

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

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

10 *Attorneys for Defendant,*
Rokoko Electronics

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]

**DEFENDANT ROKOKO
ELECTRONICS' MOTION FOR
EXTENSION OF TIME TO FILE
OPPOSITION TO PLAINTIFF'S
MOTION FOR PARTIAL
SUMMARY JUDGMENT**

[Concurrently filed with *Declaration of
Katherine J. Ellena and Ex Parte
Application*]

State Court Action Filed: May 12, 2025
Removal Date: June 12, 2025
Discovery Cutoff: August 10, 2026
Pre-Trial Conference: February 8, 2027
Trial Date: March 9, 2027

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MEMORANDUM OF POINTS AND AUTHORITIES

I. INTRODUCTION

Defendant Rokoko Electronics (“Rokoko”) respectfully requests that this Court grant a two-week extension of time—from April 27, 2026 to May 11, 2026—to file its opposition to Plaintiff Matthew R. Walsh’s (“Plaintiff”) Motion for Partial Summary Judgment (ECF No. 167).

Good cause exists for the requested extension because the current opposition deadline affords Rokoko only sixteen calendar days to respond to a complex, 22-page summary judgment motion raising significant issues of copyright law. A brief extension will not prejudice Plaintiff or disrupt the Court’s schedule. As set forth below, the compressed briefing timeline is solely the result of Plaintiff’s decision to file his re-motion while maintaining the May 18, 2026 hearing date. Rokoko acted diligently in seeking a stipulation to an extended briefing schedule, but Plaintiff refused. Rokoko therefore respectfully requests that the Court grant this modest extension to ensure Rokoko has a full and fair opportunity to respond to Plaintiff’s dispositive motion.

II. BACKGROUND

On April 10, 2026, the Court issued its Order Partially Granting Rokoko’s Motion to Dismiss Plaintiff’s First Amended Complaint, (ECF No. 165), dismissing two causes of action without leave to amend, dismissing two causes of action with leave to amend, and denying of the Motion on Plaintiff’s “Intellectual Property Infringement” cause of action (Count III).

One day later, on Saturday, April 11, 2026, Plaintiff filed his Motion for Partial Summary Judgment (ECF No. 167), with a hearing date set for May 18, 2026. Under Local Rule 7-9, Rokoko’s opposition to Plaintiff’s motion is due twenty-one days before the hearing—i.e., April 27, 2026. Because Plaintiff did not file his motion until April 11, 2026, Rokoko has only approximately sixteen calendar days from the date of filing to prepare and file its opposition. This is an extremely compressed timeframe, particularly in light of the complexity of the issues raised in Plaintiff’s motion and

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1 despite the fact that the close of fact discovery is still four months away (August
2 10, 2026) and trial is nearly one year away (March 9, 2027).

3 On April 15, 2026, pursuant to Local Rule 7-19.1, Rokoko notified Plaintiff
4 via email of its intent to file this motion and asked whether Plaintiff would stipulate
5 to an extended briefing schedule. (Declaration of Katherine J. Ellena (“Ellena
6 Decl.”), Ex. A.) Plaintiff declined to stipulate and indicated he would oppose
7 this application. Rokoko accordingly files this motion.

8 **III. ARGUMENT**

9 Federal Rule of Civil Procedure 6(b)(1) provides that “[w]hen an act may or must
10 be done within a specified time, the court may, for good cause, extend the time . . . with
11 or without motion or notice if the court acts, or if a request is made, before the original
12 time or its extension expires.” Fed. R. Civ. P. 6(b)(1)(A). This rule, like all the Federal
13 Rules of Civil Procedure, “is to be liberally construed to effectuate the general purpose
14 of seeing that cases are tried on the merits.” *Rodgers v. Watt*, 722 F.2d 456, 459 (9th
15 Cir. 1983). Consequently, requests for extensions of time made before the applicable
16 deadline has passed should “normally . . . be granted in the absence of bad faith on the
17 part of the party seeking relief or prejudice to the adverse party.” 4B Charles Alan
18 Wright & Arthur R. Miller, *Federal Practice and Procedure* § 1165 (3d ed. 2004).

19 **A. Good Cause Exists for the Requested Extension**

20 The circumstances here clearly demonstrate the “good cause” required by Rule
21 6(b)(1). The current opposition deadline gives Rokoko only approximately sixteen
22 calendar days from the filing of Plaintiff’s motion to prepare its opposition. Plaintiff’s
23 22-page motion raises complex issues of copyright law, including claims related to
24 alleged unauthorized collection and commercialization of motion-capture animation
25 data, questions of licensing under multiple terms of service agreements, and issues of
26 willfulness and per-work statutory damages. Preparing a thorough and well-supported
27 opposition to these claims—including factual investigation, legal research, review of
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1 Plaintiff’s voluminous exhibits and declarations, and preparation of Rokoko’s
2 own evidence—cannot be adequately accomplished in this compressed timeframe.

3 In *Ahanchian v. Xenon Pictures, Inc.*, 624 F.3d 1253 (9th Cir. 2010), the
4 Ninth Circuit reversed a district court’s denial of a request for a one-week extension
5 of time to file opposition to a summary judgment motion in a copyright
6 infringement case. There, the nonmoving party’s deadline was “exceptionally
7 constrained due to peculiar dictates of local rules,” the opposing party had chosen
8 to file its motion at the last possible moment, and lead counsel had preexisting
9 obligations during the response period. *Id.*

10 The same considerations apply here with equal force. Like the plaintiff
11 in *Ahanchian*, Rokoko faces an exceptionally constrained deadline that is the direct
12 result of Plaintiff’s decision to file his motion while maintaining a hearing date that
13 leaves only sixteen calendar days for the opposition. There is no indication of bad
14 faith on Rokoko’s part—to the contrary, Rokoko acted diligently by promptly
15 notifying Plaintiff of its intent to seek an extension and requesting a stipulation.

16 Moreover, Rokoko’s currently pending discovery requests warrant a brief
17 extension to file an opposition. Rokoko served its First Set of Requests for Admission
18 and Second Set of Requests for Production on Plaintiff on April 8, 2026, with the
19 intention of gathering admissions and documents dispositive to Plaintiff’s then-
20 forthcoming motion for summary judgment (Ellena Decl., Ex. B). The discovery
21 cutoff is not until August 10, 2026, and the trial date is March 9, 2027. Requiring
22 Rokoko to file its opposition absent key admissions and productions from Plaintiff,
23 despite the close of fact discovery being four months away, would reward
24 Plaintiff’s gamesmanship while severely prejudicing Rokoko for a situation it did
25 not create. Rokoko therefore has good cause for its requested extension, which will
26 not impact any other case deadlines or the trial date.

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1 **B. Plaintiff Will Not Be Prejudiced by a Brief Extension**

2 Furthermore, Plaintiff will not be prejudiced by the requested two-week extension.
3 A two-week extension will not impact any case deadlines; discovery cutoff is not
4 until August 10, 2026, trial is March 9, 2027, and Plaintiff has raised no arguments as
5 to the exigency of his early-filed Motion for Partial Summary Judgment. In
6 *Ahanchian*, the Ninth Circuit found no prejudice where a one-week extension
7 “would not have adversely affected either the summary judgment hearing date . . . or
8 the trial, which was two and a half months away.” 624 F.3d at 1261. The same
9 considerations and margin of error apply here.

10 Nor can Plaintiff claim prejudice with respect to his reply – Rokoko’s has and
11 is welcome to stipulate to an appropriate extension of time for all parties and been
12 rejected at every turn. *See id.* at 1260 (“defendants’ argument that they would be
13 prejudiced by only having a week to reply while Ahanchian would have had several
14 weeks to draft an opposition is unpersuasive and neglects the fact that in the
15 overwhelming majority of districts, more time is given for drafting oppositions than
16 for drafting replies”).

17 Plaintiff may not bemoan a compressed timeline as the party forcing an
18 expedited process. Plaintiff chose to file his motion on April 11 while maintaining
19 the May 18 hearing date, and then refused to stipulate to an extended briefing
20 schedule. In *Ahanchian*, the Ninth Circuit condemned precisely this conduct,
21 granting an extension where the opposing party “took knowing advantage of the
22 constrained time to respond created by the local rules” and employed “hardball tactics
23 designed to avoid resolution of the merits.” 624 F.3d at 1263. The tactics
24 admonished by *Ahanchian* court mirror those of Plaintiff, who continues to refuse
25 Rokoko’s reasonable extension requests while railroading this Court’s docket. But
26 “[w]here, as here, there is no indication of bad faith, prejudice, or undue delay,
27 attorneys should not oppose reasonable requests for extensions of time brought by
28 their adversaries.” *Id.* The same principles compel granting Rokoko’s request here.

1 **IV. CONCLUSION**

2 For the foregoing reasons, Rokoko respectfully requests that this Court grant a
3 two-week extension of time, from April 27, 2026 to May 11, 2026, to file its opposition
4 to Plaintiff’s Motion for Partial Summary Judgment. In the alternative, Rokoko requests
5 such other and further relief as the Court deems just and appropriate.

7 Dated: April 16, 2026

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8 */s/ Katherine J. Ellena*

9 Katherine J. Ellena
10 Michael B. Galibois (*pro hac vice*)
Emily Graue (*pro hac vice*)

11 *Attorneys for Defendant*
12 Rokoko Electronics

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