

UNITED STATES DISTRICT COURT FOR THE CENTRAL DISTRICT OF
CALIFORNIA

Matthew R. Walsh v. Rokoko Electronics et al.

Walsh v. Rokoko Electronics · No. 2:25-cv-05340-ODW (RAOx) · Decided December 22, 2025

SUMMARY

The United States District Court for the Central District of California granted Rokoko Electronics’ motion to dismiss Matthew R. Walsh’s fourteen-count complaint and denied Walsh’s motion to strike, construed in part as a motion to remand. The court held that federal-question and diversity jurisdiction existed. Several claims were dismissed with leave to amend, while others, including the Song-Beverly Act, CLRA, UCL, unconscionable-contract-terms, and fraudulent-concealment claims, were dismissed without leave to amend.

CASE DETAILS

COURT	United States District Court for the Central District of California
WRITING FOR THE COURT	Otis D. Wright II
JURISDICTION	United States District Court for the Central District of California
DECIDED	December 22, 2025
DOCKET	2:25-cv-05340-ODW (RAOx)
DISPOSITION	dismissed
PROCEDURAL POSTURE	Plaintiff sued Rokoko Electronics in California state court. Rokoko removed the action to federal court and moved to dismiss all fourteen causes of action under Federal Rule of Civil Procedure 12(b)(6). Plaintiff moved to strike the notice of removal, which the court construed in part as a motion to remand for lack of subject matter jurisdiction.
STANDARD OF REVIEW	On a Rule 12(b)(6) motion, the court accepts well-pleaded factual allegations as true and construes them in the light most favorable to the plaintiff, but does not accept conclusory allegations, unwarranted factual deductions, or unreasonable inferences. The complaint must contain enough factual matter to state a plausible claim for relief under Rule 8(a)(2), and fraud claims must satisfy Rule 9(b). For the jurisdictional challenge, the court considered the removal petition and summary-judgment-type evidence and placed the burden of establishing proper removal on the removing party.

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QUESTIONS PRESENTED

1. Whether the notice of removal should be stricken or the action remanded for procedural defects or lack of subject matter jurisdiction.
2. Whether the complaint plausibly pleaded fourteen causes of action under Rule 12(b)(6).
3. Whether Walsh qualified as a consumer under the Song-Beverly Consumer Warranty Act and the Consumer Legal Remedies Act when he purchased the products for commercial video-game development.
4. Whether Walsh had statutory standing to assert a DMCA claim.
5. Whether California Civil Code section 1670.5 creates an affirmative cause of action for unconscionability.

HOLDINGS

1. The notice of removal was not procedurally defective because a court-admitted attorney signed and filed it, while the other counsel did not sign it and later obtained pro hac vice admission.
2. The court had subject matter jurisdiction because the complaint asserted a federal DMCA claim, the state claims arose from a common nucleus of operative fact, and complete diversity also existed.
3. The complaint failed to state plausible claims for relief because several allegations were conclusory, legally unavailable, insufficiently particularized, or unsupported by a cognizable legal theory.
4. Walsh was not a statutory consumer under either the Song-Beverly Act or the CLRA because he purchased the products primarily for commercial video-game development rather than personal, family, or household purposes.
5. California Civil Code section 1670.5 does not create an affirmative cause of action for unconscionability.
6. Claims dismissed for factual insufficiency were dismissed with leave to amend, while claims barred by legal impossibility, lack of statutory standing, or lack of an affirmative cause of action were dismissed without leave to amend.

KEY QUOTATIONS

“A court may dismiss a complaint under Rule 12(b)(6) for lack of a cognizable legal theory or insufficient facts pleaded to support an otherwise cognizable legal theory.” (at 8)

“To survive a dismissal motion, a complaint need only satisfy the minimal notice pleading requirements of Rule 8(a)(2)—a short and plain statement of the claim.” (at 8)

“Dismissal can be based on the lack of a cognizable legal theory.” (at 13)

FACTUAL BACKGROUND

Walsh, a California-based video game developer, purchased a Rokoko Smartsuit 1 and gloves in 2020 for use in developing video games. He alleged that the suit was faulty, the gloves disintegrated after several uses, and a mandatory 2023 firmware update destroyed the suit. He further alleged that Rokoko refused to repair the products and eventually discontinued support, causing economic and production-related harm.

PROCEDURAL HISTORY

Walsh filed the action in state court on May 12, 2025, and Rokoko removed it on June 12, 2025. The district court denied the motion to strike and concluded that it had federal-question jurisdiction based on the DMCA claim, supplemental jurisdiction over the state claims, and diversity jurisdiction. The court granted Rokoko's motion to dismiss: eight claims were dismissed with leave to amend and six were dismissed without leave to amend. Walsh was given twenty-one days to file an amended complaint, with dismissal with prejudice to follow if he failed to timely amend.

DISPOSITION

dismissed

CASES CITED

- Ashcroft v. Iqbal, 556 U.S. 662, 678-79 (2009)
- Singer v. State Farm Mutual Automobile Insurance Co., 116 F.3d 373, 377 (9th Cir. 1997)
- Sinochem International Co. v. Malaysia International Shipping Corp., 549 U.S. 422, 430-31 (2007)
- TNT Bestway Transportation, Inc. v. Whitworth, No. 05-96-01900-CV, 1999 WL 374158, at *6 (Tex. Ct. App. June 10, 1999)
- Kokkonen v. Guardian Life Insurance Co. of America, 511 U.S. 375, 377 (1994)
- Fifty Associates v. Prudential Insurance Co. of America, 446 F.2d 1187, 1190 (9th Cir. 1970)
- Gaus v. Miles, Inc., 980 F.2d 564, 566 (9th Cir. 1992)
- Corral v. Select Portfolio Servicing, Inc., 878 F.3d 770, 773-74 (9th Cir. 2017)
- City of Chicago v. International College of Surgeons, 522 U.S. 156, 165 (1997)
- Hertz Corp. v. Friend, 559 U.S. 77, 95-97 (2010)
- Balistreri v. Pacifica Police Department, 901 F.2d 696, 699 (9th Cir. 1990)
- Porter v. Jones, 319 F.3d 483, 494 (9th Cir. 2003)
- Lee v. City of Los Angeles, 250 F.3d 668, 679 (9th Cir. 2001)
- Sprewell v. Golden State Warriors, 266 F.3d 979, 988 (9th Cir. 2001)
- Manzarek v. St. Paul Fire & Marine Insurance Co., 519 F.3d 1025, 1031 (9th Cir. 2008)

- Schreiber Distributing Co. v. Serv-Well Furniture Co., 806 F.2d 1393, 1401 (9th Cir. 1986)
- Carrico v. City and County of San Francisco, 656 F.3d 1002, 1008 (9th Cir. 2011)
- CRST Van Expedited, Inc. v. Werner Enterprises, Inc., 479 F.3d 1099, 1108 (9th Cir. 2007)
- Korea Supply Co. v. Lockheed Martin Corp., 29 Cal. 4th 1134, 1153 (2003)
- Mexia v. Rinker Boat Co., 174 Cal. App. 4th 1297, 1303 (2009)
- Yumul v. Smart Balance, Inc., 733 F. Supp. 2d 1117, 1122-23 (C.D. Cal. 2010)
- Vess v. Ciba-Geigy Corp. USA, 317 F.3d 1097, 1106 (9th Cir. 2003)
- Cooper v. Pickett, 137 F.3d 616, 627 (9th Cir. 1998)
- Erickson v. Pardus, 551 U.S. 89, 94 (2007)
- Dean Witter Reynolds, Inc. v. Superior Court, 211 Cal. App. 3d 758, 766 (1989)
- Bezaire v. Ramirez, 12 Cal. App. 3d 873, 893 (1970)
- Lujan v. Defenders of Wildlife, 504 U.S. 555, 560-61 (1992)
- Schneider v. California Department of Corrections, 151 F.3d 1194, 1197 n.1 (9th Cir. 1998)
- Gottschalk v. City and County of San Francisco, 964 F. Supp. 2d 1147, 1157 (N.D. Cal. 2013)

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