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FILED
Superior Court of California
County of Los Angeles
07/20/2023

David W. Slayton, Executive Officer / Clerk of Court
By: A. Rodriguez Deputy

SUPERIOR COURT OF THE STATE OF CALIFORNIA
COUNTY OF LOS ANGELES

WILLIAM JAMES MITCHELL,

Plaintiff,

v.

TWIN GALAXIES, LLC; and Does 1-10,

Defendants.

Case No. 19STCV12592

Assigned to: Hon. Wendy Chang
[Dept. 36]

**JOINT INFORMAL DISCOVERY
CONFERENCE STATEMENT**

Hearing

Date: July 26, 2023
Time: 10:00 a.m.
Place: Department 36

Action Filed: 4/11/2019

AND RELATED CROSS-ACTION

**THE HONORABLE COURT, ALL PARTIES HEREIN, AND THEIR ATTORNEYS OF
RECORD:**

Plaintiff and cross-defendant WILLIAM JAMES MITCHELL and defendant and cross-complainant TWIN GALAXIES, LLC submit the following Joint Statement of Discovery Issues in advance of the Informal Discovery Conference to be held with the Court on July 26, 2023:

///

1 **INTRODUCTORY STATEMENT**

2 *Twin Galaxies' Position:*

3 Twin Galaxies seeks production of the "Video Game Player of the Century" plaque (and
4 all pictures thereof) that Plaintiff claims he was given by the Japanese video game maker NAMCO.
5 The facts as set forth below are that Plaintiff has the plaque and he is refusing to produce anything
6 other than a low-resolution and manipulated photo of it because the plaque he has is a forgery. He
7 should be ordered to produce this document so Twin Galaxies can prove his fraud.

8 Twin Galaxies seeks production of communications between Plaintiff's son, Plaintiff, and
9 counsel. Plaintiff's son – ostensibly a Manning & Kass law clerk – has written declarations with
10 false statements for witnesses and those false statements have been submitted as evidence in this
11 case. In fact, this Court quoted Plaintiff's false evidence written by his son in its order denying
12 Twin Galaxies' special motion to strike. The communications sought are not shielded by the
13 attorney-client privilege according to the crime-fraud exception when Plaintiffs' son suborned
14 perjury.

15 Twin Galaxies also seeks production of a settlement agreement, and the videos Plaintiff
16 received in settlement, of the defamation claim he made against Benjamin Smith in February 2020.
17 The videos are relevant because they show Plaintiff with percipient witnesses Carlos Pineiro and
18 Robert Childs in February 2018 during the pendency of Plaintiff's investigation into his score.
19 The agreement itself is relevant because it purports to settle a defamation claim based on the same
20 conduct Plaintiff is suing Twin Galaxies for.

21 Twin Galaxies seeks an order from the Court requiring Plaintiff to sit for deposition to
22 explain at least where the NAMCO Plaque was found, who found it, where is it, is it still in its
23 original condition from 24 years ago, and has it been altered.

24 Lastly, Twin Galaxies takes offense to the insinuation that it somehow violated the
25 protective order in this case by providing Plaintiff's deposition transcript to Karl Jobst, who is
26 defending against Plaintiff's defamation action brought in Australia. No portions of Plaintiff's
27 deposition were ever marked confidential. The deposition transcript does not contain a
28 confidential legend on it and the table of contents do not identify any pages of the deposition as

1 confidential. Plaintiff knows this yet persists in claiming that Twin Galaxies violated the
2 protective order but it did not.

3 Plaintiff's Position:

4 Responding Party is not in possession, custody, or control of the requested plaque or any
5 awards and previously produced the photograph of the awards that was sent to him on or about
6 June 24, 2023, which was after the service of the responses to Requests for Production, Set Three.
7 As detailed below, Responding Party was advised that the awards were found by third parties but
8 was not present in Iowa when they were found and is not in possession of such awards. Responding
9 Party is still investigating when, where and by whom the awards were found, and where they
10 currently are located.

11 Counsel for Responding Party disclosed to Defendant's counsel on July 19, 2022 that
12 Responding Party's son is a law clerk for Manning & Kass on this matter and has been since
13 January 2019 and therefore any communications related to the Complaint and Cross-Complaint
14 would be privileged. Despite full knowledge of this, Defendant propounded a request for
15 production of **all** communications between Responding Party and his son since 2020. Not only is
16 this request extremely overbroad, any communications that are relevant to the case would be
17 protected under attorney-client privilege and work product doctrine. As detailed thoroughly below,
18 there is no evidence of a crime that would allow for this privilege to be invaded.

19 Defendant's counsel's claim that false declarations were submitted is nonsense. All
20 declarations submitted were prepared based upon information provided by the declarant, and was
21 subsequently reviewed and signed by the declarant.

22 Defendant also requested documents related to a settlement agreement which Defendant
23 knows is confidential. As explained thoroughly below, Responding Party has advised that this is
24 a confidential agreement on numerous occasions; however, in an attempt to resolve the potential
25 issue of an offset, Responding Party is willing to show the Court the agreement in camera if needed
26 to make a ruling on this issue.

27 Moreover, some of the requested discovery is duplicative as Defendant has requested
28 production of the plaques (RFP Nos. 145-147 which request all pictures of the "Video Game

1 Player of the Century” plaque and all documents related to the plaque’s donation to IVGHOF) and
2 videos related to Benjamin (RFP No. 108 which requests all video recordings of Plaintiff and
3 Benjamin Smith) in prior discovery sets. Further, Defendant requested the settlement agreement
4 with Benjamin Smith in requests with Responding Party’s notice of deposition (Request No. 1).
5 Defendant’s herein requests are substantially the same. This is now harassing as Responding Party
6 provided responses and Defendant failed to file any motions to compel Requests for Production
7 Set 1 and 2 related to the awards and Benjamin Smith timely and instead served substantially
8 similar requests and is not accepting the Code-compliant responses that such requested documents
9 are not in possession of Responding Party and/or part of a confidential settlement agreement.

10 Defendant, for the first time, is also improperly seeking an Order from the Court for
11 Responding Party to sit for further deposition to explain circumstances of events that he was not
12 present for. Not only has Responding Party already sat for over 8 hours for deposition, but this
13 request is improper as Responding Party was not present and there are other third parties that have
14 the requested information.

15 Finally, Defendant and his counsel seek much of this information not to gather information
16 relevant to this litigation, but so that they can feed the Twin Galaxies disinformation machine.
17 Defendant provides discovery responses and pleadings to third parties to be posted online. As a
18 result Plaintiff has received death threats and a protective order has been issued in this case.
19 However Defendant is not dissuaded. Defendant’s counsel sent a copy of Plaintiff’s deposition
20 that included testimony and materials covered by a protective order to third parties in direct
21 violation of the protective order. When he was caught he responded “Was the deposition marked
22 pursuant to the protective order? I do not recall that. Feel free to report my violation of
23 Government Code section 69954(d) to the court reporting agency if you deem it necessary. We
24 will buy Billy's deposition testimony twice if required.”

25 **DEMAND FOR PRODUCTION NO. 231**

26 *Twin Galaxies’ Position:*

27 This demand requests production of all awards Plaintiff donated to the International Video
28 Game Hall of Fame (the “Hall of Fame”).

1 Plaintiff alleges in his complaint and testified at deposition that he was crowned the “Video
2 Game Player of the Century” by the Japanese videogame maker NAMCO in 1999 at the Tokyo
3 Game Show as memorialized by a plaque inscribed with those exact words (the “NAMCO
4 Plaque”). Twin Galaxies has demanded that Plaintiff produce the NAMCO Plaque. Plaintiff
5 responded swearing that he donated his videogame accolades, including the NAMCO Plaque, to
6 the Hall of Fame in 2010. Plaintiff’s discovery responses also indicate that both Jerry Byrum (an
7 Iowa resident) and Brian Cady (a Washington resident) had knowledge of facts regarding
8 disposition of the NAMCO plaque.

9 Twin Galaxies deposed Byrum on June 26, 2023 and Cady on July 5, 2023 under subpoena.
10 Byrum is the current president of the Hall of Fame and he testified that Plaintiff is a director of the
11 organization. He testified that Plaintiff never donated any award or plaque to him or to the Hall
12 of Fame. Cady testified similarly that he was affiliated with the Hall of Fame in 2010 and that
13 Plaintiff did not donate any award or plaque to him or to the Hall of Fame then.

14 Plaintiff produced a picture purported to be of the NAMCO Plaque for the first time on
15 June 26, 2023 (the “Picture,” described in greater detail below). Plaintiff’s counsel claimed on
16 July 6, 2023 that the NAMCO Plaque, as it appears in the Picture, is at the Bridge View Center in
17 Ottumwa, Iowa in the possession of a center official Laura Carrell and it was discovered by John
18 Grunwald. Grunwald was with two of Plaintiff’s associates Isaiah TriForce Johnson and Walter
19 Day from June 22-24, 2023 at the Meet Ottumwa E-Sports event in Iowa last month. Twin
20 Galaxies contacted the Bridge View Center about the NAMCO Plaque and was told the plaque
21 was not there. Grunwald has responded that he does not have possession of the NAMCO plaque.

22 Twin Galaxies is informed and believes that the NAMCO Plaque is in the possession,
23 custody, or control of Plaintiff or his associates TriForce Johnson. Twin Galaxies took the
24 deposition of John Grunwald on July 20, 2023. At deposition, Grunwald testified that he was with
25 Plaintiff’s associate Isaiah TriForce Johnson on June 23, 2023 at the Bridge View Center in
26 Ottumwa, Iowa. He testified that TriForce left the Bridge View Center at 5:00 p.m. on June 23,
27 2023 and went to Jerry Byrum’s arcade in Ottumwa and returned at 7:30 p.m. Grunwald testified
28 that TriForce returned with Plaintiff’s NAMCO Plaques in a black trash bag and that upon arrival

1 the two went into a conference room at the Bridge View Center where they laid the awards out on
2 the floor and took pictures of them. Grunwald testified that he called Plaintiff to tell him that
3 Johnson had the awards and Plaintiff responded that he did not want to know where the awards
4 were found.

5 Plaintiff's counsel Kristina Ross produced a picture of the awards to Twin Galaxies'
6 counsel on June 26, 2023 and later on July 6, 2023 represented to counsel that the awards were
7 found by John Grunwald at the Bridge View Center and that they were at the Bridge View Center
8 in Iowa. It was not until after Mr. Grunwald's deposition that the story changed to TriForce finding
9 the awards and bringing them to Grunwald to take pictures of them. At Grunwald's deposition,
10 he produced text message communications with Plaintiff and Triforce where the two instructed
11 Grunwald to send the pictures of the award to the Bridge View Center official Laura Carrell telling
12 her that the awards were found. Grunwald also testified that Plaintiff asked him to ask Carrell if
13 she would send an email to Plaintiff acknowledging that the awards were found. Carrell found the
14 request "weird" and did not comply.

15 Grunwald then testified that TriForce took the picture of the awards at issue in TriForce's
16 hotel room and sent that picture to Grunwald with an instruction from Mitchell for Grunwald to
17 send the picture to Carrell. Grunwald complied and sent the picture to Carrell and dutifully
18 reported to Plaintiff by email confirming that he sent Carrell the picture of the awards. This was
19 all a cover-up for Plaintiff to claim that the awards were found by Grunwald at the Bridge View
20 Center. But after my deposition, the story changed to TriForce finding the plaques.

21 Grunwald also testified that he watched on June 25, 2023 as TriForce entered the airport
22 on a flight to Fort Lauderdale where Plaintiff lives with the awards in hand. He testified that he
23 paid for the freight for TriForce to take the awards to Fort Lauderdale. He also produced text
24 message communications where Plaintiff acknowledged the plan to pick-up TriForce from the
25 airport.

26 I cannot stress enough that Plaintiff's story about the discovery and location of the plaques
27 changed after Grunwald's deposition. Ms. Ross had represented to Twin Galaxies' counsel by
28 email and by telephone in the parties' meet and confer on July 6, 2023 that the plaques were in

1 Iowa with the Bridge View Center. Once Grunwald was deposed and that story was debunked, a
2 new story emerged. This new story is not trustworthy and just does not make sense.

3 These facts are circumstantial evidence that either Plaintiff or TriForce Johnson have the
4 NAMCO Plaque and that Plaintiff has control over the same to warrant an order for production
5 under California Code of Civil Procedure section 2031.010(a). Twin Galaxies needs this plaque
6 to prove the fraud alleged in its cross-complaint and to prove fraud on the court as set forth below.

7 *Plaintiff's Position:*

8 Responding Party objects to this Request on the grounds that it is overbroad, burdensome,
9 oppressive and harassing. Responding Party objects to this Request on the grounds that it fails to
10 identify the requested documents with sufficient particularity. Responding Party further objects to
11 this Request to the extent that it seeks documents already in the possession of Responding Party
12 and/or equally available to them.

13 Responding Party is unable to comply because the requested items no longer exist in his
14 possession due to the fact that Responding Party donated all of the awards from his videogame
15 career to the International Videogame Hall of Fame in or about 2010.

16 As noted in the response to this request, as well as numerous times in prior discussions,
17 Responding Party does not have possession, custody, or control over the awards donated over 10
18 years ago. Responding Party was not in Iowa when the awards were located in June 2023 and only
19 received a photograph of the awards, which was received after the responses were due and served
20 on June 9, 2023, and previously produced informally to Defendant's counsel.

21 Defendant's claim that Jerry Byrum testified that "Plaintiff never donated any award or
22 plaque to him or to the Hall of Fame" is false. During the deposition of Jerry Byrum, who is the
23 current president of the Hall of Fame, he testified that he did not personally get the donated awards
24 from Responding Party as Mr. Byrum was not part of the IVGHOF in 2010 when the awards were
25 donated. Further, Mr. Byrum testified that he paid off debt of the IVGHOF and took possession of
26 a large volume of IVGHOF materials currently in storage. He testified that he was not sure what
27 all was in storage and that he did not look specifically for Responding Party's awards. Thus,
28 Defendant's accounting of the deposition testimony is incorrect and misleading as stated.

1 Moreover, Brian Cady was affiliated with the IVGHOF to the extent that he was also given
2 an award when inducted into the IVGHOF with Responding Party in 2010. Mr. Cady was not the
3 person that would have received Responding Party’s donated awards on behalf of IVGHOF.
4 Again, Defendant’s account of the deposition testimony is incorrect and misleading.

5 Responding Party has since been informed that Isiah Triforce Johnson found the awards at
6 issue on June 23, 2023 in the IVGHOF storage at Jerry Byrum’s arcade storage room while looking
7 for his own memorabilia that he donated to IVGHOF. Mr. Johnson then brought the awards to the
8 Bridgeview Center, where he and John Grunwald looked at the awards and Mr. Johnson took
9 photographs of the awards. Mr. Johnson then took the awards intending to return them to Plaintiff
10 while in Florida, without Responding Party’s knowledge at the time, as he had a connection in
11 Fort Lauderdale. However his flight was delayed and he did not land in Fort Lauderdale until 2am
12 on June 26, 2023, too late to get ahold of Responding Party. Per Mr. Johnson he then shipped the
13 awards back to Jerry Byrum/IVGHOF before his flight back to Jamaica at 10am on June 26, 2023.

14 There is no evidence that Responding Party has the awards in his possession, custody, or
15 control and Responding Party provided such a Code-complaint response.

16 **DEMAND FOR PRODUCTION NO. 232 & 240**

17 *Twin Galaxies’ Position:*

18 These demands request production of pictures of all of Plaintiff’s video game awards.

19 Plaintiff responded on June 9, 2023 that he does not have pictures of the awards he donated
20 or received, the NAMCO Plaque included. Twin Galaxies deposed Walter Day on June 26, 2023.
21 Day testified that Plaintiff had recently shown him a picture of the NAMCO Plaque – the same
22 Picture defined above re RFPD 231. Counsel for Plaintiff and Day objected to further questions
23 about the Picture on the grounds that the information sought is subject to the common interest
24 privilege by virtue of the parties’ joint defense agreement.

25 Counsel for Plaintiff produced the Picture after Day’s morning deposition and prior to
26 Byrum’s afternoon deposition. Plaintiff’s counsel represented that the Picture was provided to her
27 by Plaintiff. The Picture is purportedly of four of Plaintiff’s video game awards, including the
28 NAMCO Plaque. Plaintiff’s counsel has further represented that the Picture was taken on or about

1 June 23, 2023 by John Grunwald who allegedly discovered the awards at the Bridge View Center.
2 Grunwald has responded that he does not have the Picture.

3 The Picture of the NAMCO Plaque has been digitally altered to purposefully blur and
4 obfuscate the image – particularly where the text on the plaque occurs. The Picture is highly
5 compressed and low quality at 148 kilobytes – which is only 5% as large as a typical cell-phone
6 photograph which is between 3 and 4 megabytes.

7 The Picture Plaintiff has produced is tampered with and he should be ordered to produce
8 the original of the Picture, in the original file-size without any photo-editing, and with all meta-
9 data intact showing the place the image was taken, the time it was taken and all other information
10 typically contained in a document like the Picture.

11 All of that aside, the real doozy is that the Picture contains an image of the NAMCO Plaque
12 that is different from other examples of the NAMCO Plaque that have been uncovered in
13 discovery. These plaques are reproduced at the end of this statement. First, the plaque in the
14 Picture does not have the correct proportions for the Pac-Man character as it is much smaller than
15 the original example. And second, The plaque in the Picture has an extra two lines of text in the
16 second paragraph and extra text in the first line. The extra text will likely contain the words “Video
17 Game Player of the Century” where the examples in discovery absolutely do not. These two facts
18 are circumstantial evidence that the plaques in the Picture are fabrications and they were created
19 by Plaintiff to deceive Twin Galaxies and the Court and to further Plaintiff’s decades long
20 deception that he was named “Video Game Player of the Century” by NAMCO. This is another
21 reason the original, unaltered, high-resolution Picture should be produced by Plaintiff – to further
22 the interests of justice. Twin Galaxies respectfully asks the Court to review the Side-By-Side Plaque
23 analysis appended to the end of this IDC statement to see for itself the difference between
24 Mitchell’s plaque pictures and other examples in discovery.

25 All of Plaintiff’s associates conspired together. Plaintiff alludes to the conspiracy in a June
26 23, 2023 text message to Cady where he claims to have a “secret” relating to “news from
27 Ottumwa.” The secret is the conspiracy to stage the discovery of a fake of the NAMCO Plaque.

28 *Plaintiff’s Position:*

1 Responding Party objects to this Request on the grounds that it is overbroad, burdensome,
2 oppressive and harassing. Responding Party objects to this Request on the grounds that it fails to
3 identify the requested documents with sufficient particularity. Responding Party further objects to
4 this Request to the extent that it seeks documents already in the possession of Responding Party
5 and/or equally available to them.

6 Responding Party responded on June 9, 2023 that he was unable to comply because the
7 requested items if they ever existed no longer exist, or are no longer in his possession due to the
8 length of time that has passed since these photographs may have been taken.

9 On or about June 24, 2023, Responding Party was sent a photograph of the awards
10 notifying him that they were located. Responding Party's counsel provided Defendant with the
11 photograph taken on or about June 24, 2023 on June 26, 2023. Responding Party did not take the
12 photograph, and as noted above was not in Iowa when the photograph was taken. Thus,
13 Responding Party does not have the "original" photograph that was taken and only has the
14 photograph that he was sent and was already provided to Defendant.

15 Other than photographs that are on the internet and equally available, Responding Party
16 does not have further photographs of the awards as noted in the response and numerous times to
17 Defendant's counsel.

18 Defendant's conspiracy theory is just that, a theory. There is no admissible evidence to
19 substantiate Defendant's claim. Moreover, Responding Party testified that there were two plaques
20 received with Pac-Man, not only one as Defendant seems to allege and belief as the basis for theory
21 that the plaques are fake.

22 **DEMAND FOR PRODUCTION NO. 251 & 293**

23 *Twin Galaxies' Position:*

24 Demand No. 251 seeks all documents, including all video recordings, Plaintiff received in
25 connection with settlement of the defamation claim he made against Benjamin Smith. Demand
26 No. 293 seeks production of the settlement agreement itself.

27 Plaintiff sued Benjamin Smith aka Apollo Legend in February 2020 for defamation in
28 Florida for making YouTube videos where he alleged Plaintiff cheated to achieve his Donkey

1 Kong scores; and for asking questions of Plaintiff and videorecording the responses at an arcade
2 event. Plaintiff testified at deposition that he settled the defamation claim with Smith and obtained
3 ownership of videos created by Smith of Plaintiff with percipient witnesses in this case, such as
4 Carlos Pineiro and Robert Childs in February 2018 at the time of the events giving rise to his
5 claim. Plaintiff testified that there are 10 or 11 videos that are in his son's possession.

6 Plaintiff has maintained throughout this litigation that Carlos Pineiro was not working on
7 his behalf to investigate the dispute regarding Plaintiff's Donkey Kong scores. But the
8 overwhelming evidence is that Pineiro was working for Plaintiff. For example, Twin Galaxies
9 produced and questioned Plaintiff at deposition about a video recording of him playing the Donkey
10 Kong video game while Pineiro tested arcade and video equipment. The relevance of the videos
11 that Plaintiff received in the Smith settlement is that they contain admissions by Plaintiff that
12 Pineiro was working on his behalf. There is one video from Smith in particular where Plaintiff
13 notoriously points to Pineiro and says Pineiro is working on the dispute. This video by Smith was
14 published on the Internet until Plaintiff's settlement when it was taken down. This evidence is
15 highly relevant and speaks directly to events that happened during Plaintiff's investigation of the
16 scores with Pineiro – again a fact that Plaintiff incredulously denies despite his own words, Carlos
17 Pineiro's videotaped deposition testimony, the Benjamin Smith video, and a mountain of other
18 evidence showing that Pineiro was working on behalf of Plaintiff.

19 This one example of Plaintiff admitting Pineiro was working for him is the only video that
20 Twin Galaxies has from Smith since it was posted on the Internet and this one video is enough
21 based on the contents to assume the other videos Plaintiff received in settlement are highly relevant
22 and discoverable. These videos should be ordered produced for this reason.

23 In addition, the settlement agreement itself is also relevant and should be produced. The
24 terms of the settlement agreement of the defamation claim that Plaintiff made against Smith is
25 relevant to mitigation of damages and to the measure of tort damages because both suits are based
26 on the same conduct – accusing Plaintiff of cheating. Plaintiff compromised his claim with Smith
27 and Twin Galaxies' liability will be offset by amounts paid by Smith as a co-tortfeasor for the
28 same injury. The settlement agreement is therefore relevant and discoverable.

1 Plaintiff's Position:

2 Responding Party objects to this Request on the grounds that it is overbroad, burdensome,
3 oppressive and harassing. Responding Party also objects on the grounds that the Request is
4 overbroad as to time. Responding Party objects to this Request on the grounds that it fails to
5 identify the requested documents with sufficient particularity. Responding Party further objects to
6 this Request to the extent that it seeks documents already in the possession of Responding Party
7 and/or equally, if not more available to them. The Request improperly seeks information of
8 Responding Party and a third-party protected by constitutional right of privacy. Cal. Const. Art. I,
9 § 1; *Valley Bank of Nevada v. Superior Court* (1975) 15 Cal. 3d 652, 656. Further, the Request is
10 not reasonably calculated to lead to the discovery of relevant, admissible evidence. Responding
11 Party objects to this Request on the grounds that production would violate the confidentiality of
12 the settlement agreement.

13 Responding Party maintains his objections as the settlement agreement has a
14 confidentiality clause. Defendant's counsel has been advised of this numerous times, including
15 during the January 2023 deposition of Responding Party that Defendant's counsel produced to
16 third parties in violation of the protective order.

17 Defendant's above statement again misrepresents deposition testimony, which may be why
18 he does not cite or attach any transcripts to confirm the alleged testimony. Defendant claims that
19 Responding Party testified that his son has 10 or 11 videos in his possession. This testimony did
20 not occur. On pages 98 and 99 of the deposition transcript, Responding Party stated that he owned
21 rights to videos that Benjamin Smith, aka Apollo Legend, made and that there were a handful of
22 videos – less than ten, more than three. Responding Party then clarifies on pages 100 and 101 of
23 the deposition transcript that his son handles the custodial portion and that he has the rights to the
24 videos and that he would not know how to get the videos themselves. Nowhere does it state that
25 he or his son have possession of the videos themselves and that there were 10 or 11.

26 See extracted pages of deposition attached hereto.

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1 **DEMAND FOR PRODUCTION NO. 265**

2 *Twin Galaxies' Position:*

3 This document seeks all communications between Plaintiff and his son William James
4 Mitchell, IV from January 1, 2020 to the present. As a threshold matter, Plaintiff has not provided
5 a privilege log for the documents he withheld from production based on the attorney-client
6 privilege or the work product doctrine. A log should be produced forthwith.

7 Twin Galaxies discovered that Plaintiff's son has written declarations for witnesses with
8 false statements that have been submitted as evidence in this matter. The most glaring example
9 came out during the June 26, 2023 deposition of Walter Day.

10 Day submitted a declaration dated June 21, 2020 in opposition to Twin Galaxies' anti-
11 SLAPP motion where he quoted Jace Hall of Twin Galaxies as having asked him, a month prior
12 to publication of the allegedly defamatory statement at issue, "How will you feel when I announce
13 that Billy [Mitchell] cheated?" Day went on to declare that this statement showed Jace Hall had
14 a pre-ordained conclusion that Plaintiff cheated. This Court even quoted Walter Day's declaration
15 and the supposed Hall quote in its order denying the special motion to strike. Day was questioned
16 about this part of his declaration at deposition.

17 Day admitted at deposition that Jace Hall did not say the words he quoted in his June 21
18 declaration. Day testified that Plaintiff's son, who is apparently a law clerk at Plaintiff's counsel's
19 firm, prepared the declaration for his signature and the son wrote the false quote and attributed it
20 to Jace Hall. By swearing that Jace Hall said the quoted words when he did not, Walter Day made
21 a false statement under oath and perjured himself. Plaintiff's son suborned perjury by writing the
22 fabricated quote in a declaration he knew Day would sign and submit to this Court. The worst
23 part of it all is that this Court relied on the falsified evidence in denying the special motion to strike
24 resulting in a miscarriage of justice by all measures.

25 Twin Galaxies is informed and believes that Plaintiff's son wrote other declarations that
26 were submitted to this Court that also contained false information about his father's score
27 performances. Twin Galaxies deposed Josh Ryan, the individual Plaintiff identified as having
28 setup the arcade machine and video recording equipment for Plaintiff's Mortgage Brokers score

1 performance in 2007. Ryan testified that (1) he did not install any recording equipment; (2) there
2 was no recording equipment at all; and, (3) that there could not be anything recorded from the
3 arcade machine the way he set-it-up. The declarations of Walter Day, Todd Rogers, and Sheila
4 Kiniry that Plaintiff has submitted at various times in this case – which were likely written by
5 Plaintiff’s son – all recount the false narrative that Ryan installed recording equipment that
6 recorded Plaintiff’s score performance. That never happened. Plaintiff and his son have fabricated
7 the story and had witnesses unknowingly (and some knowingly) subscribe to false statements to
8 further Plaintiff’s deception.

9 The attorney-client privilege does not shield communications where the attorney’s services
10 were procured to commit a crime or a fraud. (*See* Cal. Evid. Code § 956.) This is known as the
11 crime-fraud exception to the privilege. The crime-fraud exception applies to communications
12 ordinarily shielded by the attorney-client privilege. (*See* BP Alaska Exploration, Inc. v. Superior
13 Court (1988) 199 Cal.App.3d 1240, 1249 (proponent made prima facie showing that opposing
14 counsel’s letter was an attempt to defraud proponent).) If the exception applies, the
15 communications are not subject to the privilege. (*See, e.g.,* State Farm Fire & Casualty Co. v.
16 Superior Court (1997) 54 Cal.App.4th 625, 643.) Here the crime-fraud exception applies to
17 communications between Plaintiff, his son, and Plaintiff’s lawyers by virtue of the fact the son is
18 a law clerk suborning perjury by writing false statements for witnesses to sign and submit to this
19 Court. Perjury is a crime under Penal Code section 118 and suborning perjury is a crime under
20 Penal Code section 127. The communications between Plaintiff, his son, and his lawyers are not
21 privileged and should be ordered produced accordingly.

22 Lastly, and worth mentioning, is the fact that Day testified at his deposition that he and
23 Plaintiff are currently filming a movie with the producer of The King of Kong and this lawsuit is
24 discussed in the movie. Day testified that Plaintiff and his son were interviewed by the filmmaker
25 on camera about the lawsuit with Day present. Twin Galaxies has a subpoena out for this footage
26 from the filmmaker. The matters discussed by Plaintiff, his son, Day, and the filmmaker are not
27 privileged and the privilege is waived for all communications on the issues disclosed on film.

28 ///

1 Plaintiff's Position:

2 Responding Party objects to this Request on the grounds that it is overbroad, burdensome,
3 oppressive and harassing. Responding Party also objects on the grounds that the Request is
4 overbroad as to time. Responding Party objects to this Request on the grounds that it fails to
5 identify the requested documents with sufficient particularity. Responding Party further objects to
6 this Request to the extent that it seeks information which is protected by the attorney-client
7 privilege and/or attorney work product privilege. The Request improperly seeks information of
8 Responding Party and a third-party protected by constitutional right of privacy. Cal. Const. Art. I,
9 § 1; *Valley Bank of Nevada v. Superior Court* (1975) 15 Cal. 3d 652, 656. Further, the Request is
10 not reasonably calculated to lead to the discovery of relevant, admissible evidence.

11 As an initial matter, Responding Party maintains these objections, particularly as to over
12 breadth as the request asks for **all** documents related to communications with Responding Party's
13 son since January 1, 2020. There is no limitation to this being related to the controversy of
14 Responding Party's scores and the lawsuit. To produce all communications between a father and
15 son is far overbroad, burdensome, and harassing. Moreover, as noted Responding Party's son is a
16 law clerk for Manning & Kass and therefore the attorney-client privilege extends to
17 communications between Responding Party and his son.

18 In an attempt to invade this attorney-client privilege, Defendant is again misrepresenting
19 the substance of the testimony of a deponent. Firstly, Mr. Day testified that the quoted language
20 was the substance of what Jace Hall said to him and that is what he told Responding Party's son
21 in preparation of the declaration. To try to equate this to fraud is disingenuous. Secondly, Mr.
22 Ryan testified that he did not personally set up recording equipment and he does not remember
23 seeing any recording equipment. Further, in the declaration of Sheila Kinry it does not state that
24 Mr. Ryan installed the recording equipment himself but verified it, and the declaration of Walter
25 Day it states that Mr. Ryan installed the board, along with the recording apparatus. Finally, Todd
26 Rogers declaration does not state anything regarding the setup of the machine by Mr. Ryan, just
27 that the monitor and recording equipment rested above the machine. Moreover, these declarations
28 are made upon information and belief of facts relayed by the declarants at the time. Declarations

1 prepared based upon a witness interview, presented to the witness for review, and signed by the
2 witness under penalty of perjury do not implicate the crime/fraud exception to the attorney-client
3 privilege. As such, Defendant's argument that these declaration were fraudulent and that
4 Responding Party's son "suborned perjury" is false and full of misrepresentations and speculation.

5 Thus, there is no basis for the crime-fraud exception to apply here and all communications
6 between Responding Party and his son are protected under attorney-client privilege.

7 Further, Defendant's note regarding the Walter Day film that is in production has no
8 bearing on this request for production as the focus of the Walter Day movie is about his life, not
9 the controversy over Responding Party's scores.

10 **BREACH OF PROTECTIVE ORDER:**

11 *Plaintiff's Position:*

12 On October 26, 2022, the Court entered the Parties stipulated Protective Order. This
13 Protective Order was instituted due to Defendant and Defendant's counsel leaking pleadings,
14 discovery, and other portions of this litigation to persons for the sole purpose of them being
15 disseminated on the internet and skewing public favor against Plaintiff.

16 In responses to discovery on this issue of dissemination, Defendant claims to have only
17 given litigation materials to the owner of perfectpacman.com, Ersatz_Cats, and to not know his
18 name, address or other identifying information. Upon information and belief and pursuant to
19 documents produced in discovery, Plaintiff believes that Defendant and/or Defendant's counsel
20 have disseminated materials to other parties and know the identifying information for Ersatz_Cats.

21 Further, Plaintiff believes that despite the Protective Order being in place, Defendant
22 and/or Defendant's counsel continues to disseminate information to the public. In fact, once caught
23 Defendant's counsel admitted that he sent the deposition transcript of Plaintiff, including the
24 portions marked confidential, to counsel for Karl Jobst in Australia to use in a pending lawsuit by
25 Plaintiff against Karl Jobst in Australia. Pursuant to the Protective Order, portions of Plaintiff's
26 deposition were marked as confidential. However, Defendant's counsel sent the entirety of the
27 transcript to Ms. Galea. When asked about this, Defendant's counsel claimed to not know that
28 portions of the transcript were marked confidential.

1 Defendant's counsel's claim that he did not know portions of the deposition were marked
2 confidential is disingenuous. He was present at the deposition and the marking as confidential was
3 discussed in detail. He also has a copy of the transcript and is no doubt intimate with its contents.
4 Likewise when it was pointed out that his actions were in direct violation of Government Code
5 section 69954(d), Defendant's counsel stated "Feel free to report my violation of Government
6 Code section 69954(d) to the court reporting agency if you deem it necessary. We will buy Billy's
7 deposition testimony twice if required."

8 See true and correct copies of email correspondence between the Parties' counsels attached
9 hereto.

10 *Defendant's Position:*

11 No portion of Plaintiff's deposition was marked confidential. At one point on Page 236 of
12 the deposition did Plaintiff's counsel mark the deposition confidential because he thought the
13 audio recording in an exhibit was illegally recorded. Indeed at the time Plaintiff's counsel marked
14 the deposition as confidential, he said he would reconsider the marking after he determined if the
15 recording was illegal. Twin Galaxies played the recording and it was of Plaintiff giving an
16 interview to a YouTube podcast show which was later published on YouTube. Plaintiff's counsel
17 withdrew his confidential designation on Page 256 of the deposition when he realized the
18 recording was from a YouTube podcast interview that was public. [See Mitchell Depo. at pp. 235-
19 238, & 256.] No portions of the deposition transcript were marked confidential by counsel and
20 there is no confidential marking or legend placed on any pages of the deposition transcript. Twin
21 Galaxies brought this to Plaintiff's attention yet he maintains Twin Galaxies violated the protective
22 order. It did not.

23 Respectfully submitted,

24 Dated: July 14, 2023

TASHROUDIAN LAW GROUP, APC

26 By: /s/ David Tashroudian, Esq.

David Tashroudian, Esq.

27 Attorneys for defendant and cross-
28 complainant Twin Galaxies, LLC

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Dated: July 20, 2023

MANNING & KASS
ELLROD, RAMIREZ, TRESTER LLP

By: _____
Anthony Ellrod
Linna Loangkote
Kristina Ross
Attorneys for Plaintiff, WILLIAM
JAMES MITCHELL

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EXAMPLES OF NAMCO PLAQUE FROM DISCOVERY



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PLAQUE PICTURE PRODUCED BY PLAINTIFF



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SIDE-BY-SIDE PLAQUE ANALYSIS



Plaque from Discovery



Mitchell Picture from June 2023

Differences:

- (1) the proportions of Pac-Man are off
- (2) the text does not match -- i.e. 9 lines in para 2 in the Plaque from Discovery, and 11 lines in Mitchell's 2023 production at para 2.

DEPOSITION EXCERPTS

1 MR. ELLROD: -- on the ground that I think the
2 settlement agreement is confidential.

3 MR. TASHROUDIAN: We can mark this portion of
4 the deposition as confidential if you'd like.

5 MR. ELLROD: I don't think it's relevant. I
6 don't -- I don't think we want to talk about it.
7 I'll instruct him not to answer. He'd be in
8 violation of the -- of the settlement agreement.

9 BY MR. TASHROUDIAN:

10 Q. Well, let me ask you this: Did Mr. Legend
11 turn over any ownership to any videos to you by reason
12 of that settlement agreement?

13 MR. ELLROD: You can ask him if he turned over
14 ownership, but not as it relates to the settlement
15 agreement.

16 MR. TASHROUDIAN: Okay.

17 BY MR. TASHROUDIAN:

18 Q. Do you own any rights in any videos that
19 Apollo Legend made?

20 MR. ELLROD: You can answer that.

21 THE WITNESS: Yes.

22 BY MR. TASHROUDIAN:

23 Q. What videos?

24 A. I don't know how to describe the videos.
25 Basically the videos that included me.

1 Q. How many -- how many videos are those?

2 A. Handful of them.

3 Q. Handful?

4 A. Less than ten, more than three.

5 Q. Where were those videos taken?

6 A. The only one I know where it was taken was
7 when he dressed up as me.

8 MR. ELLROD: Where? Where is the question.

9 THE WITNESS: Yeah. In Arcade Game Sales.

10 MR. ELLROD: Okay.

11 THE WITNESS: The other ones I don't know.

12 BY MR. TASHROUDIAN:

13 Q. What -- can you describe the other ones to me?

14 A. No.

15 Q. Have you seen them?

16 A. No.

17 Q. You've never seen them?

18 A. I haven't seen them in-depth, no.

19 Q. Have you seen them at all?

20 A. Clips of them, yes.

21 Q. Okay. Can you describe the clips that you've
22 seen?

23 A. Talked about playing MAME, talked about him
24 being encouraged by Jace to sue me. And he said he
25 felt he was being used by Jace.

1 Q. He's never sued you, though, has he?

2 A. Well, from what I understand he did a Go Fund
3 Me, he collected money to sue me and he contacted you.
4 And you told him he didn't have a case. That's what he
5 told me.

6 MR. ELLROD: The question, by the way, was
7 whether or not he sued you.

8 THE WITNESS: I don't know.

9 MR. ELLROD: So -- I know, but what I'm
10 telling you is listen to the question and answer
11 the question.

12 THE WITNESS: Oh.

13 BY MR. TASHROUDIAN:

14 Q. You say --

15 A. He --

16 MR. ELLROD: You've answered.

17 THE WITNESS: Yeah.

18 BY MR. TASHROUDIAN:

19 Q. You say you have ownership of videos from the
20 night that he showed up at Arcade Game Sales, right?

21 A. I don't know if that's one of the videos. My
22 son is the one who handles the custodial portion of
23 that.

24 Q. So he has those videos?

25 A. Per he has the rights to those videos, yes.

1 Q. Do you have the rights to those videos?

2 A. Okay. I'm trying to answer you honestly. Are
3 they in my name but he controls them, I believe that's
4 the case.

5 Q. Yeah. So if I asked you for a copy of the
6 videos from Arcade Game Sales, would you be able to
7 produce --

8 A. No.

9 Q. -- produce those to me?

10 A. No.

11 Q. Why not?

12 A. I wouldn't even know how to get them. I'd
13 have to go through my son.

14 Q. So you can ask him, though, he's your son, to
15 produce those videos to you, right?

16 A. That particular one, I don't know.

17 Q. Can you describe that video for me?

18 A. I was playing Donkey Kong and there was no
19 room. I was like at the -- like at the end of a hall,
20 but it was -- it was a door. So nobody was on that
21 side, everybody was behind me watching on the monitor
22 above and they informed me that somebody was here
23 dressed as me, which is very common, very common.
24 There was another guy, another -- a little kid.

25 MR. ELLROD: Okay, keep going.

1 MR. ELLROD: You don't know who he's talking
2 to on the tape?

3 MR. TASHROUDIAN: No. We do at the very
4 beginning here, yeah.

5 THE WITNESS: Go ahead and let us know that
6 first. It's David Race. It's David Race and one
7 of his illegal recordings that he's being sued for.
8 So I --

9 MR. HALL: I can give you the title.

10 MR. TASHROUDIAN: Yeah. What is --

11 MR. ELLROD: I'm going to ask --

12 MR. HALL: The title -- it's a -- it's a
13 public, it's an interview that was done called --
14 from Gen X called Grownups Special Edition, Billy
15 Mitchell Interview.

16 MR. ELLROD: I'm going to designate this
17 portion of the deposition going forward as
18 attorneys' eyes only. Well, I'll just designate it
19 confidential as we believe it's an illegal
20 conversation.

21 MR. TASHROUDIAN: Well, let's start from the
22 beginning --

23 MR. HALL: Okay.

24 MR. TASHROUDIAN: And maybe that'll give you
25 some context.

1 MR. ELLROD: Sure.

2 (Audio playing:)

3 Gen X Grown Up is a YouTube channel website
4 and audio podcast you're listening to right now.
5 All made for and by people who love exploring media
6 games, tech and toys of yesterday and today through
7 the eyes of Gen Xers who refuse to grow up.

8 Hello Gen X Grown Up podcast listener.
9 Welcome to this special edition of the Gen X Grown
10 Up podcast. If you linked here from our YouTube
11 channel and aren't a regular listener, please
12 consider subscribing and checking out our regular
13 show which is released every Thursday. If you're
14 already one of our (indecipherable) listeners, we
15 hope you'll enjoy this special edition. But don't
16 worry, our regular show will be out on Thursday
17 right on schedule.

18 All of us at Gen X Grown Up had a love for
19 those classic arcade games we grew up playing in
20 our corner arcades, so it should come as no
21 surprise that we've been closely following the
22 controversy surrounding Billy Mitchell. Mitchell,
23 the first man to ever get a perfect score on
24 Pac-Man, was in the news more than usual recently
25 due to accusations of rules violations in achieving

1 his recorded Donkey Kong high score. His score was
2 removed from Twin Galaxies, the de facto video game
3 high score governing body. He was barred from ever
4 submitting again and his Guinness World record was
5 removed. Now, a few weeks ago we met up with
6 Mitchell at a Southern Fried Gaming Expo for a
7 quick interview where his answers to our
8 questions --

9 MR. TASHROUDIAN: Pause it.

10 (Video stopped.)

11 BY MR. TASHROUDIAN:

12 Q. Does this refresh your recollection as to
13 where they came from?

14 A. Yeah, it's a show in Atlanta.

15 Q. Okay.

16 A. 2018, I think.

17 MR. TASHROUDIAN: All right. Can we remove
18 the attorneys' eyes only designation, Tony?

19 MR. ELLROD: Well, I -- I took that off
20 because -- because it's clear your client's sitting
21 next to you, but I want to keep it confidential.

22 MR. TASHROUDIAN: Until when? On what basis?

23 MR. ELLROD: Until I investigate whether or
24 not it's a legal recording.

25 BY MR. TASHROUDIAN:

1 Q. Is this an illegal recording, Mr. Mitchell?

2 A. I'm not a lawyer.

3 Q. Did you give this interview at this podcast on
4 your own volition?

5 A. I'll know after I hear it.

6 Q. How much do you want to hear?

7 A. As much as you care to play.

8 MR. ELLROD: If -- if -- if we -- we can

9 remove the designation if it's -- if it's

10 appropriate. Or you can make a motion to remove

11 it.

12 MR. TASHROUDIAN: Yeah, I'd rather not do

13 that.

14 MR. ELLROD: I'd rather you not have to if --

15 if it's reasonable. I'm just not going to -- I'm

16 not going to take that position now. Play it. If

17 it needs to be un-designated I'll un-designate it.

18 BY MR. TASHROUDIAN:

19 Q. No. We've already played the portion, that

20 15:30 where you talked about obtaining a CRT from

21 Craig's List for 20 bucks, did you -- did you hear

22 that?

23 A. No, but I believe you.

24 MR. TASHROUDIAN: Let's play it again. Play

25 it again, please.

1 MS. ROSS: Okay.

2 MR. TASHROUDIAN: All right. One other thing.

3 You had marked the deposition confidential going

4 forward after, on the --

5 MR. ELLROD: Yeah, I'll take that -- withdraw

6 that now.

7 MR. TASHROUDIAN: Okay. Thank you.

8 All right. Let's play the first 30 seconds or
9 minute of this.

10 MR. HALL: Okay.

11 (Video playing:)

12 MALE VOICE: Hello and welcome from
13 Retropalooza. We are watching Billy Mitchell go
14 for a kill screen on Pac-Man. I believe, I'm not
15 sure if he has officially started yet, but we're
16 going to go ahead and introduce ourselves. I am
17 Dylan Smith. Joining me here today is --

18 MALE VOICE: Ben Gold.

19 MALE VOICE: Welcome, welcome.

20 So, Billy Mitchell, running Pac-Man, how do
21 you feel about that?

22 MR. TASHROUDIAN: Pause it.

23 MALE VOICE: Well, I'm --

24 (End of Video playing.

25 BY MR. TASHROUDIAN:

ELLROD-TASHROUDIAN EMAIL

Kristina Ross

From: David Tashroudian <david@tashlawgroup.com>
Sent: Friday, July 14, 2023 10:47 AM
To: Anthony J. Ellrod; Kristina Ross
Subject: Re: Mitchell v. Twin Galaxies

I am not being flippant. Nothing was marked confidential in the deposition. And really, I would buy his testimony twice. He lied so many times in his deposition -- it was like nothing I have ever seen before.

He was making lies up on the spot. Like the lie about the 2 NAMCO plaques. There has always only been one. The only original plaque there is does not have the words Player of the Century on it. He made up this second plaque at deposition. And he is trying now to cover that lie up by falsifying evidence and creating a fake plaque. It will end up costing my client over ten thousand dollars to prove this lie -- as it is alleged in paragraph 17 of my cross-complaint reproduced below.

It is unbelievable and I wonder if you finally understand what Billy is capable of. Everyone that has defended Billy in all of this has reached an inflection point where they realize they have been misled and what Billy has been telling them is not always in the truth. You will see.

I am not sure what you intend to do but if you want to bring up my actions with the judge then go ahead. I am confident that I am on the right side here.

David

3 17. In 1999, Billy Mitchell and Walter Day worked to suppress earlier perfect Pac-Man
4 scores of other players, and altered the competitive rules to allow for Billy Mitchell to be crowned
5 by Old Twin Galaxies as the first person to achieve a perfect Pac-Man score when in fact he was
6 not. To further their deception, Billy Mitchell and Walter Day created an award with the title of
7 "Video Game Player of the Century" specifically for Billy Mitchell, and successfully developed
8 the false narrative that NAMCO, the creator of the Pac-man game, had directly given or endorsed
9 Billy Mitchell with that title. This lie was expressly intended to help legitimize and support the
10 fraudulent, larger narrative that Walter Day and Billy Mitchell perpetuated around Billy Mitchell's
11 gaming achievements, which has been repeated by Walter Day and Billy Mitchell so pervasively
12 that it is now mistakenly represented as fact in numerous places, including on Billy Mitchell's
13 public Wikipedia page.

14 18. Billy Mitchell being crowned the Video Game Player of the Century reimposed
15 Old Twin Galaxies' eminence as the world's most important videogame score database. But that
16 was not enough to increase the value of Old Twin Galaxies. Billy Mitchell had to remain a video
17 game world record holder to retain Old Twin Galaxies' recognition.

David A. Tashroudian, Esq.
TASH LAW GROUP
12400 Ventura Blvd., Suite 300

Studio City, California 91604
(818) 561-7381

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On Fri, Jul 14, 2023 at 10:36 AM Anthony J. Ellrod <Tony.Ellrod@manningkass.com> wrote:

Flippant response to a serious matter. Why are you asking me if portions were marked confidential? You were there, and you have a copy.

Anthony J. Ellrod

Founding Partner



801 S. Figueroa St., 15th Floor
Los Angeles, CA 90017

Main: (213) 624-6900 | Direct: (213) 430-2612

Tony.Ellrod@manningkass.com | manningkass.com

Dallas | Los Angeles | New York | Orange County | Phoenix | San Diego | San Francisco



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From: David Tashroudian <david@tashlawgroup.com>
Sent: Friday, July 14, 2023 10:34 AM
To: Anthony J. Ellrod <Tony.Ellrod@manningkass.com>
Cc: Kristina Ross <Kristina.Ross@manningkass.com>
Subject: Re: Mitchell v. Twin Galaxies

Was the deposition marked pursuant to the protective order? I do not recall that.

Feel free to report my violation of Government Code section 69954(d) to the court reporting agency if you deem it necessary. We will buy Billy's deposition testimony twice if required.

David

David A. Tashroudian, Esq.

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On Fri, Jul 14, 2023 at 10:19 AM Anthony J. Ellrod <Tony.Ellrod@manningkass.com> wrote:

That is a violation of the protective order. It is also a violation of Government Code section 69954(d).

We will need to bring this up with the court. Please identify all items of discovery in this litigation that you have provided to anyone.

Anthony J. Ellrod
Founding Partner

MK MANNING | KASS

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From: David Tashroudian <david@tashlawgroup.com>
Sent: Friday, July 14, 2023 10:11 AM
To: Anthony J. Ellrod
Cc: Kristina Ross
Subject: Re: Mitchell v. Twin Galaxies

Yes, to Karl Jobst's lawyer Paris Galea.

David A. Tashroudian, Esq.

TASH LAW GROUP

12400 Ventura Blvd., Suite 300

Studio City, California 91604

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On Fri, Jul 14, 2023 at 10:07 AM Anthony J. Ellrod <Tony.Ellrod@manningkass.com> wrote:

Hi David,

Did you or your client provide a copy of Bill Mitchell's deposition transcript to anyone?

Thanks,

Tony

Anthony J. Ellrod

Founding Partner

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PROOF OF SERVICE
Case No. 19STCV12592

I am a resident of the State of California, over the age of eighteen years, and not a party to the within action. My business address is **TASHROUDIAN LAW GROUP, APC**, located 12400 Ventura Blvd., Suite 300, Studio City, California 91604. On July 20, 2023, I served the herein described document(s):

JOINT INFORMAL DISCOVERY CONFERENCE STATEMENT

by transmitting via facsimile the document(s) listed above to the fax number(s) set forth below on this date before 5:00 p.m.

by placing the document(s) listed above in a sealed envelope with postage thereon fully prepaid, in the United States mail at Woodland Hills, California addressed as set forth below.

X E-File - by electronically transmitting the document(s) listed above to tony.ellrod@manningkass.com & rwc@robertwcohenlaw.com pursuant to an agreement of the parties.

by personally delivering the document(s) listed above to the person(s) at the address(es) set forth below.

by overnight courier of the document(s) listed above to the person(s) at the address(es) set forth below.

Anthony J. Ellrod *tony.ellrod@manningkass.com*
MANNING & KASS
ELLROD, RAMIREZ, TRESTER LLP
801 S. Figueroa St, 15th Floor
Los Angeles, California 90017-3012

Attorneys for Plaintiff
WILLIAM JAMES MITCHELL

Robert W. Cohen *rwc@robertwcohenlaw.com*
Law Offices of Robert W. Cohen, APC
1901 Avenue of the Stars, Suite 1910
Los Angeles, CA 90067

Attorneys for Cross-Defendant
WALTER DAY

I am readily familiar with the firm's practice of collection and processing correspondence for mailing. Under that practice it would be deposited with the U.S. Postal Service on that same day with postage thereon fully prepaid in the ordinary course of business. I am aware that on motion of the party served, service is presumed invalid if postal cancellation date or postage meter date is more than one day after date of deposit for mailing in affidavit.

I declare under penalty of perjury under the laws of the State of California that the above is true and correct. Executed on July 20, 2023 at Woodland Hills, California.



Mona Tashroudian