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13   **UNITED STATES DISTRICT COURT**

14   **CENTRAL DISTRICT OF CALIFORNIA**

15 MATTHEW R. WALSH   Case No.: 2:25-cv-05340-ODW-RAO

16   Plaintiff,   [*Assigned to Hon. Otis D. Wright, II,
                                       Courtroom 5D*]
17   vs.
                                       **DEFENDANT'S OPPOSITION TO
18 ROKOKO ELECTRONICS, and   PLAINTIFF'S *EX PARTE*
   DOES 1 through 50, inclusive,   APPLICATION FOR TEMPORARY
19   RESTRAINING ORDER TO STAY
           Defendant.   PROCEEDINGS UNTIL
20   PLAINTIFF'S MOTION TO STRIKE
                                       REMOVAL IS RULED UPON**
21
                                       State Court Action Filed: May 12, 2025
22   Removal Date: June 12, 2025

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

PLEASE TAKE NOTICE that Defendant Rokoko Electronics ("Rokoko") without waiving any arguments hereby opposes Matthew R. Walsh's ("Plaintiff") *Ex Parte* Application for Temporary Restraining Order to Stay Proceedings Until Plaintiff's Motion to Strike Removal is Ruled Upon.

INTRODUCTION

This *ex parte* is just the latest in an onslaught of filings that the Plaintiff has submitted to this Court since this action was removed on June 12, 2025, most of which have been stricken from the record for Plaintiff's failure to comply with various Local Rules or voluntarily withdrawn by Plaintiff. Much like his previous filings, the deficiencies in this *ex parte* are no different.

The relief sought in Plaintiff's *ex parte* fails for a number of reasons. ***First***, Plaintiff has failed to satisfy his heavy burden for any of the *ex parte* relief that he seeks, including a stay of this action pending a ruling on his recently filed motion to strike Rokoko's removal. No such exigency, good cause, or prejudice exists.

Second, Plaintiff did not meet and confer with counsel for Rokoko in advance of filing this *ex parte* as required under Local Rule 7-3. While the parties did engage in a telephonic meet and confer discussion on June 26, 2025 during which time Plaintiff indicated that he intended to file a motion to strike Rokoko's removal, Plaintiff did not state that he intended to request a stay of all proceedings pending a decision on any challenge to Rokoko's removal—let alone making that request on an *ex parte* basis.

Accordingly, Plaintiff's *Ex Parte* Application for Temporary Restraining Order and Motion to Stay Proceedings should be denied.

LEGAL STANDARD

Ex parte applications are solely for extraordinary relief and are rarely granted. *Mission Power Eng'g Co. v. Cont'l Cas. Co.*, 883 F. Supp. 488, 489 (C.D. Cal.

1   1995). Such applications are "inherently unfair, and they pose a threat to the

2   administration of justice. They debilitate the adversary system." *Id.* at 490.

3   *Ex parte* relief is warranted only where the movant shows two things: First, the

4   evidence must show that the moving party's cause will be irreparably prejudiced if the

5   underlying motion is heard according to regular noticed motion procedures. Second, it

6   must be established that the moving party is without fault in creating the crisis that

7   requires *ex parte* relief, or that the crisis occurred as a result of excusable neglect. *Id.* at

8   492.

9   Furthermore, "[t]he standard for a TRO is similar to the standard for a preliminary

10   injunction," which requires a movant to "'establish that he is likely to succeed on the

11   merits, that he is likely to suffer irreparable harm in the absence of preliminary relief,

12   that the balance of equities tips in his favor, and that an injunction is in the public

13   interest.'" *Willingham v. Flagstar Bank, NA.,* 2025 U.S. Dist. LEXIS 52000, at *3

14   (C.D. Cal. Feb. 14, 2025) (citing *Winter v. Nat. Res. Def. Council, Inc.,* 555 U.S. 7, 20

15   (2008)).   The Court "follows a 'sliding scale' approach to the four preliminary

16   injunction elements, where 'a stronger showing of one element may offset a weaker

17   showing of another, as long as plaintiffs 'establish that irreparable harm is *likely*.'" *Id.*

18   (citing *Doe v. Kelly*, 878 F.3d 710, 719 (9th Cir. 2017)). In order to grant a TRO,

19   movant must "meet the high burden to establish that injunctive relief is appropriate."

20   *Keane v. Abeles,* 2025 U.S. Dist. LEXIS 72655, at *3 (C.D. Cal. April 16, 2025. When

21   a party seeks a TRO, they "must meet exacting criteria." *Global Truss Am. LLC v. GLP*

22   *German Light Prods.,* 2011 U.S. Dist. LEXIS 164689, at *2 (C.D. Cal. Jan. 11, 2011).

23   A TRO is an "extraordinary remedy that may only be awarded upon a clear showing

24   that the plaintiff is entitled to such relief." *Winters*, 555 U.S. at 22.

ARGUMENT

26   Plaintiff failed to meet his burden to prove that *ex parte* relief or a TRO staying

27   this action is warranted. Rokoko has provided evidence in support of its removal that

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proves complete diversity exists. Rokoko is a Delaware corporation with its principal place of business in Denmark; Plaintiff is a citizen of California. Plaintiff's *ex parte* provides no evidence to the contrary or suggests that he is likely to succeed on his motion to strike Rokoko's removal. Further, Plaintiff has made no showing that he will suffer irreparable harm if a stay is not granted.

Plaintiff's request for an order shortening time to hear his motion to strike should also be denied. As a preliminary matter, Plaintiff's motion to strike was filed on July 3, 2025 without any hearing date set, as is required, and is therefore procedurally deficient. Moreover, Plaintiff never met and conferred with counsel for Rokoko regarding this requested relief and has failed to show good cause for an order shortening time.

As for Plaintiff's request for additional time to oppose Rokoko's Motion to Dismiss, while Plaintiff has not shown good cause for an extension of time, Rokoko does not specifically object to an extension if the Court is inclined to grant such a request. As for Plaintiff's request to exceed the 7,000 page word count, Plaintiff has again shown no good cause for such relief and has incorrectly accused Rokoko of exceeding the word count. Local Rule 11-6.1 provides that "no memorandum of points and authorities" may exceed 7,000 words. The memorandum of points and authorities, including any footnotes, in support of Rokoko's Motion to Dismiss, is 6,999. To the extent Plaintiff has counted the words in Rokoko's caption page, notice of motion, tables of contents and authorities, or any other documents filed in support of Rokoko's Motion to Dismiss, such word count is not contemplated under Local Rule 11-6.1.

This *ex parte* application is also improper under Local Rule 7-19. Plaintiff made no attempt to inform Rokoko of this application. The meet and confer on June 26, 2025 only pertained to Rokoko's Motion to Dismiss and Plaintiff's Motion to Strike Rokoko's removal. The relief sought in this *ex parte* application was not mentioned by Plaintiff.

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CONCLUSION

For the foregoing reasons, Rokoko respectfully requests that the Court deny Plaintiff's *Ex Parte* Application for Temporary Restraining Order and Motion to Stay Proceedings.

DATED: July 8, 2025   REED SMITH LLP

                                        By: */s/ Katherine J. Ellena*_____
                                        Katherine J. Ellena
                                        Michael Galibois (*PHV*)
                                        Emily Graue (*PHV*)

                                        Attorneys for Defendant
                                        Rokoko Electronics

DEFENDANT'S OPPOSITION TO PLAINTIFF'S EX PARTE APPLICATION FOR TEMPORARY RESTRAINING
ORDER TO STAY PROCEEDINGS UNTIL PLAINTIFF'S MOTION TO STRIKE REMOVAL IS RULED UPON