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14 **UNITED STATES DISTRICT COURT**
15 **CENTRAL DISTRICT OF CALIFORNIA**

16
17 MATTHEW R. WALSH
18 Plaintiff,
19 vs.
20 ROKOKO ELECTRONICS, and
DOES 1 through 50, inclusive,
21 Defendant.

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

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

**DEFENDANT’S OPPOSITION TO
PLAINTIFF’S *EX PARTE*
APPLICATION FOR TEMPORARY
RESTRAINING ORDER AND
MOTION TO STAY PROCEEDINGS**

State Court Action Filed: May 12, 2025
Removal Date: June 12, 2025

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

3 PLEASE TAKE NOTICE that Defendant Rokoko Electronics (“Defendant”)
4 without waiving any arguments hereby opposes Matthew R. Walsh’s (“Plaintiff”) *Ex*
5 *Parte* Application for Temporary Restraining Order and Motion to Stay Proceedings.

6 **RELEVANT FACTUAL BACKGROUND**

7 On April 18, 2025, Plaintiff filed an action in the Small Claims Court of the
8 Superior Court of California, County of Los Angeles, Case No. 25CHSC00490 (“Small
9 Claims Action”). On May 5, 2025, Plaintiff voluntarily dismissed the Small Claims
10 Action against Defendant.

11 On May 12, 2025, Plaintiff filed the Complaint that is the subject of this action
12 in the Superior Court of California (the “State Court Action”), and Defendant was
13 personally served with a copy of that Complaint on May 14, 2025. On June 12, 2025,
14 before the deadline to file a responsive pleading in the State Court Action, Defendant
15 timely removed the State Court Action to the United States District Court, Central
16 District of California.¹ Defendant has not appeared (generally or otherwise) in the State
17 Court Action, nor has Defendant filed any document in the State Court Action. *See*
18 Dkt. No. 1, Ex. 3 (State Court Action Docket as of June 12, 2025).

19 On June 13, 2025, Plaintiff filed his Motion to Remand, which Defendant intends
20 to oppose before its deadline to do so. On June 16, 2025, Defendant filed an *Ex Parte*
21 Application for Enlargement of Time to Respond to the Complaint. That same day,
22 Plaintiff filed an *Ex Parte* Application for Temporary Restraining Order and Motion to
23 Stay Proceedings, which should be denied for several reasons as set forth below.

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27 ¹ On June 5, 2025, prior to Defendant’s removal, Plaintiff filed a Motion for Summary Judgment
28 against Defendant which is premature and procedurally improper under Code. Civ. Proc. §
437c(a)(1).

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1 **LEGAL STANDARD**

2 “The standard for a TRO is similar to the standard for a preliminary injunction,”
3 which requires a movant to “‘establish that he is likely to succeed on the merits, that he
4 is likely to suffer irreparable harm in the absence of preliminary relief, that the balance
5 of equities tips in his favor, and that an injunction is in the public interest.’” *Willingham*
6 *v. Flagstar Bank, NA.*, 2025 U.S. Dist. LEXIS 52000, at *3 (C.D. Cal. Feb. 14, 2025)
7 (citing *Winter v. Nat. Res. Def. Council, Inc.*, 555 U.S. 7, 20 (2008)). The Court “follows
8 a ‘sliding scale’ approach to the four preliminary injunction elements, where ‘a stronger
9 showing of one element may offset a weaker showing of another, as long as plaintiffs
10 ‘establish that irreparable harm is likely.’” *Id.* (citing *Doe v. Kelly*, 878 F.3d 710, 719
11 (9th Cir. 2017)).

12 In order to grant a TRO, movant must “meet the high burden to establish that
13 injunctive relief is appropriate.” *Keane v. Abeles*, 2025 U.S. Dist. LEXIS 72655, at *3
14 (C.D. Cal. April 16, 2025). When a party seeks a TRO, they “must meet exacting
15 criteria.” *Global Truss Am. LLC v. GLP German Light Prods.*, 2011 U.S. Dist. LEXIS
16 164689, at *2 (C.D. Cal. Jan. 11, 2011). A TRO is an “extraordinary remedy that may
17 only be awarded upon a clear showing that the plaintiff is entitled to such relief.” *Winter*,
18 555 U.S. at 22.

19 **ARGUMENT**

20 Plaintiff’s *Ex Parte* Application seeks (1) a temporary restraining order
21 preventing Defendant “from filing any further motions or pleadings in this matter,
22 including but not limited to motions to dismiss or for extensions of time, until the Court
23 issues a ruling on Plaintiff’s Motion to Remand” and (2) an Order staying all deadlines
24 pending a decision on Plaintiff’s Motion to Remand. Plaintiff has failed to satisfy his
25 heavy burden of establishing that such a temporary restraining order is warranted and
26 his requested relief is not appropriate on an *ex parte* basis.

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1 *First*, Plaintiff has made no showing in his *Ex Parte* Application that he will
2 prevail on his pending Motion to Remand. Moreover, Defendant intends to oppose
3 Plaintiff’s Motion to Remand—which was filed less than one week ago on June 13,
4 2025—before Defendant’s opposition deadline, which has not passed.

5 *Second*, Plaintiff will not suffer irreparable harm if the relief he seeks is not
6 granted. Courts routinely deny requests to stay actions pending a decision on a motion
7 to remand. *See California v. Eli Lilly & Co.*, 2023 U.S. Dist. LEXIS 127687, *3 (C.D.
8 Cal. June 20, 2024) (denying motion to stay proceedings pending decision on remand
9 motion); *Lpod, Inc. v. Kinder Morgan Liquids Terminals LLC*, 2024 U.S. Dist. LEXIS
10 128700, *7-8 (E.D. Cal. July 22, 2024) (denying a plaintiff’s *ex parte* application for a
11 stay of discovery pending a decision on a motion to remand).

12 *Finally*, contrary to Plaintiff’s contentions otherwise, Defendant is *not* in
13 default nor did it untimely remove the State Court Action. Plaintiff’s argument that an
14 email communication that he received from Defendant on May 5, 2025 somehow
15 constitutes a general appearance in the State Court Action is meritless. A general
16 appearance requires an act “in some manner that recognizes the authority of the court.”
17 *Salvation Inv. V. Mo Murrayfield*, 2021 Cal. Super. LEXIS 79358, *3 (Cal. Super. Ct.
18 Feb. 18, 2021) (rejecting plaintiff’s argument that an email from defendants’ counsel
19 advising the parties of their representation in the action and requested they be included
20 on service lists of future filings constituted a general appearance); *see also* Code Civ.
21 Proc. § 1014. Defendant’s response to Plaintiff’s email in no way “recognizes the
22 authority of the court.”

23 **CONCLUSION**

24 For the foregoing reasons, Defendant respectfully requests that the Court
25 deny Plaintiff’s *Ex Parte* Application for Temporary Restraining Order and Motion to
26 Stay Proceedings.

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DATED: June 17, 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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CERTIFICATE OF SERVICE

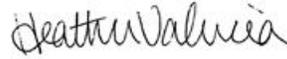
I am a resident of the State of California, over the age of eighteen years, and not a party to the within action. I am employed in the office of a member of the bar of this court at whose direction the service was made. My business address is REED SMITH LLP, 515 South Flower Street, Suite 4300, Los Angeles, CA 90071. On June 17, 2025, I served the following document(s) by the method indicated below:

A DEFENDANT’S OPPOSITION TO PLAINTIFF’S EX PARTE APPLICATION FOR TEMPORARY RESTRAINING ORDER AND MOTION TO STAY PROCEEDINGS

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 17, 2025, at Los Angeles, California.



Heather Valencia

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