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

14 MATTHEW R. WALSH

15 Plaintiff,

16 vs.

17 ROKOKO ELECTRONICS, and  
DOES 1 through 50, inclusive,

18 Defendant.

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

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

**DEFENDANT ROKOKO  
ELECTRONICS' RULE 26(F)  
REPORT AND DISCOVERY PLAN**

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

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1 Defendant Rokoko Electronics (“Rokoko”), respectfully submits the following  
2 Case Management Report and Discovery Plan (the “Report”) pursuant to Federal Rule  
3 of Civil Procedure 26(f) and this Court’s Order Setting Case Management Conference,  
4 dated September 9, 2025.

5 **RULE 26(f) REPORT**

6 Plaintiff Matthew R. Walsh (together with Rokoko, the “Parties”) and counsel  
7 for Rokoko held a phone conference on October 30, 2025 to discuss the items addressed  
8 herein and to prepare the Report. Attending were Mr. Walsh, on behalf of himself, and  
9 Michael Galibois and Katherine Ellena, on behalf of Rokoko. On November 7, 2025,  
10 counsel for Rokoko provided Mr. Walsh with its half of the proposed Joint Report and  
11 asked whether Mr. Walsh had any further changes to it. *See* Declaration of Katherine  
12 Ellena (“Ellena Decl.”), Ex. A. Mr. Walsh responded by berating counsel for Rokoko.  
13 *Id.* Although counsel for Rokoko attempted numerous times to come to an agreement  
14 with Mr. Walsh on the joint sections of the proposed Joint Report, Mr. Walsh refused  
15 and proceeded to file his own report, which has unfortunately necessitated the filing of  
16 this Report on behalf of Rokoko alone.

17 **1. Synopsis of the Case, Claims and Defense**

18 This action arises out of Mr. Walsh’s purchase of Rokoko’s Smartsuit Pro and  
19 Smartgloves in 2020 for the production of his videogame and Mr. Walsh’s allegations  
20 that Rokoko refused to provide him with replacement hardware or parts for the products  
21 after he complained that they were defective. Rokoko disputes Mr. Walsh’s claims.  
22 The Complaint asserts fourteen causes of action, including for tortious interference,  
23 violation of California’s Song-Beverly Consumer Warranty Act, false advertising,  
24 violations of UCL and CLRA, misappropriation and infringement, “unconscionable  
25 contract terms”, “illegal deployment of code and privacy violations”, and fraud.

26 Rokoko filed a motion to dismiss all of Mr. Walsh’s causes of action, which is  
27 currently pending before this Court, on several bases, including:  
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- 1           • Mr. Walsh has not pled the existence of a valid contract that was tortiously
- 2           interfered with or that Rokoko interfered with the intent to disrupt any such
- 3           contract;
- 4           • California’s Song-Beverly Consumer Warranty Act does not apply to this
- 5           dispute as a matter of law because Mr. Walsh purchased Rokoko’s
- 6           products for a commercial use and, in any event, the claim is time-barred;
- 7           • There has been no false or misleading representation by Rokoko to Mr.
- 8           Walsh;
- 9           • Mr. Walsh failed to comply with the CLRA’s pre-suit notice requirements,
- 10          which are strictly construed; and
- 11          • Rokoko has not misappropriated or infringed upon any intellectual
- 12          property.

13           **2. Synopsis of Principal Legal Issues in the Case**

14           The principle issues are set forth in Rokoko’s position above, as well as in its

15 Motion to Dismiss Mr. Walsh’s Complaint. Rokoko also strongly disagrees with Mr.

16 Walsh’s position that the issues in this case concern defamation by Rokoko, spoliation,

17 RICO or GDPR violations, or false statements to this Court—none of which are

18 grounded in fact and most of which are not pled in Mr. Walsh’s Complaint.

19           **3. Additional Parties or Amendment of Pleadings**

20           Rokoko objects to any motion by Mr. Walsh to add additional parties or to amend

21 the Complaint in this action.

22           **4. Contemplated Law and Motion**

23           Subject to the outcome of Rokoko’s pending Motion to Dismiss the Complaint,

24 Rokoko intends to file a dispositive motion as to all causes of action asserted in the

25 Complaint that are not dismissed with prejudice by reason of the Motion to Dismiss.

26 Rokoko proposes the following dispositive motion schedule: Opening briefs shall be

27 filed no later than July 1, 2026, opposition briefs shall be filed no later than July 31,

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2026, reply briefs shall be filed no later than August 31, 2026, and a hearing on any dispositive motions scheduled before September 28, 2026.

**5. Discovery Plan**

Rokoko proposes that no change should be made in the form or requirement for initial disclosures under Rule 26(a). Rokoko anticipates serving its initial disclosures by November 13, 2025. The Parties have begun propounding written discovery, including requests for admission, document requests, and interrogatories.

Rokoko anticipates conducting discovery into (1) Mr. Walsh’s video game development; (2) Mr. Walsh’s purchases from Rokoko; and (3) the allegations in Mr. Walsh’s Complaint.

After documents are produced and reviewed, depositions will commence. Rokoko is not at this time requesting any changes that should be made in the limitations on discovery imposed by the Federal Rules of Civil Procedure or Local Rules. Under Fed. R. Civ. P. 5(b)(2)(E), Rokoko consent to service of documents by electronic means (email). Rokoko does not currently anticipate any issues pertaining to disclosure, discovery, or the preservation of electronically stored information.

**6. Trial and Pre-Trial Dates**

Pursuant to the Court’s Scheduling and Case Management Order (Bench Trial), Rokoko proposes the following trial and pre-trial dates:

Last Date to Hear Motions to Amend Pleadings or Add Parties	Friday, December 12, 2025
Percipient/Fact Discovery Cutoff	Monday, August 10, 2026
Expert Discovery Cutoff	Friday, August 28, 2026
Last Date to Conduct Settlement Conference	Monday, September 21, 2026
Last Date for Hearing Motions	Monday, September 28, 2026
Deadline to File: <ul style="list-style-type: none"> <li>• Proposed Pretrial Conference Order;</li> <li>• Memoranda and Contentions of Fact and Law;</li> <li>• Joint Witness List;</li> </ul>	Monday, November 9, 2026

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1	<ul style="list-style-type: none"> <li>• Joint Exhibit List and Exhibit Stipulation;</li> <li>• Proposed Finding of Fact and Conclusions of Law;</li> <li>• Joint Report re: Settlement;</li> <li>• Deposition Designations and Objections</li> </ul>	
6	Deadline to File Motions in Limine	Wednesday, November 11, 2026
7	Pretrial Conference at 1:30 p.m.	Monday, November 16, 2026
8	Hearing on Motions in Limine at 1:30 p.m.	Monday, November 30, 2026
9	Last Date to File Final Trial Exhibit Stipulation	Wednesday, December 2, 2026
10	Bench Trial at 9:00 a.m. Estimated Length: 3-5 days	Friday, December 11, 2026

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13 **7. Settlement Discussion**

14 Mr. Walsh has recently presented Rokoko with a settlement demand that is being  
15 reviewed.

16 **8. ADR**

17 Rokoko proposes that this case be ordered to a settlement conference before  
18 Magistrate Judge Rozella A. Oliver pursuant to Local Rule 16-15.4(1) and believes the  
19 settlement conference can be scheduled in the next several months, depending on Judge  
20 Oliver’s availability.

21 **9. Discovery and Experts**

22 On October 10, 2025, Rokoko timely served responses and objections to Mr.  
23 Walsh’s first set of written discovery requests. On November 3, 2025, Rokoko  
24 propounded its first set of written discovery requests on Mr. Walsh. Although Rokoko  
25 has objected to subpoenas Mr. Walsh has attempted to serve in this action, Rokoko  
26 disagrees with Mr. Walsh’s statement that it has interfered with third party subpoenas.

1 The Parties are discussing a Stipulated ESI Protocol and Stipulated Protective  
2 Order over confidential and proprietary documents and information before documents  
3 are produced in discovery.

4 At this time, Rokoko anticipates taking fact depositions of Mr. Walsh and any  
5 witness with knowledge of the issues relevant to this action whom Mr. Walsh identifies  
6 in his initial disclosures and/or that Rokoko learns about in discovery. Rokoko intends  
7 to disclose experts if necessary and at the appropriate time under Fed. R. Civ. P.  
8 26(a)(2)(D). The Parties' other discovery deadlines are set forth above.

9 **10. Trial Estimate**

10 During the Parties' October 30, 2025 Rule 26(f) conference, Mr. Walsh  
11 confirmed that he has not demanded a jury trial in this action. Rokoko estimates a 3-5  
12 day bench trial.

13 **11. Complexity of Case**

14 Rokoko does not believe that this is a complex case warranting the procedures of  
15 the Manual For Complex Litigation.

16 **12. Severance, Bifurcation or Other Ordering of Proof**

17 Rokoko anticipates filing a motion to bifurcate Mr. Walsh's claims for punitive  
18 damages, at the appropriate time and if necessary.

19 **13. Other Issues Affecting Case Management**

20 For all of the reasons expressed in Rokoko's detailed opposition to Mr. Walsh's  
21 pending motion for sanctions (ECF Nos. 73 and 76), that motion should be denied.

22 On October 10, 2025, Rokoko timely served responses and objections to Mr.  
23 Walsh's first set of written discovery requests. Mr. Walsh filed a motion to compel  
24 approximately two hours after Rokoko served its responses and objections (ECF No.  
25 80) in which he seeks an order compelling responses and deeming the Requests for  
26 Admission admitted. Mr. Walsh did not engage in any meet and confer efforts  
27 regarding Rokoko's discovery responses, including pursuant to L.R. 37-1, before filing  
28 his motion to compel.

1 On September 9, 2025, Mr. Walsh withdrew his request that this action be  
2 remanded and there is nothing further to address with respect to Rokoko’s removal.

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4 Dated: November 10, 2025

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7 Katherine J. Ellena  
8 Michael B. Galibois (*pro hac vice*)  
9 Emily Graue (*pro hac vice*)

10 *Attorneys for Defendant*  
11 Rokoko Electronics

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