

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: TBD
Hearing time: TBD

**SUPPLEMENTAL DECLARATION OF
MATTHEW R. WALSH IN SUPPORT OF
PLAINTIFF'S MOTION TO STRIKE
DEFENDANTS REMOVAL AND
SUBSEQUENT FILINGS – [SET 2]**

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10 **SUPPLEMENTAL DECLARATION OF MATTHEW R. WALSH**

11 **IN SUPPORT OF PLAINTIFF'S MOTION TO STRIKE**

12 **DEFENDANTS REMOVAL AND SUBSEQUENT FILINGS [SET 2]**

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14 I, Matthew R. Walsh, declare as follows:

- 15
16 1. I am the Plaintiff in the above-captioned matter. I submit this supplemental declaration in
17 further support of my **MOTION TO STRIKE DEFENDANTS REMOVAL**. I have

18 personal knowledge of the facts set forth herein and, if called to testify, could and would
19 competently do so.

20
21 **BACKGROUND**

- 22 1. On June 12, 2025, Defendant removed this matter from Los Angeles Superior Court to
23 the U.S. District Court. The Notice of Removal, Civil Case Cover Sheet, and subsequent
24 filings were prepared, authored, and submitted by individuals not authorized to practice
25 law in California and who had not been granted pro hac vice status at the time of filing.
26
- 27 2. Despite having notice of their ineligibility, out-of-state attorneys from Reed Smith LLP—
28 specifically Michael Galibois and Emily Graue—continued to ghostwrite filings, affix
29 false signatures, and manipulate document timestamps, in what amounts to a sustained
30 and deliberate campaign of unauthorized practice of law (UPL) in violation of Federal
31 Rule 11, California's Business and Professions Code § 6125, and basic principles of
32 candor toward the court.
33
- 34 3. Further, the original filing to remove was prepared and authored by the same
35 unauthorized counsel, who affixed the signature of an attorney who is not them.
36
- 37 4. That document, was used along with false statements and omissions made to the Court to
38 procure and defend an improper removal.
39

40 5. The declaration of Katherine J. Ellena was not authored or signed by her, but instead by
41 out of state counsel, purporting to be her, and making inaccurate statements in the process
42 under penalty of perjury

43
44 6. This supplemental declaration is submitted with evidence, timestamps, metadata analysis,
45 and sworn verification to assist the Court in evaluating the extent of the misconduct and
46 to support Plaintiff's pending Motion to Strike the Removal in its entirety.

47
48 **EXHIBITS IN SUPPORT OF DECLARATION**

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50 1. **EXHIBIT SET2-A: EMILY'S TIMEZONE ESTABLISHMENT**

51 Emily's email headers, return a timezone of Eastern (UTC -04:00), this timezone matches
52 all metadata from the documents allegedly authored by local counsel – indicating they are
53 instead authored by counsel without pro hac vice status and not licensed to practice law
54 in California.

55
56 2. **EXHIBIT SET2-B: CIVIL CASE COVER SHEET**

57 The civil case cover sheet, for the removal of Plaintiff's case to District Court was not
58 authored by admitted counsel, or any counsel of record nor counsel legally allowed to
59 practice law in the state of California.

60
61 3. The authors of the civil case cover sheet had not sought or obtained pro hac vice status.
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63 4. The cover sheet pages 1-3 were filled out with only Michael Galibois's name and a text-
64 based signature of Katherine J. Ellena

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66 5. The signature of Katherine J. Ellena was signed not by her, but placed by either Michael
67 or Emily as the metadata of that file will show.

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69 6. The document was then transferred back to Los Angeles, where Heather Valencia
70 (assistant to Katherine J. Ellena) added a scanned document of 1 page – the proof of
71 service.

72
73 7. Heather executed that proof of service under penalty of perjury, knowing that was not
74 Katherine J. Ellana's signature.

75
76 8. Someone, unknown to Plaintiff at this time filed it using EM/ECF under Katherines
77 name, removing Plaintiff's case to Federal Court.

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79 9. **EXHIBIT SET2-C: THE CIVIL CASE COVER SHEET**

80 This is a visual representation of Exhibit SET2-B. The civil case cover sheet, which was
81 used to remove Plaintiff's case was entirely authored by unadmitted counsel with no pro
82 hac vice status, who forged a local attorneys signature (Katherine J. Ellena) and then sent
83 it to Los Angeles to be filed.

84
85 10. **EXHIBIT SET2-D: THE NOTICE OF REMOVAL**

86 The notice of removal was originated in Los Angeles and then completed over the course
87 of about 4 hours by unadmitted counsel with no pro hac vice status, sent back to Los
88 Angeles and filed by Defendant's admitted counsel.

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90 **11. EXHIBIT SET2-E: THE EX-PARTE MOTION FOR EXTENSION OF TIME**

91 The ex-parte motion for extension of time was completed by out of state, unadmitted
92 counsel with no pro hac vice status over the period of about 8 hours. Defendant's local
93 counsel spent roughly 30 minutes on the document prior to prepare it for Emily or
94 Michael to complete it.

95
96 **12. This was done by counsel *after they were notified they had no pro hac vice status***
97 ***from the court and after being removed from the docket.***

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99 **13. EXHIBIT SET2-F: KATHERINE J ELLENAS DECLARATION**

100 Defendant's local counsel spent about 30 minutes on Katherine J. Ellena's declaration
101 before sending it to unadmitted counsel with no pro hac vice status.

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103
104 **14. Unadmitted counsel finished the document over about an additional 42 minutes and 36**
105 **seconds.**

107 15. This was done by counsel **after they were notified they had no pro hac vice status**
108 **from the court and after being removed from the docket.**

109
110 16. In the declaration, Defendant's counsel authored the following statements:

111
112 **"I, Katherine J. Ellena, declare:"**

113
114 **"I am an attorney with Reed Smith, LLP and counsel for Defendant Rokoko**
115 **Electronics ("Defendant")"**

116
117 **"I have personal knowledge of the following facts and, if called as a witness, I could**
118 **and would testify competently thereto."**

119
120 **"I submit** this declaration in support of Defendant's Ex Parte Application For Additional
121 Time To Plead Or Otherwise Respond To Plaintiff's Complaint."

122
123 **"On June 12 and June 13, 2025, I instructed my colleague"**

124
125 **"Ms. Graue informed me that Plaintiff stated to her on the phone"**

126
127 **"I declare under penalty of perjury** under the laws of the State of California and the
128 United States that **the foregoing is true and correct** and that this declaration was
129 executed on June 16, 2025, in Los Angeles, California."

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“/s/ Katherine J. Ellena _____ Katherine J. Ellena”

17. However, those statements are materially false, authored by someone else to expect the Court to believe it came from her directly.

18. It bears a text-only signature that she did not affix to the document, it was affixed in the Eastern Time Zone as the evidence shows.

19. **EXHIBIT SET2-G: KATHERINE J ELLENAS DECLARATION**

20. The declaration of Katherine J. Ellena was largely ghostwritten by an unadmitted, out of state attorney with no pro hac vice status. It also contains false statements already addressed in other filings by Plaintiff. This was executed bearing a false signature and further – on a June 16, 2025 – the day those attorneys were removed from the docket and noticed by the Court that they had no pro hac vice status.

21. **EXHIBIT SET2-H: COMMUNICATION OVER NO PRO HAC VICE STATUS**

Once confronted with the evidence, Defendant’s counsel simply sends over the approvals for pro hac vice status that just came through today, indicating they have no remorse for 8 days of filings by out-of-state attorneys who committed a litany of offenses. Plaintiff’s response as well.

22. **EXHIBIT SET2-I: MAP SHOWING DEFENDANTS NERVE CENTER LOC.**

153 Defendant's mailbox "office" is a few blocks from his bank account in the bay.

154
155 **23. EXHIBIT SET2-J: NOTICE OF FORENSIC EVIDENCE TO DEFENDANT**

156 Plaintiff notified Defendant's counsel he had begun forensic analysis on the PDF files.

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158 **24. EXHIBIT SET2-K: FORENSIC EVIDENCE RE: FALSE SIGNATURE**

159 Plaintiff notified Defendant's counsel that the forensic analysis of their filings show that
160 the signature was not placed by Katherine J. Ellena; but non-admitted out of state
161 attorneys with no pro hac vice status.

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163 **25. EXHIBIT SET2-L: DEFENDANT ESTABLISHES TIME ZONE DIFFERENCE**
164 **OF UNADMITTED COUNSEL**

165 Plaintiff notified Defendant's counsel that he had established our of state counsel was
166 responsible for authoring those documents by e-mail header similarities.

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168 **26. EXHIBIT SET2-M: KATHERINE J ELLENAS DECLARATION**

169 Plaintiff requesting that Defendant's counsel retract the removal and recuse themselves
170 from the case due to ethics violations.

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172 **27. EXHIBIT SET2-N: DEFENDANT IGNORED JUDGES CASELAW ON**
173 **CITIZENSHIP DIVERSITY JURISDICTION**

174 Defendant filed a motion to dismiss, Plaintiff used the Judge's caselaw as provided in the
175 filed order which states citizenship diversity is DOA.

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28. **EXHIBIT SET2-O: DEFENDANTS IMPROPER NOTICE OF MOTIONS**

Defendant files their motions with only hours notice after meet and confer. This is against
Local Rule 7-3

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

Executed this 26 day of June, 2025, in Santa Clarita, California.



Matthew R. Walsh

Plaintiff In Pro Per

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EXHIBIT SET2-A

Defendant’s counsel Emily Graue and Michael Galibois are both only licensed to practice law in Illinois. Both are with ReedSmith in Chicago. Emily’s email headers, return a timezone of Eastern (UTC -04:00), this timezone matches all metadata from the documents allegedly authored by local counsel – indicating they are instead authored by counsel without pro hac vice status and not licensed to practice law in California.

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*Untitled - Notepad
File Edit Format View Help
Return-Path: <egraue@reedsmith.com>
Delivered-To: matthew@winteryear.com
Received: from gator3161.hostgator.com
  by gator3161.hostgator.com with LMTP
  id IE7V620JUGhxJugANI7Wg
  (envelope-from <egraue@reedsmith.com>)
  for <matthew@winteryear.com>; Mon, 16 Jun 2025 16:15:15 -0500
Return-path: <egraue@reedsmith.com>
Envelope-to: matthew@winteryear.com
Delivery-date: Mon, 16 Jun 2025 16:15:15 -0500
Received: from us-sntp-delivery-164.mimecast.com ([170.10.133.164]:45523)
  by gator3161.hostgator.com with esmtps (TLS1.2) tls TLS_ECDHE_RSA_WITH_AES_256_GCM_SHA384
  (Exim 4.98.1)
  (envelope-from <egraue@reedsmith.com>)
  id 1uRHah-00000021LR-1EAK
  for matthew@winteryear.com;
  Mon, 16 Jun 2025 16:15:15 -0500
DKIM-Signature: v=1; a=rsa-sha256; c=relaxed/relaxed; d=reedsmith.com;
  s=mimecast20171211; t=1750108503;
  h=from:from:reply-to:subject:subject:date:date:message-id:message-id:
  to:to:cc:cc:mime-version:mime-version:content-type:content-type;
  bh=F3E59cy3/1ngFpT/PwC5ix6G70E7K306mWvgTc6cl;
  b=AfVcTAVCVAMqknaU975Cd4HEBptBureQpM253dU28I3N3PAMI93Xb7I3Xh5pQX8BMVvYk
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  win6XE11Gtyb1kfyqCvsz6LgPEj92W4848WZy12rmqK5EBRzIB0Nec/gS25P6EVqicI
  GG617K2HrIp/PDw++S2364n+1vJpNGVAB8HEKt3FmZcATX/OPAB119HXt7b3oIfpqpL
  Xs1tueh930W/1E1E2a3a8Bk6V8E8KES5U5C0rF67C5hcykYkVw==
Received: from CV3PR03C0001.outbound.protection.outlook.com
  (mail-westcentralusazon11023081.outbound.protection.outlook.com
  [40.93.201.81]) by relay.mimecast.com with ESMTP with STARTTLS
  (version=TLSv1.3, cipher=TLS_AES_256_GCM_SHA384) id
  us-mta-98-un4m0IQ5EdeE5bYIKqE-2 Mon, 16 Jun 2025 17:14:59 -0400
X-MS-Exchange-Organization: un4m0IQ5EdeE5bYIKqE-2
X-Mimecast-MFC-AGG-ID: un4m0IQ5EdeE5bYIKqE-1750108498
Received: from D57PR03M5607.namprd03.prod.outlook.com (2603:10b6:5:2ce::21)
  by CO1PR03M5607.namprd03.prod.outlook.com (2603:10b6:303:90::21) with
  Microsoft SMTP Server (version=TLS1.2,
  cipher=TLS_ECDHE_RSA_WITH_AES_256_GCM_SHA384) id 15.20.8835.29; Mon, 16 Jun
  2025 21:14:54 +0000
Received: from D57PR03M5607.namprd03.prod.outlook.com
  ([fe80:a8e4:2ab9:62a7:6eb1]) by D57PR03M5607.namprd03.prod.outlook.com
  ([fe80:a8e4:2ab9:62a7:6eb1]) with mapi id 15.20.8835.025; Mon, 16 Jun 2025
  21:14:53 +0000
From: "Graue, Emily H." <EGraue@reedsmith.com>
To: "matthew@winteryear.com" <matthew@winteryear.com>
CC: "Galibois, Michael B." <MGalibois@reedsmith.com>, "Ellens, Katherine J."
  <Kellen@reedsmith.com>
Subject: Notice - Ex Parte Application for Additional Time to Respond to the
  Complaint Filing
Thread-Topic: Notice - Ex Parte Application for Additional Time to Respond to
  the Complaint Filing
Thread-Index: AdVfASUk1v7cvsV0QcL5Hshadj1w=
Date: Mon, 16 Jun 2025 21:14:53 +0000
Message-ID: <D57PR03M5607535400329E2633F7657C970A@D57PR03M5607.namprd03.prod.outlook.com>
Accept-Language: en-US
X-MS-Has-Attach:
X-MS-TNEF-Correlator:
x-mde-cl: PDxtZGlgB25saM511C0gPj4=
x-sdh-usedemail: EGraue@reedsmith.com
x-ms-publictraffictype: Email
x-ms-trafficdiagnostic: D57PR03M5607:EE_[CO1PR03M5607:EE_
x-ms-office365-filtering-correlation-id: b19f6cca-8a17-460f-bc8d-08ddad1ad694
x-ms-exchange-senderadcheck: 1
x-ms-exchange-antispam-relay: 0
x-microsoft-antispam: BCL:0;ARA:13230040|1800799024|366016|376014|8096899003|38070700018
x-microsoft-antispam-message-info: =7us-ascii?Q?oH14Fgcfm9Q1Y8P6KuuJGvF05x20zQov0+e75Z45mT6sbdfE70uKH3R1X?>
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  =7us-ascii?Q?0K17trX15K7DPkap15V6E11PNC01E1jRT0Z/555W06ZrLk410d720mPHdPzu?>

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The e-mail from Emily shows UTC -04:00 (Eastern Timezone) and Michael and Emily are both employed in Chicago but Emily's family, alma mater and place of origin is Ohio.

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I, Matthew R. Walsh, declare under penalty of perjury under the laws of the State of California that this is a true and correct copy of a document I personally received, created, or obtained in connection with this case, and it has not been materially altered.

Executed this 19 day of June, 2025 in Santa Clarita, California.

Matthew R. Walsh
Plaintiff in pro per

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EXHIBIT SET2-B

The civil case cover sheet was not authored by admitted counsel, or any counsel of record; nor counsel legally allowed to practice law in the state of California with no pro hac vice status.

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Rokoko - 2025-06-12 Civil Cover Sheet - AS FILED.txt - Notepad
File Edit Format View Help
ExifTool Version Number      : 13.31
File Name                    : Rokoko - 2025-06-12 Civil Cover Sheet - AS FILED.pdf
Directory                    : .
File Size                    : 2.4 MB
Zone Identifier              : Exists
File Modification Date/Time   : 2025:06:12 12:53:02-07:00
File Access Date/Time        : 2025:06:20 12:53:13-07:00
File Creation Date/Time      : 2025:06:20 12:53:02-07:00
File Permissions             : -rw-rw-rw-
File Type                    : PDF
File Type Extension          : pdf
MIME Type                    : application/pdf
PDF Version                  : 1.7
Linearized                   : No
Has XFA                      : No
Format                       : application/pdf
Create Date                  : 2025:06:12 16:29:15-04:00
Modify Date                  : 2025:06:12 14:06:20-07:00
Metadata Date                : 2025:06:12 14:06:20-07:00
Document ID                  : uuid:829740b1-222b-4a73-96b8-7c2bfe583510
Instance ID                  : uuid:57fef664-970b-4812-b5e8-0d5354529551
History Action                : editedScannedDoc
History When                  : 2025:06:12 14:06:20-07:00
History Parameters           : Page:1
Page Count                   : 4
Embedded Image Color Space   : DeviceGray
Embedded Image Filter        : FlateDecode, DCTDecode
Embedded Image Height        : 1650
Embedded Image Width         : 1275
Embedded Image               : (Binary data 33188 bytes, use -b option to extract)
File Type                    : JPEG
File Type Extension          : jpg
MIME Type                    : image/jpeg
DCT Encode Version          : 100
APP14 Flags 0                : (none)
APP14 Flags 1                : (none)
Color Transform              : Unknown (RGB or CMYK)
Image Width                  : 1275
Image Height                  : 1650
Encoding Process             : Baseline DCT, Huffman coding
Bits Per Sample              : 8
Color Components              : 1
Embedded Image Color Space   : DeviceGray
Embedded Image Filter        : DCTDecode
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Embedded Image Width         : 400
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File Type Extension          : jpg
MIME Type                    : image/jpeg
DCT Encode Version          : 100
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APP14 Flags 1                : (none)
Color Transform              : Unknown (RGB or CMYK)
Image Width                  : 400
Image Height                  : 88
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Bits Per Sample              : 8
Color Components              : 1
Embedded Image Color Space   : Indexed, DeviceRGB, 255
Embedded Image Filter        : FlateDecode
Embedded Image Height        : 40
Embedded Image Width         : 180
File Type                    : (unsupported)
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Modify Date                  : 2025:06:12 17:35:00-04:00
Creator                      : Aspose Ltd.
Producer                     : Aspose.PDF for .NET 22.6.0
Image Size                   : 1275x1650
Megapixels                   : 2.1

```

The civil case cover sheet was created in UTC -04:00 timezone (Eastern) matching Emily's e-mail header timezone. Emily and Michael both are not licensed to practice in California yet are authoring documents and forging Katherine J. Ellena's signature on them then sending them to Los Angeles for CM/ECF filing.

The file was edited in Los Angeles timezone (UTC -07:00) by local counsel, who took the 3 pages consisting of the civil case cover sheet, and then locally 1 additional page was scanned onto it. That page is a proof of service hand-signed by Heather Valencia.

Additionally other metadata confirms the same, it was created and modified by unadmitted counsel in the Eastern timezone (UTC -04:00)

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I, Matthew R. Walsh, declare under penalty of perjury under the laws of the State of California that this is a true and correct copy of a document I personally received, created, or obtained in connection with this case, and it has not been materially altered.

Executed this 19 day of June, 2025 in Santa Clarita, California.

Matthew R. Walsh
Plaintiff in pro per

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EXHIBIT SET2-C

The civil case cover sheet, which was used to remove Plaintiff's case was entirely authored by unadmitted counsel with no pro hac vice status, who forged a local attorney signature and then sent it to Los Angeles to be filed.

Created by unadmitted counsel p1

UNITED STATES DISTRICT COURT, CENTRAL DISTRICT OF CALIFORNIA
CIVIL COVER SHEET

I. (a) PLAINTIFFS (Check box if you are representing yourself) DEFENDANTS (Check box if you are representing yourself)

Matthew R. Walsh
Relixio Electronics

(b) County of Residence of First Listed Plaintiff: Los Angeles County of Residence of First Listed Defendant: Delaware

(c) Attorneys (Firm Name, Address and Telephone Number) If you are representing yourself, provide the same information.
HeadSmith LLP
Michael Garibos (SN 627257)
1825 Wilshire Blvd., Suite 2000, Los Angeles, CA 90017

Out of state, unadmitted counsel listed on the cover sheet.

UNITED STATES DISTRICT COURT, CENTRAL DISTRICT OF CALIFORNIA
CIVIL COVER SHEET

VIII. VENUE: Your answers to the questions below will determine the division of the Court to which this case will be initially assigned. This initial assignment is subject to change in accordance with the Court's General Orders, upon review by the Court of your Complaint or Notice of Removal.

QUESTION A: Was this case removed from state court? Yes No

STATE CASE WAS PENDING IN THE COUNTY OF: Los Angeles, Ventura, Santa Barbara, or San Luis Obispo Orange Riverside or San Bernardino

INITIAL DIVISION IN CAJD IS: Western Southern Eastern

QUESTION B: Is the United States, or one of its agencies or employees, a PLAINTIFF in this action? Yes No

QUESTION C: Is the United States, or one of its agencies or employees, a DEFENDANT in this action? Yes No

QUESTION D: Location of plaintiffs and defendants?

	A. Orange County	B. Riverside or San Bernardino County	C. Los Angeles, Ventura, Santa Barbara, or San Luis Obispo County
Indicate the location(s) in which 50% or more of plaintiffs who reside in this district reside. (Check up to two boxes, or leave blank if none of these choices apply.)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Indicate the location(s) in which 50% or more of defendants who reside in this district reside. (Check up to two boxes, or leave blank if none of these choices apply.)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

QUESTION E: Initial Division? INITIAL DIVISION IN CAJD: WESTERN

QUESTION F: Northern Counties? Yes No

CV-71 (10/20) CIVIL COVER SHEET Page 2 of 3

Created by unadmitted counsel p2

UNITED STATES DISTRICT COURT, CENTRAL DISTRICT OF CALIFORNIA
CIVIL COVER SHEET

(IX)(a). IDENTICAL CASES: Has this action been previously filed in this court? NO YES

(IX)(b). RELATED CASES: Is this case related (as defined below) to any civil or criminal case(s) previously filed in this court? NO YES

Civil cases are related when they (check all that apply):

A. Arise from the same or a closely related transaction, happening, or event;

B. Call for determination of the same or substantially related or similar questions of law and fact; or

C. For other reasons would entail substantial duplication of labor if heard by different judges.

Note: That cases may involve the same patent, trademark, or copyright is not, in itself, sufficient to deem cases related.

A civil forfeiture case and a criminal case are related when they (check all that apply):

A. Arise from the same or a closely related transaction, happening, or event;

B. Call for determination of the same or substantially related or similar questions of law and fact; or

C. Involve one or more defendants from the criminal case in common and would entail substantial duplication of labor if heard by different judges.

X. SIGNATURE OF ATTORNEY (OR SELF-REPRESENTED LITIGANT): /s/ Katherine J. Elena DATE: June 12, 2025

Notice to Counsel/Parties: The submission of this Civil Cover Sheet is required by Local Rule 3-1. This Form CV-71 and the information contained herein neither replaces nor supplements the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. For more detailed instructions, see separate instruction sheet (CV-071A).

This signature was forged by unapproved counsel

Nature of Suit Code	Abbreviation	Substantive Statement of Cause of Action
861	HEA	All claims for health insurance benefits (Medicare under Title 18, Part A, of the Social Security Act, as amended. Also, include claims by hospitals, skilled nursing facilities, etc., for certification as providers of services under the program. (42 U.S.C. 1395f (b))
862	BL	All claims for "Black Lung" benefits under Title 4, Part B, of the Federal Coal Mine Health and Safety Act of 1969. (30 U.S.C. 923)
863	DIWC	All claims filed by insured workers for disability insurance benefits under Title 2 of the Social Security Act, as amended, plus all claims filed for child's insurance benefits based on disability. (42 U.S.C. 405 (g))
863	DIWVW	All claims filed for widows or widowers insurance benefits based on disability under Title 2 of the Social Security Act, as amended. (42 U.S.C. 405 (b))
864	SSD	All claims for supplemental security income payments based upon disability filed under Title 16 of the Social Security Act, as amended.
865	RSI	All claims for retirement (old age) and survivors benefits under Title 2 of the Social Security Act, as amended. (42 U.S.C. 405 (g))

CV-71 (10/20) CIVIL COVER SHEET Page 3 of 3

Created by unadmitted counsel p3

TE OF SERVICE
fornia, over the age of eighteen years, and not ed in the office of a member of the bar of as made. My business address is Street, Suite 4300, Los Angeles, CA 90071. document(s) by the method indicated below:

VER SHEET
sted above in a sealed envelope with postage nited States mail at Los Angeles, California I am readily familiar with the firm's practice f correspondence for mailing. Under that with the U.S. Postal Service on that same prepaid in the ordinary course of business. the party served, service is presumed invalid or postage meter date is more than one day ailing in this Declaration. e parties at the email addresses listed below:

under the laws of the United States that the June 12, 2025, at Los Angeles, California.

Heather Valencia
Heather Valencia

This is the only document actually created in Los Angeles. Added by scanner - page 4

CERTIFICATE OF SERVICE

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I, Matthew R. Walsh, declare under penalty of perjury under the laws of the State of California that this is a true and correct copy of a document I personally received, created, or obtained in connection with this case, and it has not been materially altered.

Executed this 19 day of June, 2025 in Santa Clarita, California.

Matthew R. Walsh
Plaintiff in pro per

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EXHIBIT SET2-D

The notice of removal was originated in Los Angeles and then completed over the course of about 4 hours by unadmitted counsel with no pro hac vice status.

```

Rokoko - 2025-06-12 Notice of Removal - AS FILED.txt - Notepad
File Edit Format View Help
Embedded Image : (Binary data 436 bytes, use -b option to extract)
File Type : JP2
File Type Extension : .jp2
MIME Type : image/jp2
Major Brand : JPEG 2000 Image (.JP2)
Minor Version : 0.0.0
Compatible Brands : jp2 , jpxb, jpx
Image Height : 205
Image Width : 441
Number Of Components : 1
Bits Per Component : 8 Bits, Unsigned
Compression : JPEG 2000
Color Spec Method : Enumerated
Color Spec Precedence : 2
Color Spec Approximation : Accurate
Color Space : sRGB
Embedded Image Color Space : DeviceGray
Embedded Image Filter : JPXDecode
Embedded Image Height : 56
Embedded Image Width : 283
Embedded Image : (Binary data 2180 bytes, use -b option to extract)
File Type : JP2
File Type Extension : .jp2
MIME Type : image/jp2
Major Brand : JPEG 2000 Image (.JP2)
Minor Version : 0.0.0
Compatible Brands : jp2 , jpxb, jpx
Image Height : 56
Image Width : 283
Number Of Components : 1
Bits Per Component : 8 Bits, Unsigned
Compression : JPEG 2000
Color Spec Method : Enumerated
Color Spec Precedence : 2
Color Spec Approximation : Accurate
Color Space : Grayscale
Embedded Image Color Space : DeviceRGB
Embedded Image Filter : DCTDecode
Embedded Image Height : 148
Embedded Image Width : 150
Embedded Image : (Binary data 17960 bytes, use -b option to extract)
File Type : JPEG
File Type Extension : .jpg
MIME Type : image/jpeg
JFIF Version : 1.02
Resolution Unit : None
X Resolution : 100
Y Resolution : 100
Quality : 100%
DCT Encode Version : 100
APP14 Flags 0 : [14], Encoded with Blend=1 downsampling
APP14 Flags 1 : (none)
Color Transform : YCbCr
Image Width : 150
Image Height : 148
Encoding Process : Baseline DCT, Huffman coding
Bits Per Sample : 8
Color Components : 3
Y Cb Cr Sub Sampling : YCbCr4:4:4 (1 1)
Embedded Image Color Space : Indexed, DeviceRGB, 27
Embedded Image Filter : FlateDecode
Embedded Image Height : 87
Embedded Image Width : 246
File Type : (unsupported)
Embedded Image Color Space : Indexed, DeviceRGB, 255
Embedded Image Filter : FlateDecode
Embedded Image Height : 40
Embedded Image Width : 180
File Type : (unsupported)
Create Date : 2025-06-12 18:24:49-07:00
Modify Date : 2025-06-12 17:35:00-04:00
Creator : Aspose Ltd.
Producer : Aspose.PDF for .NET 22.6.0
Image Size : 1105x1430
Megapixels : 1.6

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The notice of removal was created in UTC -04:00 timezone (Los Angeles) and then completed about 4 hours later by unadmitted counsel in the UTC -04:00 timezone (Eastern)

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I, Matthew R. Walsh, declare under penalty of perjury under the laws of the State of California that this is a true and correct copy of a document I personally received, created, or obtained in connection with this case, and it has not been materially altered.

Executed this 19 day of June, 2025 in Santa Clarita, California.

Matthew R. Walsh
Plaintiff in pro per

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EXHIBIT SET2-E

The **ex-parte motion for extension of time** was completed by out of state, unadmitted counsel with no pro hac vice status over the period of about 8 hours. Defendant’s local counsel spent roughly 30 minutes on the document prior to prepare it for Emily or Michael to complete it.

Ex Parte Motion for Extension of Time_.txt - Notepad

```

File Edit Format View Help
ExifTool Version Number      : 13.31
File Name                    : Ex Parte Motion for Extension of Time_.pdf
Directory                   : .
File Size                    : 212 kB
Zone Identifier              : Exists
File Modification Date/Time   : 2025:06:20 15:31:52-07:00
File Access Date/Time       : 2025:06:20 15:43:57-07:00
File Creation Date/Time     : 2025:06:20 15:31:52-07:00
File Permissions            : -rw-rw-rw-
File Type                   : PDF
File Type Extension         : pdf
MIME Type                   : application/pdf
PDF Version                 : 1.6
Linearized                  : Yes
Create Date                 : 2025:06:16 17:26:27-07:00
Modify Date                 : 2025:06:16 21:26:52-04:00
Creator                    : Aspose Ltd.
Producer                   : Aspose.PDF for .NET 22.6.0
Has XFA                    : No
Create Date                 : 2025:06:16 17:26:27-07:00
Modify Date                 : 2025:06:16 17:56:48-07:00
Metadata Date              : 2025:06:16 17:56:48-07:00
Format                     : application/pdf
Document ID                : uuid:1122b6c7-e29b-4ea8-b309-d5b92dab642c
Instance ID                : uuid:9722d856-8257-4aaf-a0d3-ddb9ad637b09
Page Count                 : 8
Embedded Image Color Space  : Indexed, DeviceRGB, 255
Embedded Image Filter       : FlateDecode
Embedded Image Height       : 40
Embedded Image Width        : 180
File Type                  : (unsupported)

```

Defendant's counsel in Los Angeles (UTC -07:00 timezone) began the Ex Parte Motion to grant time and then sent it to unadmitted counsel in Eastern timezone (UTC -04:00) who completed it about 8 hours later.

Further metadata demonstrates that Los Angeles was responsible for the initial creation of the document only over about a 30 minute period where it was then sent to unadmitted out of state counsel for completion.

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I, Matthew R. Walsh, declare under penalty of perjury under the laws of the State of California that this is a true and correct copy of a document I personally received, created, or obtained in connection with this case, and it has not been materially altered.

Executed this 19 day of June, 2025 in Santa Clarita, California.



Matthew R. Walsh
Plaintiff in pro per

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EXHIBIT SET2-F

Defendant’s local counsel spent about 30 minutes on Katherine J. Ellena’s declaration and then unadmitted counsel with no pro hac vice status finished the document over about an additional 42 minutes and 36 seconds. She wrote to the Court “*I, Katherine J. Ellena, declare:*” and signed it with her name and “*I declare under penalty of perjury under the laws of the State of California and the United States that the foregoing is true and correct and that this declaration was executed on June 16, 2025, in Los Angeles, California.*” However, those statements are false as this document was not written by her.

```

Ellena Declaration ISO Ex Parte.txt - Notepad
File Edit Format View Help
ExifTool Version Number      : 13.31
File Name                    : Ellena Declaration ISO Ex Parte.pdf
Directory                   : .
File Size                    : 2.6 MB
Zone Identifier              : Exists
File Modification Date/Time  : 2025:06:20 15:31:54-07:00
File Access Date/Time       : 2025:06:20 15:31:59-07:00
File Creation Date/Time     : 2025:06:20 15:31:54-07:00
File Permissions            : -rw-rw-rw-
File Type                   : PDF
File Type Extension         : pdf
MIME Type                   : application/pdf
PDF Version                 : 1.7
Linearized                  : No
Has XFA                    : No
Format                     : application/pdf
Metadata Date               : 2025:06:16 18:04:27-07:00
Create Date                 : 2025:06:16 17:44:16-07:00
Modify Date                 : 2025:06:16 18:04:27-07:00
Document ID                 : uuid:fb7503a3-9f07-4746-8980-9caf0154aae0
Instance ID                 : uuid:2ca74679-ee1f-43d6-8601-d4dae5128ba0
Page Count                  : 10
Embedded Image Color Space  : DeviceRGB
Embedded Image Filter       : DCTDecode
Embedded Image Height       : 373
Embedded Image Width        : 1846
Embedded Image              : (Binary data 34930 bytes, use -b option to extract)
File Type                   : JPEG
File Type Extension         : jpg
MIME Type                   : image/jpeg
JFIF Version                : 1.01
Resolution Unit             : inches
X Resolution                : 96
Y Resolution                : 96
Image Width                 : 1846
Image Height                : 373
Encoding Process            : Baseline DCT, Huffman coding
Bits Per Sample             : 8
Color Components            : 3
Y Cb Cr Sub Sampling        : YCbCr4:2:0 (2 2)
Embedded Image Color Space  : DeviceGray
Embedded Image Filter       : FlateDecode
Embedded Image Height       : 5
Embedded Image Width        : 5
File Type                   : (unsupported)
Embedded Image Color Space  : Indexed, DeviceRGB, 255
Embedded Image Filter       : FlateDecode
Embedded Image Height       : 40
Embedded Image Width        : 180
File Type                   : (unsupported)
Create Date                 : 2025:06:16 17:44:16-07:00
Modify Date                 : 2025:06:16 21:26:52-04:00
Creator                    : Aspose Ltd.
Producer                   : Aspose.PDF for .NET 22.6.0
Image Size                  : 1846x373
Megapixels                  : 0.689

```

Katherine J. Ellena's declaration was authored originally in Los Angeles for about 30 minutes.

The actual declaration however, was written in Eastern timezone, not by local admitted counsel.

The time spent authoring the document was about 42 minutes and 36 seconds.

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I, Matthew R. Walsh, declare under penalty of perjury under the laws of the State of California that this is a true and correct copy of a document I personally received, created, or obtained in connection with this case, and it has not been materially altered.

Executed this 19 day of June, 2025 in Santa Clarita, California.



Matthew R. Walsh
Plaintiff in pro per

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EXHIBIT SET2-G

The declaration of Katherine J. Ellena was largely ghostwritten by an unadmitted, out of state attorney with no pro hac vice status. It also contains false statements already addressed in other filings by Plaintiff. This was executed bearing a false signature and further – on a June 16, 2025 – the day those attorneys were removed from the docket and noticed by the Court that they had no pro hac vice status.

REED SMITH LLP
A limited liability partnership formed in the State of Delaware

DECLARATION OF KATHERINE J. ELLENA

I, Katherine J. Ellena, declare:

1. I am an attorney with Reed Smith, LLP and counsel for Defendant Rokoko Electronics (“Defendant”). I have personal knowledge of the following facts and, if called as a witness, I could and would testify competently thereto.

2. I submit this declaration in support of Defendant’s *Ex Parte* Application For Additional Time To Plead Or Otherwise Respond To Plaintiff’s Complaint.

3. Plaintiff’s Complaint consists of 256 pages of allegations and fourteen separate causes of action, including without limitation, fraudulent concealment, unconscionable contract terms, intellectual property infringement, and deceptive business practices. Given the seriousness of the allegations and the volume of the Complaint, Defendant requires additional time to evaluate the factual and legal merits of the Complaint.

4. Defendant is considering filing a motion to dismiss some, or all, of the causes of action asserted in the Complaint on various grounds, including failure to state a claim and statutes of limitations which, if granted, could substantially narrow or resolve the action.

5. On June 12 and June 13, 2025, I instructed my colleague, Emily Graue, to call and email Plaintiff to request his consent to a stipulation of time to respond to the Complaint. She did not receive an answer. Attached hereto as **Exhibit 1** is a true and correct copy of Ms. Graue’s email to Mr. Walsh.

6. On June 13, 2025, Plaintiff informed my office through a phone call that he intended to oppose any motion for enlargement of time. Ms. Graue informed me that Plaintiff stated to her on the phone that he “is going to oppose pretty much everything”

7. After the phone conversation, Mr. Walsh responded to Ms. Graue’s email, but did not address the Motion for the Enlargement of Time. Instead stating his plan to file for Remand to the state court. See Exhibit 1.

8. Pursuant to L.R. 7-19, notice of this *ex parte* application was provided on June 16, 2025 via phone and email. Upon filing of this *ex parte* application, I will email a copy of the filed application and have copies delivered to Mr. Walsh at 19197 Golden Valley Rd. #333, Santa Clarita, CA 91387, the address listed for him in the Complaint. When Plaintiff was notified, he indicated that he would oppose this motion. Attached hereto as **Exhibit 2** is a true and correct copy of his response.

9. Defendant removed this case to the Central District of California on June 12, 2025.

10. This is the first *ex parte* application and request for an extension of time Defendant has filed in this lawsuit.

I declare under penalty of perjury under the laws of the State of California and the United States that the foregoing is true and correct and that this declaration was executed on June 16, 2025, in Los Angeles, California.

/s/ Katherine J. Ellena
Katherine J. Ellena

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I, Matthew R. Walsh, declare under penalty of perjury under the laws of the State of California that this is a true and correct copy of a document I personally received, created, or obtained in connection with this case, and it has not been materially altered.

Executed this 19 day of June, 2025 in Santa Clarita, California.



Matthew R. Walsh
Plaintiff in pro per

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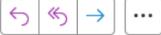
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EXHIBIT SET2-H

Once confronted with the evidence, Defendant’s counsel simply sends over the approvals for pro hac vice status that just came through today, indicating they have no remorse for 8 days of filings by out-of-state attorneys who committed a litany of offenses.

Re: Matthew R. Walsh v. Rokoko Electronics et al

 Matthew R. Walsh <matthew@v>
To: Valencia, Heather R.
Cc: Ellena, Katherine J.; Galibois, Michael B.; Graue, Emily H. 4:03 PM



[i](#) If there are problems with how this message is displayed, click here to view it in a web browser.

Far too late for that. Does that make up for 8 days of illegal filings? Nope

You don't get retroactive privalage and you don't get to sign other attorneys names.

Sent via [BlackBerry Hub+ Inbox for Android](#)

From: HValencia@ReedSmith.com
Sent: June 20, 2025 4:00 PM
To: matthew@winteryear.com
Cc: kEllena@reedsmith.com; MGalibois@reedsmith.com; EGraue@reedsmith.com
Subject: Matthew R. Walsh v. Rokoko Electronics et al

Good afternoon,

Please see the attached documents.

ORDER GRANTING PRO HAC APPLICATION OF MICHAEL B. GALIBOIS
ORDER GRANTING PRO HAC APPLICATION OF EMILY H. GRAUE

Thank you,
Heather Valencia
 Assistant to Katherine J. Ellena
Reed Smith LLP
 515 South Flower Street, Suite 4300
 Los Angeles, CA 90071-1514
 Direct [213.457.6458](tel:213.457.6458) | hvalencia@reedsmith.com
 Main [213.457.8000](tel:213.457.8000) | Fax [213.457.8080](tel:213.457.8080)
 Please consider the environment before printing the contents of this email

This E-mail, along with any attachments, is considered confidential and may well be legally privileged. If you have received it in error, you are on notice of its status. Please notify us immediately by reply e-mail and then delete this message from your system. Please do not copy it or use it for any purposes, or disclose its contents to any other person. Thank you for your cooperation.

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I, Matthew R. Walsh, declare under penalty of perjury under the laws of the State of California that this is a true and correct copy of a document I personally received, created, or obtained in connection with this case, and it has not been materially altered.

Executed this 19 day of June, 2025 in Santa Clarita, California.



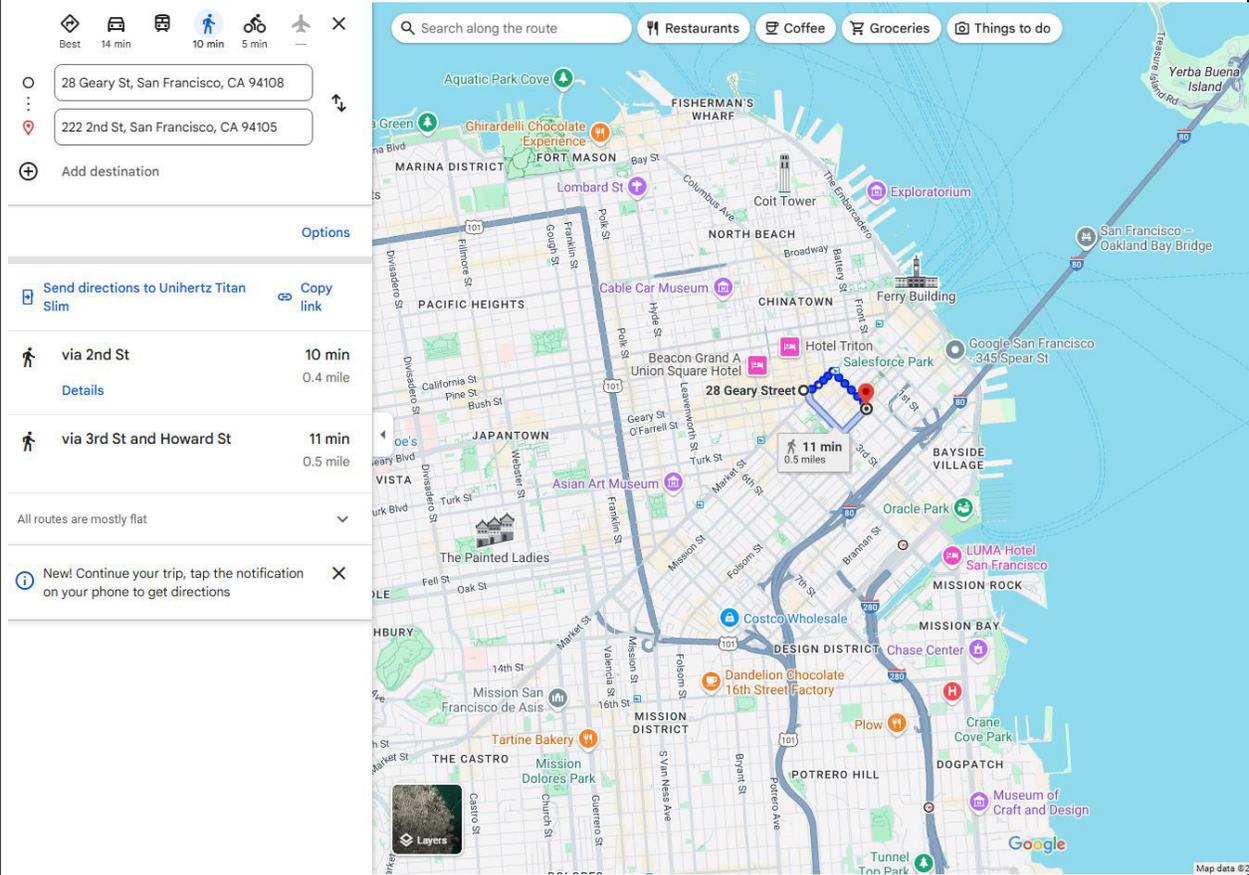
Matthew R. Walsh
Plaintiff in pro per

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EXHIBIT SET2-I

Defendant's mailbox "office" is a few blocks from his bank account in the bay.



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I, Matthew R. Walsh, declare under penalty of perjury under the laws of the State of California that this is a true and correct copy of a document I personally received, created, or obtained in connection with this case, and it has not been materially altered.

Executed this 19 day of June, 2025 in Santa Clarita, California.

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Matthew R. Walsh
Plaintiff in pro per

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EXHIBIT SET2-J

Plaintiff notified Defendant’s counsel he had begun forensic analysis on the PDF files.

RE: Matthew R. Walsh v. Rokoko Electronics et al



matthew@winteryear.com
To: 'Ellena, Katherine J.'; 'Valencia, Heather R.'
Cc: 'Graue, Emily H.'; 'Galibois, Michael B.'



Fri 6/20

You replied to this message on 6/20/2025 3:00 PM.

Good afternoon everyone, Happy Friday.

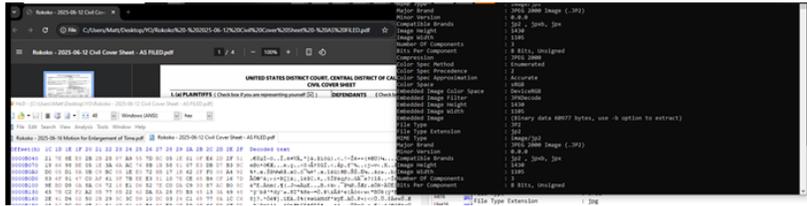
I have been conducting deep forensic analysis of all documents submitted to me and the Court, and individual forensic analysis of every component contained within each document container. Including your June 12 Notice of Removal. Through detailed extraction of each embedded component, I have identified serious concerns regarding the document’s authenticity, the admission status of its author(s), and potential violations of Rule 11.

The metadata and object composition suggest the filing was altered post-creation, includes scanned and embedded elements combined with natively designed files from potentially multiple sources, and is inconsistent with what you'd see with native federal court submissions. These irregularities raise substantial questions as to whether the document was properly executed, and whether the individual who authored it was the same person who signed — if it was signed at all. It appears as though the signing attorney was indeed not the only involved party in these filings, which is especially concerning given the statements in my motion to strike removal.

I'm notifying you now, in good faith as part of the meet and confer process, prior to finalizing and submitting my findings to the Court in support of a forthcoming motion to strike the removal and seek further relief.

There is a lot more work to be done but it should be ready to file on Monday.

Have a good weekend,
Matthew R. Walsh
Plaintiff in Pro Per



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I, Matthew R. Walsh, declare under penalty of perjury under the laws of the State of California that this is a true and correct copy of a document I personally received, created, or obtained in connection with this case, and it has not been materially altered.

Executed this 19 day of June, 2025 in Santa Clarita, California.

Matthew R. Walsh
Plaintiff in pro per

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EXHIBIT SET2-K

Plaintiff notified Defendant’s counsel that the forensic analysis of their filings show that the signature was not placed by Katherine J. Ellena; but non-admitted out of state attorneys with no pro hac vice status.

RE: Matthew R. Walsh v. Rokoko Electronics et al



matthew@winteryear.com
To 'Ellena, Katherine J.'; 'Valencia, Heather R.'
Cc 'Graue, Emily H.'; 'Galibois, Michael B.'



Fri 6/20

You replied to this message on 6/20/2025 3:12 PM.
This message was sent with High importance.

Hello again everyone,

This message serves as final notice pursuant to the meet and confer requirement.

Attached is a forensic summary and time zone breakdown demonstrating that your June 12 Notice of Removal was authored and created in the Eastern Time Zone by unadmitted counsel, then altered and patched in the Pacific Time Zone via scanned document injection — specifically to attach the only page bearing a valid signature, the Proof of Service. The metadata confirms the timeline, authorship locations, and sequence of assembly. This is the document that transferred jurisdiction.

Your removal was procedurally improper and filed in violation of Rule 11. This constitutes unauthorized practice of law.

I urge you to voluntarily withdraw the removal and recuse yourselves from this matter.

Absent that, I will file the full evidentiary record, along with forensic data on all files authored by your firm, especially after removal from the docket with the Court and seek all available remedies, including sanctions and referral.

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I, Matthew R. Walsh, declare under penalty of perjury under the laws of the State of California that this is a true and correct copy of a document I personally received, created, or obtained in connection with this case, and it has not been materially altered.

Executed this 19 day of June, 2025 in Santa Clarita, California.

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Matthew R. Walsh
Plaintiff in pro per

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EXHIBIT SET2-L

Plaintiff notified Defendant's counsel that he had established our of state counsel was responsible for authoring those documents by e-mail header similarities.

RE: Matthew R. Walsh v. Rokoko Electronics et al



matthew@winteryear.com
To: 'Ellena, Katherine J.'; 'Valencia, Heather R.'
Cc: 'Graue, Emily H.'; 'Galibois, Michael B.'



Fri 6/20

You replied to this message on 6/20/2025 3:38 PM.

Forgot to attach this one...

The time zone in Emily's e-mail headers also match what is on that file.

Her or Michael, doesn't matter. Not permitted to practice law in California and certainly not allowed to sign another attorneys name.

Here is the time-zone from Emily's e-mail to me. -0400
The same time zone as the PDF file

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I, Matthew R. Walsh, declare under penalty of perjury under the laws of the State of California that this is a true and correct copy of a document I personally received, created, or obtained in connection with this case, and it has not been materially altered.

Executed this 19 day of June, 2025 in Santa Clarita, California.

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Matthew R. Walsh
Plaintiff in pro per

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EXHIBIT SET2-M

Plaintiff requesting that Defendant’s counsel retract the removal and recuse themselves from the case due to ethics violations.

RE: Matthew R. Walsh v. Rokoko Electronics et al



matthew@winteryear.com
To: 'Ellena, Katherine J.'; 'Valencia, Heather R.'
Cc: 'Graue, Emily H.'; 'Galibois, Michael B.'



Fri 6/20

Counsel,

You have received multiple documented communications containing forensic proof of unauthorized filings, post-removal misconduct, and active violation of the Court’s directive.

Let me be clear:

If you file **anything further in this matter** — an Answer, a Notice, a pleading of any kind — I will immediately file the full evidentiary record with the Court, including all metadata, authorship proof, time zone inconsistencies, and jurisdictional violations tied to your firm’s conduct and I will have it verified by outside experts who will also submit their reports.

This includes violations of Rule 11, Local Rules, and potential referrals for unauthorized practice and fraud on the court.

I expect you to again, remove yourself as counsel without any further filings; and fully retract your removal.

There will be no further warnings.

Matthew R. Walsh
Plaintiff in Pro Per

From: matthew@winteryear.com <matthew@winteryear.com>
Sent: Friday, June 20, 2025 3:39 PM
To: 'Ellena, Katherine J.' <KEllena@reedsmith.com>; 'Valencia, Heather R.' <HValencia@ReedSmith.com>
Cc: 'Graue, Emily H.' <EGraue@reedsmith.com>; 'Galibois, Michael B.' <MGalibois@reedsmith.com>
Subject: RE: Matthew R. Walsh v. Rokoko Electronics et al

And this one.

I’m done sending these – you get the point.

I’m going to continue digging deeper, will prepare my report and I am walking it into Court myself on Monday morning at 8:30am.

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You have until then to remove and recuse yourself from this case.

I, Matthew R. Walsh, declare under penalty of perjury under the laws of the State of California that this is a true and correct copy of a document I personally received, created, or obtained in connection with this case, and it has not been materially altered.

Executed this 19 day of June, 2025 in Santa Clarita, California.

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Matthew R. Walsh
Plaintiff in pro per

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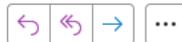
EXHIBIT SET2-N

Defendant filed a motion to dismiss, Plaintiff used the Judge’s caselaw as provided in the filed order which states citizenship diversity is DOA.

RE: Matthew R. Walsh v. Rokoko Electronics et al



matthew@winteryear.com
To 'Valencia, Heather R.'
Cc 'Ellena, Katherine J.'; 'Galibois, Michael B.'; 'Graue, Emily H.'



Fri 6/20

Citizenship diversity is DOA, the judge outlined the exact caselaw precisely:

"[I]n order to be a citizen of a State within the meaning of the diversity statute, a natural person must both be a citizen of the United States and be domiciled within the State." — Newman-Green, Inc. v. Alfonzo-Larrain, 490 U.S. 826, 828 (1989).

This is falling back to state court.

I get you are preserving yourself from Default, but I'll only file oppositions now close to the deadline of those motions as to not waste my time.

Additionally, I am amending my motion to shorten time to instead hear the motion to strike your removal.

From: Valencia, Heather R. <HValencia@ReedSmith.com>
Sent: Friday, June 20, 2025 5:54 PM
To: matthew@winteryear.com
Cc: Ellena, Katherine J. <KEllena@reedsmith.com>; Galibois, Michael B. <MGalibois@reedsmith.com>; Graue, Emily H. <EGraue@reedsmith.com>
Subject: Matthew R. Walsh v. Rokoko Electronics et al

Good afternoon,

Please see the attached documents.

**DEFENDANT ROKOKO ELECTRONICS' NOTICE OF MOTION TO DISMISS AND MOTON TO DISMISS COMPLAINT;
MEMORANDUM OF POINTS AND AUTHORITIES
REQUEST FOR JUDICIAL NOTICE IN SUPPORT OF DEFENDANT ROKOKO ELECTRONICS' MOTION TO DISMISS
COMPLAINT
[PROPOSED] ORDER GRANTING DEFENDANT ROKOKO ELECTRONICS' MOTION TO DISMISS COMPLAINT**

Thank you,

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I, Matthew R. Walsh, declare under penalty of perjury under the laws of the State of California that this is a true and correct copy of a document I personally received, created, or obtained in connection with this case, and it has not been materially altered.

Executed this 19 day of June, 2025 in Santa Clarita, California.

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Matthew R. Walsh
Plaintiff in pro per

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EXHIBIT SET2-O

Defendant filed a motion to dismiss the same day as they notified Plaintiff. Defendant has done this for nearly all of their filings which violates Local Rule 7-3.

From: Ellena, Katherine J. <KEllena@reedsmith.com>
Sent: Thursday, June 19, 2025 4:50 PM
To: matthew@winteryear.com
Cc: Graue, Emily H. <EGraue@reedsmith.com>; Galibois, Michael B. <MGalibois@reedsmith.com>
Subject: Rokoko - Meet and Confer Re: Complaint

Mr. Walsh:

We write to meet and confer regarding the following deficiencies in your Complaint, which we believe provide Rokoko with grounds to move to dismiss the Complaint.

1. The Complaint does not allege with specificity the necessary elements of a tortious interference claim. Namely, you have not sufficiently alleged that Rokoko had actual knowledge of any purported third party contracts or that Rokoko intentionally acted with the purpose of disrupting those contracts. Furthermore, you have not pled sufficient facts demonstrating that you have suffered economic harm as a proximate result of any of Rokoko's acts.
2. Your Song-Beverly Act claim fails for a number of reasons. You expressly concede in your Complaint that the Rokoko products were purchased for your video game production, which is a commercial use. The Song-Beverly Act only applies to consumer goods used for personal, family, or household purposes. Moreover, your Song-Beverly Act claim is barred by the one year statute of limitations. To the extent your Song-Beverly Act claim relates to your use of Rokoko's Services, as opposed to its hardware products, you have also expressly acknowledged in the Complaint that Rokoko's Services are provided on an "as-is" basis without warranty, which Rokoko is permitted to under the law. The Song-Beverly Act does not apply to products or services provided on an "as-is" basis.
3. You have not satisfied the FRCP 9(b) pleading requirements with respect to any of your fraud claims.
4. Your UCL and CLRA claims fail as a matter of law because you have not sufficiently alleged that Rokoko was aware of any purported defect in its products at the time of sale, which is necessary in order to survive a **motion to dismiss**. You are also not a "consumer" within the meaning of the CLRA nor did you satisfy the CLRA's pre-suit notice requirements.
5. As for your misappropriation and infringement claims, you have not identified what exactly you claim is protected intellectual property. You have also not satisfied any of the other elements of misappropriation, particularly that Rokoko acted through "improper means" as that term is defined under the law. As for your infringement claim, you have failed to identify ownership of a valid copyright.
6. Your DMCA claim fails because you have not identified any copyright management information that was intentionally removed or altered by Rokoko, nor have you alleged that Rokoko did so with the requisite culpable mental state. Case law is clear that allegations of transmitted "metadata" alone do not create a claim under DMCA.
7. Your cause of action for "unconscionable contract terms" is not a cause of action at all under California law, it is an affirmative defense.
8. Your cause of action for "illegal deployment of code and privacy violations" does not meet the pleading requirements under the CFAA and CDAFA.

In light of the vast deficiencies in your Complaint identified above, we intend to file a **motion to dismiss** unless you voluntarily dismiss this action. Please confirm that you will do so, otherwise Rokoko will have no choice but to proceed with its motion.

Best Regards,

Katherine J. Ellena | Senior Associate
kellena@reedsmith.com

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Valencia, Heather R. <HValencia@ReedSmith.com>
To: matthew@winteryear.com
Cc: Ellena, Katherine J.; Galibois, Michael B.; Graue, Emily H.
Fri 6/20/2025 5:54 PM

- Rokoko - MTD Complaint.pdf 391 KB
- Rokoko - RJN iso MTD Complaint.pdf 2 MB
- Rokoko - Proposed Order ISO MTD Complaint.pdf 274 KB

Good afternoon,
Please see the attached documents.

DEFENDANT ROKOKO ELECTRONICS' NOTICE OF **MOTION TO DISMISS** AND MOTON TO DISMISS COMPLAINT; MEMORANDUM OF POINTS AND AUTHORITIES REQUEST FOR JUDICIAL NOTICE IN SUPPORT OF DEFENDANT ROKOKO ELECTRONICS' **MOTION TO DISMISS** COMPLAINT [PROPOSED] ORDER GRANTING DEFENDANT ROKOKO ELECTRONICS' **MOTION TO DISMISS** COMPLAINT

Thank you,

Heather Valencia
Assistant to Katherine J. Ellena
Reed Smith LLP

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Matthew R. Walsh
Plaintiff in pro per

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Best Regards,

Katherine J. Ellena | Senior Associate
kellena@reedsmith.com

Valencia, Heather R. <HValencia@ReedSmith.com>
To: matthew@winteryear.com
Cc: Ellena, Katherine J.; Galibois, Michael B.; Graue, Emily H.

You replied to this message on 6/20/2025 7:07 PM.

- Rokoko - MTD Complaint.pdf 391 KB
- Rokoko - RJN iso MTD Complaint.pdf 2 MB
- Rokoko - Proposed Order ISO MTD Complaint.pdf 274 KB

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DEFENDANT ROKOKO ELECTRONICS' NOTICE OF **MOTION TO DISMISS** AND MOTION TO DISMISS COMPLAINT; MEMORANDUM OF POINTS AND AUTHORITIES REQUEST FOR JUDICIAL NOTICE IN SUPPORT OF DEFENDANT ROKOKO ELECTRONICS' **MOTION TO DISMISS** COMPLAINT [PROPOSED] ORDER GRANTING DEFENDANT ROKOKO ELECTRONICS' **MOTION TO DISMISS** COMPLAINT

Thank you,

Heather Valencia
Assistant to Katherine J. Ellena
Reed Smith LLP

I, Matthew R. Walsh, declare under penalty of perjury under the laws of the State of California that this is a true and correct copy of a document I personally received, created, or obtained in connection with this case, and it has not been materially altered.

Executed this 19 day of June, 2025 in Santa Clarita, California.

Matthew R. Walsh
Plaintiff in pro per

459 **PROOF OF SERVICE**

460 I, Matthew R. Walsh, declare:

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462 I am a resident of the State of California, over the age of eighteen years, and a party to this
463 action. My business address is 19197 Golden Valley Rd #333, Santa Clarita, CA 91387.
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465 On July 3, 2025, I served the following document(s):

466
467 **SUPPLEMENTAL DECLARATION OF MATTHEW R. WALSH IN SUPPORT OF**
468 **PLAINTIFF'S MOTION TO STRIKE DEFENDANTS REMOVAL [SET 2]**
469

470 by transmitting a true copy via electronic mail to the following email address(es):

471 **Reed Smith LLP (Counsel for Defendant)**

472 Heather Valencia, Esq.

473 Hvalencia@reedsmith.com
474
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477 I declare under penalty of perjury under the laws of the United States of America that the
478 foregoing is true and correct.
479

480 Executed on July 3, 2025

481 Santa Clarita, California

482 

483 Matthew R. Walsh
484 Plaintiff In Pro Per