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9 Attorneys for Plaintiff, WILLIAM JAMES MITCHELL

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

13 WILLIAM JAMES MITCHELL,

14 Plaintiff,

15 v.

16 TWIN GALAXIES, LLC,

17 Defendants.

Case No. 19STCV12592

[Hon. Hon. Wendy Chang, Department 36]

**DECLARATION OF KRISTINA ROSS IN
SUPPORT OF PLAINTIFF'S
OPPOSITION TO DEFENDANT'S
MOTION TO COMPEL FURTHER
RESPONSES TO REQUESTS FOR
PRODUCTION OF DOCUMENTS, SET
III AND REQUEST FOR TERMINATING
SANCTIONS AND MONETARY
SANCTIONS; REQUEST FOR
MONETARY SANCTIONS IN THE
AMOUNT OF \$7,312.50**

[Filed concurrently with Plaintiff's Opposition
to Defendant's Motion to Compel and
Declaration of David Bishop]

Hearing Date: September 28, 2023

Time: 8:30 a.m.

Dept: 36

Reservation ID: Reserved by the Court

Action Filed: 04/11/2019

Trial Date: 11/17/2023

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26 ///

1 I, Kristina Ross, declare as follows:

2 1. I am an attorney duly admitted to practice before this Court. I am an attorney with
3 Manning & Kass, Ellrod, Ramirez, Trester LLP, attorneys of record for Plaintiff WILLIAM JAMES
4 MITCHELL. I have personal knowledge of the facts set forth herein, and if called as a witness, I
5 could and would competently testify thereto. I make this declaration in support of Plaintiff's
6 Opposition to Defendant's Motion to Compel Further Responses to Requests for Production of
7 Documents, Set III, and Request for Terminating Sanctions and Monetary Sanctions.

8 2. On June 9, 2023, Plaintiff served responses to Requests for Production of
9 Documents, Set Three.

10 3. As to Request No. 231, Plaintiff responded that he was unable to comply because the
11 requested items are no longer in his possession due to the fact that he donated all of the awards from
12 his video game career to the International Videogame Hall of Fame in or about 2010.

13 4. As to Requests Nos. 232 and 240, which are not mentioned in Defendant's Motion,
14 Plaintiff responded that he was unable to comply because the requested items, if they ever existed
15 no longer exist, or are no longer in his possession due to the length of time that has passed since the
16 photographs may have been taken. Plaintiff also objected on the ground that the requested
17 documents were equally available, as there are photographs online, and Plaintiff has no obligation
18 to scour the internet for such equally available information.

19 5. As to Requests Nos. 251 and 293, Plaintiff objected to these requests on the ground
20 that production would violate the confidentiality of the settlement agreement, among other
21 objections.

22 6. As to Request No. 265, Defendant requested all documents related to all
23 communications between Plaintiff and his son since January 1, 2020 despite being advised that
24 Plaintiff's son is an independent contractor working for Manning & Kass as a law clerk and all
25 communications would therefore be protected under attorney-client privilege. Further, Plaintiff
26 objected on the grounds that this request had no limitation to it being related to the claims made in
27 Plaintiff's lawsuit, making the request overbroad, burdensome, oppressive, and harassing.

28 ///

1 7. On June 26, 2023, I attended the deposition of Cross-Defendant Walter Day. During
2 the deposition, a photograph of Plaintiff’s awards, including Namco plaques, was discussed. At that
3 time, I was forwarded an email in which John Grunwald sent Plaintiff a picture of the awards
4 previously donated to the International Video Game Hall of Fame and Mr. Grunwald stated, “It
5 appears the lost has been found.” See Defendant’s Compendium of Evidence, Ex. 18.

6 8. On June 26, 2023, Defendant’s counsel requested said photograph prior to the
7 deposition of Jerry Byrum, the current principal of the International Video Game Hall of Fame,
8 which was occurring after Mr. Day’s deposition. In order to send it to him quickly, and while under
9 no duty to do so, I saved the image as “IVGHOF.” During Mr. Byrum’s deposition, Defendant’s
10 counsel questioned me on the naming and where I received the photograph. I advised I received it
11 that day from Plaintiff, with an email from Mr. Grunwald. I was working off the little information
12 available to me at the time in an attempt to be cooperative with Defendant’s counsel. See
13 Defendant’s Ex.11 and 18.

14 9. On June 26, 2023, Mr. Byrum testified that he did not look for the awards as
15 requested in Defendant’s subpoena and that he does not recall Plaintiff asking him to find the awards
16 or send them to him. Mr. Byrum also testified that he did not personally receive awards from
17 Plaintiff; however, he further stated that he was not a part of the International Video Game Hall of
18 Fame in 2010 when Plaintiff contends he donated the awards and that sometime after 2019 he
19 personally gained control over all the items that belonged to the International Video Game Hall of
20 Fame, but the items were scattered among multiple storage areas along with his personal and
21 business items. See Defendant’s Exhibit 3, 11:23-12:19 and 14:1-15; Attached hereto as **Exhibit A**
22 are true and correct portions of Mr. Byrum’s deposition, see 35:17-38:3.

23 10. On July 5, 2023, Defendant’s counsel requested a meet and confer. I had a telephonic
24 meet and confer with Defendant’s counsel and again repeated the information available to me and
25 my understanding regarding the plaques, which was that they were found by Mr. Grunwald on the
26 weekend of June 23, 2023 while at an event at the Bridgeview Center. I also noted that Mr. Ellrod
27 and I were engaged in a bench trial, but I could have someone else appear at the ex parte if need be;
28 however, Defendant’s counsel later emailed that we could resolve the issue in an Informal Discovery

1 Conference and asked for an extension on any potential motion to compel. On July 6, 2023, I
2 reiterated my understanding based upon the information I had at that time and granted Defendant
3 the extension to allow for an Informal Discovery Conference. See Defendant’s Ex. 14.

4 11. On or about July 20, 2023, I was advised that Plaintiff’s plaques were found by Isiah
5 Triforce Johnson on June 23, 2023 in the storage room at Jerry Byrum’s arcade while looking for
6 his own memorabilia that he donated to International Video Game Hall of Fame. Mr. Johnson then
7 brought the awards to the Bridgeview Center, where he and Mr. Grunwald looked at them and Mr.
8 Johnson took photographs of them. Mr. Johnson then took the awards, intending to return them to
9 Plaintiff while in Florida; however, his flight was delayed and he did not land in Fort Lauderdale
10 until 2:00 a.m. on June 26, 2023, too late to contact Plaintiff. Per Mr. Johnson, he then shipped the
11 awards back to Mr. Byrum before his flight back to Jamaica at 10:00 am on June 26, 2023.

12 12. On July 20, 2023, Mr. Grunwald testified that the plaques were found during a
13 weekend video game event in Iowa. Plaintiff was not present at the event, but he called Plaintiff and
14 that Plaintiff seemed surprised and excited the plaques found. Further, Plaintiff did not ask where
15 or how the plaques were found. Mr. Grunwald also testified that he did not ask Mr. Johnson where
16 he found the awards, but that he knew Mr. Johnson was going to the arcade and upon his return had
17 the awards. Further, Mr. Grunwald testified that the original plan was for Mr. Johnson to travel to
18 and from Iowa with Plaintiff as his layover from Jamaica was in Fort Lauderdale; however, Plaintiff
19 was unable to attend the event and Mr. Grunwald simply assumed that Plaintiff got Mr. Johnson
20 from the airport after the event, despite the multiple delays, as that was the original plan. See
21 Defendant’s Ex. 4, 18:13-19:19, 21:20-22:18, 28:5-29:15; 43:2-19.

22 13. Both Plaintiff and my office have diligently attempted to retrieve the plaques back
23 from Mr. Byrum. However, Mr. Byrum is not cooperating at this time and noted that he has been
24 harassed via text message by Defendant’s counsel over multiple days starting on or about July 20,
25 2023 regarding the plaques, and despite Mr. Byrum’s demands that Defendant’s counsel stop
26 harassing him. After Mr. Byrum demanded that Defendant’s counsel stop, Defendant’s counsel
27 continued to text him and even went so far as to send Mr. Byrum a text stating that concealing
28 evidence is a crime in California and sent him screenshots of the California Penal Code. On

1 September 7, 2023, Defendant’s counsel again sent Mr. Byrum text messages about the plaques and
2 even sent Defendant’s instant motion to Mr. Byrum. Attached hereto as **Exhibit B** are true and
3 correct copies of text messages between Plaintiff’s son and Jerry Byrum, including the screenshots
4 Mr. Byrum sent of his text messages with Defendant’s counsel.

5 14. Any assertion that I or my office purposefully misdirected or intentionally
6 misrepresented information regarding the plaques or their location to Defendant’s counsel is
7 patently false. Despite efforts to obtain the plaques, Plaintiff has not been able to. Plaintiff does not
8 have custody, control, or possession over the plaques to produce them for inspection.

9 15. On or about August 11, 2023, I had a call with David Bishop, the former executive
10 vice-president and chief operating officer of NAMCO USA INC. Mr. Bishop detailed his history
11 working with Namco, his relationship with Plaintiff, and his understanding of Plaintiff’s relationship
12 with Namco. Mr. Bishop reviewed and signed a declaration attesting that in 1999 Plaintiff was
13 honored by Masaya Nakamura for his first perfect Pac-Man score and called him the “Player of the
14 Century” and that this was how Plaintiff was described internally at Namco. Furthermore, Mr.
15 Bishop stated that in or about 2015 Plaintiff was brought in to help market Namco’s Pac-Man
16 restaurant and bar, which had a framed picture of Plaintiff being honored by Mr. Nakamura in 1999.
17 Mr. Bishop’s declaration, dated August 16, 2023, is filed concurrently with this opposition.

18 16. Plaintiff’s responses to Requests Nos. 251 and 293 included objections on the ground
19 that production would violate the confidentiality of the settlement agreement, not just relevance as
20 Defendant’s Motion seems to argue. The settlement agreement between Plaintiff and Benjamin
21 Smith has a confidentiality clause, which Plaintiff has advised Defendant of and Defendant provides
22 no legal authority that would allow for the settlement agreement to be produced despite this
23 confidentiality clause. Attached hereto as **Exhibit C** is a true and correct copy of the relevant
24 portions of Plaintiff’s deposition transcript. Plaintiff has been and remains willing to produce the
25 agreement for in camera review.

26 17. Additionally, Defendant’s counsel misrepresents Plaintiff’s deposition testimony
27 regarding the videos made by Benjamin Smith by claiming that Plaintiff testified that the videos
28 made by Mr. Smith are in his possession. Plaintiff testified that he owned rights to the videos, not

1 that he actually had copies of the videos. See Plaintiff’s **Exhibit C**.

2 18. Defendant’s counsel also misrepresents the substance of Cross-Defendant Walter
3 Day’s testimony. Mr. Day testified as to his declaration related to Josh Ryan that the information in
4 the declaration must have been the information he had at the time but he did not remember exactly
5 during his deposition. See Defendant’s Ex. 2, 92:23-95:7.

6 19. Mr. Day testified that the quoted language was the substance of what Jace Hall said
7 to him and that is what he told Plaintiff’s son in preparation of the declaration. Specifically, Mr.
8 Day stated that the wording may have been different, “[b]ut the essence is the same” and that “it
9 captured the exact essence of what had happened.” See Defendant’s Ex. 2, 154:4-158:3.

10 20. My billing rate in this matter is \$375.00 per hour. I have expended 19.5 hours in
11 connection with opposing Defendant’s motion. The total amount of monetary sanction sought is
12 \$7,312.50.

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

15 Executed on September 14, 2023, at Los Angeles, California.

16
17 
18 _____
19 Kristina Ross

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EXHIBIT A

SUPERIOR COURT OF CALIFORNIA,
COUNTY OF LOS ANGELES

WILLIAM JAMES)
MITCHELL,) Case No. 19STCV12592
)
Plaintiff,) DEPOSITION OF:
)
vs.) JERRY LEE BYRUM
)
TWIN GALAXIES,)
LLC; and DOES)
1-10,)
)
Defendants.)
)

TWIN GALAXIES,)
LLC,)
)
Cross-)
Complainant,)
)
vs.)
)
WILLIAM JAMES)
MITCHELL; WALTER)
DAY; and Roes)
1-25,)
)
Cross-)
Defendants.)

THE VIDEOCONFERENCE DEPOSITION OF JERRY LEE
BYRUM, taken before Tracy E. Barksdale,
Registered Professional Reporter and
Certified Shorthand Reporter, commencing at
6:38 p.m. CDT, June 26, 2023.

Reporter: Tracy E. Barksdale, RPR, CSR

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A P P E A R A N C E S

FOR THE PLAINTIFF/CROSS-DEFENDANT WILLIAM
JAMES MITCHELL:

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Anthony J. Ellrod
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Los Angeles, California 90017
213.624.6900
Kristina.ross@manningkass.com
Contact@manningkass.com

FOR THE DEFENDANT/CROSS-COMPLAINANT TWIN
GALAXIES, LLC:

David A. Tashroudian
TASHROUDIAN LAW GROUP, APC
12400 Ventura Boulevard, Suite 300
Studio City, California 91604
818.561.7381
David@tashlawgroup.com

ALSO PRESENT:

Ali Ney, Videographer
Jace Hall
Billy Mitchell

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INDEX OF EXAMINATION

JERRY LEE BYRUM

June 26, 2023

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Ms. Ross	28

INDEX OF EXHIBITS

Exhibits	Marked on page
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D Email	33

1 Q. The picture that Mr. Tashroudian showed
2 earlier of the awards, I believe you said
3 that you thought you had seen some of the
4 awards before; is that correct?

5 A. I would say I probably have seen the one
6 in the bottom left, if I remember correctly.
7 When and where, I don't know.

8 Q. Would that have been in person, or do
9 you think you saw a photo? What do you mean
10 when you saw it?

11 A. I don't know. It just looks familiar.
12 To be -- it just looks familiar. Whether
13 I've seen it or not, I don't know when or
14 where.

15 Q. Okay.

16 A. I don't even know what it is.

17 Q. Have you seen all of the awards or other
18 things that have been donated to the
19 International Video Game Hall of Fame from
20 before you started in 2019?

21 A. No.

22 Q. Do you have access to all of those
23 things?

24 A. I have access to items that used to
25 belong to the hall of fame, yes.

1 Q. Okay. But as Mr. Tashroudian asked you
2 earlier, you didn't go back and look for any
3 of the things asked for in this document
4 request?

5 A. No. And as I explained to him through
6 text before, I have items that used to belong
7 to the hall of fame in multiple storage
8 units. I'm really not looking forward to
9 going through all of that, because it's
10 scattered with personal items and business
11 items and hall of fame items.

12 Q. Okay. Just to flesh that out a little
13 bit, when you say you have multiple storage
14 units, how many do you have?

15 A. Oh, my gosh. Probably half a dozen.

16 Q. And when you say items that used to be
17 owned by the hall of fame, what does that
18 mean?

19 A. So at one point Bridgeview had
20 possession of what I was told were hall of
21 fame items. There seemed to be some kind of
22 a ransom being asked for to reclaim those.
23 Myself and a friend of mine worked an
24 arrangement to free those items up, release
25 the debt, and everything was signed over to

1 **me.**

2 Q. So everything that was previously owned
3 by the hall of fame you are in personal
4 ownership of now; is that correct?

5 **A. That is correct.**

6 Q. Okay. But you haven't gone through all
7 of the stuff to know what 100 percent is
8 there?

9 **A. No. No.**

10 Q. So it stands to reason, if awards were
11 donated in 2010, you didn't come on until
12 nine years later, those awards could be
13 somewhere in those half a dozen storage
14 units?

15 **A. I'm doubtful, but I would say it's
16 possible.**

17 Q. Okay. Was there any stuff retained by
18 the Bridgeview Center or other entities or
19 persons?

20 **A. Not that I'm aware of. That was not the
21 agreement when I arranged to take care of the
22 debt.**

23 Q. Okay. And who was that agreement
24 between?

25 **A. That was through the mayor of Ottumwa;**

1 **Tom Lazio helped coordinate that. I don't**
2 **know who he was working with on the**
3 **Bridgeview side.**

4 MS. ROSS: Okay. I think that's
5 all I have for now. Thank you.

6 MR. TASHROUDIAN: All right.

7 FURTHER EXAMINATION

8 BY MR. TASHROUDIAN:

9 Q. Mr. Byrum, have you shared any of the
10 text messages that you and I have had with
11 Mr. Mitchell?

12 **A. No.**

13 Q. Have you told him about the
14 conversations that we've had?

15 **A. No.**

16 Q. Are you sure about that?

17 **A. I'm pretty sure, yeah. He and I don't**
18 **talk about those things.**

19 Q. Well, the reason I asked is, while
20 Ms. Ross was sharing her screen, a message
21 popped up from Billy Mitchell, and that
22 message said that you told me that you've
23 seen pictures of your awards. How would he
24 know that -- of his awards, rather. How --

25 **A. I'm sorry. What did it say, exactly?**

C E R T I F I C A T E

1
2
3 I, Tracy E. Barksdale, Registered
4 Professional Reporter, do hereby certify that
5 there came before me via videoconference at
6 the time and place hereinbefore indicated,
7 the witness named on the caption sheet
8 hereof, who was by me duly sworn to testify
9 to the truth of said witness's knowledge,
10 touching and concerning the matters in
11 controversy in this cause; that the witness
12 was thereupon examined under oath, the
13 examination taken down by me in shorthand,
14 and later reduced to printed form under my
15 supervision and direction, and that the
16 deposition is a true record of the testimony
17 given and of all objections interposed.

18
19 I further certify that I am neither
20 attorney or counsel for, or related to or
21 employed by any of the parties to the action
22 in which this deposition is taken, and
23 further that I am not a relative or employee
24 of any attorney or counsel employed by the
25 parties hereto or financially interested in
the action.

Dated this 19th day of July 2023.



TRACY E. BARKSDALE, RPR

EXHIBIT B



+1 (626) 252-0778 >

Thursday 9:44 PM

Hey Jerry — David the snake here. Billy is saying you have the plaques now. Is that true?

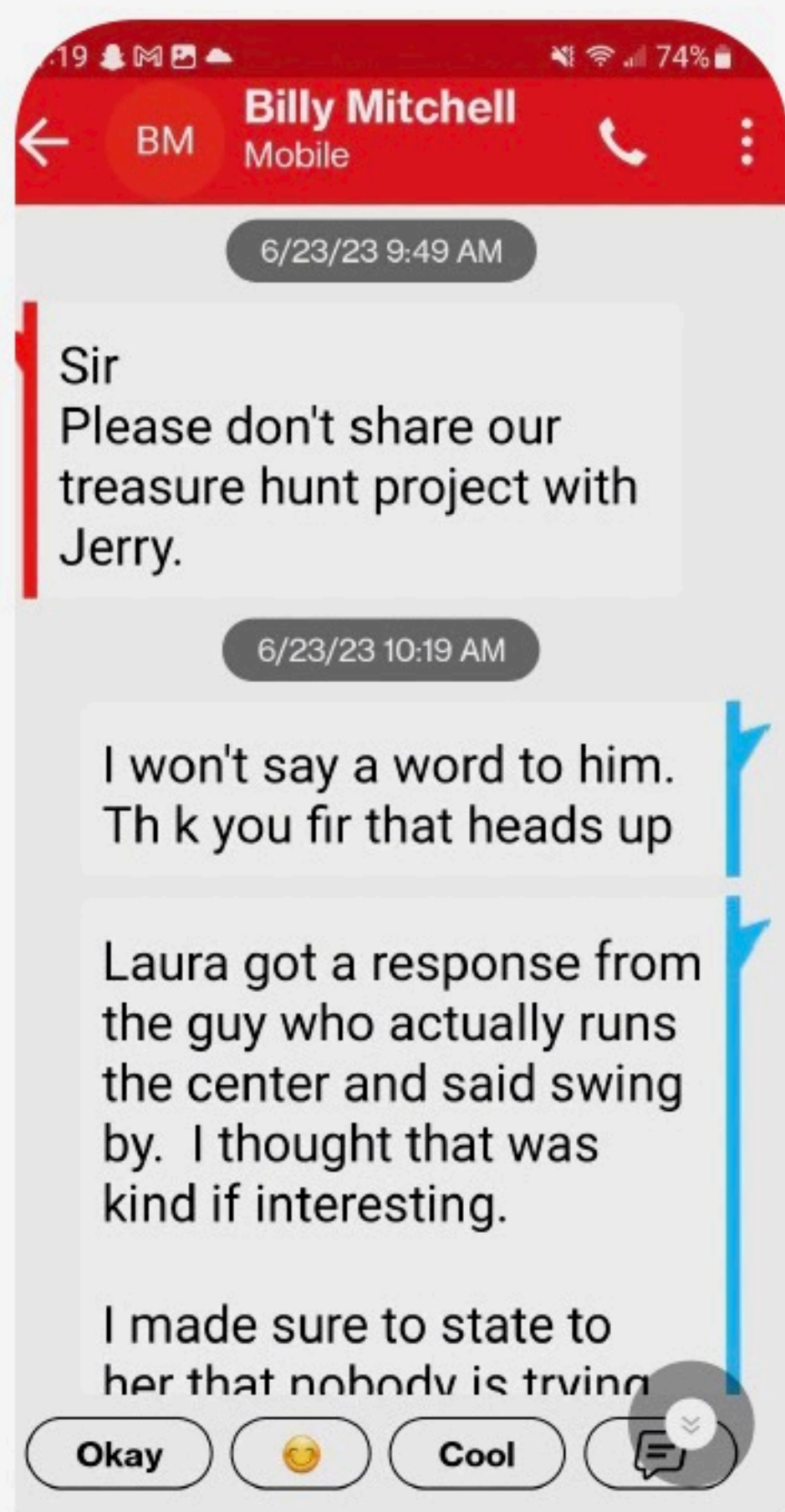
Isn't it time someone stood up for the truth?

And you really think I am going to believe TriForce found the plaques in your arcade

Does Billy really believe a jury will believe that?

This conspiracy is going to destroy your organization because no one will believe anything that you or anyone from the IVGHOF says

You have lost all of your credibility sir, its a shame



iMessage





+1 (626) 252-0778 >

Maybe Billy is lying to you too about the "Treasure Hunt"

Ever thought about that?

Today 5:11 PM

Have you decided to tell the truth yet?

I got a tell ya, you're an idiot. I've never seen any attorney, harass people with unethical practices in my life like you do.

Nothing unethical here

What's unethical are the lies

You know billy is claiming triforme found the plaques in your arcade

Did he tell you that? And that you have them now.

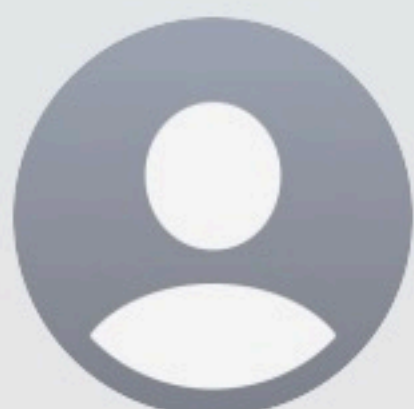
Keep going, keep digging a hole deeper. It won't look good for you in court.

How much money do we have to spend to get the truth? I was hoping you'd come around. I really feel bad for John Grunwald



iMessage





+1 (626) 252-0778 >

Let's see. I'm doing my job to uncover the trith

John is an honest man

Are you?



Jacob Pilkington

7:06 AM

To: David Cc: Scott >

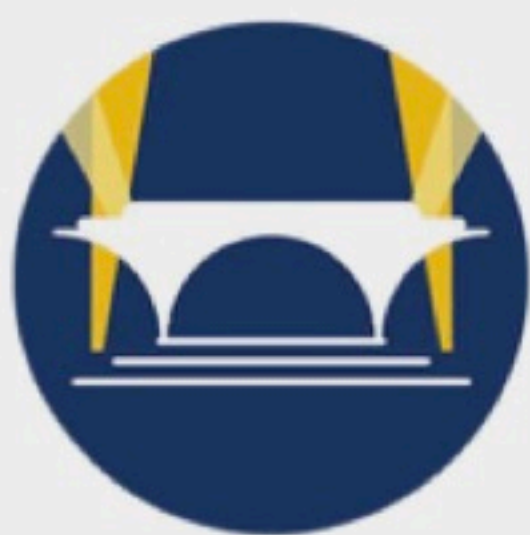


RE: Bridge View Center CCTV [Mitchell v. Twin Galaxies]

David, everything that is requested for June 23rd is saved onto a separate storage device. In total it's around 140gb of video for the whole day of June 23rd in the highlighted requested areas. What is the best way to get this footage to you?

Jacob Pilkington

Operations Manager, Bridge View Center
C: 217-219-3930 | O: 641-684-7000 x 224
jacob@bridgeviewcenter.com



Bridge View Center

Delivering *Outstanding* Experiences

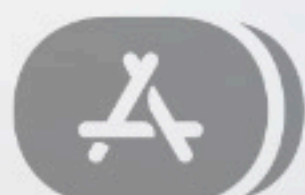
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[See More](#)



What do you think I'll find?

You're another obsessed, Billy, Mitchell stocker, you really need to seek help



iMessage





+1 (626) 252-0778 >

What do you think I'll find?

You're another obsessed, Billy, Mitchell stocker, you really need to seek help

I'm a lawyer proving my defense

I wish he would stop

Is there anything you want to tell me about what I'll find?

Are you are a stalker beyond belief, and you are harassing me on evenings and weekends and this is the last opportunity you get to stop or I will do it legally

I'm seeking information from a key witness. I was hoping your morals would kick in sometime. I'm still hopeful. Have a good evening sir. I'll see you soon.

You have zero grounds to do so, zero! Stop harassing me, and whoever else, you're probably harassing, read a book on character in ethics because he's an attorney, you're supposed to have both

Delivered



iMessage



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+1 (626) 252-0778 >

You're another obsessed, Billy,
Mitchell stocker, you really need to
seek help

I'm a lawyer proving my defense

I wish he would stop

Is there anything you want to tell me
about what I'll find?

Are you are a stalker beyond belief,
and you are harassing me on
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the last opportunity you get to stop
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I'm seeking information from a key
witness. I was hoping your morals
would kick in sometime. I'm still
hopeful. Have a good evening sir. I'll
see you soon.

You have zero grounds to do so, zero!
Stop harassing me, and whoever
else, you're probably harassing, read
a book on character in ethics
because he's an attorney, you're
supposed to have both

Delivered

I hope you'll tell me the truth next
time you're asked.



iMessage





+1 (626) 252-0778 >

Stop harassing me, and whoever else, you're probably harassing, read a book on character in ethics because he's an attorney, you're supposed to have both

I hope you'll tell me the truth next time you're asked.

Stalker!

Only stalking the truth. Please help me. I implore you

You're an obsessed stalker, I suggest you seek help

Delivered

Help me please. It'll be lots of good karma for you.

I'm here if you change your mind. I'm not mad at you.

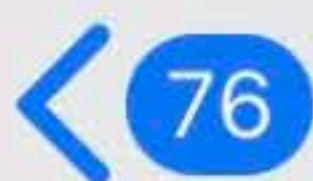
Tell me. Did triforme find the plaques in your arcade? Did he mail them back to you from Fort Lauderdale on June 26? Do you have them now?

That's Billy's story. Don't let him use you like he did John



iMessage





+1 (626) 252-0778 >

Thursday 9:44 PM

Hey Jerry — David the snake here. Billy is saying you have the plaques now. Is that true?

9:44 PM

Isn't it time someone stood up for the truth?

9:45 PM

And you really think I am going to believe TriForce found the plaques in your arcade

9:46 PM

Does Billy really believe a jury will believe that?

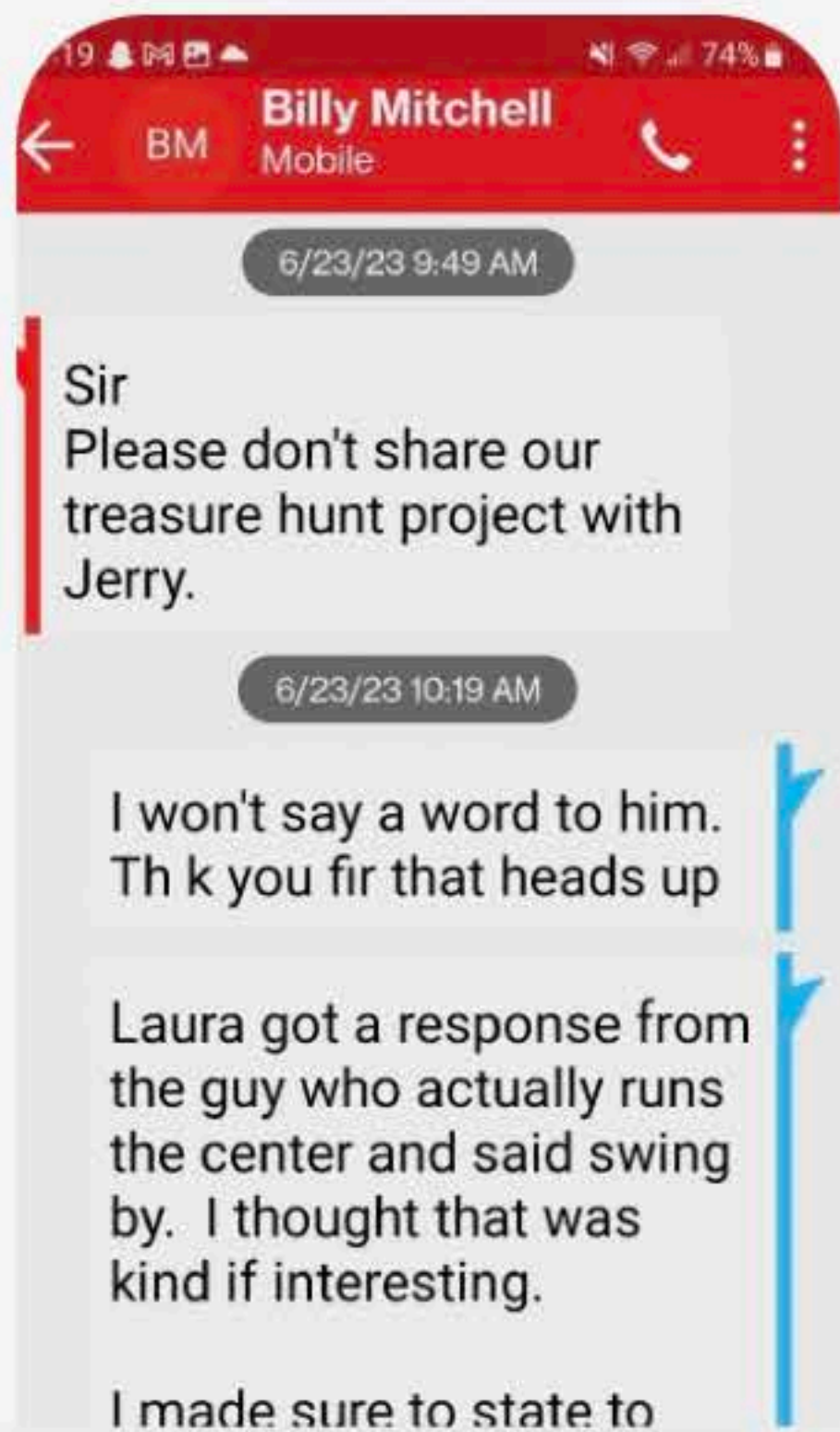
9:46 PM

This conspiracy is going to destroy your organization because no one will believe anything that you or anyone from the IVGHOF says

9:46 PM

You have lost all of your credibility sir, its a shame

9:47 PM

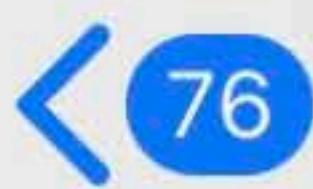


9:49 PM



iMessage





+1 (626) 252-0778 >

Maybe Billy is lying to you too about the "Treasure Hunt"

9:49 PM

Ever thought about that?

9:49 PM

Yesterday 5:11 PM

Have you decided to tell the truth yet?

5:11 PM

I got a tell ya, you're an idiot. I've never seen any attorney, harass people with unethical practices in my life like you do.

5:24 PM

Nothing unethical here

5:24 PM

What's unethical are the lies

5:25 PM

You know billy is claiming triforme found the plaques in your arcade

5:25 PM

Did he tell you that? And that you have them now.

5:25 PM

Keep going, keep digging a hole deeper. It won't look good for you in court.

5:26 PM

How much money do we have to spend to get the truth? I was hoping you'd come around. I really feel bad for John Grunwald

5:26 PM



iMessage





+1 (626) 252-0778 >

Let's see. I'm doing my job to uncover the truth

5:26 PM

John is an honest man

5:28 PM

Are you?

5:28 PM

Jacob Pilkington 7:06 AM
To: David Cc: Scott >

RE: Bridge View Center CCTV [Mitchell v. Twin Galaxies]

David, everything that is requested for June 23rd is saved onto a separate storage device. In total it's around 140gb of video for the whole day of June 23rd in the highlighted requested areas. What is the best way to get this footage to you?

Jacob Pilkington
Operations Manager, Bridge View Center
C: 217-219-3930 | O: 641-684-7000 x 224
jacob@bridgeviewcenter.com

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5:47 PM

What do you think I'll find?

5:47 PM

You're another obsessed, Billy, Mitchell stocker, you really need to

5:48 PM



+1 (626) 252-0778 >

I'm a lawyer proving my defense

5:48 PM

I wish he would stop

5:48 PM

Is there anything you want to tell me about what I'll find?

5:48 PM

Are you are a stalker beyond belief, and you are harassing me on evenings and weekends and this is the last opportunity you get to stop or I will do it legally

5:49 PM

I'm seeking information from a key witness. I was hoping your morals would kick in sometime. I'm still hopeful. Have a good evening sir. I'll see you soon.

5:49 PM

You have zero grounds to do so, zero! Stop harassing me, and whoever else, you're probably harassing, read a book on character in ethics because he's an attorney, you're supposed to have both

5:51 PM

I hope you'll tell me the truth next time you're asked.

6:00 PM

Stalker!

6:01 PM

Only stalking the truth. Please help



iMessage





+1 (626) 252-0778 >

Stop harassing me, and whoever else, you're probably harassing, read a book on character in ethics because he's an attorney, you're supposed to have both

5:51 PM

I hope you'll tell me the truth next time you're asked.

6:00 PM

Stalker!

6:01 PM

Only stalking the truth. Please help me. I implore you

6:01 PM

You're an obsessed stalker, I suggest you seek help

6:03 PM

Delivered

Help me please. It'll be lots of good karma for you.

6:05 PM

I'm here if you change your mind. I'm not mad at you.

6:05 PM

Tell me. Did triforme find the plaques in your arcade? Did he mail them back to you from Fort Lauderdale on June 26? Do you have them now?



6:06 PM

That's Billy's story. Don't let him use you like he did John

6:07 PM



iMessage





+1 (626) 252-0778 >

I'm here if you change your mind. I'm not mad at you.

6:05 PM

Tell me. Did triforme find the plaques in your arcade? Did he mail them back to you from Fort Lauderdale on June 26? Do you have them now?

6:06 PM

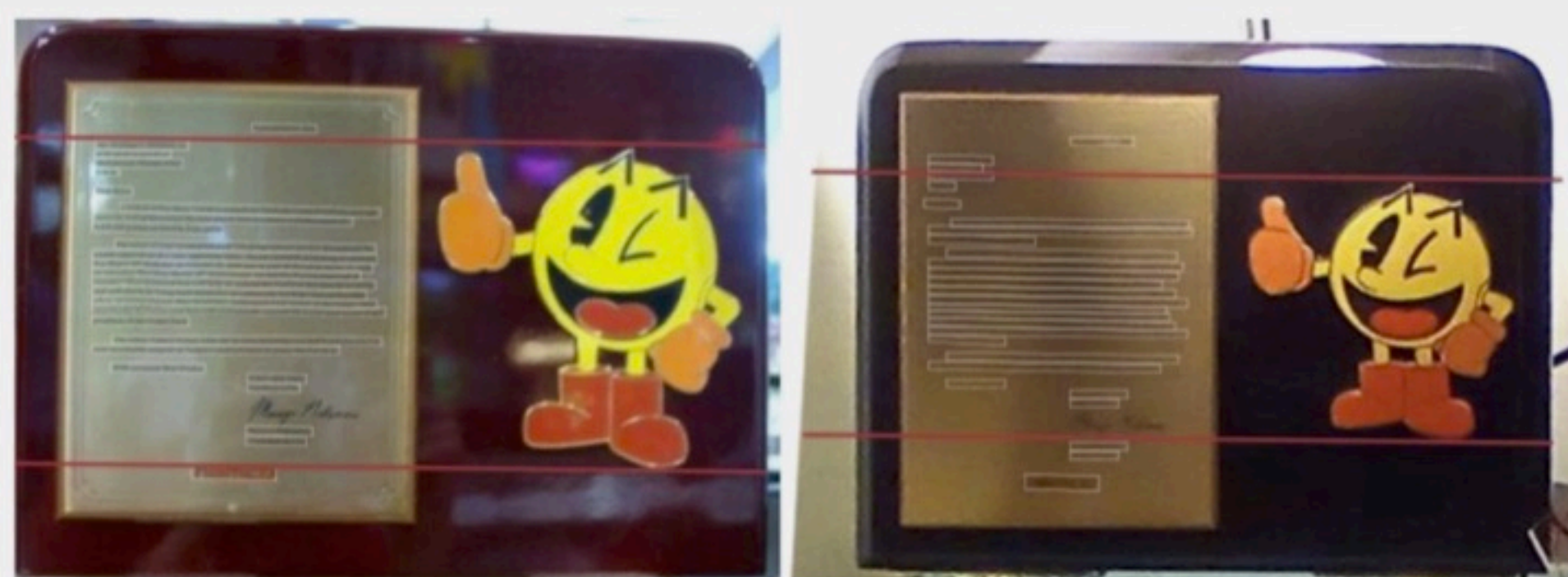
That's Billy's story. Don't let him use you like he did John

6:07 PM

Today 4:10 PM

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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.



4:10 PM

I know the plaque is fake.

4:11 PM

I have subpoenaed the plaque from you. You have it. Will you produce it?

4:15 PM

Submitting false evidence and concealing evidence is a crime in California.

4:16 PM



iMessage





+1 (626) 252-0778 >

concealing evidence is a crime in California.

4:16 PM

Code: PEN Section: 134.
 Keyword(s): Search

Up^ << Previous Next >> cross-reference
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Search Phrase: Highlight

PENAL CODE - PEN
 PART 1. OF CRIMES AND PUNISHMENTS [25 - 680.4] (
 Part 1 enacted 1872.)

TITLE 7. OF CRIMES AGAINST PUBLIC JUSTICE [92 -
 186.36] (Title 7 enacted 1872.)

CHAPTER 6. Falsifying Evidence, and Bribing, Influencing,
 Intimidating or Threatening Witnesses [132 - 141] (Heading
 of Chapter 6 amended by Stats. 1985, Ch. 962, Sec. 2.)

134. Every person guilty of preparing any false
 or ante-dated book, paper, record, instrument
 in writing, or of **Keyword(s):** Search
 to produce it,
 any fraudulent

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PENAL CODE - PEN
 PART 1. OF CRIMES AND PUNISHMENTS [25 - 680.4] (
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CHAPTER 6. Falsifying Evidence, and Bribing, Influencing,
 Intimidating or Threatening Witnesses [132 - 141] (Heading
 of Chapter 6 amended by Stats. 1985, Ch. 962, Sec. 2.)

135. A person who, knowing that any book,
 paper, record, instrument in writing, digital
 image, video recording owned by another, or
 other matter or thing, is about to be produced
 in evidence upon a trial, inquiry, or
 investigation, authorized by law, willfully
 destroys, erases, or conceals the same, with

4:16 PM



4:16 PM

I am an ethical person and am not threatening you with prosecution. I just hope that knowing this will compel you to do the right thing and comply with the subpoena in the interests of Justice

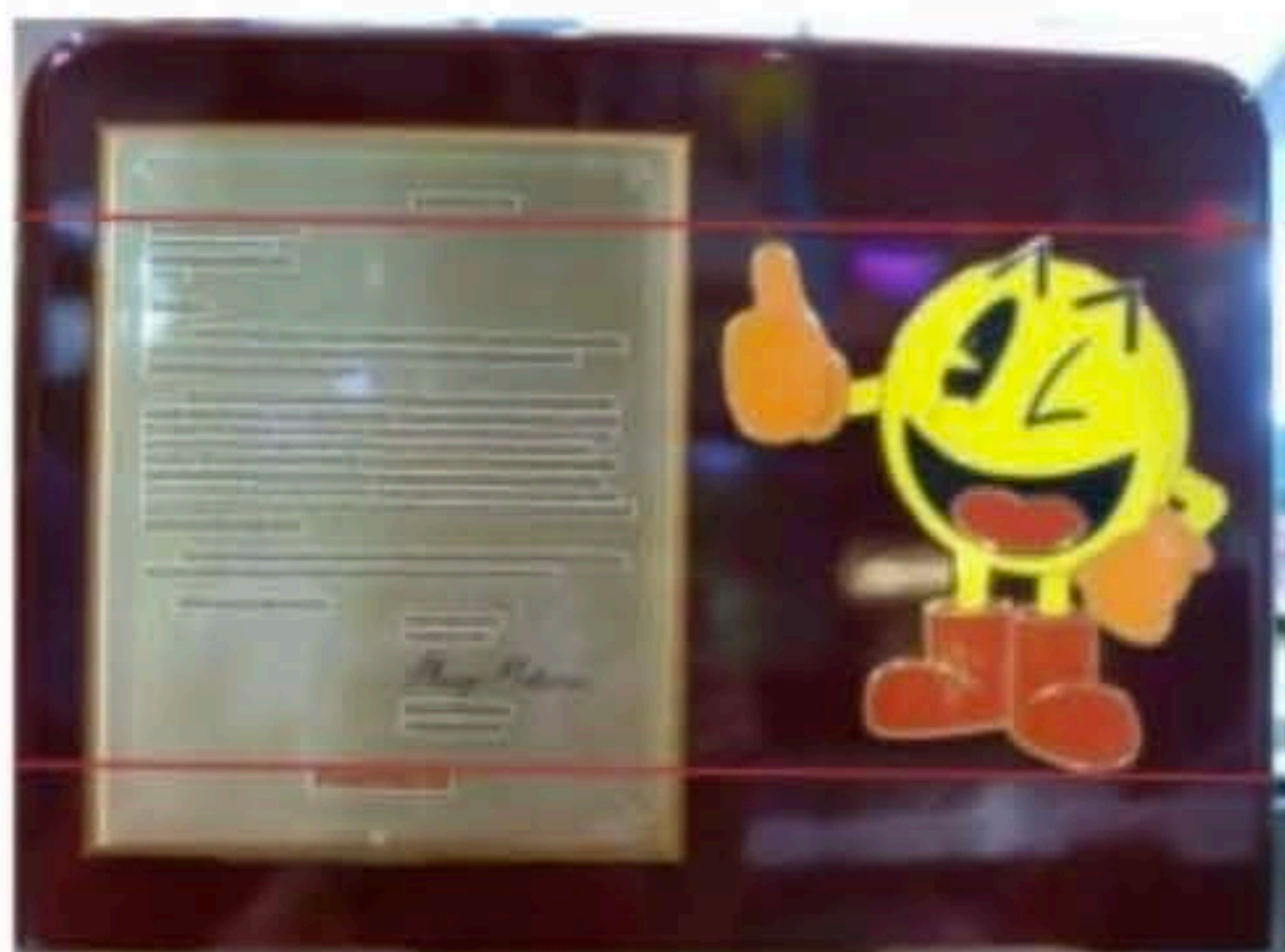
4:22 PM



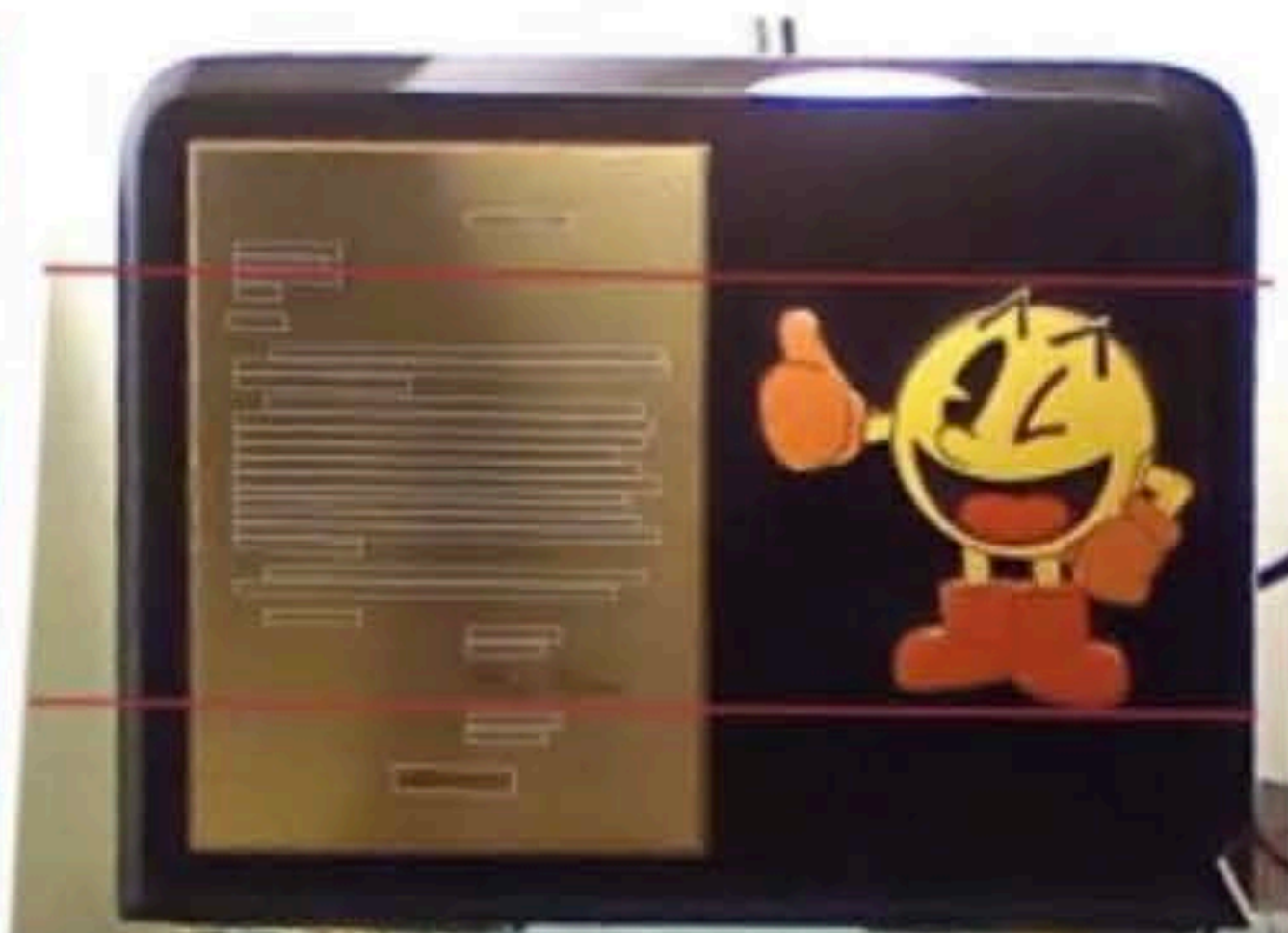
iMessage



1 SIDE-BY-SIDE PLAQUE ANALYSIS



10 **Plaque from Discovery**



11 **Mitchell Picture from June 2023**

12 **Differences:**

13 (1) the proportions of Pac-Man are off

14 (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.



LEGISLATIVE INFORMATION

CODE SECTION

Code: PEN



Section:

134.

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134. Every person guilty of preparing any false or ante-dated book, paper, record, instrument in writing, or other matter or thing, with intent to produce it, or allow it to be produced for any fraudulent or deceitful purpose, as genuine or true, upon any trial, proceeding, or inquiry whatever, authorized by law, is guilty of felony.

(Enacted 1872.)




LEGISLATIVE INFORMATION

CODE SECTION

Code: PEN**Section:**

135.

Keyword(s):

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135. A person who, knowing that any book, paper, record, instrument in writing, digital image, video recording owned by another, or other matter or thing, is about to be produced in evidence upon a trial, inquiry, or investigation, authorized by law, willfully destroys, erases, or conceals the same, with the intent to prevent it or its content from being produced, is guilty of a misdemeanor.

(*Amended by Stats. 2015, Ch. 463, Sec. 1. (AB 256) Effective January 1, 2016.*)



being produced, is guilty of a misdemeanor.
(Amended by Stats. 2015, Ch. 463, Sec. 1.
(AB 256) Effective January 1, 2016.)

Today 8:05 PM

This guy has zero boundaries and obviously has a lot of hatred for Billy. Although I've asked him multiple times to not contact me, he continues to do so, and his stalker-like aggression is more than a little concerning.

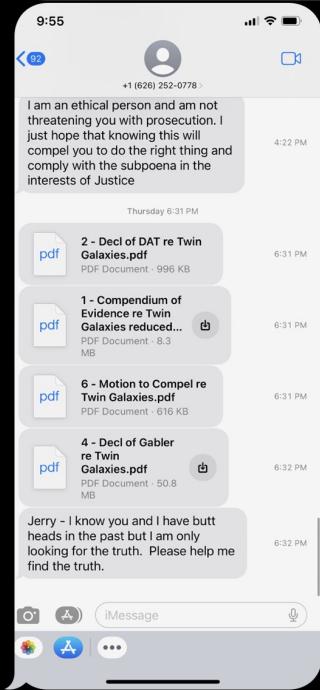


EXHIBIT C

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.

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.

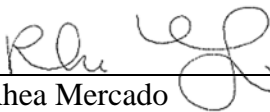
On September 14, 2023, I served true copies of the following document(s) described as **DECLARATION OF KRISTINA ROSS IN SUPPORT OF PLAINTIFF’S OPPOSITION TO DEFENDANT’S MOTION TO COMPEL FURTHER RESPONSES TO REQUESTS FOR PRODUCTION OF DOCUMENTS, SET III AND REQUEST FOR TERMINATING SANCTIONS AND MONETARY SANCTIONS; REQUEST FOR MONETARY SANCTIONS IN THE AMOUNT OF \$7,312.50** 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 <i>Attorney for Defendants, TWIN GALAXIES</i>	Robert W. Cohen, Esq. Law Offices of Robert W. Cohen 1901 Avenue of The Stars, Suite 1910 Los Angeles, CA 90067 Telephone: (310) 282-7586 Email: rwcohen@robertwcohenlaw.com <i>Attorneys for Cross-Defendant, WALTER DAY</i>
--	--

BY E-MAIL OR ELECTRONIC TRANSMISSION: I caused a copy of the document(s) to be sent from e-mail address rhea.mercado@manningkass.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 September 14, 2023, at Los Angeles, California.



Rhea Mercado