded.")* Orkin Exterminating Co. v. McIntosh, 215 Ga.App. 587, 452 S.E.2d 159, 164 (1994). (*"**Such action by any party should not and will not be tolerated. If a defendant had done the same in this case, the trial court would have been affirmed if it struck the answer and allowed a default judgment to occur**."*) (Mississippi Bar v. Land, 653 So.2d 899, 910 (Miss.1994)) quoting Pierce. **Conclusion:** Here: The Defendant has done the same in this case and continues to do so. They lied in a motion designed to compel them to tell the truth; and across all discovery. **Plaintiff is entitled to relief under Rule 37 in proportionate response to Supreme Court precedents for similar misconduct. He asks the Court to rule accordingly.**

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

Executed this March 30, 2026, in Santa Clarita, California.



Matthew R. Walsh
Plaintiff In Pro Per