

1 MATTHEW R. WALSH
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5 Plaintiff In Pro Per,

6 **UNITED STATES DISTRICT COURT**
7 **CENTRAL DISTRICT OF CALIFORNIA**

MATTHEW R. WALSH

Plaintiff In Pro Per,

vs.

ROKOKO ELECTRONICS
(AND DOES 1 THROUGH 50,
INCLUSIVE)

Defendant

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

*[Assigned to Hon. Otis D. Wright, II,
Courtroom 5D; Hon. Rozella A. Oliver,
Courtroom 590]*

*Hearing Date: December 8, 2025
Hearing Time: 1:30 PM*

**NOTICE OF MOTION AND
MOTION FOR ENTRY OF
DEFAULT**

Filed concurrently with:
Declaration of Matthew R. Walsh ISO
Motion for Entry of Default re:
Evidentiary package

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10 TO THE HONORABLE COURT, THE DEFENDANT AND THEIR COUNSEL
11 OF RECORD, PLEASE TAKE NOTICE that Plaintiff, Matthew R. Walsh,
12 respectfully moves the Court for an entry of Default against Defendant, Rokoko
13 Electronics, pursuant to Rule 55(a) of the Federal Rules of Civil Procedure. This
14 motion is based on Defendant's consistent noncompliance with Court orders,

15 including their failure to timely respond to discovery requests, failure to participate
16 in mandated conferences, and refusal to submit a joint report in accordance with
17 the Court’s scheduling orders and local rules. Rokoko is deemed to have failed to
18 ‘otherwise defend’; and has engaged in conduct in which Courts routinely dismiss
19 or default the offending party.

20 This motion is set for hearing before the Honorable Otis D. Wright, II on
21 Monday, December 8, 2025, or as soon thereafter as the matter may be heard, in
22 Courtroom 5D of the United States District Court for the Central District of
23 California.

24 As set forth herein, Defendant has failed to defend or otherwise engage in
25 good faith in this litigation. Plaintiff is entitled to an entry of default in accordance
26 with the established legal standards.

27 Pursuant to Rule 55(a); which allows Clerks Entry of Default where a party
28 has “failed to otherwise defend”; Plaintiff respectfully requests the clerk enter
29 Default against Defendant Rokoko Electronics for just that; and most notably, their
30 non-opposition to Plaintiff’s motion which was made requesting default (Dkt #42)

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CERTIFICATION OF CONFERENCE OF OPPOSING COUNSEL

34 This motion is made following the conference of counsel pursuant to L.R. 7-3
35 which took place on October 30, 2025. Submitted greater than 7 days after Plaintiff
36 met and conferred with Defendant on the issues contained herein. Counsel and
37 Plaintiff have been unable to remedy these issues and entry of default is sought.

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INTRODUCTION

42 Plaintiff seeks the entry of default against Defendant Rokoko Electronics for their
43 repeated and willful failure to comply with Court orders and deadlines, which have
44 impeded the progress of this case. Defendant's conduct, including missed deadlines
45 for the 26(f) conference, failure to submit a joint report by the Court-imposed
46 deadline, and refusal to engage in discovery, has disrupted the orderly progression
47 of this litigation and brought the case to a halt and furtherance of the case is no
48 longer possible due to multiple stalemates.

49 Defendant has failed to oppose Plaintiff's motion, including a motion (Dkt
50 #85) which sought the relief of entry of default. They have not sought leave of the
51 Court to file any late response to that motion. As a result, Plaintiff moves for
52 default judgment in accordance with Rule 55(a) and requests that the Court strike
53 Defendant's motion to dismiss (which due to the absolute litany of local rules

54 violations, makes it a legal nullity) and allow Plaintiff to proceed to the merits of
55 the case via Motion for Summary Judgment.

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BACKGROUND

58 On September 9, 2025, the Court issued a scheduling order which opened
59 early discovery and set forth critical deadlines. Defendant was required to respond
60 to Plaintiff's discovery requests by October 20, 2025, but instead submitted only
61 objections, offering no substantial responses which Courts routinely recognize as
62 filing no answer at all.

63 Furthermore, Defendant failed to appear for the mandatory 26(f)
64 conference, initially scheduled for September 30, 2025, and later missed the final
65 conference deadline on October 27, 2025. Despite receiving repeated warnings and
66 extensions, Defendant failed to comply with these orders, including the final
67 deadline to submit a joint report by November 9, 2025.

68 As a result of these delays, Plaintiff's efforts to move forward with this case
69 have been hindered at every step by Defendant's obstruction and noncompliance.

70 **Plaintiff filed a motion on October 27, 2025, requesting default and other**
71 **remedies, but Defendant did not oppose this motion within the prescribed**
72 **time.** In fact, on November 4, 2025, Plaintiff filed a notice of non-opposition, to
73 which Defendant still has not sought leave of Court or to file a late opposition,

74 effectively consenting to the requested relief. This failure to oppose further
75 underscores Defendant's lack of intent to defend this action or abide by the Court's
76 orders.

77 This Court has warned Defendant many times. The record belies their
78 disregard for the rules, procedures and orders of this Court. Docket #71 warned
79 them if the joint report was not filed **in advance of** 7-days before the scheduling
80 hearing, the case may be dismissed or their answer may be stricken and they may
81 be defaulted. They failed that timeline intentionally as they entirely **want**
82 dismissal. To the Defendant, a default judgment is the same as a dismissal –
83 Denmark doesn't enforce or recognize them. Therefore, Entry of Default and
84 allowing Plaintiff to move forward with summary judgment is appropriate here.

85 For the reasons outlined in the declarations and the supporting
86 documentation, Plaintiff respectfully requests that the Court enter default against
87 Defendant Rokoko Electronics, strike their motion to dismiss, and allow Plaintiff
88 to proceed to the merits of the case by filing a Motion for Summary Judgment.

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90 **MEMORANDUM OF POINTS AND AUTHORITIES**
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109 12. RIGHTHAVEN LLC v. NEWMAN, 38 CASE No. 2:10-cv-01762 (D. NEV. 2011) 10

110 13. MCGARITY v. EXPERIAN INFO. SOLS., INC., No. 8:24-CV-02100-FWS-AS (C.D. CAL. 2025) 10

111 14. BANK OF AMERICA, N.A. v. FEDERALGUARANTEE MORTG. Co., No. 3:04CV392 (W.D.N.C. MAR.

112 27, 2007) 10

113 15. GLAIR v. CITY OF LOS ANGELES, 2014 WL 12933137 (C.D. CAL. FEB. 19, 2014) 10

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136 CERTIFICATE OF COMPLIANCE 31

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LEGAL STANDARD

1. Rule 55(a)

a. Allows for a clerk’s entry of default when a party fails to "otherwise defend" the case.

2. Local Rule 7-12 (L.R. 7-12)

b. States that failure to file a required document or oppose a motion within the deadline may be deemed consent to granting or denying the motion.

3. Rule 16(f)

c. Provides for sanctions if a party fails to comply with a scheduling order or pretrial order, including the failure to appear at a scheduled conference or participate in discovery.

4. Rule 26(f)

d. Requires parties to confer and file a joint report outlining the proposed discovery plan, which must be submitted within a specified time frame.

5. Rule 37(b)(2)(C)

156 e. Authorizes the court to issue sanctions, including default judgment,
157 against a party that fails to comply with a discovery order or court-
158 ordered report.

159 **6. Local Rule 7-3**

160 f. Requires parties to meet and confer before filing certain motions, and
161 failure to do so can result in the motion being considered defective.

162 **7. Rule 37-4**

163 g. Addresses failure to cooperate or comply with discovery orders and
164 can result in sanctions including the striking of pleadings or the
165 imposition of default judgment.

166 **8. Rule 11-3.1**

167 h. Requires filings to include consecutive line numbers.

168 **9. Rule 11-7**

169 i. Requires that appendices be clearly separated from the body of legal
170 filings.

171 **10. Rule 11-8**

172 j. Requires clear and consistent use of headings and subheadings in
173 legal filings.

174 **11. U.S. v. Warren, 601 F.2d 471 (9th Cir. 1979)**

175 a. Establishes that failure to oppose a motion in a timely manner
176 constitutes consent to granting the motion, setting a precedent that
177 non-opposition leads to default judgment.

178 **12. Righthaven LLC v. Newman, 38 Case No. 2:10-cv-01762 (D. Nev. 2011)**

179 a. Reinforces that a party's failure to timely oppose a motion results in
180 the court granting that motion, underlining that failure to respond
181 equates to consent.

182 **13. McGarity v. Experian Info. Sols., Inc., No. 8:24-CV-02100-FWS-AS**
183 **(C.D. Cal. 2025)**

184 a. Highlights the significance of complying with Rule 26(f) and
185 responding to court orders. Noncompliance with discovery or court
186 orders can lead to termination of the case and sanctions including
187 default judgment.

188 **14. Bank of America, N.A. v. Federalguarantee Mortg. Co., No. 3:04CV392**
189 **(W.D.N.C. Mar. 27, 2007)**

190 a. Discusses that a failure to comply with discovery orders, including not
191 responding to requests for admissions, justifies default judgment as a
192 sanction under Rule 37(b)(2)(C).

193 **15. Glair v. City of Los Angeles, 2014 WL 12933137 (C.D. Cal. Feb. 19,**
194 **2014)**

195 a. Stresses that a failure to file a Rule 26(f) report can undermine the
196 court's ability to manage its docket, leading to sanctions such as
197 default judgment.

198 **16. Johnson v. Dunn, 2:21-cv-01701-AMM (N.D. Ala. 2025)**

199 a. Discusses severe consequences for fabricating legal authority using
200 AI, including the possibility of terminating the case and referring
201 attorneys to the bar for misconduct.

202 **17. Rivera v. Drake, 767 F.3d 685 (7th Cir. 2014)**

203 a. The court emphasized the need for serious sanctions, including default
204 judgment, when a party engages in fraudulent behavior such as
205 fabricating legal evidence or failing to comply with court rules.

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208 **ARGUMENT**

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210 **18. MOTION REQUESTED DEFAULT, DEFENDANT DID NOT**
211 **OPPOSE; HAS FAILED TO 'OTHERWISE DEFEND'.**

212 a. On October 27, 2025; Plaintiff filed a motion (Dkt #85) which
213 requested relief in the form of striking Defendant's defective answer
214 ("Motion to Dismiss") (Dkt #42) which was filed in violation of L.R.

215 7-3 (and two orders and about 11 other rules, making it a legal nullity
216 and a Rule 55(a) “failure to plead” qualifier).

217 b. Should the MTD finally be stricken, no answer would exist, entering
218 Default (Rule 55(a)) is automatic.

219 19. Defendant [**FAILED TO OPPOSE**] that motion, and did nothing to seek
220 leave of Court to file a late opposition once a notice of non-opposition
221 was filed.

222 20. Pursuant to the Local Rules (L.R. 7-12) “*The failure to file any required*
223 *document, or the failure to file it within the deadline, may be deemed*
224 *consent to the granting or denial of the motion,* “ and under 9th Circuit
225 law, a party’s failure to timely oppose a motion constitutes the non-
226 moving party’s consent to granting of the motion. U.S. v. Warren, 601
227 F.2d 471, 474 (9th Cir. 1979); Righthaven LLC v. Newman, 38 Case No.
228 2:10-cv-01762, 2011 U.S. Dist. LEXIS 80518 (D. Nev. July 22, 2011)
229 (granting motion to dismiss due to plaintiff’s failure, by a matter of **mere**
230 **hours**, to timely respond), aff’d on mtn. to reconsider, 2011 U.S. Dist.
231 LEXIS 41 109327 (D. Nev. Sept. 23, 2011); under Local Rule 7-12, this
232 failure to oppose Plaintiff’s Motion means that Defendant “*may be*
233 *deemed to consent to the granting ... of the motion.*”

234 21. Defendant cannot claim mistake or inadvertence as they were served the
235 motion on October 27, 2025 and did not timely oppose, then a notice of
236 non-opposition was filed (Dkt #87) on November 11, 2025 and
237 Defendants still did nothing to attempt to oppose, nor indicate their
238 opposition nor seek leave of court for a late opposition. It must be granted.

239 22. Plaintiff's motion has been not been opposed and therefore Defendant has
240 consented to the granting of that motion pursuant to L.R. 7-12. Therefore
241 it must be granted, striking Defendant's Motion to Dismiss and entering
242 Clerks Default.

243 23. The Court need not worry of non-merits based disposition; Defendant's
244 home Country does not recognize or enforce default judgments.
245 Therefore, Plaintiff will proceed on the merits via Motion for Summary
246 Judgment which Defendant is aware of. (Exhibit 9)

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**24. DEFAULT WAS WARNED BY THE COURT, DEFENDANT MISSED
249 EVERY DEADLINE ANYWAYS, ENTRY IS JUSTIFIED.**

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251 25. Docket #71 - September 9, 2025 established the following hardline dates:

252 a. September 9, 2025 – Early discovery opens and begun

253 i. Defendants owed RFA's, ROG's & RFP's by October 20, 2025

254 but refused to return even one substantial answer

255 **(FAILED TO COOPERATE)**

256 b. September 9, 2025 – November 7, 2025 no mutual cooperation with

257 preparing the JOINT REPORT **(FAILED TO COOPERATE)**

258 (Exhibit 4-6)

259 c. September 30, 2025 – Scheduled 26(f) conference

260 **(FAILED TO APPEAR)** (Exhibit 7)

261 d. October 27, 2025 – Final day to hold a 26(f) conference per Dkt #71

262 and Dkt #83 and Rule 26(f)(1)

263 **(FAILED TO TIMELY APPEAR)**

264 e. November 9, 2025 – Final day to prepare and file a 26(f) joint report

265 **(FAILED TO TIMELY SUBMIT)**

266 f. November 17, 2025 – Scheduling Conference

267 **(FAILED IN ADVANCE DUE TO (c), (d), (e))**

268 26.Docket #83 - October 17, 2025 the magistrate judge had ordered

269 Defendants to engage in a 26(f) conference pursuant to Local Rule 37-1

270 (within ten days); that date subsequently fell on October 27, 2025.

271 Defendant's did not appear in time. **(FAILED TO TIMELY APPEAR)**

272 (Exhibit 8)

273 27.Docket #83 - October 17, 2025 the magistrate judge had ordered
274 Defendants to engage in a L.R. 37-1 conference regarding subpoenas
275 pursuant to Local Rule 37-1 (within ten days); that date subsequently fell
276 on October 27, 2025. Defendant's did not appear in time. **(FAILED TO**
277 **TIMELY APPEAR)** (Exhibit 8) (See also Dkt #85)

278 28.Docket #71 made very clear: if you fail to submit a joint report in advance
279 of the 7-day window; dismissal or striking the answer and default was the
280 punishment for the offending party. **(FAILED TO COMPLY)**

281 **29.DEFENDANT DELAYED JOINT REPORT FOR 60 DAYS, THEN**
282 **MISSED THE JOINT REPORT COMPLETION DEADLINE**

283 30.The Court specifically warned Defendant in (Dkt #71) *"The failure to*
284 *submit a Joint Report in advance of the date set forth in the caption" --*
285 *due November 9, 2025 – "may result in the dismissal of the action,*
286 *striking the answer and entering a default, or the imposition of*
287 *sanctions."*

288 31.The Court further warned *"A Joint Report which does not comply with*
289 *Rule 16, Rule 26(f), and this Order may cause continuance of the date set*
290 *forth in the caption and possible sanctions under Rule 16(f) against the*
291 *party or parties responsible"*. Yet, the joint report (and Defendants)
292 violate:

293 a. Rule 16(f)(A) “*failure to appear at a scheduling or pretrial*
294 *conference*” as Defense failed to appear (Dkt #85) within the deadline
295 of October 27, 2025.

296 b. Rule 16(f)(C) – “*failure to obey a scheduling order or pretrial order*”
297 which has been demonstrated throughout this document and on the
298 record at a minimum in (Dkt #73, #78, #80, #80-2, #84, #85)

299 c. Rule 37(b)(2)(c) authorizes the district court to strike pleadings or
300 render a default judgment against a party as a sanction for failure to
301 comply with a discovery order. Fed.R.Civ.P. 37(b)(2).

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306 **32.NINTH CIRCUIT HAS HELD TERMINATING A PARTY FOR**
307 **DEFENDANTS IDENTICAL VIOLATIONS IS WARRANTED.**

308 33.Defendant missed every one of the Court ordered deadlines (Dkt #71, Dkt
309 #83), grinding the case to a halt. Despite repeated attempts to move this
310 matter forward, Defendant’s noncompliance has created substantial
311 obstacles, and Plaintiff’s ability to effectively pursue this action has been
312 compromised. The status quo cannot continue, and Plaintiff respectfully

313 requests the Court's intervention by entering default to allow this case to
314 proceed on its merits without further dysfunction.

315 34. *“The Ninth Circuit has held that dismissal serves the public interest*

316 *“when a plaintiff's noncompliance has caused the action to come to a*

317 *halt.” “[Defendants] failure to correspond with [Plaintiff], file a Rule*

318 *26(f) report, and respond to the court's OSC by the court's deadlines has*

319 *brought this case to a halt and undermines the strength of the public*

320 *policy favoring disposition on the merits” (McGarity v. Experian Info.*

321 *Sols., Inc., No. 8:24-CV-02100-FWS-AS, 2025 WL 506695, at *2 (C.D.*

322 *Cal. Feb. 13, 2025))*

323 35. Further, Defendant's conduct mirrors numerous cases where courts have

324 granted default for failure to defend for similar violations as Defendant:

325 1. *“This most recent deficiency follows an extensive history of failures by*

326 *Defendant to comply with the Federal Rules of Civil Procedure” (Bank of*

327 *Am., N.A. v. Federalguarantee Mortg. Co., No. 3:04CV392, 2007 WL*

328 *952016, at *1 (W.D.N.C. Mar. 27, 2007)) “If a party ... fails to obey an*

329 *order to provide **or permit discovery**, including an order [to compel*

330 *discovery], **or if a party fails to obey an order entered under Rule 26(f)**, the*

331 *court in which the action is pending may make such orders in regard to the*

332 *failure as are just, and among others the following: ... (C) An order ...*
333 *rendering a judgment by **default** against the disobedient party.”*

- 334 **2.** Just as in Bank of America, Defendants here also **(a)** failed to timely answer
335 the Complaint by violating L.R. 7-3 **(b)** failed to appear for the 26(f)
336 conference by the deadline **(c)** failed to respond to Plaintiff’s discovery
337 requests beyond litany-style objections which Courts routinely deem as no
338 valid answer at all (see Dkt #80, #80-3)
- 339 **3.** Rule 37(b)(2)(c) authorizes the district court to strike pleadings or render a
340 default judgment against a party as a sanction for failure to comply with a
341 discovery order. Fed.R.Civ.P. 37(b)(2).

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345 **36.SANCTIONS WILL NOT WORK ON DEFENDANT, LEAVING**
346 **ONLY DEFAULT AS AN OPTION**

347 *a.* Plaintiff’s Motion for Sanctions and the Reply has done *nothing* to
348 deter Defendant’s conduct. They did not specifically deny a single
349 accusation in that motion. Yet, they continue unphased.

350 *b.* Defendant stonewalled for 60 days and made submission of the joint
351 report impossible intentionally, due to the following facts:

352 i. They have no cross-complaint; and with no counter-claims, no
353 interest in continued litigation. Dismissal is their goal as stated
354 by them on the record about 14 times.

355 c. In Docket #71, The Court warned of either **dismissal, default** or
356 **sanctions** for not participating in the 26(f) and timely filing of the
357 joint report. Defendant was undeterred:

358 i. **SANCTIONS:** Defendant is a \$250M company with about \$6B
359 in total investor valuation, Counsel is a \$1.6B law firm, there is
360 no fee-shifting for pro se litigants. Sanctions are of no concern
361 to them and do nothing to deter their actions.

362 ii. **DEFAULT:** Default judgment is the same as dismissal to them
363 – Denmark won't recognize or enforce a default judgment.

364 iii. **DISMISSAL:** This is what Defendants want.

365 d. Defendant's noncompliance has no downside for them, it's
366 win/win/win; except in one specific circumstance: Being forced to
367 compel discovery, Plaintiff adding their investors as DOES and then
368 filing for merits-based summary judgment, this is why Plaintiff
369 entirely seeks Entry of Default + MSJ.

370 e. *"it is incumbent upon the Court to manage its docket without being*
371 *subject to routine noncompliance of litigants."* Id. A Rule 26(f) report

372 is “essential to the prosecution of [a] lawsuit,” and when parties fail
373 to file them, they are able “to control the pace of the docket rather
374 than the Court.” *Glair v. City of Los Angeles*, 2014 WL 12933137, at
375 *4 (C.D. Cal. Feb. 19, 2014)

376 i. “[Defendants] failure to cooperate in filing a joint report under
377 Rule 26(f) impairs [Plaintiff’s] ability to proceed to trial in this
378 case.” See *Pagtalunan*, 291 F.3d at 642” (*McGarity v. Experian*
379 *Info. Sols., Inc.*, No. 8:24-CV-02100-FWS-AS, 2025 WL
380 506695, at *1 (C.D. Cal. Feb. 13, 2025))

381 f. “the Ninth Circuit has held that dismissal serves the public interest
382 “when a plaintiff’s noncompliance has caused the action to come to a
383 halt.” (Id. at 1234.) “In this case, the court finds Plaintiff’s failure to
384 correspond with Defendant, file a Rule 26(f) report, and respond to
385 the court’s OSC by the court’s deadlines has brought this case to a
386 halt and undermines the strength of the public policy favoring
387 disposition on the merits.” quoting (*McGarity v. Experian Info. Sols.,*
388 *Inc.*, No. 8:24-CV-02100-FWS-AS, 2025 WL 506695, at *2 (C.D.
389 Cal. Feb. 13, 2025))

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**37. DEFENDANTS MTD ANSWER (DKT #42) IS WHOLLY
DEFECTIVE AND MUST BE STRICKEN, DEFAULT IS
AUTOMATIC UNDER 55(a)**

- a. Defendant’s only answer on file is a defective motion to dismiss (Dkt #42) filed June 26, 2025.
- b. The Court previously warned Defendant “*the Court sua sponte extends Defendants deadline to respond to the complaint to June 26, 2025. No further extensions will be granted*”. (Dkt #24)
- c. As their motion is defective, violates Court orders and the Court declared no further extensions to respond, Default is automatic under 55(a).
- d. Absent that it should have failed clerks review up on submission, Defendant has continuously been made aware of the issues and has made no attempts to cure. Their Motion to Dismiss violates at a minimum:
 - i. 18 U.S. Code § 287 (“Falsified evidence”)(*intentionally substituted terms & conditions from what is in the Complaint*) (Exhibit 11) **incurable**
 - ii. Local Rules 7-3 (“failure to meet and confer”) **incurable**

- 412 iii. 11-3.1 (“lacking consecutive line numbers”)
- 413 iv. 7-5(a) (“no memorandum of points and authorities”)
- 414 v. 11-7 (“Appendices are mixed with the body”)
- 415 vi. 11-8 (“headings and subheadings missing”)
- 416 vii. 11-6.1 (“false word count as it is 14,600 words”)
- 417 viii. 11-6.2 (“fraudulent 6,999 word count on certificate”)
- 418 ix. L.R. 11-8 table of contents doesn’t match pages or page counts,
- 419 x. Standing Order: Footnotes must be used sparingly
- 420 xi. 37-4 failure to cooperate/comply **incurable**

421 e. Defendant filed such a motion, despite the Courts warnings:

422 i. *“Further filings that fail to comply with applicable rules or*
423 *that are otherwise inappropriate will be summarily stricken,*
424 *and the Court will not hesitate to impose monetary sanctions in*
425 *cases where the violations are particularly egregious or*
426 *repeated.” - (Dkt #39 dated June, 23, 2025)*

427 1. Defendant’s later motions too were stricken for violating
428 Local Rules displaying an unwillingness to comply.

429 ii. *“Filings that do not conform to the Local Rules and this Order*
430 *will not be considered” (Dkt #71)*

431 *f.* According to Local Rules and multiple Court Orders and warnings,
432 Defendant has filed a nullity and therefore has failed to plead in
433 addition to failing to defend.

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436 **38.DEFENDANTS ANSWER CONTAINS INTENTIONALLY**
437 **MISLEADING/FABRICATED EVIDENCE**

438 *g.* Defendants knew their terms and conditions are an express admission
439 to nearly all the conduct they are accused of. To prevent the Court
440 from learning this, their answer/Motion to Dismiss intentionally
441 provides the Court with a completely and different set of inert
442 evidence. (Exhibit 11) (see also Compl. Ex. 102, 158, 171, 172)

443 *h.* The fabricated evidence issue (Exhibit 11) is one deserving of
444 terminating sanctions.

445 *i.* (See, generally, Opp'n; Def'ts Second Fees Suppl. Opp'n.); see
446 also Sun World, 144 F.R.D. at 390 (terminating sanctions issued
447 without alternative sanctions considered where litigant “*committed a*
448 *fraud on the court*” by submitting fabricated evidence and “*there is*
449 *no sign of repentance or any indication that this pattern of behavior*
450 *would cease if this case were allowed to proceed*”) (Am. Rena Int'l

451 Corp. v. Sis-Joyce Int'l Co., 2015 WL 12732433, at *46 (C.D. Cal.
452 Dec. 14, 2015))

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455 **39. DEFENDANTS FORGOT HALF THE ENGLISH LANGUAGE,**
456 **SHOULD NOT BE ALLOWED TO CONTINUE**

457 2. In their discovery responses, Defendants issued 90-pages of copy-paste
458 boilerplate objections to RFA's, RFQ's and ROG's.

459 3. Plaintiff asks the Court to take judicial notice of Docket #84 where there is a
460 list of nearly 250 words and phrases that Defendant and their Counsel do not
461 understand.

462 a. The most shocking of which are the words "false", "attorney",
463 "plaintiff", "warranty", "generally", "employee", "California",
464 "default", "exhibits", "your", "authority", "counsel", "declaration",
465 "expert", "existence", "laugh", "giggle", "intended", "evidence",
466 "conduct", "speaking"

467 b. Further Counsel said the name of their client is ambiguous "Mikkel
468 Overby" which is of the utmost concern. (Exhibit 9)

469 c. If Counsel, in fact, does not know those 250 words, especially the
470 words "attorney" and "plaintiff" and "counsel"; they should be

471 evaluated for fitness to test whether they are competent enough to
472 even stand trial or proceed in this matter, possibly even be disqualified
473 and referred to the bar.

- 474 a. [*“The judicial system cannot function if the only consequence of lying*
475 *is the loss of a suit that would have had no chance from the outset,*
476 *had the truth been told.”*] Rivera v. Drake, 767 F.3d 685, 687 (7th
477 Cir. 155 2014).

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481 **40. DEFENDANTS USE OF A.I. FABRICATED CASELAW WARRANTS**
482 **TERMINATING SANCTIONS ALONE**

- 483 a. Plaintiff asks the Court to take judicial notice of the following:

- 484 i. Docket #77
485 ii. Docket #80-4
486 iii. Docket #82
487 iv. Docket #84

- 488 b. Defendant has continually used ChatGPT or another Artificial
489 Intelligence in their documents and filings which has fabricated

490 caselaw. Courts routinely disallow this practice and often terminate
491 cases and even disqualify and refer attorneys to the bar.

492 c. For the Courts interest, Defense Counsel continually requests that
493 Plaintiff withdraw these reports from the Court's view.

494 b. This was not a one-off instance. It is baffling that Defendant *kept*
495 *using fabricated caselaw* after:

496 i. The first filing with Westlaw and PACER screen shots

497 ii. Plaintiff's direct notification thereof.

498 iii. The second filing in which Counsel sent their LEXIS sheets and
499 Plaintiff used forensic PDF tools to demonstrate they were
500 again inaccurate

501 iv. Plaintiff's direct notification *again*

502 v. The third filing which details that they again used the same
503 caselaw in yet another Court document.

504 vi. Plaintiffs direct notification *again*.

505 d. (Johnson v. Dunn, 2:21-cv-01701-AMM (N.D. Ala. 2025)) also 167

506 [*"Fabricating legal authority is serious misconduct that demands a*

507 *serious sanction. In the court's view, it demands substantially greater*

508 *accountability than the reprimands and modest fines that have*

509 *become common as courts confront this form of AI misuse”]* (Rivera
510 *v. Drake, 767 F.3d 685, 687 (7th Cir. 155 2014).*)

511
512
513 **CONCLUSION**

514 It is clear that Plaintiff is the only party who wishes to litigate this matter
515 and is the only party seeking to move it forward (Exhibit 12), while Defendant
516 plays procedural tug-of-rope. Courts favor disposition on the merits and will do
517 nearly everything to prevent procedural termination. Plaintiff does as well and only
518 seeks just that. However, Defendant’s conduct is ultra vires and is beyond simple
519 procedural issues. The docket is bloated from consistently having to catch and
520 report Defendant and their Counsel for abhorrent misconduct.

521 In thousands of cases Plaintiff has studied, never once has this much
522 misconduct either occurred, or been reported to a Court. Down to the point that
523 even their side of the joint report contains demonstrably false statements (Exhibit
524 1), bad-faith insertions (Exhibit 2) and refusal to remove false statements (Exhibit
525 5). All of this simply puts Plaintiff in a precarious position; say nothing to keep the
526 peace and likely lose the case; or fight diligently tooth and nail and risk losing the
527 Court’s patience. Unfortunately, due to the frequency and quantity of misconduct,
528 there is no middle ground.

529 In no cases that Plaintiff could find, was a party allowed to continue with
530 even just *a portion* of the conduct laid bare here. Plaintiff contends that default
531 must be entered as a matter of law and under the inherent power of the Court.

532 Aside from procedural tricks, it either is, or will be very clear that Defendant
533 absolutely cannot win on the merits alone. Plaintiff will easily demonstrate and
534 effectuate that victory by way of summary judgment. In the meantime, Plaintiff
535 simply asks the Court to give Defendants what they want—to no longer litigate in
536 this matter. For the reasons above and that they have not opposed a motion asking
537 for default, Plaintiff requests that the Court enter Clerks Default and pave the way
538 to a judicially efficient merits-based judgment without the chaos Defendants
539 continue to manufacture each day.

540

541 **PRAYER FOR RELIEF**

542 For the reasons set forth above, Plaintiff respectfully requests that the Court:

- 543 1. Enter Default against Rokoko as warned by the Court in the
544 Scheduling Order they have entirely violated (Dkt #71)
- 545 2. Grant Plaintiff's **unopposed** Motion for Reconsideration (Dkt #85) in
546 full which sought:
- 547 a. Striking Defendant's answer "Motion to Dismiss" (Dkt #42) for
548 failure to comply with Court orders, 7-3 and numerous Local Rules.

549 b. Entering Clerks Default against Defendant Rokoko Electronics

550 pursuant to Rule 55(a) for:

551 i. Failure to otherwise defend due to non-opposition of a motion
552 requesting Default for relief.

553 ii. Failure to otherwise defend due to surpassing court-issued
554 deadlines to timely appear, respond, comply and file.

555 iii. Failure to timely plead due to Plaintiff's Motion to Dismiss
556 violating Local Rule 7-3 at a minimum.

557 3. Grant Plaintiff's Motion to Compel (Dkt #80) in full.

558 4. Grant Plaintiff's Motion for Sanctions (Dkt #76) in full.

559 5. Deem Defendant's refusal to answer Plaintiff's Requests for
560 Admissions as admitted.

561 6. Allow Plaintiff to proceed to the merits of the case by filing a Motion
562 for Summary Judgment.

563
564 I declare under penalty of perjury under the laws of the United States that the
565 foregoing is true and correct.

566 Respectfully submitted,

567

Dated this November 10, 2025 in Santa Clarita, California.

568



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Matthew R. Walsh
Plaintiff In Pro Per

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CERTIFICATE OF COMPLIANCE

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The undersigned, counsel of record for Plaintiff appearing in pro per, certifies that

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this brief contains 3,982 words, which complies with the word limit of L.R. 11-6.2.

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DATED: November 9, 2025

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582

Matthew R. Walsh

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Plaintiff in pro per

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