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10 *Attorneys for Defendant,*
Rokoko Electronics

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

13 MATTHEW R. WALSH

14 Plaintiff,

15 vs.

16 ROKOKO ELECTRONICS, and
17 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' EX PARTE
APPLICATION FOR EXTENSION
OF TIME TO FILE OPPOSITION
TO PLAINTIFF'S MOTION FOR
PARTIAL SUMMARY JUDGMENT**

[Concurrently filed with *Declaration of
Katherine J. Ellena, Motion for
Extension, Proposed Order*]

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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1 **TO THE HONORABLE COURT, THE CLERK, AND PLAINTIFF**
2 **APPEARING PRO SE:**

3 PLEASE TAKE NOTICE that on Pursuant to Local Rule 7-19 Defendant
4 Rokoko Electronics (“Rokoko”) will and hereby does applies *ex parte* for an order
5 extending the time for Rokoko to file its opposition to Plaintiff Matthew R. Walsh’s
6 (“Plaintiff”) Motion for Partial Summary Judgment (ECF No. 167) by two weeks, from
7 April 27, 2026 to May 11, 2026. This *ex parte* application is made pursuant to Federal
8 Rule of Civil Procedure 6(b)(1) and the Court’s inherent case management authority,
9 and is based on this notice of *ex parte* application and application, the attached
10 memorandum of points and authorities, and Rokoko’s Motion for Extension to Oppose
11 Partial Summary Judgment (filed concurrently with this motion), and the Declaration
12 of Katherine Ellena.

13 Pursuant to Local Rule 7-19.1, on April 15, 2026, counsel for Rokoko asked
14 Plaintiff, via email, whether Plaintiff would stipulate to an extension of Rokoko’s
15 opposition briefing otherwise Rokoko would file the instant *ex parte* application.
16 (Declaration of Katherine Ellena, Ex. A.) Plaintiff refused to stipulate to an extension,
17 stating he did not believe one was appropriate. (*Id.*) Plaintiff’s contact information is:
18 Matthew R. Walsh, 19197 Golden Valley Rd, #333, Santa Clarita, CA 91387.
19 Telephone: (661) 644-0012. Email: matthew@winteryear.com.

20 Dated: April 16, 2026

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21
22 */s/ Katherine J. Ellena*

23 Katherine J. Ellena
24 Michael B. Galibois (*pro hac vice*)
25 Emily Graue (*pro hac vice*)

26 *Attorneys for Defendant*
27 Rokoko Electronics
28

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MEMORANDUM OF POINTS AND AUTHORITIES

I. INTRODUCTION

The pleadings in this action are still not settled and discovery has only barely begun; indeed, no depositions have been taken. Nevertheless, Plaintiff Matthew R. Walsh’s (“Plaintiff”), appearing pro se, filed a motion for summary judgment on Count III (Intellectual Property Infringement) one day after the Court ruled on Defendant Rokoko Electronics’ (“Rokoko”) Motion to Dismiss his First Amended Complaint and before the Court’s deadline to file a responsive pleading to Count III (ECF No. 165). Accordingly, Rokoko respectfully submits this *ex parte* application pursuant to Local Rule 7-19 and the Court’s Standing Order, requesting a two-week extension of time—from April 27, 2026 to May 11, 2026—to file its opposition to 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 summary judgment motion raising significant allegations of copyright infringement law, and a brief extension will not prejudice Plaintiff or disrupt the Court’s schedule in this action.

As set forth below, the compressed briefing timeline is solely the result of Plaintiff’s decision to file his motion set for a May 18, 2026 hearing date, notwithstanding that no depositions have taken place, little written discovery has been exchanged, and the discovery cutoff in this action is not until August 10, 2026. On April 15, 2026, defense counsel requested a continuance of the motion hearing to a mutually agreeable date. (Declaration of Katherine Ellena (“Ellena Decl.”), Ex. A.) Plaintiff refused to agree to any continuance, necessitating this *ex parte* application. (*Id.*)

Rokoko therefore respectfully requests that the Court grant this short extension to ensure Rokoko has a full and fair opportunity to respond to Plaintiff’s dispositive motion. This is Rokoko’s first request for a continuance of the motion hearing date. Rokoko is not requesting that any other dates in the Scheduling Order (ECF No. 103) be modified.

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1 **II. BACKGROUND**

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

7 One day later, on Saturday, April 11, 2026, Plaintiff filed his Motion for Partial
8 Summary Judgment (ECF No. 167), with a hearing date set for May 18, 2026. The
9 motion is a 22-page brief seeking summary judgment that Rokoko has infringed on
10 Plaintiff’s copyright, including claims related to alleged unauthorized collection and
11 commercialization of motion-capture animation data, questions of licensing under
12 multiple terms of service agreements, and issues of willfulness and per-work statutory
13 damages.

14 Under Local Rule 7-9, Rokoko’s opposition to Plaintiff’s motion is due twenty-
15 one days before the hearing—i.e., April 27, 2026. Because Plaintiff did not file his
16 motion until April 11, 2026, Rokoko has only approximately sixteen calendar days from
17 the date of filing to prepare and file its opposition. This is an extremely compressed
18 timeframe, particularly in light of the complexity of the issues raised in Plaintiff’s
19 motion and despite the fact that the close of fact discovery is still four months away
20 (August 10, 2026) and trial is nearly one year away (March 9, 2027).

21 On April 15, 2026, pursuant to Local Rule 7-19.1, Rokoko notified Plaintiff via
22 email of its intent to file this *ex parte* application and asked whether Plaintiff would
23 stipulate to an extended briefing schedule. (Ellena Decl., Ex. A.) Plaintiff declined to
24 stipulate and indicated he would oppose this application. (*Id.*) Rokoko accordingly files
25 this *ex parte* application.

26 **III. ARGUMENT**

27 Under Local Rule 7-19 and the Court’s Standing Order, *ex parte* applications are
28 reserved for extraordinary circumstances. To justify *ex parte* relief, the moving party

1 must establish: (1) that their cause will be irreparably prejudiced if the underlying
2 motion is heard according to regular noticed motion procedures; and (2) that they are
3 without fault in creating the crisis that requires *ex parte* relief, or that the crisis occurred
4 as a result of excusable neglect. *Mission Power Eng'g Co. v. Continental Casualty Co.*,
5 883 F. Supp. 488, 492 (C.D. Cal. 1995). Both requirements are satisfied here.

6 **A. Rokoko Will Suffer Irreparable Prejudice Absent a Brief Extension**

7 The April 27, 2026 opposition deadline gives Rokoko only approximately sixteen
8 calendar days from the filing of Plaintiff's motion to prepare its opposition. Plaintiff's
9 22-page motion raises issues of copyright infringement, including claims related to
10 alleged unauthorized collection and commercialization of motion-capture animation
11 data, questions of licensing under multiple terms of service agreements, and issues of
12 willfulness and per-work statutory damages. Preparing a thorough and well-supported
13 opposition to these claims—including factual investigation, legal research, review of
14 Plaintiff's voluminous exhibits and declarations, and preparation of Rokoko's own
15 evidence—cannot be adequately accomplished in this compressed timeframe.

16 The interests of justice are best served by allowing Rokoko a reasonable opportunity
17 to fully and fairly respond to Plaintiff's summary judgment motion. Courts routinely
18 recognize that the due process interests of the non-moving party in having adequate
19 time to respond to dispositive motions outweigh any marginal delay. A two-week
20 extension—moving the opposition deadline from April 27 to May 11, 2026—is modest
21 and would still allow the motion to be heard on the currently scheduled May 18, 2026
22 hearing date, or on a date shortly thereafter at the Court's convenience.

23 Moreover, Rokoko's currently pending discovery requests warrant a brief extension
24 to file an opposition. Rokoko served its First Set of Requests for Admission and Second
25 Set of Requests for Production on Plaintiff on April 8, 2026, with the intention of
26 gathering admissions and documents dispositive to Plaintiff's then-forthcoming motion
27 for summary judgment (Ellena Decl., Ex. B). The discovery cutoff is not until August
28 10, 2026, and the trial date is March 9, 2027. Requiring Rokoko to file its opposition

1 absent key admissions and productions from Plaintiff, despite the close of fact discovery
2 being four months away, would reward Plaintiff’s gamesmanship while severely
3 prejudicing Rokoko for a situation it did not create. A two-week extension of the
4 opposition deadline will not impact any other case deadlines or the trial date; Plaintiff
5 cannot credibly claim prejudice from a brief extension that merely allows Rokoko
6 adequate time to respond.

7 **B. Rokoko Is Without Fault in Creating the Need for This Application**

8 The compressed timeline is entirely the result of Plaintiff’s decision to file his
9 Motion for Partial Summary Judgment on April 11, 2026, while maintaining the May
10 18, 2026 hearing date that had been set for his earlier-filed summary judgment motion.
11 Rokoko acted diligently by promptly notifying Plaintiff of its intent to seek an extension
12 and requesting a stipulation to an extended briefing schedule. (Ellena Decl., Ex. A.)
13 Plaintiff refused to stipulate, necessitating this *ex parte* application. (*Id.*) Rokoko is not
14 responsible for the compressed timeline and has acted in good faith throughout. Having
15 exhausted all reasonable efforts to resolve this scheduling dispute without Court
16 intervention, Rokoko is now compelled, through no fault of its own, to seek *ex parte*
17 relief.

18 **IV. CONCLUSION**

19 For the foregoing reasons, Rokoko respectfully requests that this Court grant a
20 two-week extension of time, from April 27, 2026 to May 11, 2026, to file its opposition
21 to Plaintiff’s Motion for Partial Summary Judgment (ECF No. 167). In the alternative,
22 Rokoko requests such other and further relief as the Court deems just and appropriate.

23 Dated: April 16, 2026

REED SMITH LLP

24 */s/ Katherine J. Ellena*

25 Katherine J. Ellena
26 Michael B. Galibois (*pro hac vice*)
Emily Graue (*pro hac vice*)

27 *Attorneys for Defendant*
28 Rokoko Electronics

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