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2025 JUN 17 PM 2:06

CLERK U.S. DISTRICT COURT
CENTRAL DISTRICT OF CALIF.
LOS ANGELES

BY: 

1 MATTHEW R. WALSH
2 19197 GOLDEN VALLEY RD #333
3 SANTA CLARITA, CA 91387
4 (661) 644-0012

5 Plaintiff In Pro Per,

6 **UNITED STATES DISTRICT COURT**

7 **CENTRAL DISTRICT OF CALIFORNIA**

8 MATTHEW R. WALSH
9 19197 GOLDEN VALLEY RD #333
10 SANTA CLARITA, CA 91387,

11 Plaintiff In Pro Per,

12 vs.

13 ROKOKO ELECTRONICS
14 (AND DOES 1 THROUGH 50, INCLUSIVE)
15 31416 AGOURA RD STE 118
16 WESTLAKE VILLAGE, CA
17 91361

18 Defendant

Case No.: 2:25-CV-5340 - ODW

**PLAINTIFF'S MOTION TO STRIKE
DEFENDANT'S EX PARTE
APPLICATION FOR EXTENSION OF
TIME TO RESPOND TO COMPLAINT**

19 **PLAINTIFF'S MOTION TO STRIKE DEFENDANT'S EX PARTE**

20 **APPLICATION FOR EXTENSION OF TIME TO RESPOND TO COMPLAINT**

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22 1. Plaintiff Matthew R. Walsh respectfully moves to strike Defendant's Ex-Parte
23 Application for Enlargement of Time to Respond to the Complaint. Defendant has not
24 demonstrated the requisite irreparable harm or immediate danger necessary to justify ex-
25 parte relief.
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2. **NO BASIS FOR EX PARTE**

Defendant has shown no excusable neglect or irreparable harm under FRCP 6(b)(1)(B), and Plaintiff has demonstrated Defendant’s intentional judicial manipulation, with express admissions by the Defendant showing intent to the same as early as May 7th, 2025 (Mot. Remand Ex 7).

“Timetables for the submission of responding papers and for the setting of hearings are intended to provide a framework for the fair, orderly, and efficient resolution of disputes. Ex parte applications throw the system out of whack. They impose an unnecessary administrative burden on the court and an unnecessary adversarial burden on opposing counsel who are required to make a hurried response under pressure, usually for no good reason. They demand priority consideration, where such consideration is seldom deserved. In effect, they put the applicant ‘ahead of the pack,’ without cause or justification.” (City of Huntington Beach et al. v. Gavin Newsom et al.)

3. **DEFENDANT MANUFACTURED THEIR OWN PERIL**

Defendant cannot manufacture their own peril pre-litigation, small claims, ODR and Arbitration and then in two separate Courts and then compel the latter Court to provide inequitable relief where previously they sought none.

4. Defendant states it *“intends to file a motion to dismiss most, if not all causes of action”* — prior to even resolving the jurisdictional question currently pending before the Court.

1 5. Defendant further asserts that *“Plaintiff will suffer no prejudice”* if the extension is
2 granted — yet simultaneously seeks emergency relief, after 60 days of inaction, small
3 claims, ODR, Arbitration and State Court now into Federal where they’ve removed --
4 and instead of opposing the pending Motion to Remand, they seek other hills to climb.
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7 *“To justify ex parte relief, the moving party must establish: (1) that their cause of action*
8 *will be irreparably prejudiced if the underlying motion is heard according to regular*
9 *noticed procedures; and (2) that they are without fault in creating the crisis that*
10 *requires ex parte relief, or that the crisis occurred as a result of excusable neglect.*
11 *(Horne v. Wells Fargo Bank, City of Huntington Beach et al. v. Gavin Newsom et al.)*
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14 6. **PLAINTIFF WAS PREJUDICED BEFORE, CONTINUES TO BE**

15 Due to Defendant’s intentional delays and actions (Mot. Remand Exhibit 23) and alleged
16 tortious interference (SSMF 1-6), Sony® has suspended Plaintiff from being a developer
17 (SSMF 4) and as 1/3rd of the worlds video game distribution market – Plaintiff is already
18 severely harmed, and further harm is imminent from Nintendo® (Compl. Ex. 28) and
19 Steam® whom Plaintiff already had to plead with for an extension of time and has lost
20 important release windows which are now unrecoverable *for years*, at best.
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24 7. Additionally, as Defendant attempts to avoid imminent summary judgment and
25 default judgment procedures in the state case, Plaintiff’s clocks are running out each day
26 this case is in improper and unestablished jurisdiction in this Court.
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1 *"It is not enough that the claimed harm be irreparable; it must be imminent as well."*
2 *(Caribbean Marine Servs. Co., Inc. v. Baldrige, 844 F.2d 668, 674 (9th Cir. 1988))*

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8. **DEFENDANT WISHES TO RUN OUT STATE CLOCKS TO AVOID**

JUDGMENT

Defendant is fully aware that they are procedurally defaulted in State Court and that; discovery was propounded and that; a **Motion for Summary Judgment In Lieu of Default** bears an imminent time for resolution in state Court on September 11, 2025.

"Likelihood of success on the merits is the most important Winter factor" such that "the court need not consider the other factors, in the absence of serious questions going to the merits." (Disney Enters., Inc. v. VidAngel, Inc., 869 F.3d 848, 856 (9th Cir. 2017))

9. Each passing day narrows the notice period and accelerates deadlines in the State case, where Plaintiff argues, it should have stayed.

10. Defendant's refusal to comply with Song-Beverly; Removal — and now delay — actively prevent Plaintiff from resuming critical business operations (SSMF 6). Prejudice is not speculative; it is immediate, measurable, and compounding – and is an entire cause of action in the Complaint.

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11. **DEFENDANT HAS HAD THE COMPLAINT FOR OVER 60 DAYS, HAS REFUSED TO PARTICIPATE IN ANY COURT, NEEDS MORE TIME**

Defendant admits that although it’s counsel has 1,300 lawyers it has “*not had sufficient time to prepare its response,*” despite receiving the Complaint (Mot. Remand Ex. 6) as early as April 17, 2025, then again on or about April 28th, 2025 (Mot. Remand Ex. 6) then again on or about May 4th, 2025 and again with personal service on or about May 14, 2025.

12. If Plaintiff, an in pro per is expected to follow the rule of law, keep up with intense filing performance and meet legal deadlines alone, Defendant with 1,300 domestic and additionally foreign lawyers must as well. Any other expectation is inequitable.

13. **DEFENDANT IS EXAGGERATING AND MISREPRESENTING THE SIZE OF THE COMPLAINT**

The Complaint is 50 pages, not 265 pages as Defendant states to excuse themselves from months of failure to file a responsive pleading. Defendant is counting the Complaint along with 175 pages of exhibits, which require no response. **This is an intentional misrepresentation to the Court** designed to mislead and buy more time.

14. **DEFENDANTS COUNSEL MADE A DEMONSTRABLY FALSE DECLARATION TO THE COURT WHICH SHOULD BE DISREGARDED**

Paragraph 7 of the Ellena Declaration states Plaintiff “did not address the Motion for the Enlargement of Time.” This is false. Plaintiff’s June 16, 2025 email states: “I intend to

1 oppose. I filed my motions on Friday as well.” (Mot. Ex. 1). The statement should be
2 disregarded.

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5 15. Further, Paragraphs 7 and 8 of Defendant’s declaration contradict each other — first
6 claiming Plaintiff didn’t address the motion, then admitting Plaintiff indicated opposition.
7 The record confirms the latter.

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9 **16. DEFENDANT WISHES TO DISMISS, IS TIME BARRED ENTIRELY**

10 Defendant openly stated in their ISO: “*Defendant is considering filing a motion to*
11 *dismiss some, or all, of the causes of action asserted in the Complaint on various*
12 *grounds, including failure to state a claim and statutes of limitations which, if granted,*
13 *could substantially narrow or resolve the action.*”

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17 17. Defendant now states it is “considering filing a motion to dismiss some, or all” claims
18 under Rule 12, citing issues like statute of limitations and failure to state a claim —
19 despite having been aware of the dispute and Plaintiff’s intent to sue since no later than
20 April 17, 2025, and receiving multiple versions of the Complaint.

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23 18. This is barred by the doctrine of laches. Defendant cannot refuse to exercise its rights
24 until they expire, delay all adjudication through strategic removal and extensions, file no
25 responsive pleadings across multiple courts and jurisdictions, and then assert time-barred
26 defenses while simultaneously refusing to resolve jurisdiction in the very Court to which
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1 it removed. It is procedurally improper and equitably disqualifying.

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4 **19. HEARSAY IS NOT ADMISSIBLE OR PROPER AS A SUPPORT STRUCTURE**

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6 **FOR EX-PARTE**

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8 Defendant stated "*Plaintiff informed my office through a phone call that he intended to*
9 *oppose any motion for enlargement of time. Ms. Graue informed me that Plaintiff stated*
10 *to her on the phone that he "is going to oppose pretty much everything."* This is hearsay
11 and should be disregarded entirely.

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14 **20. DEFENDANT IS TRYING TO ESCAPE IMMINENT SUMMARY JUDGMENT**

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16 Moreover, Defendant has not opposed Plaintiff's pending Motion to Remand, nor has this
17 Court ruled on whether it has subject matter jurisdiction. Proceeding on scheduling or
18 merits-based motions prior to resolving the threshold issue of jurisdiction is improper.
19 This Court cannot entertain Rule 6 or any relief until it first determines it has the
20 authority to do so.

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23 "*This [Supreme] Court declines to endorse the "doctrine of hypothetical jurisdiction,"*
24 *under which several Courts of Appeals have found it proper to proceed immediately to*
25 *the merits question, despite jurisdictional objections" -- Justice Scalia on (Steel Co. v.*
26 *Citizens for Better Environment, 523 U.S. 83 (1998))*

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29 21. This ex-parte request is an attempt to circumvent normal briefing timelines, of which

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32 Defendant intentionally avoided in State Court, and strategically delay adjudication of

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1 Plaintiff's jurisdictional challenge entirely to run out the state clock on Plaintiff's
2 summary judgment hearing. **Plaintiff therefore requests the Court strike Defendant's**
3 **Ex Parte Application in its entirety.**
4

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6 *"For a court to pronounce upon a law's meaning or constitutionality when it has no*
7 *jurisdiction to do so is, by very definition, an ultra vires act. Pp. 93-102."* (Steel Co. v.
8 Citizens for Better Environment, 523 U.S. 83 (1998))
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11 *"In a long and venerable line of cases, this Court has held that, without proper*
12 *jurisdiction, a court cannot proceed at all, but can only note the jurisdictional defect*
13 *and dismiss the suit."* (see Citations A)
14

15 In cases removed from state court, the proper remedy is not dismissal — it is mandatory
16 remand under 28 U.S.C. § 1447(c) which clearly states *"If at any time before final*
17 *judgment it appears that the district court lacks subject matter jurisdiction, the case shall*
18 *be remanded."*
19

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21 **PRAYER FOR RELIEF**
22

23 Plaintiff respectfully requests that the Court **STRIKE Defendant's Ex Parte Application** and
24 **GRANT Plaintiff's pending Motion to Remand** without further delay.
25

26 **PLAINTIFF FURTHER NOTES:**
27

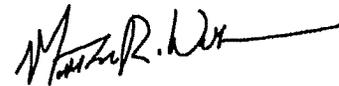
28 Plaintiff further notes that Defendant's continued strategic litigation conduct — including its
PLAINTIFF'S MOTION TO STRIKE DEFENDANT'S EX PARTE APPLICATION FOR EXTENSION OF TIME
TO RESPOND TO COMPLAINT - 8

1 failure to oppose the remand motion and instead push the case forward without the establishment
2 of jurisdiction — appears designed to entrap an in pro per litigant in a procedural web, rather
3 than engage the actual merits of the dispute. Plaintiff asks this Court to intervene equitably and
4 remand this case to the appropriate forum.
5

6
7 I, Matthew R. Walsh, declare under penalty of perjury under the laws of the United States that
8 the foregoing is true and correct.
9

10 Executed this 16th day of June, 2025, in Santa Clarita, California.
11

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13 Dated this 16th of June, 2025.
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17 _____
18 Matthew R. Walsh
19 Plaintiff In Pro Per
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EXHIBIT 1

Re: WALSH v. ROKOKO ELECTRONICS



Matthew R. Walsh <matthew@winteryear.com>
To: Valencia, Heather R.
Cc: Ellena, Katherine J.; Galibois, Michael B.; Graue, Emily H.

If there are problems with how this message is displayed, click here to view it in a web browser.

Good morning.

I intend to oppose.

I filed my motions on Friday as well. Would you like courtesy copies from now on? I'm happy to send them.

Thank you
Matt

Sent via BlackBerry Hub+ Inbox for Android

From: HValencia@ReedSmith.com
Sent: June 16, 2025 8:41 AM
To: matthew@winteryear.com
Cc: KEllena@reedsmith.com; MGalibois@reedsmith.com; EGraue@reedsmith.com
Subject: WALSH v. ROKOKO ELECTRONICS

Good Morning,

Please see the attached documents.

**MOTION FOR ENLARGEMENT OF TIME TO RESPOND TO THE COMPLAINT
[PROPOSED] ORDER GRANTING MOTION FOR ENLARGEMENT OF TIME TO RESPOND TO THE COMPLAINT**

Thank you,
Heather Valencia
Assistant to Katherine J. Ellena
Reed Smith LLP
515 South Flower Street, Suite 4300
Los Angeles, CA 90071-1514
Direct 213.457.6458 | hvalencia@reedsmith.com
Main 213.457.8000 | Fax 213.457.8030
Please consider the environment before printing the contents of this email

I, Matthew R. Walsh, declare under penalty of perjury under the laws of the State of California that this is a true and correct copy of a document I personally received, created, or obtained in connection with this case, and it has not been materially altered.

Executed this 16 day of June, 2025 in Santa Clarita, California.

Matthew R. Walsh
Plaintiff in pro per

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PROOF OF SERVICE

I, Matthew R. Walsh, declare:

I am a resident of the State of California, over the age of eighteen years, and a party to this action. My business address is 19197 Golden Valley Rd #333, Santa Clarita, CA 91387.

On June 17, 2025, I served the following document(s):

PLAINTIFFS MOTION TO STRIKE DEFENDANTS EX PARTE APPLICATION FOR EXTENSION OF TIME TO RESPOND TO COMPLAINT

by transmitting a true copy via electronic mail to the following email address(es):

Reed Smith LLP (Counsel for Defendant)

Heather Valencia, Esq.

Hvalencia@reedsmith.com

By placing a true and correct copy in a sealed envelope, with first-class postage fully prepaid, and depositing it in the United States Mail at Santa Clarita, California, addressed as follows:

Reed Smith LLP (Counsel for Defendant)

Heather Valencia, Esq.

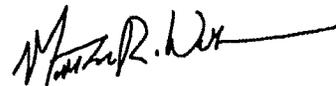
515 South Flower Street, Suite 4300

Los Angeles, CA 90071

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

Executed on June 16, 2025

Santa Clarita, California



Matthew R. Walsh
Plaintiff In Pro Per