

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**

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: November 10, 2025
Hearing time: 1:30PM

**NOTICE OF MOTION AND
MOTION TO COMPEL**

Concurrently filed with:

- Supplemental Declaration of Matthew R. Walsh Re: Evidentiary Package
- Supplemental Declaration of Matthew R. Walsh Re: Refusal to answer discovery requests / deem admitted
- Supplemental Declaration Re: Subpoena Details
- Supplemental Declaration Re: Fabricated Caselaw
- Proposed Order

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10 **NOTICE OF MOTION AND MOTION TO COMPEL**
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12

13 **TO THE HONORABLE COURT, THE CLERK OF THE COURT AND ALL**
14 **PARTIES AND THEIR ATTORNEYS OF RECORD:**

15
16 **PLEASE TAKE NOTICE** that on November 10, 2025 or as soon thereafter
17 as this matter may be heard in Courtroom 5D of the above-entitled Court. Plaintiff
18 Matthew R. Walsh, proceeding pro se, will and hereby does move the Court for an
19 order compelling compliance with subpoenas issued to third parties, including but
20 not limited to Wikimedia, Corridor Digital and Trifork.

21 This Motion is made pursuant to Federal Rules of Civil Procedure 37(a) and
22 45(d)(2)(B)(i), on the grounds that the third parties have failed to comply with
23 properly served subpoenas and that Defendants have interfered with the discovery
24 process.

25 This Motion is based on this Notice, the accompanying Memorandum of
26 Points and Authorities, the Declaration of Matthew R. Walsh, the exhibits attached
27 thereto, and such further evidence and argument as may be presented at the
28 hearing.

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31
32 **CERTIFICATION OF MEET AND CONFER**

33 Pursuant to L.R. 37-2.4, Plaintiff submits the accompanying declaration
34 establishing that he has attempted in good faith to meet and confer with counsel
35 (Exhibit 12), who has refused entirely under both Rules 26(f) and 37-1 (Exhibit
36 13). Defendant has therefore failed to participate in the joint stipulation. Under
37 direct causation, this motion proceeds without a joint stipulation and is noticed and
38 filed in accordance with L.R. 6-1.

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42 **MEMORANDUM OF POINTS AND AUTHORITIES**

43
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INTRODUCTION

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Plaintiff Matthew R. Walsh (“Plaintiff”), appearing pro se, respectfully moves this Court to compel compliance with properly served subpoenas issued under Fed. R. Civ. P. 45. Plaintiff served subpoenas on multiple third parties closely connected to Defendants Rokoko Electronics (“Defendants”), including Corridor Digital, Trifork, and others. Each subpoena was narrowly tailored, time-bounded, and directed at evidence directly relevant to Plaintiff’s claims and Defendants’ defenses.

Despite this, none of the subpoenaed entities have complied. The non-compliance is not coincidence. It reflects a coordinated pattern of obstruction

94 orchestrated by Defendants and their counsel, who have improperly instructed third
95 parties to ignore subpoenas rather than seeking judicial relief. Such interference
96 undermines the discovery process and prejudices Plaintiff's ability to litigate his
97 claims.

98 Under Fed. R. Civ. P. 37(a) and 45(d)(2)(B)(i), Plaintiff now seeks an order
99 compelling production, along with any further relief this Court deems just. The
100 Court should not permit Defendants to silence relevant evidence through
101 intimidation and procedural gamesmanship.

102

103 **BACKGROUND**

104

105 Plaintiff served subpoenas (Exhibit 15) seeking narrowly tailored discovery
106 directly relevant to the claims and defenses. Despite proper service, the recipients
107 have failed to comply (Exhibits 3-7, 10, 11). Plaintiff has separately moved for
108 sanctions based on Defendants' broader pattern of misconduct. This motion is
109 limited to compelling compliance with the subpoenas already issued; and to
110 compel Defendants to participate in discovery as well.

111 During the discovery process, counsel for Defendant, Reed Smith LLP,
112 informed Plaintiff that subpoenas must bear the Court's signature rather than
113 Plaintiff's own, given his pro se status. This was a good-faith misunderstanding

114 regarding the procedural boundaries applicable to litigants self-representing as
115 Counsel. The issue was promptly cured—each subpoena was submitted to the
116 Clerk, issued under seal of the Court, and redistributed to the relevant recipients
117 (Exhibit 15). Despite this, Counsel chose to provide false information to the Court
118 regarding the subpoenas in which they received the stamped versions of many days
119 prior to filing their oppositions (Exhibit 14).

120

121

LEGAL STANDARD

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123

1) **FRCP 45(d)(2)(B)(i)**

124

- Court may compel compliance when recipient fails to comply.

125

2) **FRCP 37(a)**

126

- Authorizes motions to compel discovery.

127

3) **Local Rule 37**

128

- Governs discovery disputes with carve-out's for subpoenas.

129

4) **Local Rule 7-3 –**

130

- Requires a meet and confer 7 days prior to filing any motion with exceptions listed under 16-12(g).

131

132

5) **United States of America v AB Electrolux and General Electric**

133

Company (2015)

- Highly wealthy and large companies cannot flatly declare undue burden to avoid discovery.

6) **Pegoraro v. Marrero, United States District Court, S.D. New York, February 3, 2012, 281 F.R.D. 122**

- specifies when subpoenas are and are not overbroad.

7) **Meek v. Ward, No. 2:21-CV-00216-HL, 2022 WL 19977542, at *2 (D. Or. Feb. 3, 2022) –**

- Defendants cannot claim “any and all communications” is overbroad, they can only make reasonable objections to the time periods.

8) **Pub. Serv. Co. of Okla., 2011 WL 691204, at *4.**

- “[e]ven if a party has standing to challenge a subpoena directed to a third party on privilege grounds, he may not challenge that subpoena on the grounds that the information imposes an undue burden on the subpoenaed party.”

9) **Fed. R. Civ. P. 36(a)(4) –**

- A responding party must “specifically deny the matter or state in detail why the answering party cannot truthfully admit or deny it.” Boilerplate or generalized objections do not satisfy this requirement.

10) **Fed. R. Civ. P. 36(a)(6) –**

- The requesting party may move to determine the sufficiency of an answer or objection. Unless the court finds an objection justified, it must order that an answer be served. On finding that an answer does not comply with this rule. It authorizes the court to deem requests admitted when the response is evasive, nonresponsive, or objection-only.

11) **Siser N. Am., Inc. v. Herika G. Inc., 325 F.R.D. 200, 209–10 (E.D. Mich. 2018)** –

- The court held that “Boilerplate objections are legally meaningless and amount to a waiver of an objection.”

12) **Strategic Mktg. & Research Team, Inc. v. Auto Data Sols., Inc., No. 2:15-cv-12695, 2017 WL 1196361, at *2 (E.D. Mich. Mar. 31, 2017)**

- “Boilerplate or generalized objections are tantamount to no objection at all and will not be considered by the Court.”

13) **Auburn Sales, Inc. v. Cypros Trading & Shipping, Inc., No. 14-cv-10922, 2016 WL 3418554, at *3 (E.D. Mich. June 22, 2016)** –

- “The filing of boilerplate objections is tantamount to filing no objections at all.”

14) **Lucky v. Detroit Prop. Exch. Co., No. 2:19-cv-11122, 2020 WL 6118495, at *1 (E.D. Mich. Oct. 16, 2020)**

172 • The court condemned “litany-style boilerplate objections” as “strongly
173 disfavored and meaningless.”

174 15) **Oleson v. Kmart Corp., 175 F.R.D. 560, 565 (D. Kan. 1997) –**

175 • “The litany of overly burdensome, oppressive, and irrelevant does not
176 alone constitute a successful objection to a discovery request.”

177 16) **Asea, Inc. v. S. Pac. Transp. Co., 669 F.2d 1242, 1246 (9th Cir.
178 1981) –**

179 • The Ninth Circuit affirmed that when responses to RFAs are “*evasive or*
180 *incomplete,*” the trial court may deem the matters admitted under Rule
181 36(a).

182 17) **Marchand v. Mercy Med. Ctr., 22 F.3d 933, 936–37 (9th Cir.
183 1994) –**

184 • The Ninth Circuit again upheld deemed admissions where the responding
185 party failed to timely serve proper responses, finding that admissions
186 under Rule 36 are “*conclusively established unless withdrawn or*
187 *amended by the court.*”

188 18) **Moore v. Cox, 341 F. Supp. 2d 570, 573 (E.D. Va. 2004) –**

189 • “A party’s failure to admit or deny a matter is tantamount to an
190 admission.”

191 19) **Henry v. Champlain Enters., Inc., 212 F.R.D. 73, 77 (N.D.N.Y.**
192 **2003)**

- 193 • Objections alone, without a statement that the party cannot admit or
194 deny, are insufficient under Rule 36(a).”

195 20) ***Wilbert v. Pyramid Healthcare, Inc., No. 3:18-cv-215 (W.D. Pa.***
196 **Feb. 5, 2019)**

- 197 • **Counsel was sanctioned because they refused to meet and confer**
198 **without imposed conditions—such as insisting on recording any in-**
199 **person conference—that made cooperation impossible. Precisely what**
200 **Defendants have done here.**

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202
203 **ARGUMENT**

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207 **DEFENDANTS REFUSE TO PARTICIPATE IN 26(F) CONFERENCE**

208
209 Rule 26(d)(1) states “*A party that is first served or otherwise joined after the*
210 *Rule 26(f) conference must make the initial disclosures within 30 days after being*
211 *served or joined, unless a different time is set by stipulation or court order.”*

212 On September 9, 2025 the Court issued an order (Dkt #71, p 2, L 25) which
213 states “*Unless there is a likelihood that upon motion by a party the Court would*
214 *order that any or all discovery is premature, it is advisable for counsel to begin to*
215 **conduct discovery actively** before the Court issues a Scheduling Order. At the
216 very least, the parties shall comply fully with the letter and spirit of Rule 26(a) and
217 thereby **obtain and produce most of what would be produced in the early stage of**
218 **discovery**, because in the Scheduling Order, the Court will impose tight deadlines
219 to complete discovery”

220 Plaintiff e-mailed opposing counsel promptly and instead received an auto-
221 responder that they would be wholly unavailable until September 13. Per the Court
222 order, Plaintiff did precisely what the Court stated – **conduct discovery actively**.
223 Plaintiff served admissions, interrogatories and requests for production on or about
224 September 10, 2025. Counsel complained that discovery was premature. Plaintiff
225 cited the Court order and language authorizing active discovery. Defense, not
226 disagreeing, scheduled a 26(f) conference with Plaintiff for September 30, 2025.

227 As the date for the 26(f) conference drew close, **Counsel manufactured**
228 **conflict to prevent discovery from formally beginning**. Counsel demanded the
229 meeting be third-party recorded using a Court reporter and that the 26(f)
230 conference would instead also encompass other conference types (7-3 and 37-1) as

231 well as talking points and topics not appropriate for a 26(f) conference (Exhibit
232 12).

233 **Unless Defendant’s unilateral, non-negotiable demands were met**
234 **Counsel indicated they would not participate in any further meet and confer**
235 **and ultimately cancelled the conference** the day before it was to have occurred;
236 further delaying, disrupting and dodging formal discovery. (Exhibit 13)

237 Plaintiff notes that this Court further warned Defendant – once again --
238 about their conduct in the same order (Dkt #71) including but not limited to L.R. 7-
239 3 and L.R. 11-6.1; however, once again, Defendants continue to carry on with
240 those parallel abuses now disrupting Rule 26 and Rule 45 at a minimum.

241 Defendant’s actions mirror that of those in Wilbert v. Pyramid Healthcare,
242 Inc. where opposing Counsel set mandatory, unilateral and non-negotiable
243 protocols contrary to the spirit of 26(f); and then refused to meet and confer despite
244 the other Parties attempts to engage and imposed conditions—such as insisting on
245 **recording any in-person conference**—that made cooperation impossible.

246

247

248

DEFENDANT MUST BE COMPELLED TO ANSWER

249

250 It is clear Defendants do not want to participate in discovery because the
251 information sought is so adverse, they will stop at nothing to prevent it from
252 surfacing. Plaintiff moves the Court to not only Compel responses from subpoena
253 recipients, but also from Defendants and Counsel themselves who have **(a)** avoided
254 answering any discovery requests authorized by court order under Docket #71; and
255 **(b)** who are actively obstructing formal discovery from ever occurring and; **(c)**
256 who have made it clear they will participate in no meet and confers or discovery
257 whatsoever.

259
260 **DEFENDANT REFUSED TO ANSWER DISCOVERY REQUESTS**

261 **ADMISSIONS SHOULD NOW BE DEEMED ADMITTED**

262
263 Plaintiff served Requests for Admission on September 10, 2025, as
264 authorized by Dkt. #71. Defendant did not serve any verified or substantive
265 responses within thirty (30) days as required by Fed. R. Civ. P. 36(a)(3). Instead,
266 on the thirtieth day, Defendant served approximately 90 pages of boilerplate
267 objections to nearly ninety-nine percent (99%) of all discovery requests—none of
268 which admit, deny, or fairly respond to any matter requested. *(See Declaration ISO*
269 *Motion to Compel re: Refusal to Answer Discovery Requests.)*

270 Under Rule 36(a)(4), such non-answers do not constitute a “response,” and
271 under Rule 36(a)(6), the Court should deem each matter admitted as a matter of
272 law. **As courts consistently hold, boilerplate objections are legally meaningless
273 and equivalent to no response at all:**

274 (*“A ‘boilerplate’ objection is one that is invariably general; it includes, by
275 definition, ‘[r]eady-made or all-purpose language that will fit in a variety of
276 documents.’ Thus, ‘[a]n objection to a discovery request is boilerplate when it
277 merely states the legal grounds for the objection without (1) specifying how the
278 discovery request is deficient and (2) specifying how the objecting party would be
279 harmed if it were forced to respond to the request.’ ”*) (internal citations omitted);
280 *Siser N. Am., Inc. v. Herika G. Inc.*, 325 F.R.D. 200, 209-10 (E.D. Mich. 2018)
281 (*“Boilerplate objections are legally meaningless and amount to a waiver of an
282 objection.”*); accord *Strategic Mktg. & Research Team, Inc. v. Auto Data Sols.,
283 Inc.*, No. 2:15-cv-12695, 2017 U.S. Dist. LEXIS 48375, 2017 WL 1196361, at *2
284 (E.D. Mich. Mar. 31, 2017) (**“Boilerplate or generalized objections are
285 tantamount to no objection at all and will not be considered by the Court.”**);
286 *Auburn Sales, Inc. v. Cypros Trading & Shipping, Inc.*, No. 14-cv-10922, 2016
287 U.S. Dist. LEXIS 80852, 2016 WL 3418554, at *3 (E.D. Mich. June 22, 2016)
288 (*This “Court has repeatedly found that the filing of boilerplate objections is
289 tantamount to filing no objections at all.”*).

290 ***“The Court notes that “litany style” boilerplate objections made in***
291 ***response to particular requests, like those Defendants employed, in part, are***
292 ***strongly disfavored and likewise meaningless.”*** Lucky v. Detroit Prop. Exch. Co.,
293 No. 2:19-CV-11122, 2020 WL 6118495, at *1 (E.D. Mich. Oct. 16, 2020)

294 Quoting *Oleson v. Kmart Corp.*, 175 F.R.D. 560, 565 (D. Kan. 1997). (*“The*
295 *litany of overly burdensome, oppressive, and irrelevant does not alone constitute a*
296 *successful objection to a discovery request.”*). And the correct standard for
297 determining the proper scope of discovery is stated in Fed. R. Civ. P. 26(b)(1).
298

299

300 **DEFENDANT OBSTRUCTED THIRD PARTY SUBPOENAS**

301

- 302 1. Plaintiff has issued multiple lawful and narrow subpoenas to third parties
303 including but not limited to record holders, DOE defendants and those with
304 information or documents specific to the claims or arguments in this case.
305 (see **Matthew R. Walsh’s declaration RE: SUBPOENAS ISSUED**) a
306 summary of which is listed:
307

- 308 a. **Wikipedia** – Identifying information on one user. Defendant pleaded
309 and alleged harassment, yet is actively manipulating the public
310 themselves.
- 311 b. **Corridor** – Defendant pleaded and alleged harassment, yet is actively
312 manipulating the public themselves. Information will reveal payments
313 and talking points fed by Defendant to Corridor for public
314 dissemination.
- 315 c. **Trifork** – Intended DOE, named in Complaint. Contracts,
316 communications and documents to show how Rokoko and their alter-
317 ego company sold/used Plaintiff’s intellectual property.
- 318 d. **Naver-Z**, named in Complaint – Intended DOE. Contracts,
319 communications and documents to show how Rokoko and their alter-
320 ego company sold/used Plaintiff’s intellectual property.
- 321 e. **DocuSign #1** – Defendant is shown to have used their personal e-mail
322 addresses to sign contracts for Rokoko and their alter-ego company in
323 regards to the sale/use of Plaintiff’s intellectual property.
- 324 f. **DocuSign #2** – Identical to DocuSign #1, except only features
325 Defendant’s business e-mail addresses.
- 326 g. **Archive.org** – Information on spoliation of historical copies of the
327 terms & conditions page central to every argument in this matter.

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ARGUMENTS AGAINST DEFENDANTS PRIOR OBJECTIONS
TO THE SUBPOENAS AND DISCOVERY

2. DEFENDANTS ARGUMENTS ARE WHOLLY UNLAWFUL

First, Defendant’s “demand letter” (Exhibit 6) aims to stop Plaintiff cold from subpoenaing information from third parties. Defendant’s Counsel further contacted those parties and instructed them to not comply by **(first)** falsely claiming they filed or would file a motion to quash which never happened **(second)** by stating to third-parties that a 37-1 meet and confer had begun when it had not been scheduled (Exhibit 5.2) **(third)** by using fabricated caselaw argument in those communications **(fourth)** by falsely advising third parties that Plaintiff has no ability to issue subpoenas **(fifth)** by intentionally ignoring the clerk signature/stamp and continuing to tell third parties they are invalid. (Exhibit 3) **(finally)** by issuing “demand letters” which the basis of their entire argument is unlawful and has been demonstrated to rely on AI-generated hallucinations of caselaw (Exhibit 6). (see Request for Judicial Notice Dkt #76, and the affixed *Declaration ISO Motion to Compel re: Fabricated Caselaw*).

348 3. **The fabricated-caselaw issue continues to be weaponized to impede**
349 **discovery.** Defendant demanded the RJN re: Fabricated Caselaw (Dkt #76)
350 be withdrawn voluntarily through a Rule 11 Safe Harbor letter (Exhibit 16)
351 complete with forthcoming sanctions threats by the Defendant while
352 simultaneously **never opposing that RJN on the record.** Further,
353 Defendant even post-sanctions motion -- **continued** relying on that caselaw
354 -- and in an attempt to forward the withdrawal of the RJN they sent LEXIS
355 PDF files of each case. Plaintiff *again* read and ran checks on them and
356 instead of absolving Defendant, it definitively proved each case was either
357 they misquoted, the wrong authority, non-existent or misattributed and all
358 cases were either dismissed, administratively closed or vacated. Plaintiff
359 submits that evidence and an explanation of how AI causes these issues (*see*
360 *Declaration ISO Motion to Compel re: Fabricated Caselaw*).

361
362 4. Interfering ex parte with third parties to obstruct discovery is an offense
363 warranting terminating sanctions (Leon v. IDX Sys. Corp., 464 F.3d 951,
364 958 (9th Cir. 2006), 16) Anheuser–Busch, Inc. v. Natural Beverage
365 Distributions, 69 F.3d 337, 348 (9th Cir. 1995)). Licensed Counsel using AI-
366 generated, non-existent case law as the foundation of legal demands, threats
367 of sanctions and fee shifting upon Plaintiff – coupled with false statements

368 to those third parties of legal processes which had never occurred --
369 exponentially compounds the misconduct and Courts routinely impose
370 sweeping disciplinary action including disqualification, sanctions, and
371 mandatory referral to disciplinary authorities. See *Johnson v. Dunn*, 2:21-cv-
372 01701-AMM (N.D. Ala. 2025).

373
374 **5. CLAIMING TRADE SECRETS IS NOT IMMUNITY**

375 Defendant made such a claim in (Exhibit 6). Defendants cannot shield
376 discovery under the guise of “*trade secret*” or “*confidentiality*.” California
377 law explicitly limits trade secret protection to information that derives value
378 “*from not being generally known to the public or to other persons*” who can
379 obtain economic value from its disclosure. See Cal. Civ. Code § 3426.1(d);
380 *Bryant v. Mattel, Inc.*, No. CV 04-9049 DOC (RNBx), 2010 WL (C.D. Cal.
381 Dec. 14, 2010) (holding that “*a compilation of publicly available*
382 *information is readily ascertainable and thus not a trade secret*”).

383
384 6. The third party confirmation of Plaintiff’s evidence may be inconvenient to
385 Defense, however, inconvenience is the price paid by the accused in fraud
386 cases; when evidence and the path to further preponderance is clear. As
387 Plaintiff has greatly demonstrated since the pleading stage he has known

388 precisely [**who**] these parties are, [**what**] their precise involvements were
389 [**when**] they became involved [**how**] they were involved and; [**why**] they
390 were involved, for what purposes and using collections of public information
391 including their own marketing materials, websites, express admissions,
392 financial records and more; that Defendant’s contentions about “trade
393 secrets” and “confidentiality” are inapplicable as a matter of law and these
394 subpoenas and the content they seek to derive are narrow and met with a
395 high degree of targeted specificity.

396
397 **7. WAIVER OF CONFIDENTIALITY CLAIMS**

398 Defendant’s invocation of “confidentiality” functions solely as an
399 evidentiary barrier to discovery, rather than a legitimate assertion of trade
400 secret protection. Defendant has failed to identify any specific trade secret or
401 provide a privilege log substantiating its claim. Having raised no such
402 defense or objection in any of the more than seventy-five docket entries to
403 date, Defendant has waived the right to assert such a basis now.

404
405 8. *“It has long been settled in this circuit that the party resisting discovery*
406 *bears the burden of showing why discovery should not be allowed, and has*
407 *the burden of clarifying, explaining, and supporting its objections.”*

408 *(Blankenship v. Hearst Corp., 519 F.2d 418, 429 (9th Cir. 1975)).*

409 Defendant has not met that burden to date.

410

411 **9. Discovery scopes are all narrow in nature and specificity**

412 Defendant made such a claim in (Exhibit 6). Not only is Defendant Rokoko
413 Electronics accused of fraud, misappropriation, infringement; but subpoena
414 recipients who are unnamed DOE's are as well. [*"These requests appear to*
415 *seek discovery relevant to plaintiffs' claim that defendants have engaged in*
416 *a pattern and practice of fraud. As noted previously, the information sought*
417 *by plaintiffs is relevant toward establishing that claim. Defendants'*
418 *relevancy objections to these requests are overruled"*] (*Pipeline*
419 *Productions, Inc. v The Madison Companies, LLC (2017) C.D. Kan*). Again,
420 here as well, the information sought goes directly to the heart of the claims
421 and defenses without meandering out of bounds and allows Plaintiff to
422 identify or disqualify DOE Defendants to be later added.

423

424 **10. None of the Subpoenas can be seen to impose undue burden**

425 Each subpoena recipient is valued well into the hundreds of millions of
426 dollars, some even into the billions of dollars. As such, each has modern
427 technological infrastructure juxtaposed with extravagant employee counts

428 into the thousands. Certainly they have the ability to export single-party e-
429 mails from **(a)** limited time period and **(b)** provide a few contracts with little
430 to no effort. Such requests for companies this size should not be of “going
431 concern for whom the modest financial demands of compliance will be an
432 ordinary cost of business.” (*United States of America v AB Electrolux and*
433 *General Electric Company (2015)*). Further, Defendant has no legal right to
434 argue undue burden on behalf of a third-party “[e]ven if a party has
435 standing to challenge a subpoena directed to a third party on privilege
436 grounds, he may not challenge that subpoena on the grounds that the
437 information imposes an undue burden on the subpoenaed party.” *Pub. Serv.*
438 *Co. of Okla., 2011 WL 691204, at *4.*

439
440 **11. None of the subpoenas can be considered overbroad**

441 Much to Defendant’s discontent, each subpoena is:

- 442 a. **Not overbroad in time.** Each is narrowed in a specific time window
443 which relates to one specific series of events of which are explicitly
444 defined in this proceeding; cannot be considered overbroad.

445 (*Pegoraro v. Marrero, United States District Court, S.D. New York,*
446 *February 3, 2012, 281 F.R.D. 122*)

447 b. **Not overbroad in asks:** Defendant cannot oppose to “any and all
448 communications” as overbroad, rather they may only “*interpose*
449 *reasonable objections to “any and all” communications based on the*
450 *date of the communications.*” (*Meek v. Ward, No. 2:21-CV-00216-*
451 *HL, 2022 WL 19977542, at *2 (D. Or. Feb. 3, 2022)*) and since the
452 time period is narrowly focused to claims within this action, it is not
453 overbroad.

454
455 **12. Plaintiff plead RICO. Subpoenas target activity with DOE Defendants**
456 **and as respondents pursuant to claims of a RICO organization.**

457 Plaintiff has expressly reserved the right to amend the complaint to include a
458 claim under the Racketeer Influenced and Corrupt Organizations Act
459 (“RICO”), 18 U.S.C. §§ 1961–1968. The subpoenas at issue are narrowly
460 directed toward identifying enterprise-level conduct and relationships among
461 Defendants and third parties that may establish the elements of a RICO-type
462 enterprise—namely, coordination, shared purpose, and continuity of
463 conduct.

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465 13. “*To establish liability under RICO, Plaintiffs must show that Defendants (1)*
466 *participated in the conduct (2) of an enterprise (3) through a pattern (4) of*

467 *racketeering activity.*” Copeland v. C.A.A.I.R., Inc., No. 17-CV-564-TCK-
468 JFJ, 2019 WL 4307125, at *10 (N.D. Okla. Sept. 11, 2019) (citing Tal v.
469 Hogan, 453 F.3d 1244, 1269-70 (10th Cir. 2006)). “ ‘*Racketeering activity*’
470 *is defined, in pertinent part, as any ‘act which is indictable’ under federal*
471 *law and specifically includes violations of the TVPRA.*” Id. (citing 18 U.S.C.
472 § 1961(1)(B); Tal, 453 F.3d at 1261-62). To satisfy the “enterprise” element,
473 “*Plaintiffs must show that the group¹ has (1) a purpose², (2) relationships*
474 *among those associated with the enterprise³, and (3) longevity sufficient to*
475 *permit these associates to pursue the enterprise’s purpose⁴. The group must*
476 *have a common purpose to engage in a course of conduct, but that purpose*
477 *need not exist beyond or independent of this group’s pattern of racketeering*
478 *activity⁵.*” Id. (citing Crowe v. Clark, 552 F. App’x 796, 800 (10th Cir.
479 2014)) - Copeland v. C.A.A.I.R., Inc., No. 17-CV-564-TCK-JFJ, 2020 WL
480 972754, at *3 (N.D. Okla. Feb. 28, 2020).

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¹ Rokoko, CocoCare, Rokoko Care, Naver-Z, Trifork, etc.

² Financial gain through means of selling Plaintiff’s misappropriated intellectual property

³ This has been demonstrated through vast evidence, the subpoenas aim to uncover more.

⁴ Evidence shows the IP theft plan was devised and sold to investors since 2022.

⁵ As pled and evidenced, all patterns are part of a unified alter-ego and shell enterprise.

482 **14. Targeted discovery into enterprise structure is permissible where facts**
483 **may support a claim for RICO**

484 *“The Court will permit particularized discovery aimed at determining the*
485 *scope of work ... whether [Defendants] were engaged in illegal acts; the*
486 *formation of the alleged RICO enterprise ... For some requests, the Court*
487 *limits the time frame to four years”* (from the date of the amended
488 Complaint)... *“which is the statute of limitations for civil RICO damages*
489 *claims.”* See Robert L. Kroenlein Tr. ex rel. Alden v. Kirchhefer, 764 F.3d
490 1268, 1274 (10th Cir. 2014), Copeland v. C.A.A.I.R., Inc., No. 17-CV-564-
491 TCK-JFJ, 2020 WL 972754, at *5 (N.D. Okla. Feb. 28, 2020)

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494 **CONCLUSION**

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496 Defendant knows that the information sought would create an indisputable
497 third-party verified evidentiary record which would flatline their already limited
498 defense capacity and would prevent them from continuing to shield their
499 corroborating investors and third parties from exposure and liability. Should
500 Plaintiff not be permitted to receive this information, Defendant remains a shadow

501 outside of the judicial spotlight and intended DOE Defendants walk free from
502 liability while profiting from the acts alleged herein.

503 *["In moving to compel the production of documents, the moving party bears*
504 *the burden of demonstrating actual and substantial prejudice from the denial of*
505 *discovery."]* (*Grossman v. Dirs. Guild of Am., Inc., 2018 WL 5914242, at *4 (C.D.*
506 *Cal. Aug. 22, 2018)*). Plaintiff has met that burden. These documents are the final
507 *supporting documents* to solidify evidence already placed before this Court and
508 will confirm precisely what Plaintiff has alleged all along: Rokoko Electronics
509 engaged in the very conduct it was accused of and now attempts to obscure at
510 every turn.

511 Defendant invokes “confidentiality” or “privacy” as blanket shields is
512 inappropriate and contrary to law. Defendant has no legal right or shown cause to
513 obstruct the procurement of evidentiary matter which implicates them in nearly
514 every cause of action of a Federal fraud and intellectual property case.

515

516 **PRAYER FOR RELIEF:**

517 Plaintiff respectfully request that the Court:

518 (1) GRANT Plaintiff’s motion to compel in full AND;

519 (2) ORDER all subpoena recipients to comply with the subpoenas as

520 issued AND;

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- (3) ORDER Defendant's to compel requests for production and interrogatories served upon them AND;
- (4) ISSUE a clarification/order confirming that subpoenas properly served by Plaintiff are valid and enforceable, and that even future third parties should not ignore them absent a court order quashing or modifying them; to deter Counsel's obstruction efforts ongoing AND;
- (5) ORDER Defendants to pay Plaintiff's costs in preparing this motion, the subpoenas, documents, and for effecting service pursuant to Rule 37(a)(5)(A).
- (6) ORDER Defendants to pay Plaintiff \$20,000 for reasonable expenses, damages and/or restitution pursuant to Fed. R. Civ. P. 37(b)(2)(C) and the Court's inherent authority to sanction willful obstruction and bad-faith noncompliance with discovery obligations and the time, effort and expertise required to expose fabricated caselaw and repeated misconduct.

537

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

540

541 Executed this October 10, 2025, in Santa Clarita, California.

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Matthew R. Walsh
Plaintiff in pro per

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CERTIFICATE OF COMPLIANCE

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

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