

1 Anthony J. Ellrod (State Bar No. 136574)
 aje@manningllp.com
2 Linna T. Loangkote (State Bar No. 307419)
 lil@manningllp.com
3 **MANNING & KASS**
4 **ELLROD, RAMIREZ, TRESTER LLP**
5 801 S. Figueroa St, 15th Floor
6 Los Angeles, California 90017-3012
7 Telephone: (213) 624-6900
8 Facsimile: (213) 624-6999
9 Attorneys for Plaintiff WILLIAM JAMES MITCHELL

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

14 WILLIAM JAMES MITCHELL,
15
16 Plaintiff,
17
18 v.
19 TWIN GALAXIES, LLC,
20
21 Defendants.

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

**PLAINTIFF WILLIAM JAMES
MITCHELL'S RESPONSE TO FIRST SET
OF REQUESTS FOR ADMISSION
PROPOUNDED BY DEFENDANT TWIN
GALAXIES, LLC**

Action Filed: 4/11/2019

22 PROPOUNDING PARTY: Defendant Twin Galaxies, LLC
23 RESPONDING PARTY: Plaintiff William James Mitchell
24 SET NO.: One

25 Pursuant to Sections 2033.010, *et seq.*, of the California Code of Civil Procedure, Plaintiff
26 William James Mitchell ("Responding Party") hereby submits these objections and responses to
27 the First Set of Requests for Admission propounded by Defendant Twin Galaxies, LLC
28 ("Propounding Party").

PRELIMINARY STATEMENT

Responding Party has not completed his investigation of the facts relating to this case, his
discovery or his preparation for trial. All responses and objections contained herein are based only

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

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

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

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

1 by reference as though fully set forth in each response.

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

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

11 **GENERAL OBJECTIONS**

12 Responding Party generally objects to the Requests for Admission as follows:

13 1. Responding Party objects generally to the Requests for Admission to the extent that
14 they seek to elicit information that is neither relevant to the subject matter of this action, nor
15 reasonably calculated to lead to the discovery of admissible evidence;

16 2. Responding Party objects generally to the Requests for Admission to the extent that
17 they are unreasonably overbroad in scope, and thus burdensome and oppressive, in that each such
18 request seeks information pertaining to items and matters that are not relevant to the subject matter
19 of this action, or, if relevant, so remote therefrom as to make its disclosure of little or no practical
20 benefit to Propounding Party, while placing a wholly unwarranted burden and expense on
21 Responding Party in locating, reviewing and producing the requested information;

22 3. Responding Party objects generally to the Requests for Admission to the extent that
23 they are burdensome and oppressive, in that ascertaining the information necessary to respond to
24 them would require the review and compilation of information from multiple locations, and
25 voluminous records and files, thereby involving substantial time of employees of Responding
26 Party and great expense to Responding Party, whereas the information sought to be obtained by
27 Propounding Party would be of little use or benefit to Propounding Party;

28 4. Responding Party objects generally to the Requests for Admission to the extent that

- 1 they are vague, uncertain, overbroad and without limitation as to time or specific subject matter;
- 2 5. Responding Party objects generally to the Requests for Admission to the extent that
- 3 they seek information at least some of which is protected by the attorney-client privilege or the
- 4 attorney work-product doctrine, or both;
- 5 6. Responding Party objects generally to the Requests for Admission to the extent that
- 6 they seek to have Responding Party furnish information that is a matter of the public record, and
- 7 therefore is equally available to the Propounding Party as they are to Responding Party; and
- 8 7. Responding Party objects generally to the Requests for Admission to the extent that
- 9 they seek to have Responding Party furnish information that is proprietary to Responding Party
- 10 and contain confidential information.
- 11 8. Responding Party objects to the Requests for Admission, and to any individual
- 12 request set forth therein, to the extent that they are compound and constitute an impermissible
- 13 effort to circumvent the 35 special request limit set by Section 2033.030 of the California Code of
- 14 Civil Procedure.
- 15 9. Responding Party expressly incorporates each of the foregoing General Objections
- 16 into each specific response to the requests set forth below as if set forth in full therein. An answer
- 17 to a request is not intended to be a waiver of any applicable specific or general objection to such
- 18 request.

19 Without waiver of the foregoing, Responding Party further responds as follows:

20 **RESPONSES TO REQUESTS FOR ADMISSION**

21 **REQUEST FOR ADMISSION NO. 1:**

22 Admit that you did not call Jace Hall on April 5, 2018.

23 **RESPONSE TO REQUEST FOR ADMISSION NO. 1:**

24 Responding Party objects to the phrases “you” and “call” as they are vague, ambiguous,

25 and overbroad.

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

27 Deny.

28

1 **REQUEST FOR ADMISSION NO. 2:**

2 Admit that during the entire month of April, you only called Jace Hall on April 10, 2018,
3 initiating the call at 9:18PM PST.

4 **RESPONSE TO REQUEST FOR ADMISSION NO. 2:**

5 Responding Party objects to the phrases “you” and “call” as they are vague, ambiguous,
6 and overbroad.

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

9 **REQUEST FOR ADMISSION NO. 3:**

10 Admit that the last time you spoke to Jace Hall by telephone was on April 10, 2018.

11 **RESPONSE TO REQUEST FOR ADMISSION NO. 3:**

12 Responding Party objects to the phrases “you” and “telephone” as they are vague,
13 ambiguous, and overbroad.

14 Subject to and without waiving the foregoing objections, Responding Party responds:
15 Admit that the last time Responding Party spoke to Jace Hall was on April 11, 2018, taking into
16 account the difference in time zones.

17 **REQUEST FOR ADMISSION NO. 4:**

18 Admit that you visited the Twin Galaxies offices on January 19, 2018, and Hall notified
19 and explained directly to you that the head administrator of DonkeyKongForum.com, Jeremy
20 Young, had filed a dispute claim regarding your Donkey Kong score performances.

21 **RESPONSE TO REQUEST FOR ADMISSION NO. 4:**

22 Responding Party objects to the phrases “you” and “dispute claim” as they are vague,
23 ambiguous, and overbroad. Responding Party also objects on the grounds that the Request is
24 impermissibly compound.

25 Subject to and without waiving the foregoing objections, Responding Party responds:
26 Admit that Responding Party visited the Twin Galaxies offices on or about January 19, 2018, and
27 that Mr. Hall noted in passing that someone opened a score dispute against one of Mitchell’s high-
28 scores, but as to the remainder of the Request, Responding Party has made a reasonable inquiry

1 concerning the matter in the particular request, and that the information known or readily
2 obtainable is insufficient to enable Responding Party to admit the matter.

3 **REQUEST FOR ADMISSION NO. 5:**

4 Admit that you visited the Twin Galaxies offices on January 19, 2018, and Hall notified
5 and explained directly to you that: the dispute claim investigations are focused on examining the
6 veracity and objective validity of the presented dispute claim evidence, and that it is up to the
7 claim submitter to objectively and definitively prove their claim.

8 **RESPONSE TO REQUEST FOR ADMISSION NO. 5:**

9 Responding Party objects to the phrases “you” and “dispute claim” as they are vague,
10 ambiguous, and overbroad. Responding Party also objects on the grounds that the Request is
11 impermissibly compound.

12 Subject to and without waiving the foregoing objections, Responding Party responds:
13 Admit that Responding Party visited the Twin Galaxies offices on or about January 19, 2018, but
14 as to the remainder of the Request, Responding Party denies.

15 **REQUEST FOR ADMISSION NO. 6:**

16 Admit that you visited the Twin Galaxies offices on January 19, 2018, and Hall notified
17 and explained directly to you that: the head administrator of DonkeyKongForum.com, Jeremy
18 Young, had filed a dispute claim regarding your score performances and that Twin Galaxies would
19 welcome any information you were willing to provide on the topic but that you were not required
20 in any way to do so.

21 **RESPONSE TO REQUEST FOR ADMISSION NO. 6:**

22 Responding Party objects to the phrases “you” and “dispute claim” as they are vague,
23 ambiguous, and overbroad. Responding Party also objects on the grounds that the Request is
24 impermissibly compound.

25 Subject to and without waiving the foregoing objections, Responding Party responds:
26 Admit that Responding Party visited the Twin Galaxies offices on or about January 19, 2018, and
27 that Mr. Hall noted in passing that someone opened a score dispute against one of Mitchell’s high-
28 scores, but as to the remainder of the Request, Responding Party has made a reasonable inquiry

1 concerning the matter in the particular request, and that the information known or readily
2 obtainable is insufficient to enable Responding Party to admit the matter.

3 **REQUEST FOR ADMISSION NO. 7:**

4 Admit that you visited the Twin Galaxies offices on January 19, 2018, and Hall notified
5 and explained directly to you that: the head administrator of DonkeyKongForum.com, Jeremy
6 Young, had filed a dispute claim regarding your score performances and that Twin Galaxies would
7 welcome any information you were willing to provide on the topic and you declined to participate
8 at that time.

9 **RESPONSE TO REQUEST FOR ADMISSION NO. 7:**

10 Responding Party objects to the phrases “you” and “dispute claim” as they are vague,
11 ambiguous, and overbroad. Responding Party also objects on the grounds that the Request is
12 impermissibly compound.

13 Subject to and without waiving the foregoing objections, Responding Party responds:
14 Admit that Responding Party visited the Twin Galaxies offices on or about January 19, 2018, but
15 as to the remainder of the Request, Responding Party denies.

16 **REQUEST FOR ADMISSION NO. 8:**

17 Admit that the "Board Swap Video" posted on YouTube by Robert Childs that depicts
18 yourself, Robert Childs, Twin Galaxies Referee Todd Rogers and Morningdove Mahoney is
19 deliberately false and misleading.

20 **RESPONSE TO REQUEST FOR ADMISSION NO. 8:**

21 Responding Party objects to the phrases “Board Swap Video” and “deliberately false and
22 misleading” as they are vague, ambiguous, and overbroad. Responding Party also objects on the
23 grounds that the Request is impermissibly compound. Further, Responding Party objects to the
24 Request on the basis that it seeks a legal conclusion and not an admission of fact.

25 **REQUEST FOR ADMISSION NO. 9:**

26 Admit that Robert Childs is your childhood friend.

27 **RESPONSE TO REQUEST FOR ADMISSION NO. 9:**

28 Responding Party objects to the phrase “childhood friend” as it is vague, ambiguous, and

1 overbroad.

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

4 **REQUEST FOR ADMISSION NO. 10:**

5 Admit that Robert Childs was a witness to the event and technician who performed the
6 game and equipment set up for your Donkey Kong recordings at issue in your First Amended
7 Complaint.

8 **RESPONSE TO REQUEST FOR ADMISSION NO. 10:**

9 Responding Party objects to the phrases “witness to the event” and “technician who
10 performed the game and equipment set up” as they are vague, ambiguous, and overbroad.
11 Responding Party also objects on the grounds that the Request is impermissibly compound.
12 Further, Responding Party objects to the Request on the basis that it seeks a legal conclusion and
13 not an admission of fact.

14 Subject to and without waiving the foregoing objections, Responding Party responds:
15 Admit that Robert Childs was a witness to the 1,047,200 point Donkey Kong Arcade high-score
16 (the “King of Kong Score”) and that he performed set up and was a witness to the 1,062,800 point
17 Donkey Kong Arcade high-score (the “Boomer’s Score”), but as to the remainder of the Request,
18 Responding Party denies.

19 **REQUEST FOR ADMISSION NO. 11:**

20 Admit that Robert Childs supplied both the public and Twin Galaxies with the
21 specifications of the game/equipment set up for your Donkey Kong recordings.

22 **RESPONSE TO REQUEST FOR ADMISSION NO. 11:**

23 Responding Party objects to the phrases “witness to the event” and “technician who
24 performed the game and equipment set up” as they are vague, ambiguous, and overbroad.
25 Responding Party also objects on the grounds that the Request is impermissibly compound.

26 Subject to and without waiving the foregoing objections, Responding Party responds:
27 Responding Party has made a reasonable inquiry concerning the matter in the particular request,
28 and that the information known or readily obtainable is insufficient to enable Responding Party to

1 admit the matter.

2 **REQUEST FOR ADMISSION NO. 12:**

3 Admit that Robert Childs publicly provided both a layman's and detailed version of
4 technical explanations of the method of hook-up utilizing the game/equipment set up for your
5 Donkey Kong recordings.

6 **RESPONSE TO REQUEST FOR ADMISSION NO. 12:**

7 Responding Party objects to the phrases “layman’s” and “method of hook-up utilizing the
8 game/equipment set up” as they are vague, ambiguous, and overbroad. Responding Party also
9 objects on the grounds that the Request is impermissibly compound. Further, Responding Party
10 objects to the Request on the basis that it seeks a legal conclusion and not an admission of fact.

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

15 **REQUEST FOR ADMISSION NO. 13:**

16 Admit that Robert Childs publicly posted a \$5000 CHALLENGE, indicating that he would
17 donate \$5000 to the charity of choice of anyone can disprove his explanation with respect to the
18 dispute concerning your Donkey Kone score performances.

19 **RESPONSE TO REQUEST FOR ADMISSION NO. 13:**

20 Responding Party objects to the phrases “\$5000 CHALLENGE” and “disprove his
21 explanation with respect to the dispute concerning your Donkey Kone score performances” as they
22 are vague, ambiguous, and overbroad. Responding Party also objects on the grounds that the
23 Request is impermissibly compound.

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

28

1 **REQUEST FOR ADMISSION NO. 14:**

2 Admit that Robert Childs specifically provided Twin Galaxies photos and a receipt of the
3 two-bit converter board used for your Donkey Kong recordings.

4 **RESPONSE TO REQUEST FOR ADMISSION NO. 14:**

5 Responding Party objects to the phrase “two-bit converter board used for your Donkey
6 Kong recordings” as it is vague, ambiguous, and overbroad. Responding Party also objects on the
7 grounds that the Request is impermissibly compound.

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

12 **REQUEST FOR ADMISSION NO. 15:**

13 Admit that in person, with Robert Childs present, you specifically directed YouTube
14 personality Apollo Legend (Benjamin Smith) to Carlos Pineiro as "having the proof" that
15 supported your Donkey Kong videotaped performance's legitimacy.

16 **RESPONSE TO REQUEST FOR ADMISSION NO. 15:**

17 Responding Party objects to the phrase “having the proof” that supported your Donkey
18 Kong videotaped performance's legitimacy” is vague, ambiguous, and overbroad. Responding
19 Party also objects on the grounds that the Request is impermissibly compound.

20 Subject to and without waiving the foregoing objections, Responding Party responds:
21 Admit.

22 **REQUEST FOR ADMISSION NO. 16:**

23 Admit that a "3 lives perfect pac-man" was known to have already been achieved by other
24 people, therefore you and Walter Day conspired to specifically create a new definition and Twin
25 Galaxies leaderboard of a "perfect pac-man game" which included 5 lives.

26 **RESPONSE TO REQUEST FOR ADMISSION NO. 16:**

27 Responding Party objects to the phrases “3 lives perfect pac-man” and “conspired” as they
28 are vague, ambiguous, and overbroad. Responding Party also objects on the grounds that the

1 Request is impermissibly compound. Further, Responding Party objects to the Request on the
2 basis that it seeks a legal conclusion and not an admission of fact.

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

5 **REQUEST FOR ADMISSION NO. 17:**

6 Admit that on 4/1/2018 you revealed to David Race, a detailed and intentional secret plan
7 to arrange for a non-player-attributed videotaped performance to arrive at Twin Galaxies sent from
8 New Hampshire, for the purpose of generating misdirection and confusion that worked to discredit
9 the Twin Galaxies organization, Hall, or both.

10 **RESPONSE TO REQUEST FOR ADMISSION NO. 17:**

11 Responding Party objects to the phrases “3 lives perfect pac-man” and “conspired” as they
12 are vague, ambiguous, and overbroad. Responding Party also objects on the grounds that the
13 Request is impermissibly compound. Further, Responding Party objects to the Request on the
14 basis that it seeks a legal conclusion and not an admission of fact.

15 Subject to and without waiving the foregoing objections, Responding Party responds:
16 Admit that Responding Party proposed a plan to send a non-player-attributed videotaped
17 performance to Twin Galaxies, but as to the remainder of the Request, Responding Party denies.

18 **REQUEST FOR ADMISSION NO. 18:**

19 Admit that you have watched "The King of Kong" film in its entirety, including the bonus
20 footage and commentary found on the DVD release.

21 **RESPONSE TO REQUEST FOR ADMISSION NO. 18:**

22 Responding Party objects to the phrase “bonus footage and commentary” as it is vague,
23 ambiguous, and overbroad. Responding Party also objects on the grounds that the Request is
24 impermissibly compound.

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

27 **REQUEST FOR ADMISSION NO. 19:**

28 Admit that you do not run or own any significant part of Rickey's Restaurant, located at

1 4799 Hollywood Blvd, Hollywood, FL 33021 and that your score removal was not economically
2 impactful to that business and its majority ownership.

3 **RESPONSE TO REQUEST FOR ADMISSION NO. 19:**

4 Responding Party objects to the phrases “run or own any significant part” and
5 “economically impactful” as they are vague, ambiguous, and overbroad. Responding Party also
6 objects on the grounds that the Request is impermissibly compound. Further, Responding Party
7 objects to the Request on the basis that it seeks a legal conclusion and not an admission of fact.

8 Subject to and without waiving the foregoing objections, Responding Party responds:
9 Admit that Responding Party does not run Rickey’s Restaurant, but as to the remainder of the
10 Request, Responding Party denies and that Responding Party had made a reasonable inquiry
11 concerning the matter in the particular request, and that the information known or readily
12 obtainable is insufficient to enable Responding Party to admit the matter.

13 **REQUEST FOR ADMISSION NO. 20:**

14 Admit that between of Jan 1st, 2017, and April 16, 2022, your image/likeness, your
15 involvement or association with Rickey's Restaurant was not/is not currently listed, advertised or
16 promoted anywhere on the Rickey's Restaurant primary website (rickeyswings.com).

17 **RESPONSE TO REQUEST FOR ADMISSION NO. 20:**

18 Responding Party objects to the phrases “image/likeness” and “involvement or
19 association” as they are vague, ambiguous, and overbroad. Responding Party also objects on the
20 grounds that the Request is impermissibly compound.

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

25 **REQUEST FOR ADMISSION NO. 21:**

26 Admit that the most historically publicly known web address to purchase Rickey's World-
27 Famous Louisiana Hot Sauce was <http://www.800hotsauce.com/>, and that web link and site
28 dedicated to Rickey's hot sauce was defunct prior to the Twin Galaxies dispute claim thread start

1 date and never returned.

2 **RESPONSE TO REQUEST FOR ADMISSION NO. 21:**

3 Responding Party objects to the phrases “historically publicly known web address” and
4 “defunct” as they are vague, ambiguous, and overbroad. Responding Party also objects on the
5 grounds that the Request is impermissibly compound.

6 Subject to and without waiving the foregoing objections, Responding Party responds:
7 Admit that the web address to purchase Rickey’s World Famous Louisiana Hot Sauce was
8 <http://www.800hotsauce.com/>, but as to the remainder of the Request, Responding Party denies.

9 **REQUEST FOR ADMISSION NO. 22:**

10 Admit that as a gamer submitting scores to Twin Galaxies that you were bound by the
11 Player Agreement, which stipulates "Because most games have many cheats, codes, glitches and
12 bugs, I realize it is necessary to submit my entire game play on VHS or PAL videotape. The tape
13 must show the entire screen and include full coverage of the game play from the initial loading
14 routines and option screens to the final screen that shows my scores and initials on the score
15 table."

16 (Reference:

17 <https://web.archive.org/web/20040427100050/http://www.snipercade.com/twingal/bin/TW>
18 [INGALAXIES%20Submission%20Form%20Arcade.pdf](https://web.archive.org/web/20040427100050/http://www.snipercade.com/twingal/bin/TW))

19 **RESPONSE TO REQUEST FOR ADMISSION NO. 22:**

20 Responding Party objects to the phrases “you” and “bound” as they are vague, ambiguous,
21 and overbroad. Responding Party also objects on the grounds that the Request is impermissibly
22 compound.

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

27 **REQUEST FOR ADMISSION NO. 23:**

28 Admit that as a gamer submitting scores to Twin Galaxies that you were bound by the

1 Player Agreement, which stipulates" all tapes submitted become the property of Twin Galaxies, so
2 we strongly recommend making a backup copy before you send it in."

3 **RESPONSE TO REQUEST FOR ADMISSION NO. 23:**

4 Responding Party objects to the phrases "you" and "bound" as they are vague, ambiguous,
5 and overbroad. Responding Party also objects on the grounds that the Request is impermissibly
6 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 **REQUEST FOR ADMISSION NO. 24:**

12 Admit that as a gamer submitting scores to Twin Galaxies that you were bound by the
13 Player Agreement, which stipulates "I understand that my videotaped game play can be challenged
14 by other players who believe they can prove that I am using banned tactics, cheats or game bugs."

15 **RESPONSE TO REQUEST FOR ADMISSION NO. 24:**

16 Responding Party objects to the phrases "you" and "bound" as they are vague, ambiguous,
17 and overbroad. Responding Party also objects on the grounds that the Request is impermissibly
18 compound.

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

23 **REQUEST FOR ADMISSION NO. 25:**

24 Admit that you have had an ownership interest in Twin Galaxies at any point in time.

25 **RESPONSE TO REQUEST FOR ADMISSION NO. 25:**

26 Responding Party objects to the phrase "ownership interest" as it is vague, ambiguous, and
27 overbroad.

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

1 Deny.

2 **REQUEST FOR ADMISSION NO. 26:**

3 Admit all your score submissions followed the same stringent rules as everyone else that
4 were set out clearly at the time by Twin Galaxies.

5 **RESPONSE TO REQUEST FOR ADMISSION NO. 26:**

6 Responding Party objects to the phrases “submissions” and “same stringent rules” as they
7 is vague, ambiguous, and overbroad. Responding Party also objects on the grounds that the
8 Request is overbroad as to time.

9 Subject to and without waiving the foregoing objections, Responding Party responds:
10 Admit that Responding Party followed the rules of utilizing original unmodified hardware in each
11 and every record obtained by him that was featured on the Twin Galaxies scoreboard, but as to the
12 remainder of the Request, Responding Party has made a reasonable inquiry concerning the matter
13 in the particular request, and that the information known or readily obtainable is insufficient to
14 enable Responding Party to admit the matter.

15 **REQUEST FOR ADMISSION NO. 27:**

16 Admit that by submitting to the Twin Galaxies Database you automatically followed the
17 ruling that permitted your score to be investigated if the scoreboard editors "demanded an
18 explanation on how you achieved your score." "Especially if the game in question is a major title"

19 **RESPONSE TO REQUEST FOR ADMISSION NO. 27:**

20 Responding Party objects to the phrases “Twin Galaxies Database” and “automatically
21 followed the ruling” as they are vague, ambiguous, and overbroad. Responding Party also objects
22 on the grounds that the Request is impermissibly compound.

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

27 **REQUEST FOR ADMISSION NO. 28:**

28 Admit all your score submissions followed the rules concerning usage of the original

1 unmodified hardware.

2 **RESPONSE TO REQUEST FOR ADMISSION NO. 28:**

3 Responding Party objects to the phrases “score submissions” and “usage of the original
4 unmodified hardware” as they are vague, ambiguous, and overbroad.

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

7 **REQUEST FOR ADMISSION NO. 29:**

8 Admit your July 3rd, 1999, score submission on Pac Man was not "RECORDED IN
9 FULL" in accordance with TWIN GALAXIES rulings on recorded games.

10 **RESPONSE TO REQUEST FOR ADMISSION NO. 29:**

11 Responding Party objects to the phrases “Twin Galaxies Database” and “automatically
12 followed the ruling” as they are vague, ambiguous, and overbroad. Responding Party also objects
13 on the grounds that the Request is impermissibly compound.

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

18 **REQUEST FOR ADMISSION NO. 30:**

19 Admit Pete Bouvier was also present at Boomers Arcade Florida during your visit on
20 Saturday, July 31, 2010.

21 **RESPONSE TO REQUEST FOR ADMISSION NO. 30:**

22 Responding Party objects to the phrase “visit” as it is vague, ambiguous, and overbroad.

23 Subject to and without waiving the foregoing objections, Responding Party responds:
24 Admit that Pete Bouvier was present Boomer’s Arcade at some times on Saturday, July 31, 2010,
25 but as to the remainder of the Request, Responding Party denies that he was present for the entire
26 duration of the date.

27 **REQUEST FOR ADMISSION NO. 31:**

28 Admit that Todd Rogers and Kimberly Mahoney were also present at Boomers Arcade

1 Florida at any point during your visit on Friday July 30, 2010.

2 **RESPONSE TO REQUEST FOR ADMISSION NO. 31:**

3 Responding Party objects to the phrase “visit” as it is vague, ambiguous, and overbroad.

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

5 Admit.

6 **REQUEST FOR ADMISSION NO. 32:**

7 Admit that Arcade Collector Magazine editor Shawn Paul Jones had no knowledge of your
8 1,062,800 Donkey Kong and 1,279,200 Donkey Kong Junior world records prior to Saturday July
9 31, 2010.

10 **RESPONSE TO REQUEST FOR ADMISSION NO. 32:**

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

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

13 Admit.

14 **REQUEST FOR ADMISSION NO. 33:**

15 Admit that you achieved a Perfect Score on the original version of Pac Man at any point
16 prior to July 3rd, 1999.

17 **RESPONSE TO REQUEST FOR ADMISSION NO. 33:**

18 Responding Party objects to the phrases “achieved” and “Perfect Score on the original
19 version of Pac Man” as they are vague, ambiguous, and overbroad. Responding Party objects on
20 the grounds that the Request is impermissibly compound. Responding Party also objects to this
21 Request to the extent that it seeks to elicit information that is neither relevant to the subject matter
22 of this action, nor reasonably calculated to lead to the discovery of admissible evidence.

23 **REQUEST FOR ADMISSION NO. 34:**

24 Admit that ALL your Records listed at Twin Galaxies were achieved competing against
25 fellow gamers at organized and advertised Twin Galaxies Sanctioned events.

26 **RESPONSE TO REQUEST FOR ADMISSION NO. 34:**

27 Responding Party objects to the phrases “ALL” and “Twin Galaxies Sanctioned events” as
28 they are vague, ambiguous, and overbroad. Responding Party objects on the grounds that the

1 Request is impermissibly compound.

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

4 **REQUEST FOR ADMISSION NO. 35:**

5 Admit that in 1999 no agreement (formal or informal, verbal or written) was made with
6 Rick Fothergill concerning attempts to do a Perfect score of Pac Man without the other person
7 being present.

8 **RESPONSE TO REQUEST FOR ADMISSION NO. 35:**

9 Responding Party objects to the phrases “agreement (formal or informal, verbal or
10 written)” and “attempts to do a Perfect score of Pac Man” as they are vague, ambiguous, and
11 overbroad. Responding Party also objects to this Request to the extent that it seeks to elicit
12 information that is neither relevant to the subject matter of this action, nor reasonably calculated to
13 lead to the discovery of admissible evidence.

14 **REQUEST FOR ADMISSION NO. 36:**

15 Admit that your game recording of your Perfect Pac Man score on 3rd July 1999 ended
16 before a final score of 3,333,360 was reached.

17 **RESPONSE TO REQUEST FOR ADMISSION NO. 36:**

18 Responding Party objects to the phrases “ALL” and “Twin Galaxies Sanctioned events” as
19 they are vague, ambiguous, and overbroad. Responding Party objects on the grounds that the
20 Request is impermissibly compound.

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

23 **REQUEST FOR ADMISSION NO. 37:**

24 Admit that on 3rd July 1999 a photo of your game screen displaying a score of (3)333,360
25 was taken.

26 **RESPONSE TO REQUEST FOR ADMISSION NO. 37:**

27 Responding Party objects to the phrases “3rd July 1999” and “photo” as they are vague,
28 ambiguous, and overbroad. Responding Party also objects on the grounds that the Request is

1 impermissibly compound.

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

6 **REQUEST FOR ADMISSION NO. 38:**

7 Admit you were never given an award that refers to you as "The Video Game Player of the
8 Century" by either Namco, Masaya Nakamura, or the Japanese Amusement Association.

9 **RESPONSE TO REQUEST FOR ADMISSION NO. 38:**

10 Responding Party objects to the phrase "given an award" as it is vague, ambiguous, and
11 overbroad. Responding Party also objects on the grounds that the Request is impermissibly
12 compound.

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

15 **REQUEST FOR ADMISSION NO. 39:**

16 Admit you and Walter Day have deliberately and repeatedly misled the public into
17 believing that Namco, Masaya Nakamura or the Japanese Amusement Association assigned an
18 award that refers to you as "The Video Game Player of the Century".

19 **RESPONSE TO REQUEST FOR ADMISSION NO. 39:**

20 Responding Party objects to the phrases "deliberately and repeatedly misled the public"
21 and "assigned an award" 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:
25 Deny.

26 **REQUEST FOR ADMISSION NO. 40:**

27 Admit that your 2007 World Record Donkey Kong score of 1,050,200 was achieved on
28 Friday 13th July 2007 while the Mortgage Brokers event was open and available to convention

1 goes/public to witness.

2 **RESPONSE TO REQUEST FOR ADMISSION NO. 40:**

3 Responding Party objects to the phrases “Mortgage Brokers event” and “open and
4 available to convention goes/public to witness” as they are vague, ambiguous, and overbroad.
5 Responding Party also objects on the grounds that the Request is overbroad as to time.

6 Subject to and without waiving the foregoing objections, Responding Party responds:
7 Admit that the Mortgage Brokers event was open and available to convention goes and the
8 public, but as to the remainder of the Request, Responding Party denies.

9 **REQUEST FOR ADMISSION NO. 41:**

10 Admit you knowingly allowed Guinness to acknowledge an achievement in their official
11 "Billy Mitchell Reinstatement Video" which you knew to be false.

12 **RESPONSE TO REQUEST FOR ADMISSION NO. 41:**

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

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

19 **REQUEST FOR ADMISSION NO. 42:**

20 Admit you shared a hotel room with Carlos Pineiro during your visit to the King Off 6
21 event in California.

22 **RESPONSE TO REQUEST FOR ADMISSION NO. 42:**

23 Responding Party objects to the phrases “visit” and “King Off 6 event” as they are vague,
24 ambiguous, and overbroad.

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

27 **REQUEST FOR ADMISSION NO. 43:**

28 Admit you completed your July 3, 2010, World Record Donkey Kong Junior game around

1 midnight.

2 **RESPONSE TO REQUEST FOR ADMISSION NO. 43:**

3 Responding Party objects to the phrase “completed” as it is vague, ambiguous, and
4 overbroad.

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

7 **REQUEST FOR ADMISSION NO. 44:**

8 Admit that for the 2010 Boomers World Record attempt on July 31, 2010, the hardware
9 Enzo Celani supplied you with specifically for the event was a Donkey Kong cabinet complete
10 with an original Donkey Kong board inside and NOT a Donkey Kong cabinet containing a
11 Donkey Kong Junior board set inside.

12 **RESPONSE TO REQUEST FOR ADMISSION NO. 44:**

13 Responding Party objects to the phrases “Donkey Kong cabinet” and “Donkey Kong
14 Junior board” as they are vague, ambiguous, and overbroad.

15 Subject to and without waiving the foregoing objections, Responding Party responds:
16 Admit.

17 **REQUEST FOR ADMISSION NO. 45:**

18 Admit you did not sue any of the organizations who allegedly withheld payments or
19 cancelled Engagements with you due to the Twin Galaxies Score dispute.

20 **RESPONSE TO REQUEST FOR ADMISSION NO. 45:**

21 Responding Party objects to the phrases “withheld payments” and “cancelled
22 Engagements” as they are vague, ambiguous, and overbroad.

23 Subject to and without waiving the foregoing objections, Responding Party responds:
24 Admit.

25 **REQUEST FOR ADMISSION NO. 46:**

26 Admit that you are not in possession of your original master video tapes of your
27 videotaped Donkey Kong performances of 1,047,200 (the King of Kong score) and 1,050,200
28 (Mortgage Brokers score.)

1 **RESPONSE TO REQUEST FOR ADMISSION NO. 46:**

2 Responding Party objects to the phrase “original master video tapes” as it is vague,
3 ambiguous, and overbroad.

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

6 **REQUEST FOR ADMISSION NO. 47:**

7 Admit that other than Twin Galaxies itself, you do not know anyone who could be in
8 possession of your original master video tapes of your videotaped Donkey Kong performances of
9 1,047,200 (the King of Kong score) and 1,050,200 (Mortgage Brokers score.)

10 **RESPONSE TO REQUEST FOR ADMISSION NO. 47:**

11 Responding Party objects to the phrase “original master video tapes” as it is vague,
12 ambiguous, and overbroad.

13 Subject to and without waiving the foregoing objections, Responding Party responds:
14 Admit that Responding Party is not aware of anyone who could be in possession of the original
15 master videotapes, but as to the remainder of the Request, Responding Party denies.

16 **REQUEST FOR ADMISSION NO. 48:**

17 Admit that you have completed playing an arcade game in a public venue with numerous
18 witnesses and upon completion, immediately made an overtly false claim and statement of
19 accomplishment related to the very game session the crowd just witnessed to mislead them into
20 thinking you accomplished something that you actually did not accomplish.

21 **RESPONSE TO REQUEST FOR ADMISSION NO. 48:**

22 Responding Party objects to the phrases “completed playing an arcade game” and “made
23 an overtly false claim and statement of accomplishment” as they are vague, ambiguous, and
24 overbroad. Responding Party also objects on the grounds that the Request is overbroad as to time.
25 Responding Party also objects on the grounds that the Request is impermissibly compound.
26 Further, Responding Party objects to the Request on the basis that it seeks a legal conclusion and
27 not an admission of fact.

28

1 **REQUEST FOR ADMISSION NO. 49:**

2 Admit that you played Donkey Kong for Carlos Pineiro to test the validity of the claims
3 against your Donkey Kong score performances that are at issue in this case.

4 **RESPONSE TO REQUEST FOR ADMISSION NO. 49:**

5 Responding Party objects to the phrase “played Donkey Kong for Carlos Pineiro” as it is
6 vague, ambiguous, and overbroad.

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

9 **REQUEST FOR ADMISSION NO. 50:**

10 Admit that you played Donkey Kong for Steven Kleisath to test the validity of the claims
11 against your Donkey Kong score performances that are at issue in this case.

12 **RESPONSE TO REQUEST FOR ADMISSION NO. 50:**

13 Responding Party objects to the phrase “played Donkey Kong for Steven Kleisath” as it is
14 vague, ambiguous, and overbroad.

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

17 **REQUEST FOR ADMISSION NO. 51:**

18 Admit that you played Donkey Kong for Carlos Pineiro to test the validity of the claims
19 against your Donkey Kong score performances that are at issue in this case.

20 **RESPONSE TO REQUEST FOR ADMISSION NO. 51:**

21 Responding Party objects to the phrase “played Donkey Kong for Carlos Pineiro” as it is
22 vague, ambiguous, and overbroad. Responding Party also objects on the grounds that this Request
23 has been asked and answered.

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

26 **REQUEST FOR ADMISSION NO. 52:**

27 Admit that you obtained a television for Carlos Pineiro to test the allegations that you
28 cheated to achieve the Donkey Kong score performances that are at issue in this case.

1 **RESPONSE TO REQUEST FOR ADMISSION NO. 52:**

2 Responding Party objects to the phrase “obtained a television for Carlos Pineiro” as it is
3 vague, ambiguous, and overbroad.

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

6 **REQUEST FOR ADMISSION NO. 53:**

7 Admit that you assisted for Carlos Pineiro in his attempt to test the allegations that you
8 cheated to achieve the Donkey Kong score performances that are at issue in this case.


9 **RESPONSE TO REQUEST FOR ADMISSION NO. 53:**

10 Responding Party objects to the phrase “assisted for Carlos Pineiro” as it is vague,
11 ambiguous, and overbroad.

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

14
15 DATED: August 24, 2022

**MANNING & KASS
ELLROD, RAMIREZ, TRESTER LLP**

16
17
18 By: 
19 Anthony J. Ellrod
20 Linna T. Loangkote
21 Attorneys for Plaintiff WILLIAM JAMES
22 MITCHELL
23
24
25
26
27
28

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

VERIFICATION

STATE OF CALIFORNIA, COUNTY OF LOS ANGELES

I have read the foregoing PLAINTIFF WILLIAM JAMES MITCHELL'S RESPONSE TO FIRST SET OF REQUESTS FOR ADMISSION 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

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

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 REQUESTS FOR ADMISSION 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
---	--

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