

1 Katherine J. Ellena (SBN 324160)
kellena@reedsmith.com
2 REED SMITH LLP
515 South Flower
3 Suite 4300
Los Angeles, CA 90071-1514
4 Telephone: +1 213 457 8000
Facsimile: +1 213 457 8080
5
6 Michael Galibois (*pro hac vice*
forthcoming)
mgalibois@reedsmith.com
7 Emily Graue (*pro hac vice forthcoming*)
egraue@reedsmith.com
8 Reed Smith LLP
10 S Wacker Drive
9 Floor 40
Chicago, IL 60606
10 Telephone: +1 312 207 1000
Facsimile: +1 312 207 6400
11
12 *Attorneys for Defendant*
Rokoko Electronics

13
14 **UNITED STATES DISTRICT COURT**
15 **CENTRAL DISTRICT OF CALIFORNIA**

16
17 MATTHEW R. WALSH
18
19 Plaintiff,
20 vs.
21 ROKOKO ELECTRONICS, and
DOES 1 through 50, inclusive,
22 Defendant.
23
24
25
26
27
28

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

[Assigned to Hon. Otis D. Wright, II,
Courtroom 5D]

**DEFENDANT'S OPPOSITION TO
PLAINTIFF'S EX PARTE
APPLICATION FOR TEMPORARY
RESTRAINING ORDER AND
MOTION TO STAY PROCEEDINGS**

State Court Action Filed: May 12, 2025
Removal Date: June 12, 2025

1 **LEGAL STANDARD**

2 “The standard for a TRO is similar to the standard for a preliminary injunction,”
3 which requires a movant to “‘establish that he is likely to succeed on the merits, that he
4 is likely to suffer irreparable harm in the absence of preliminary relief, that the balance
5 of equities tips in his favor, and that an injunction is in the public interest.’” *Willingham*
6 *v. Flagstar Bank, NA.*, 2025 U.S. Dist. LEXIS 52000, at *3 (C.D. Cal. Feb. 14, 2025)
7 (citing *Winter v. Nat. Res. Def. Council, Inc.*, 555 U.S. 7, 20 (2008)). The Court “follows
8 a ‘sliding scale’ approach to the four preliminary injunction elements, where ‘a stronger
9 showing of one element may offset a weaker showing of another, as long as plaintiffs
10 ‘establish that irreparable harm is *likely*.’” *Id.* (citing *Doe v. Kelly*, 878 F.3d 710, 719
11 (9th Cir. 2017)).

12 In order to grant a TRO, movant must “meet the high burden to establish that
13 injunctive relief is appropriate.” *Keane v. Abeles*, 2025 U.S. Dist. LEXIS 72655, at *3
14 (C.D. Cal. April 16, 2025). When a party seeks a TRO, they “must meet exacting
15 criteria.” *Global Truss Am. LLC v. GLP German Light Prods.*, 2011 U.S. Dist. LEXIS
16 164689, at *2 (C.D. Cal. Jan. 11, 2011). A TRO is an “extraordinary remedy that may
17 only be awarded upon a clear showing that the plaintiff is entitled to such relief.” *Winter*,
18 555 U.S. at 22.

19 **ARGUMENT**

20 Plaintiff’s *Ex Parte* Application seeks (1) a temporary restraining order
21 preventing Defendant “from filing any further motions or pleadings in this matter,
22 including but not limited to motions to dismiss or for extensions of time, until the Court
23 issues a ruling on Plaintiff’s Motion to Remand” and (2) an Order staying all deadlines
24 pending a decision on Plaintiff’s Motion to Remand. Plaintiff has failed to satisfy his
25 heavy burden of establishing that such a temporary restraining order is warranted and
26 his requested relief is not appropriate on an *ex parte* basis.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

DATED: June 17, 2025

REED SMITH LLP

By: /s/ Katherine J. Ellena
Katherine J. Ellena
Michael Galibois (*PHV* forthcoming)
Emily Graue (*PHV* forthcoming)
Attorney for Defendant
Rokoko Electronics

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

CERTIFICATE OF SERVICE

I am a resident of the State of California, over the age of eighteen years, and not a party to the within action. I am employed in the office of a member of the bar of this court at whose direction the service was made. My business address is REED SMITH LLP, 515 South Flower Street, Suite 4300, Los Angeles, CA 90071. On June 17, 2025, I served the following document(s) by the method indicated below:

A DEFENDANT’S OPPOSITION TO PLAINTIFF’S EX PARTE APPLICATION FOR TEMPORARY RESTRAINING ORDER AND MOTION TO STAY PROCEEDINGS

by transmitting via email to the parties at the email addresses listed below:

Matthew R. Walsh
19197 Golden Valley Rd #333
Santa Clarita, CA 91387
Email: matthew@winteryear.com

I declare under penalty of perjury under the laws of the United States that the above is true and correct. Executed on June 17, 2025, at Los Angeles, California.



Heather Valencia

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