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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:
[PROPOSED] order

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10 **DEFENDANT FAILED TO DEFEND AGAIN**

- 11 1. While opposing a motion indicating their failure to ‘Otherwise Defend’;
12 Defense failed to otherwise defend. Their opposition is a meager 800 words
13 submitted with zero evidence, zero counter-argument, zero declarations, zero
14 docket references zero witness statements, zero rebuttal, zero substance.

15 2. Defendant’s opposition is as close as you can get to filing nothing at all.
16 They cant oppose it, so – they didn’t. They just complied with the bare
17 minimum requirements of L.R. 7-9 as a procedural placeholder to limit
18 liability for a future malpractice claim. Defendant’s position is effectively:
19 “we have no effective position”.

20
21 **DEFENDANT HAS FAILED TO OTHERWISE DEFEND UNDER 55(a)**
22 **AND THE NINTH CIRCUIT RULINGS**

23 3. The Ninth Circuit has held that dismissal serves the public interest “*when a*
24 *plaintiff's noncompliance has caused the action to come to a halt.*”
25 “*[Defendants] failure to correspond with [Plaintiff], file a Rule 26(f) report,*
26 *and respond to the court's OSC by the court's deadlines has brought this*
27 *case to a halt and undermines the strength of the public policy favoring*
28 *disposition on the merits*” (McGarity v. Experian Info. Sols., Inc., No. 8:24-
29 CV-02100-FWS-AS, 2025 WL 506695, at *2 (C.D. 321 Cal. Feb. 13, 2025))

30 4. “*This most recent deficiency follows an extensive history of failures by*
31 *Defendant to comply with the Federal Rules of Civil Procedure*” (Bank of
32 Am., N.A. v. Federalguarantee Mortg. Co., No. 3:04CV392, 2007 WL
33 952016, at *1 (W.D.N.C. Mar. 27, 2007)) “*If a party ... fails to obey an*
34 *order to provide or permit discovery, including an order [to compel*

35 *discovery], or if a party fails to obey an order entered under Rule 26(f), the*
36 *court in which the action is pending may make such orders in regard to the*
37 *failure as are just, and among others the following: ...(C) An order ...*
38 *rendering a judgment by default against the disobedient party.”*

- 39 5. Just as in Bank of America, Defendants here also (a) failed to timely answer
40 the Complaint by violating L.R. 7-3 (b) failed to appear for the 26(f)
41 conference by the deadline and (c) Court’s secondary order to comply and
42 (d) failed to respond to Plaintiff’s discovery requests beyond litany-style
43 objections which Courts routinely deem as no valid answer at all (see Dkt
44 #80, #80-3) and (e) failed to timely oppose Plaintiff’s motion requesting
45 Default (Dkt #85) even after notice (Dkt #87)
- 46 6. Rule 37(b)(2)(c) authorizes the district court to strike pleadings or render a
47 default judgment against a party as a sanction for failure to comply with a
48 discovery order; which Defendant has done plenty of. Fed.R.Civ.P. 37(b)(2).

49
50 **DEFENDANT’S OPPOSITION VIOLATES LOCAL RULES AND IS**
51 **IMPROPER, OPPOSITION MUST BE STRICKEN OR DISREGARDED:**

- 52 7. “L.R. 7-9 ***Opposing Papers.*** *Each opposing party shall.... serve upon all*
53 *other parties and file with the Clerk ... (a) the evidence upon which the*
54 *opposing party will rely in opposition to the motion **and** a brief but complete*

55 *memorandum which shall contain a statement of all the reasons in*
56 *opposition thereto and the points and authorities upon which the opposing*
57 *party will rely”*

58 a. As Plaintiff stated prior, Defendant submitted no evidence. L.R. 7-9
59 does not state “the evidence OR a brief memorandum” nor does it say
60 “a brief memorandum AND if any exists, supporting evidence”. It
61 **requires** evidence in opposition. Defendant has none.

62 b. “L.R. 11-3.8 **Title Page** ... *The name, California bar number ... must*
63 *be placed immediately beneath the name of the attorney. Immediately*
64 *beneath, the party on whose behalf the document is presented must be*
65 *identified... the information set forth in this paragraph must be*
66 *supplied for each attorney”*

67 i. The Bar numbers do not appear for Michael Galibois nor Emily
68 Graue. Plaintiff previously requested Emily Graue’s on June
69 17, 2025. Defense never replied with this information. The
70 Court will find that none of Defendant’s filings comply with
71 this rule.

72 c. 11-3.2 **Paper** “*All documents shall be ... numbered on the left margin*
73 *with not more than 28 lines per page. The lines on each page shall be*
74 *double-spaced and numbered consecutively”*

75 i. As Plaintiff points out in every single filing – Defense refuses
76 to follow even the simplest Local Rules that take only a
77 moment to comply with.

78
79 **DEFENDANTS BARE LEGAL ARGUMENT IS INVALID**

80 8. What Defendant *did* do, However, is inaccurately argue the legal standard
81 for when a Default can and cannot be entered. Their argument was already
82 pre-empted in the motion, however using 9th circuit law.

83 9. Further, Defendant’s entire hand appears to be predicated on the decision of
84 Plaintiff’s prior REQUEST FOR ENTRY OF CLERKS DEFAULT (Dkt
85 #45) which was denied. However, as Defense Counsel should be aware, a
86 REQUEST is not a MOTION. One goes to the Court, one goes to the Clerk.
87 Plaintiff erroneously asked the clerk to enter default for what essentially
88 required a legal conclusion due to the procedural condition of Defendants
89 MTD which only a judge could decide upon. However, since the Court was
90 not moved, the clerk made the decision to not proceed. That decision has no
91 bearing on motion practice and has essentially nothing to do with the reasons
92 this motion was filed requesting entry of default.

103 10. Next, this motion is not for failure to ‘plead’ (although, their MTD should
104 not be live on the docket as it is so flawed it is a nullity); but rather, for
105 failure to ‘Otherwise Defend’. Defense has:

- 106 1. Failed to timely oppose to a motion which asked for default as the
107 relief (Docket #85)
- 108 2. Engaged in actions and behaviors in which all Courts routinely issue
109 terminating sanctions and whose decisions are reaffirmed through the
110 9th circuit.
- 111 3. Engaged in fraud upon the Court in not only written statements,
forged signatures, ghostwritten declarations, demonstrably false
statements within declarations but also engaged in the falsifying of
evidence in which their MTD is based.
4. Refused to produce any discovery whatsoever, offering 90 pages of
boilerplate denials.
5. Interfered ex-parte with subpoena recipients and caused all subpoenas
to freeze and not produce under any circumstances even though a
motion to quash was never granted.
6. Refused to participate in the 26(f) conference and cancelled it the day
before due to made-up reasons and conflict.

112 7. Refused to participate in the 26(f) conference within the Court-
113 ordered timelines of Docket #71

114 8. Refused to participate in the 26(f) conference after the magistrate had
115 ordered them to pursuant to the timeline set forth in Docket #71 and
116 rule 37-1

117 9. Refused over 60-days to participate in the drafting and stipulation of
118 the 26(f) JOINT REPORT until two hours before it was due (10pm at
119 night); while unilaterally refusing to stipulate to much of anything.

120 11. The list goes on and the record reflects it all.

121 12. A party who can defend will defend; a party who cannot defend files an 800-
122 word placeholder with no evidence and no effort. It is a de facto definitive
123 representation of 'failure to otherwise Defend'.
124

125 **CONCLUSION**

126 Defendant's are out of moves, out of excuses and out of time. They have
127 brought this case to a halt and now they cannot provide even a single reason or
128 counter-argument or single piece of evidence to disagree with Plaintiff's position.
129 They couldn't even reference a single docket entry to defeat Plaintiff's motion.
130 Defendant does not argue excusable neglect, does not claim mistake, and does not
131 attempt to show good cause — all of which are mandatory under Rule 55.

132 They gave this Court no effort nor good cause or reason to show why they
133 should not be Defaulted for the reasons in the motion. Their lack of argument,
134 rebuttal, evidence and effort shows they have once again failed to Defend. Plaintiff
135 continues to be severely prejudiced by Defendant's refusal to participate in
136 discovery or comply with Court-ordered deadlines, leaving the case unable to
137 proceed on the merits. Plaintiff is just simply trying to get there – but cannot do so
138 with Defendant stonewalling and playing procedural games.

139

140 Plaintiff respectfully asks the Court to grant his motion.

141

142 I declare under penalty of perjury under the laws of the United States that the
143 foregoing is true and correct.

144

145 Respectfully submitted,

146

Dated this November 17, 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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The undersigned, counsel of record for Plaintiff appearing in pro per, certifies that

157

this brief contains 1,328 words, which complies with the word limit of L.R. 11-6.2.

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159

DATED: November 17, 2025

160



161

Matthew R. Walsh

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Plaintiff in pro per

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