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SUPERIOR COURT OF THE STATE OF CALIFORNIA
COUNTY OF LOS ANGELES, CENTRAL DISTRICT

WILLIAM JAMES MITCHELL,

Plaintiff,

v.

TWIN GALAXIES, LLC,

Defendants.

Case No. 19STCV12592
[The Hon. Gregory W. Alarcon, Dept. 36]

**DECLARATION OF WILLIAM “BILLY”
MITCHELL IN SUPPORT OF
PLAINTIFF'S OPPOSITION TO
DEFENDANT'S ANTI-SLAPP MOTION**

Action Filed: 4/11/2019

I, William “Billy” J. Mitchell, declare as follows:

1. I am a party in the above-entitled action. I have personal knowledge of the facts set forth herein, except as to those stated on information and belief and, as to those, I am informed and believe them to be true. If called as a witness, I could and would competently testify to the matters stated herein. I make this declaration in Opposition to Defendant Twin Galaxies' Special Motion to Strike.

2. My name is Billy Mitchell. I am the Plaintiff in this case, and I bring this lawsuit against Twin Galaxies for defamation and false light originating from its public statements of April 12, 2018. I am a professional videogame player, mostly known for achieving world records on Pac-Man and Donkey Kong. Twin Galaxies defamed me by issuing a press release claiming as a fact that I did not achieve my Donkey Kong records on “original unmodified” hardware. A link to the statement that was published on Twin Galaxies' web site can be found at <https://www.twingalaxies.com/showthread.php/176004-Dispute-Jeremy-Young-Arcade-Donkey->

1 [Kong-Points-Hammer-Allowed-Player-Billy-L-Mitchell-Score-1-062-](https://www.twin-galaxies.com/points/hammer-allowed-player-billy-l-mitchell-score-1-062-800?p=964048&viewfull=1#post964048)

2 [800?p=964048&viewfull=1#post964048](https://www.twin-galaxies.com/points/hammer-allowed-player-billy-l-mitchell-score-1-062-800?p=964048&viewfull=1#post964048), last accessed on June 22, 2020. I am also attaching a
3 true and accurate printout of the statement as Exhibit 62. The statement was also distributed to the
4 public through Twin Galaxies; Facebook and Twitter platforms, where it garnered millions of
5 impressions and resulted in articles from news outlets such as *The New York Times*, *The*
6 *Washington Post*, *Variety*, and other mainstream media outlets. The statement branded me as a
7 cheater, or at the very least, heavily implied so with innuendo which forced the public to interpret
8 it as such. The following sets forth my factual testimony.

9 BACKGROUND, CAREER, AND PROOF OF FALSITY

10 3. I started my videogame career in November 1982 in Ottumwa, Iowa, where I
11 competed in the Twin Galaxies “Life Magazine” competition. At this event, I scored 874,300
12 points on the arcade game “Donkey Kong,” which became the first official world record on the
13 game. Throughout the 1980’s, I achieved other records on games such as Ms. Pac-Man, Donkey
14 Kong Jr., Centipede, BurgerTime, and Pac-Man. I achieved these records in public venues under
15 the observation of Twin Galaxies personnel, including the former owner of Twin Galaxies, Walter
16 Day. A true and correct copy of the declaration of Walter Day is attached hereto as **Exhibit 1**.

17 4. In my time away from videogames, I undertook several business ventures. My most
18 successful start-up occurred in my hot sauce company called “Rickey’s Hot Sauce.” I started the
19 company in 1980, building it into a successful small business in the State of Florida. I continued to
20 grow the company from 1980 to the present day.

21 5. After a hiatus from videogames, I returned to professional play in July 1999. On
22 the weekend of July 1, 1999, I traveled to “Funspot” in Weirs Beach, New Hampshire. I traveled
23 with the intent to achieve the first “Perfect Pac-Man Game.” On July 3, 1999, under the
24 observation of Funspot staff and third-party witnesses, I achieved the first “Perfect Pac-Man
25 Game,” which became the new world-record, and it brought me significant attention and notoriety.

26 6. Until 2014, Twin Galaxies adjudicated records through two methods: 1) on-site
27 referee adjudication and 2) videotape adjudication. Twin Galaxies verified my Pac-man record
28 through on-site referee adjudication via the Funspot Arcade staff. Following this adjudication, I

1 provided a videotape for archival, which the Twin Galaxies owner, Walter Day, personally
2 reviewed. Then, NAMCO, the Japanese company who created Pac-Man, adjudicated my record
3 via videotape. All these videogame authorities unanimously approved it. The following exhibits,
4 which are attached hereto as **Exhibits 2-8**, provide even more evidence for this record. These
5 exhibits are as follows: **Exhibit 2** – Declaration of Thomas Fisher; **Exhibit 3** – Declaration of
6 Corey Sawyer; **Exhibit 4** – Declaration of Ken Sweet; **Exhibit 5** – Declaration of Randy Lawton;
7 **Exhibit 6** – Funspot Press Release; **Exhibit 7** – Weirs Times Press Release; and **Exhibit 8** –
8 NAMCO Pac-Man Museum Plaque.

9 7. Shortly after, NAMCO invited me to its headquarters in Japan to confirm my
10 achievement. On September 17, 1999, on behalf of the Japanese Amusement Machine and
11 Manufacturing Association, NAMCO proclaimed me as the “Video Game Player of the Century.”

12 8. The following paragraphs, numbered 9 to 31, review the records which encompass
13 the Twin Galaxies “investigation” and subsequent defamatory statement issued by them on April
14 12, 2018. However, the “Perfect Pac-Man” record retains equivalent relevance for reasons set
15 forth later in this declaration. The evidence further disproving the Twin Galaxies statements
16 continues through the “PROOF OF FALSITY” section of this declaration. (*See* Page 6 “Proof of
17 Falsity”).

18 9. In the early 2000’s, I shifted my attention to Donkey Kong. On or about December
19 28, 2004, I achieved a Donkey Kong high-score of 1,047,200 points at Arcade Game Sales – an
20 experienced vendor of arcade machines in Ft. Lauderdale, Florida. I achieved this score inside the
21 company showroom on a legitimate Donkey Kong arcade machine which contained an original
22 unmodified PCB, and Arcade Game Sales publicly acknowledged this fact to Twin Galaxies
23 before the defamatory statements.

24 10. On January 13, 2007, I officially agreed to join the film known as *The King of*
25 *Kong: A Fistful of Quarters*. This “documentary” followed a fellow Donkey Kong player’s
26 journey to the world record score, and it intentionally skewed the truth to present me as an
27 antagonist for the purpose of entertainment. Nevertheless, people naturally discovered the film’s
28

1 fictitious nature over time, and today, people recognize it as a “docu-drama” which dropped facts
2 in favor of entertainment.

3 11. Despite its fictitious nature, the film miraculously succeeded, and it transcended the
4 gaming world into a cultural phenomenon. The film heavily embraced my business, calling me a
5 “Hot Sauce Mogul” on the front cover, and shooting scenes within my company warehouse and
6 family restaurant. The film forever linked my status as a professional videogame player to my
7 entrepreneurial ventures, and it became part of my sales pitch. As a result, the Twin Galaxies
8 statement naturally imposed special damages upon my company in congruence with my reputation
9 as a professional gamer. (See page 34, “SPECIAL DAMAGES”).

10 12. In January, 2007, I wanted to retake the Donkey Kong world record in preparation
11 for the release of *The King of Kong: A Fistful of Quarters*. As a result, I notified Twin Galaxies of
12 my goal. Then, I accepted an invitation to a 1980’s themed convention hosted by the Florida
13 Association of Mortgage Brokers, scheduled for July 2007 (“Mortgage Brokers” and “Mortgage
14 Brokers Convention”). At the convention, I planned to attempt the record.

15 13. Twin Galaxies strictly outlined the adjudication process for my record attempt. It
16 outlined that the attempt required 1) on-site referee adjudication and 2) hardware verified by the
17 Senior Engineer at Nintendo (the creators of Donkey Kong). Obviously, I complied with both
18 demands. Twin Galaxies assigned two referees for the record attempt, Mr. Todd Rogers and Ms.
19 Kimberly Mahoney. Then, in June 2007, Twin Galaxies facilitated the hardware verification with
20 the Senior Engineer at Nintendo, Mr. Wayne Shirk. Twin Galaxies personally coordinated the
21 verification, ensuring that I never gained access to the hardware in order to indisputably secure the
22 veracity of the attempt. After verification, Shirk mailed the hardware directly to the Mortgage
23 Brokers, who input it into the Donkey Kong machine before locking the machine entirely. At no
24 point did I gain access to the hardware.

25 14. I arrived at the Mortgage Brokers Convention on Thursday, July 12, 2007. I failed
26 in my first day of attempts on Friday, July 13. Then, on Saturday, July 14, I achieved the new
27 Donkey Kong record of 1,050,200 points. Todd Rogers and Kimberly Mahoney immediately
28

1 documented the record and confirmed it. Attached hereto as **Exhibit 9** and **Exhibit 10** are the
2 sworn declarations of Todd Rogers and Kimberly Mahoney, respectively.

3 15. Also, numerous disinterested third-party eye-witnesses provided sworn declarations
4 to the veracity of this record. This includes the Convention Chairs of the Mortgage Brokers,
5 Valerie Saunders and Sheila Kiniry, as well as casual convention attendee Richard Mallion.
6 Attached hereto as **Exhibits 11-13** are 1) **Exhibit 11** – Declaration of Valerie Saunders; 2)
7 **Exhibit 12** – Declaration of Sheila Kiniry; and 3) **Exhibit 13** – Declaration of Richard Mallion.

8 16. Following my record, the Mortgage Brokers returned the hardware to Shirk for re-
9 verification, and Shirk confirmed that the hardware remained legitimate throughout the
10 performance. Following this re-verification, Shirk mailed me the hardware through UPS, and to
11 this day, I retain the box of this final shipment with the associated shipping label and tracking
12 number. Attached hereto as **Exhibit 14** is a true and correct photo of the Nintendo Hardware
13 Verification UPS Box. Lastly, the former Twin Galaxies owner, Walter Day, and the Mortgage
14 Brokers provided sworn declarations to the hardware verification from Shirk. (*See again* –
15 **Exhibit 1, Exhibit 12, and Exhibit 13**).

16 17. Following this achievement, I took a hiatus from videogames until 2009. In early
17 2010, after months of practice, I decided to attempt the Donkey Kong record once more. In order
18 to ensure indisputable veracity of my record, I wanted to achieve my record in a public setting
19 under the observation of Twin Galaxies personnel, exactly as the record achieved from the
20 Mortgage Brokers Convention. As a result, I sought out a credible venue for my attempt, and I
21 found it in Boomers Arcade in Ft. Lauderdale, FL.

22 18. Upon contacting Boomer's Arcade, I learned that it did not possess a Donkey Kong
23 machine. Therefore, I asked Arcade Game Sales to provide a Donkey Kong machine. They
24 accommodated my request by contacting Enzo Celani – a local arcade machine vendor. Celani
25 only possessed original arcade hardware, and his 30 year reputation remains beyond reproach, so I
26 approved this source. Celani agreed to provide a legitimate Donkey Kong arcade machine. And,
27 despite the allegations, Celani maintains that his machine contained original unmodified hardware,
28

1 and that it returned in the same legitimate condition in which he loaned it to me. Attached hereto
2 as **Exhibit 15** is a true and correct copy of the Declaration of Enzo Celani.

3 19. The machine traveled from Enzo Celani to Boomers Arcade through the Route
4 Manager of Arcade Game Sales, Matt Furgal. Furgal delivered the machine sometime before
5 Friday, July 30, 2010. He then placed it within Boomers Arcade at the direction of its manager,
6 Joe Tortorella. Furgal and Tortorella ensured that the machine possessed the correct hardware and
7 necessary settings for my attempt. These two individuals also witnessed my record achievement.
8 The declarations provided by Matt Furgal and Joe Tortorella are attached hereto as **Exhibit 16** and
9 **Exhibit 17** respectively.

10 20. After failing on Friday, July 30, I achieved a new Donkey Kong world record of
11 1,062,800 points on Saturday, July 31. Again, Twin Galaxies assigned two of its personnel to
12 perform on-site verification of my record, and these personnel were Todd Rogers and Kimberly
13 Mahoney once more. (See **Exhibit 9** and **Exhibit 10**). For clarity, Twin Galaxies verified this
14 record through on-site referee adjudication.

15 21. On Monday, August 2, 2010, Furgal picked up the machine from Boomers Arcade
16 and subsequently returned it to Celani, which concluded the event. Celani confirmed that the
17 machine returned in the same state as he loaned it – with original unmodified Donkey Kong
18 hardware. (See **Exhibit 15**).

19 22. Following the aforementioned events, I retired from Donkey Kong competition in
20 late 2010. I decided to focus on building my businesses and supporting my family. However, I
21 remained active as an ambassador for competitive gaming, who made paid public appearances at
22 videogame conventions and festivals. I remained retired from professional competition until 2018.

23 PROOF OF FALSITY

24 23. Through the facts incorporated into paragraphs 3 to 21, and the expansions set forth
25 herein, the Twin Galaxies statements are false. In addition to my own refutations, the founder and
26 former owner of Twin Galaxies, Walter Day, disavows the claims. Day provided a sworn
27 declaration containing the full account of his conclusive testimony against the Twin Galaxies
28 allegations, and this declaration further outlines that Twin Galaxies was aware of his testimony but

1 deliberately omitted it from their evidentiary body. (See **Exhibit 1**). Moreover, in September 2019,
2 Guinness World Records (“GWR”) launched its own investigation that resulted in the reversal of
3 its previous removal of my records, which originally occurred as a result of the Twin Galaxies
4 allegations. On June 18, 2020, GWR publicly announced the full reinstatement of my Pac-Man
5 and Donkey Kong records. The Guinness World Records Reinstatement Announcement is
6 attached hereto as **Exhibit 18**. (See also, [https://www.guinnessworldrecords.com/news/2020/6/a-](https://www.guinnessworldrecords.com/news/2020/6/a-statement-from-guinness-world-records-billy-mitchell-621053)
7 [statement-from-guinness-world-records-billy-mitchell-621053](https://www.guinnessworldrecords.com/news/2020/6/a-statement-from-guinness-world-records-billy-mitchell-621053)), last accessed June 21, 2020.

8 24. **First**, my Pac-Man and Donkey Kong records occurred in public venues under the
9 observation of Twin Galaxies personnel, numerous arcade industry experts, and third-party eye-
10 witnesses. To this day, almost 20 eye-witnesses provided sworn declarations to the fact that I
11 performed my records on original unmodified hardware. In contrast, ZERO eye-witnesses testify
12 that I achieved my records on unoriginal modified hardware, as claimed by Twin Galaxies. This is
13 because the accusations never occurred and hence nobody witnessed it. I incorporated these
14 declarations in the exhibits throughout paragraphs 3 to 22.

15 25. **Second**, as previously outlined, I complied with former Twin Galaxies owner
16 Walter Day’s request to verify my hardware with the Senior Engineer at Nintendo, Wayne Shirk.
17 It is patently impossible for hardware verified by the videogame’s creator (Nintendo) to be
18 illegitimate. Furthermore, I never accessed the hardware before or after the performance, and
19 hence I never possessed the opportunity to commit the allegations. I attached a brief which
20 thoroughly outlines the process of the hardware verification with the associated real and
21 testimonial evidence. (See **Exhibit 19**).

22 26. **Third**, the Twin Galaxies allegations contradict common sense. For the allegations
23 to be true, it would not only require me to lie, but also the dozens of individuals involved in my
24 records. This includes Arcade Game Sales, the Mortgage Brokers, Boomers Arcade, casual
25 spectators, and the Twin Galaxies personnel themselves. In other words, it would require three
26 conspiracies involving three different groups of people in three different locations at three
27 different times for these allegations to be true. This amounts to roughly 20 different individuals,
28

1 and it would require these individuals to now lie under threat of perjury to the Courts of the United
2 States over a videogame score. This is simply not true.

3 27. **Fourth**, Twin Galaxies never provided evidence for “*how*” I committed these
4 egregious allegations. It possesses no witnesses, photos, videos, or any factual evidence to support
5 its dubious technical accusations. It never will produce any such evidence, because its allegations
6 are false and never occurred.

7 28. **Fifth**, as outlined further in this declaration and the associated exhibit, Twin
8 Galaxies lost the chain of custody over my videotapes for over ten-years to Mr. Dwayne Richard.
9 Richard, who provided them the now alleged videotapes, historically expressed his “master plan”
10 to “take [me] down.” He also asked Mr. Richard Vavrence to help him “fake an [emulation]
11 score,” and Vavrence publicly testified of this incident during the Twin Galaxies investigation. I
12 told Jason Hall about it, but Hall ignored it. There is a probable likelihood that these now alleged
13 tapes are false representations of my performance, which were edited by Richard. The “Chain of
14 Custody Brief,” which thoroughly expands upon this paragraph with the relevant exhibits, is
15 attached hereto as **Exhibit 20**.

16 29. **Sixth**, an extensive statistical analysis from expert witness Robert Lakeman, who is
17 an eight-time Donkey Kong World Record holder and the most knowledgeable Donkey Kong
18 player in history, demonstrated two facts: 1) the gameplay on these alleged videotapes exhibit
19 gameplay from a legitimate Donkey Kong Arcade machine, and 2) that no motive for these
20 accusations exists, because no competitive advantage occurs on the alleged videotapes. Lakeman’s
21 statistical analysis concluded that “I do not see a reason why Billy would need to even use
22 [emulation], or save states to film both games with this style of play.” A true and correct copy of
23 Robert Lakeman’s Expert-Witness Analysis is attached hereto as **Exhibit 21**.

24 30. **Lastly**, as shown throughout this declaration, several individuals disproved
25 numerous technical allegations set forth by Twin Galaxies and its community. Twin Galaxies has
26 displayed a track record of incorrect technical assessments, and one should proceed with caution
27 in believing any of its allegations. This declaration reviews three separate occurrences where Twin
28 Galaxies asserted a technical fact, and it was disproven.

THE TWIN GALAXIES “INVESTIGATION”

31. On **February 2, 2018**, I learned that Twin Galaxies member Jeremy “Xelnia” Young issued a dispute against my Donkey Kong records, which alleged that I cheated by using emulation. Several individuals informed me that Young operated the “Donkey Kong Forum” – an internet forum which discusses videogames. Because this was false, I prepared to fight the allegations from Young.

32. In the period between **February 3 and February 5, 2018**, I learned the following facts. 1) Twin Galaxies lost the chain of custody over ALL of my world record videotapes, 2) Twin Galaxies lost the chain of custody over ALL of the documentation associated with the videotapes, such as the submission forms and the eye-witness declarations provided by the Twin Galaxies referees, and 3) Mr. Dwayne Richard held custody of the videotapes. Richard has spent a decade defaming me across the internet, and he historically expressed intentions to “take [me] down” (*See Exhibit 20*).

33. As a result, I immediately knew that one of the two following solutions explained this circumstance, 1) the technical allegations by Young were bogus, and original unmodified Donkey Kong hardware CAN generate the output on these alleged videotapes, or 2) Mr. Richard falsified my videotapes to frame that I cheated. No matter the truth, no imaginary third option existed, because I achieved my records legitimately according to the outlined adjudication rules. Sometime between February 3 and February 6, I called Jason Hall, and I denied the allegations to him directly, clearly stating that I achieved my records on legitimate hardware.

34. The next week, from February 6 to February 13, 2018, I accepted numerous interview requests, where I denied the allegations publicly. For example, one interview occurred on “Empire Media – The XCAST” where I said, “My easy answer is that I’ve never played on [emulation].”

See: <https://www.youtube.com/watch?v=6JSzpj08Oe0>, last accessed May 8, 2020.

35. During the same week, Arcade Game Sales and its manager, Robert Childs, opened their Ft. Lauderdale retail store to anyone with expertise who believed they could provide the

1 solution to Young's allegations. In this time, numerous people visited Arcade Game Sales to offer
2 advice, such as Mr. Robert Childs and Mr. Neil Hernandez.

3 36. On **February 14, 2018**, Jason Hall officially engaged Mr. Chris Gleed as his
4 "third-party" investigator, who possessed no qualifications beyond that of a casual videogame
5 hobbyist. (See Jason Hall Declaration – Exhibit A, Page 435). At the time, I did not yet know that
6 Gleed was a long-time member of the "Donkey Kong Forum" and friend of Jeremy Young.
7 Therefore, Hall directly chose a member of the accusatory group for a "third-party." Furthermore,
8 I later learned that from the outset of the allegations, Gleed immediately expressed his conclusion
9 that I was guilty of cheating and my scores should be removed. On February 2, 2018, Gleed
10 publicly concurred with Young's accusations, writing "Great Work [Jeremy]! I wholeheartedly
11 support the resulting decisions." Attached hereto as **Exhibit 22** is Chris Gleed's February 2, 2018
12 statement. In context, the decision of Jeremy Young referenced the allegation that I was a cheater
13 who deserved to lose all of my records. Gleed's biased position and conflict of interest revealed
14 itself on multiple occasions throughout the investigation, which I highlight herein.

15 37. On **February 15, 2018**, Mr. Carlos Pineiro entered Arcade Game Sales to offer his
16 advice about the technicalities of the allegations. Pineiro claimed that he formerly worked as a
17 technician at SEGA (Videogame Production Company) and Pineiro confidently ensured Arcade
18 Game Sales that he could solve the confounding technical allegations against me. Shortly
19 thereafter, I visited Arcade Game Sales to meet Pineiro, and I thanked him and everyone else for
20 their compassion.

21 38. Although I thanked these people, I must state the following facts. 1) I never
22 solicited these individuals for their assistance; they participated upon their own initiative. 2) I
23 never paid these individuals for assistance, and I never compensated them in any other manner. 3)
24 I continuously reiterated to them that nobody spoke on my behalf. I told them that I was the only
25 person who speaks on my behalf.

26 39. Throughout this overall time span, I became aware and increasingly familiar with
27 the Twin Galaxies Dispute Thread ("Dispute Thread") – the public forum where Jason Hall claims
28 to have posted all information relevant to the Twin Galaxies "investigation." I learned that the

1 Dispute Thread possessed 1) no moderation of user conduct, 2) mostly anonymous posts with no
2 evidentiary content, and 3) almost exclusively the vitriol of individuals with personal animosity
3 towards me, who possessed no expertise about the issue and desired to see me harmed no matter
4 the falsity of the allegations. For example, I will name several of these individuals.

5 40. (1) Former Twin Galaxies referee Robert Mruczek, whom the previous Twin
6 Galaxies administration banned for abusive conduct, expressed direct hatred for me, compared me
7 to convicted sexual assaulter Bill Cosby, and falsified testimony to imply that I used money to
8 corrupt my way to success. On June 18, 2020, Mruczek spoke of me, saying “I hope someone
9 decks him a good one.” Robert Mruczek’s statements demonstrating personal animosity towards
10 me are attached hereto as **Exhibit 23**. (2) Former Twin Galaxies employee Wolff Marrow, whom
11 I’ve never met, compared me to convicted serial killers. Wolff Marrow’s statement demonstrating
12 personal animosity towards me is attached as **Exhibit 24**. (3) Twin Galaxies member Wes
13 Copeland called for the removal of my records seven months before the current allegations even
14 arose. A true and correct copy of Wes Copeland’s statement is attached hereto as **Exhibit 25**.
15 However, these examples only scratch the surface. Jeremy Young’s community from the Donkey
16 Kong Forum flooded the Dispute Thread, and it resulted in a cesspool of individuals with pre-
17 ordained conclusions expressing hatred for me 24-hours a day. Twin Galaxies never attempted to
18 moderate the conduct of their community.

19 41. Understanding these facts, I determined that the Dispute Thread was a witch hunt,
20 and I decided that I would not participate in the “kangaroo court” set forth in it. To the contrary, I
21 chose to engage Twin Galaxies directly to defend myself. The Twin Galaxies motion calls the
22 Dispute Thread a “lively public debate.” However, the most cursory unbiased analysis of its
23 contents would prove this factually false. The Twin Galaxies motion and Jason Hall’s declaration
24 also heavily imply that I never attempted to defend myself, simply because I never posted in its
25 Dispute Thread. However, this is also false, and it omits the multiple-hour phone calls and text
26 message communications between me and Jason Hall, where I vigorously defended myself from
27 these accusations. The following paragraphs explain these facts.
28

1 42. I later learned that on **February 22, 2018**, Twin Galaxies received a shipment from
2 Mr. Dwayne Richard. The shipment contained several videotapes, all of which Richard alleged
3 belonged to me. A true and correct photo of the videotapes is attached as **Exhibit 26**. Hall
4 immediately attributed the 1,047,200 point and 1,050,200 Donkey Kong videotapes to me.
5 However, for some reason, Hall ignored the “6 [HOUR] PERFECT GAME PAC-MAN,” which
6 Richard publicly asserted was my Pac-Man world record videotape. At the time, I paid little
7 attention to Hall’s decision to ignore the videotape of my Pac-Man record. However, as shown
8 later, I eventually learned that Hall decided to deliberately hide the videotape from public scrutiny
9 to bury evidence in my favor.

10 43. **On or about February 24, 2018**, I engaged in my first significant contact with
11 Twin Galaxies. I spoke in a phone conversation with Jason Hall. In this phone call, I complied
12 with Hall’s requests and answered his questions. He questioned me on three main topics. Firstly,
13 Hall asked if the videotapes over which Twin Galaxies lost the chain of custody belonged to me. I
14 stated that the videotapes did not possess my physical appearance nor my audio, and considering
15 his source’s personal animosity for me, I did not know. Secondly, Hall questioned me about a
16 “statistical analysis” presented by Wes Copeland, which alleged that I used emulation to falsify
17 my performance. I reiterated that I did not falsify my records, and therefore any analysis asserting
18 such was false. Lastly, Hall asked me to join the Dispute Thread, because “it would go a long way
19 in appeasing the people.” I told Hall that these individuals would only be appeased by a public
20 humiliation of me, and that they already concluded me as guilty. I specifically told Hall that I “will
21 not enter a kangaroo court,” and if he possessed questions or inquiries, I will comply with them
22 through direct communication.

23 44. After Hall’s questions, I initiated my defense to the allegations. I immediately told
24 Hall that my records occurred in public venues under the observation of Twin Galaxies personnel
25 and third-party eye-witnesses. I urged Hall to interview these Twin Galaxies personnel and eye-
26 witnesses who would easily deny the allegations. However, Hall immediately refused my entreaty,
27 stating that he “doesn’t care about what anybody says.”
28

1 45. Then, I explained that the previous Twin Galaxies administration verified my
2 hardware with the Senior Engineer at Nintendo. (See **Exhibit 19**). I also asserted that I still
3 possessed the box which the Engineer utilized to return the hardware to me. This included the UPS
4 tracking number and shipping label. (See **Exhibit 14**). Therefore, I clearly played on original
5 unmodified equipment. However, Hall refused to investigate these facts as well, claiming he
6 “didn’t care.” Although I did not record the phone call for obvious legal reasons, Hall repeated
7 these words to the public on March 23, 2018, stating “[Twin Galaxies] does not care about
8 [verified hardware], or any other non-relevant item to the dispute claim”. Jason Hall’s March 23,
9 2018 statement is attached as **Exhibit 27**. (See also, Jason Hall Declaration, Exhibit A, Page 851.)
10 Hall never explained how the Senior Engineer at Nintendo’s verification of my hardware was
11 somehow “non-relevant” to the veracity of my records.

12 46. Prior to this phone call, I did not yet suspect that Twin Galaxies, especially Jason
13 Hall, possessed a pre-ordained conclusion about the allegations against me. However, this phone
14 call provided the first alarming moments of the Twin Galaxies “investigation.” I continued to
15 request Hall to review the evidence cited in Paragraphs 44 and 45; however, he never complied.

16 47. On Friday, **March 9, 2018**, Jason Hall sent me a text message which stated, “Are
17 you able to send me the [convertor] board you found that you used to record your performances?”
18 A true and correct copy of the March 9, 2018 text message exchange is attached as **Exhibit 28**. I
19 recognized that Hall intended to perform some type of work, so I complied with Hall’s inquiry. I
20 later learned that on Saturday, March 10, at 3:55 PM, Hall posted an “update” to the Dispute
21 Thread, stating that “We have found the [convertor] boards in question and have purchased two of
22 them.” (See *Jason Hall Declaration – Exhibit A, Page 663*). This event marked the moment which
23 Hall bought the equipment which supposedly “recreated” my recording set-up. Considering Hall
24 purchased it on a Saturday, it could not have arrived until at least Tuesday, March 13.

25 48. On **March 17, 2018**, I attended the Donkey Kong World Championships in
26 California. Although Twin Galaxies did not to attend the event, its third-party investigator, Chris
27 Gleed, was present. I never previously met Gleed, so I approached him for a conversation. After
28 introducing myself, I said that “if you have any questions about anything, please ask.” Gleed said

1 “no” and immediately walked away. Later in the day, I attempted to speak with Gleed again, but
2 he simply walked away once more. Gleed refused to even engage me in a conversation, and he
3 never contacted me before or after this incident. To the contrary, as shown herein, Gleed decided
4 to make inflammatory comments about me thereafter. It is very clear that Gleed only sought to
5 convict me from the outset.

6 49. Also, at the Donkey Kong World Championships, the allegations against me
7 became materially impossible. Hall, Young, and the Dispute Thread alleged that I utilized
8 “MAME” emulation in my records. However, the specific version of MAME was not created until
9 AFTER I achieved my 1,047,200 record. I believed this discovery absolved me of the allegations,
10 and proved that the lost chain-of-custody videotapes were altered. However, Jason Hall assisted
11 the Dispute Thread in fabricating explanations in an effort to circumvent this fact; nevertheless,
12 these explanations failed to refute the discovery. Hall responded by simply ignoring this fact, and
13 Hall acted as if it didn’t exist. Attached as **Exhibit 29** is The “Girder Finger” Brief, which
14 demonstrates and explains the falsity of Hall’s accusation in detail.

15 50. **On or about March 19, 2018**, I received a phone call from Walter Day – the
16 former owner of Twin Galaxies. Day informed me that he received a phone call from Jason Hall
17 roughly one week prior, where Hall asked him, “How will you feel when I announce that Billy
18 cheated?” Day explained that Hall was extremely closed off to anything which opposed this
19 allegation, and Day told me that Hall ended the call by saying that “It doesn’t matter what
20 anybody else does, I know more about this than anybody, and I have better equipment.” At this
21 moment, I fully realized that Hall’s “investigation” deliberately intended to convict me.
22 Everything I provided him thus far simply facilitated his final goal. Day provided his testimony
23 about this phone call in his sworn declaration. (See **Exhibit 1**).

24 51. In addition to Day’s testimony, I possess other reports corroborating Day’s words,
25 although they arrived long afterward. In July 2019, I received a phone call from Mr. Dean Wenzel.
26 Wenzel is a videogame enthusiast who spoke to several individuals during the investigation,
27 including Wes Copeland. On April 8, 2018, Copeland told Wenzel the following:

28 “I’ve been chatting with [Jason Hall] a little bit behind the scenes... I have no idea

1 what [Jason] is going to do. He asked me a very interesting question in my recent
2 convo with him: “What does the [Donkey Kong] community think I am going to
3 do?” I can tell you this. [Jason] **has been pretending to be impartial for the last**
4 **month, including during that 4-hour + [Facebook] livestream. He made up his**
5 **mind a long time ago.”**

6
7 Wenzel provided a sworn declaration with the message conversation. The Declaration of Dean
8 Wenzel is attached as **Exhibit 30**.

9 52. **On March 21, 2018**, Twin Galaxies “third-party” investigator, Chris Gleed, wrote
10 about me on the Donkey Kong Forum. He stated: “I really can’t imagine carrying all that weight
11 of the wrong-doing around for so many years, and then having it surface and piece-by-piece fully
12 exposed.” A true and correct copy of Chris Gleed’s March 21, 2018 statement is attached as
13 **Exhibit 31**. Once again, the “third-party” who supposedly operated without pre-ordained
14 conclusions displayed his inherent bias as a member of the group alleging that I am a cheater. Yet,
15 Twin Galaxies still retained him as their “third-party” investigator.

16 53. During the “investigation,” I requested Hall to contact the former manager of
17 Boomers Arcade, Joe Tortorella. Tortorella witnessed my 1,062,800 Donkey Kong record, and he
18 presented a disinterested third-party eye-witness account to deny the allegations. In addition,
19 Hall’s own community demanded an interview of Tortorella. On **March 22, 2018**, Twin Galaxies
20 member “LMDAVE” posted to the Dispute Thread that:

21 “...after Billy broke the Donkey Kong record, they introduce us to the manager at
22 the time, Joe [Tortorella]. I’m sure the best manager to speak with about this
23 dispute would be the manager at the time, Joe [Tortorella].” (*See Jason Hall*
24 Declaration – Exhibit A, Page 824).

25 “LMDAVE” also attached a picture, which displayed Tortorella at the event in question. Other
26 users engaged this comment, and it received significant attention. Despite this fact, Hall chose
27 to not contact him, clearly because Hall knew that Tortorella would strongly deny the
28

1 allegations, exactly as every other eye-witness had done. (*See Exhibit 17*).

2 54. On March 22, 2018, Hall conducted a broadcast on Facebook, where he publicly
3 reviewed the videotapes which allegedly portray my Donkey Kong records. Hall did not inform
4 me about the broadcast, and I did not possess a Facebook account. As a result, I was not able to
5 participate. However, the broadcast possessed key moment which conveys Hall's malice toward
6 me. Toward the end of the broadcast, Hall played the Pac-Man videotape from Dwayne Richard,
7 which I mentioned in Paragraph 42. Prior to playing the videotape, Hall stated that "I have a
8 Perfect Pac-Man sitting here. I don't know if it belongs to Billy."

9 55. Hall then inserted the tape, and the videotape clearly displayed my Pac-Man world
10 record game. Unlike the Donkey Kong videotape, the Pac-Man videotape shows my physical
11 appearance, and my audio is present in the footage. At the 15 minute mark, Mr. Glen Updike
12 stated, "Hey, look there is [Billy's] reflection on the screen," and at the 17 minute mark, Mr. Mat
13 McGill noted, "You can hear Billy playing," meaning that my voice was clearly audible on the
14 videotape. Furthermore, several other participants generally asserted that the videotape clearly
15 belonged to me. Despite his entire audience pointing out these facts, Hall ignored them, electing to
16 answer different questions. After roughly 15 minutes, Hall quietly removed the Pac-Man
17 videotape, and never provided public access to it thereafter.

18 See: <https://www.facebook.com/70797629903/videos/10156194515649904>, last accessed May
19 9, 2020.

20 56. Furthermore, on the Facebook broadcast, Hall directly admitted that *The King of*
21 *Kong: A Fistful of Quarters* "documentary" is not a truthful film. Hall states that, "There is clearly
22 a lot of editing and drama inserted into *The King of Kong*. It's not really a documentary." Others
23 told me that Hall called it "Docu-drama" at a different point in the broadcast. The aforementioned
24 quote can be heard in the YouTube video: https://youtu.be/lirf4_jiX0Y?t=2709, last accessed May
25 8, 2020.

26 57. On or about March 24, 2018, my son who is also named Billy Mitchell,
27 questioned Jason Hall about the lost chain of custody videotapes. My son asked Hall: "How do
28

1 YOU know those are the same [videotapes]...” Hall responded with his allegations, one of which
2 stated, “Referees have confirmed that these are the tapes which they viewed at the time of
3 adjudication.” In other words, Hall directly admitted to utilizing witness testimony to justify his
4 lost chain of custody. Meanwhile, Hall still did not interview any obvious eye-witnesses who
5 would easily deny the allegations against me. On this day, I learned that Hall not only refused to
6 contact the eye-witnesses, but sought to enlist any witness testimony (not eye-witnesses) that
7 would impugn me and justify his goal to convict me. A true and correct copy of the Hall’s
8 statement is attached as **Exhibit 32**.

9 58. **On March 30, 2018**, Twin Galaxies released an article titled, “Twin Galaxies
10 Explores Capturing Equipment used in Billy Mitchell Score.” The article recapped Hall’s initial
11 allegations about the convertor board from Paragraph 47. Hall stated that the converter board only
12 output a “BLACK AND WHITE or SEMI-MONOCHROMATIC display.” However, within a few
13 days, Mr. Neil Hernandez debunked this claim, producing the correct color with the converter
14 board. “The Color Brief,” which explains and demonstrates the falsity of Hall’s claim is attached
15 hereto as Exhibit 33. *See also* [https://www.twingalaxies.com/feed_details.php/875/twin-galaxies-](https://www.twingalaxies.com/feed_details.php/875/twin-galaxies-explores-capturing-equipment-used-in-billy-mitchell-score)
16 [explores-capturing-equipment-used-in-billy-mitchell-score](https://www.twingalaxies.com/feed_details.php/875/twin-galaxies-explores-capturing-equipment-used-in-billy-mitchell-score). last accessed May 9, 2020.

18 59. **On March 31, 2018**, Gleed uploaded a YouTube video in the course of his work
19 for Twin Galaxies. In the video, Gleed speaks of me, saying:

20 “Please Billy, if you wouldn’t mind, go ahead and fess up. I’m tired of spending
21 time on this. I’m sure I’m not the only one. I’d think we’d all like to get on with our
22 lives at this point.”

23 *See* <https://youtu.be/JF1FPsYolY?t=126>, last accessed May 10, 2020.

24 To the best of my knowledge, this quote was Gleed’s final inflammatory comment during the
25 “investigation,” in which he supposedly served as an unbiased “third-party” investigator. Gleed
26 never contacted me for evidentiary inquiry or questioning, and Gleed’s inherent bias as a long-
27 time member of Jeremy Young’s Donkey Kong Forum revealed itself on multiple occasions
28

1 throughout the “investigation.” Twin Galaxies’ choice to hire an inherently biased third-party
2 investigator simply facilitated its goal to convict me.

3 60. **On March 31, 2018**, I had my second phone call with Jason Hall. At 10:29 PM, I
4 texted Hall, asking “Would you have time for conversation tomorrow or tomorrow evening?” Hall
5 said, “Sure.” In this conversation, I once again asked Hall to consider interviewing the numerous
6 eye-witnesses and to recognize the fact that the Senior Engineer at Nintendo verified my
7 hardware. Hall refused my entreaty, reiterating that he “didn’t care.” The call also contained
8 conversation about the lost chain of custody videotapes, where Hall admitted that he could not
9 find the original videotapes.

10 61. Although I knew long before **early April 2018** that Jason Hall already made up his
11 mind on a specific outcome, I did not give up on defending myself. During this period, I had
12 numerous text message and phone conversations with Hall. Hall and I spoke on the phone on
13 **April 3, April 8, and April 11, 2018**. In all three of these exchanges, I continuously denied the
14 allegations, and asked him to interview the obvious witnesses and documentation which proved
15 my case. Hall refused, and told me numerous times that “it doesn’t matter” and that he “didn’t
16 care.” On a few occasions, I responded to Hall’s claims by saying, “A judge and a jury will care, I
17 promise it.”

18 62. **On April 5, 2018**, Hall clearly and obviously began to position himself in
19 anticipation for legal retaliation to his planned announcement. He began to imply that I hadn’t
20 attempted to defend myself, despite the fact that this was patently false. He texted me phrases such
21 as “Hey Bill, as stated numerous times, you have not been under any obligation to provide any
22 information regarding any of your scores that have been previously adjudicated and accepted by
23 [Twin Galaxies].”

24 63. In my response to Hall, I fully understood the purposes of his words. I told Hall
25 that, “I understand what you’re saying and I want you to understand that I am realizing that you
26 are positioning yourself very comfortably in case there is any action or backlash taken against you.
27 An attorney could not have written it any better...”
28

64. On April 11, 2018, I texted Jason Hall asking, “Can you please look over the Perfect Pac-Man tape in your possession that is said to be mine...” I requested Hall to review this videotape, because I wanted access to the public record of my Pac-Man achievement. However, Hall refused, stating that, “That’s outside of the scope of the current dispute work being done. We only look at actual dispute case assertions.” Most notably, Hall did NOT deny that the tape belonged to me; however, he clearly would not allow it to become publicly accessible. The April 11th Text Message Exchange is attached as **Exhibit 60**.

65. On April 12, 2018, at 1:00 p.m. PST, Twin Galaxies published its public press release which alleged as a statement of fact that I did not utilize an “original unmodified PCB” (The PCB operates the Donkey Kong machine). In summary, the allegation parallels accusing a professional baseball player of utilizing performance enhancement drugs. In both instances, the videogame player and the baseball player employ illegal means to gain a competitive advantage. It is an allegation of cheating.

66. Also, to my surprise, Twin Galaxies alleged that it was a FACT that I did not utilize an “original unmodified PCB” to achieve my records. Firstly, Twin Galaxies worded the primary defamatory statement as a fact:

“The taped Donkey Kong score performances of 1,047,200 (the King of Kong “tape”), 1,050,200 (the Mortgage Brokers score) that were historically used by Twin Galaxies to substantiate those scores and place them in the database were not produced by the direct feed output of an original unmodified Donkey Kong Arcade PCB.”

Furthermore, the statement also directly calls it a fact, saying [with emphasis in bold]:

“While **we know for certain** that an unmodified original DK arcade PCB did not output the display seen in the videotaped score performances, we cannot definitively conclude that what is on the tapes is MAME.”

See: https://www.twingalaxies.com/feed_details.php/1047/billy-mitchells-donkey-kong-and-

[all-other-records-removed/4](#), last accessed May 10, 2020.

67. Twin Galaxies also accompanied the statement with heavy innuendo that I cheated. Firstly, Twin Galaxies imposed heavy sanctions upon me, banning me for life and stripping me of all my records, even Pac-Man. The Twin Galaxies rulebook itself associates this punishment with “Deliberate cheating or misrepresentation of any kind.” See:

https://www.twingalaxies.com/wiki_index.php?title=Policy:Activities-That-Can-Get-You-Banned-For-Life., last accessed May 12, 2020.

68. In addition, Twin Galaxies provided more innuendo by requesting Guinness World Records to remove my Pac-Man records. Guinness World Records, who had not performed due diligence in the matter, simply trusted that Twin Galaxies performed a truthful investigation. So, I lost all my active Guinness World Records.

See: <https://variety.com/2018/gaming/news/billy-mitchell-pac-man-world-record-1202752594/>, last accessed May 10, 2020.

69. At the very least, the statement deliberately lied through implication, and Twin Galaxies provided heavy innuendo to enforce this implication with the punitive sanctions its rulebook associates with “deliberate cheating.”

70. The following news commentary further proved that people, such as the mainstream media, understood the allegation, its implications, and attached innuendo. For example, at 05:16 hours, *Variety* published the story to millions, pulling no punches that:

“Famed high-score gamer Billy Mitchell, best known for his role in “The King of Kong: A Fistful of Quarters” documentary, was officially stripped of his “Donkey Kong” and other video game high scores and banned from submitting scores to the world’s largest tracker of video game world records *following a decision that he cheated*, Twin Galaxies announced today.”

See: <https://variety.com/2018/gaming/news/king-of-kong-stripped-of-title->

1 [1202751358/](https://arstechnica.com/gaming/2018/04/premiere-game-scoreboard-bans-billy-mitchell-in-donkey-kong-cheating-scandal/), last accessed June 21, 2020.

2 71. Moreover, videogame media outlet *Ars Technica* published an article titled
3 “Cheater! Billy Mitchell Stripped of Scores, Banned from Premiere Scoreboard.” The news
4 traveled further from there, making articles in *The New York Times*, *The Washington Post*, and
5 other major media outlets. As explored in the “SPECIAL DAMAGES” section, I immediately
6 suffered monetary losses to my professional videogame career and my relevant businesses.

7 See: [https://arstechnica.com/gaming/2018/04/premiere-game-scoreboard-bans-billy-mitchell-](https://arstechnica.com/gaming/2018/04/premiere-game-scoreboard-bans-billy-mitchell-in-donkey-kong-cheating-scandal/)
8 [in-donkey-kong-cheating-scandal/](https://arstechnica.com/gaming/2018/04/premiere-game-scoreboard-bans-billy-mitchell-in-donkey-kong-cheating-scandal/) , last accessed June 21, 2020.

9 72. Lastly, Twin Galaxies made the incredibly false statement that:

10 “Most notable was the 3rd party (Carlos Pineiro) that Billy Mitchell engaged to
11 help examine the dispute case claims on his behalf, utilizing whatever original
12 equipment Billy could provide, whose final finding was consistent with Twin
13 Galaxies investigation and others.”

14 But I never “engaged [Carlos Pineiro] to help examine the dispute case claims” on my behalf, and
15 I did not provide Pineiro equipment or compensation of any form. To the contrary, Pineiro was a
16 random individual who entered Arcade Game Sales on his own volition, promising to debunk the
17 allegations, and I explicitly told Pineiro that he did not act on my behalf. This Twin Galaxies
18 statement is simply a *lie*. I was kind to Pineiro, and I communicated with him, but his involvement
19 with me did not extend beyond cordial communication, much less action on my behalf. Lastly,
20 although Pineiro did concur with Twin Galaxies, he also provided a full retraction of his
21 conclusions in a sworn declaration notarized by his lawyer on September 10, 2019. Pineiro’s
22 retraction declaration is attached as **Exhibit 34**.

23 AFTER THE STATEMENTS

24 73. As stated previously, Twin Galaxies’ decision to assert as a fact that I did not
25 achieve my records on an “original unmodified PCB” surprised me, and with the heavy innuendo
26 provided by their heavy sanctions, and their heavy sanctions were tantamount to calling me a
27
28

1 cheater. The entire world perceived it as such. Although I foresaw the result of their pre-ordained
2 investigation before the statement, I never imagine it would issue a public press release framing
3 these allegations as facts. It maliciously lied about me in allegations of fact, and as a result, I
4 decided to pursue legal recourse. My initial legal counsel advised me to prepare evidence for a
5 retraction demand and potential litigation. Therefore, I spent my time, away from work, traveling
6 to collect all available evidence. It became a financially exhaustive and time-consuming process,
7 which took about 16 months.

8 74. On September 9, 2019, my law firm issued Twin Galaxies and Guinness World
9 Records a retraction demand for its statements. Attached hereto as **Exhibit 35** is a true and correct
10 copy of the September 9, 2019 retraction demand. The retraction demand presented about 20
11 sworn eye-witness declarations, evidence that the Senior Engineer at Nintendo verified my
12 hardware, expert gameplay analyses, and technical analyses. I already cited the pertinent evidence
13 in the retraction demand throughout this declaration.

14 See: [https://docs.google.com/document/d/1lGODhaCGZ_ZLCwMHJS74ZNE0YrI5uD_yjxsTiLYb](https://docs.google.com/document/d/1lGODhaCGZ_ZLCwMHJS74ZNE0YrI5uD_yjxsTiLYb9Ls/edit?usp=sharing)
15 [9Ls/edit?usp=sharing](https://docs.google.com/document/d/1lGODhaCGZ_ZLCwMHJS74ZNE0YrI5uD_yjxsTiLYb9Ls/edit?usp=sharing)

16 75. The retraction demand requested a response within 14 days, which dated the
17 deadline as September 23, 2019. However, within 24 hours, I learned that Jason Hall disregarded
18 the evidence, because he spent his time gathering people for a meritless class-action lawsuit
19 against me. On September 12, Hall posted an email from former Twin Galaxies referee Robert
20 Mruczek, which said “[Jason], as discussed last night, if a point is reached where Billy’s legal
21 action is squashed, then I would definitely want to be part of that class-action suit against him.”
22 Mruczek’s message to Hall regarding the “class-action” is attached as **Exhibit 36**. Therefore, I
23 knew that Hall did not care about the truth, and by extension, would ignore the demand and its
24 evidence.

25 76. Nevertheless, Hall continued the fraudulent Twin Galaxies’ “investigation.” He
26 posted testimonial evidence from former referee Robert Mruczek and former referee Greg
27 Sakundiak for “evidentiary relevance” to support his lost chain of custody. (See **Exhibit 36**)
28 Attached as **Exhibit 37** is the email exchange between Hall and Sakundiak posted by Hall. Hall

1 again posted an email from Mruczek for “evidentiary content” on September 14. Mruczek’s email
2 is attached as **Exhibit 38**. Then, on September 21, Mruczek talked about a recent “lengthy call”
3 with Jason Hall, presumably the call where Hall spoke of filing a class-action lawsuit against me.
4 Attached as **Exhibit 39** is Mruczek’s September 21, 2019 post. In parallel, Hall refused to contact
5 the witnesses who provided sworn eye-witness declarations to the veracity of my records.

6 77. As expected, Twin Galaxies refused to retract its statements on September 28,
7 2019. The letter simply doubled down on its allegations and ignored all evidence contradictory to
8 them, including the numerous eye-witness declarations and the verification from the Senior
9 Engineer at Nintendo.

10 78. However, Guinness World Records responded differently.

11 79. Guinness World Records announced the full reinstatement of my records on June
12 18, 2020. Guinness World Records reinstated my records based upon the same evidence which
13 Twin Galaxies ignored in its original investigation and the retraction demand. (See **Exhibit 18**).

14 80. As a result, I issued Twin Galaxies a second retraction demand on June 18, 2018.
15 However, Twin Galaxies again denied it, refusing to tell the truth despite the contradictory
16 investigative conclusions from its own 36-year partner, Guinness World Records. The second
17 demand letter is attached as **Exhibit 41**.

18 81. Shortly after Guinness World Records reinstated of my records, Ars Technica
19 wrote an article titled, “Guinness Reinstates Billy Mitchell’s Pac-Man, Donkey Kong Records.” In
20 the article, Jason Hall responded to a request for comment, where he sent a meme of Kermit the
21 Frog sipping tea as an adolescent insult, showing how little he cares about the truth and how little
22 he cares about the impact Twin Galaxies’ statements have had on me. See:

23 <https://arstechnica.com/gaming/2020/06/guinness-reinstates-billy-mitchells-donkey-kong-pac->
24 [man-records/](https://arstechnica.com/gaming/2020/06/guinness-reinstates-billy-mitchells-donkey-kong-pac-man-records/)

25 82. Lastly, after Twin Galaxies’ response to the initial retraction demand, I noticed that
26 it asserted that the alleged videotapes exhibit a “unique display orientation.” Then, I learned that it
27 alleged this as a fact toward the end of its “investigation.” However, Jason Hall himself
28 contradicts this allegation. On March 22, 2018, Jason Hall stated that [with emphasis in bold]:

1 “The two-bit recorder, actually will output a screen orientation, which is actually
2 180 degrees from what you’re seeing here. So then that opened up the whole
3 conversation of, well if the screen orientation is this way, it had to have not been a
4 Donkey Kong machine, and then of course we investigated the entire process of
5 sometimes people install monitors upside-down, so they change the output of the
6 actual Donkey Kong PCB to be flipped, so therefore it would be flipped, maybe
7 Billy used a machine like that, yada yada yada, so the point of the matter is **the**
8 **orientation of this is not a determining factor, we cannot eliminate the**
9 **possibility that an arcade machine produced it.” See:**

10 https://youtu.be/lirf4_jiX0Y?t=3558, last accessed May 10, 2020.

11
12 Nevertheless, numerous arcade technicians approached me with solutions for Hall’s new
13 allegation, because it is false. Therefore, I asked an arcade technician for a formal write-up to
14 debunk these allegations. A true and correct copy of the Orientation Assessment conducted by the
15 technician is attached hereto as **Exhibit 42**.

16 MALICIOUS AND RECKLESS INVESTIGATIVE CONDUCT

17
18 83. Under this heading, I set forth all the evidence which clearly and convincingly
19 displays Twin Galaxies malice and reckless disregard for the truth. The followings points are: 1)
20 failure to contact key eye-witnesses; 2) intentional disregard of evidence in my favor; 3) refusal of
21 two separate retraction demands; 4) deliberately burying evidence in my favor; 5) a pre-ordained
22 conclusion; 6) employing a clearly biased third party investigator; 7) failure to fact-check
23 information; and 8) refusal to provide equal evidentiary access.

24 **1) Failure to Contact Key Eye-Witnesses**

25 84. When I achieved my Donkey Kong records, Twin Galaxies sent its own referees to
26 adjudicate my records on the spot. These referees were Ms. Kimberly Mahoney and Mr. Todd
27 Rogers. To this day, both referees confirm that I achieved my records on original unmodified
28 hardware. (See **Exhibit 9** and **Exhibit 10**). However, in its investigation, Twin Galaxies simply

1 decided to not interview these obvious sources who would have easily denied the allegations
2 against me. It left me wondering, why did I undergo the Twin Galaxies verification process if it
3 would decide to deliberately ignore the evidence upon the outbreak of an investigation? In effect,
4 Twin Galaxies disregarded the verification process that it had outlined, and I had complied with
5 years earlier, to influence the current “investigation” and facilitate a negative outcome for me.

6 85. Furthermore, the decision to ignore obvious sources extended beyond the referees.
7 Twin Galaxies also failed to contact the organizations who hosted my records attempts,
8 specifically the Mortgage Brokers and Boomers Arcade, who also could have easily denied the
9 allegations. (See **Exhibit 11**, **Exhibit 12**, and **Exhibit 17**). In the case of Boomers Arcade,
10 participants in the Dispute Thread located the former manager Joe Tortorella, notifying Twin
11 Galaxies on March 22, 2018. (See Paragraph 53). Despite having this information, Twin Galaxies
12 simply chose to not interview him.

13 86. However, Twin Galaxies selectively chose to solely ignore witnesses who proved
14 my innocence. As shown in Paragraph 56, Hall admitted to accepting witness testimony to support
15 the lost chain of custody videotapes, which by extension supported the allegations against me.
16 Again, after I issued a retraction demand in September 2019, Twin Galaxies posted testimonial
17 emails from former referees Robert Mruczek and Greg Sakundiak. Although Mruczek and
18 Sakundiak did not witness my records, Twin Galaxies utilized their testimony to support the lost
19 chain of custody videotapes. (See **Exhibits 36 - 39**).

20 87. There is no debate that Twin Galaxies failed to corroborate its allegations with all
21 obvious sources, even its own former referees. Moreover, its decision to selectively accept witness
22 testimony against me displays downright malicious intention.

23 **2) Intentional Disregard of Evidence in My Favor**

24 88. As reviewed in **Exhibit 19**, Twin Galaxies verified my hardware with the Senior
25 Engineer at Nintendo, Wayne Shirk. Former Twin Galaxies owner, Walter Day, and the Florida
26 Association of Mortgage Brokers confirm this fact in their declarations (See **Exhibit 1**, **Exhibit**
27 **11**, and **Exhibit 12**); and, to this day, I still possess the UPS box which the Senior Engineer
28

1 utilized to return the hardware to me. (*See Exhibit 14*). I cooperated with the requests not only to
2 follow the rules, but also because it indisputably proved the veracity of my record.

3 89. However, despite awareness of this fact, Jason Hall disregarded the evidence,
4 refusing to investigate it entirely. On March 23, 2018, Hall publicly stated that “[Twin Galaxies]
5 does not care about [verified hardware], or any other non-relevant item to the dispute claim.” Once
6 again, it left me wondering why Twin Galaxies’ verified my hardware if it would decide to
7 disregard this verification upon the outbreak of an investigation. Twin Galaxies’ intentional
8 disregard of this obvious evidence, which was facilitated at the request of its former owner, once
9 again portrays its clear malice in the “investigation.”

10 **3) Refusal of Two Retraction Demands**

11 90. On September 9, 2019, I issued Twin Galaxies AND Guinness World Records a
12 retraction demand for its defamatory statements of April 12, 2018. I presented roughly 20 sworn
13 eye-witnesses declarations, an expert witness, thorough technical analysis, and irrefutable proof
14 that my records received verification from the Senior Engineer at Nintendo. Because my demand
15 contained a lot of information, I provided both organizations 14-days to respond.

16 91. However, within 48 hours of the retraction demand, Jason Hall posted an email
17 exchange with Mr. Robert Mruczek, where Mruczek says “[Jason], as discussed last night, if a
18 point is reached where Billy’s legal action is squashed, then I would definitely want to be part of
19 that class-action suit against him.” (*See Exhibit 36*). I learned about this email shortly after, and I
20 understood that Hall clearly would not accept the demand, because his attack on me was personal,
21 as evidenced by his plan to sue me in a class-action lawsuit. As expected, on September 28, 2019,
22 Twin Galaxies denied the retraction demand. It never contacted the witnesses, and it never
23 reviewed the documentation presented in it. I know because the witnesses communicated to me
24 that they never received contact from Hall.

25 92. However, the retraction demand prompted an investigation within Guinness World
26 Records. On December 12, 2019, Guinness World Records notified me of its unanimous decision
27 to reinstate my records. On June 18, 2020, Guinness World Records posted its official statement.
28 (*See Exhibit 18*).

93. Guinness World Records reinstated my records based upon the same evidence which Twin Galaxies ignored during its original investigations and also ignored during the retraction demand. On June 18, 2020, I issued Twin Galaxies a second retraction demand, providing a final opportunity to tell the truth. However, it denied this retraction demand as well. The refusal of two separate retraction demands, even in the face of the conflicting conclusion of its 36-year partner in Guinness World Records, proves that Twin Galaxies possesses undeniable reckless disregard.

4) Deliberately Burying Evidence in My Favor

94. As reviewed in Paragraphs 42, 54 and 55, Hall possesses my Pac-Man videotape. However, unlike the Donkey Kong videotapes, Hall decided to claim that he “did not know” who owned the Pac-Man videotape. Hall maintained this position even through a live Facebook broadcast, where he played the Pac-Man videotape which displayed my physical appearance and voice. Hall’s own Twin Galaxies community noted these facts, saying “Hey look there is [Billy’s] reflection on the screen,” and “You can hear Billy playing.” However, Hall ignored these comments and all similar comments. Furthermore, on April 11, 2018, I texted Hall, asking for him to review the Pac-Man videotape in his possession. Hall refused my request, but he notably did not claim he “did not know” the videotape belonged to me (*See again – Paragraph 54 and 55*).

95. However, Hall publicly maintained the claim that he “does not know” who owns the videotape. Over time, the Twin Galaxies community mounted pressure on Hall to release the videotape, demanding full transparency from the company. However, despite the undeniable evidence, Hall unbelievably said that “any and all association of that tape with any specific person based on that [Facebook] broadcast is based on public speculation and has not been proven by anyone as definitive.”

See: <https://www.twingalaxies.com/jace-hall/wall/7423/how-many-still-stand-/page/5#comments>, last accessed May 10, 2020.

96. With the pressure mounted by the Twin Galaxies community and the personal text message exchange, it is simply impossible for Hall to “not know” the videotape belongs to me. However, it leaves two important questions: “Why would Hall hide the videotape?” and “Why

1 does this matter?” Hall hid the Pac-Man videotape for two reasons: 1) The videotape would have
2 provided me undisputed evidence to publicly refute the Twin Galaxies allegations; and 2) I would
3 have utilized the videotape as evidence for Guinness World Records to justify a reinstatement of
4 my Pac-Man record. Hall clearly wanted to avoid any public relations nightmares for Twin
5 Galaxies, and as a result, he elected to bury the videotape from the public eye.

6 97. This evidence matters, because it substantially proves that Hall possessed deeper,
7 more malicious intentions than the verification of my records. It portrays that Hall did not simply
8 act on a claim he believed was truthful, but that he possessed an overarching intention to ruin my
9 career and bury any evidence which opposed that goal. If Hall truly only cared for the truth, then
10 he would not have hidden the evidence from public scrutiny. One can clearly infer through this
11 objective evidence that Hall desired to suppress all evidence in favor of me and deprive me of the
12 ability to combat the Twin Galaxies allegations on any level.

13 **5) A Pre-Ordained Conclusion**

14 98. Jason Hall’s declaration states that specifically his failure to replicate the “images
15 and artifacts” on the lost chain of custody videotapes led to his assertion that I did not utilize an
16 “unmodified Donkey Kong Arcade system.” (*See* Paragraph 46). However, Hall resolved to issue
17 his allegations BEFORE his attempt to replicate the “images and artifacts.” On or about March 12,
18 2018, Hall called Walter Day to ask, “How will you feel when I announce that Billy cheated?”
19 Meanwhile, Hall simultaneously ordered the equipment to test his allegations on Saturday, March
20 10, 2018. (*See* Jason Hall Declaration – Exhibit A (Page 663, published on March 10, 2018, 15:55
21 Hours).

22 99. Hall could not have received the equipment and performed all of his tests between
23 March 10 and March 12, because the company could not have shipped the equipment to Hall on a
24 weekend. Furthermore, the testing required substantial work which could not have occurred prior
25 to his phone call with Day, and Hall posted his initial failures to produce the “images and
26 artifacts” on March 30, 2018, in the article titled “Twin Galaxies Explores Capturing Equipment
27 used in Billy Mitchell Score.” The fact that the initial update occurred over two weeks later
28 confirms these facts.

1 See again: https://www.twingalaxies.com/feed_details.php/875/twin-galaxies-explores-
2 [capturing-equipment-used-in-billy-mitchell-score](https://www.twingalaxies.com/feed_details.php/875/twin-galaxies-explores-capturing-equipment-used-in-billy-mitchell-score), last accessed May 11, 2020.

3 100. Furthermore, two other unique sources corroborate Hall's pre-ordained conclusion.
4 As reviewed in Paragraph 51, in July 2019, I received a text message conversation from Mr. Dean
5 Wenzel, who provided messages from Twin Galaxies member Wes Copeland who stated that
6 [with emphasis in bold]:

7 "I've been chatting with [Jason Hall] a little bit behind the scenes... I have no idea
8 what [Jason] is going to do. He asked me a very interesting question in my recent
9 convo with him: "What does the [Donkey Kong] community think I am going to
10 do?" I can tell you this. [Jason] **has been pretending to be impartial for the last**
11 **month, including during that 4-hour + [Facebook] livestream. He made up his**
12 **mind a long time ago."**

13
14 Again, in April 2020, I spoke with former Twin Galaxies employee Glen Updike, who worked for
15 the company during the investigation. Updike confirmed that Hall concluded his investigation
16 long before the announcement on April 12, 2018. Specifically, Updike stated that Hall concluded
17 the investigation "before the Facebook livestream."

18 **6) Selection of an Openly Biased Third-Party Investigator**

19 101. In its investigation, Twin Galaxies selected a long-time member of the accusatory
20 group, Jeremy Young's Donkey Kong Forum, to shepherd the investigation as a "third-party"
21 investigator. Gleed presented a calculated choice for an individual, who even before his selection
22 expressed the conclusion that I was guilty. On February 2, 2018, when the allegations initially
23 broke out, Gleed posted to the Donkey Kong Forum, stating "Great work [Jeremy!]... I
24 wholeheartedly agree with the resulting decisions." (See **Exhibit 22**). In context, Gleed approved
25 the conclusion that I was guilty and deserved to lose my records. Not so coincidentally, Twin
26 Galaxies engaged Gleed to begin third-party work on February 14, 2018. (See Paragraph 36). I did
27 not meet Chris Gleed until March 17, 2018. As reviewed in Paragraph 48, I met Gleed at the
28 Donkey Kong World Championships, I attempted to approach him about the investigation;

1 however, he refused to even engage in a conversation with me. To the contrary, he immediately
2 walked away.

3 102. After refusing to even speak with me, Gleed expressed very inflammatory and
4 biased conduct in the investigation, yet Twin Galaxies still chose to retain him as their “third-
5 party” investigator. On March 21, 2018, Gleed posted again to the Donkey Kong Forum, stating
6 about me that “I really can’t imagine the weight of the wrong-doing for so many years, and then
7 having it surface and piece-by-piece getting fully exposed.” (See **Exhibit 31**). Then on March 31,
8 2018, Gleed uploaded a YouTube video where he stated:

9 “Please Billy, if you wouldn’t mind, go ahead and fess up. I’m tired of spending
10 time on this. I’m sure I’m not the only one. I’d think we’d all like to get on with our
11 lives at this point.”

12 See: <https://youtu.be/JF1FPsYolY?t=126>, last accessed May 11, 2020.

13 103. In Gleed’s entire period as the “third-party investigator,” he never contacted me for
14 evidentiary inquiry or provided me an opportunity to defend myself. Not very surprisingly, Gleed
15 concluded his work for Twin Galaxies with his original pre-ordained conclusion that I was guilty.
16 Upon the outbreak of litigation, Jason Hall attempted to deny Gleed’s capacity as their “third-
17 party” investigator; however, Hall cited Gleed as the “third-party” investigator numerous times
18 during the investigation, such as the Twin Galaxies article referenced in Paragraph 87. Again, on
19 Hall’s Facebook broadcast, he cited Gleed as their third-party investigator, explaining that Twin
20 Galaxies even bought equipment for him:

21 “Then, if they don’t, in fact if the recordings that we get, that we do and we’re
22 having a third party do it too. Chris Gleed is gonna be recording direct feed. We
23 bought two of the convertor boards once we could send it out. He’s gonna do it
24 too.”

25 See: https://www.youtube.com/watch?v=Iirf4_jiX0Y&feature=youtu.be&t=13523, last accessed
26 May 11, 2020.

104. Gleed's position as a "third-party" investigator represents a single-piece of the one-sided, pre-ordained investigation from Twin Galaxies. Hall engaged Gleed, who possessed no qualification beyond that of a casual hobbyist, in order to present legitimacy to his investigation. However, Gleed simply acted a pawn to facilitate the Twin Galaxies sham investigation.

7) Failure to Fact-Check Information

105. During the investigation, Mr. Wes Copeland provided Twin Galaxies a mathematical analysis which alleged that I edited the videotape of my records with "save-states" – a method of gameplay manipulation. Copeland asserted that the mathematical analysis displayed too much "luck" in my Donkey Kong games, and the probability of this luck was so low that only "save-states" on MAME emulation explained it. Wes Copeland's Public Statement is attached hereto as **Exhibit 43**.

106. Twin Galaxies made ZERO effort to fact-check these allegations. To the contrary, Jason Hall badgered me on the phone, asserting that it presented strong "circumstantial evidence." During Hall's Facebook broadcast, Hall spoke of Copeland's accusations [with emphasis in bold]:

"If it was played on an emulated platform, the emulated platform potentially allows for manipulation of the gameplay. However, the dispute itself is not asserting that there has been manipulation of the gameplay with any facts. **There is circumstantial evidence around that.**" See: https://youtu.be/lirf4_jiX0Y?t=2513, last accessed May 11, 2020.

107. However, Copeland's analysis was entirely *false*. A thorough 84-page cross-examination from my son proved it with clarity. Then, I hired Mr. Robert Lakeman, an eight-time Donkey Kong World Record holder, to examine Copeland's allegations. Lakeman concluded that "After reviewing Billy's gameplay, and reproducing similar games myself, I can honestly say that this is legitimate gameplay... I do not see a reason why Billy would need to even use MAME, or save states to film both games with this style of play." (See **Exhibit 21**).

108. In this event, Twin Galaxies blindly accepted information posted to their internet forum as factual, and it made no effort whatsoever to verify it. Accepting information from

1 random individuals on the internet without a fact-check clearly displays reckless disregard for the
2 truth. Furthermore, Copeland possessed personal vendetta against me, calling for the removal of
3 my records over 5 months prior to the allegations from Jeremy Young. (*See Exhibit 25*). This
4 should have provided Twin Galaxies even more reason to fact-check Copeland's allegations.
5 However, it instead chose to recklessly accept information on an un-moderated forum as factual,
6 and attempt to portray it as a bona fide investigation.

7 **8) Refusal to Provide Equal Evidentiary Access**

8 109. During the Twin Galaxies investigation, yet another observer, Mr. David Race,
9 took it upon himself to research the allegations against me in an effort to disprove them. After the
10 Twin Galaxies statements, Race decided to continue his research. On April 13, 2018, Race
11 requested Jason Hall to mail him the alleged Donkey Kong videotapes, because Race wanted to
12 examine them. However, Hall refused Race's entreaty, refusing to relinquish custody of the
13 videotapes. Therefore, Race requested Hall to send him copies of the videotapes. However, Hall
14 also refused this request. Race pleaded to Hall that both parties deserve equal evidentiary access,
15 but Hall simply refused, telling Race that "We have come to our own determination for our own
16 purposes."

17 110. Hall refused Race's request in a deliberate effort to prevent the possibility of
18 someone disproving his allegations, and this event portrays Hall's subjective intent to defame me.
19 Race provided me the text message exchange with Hall, which is attached as **Exhibit 45**.

20 FALSIFIED STATEMENTS IN DEFENDANT'S MOTION AND DECLARATION

21 111. In the Twin Galaxies Special Motion to Strike and Jason Hall's declaration, the
22 defendant dedicates a sub-section to actual malice, titled "LACK OF MALICE." (*See* Motion, p.
23 12.) However, every claim in this sub-section is patently false, and in the following paragraphs, I
24 personally debunk these claims.

25 112. **Firstly**, in Paragraph 40, Hall claims that, "I personally harbor no animosity or ill-
26 will toward Billy Mitchell," and the Twin Galaxies motion states: "This is enough to defeat Billy
27 Mitchell's defamation claim." (*See* Motion, p. 14, ¶25.) However, Hall's personal actions disprove
28 his "lack of malice" assertion. After I issued Twin Galaxies a retraction demand in September

1 2019, Hall actively worked with Mr. Robert Mruzec to organize a “class-action suit” against me,
2 despite the absence of a legal claim. (See **Exhibit 36**).

3 113. Again, in May 2020, Hall encouraged third-parties to file meritless lawsuits against
4 me. Specifically, an internet personality named Benjamin Smith (A.K.A “Apollo Legend”)
5 organized a campaign named “Billy Mitchell Will Be Sued.” Smith opened a GoFundMe account,
6 raising over \$25,000 from his friends and family. However, Smith abruptly cancelled the
7 campaign on May 14, 2020, with a YouTube video titled “Billy Mitchell Won’t Be Sued.” In the
8 video, Smith reveals that Jason Hall convinced him to start the campaign, but he eventually
9 learned from an attorney that the lawsuit possessed no merit. In the video, Smith explains that, “I
10 get the feeling I’m being used... Maybe this is what [Jason] wants.”

11 See: https://youtu.be/_JF1FPsYoLY?t=126, last accessed May 11, 2020.

12 114. There is no better evidence of hostility, ill-will, and animosity than encouraging
13 third-parties to file meritless lawsuits against another person. It becomes even more compelling
14 with his attempts to organize a “class-action suit” against me for issuing a simple retraction
15 demand. I presume that Hall sought to financially exhaust me, because on May 10, 2020, Hall
16 stated in a text-message to Mr. Tanner Fokkens that, “[Billy] is very likely going to be fighting a
17 number of [lawsuits] on many fronts. Extremely expensive.” A true and correct copy of the text
18 message exchange is attached as **Exhibit 61**.

19 115. **Secondly**, in Paragraph 41, Jason Hall alleges that I never attempted to defend
20 myself from the allegations. However, the evidence previously set forth in my declaration refutes
21 these allegations. For example, I recounted the phone calls between Jason Hall and myself, and I
22 prove the occurrence of these phone calls with my text-message communications, attached as
23 **Exhibit 48**. Furthermore, Hall’s deliberate decision to avoid facts which would have led to the
24 falsity of the allegations portrayed itself at numerous points of this declaration. For example, Hall
25 simply ignored the fact that the Senior Engineer at Nintendo verified my hardware, asserting that
26 he “did not care.” Nevertheless, Hall carefully avoids an outright lie by specifically stating that I
27 never participated in his un-moderated internet forum with these facts. However, my non-
28 participation in the forum does not prove Hall acted without actual malice. If Hall was truly

1 committed to a pursuit of the truth, then he would have inserted the evidence himself, but he
2 simply chose to “not care.”

3 116. **Thirdly**, in Paragraphs 42 through 44, Jason Hall claims that I formed a technical
4 investigative team titled “Team Billy,” who also concurred with his allegations. In Paragraph 43,
5 Hall asserts that the team “was led by former Sega technician, Carlos Pineiro.” However, Carlos
6 Pineiro testifies that he did NOT represent me, stating that “I did not represent Billy Mitchell in
7 the dispute, and my research was not being done on his behalf.” (*See Exhibit 34*).

8 117. Nevertheless, Hall falsifies several other allegations in these paragraphs to support
9 his narrative. For example, in Paragraph 42, Hall claims that Mr. Joel West announced that “Billy
10 Mitchell had formed an independent technical investigation team (self-titled “Team Billy”) to
11 provide evidence in support of the validity of his taped score performances.” To the contrary,
12 West did NOT state this. In the link provided by Hall, West simply shared a YouTube video which
13 refuted several allegations from Hall. West never stated that I “formed a technical investigative
14 team.” Also, in my text-message communications with Hall, I explicitly denied that West acted on
15 my behalf. (*See Exhibit 48*).

16 118. Furthermore, in Paragraph 43, Hall states that:

17 “After Twin Galaxies concluded its technical investigation, and was preparing to
18 come to a final decision, “Team Billy”, requested that I delay the final decision in
19 the dispute case until Carlos Pineiro had an opportunity to provide his findings to
20 the public evidentiary dispute thread.” Hall continues in Paragraph 44, saying that,
21 “I granted this request...”

22 However, beyond the fact that no “Team Billy” existed, Hall never granted an extension request,
23 and I never asked Hall for an extension. At this point (April 2018), I engaged Hall in numerous
24 phone calls and fully understood that he would only ignore the evidence disproving his
25 allegations. No extension would change it.

26 119. Also, in Paragraph 43, Hall states that, “[Team Billy] was provided direct access to
27 Billy Mitchell’s Arcade and recording equipment...” However, I do not own an arcade or
28

1 recording equipment. I never provided anyone with a venue, equipment, or compensation, because
2 I do not possess the means to do so.

3 120. In the “LACK OF MALICE” sub-section, Hall rests his claims upon the premise
4 that random users on the Twin Galaxies forums speak on my behalf (i.e., Joel West & Carlos
5 Pineiro). However, I explicitly denied to Hall that other spoke on my behalf, and he simply
6 attempts to weaponize unaffiliated words on the internet. (See **Exhibit 48.**) Every claim in this
7 section is false, and it presents very disingenuous attempts to misrepresent the truth.

8 121. **Fourthly**, in Paragraph 7, Jason Hall falsely states that Twin Galaxies receives
9 recognition from Guinness World Records as a source for world records. To the contrary,
10 Guinness World Records removed Twin Galaxies as a trusted source for world records as of its
11 *2020 Guinness World Records: Gamer’s Edition* book. In its 2019 book, it recognized Twin
12 Galaxies on the back cover next to Speedrun – the primary trusted source of Guinness World
13 Records. Then, in the 2020 book, Guinness World Records removed Twin Galaxies from the
14 trusted sources location next to Speedrun. Attached as **Exhibit 47** is a true and correct copy of a
15 photo of the 2020 Guinness World Records: Gamer’s Edition.

16 122. **Lastly**, the Twin Galaxies Special Motion to Strike intentionally misrepresents the
17 Twin Galaxies “voting system” to support its allegations. The motion claims that 211 users “voted
18 to adjudicate the score dispute (198 agreeing with the dispute, and 13 disagreeing).” Twin
19 Galaxies clearly fabricates this narrative to falsely portray that its decision possessed legitimacy.
20 However, Jason Hall himself previously stated that the voting system possesses no influence on
21 the adjudication of the score dispute, but “only guarantees that [Twin Galaxies] administration
22 MUST review the claim.” On August 28, 2018, Jason Hall posted on Twin Galaxies that:

23 “User voting on a dispute claim does NOT determine the outcome. User voting
24 only guarantees that TG administration MUST review the claim. Only Twin
25 Galaxies administration makes the final decision regarding dispute claims, and it
26 does so based entirely in its sole discretion.”

27 See: [https://www.twingalaxies.com/showthread.php/188840-Dispute-william-rosa-SNES-SFC-](https://www.twingalaxies.com/showthread.php/188840-Dispute-william-rosa-SNES-SFC-Contra-III-The-Alien-Wars-NTSC-Points-Player-TriForce-Johnson-Score-9-999-999/page41)
28 [Contra-III-The-Alien-Wars-NTSC-Points-Player-TriForce-Johnson-Score-9-999-999/page41](https://www.twingalaxies.com/showthread.php/188840-Dispute-william-rosa-SNES-SFC-Contra-III-The-Alien-Wars-NTSC-Points-Player-TriForce-Johnson-Score-9-999-999/page41), last
accessed May 12, 2020.

SPECIAL DAMAGES

123. In the Special Motion to Strike, Twin Galaxies falsely claims that if demoted to defamation *per quod*, “it is likely that he will be unable to prove this element [special damages] of his defamation claim.” (See Motion, p. 12, ¶14.) To the contrary, as shown in thorough documentation, I incurred \$951,236 in special damages. Therefore, the defamation claim succeeds for this part of the case no matter the *per se* or *per quod* determination.

124. My business as a professional videogame player involves movie appearances and public appearances at videogame festivals. Upon the release of the Twin Galaxies press release on April 12, 2018, my manager immediately received a cancellation from the Long Island Retro Game Festival; this immediately resulted in \$5,000 in special damages. Other videogame festivals who annually invited me to their festivals ceased contact, such as Classic Game Fest and Chicago Pinball Expo. Other events forced me to settle for less money, such as Southern Fried Gaming Expo. Furthermore, I lost television deals as a result of the Twin Galaxies statements. I lost a television deal for a series called “Chasing Games,” which would have amounted to \$30,000. I attached my manager’s declaration about these facts as **Exhibit 49**. With all events considered, I lost \$133,000 in 2018. The damages continued in 2019, where I lost \$68,000. In total, the Twin Galaxies Statements cost me \$201,000 to my career as a professional videogame player and actor. Attached as **Exhibit 50** is a summary of the special damages to my videogame career.

125. In 2007, I starred in “*The King of Kong: A Fistful of Quarters*” – a fictional documentary about videogames. The filmmakers heavily embraced my personal hot sauce business, and they showcased it throughout the film. For example, the movie’s front cover directly states [with emphasis in bold]: A Middle School Science Teacher and a **Hot Sauce Mogul** Battle for the Guinness World Record on the Arcade Classic, Donkey Kong. A true and correct copy of the front cover of *The King of Kong* is attached as **Exhibit 51**. Furthermore, the movie contains scenes which directly showcase me with my hot sauce (**Exhibit 52**); me in the hot sauce warehouse (**Exhibit 53**); and me at my family restaurant called “Rickey’s Restaurant” (**Exhibit 54**). True and correct copies of still frames of scenes from the film are attached as **Exhibits 52-54**.

1 126. Also, the producer of *The King of Kong: A Fistful of Quarters*, Mr. Ed
2 Cunningham, confirmed these facts in an interview on February 7, 2008. Cunningham explained
3 that:

4 “We spend the first twenty minutes of the film talking about how great Billy
5 is, that he’s got a great business, that he’s used gaming to influence the rest
6 of his life, to seek perfection with his family, and his business.”

7 See: <https://film.avclub.com/the-king-of-kong-continued-donkey-kong-champ-billy-mi-1798213302>, last accessed May 12, 2020.
8

9 127. Understanding these facts, the popularity of the film forever linked my videogame
10 achievements to my personal businesses, and I utilized this link to drive my hot sauce sales. Prior
11 to the Twin Galaxies statements, my company averaged \$800,216 in revenue from 2013 to 2017.
12 In 2017, it generated \$796,068. A true and correct copy of a summary of Rickey’s Hot Sauces
13 Sales from 2017 is attached as **Exhibit 55**.

14 128. As a result of the Twin Galaxies statements, company revenue dropped to \$410,267
15 in 2018. A true and correct copy of a summary of Rickey’s Hot Sauces Sales from 2018 is
16 attached as **Exhibit 56**. Monetary damages continued in 2019, resulting in \$364,435 more in
17 special damages. A true and correct copy of a summary of Rickey’s Hot Sauces Sales from 2019 is
18 attached as **Exhibit 57**. The documentation proves \$750,236 in special damages to my company. I
19 calculated these numbers by simply subtracting the 2017 revenue from the 2018 and 2019
20 revenues, respectively.

21 129. In total, combining the damages incurred to my videogame career and hot sauce
22 company, I suffered \$951,236 in special damages. The damages occurred in a booming economy
23 and there is no argument that Twin Galaxies bears the responsibility for these special damages.

24 FINAL COMMENTS

25 130. From the beginning to the end, I cooperated with Twin Galaxies in an attempt to
26 absolve myself of the allegations without resort to the judicial system. I attempted to defend
27 myself during the original investigation and I attempted to resolve it with a retraction demand.
28 However, it deliberately chose to ignore the original rules set before me, specifically the on-site

1 referee verification in public venues and the hardware verification from the Senior Engineer at
2 Nintendo. Then, it chose to refuse the retraction demand without even acknowledging these facts
3 in its response. Twin Galaxies bears the sole responsibility for this lawsuit. It simply needed to tell
4 the truth. However, it refuses to do so.

5 131. One may ask, “Why would Twin Galaxies do it?” The answer is simple. It all
6 occurred in an effort to generate internet “clicks,” attention, and revenue for Twin Galaxies. Twin
7 Galaxies received only 75,000 site visits in August 2017. From August to January, it created a
8 public spectacle out of the Todd Rogers investigation, which raised its monthly site visits to
9 roughly 1,000,000. Coincidentally, it initiated an investigation against me just days after, which
10 rose its average site visits to 2,500,000 in April 2018. Attached as **Exhibit 58** is a true and correct
11 copy of a graph showing the Twin Galaxies Website Traffic from August 2017 to April 2018.

12 132. Moreover, Rogers provided me the text message conversations between him and
13 Jason Hall from the “investigation” into his records. In the messages, Hall directly proves that he
14 views these “investigations” as an opportunity to obtain money and publicity for Twin Galaxies.
15 For example, in the messages, Hall says to Rogers:

16 “I would like to put together a grand event where you can discuss your thoughts. People
17 are endlessly fascinated by you and this. I can make sure that it will be economically worth
18 your time”

19 Although Rogers refused to participate, Hall continued to display his financially motivated
20 mindset around the “investigation,” offering lucrative financial prospects to Rogers:

21 “Yes, and your strategy is making it so we may be able to find up to \$25,000 to
22 \$50,000 to pay you to silence them. I’m shooting for something like that. If we set
23 a date for the attempt, I can build toward it with mini-documentaries, interviews,
24 hype.”

25 Again, Hall also stated:

26 “So, I guess all I am waiting for is you to tell me that you are willing to make the
27 attempt. Then, you and I just need to pick a date. From there, I will do all the work
28 and I will be seeking real money in sponsorship that can be shared with you. At the

1 very least \$10,000. I wouldn't ask you to do this for less than that amount."

2 133. Furthermore, Hall displayed his goal to generate internet "clicks" with these
3 "investigations." Hall, speaking of the Dispute Thread, told Rogers to "Stir the pot. It just
4 increases your fame and builds anticipation for the event in general." However, Rogers refused
5 Hall's request. As a result, Hall posted content to the Dispute Thread on his own volition, saying
6 he was "stirring the pot." At another point, Hall expresses his excitement for the attention drawn
7 toward Twin Galaxies, stating that, "This thread is sucking every doubter in for permanent
8 documentation." Obviously, Hall's intention to "stir the pot" occurs because it draws people to his
9 website. It generates "clicks" and publicity, and by extension, monetary benefits. This is how
10 Jason Hall views these "investigations." I have attached all the quoted messages in **Exhibit 59**,
11 shown in the order presented herein.

12 134. Also, upon reviewing Jason Hall's declaration, I noticed that in Paragraph 19, Hall
13 provides a web address for "the dispute claim process." Then, I noticed that the link states,
14 "Created by TWIN GALAXIES on 3-12-2020." In other words, Hall literally created this web
15 address which did not previously exist in an effort to defend his malicious investigation.

16 135. Lastly, Twin Galaxies continuously misrepresents this lawsuit as retaliation for its
17 refusal to recognize my records. I am suing Twin Galaxies for its assault on my public reputation
18 and character in its public press release of April 12, 2018, where it lied in a statement of fact that I
19 did not achieve my records on an "original unmodified PCB" – an action tantamount to saying that
20 I cheated. Without the lies that it performed a thorough and fair investigation, and that its results
21 were indisputable fact, then I would have never incurred monetary damage or filed a lawsuit. Twin
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Galaxies obviously retains the privilege to recognize or not recognize any high-score. However, it doesn't need to publicly slaughter reputations through false statements to invalidate a record, and it does not possess a privilege to do so.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Executed on this 22nd day of June, 2020, in Ft. Lauderdale, Florida.

Billy Mitchell

Billy Mitchell

PROOF OF SERVICE

STATE OF CALIFORNIA, COUNTY OF LOS ANGELES

At the time of service, I was over 18 years of age and not a party to this action. I am employed in the County of Los Angeles, State of California. My business address is 801 S. Figueroa St, 15th Floor, Los Angeles, CA 90017-3012.

On June 22, 2020, I served true copies of the following document(s) described as DECLARATION OF WILLIAM "BILLY" MITCHELL on the interested parties in this action as follows:

David A. Tashroudian, Esq. Mona Tashroudian, Esq. TASHROUDIAN LAW GROUP, APC 5900 Canoga Ave., Suite 250 Woodland Hills, California 91367 Telephone: (818) 561-7381 Facsimile: (818) 561-7381 Email: david@tashlawgroup.com Email: mona@tashlawgroup.com	Attorney for Defendants Twin Galaxies
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BY E-MAIL OR ELECTRONIC TRANSMISSION: I caused a copy of the document(s) to be sent from e-mail address mma@manningllp.com to the persons at the e-mail addresses listed in the Service List. I did not receive, within a reasonable time after the transmission, any electronic message or other indication that the transmission was unsuccessful.

ONLY BY ELECTRONIC TRANSMISSION: Only by emailing the document(s) to the persons at the e-mail address(es). This is necessitated during the declared National Emergency due to the Coronavirus (COVID-19) pandemic because this office will be working remotely, not able to send physical mail as usual, and is therefore using only electronic mail. No electronic message or other indication that the transmission was unsuccessful was received within a reasonable time after the transmission. We will provide a physical copy, upon request only, when we return to the office at the conclusion of the National Emergency.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Executed on June 22, 2020, at Los Angeles, California.

/s/ Martha Alfaro
Martha Alfaro