

1 Katherine J. Ellena (SBN 324160)
kellena@reedsmith.com
2 REED SMITH LLP
515 South Flower Street, Suite 4300
3 Los Angeles, CA 90071-1514
Telephone: +1 213 457 8000
4 Facsimile: +1 213 457 8080

5 Michael B. Galibois (*pro hac vice*)
mgalibois@reedsmith.com
6 Emily Graue (*pro hac vice*)
egraue@reedsmith.com
7 REED SMITH LLP
10 South Wacker Drive, 40th Floor
8 Chicago, IL 60606-7507
Telephone: +1 312.207 1000
9 Facsimile: +1 312.207 6400

10 *Attorneys for Defendant,*
Rokoko Electronics

11
12 **UNITED STATES DISTRICT COURT**
13 **CENTRAL DISTRICT OF CALIFORNIA**
14

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

Case No.: 2:25-cv-05340-ODW-RAO
[Assigned to Hon. Otis D. Wright, II,
Courtroom 5D]

**DEFENDANT ROKOKO
ELECTRONICS' OPPOSITION TO
PLAINTIFF'S MOTION FOR
SANCTIONS**

Date: October 20, 2025
Time: 1:30 p.m.
Place: Dept. 5D

[Concurrently Filed With Declarations of
Katherine Ellena and Emily Graue]

State Court Action Filed: May 12, 2025
Removal Date: June 12, 2025
Trial Date: None

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1 **I. INTRODUCTION**

2 This Motion for Sanctions is yet another attempt by Plaintiff to flood the Court
3 with baseless filings unsupported by the record and filled with inaccurate contentions
4 about both Rokoko and its counsel, Reed Smith LLP. The relief that Plaintiff seeks
5 through his Motion should be denied for the following reasons:

6 **First**, Rokoko’s removal to this Court was prepared and filed by a California
7 licensed attorney. Rokoko’s motion to dismiss, which is still pending a decision from
8 this Court, was also properly filed and the efforts of Rokoko’s counsel to meet and
9 confer with Plaintiff regarding the substance of that motion are set forth in its supporting
10 declarations.

11 **Second**, Plaintiff’s contention that Rokoko has harassed him through the alleged
12 removal of “protected speech” on a Wikipedia page and through a third party’s
13 discussion of this lawsuit on an unrelated podcast is completely unsubstantiated.

14 **Third**, Plaintiff’s claims that Rokoko has destroyed evidence are meritless. He
15 first contends that prior versions of Rokoko’s Terms and Conditions were previously
16 made available on its website, later made unavailable, and are now available again. To
17 the extent this is even accurate, it does not support a spoliation claim and, in any event,
18 Plaintiff can seek prior versions of Rokoko’s Terms and Conditions through the
19 discovery process if he believes they are relevant. Plaintiff also contends that Rokoko
20 destroyed evidence by filing a Statement of Information with the California Secretary
21 of State that updates Rokoko’s address from one San Francisco address to another.
22 Again, this does not support a spoliation claim.

23 **Fourth**, Plaintiff contends that Rokoko’s counsel has tried to obstruct Plaintiff’s
24 discovery efforts. The reality is that Plaintiff *in pro per* has attempted to issue at least
25 nine subpoenas to third parties without authorization from the Court permitting him to
26 do so or a licensed attorney. When Rokoko’s counsel informed him that this is improper
27 and asked Plaintiff to voluntarily withdraw the subpoenas, Plaintiff refused.

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1 At bottom, neither Rokoko nor its counsel has done anything sanctionable in this
2 action, and it is *Plaintiff* who has engaged in sanctionable conduct throughout this case,
3 which Rokoko will address with the Court in the near term. Should the Court not
4 intervene and prevent Plaintiff from further misconduct in this action, such misconduct
5 will only continue.

6 Accordingly, Rokoko respectfully requests that the Court deny Plaintiff's
7 Motion.

8 **II. ARGUMENT**

9 **A. There Is Nothing Sanctionable About Rokoko's Removal Of This**
10 **Action To Federal Court Or Its Motion To Dismiss.**

11 Rokoko set forth the clear basis for federal diversity jurisdiction over this matter
12 in its removal documents (ECF No. 1) and in its opposition to Plaintiff's "Motion to
13 Strike the Removal" (ECF No. 62), which Plaintiff voluntarily withdrew on September
14 9, 2025. *See* ECF No. 72. Nevertheless, Plaintiff contends that one basis for sanctions
15 is that Rokoko submitted "false or misleading" filings that were "ghostwritt[en] by
16 unadmitted counsel" in support of its removal. This is belied by the record.¹

17 Rokoko's removal was timely, supported by evidence demonstrating this Court
18 as the proper venue for this action, and was prepared by a California licensed attorney.²
19 *See* Declaration of Katherine Ellena ("Ellena Decl."), ¶ 4. In its removal papers,
20 Rokoko also indicated that *pro hac vice* applications for Michael Galibois and Emily
21 Graue would be forthcoming. ECF No. 1. On June 17, 2025, *pro hac vice* applications
22 for Michael Galibois and Emily Graue were submitted (ECF Nos. 17-18) and granted
23
24

25 ¹ Plaintiff also seemingly takes issue with Rokoko's timely removal to this Court because it did not
26 provide Plaintiff with advance notice. *See* Mot., pp. 15-16. No such advance notice is required. *See*
27 28 U.S.C. § 1446(d) ("Promptly *after* the filing of such notice of removal of a civil action the defendant
28 or defendants shall give written notice thereof to all adverse parties") (emphasis added).

² Plaintiff's contention that Rokoko or its counsel have made "false statements" to the Court is equally
unfounded. *See* Declaration of Matthew Walsh, ECF No. 73-3. The alleged "false statements" set
forth in Plaintiff's declaration are not false at all, they are accurate statements that Plaintiff simply
disagrees with.

1 on June 20, 2025 (ECF Nos. 21-22). Accordingly, Plaintiff’s contention that Rokoko’s
2 attorneys have engaged in the unauthorized practice of law is completely unfounded.

3 **B. Plaintiff’s Contention That Rokoko Has Somehow “Harrassed”**
4 **Plaintiff Is Also Belied By The Record.**

5 Plaintiff’s contention that Rokoko removed “protected speech” from its
6 Wikipedia page is also completely belied by the record and a side-show. *See* Mot., p.
7 13. Plaintiff has presented no evidence that Rokoko had anything to do with purported
8 edits to its Wikipedia page. Even if edits were made to its Wikipedia page, that is
9 certainly not sanctionable conduct upon Rokoko, as Plaintiff suggests. Similarly,
10 Plaintiff’s claim that Rokoko somehow played a part in alleged “slanderous statements”
11 about Plaintiff by a third party, Corridor Digital, is equally unsupported and should be
12 disregarded. *See* Mot., pp. 14-15.

13 **C. Plaintiff’s Spoliation Contentions Are Unfounded.**

14 Plaintiff’s contentions that Rokoko has somehow deleted relevant evidence in
15 this case is completely unfounded. *See* Mot., pp. 30-32. To the extent that Plaintiff
16 contends that prior versions of Rokoko’s Terms and Conditions are relevant to the case,
17 it can seek such information from Rokoko in discovery. Beyond that, Plaintiff’s claim
18 that archived copies of the Terms and Conditions were somehow removed from
19 Rokoko’s website and then later archived and made available again is not sufficient to
20 support a spoliation claim and certainly not sanctionable.

21 Plaintiff next contends that Rokoko “spoliated evidence” by filing a Statement of
22 Information with the California Secretary of State that changes its California address
23 from one address in San Francisco to another. *See* Mot., p. 31-32. This is clearly not
24 spoliation.

25 **D. Plaintiff’s Improper Subpoenas.**

26 To date, Plaintiff has served nine different subpoenas on various third parties
27 without the Court’s authorization or a licensed attorney. Ellena Decl., ¶ 11. When
28

1 counsel for Rokoko informed Plaintiff that this was improper and requested that the
2 subpoenas be withdrawn, Plaintiff refused. *Id.*, ¶ 12.

3 **E. Rokoko’s Efforts To Meet And Confer With Plaintiff.**

4 Contrary to Plaintiff’s contention otherwise, Rokoko’s efforts to meet and confer
5 with Plaintiff regarding his complaint and Rokoko’s Motion to Dismiss are set forth in
6 detail in the June 16, 2025 and June 26, 2025 Declarations of Katherine Ellena (ECF
7 Nos. 15-1 and 42-1).

8 Plaintiff’s recount of the parties’ June 26, 2025 meet and confer is inaccurate.
9 During that phone call, counsel for Rokoko, Katherine Ellena, discussed each of the
10 causes of action in Plaintiff’s complaint and the basis for Rokoko’s motion to dismiss
11 as to each. Ellena Decl., ¶ 6. Ms. Graue, an associate in Reed Smith’s Chicago office,
12 attended the call but did not speak at all after she introduced herself at the beginning of
13 the call. Declaration of Emily Graue (“Graue Decl.”), ¶¶ 3-5. When Plaintiff informed
14 counsel for Rokoko after the call that, unbeknownst to counsel for Rokoko, he had
15 transcribed the call, counsel for Rokoko informed Plaintiff that they had not consented
16 to any recording of the call. Ellena Decl., ¶ 7.

17 **III. CONCLUSION**

18 For the reasons stated herein, the Court should deny Plaintiff’s Motion.

20 DATED: September 29, 2025

REED SMITH LLP

21
22 By: /s/ Katherine J. Ellena
Katherine J. Ellena
23 Michael Galibois (*pro hac vice*)
Emily Graue (*pro hac vice*)

24 *Attorneys for Defendant*
25 *Rokoko Electronics*
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CERTIFICATE OF COMPLIANCE

The undersigned, counsel of record for Defendant Rokoko Electronics, certifies that this brief contains 1,190 words, which complies with the word limit of L.R. 11-6.2.

DATED: September 29, 2025

/s/ Katherine J. Ellena
Katherine J. Ellena

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