

MATTHEW R. WALSH
19197 GOLDEN VALLEY RD #333
SANTA CLARITA, CA 91387
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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-5340-ODW-RAO

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

Hearing date: August 8, 2025
Hearing time: 1:30PM
Place: Dept. 5D

**PLAINTIFFS REPLY TO DEFENDANTS
OPPOSITION FOR MOTION TO STRIKE
REMOVAL**

**PLAINTIFFS REPLY TO DEFENDANTS OPPOSITION FOR MOTION TO
STRIKE REMOVAL**

1. THEY ADMIT TO LYING UNDER PENALTY OF PERJURY

Plaintiff respectfully breaks form with his prior filings and offers the Court a candid statement: **They lied to you. They got caught. Now they admit it.** They showed contempt for this Court, this process, this case, myself as a Plaintiff and now hope that the judicial machine will keep running flawlessly to carry them to the finish line praying

1 for judicial pardons in which they do not deserve.

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- 4 2. At the beginning of this case, Defendant Mikkel Overby made a very clear statement
- 5 under penalty of perjury in order to secure Federal jurisdiction:

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7 *“Rokoko’s principal place of business is located at Sankt Gertruds Stræde 10, 1129*

8 *København, Denmark, from where Rokoko’s senior executives direct, control, and*

9 *coordinate the company’s primary business activities on a day-to-day basis” -- “At no*

10 *point prior to filing or at the time of filing was Rokoko a citizen of California. Rokoko has*

11 *only ever been a Delaware corporation with a principal place of business in Denmark.”*

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13 *– “I declare under penalty of perjury under the laws of the State of California and the*

14 *United States that the foregoing is true and correct.”*

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17 3. **DEFENDANT LIED TO THE COURT ABOUT CITIZENSHIP**

- 18 4. Defendant confidently stated under penalty of perjury *“At no point prior to filing or at*
- 19 *the time of filing was Rokoko a citizen of California”*. However, now Defendant states:
- 20 *“While Jakob Balslev, Rokoko’s Founder & CEO, lived in California from September*
- 21 *2016 to January 2020, he returned to live in Copenhagen in 2020 and has lived there*
- 22 *since”*. Defendant said the word “never” and “at no point” even “prior to filing”. That
- 23 statement was clearly a lie used to secure an improper removal:

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- 26 5. Never doesn’t mean “for years”. Never means – zero, zilch, nada, not ever once, ever,
- 27 without existence, absolutely false, no gray area, binary 0, a blank empty spot on the map
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1 where they had not once stepped foot on the ground. Yet, Defendant finally admits after
2 being caught making false statements that their CEO lives in San Francisco and has since
3 2016.

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6 6. Defendant’s CEO has owned homes, sold them, fathered children and that Rokoko even
7 leased space even within the last year according to Defendant: “*Within the last year,*
8 *Rokoko transitioned from leasing space in a co-working office in San Francisco,*
9 *California*” while only in the sentence before it says “[*Jakob/CEO*] returned to live in
10 *Copenhagen in 2020 and has lived there since.*”. Yet again, Defendant just stated they
11 were leasing space even into last year.

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14 7. With each accusation Plaintiff asserts, Defendant somehow unearths and presents the
15 Court with even more controversy time and time again. The Court should take their
16 ‘*cutoff to do business in California was 2024, we’re being sued in 2025, forget all the*
17 *other things that happened, nothing to see here*’ statements and arguments with a grain of
18 salt. They opened a warehouse in California just this year as shown in the evidence.

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21 8. **LEASING SPACE IN CALIFORNIA AND EMPLOYING WITHIN THE STATE –**
22 **MAKES YOU A CITIZEN OF CALIFORNIA**

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24 9. Defendant openly admits from 2016 – 2020 (although social media posts still say the
25 CEO resides in California today) that Rokoko was a citizen of California. The CEO lived
26 here, the CHIEF – EXECUTIVE - OFFICER of a company is it’s deity. As it’s deity, the
27 CEO has the power to create, destroy, restructure, command, control above all others.

1 Jakob, the CEO who lives in San Francisco *is* the nerve center – and Defendant admits he
2 at least lived here until 2020 after previously telling the Court “never”
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5 10. Defendant admits they leased space as of 2024. On top of the mountain of evidence

6 Plaintiff has provided the Court which clearly show California is the nerve center – all of
7 that becomes shadowed behind one simple fact: Rokoko admits to having an employee
8 here presently: “*Rokoko has one employee in California, who reports to Rokoko’s CEO*
9 *and myself in Copenhagen.*”. Rokoko wants the Court to believe this lone California
10 employee is an anomaly — but under the law, that one admission alone collapses their
11 entire diversity argument.
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14 11. In fact, the FTB (Franchise Tax Board), Superior Court and multiple government rules
15 and regulations specifically states Defendant is considered to be “doing business” in
16 California if **any one** of the following are true:
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19 a. [*“You’re actively engaging in any transaction for the purpose of financial gain*
20 *within California. This can include providing services, receiving program fees,*
21 *or generating any kind of revenue within the state—even passively or through*
22 *partnerships.*”] – Plaintiff has proven irrefutably that this is true (kickstarter live
23 events, prize money, customer sales, investor income, etc.)
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26 b. [*“Your organization is organized or commercially domiciled in California. This*
27 *applies if California serves as your principal place of operations or decision-*
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1 *making, even if you're incorporated elsewhere.”]* – Plaintiff has proven this to be
2 true as well and Defendant now admits the CEO lived here for years (and still
3 claims to); board members live here as well presently (Stef Corazza).

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6 c. [*“Your California sales, property or payroll exceed the following amounts: CA*
7 *real and tangible personal property exceed (either the threshold amount or 25%*
8 *of total property) \$73,502 CA payroll compensation exceeds (either the*
9 *threshold amount or 25% of total payroll) \$73,502”]* – Defendant’s verified
10 Glassdoor hiring website shows their pay for the San Francisco role is \$89k-
11 \$159k/yr, officially triggering another prong in which the FTB considers them
12 “doing business in California”. It’s worth noting, the Glassdoor page states
13 Rokoko is an “Engaged Employer” meaning the listings are not stale – Rokoko is
14 quite active in response.
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18 **12. DEFENDANT DOUBLED OWN ON THE ORIGINAL FALSE STATEMENT**

19 [*“Rokoko has **only ever** been a Delaware corporation with a principal place of business*
20 *in Denmark.”]* – This was proven absolutely false through vast sums of evidence and
21 further, has been discredited by Defendant’s own statements: *“While Jakob Balslev,*
22 *Rokoko’s Founder & CEO, lived in California from September 2016 to January 2020”.*
23
24 Incorporating in a distant state where you have no interest in, have never been to, will
25 never visit is not a magic wand which erases true citizenship. The fact of the matter is –
26 until Court was involved, Defendant has never **once** mentioned Delaware in a single
27 piece of advertising, marketing, website page, press release, policy, term, condition; all
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1 while simultaneously and very obviously – running an enterprise from San Francisco,
2 California; and admitting to the same. If you are “doing business” in California – then
3 you’re doing business in California. The state offers no gray area as an escape hatch.
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6 **13. DEFENDANT ADMITS NO DIVERSITY OF CITIZENSHIP**

7 14. Diversity of citizenship is entirely about state of incorporation and the citizenship of the
8 natural owners. Defendant destroyed citizenship themselves when they openly stated:
9 “Rokoko’s key executive officers—including its Founder & CEO, myself, and Matias
10 Sondergaard—reside in Copenhagen and conduct the majority of our general operations
11 from Denmark. None of Rokoko’s executives reside in California” and “While Jakob
12 Balslev, Rokoko’s Founder & CEO, lived in California from September 2016 to January
13 2020, he returned to live in Copenhagen in 2020 and has lived there since.”
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17 15. The issue with Defendant’s newly revised statements rests solely on very simple concepts
18 and admissions – **he admits not even one of the controlling members is an American**
19 **Citizen**; and admits even further – **Delaware is not the final stop of Rokoko**, the final
20 stop is Denmark; if no members of the Company reside in the United States, and no
21 members of the Company are American citizens, then just as this very Court has pointed
22 out: . “[I]n order to be a citizen of a State within the meaning of diversity statute, a
23 natural person must both be a citizen of the United States and be domiciled within the
24 State.” — Newman-Green, Inc. v. Alfonzo-Larrain, 490 U.S. 826, 828 (1989).
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1 16. If Defendant’s statements are to be taken as truth and they are in fact entirely Danish in
2 daily life and domicile; and they are not domiciled in *any* state or even the *entire* country,
3 then there is no **diversity of citizenship** because – there is **no citizenship** for diversity to
4 even exist. It’s literally in the name. Therefore, Defendant inherit’s legal bias from *no*
5 *state* much less one over the other - which is the entire point of diversity jurisdiction:
6 “*The historical justification for federal diversity jurisdiction was the need to assure an*
7 *out-of-state litigant that there was a forum to which he could resort where he need fear*
8 *no bias*” – **Judge Howard C. Bratton.**

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12 **17. DEFENDANTS LIED ABOUT THEIR NERVE CENTER, DID NOTHING TO**
13 **DISPROVE**

14 18. “*The office in Denmark houses approximately 30 employees, including Rokoko’s*
15 *Founder & CEO, myself, and other senior level executives.*” ... “*The Denmark office is*
16 *approximately 886.4 square meters with a 62 square meter basement*”. Plaintiff already
17 sent private investigators there who proved that it is a 400sqft basement with no staff, no
18 inventory, no equipment and which stays locked during business hours.

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21 19. Plaintiff once offered Defendant to prove via zoom in 48 hours that their office was real,
22 that staff existed and inventory existed. Defendant made excuses about inventory, agreed
23 to show the office and then ghosted the entire Arbitration proceeding after. Three months
24 after litigation began and dozens of accusations about a false front enterprise – Defendant
25 simply offers the Court one statement to counteract all the evidence and claims: “*trust*
26 *me, your honor*”. Not one picture, video or shred of evidence submitted to disprove
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1 Plaintiff.

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3 **20. FALSE ADVERTISING, UCL, CLRA, FRAUD AND INDUCING RELIANCE**
4 **HAS NOW BEEN EXPRESSLY ADMITTED IN A DECLARATION**
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6 21. Defendant’s websites, investor materials and advertising states they have “teams” of
7 100+ employees in every city. Defendant now admits “*The office in Denmark houses*
8 *approximately 30 employees*”. That is not 100+.

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10 22. Defendant also admits, there are no “teams” in California. In fact, there is only merely
11 one employee “*Rokoko has one employee in California*” and finally – Defendant admits,
12 their California “offices” are a sham, a façade, just as Plaintiff has illustrated and
13 demonstrated since the initial Complaint “*Within the last year, Rokoko transitioned from*
14 *leasing space in a co-working office in San Francisco, California to a completely virtual*
15 *office.*”. Virtual office, means non-existent operational front.
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19 23. Defendant now admits they are **not a worldwide corporation** like Defendant tell’s
20 customers and investors, they don’t have a single functioning office and even if they did
21 – it would be ONE office with 30 employees. Finally they admit the truth: That Rokoko
22 is not a worldwide presence in absolutely pivotal major cities with teams of people
23 worldwide. Defendant is really a small neighborhood online business the scale of a
24 family restaurant who tells potential customers and investors “*we’re a massive*
25 *worldwide provider of mocap suits that outnumber, outperforms and outpaces every*
26 *competitor with teams of employees and locations in Denmark, Athens, Los Angeles, San*
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1 *Francisco, Tokyo! Give your money to us!”* when not one of those statements is true and
2 made to gain a valuation of \$250M for their main company and potentially hundreds of
3 millions more for their Parallel Company in which they misappropriate intellectual
4 property to. Convincing investors and potential customers you’re the size of McDonalds
5 when you’re just one burger joint McDowell’s in Harlem and taking both their money?
6 That’s fraud.
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10 **24. DEFENDANT IS STILL LYING TO THE COURT – RE: THE LLC**

11 25. Defendant states: *“Rokoko Electronics, Inc. has never had any interest in an entity known*
12 *as Rokoko LLC, or any Delaware LLC at any point in time.”*. However, Plaintiff tracked
13 down the filing source of the Delaware LLC beyond the resident agent and found it was
14 filed through LegalZoom, less than 1 year after Defendant created Rokoko Electronics,
15 Inc. LegalZoom confirmed they had overlapping ownership and said verbatim *“you may*
16 *serve Jakob upon either company should you choose and we will make sure it is*
17 *forwarded to him.”*
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20 26. Rokoko because of the LLC is a citizen of every state and gives Superior Court
21 jurisdiction over Federal as found in (28 U.S.C. 1332(c)(1); see also *New Alaska Dev.*
22 *Corp. v. Guetschow*, 869 F.2d 1298, 1300-01 (9th Cir. 1989))
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25 **27. UNAUTHORIZED PRACTICE OF LAW**

26 28. Defendant’s Counsel cleverly chose their words. *“Contrary to Plaintiff’s contentions, a*
27 *ReedSmith attorney licensed in California has filed each document in this action.”*
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1 Plaintiff never stated a licensed attorney didn't file the documents; that's a moot point –
2 the forensic evidence and Plaintiff's statements show unequivocally: Opposing Counsel
3 used non-admitted, out-of-state attorneys with no pro hac vice status **to author and forge**
4 **signatures** on their key filings. The contention that a California attorney was overseeing is
5 still strictly forbidden under ABA Model Rule 5.5(b)(1) "*A lawyer shall not practice law*
6 *in a jurisdiction in violation of the regulation of the profession in that jurisdiction, or*
7 *assist another in doing so.*"

9 29. For a signature to be valid, it must be made *after* the content of the document has been
10 authored and is finalized. In each of the documents, the last modified time zone is
11 Eastern/Chicago UTC -04:00 hours. Therefore it is *impossible* that Katherine J. Ellena
12 signed her signature *after* the documents were authored. Forensic evidence proves this
13 unequivocally and makes the signatures instead placed by unadmitted counsel a forgery
14 under West v. 284 United States, Weiss v. Phillips, , 18 U.S.C. 1621(2) and shows clearly
15 the content was authored by unadmitted attorneys.
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19 30. Further, again, as detailed in the Motion to Strike Removal, Defendant's Counsel
20 continued e-mailing and calling Plaintiff *after* being removed from docket and authored
21 documents with no pro hac vice status – ABA Model Rule 5.5(d)(1) strictly forbids **any**
22 **practice of law** even if of the same national firm "*are provided to the lawyer's employer*
23 *or its organizational affiliates, are not services for which the forum requires pro hac vice*
24 *admission;*"
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26 31. **COUNSEL LIED TO THE COURT SAYING PRO HAC VICE WAS PENDING**

27 Counsel's statement to the Court that at the time of filing the removal and other important
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1 documents pro hac vice was “pending” is a blatant lie easily concludable by looking at
2 the docket. For pending status to occur, you must actually apply first.

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5 32. Counsel only applied for pro hac vice status *after* being removed from docket. By then
6 and after the damage had been done and the judicial machinery had been disrupted and
7 the judicial process tainted. This was not an accident, ReedSmith is an international
8 megafirm with ~1,300 attorneys; certainly at least one of them remembers the rules of
9 ethics. The most likely explanation is that ReedSmith more than likely performs these
10 unethical and illegal practices often. In fact, if the Court has access to the original filings
11 from any case, simple analysis would likely prove Plaintiff’s estimation correct.
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14 33. Defendant erred in their thinking that no one would find out and that the metadata would
15 not exist. Normally, they’d be right. When a party uploads files via CM/ECF, the Court
16 system flattens the PDF and stamps it – erasing metadata entirely. The distinction here is,
17 since they are in the rare scenario of facing an in pro per, the rules of service requires
18 them to send the original PDF files to Plaintiff directly. With the original documents
19 intact, forensics could be performed which showed precisely what Plaintiff alleged –
20 Katherine J. Ellena did not author or sign at least the following files: Removal Cover
21 Sheet, Notice of Removal, her Original Declaration (which explains the hearsay from
22 Emily Graue’s perspective) and the Ex Parte Motion for Extension of time. **Those**
23 **documents and all downstream documents and the removal itself are tainted and**
24 **must be stricken.**
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1 34. Counsel used illegal and unethical practices to secure a Federal Removal within hours of
2 the end of the Court day on the 30th day because **they were out of options in state due to**
3 **the merits and evidence.** Counsel tends to wait until the last day to file anything, the
4 removal was no different. They waited too long to safely apply for pro hac vice status
5 before filing the removal as required by L.R. 83-2.1.1, 83.2.1.4, CA Business &
6 Professions Code 6125 and 6126, ABA Rule 5.5 (b), (d) and multiple other statutes.
7 Counsel therefore *had to* break the law and rules of ethics to avert clerks entry of default
8 which was hours away. The action and intent *alone* is sanctionable.
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12 35. On top of all of it, when Counsel finally had a chance to clear their name and deny it –
13 they didn’t – because -- they can’t. They just pick the one point that matters the least,
14 focus on that and address nothing else: “*a Reed Smith attorney licensed in California has*
15 *filed each document in this action.*”. Obvious to any reader, if Unauthorized Practice of
16 Law did **not** occur, they would have instead stated “*Katherine J. Ellena, licensed in*
17 *California has **authored, signed and filed** each document in this action.*”. Seeking
18 plausible deniability in the face of accusations like this while simultaneously leaving gaps
19 and silence as to the authoring and signing of those documents means only one thing –
20 **ReedSmith for about the tenth time does not contest them and they must be**
21 **admitted as true as this motion seeks to address just that.**
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25 36. **AN ADMITTED ATTORNEY FILING UPL DOCUMENTS IS NOT THE ISSUE**
26 A client is barely prejudiced when a non-attorney “clicks submit”. The filing action itself
27 is not the issue. It’s the unauthorized practice of law itself that prejudices a client. The
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1 fact that Counsel sees no problem with their behavior and actions and must have it
2 explained to them by an in pro per, is exactly the issue. The prejudice comes to both the
3 Plaintiff and the Defendant as clients: **(first)** It's disrupting the rhythm of the judicial
4 system using attorneys who are not allowed to practice law file critical documents at the
5 last second before Default because those same attorneys 'forgot' to even apply for pro
6 hac vice in time to secure the removal **(second)** It's the boilerplate denials where the
7 client is paying a premium for real rebuttal and defense. **(third)** It's the failures of
8 inexperienced, rushed counsel to even spell "MOTION" properly and instead write
9 "MOTON". **(fourth)** It's the constant 7-3 violations making every motion filed by
10 Defense strikable. **(fifth)** It's filing a Motion to Dismiss as an answer untimely,
11 improper and hugely defective to the point Counsel failed to even include a
12 Memorandum of Points and Authorities **(sixth)** It's falsifying word countes and
13 certifications. **(seventh)** It's leaving an associate unfamiliar with California law who has
14 had her license for only months to make all of these mistakes on behalf of her client
15 **(eighth)** It's having the only qualified attorney non-present during or after the drafting of
16 critical documents and timelines; and having unadmitted counsel forge her signature to
17 make the client and Court believe they are expertly written, compliant documents all
18 while the client is paying one of the largest firms in the world for premium service and
19 wishing for success in a multi-million dollar suit. **Precisely what has occurred in this**
20 **case is what unauthorized practice of law rules and statutes were enacted to prevent.**

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26 **37. CONCLUSION**
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1 Defendant and their Counsel had their chance to litigate. They had their chance to
2 submit meaningful evidence and truthful testimony. They chose not to over and over
3 again. 7 months pre-litigation discussions. ODR. Arbitration. Small Claims. State Court,
4 now Federal and not one actual rebuttal or contradictory evidence; just lies and improper
5 filings. Plaintiff asks for equity. Plaintiff respectfully asks that the Court strike their
6 entire removal and all subsequently filed documents as they are ultra vires. No prejudice
7 will occur. Defendant has already waived their defenses by failing to answer properly,
8 demur or raise them in time and have expressly admitted to *every* cause of action. This
9 matter deserves no trial. Summary judgment is appropriate.
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14 **REQUEST FOR RELIEF**

15 Plaintiff respectfully asks the Court to:

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- 17 I. Not to simply remand this case, but to **Strike the Notice of Removal in its entirety.**
 - 18 II. Strike all federal filings submitted by Defendant or their unauthorized representatives;
 - 19 III. Allow this case to be again heard by the California Superior Court immediately, but
20 without the legal protections offered by a standard remand (one who has not been
21 stricken) with no tolling protections to be available after.
 - 22 IV. Award reasonable attorney's fees, actual costs and miscellaneous costs under 28
23 U.S.C. § 1447(c);
 - 24 V. Issue sanctions under Rule 11 or the Court's inherent powers to deter similar conduct
25 and punish the offenders.
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1 VI. Disqualify ReedSmith (Defendant’s Counsel) from counsel of record for all the
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aforementioned and continuous unauthorized practice of law pursuant to Rules 5.5,
9.40, CA BPC § 6125, § 6126 and the inherent authority of the Court under (*People
ex rel. Dept. of Corporations v. SpeeDee Oil Change (1999) 20 Cal.4th 1135, Kirk v.
First American Title Ins. Co. (2010) 183 Cal.App.4th 776*)

I declare under penalty of perjury all the above is true and correct.

Executed this 28th day of July, 2025, in Santa Clarita, California.



Matthew R. Walsh
Plaintiff In Pro Per

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CERTIFICATE OF COMPLIANCE

The undersigned, counsel of record for Plaintiff appearing in pro per, certifies that this brief contains 3,293 words which complies with the word limit of L.R. 11-6.2 and the standing order of the Court.

DATED: July 28, 2025



Matthew R. Walsh
Plaintiff In Pro Per