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10
11 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**
12 **COUNTY OF LOS ANGELES, CENTRAL DISTRICT- STANLEY MOSK**

13 WILLIAM JAMES MITCHELL,
14 Plaintiff,
15 v.
16 TWIN GALAXIES, LLC,
17 Defendants.

Case No. 19STCV12592
[The Hon. WENDY CHANG - DEPT. 36]

**PLAINTIFF WILLIAM JAMES
MITCHELL'S RESPONSE TO FIRST SET
OF FORM INTERROGATORIES
PROPOUNDED BY DEFENDANT TWIN
GALAXIES, LLC**

Action Filed: 4/11/2019

18 PROPOUNDING PARTY: Defendant Twin Galaxies, LLC
19 RESPONDING PARTY: Plaintiff William James Mitchell
20 SET NO.: One

21 Pursuant to Sections 2030.210, *et seq.*, of the California Code of Civil Procedure, Plaintiff
22 William James Mitchell ("Responding Party") hereby submits these objections and responses to
23 the First Set of Form Interrogatories propounded by Defendant Twin Galaxies, LLC
24 ("Propounding Party").

25 **PRELIMINARY STATEMENT**

26 Responding Party has not completed his investigation of the facts relating to this case, his
27 discovery or his preparation for trial. All responses and objections contained herein are based only
28 upon information that is presently available to and specifically known by Responding Party. It is

1 anticipated that further discovery, independent investigation, legal research and analysis will
2 supply additional facts and add meaning to known facts, as well as establish entirely new factual
3 conclusions and legal contentions, all of which may lead to substantial additions to, changes in and
4 variations from the responses set forth herein.

5 These responses, while based on diligent inquiry and investigation by Responding Party,
6 reflect only the current state of Responding Party's knowledge, understanding, and belief, based
7 upon the information reasonably available to him at this time. As this action proceeds, and further
8 investigation and discovery are conducted, additional or different facts and information could be
9 revealed to Responding Party. Moreover, Responding Party anticipates that Propounding Party
10 may make legal or factual contentions presently unknown to and unforeseen by Responding Party
11 which may require Responding Party to adduce further facts in rebuttal to such contentions.
12 Consequently, Responding Party may not yet have knowledge and may not fully understand the
13 significance of information potentially pertinent to these responses. Accordingly, these responses
14 are provided without prejudice to Responding Party's right to rely upon and use any information
15 that he subsequently discovers, or that was omitted from these responses as a result of mistake,
16 inadvertence, surprise, or excusable neglect. Without in any way obligating himself to do so,
17 Responding Party reserves the right to modify, supplement, revise, or amend these responses, and
18 to correct any inadvertent errors or omissions which may be contained herein, in light of the
19 information that Responding Party may subsequently obtain or discover.

20 Nothing in this response should be construed as an admission by Responding Party with
21 respect to the admissibility or relevance of any fact or document, or of the truth or accuracy of any
22 characterization or statement of any kind contained in Propounding Party's interrogatories.

23 Each of the following responses is made solely for the purpose of this action. Each
24 response is subject to all objections as to relevance, materiality, and admissibility, and to any and
25 all objections on any ground that would require exclusion of any response if it were introduced in
26 court. All objections and grounds are expressly reserved and may be interposed at the time of
27 trial, hearing, or otherwise. Furthermore, each of the objections contained herein is incorporated
28 by reference as though fully set forth in each response.

1 The following objections and responses are made without prejudice to Responding Party's
2 right to produce at trial, or otherwise, evidence regarding any subsequently discovered
3 information. Responding Party accordingly reserves the right to modify and amend any and all
4 responses herein as research is completed and contentions are made.

5 Nothing contained herein is to be construed as a waiver of any attorney-client privilege,
6 work product doctrine, or any other applicable privilege or doctrine. To the extent any
7 interrogatory may be construed as calling for disclosure of information protected from discovery
8 by the attorney-client privilege, the work product doctrine, or any other privilege or protection, a
9 continuing objection to each and every such interrogatory is hereby interposed.

10 **RESPONSES TO FORM INTERROGATORIES**

11 **FORM INTERROGATORY NO. 1.1:**

12 State the name, **ADDRESS**, telephone number, and relationship to you of each **PERSON**
13 who prepared or assisted in the preparation of the responses to these interrogatories. *(Do not*
14 *identify anyone who simply typed or reproduced the responses.)*

15 **RESPONSE TO FORM INTERROGATORY NO. 1.1:**

16 Anthony J. Ellrod, Esq. Linna T. Loangkote, Esq., and Billy Mitchell IV, Manning & Kass,
17 Ellrod, Ramirez, Trester, LLP, 801 South Figueroa Street, 15th Floor, Los Angeles, California
18 90017, (213) 624-6900.

19 **FORM INTERROGATORY NO. 2.1:**

20 State:

- 21 (a) your name;
- 22 (b) every name you have used in the past; and
- 23 (c) the dates you used each name.

24 **RESPONSE TO FORM INTERROGATORY NO. 2.1:**

- 25 (a) William James Mitchell, III;
- 26 (b) William James Mitchell, III; and
- 27 (c) Since birth to present.

1 **FORM INTERROGATORY NO. 2.2:**

2 State the date and place of your birth.

3 **RESPONSE TO FORM INTERROGATORY NO. 2.2:**

4 July 16, 1965, in Holyoke, Massachusetts.

5 **FORM INTERROGATORY NO. 2.5:**

6 State:

- 7 (a) your present residence **ADDRESS**;
- 8 (b) your residence **ADDRESSES** for the past five years; and
- 9 (c) the dates you lived at each **ADDRESS**.

10 **RESPONSE TO FORM INTERROGATORY NO. 2.5:**

11 Responding Party objects to this interrogatory on the basis of privacy protected by the U.S.
12 and California constitutions as Responding Party is a public figure.

13 Subject to and without waiving the foregoing objections, Responding Party responds:
14 Responding Party may be contacted through his counsel of record.

15 **FORM INTERROGATORY NO. 2.6:**

16 State:

- 17 (a) the name, **ADDRESS**, and telephone number of your present employer or place of
18 self-employment; and
- 19 (b) the name, **ADDRESS**, dates of employment, job title, and nature of work for each
20 employer or self-employment you have had from five years before the **INCIDENT** until today.

21 **RESPONSE TO FORM INTERROGATORY NO. 2.6:**

- 22 (a) Rickey's World Famous Hot Sauce,
23 4799 Hollywood Blvd, Hollywood, Florida, 33021
24 (954)-829-9464.
- 25 (b) Rickey's World Famous Hot Sauce,
26 Founder and President.

27 **FORM INTERROGATORY NO. 2.7:**

28 State:

- 1 (a) the name and **ADDRESS** of each school or other academic or vocational institution
2 you have attended, beginning with high school;
- 3 (b) the dates you attended;
- 4 (c) the highest grade level you have completed; and
- 5 (d) the degrees received.

6 **RESPONSE TO FORM INTERROGATORY NO. 2.7:**

7 Chaminade College Preparatory
8 500 E Chaminade Dr, Hollywood, Florida, 33021
9 1980 to 1983
10 12
11 High School Diploma

12

13 University of Florida
14 1984
15 Freshman year
16 N/A

17 **FORM INTERROGATORY NO. 2.8:**

18 Have you ever been convicted of a felony? If so, for each conviction state:

- 19 (a) the city and state where you were convicted;
- 20 (b) the date of conviction;
- 21 (c) the offense; and
- 22 (d) the court and case number.

23 **RESPONSE TO FORM INTERROGATORY NO. 2.8:**

24 No.

25 **FORM INTERROGATORY NO. 2.11:**

26 At the time of the **INCIDENT** were you acting as an agent or employee for any
27 **PERSON**? If so, state:

- 28 (a) the name, **ADDRESS**, and telephone number of that **PERSON**; and

1 (b) a description of your duties.

2 **RESPONSE TO FORM INTERROGATORY NO. 2.11:**

3 No.

4 **FORM INTERROGATORY NO. 2.12:**

5 At the time of the **INCIDENT** did you or any other person have any physical, emotional,
6 or mental disability or condition that may have contributed to the occurrence of the **INCIDENT**?

7 If so, for each person state;

8 (a) the name, **ADDRESS**, and telephone number;

9 (b) the nature of the disability or condition; and

10 (c) the manner in which the disability or condition contributed to the occurrence of the

11 **INCIDENT.**

12 **RESPONSE TO FORM INTERROGATORY NO. 2.12:**

13 Insofar as the responding party is aware, neither he nor any other person had any physical,
14 emotional, or mental disability or condition that contributed to the occurrence of the incident.

15 **FORM INTERROGATORY NO. 2.13:**

16 Within 24 hours before the **INCIDENT** did you or any person involved in the **INCIDENT**
17 use or take any of the following substances: alcoholic beverage, marijuana, or other drug or
18 medication of any kind (prescription or not)? If so, for each person state:

19 (a) the name, **ADDRESS**, and telephone number;

20 (b) the nature or description of each substance;

21 (c) the quantity of each substance used or taken;

22 (d) the date and time of day when each substance was used or taken;

23 (e) the **ADDRESS** where each substance was used or taken;

24 (f) the name, **ADDRESS**, and telephone number of each person who was present
25 when each substance was used or taken; and

26 (g) the name, **ADDRESS**, and telephone number of any **HEALTH CARE**
27 **PROVIDER** who prescribed or furnished the substance and the condition for which it was
28 prescribed or furnished.

1 **RESPONSE TO FORM INTERROGATORY NO. 2.13:**

2 Insofar as the responding party is aware, neither he nor any other person involved in the
3 incident used or took any of the following substances within 24 hours of the incident: alcoholic
4 beverage, marijuana, or other drug or medication of any kind.

5 **FORM INTERROGATORY NO. 6.1:**

6 Do you attribute any physical, mental, or emotional injuries to the **INCIDENT**? (*If your*
7 *answer is "no," do not answer interrogatories 6.2 through 6.7).*

8 **RESPONSE TO FORM INTERROGATORY NO. 6.1:**

9 Yes.

10 **FORM INTERROGATORY NO. 6.2:**

11 Identify each injury you attribute to the **INCIDENT** and the area of your body affected.

12 **RESPONSE TO FORM INTERROGATORY NO. 6.2:**

13 Responding party attributes atrial fibrillation and an inguinal hernia as injuries from the
14 incident.

15 **FORM INTERROGATORY NO. 6.4:**

16 Did you receive any consultation or examination (except from expert witnesses covered by
17 Code of Civil Procedure section 2034.210-2034.310) or treatment from a **HEALTH CARE**
18 **PROVIDER** for any injury you attribute to the **INCIDENT**? If so, for each **HEALTH CARE**
19 **PROVIDER** state:

- 20 (a) the name, **ADDRESS**, and telephone number;
21 (b) the type of consultation, examination, or treatment provided;
22 (c) the dates you received consultation, examination, or treatment; and
23 (d) the charges to date.

24 **RESPONSE TO FORM INTERROGATORY NO. 6.4:**

25 Bassam Sayegh
26 224 Chimney Corner Lane, Jupiter, FL 33458
27 (561) 743-7766
28 Initial Consultation for surgery of hernia.

1 Ava Rosenberg
2 2300 N. Commerce Parkway, Weston, FL 33326
3 (954) 217-2707,
4 Medical consultation for surgery.

5
6 David Wolinsky, MD
7 2950 Cleveland Clinic Blvd., Weston, FL 33326,
8 (954) 659-5290,
9 Electrocardiogram

10
11 Sergio Pinski, MD
12 2950 Cleveland Clinic Blvd., Weston, FL 33326
13 (954) 659-5290
14 External direct current cardioversion

15
16 Cleveland Clinic Florida
17 5701 North University Drive, Coral Springs, FL 33067
18 (954) 518-7500
19 Echo with CARDTESTCSP

20
21 Charges to Date: \$10,795.34

22 **FORM INTERROGATORY NO. 6.5:**

23 Have you taken any medication, prescribed or not, as a result of injuries that you attribute
24 to the **INCIDENT**? If so, for each medication state:

- 25 (a) the name;
26 (b) the **PERSON** who prescribed or furnished it;
27 (c) the date it was prescribed or furnished;
28 (d) the dates you began and stopped taking it; and

1 (e) the cost to date.

2 **RESPONSE TO FORM INTERROGATORY NO. 6.5:**

3 (a) Xarelto, 20mg,

4 (b) Brielle Cohen, PA

5 (c) 6/10/22

6 (d) 6/10/22 to Present

7 (e) \$90.00

8 **FORM INTERROGATORY NO. 6.6:**

9 Are there any other medical services necessitated by the injuries that you attribute to the
10 **INCIDENT** that were not previously listed (for example, ambulance, nursing, prosthetics)? If so,
11 for each service state:

12 (a) the nature;

13 (b) the date;

14 (c) the cost; and

15 (d) the name, **ADDRESS**, and telephone number of each provider.

16 **RESPONSE TO FORM INTERROGATORY NO. 6.6:**

17 At this time, Responding Party cannot identify any other medical services necessitated by
18 the injuries attributed to the incident.

19 **FORM INTERROGATORY NO. 6.7:**

20 Has any **HEALTH CARE PROVIDER** advised that you may require future or additional
21 treatment for any injuries that you attribute to the **INCIDENT**? If so, for each injury state:

22 (a) the name and **ADDRESS** of each **HEALTH CARE PROVIDER**;

23 (b) the complaints for which the treatment was advised; and

24 (c) the nature, duration, and estimated cost of the treatment.

25 **RESPONSE TO FORM INTERROGATORY NO. 6.7:**

26 At this time, Responding Party's health care providers have not, advised that he may
27 require future or additional treatment for any injuries that he attributes to the incident.

28

1 **FORM INTERROGATORY NO. 7.1:**

2 Do you attribute any loss of or damage to a vehicle or other property to the **INCIDENT**? If
3 so, for each item of property:

- 4 (a) describe the property;
- 5 (b) describe the nature and location of the damage to the property;
- 6 (c) state the amount of damage you are claiming for each item of property and how the
7 amount was calculated; and
- 8 (d) if the property was sold, state the name, **ADDRESS**, and telephone number of the
9 seller, the date of sale, and the sale price.

10 **RESPONSE TO FORM INTERROGATORY NO. 7.1:**

11 No.

12 **FORM INTERROGATORY NO. 7.2:**

13 Has a written estimate or evaluation been made for any item of property referred to in your
14 answer to the preceding interrogatory? If so, for each estimate or evaluation state:

- 15 (a) the name, **ADDRESS**, and telephone number of the **PERSON** who prepared it and
16 the date prepared;
- 17 (b) the name, **ADDRESS**, and telephone number of each **PERSON** who has a copy of
18 it; and
- 19 (c) the amount of damage stated.

20 **RESPONSE TO FORM INTERROGATORY NO. 7.2:**

21 N/A

22 **FORM INTERROGATORY NO. 7.3:**

23 Has any item of property referred to in your answer to interrogatory 7.1 been repaired? If
24 so, for each item state:

- 25 (a) the date repaired;
- 26 (b) a description of the repair;
- 27 (c) the repair cost;
- 28 (d) the name, **ADDRESS**, and telephone number of the **PERSON** who repaired it;

1 (e) the name, ADDRESS, and telephone number of the PERSON who paid for the
2 repair.

3 **RESPONSE TO FORM INTERROGATORY NO. 7.3:**

4 N/A

5 **FORM INTERROGATORY NO. 8.1:**

6 Do you attribute any loss of income or earning capacity to the INCIDENT? (*If your*
7 *answer is "no," do not answer interrogatories 8.2 through 8.8).*

8 **RESPONSE TO FORM INTERROGATORY NO. 8.1:**

9 Yes; Responding Party attributes loss of income and earning capacity to the incident in the
10 form of lost employment for public appearances at videogame conventions, videogame festivals,
11 and movie appearances. Additionally, Responding Party has lost revenue to his primary business,
12 Rickey's World Famous Hot Sauce.

13 **FORM INTERROGATORY NO. 8.2:**

14 State:

- 15 (a) the nature of your work;
16 (b) your job title at the time of the INCIDENT; and
17 (c) the date your employment began.

18 **RESPONSE TO FORM INTERROGATORY NO. 8.2:**

- 19 (a) Responding is the President of Rickey's World Famous Hot Sauces, located at
20 4799 Hollywood Blvd, Hollywood, Florida 33021. As the company's founder, he is
21 in charge of forming business strategy, day-to-day decision-making, and sales for
22 the company. Responding party also works as a videogame and movie personality.
23 Responding party appears at videogame conventions, videogame festivals, and in
24 movies for income.
25 (b) President of Rickey's World Famous Sauces and videogame and movie personality.
26 (c) Responding Party has been President of Rickey's World Famous Sauces since
27 1991, and has been a videogame and movie personality since 1983.
28

1 **FORM INTERROGATORY NO. 8.3:**

2 State the last date before the **INCIDENT** that you worked for compensation.

3 **RESPONSE TO FORM INTERROGATORY NO. 8.3:**

4 April 11, 2018.

5 **FORM INTERROGATORY NO. 8.4:**

6 State your monthly income at the time of the **INCIDENT** and how the amount was
7 calculated.

8 **RESPONSE TO FORM INTERROGATORY NO. 8.4:**

9 Responding Party receives variable income in the form of appearance fees for public
10 appearances at videogame conventions, videogame festivals, and participation in film productions.
11 Responding Party also receives a variable income from his business, Rickey's World Famous Hot
12 Sauce, as his monthly revenue relies on the total sales volume for each month. With consideration
13 for his variable incomes, Responding Party estimates his monthly income at an average of
14 \$16,500.

15 **FORM INTERROGATORY NO. 8.5:**

16 State the date you returned to work at each place of employment following the
17 **INCIDENT**.

18 **RESPONSE TO FORM INTERROGATORY NO. 8.5:**

19 April 15, 2018.

20 **FORM INTERROGATORY NO. 8.6:**

21 State the dates you did not work and for which you lost income as a result of the
22 **INCIDENT**.

23 **RESPONSE TO FORM INTERROGATORY NO. 8.6:**

24 None, as Responding Party is not a salaried or wage worker.

25 **FORM INTERROGATORY NO. 8.7:**

26 State the total income you have lost to date as a result of the **INCIDENT** and how the
27 amount was calculated.

28

1 **RESPONSE TO FORM INTERROGATORY NO. 8.7:**

2 Responding Party lost \$926,236 as a result of the incident. Responding Party arrives at this
3 number by totaling the amount of lost income in public appearances from videogame conventions,
4 videogame festivals, and movie appearances to the amount of lost income to his business,
5 Rickey's World Famous Hot Sauce.

6 Responding Party calculates the amount of lost income in public appearances from the
7 videogame conventions, videogame festivals, and movie opportunities by totaling the average
8 number of yearly public appearances lost as a result of the incident. Responding party calculates
9 the amount of lost income to his business, Rickey's World Famous Hot Sauce, by demonstrating
10 the drop in revenue and loss of customers immediately after the incident. Rickey's World Famous
11 Hot Sauce averaged \$800,216 in revenue from 2013 to 2017. In 2017, it generated \$796,068. As a
12 result of the Twin Galaxies statements, the company revenue dropped to \$410,267 in 2018. In
13 2019, the revenue dropped to \$364,435.

14 **FORM INTERROGATORY NO. 8.8:**

15 Will you lose income in the future as a result of the **INCIDENT**? If so, state:

- 16 (a) the facts upon which you base this contention;
17 (b) an estimate of the amount;
18 (c) an estimate of how long you will be unable to work; and
19 (d) how the claim for future income is calculated.

20 **RESPONSE TO FORM INTERROGATORY NO. 8.8:**

21 Responding will lose income in the future as a result of the incident:

- 22 (a) Responding Party bases its contention for future losses on the fact that the damage
23 to his reputation resulting from the false and malicious statements by Twin
24 Galaxies will restrict his ability in perpetuity to receive employment at videogame
25 conventions, videogame festivals, and movie appearances.
26 (b) Responding Party will lose income in the future as a result of the incident in the
27 form of lost videogame conventions, videogame festivals, and movie appearances
28 because the defamatory statements by Twin Galaxies will discourage videogame

1 conventions, videogame festivals, and movie producers from employing
2 Responding Party. Responding Party has already experienced this effect from April
3 12, 2018, to the date of this response to form interrogatories.

4 (c) Responding Party believes that he will be unable to work without restraint until
5 Twin Galaxies admits that the statement from April 12, 2018, was false.

6 (d) Responding Party is unable, at this time, to accurately calculate the magnitude of
7 the future income lost as a result of the incident. However, Responding Party
8 estimates that his loss of future income equals \$250,000.

9 **FORM INTERROGATORY NO. 9.1:**

10 Are there any other damages that you attribute to the **INCIDENT**? If so, for each item of
11 damage state:

- 12 (a) the nature;
13 (b) the date it occurred;
14 (c) the amount; and
15 (d) the name, **ADDRESS**, and telephone number of each **PERSON** to whom an
16 obligation was incurred.

17 **RESPONSE TO FORM INTERROGATORY NO. 9.1:**

18 No.

19 **FORM INTERROGATORY NO. 9.2:**

20 Do any **DOCUMENTS** support the existence or amount of any item of damages claimed
21 in interrogatory 9.1? If so, describe each document and state the name, **ADDRESS**, and telephone
22 number of the **PERSON** who has each **DOCUMENT**.

23 **RESPONSE TO FORM INTERROGATORY NO. 9.2:**

24 N/A

25 **FORM INTERROGATORY NO. 10.1:**

26 At any time before the **INCIDENT** did you have complaints or injuries that involved the
27 same part of your body claimed to have been injured in the **INCIDENT**? If so, for each state:

- 28 (a) a description of the complaint or injury;

- 1 (b) the dates it began and ended; and
2 (c) the name, **ADDRESS**, and telephone number of each **HEALTH CARE**
3 **PROVIDER** whom you consulted or who examined or treated you.

4 **RESPONSE TO FORM INTERROGATORY NO. 10.1:**

5 No.

6 **FORM INTERROGATORY NO. 10.2:**

7 List all physical, mental, and emotional disabilities you had immediately before the
8 **INCIDENT**. (*You may omit mental or emotional disabilities unless you attribute any mental or*
9 *emotional injury to the **INCIDENT**.*)

10 **RESPONSE TO FORM INTERROGATORY NO. 10.2:**

11 Responding Party did not have any physical, mental, or emotional disabilities immediately
12 before the incident.

13 **FORM INTERROGATORY NO. 10.3:**

14 At any time after the **INCIDENT**, did you sustain injuries of the kind for which you are
15 now claiming damages? If so, for each incident giving rise to an injury state:

- 16 (a) the date and the place it occurred;
17 (b) the name, **ADDRESS**, and telephone number of any other **PERSON** involved;
18 (c) the nature of any injuries you sustained;
19 (d) the name, **ADDRESS**, and telephone number of each **HEALTH CARE**
20 **PROVIDER** who you consulted or who examined or treated you; and
21 (e) the nature of the treatment and its duration.

22 **RESPONSE TO FORM INTERROGATORY NO. 10.3:**

23 No.

24 **FORM INTERROGATORY NO. 11.1:**

25 Except for this action, in the past 10 years have you filed an action or made a written claim
26 or demand for compensation for your personal injuries? If so, for each action, claim, or demand
27 state:

- 28 (a) the date, time, and place and location (closest street **ADDRESS** or intersection) of

- 1 the **INCIDENT** giving rise to the action, claim, or demand;
- 2 (b) the name, **ADDRESS**, and telephone number of each **PERSON** against whom the
- 3 claim or demand was made or the action filed;
- 4 (c) the court, names of the parties, and case number of any action filed;
- 5 (d) the name, **ADDRESS**, and telephone number of any attorney representing you;
- 6 (e) whether the claim or action has been resolved or is pending; and
- 7 (f) a description of the injury.

8 **RESPONSE TO FORM INTERROGATORY NO. 11.1:**

9 No.

10 **FORM INTERROGATORY NO. 11.2:**

11 In the past 10 years have you made a written claim or demand for workers' compensation

12 benefits? If so, for each claim or demand state:

- 13 (a) the date, time, and place of the **INCIDENT** giving rise to the claim;
- 14 (b) the name, **ADDRESS**, and telephone number of your employer at the time of the
- 15 injury;
- 16 (c) the name, **ADDRESS**, and telephone number of the workers' compensation insurer
- 17 and the claim number;
- 18 (d) the period of time during which you received workers' compensation benefits;
- 19 (e) a description of the injury;
- 20 (f) the name, **ADDRESS**, and telephone number of any **HEALTH CARE**
- 21 **PROVIDER** who provided services; and
- 22 (g) the case number at the Workers' Compensation Appeals Board.

23 **RESPONSE TO FORM INTERROGATORY NO. 11.2:**

24 No.

25 **FORM INTERROGATORY NO. 12.1:**

26 State the name, **ADDRESS**, and telephone number of each individual:

- 27 (a) who witnessed the **INCIDENT** or the events occurring immediately before or after
- 28 the **INCIDENT**;

- 1 (b) who made any statement at the scene of the **INCIDENT**;
- 2 (c) who heard any statements made about the **INCIDENT** by any individual at the
- 3 scene; and
- 4 (d) who **YOU OR ANYONE ACTING ON YOUR BEHALF** claim has knowledge
- 5 of the **INCIDENT** (except for expert witnesses covered by Code of Civil Procedure section 2034).

6 **RESPONSE TO FORM INTERROGATORY NO. 12.1:**

- 7 (a) Responding Party, Walter Day, Billy Mitchell IV, Jace Hall, Carlos Pineiro, and
- 8 Steven Kleisath;
- 9 (b) Responding Party, Walter Day, Jace Hall, Carlos Pineiro, and Steven Kleisath;
- 10 (c) Responding Party, Walter Day, Billy Mitchell IV, Jace Hall, Carlos Pineiro, and
- 11 Steven Kleisath;
- 12 (d) Responding Party, Walter Day, Billy Mitchell IV, Jace Hall, Carlos Pineiro, and
- 13 Steven Kleisath.

14 **FORM INTERROGATORY NO. 12.2:**

15 Have **YOU OR ANYONE ACTING ON YOUR BEHALF** interviewed any individual

16 concerning the **INCIDENT**? If so, for each individual state:

- 17 (a) the name, **ADDRESS**, and telephone number of the individual interviewed;
- 18 (b) the date of the interview; and
- 19 (c) the name, **ADDRESS** and telephone number of the **PERSON** who conducted the
- 20 interview.

21 **RESPONSE TO FORM INTERROGATORY NO. 12.2:**

22 No.

23 **FORM INTERROGATORY NO. 12.3:**

24 Have **YOU OR ANYONE ACTING ON YOUR BEHALF** obtained a written or

25 recorded statement from any individual concerning the **INCIDENT**? If so, for each statement

26 state:

- 27 (a) the name, **ADDRESS**, and telephone number of the individual from whom the
- 28 statement was obtained;

- 1 (b) the name, **ADDRESS**, and telephone number of the individual who obtained the
2 statement;
- 3 (c) the date the statement was obtained; and
- 4 (d) the name, **ADDRESS**, and telephone number of each **PERSON** who has the
5 original statement or a copy.

6 **RESPONSE TO FORM INTERROGATORY NO. 12.3:**

7 No.

8 **FORM INTERROGATORY NO. 12.4:**

9 Do **YOU OR ANYONE ACTING ON YOUR BEHALF** know of any photographs,
10 films, or videotapes depicting any place, object, or individual concerning the **INCIDENT** or
11 plaintiff's injuries? If so, state:

- 12 (a) the number of photographs or feet of film or videotape;
- 13 (b) the places, objects, or persons photographed, filmed, or videotaped;
- 14 (c) the date the photographs, films, or videotapes were taken;
- 15 (d) the name, **ADDRESS**, and telephone number of the individual taking the
16 photographs, films, or videotapes; and
- 17 (e) the name, **ADDRESS** and telephone number of each **PERSON** who has the
18 original or a copy of the photographs, films, or videotapes.

19 **RESPONSE TO FORM INTERROGATORY NO. 12.4:**

20 No.

21 **FORM INTERROGATORY NO. 12.5:**

22 Do **YOU OR ANYONE ACTING ON YOUR BEHALF** know of any diagram,
23 reproduction, or model of any place or thing (except for items developed by expert witnesses
24 covered by Code of Civil Procedure section 2034.210-2034.310) concerning the **INCIDENT**? If
25 so, for each item state:

- 26 (a) the type (i.e., diagram, reproduction, or model);
- 27 (b) the subject matter; and
- 28 (c) the name, **ADDRESS**, and telephone number of each **PERSON** who has it.

1 **RESPONSE TO FORM INTERROGATORY NO. 12.5:**

2 No.

3 **FORM INTERROGATORY NO. 12.6:**

4 Was a report made by any **PERSON** concerning the **INCIDENT**? If so, state:

5 (a) the name, title, identification number, and employer of the **PERSON** who made the
6 report;

7 (b) the date and type of report made;

8 (c) the name, **ADDRESS**, and telephone number of the **PERSON** for whom the report
9 was made; and

10 (d) the name, **ADDRESS**, and telephone number of each **PERSON** who has the
11 original or a copy of the report.

12 **RESPONSE TO FORM INTERROGATORY NO. 12.6:**

13 No.

14 **FORM INTERROGATORY NO. 12.7:**

15 Have **YOU OR ANYONE ACTING ON YOUR BEHALF** inspected the scene of the
16 **INCIDENT**? If so, for each inspection state:

17 (a) the name, **ADDRESS**, and telephone number of the individual making the
18 inspection (except for expert witnesses covered by Code of Civil Procedure section 2034.210-
19 2034.310); and

20 (b) the date of the inspection.

21 **RESPONSE TO FORM INTERROGATORY NO. 12.7:**

22 No.

23 **FORM INTERROGATORY NO. 13.1:**

24 Have **YOU OR ANYONE ACTING ON YOUR BEHALF** conducted surveillance of
25 any individual involved in the **INCIDENT** or any party to this action? If so, for each surveillance,
26 state:

27 (a) the name, **ADDRESS**, and telephone number of the individual or party;

28 (b) the time, date, and place of the surveillance;

1 (c) the name, **ADDRESS**, and telephone number of the individual who conducted the
2 surveillance; and

3 (d) the name, **ADDRESS**, and telephone number of each **PERSON** who has the
4 original or a copy of any surveillance photograph, film, or videotape.

5 **RESPONSE TO FORM INTERROGATORY NO. 13.1:**

6 No.

7 **FORM INTERROGATORY NO. 13.2:**

8 Has a written report been prepared on the surveillance? If so, for each written report state:

9 (a) the title;

10 (b) the date;

11 (c) the name, **ADDRESS**, and telephone number of the individual who prepared the
12 report; and

13 (d) the name, **ADDRESS**, and telephone number of each **PERSON** who has the
14 original or a copy.

15 **RESPONSE TO FORM INTERROGATORY NO. 13.2:**

16 No.

17 **FORM INTERROGATORY NO. 14.1:**

18 Do **YOU OR ANYONE ACTING ON YOUR BEHALF** contend that any **PERSON**
19 involved in the **INCIDENT** violated any statute, ordinance, or regulation and that the violation
20 was a legal (proximate) cause of the **INCIDENT**? If so, identify the name, **ADDRESS**, and
21 telephone number of each **PERSON** and the statute, ordinance, or regulation that was violated.

22 **RESPONSE TO FORM INTERROGATORY NO. 14.1:**

23 No.

24 **FORM INTERROGATORY NO. 15.1:**

25 Identify each denial of a material allegation and each special or affirmative defense in your
26 pleadings and for each:

27 (a) state all facts upon which you base the denial or special or affirmative defense;

28 (b) state the names, **ADDRESSES**, and telephone numbers of all **PERSONS** who have

1 knowledge of those facts; and

2 (c) identify all **DOCUMENTS** and other tangible things that support your denial or
3 special or affirmative defense, and state the name, **ADDRESS**, and telephone number of the
4 **PERSON** who has each **DOCUMENT**.

5 **RESPONSE TO FORM INTERROGATORY NO. 15.1:**

6 Responding Party objects to this Interrogatory on the grounds that the definition of
7 “INCIDENT” is defined as “the circumstances and events surrounding the alleged accident or
8 injury giving rise to your claims in the First Amended Complaint,” and accordingly, with respect
9 to the First Amended Complaint, Responding Party does not plead any special or affirmative
10 defenses. As applicable to special or affirmative defenses pled in response to Propounding Party’s
11 Cross-Complaint, Responding Party provides responses in his “RESPONSE TO SECOND SET
12 OF FORM INTERROGATORIES.”

13 **FORM INTERROGATORY NO. 17.1:**

14 Is your response to each request for admission served with these interrogatories an
15 unqualified admission? If not, for each response that is not an unqualified admission:

- 16 (a) state the number of the request;
17 (b) state all facts upon which you base your response;
18 (c) state the names, **ADDRESSES**, and telephone numbers of all **PERSONS** who have
19 knowledge of those facts; and

20 (d) identify all **DOCUMENTS** and other tangible things that support your response
21 and state the name, **ADDRESS**, and telephone number of the **PERSON** who has each
22 **DOCUMENT** or thing.

23 **RESPONSE TO FORM INTERROGATORY NO. 17.1:**

- 24 (a) Request for Admission No. 1
25 (b) Responding Party objects to the phrases “you” and “call” as they are vague,
26 ambiguous, and overbroad. Responding Party bases its denial on the fact that he did call Jason
27 Hall that day with the help of Isaiah TriForce Johnson on Skype.
28 (c) Responding Party, Isaiah TriForce Johnson, Jace Hall

1 (d) N/A

2

3 (a) Request for Admission No. 2

4 (b) Responding Party objects to the phrases “you” and “call” as they are vague,
5 ambiguous, and overbroad. Responding Party bases its denial on the fact that he last called Jason
6 Hall on April 12, 2018, at 1:50AM EST (10:50PM PST).

7 (c) Responding Party, Jace Hall

8 (d) N/A

9

10 (a) Request for Admission No. 4

11 (b) Responding Party objects to the phrases “you” and “dispute claim” as they are
12 vague, ambiguous, and overbroad. Responding Party also objects on the grounds that the Request
13 is impermissibly compound. Subject to and without waiving the foregoing objections, Responding
14 Party responds: Admit that Responding Party visited the Twin Galaxies offices on or about
15 January 19, 2018, and that Mr. Hall noted in passing that someone opened a score dispute against
16 one of Mitchell’s high-scores, but as to the remainder of the Request, Responding Party has made
17 a reasonable inquiry concerning the matter in the particular request, and that the information
18 known or readily obtainable is insufficient to enable Responding Party to admit the matter.

19 Responding Party bases its inability to admit the remainder of the Request on the fact that
20 Mr. Hall neither identified the identity of the claimant, his/her background, nor any particular
21 allegations alleged in the dispute claim.

22 (c) Responding Party, Jace Hall, Ryan Burger

23 (d) N/A

24

25 (a) Request for Admission No. 5

26 (b) Responding Party objects to the phrases “you” and “dispute claim” as they are
27 vague, ambiguous, and overbroad. Responding Party also objects on the grounds that the Request
28 is impermissibly compound. Subject to and without waiving the foregoing objections, Responding

1 Party responds: Admit that Responding Party visited the Twin Galaxies offices on or about
2 January 19, 2018, but as to the remainder of the Request, Responding Party denies.

3 Responding Party bases its denial on the fact that none of the information cited was
4 explained to him by Jace Hall on January 19, 2018.

5 (c) Responding Party, Jace Hall, Ryan Burger

6 (d) N/A

7

8 (a) Request for Admission No. 6

9 (b) Responding Party objects to the phrases “you” and “dispute claim” as they are
10 vague, ambiguous, and overbroad. Responding Party also objects on the grounds that the Request
11 is impermissibly compound. Subject to and without waiving the foregoing objections, Responding
12 Party responds: Admit that Responding Party visited the Twin Galaxies offices on or about
13 January 19, 2018, and that Mr. Hall noted in passing that someone opened a score dispute against
14 one of Mitchell’s high-scores, but as to the remainder of the Request, Responding Party has made
15 a reasonable inquiry concerning the matter in the particular request, and that the information
16 known or readily obtainable is insufficient to enable Responding Party to admit the matter.

17 Responding Party bases its inability to admit the remainder of the Request on the fact that
18 Mr. Hall neither identified the identity of the claimant, his/her background, any particular
19 allegations alleged in the dispute claim, nor invited him to provide information on the matter to
20 Twin Galaxies.

21 (c) Responding Party, Jace Hall, Ryan Burger

22 (d) N/A

23

24 (a) Request for Admission No. 7

25 (b) Responding Party objects to the phrases “you” and “dispute claim” as they are
26 vague, ambiguous, and overbroad. Responding Party also objects on the grounds that the Request
27 is impermissibly compound. Subject to and without waiving the foregoing objections, Responding
28 Party responds: Admit that Responding Party visited the Twin Galaxies offices on or about

1 January 19, 2018, but as to the remainder of the Request, Responding Party denies.

2 Responding Party bases its denial on the fact that Mr. Hall neither identified the identity of
3 the claimant, his/her background, nor any particular allegations alleged in the dispute claim; and
4 further, Mr. Hall neither invited Responding Party to provide information on the topic nor did
5 Responding Party decline to participate at that time.

6 (c) Responding Party, Jace Hall, Ryan Burger

7 (d) N/A

8
9 (a) Request for Admission No. 9

10 (b) Responding Party objects to the phrase “childhood friend” as it is vague,
11 ambiguous, and overbroad. Subject to and without waiving the foregoing objections, Responding
12 Party responds: Deny.

13 Responding Party bases its denial on the fact that Responding Party met Mr. Childs when
14 they each were above the age of eighteen, making them both adults.

15 (c) Responding Party, Robert Childs

16 (d) N/A

17
18 (a) Request for Admission No. 10

19 (b) Responding Party objects to the phrases “witness to the event” and “technician who
20 performed the game and equipment set up” as they are vague, ambiguous, and overbroad.

21 Responding Party also objects on the grounds that the Request is impermissibly compound.

22 Further, Responding Party objects to the Request on the basis that it seeks a legal conclusion and
23 not an admission of fact. Subject to and without waiving the foregoing objections, Responding

24 Party responds: Admit that Robert Childs was a witness to the 1,047,200 point Donkey Kong
25 Arcade high-score (the “King of Kong Score”) and that he performed set up and was a witness to
26 the 1,062,800 point Donkey Kong Arcade high-score (the “Boomer’s Score”), but as to the
27 remainder of the Request, Responding Party denies.

28 Responding Party bases its denial on the fact that Mr. Childs did not help perform set up

1 for the 1,047,200 point Donkey Kong Arcade high-score (the “King of Kong Score”), and he did
2 not perform set up or witness the 1,050,200 point Donkey Kong Arcade high-score (the
3 “Mortgage Broker's Score”).

4 (c) Responding Party, Robert Childs

5 (d) N/A

6
7 (a) Request for Admission No. 11

8 (b) Responding Party objects to the phrases “witness to the event” and “technician who
9 performed the game and equipment set up” as they are vague, ambiguous, and overbroad.

10 Responding Party also objects on the grounds that the Request is impermissibly compound.

11 Subject to and without waiving the foregoing objections, Responding Party responds: Responding
12 Party has made a reasonable inquiry concerning the matter in the particular request, and that the
13 information known or readily obtainable is insufficient to enable Responding Party to admit the
14 matter.

15 Responding Party bases its inability to admit the matter on the fact that he is unaware of
16 what Mr. Childs did or did not supply to the public and Twin Galaxies.

17 (c) Responding Party, Robert Childs

18 (d) N/A

19
20 (a) Request for Admission No. 12

21 (b) Responding Party objects to the phrases “layman’s” and “method of hook-up
22 utilizing the game/equipment set up” as they are vague, ambiguous, and overbroad. Responding
23 Party also objects on the grounds that the Request is impermissibly compound. Further,
24 Responding Party objects to the Request on the basis that it seeks a legal conclusion and not an
25 admission of fact. Subject to and without waiving the foregoing objections, Responding Party
26 responds: Responding Party has made a reasonable inquiry concerning the matter in the particular
27 request, and that the information known or readily obtainable is insufficient to enable Responding
28 Party to admit the matter.

1 Responding Party bases its inability to admit the matter on the fact that he is unaware of
2 what Mr. Childs publicly provided.

3 (c) Responding Party, Robert Childs

4 (d) N/A

5
6 (a) Request for Admission No. 13

7 (b) Responding Party objects to the phrases “\$5000 CHALLENGE” and “disprove his
8 explanation with respect to the dispute concerning your Donkey Kone score performances” as they
9 are vague, ambiguous, and overbroad. Responding Party also objects on the grounds that the
10 Request is impermissibly compound. Subject to and without waiving the foregoing objections,
11 Responding Party responds: Responding Party has made a reasonable inquiry concerning the
12 matter in the particular request, and that the information known or readily obtainable is
13 insufficient to enable Responding Party to admit the matter.

14 Responding Party bases its inability to admit the matter on the fact that he is unfamiliar
15 with the alleged “explanation” given by Robert Childs.

16 (c) Responding Party, Robert Childs

17 (d) N/A

18
19 (a) Request for Admission No. 14

20 Responding Party objects to the phrases “layman’s” and “method of hook-up utilizing the
21 game/equipment set up” as they are vague, ambiguous, and overbroad. Responding Party also
22 objects on the grounds that the Request is impermissibly compound. Further, Responding Party
23 objects to the Request on the basis that it seeks a legal conclusion and not an admission of fact.
24 Subject to and without waiving the foregoing objections, Responding Party responds: Responding
25 Party has made a reasonable inquiry concerning the matter in the particular request, and that the
26 information known or readily obtainable is insufficient to enable Responding Party to admit the
27 matter.

28 Responding Party bases its inability to admit the matter on the fact that he is unaware of

1 what Mr. Childs publicly provided.

2 (c) Responding Party, Robert Childs

3 (d) N/A

4

5 (a) Request for Admission No. 16

6 (b) Responding Party objects to the phrases “3 lives perfect pac-man” and “conspired”

7 as they are vague, ambiguous, and overbroad. Responding Party also objects on the grounds that

8 the Request is impermissibly compound. Further, Responding Party objects to the Request on the

9 basis that it seeks a legal conclusion and not an admission of fact. Subject to and without waiving

10 the foregoing objections, Responding Party responds: Deny.

11 Responding Party bases its denial on the fact that nobody achieved a “3 lives perfect pac-

12 man” game before July 3, 1999 on original unmodified Pac-Man arcade hardware.

13 (c) Responding Party

14 (d) N/A

15

16 (a) Request for Admission No. 17

17 (b) Responding Party objects to the phrases “3 lives perfect pac-man” and “conspired”

18 as they are vague, ambiguous, and overbroad. Responding Party also objects on the grounds that

19 the Request is impermissibly compound. Further, Responding Party objects to the Request on the

20 basis that it seeks a legal conclusion and not an admission of fact. Subject to and without waiving

21 the foregoing objections, Responding Party responds: Admit that Responding Party proposed a

22 plan to send a non-player-attributed videotaped performance to Twin Galaxies, but as to the

23 remainder of the Request, Responding Party denies.

24 Responding Party bases its denial on the fact that Responding Party denies that the plan

25 was detailed and intentional or that the purpose was to generate misdirection and confusion to

26 discredit the Twin Galaxies organization, Mr. Hall, or both.

27 (c) Responding Party

28 (d) N/A

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(a) Request for Admission No. 18

(b) Responding Party objects to the phrase “bonus footage and commentary” as it is vague, ambiguous, and overbroad. Responding Party also objects on the grounds that the Request is impermissibly compound. Subject to and without waiving the foregoing objections, Responding Party responds: Deny.

Responding Party bases its denial on the fact that Responding Party acknowledges he is reasonably acquainted with the general contents of the film, but Responding Party has never directly watched the film in its entirety, including the bonus footage commentary found the DVD release.

(c) Responding Party

(d) King of Kong Film

(a) Request for Admission No. 19

(b) Responding Party objects to the phrases “run or own any significant part” and “economically impactful” as they are vague, ambiguous, and overbroad. Responding Party also objects on the grounds that the Request is impermissibly compound. Further, Responding Party objects to the Request on the basis that it seeks a legal conclusion and not an admission of fact. Subject to and without waiving the foregoing objections, Responding Party responds: Admit that Responding Party does not run Rickey’s Restaurant, but as to the remainder of the Request, Responding Party denies and that Responding Party had made a reasonable inquiry concerning the matter in the particular request, and that the information known or readily obtainable is insufficient to enable Responding Party to admit the matter.

Responding Party bases its denial on the fact that Responding Party lacks ownership of any significant part of Rickey’s Restaurant because Responding Party only owns a partial stake in the business alongside his father and four siblings. Accordingly, Responding Party is unable to admit or deny, however, if the defamatory statements by Twin Galaxies from April 12, 2018, impacted Rickey’s Restaurant economically, because he does not participate in the operations of the

1 restaurant.

2 (c) Responding Party

3 (d) N/A

4

5 (a) Request for Admission No. 20

6 (b) Responding Party objects to the phrases “image/likeness” and “involvement or
7 association” as they are vague, ambiguous, and overbroad. Responding Party also objects on the
8 grounds that the Request is impermissibly compound. Subject to and without waiving the
9 foregoing objections, Responding Party responds: Responding Party has made a reasonable
10 inquiry concerning the matter in the particular request, and that the information known or readily
11 obtainable is insufficient to enable Responding Party to admit the matter.

12 Responding Party bases its inability to admit the remaining on the fact that although
13 Responding party owns a partial stake in Rickey’s Restaurant, and receives income from Rickey’s
14 Restaurant, Responding party does not participate in the operations of Rickey’s Restaurant and is
15 not familiar with the marketing strategy of Rickey’s Restaurant.

16 (c) Responding Party

17 (d) N/A

18

19 (a) Request for Admission No. 21

20 (b) Responding Party objects to the phrases “historically publicly known web address”
21 and “defunct” as they are vague, ambiguous, and overbroad. Responding Party also objects on the
22 grounds that the Request is impermissibly compound. Subject to and without waiving the
23 foregoing objections, Responding Party responds: Admit that the web address to purchase
24 Rickey’s World Famous Louisiana Hot Sauce was <http://www.800hotsauce.com/>, but as to the
25 remainder of the Request, Responding Party denies.

26 Responding Party bases its inability to admit the remaining on the fact that the web link
27 and site dedicated to Rickey’s Hot Sauce was disabled by a cyber-attack in April 2018, but the
28 web link and site dedicated to Rickey’s Hot Sauce was accessible as late as March 2, 2018.

1 (c) Responding Party

2 (d) N/A

3

4 (a) Request for Admission No. 22

5 (b) Responding Party objects to the phrases “you” and “bound” as they are vague,
6 ambiguous, and overbroad. Responding Party also objects on the grounds that the Request is
7 impermissibly compound. Subject to and without waiving the foregoing objections, Responding
8 Party responds: Responding Party has made a reasonable inquiry concerning the matter in the
9 particular request, and that the information known or readily obtainable is insufficient to enable
10 Responding Party to admit the matter.

11 Responding Party bases its inability to admit the matter on the fact that Responding Party
12 has never owned an account on <http://www.TwinGalaxies.com/> or been notified of a “Player
13 Agreement” in connection with high-score submissions. Moreover, the link referenced in the
14 Request for admission is defunct.

15 (c) Responding Party

16 (d) N/A

17

18 (a) Request for Admission No. 23

19 (b) Responding Party objects to the phrases “you” and “bound” as they are vague,
20 ambiguous, and overbroad. Responding Party also objects on the grounds that the Request is
21 impermissibly compound. Subject to and without waiving the foregoing objections, Responding
22 Party responds: Responding Party has made a reasonable inquiry concerning the matter in the
23 particular request, and that the information known or readily obtainable is insufficient to enable
24 Responding Party to admit the matter.

25 Responding Party bases its inability to admit the matter on the fact that Responding Party
26 has never owned an account on <http://www.TwinGalaxies.com/> or been notified of a “Player
27 Agreement” in connection with high-score submissions.

28 (c) N/A

1 (d) N/A

2

3 (a) Request for Admission No. 24

4 (b) Responding Party objects to the phrases “you” and “bound” as they are vague,
5 ambiguous, and overbroad. Responding Party also objects on the grounds that the Request is
6 impermissibly compound.

7 Subject to and without waiving the foregoing objections, Responding Party responds:
8 Responding Party has made a reasonable inquiry concerning the matter in the particular request,
9 and that the information known or readily obtainable is insufficient to enable Responding Party to
10 admit the matter.

11 Responding Party bases its inability to admit the matter on the fact that Mitchell has never
12 owned an account on <http://www.TwinGalaxies.com/> or been notified of a “Player Agreement” in
13 connection with high-score submissions.

14 (c) N/A

15 (d) N/A

16

17 (a) Request for Admission No. 25

18 (b) Responding Party objects to the phrase “ownership interest” as it is vague,
19 ambiguous, and overbroad. Subject to and without waiving the foregoing objections, Responding
20 Party responds: Deny.

21 Responding Party bases its inability to admit the matter on the fact that he never held an
22 ownership interest in Twin Galaxies. In the 1980s, Responding Party owned a laser tag venue that
23 was named “Twin Galaxies,” a completely separate entity and venture from Twin Galaxies
24 Scoreboard.

25 (c) Responding Party, Walter Day, Jace Hall

26 (d) N/A

27

28 (a) Request for Admission No. 26

1 (b) Responding Party objects to the phrases “submissions” and “same stringent rules”
2 as they is vague, ambiguous, and overbroad. Responding Party also objects on the grounds that the
3 Request is overbroad as to time. Subject to and without waiving the foregoing objections,
4 Responding Party responds: Admit that Responding Party followed the rules of utilizing original
5 unmodified hardware in each and every record obtained by him that was featured on the Twin
6 Galaxies scoreboard, but as to the remainder of the Request, Responding Party has made a
7 reasonable inquiry concerning the matter in the particular request, and that the information known
8 or readily obtainable is insufficient to enable Responding Party to admit the matter.

9 Responding Party bases its inability to admit the remainder on the fact that Responding
10 Party bases its inability to admit the remainder on the fact that Responding party is not familiar
11 with the ruleset of each and every recordkeeping track for every game on the Twin Galaxies
12 scoreboard or the circumstances behind the records of each and every other player on the Twin
13 Galaxies scoreboard.

14 (c) N/A

15 (d) N/A

16
17 (a) Request for Admission No. 27

18 (b) Responding Party objects to the phrases “Twin Galaxies Database” and
19 “automatically followed the ruling” as they are vague, ambiguous, and overbroad. Responding
20 Party also objects on the grounds that the Request is impermissibly compound. Subject to and
21 without waiving the foregoing objections, Responding Party responds: Responding Party has
22 made a reasonable inquiry concerning the matter in the particular request, and that the information
23 known or readily obtainable is insufficient to enable Responding Party to admit the matter.

24 Responding Party bases its inability to admit the matter on the fact that Propounding Party
25 has not provided a location – physical, digital, or otherwise – for the quoted information cited in
26 the request, and the location is unknown to the Responding Party.

27 (c) N/A

28 (d) N/A

1 (a) Request for Admission No. 29

2 (b) Responding Party objects to the phrases “Twin Galaxies Database” and
3 “automatically followed the ruling” as they are vague, ambiguous, and overbroad. Responding
4 Party also objects on the grounds that the Request is impermissibly compound. Subject to and
5 without waiving the foregoing objections, Responding Party responds: Responding Party has
6 made a reasonable inquiry concerning the matter in the particular request, and that the information
7 known or readily obtainable is insufficient to enable Responding Party to admit the matter.

8 Responding Party bases its inability to admit the matter on the fact that Responding Party
9 is not familiar with the exact verbiage of Twin Galaxies’ rules in 1999 for recorded games.

10 (c) Responding Party

11 (d) N/A

12
13 (a) Request for Admission No. 30

14 (b) Responding Party objects to the phrase “visit” as it is vague, ambiguous, and
15 overbroad. Subject to and without waiving the foregoing objections, Responding Party responds:
16 Admit that Pete Bouvier was present Boomer’s Arcade at some times on Saturday, July 31, 2010,
17 but as to the remainder of the Request, Responding Party denies that he was present for the entire
18 duration of the date.

19 Responding Party bases its denial on the fact that Mr. Bouvier was not present at Boomer’s
20 Arcade at all times for the duration of Saturday, July 31, 2010.

21 (c) Responding Party, Pete Bouvier

22 (d)

23
24 (a) Request for Admission No. 34

25 (b) Responding Party objects to the phrases “ALL” and “Twin Galaxies Sanctioned
26 events” as they are vague, ambiguous, and overbroad. Responding Party objects on the grounds
27 that the Request is impermissibly compound. Subject to and without waiving the foregoing
28 objections, Responding Party responds: Deny.

1 Responding Party bases its denial on the fact that although Responding Party achieved
2 many of his records at organized and advertised Twin Galaxies events, the 1,050,200 point
3 Donkey Kong Arcade world record occurred at an event organized and advertised by the Florida
4 Association of Mortgage Brokers. While Twin Galaxies took part in the event, and notably
5 oversaw Responding Party verifying his hardware with the Senior Engineer of Nintendo, Wayne
6 Shirk, Twin Galaxies was not the organizer and advertiser of the convention itself.

7 (c) Responding Party

8 (d) N/A

9

10 (a) Request for Admission No. 36

11 (b) Responding Party objects to the phrases “ALL” and “Twin Galaxies Sanctioned
12 events” as they are vague, ambiguous, and overbroad. Responding Party objects on the grounds
13 that the Request is impermissibly compound. Subject to and without waiving the foregoing
14 objections, Responding Party responds: Deny.

15 Responding Party bases its denial on the fact that Responding Party recorded his Perfect
16 Pac-Man score on July 3, 1999, on three videotapes due to the constraints imposed by the
17 technology of the time. The third videotape, which shows approximately the final third of the
18 performance, showed a final score of 3,333,360 points.

19 (c) Responding Party

20 (d) Three Videotapes

21

22 (a) Request for Admission No. 37

23 (b) Responding Party objects to the phrases “3rd July 1999” and “photo” as they are
24 vague, ambiguous, and overbroad. Responding Party also objects on the grounds that the Request
25 is impermissibly compound. Subject to and without waiving the foregoing objections, Responding
26 Party responds: Responding Party has made a reasonable inquiry concerning the matter in the
27 particular request, and that the information known or readily obtainable is insufficient to enable
28 Responding Party to admit the matter.

1 Responding Party bases its inability to admit the matter on the fact that Responding Party
2 did not personally capture a picture of the game screen displaying a score of (3),333,360 points,
3 and Responding Party cannot ascertain if any other individual did so.

4 (c) N/A

5 (d) N/A

6

7 (a) Request for Admission No. 38

8 (b) Responding Party objects to the phrase “given an award” as it is vague, ambiguous,
9 and overbroad. Responding Party also objects on the grounds that the Request is impermissibly
10 compound. Subject to and without waiving the foregoing objections, Responding Party responds:
11 Deny.

12 Responding Party bases its denial on the fact that Masaya Nakamura, who represented both
13 NAMCO and JAMMA, awarded him the “Video Game Player of the Century” award in
14 conjunction with Walter Day.

15 (c) Responding Party, Walter Day, Masaya Nakamura

16 (d) N/A

17

18 (a) Request for Admission No. 39

19 (b) Responding Party objects to the phrases “deliberately and repeatedly misled the
20 public” and “assigned an award” as they are vague, ambiguous, and overbroad. Responding Party
21 also objects on the grounds that the Request is impermissibly compound. Further, Responding
22 Party objects to the Request on the basis that it seeks a legal conclusion and not an admission of
23 fact. Subject to and without waiving the foregoing objections, Responding Party responds: Deny.

24 Responding Party bases its denial on the fact that Masaya Nakamura, who represented both
25 NAMCO and JAMMA, awarded him the “Video Game Player of the Century” award in
26 conjunction with Walter Day.

27 (c) Responding Party, Walter Day, Masaya Nakamura

28 (d) N/A

1 (a) Request for Admission No. 40

2 (b) Responding Party objects to the phrases “Mortgage Brokers event” and “open and
3 available to convention goers/public to witness” as they are vague, ambiguous, and overbroad.

4 Responding Party also objects on the grounds that the Request is overbroad as to time.

5 Subject to and without waiving the foregoing objections, Responding Party responds:

6 Admit that the Mortgage Brokers event was open and available to convention goers and the
7 public, but as to the remainder of the Request, Responding Party denies.

8 Responding Party bases its denial on the fact that Responding Party achieved that Donkey
9 Kong Arcade world record of 1,050,200 points on Saturday, July 14, 2007.

10 (c) Responding Party

11 (d) N/A

12

13 (a) Request for Admission No. 41

14 (b) Responding Party objects to the phrases “Guinness” and “official ‘Billy Mitchell
15 Reinstatement Video’” as they are vague, ambiguous, and overbroad. Responding Party also
16 objects on the grounds that the Request is impermissibly compound. Further, Responding Party
17 objects to the Request on the basis that it seeks a legal conclusion and not an admission of fact.

18 Subject to and without waiving the foregoing objections, Responding Party responds: Deny.

19 Responding Party bases its denial on the fact that he has never knowingly allowed
20 Guinness World Records to acknowledge a false achievement.

21 (c) Responding Party

22 (d) N/A

23

24 (a) Request for Admission No. 42

25 (b) Responding Party objects to the phrases “visit” and “King Off 6 event” as they are
26 vague, ambiguous, and overbroad. Subject to and without waiving the foregoing objections,
27 Responding Party responds: Deny.

28 Responding Party bases its denial on the fact that Carlos Pineiro shared a hotel room with

1 Isaiah TriForce Johnson.

2 (c) Responding Party, Carlos Pinero, Isaiah TriForce Johnson

3 (d) N/A

4

5 (a) Request for Admission No. 43

6 (b) Responding Party objects to the phrase “completed” as it is vague, ambiguous, and
7 overbroad. Subject to and without waiving the foregoing objections, Responding Party responds:
8 Deny.

9 Responding Party bases its denial on the fact that Responding Party did not complete a
10 Donkey Kong Junior world record game on July 3, 2010.

11 (c) Responding Party

12 (d) N/A

13

14 (a) Request for Admission No. 47

15 (b) Responding Party objects to the phrase “original master video tapes” as it is vague,
16 ambiguous, and overbroad. Subject to and without waiving the foregoing objections, Responding
17 Party responds: Admit that Responding Party is not aware of anyone who could be in possession
18 of the original master videotapes, but as to the remainder of the Request, Responding Party denies.

19 Responding Party bases its denial on the fact that Twin Galaxies lost the original master
20 videotapes of Responding Party’s videotaped Donkey Kong performances of 1,047,200 points and
21 1,050,200 points and cannot locate it.

22 (c) Responding Party

23 (d) N/A

24

25 (a) Request for Admission No. 49

26 (b) Responding Party objects to the phrase “played Donkey Kong for Carlos Pineiro”
27 as it is vague, ambiguous, and overbroad. Subject to and without waiving the foregoing objections,
28 Responding Party responds: Deny.

1 Responding Party bases its denial on the fact that Responding Party has never played
2 Donkey Kong for the purpose of helping anyone test the validity of the claims against his Donkey
3 Kong score performances that are at issue in this case.

4 (c) Responding Party, Carlos Pineiro

5 (d) N/A

6
7 (a) Request for Admission No. 50

8 (b) Responding Party objects to the phrase “played Donkey Kong for Steven Kleisath”
9 as it is vague, ambiguous, and overbroad. Subject to and without waiving the foregoing objections,
10 Responding Party responds: Deny.

11 Responding Party bases its denial on the fact that Responding Party has never played
12 Donkey Kong for the purpose of helping anyone test the validity of the claims against his Donkey
13 Kong score performances that are at issue in this case.

14 (c) Responding Party, Steven Kleisath

15 (d) N/A

16
17 (a) Request for Admission No. 51

18 (b) Responding Party objects to the phrase “played Donkey Kong for Carlos Pineiro”
19 as it is vague, ambiguous, and overbroad. Responding Party also objects on the grounds that this
20 Request has been asked and answered. Subject to and without waiving the foregoing objections,
21 Responding Party responds: Deny.

22 Responding Party bases its denial on the fact that Responding Party has never played
23 Donkey Kong for the purpose of helping anyone test the validity of the claims against his Donkey
24 Kong score performances that are at issue in this case.

25 (c) Responding Party, Carlos Pineiro

26 (d) N/A

27
28 (a) Request for Admission No. 52

1 (b) Responding Party objects to the phrase “obtained a television for Carlos Pineiro” as
2 it is vague, ambiguous, and overbroad. Subject to and without waiving the foregoing objections,
3 Responding Party responds: Deny.

4 Responding Party bases its denial on the fact that Responding Party never obtained a
5 television for Carlos Pineiro to test the allegations that he cheated to achieve the Donkey Kong
6 score performances that are at issue in this case. After Mr. Pineiro made a general request for a
7 television, Responding Party texted Mr. Pineiro, without knowledge of the purpose of the request,
8 a picture of an old leftover television in his home with an offer to give it to Mr. Pineiro. Mr.
9 Pineiro, on his own accord, and without instruction from Responding Party, stated that he would
10 use the television for testing purposes.

11 (c) Responding Party, Carlos Pineiro

12 (d) N/A

13
14 (a) Request for Admission No. 53

15 (b) Responding Party objects to the phrase “assisted for Carlos Pineiro” as it is vague,
16 ambiguous, and overbroad. Subject to and without waiving the foregoing objections, Responding
17 Party responds: Deny.


18 Responding Party bases its denial on the fact that Responding Party neither participated in
19 Carlos Pineiro’s technical testing nor did Responding Party play Donkey Kong for the purpose of
20 assisting Mr. Pineiro.

21 (c) Responding Party, Carlos Pineiro

22 (d) N/A

23 DATED: August 24, 2022

MANNING & KASS
ELLROD, RAMIREZ, TRESTER LLP

24
25 By: 
26 Anthony J. Ellrod
27 Linna T. Loangkote
28 Attorneys for Plaintiff WILLIAM JAMES MITCHELL

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VERIFICATION

STATE OF CALIFORNIA, COUNTY OF LOS ANGELES

I have read the foregoing **PLAINTIFF WILLIAM JAMES MITCHELL'S RESPONSE TO FIRST SET OF FORM INTERROGATORIES PROPOUNDED BY DEFENDANT TWIN GALAXIES, LLC** and know its contents.

I am a party to this action. The matters stated in the foregoing document are true of my own knowledge except as to those matters which are stated on information and belief, and as to those matters I believe them to be true.

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

Executed on August 23, 2022, at Hollywood, Florida.

WILLIAM JAMES MITCHELL
Print Name of Signatory

William J. Mitchell
Signature

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 August 24, 2022, I served true copies of the following document(s) described as **PLAINTIFF WILLIAM JAMES MITCHELL'S RESPONSE TO FIRST SET OF FORM INTERROGATORIES PROPOUNDED BY DEFENDANT TWIN GALAXIES, LLC** on the interested parties in this action as follows:

David Tashroudian, Esq. Mona Tashroudian, Esq. TASHROUDIAN LAW GROUP, APC 12400 Ventura Blvd. Suite 300 Studio City, CA 91604 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 MAIL: I enclosed the document(s) in a sealed envelope or package addressed to the persons at the addresses listed in the Service List and placed the envelope for collection and mailing, following our ordinary business practices. I am readily familiar with the practice of Manning & Kass, Ellrod, Ramirez, Trester LLP for collecting and processing correspondence for mailing. On the same day that correspondence is placed for collection and mailing, it is deposited in the ordinary course of business with the United States Postal Service, in a sealed envelope with postage fully prepaid. I am a resident or employed in the county where the mailing occurred. The envelope was placed in the mail at Los Angeles, California.

BY E-MAIL OR ELECTRONIC TRANSMISSION: I caused a copy of the document(s) to be sent from e-mail address shc@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.

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

Executed on August 24, 2022, at Los Angeles, California.



Steve Chang