MATTHEW R. WALSH
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Plaintiff In Pro Per,

UNITED STATES DISTRICT COURT

CENTRAL DISTRICT OF CALIFORNIA

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

Plaintiff In Pro Per,

vs.

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

Defendant

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

[Before: Hon. Otis D. Wright II
Courtroom 5D]

Hearing date: 8/7/2025
Hearing time: 1:00 PM

PLAINTIFF'S REPLY TO DEFENDANT'S OPPOSITION TO EX PARTE APPLICATION FOR TEMPORARY RESTRAINING ORDER

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1. **DEFENDANT IS ARGUING OUTSIDE OF THE DOCUMENT THEY OPPOSE**
2. Defendant's Opposition is supposedly directed at Plaintiff's Ex Parte Application for a Temporary Restraining Order — yet more than half of their response improperly argues against the Motion to Strike Defendant's Removal, an entirely separate filing. These are not the same motion, do not share deadlines, and are not calendared together.

3. Their attempt to litigate the Motion to Strike here — without a proper briefing schedule, without a hearing date, and without any opposition due yet — is procedurally improper, prejudicial, and transparent. It is a desperate effort to distract from the actual standard for granting a TRO: urgency, harm, and fairness. Defendant fails to address those standards because they can't — so they try to shift the conversation entirely. That alone should warrant rejection of their Opposition in full.

4. As Defendant seems intent on using their opposition to litigate both the Motion To Strike Removal *and* the Ex Parte Application for TRO; the Court should interpret their objection accordingly and accept it as an objection/answer *for both.*

5. **DEFENDANT HAS NOT REBUTTED UNAUTHORIZED PRACTICE OF LAW OR CHALLENGED FORENSIC EVIDENCE**

6. The Ex Parte TRO application contains the same or proximate issues as the Motion to Strike Removal. Defendant's Counsel failed to rebut or deny the accusations or evidence against them for Unauthorized Practice of Law, signature forgeries, and filing documents ghostwritten by unadmitted counsel with no pro hac vice status.

7. Defendant has not opposed those claims since Defendant raised them on or about June 16, 2024 and he stated: *"Why are Michael and Emily – once again -- in this e-mail chain? What is their role in this? Please state it for the record. But you wont answer it. If I do not get an answer before your next e-mail to me, I will state to the court, as an*

admission of silence and (sic)*conduce you are using them in your daily practices"*

8. Defendant knew since that date their silence would be interpreted as an admission by silence. And since, they have still at the time of filing an opposition have not opposed those accusations as raised in the ex parte application – the Court should deem them as accepted and admitted forthwith as found in Laredo Nat. Bank v. Gordon, 61 F.2d 906: *"One who keeps silent, knowing that his silence will be misinterpreted, should not be allowed to deny the natural interpretation of his conduct".* And so, it becomes clear that Defendant *did* remove the case to Federal using unadmitted counsel who further continued filing documents and forging Katherine Ella's signature which the forensic metadata also confirms.

9. If Defendant failed to deny or object to UPL being used to secure the removal, their opposition and each document become nullities and the Motion to Strike Removal becomes proper before the Court.

10. **DEFENDANT CLAIMS PLAINTIFF IS ABUSING THE SYSTEM, PLAINTIFF HAS DEMONSTRATED THE OPPOSITE**

11. Defendant took a valid State case, where they had not answered or opposed, of which had proper jurisdiction and removed it to Federal on day 30 to avoid a motion for summary judgment, where they knew full well that Plaintiff did not know the rules, with the intention to bury him in procedure and unfamiliarity with Court process. They even admitted at least a dozen times, they do not intend to litigate but dismiss. Defendant

never sought to find *right* jurisdiction and Court, they sought to find the case in front of *no court* and admitted as much across filings.

12. Plaintiff contends and apologizes that he has regrettably made mistakes in filing, however, even as an in pro per, he read the rules top to bottom dozens of times and has since learned greatly from them. While Plaintiff has since corrected his filings and actions accordingly, Defendant remains a global megafirm with 1,300 staff and yet has continually failed to follow the most basic Local Rules with nearly every single filing.

13. Plaintiff's motion to remand and other early documents were filed and either stricken or withdrawn entirely by Plaintiff's own volition and replaced with the poorly titled Motion to Strike Removal (intended to be Vacate Removal, corrected in the Proposed Order) due to serious issues with Defendant's conduct and filings discovered after that time which clearly seem to continue on to today.

14. Further, duplicate and numerous filings by Plaintiff recently are not the intentional cause of Plaintiff, **but issues with EDSS system delays and timelines**. It is incredibly difficult and frustrating for one side to have instant filing capabilities, and the other to be delayed by up to a week per filing; that bottleneck makes litigation incredibly difficult and thereby abnormalities are unavoidable.

15. Plaintiff had only been enabled to have CM/ECF access to file on July 7th, 2025 with impending dates which require urgency. Some documents had to be refiled immediately,

Plaintiff called the clerk and requested the EDSS documents be stopped, and the clerk called him directly regarding other documents being stopped (however, still filed them).

16. As Defendant states Plaintiff is abusing the system, Plaintiff intends to reaffirm that he has shown demonstrable false statements made under penalty of perjury, an LLC omission, a removal by non-attorney, filings and documents in which forensic metadata confirms **the last date of modification is never in the Pacific Time Zone** where the only admitted attorney resides; it's instead in the Eastern Time Zone.. Making any signature not the final edit to the filing(s) and instead demonstrating through evidence it was placed by unadmitted counsel – not the signing attorney.

17. Further, filings authored by out of state attorneys with no pro hac vice status, continuing to act as counsel directly with Plaintiff even after being removed from docket. Refusing meet and confers, filing same day on *every* filing with only hours notice *by e-mail* fully against L.R. 7-3. That -- is abuse of process; not simple early-on Local Rule mistakes from a first-time Federal pro per who sought to correct immediately.

18. Defendant has outright refused to engage in 7-3 meet and confer except one time. After days of Plaintiff demanding they participate. It was the same day they filed their motion to dismiss, and further they accosted Plaintiff on the phone; yelled at him, talked over him, stonewalled him, belittled him and further intimidated him and his filings to the point he actually demanded they stop at least three times or he would leave the call.

19. Further, he followed up by e-mail after requesting a different attorney to speak with him if they intended to continue in that fashion. Plaintiff stated he transcribed portions of the call and that he intended to submit it to the Court should professionalism not be restored going forward. Their immediate reply – was to threaten Plaintiff with felony penal codes and civil and criminal action and insinuate he committed felonious crime(s); a serious escalation.

20. Plaintiff on June 8, 2025 cancelled an upcoming meet and confer due to further hostility as defined above. Stating verbatim: *"What a strange conclusion to jump to. I don't believe I ever stated that I recorded the only meet and confer that has occurred — and now you're threatening me with Penal Codes? Disregard the meet and confer request. I have no interest in repeating the last experience."*

21. **NO HEARING DATE PROVIDED BECAUSE PRO PERS <u>CANNOT</u> CALENDAR THEM VIA EDSS. "TBD" WAS PROVIDED AS THE ONLY ALTERNATIVE.**

22. Defendant states Plaintiff's Motion to Strike is defective because it lacks a hearing date/time, however, the reason for that is not for disregard of the Court or it's rules, but instead because Plaintiff appears in pro per, and at the time of filing the motion – must file it through EDSS – a system which entirely lacks the ability to calendar a hearing date *whatsoever*.

23. Further, the motion *is* compliant as Local Rule 7-4 requires that motion headers contain *"the date and time of the motion hearing"*; not necessarily that a hearing has been

calendared, because as stated; it's not possible for pro pers to do so outside of EM/ECF. As no date/time could be calendared, the fields were placed compliantly with forthcoming "TBD" so that absent a sua sponte ruling; the clerk could calendar a hearing. This was done entirely in good faith. Defendant's point on this is moot, however, as their opposition *is in regards to the ex parte application*, not the motion.

24. Plaintiff is more than happy to refile or amend (and rename) the motion should the Court deem necessary.

25. **PLAINTIFF MET AND CONFERRED IN GOOD FAITH**

26. Defendant blatantly mischaracterizes Plaintiff's conduct. During the June 26, 2025 meet and confer (again, the first and only one *ever)*, Plaintiff explicitly stated — within the final 20 minutes of the 71-minute call — that an Ex Parte Application was very likely forthcoming.

27. This was not a surprise. It was Plaintiff's second attempt at an ex-parte TRO, the first having been docketed and stricken. There is no plausible scenario in which Plaintiff would intentionally disclose every issue being raised except the TRO — it is far more likely that, amid Defendant's counsel interrupting, shouting over, and accosting Plaintiff throughout the call, they simply did not listen or care.

28. This is not the first time Defendant has selectively ignored critical communication. On June 25, 2025 — the day before filing their Motion to Dismiss — Plaintiff specifically

reminded Defendant in writing that Local Rule 7-3 requires waiting at least 7 days after a telephonic meet and confer before filing a motion (submitted into evidence). Plaintiff advised them this rule was not optional, and suggested they file a proper answer instead. Defendant filed their motion anyway. Plaintiff notified them again post-filing in case they wished to correct the violation. They did not. This shows a systemic disregard for rules and communication, especially when timing and compliance are critical.

29. Finally, on July 5, 2025, Plaintiff again informed Defendant in writing that the Ex Parte Application had been filed and requested their formal position on the matter. Defendant declined to respond. Additionally, Plaintiff had even requested meet and confer and met with silence… Of which Plaintiff had to then state: *"Counsel, I have not heard from you since 6/26. I have requested meet and confer. You have 24 hours to agree to a meet and confer call or I will be filing a Notice of Breakdown in Meet and Confer"*

30. **DEFENDANT IGNORES THE CENTRAL ISSUE: JURISDICTION AND PROCEDURAL VALIDITY IS CONTESTED**

31. Defendant fails to address the core issue—jurisdiction is actively contested via Plaintiff's Motion to Strike Removal, on top of other more severe issues which are entirely procedural. Until that issue is resolved, continued proceedings on the merits (including ruling on the pending Motion to Dismiss) would be improper and prejudicial. Plaintiff's request for a brief, temporary stay to allow jurisdictional resolution is narrowly tailored and in the interest of judicial economy.

32. **DEFENDANT MISSTATES PLAINTIFF'S WORD COUNT CLAIM**

33. Defendant argues that their memorandum is in fact exactly 6,999 words and that Plaintiff's word count is incorrect – however, Defendant's document does not even contain substantive headers; nor a memorandum of points and authorities in violation of L.R. 7-5(a). Nowhere in their motion does it say the word "Memorandum" except in the document title header, and once in the notice: *"This Motion to Dismiss is based on this Notice of Motion, the supporting Memorandum of Points and Authorities".*

34. As no substantive headers exist in the document whatsoever and since there *is* no memorandum of points and authorities (required by L.R. 7-5(a)) there is only a binary distinction to be made. Either:

a. the document is entirely countable minus L.R. 11-6.1 exceptions (14,600+ words)

– or alternatively –

b. The document cannot be counted at all in accordance with 11-6.1 and is therefore entirely defective for missing nearly all critical components; especially the memorandum of points and authorities as required by 7-5(a).

35. In either binary case, Defendant's Motion to Dismiss fails at a minimum: Local Rules 7-3 (*"failure to meet and confer"),* 11-3.1 *("lacking consecutive line numbers")*, 7-5(a) *("lacking a brief but complete memorandum .. and the points and authorities"),* 11-7

("Appendices are mixed with the body"), 11-8 *("headings and subheadings missing"),* 11-6.1 ("*false word count")*, and 11-6.2 ("*false word count on certificate")*, further that it contains a false certification statement to the court and therefore for these reasons according to Local Rule 11-9 carries sanctions.

36. **DEFENDANT ADMITS EXTENSION IS REASONABLE**

37. Notably, Defendant concedes they do not object to an extension for Plaintiff's Opposition to the Motion to Dismiss, confirming the request is not prejudicial and therefore Plaintiff's TRO should then be GRANTED as it is not a merits based motion but instead entirely seeks to address core jurisdictional and procedural issues entirely.

38. **CONCLUSION**

39. Plaintiff respectfully requests the Court grant the narrowly focused relief requested in his Ex Parte Application which is simply designed to resolve jurisdiction and procedural issues. Defendant has already stated they do not object and so it should be GRANTED.

40. Further, Plaintiff asks the court to recognize Plaintiff understands his filing mistakenly states 'strike removal' instead of 'vacate removal'; although the outcome is the same: render void ab initio.

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

Executed this 8 day of July, 2025 in Santa Clarita, California.

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Plaintiff in pro per