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6  
7 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**  
8 **COUNTY OF LOS ANGELES, CENTRAL DISTRICT**

9 WILLIAM JAMES MITCHELL,  
10  
11 Plaintiff,

12 v.

13 TWIN GALAXIES, LLC,  
14 Defendants.

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

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

Action Filed: 4/11/2019

**MANNING & KASS**  
**ELLROD, RAMIREZ, TRESTER LLP**  
ATTORNEYS AT LAW

15  
16 I, William “Billy” J. Mitchell, declare as follows:

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

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

1 [Kong-Points-Hammer-Allowed-Player-Billy-L-Mitchell-Score-1-062-](https://www.twin-galaxies.com/forums/showthread.php?p=964048&viewfull=1#post964048)

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

9 BACKGROUND, CAREER, AND PROOF OF FALSITY

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

23 PROOF OF FALSITY

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

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

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

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

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

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

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

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

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

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



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

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

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

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

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

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

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

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

28

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

20 56. Furthermore, on the Facebook broadcast, Hall directly admitted that *The King of*  
21 *Kong: A Fistful of Quarters* “documentary” is not a truthful film. Hall states that, “There is clearly  
22 a lot of editing and drama inserted into *The King of Kong*. It’s not really a documentary.” Others  
23 told me that Hall called it “Docu-drama” at a different point in the broadcast. The aforementioned  
24 quote can be heard in the YouTube video: [https://youtu.be/lirf4\\_jiX0Y?t=2709](https://youtu.be/lirf4_jiX0Y?t=2709), last accessed May  
25 8, 2020.

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

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

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

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

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

23               *See* <https://youtu.be/JF1FPsYoLY?t=126>, last accessed May 10, 2020.

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

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

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

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

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

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

1           64.     **On April 11, 2018**, I texted Jason Hall asking, “Can you please look over the  
2 Perfect Pac-Man tape in your possession that is said to be mine...” I requested Hall to review this  
3 videotape, because I wanted access to the public record of my Pac-Man achievement. However,  
4 Hall refused, stating that, “That’s outside of the scope of the current dispute work being done. We  
5 only look at actual dispute case assertions.” Most notably, Hall did NOT deny that the tape  
6 belonged to me; however, he clearly would not allow it to become publicly accessible. The April  
7 11<sup>th</sup> Text Message Exchange is attached as **Exhibit 60**.

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

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

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

22  
23 Furthermore, the statement also directly calls it a fact, saying [with emphasis in bold]:

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

27           *See:* [https://www.twingalaxies.com/feed\\_details.php/1047/billy-mitchells-donkey-kong-and-](https://www.twingalaxies.com/feed_details.php/1047/billy-mitchells-donkey-kong-and-)  
28

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

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

6 [https://www.twingalaxies.com/wiki\\_index.php?title=Policy:Activities-That-Can-Get-You-](https://www.twingalaxies.com/wiki_index.php?title=Policy:Activities-That-Can-Get-You-Banned-For-Life.)  
7 [Banned-For-Life.](#), last accessed May 12, 2020.

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

12 *See*: [https://variety.com/2018/gaming/news/billy-mitchell-pac-man-world-record-](https://variety.com/2018/gaming/news/billy-mitchell-pac-man-world-record-1202752594/)  
13 [1202752594/](#), last accessed May 10, 2020.

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

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

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

26 *See*: <https://variety.com/2018/gaming/news/king-of-kong-stripped-of-title->  
27

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

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

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

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

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

23 AFTER THE STATEMENTS

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

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

8 74. On September 9, 2019, my law firm issued Twin Galaxies and Guinness World  
9 Records a retraction demand for its statements. Attached hereto as **Exhibit 35** is a true and correct  
10 copy of the September 9, 2019 retraction demand. The retraction demand presented about 20  
11 sworn eye-witness declarations, evidence that the Senior Engineer at Nintendo verified my  
12 hardware, expert gameplay analyses, and technical analyses. I already cited the pertinent evidence  
13 in the retraction demand throughout this declaration.  
14 See: [https://docs.google.com/document/d/1lGODhaCGZ\\_ZLCwMHJS74ZNE0YrI5uD\\_yjxsTiLYb](https://docs.google.com/document/d/1lGODhaCGZ_ZLCwMHJS74ZNE0YrI5uD_yjxsTiLYb9Ls/edit?usp=sharing)  
15 [9Ls/edit?usp=sharing](https://docs.google.com/document/d/1lGODhaCGZ_ZLCwMHJS74ZNE0YrI5uD_yjxsTiLYb9Ls/edit?usp=sharing)

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

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

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

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

10 78. However, Guinness World Records responded differently.

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

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

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

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

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

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

10 [https://youtu.be/Iirf4\\_jiX0Y?t=3558](https://youtu.be/Iirf4_jiX0Y?t=3558), last accessed May 10, 2020.

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

16 MALICIOUS AND RECKLESS INVESTIGATIVE CONDUCT

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1           93. Guinness World Records reinstated my records based upon the same evidence  
2 which Twin Galaxies ignored during its original investigations and also ignored during the  
3 retraction demand. On June 18, 2020, I issued Twin Galaxies a second retraction demand,  
4 providing a final opportunity to tell the truth. However, it denied this retraction demand as well.  
5 The refusal of two separate retraction demands, even in the face of the conflicting conclusion of its  
6 36-year partner in Guinness World Records, proves that Twin Galaxies possesses undeniable  
7 reckless disregard.

8 **4) Deliberately Burying Evidence in My Favor**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

12 See: <https://youtu.be/JF1FPsYoLY?t=126>, last accessed May 11, 2020.

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

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

25 See: [https://www.youtube.com/watch?v=Iirf4\\_jiX0Y&feature=youtu.be&t=13523](https://www.youtube.com/watch?v=Iirf4_jiX0Y&feature=youtu.be&t=13523), last accessed  
26 May 11, 2020.

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

5 **7) Failure to Fact-Check Information**

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

12           106. Twin Galaxies made ZERO effort to fact-check these allegations. To the contrary,  
13 Jason Hall badgered me on the phone, asserting that it presented strong “circumstantial evidence.”  
14 During Hall’s Facebook broadcast, Hall spoke of Copeland’s accusations [with emphasis in bold]:  
15           “If it was played on an emulated platform, the emulated platform potentially allows  
16 for manipulation of the gameplay. However, the dispute itself is not asserting that  
17 there has been manipulation of the gameplay with any facts. **There is**  
18 **circumstantial evidence around that.**” See: [https://youtu.be/lirf4\\_jiX0Y?t=2513](https://youtu.be/lirf4_jiX0Y?t=2513),  
19 last accessed May 11, 2020.

20  
21           107. However, Copeland’s analysis was entirely *false*. A thorough 84-page cross-  
22 examination from my son proved it with clarity. Then, I hired Mr. Robert Lakeman, an eight-time  
23 Donkey Kong World Record holder, to examine Copeland’s allegations. Lakeman concluded that  
24 “After reviewing Billy’s gameplay, and reproducing similar games myself, I can honestly say that  
25 this is legitimate gameplay... I do not see a reason why Billy would need to even use MAME, or  
26 save states to film both games with this style of play.” (See **Exhibit 21**).

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

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

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

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

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

20 FALSIFIED STATEMENTS IN DEFENDANT’S MOTION AND DECLARATION

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

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

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

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

11 See: [https://youtu.be/\\_JF1FPsYoLY?t=126](https://youtu.be/_JF1FPsYoLY?t=126), last accessed May 11, 2020.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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SPECIAL DAMAGES

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

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

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



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

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

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

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

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

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

25 Again, Hall also stated:

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

1                   very least \$10,000. I wouldn't ask you to do this for less than that amount."  
2           133.   Furthermore, Hall displayed his goal to generate internet "clicks" with these  
3 "investigations." Hall, speaking of the Dispute Thread, told Rogers to "Stir the pot. It just  
4 increases your fame and builds anticipation for the event in general." However, Rogers refused  
5 Hall's request. As a result, Hall posted content to the Dispute Thread on his own volition, saying  
6 he was "stirring the pot." At another point, Hall expresses his excitement for the attention drawn  
7 toward Twin Galaxies, stating that, "This thread is sucking every doubter in for permanent  
8 documentation." Obviously, Hall's intention to "stir the pot" occurs because it draws people to his  
9 website. It generates "clicks" and publicity, and by extension, monetary benefits. This is how  
10 Jason Hall views these "investigations." I have attached all the quoted messages in **Exhibit 59**,  
11 shown in the order presented herein.

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

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

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

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

*Billy Mitchell*  
\_\_\_\_\_  
Billy Mitchell

# EXHIBIT A

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8 **COUNTY OF LOS ANGELES, CENTRAL DISTRICT**  
9

11 WILLIAM JAMES MITCHELL,  
12 Plaintiff,  
13 v.  
14 TWIN GALAXIES, LLC,  
15 Defendant.

Case No. 19STCV12592  
[The Hon. GREGORY W. ALARCON DEPT.  
36]

**DECLARATION OF WILLIAM  
("BILLY") MITCHELL EXHIBITS**

*[Filed Concurrently with Plaintiff's  
Memorandum in Opposition to Defendant's  
Anti-SLAPP Motion; Declaration of William  
(Billy) Mitchell]*

Action Filed: 4/11/2019

18  
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# **EXHIBIT 1**

## Walter Day Declaration

I, Walter Day, declare that:

1. I am an individual over the age of 18 and I make this declaration on factual information surrounding the Billy Mitchell high-score dispute. I make this declaration based on facts known to me personally to be true, and if called as a witness to testify to them, I would do so.
2. My name is Walter Day. I am the founder and former owner of Twin Galaxies. I owned the company from 1982 to 2014, when I sold it to Jason Hall. I spent my 32 years of ownership facilitating organized videogame competition, and in that time, I created partnerships with other videogame adjudicators, such as the International Video Game Hall of Fame and Guinness World Records; I still remain partnered with both organizations to this day.
3. Throughout my career, I naturally acquired substantial knowledge about Mitchell's world records, including the Pac-man and Donkey Kong records in question. On September 9, 2019, I sent Guinness World Records a letter titled "*Walter Day – Letter to Guinness World Records,*" where I outlined my testimony about the undeniable falsity of the Twin Galaxies allegations. I attached this letter as **EXHIBIT A**, and I will allow it to operate as my "Proof of Falsity." Therefore, I will provide other pertinent facts in this declaration, specifically the Twin Galaxies Adjudication Ruleset from 1982 to 2014 and my knowledge about the Twin Galaxies investigation.

### TWIN GALAXIES RULESET, 1981 – 2014

4. From 1982 to 2014, Twin Galaxies adjudicated records through two methods: on-site referee adjudication and video adjudication. In the 1980s, Twin Galaxies solely operated through on-site referee verification, because players rarely possessed video equipment. In the 1990s, we introduced video adjudication, so players could participate from their homes remotely.

5. On-site referee adjudication occurred through the command and control of Twin Galaxies. We assigned a Twin Galaxies referee, sometimes more than one referee, to observe a record attempt. The Twin Galaxies referee confirmed the videogame's hardware, settings, and other relevant factors. The referee adjudicated the record attempt as it occurred, acting as a direct eye-witness. If the player achieved a new high-score, then the record received immediate acceptance. If a record received on-site referee verification, then it did not require a videotape for archival.
6. Video adjudication allowed players to submit high-scores from remote locations. The player simply attempted a record on video, complied with the outlined rules for the videogame, then sent the video to Twin Galaxies. We adjudicated the record through the videotape.

#### PRE-ORDAINED CONCLUSION

7. On February 2, 2018, I learned about the allegations against Mitchell. I decided to honorably refrain from public comment in order to allow Jason Hall's administration to investigate the situation. Since I knew Mitchell was innocent, I possessed no doubt that the allegations would be dropped. However, at the very least, I expected a phone call from Hall, assuming he would inquire about my testimonial facts for evidentiary consideration.
8. On or about March 13, 2018, roughly one month prior to the Twin Galaxies decision, I received the expected phone call from Jason Hall. After a short and civil conversation, Hall changed the topic to the Billy Mitchell investigation. However, to my surprise, Hall did NOT seek my testimony. To the contrary, he asked me, "How will you feel when I announce that Billy [Mitchell] cheated?" In other words, Hall concluded his verdict already. I told Hall that it would negatively affect me, because I knew the allegations were false. I argued against Hall's allegations by citing numerous testimonial facts set forth within **Exhibit A**, and I stressed that since I met Mitchell, he never expressed interest in emulation. However, Hall unbelievably

disregarded my testimony, and he did not report it in his evidentiary findings. Hall's biased and negative nature toward Mitchell in this phone call cannot be overstated.

9. Moreover, Hall claims that he based his conclusion upon the failure to reproduce the "artifacts" on Mitchell's alleged videotapes; Hall stated this in his declaration (*See Paragraph 46*).

However, Hall called me before he attempted to reproduce the "artifacts" on the alleged videotapes. On March 30, 2018, Twin Galaxies provided an update of its investigation titled, "Twin Galaxies Explores Capturing Equipment used in Billy Mitchell Score." This article provided the first update in their attempts to reproduce the "artifacts," and it occurred nearly two weeks after my conversation with Hall. Through this evidence, I can personally testify that Hall determined his conclusions before even testing his allegations. The article can be found here:

[https://www.twingalaxies.com/feed\\_details.php/875/twin-galaxies-explores-capturing-equipment-used-in-billy-mitchell-score](https://www.twingalaxies.com/feed_details.php/875/twin-galaxies-explores-capturing-equipment-used-in-billy-mitchell-score)

#### INTENTIONAL DISREGARD OF EVIDENCE IN FAVOR OF MITCHELL

10. Throughout the investigation, Twin Galaxies intentionally disregarded the obvious evidence disproving the allegations, or at the very least, deliberately ignored it. Firstly, it failed to corroborate the allegations against Mitchell with any and all obvious sources. It ignored the referees who adjudicated Mitchell's records, Todd Rogers and Kimberly Mahoney; it ignored the disinterested third-party eye-witnesses; and it ignored the third-party organizations involved in the records, specifically the Florida Association of Mortgage Brokers and Boomers Arcade. Furthermore, Hall disregarded my own testimony from our phone conversation, omitting it from his evidentiary findings until the initiation of legal proceedings on September 9, 2019.
11. While Hall ignored the obvious eye-witnesses, he sought out any testimonial claims which supported the allegations against Mitchell. Specifically, Hall sought out testimonial evidence that

legitimized the videotapes he was using because as the custodian of video game world records he had failed to maintain custody of the evidence submitted when these records were set. In fact, Twin Galaxies had lost the chain of custody of these tapes for at least a decade prior to his investigation. When he acquired Twin Galaxies, Hall was not in possession of the tapes and did not seek to obtain them from the original Twin Galaxies archive in New Hampshire. The tapes were removed from the archive by a third party and were not in the possession of Twin Galaxies. Hall based his investigation on tapes that he received from a third party and to date cannot certify any tape as Mitchell's original submission because he has never been in possession of this evidence and lost the chain of custody at least a decade before.

12. Again, in September 2019, Mitchell issued a retraction demand to Twin Galaxies, and Hall continued to support his lost chain of custody with testimonials. Hall posted numerous interviews with former Twin Galaxies referee Robert Mruczek, who possesses personal animosity for Mitchell. Hall also posted an interview with former Twin Galaxies referee Greg Sakundiak for the same purpose. To sum up, the fact that Hall ignored the key eye-witnesses while embracing testimony against Mitchell is undeniable. One may easily infer that Hall *knew* that the eye-witnesses would categorically refute the allegations, and as a result, he chose to ignore them.
13. Secondly, Twin Galaxies disregarded the fact that the Senior Engineer at Nintendo verified Mitchell's hardware as original and unmodified. Prior to Mitchell's 1,050,200 point record. We undertook the process to verify Mitchell's hardware with the Senior Engineer at Nintendo, because it ensured the veracity of his record beyond reproach. However, Hall refused to even investigate these facts, electing to claim that "Twin Galaxies does not care..." (*See Jason Hall Declaration, Exhibit A, Page 851*). Similar to the eye-witnesses, Twin Galaxies refused to even investigate it, because it clearly acted with a deliberate effort to avoid the truth.

## HIDING EVIDENCE IN FAVOR OF MITCHELL

14. In February 2018, Mr. Dwayne Richard shipped a package to Hall. The package contained Mitchell's alleged Donkey Kong videotapes and a videotape of Mitchell's Pac-man record. Upon reception, Hall attributed the Donkey Kong videotapes to Mitchell; however, Hall oddly said that he "did not know" who owned the Pac-man videotape. Shortly after, Hall released the Donkey Kong videotapes for public review, but chose to keep the Pac-man videotape private.
15. On March 22, 2018, on a Facebook Livestream, Hall displayed Mitchell's Pac-man tape for a short period. Prior to its display, Hall stated that "I have a Perfect Pac-man sitting here. I don't know if it belongs to Billy [Mitchell]." However, upon inserting the tape, the truth revealed itself. Mitchell's physical presence appeared on the videotape, and the audience heard Mitchell's voice present in the recording. Hall's entire audience immediately recognized that the tape belonged to Mitchell, expressing statements such as "This is Billy [Mitchell's] tape," and "You can hear Billy [Mitchell] playing." Hall did not address these comments; to the contrary, he quietly ended the viewing and never displayed the videotape thereafter. Hall's Facebook broadcast occurs here:  
  
[https://www.facebook.com/watch/live/?v=10156194515649904&ref=watch\\_permalink](https://www.facebook.com/watch/live/?v=10156194515649904&ref=watch_permalink)
16. On April 11, 2018, Mitchell texted Hall, asking "Can you please look over the Perfect Pac-man tape that is said to be mine in your possession." However, Hall refused Mitchell's request, saying "that's outside of the scope of the current dispute work being done." (*See Billy Mitchell Declaration – Exhibit 62*). Most notably, Hall does not deny to Mitchell that the tape belongs to him. To the contrary, his texts implies acknowledgement of the fact.
17. On April 12, 2018, Twin Galaxies announced that Mitchell did not use an "original unmodified PCB" and removed ALL of Mitchell's records. In other words, it accused him of cheating.

Although its investigation only encompassed his Donkey Kong records, it also removed his Pac-man records despite the fact that no evidence existed to justify this action. Most importantly, Twin Galaxies also requested Guinness World Records to follow its decision, and Guinness World Records complied believing that Twin Galaxies requested proper action.

18. Because Hall's Facebook broadcast proved that the tape belonged to Mitchell, the Twin Galaxies community mounted pressure on Hall to publicly release Mitchell's videotape. The community causally attributed the videotape to Mitchell, and it demanded Hall to publicly release the videotape for transparency. However, Hall refused, and to this day, he maintains that he "does not know" who owns the videotape, going as far as to tell his community that "any and all association of that tape with any specific person based on that [Facebook] broadcast is based on public speculation and has not been proven by anyone as definitive." Hall's quote occurs here:

<https://www.twingalaxies.com/jace-hall/wall/7423/how-many-still-stand-/page/5#comments>

19. Through the facts incorporated in paragraphs 10 through 14, Hall clearly knew the tape belonged to Mitchell. However, it leaves two important questions: "Why would Hall hide the videotape?" and "Why does this matter?" Hall hid the Pac-man videotape for three reasons: 1) The undisputable evidence contained within it opposed his decision to remove Mitchell's Pac-man record; 2) The videotape would have provided Mitchell undisputable evidence to publicly refute the Twin Galaxies allegations; 3) Mitchell would have utilized the videotape as evidence for Guinness World Records to justify a reinstatement of his Pac-man record. Hall clearly wanted to avoid any public relations nightmares for Twin Galaxies, and as a result, he elected to bury the videotape from the public eye.

20. Moreover, this evidence matters, because it provides concrete evidence that Hall possessed a malicious state of mind [Actual Malice] toward Mitchell. In *Herbert v. Lando*, 441 U.S. 153

(1979), the Supreme Court of the United States ruled that “[A]ny competent evidence either direct or circumstantial, can be resorted to, and all the relevant circumstances surrounding the transaction may be shown...” to show malice. Hall’s decision to hide evidence in favor of Mitchell provides direct proof of a subjective intent to defraud Mitchell. Through the facts set forth herein, one can clearly infer through objective evidence that Hall desired to suppress all evidence in favor of Mitchell and deprive him of the ability to combat the Twin Galaxies allegations on any level.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct. Executed on this day, June 21, 2020, in Ottumwa, Iowa.



---

Walter Day

# **EXHIBIT A**

Walter Day – Letter to Guinness World Records

Dear Craig Glenday, Guinness World Records, and other important persons,

I hope this letter finds you all in good spirits and perfect health. I have enjoyed being a representative of Guinness World Records over the years. From the early 1980s (watching video gamers and flagpole-sitters) up to my 2004 visit to Dreamhack in Sweden with David Hawksett and the more recent appearances in the science fiction and pinball world. Most recently, I enjoyed adjudicating Isaiah “Triforce” Johnson’s Tetris 99 world record on Guinness World Records behalf. I treasure these memories and opportunities as some of my life's greatest moments. I have felt compelled to write to you about the incident involving Billy Mitchell's legacy. I have thought long and hard about the recent injustices regarding Billy Mitchell, and have decided to share my thoughts.

In the early 1980s, the golden age of arcade gaming, I founded Twin Galaxies as the world’s premier video game authority. As a result, I became Guinness World Records’ partner for adjudicating 100% of their video game world records. Many of my company’s records were featured in your books; this was a great honor. I retained ownership and authority of Twin Galaxies until February 14, 2014, when I sold it to the current administration. Though I retired from being an active referee on June 1, 2008, I retained the status of Twin Galaxies' Chief Evangelist, and continued to have the authority to verify and adjudicate scores and gaming achievements any time I wished. It is important to note that in my tenure from 1981 to 2008, I was the head of the administration, and the original adjudication source of the records provided to

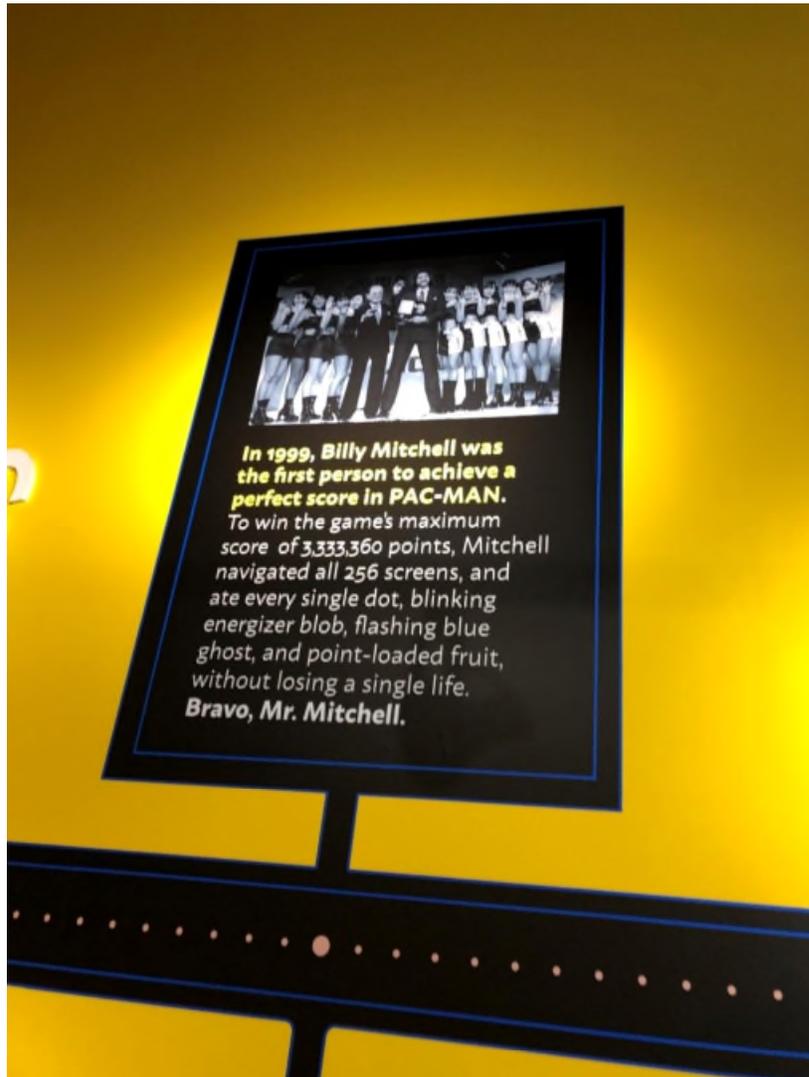
Guinness World Records. And, after 2008, I was still actively engaged in the process of supplying records to Guinness World Records.

In my tenure, I had a lot of involvement with Billy Mitchell's achievements. I met Billy in 1982 in Ottumwa, Iowa. At this meeting, also known as the Life Magazine gathering, Billy Mitchell achieved history's first Donkey Kong kill-screen and world record in my own arcade. This performance was witnessed by all the gaming superstars who were gathered for the LIFE Magazine photograph, and was performed on an original Donkey Kong arcade machine (since all my machines were original hardware as emulation did not exist at the time). Throughout the 1980s, Billy Mitchell traveled to my Twin Galaxies arcade to perform in Guinness World Records' sanctioned events, where he achieved live world records. It's important to note that in the 1980s, I only accepted live world record games (as Guinness demanded), so the legitimacy of these records cannot be questioned. Although I typically cannot name them off the top of my head, Billy's world records from the 1980s include: Donkey Kong, Ms. Pac-Man, Donkey Kong Jr, BurgerTime, Centipede, and Pac-Man.

In 1999, Billy achieved his most well known and popular achievement, the Perfect Pac-Man. This achievement was the culmination of years of work and dedication. This world record was achieved at one of history's most notable arcades, Funspot, in Laconia, NH. Billy achieved this score in the company of Twin Galaxies representatives and witnesses of impeccable credibility, and it was adjudicated as a live world record. Due to Funspot's exclusivity to original hardware, it was a premier location for players to set world records. The credibility of these world records, and this particular one, cannot be questioned, despite the claims made by Guinness World Records and Twin Galaxies. As a matter of fact, there has never been any evidence to support the claims your corporation has made that this world record was played on MAME (as stated in your

2019 Gamer's Edition Book). Most ridiculous is that Guinness World Records now accredits the First Perfect Pac-man achievement to Rick Fothergill, who performed his score at the same venue, on the same machine, and before the same set of authorized Twin Galaxies representatives as Billy Mitchell. To recognize Rick Fothergill's score, but not Billy Mitchell's score, is a great injustice.

Furthermore, NAMCO's involvement with this world record should not be ignored. Upon receiving the news of Billy's Perfect Pac-Man achievement, NAMCO asked Billy Mitchell for the evidence of his achievement, which he provided. After adjudication, they paid for Billy to travel to Japan to confirm his achievement in person. In Japan, on NAMCO's own machine, Billy Mitchell was asked to repeat his performance, which he impressively did. As a result, NAMCO, on behalf of the Japanese Amusement Machine and Manufacturing Association (JAMMA), presented Billy Mitchell on stage at the 1999 Tokyo Game Show as the "Video Game Player of the Century." It is hard to imagine that the current Twin Galaxies administration and Guinness World Records could declare this world record illegitimate in spite of this. Most notable, is that NAMCO, to this day, still recognizes Billy Mitchell's achievement, despite the actions of Twin Galaxies and Guinness World Records. This can be seen with the commemorative plaque that honors him in their official Pac-Man Museum in Chicago, IL (Picture below).



In the 2000s, following Billy's Perfect Pac-Man achievement, Billy Mitchell's attention shifted towards Donkey Kong. Billy Mitchell, being very talented, had already proven himself one of the most capable players in the world, and continued that trend. On May 22, 2004, I personally watched Billy Mitchell get a notable Donkey Kong high score of 933,900 at the Midwest Classic Gaming Expo, in Milwaukee, Wisconsin. In June, 2005, at Funspot, I watched the video of Billy Mitchell achieving a Donkey Kong score of 1,047,200. During this time, Billy

Mitchell made it very clear that this taped score was for entertainment purposes only, not for submission, as he only submits live world records. However, I chose to input the score for *The King of Kong*'s entertainment purposes, but made sure the score was removed from the database after the event was over.<sup>1</sup> More or less, I find some of the arguments against this score very disturbing. Specifically, the actual video tape of Billy's gameplay that is being used as the primary evidence was supplied by someone who has openly expressed disdain for Billy, and has a track record of attempting to ruin Billy's reputation. Twin Galaxies has tried to ignore this issue by claiming that an independent copy supplied to them originates from me, which is the copy they are using for their evidence. However, these copies they are using are DVDs in digital format, and I only operated with VHS tapes, so these alleged copies are absolutely not from me. Moreover, beyond not being submitted, people tend to target this score, as it has the least support of his scores. Such assertions are very troubling, because a blind eye is turned to the overwhelming evidence elsewhere.

In 2007, with the premier of *The King of Kong* approaching, Billy Mitchell notified me he had begun preparations to attempt to retake the Donkey Kong world record. Billy and I expressed desire to avoid the same negativity that was surrounding Steve Wiebe's Donkey Kong score

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<sup>1</sup> Regarding the statement that Billy Mitchell didn't submit his tape for verification to Twin Galaxies. At the time that Billy Mitchell's tape of his 1,047,200 point score on Donkey Kong was taken down by Robert Mruczek, Billy was fine with the score not being recognized by Twin Galaxies. As the months wore on, I witnessed Billy vacillate between "approving" and "disapproving" of the score's removal. His vacillations were greatly caused by the huge psychological pressure that the King of Kong movie were putting on him, me, and others. The score remained unrecognized for about 240 days while Steve Wiebe continued to enjoy recognition on the scoreboard. I recall numerous times that Billy actually would advise us not to recognize the score, while there were different times that Billy did inquire about the score being reinstated. However, never once, as well as I can remember, did he take cation to get it reinstated. Billy Mitchell categorically denies Robert Mruczek's assertion that Billy sent him the videotapes via mail. I believe that Billy's inference that he never submitted the tape for verification has truth, because I believe his assertion that he never mailed Mruczek the videotape. I hope this explains the genesis of this.

submissions. We wanted to take any actions necessary to make the record's validity unquestionable. As a result, we contacted the Senior Engineer at Nintendo, Wayne Shirk. In direct conversation, I arranged for Billy Mitchell's game board hardware (PCB) to be verified as authentic by Nintendo's highest engineering authority. In this process, I directed the actions taken to ensure security. I did this by excluding Billy Mitchell from the verification process, as the board traveled from Senior Engineer Wayne Shirk to the Florida Mortgage Brokers (event hosts) directly, never at any point touching Billy Mitchell's hands. Lastly, the Mortgage Brokers locked the game board inside the machine to ensure zero possibility of tampering. There was simply no room for this record to be illegitimate.

At the subsequent event, Billy Mitchell managed to achieve a Donkey Kong world record of 1,050,200. This record experienced live adjudication by my own staff, the Mortgage Brokers staff, and numerous witnesses. The tape was not the method of adjudication, as asserted by Twin Galaxies. After the performance, we arranged for Senior Engineer Wayne Shirk to reverify the hardware's legitimacy to ensure it remained original throughout the performance. Wayne Shirk confirmed the hardware's retention of legitimacy, and returned it. This information and accompanying evidence was available to Twin Galaxies owner and chief investigator Jace Hall, who in totally negative spirits, maliciously disregarded all of it, even when it was presented by me and others. It is hard for me to believe that Twin Galaxies or Guinness World Records would think that hundreds of people could have participated in conspiring to fake this world record. It would not only have taken my own staff, the Florida Mortgage Brokers staff, and the witnesses who were present, but even the Senior Engineer at Nintendo, who verified the hardware's

legitimacy. The idea that this record was somehow faked simply is not possible with the circumstances in which it occurred. This information is reflected in my affidavits in Billy Mitchell's evidence package.

In 2010, Billy Mitchell achieved a Donkey Kong world record of 1,062,800. Although I was not present, I know that numerous members of Twin Galaxies staff and third parties were present. I also know that Billy Mitchell's Donkey Kong machine was provided by an official distributor, who is only licensed to work with original arcade hardware. Furthermore, the affidavits show that Billy Mitchell's machine was verified by several technicians, and that many witnesses saw him achieve this score. In contrast, Twin Galaxies, to this day, does not even retain a copy of this performance. However, they stripped it even though there was no evidence to support that decision. I, personally, encourage Guinness World Records to evaluate the testimony associated to this score, as it indisputably shows the legitimacy of Billy's Donkey Kong records as a whole.

Throughout this process, some of the most trusted arcade experts have shared words about the plausibility of the claims made against Billy Mitchell. One of them being Todd Tuckey, a notable dinosaur in the arcade industry, who I personally trust. Tuckey, like others, pointed out a glaring issue with Twin Galaxies' assertions. What Twin Galaxies asserts about Billy Mitchell's score is simply not possible. There has never, and never will be, an "emulation board" that plugs into a Donkey Kong machine. There is no emulation hardware that plugs into original Donkey Kong machines. It's simply impossible for anything but legitimate hardware to have been inside Billy Mitchell's machine. This information, along with the processes taken to ensure legitimacy in Billy's scores debunks the allegations made by Twin Galaxies. What they claim, that somehow, somehow, something other than an unmodified PCB was present for Billy's games, is not possible.

Plus, the entire gaming hobby of the golden age, especially including my staff of knowledgeable referees, will step forward to testify that no altered game hardware was ever available for players to use for cheating. And, they will also confirm that Billy Mitchell did, indeed, have the skillset to attain all his scores without trickery or cheating. All the top players of that era agree that is fundamentally a baseless idea that a top player would take the dangerous steps of trying to fabricate a score through cheating when it is so much EASIER to actually achieve the score through their own inherent skill.

Now that I have finished the review of Billy Mitchell's achievements, I would like to speak about my observations of Twin Galaxies' investigation into Billy Mitchell's scores.

### **1. Lack of Unbiased Third-Party Researcher.**

Despite claims of objectivity, the third-party researcher for Twin Galaxies was Chris Gleed, a devoted TG member who was publicly hostile against Billy throughout the entire examination. He was among the loudest voices denouncing Billy in the public forums while claiming unbiased objectivity in his analysis of Billy's gameplay. Also, Gleed is a long-time member and supporter of the party who originally made the defamatory statements against Mitchell, Donkey Kong Forum. Hall decided to choose a member of Mitchell's adversary group to be an "unbiased third party." He was unfairly pre-biased against Billy and I believe that this bias had colored his decisions.

### **2. Making it Difficult to Testify.**

Twin Galaxies demanded information pertaining to this inquiry should be published in a "Dispute Thread" which was under Twin Galaxies' control. This "Dispute Thread" was placed in the Twin

Galaxies Forums -- an environment that was "howling" for Billy's blood and anyone who posted a statement that was even vaguely in support of Billy was attacked and publicly humiliated.

### **3. No Chain of Custody**

Upon the current administrations reception, they failed to safeguard any of the past world record performances for their archives. As a result, Billy Mitchell's original taped game performances were illegally taken by a man who used to own and operate a website called [fuckbillymitchell.com](http://fuckbillymitchell.com). This man was the source of Billy's performances used as their evidence, and there is serious evidence to suggest it is not fully honest. Also, many pieces of irrefutable evidence were lost that would support the legitimacy of Billy's achievements. For example, for Billy Mitchell's 1,050,200 Donkey Kong score, the process of securing the game board hardware in the Donkey Kong machine was videotaped. The process of it being removed was also videotaped. This evidence, which was provided to Twin Galaxies, was lost. However, if there was more responsibility from them, it would've proven the truth of Billy Mitchell's innocence. Furthermore, Twin Galaxies is also in possession of Billy Mitchell's Perfect Pac-Man tapes. However, they refuse to supply them, a further sign they are trying to eliminate Billy Mitchell's evidence.

### **4. Biased Conduct**

During the Twin Galaxies investigation, I had one phone conversation with Jace Hall. In this phone call, Hall's biased and negative nature toward Billy Mitchell was very concerning. My statements based on my knowledge expressed in this letter were disregarded, and he moved forward with no regard for any information that didn't automatically paint Billy as guilty.

Meanwhile, he apparently accepted witness testimony from former referees to help legitimize Billy's tape from the questionable source. I find it unexplainable that my testimony as the founder and former owner is disregarded, while others, specifically the ones against Billy, are embraced.

### **5. Unjust Sentencing.**

Around 2007, I was faced with a decision. Steve Wiebe used an inappropriate PCB Board, a Double Donkey Kong Board, when submitting a Donkey Kong high score. When we discovered this, we didn't throw him out of the gaming hobby. Instead we made a temporary category and recognized his score until he displaced it with a higher score attained with a normal, approved board. We were kind and respectful towards Steve Wiebe despite the fact he knowingly didn't follow the rules correctly. Somehow, Twin Galaxies has lost the original vision that was established, a community that uplifts people and creates a culture that brings people together in trust and supportive friendship. Billy's sentencing was the harshest imaginable, a video game version of a public execution. This is not something that I would have allowed to happen during my years.

My final thought is: "Why did this happen to Billy and no one else?"

Because it was a marketing opportunity for TG, and Billy is big enough to warrant treatment like this. Because of his influence, Twin Galaxies grabbed the opportunity to create a worldwide drama that promoted their brand name and drove traffic through their web site.

Lastly, I would like to notify Guinness World Records of something significant. I would like to quote their spokesperson's words to Variety Magazine:

“The Guinness World Records titles relating to Mr. Mitchell’s highest scores on ‘Donkey Kong’ have all been disqualified due to Twin Galaxies being our source of verification for these achievements.” “We also recognize records for first perfect score on ‘Pac-Man’ and Highest score on ‘Pac-Man,” the spokesperson added. “Twin Galaxies was the original source of verification for these record titles and in line with their decision to remove all of Mr. Mitchell’s records from their system, we have disqualified Mr. Mitchell as the holder of these two records. Guinness World Records will look to update and find the appropriate holder of these records in the next few days.”

I would like to remind Guinness World Records that I, not the current Twin Galaxies administration, am the original verification source of all of Billy Mitchell’s world records, including Donkey Kong and Pac-Man. Since this is Guinness World Records' grounds for removing these scores, I, as the real original adjudication source and partner of 36 years, hope Billy Mitchell’s achievements and good name will be restored on this basis.

I request that Guinness World Records retract the statements made against Billy Mitchell. Furthermore, in a potential retraction, I ask that Guinness World Records restore **all** of his records, specifically mentioning his four most significant ones: First Perfect Score on Pac-Man, Highest Score on Pac-Man, First Kill-Screen on Donkey Kong, First Million-Point Game on Donkey Kong.

From Guinness World Records, I have always expected the highest level of integrity and historical accuracy, not attempts to support rewriting history, which is what Twin Galaxies has deliberately attempted in the Billy Mitchell incident. I sincerely hope Billy Mitchell receives the

retraction and restoration he deserves. This letter and the affidavits provided to Billy Mitchell is my testimony, and it will be my testimony if this must go further.

Sincerely,

A handwritten signature in blue ink that reads "Walter Day". The signature is written in a cursive style with a long horizontal stroke at the end.

Walter Day

# **EXHIBIT 2**

April 22, 2019

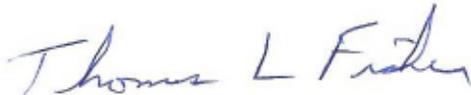
I, Thomas Fisher, was employed by Funspot from 1994 to 2002 as the Assistant Operations Manager. On July 3rd, 1999 I was acting as Floor Manager (responsible for the whole property).

When I came on shift I was told the game had been moved to a corner and roped off. Billy was on the game and playing. During my shift, my patrol of the building was such that I would pass by Billy every twenty to thirty minutes. I was radioed by a floor attendant, that Billy was almost up to the first "split-screen," I went to the game and watched him finish. I and other patrons congratulated him, and I took pictures with his camera.

I hereby certify that his Perfect Game on PacMan was fair and honest. Funspot certified that it was an original PacMan arcade game with the original chip.

I have held my current position for 14 years, in 2016 I was selected as Innkeeper of the Year for the whole state of New Hampshire. Prior, I was at one time a Navigator on nuclear powered subs, and held a permanent Top Secret clearance.

I declare under penalty of perjury under the laws of New Hampshire that the foregoing is true and correct to the best of my knowledge.

A handwritten signature in blue ink that reads "Thomas L Fisher". The signature is written in a cursive style with a large initial 'T'.

Thomas Fisher  
Cardigan Lodge  
Alexandria, NH

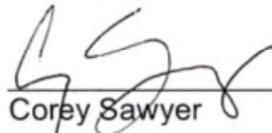
# **EXHIBIT 3**

Corey Sawyer Statement

I, Corey Sawyer, attest to the following:

1. In July, 1999, in Laconia, New Hampshire, at the location of Funspot, I witnessed Billy Mitchell achieve a Perfect Pac-man score of 3,333,360.
2. This score was performed on Funspot's own legitimate arcade machine, and was witnessed by others as well.
3. I was present for the majority of the run, only briefly stepping away to get food and come back. I was also present at the beginning of the run, through the first few failed attempts, and well into what became his final, successful run. At no time was the machine swapped out or altered in any way while I was present at the machine.
4. I remember that he taught me patterns while working on his first attempt that led to me being able to achieve my first 50k score that I had not previously been able to even come close to accomplishing

I declare under penalty of perjury under the laws of the states of New Hampshire and California that the foregoing is true and correct to the best of my knowledge.

  
Corey Sawyer

# **EXHIBIT 4**

## Ken Sweet Statement

I, Ken Sweet, attest to the following:

1. I worked in the game industry from the early 1990s, and until the mid-2000s. Throughout most of those years, my responsibilities included maintaining arcade games, promoting contests and competitive gaming at many different events and venues. I also performed journalistic activities such as press releases and interviews. I was also a Twin Galaxies employee. The majority of my time was spent at Funspot in Laconia, New Hampshire, as a manager.
2. During my management time at Funspot, I came to know Billy Mitchell, Walter day, and Twin Galaxies very well.
3. Funspot quickly became the primary travel location in the nation for players to play and compete for high scores, including world records, as all of our games were put on tournament settings in preparation for world record attempts.
4. I personally set up a lot of the games and ensured they we're on the correct settings.
5. In the summer of 1999, a number of players traveled to Funspot to play on tournament settings in an effort to achieve a perfect score on Pacman. An announcement came that Billy Mitchell would be traveling to Funspot on the 4th of July weekend and that he would achieve a perfect score on Pac-man. Billy contacted us at Fun Spot, asking us to check the quality of the controls on Pacman. we did exactly that, and once again verified the Pac-Man cabinet had original hardware, and was on tournament settings.
6. Other players had attempted this before, and after Billy, none we're so cautious and particular, as Funspot was well known for being meticulous with these details. The game was in a secured area to protect Billy from the crowd, and was videotaped on a tripod over Billy's shoulder, along with present referees, media, and hundreds of witnesses, as this was the busiest weekend of the year in the world's largest arcade.
7. Myself, Tina Gephart, and the floorwalkers were overwhelmed by the challenge of controlling the crowd. I was not there the exact moment the perfect score was achieved, however I was there before and after.
8. Although this may have been the biggest event at Funspot regarding world records, there have been dozens, perhaps hundreds of records, and record attempts that have taken place at Fun Spot. All games we're always checked for proper settings and proper hardware to ensure all the rules we're followed, and this Perfect Pac-man was no exception; this event was scrutinized to an even greater degree because of Billy's directives. I've known Billy for years, I have observed in, and refereed events, and many of those included Billy.

9. As I stated before, following the fourth of July weekend, players continued to travel to Funspot after Billy's performance, continuing their own quest for a perfect score as well. Those players achieved their perfect scores on the exact same machine, with the exact same settings, and with the exact same observation and verification. Nothing that happened on that Pacman machine could ever be brought into question, and none of the world record attempts, as we are speaking of thousands, could ever be questioned either. All these scores, all these games, face the same integrity, and the same scrutiny. I would be insulted if Billy was held or questioned in a manner that hundreds were not, because I participated in mostly all of them, and this is a false attack on my character as well.

I declare under penalty of perjury under the laws of the state of California and Florida that the foregoing is true and correct to the best of my knowledge.

  
Ken Sweet

04 12 2019  
Date

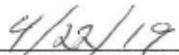
# **EXHIBIT 5**

I, Randy Lawton, attest to the following:

1. I am the game and service technician at Funspot and have been employed in this capacity for decades, including July of 1999.
2. I am extremely familiar with video games at Funspot including the Pac Man machine. The Pac Man machine here at Fun Spot has always been an original, authentic machine. At no time has any machine, including Pac Man, been anything but original hardware.
3. We have never permitted the use of MAME for Pac Man or any other machine at Funspot. I was well aware and prepared for Billy's perfect score attempt, and although I was not there at the moment the score was achieved, I became aware of it immediately after, along with the rest of the staff.
4. I remember the weekend Billy was here and the Pac Man machine was the same machine and hardware used on prior and subsequent attempts at a perfect score. The operation of the machines was uneventful and usual that particular weekend.
5. I am extremely confident in my testimony regarding Pac Man. The machine is, to this day, still operating with original hardware.

I declare under penalty of perjury under the laws of the state of California and New Hampshire that the foregoing is true and correct to the best of my knowledge.

  
\_\_\_\_\_  
Randy Lawton

  
\_\_\_\_\_  
Date

# **EXHIBIT 6**

# Funspot Press Release – July 1999.<sup>1</sup>

MOBILE

**FUNSPOT** Largest Arcade In The World! Find Us! 579 Endicott Street, North, Laconia, NH 03246

HOME  
ABOUT US  
HOURS  
DIRECTIONS  
FREE TOKENS  
GIFT CARDS  
FREE PARTY ROOM  
ATTRACTIONS  
GAMES  
BOWLING  
BINGO  
MINI-GOLF  
CLASSIC GAMES  
BRAGGIN' DRAGON  
D.A. LONG TAVERN  
EVENTS  
RATES  
GROUPS  
AREA ATTRACTIONS  
AREA LODGINGS  
PHOTO GALLERY  
MEDIA KIT  
RADIO SPOTS  
FUNSPOT TV  
FREE STUFF  
HISTORY  
FUNSPOT CARES  
LINKS  
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CASTMEMBERS  
CONTACT US

Articles Billy Mitchell Achieves Perfect Pac-Man Score At Funspot Printer Version



WEIRS BEACH, NH -- For the first time in video game playing history, a perfect score was achieved on the legendary arcade game, Pac-Man.

On July 3, 1999 at 4:45 P.M., taking nearly six hours to accomplish the feat -- on one quarter -- Billy Mitchell, 33, a Fort Lauderdale hot sauce manufacturer visiting the famous Funspot Family Fun Center in Weirs Beach, NH, scored 3,333,360 points -- the maximum possible points allowed by the game. The results will go into next year's edition of the Twin Galaxies' Official Video Game & Pinball Book of World Records -- which is the official record book for the world of video game and pinball playing.

Though the Funspot is a world famous vacation spot, Billy Mitchell was not there to enjoy the holiday festivities. Mitchell was there for the sole purpose of beating the Canadians to the Holy Grail of video game playing: history's first perfect game on Pac-Man.

To get a perfect game on Pac-Man, the player has to eat every dot, every energizer, every blue

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**60 YEARS OF FUN!**  
View Pictures

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Enter your email address to receive offers and information exclusive to club members!  
GO

As Seen On History Channel's

<sup>1</sup> <https://www.funspotnh.com/-Articles/pc-billymitchell.htm>

# **EXHIBIT 7**

The Weirs Times Press Release – July 1999



THE WEIRS TIMES  
 AND TOURISTS' GAZETTE  
 DEVOTED TO THE INTERESTS OF LAKE WINNIPESAUKEE & VICINITY.  
 VOLUME 8, NO. 28 THE WEIRS, LAKE WINNIPESAUKEE, N.H., THURSDAY, JULY 15, 1999 COMPLEMENTARY

### Billy Mitchell Achieves Pac-Man "Perfect Score"

WEIRS BEACH—For the first time in video game playing history, a perfect score was achieved on the legendary arcade game, Pac-Man. Taking nearly six hours to accomplish the feat on one quarter, Billy Mitchell, 33, a Fort Lauderdale bus sauce manufacturer visiting the famous Funspot Family Fun Center in Weirs Beach, N.H., scored 3,333,362 points—the maximum possible points allowed by the game. The results will go into next year's edition of the Twin Galaxies' Official Video Game & Pinball Book of World Records—which is the official record book for the world of video game and pinball playing. Though Funspot is a world famous vacation spot, Billy Mitchell was not there to enjoy the holiday festivities. Mitchell was there for the sole purpose of beating the Canadians to the Holy Grail of video game playing history's first perfect game on Pac-Man. To get a perfect game on Pac-Man, the player has to



Perfect at Pac-Man. An exhausted but exultant Billy Mitchell gives the thumbs up after recording the first-ever perfect score on Pac-Man. Mitchell's feat was accomplished at Funspot on July 3, 20 years and 10 billion games after Pac-Man was first released. TOM FISHER PHOTO

### GILFORD COMMUNITY BAND CONCERTS

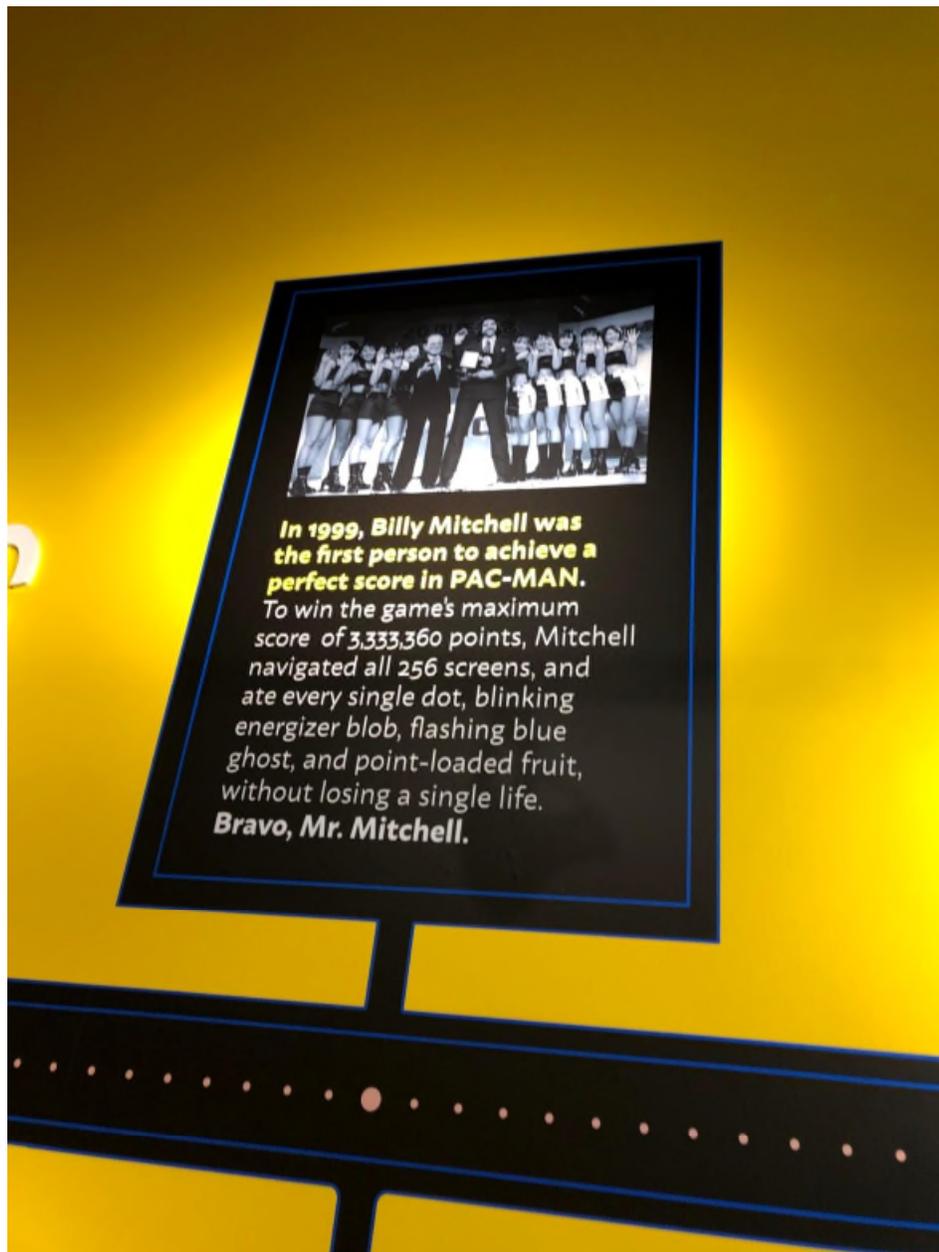
The Gilford Community Band opened this year's series of summer evening concerts on Wednesdays, at 7:30pm, at the "Weeks Bandstand" on the Gilford Village Field. Concerts will continue every other week throughout the summer: July 20, Aug 4 & 18 and Sep 1 (Note that the July 20 concert is a Tuesday evening). There is ample space for lounging on the grass or bring your own seating, plus a limited number of parking spaces adjacent to the bandstand for those who prefer to listen from their cars. (In the event of rain, the concerts will be moved into the Gilford Middle-High School Auditorium.) The concerts are free to the general public. Organized in 1978, the Gilford Community Band is a concert band sponsored by the town Recreation Commission to provide both entertainment and education. **BAND CONCERTS on 41**

**26,000**  
 Copies of The Weirs Times are distributed weekly across the state.

# **EXHIBIT 8**

## Official Pac-man Museum

In 2018, after the Twin Galaxies and Guinness World Records statements, BANDI-NAMCO, the successor to NAMCO (creators of Pac-man), posted the following plaque in the official Pac-man museum. It very much worth noting that NAMCO, the creators of the game, and original adjudicators of Billy Mitchell's Perfect Pac-man record.



# **EXHIBIT 9**

## Todd Rogers Declaration

I, Todd Rogers, declare that:

1. I am an individual over the age of 18 and I make this declaration on factual information surrounding the Billy Mitchell high-score dispute. I make this declaration based on facts known to me personally to be true, and if called as a witness to testify to them, I would do so.
2. My name is Todd Rogers, and I am a former Twin Galaxies referee who handled on-site verification for Billy Mitchell's 1,050,200 point and 1,062,800 point Donkey Kong world records. I refereed these records alongside Kimberly Mahoney, another former Twin Galaxies referee. This declaration sets forth my testimony around these records.

### **1,050,200 Testimony**

3. In June, 2007, as Twin Galaxies Chief Referee, I was contacted by Walter Day and asked to referee an event in Orlando, Florida. The event was Billy Mitchell's Donkey Kong world record attempt at the Florida Association of Mortgage Brokers Convention. I decided to handle this routine event, along with Twin Galaxies referee Kimberly Mahoney, because it was a little more than an hour from my home.
4. The convention occurred within the Rosen Shingle Creek Hotel and Resort in Orlando, Florida, and the game setup sat in the center of a very large convention room. The monitor and recording equipment rested above the Donkey Kong machine, and there was a constant presence of attendees and Mortgage Brokers staff throughout the event. There were other games and activities in the convention room as well.

5. As the game progressed, I logged each score or death at the end of each board to record Billy's progress in detail. For reasons of his own, Billy purposely ended his game early. When he achieved the score, which was 1,050,200 points, Mortgage Brokers staff and convention attendees were present. People congratulated Billy, and phone calls to Walter Day confirmed the achievement.
6. This was an original Nintendo Donkey Kong Arcade machine as I have known since 1981. The gameplay was recorded via direct feed in an effort to create a higher quality viewing experience. The machine was padlocked throughout the entire performance, and it remained so after we left the venue. After the event, I was told that the local GameStop manager assisted the Mortgage Brokers in retrieving the PCB for post-record verification with the Senior Engineer at Nintendo.

### **1,062,800 Testimony**

7. In late July of 2010, I contacted Pete Bouvier, the new owner of Twin Galaxies, and told him that I would be coming to South Florida to do some personal shopping. I wanted to spend time with him, as we had in the past. As my plans came to fruition, it became obvious that I would be visiting Pete during a time that he and Billy Mitchell were involved in an event at Boomers Arcade. During my visit, Pete and I went to Boomers. We verified the Donkey Kong machine's settings and the recording set-up. The back of the game, with the recording equipment, was purposefully left open during the entire event for complete transparency and to facilitate the adjudication process.
8. Kimberly Mahoney was present as a third member of Twin Galaxies staff. Originally, I was under the impression that Pete Bouvier would officiate the world record attempt. However, he delegated the responsibility to myself and Kimberly Mahoney, deciding to go about his daily

business during the weekend while making frequent visits to the venue to check on the situation. The venue was well attended by many people as it was a summer weekend. In addition to the game recording, there was a tripod recording a view of the overall area. After many failed attempts, Billy eventually had a very strong game in progress, garnering the attention of the many patrons, employees, and friends at the venue. When the game finished, Billy achieved the score of 1,062,800. I was present, as was Pete Bouvier, Kimberly Mahoney, Boomers management, and many others, whose names I do not recall.

9. After a brief celebration, phone calls, and communications with key figures, we collectively sat down in Boomers to eat dinner. Billy's initial plan was to set the two world records in one weekend, and his intention was to attempt the Donkey Kong Jr record the next day. However, it was relatively early, and with some prodding, I convinced him to at least attempt the Donkey Kong Jr record that night, because he insisted that the Donkey Kong Jr record would be easier to achieve than the Donkey Kong record.
10. It was only after a couple of initial starts that he gained momentum on the game. Later in the game, Billy was confident, so he asked me to contact Pete Bouvier to ask him to return to Boomers, because his home was within a few miles of the Boomers location. I contacted Pete via the phone regarding Billy's Donkey Kong Jr performance and results. The score that Billy reached on Donkey Kong Jr was 1,270,000. Many of the same individuals that witnessed the Donkey Kong record were present to witness the record achieved on Donkey Kong Jr. There were also countless number of patrons present at Boomers during the time that both scores were achieved.

11. As with the Donkey Kong scores, there was the same celebratory atmosphere after the Donkey Kong Jr record, and more Boomers staff were in attendance. We were invited to eat at the snack bar, and afterwards we returned to the area where the game was located to retrieve our belongings. We collected all our belongings and left for the evening. I spoke with Pete again the next day and went over the Donkey Kong Jr details of the prior evening
12. Having done hundreds of score verifications, and with my experience and position at Twin Galaxies, I am able to attest that these records were very routine score adjudications witnessed closely by Twin Galaxies personnel and third-parties, such as the Mortgage Brokers staff, Boomers Arcade staff, arcade technicians, and many casual attendees. Notably, I was not the only Twin Galaxies referee in attendance, as Kimberly Mahoney was also present for these records. Billy, for his own purposes, videotaped all the gameplay, and at the 1,062,800 record, Billy included a camera that was filming the area where the game was located. However, the current Twin Galaxies administration lost all of this evidence.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct. Executed on this date, October 20, 2019.



---

Todd Rogers

# **EXHIBIT 10**

### Kimberly Mahoney Declaration

I, Kimberly Mahoney, declare that:

1. I am an individual over the age of 18 and I make this declaration on factual information surrounding the Billy Mitchell high-score dispute. I make this declaration based on facts known to me personally to be true, and if called as a witness to testify to them, I would do so.
2. My name is Kimberly Mahoney. I worked as a Twin Galaxies referee from about 2003 to 2012. I joined Walter Day's administration in 2003, and I left the company under the Adler-Knucklez administration in 2012. Over this period, I adjudicated numerous records on behalf of the company, most of which were live on-site adjudications. Two of these on-site adjudications were Billy Mitchell's 1,050,200 point and 1,062,800 point Donkey Kong records. I observed the videotape of Billy's 1,047,200 point Donkey Kong record in June, 2005; however, I had no role in this verification, and Brian Kuh called it an "entertainment purposes only" videotape, and said it was "not for submission."
3. On the weekend of July 13, 2007 to July 15, 2007, I attended the Florida Association of Mortgage Brokers Convention in Orlando, Florida. I attended on the request of the Twin Galaxies owner Walter Day, who asked myself and Todd Rogers to perform live on-site verification for Billy Mitchell's Donkey Kong world record attempt. At the event, Billy played in the center of the convention floor. The Mortgage Brokers staff set-up the machine themselves, and Billy was not granted access inside the machine during the event. There was no opportunity for anyone to tamper with the machine's integrity at any point.

4. On Saturday, July 14, 2007, Billy achieved a Donkey Kong score of 1,050,200 points. As the assigned referee, I personally confirm that the machine was a legitimate Donkey Kong arcade machine with original unmodified hardware. There was no emulation (i.e. MAME) used, and there were not even any computers in the area. I also confirm that the Mortgage Brokers staff were present for the achievement.
  
5. On July 31, 2010, at Boomers Arcade in Ft. Lauderdale, Florida, Billy achieved a Donkey Kong score of 1,062,800 points. Then, later on, Billy achieved a Donkey Kong Jr score of 1,270,000 points. These two scores occurred on a legitimate Donkey Kong machine with original unmodified hardware, and there was no emulation of any kind in use. I also remember a camera mounted on a tripod overlooking the room. During this event, the Donkey Kong machine did not possess a backdoor, and therefore everyone within the arcade could view the machine's inner hardware. In addition, I remember the manager of Boomers Arcade, Joe Tortorella, from this event, because he gave me tokens to entertain myself in my free time.
  
6. Despite my role as the former Twin Galaxies employee who performed on-site verification for these records, Twin Galaxies never interviewed me during its investigation. In addition, upon adjudicating these records, Todd Rogers and I filled out official Twin Galaxies declarations which recorded our testimony about Billy's achievements. This was the standard for *all* live adjudications. Therefore, Twin Galaxies should possess my original declarations already.

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

  
Kimberly Mahoney

9 30 2019  
Date

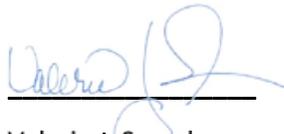
# **EXHIBIT 11**

Valerie Saunders Statement

I, Valeria Saunders, attest to the following:

1. In 2007, I operated as a convention chair of the Florida Association of Mortgage Brokers, which has since been renamed to the Florida Association of Mortgage Professionals (FAMP). Currently, I operate as the CEO of NAMB Association Services which manages the Florida Association of Mortgage Professionals. In addition, I am the Executive Director for the National Association of Mortgage Brokers.
2. In July, 2007, the Florida Association of Mortgage Brokers planned an 80's themed convention. Naturally, we targeted Billy Mitchell as a guest due to his arcade gaming popularity. The responsibility for organizing his appearance and world record attempt fell to Sheila Kiniry, however I was present throughout much of the process.
3. Before and after the convention, we underwent processes to secure the integrity of Billy's Donkey Kong machine. We locked the machine, and secured it in a safe room supervised by hotel security. I also remember it being mentioned that Billy's game board underwent another integrity check, however Sheila Kiniry handled this separate process.
4. At the convention, Billy Mitchell played in a booth located in an open area of the convention floor. I saw the machine Billy played on, and I saw Billy playing during the convention. I also remember seeing another gentleman with him throughout the weekend, who was a referee.
5. When Billy broke the world record, it was on the second day of the convention. At that moment, I was at the registration table. I received word from Sheila Kiniry, and I immediately walked over for the significant moment.
6. Here's what I can say with certainty. Our organization played an instrumental role in organizing and overseeing Billy's world record attempt. The FAMP worked hard to ensure integrity before, during, and after the convention with the aforementioned processes.

I declare under penalty of perjury under the laws of the states of Florida and California that the foregoing is true and correct to the best of my knowledge.



Valerie J. Saunders

10/16/2019

Date

CEO of NAMB Association Services

Executive Director of NAMB

# **EXHIBIT 12**

## Sheila Kiniry Statement

I, Sheila Kiniry, attest to the following:

1. On or about, October 2006, the Florida Association of Mortgage Brokers began to plan our July 2007 convention. It was an 80's themed convention, and as a result, one of the targeted guests we wanted to feature was Billy Mitchell. Having lived in South Florida my whole life, and being very familiar with Billy Mitchell and his accomplishments, I took the delegation of reaching out to him in effort to secure his participation. At first, Billy did not respond to the offer, after which he eventually declined it. In late January, Billy Mitchell agreed to the offer, and was scheduled to participate in the event in July.
2. From the beginning, Billy Mitchell notified us that he would be making a record attempt at the event. Along with Billy, I was contacted by Walter Day and informed that a game board would be shipped directly to the venue, addressed to me, from Nintendo, and a local Gamestop manager would be meeting me to install the board. The board was received and held by the hotel security. The Gamestop manager arrived, and as per Walter Day's instructions, installed the board in the game cabinet, verified the settings, and recording equipment, pack-locked the machine closed with a master lock, and left with the key. The Gamestop manager did not return with the key until a few days after the event was concluded.
3. During the event, Billy played in a very large convention room, and interacted with and performed in front of thousands of people, myself included.
4. Throughout the event, and certainly during all important moments, I was within a few feet watching the activities. When the score was achieved, there was a lot of congratulations, hand-shakes, and appreciations. Along with myself and other members of the FMBA, there were two Twin Galaxies scoreboard referee's present. After Billy was finished with the gameplay as a whole, the machine was put back into a secured location in the hotel.
5. At the end of the weekend, the Gamestop manager returned, opened the cabinet, removed the game board, and I had the responsibility of shipping the board back to Nintendo, where I was told they would recertify its authenticity. The installation and removal of the board was all videotaped and mailed to Twin Galaxies.
6. I am still a member of the FMBA, and many of the members I worked with are still active members now. All of this information is very available very public, and quite memorable.

I declare under penalty of perjury under the laws of the state of California and Florida that the foregoing is true and correct to the best of my knowledge.

  
Sheila Kiniry

04 04 2019  
Date

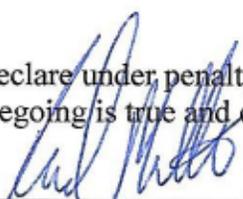
# **EXHIBIT 13**

Richard Mallion Statement

I, Richard Mallion, attest to the following:

1. In July of 2007 I attended the Florida Association of Mortgage Brokers Convention in Orlando, Florida.
2. The convention was a 1980's-themed event, and Billy Mitchell was invited to play video games. I found this of great interest, having grown up during the age of arcade video games.
3. During the event, Billy played in a very large convention room, and interacted with and performed for the entire convention. I did not watch the entire performance, but rather circulated around the convention and would pass by Billy's booth at various points to ask the referees about his progress.
4. At different points, as I passed by the game, Billy garnered more and more attention as it was said he was approaching his target score. As his score increased, I, along with many other attendees, watched Billy's score reach beyond one million points. Moments later, I saw him achieve his targeted score, although I do not recall the exact number. Everyone was excited, and the atmosphere was celebratory.
5. I remember shaking his hand and congratulating him as many other people did, as well.

I declare under penalty of perjury under the laws of the state of California and Florida that the foregoing is true and correct to the best of my knowledge.

  
\_\_\_\_\_  
Richard Mallion

\_\_\_\_\_  
Date

7/12/19

# **EXHIBIT 14**

4799 HOLLYWOOD BLVD  
HOLLYWOOD, FL 33021-6006  
P. 0001-1100 6547

<b>FROM</b> NDA 4799 - 1977 - 607 47 19 201000 00 00000 12345 678 - 1040	<b>TO</b> SILLY MITCHELL RICEYS 4799 HOLLYWOOD BLVD. HOLLYWOOD, FL Phone: (954) 966 - 1424	<b>33021</b>
<b>UPS 2ND DAY AIR</b>		<b>2</b>
TRACKING#: 1Z 339 3X7 02 1128 6006		
	FOR WAYNE SHIRK	
ORDER# M409957 SHIPFORM# SHPE366847 PICK# M409957 LABEL# 00001 (00) 0 0045496 36566356 6		
<b>6 3 5 6</b>		

Remove label backing.  
Remove product to front of packaging.  
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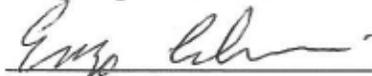
# **EXHIBIT 15**

Enzo Celani Statement

I, Enzo Celani, attest to the following:

1. I have been in video game operations and distribution since 1983. I am the local distributor in the South Florida area for Brady Distributing.
2. In July 2010, I was asked to provide a Donkey Kong machine for a high score event at Boomers. The machine I had available was owned by myself, and had been in both my distribution warehouse and in my home for quite some time.
3. I never by law or contract deal with anything other than authentic hardware from games or game manufacturers. I do not deal with anything that's non-licensed, this includes 60 in 1 games, emulators, or anything of that nature. I have first-hand knowledge of the Donkey Kong in question and agreed to loan it for the event at Boomers.
4. Matt Furgal picked up the Donkey Kong machine at the distributorship, and later returned it after the event. The machine returned in the same condition that it was loaned out. I was out of town during that weekend and therefore was not at the event, although I remember the circumstances outlined here very well, and confirm the authenticity of the hardware provided for the event.

I declare under penalty of perjury under the laws of the state of California and Florida that the foregoing is true and correct to the best of my knowledge.

  
Enzo Celani

04 05 2019  
Date

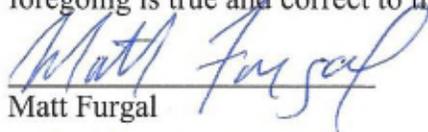
# **EXHIBIT 16**

Matt Furgal Statement

I, Matt Furgal, attest to the following:

1. I have worked in the video game industry for more than 20 years. Much of my work is route operation pick up delivery, minor repairs, and diagnosis of arcade game cabinets.
2. I am extremely familiar with Donkey Kong cabinets, 60 in 1 cabinets, and anniversary cabinets. I am very familiar with the boards that go in them, and the connectors that facilitate those boards. This is relevant because Nintendo hardware has unique connectors to other cabinets including emulation cabinets.
3. In July 2010, Robert Childs asked me to pick up a Donkey Kong cabinet at the local distributorship, and to deliver it to Boomers for a high score event. I picked the game up, delivered to Boomers, met with management, and placed it in the designated area. I proceeded to hook up the machine to see to it that it was working well. I also checked the settings on the game to see to it that they were the correct factory settings Twin Galaxies rules outline. I did this responsibility with the Boomer's technician and management present.
4. Throughout the event, I frequently visited the situation to have reassurance that everything was operating correctly. The game situation, and its authenticity were consistent with what I delivered to Boomers days prior. During those visits, I saw Bill Mitchell, Robert Childs, Jack Becker, Boomer's management and staff, and I was introduced to Twin Galaxies personnel, one of which was an older gentleman introduced as the owner.
5. During a visit, in the late afternoon, I witnessed the final stages of the Donkey Kong high score.
6. Following the conclusion of the world record game, celebrations, handshakes, hugs, and congratulations ensued, which I remember well.
7. After the event, I picked up the machine from Boomers, and the machine was as I delivered it.
8. I am very knowledgeable about video games, coin-op games, authentic hardware, and 60 in 1's. I confirm that the machine delivered and used at the event was an authentic Donkey Kong machine. I also confirm the achievement, as I was present the moment it occurred.

I declare under penalty of perjury under the laws of the state of California and Florida that the foregoing is true and correct to the best of my knowledge.

  
Matt Furgal

4 3 2019  
Date

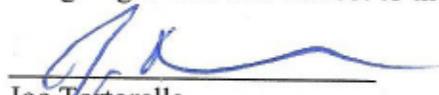
# **EXHIBIT 17**

Joe Tortorella Statement

I, Joe Tortorella, attest to the following:

1. I was the manager at Boomers from 2000 to 2015. Any special and unique events held at Boomers went through me.
2. In July 2010, I was contacted in regards to a Billy Mitchell world record attempt. However, we did not have a Donkey Kong machine, so a machine from a local distributor was brought to Boomers for the event. The machine was delivered by Matt, who brought it from Enzo of Brady Distributing.
3. I, personally, directed placement of the game in Boomers. When placement was made, my staff and I verified the working condition of the machine, its settings, camera, and necessary recording equipment. Throughout my career, I've become very familiar with coin-op games, as I've been a technician for them. I personally trained most of my staff of technicians throughout those years.
4. It was easy to identify this as an authentic Donkey Kong machine based on the physical hardware inside the cabinet. During the performance, the backdoor of the machine was off, and all the internal hardware was viewable for anyone to check.
5. I was present the moment Billy Mitchell achieved the Donkey Kong score, and personally remember the celebrations.
6. Over that weekend, my staff and I regularly checked the integrity of the area during celebratory moments, such as high scores, along with small crowds that would witness the performance.
7. The machine remained at Boomers until Matt returned to retrieve it.
8. This event was witnessed by hundreds of customers, who viewed the event in curiosity.

I declare under penalty of perjury under the laws of the state of California and Florida that the foregoing is true and correct to the best of my knowledge.

  
\_\_\_\_\_  
Joe Tortorella

4 9 2019  
Date

# **EXHIBIT 18**

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## A statement from Guinness World Records: Billy Mitchell

By Guinness World Records  
Published 17 June 2020



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In the light of compelling new evidence received by Guinness World Records, the Records Management Team has unanimously decided to reverse decisions made in April 2018 in regards to videogame high scores achieved by Billy Mitchell between 1982 and 2010.

06:34



As of 10 June 2020, the following historical records for the arcade platform have been reinstated:

- 3 July 1999 - First Perfect Score on PAC-Man – 3,333,360 Points
- 7 November 1982 – Highest score on Donkey Kong – 874,300 Points
- 4 June 2005 – Highest score on Donkey Kong – 1,047,200 Points
- 14 July 2007 – Highest score on Donkey Kong – 1,050,200 Points
- 31 July 2010 – Highest score on Donkey Kong – 1,062,800 Points

This reinstatement also re-recognizes Mr Mitchell as the first gamer to reach the kill screen on Donkey Kong (7 November 1982) and first gamer to score 1 million points on Donkey Kong (4 June 2005).

Guinness World Records is always open to accepting new evidence for historical achievements, and to reviewing new and existing evidence for disputed titles.

In this case, a re-examination of the records in question and the emergence of key eyewitness and expert testimonials led to a reversal of earlier disqualifications and the reinstating of Mr Mitchell’s original records. The records archive has been updated accordingly to reflect this.

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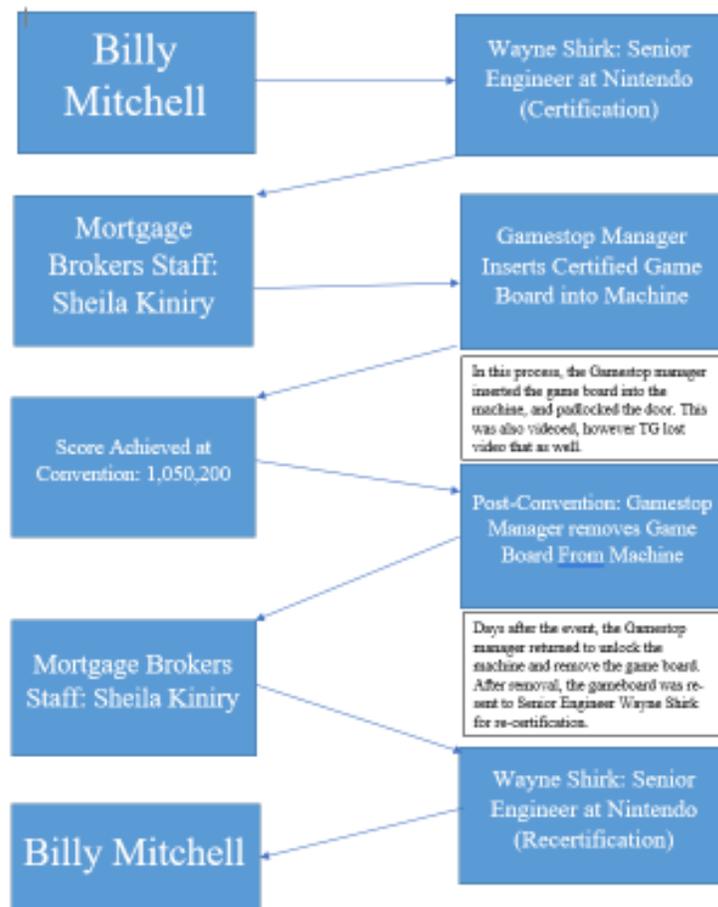
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# **EXHIBIT 19**

## EXHIBIT 19 – Nintendo Verification Brief

In January 2007, Billy Mitchell planned to attempt a world record on the arcade game “Donkey Kong” at the Florida Association of Mortgage Brokers Convention. Twin Galaxies outlined that to accept Mitchell’s record, it required: 1) on-site referee verification and 2) hardware verification from the Senior Engineer at Nintendo, Mr. Wayne Shirk. Mitchell complied with the Twin Galaxies demands, allowing Shirk to verify the PCB before and after Mitchell’s record. Lastly, Twin Galaxies independently facilitated the verification, excusing Mitchell from the verification process to further ensure security. Twin Galaxies utilized independent third-parties to facilitate the verification, such as the Florida Association of Mortgage Brokers. The following provides an outline of the hardware verification events:



Throughout the process, the hardware (“PCB” – Printed Circuit Board) never entered Mitchell’s possession, as Twin Galaxies, Shirk, and the Florida Association of Mortgage Brokers handled the process separately. Former Twin Galaxies owner, Walter Day, confirms these facts in his sworn declaration (*See Exhibit 1*), and the Florida association of Mortgage Brokers do so as well (*See Exhibit 11 and Exhibit 10*). In addition to the declarations of Day and the Florida Association of Mortgage Brokers, Mitchell also retains physical evidence of box in which Shirk returned the hardware at the end of the verification process. The box possesses the UPS shipping label with the associated tracking number and the account number of Nintendo of America (*See Exhibit 14*).

# **EXHIBIT 20**

## Exhibit 20: Chain of Custody Brief

Twin Galaxies lost the chain of custody over all of Billy Mitchell's videotaped world records, including Pac-man and Donkey Kong. Today, it retains *alleged* copies of Mitchell's videotapes provided by Mr. Dwayne Richard **OR** other individuals who fail to recall the source of the alleged copy. Mr. Mitchell originally gave Twin Galaxies six videotapes, one for each of his records (listed from newest to oldest): 1,062,800 points, 1,050,200 points, and 1,047,200 points, and the Perfect Pac-Man (3 videotapes).

For the 1,062,800 point record, Twin Galaxies never even found an alleged copy of the videotape. As a result, it never investigated Mitchell's 1,062,800 point world record. During the Twin Galaxies investigation, Jason Hall explained that, "Well, somewhere in the world there's a videotape, but we don't have it, cannot find it, no one can get it to us."<sup>1</sup> However, it alleges that the 1,050,200 point and 1,047,200 point videotapes in its possession represent copies of Mitchell's original videotape. It never located the original videotapes themselves.

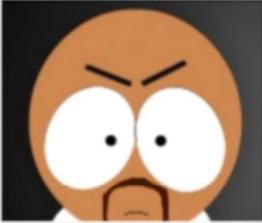
In February 2018, Twin Galaxies initiated its investigation against Mitchell without custody of any videotapes. As a result, it contacted Mr. Dwayne Richard, requesting he mail the alleged tapes in his possession. The Twin Galaxies investigator, Jason Hall, acknowledges Richard as the source of the alleged copies (*See Exhibit A*). However, as set forth herein, Richard possesses a historical animosity for Mitchell, and Richard historically expressed intentions to defame Mitchell. Therefore, this brief sets forth the evidence that Richard altered Mitchell's videotapes to falsify the appearance that Mitchell cheated.

---

<sup>1</sup> See: [https://youtu.be/lirf4\\_jiX0Y?t=2565](https://youtu.be/lirf4_jiX0Y?t=2565)

Records Info LOG IN

**Jace Hall** Go To Profile



**VERIFIED** Chairman of the Board

Join Date	Apr 2014
Credibility:	1,000
Posts	1,327
Thanks (Received)	1510
Likes (Received)	2522
Blog Entries	54
Mentioned	363 Post(s)
Tagged	60 Thread(s)
Follows	166211
Following	110

02-24-2018, 10:50 AM #1496

Originally Posted by [rebornie](#) →

*At this stage my question is where did this tape come from? If from Billy or anyone close to him I would be very weary of this tape given the time it's taken to actually surface. All the others I've seen show clear rendering of the board and suddenly now this tape Jace has doesn't?*

I stated this previously but you may have missed it:

Dwayne Richard sent the tapes. They did not come from Billy Mitchell.

**Jace Hall**  
Chairman of the Board  
[www.TripGalaxies.com](#)

Activate Windows  
Go to Settings to activate Windows.

### Exhibit A

#### Evidence of Falsification

First, Richard historically expressed his retention of a plan to “take down” Mitchell. In an email to Mr. Robert Childs on 6 November 2011, Richard stated “...I have a master plan to take him down there are so much on him he will be finished you won’t believe what’s going to happen... [Sic] (**Exhibit B**).”

---

**Dwayne**

---

**Robert Childs** <robert@arcadegamesales.com>  
To: Billy.Pacman.Player@gmail.com

Thu, Jan 17, 2019 at 10:34 PM

**From:** dwayne richard <mrbigwig@hotmail.com>  
**Sent:** Sunday, November 8, 2011 3:03 PM  
**To:** Rob Childs  
**Subject:** RE: Arcade event

rob the highest turbo score i seen is a 966 Bill has got something big comin his way billymitchell and his tight fukin jeans I have master plan to take him down there are so so much on him he will be finished you wont believe whats going to happen he is a sinner and will pay

Sent from Yahoo Mail for iPhone

### Exhibit B

Second, Richard also sought out assistance to sabotage Mitchell. In another email, Mr. Richard requested contact information of Childs' employee to "make a score on [Donkey Kong];" also, Richard stated that he was learning to modify hardware (**Exhibit C**).

**From:** dwayne richard <mrbigwig@hotmail.com>  
**Sent:** Saturday, May 23, 2009 1:25 PM  
**To:** Rob Childs  
**Subject:** hey man

Rob are you going to the funspot? I will be there. How are things? My doc is coming long good. Bill is not speaking of me these days i hear. I was in florida but he refused to be interviewed. can you get me in touch with your asian tech guuy I talked to him in your warehouse he can help me make a score on dkongwe talked about it i think he is a genius I have some other prigeects for him give him my number

i got a new work cell phone [780 876 1158](tel:7808761158) i am back workjng for the amusement compnay as a route tech I am learning how to modify boards. Mulit game boards are cheap like borsh these days.

dwayne

### Exhibit C

Also, two separate times, Mr. Richard sought assistance from Mr. Richard Vavrence to "fake a MAME score" (**Exhibit D**).

Richard "Richie Knucklez" Vavrence Statement

I, Richard Vavrence, aka "Richie Knucklez" attest to the following:

1. In 2009, in Laconia, New Hampshire, at the location of Funspot, Dwayne Richard proposed a plan to "fake a MAME score" technically, so as to "put egg on the face of Twin Galaxies."

That evening the idea was laughed off by the dinner group in attendance, as a funny joke.

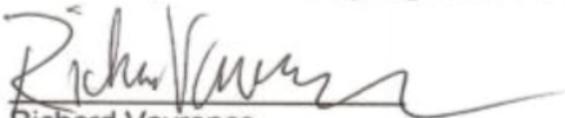
2. Shortly after, Dwayne Richard contacted me by phone. He reiterated his request for technical assistance. He expressed the seriousness of his desire to embarrass Twin Galaxies.

I declined to be any part of a fraud as I realized he was serious.

3. I find the current accusation of Mitchell too close to exactly what Richard planned in 2009 to be overlooked. The coincidences are far too close to be a coincidence, and the fact that he expressed his desire twice, once at dinner and once over the phone, showed his high level of desire to make it happen. It may be 8 years later, but the specifics are almost exactly the same.

4. Early in 2018, Jace Hall contacted me to acquire copies of a certain tape, as his only current source was Dwayne Richard. I did acquire another tape from former Twin Galaxies Referee Greg Erway. However, Erway expressed serious doubts over the tapes origins, and noted he could have received these DVD's from Richard. I informed Hall of this in advance. However, this information did not seem to concern him.

I declare under penalty of perjury under the laws of the state of California, Florida, and New Jersey that the foregoing is true and correct to the best of my knowledge.

  
Richard Vavrence

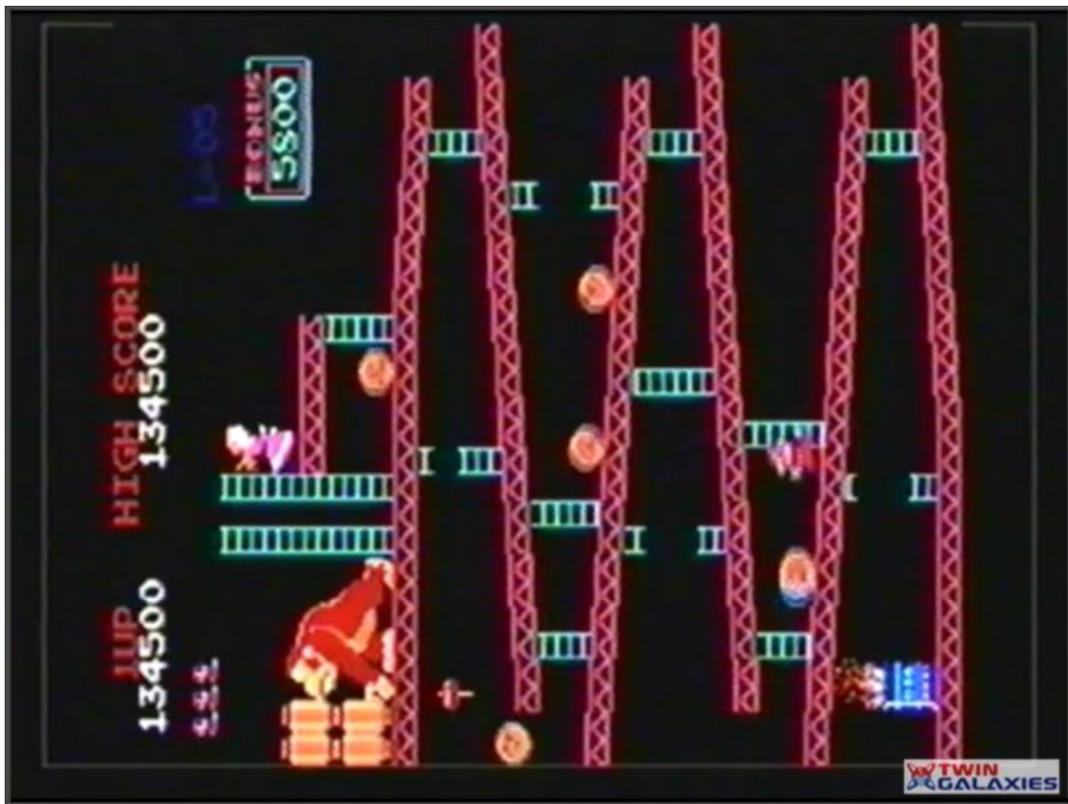
8 20 2019  
Date

**Exhibit D**

Forensic evidence of tampering exists on the videotapes in Twin Galaxies custody. On Mr. Mitchell's alleged 1,050,200 videotape, the load-screen at 711,400 points retains an

inexplicably excessive number of frames. Rather than the correct eight frames, it possesses 24 frames, creating a split-second pause on the tape. This issue occurs nowhere else on Mr. Mitchell's alleged performances, and Twin Galaxies provided no explanation for this evidence. This phenomenon obviously demonstrates an editing error by Mr. Richard or anyone assisting him.<sup>2</sup>

Moreover, Mr. Mitchell's alleged 1,050,200 videotape in Twin Galaxies custody displays a gray border (Exhibit E). The border points to the use of editing software.



**Exhibit E**

<sup>2</sup> See: [https://youtu.be/lirf4\\_jiX0Y?t=12575](https://youtu.be/lirf4_jiX0Y?t=12575)

## General Rebuttals

From the outset of its investigation, Twin Galaxies disregarded the problems with its lost chain of custody with the following claims:

- 1) The tapes match *The King of Kong: A Fistful of Quarters*
- 2) Other alleged copies from unaffiliated sources match the videotapes in its possession.
- 3) Referees confirm these are the tapes viewed at the time of adjudication.

Twin Galaxies' claims against Mitchell rests in the load-screens of the alleged tapes, and it claims that the tapes are unaltered because they match the footage in *The King of Kong: A Fistful of Quarters* (The "Documentary"). However, let there be no confusion, the documentary does not display any load-screens. Rather, it displays anything but load-screens. This claim operates on the assumption that because the actual gameplay matches, that the load-screens match as well, which is an uncorroborated claim without evidence. Furthermore, to falsify Mitchell's videotape, only the load-screens require alteration to bypass the footage in *The King of Kong: A Fistful of Quarters*. This is not an insurmountable task, because only a few frames exist within each load-screen.

Also, Twin Galaxies argues that it possesses copies from numerous independent third-parties, which all match the videotapes from Richard. However, it presents zero evidence to support this claim or any other. Therefore, as a result of the Anti-SLAPP motion's nature, deference goes to the plaintiff's counter-argument that the videotapes do not represent his performances.

Lastly, the Twin Galaxies investigator, Jason Hall, commonly cites the testimony of former Twin Galaxies referees to support his chain of custody issues. This testimony solely occurs through Robert Mruzec, who is a non-credible witness with personal animosity for Mitchell.

Mruczek routinely fabricates lies about Mitchell, launching personally motivated attacks on Mitchell through the Twin Galaxies forums. Regardless, it remains difficult to consider any referee testimony, because the load-screens occur too quickly for the human eye. Also, if the load-screens were indeed unaltered and a referee inspected them, these accusations against Mitchell would have surfaced 10 years ago.

# **EXHIBIT 21**

## Robbie Lakeman Expert Gameplay Analysis

My name is Robert Alan Lakeman II, and I was brought in as a Donkey Kong expert to analyze the arguments against Billy Mitchell's allegedly "suspicious gameplay", and "excessive luck" in his 1,047,200, and 1,050,200 world record games.

I have been playing the game Donkey Kong since early 2012, and continue to play the game for high scores, and at live events. I have attended the Donkey Kong World Championships every year, with the exception of the first. I am also the winner of the 5<sup>th</sup> and 6<sup>th</sup> Donkey Kong World Championships. Between September 2014 to March 2019, I have held the Donkey Kong arcade world record a total of eight times, and once took it back six hours after losing the title.

In the threads, and in daily conversation from players on Donkey Kong Forum, they stated that Billy Mitchell's gameplay was too "reckless" to finish a full game. They attributed those statements to strategies Billy was using during that time. They also made claims that the luck required to use those strategies in a full game would be too high, and save states would be needed to achieve these scores. I decided to study both of Billy's tapes for several hours one day, and get a feel for how he was using these strategies in his games. I even went as far as counting how many times each strategy was used, and played in an attempt to replicate the strategies, to see if it could be done.

### The "Billy Strat"

During Billy's 1,047,200 and 1,050,200 games, he would climb up to the third girder on barrel boards to jump barrels, before climbing back down to grab the bottom hammer. This strategy has been named "The Billy Strat", since Billy was the only one who used that strategy in full games. That was the most reckless of the strategies Billy was using, and some said it was too risky to be used consistently. On April 21<sup>st</sup>, 2019, I decided to attempt a full game using the "Billy Strat," along with a couple other strategies used in the 1,047,200 game. At Funspot Arcade, I played on their Donkey Kong arcade machine, while Billy, and a few others

watched. At the start of level 5, I attempted to use that strategy on every barrel board; here is what I found.

In a full game, I successfully used “The Billy Strat” a total of 43 times throughout the entire game, and did not have a single death as a result. I successfully jumped 74 total barrels on the 3rd girder, before climbing back down to grab the bottom hammer. The 43 times I used that strategy was actually more than both the 1,047,200 and 1,050,200 games combined, and the 74 barrels I jumped was close to the 77 barrels Billy jumped in his 1,047,200 game. Even though I died on level 4, where a restart of the game would usually be done, I still played out a full game with this strategy, and even had a spare man going into the last stage. I even added the strategy of grabbing the purse on rivet boards at the start of the stage, and didn’t have a death as a result of that either. This game was successfully completed on my third attempt of that day. I can easily conclude that a full game using those strategies can be successfully finished within a short time frame.

#### “Excessive Luck”

The next argument I analyzed was the “astronomical luck” the Donkey Kong Forum community pointed out in Billy’s 1,050,200 game. They analyzed how many points from blue smashes Billy totaled compared to the rest of his score. They also counted how many blue smashes on each screen, and his total average per blue smash. Since Billy was specifically going for blue smashes in his 1,050,200 game, I decided to see if I could once again replicate his gameplay at Funspot. This is what I found within a few hours.

On April 26<sup>th</sup>, on my second attempt, I was able to score 1,095,600 specifically going for blue smashes, and even sacrificed a spare man on level 21-5, just like Billy did on level 21-1 in his game. Billy’s pace in his game was roughly 11,000 points higher than mine, which was mainly attributed to Billy having a higher score after level 4. The pace for levels and averages for each screen were relatively the same. To make the scores as close to accurate as I could within a couple credits, I took my level 21-5 sacrifice, and applied it to the beginning score of level 21-1, as if I sacrificed the spare man, and killed the game off on level 21-1. My score was

less than 10,000 points lower than Billy's at that point, which was mainly from being behind at the end of level 4. I tallied up all the blue smashes, and compared to the numbers that were on Donkey Kong Forum in the dispute thread.

I had a total of 356 blue smashes after the level 21-1 sacrifice, and Billy had 380 according to Donkey Kong Forum. Our smashes on the pie boards were almost identical, but I still had two less smashes than Billy. On the barrel boards, I had close to no fireball smashes with the top hammer, which explains why I had fewer blue smashes on barrel boards. The rivet board is the only real big difference between our games, but Billy was more aggressive with his smashes on the left side. Since this was only my 2nd credit, I am positive I would be able to match these smashes with more attempts.

The main argument I really tried to research was the percentage to actual score that the Donkey Kong forum was using against Billy. They claimed that the amount of points from blue smashes was too high compared to his actual score. My total score for the game after the level 21-1 sac was 1,041,600, and 174,700 points of that was from blue smashes. My percentage of blue smashes to total score was 16.93%, which is very comparable to Billy's 17.7% in his 1,050,200 game.

### Conclusion

Based on my findings, within five total credits of gameplay, I have found that Billy's "excessive luck" was not excessive at all. Two of those five credits were near reproductions of both Billy's 1,047,200, and 1,050,200 games. Billy's "suspicious gameplay", and "reckless strategies" did not seem to go against me in such a small timeframe. That is based on the fact that Billy understood how to use these strategies with his knowledge of fireball behavior. All I had to do was closely study his gameplay, and use my knowledge to reproduce his strategies based on what the fireballs were doing. Billy had been playing the game for twenty years during these games, and I have just started figuring out some of this knowledge after playing for seven years.

The blue smash to total score is not a valid argument when it comes to analyzing Billy's "astronomical luck" in his 1,050,200 game, since I was practically able to recreate it within 1% in very few credits. On another note, Billy did not use the "Billy strat" as much in the 1,050,200 game. He would only use it if the sequence of barrels, and fireball behavior lined up for it to be used efficiently. Also, he bailed on the purse grab for rivet boards. The 1,050,200 game had a significant improvement in strategies and gameplay, as opposed to the 1,047,200 game.

The argument for Billy risking "The danger zone" with Donkey Kong throwing wild barrels is also invalid. He actually noticed, and avoided it on level 13-5 in his 1,047,200 game. It shows that he does look for that possibility during his games. It is also something I constantly risk in my previous, and current world record runs, when I am pressing for points. I am aware of these risks when I take them, and sometimes I go a full game without losing a life, and sometimes I lose multiple lives from it. That risk is just a part of past and current world record gameplay, and multiple players risk that kind of death. I wouldn't single out Billy's games for that reason.

After reviewing Billy's gameplay, and reproducing similar games myself, I can honestly say that this is legitimate gameplay. I base this off of what I was able to create myself in such a short amount of time, and watching Billy play live at The Donkey Kong World Championships. I can attest that these tapes are of Billy playing, and that I do not see a reason why Billy would need to even use MAME, or save states to film both games with this style of play.

I declare under penalty of perjury under the laws of the states of California and New Hampshire that the foregoing is true and correct to the best of my knowledge



---

**ROBERT ALAN LAKEMAN II**  
5/11/2019

Type to enter a caption.

# **EXHIBIT 22**

**YesAffinity**  
Spring Junger

 **Re: Billy Mitchell's Direct Feed Recordings are MAME Generated**

 **Reply #24** on: February 02, 2018, 04:19:36 PM 

Great work guys! I'm glad my setup provided useful evidence in this matter. I wholeheartedly support the resulting decisions.

[Report to moderator](#)  **PM** [Logged](#)



Posts: 575



Matthew 21:22

DK Arcade PB (verified): 970,200 K5

DK Start PB (verified): 126,600

DK LT-1 PB (verified): 11,400

DK PB 1st Mem: 622,000

Donkey Kong Direct Feed How-To - <http://donkeykongforum.com/index.php?topic=1413.0>  
~How outdated, see instead: <http://donkeykongforum.com/index.php?topic=2471.0>



**TheSunshineFund**  
Spring Junger

 **Re: Billy Mitchell's Direct Feed Recordings are MAME Generated**

 **Reply #25** on: February 02, 2018, 04:29:07 PM 

 **Quote**

# **EXHIBIT 23**

## Exhibit 23: Robert Mruczek Personal Animosity Examples

### Example 1:

Poor sportsmanship aside, to find out in the here and now that the very performance involved could be potentially faked is an affront to me as both a gamer and as a former staffer, and if it is determined beyond all doubt that this was a MAME performance as well as the current 1.06M that is being reviewed, **I would call for not just an outright removal of all of Bill's scores but ALSO would contact whoever issued Bill that "Player of the Century" certificate and have that yanked as well...in the same fashion and spirit that some University recently rescinded the "honorary degree" bestowed upon Bill Cosby.**

It has been said by Bill himself repeatedly that he always "has a plan"...sadly we might find out soon enough that these "plans" were calculatingly devious in nature for many, many years.

And, if it is determined that the performance was faked, it should make you wonder, as he was the financial lifeline for TG for as many years...was TG upper management aware of this going on and if so was a blind eye turned ? If so that would stink to the high heavens.

**Example 2:** After Guinness World Records reinstated Billy Mitchell's records, Robert Mruczek posted the following comment to Facebook.



**Example 3:** In 2019, Twin Galaxies received the following complaint about Mruczek's personal conduct on the website, using it as a platform to attack Billy Mitchell through the mockery of religion.

religion mockery not needed on tg

Hi Jace,

its totally possible i'm too sensitive on religious stuff, so feel free to ignore this. I just wanted to make you aware and how you deal with is of course up to you.

its become clear rtm only wanted his own valid pacman score challenged so that he could use it as a platform to attack billy's pacman score where the dispute is now closed.

<https://www.twingalaxies.com/showthr...yc#post1056959>

In it he provides a link to here

<https://www.twingalaxies.com/showthr...erfect-Pac-Man>

within this thread though he provides a link to here

[http://spyhunter007.com/robert\\_mrucz...ch\\_of\\_mame.htm](http://spyhunter007.com/robert_mrucz...ch_of_mame.htm)

a page mocking christianity, even using crosses for this so called tax exempt religion, church of mame. I'm sure many people would find his mocking christianity offensive. yes, free speech and all. but to tie it all into a dispute being used as a back door way to attack billy seems to me like its inviting trouble. this guy is a real trouble maker, his willingness to attack religion on video game platforms shows just how unprofessional this lifelong trouble maker is.

# **EXHIBIT 24**

## Exhibit 24: Former Twin Galaxies Wolff Marrow Personal Animosity

Significantly more evidence of Marrow's personal animosity exists within the Twin Galaxies "Dispute Thread."

The screenshot shows the Twin Galaxies website interface. At the top, there is a navigation bar with links for HOME, NEWS, TG RECORDS, COMMUNITY, ARCHIVE, and SITE INFO. A search bar and a "LOGIN OR REGISTER" button are also present. Below the navigation bar, there is a banner for "JOIN THE COMMUNITY!" with a list of benefits: Submit Your Performances, Compete On Official Leaderboards, Build Officially Recognized Profiles, Set World Records, and Meet Friends and Competitors.

The main content area displays a forum post by user **francoisadt**, a Verified Senior Member. The post is dated 09-19-2019, 05:27 AM. The user's profile information is shown on the left, including their join date (Jun 2014), location (Denton, Texas), credibility (1,000), posts (272), thanks received (176), likes received (729), and mentioned (0 Post(s)).

The post text reads: "So what if all his records are stripped and he start from scratched - clean slate? Will this ever be an option by TG? Nope, because we're entertaining the constantly changing story from a pathological liar. The truth of the matter is he did submit the tape to Robert for official verification, and as such, he committed deception and violated the rules when passing it off as a legit arcade DK recording. As such, you never ever let this person have a clean slate because you cannot trust them. Cheating has to be hit with harshest penalty, or the people that did it will keep pushing the envelope to see just how much they can get away with. You also have to factor in what impact it had on the people he hurt, like those that trusted him, and most importantly the people he robbed like Steve. What Billy did to Steve is unforgivable specifically because Billy will never apologize to him for it, nor confess. It reminds me a lot of this show on Netflix called 'Serial Killers' with Piers Morgan. It's only three episodes, but he goes an interviews serial killers that have been rotting in prison for years to decades, and in spite of all the physical evidence (including slam-dunk DNA), they will sit there and lie over and over, and over with this elaborate excuse for everything that makes no rational sense. They've literally been cooking up the lies and angles for so long, that they actually start to believe it themselves. It's really quite disgusting and fascinating at the same time."

Below the post, there are two reactions: "francoisadt thanked this post" and "ersatz\_cats liked this post". A notification icon with the number 3592 is also visible.

# **EXHIBIT 25**

**Exhibit 25: Wes Copeland Personal Animosity**

**WCopeland** Quote  
Guest

**Re: Should Billy Mitchell's 1.06 million DK score be removed from the DK Forum?**

« Reply #3 on: September 26, 2017, 06:02:49 AM »

The ref who verified these scores is not a credible witness and is a proven pathological liar. Remove both the DK and DKJr.

« Last Edit: September 26, 2017, 06:13:07 AM by WCopeland »

Report to moderator  Logged

# **EXHIBIT 26**

Exhibit 26



# **EXHIBIT 27**

### Records Info

<b>VERIFIED</b> Chairman of the Board	
Join Date	Apr 2014
Credibility:	1,000
Posts	1,327
Thanks (Received)	1510
Likes (Received)	2522
Blog Entries	54
Mentioned	343 Post(s)
Tagged	40 Thread(s)
Follows	164207
Following	110

LOG IN

*Just added a comment showing that his own youtube channel (when managed by someone else) made a similar claim. Will you be looking for this certification.*

*This is relevant, because it seems the newest angle is to acknowledge billy played on mame, but perhaps some insidious arcade owner snuck mame into the cab and tricked poor billy into playing on mame without his knowledge, demonstrating billy certified a board that wasn't mame would show that he was intentional being deceptive about the performance itself, why would he certify a different real board and claim that was the board he played on if he was tricked?*

*this certification should help establish that billy wasn't tricked but was quite involved in the deception.*

Let me be clear:

TG is trying to determine if the claim made by this dispute case are valid. The claim is that the known taped performances of Billy Mitchell are actually MAME recordings and not original arcade gameplay. The claim is based on technical assertions. This is what TG is examining closely.

HOW or WHY the content was put on the tape is irrelevant. Does not matter one bit what someone knew or didn't know. TG does not care about certified boards, or any other non-relevant item to the dispute claim. What matters is the actual content on the tape(s) as it stands. That is what the dispute claim has made assertions about. That is what is being looked at and analyzed. Either the performances on the tapes were produced by original DK hardware, or they were not.

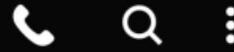
**Jace Hall**  
Chairman of the Board  
[www.TwinGalaxies.com](http://www.TwinGalaxies.com)  
Mich Mitchell, portnanteau, MRK liked this post

# **EXHIBIT 28**

5:11

4G 58%

< Jace Hall  
(425) 269-6144



Friday, March 9, 2018



Are you able to send me the inverter board you found that you used to record your performances with?

1:27 PM

Saturday, March 10, 2018

I am in N.Y. visiting My Son @ West Point for Parents Week... I am therefore a little handicapped... You mentioned the inverter board which is part of the Donkey Kong... I think you meant the converter board that translated the signal to NTSC...



# **EXHIBIT 29**

# Girder Finger Brief

During the Twin Galaxies investigation, an artifact of Donkey Kong load-screens was nicknamed the “Girder Finger” (Figure 1). **Billy Mitchell’s** accusers claimed this artifact only occurred on emulation, and utilized it in an attempt to argue the specific version of emulation (“MAME”) allegedly used by Mitchell.

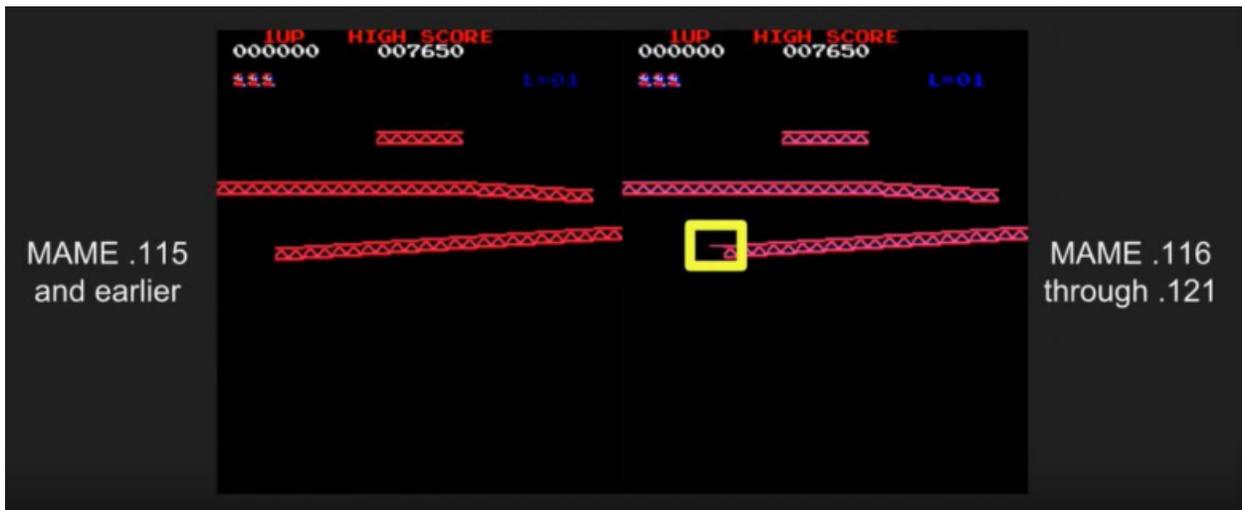


Figure 1. Picture showing the girder finger in a yellow box. MAME versions .116 to .121 produce the girder finger at default settings, while version .115 and earlier does not.

After weeks of accusations, it was discovered that the available versions of MAME which produced the girder finger did not exist at the time of **Mitchell’s** 1,047,200 point Donkey Kong record. **Mitchell’s 1,047,200 performance occurred in 2004, while version .116 (the earliest appearance of the girder finger) released in 2007.** Therefore, Twin Galaxies’ **lost chain of custody** footage could not be legitimate, because it was impossible for Mitchell to use something not created at that time (Figure 2, Figure 3).

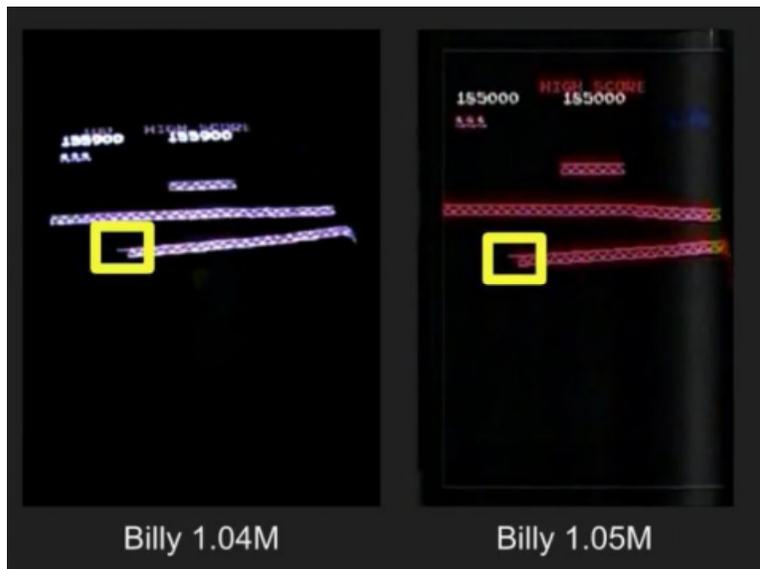


Figure 2. Picture showing the “Girder Finger” in both of Billy Mitchell’s alleged tapes.

2007 MAME Releases				
Version	Date	Source	Binary (Windows)	Whatsnew
0.122	18 Dec 2007	<a href="#">mame0122s.zip</a>	<a href="#">mame0122b.exe</a> <a href="#">mame0122b_64bit.exe</a>	<a href="#">whatsnew_0122.txt</a>
0.121	18 Nov 2007	<a href="#">mame0121s.zip</a>	<a href="#">mame0121b.exe</a> <a href="#">mame0121b_64bit.exe</a>	<a href="#">whatsnew_0121.txt</a>
0.120	15 Oct 2007	<a href="#">mame0120s.zip</a>	<a href="#">mame0120b.exe</a> <a href="#">mame0120b_64bit.exe</a>	<a href="#">whatsnew_0120.txt</a>
0.119	13 Sep 2007	<a href="#">mame0119s.zip</a>	<a href="#">mame0119b.exe</a>	<a href="#">whatsnew_0119.txt</a>
0.118	5 Aug 2007	<a href="#">mame0118s.zip</a>	<a href="#">mame0118b.exe</a>	<a href="#">whatsnew_0118.txt</a>
0.117	10 Jul 2007	<a href="#">mame0117s.zip</a>	<a href="#">mame0117b.exe</a>	<a href="#">whatsnew_0117.txt</a>
0.116	10 Jun 2007	<a href="#">mame0116s.zip</a>	<a href="#">mame0116b.exe</a>	<a href="#">whatsnew_0116.txt</a>
0.115	06 May 2007	<a href="#">mame0115s.zip</a>	<a href="#">mame0115b.exe</a>	<a href="#">whatsnew_0115.txt</a>
0.114	02 Apr 2007	<a href="#">mame0114s.zip</a>	<a href="#">mame0114b.exe</a>	<a href="#">whatsnew_0114.txt</a>
0.113	05 Mar 2007	<a href="#">mame0113s.zip</a>	<a href="#">mame0113b.exe</a>	<a href="#">whatsnew_0113.txt</a>

Copyright © MAME 2017

Figure 3. Screenshot from the official MAME website showing that MAME version .116 was not created until June 10, 2007.

Knowing Mitchell's performance occurred in 2004, and these versions of MAME were not invented until 2007, the Twin Galaxies' **lost chain of custody** videotapes seemed irrefutably falsified. However, as shown herein, Twin Galaxies refused to acknowledge these facts and created frivolous arguments to continue its investigation against Mitchell.

## Twin Galaxies' Counter-Arguments:

To form a rebuttal, Twin Galaxies investigator Jace Hall instructed his community to tamper with MAME emulation in order to **force the girder finger's appearance** (Figure 4 & Figure 8).

Dispute: Jeremy Young - Arcade - Donkey Kong - Points - Hammer - Allowed - Player - Billy - L - Mitchell - Score - 1 - 062 - 800/page190

03-18-2018, 05:12 PM #1893

For those that are interested in contributing:

It is important to note that some of Billy's performances were recorded pre-2006. I can't remember the exact date of Billy's 1MM+ score announcement at the moment but I think it was in 2005 at some point.

This means that if MAME was used, the only versions that could have been used were versions that existed before 2006, and perhaps mid-2005.

It would be helpful and save time if the community could examine these versions of MAME and see if they can produce the MAME gameplay signature "finger-girder" screen.

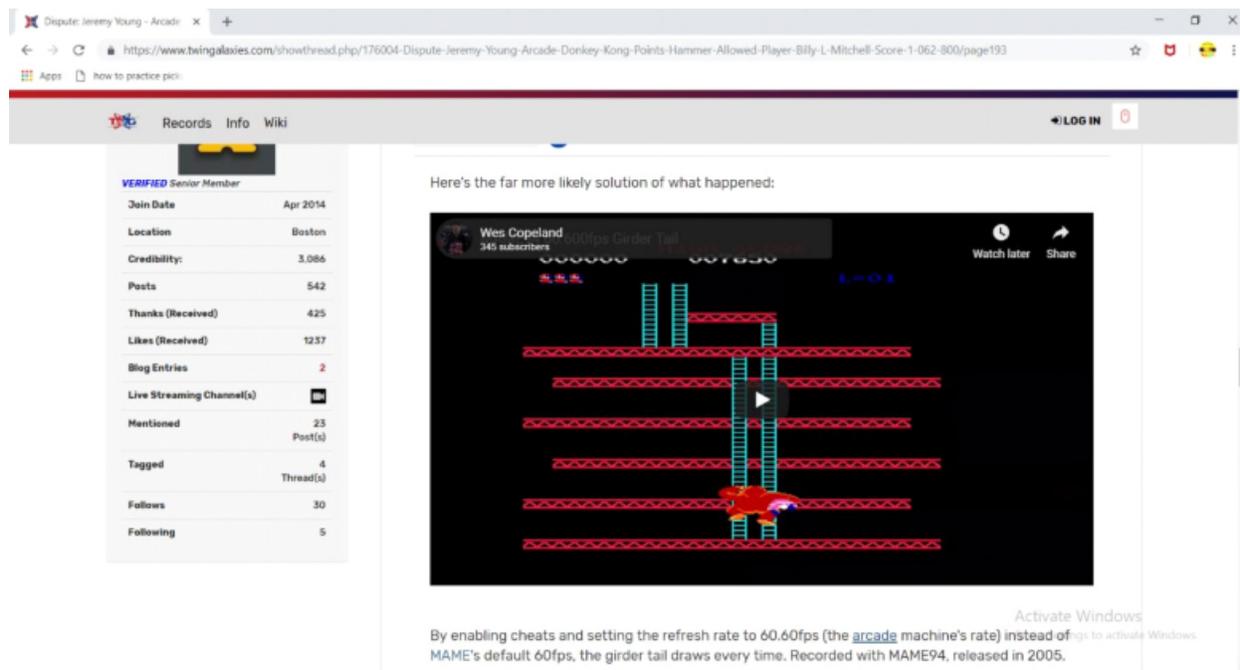
We have been in process on this too, however it would be helpful to have 3rd party confirmation on which versions produce this effect (if at all) and which do not - so we can match that up with our findings.

Figure 4. Twin Galaxies Dispute Thread post #1893. Mr. Hall asks participants to produce the girder finger in versions of MAME that existed at the time of the performance.

Following the post, his community provided two counter-arguments, which tamper with older versions of MAME to force the girder finger to appear. We underline force, because it does

not occur naturally. The arguments are as follows: change the refresh rate from 60Hz to 60.6Hz **or** reset the CPU0 to 99%. However, these arguments provide frivolous explanations, which conflict with all other evidence.

Former Twin Galaxies community member Wes Copeland provided the first possibility, stating to change the refresh rate from 60Hz to 60.6Hz (Figure 5).



**Figure 5. Twin Galaxies member Wes Copeland provides the refresh rate explanation. This is post #1925 in the Twin Galaxies Dispute Thread.**

Copeland provided his alleged reasoning that Mitchell would commit this action by claiming **that the arcade machine's refresh rate is 60.6Hz**, therefore Mitchell matched the arcade refresh rate on MAME to fake evidence of a legitimate arcade performance. However, Copeland deliberately lied. The arcade machine uses a 60Hz refresh rate, not 60.6Hz (Figure 6), therefore no reason exists for Mitchell to commit this action.

There is a manual from 1987 which lists the vertical rate as 60 Hz (+/- 5 Hz). It can be found on Mikesarcade.com



MikesArcade.com

mikesarcade.com

Sanyo 19" Standard-Resolution Display

## 2 Specifications

### Power Input and Consumption

Line Voltage	100 VAC, within +10% and -15%
Line Frequency	47 to 63 Hz
Power Consumption	74 W maximum

### Temperature and Humidity

#### Ambient Air Temperature:

Operating	0°C to +55°C (+32°F to +130°F)
-----------	--------------------------------

#### At Screen Edges

0.020 inch (0.5 mm) maximum misconvergence

#### Color Purity

Practically uniform throughout the screen area after degaussing with a hand-held degaussing coil.

#### Scan Rates:

Horizontal 15.75 kHz, within  $\pm 500$  Hz

Vertical 60 Hz, within  $\pm 5$  Hz

CRT Type 510UTB22, 19-inch, 90°

Tilt of Deflection Yoke Declination of a horizontal line is within 0.10 inch (2.54 mm).



Figure 6. Screenshot of 1987 manual about the Sanyo Monitor via Mikes Arcade, stating the refresh rate as 60Hz, not 60.6Hz.

See: <http://mikesarcade.com/cgi-bin/store.pl>

Furthermore, the Donkey Kong arcade machine utilizes a 60Hz refresh rate, so even if one desired to falsify evidence, they would change it to 60Hz, not 60.6Hz. In this event, the girder finger would NOT appear. **Therefore, this solution fails to justify Copeland's allegation.**

**Lastly, Copeland's claim** conflicts with all witness testimony. In all testimony, witnesses unanimously recollect Mr. Mitchell's used **hardware**, not a computer. **Meanwhile, Copeland's claim** requires a computer.

The second counter-argument provides a weaker solution due to its obscurity. The method forces the girder finger by resetting the CPU0 to 99%. Mr. Hall requested his community to perform this function, so the argument directly originates from him (Figure 7).

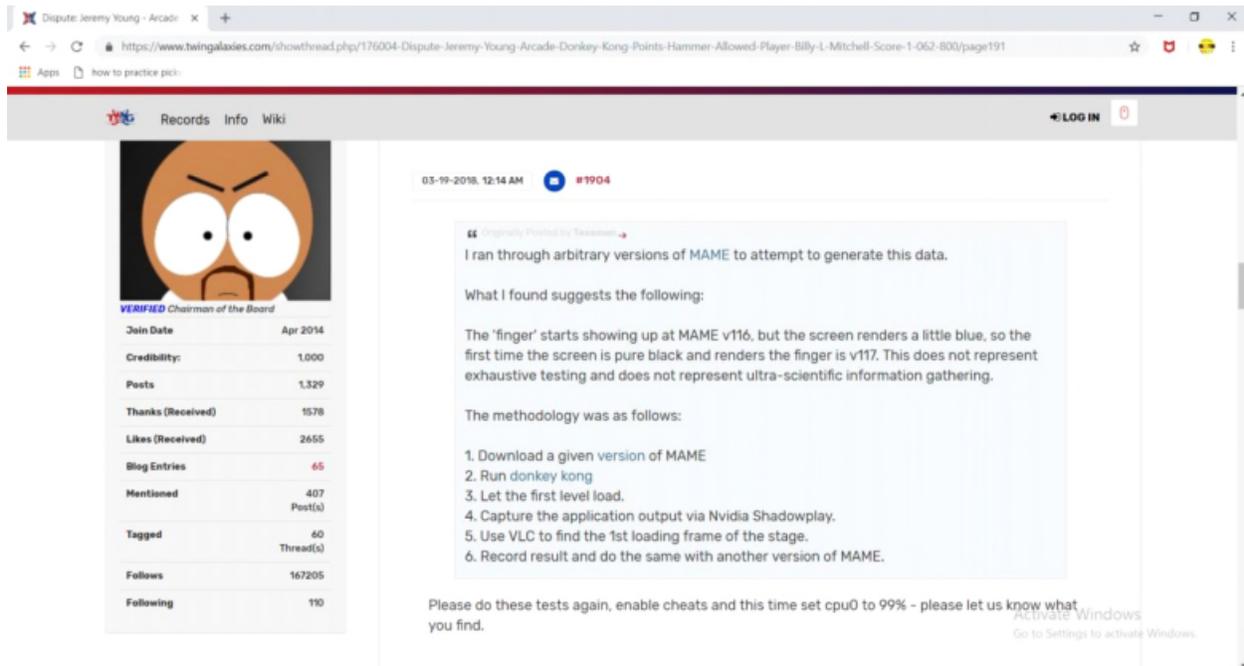


Figure 7. After dispute participants failed to reproduce the girder finger, Mr. Hall explains how to tamper with MAME to force the girder finger's appear.

The argument states, “**setting the CPU0 back to 99% makes the girder finger appear in versions available at the time, therefore, it is possible that the finger appears in Billy’s 1,047,200 game, so these tapes are not altered**” **Firstly**, Twin Galaxies possesses no evidence to support this argument. The argument provides a mere possibility, an obscure and unjustified possibility. The CPU0 change provides no advantage for the player, so it retains no logical support.

Lastly, again, all witness testimony conflicts with this argument. The argument is unique to a computer. Although the CPU0 has hardware equivalents, specifically the Z80 processor, clocking the Z80 to 99% does not render the same result. All testimony surrounding Mr.

**Mitchell's** records unanimously testify to the use hardware. The games were not played on a computer. This simply fact totally disqualifies this argument.

After the debacle, Mr. Hall responded by changing his argument and ignoring the evidence. **Mr. Hall changed his argument from "the tapes are MAME" to "the tapes are not arcade." This new position opposed Mr. Mitchell's records**, circumvented the aforementioned facts, and continued the investigation to drive his own beneficial agenda. Over the phone, Mr. **Hall told Mr. Mitchell that these facts "didn't matter."** **Mr. David Race summed the situation perfectly: "It appears to be a mark of desperation, where things are purposely manipulated in order to prove what one already believes."**

### **Amended: 2/23/2019**

In 2018, Testing captured the girder finger from a Donkey Kong Arcade machine. The frame displays a partial recreation of the girder finger phenomena on a Donkey Kong Arcade machine (Figure 8).

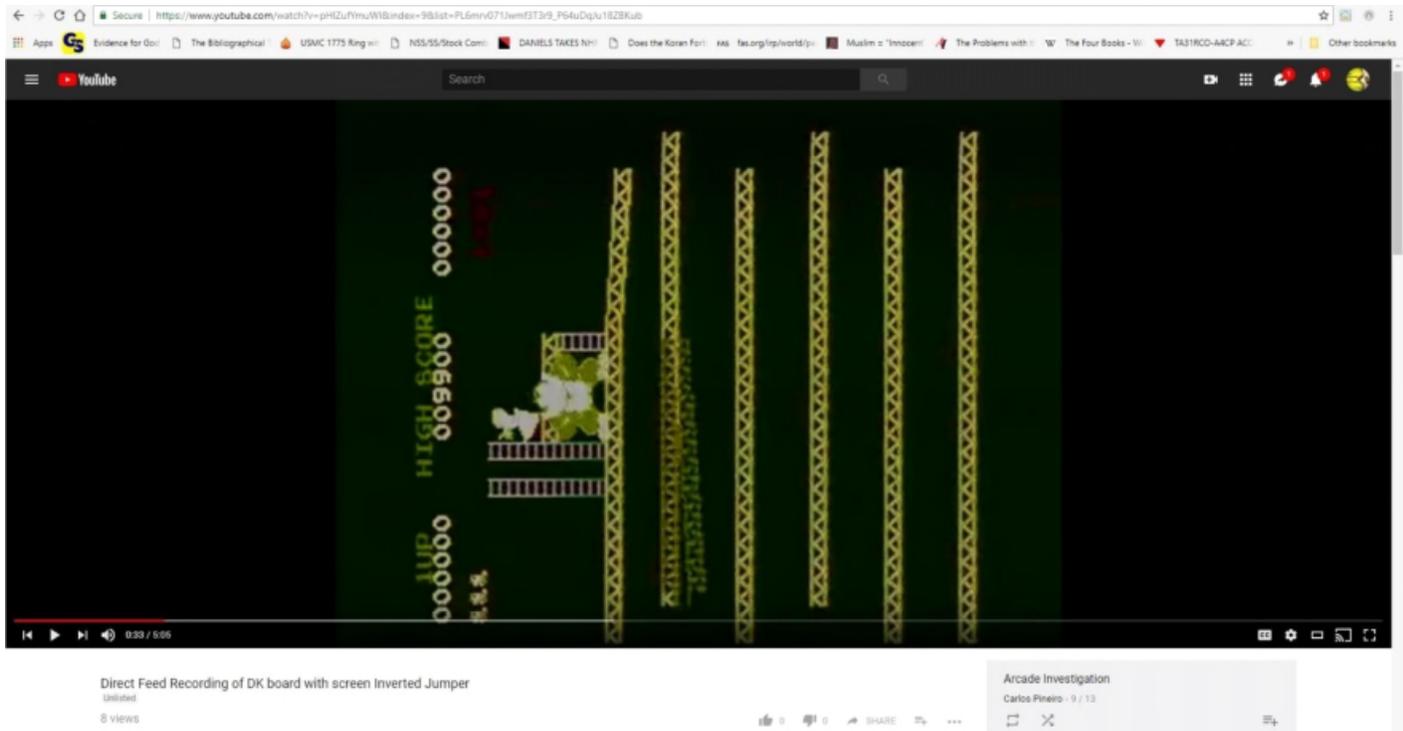


Figure 8. The picture above is a recreation of the girder finger phenomena on a Donkey Kong Arcade machine.

The picture provides a partial recreation of the phenomena, proving the possibility of it. This evidence infers that the girder finger can occur from the output of legitimate Donkey Kong hardware. Therefore, either the phenomena occurred on legitimate hardware, or the Twin Galaxies' tapes are altered. There is no middle-ground.

# **EXHIBIT 30**

## Dean Wenzel Declaration

I, Dean Wenzel, declare that:

1. I am an individual over the age of 18 and I make this declaration on factual information surrounding the Billy Mitchell high-score dispute. I make this declaration based on facts known to me personally to be true, and if called as a witness to testify to them, I would do so.
2. **During the Twin Galaxies “investigation” into Billy Mitchell’s Donkey Kong records, I spoke** with Wes Copeland via Facebook Messenger on or about April, 8, 2018. Copeland is a Twin Galaxies community member in opposition to Mitchell, and Twin Galaxies supposedly contracted Copeland for work at some point.
3. In my conversation with Copeland, he provided me inside information around the Twin Galaxies investigation, specifically his conversations with the Twin Galaxies owner and investigator, Jason Hall. In our conversation, Copeland told me that [with emphasis in bold]:

“I’ve been chatting with [Jason Hall] a little bit behind the scenes... I have no idea what [Jason] is going to do. He asked me a very interesting question in my recent convo with him: “What does the [Donkey Kong] community think I am going to do?” I can tell you this. [Jason] has been pretending to be impartial for the last month, including during that 4-hour + [Facebook] livestream. He made up his mind a long time ago.”
4. I attached the conversation displaying this quote as **Exhibit A**.
5. Shortly after this conversation, Copeland deleted his Facebook account. As a result, the exchange in Exhibit A shows an “unknown user” in the conversation with me. However, the user was Wes Copeland prior to deletion.

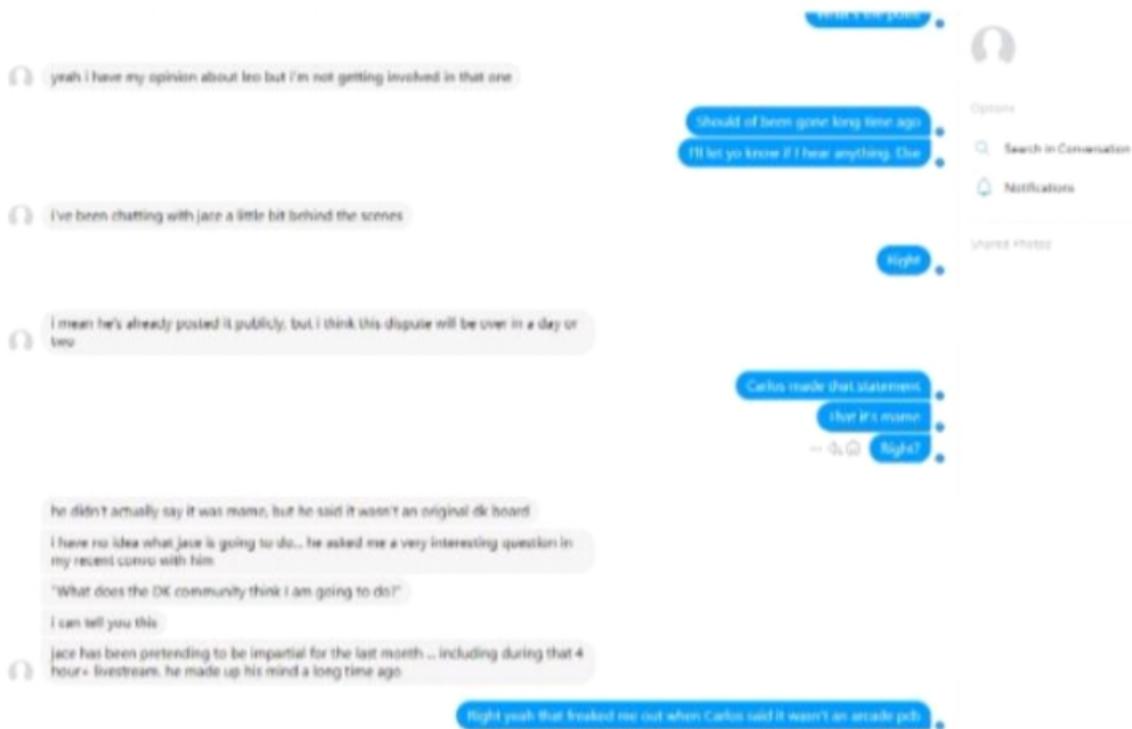
I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

D Wenzel

Dean Wenzel

16/6/2020

Date



**EXHIBIT A**

# **EXHIBIT 31**

**Exhibit 31**

 **YesAffinity**  
Spring Jumper

 **Re: Billy Mitchell's Direct Feed Recordings are MAME Generated**  
\* **Reply #330 on:** March 21, 2018, 12:05:17 PM \*

 **Posts:** 575

 **~Great, scores stricken, Billy keeps his stature because he "didn't know". Either way it seems the scores are coming down from TG. I really can't imagine carrying all that weight of the wrong-doing around for so many years, and then having it surface and piece-by-piece getting fully exposed. From the point of the initial frame-by-frame comparisons, to the irrefutable proof that the board swap was faked, to the most recent revelation that not only was MAME used but also likely tweaked to run at arcade monitor frequency.**

 **Report to moderator**  **Logout**

**Matthew 21:22**

DK Arcade PB (verified): 970,200 K5  
DK Start PB (verified): 126,600  
DK LT-1 PB (verified): 11,400  
DK PB 1st Han: 622,000

**Donkey Kong Direct Feed How-To** - <https://donkeykongforum.com/index.php?topic=1413.0>  
~How outdated, see instead: <http://donkeykongforum.com/index.php?topic=2471.0>



# **EXHIBIT 32**



**Billy Mitchell** Jace Hall Completely laughable Jace, I never said my dad never played those games. They were live in front of an audience of people. Since, you're so up to date and want to cite the king of kong, you should know that 1.047m was live also, however people decided to skew history for a movie. You completely dodged the question, HOW do you know those are the same performances, because you don't have any original tapes. Anything you claim to make it the actual game originates from evidence you say you'd like to ignore, word of mouth. If you accept word of mouth from TG refs, I hope you accept all the other sworn statements. The complete incompetence of TG to lose the original tapes is absolutely insane. Whether you want to say it or not, these tapes originate from someone who has proved that he's willing to go to the ends of the Earth to defame my dad. Like I said, you can't find the original tapes, but seem to be absolutely joyful to accept the word of mouth of TG refs.

Like · Reply · 1y



**Jace Hall** Only one set of tapes originate from DWayne. We have a duplicate in separate digital copy that never touched Dwayne's hands. Both of these copies match each other even though they have had nothing to do with each other. I'm not sure if you understand that.

Lastly it is very easy to watch the 1047 tape and watch the king of Kong and it's DVD extras and match the performances. That's how you can personally know that the 1047 performances we have are exactly your dad's.

We posted the 1047 digital copy to the dispute thread so you can look at it for yourself and compare. There is no question that video is authentic.

Like · Reply · 1y



**Jace Hall** We also have the internal twin galaxies distribution email to see which referees got valid copies of your dad's performances for adjudication of not only his performance but also Steve Weibes and cross referenced the sources so we know that what we have is correct.

Additionally, referees have confirmed that these are the performances that they viewed at the time of adjudication.

Like · Reply · 1y

# **EXHIBIT 33**

## The Color Brief

### Background

Although nobody knows the exact capture set-up used in **Billy Mitchell's Donkey Kong** performances, we do know some of the equipment involved. The most unique piece, and hence easy to remember, is the two-bit converter. The two-bit converter allowed for the creation of direct capture to a monitor. Mitchell bought the device in 2003 to create a quality viewing experience. In February, 2018, Twin Galaxies investigator Jace Hall ordered two of these **devices, keeping one, and sending the other to Twin Galaxies' investigator Chris Gleed**. Lastly, throughout the investigation, Twin Galaxies fabricated the perception that Mitchell reported his specific capture set-up to them (however, it presented no evidence for the claim). However, that claim is patently false and possess no supporting evidence.

### Evidence

On March 30, 2018, Twin Galaxies released an article updating their findings in the Billy Mitchell investigation. In summary, **the article titled "Twin Galaxies Explores Capturing Equipment used in Billy Mitchell Score" updates** their technical claims against Mitchell. Although other things are briefly mentioned, the primary accusation asserted that a two-bit convertor could not output color to the VCR. Also, on a phone call, Twin Galaxies investigator Jace Hall claimed that they **attempted it for "over a month," but could not produce color**. Moreover, as stated in the article, Twin Galaxies investigator Chris Gleed echoed these findings. **Here's Hall's statement** in the article,

“Hall goes on to explain their findings with that hardware. Our testing of the TWO-BIT converter has indicated that it does not output a standard NTSC signal. In fact, the signal is so non-standard, that many devices will not recognize it fully and only output a BLACK AND WHITE or SEMI-MONOCHROMATIC display when they receive it. Only extremely forgiving devices seem to have any chance of interpreting the full signal. We have confirmed this behavior with @YesAffinity (Chris Gleed) who has been performing 3rd party confirmation work with the other TWO-BIT converter we purchased and sent to him. We have yet to find any VHS recorder that will recognize the signal properly and record it in full and proper color. Every VHS recorder records it in black and white. The only thing we have found that can correct the signal are some (not all) analog-to-digital conversion technologies, but using them to signal stabilize would then break the specific analog chain required to produce a VHS recording according the claimed recording method. All testing is currently showing that it may not be possible to create a recording that looks like Billy Mitchell's using an original arcade machine, a TWO-BIT converter and a VHS recorder only.”<sup>1</sup>

Here is an example of the color Hall mentions:

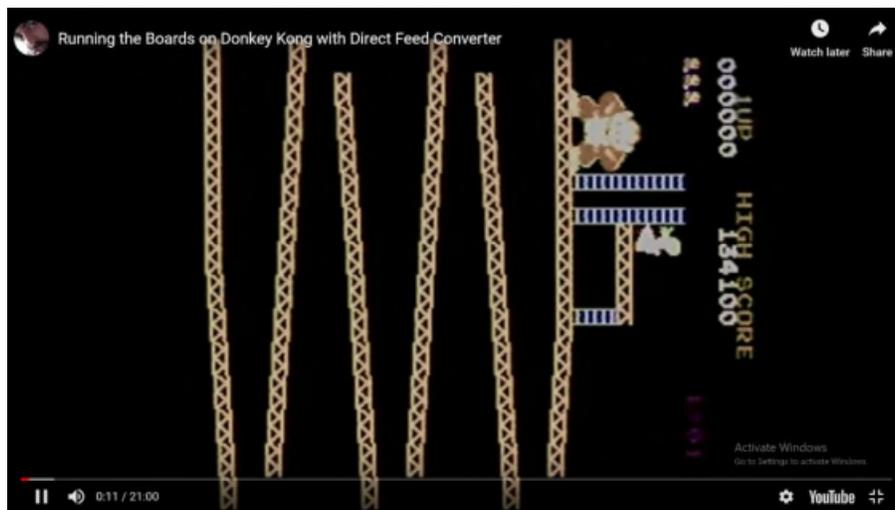


Figure 1. Screenshot of the Carlos Pineiro Video referenced on the **Twin Galaxies** article, “**Twin Galaxies Explores Capturing Equipment used in Billy Mitchell Score.**”

<sup>1</sup> [https://www.twingalaxies.com/feed\\_details.php/875/twin-galaxies-explores-capturing-equipment-used-in-billy-mitchell-score](https://www.twingalaxies.com/feed_details.php/875/twin-galaxies-explores-capturing-equipment-used-in-billy-mitchell-score)

Here is an example of the color a Donkey Kong Arcade machine produces:

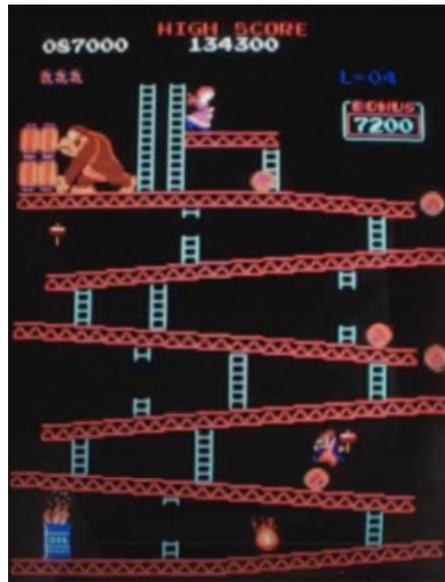


Figure 2. Correct Donkey Kong Arcade Color.

From here, it became obvious Twin Galaxies planned to weaponize this evidence against Mitchell. They planned to **claim that the equipment used in Mitchell's performance can't produce color, therefore Mitchell's performances couldn't have been produced by an original Donkey Kong arcade machine.** However, these claims would be debunked in less than 24 hours.

After receiving the phone call from Jace Hall, Neil Hernandez suggested the solution to produce color, which was simply replacing the **two-bit convertor's** resistors and capacitors. This resulted in the two-bit converter producing color to a 95% match of Mitchell's **alleged tapes.** What Hall and his technicians failed to do for over a month had been easily done in a few hours. **It was also discovered that analog VCR's successfully produce color from the two-bit convertor.** The following figure displays a two-bit convertor successfully producing color to an analog VCR.

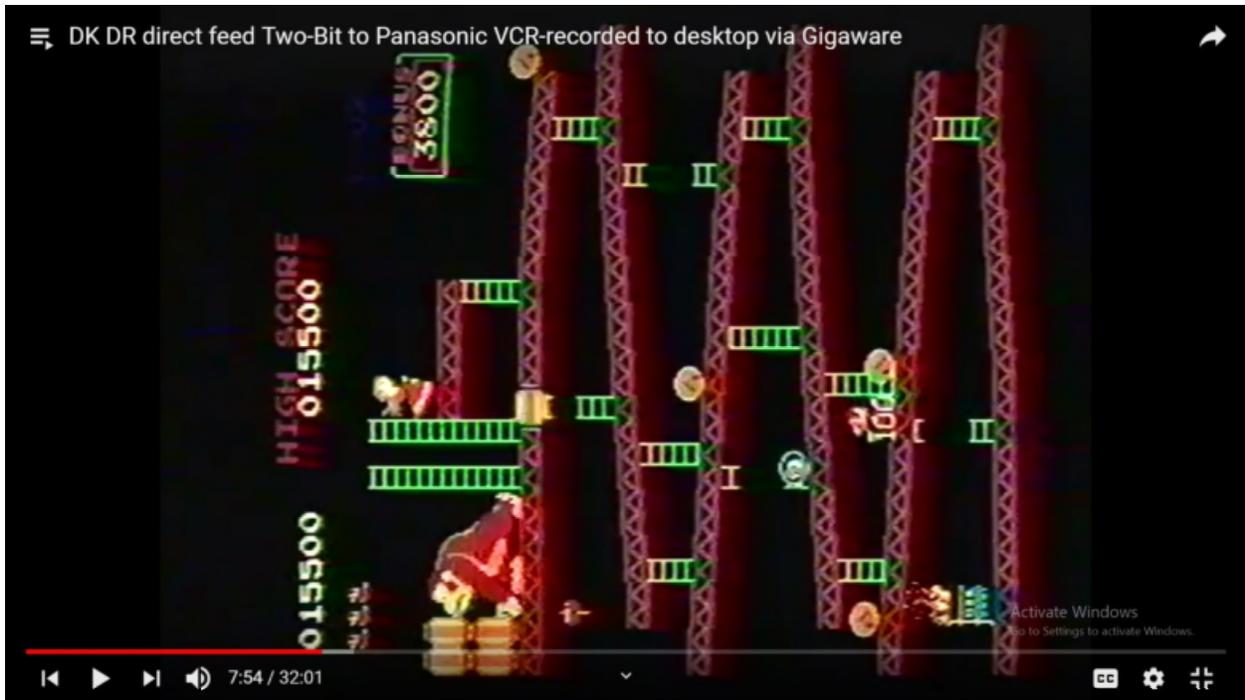


Figure 3. Two Bit converter producing color to VCR.

## Final Comments

The events in this document portray many points. Most importantly, Hall and Twin Galaxies are incorrect in their technical claim. Hall was so confident that Twin Galaxies released an entire article dedicated to this point, but Hernandez quickly disproved his claim.

In addition, Hall's investigation retains another significant issue. Hall's case rests on trial and error. To explain, Hall simply hooked up some devices, saw it didn't match Mitchell's alleged tapes, and convicted him solely on that point. However, trial and error tests do not prove impossibility, which Hall claims. Thomas Edison, the developer of the light bulb, achieved electrocution through tests of trial and error. Edison reportedly made 1,000 unsuccessful attempts. However, no matter how many attempts failed, Edison continued, and eventually succeeded, because no amount of failures in trial and error tests proved that electrocution was

impossible. In this scenario, Hall's trial and error attempts to produce these MAME-like transitions do not prove impossibility.

## **Update: 3/1/2019**

### **Background**

Emulators, like MAME, possess recent technology from newer hardware or computers. Due to this, a direct feed recording of MAME would always produce color. Moreover, other emulators would also always produce color. Also, emulators like MAME or bootlegs would not require a two-bit converter for direct feed.

### **Evidence**

In the color argument, Twin Galaxies overlooked evidence **regarding Mitchell's** 1,062,800 performance. In the Twin Galaxies article "Twin Galaxies Explores Capturing Equipment used in Billy Mitchell Score," Hall asserts that a two-bit converter fails to produce the proper color of a Donkey Kong arcade machine, and later on provides an example of the failure with a video (Figure 4).



Figure 4. Screenshot of the Carlos Pineiro video referenced in the Twin Galaxies article to show the two-bit converters failure to produce proper color.

Referencing the findings from earlier, the color produced in the image above occurs due to dry resistors and capacitors on the arcade machine's game board. We refer to the color as "peach-like." In comparison to Mitchell's 1,062,800 footage, this "peach-like" color, which Hall describes as arcade produced, matches perfectly with Mitchell's 1,062,800 footage. (Figures 5-6). This color output can only occur through a legitimate arcade machine.

Here's a link to the footage: <https://www.youtube.com/watch?v=l-LRptUQwFE&t=482s>



Figure 5 and 6. External Camera recording of Billy Mitchell's 1,062,800 performance from the International Video Game Hall of Fame announcement in 2010. The performance exhibits the same peach-like color exhibited in Carlos Pineiro's testing of a two-bit converter and Donkey Kong Arcade Machine.

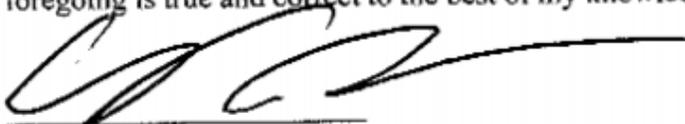
# **EXHIBIT 34**

Carlos Pineiro Statement

I, Carlos Pineiro, attest to the following:

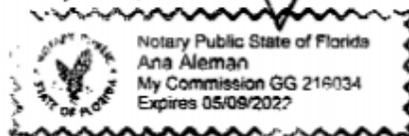
1. During the Billy Mitchell dispute, I walked into Robert Child's showroom and offered to provide any knowledge I possessed about the controversy.
2. During this, I did not receive any type of compensation for my work, as I did it in my spare time, which was not much. As such, I did not represent Billy Mitchell in the dispute, and my research was not being done on his behalf. I was simply providing any knowledge I possessed about the issues.
3. After reviewing the evidence, I cannot conclude that Billy Mitchell did play, or did not play on an original unmodified Donkey Kong PCB. I cannot confirm what platform the game was played on. To me, this is inconclusive. I never saw Billy play the games, and with the entire body of evidence against the technical assertions, I believe there is too much doubt.
4. The basis of the dispute was one question: "did Billy Mitchell play on arcade, or did he not?" Scientific evidence alone cannot answer that question, especially considering the non-scientific evidence and the chain of custody issues. Twin Galaxies position should not be anything more than inconclusive.
5. Moreover, I assert that the strength Twin Galaxies' evidence did not justify the attempt to strip all of his records and his 35 year legacy, and I maintained that position long before this retraction.

I declare under penalty of perjury under the laws of the states of California and Florida that the foregoing is true and correct to the best of my knowledge.

  
Carlos Pineiro

9/10/2019

Date



# **EXHIBIT 35**

STEVEN D. MANNING  
DENNIS B. KASS  
ANTHONY J. ELLROD  
EUGENE P. RAMIREZ  
FREDRIC W. TRESTER  
LAWRENCE D. ESTEN  
MILDRED K. O'LENN \*  
ALFRED M. DE LA CRUZ  
ERWIN A. NEPOMUCENO  
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MICHAEL L. SMITH  
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CLIFFORD A. CLANCEY  
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R. ADAM ELLISON  
SCOTT W.M. DAVENPORT  
JASON J. MOLNAR \*  
DAVID V. ROTH  
JENNIFER L. SUPMAN  
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STEVEN J. RENICK  
JAMES E. GIBBONS  
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DONALD R. DAY \*  
D. HIEP TRUONG  
MICHAEL A. WEISMANTEL  
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JOHN M. HOCHHAUSLER  
ANTHONY S. VITAGLIANO †  
KEVIN H. LOUTH  
SHARON S. JEFFREY  
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DAVID R. REEDER\*  
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DEBORA VERDIER †

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MARTIN HOLLY  
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CHRISTOPHER DATOMI  
ANGELA M. POWELL  
ANTHONY CANNIZZO  
GARY L. POPHAM, JR. \*  
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ROLAND TONG  
JONATHAN J. LABRUM \*  
JONATHAN D. SAYRE  
KAREN LIAO  
ZUBIN FARINPOUR  
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MATTHEW E. KEARL  
JULIE M. FLEMING  
ROBERT E. MURPHY \*  
DONALD R. BECK  
ROBERT P. WARGO\*  
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DANIEL SULLIVAN  
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MAE ALBERTO  
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JUDSON H. PRICE  
PAUL HARSHAW  
VICTORIA KAJO  
ANDREA KORNBLAU  
ANTHONY WERBIN  
MICHAEL WATTS  
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September 9, 2019

LYNN CARPENTER  
DAVID R. RUZ  
NATALYA VASYUK  
ANDREEA CUSTUREA  
DERIK SARKESIANS  
MARK WILSON  
CRAIG SMITH  
KARLY K. WHITE  
ALEXANDRA RAMBIS  
KELSEY NICOLAISEN  
FAROUK MANSOUR  
KIRSTEN BROWN  
JAMILEH HAWATMEH  
JEFFREY TSAO  
ERIN N. COLLINS  
JESSICA SPINOLA  
TIFFANY HENDERSON  
JONATHAN HACK\*  
DAVID BREITBURG  
EMILY ELLSE  
TODD LEZON  
JEAN CHA\*  
CURTIS GOLE  
ERIC WAHRBURG  
CAROL TREASURE  
R. SCOTT HARLAN  
COURTNEY CASIANO  
BRANDON DAWOODTABAR  
COURTNEY ARNOLD  
BATKHAND ZOLJARGAL  
RONALD STEWART  
MARLON RUFINO  
JOSHUA FERGUSON  
SALLY FREEMAN\*  
CHRISTINE LA VORGNA  
DANYALE TAYLOR  
LIZETTE ALVARADO  
IAN KING  
CAMERON ARONSON  
SAMANTHA KATTAU  
ARTHUR KHURIN\*  
GRACE COLLER  
TANYA PROUTY  
ELLEN BURACH-ZION

JOSHUA BABATAHER  
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EVGENIA JANSEN  
CHELSEA CLAYTON  
CARL MUDD  
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AIDE ONTIVEROS  
ALINA SOOKASIAN  
LUIISA ROSARIO  
CORY RAY  
XENA MASHBURN  
LILIT SHAMIRYAN  
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CATHERINE CRANFORD  
ANTOINETTE MARINO\*  
COURTNEY NAKATANI  
GLENN JOHNSTON  
SPENCER WONG  
CYNTHIA VILLELA  
ELISE DVOROCHKIN  
SABIRA SHERMAN  
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\* Admitted in Multiple Jurisdiction  
† Admitted to Practice Law in Arizona  
only  
‡ Admitted to Practice Law in  
Alabama

**VIA E-MAIL AND U.S. MAIL**

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**EMAIL REDACTED**  
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Senior PR Manager  
**EMAIL REDACTED**  
Guinness Book of World Records  
45 W. 45th St. New York, NY 10036

Jace Hall  
Twin Galaxies  
335 N. Maple Drive, Ste. 380  
Beverly Hills, CA 90210  
**EMAIL REDACTED**

Re: **In re: Billy Mitchell**  
**Our File No.:**

Dear Sirs and Madam:

The following sets forth Billy Mitchell's official demand for retraction by Guinness World Records and Twin Galaxies for their defamatory statements made against him.

On April 12th, 2018, Twin Galaxies issued defamatory statements against Billy Mitchell's video game records and legacy, claiming he cheated to achieve his Donkey Kong scores. Specifically, Twin Galaxies stated that he did not achieve his scores on original,

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3636 North Central Avenue, 11th Floor  
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San Francisco, CA 94111  
Telephone: (415) 217-6990

**Re: In re: Billy Mitchell**  
September 9, 2019  
Page 2

unmodified hardware.<sup>1</sup> Twin Galaxies then stripped Mr. Mitchell of all his records and achievements. Twin Galaxies followed its statement (10 hours later) with articles such as “5 Impressive and Legitimate Feats Involving Video Games.”<sup>2</sup> This article, which heavily stressed that the records discussed were legitimate achievements, started by reallocating Mitchell’s most famous achievement, “The Perfect Pac-man,” implying that Mitchell cheated to achieve it. Moreover, Twin Galaxies never clarified that Mitchell did not cheat to achieve this record.

The following day, April 13th, 2018, Guinness World Records followed suit, stating to Variety:

"The Guinness World Records titles relating to Mr. Mitchell’s highest scores on ‘Donkey Kong’ have all been disqualified due to Twin Galaxies being our source of verification for these achievements.” “We also recognize records for first perfect score on ‘Pac-Man’ and Highest score on ‘Pac-Man,’” the spokesperson added. “Twin Galaxies was the original source of verification for these record titles and in line with their decision to remove all of Mr. Mitchell’s records from their system, we have disqualified Mr. Mitchell as the holder of these two records. Guinness World Records will look to update and find the appropriate holder of these records in the next few days.”<sup>3</sup>

Notably, Guinness World Records then published its 2019 Gamer’s Edition Book (see Figure 1). Titled “THE RECORDS THAT NEVER WERE,” Guinness World Records specifically cites the disqualification of Billy Mitchell’s “highest score on PAC-Man and the first perfect score on PAC-Man.” Following that, Guinness stated that Mitchell’s “submitted scores were obtained while using MAME.” In this statement, not only did Guinness World Records assert that Mitchell’s records, specifically his Pac-man records, “NEVER WERE,” but its use of the generalized phrase, “submitted scores,” also asserted that all his achievements were obtained while using MAME. These statements are factually false.

---

<sup>1</sup> [https://www.twingalaxies.com/feed\\_details.php/1047/billy-mitchells-donkey-kong-and-all-other-records-removed](https://www.twingalaxies.com/feed_details.php/1047/billy-mitchells-donkey-kong-and-all-other-records-removed)

<sup>2</sup> [https://www.twingalaxies.com/feed\\_details.php/1053/setting-records-five-impressive-feats-from-the-world-of-video-games](https://www.twingalaxies.com/feed_details.php/1053/setting-records-five-impressive-feats-from-the-world-of-video-games)

<sup>3</sup> <https://variety.com/2018/gaming/news/billy-mitchell-pac-man-world-record-1202752594/>

Re: In re: Billy Mitchell  
September 9, 2019  
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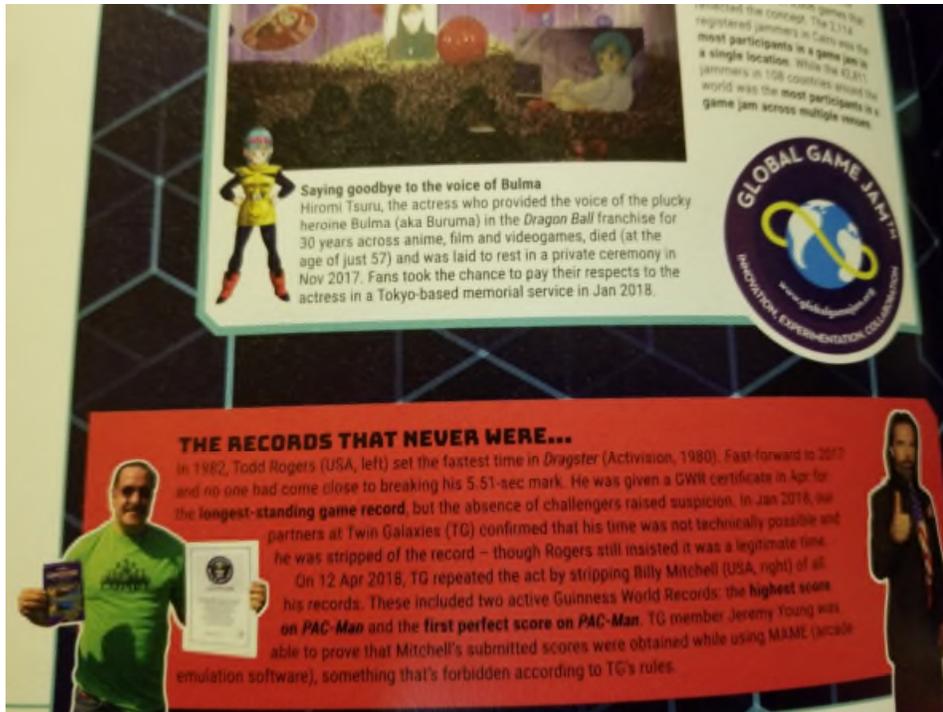


Figure 1. Guinness World Records statement in their 2019 Gamer's

It is important to note that Guinness World Records never conducted an investigation into Billy Mitchell's Pac-Man records. As a matter of fact, there is no evidence to support Guinness World Records' assertion that Mitchell's Pac-Man scores "NEVER WERE," or were "obtained while using MAME." Lastly, there is certainly no evidence to support the claim that all his "submitted scores," from 1982 to 2018, were achieved while using MAME. This is especially ridiculous considering MAME was created in 1997, and the majority of Mitchell's scores occur in the 1980's.

In addition, Walter Day, founder and owner of Twin Galaxies from 1981 to 2014, stands behind Billy Mitchell. Mr. Day, not the current Twin Galaxies administration, is the original adjudication source of Billy Mitchell's records. In line with Guinness World Records' words to Variety (see the earlier quote), the linked evidence package that accompanies this letter and Day's testimony warrants restoration of Billy Mitchell's achievements and legacy. Day's own letter is included in this demand for retraction, which includes his sworn testimony and advice for Guinness World Records.

As to Twin Galaxies, its investigation did not provide Billy Mitchell fair opportunity to provide evidence to prove his innocence. Throughout the investigation, Twin Galaxies had a double standard. Specific evidence against Mitchell was accepted, while evidence of equal stature was rejected. Further, Twin Galaxies selected a biased third party investigator with close

**Re: In re: Billy Mitchell**  
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ties to Donkey Kong Forum, another group defaming Billy Mitchell. This investigator was openly inflammatory throughout the investigation, and expressed his support of score removal on the very first day of the dispute; there was nothing unbiased about him. This, along with other examples, displays a substantial level of constitutional malice.

This letter demands that both Twin Galaxies and Guinness World Records retract their claims against Billy Mitchell, and immediately restore his achievements and good name. Attached to this letter via link is the full evidence package, which proves that the claims of Twin Galaxies and Guinness World Records are false.<sup>4</sup> This evidence includes witness affidavits, historical documentation, scientific evidence, gameplay analysis, expert witnesses, and Walter Day's letter with sworn affidavit. Due to the overwhelming evidence, neither Twin Galaxies nor Guinness World Records can possibly refuse this retraction request and claim to be acting without constitutional malice.

This request for retraction is for all of Billy Mitchell's records; a partial retraction will not suffice. Both Twin Galaxies and Guinness World Records must retract their claims impugning Mitchell's scores publicly, so the damages done to him will finally begin to reverse. There was a press release against Billy Mitchell, and there must be a reciprocal release in his favor.

Each corporation has a 14-day deadline to review the information and issue the retraction, or we will resort to legal recourse, our final option. We urge Guinness World Records to independently evaluate the evidence, and not rely on Twin Galaxies, which did not force Guinness to make the defamatory statements. As such, Guinness World Records will be held responsible, and hiding behind its partnership with Twin Galaxies will be perceived as a refusal of this retraction request.

Very truly yours,

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

JAMES E. GIBBONS

cc: Guinness World Records Press Department:  
[press@guinnessworldrecords.com](mailto:press@guinnessworldrecords.com)  
Billy Mitchell

---

<sup>4</sup>[https://docs.google.com/document/d/1IGODhaCGZ\\_ZLCwMHJS74ZNE0YrI5uD\\_yjxsTilYb9Ls/edit](https://docs.google.com/document/d/1IGODhaCGZ_ZLCwMHJS74ZNE0YrI5uD_yjxsTilYb9Ls/edit).

# **EXHIBIT 36**



Jace Hall

Join Date	Apr 2014
Credibility:	1,000
Posts	1,436
Thanks (Received)	1734
Likes (Received)	2859
Blog Entries	78
Mentioned	478 Post(s)
Tagged	60 Thread(s)
Follows	Following
167510	112

09-12-2019, 11:30 AM

Posting with permission for transparency and it's inclusion in the public dispute thread as it may contain additional evidentiary relevance.

-----

**From:** rtm7179bob  
**Date:** Thursday, September 12, 2019 at 9:44 AM  
**To:** Jace Hall  
**Subject:** Billy's "Evidence Package"

Jace:

As discussed last night...if a point is reached where "Team Billy's" legal action is squashed then I would definitely want to be part of that class-action suit against him.

For me, specifically, I consider his comments that I have "hatred" towards Steve Wiebe as libelous comments under the definition of the term "libel" according to Cornell Law.

Beyond that I envision a "he-said/he-said" concerning my possession of that 1.047M performance...Bill will argue that he never sent it, Walter never made copies until late 2006, so how then did I have possession of it? Bill said he "only" uses one account each for FEDEX and UPS but if he sent via cash it is un-provable. **Bottom line is that I received the tape from Billy...and it was received prior to that MTV interview.**

Robert

**Jace Hall**  
 Head Custodian  
[www.TwinGalaxies.com](http://www.TwinGalaxies.com)

ersatz\_cats, JJT\_Defender, FBX, Rev John thanked this post

Snowflake, starcykas, ersatz\_cats, JJT\_Defender, FBX and 1 others liked this post

# **EXHIBIT 37**

This correspondence is the result of further investigation being done on the matter and is being posted for transparency and inclusion into the dispute claim thread for its potentially evidential content so that it may be considered and weighed.

**From:** Greg [Sakundiak](#)

**Date:** Tuesday, September 10, 2019 at 8:35 PM

**To:** Jace Hall

**Subject:** Re: Confirmation of Walter Day Sending You Billy Mitchell's Donkey Kong Performances

Yes, I was a referee at the time. I did get sent 2 tapes to compare from Walter. I watched them compared them and gave my opinion. Dwayne had nothing to do with it. We may be friends but he lives in Grande Prairie I live in Saskatoon. He never touched the tapes that I was sent. I was a ref. I took it seriously. Which was why I removed his Nibbler record when he told me himself that it wasn't legit. That should be enough proof that I'm impartial.

Anyway. If you need anything else let me know or give me a call.

Greg Sakundiak

1 306 [REDACTED]

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---

**From:** Jace Hall

**Sent:** Tuesday, September 10, 2019 9:05:19 PM

**To:** [saskvidkid](#)

**Subject:** Confirmation of Walter Day Sending You Billy Mitchell's Donkey Kong Performances

Hello Greg Sakundiak,

My name is Jace Hall and I am Head Custodian of Twin Galaxies.

I am sorry to disturb you but I was hoping that you could confirm a few items for me that can be used for public record keeping purposes.

We are trying to ascertain and confirm that Billy Mitchell's original Donkey Kong Score world record performance tapes were deliberately copied and distributed by Walter Day to referees for use as reference material during an investigation of suspicious game play that Twin Galaxies admin was conducting at the time regarding a Donkey Kong score submission by Steve Wiebe.

The taped performances we are looking to confirm as copied and distributed by Walter Day to you and other referees specifically are for Billy's 1047 and Wiebe's 1049 Donkey Kong scores.

My understanding is that you are a former Referee for Twin Galaxies and that Walter Day sent you a copy of one or both these performances at the time. Is this accurate and can you please confirm this took place?

Additionally, can you confirm Dwayne Richard never touched the tapes that Walter Day sent to you, either before or after you received them?

We have correspondence suggesting that you were sent these tapes by Walter Day, however we want to absolutely confirm beyond any shadow of a doubt that this was absolutely the case.

I appreciate any information that you can provide on this matter as soon as possible.

Many thanks,

Jace Hall

-TG

---

**Jace Hall**

**Head Custodian**

[www.TwinGalaxies.com](http://www.TwinGalaxies.com) (<https://www.twingalaxies.com> / [www.TwinGalaxies.com](http://www.TwinGalaxies.com))

 [ersatz\\_cats](#) (member.php?u=375626). [FBX](#) (member.php?u=33754) thanked this post

# **EXHIBIT 38**



Jace Hall

Verified Head Custodian

Join Date **Apr 2014**

Credibility: **1,000**

Posts **1,439**

Thanks (Received) **1750**

Likes (Received) **2878**

Blog Entries **79**

Mentioned **481 Post(s)**

Tagged **60 Thread(s)**

Follows **112**

167530

Following

112

09-14-2019, 02:06 PM

Posting this to the dispute thread with permission for transparency, public record, potential consideration for possible evidentiary content contained within.

On Sep 14, 2019, at 12:32 PM, Robert Muzczak wrote:

Hi Jace:

Thanks for checking into this. I do have serious concerns due to the increased attention of the matter and these comments made against me.

I have to ask you...do you think it is in both my and TG's benefit if I refrain from making what you would call "reaccretion" posts to such trolling comments.

I believe that the answer is yes, and I am hoping that is doing so a detriment of "Well, Robert's not posting so..." does not develop as a result.

I've said what I said and I am sticking to my guns on the matter.

Kim...now 14 years later...is stating that I left ACAAM with this topic, the topic that he was supposed to "guard with his life" (Bily's own words). I steadfastly maintain that I left without that topic, and that at some point months later the "master" was sent to me...BY BILLY...for the express purpose of adjudicating and accepting into the TG database.

Now, Bily unlike any other gamer never completed a formal TG submission form...and when Walker sent me his 3 tapes from the "Perfect Performer" performance I do not remember any such forms being included with those tapes...admittedly Walker could have retained the forms before sending to me, BUT as these tapes were sent as part of a multiple-tape shipment of several hundred tapes in two large cardboard boxes plus other TG materials and documentation, I would speculate that Walker just threw the tapes in as is along with so many others.

That stated, I am SO hoping that this dispute forum, courtesy of posts by "Team Bily" or at least Bily supporters, does not become a ban Robert forum.

Robert

# **EXHIBIT 39**



**RTM**  
Verified Legendary Member

Join Date: **Jan 1998**

Credibility: **3,019**

Posts: **3,489**

Thanks (Received): **1293**

Likes (Received): **2829**

Blog Entries: **44**

Mentioned: **85 Post(s)**

Tagged: **9 Thread(s)**

Follows: **85**

Following: **12**

09-21-2019, 05:03 PM

**16** Originally Posted by [ersatz\\_cats](#) →

The edited version of the Billy evidence packet is here (currently 168 pages)

**RTM REPLY** - re--reading a 150+ page document just because "Team Billy" screwed up and made some revisions/omissions/etc ? I'd rather labor thru re--reading "The Iliad" by Homer.

Over the years (decades, sadly but true) I had invested an estimated 300+ hours of my personal life in terms of dealing with Roy Shildt's various antics with both myself and TG, another 200+ due to that of Rudy when he was on a tear, and likely another 50-100 dealing with BS from Scott Stipphen on the forum. That's time lost which will never be re-gained.

I'll be damned if I am going to waste 300+ hours re--reading 168 page ego-driven "Evidence Packages" every time they are revised for whatever the reason, responding to ego-driven "tweets" and other social media nonsense coming from "Team Billy" or the person running that show, Billy Mitchell Jr himself (I left the Jr in lest I get sued for leaving that out).

I found that for the past two weeks since the dispute forum re-opened I've had one length call with Jace and spent likely 20 hours scouring the older forum posts, re--watching old interviews and YouTube threads,

# **EXHIBIT 40**

**[WITHDRAWN]**

# **EXHIBIT 41**

STEVEN D. MANNING  
DENNIS B. KASS  
ANTHONY J. ELLROD  
EUGENE P. RAMIREZ  
FREDRIC W. TRESTER  
LAWRENCE D. ESTEN  
MILDRED K. O'LINN \*  
ALFRED M. DE LA CRUZ  
ERWIN A. NEPOMUCENO \*

BRIAN T. MOSS \*  
JEFFREY M. LENKOV  
MARGUERITE L. JONAK \*  
JOHN D. MARINO  
MICHAEL L. SMITH  
LOUIS W. PAPPAS  
EUGENE J. EGAN  
CLIFFORD A. CLANCEY  
RINAT B. KLIER-ERLICH  
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R. ADAM ELLISON  
SCOTT W.M. DAVENPORT  
JASON J. MOLNAR \*  
DAVID V. ROTH  
JENNIFER L. SUPMAN  
KATHLEEN A. HUNT \*  
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ANTHONY S.  
VITAGLIANO †  
KEVIN H. LOUTH  
SHARON S. JEFFREY  
DAVID R. REEDER \*  
TOBY D. BUCHANAN  
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RICHARD G. GARCIA  
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JEANETTE L. DIXON

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RICHARD MACK †  
TONY M. SAIN  
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JULIE M. FLEMING  
ROBERT E. MURPHY \*  
DONALD R. BECK  
ROBERT P. WARGO \*  
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HEATHER M. ANTONIE  
JASON J. DOSHI  
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ADAM ROEHRICK  
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EMILY EDWARDS  
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DAVID R. RUIZ  
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MARK WILSON  
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June 18, 2020

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**VIA E-MAIL AND U.S. MAIL**

David Tashroudian, Esq.  
Tash Law Group  
5900 Canoga Ave  
Suite 250  
Woodland Hills, California 91367

Re: **In re: Billy Mitchell**  
**Our File No.: 7643-07000**

Dear David:

The following sets forth Billy Mitchell's second demand for retraction by Twin Galaxies for its defamatory statements made against him.

On September 9, 2019, this firm sent a retraction demand to your client and Guinness World Records (GWR), demanding retraction of the defamatory statements made by both entities on April 12, 2019. The demand was accompanied by an overwhelming amount of evidence demonstrating that the statements made were false.

Your client ignored the demand and the evidence -- other than attempting to organize a "class-action suit" against Mr. Mitchell. In contrast, your client's partner of 36 years, Guinness World Records, examined the evidence closely and in good faith, and found the evidence alarmingly contradictory to your allegations. As a result, GWR conducted its own investigation into the legitimacy of Mr. Mitchell's records.

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1717 McKinney Ave., Suite 700  
Dallas, TX 75202-1241  
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One Battery Park Plaza, 4th Floor  
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225 Broadway, Suite 1200  
San Diego, CA 92101  
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SAN FRANCISCO  
One California Street, Suite 900  
San Francisco, CA 94111  
Telephone: (415) 217-6990

Re: **In re: Billy Mitchell**

June 18, 2020

Page 2

The result? GWR has now reached a unanimous agreement to retract its statements and reverse its statements. Today, June 18, 2020, Guinness World Records announced the full reinstatement of Mr. Mitchell's records, as follows:

In the light of compelling new evidence received by Guinness World Records, the Records Management Team has unanimously decided to reverse decisions made in April 2018 in regards to videogame high scores achieved by Billy Mitchell between 1982 and 2010.

As of 10 June 2020, the following historical records for the arcade platform have been reinstated:

3 July 1999 - First Perfect Score on PAC-Man – 3,333,360 Points

7 November 1982 – Highest score on Donkey Kong – 874,300 Points

4 June 2005 – Highest score on Donkey Kong – 1,047,200 Points

14 July 2007 – Highest score on Donkey Kong – 1,050,200 Points

31 July 2010 – Highest score on Donkey Kong – 1,062,800 Points

This reinstatement also re-recognizes Mr Mitchell as the first gamer to reach the kill screen on Donkey Kong (7 November 1982) and first gamer to score 1 million points on Donkey Kong (4 June 2005).

Guinness World Records is always open to accepting new evidence for historical achievements, and to reviewing new and existing evidence for disputed titles.

In this case, a re-examination of the records in question and the emergence of key eyewitness and expert testimonials led to a reversal of earlier disqualifications and the reinstating of Mr Mitchell's original records. The records archive has been updated accordingly to reflect this.

<https://www.guinnessworldrecords.com/news/2020/6/a-statement-from-guinness-world-records-billy-mitchell-621053>

The facts are that, in addition to Mr. Mitchell's evidence against the allegations, your client's own former owner, Mr. Walter Day, and its own 36-year partner, Guinness World Records, have now conclusively disavowed Twin Galaxies' allegations against Mr. Mitchell. Consequently, there can be no doubt that your client's allegations are patently false. For that reason, Mr. Mitchell extends another opportunity for your client to retract its defamatory statements.

Re: **In re: Billy Mitchell**

June 18, 2020

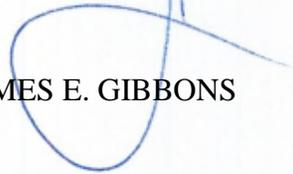
Page 3

In its editorial process, Guinness World Records evaluated the exact evidence which your client deliberately ignored during its original investigation and which was set out in the initial retraction demand; your client repeatedly said it “does not care.” If your client maintains that attitude and rejects this retraction demand, this will provide incontrovertible evidence of your client's reckless disregard for the truth and will significantly strengthen Mr. Mitchell's legal claims.

Although Mr. Mitchell extends another opportunity for your client to retract its allegations, he hereby reserves all of his legal claims and actions against your client.

Very truly yours,

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

  
JAMES E. GIBBONS

# **EXHIBIT 42**

## Orientation Assessment

### Introduction

My name is Neil Hernandez. Billy Mitchell asked me to investigate the merit of the orientation allegations from Twin Galaxies. I have worked in the arcade industry for many years as a technician and arcade machine vendor. I work as a third-party contractor at dozens of Florida arcades, bars, and other venues to buy, sell, and restore arcade machines. This area is my area of expertise, which I work in daily. For this research, Billy Mitchell **purchased a “Two-Bit”** convertor for me, so I could use it for testing to facilitate my research.<sup>1</sup> I received no additional compensation thereafter.

In my research, I spoke with other knowledgeable technicians to spark thought and provide me ideas. However, these technicians heavily insisted upon remaining anonymous to avoid any possible harassment. I understand and respect their concern. I speak of these **technicians, because they’ve** provided possibilities not included in this document, and I intend to explore them in the future.

In this document, I begin by explaining the issue at hand, so any reader will understand the purpose of the document. Then, I speak about some initial observations. After, I rebut some very weak counter-arguments that I expect to receive on the issue. I find all these counter-arguments insignificant, and mostly important unprovable. I continue to provide my current testing solution; keep in mind, I intend to explore even further beyond these points. Lastly, I provide my conclusions.

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<sup>1</sup> <https://gameboardsusa.com/shop?keywords=ntsc&olsPage=products%2Frgb-converter-board-nos-from-two-bit-score&page=10>

## The Issue

When directly feeding the signal of Donkey Kong machine to a monitor, the game orients in a sideways display. As a result, a direct feed recording requires that one physically turn the monitor sideways to provide a normal viewing experience. The controversy revolves around which direction the monitor must be turned if the recorded game originates from an arcade **Donkey Kong machine**. In Billy Mitchell's 1,047,200 and 1,050,200 performances, the underside of the monitor faces the **LEFT**. The 1,062,800 performances displays the opposite, where the underside of the monitor faces the **RIGHT**. Here is a picture for visual reference:



**Picture 1. The left picture shows the orientation of Billy Mitchell's 1,047,200 and 1,050,200 performances with the monitor's underside facing the **LEFT**. The right picture shows the orientation of the 1,062,800 performance, where the underside of the monitor faces the **RIGHT**.**

Twin Galaxies and its third-party researchers (i.e. Chris Gleed) assert that the equipment involved in the video capture set-up of an arcade machine, specifically the two-bit converter, can only output an orientation where the underside of the monitor faces the **RIGHT**. Therefore, they asserted it as evidence Mr. Mitchell's 1,047,200 and 1,050,200 performances, where the underside of the monitor faces the **LEFT**, were not performed on arcade hardware. They assert that it is impossible for a Donkey Kong machine to produce the orientation shown in Mr. Mitchell's 1,047,200 and 1,050,200 performances. In this document, I provide tested and proven

## Orientation Assessment

solutions for how an arcade monitor can produce the orientation shown in Mr. **Mitchell's** 1,047,200 and 1,050,200 performances, nullifying this piece of Twin Galaxies evidence they allege supports the claim Mitchell cheated to achieve his scores.

Prior to proceeding, it is important to note that Twin Galaxies chief investigator Jace **Hall's current claim that Mr. Mitchell's orientation is impossible on arcade hardware contradicts** his own statements from his investigation. On a Facebook livestream about the investigation of **Mr. Mitchell's Donkey Kong scores**, Mr. Hall stated the following:

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

Mr. Hall provided a conclusive position on the issue, and expressed the ample consideration applied to the issue. He specifically mentions the notable hardware (two-bit convertor), and states “**We investigated the entire process.**” He explicitly finishes with “**We cannot eliminate the possibility an arcade machine produced it.**” Regardless, Mr. Hall reversed his assertion for **unexplained reasons. It is worth considering, for anyone, that Mr. Hall's current claims are** incongruent with his original findings.

## Initial Thoughts

I received the two-bit recorder device in November 2019. Upon reception, I immediately noticed two important points:

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<sup>2</sup> [https://youtu.be/Iirf4\\_jiX0Y?t=3558](https://youtu.be/Iirf4_jiX0Y?t=3558)

## Orientation Assessment

- 1) The convertor, **regardless that it was purchased “NOS” (New Old Stock)**, is very old with weak resistors and capacitors from the box.
- 2) It is a general purpose convertor, not made for any specific arcade machine.

The convertor’s resistors and capacitors are so weak, they required replacement to produce a clean signal. I exchanged the parts with fresh replacements of equal value, and subsequently received a clean signal with stable color, as shown below.



Picture 2. Producing a clean, color-stable signal from the two-bit convertor after replacing parts (Old capacitors held in hand).

## Orientation Assessment

Also, this convertor was not created specifically for Donkey Kong machines. Rather, the producer created it for a more newer generic Dynamo arcade cabinets, as stated in their manual, so any person may slightly alter it to suit their needs. I refer to it as a “Rig.” I believe this point retains significant relevance for one reason: Since the convertor requires alterations naturally, **ANY “rig” rebutting Twin Galaxies’ allegations are valid, because we don’t know if Mr. Mitchell used that “rig.”** However, I have not yet attempted to flip the image through the convertor. In this document, I focus other parts, but I intend to explore this possibility in the future.

### Potential Counter-Arguments

1. The first possible counter-argument to some of the provided solutions is the following:

Some of these solutions flip the orientation of the actual **Donkey Kong machine’s** monitor. Therefore, this would force Billy to play the game upside-down. This is obviously unreasonable and improbable, so this solution cannot be considered.

The aforementioned statement is false. Arcade technicians install monitors upside down sometimes, or a technician may receive a machine with the monitor upside down. Physically turning the monitor right-side up is a laborious task (Monitors are heavy and unpleasant to install), so other options are more convenient. Simply flipping the monitor orientation by **reversing the monitor’s yoke** provides a fast and easy solution, so **the concept that Mr. Mitchell’s** machine possessed an upside-down monitor compensated by a reversed yoke is probable. As a matter of fact, In the aforementioned statement, Mr. Hall stated that **“sometimes people install monitors upside-down,”**<sup>3</sup> Therefore, I don’t believe Mr. Hall can argue this point.

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<sup>3</sup> [https://youtu.be/Iirf4\\_jiX0Y?t=3558](https://youtu.be/Iirf4_jiX0Y?t=3558)

## Orientation Assessment

Also, other arcade companies used this technique of flipping the yoke directly in the factory. For example, every Terminator 2: Judgement Day made by Bally Midway possessed a flipped yoke or flipped cables on every machine. Furthermore, ANY credible arcade technician would echo to commonality of flipping monitor signal to fix issues quickly. Therefore, it provides a very plausible explanation to the situation.

2. The second possible counter-argument to some of the provided solutions is the following:

**The PCB must be “unmodified.”**

**This claim originated during Twin Galaxies’ investigation, because the inverted jumper switch provided the ability to change orientation from the PCB. In other words, Mr. Mitchell’s orientation was proven possible. Regardless, Twin Galaxies disqualified this possibility by claiming it was “modifying” the PCB. This appears to be the reason Twin Galaxies’ final statement explicitly uses the words “unmodified PCB.”<sup>4</sup>**

However, Twin Galaxies’ **concept of a “modified PCB” has never existed until this score dispute. It even seems created specifically to deter Mr. Mitchell’s arguments. In addition, Nintendo created Donkey Kong in 1982, and it meant for the hardware to last 5 years, not 35 years. As a result, not a single machine still remains totally altered from the factory. Every machine must receive repairs, and quite frequently, as the old hardware is not reliable. Lastly, technicians repair machine for resale, and use whatever parts remain available, as long as the machine operates properly. Mr. Mitchell’s games exhibit legitimate gameplay, and hence operated properly. It remains difficult to believe that Mr. Mitchell “altered” a PCB for no**

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<sup>4</sup> [https://www.twingalaxies.com/feed\\_details.php/1047/billy-mitchells-donkey-kong-and-all-other-records-removed/4](https://www.twingalaxies.com/feed_details.php/1047/billy-mitchells-donkey-kong-and-all-other-records-removed/4)

## Orientation Assessment

competitive advantage, or played on an emulator for no advantage. **The entire “unmodified PCB” argument appears as nothing but Mr. Hall’s attempt to support his argument at all costs, even if those costs are without merit.**

3. The third possible counter-argument to some of the provided solutions is the following:

Billy provided the same game board used in the 1,047,200 and 1,050,200 games to Carlos Pineiro, and it failed to replicate the orientation from those games.

Mr. Mitchell does retain possession of the same PCB used in the 1,047,200 and 1,050,200 performance. However, the aforementioned contains glaring issues. The argument holds water if the board traveled nowhere from the performance until the current dispute, but that is not true. **After Billy’s Mitchell’s 1,050,200 performance, the PCB traveled back to the Nintendo engineer.** It is entirely possible that the engineer fixed, refurbished, replaced, added, or subtracted something on the PCB, such as a transistor, capacitor, chip, etc.

**Also, Mr. Mitchell’s PCB traveled to the “Twist Up” 2008 event for Steve Wiebe’s Donkey Kong world record attempt, because Twin Galaxies executive Pete Bouvier desired a Nintendo-certified PCB. Mr. Mitchell loaned his certified PCB, because Nintendo refused to service Bouvier or Wiebe. Todd Roger’s MySpace profile still retains two different pictures of the PCB enclosed in a box.<sup>5</sup> The board possibly underwent a change to accommodate Steve Wiebe’s record attempt.**

Lastly, I personally inspected **Mr. Mitchell’s PCB**, and it certainly received repairs at some point. Due to these three points, I find no relevance in the retention of the same PCB.

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<sup>5</sup> <https://myspace.com/toddrogers64/mixes/classic-twistup4-2008-408701>

## Thoughts

It is important to remember that Mr. Hall's argument for the orientation issue revolves around his claim that it is impossible for Mr. Mitchell's orientation to occur on legitimate Donkey Kong arcade hardware. None of these the aforementioned counter-arguments deliver that effect. **If its possible for the orientation displayed on Mr. Mitchell's performances to occur on a legitimate machine, then Mr. Hall cannot use it as evidence to support his case.**

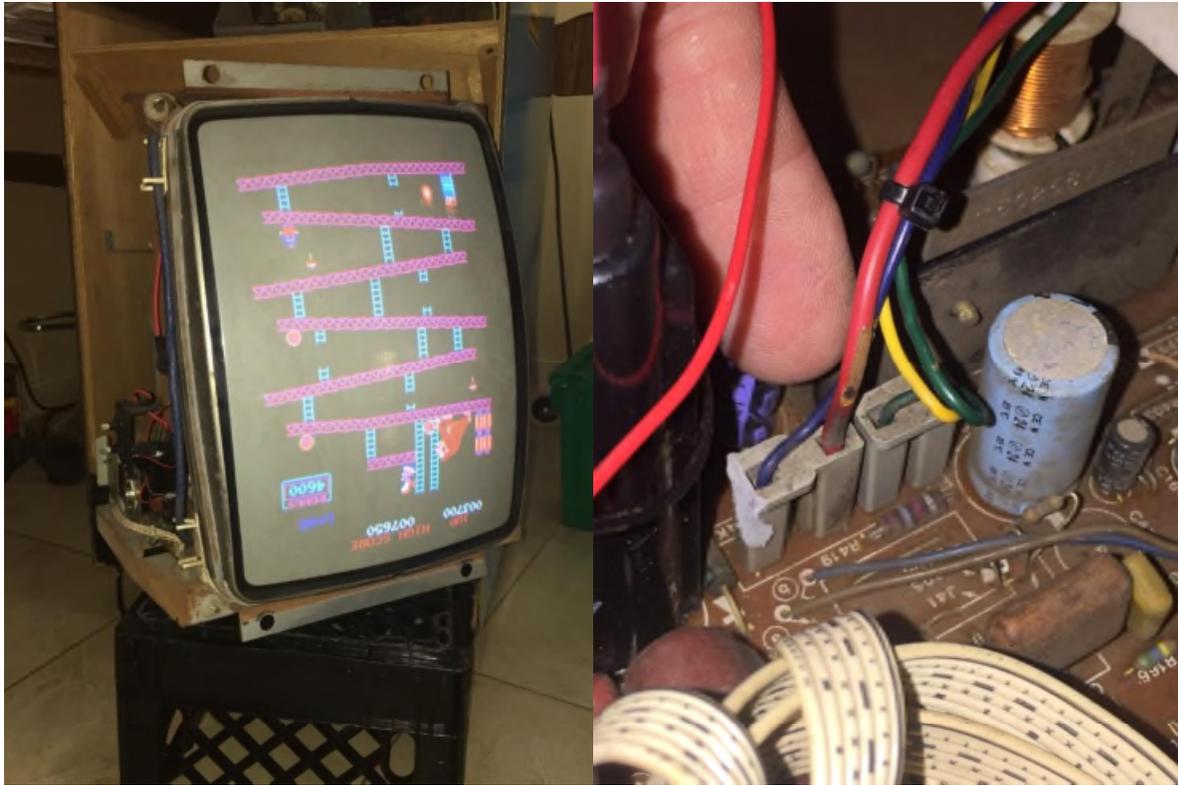
## Methods

### **Possibility 1: Upside Down Monitor with a Flipped Yoke**

This possibility never received thought from any party. As a matter of fact, I thought of this possibility in the Summer of 2019, and I inquired to Carlos Pineiro for an opinion. However, **Carlos told me that he didn't think it would make a difference.** I decided to investigate the matter anyway, and on 21 October 2019, I successfully produced the orientation displayed in Mr. Mitchell's 1,047,200 and 1,050,200 performances.<sup>6</sup>

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<sup>6</sup> <https://youtu.be/BULLr-gAkBY?t=7>



Picture 3. Orientation reversed 180 degrees through a flipped yoke (left), and a picture of the flipped yoke (right).

This possibility circumvents Twin Galaxies' claims of "unmodified PCB," and provides new avenues for inquiries and tests throughout the dispute. I suspect Mr. Hall, or someone else, will attempt to claim that **Mr. Mitchell's** recording originates from the edge connector. Therefore, the signal bypasses the monitor, **and this explanation is null and void. However, that's** not necessarily true. **Mr. Mitchell never stated the capture method's origin, so there is no** evidence to support such a claim. This is an assumption, not a fact.

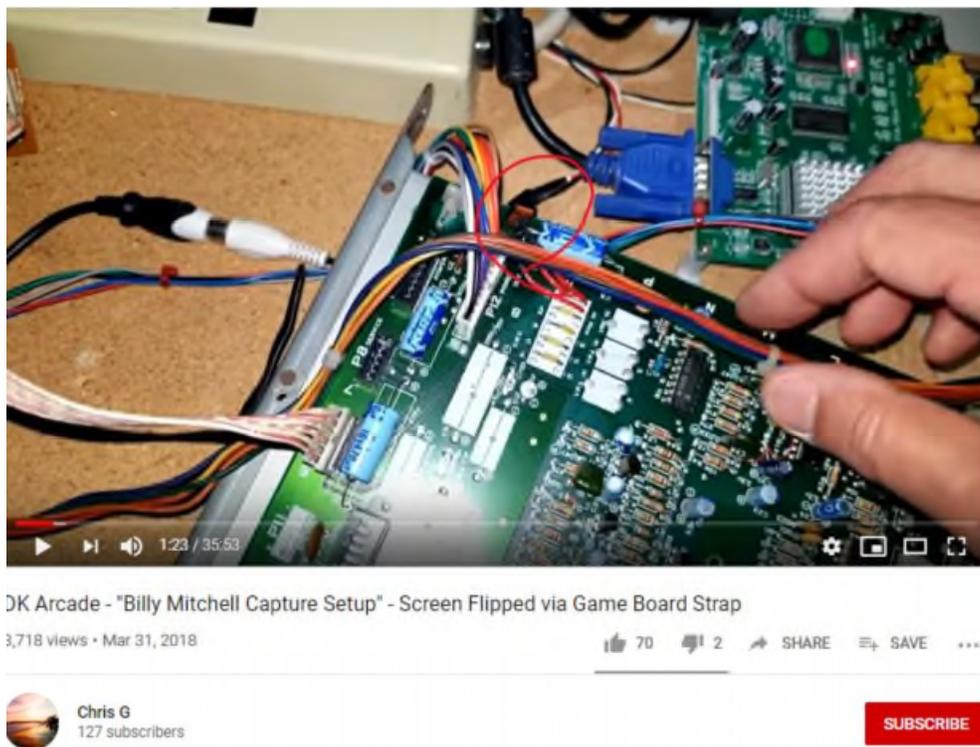
Also, during the original investigation, I personally witnessed Carlos Pineiro use the two-bit convertor to capture directly off the monitor. As a matter of fact, I provided the specific cables necessary for him to do it. Carlos also tested the edge connector signal; however I clearly

## Orientation Assessment

saw him capture off the monitor as well. **It is very possible that Mr. Mitchell's performances** occurred by capturing the signal from the monitor, and there is no evidence that it could not have happened.

### **Possibility 2: Upside-Down Monitor with a loose S transistor**

During the Twin Galaxies investigation, David Race provided an explanation for the orientation of **Mr. Mitchell's games**, which involved installing a switch that allowed the PCB to change the orientation. **However, Mr. Hall dismissed this possibility for being a "modified PCB."** Here's a picture of the method performed by Twin Galaxies' third party Chris Gleed using the switch, with the switch circled in red.<sup>7</sup>



**Picture 4. A picture of the orientation switch proposed by David Race and tested by Chris Gleed. The switch is the orange and black piece circled in red.**

<sup>7</sup> [https://youtu.be/\\_JF1FPsYoIY](https://youtu.be/_JF1FPsYoIY)

## Orientation Assessment

This video and method genuinely baffled me, because the switch is unnecessary to change orientation. There is no need to install foreign hardware, and it gave me concerns about the competence of the people accusing Mr. Mitchell. To the contrary, if specifically the S-transistor is rusted causing no continuity or simply loose / missing, the orientation reverses 180 degrees. Also, the S-transistor possesses a yellow sleeve cover over the wire. The wire could have been broken under the cover, making it impossible to notice. **Here's a picture of a loose S transistor, and a citation of my video testing:**<sup>8</sup>



**Picture 5. A loose S Transistor circled in red, which changes orientation by 180 degrees.**

In this situation, its possible for someone to not notice this issue, and hence not push the transistor into the socket. However, most notably, someone may have *purposely*, cut or loosened this transistor for two reasons: the monitor was installed upside-down or the yoke on the monitor was flipped. These two possibilities would occur, because without the loose S-transistor, then the

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<sup>8</sup> <https://youtu.be/qugCrNOLyZc>

## Orientation Assessment

game would appear upside-down. Therefore, someone would cut or loosen the S transistor to make the game right-side-up, and usable for standard play. These solutions still produce legitimate performances, **but with the orientation exhibited in Mr. Mitchell's performances.**

### **Possibility 3: Monitor with a Flipped Yoke and a Loose S-Transistor**

Although mentioned on the last page, I believe it deserves re-iteration. A loose S-transistor and a flipped yoke both flip the gameplay image. So similar to the standard state, flipping both causes the game to appear normally. However, a direct feed capture from either the PCB or monitor produces the orientation in Mr. Mitchell's performances. This could have happened totally unknowingly, because when installed, the machine would appear normal. It would be as if nothing is wrong. Therefore, if someone simply set up a normal direct feed capture, **then the orientation would be the same as Mr. Mitchell's performances.**

### **Possibility 4: A "Cold Solder Joint," rust, break, or cut to the S-Transistor**

As explain in possibility 2, the S-transistor possesses the ability to flip orientation. **Therefore, if the transistor retains a "cold solder joint," rust, break, or cut, then the PCB will produce flipped orientation. Most importantly, it would be very difficult to notice this issue, so it's very reasonable.**

### **Possibility 5 (Theory): Flipped Orientation through Two-Bit Converter**

At the moment, this remains as a theory. The concept revolves around the use of the two-bit convertor in the capture set-up. As stated earlier, the two-bit convertor is not designed for any specific machine. It is a general purpose convertor made for Dynamo cabinets in the late 1990s, and hence, requires customization to the scenario. As a result, quite literally ANY set-up becomes a viable solution for this dispute. I theorize that the two-bit convertor may have been

## Orientation Assessment

altered to optimize its performance, and that alteration flipped the image through the convertor. I intend to explore this theory, and I believe there are solutions.

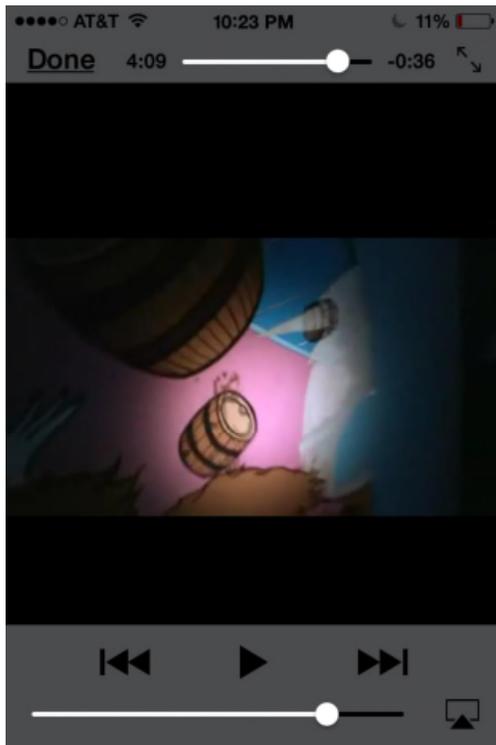
## Conclusions

As proven, Twin Galaxies' claim that Mr. Mitchell's performances exhibit a unique display orientation beyond the capabilities of original hardware is false. Moreover, Twin Galaxies' holds a glaring hole in its argument: **Mr. Mitchell's 1,062,800 presents the orientation Twin Galaxies deems "correct"** (Picture 5). This supports his case that the orientation in the 1,047,200 and 1,050,200 performances occur under different circumstances, but are indeed produced by arcade hardware.



Picture 5. Mr. Mitchell's 1,047,200 performance on the left, displaying the orientation Twin Galaxies calls "incorrect." However, Mr. Mitchell's 1,062,800 performance on the right is 180 degrees opposite, displaying the "correct" orientation.

Most importantly, by coincidence, I actually **own the machine used for Billy Mitchell's** 1,062,800 world record performance. I bought it from Enzo Celani in 2014, totally unaware of its significance. The following pictures prove it by showing the identical scar marks on my machine and the available video of the machine from 2010 (Pictures 6 & 7).



Picture 6. Screenshot of Robert Childs' footage from July 2010, displaying the scar mark on the machine loaned by Enzo Celani, and used by Mr. Mitchell for the 1,062,800 world record.

Picture 7. Picture of the machine in my house, purchased from Enzo Celani in 2014, and used by Billy Mitchell for his 1,062,800 world record. The same scar mark is present, proving it as the same machine.

Upon the outbreak of allegations against Mr. Mitchell in February 2018. I inspected the machine for evidence to confirm or deny the allegations. I found no evidence of abnormalities or machine alterations. For the allegations against Mr. Mitchell to hold merit, there must be some type of rig to install an emulator inside the machine. This would require a drill hole, wood chip, etc. None of these things are present. There is no evidence of foul-play, which Enzo Celani echoed in his affidavit, which states “the machine returned in the same condition that it was

## Orientation Assessment

loaned out.” In addition, it does not possess a flipped yoke or problematic S-transistor. Therefore, this explains the “correct” orientation of the 1,062,800 performance.

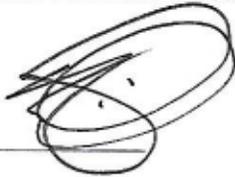
I plan to continue researching the orientation for other solutions. Right now, I can personally testify that the allegations here possess no merit. It is possible for a legitimate Donkey Kong machine to produce the orientation present on the alleged tapes.

### **Additional Analysis [Added on 3/23/2020]:**

On March 11, 2020, I worked on a dozen Donkey Kong boards to repair them for resale. During the process, I connected a Donkey Kong board to the machine to begin testing for any possible deficiencies, and at this point, I received very unique results. On the Donkey Kong board with serial number C-89310, the orientation of the machine appeared exactly the same as Mr. Mitchell’s alleged videotapes. The s-transistor was on the board, and the yoke was not upside-down. I retained custody of the board for future testing, and plan to use it as evidence if necessary, since it proves an PCB can produce the orientation without any adjustments at all.

I declare under penalty of perjury under the laws of the state of California and Florida that the foregoing is true and correct. Executed on this day, January 1, 2020 in Ft. Lauderdale, FL.

\_\_\_\_\_  
Neil Hernandez



# **EXHIBIT 43**



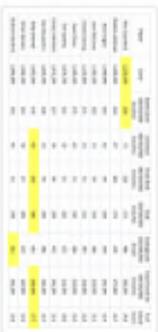
WCapeland

Verified Senior Member

Join Date	Apr 2014
Location	Boston
Credibility:	2,963
Posts	546
Thanks (Received)	425
Likes (Received)	1238
Blog Entries	2
Live Streaming Channel(s)	
Mentioned	23 Post(s)
Tagged	4 Thread(s)
Follows	32
Following	5

02-04-2018, 06:26 AM

I would like to present a chart I've held onto for about a year now:



This is a representation of how many blue smashes were awarded for each of these top games that we have footage of, and the percentage of actual score was earned from blue smashes.

Blue smashes are completely RNG-based and depend totally on cooperation from the game. Mitchell's blue smash count is extraordinarily over the mean, and *is indicative that he did not know how to play at the desired pace target, therefore used MAME's rewind feature to utilize blue smash RNG as a crutch to get there.*

Before Jeremy and John did their research, this was purely circumstantial. However, paired with their evidence, it is very compelling.

# **EXHIBIT 44**

**[Withdrawn]**

# **EXHIBIT 45**

If/when TG renders a decision it will be very confident that an appropriate amount of due diligence has been conducted, however the whole point of the dispute thread being public and remaining public is so that others in the future can always review the presented evidence and argument and either reconfirm the assessment and decision or factually determine that the decision may be in error.



APR 13, 2018 AT 8:27 PM

Let me know when you would be willing to send the Two-Bit converter. Also, I would also be interested in examining the tapes you received from Dwayne, unless you have posted every frame from every transition somewhere online. You did not go through every transition of even the barrel boards, so I would be interested in examining them. Provide link if available. Thank you.



APR 13, 2018 AT 9:26 PM

← [profile picture] Jace [phone icon] [video icon] [info icon]

transition of even the barrel boards, so I would be interested in examining them. Provide link if available. Thank you.

APR 13, 2018 AT 9:26 PM

I'm waiting on Chris gleed to return the two bit back to me

[profile picture] In reference to me not going through every transition, are you referring to the live stream?

Yes

I see. Well we did go through every transition on our own

[profile picture] The live stream was to allow the people watching to ask questions and to go to a specific spots

I would like to examine them, so if you have posted them somewhere, the link would be appreciated, or you could send me the tapes to examine.

Unfortunately I [down arrow icon] not send out the physical tapes. I believe I have

[grid icon] [camera icon] [photo icon] [microphone icon] Aa [smiley icon] [thumbs up icon]

←  Jace   



people watching to ask questions and to go to a specific spots

I would like to examine them, so if you have posted them somewhere, the link would be appreciated, or you could send me the tapes to examine.



Unfortunately I cannot send out the physical tapes. I believe I have directed you to the digital copies correct?

Yes, but I was assured this was not the same as the tapes.



Assured by whom? And it would help if you better defined what you mean by "same "

I believe you were the one who said the digital copy was separate from the VHS tapes.

Yes they are not copies of each other



They are both c↓s of the source

    Aa  

← [Profile Picture] Jace [Phone] [Video] [Info]

sent to us for any performance whatsoever

I could stick the tape in a VCR and live stream it



But that may not serve your purpose

You can certainly capture each frame of each transition and post them in sequence.

There is no need for us to do that. We have come to our own determination for her own purposes. There is no need to spend resources doing that.

Her = our



Voice to text sorry

This isn't for you.



I'm not sure if I understand. Why would we spend resources doing what you request for this?

Well, if you do not want this publicly available that is on you,

[Grid] [Camera] [Image] [Microphone] Aa [Smiley] [Like]

← [Profile Picture] Jace [Phone] [Video] [Info]

[Profile Picture] I'm not sure if I understand. Why would we spend resources doing what you request for this?

Well, if you do not want this publicly available that is on you, but it only makes sense that both sides should have access to the same evidence. I said I would examine the tapes myself, but you aren't willing to share them. If you could ensure perfect frame duplication, you could send me VHS copies.

I'm not sure what you mean by publicly available. When people send us a video tapes they do so with the trust that we're not going to give them to other people.

Also I'm not sure what you mean by sides.

There was just a dispute claim that asserted a technical fact



And we had to check it

I understand [down arrow] but since you are not willing to take the time to

[Grid] [Camera] [Image] [Microphone] Aa [Smiley] [Like]

← [Profile Picture] Jace [Phone] [Video] [Info]

Also I'm not sure what you mean by sides.

There was just a dispute claim that asserted a technical fact



And we had to check it

I understand, but since you are not willing to take the time to copy the frames of each transition, what else would I expect?

You don't need the tapes to check the assertion that an original donkey Kong machine will not output what is seen in Billy's performances



I see Jace. However, no one has seen what are on those tapes, except what was chosen by you on the livestream.

I think that if you could show how it is possible for an unmodified donkey Kong PCB to output more than four hours ↓ 80 degree rotated DK gameplay performance

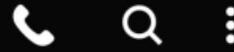
[Grid] [Camera] [Image] [Microphone] Aa [Smiley] [Like]

# **EXHIBIT 46**

5:35

55%

< Jace Hall  
(425) 269-6144



I think Joel tried to call me earlier today. Was that on your behalf?

I've been in meetings all day...

9:41 PM

No it was not...

I will call you when I get to family to bed

9:42 PM

Wednesday, April 11, 2018



One sec bad reception

12:20 AM

12:21 AM

Call you in a few



I fixed

12:21 AM



|



5:19 

  4G+  57% 

< Me

5:34 PM, Mar 22



Understood...

I was going to explain to you the different individuals like Steve and Greg do not speak for me and do not present evidence for me... I was just going to bring you up-to-date on what I'm working on some of it very good that you would appreciate some of it just lousy information perhaps you will contact me afterwards I will share it



Copy text

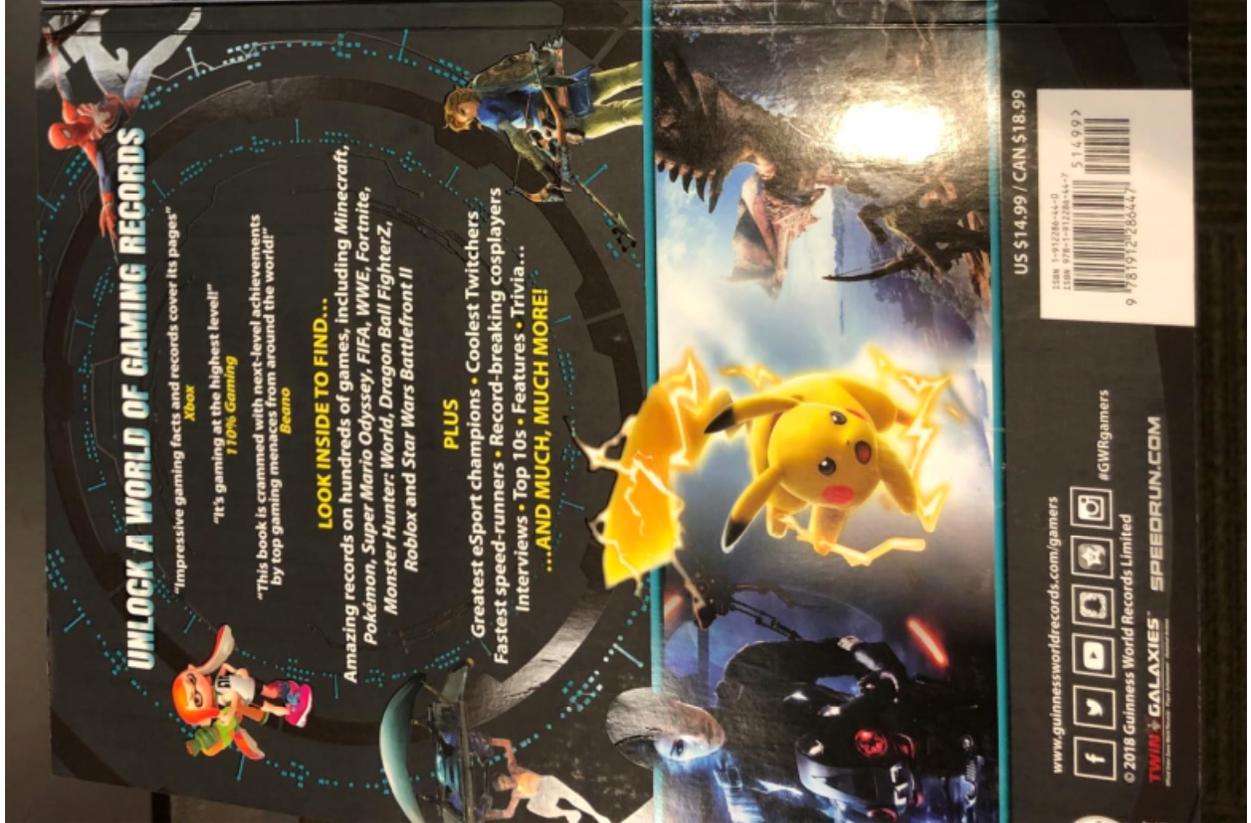


Share



# **EXHIBIT 47**

2019 Guinness World Records: Gamer's Edition



TRUSTED SOURCES LOCATION

2020 Guinness World Records: Gamer's Edition



TWIN GALAXIES REMOVED

# **EXHIBIT 48**

5:35

55%

< Jace Hall  
(425) 269-6144



I think Joel tried to call me earlier today. Was that on your behalf?

I've been in meetings all day...

9:41 PM

No it was not...

I will call you when I get to family to bed

9:42 PM

Wednesday, April 11, 2018



One sec bad reception

12:20 AM

12:21 AM

Call you in a few



I fixed

12:21 AM



5:40

4G LTE 54%

< Jace Hall  
(425) 269-6144



alone time starting  
tomorrow

11:32 PM



I understand

11:33 PM

Thanks

11:33 PM

Tuesday, April 10, 2018

Well...  
You and I were  
supposed to speak  
before all the  
conversation that  
took place last night...  
Will you be available  
to speak tonight or  
today...???

Some common sense  
will be spoken...

9:54 AM

9:08 PM



5:18 

    57% 

< Me

11:28 PM, Apr 8



Jace, it is difficult in my imagination to guess where you get some of the information that is being passed along to me...

I guess somewhere here I should have a conversation with you and bring some Enlightenment to the situation...

Something I really don't want to do but with the silly words being said I believe I need to...

Can you tell me a time tomorrow evening or the next evening that would be convenient



Copy text



Share



5:41 

  4G+  54% 

< **Jace Hall**  
(425) 269-6144



Friday, March 30, 2018

Would you have time  
for conversation  
tomorrow or  
tomorrow evening...

10:29 PM

Saturday, March 31, 2018



**Sure** 7:21 AM

Sunday, April 1, 2018

I will have some film  
footage coming that  
will be able to answer  
some questions and  
be helpful...  
Some of what I'm  
hearing it's so difficult  
to hear...  
I hope to have a



5:11

4G 58%

< Jace Hall  
(425) 269-6144



Friday, March 9, 2018



Are you able to send me the inverter board you found that you used to record your performances with?

1:27 PM

Saturday, March 10, 2018

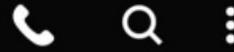
I am in N.Y. visiting My Son @ West Point for Parents Week... I am therefore a little handicapped... You mentioned the inverter board which is part of the Donkey Kong... I think you meant the converter board that translated the signal to NTSC...



5:14

4G 58%

< Jace Hall  
(425) 269-6144



inverter board which is part of the Donkey Kong...  
I think you meant the converter board that translated the signal to NTSC...  
with that in mind I will ask Rob, as it does belong to

View all



8:38 PM



Cool no worries. Yes I meant the converter board. I managed to find the ones that you used from the maker and purchased them for analysis. So no worries if you can't get it from Rob. Hope you are well

8:49



5:19 

  4G+  57% 

< Me

5:34 PM, Mar 22



Understood...

I was going to explain to you the different individuals like Steve and Greg do not speak for me and do not present evidence for me... I was just going to bring you up-to-date on what I'm working on some of it very good that you would appreciate some of it just lousy information perhaps you will contact me afterwards I will share it



Copy text



Share



5:34

4G LTE 55%

Jane Hall  
(425) 269-6144



★ MMS 11:57 PM

Thursday, March 1, 2018



Interesting but hopefully there is an original VHS tape because a digital copy won't help anything regarding the work I have to do. However you are under no obligation to supply anything. So all is fine in any regard.

★ 12:20



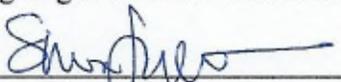
# **EXHIBIT 49**

Shawn Jones Statement

I, Shawn Jones, attest to the following:

1. I am Shawn Jones, and I am Billy Mitchell's manager. My work for Billy mostly involves organizing Billy's public appearances, as well as his television, movie, and sponsorship deals. Although I handle many, I do not handle all Billy's work, as some is handled by himself or other people.
2. In the wake of the Twin Galaxies and Guinness World Record statements in 2018, many big retro, arcade, and pinball shows abruptly cut contact regarding Billy. These shows never reached back out to book Billy, even though they had previously. Some of these shows had even booked Billy for several consecutive years.
3. Many of these shows, such as Classic Game Fest in Austin, Texas, hosted or planned to host Billy for consecutive years. However, due to the statements and claims of Twin Galaxies and Guinness World Records, they stopped booking Billy's appearance.
4. Some events that had booked Billy for an initial appearance, such as the Long Island Retro Game Fest, outright stated that they would no longer bring Billy due to recent events.
5. Other opportunities, such as a sponsorship deal with Old Spice was lost, as contact was severed due to the controversy with Twin Galaxies and Guinness World Records.
6. Television deals were also lost. For example, I had spoken with a seriously interested distributor regarding a series called "Chasing Games." However, this distributor abruptly cut contact after the Twin Galaxies and Guinness World Records public statements.
7. In 2019, damages continued, as more events severed ties, such as Southern Fried Gaming Expo. Meanwhile, other events, such as Classic Game Fest, and Long Island Retro Game Fest, still would not book Billy due to the actions of Twin Galaxies and Guinness World Records.
8. Other bookings were not totally lost, however we were forced to settle for a suboptimal fee due to the damages caused by Twin Galaxies and Guinness World Records.

I declare under penalty of perjury under the laws of the states of California and Florida that the foregoing is true and correct to the best of my knowledge.

  
\_\_\_\_\_  
Shawn Jones

9-25-19  
\_\_\_\_\_  
Date

# **EXHIBIT 50**

**Exhibit 50: Billy Mitchell Videogame Career Special Damages**

**2018**

Convention Appearance Losses:

Long Island Retro Game Fest	\$5,000
Zap Con	\$5,000
Christian's Show in Texas	\$5,000
Classic Game Fest	\$10,000
Free Play Florida	\$10,000
Southern Fried Gaming Expo	\$5,000
Midwest Classic Gaming Expo	\$5,000
Louisville Gaming Expo	\$5,000
Chicago Pinball Expo	\$5,000
Rocky Mountain Pinball Expo	\$3,000
Super Marketers Christmas Party	\$5,000
Kansas City Comic-Con	\$5,000
Liberty Mutual Christmas Party	\$5,000
Houston Arcade and Pinball Expo	\$5,000

Sponsorship Losses:

Old Spice 30-second ad	\$25,000
------------------------	----------

Television Losses:

Chasing Games 6-Episodes	\$30,000 (spoke with a seriously interested distributor who handles this type of program)
--------------------------	---

Total Losses: \$133,000

## 2019

### Convention Appearance Losses:

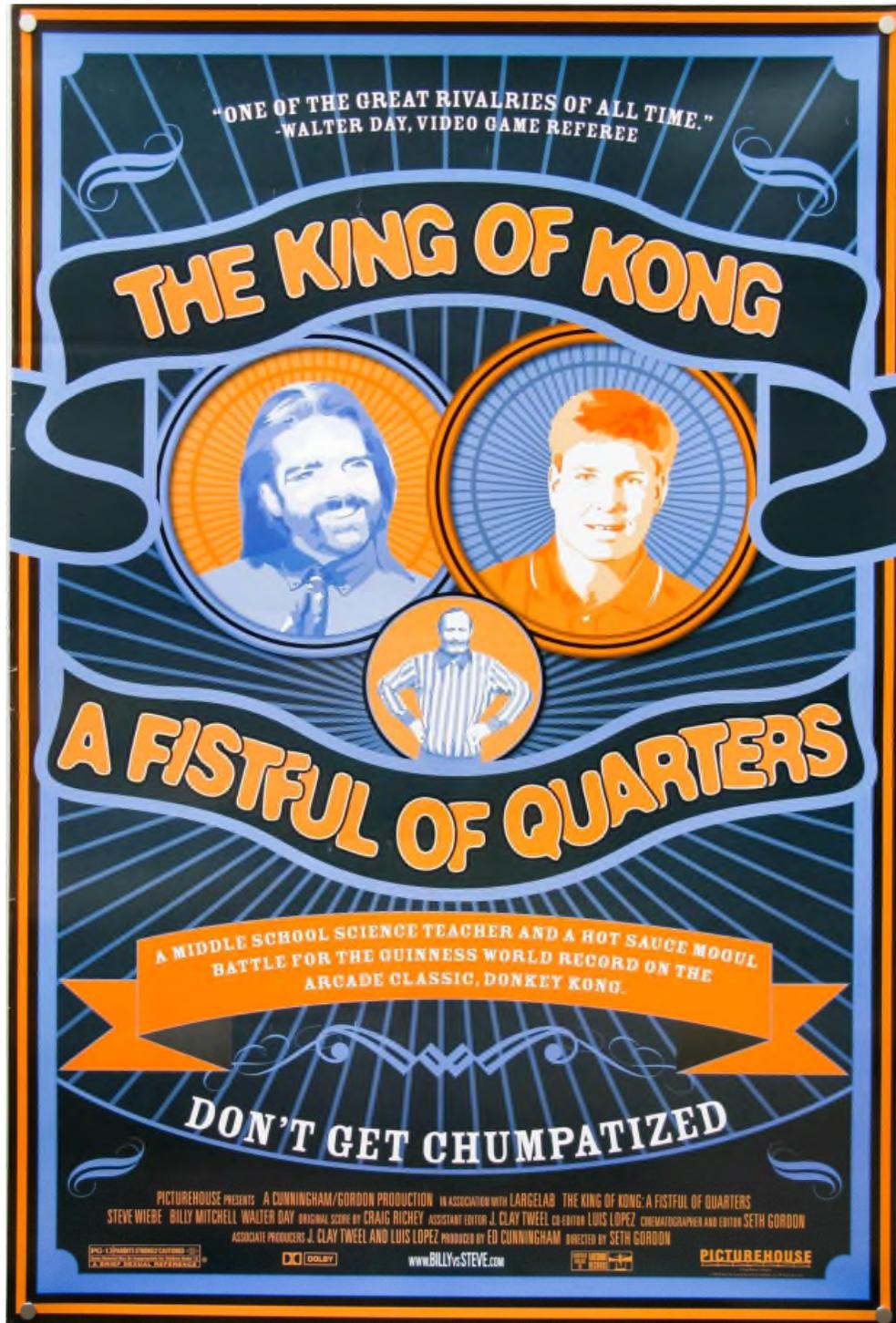
Southern Fried Gaming Expo	\$10,000
Classic Game Fest	\$10,000
Free Play Florida	\$10,000
Zap Con	\$5,000
Long Island Retro Game Fest	\$5,000
Midwest Classic Gaming Expo	\$5,000
Louisville Gaming Expo	\$5,000
Chicago Pinball Expo	\$5,000
Rocky Mountain Pinball Expo	\$3,000
Super Marketers Christmas Party	\$5,000
Kansas City Comic-Con	\$5,000

Total Losses: \$68,000

# **EXHIBIT 51**

**Exhibit 51**

The front cover for *The King of Kong: A Fistful of Quarters* showcasing Mitchell, describing him as a “Hot Sauce Mogul.”



# **EXHIBIT 52**

**Exhibit 52**

Billy Mitchell showcases his “Rickey’s World Famous Hot Sauce” in *The King of Kong: A Fistful of Quarters* “documentary.”



# **EXHIBIT 53**

**Exhibit 53**

*The King of Kong: A Fistful of Quarters* “documentary” showcasing Mitchell inside the “Rickey’s World Famous Hot Sauce Warehouse.”



# **EXHIBIT 54**

Exhibit 54

*The King of Kong: A Fistful of Quarters* “documentary” showcasing Mitchell inside his family restaurant, called “Rickey’s World Famous Restaurant.”



# **EXHIBIT 55**

# Rickey's

## Sales by Customer Summary

January through December 2017

	Jan - Dec '17
101 Ocean	859.68
2 Georges	650.16
Anglins Beach Cafe	286.56
Aruba Beach Cafe	573.12
Athena By The Sea	126.48
Bagelmania	157.44
Baja Cafe	1,467.78
barrio Latinos	1,814.88
Bobalu's Sourthern Cafe	601.44
Calypso's Restaurant and Rar Bar	185.76
Captain Rusty's Seafood	348.48
Cheney Brothers, Inc.	64,877.42
Chick's N Wings	348.48
chumley's Depot	369.44
Coastal Crab Co.	477.60
Crane Max	401.04
Dave's Last Resort	1,270.08
Dependable Foodservice	80,422.56
Doc's Diner	573.12
Doerle Food Services	239.12
El Siboney	9,855.36
Five Brothers Grocery	1,671.60
FOOTY'S WING DING SAUCE/CHENEY	1,831.68
FOOTY'S WING DING SAUCE/CHENEY PG	84.80
FOOTY'S WING DING SAUCE/PUBLIX, MIAMI	50,448.76
FOOTY'S WING SAUCE/PUBLIX BB	6,878.40
Footy's/Courier Solution	317.60
Grampas Bakery and Restaurant	1,486.08
Green Acres Farmers Market	758.88
Guy Harvey Resort	573.12
Havana's Cuban Cuisine	573.12
Heaven 11	100.08
Henry Lee	54,389.16
Islamorada Shrimp Shack	619.20
Jersey Broadwalk Pizza	708.48
Jimmy T's Provision	955.20
Khoury's	286.56
King Neptune	960.00
La Pagalia	1,297.12
Las Vegas	8,730.72
Mall Order	94.80
Mickey & Mooch	673.35
Mo's Bagel & Deli	955.20
Monaco Foods	1,086.72
Mr. Raymondo's	573.12
Mrs. Macs Kitchen	3,891.84
Naked Crab	2,349.12
Naked Lunch	1,332.00
Nikki's	286.56
Pelican Harry's	3,962.88
Penn Dutch, Hollywood	1,166.16
Penn Dutch, Margate	0.00
Peter Pan Diner	955.20
Restaurant Dept	9,021.96
Restaurant Dept #417	10,691.88
RESTAURANT DEPT, DAVIE	16,585.48
RESTAURANT DEPT, Ft Myers	2,253.96
Sam's Club 4792	68,877.84
Sam's Club 6274	67,348.80
Sam's Club 6499	12,215.52
Sam's Depot #8229	142,849.44
Sarabeth's	525.36
Scrubby's Pembroke Pines	573.12
Shula's 2 Steakhouse Ohio	173.86
Shula's 347 Grill, Norfolk	147.48
Shula's 347 Roanoke	64.90
Shula's Steak House	231.38
Shula's/Hyatt Regency	305.73
Shula's/Intercontinental Tampa	170.59
Shula's/Ovations Chandler, AZ	182.62
Shula's/Richmond	34.55
Shula's/Sheraton Chicago Hotel	189.55
Snapper's Fish and Chicken	2,268.00

**Rickey's**  
**Sales by Customer Summary**  
January through December 2017

	<u>Jan - Dec '17</u>
Soprano's	400.32
Sub Cafe	525.36
Sysco Food Services of South Florida	110,297.85
Sysco Southeast Florida	13,742.32
tequila Chica's	1,152.48
The Butcher Shop	1,267.68
The Cove Restaurant	130.16
The Cuban Sandwich	1,241.76
the Grove Coffee House	1,618.56
The Naked Taco	6,494.64
The Rusty Anchor	1,897.20
The Taco Shack	668.64
Uncle Al's Sports Cafe	293.76
Uncle Joe's	573.12
Wagons West Restaurant	503.28
Wings R Us	4,359.34
Yo Taco	286.56
<b>TOTAL</b>	<b><u><u>796,068.56</u></u></b>

# **EXHIBIT 56**

## Sales by Customer Summary

January through December 2018

	Jan - Dec 18
Antonio's Pizzeria	483.93
Cheney Brothers, Inc.	50,034.45
Dependable Foodservice	11,278.32
Doerle Food Service	204.90
Footy's Here's Help	332.53
Footy's/Cheney Brothers	1,204.16
Footys/Publix Lakeland	21,166.00
Gordon Food Service	51,151.93
Huh Amusements	0.00
Las Vegas	8,079.36
Latorra's	932.04
Mail Order	0.00
Monoco	1,438.40
Penn Dutch	785.24
Peppers Unlimited Production	0.00
Restaurant Depot Davie	12,997.98
Restaurant Depot Ft Myers	1,140.84
Restaurant Depot Medley	2,217.12
Restaurant Depot Pom Beach	5,814.88
Restaurant Depot Riv Beach	7,471.58
Restaurant Depot Sarasota	1,782.48
Sams Club Hattiesburg	34,741.44
Sams Club Lakeland	82,826.64
Sams Club Villa Rica	14,856.48
Shula's Hyatt Houston	367.98
Shula's Indianapolis	177.20
Shula's Norfolk	94.75
Shula's Ovations Chandler AZ	181.53
Shula's Sheraton Chicago	140.71
Shula's Tampa	62.25
Sysco, Medley	85,392.99
Sysco, Southeast	8,084.20
The Cove	127.75
Wings R Us	4,697.46
<b>TOTAL</b>	<b>410,267.52</b>

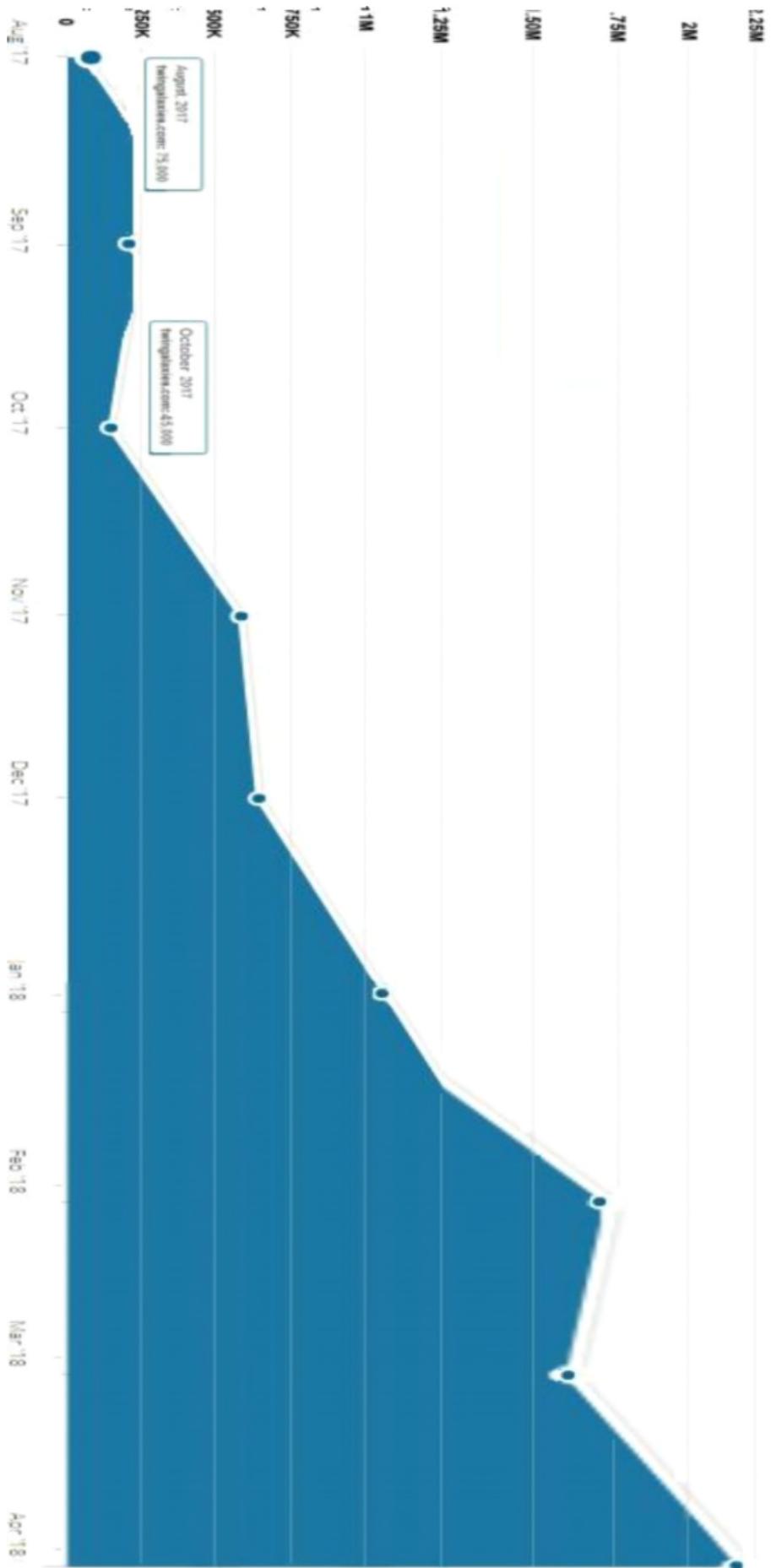
# **EXHIBIT 57**

**Sales by Customer Summary**

January through December 2019

	<u>Jan - Dec 19</u>
Antonio's Pizzeria	0.00
Cheney Brothers, Inc.	36,025.75
Dependable Foodservice	16,878.29
Doerle Food Service	368.82
Footy's Here's Help	444.08
Footy's/Cheney Brothers	1,721.44
Footys/Publix Lakeland	17,981.52
Gordon Food Service	52,279.24
Las Vegas	0.00
Mail Order	0.00
Merchants Foodservice	1,127.95
Mickey & Mooch	688.38
Monoco	1,438.40
Penn Dutch	0.00
Peppers Unlimited Production	0.00
Restaurant Depot Davie	15,827.52
Restaurant Depot Pom Beach	8,400.82
Restaurant Depot Riv Beach	10,590.08
Restaurant Depot Sarasota	508.56
Sams Club Hattiesburg	40,252.32
Sams Club Lakeland	112,081.68
Sams Club Villa Rica	11,021.76
Shula's Hyatt Houston	209.00
Shula's Sheraton Chicago	105.25
Sysco, Medley	93,308.61
Sysco, Southeast	6,646.38
The Cove	218.45
Wings R Us	3,508.68
<b>TOTAL</b>	<b><u><u>431,632.98</u></u></b>

# **EXHIBIT 58**



# **EXHIBIT 59**

## Quote 1

The screenshot shows a Facebook Messenger chat with Jace Hall. The interface includes a search bar, navigation tabs (Todd, Home, Create), and icons for contacts, messages, notifications, and help. The chat history shows two incoming messages from Todd: "I would like to put together a grand event where you can discuss your thoughts. People are endlessly fascinated by you and this." and "I can make sure that it will be economically worth your time". A blue outgoing message from Jace follows: "While i appreciate the idea, it's not about the money, its about justifying an entire production based on some random accusation to drum up promotion for some guy's book. Is it really the best idea to reward something like this with more publicity and more resepect and creedance to this Omnigamer and his speculations? Also i don't want to waste your money or some one elses money just to fall short of the expectations that so many have instilled in their minds for perfection on a game. It took me 2 years of constant training to achieve the 5.51 35 years ago and to be now expected to do it with in a few hours is a whole other level of expectations in it self. I want you to think this through and completely understand what you are asking before making any". The right-hand menu is open, showing options like "Search in Conversation", "Edit Nicknames", "Change Colour", "Change Emoji", "Notifications", "Shared files", and "Shared Photos".

I would like to put together a grand event where you can discuss your thoughts. People are endlessly fascinated by you and this.

I can make sure that it will be economically worth your time

Jace

While i appreciate the idea, it's not about the money, its about justifying an entire production based on some random accusation to drum up promotion for some guy's book. Is it really the best idea to reward something like this with more publicity and more resepect and creedance to this Omnigamer and his speculations?

Also i don't want to waste your money or some one elses money just to fall short of the expectations that so many have instilled in their minds for perfection on a game. It took me 2 years of constant training to achieve the 5.51 35 years ago and to be now expected to do it with in a few hours is a whole other level of expectations in it self.

I want you to think this through and completely understand what you are asking before making any

## Quote 2

The screenshot shows a Facebook Messenger chat with Jace Hall. The interface is similar to the first screenshot. The chat history shows a blue outgoing message from Jace: "understand that in that time it has been blowing up into something much bigger then it probably should have been but here we are." This is followed by two incoming messages from Todd: "Yes and ur strategy is making it so we may be able to find up to 25-50k to pay you to silence them" and "I'm shooting for something like that". A final incoming message from Todd says: "If we set a date for the attempt I can build toward it with mini documentaries, interviews, hype". The right-hand menu is open, showing options like "Search in Conversation" and "Edit Nicknames".

understand that in that time it has been blowing up into something much bigger then it probably should have been but here we are.

Yes and ur strategy is making it so we may be able to find up to 25-50k to pay you to silence them

I'm shooting for something like that

If we set a date for the attempt I can build toward it with mini documentaries, interviews, hype

### Quote 3

The screenshot shows a Facebook chat interface with a search bar at the top. The chat is with 'Jace Hall'. On the left, there are several incoming messages in grey bubbles:

- build a tremendous hype
- It will also give me time to privately get Intel involved so that they can do a brute force computation and analysis about the game code which will definitively prove that a 5.51 is possible
- They will need to analyze this against actual Atari hardware and not just in EMU
- That way, whether or not you attain a 5.51 live we will have the people from Intel there to reveal that it absolutely is possible to be done. Which will completely destroy Omni gamer and others speculation
- So I guess all I am waiting for is you to tell me that you are willing to make the attempt. Then you and I just need to pick a date. From there I will do all the work and I will be seeking real money in sponsorship that can be shared with you. At the very least \$10,000. I wouldn't ask you to do this for less than that amount.
- I will be trying to get more for you obviously

On the right, there is a profile card for 'Jace Hall' with a settings gear icon. Below it is an 'Options' menu with the following items:

- Search in Conversation
- Edit Nicknames
- Change Colour
- Change Emoji
- Notifications

Below the options is a 'Shared files' section containing a file named 'kredux retail todd version.rar'.

### Quote 4

The screenshot shows a Facebook chat interface with a search bar at the top. The chat is with 'Jace Hall'. On the left, there are several outgoing messages in blue bubbles:

- It will be glorious
- i cant wait....i just dont want you catching shit because of me.....
- ive been reading also about their speculations on SubScan and SKiing it almost laughable....A/B button...i never even knew about it until Bob Whitehead made a comment about in in 1982.....then i was like..OH REALLY....do you want me to use the A/B buttons now..and really drop the score down....psh...the nerve that ppl always presume the worst
- U should get in the and comment on those dispute threads. Stir the pot. It just increases ur fame and build anticipation for the event in general
- I don't care how much shit I catch
- Doesn't bother me in any way
- I'm already a public figure

On the right, there is a profile card for 'Jace Hall' with a settings gear icon. Below it is an 'Options' menu with the following items:

- Search in Conversation
- Edit Nicknames
- Change Colour
- Change Emoji
- Notifications

Below the options is a 'Shared files' section containing a file named 'kredux retail todd version.rar'.

## Quote 5

The screenshot shows a Facebook Messenger chat interface. At the top, there is a navigation bar with a search icon, the name 'Todd', and buttons for 'Home' and 'Create'. Below this, the chat header shows 'Jace Hall' with icons for voice call, video call, and information. The chat history includes a blue outgoing message from Jace Hall: 'house...your always welcome to stay.....oh and are there any basketball games there when we will be staying in LA???? maybe we can go watch.' This is followed by a timestamp '22/08/2017, 02:27' and a thumbs-up reaction. Another timestamp '22/08/2017, 08:16' precedes an incoming message from Todd: 'Do you mind if I post that image of your 5.57 without saying where it came from?' with a smiley face emoji and a three-dot menu. A blue reply bubble from Jace Hall says 'Sure go ahead'. Below this is another thumbs-up reaction and a message from Todd: 'Stirring the pot'. On the right side, a context menu is open, showing options for 'Search in Conversation', 'Edit Nicknames', 'Change Colour', 'Change Emoji', and 'Notifications'. At the bottom of the menu, there is a section for 'Shared files' containing a file named 'kredux retail todd version.rar'.

# **EXHIBIT 60**

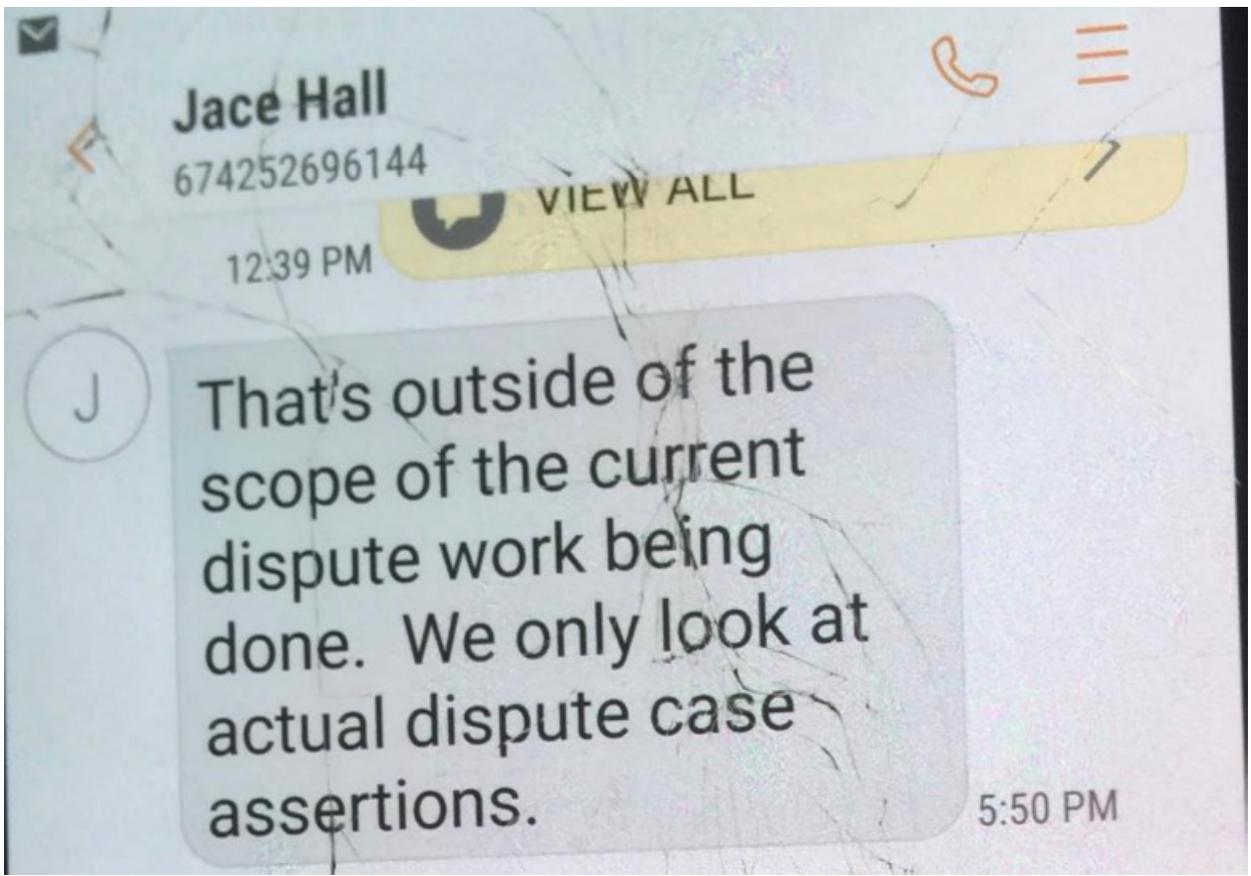
4G LTE 19% 3:19 PM

Jace Hall

674252696144

Wed, Apr 11, 2018 12:39 PM

Can you please look over the perfect Pacman tape that is said to be mine in your possession I would like to know if the gameplay appears okay or has there been any editing or changes to the tape or does it seem good all the way through I would like to know this right away, I'd like to know if I have any other surprises, along with whatever surprises coming here in a couple days



# **Exhibit 61**

3:29



**Jace Hall**

Active 23m ago



[Redacted]

Tell Billy's camp that if he is willing to drop all of the lawsuits against everyone and work with me on an apology scenario we might be able to find our way out of the mess



I think that if he apologized and admitted to his various actions and asked for forgiveness the game community would actually get behind him



[Redacted]



You can also tell Billy's camp I believe that there may be more lawsuits coming for him other than Apollo's. Enormous success of Apollo's go fund me is encouraging others who want to do their own suits. He is very likely going to be fighting a number of them on many fronts. Extremely expensive.



# **Exhibit 62**



HIGH SCORE

BILLY MITCHELL

RETRO &amp; ARCADE

## After many months of researching, Twin Galaxies administration has determined the dispute made by Jeremy Young (@xelnia) to be accepted. Alongside this, all of Billy Mitchell's scores have been removed from Twin Galaxies leaderboards.

When a dispute for one of the most prolific players out there hits, it's hard not to take notice. Sure these sort of things come up as players try to prove their run on any particular game as legitimate, but when a longstanding score on Donkey Kong of 1,062,800 points from Billy Mitchell was put into question, it took an extensive research period from those at Twin Galaxies. After many months of debate, testing, and dredging up technology from that was reported to be used during that time, a decision has finally been made.

**(DISCLAIMER:** Note that Twin Galaxies Editorial is a different entity than Twin Galaxies Adjudication. Editorial was not involved in the direct investigation, results, or decision of the Billy Mitchell dispute. We are responsible only for reporting on the ongoing story. We have also previously covered elements of [this particular dispute](#), as well as a similar removal of [Todd Rodgers' scores](#).)

The [official statement](#) from Twin Galaxies Administration reads in full:

Based on the complete body of evidence presented in this [official dispute thread](#), Twin Galaxies administrative staff has unanimously decided to remove all of Billy Mitchell's scores as well as ban him from participating in our competitive leaderboards.

We have notified Guinness World Records of our decision.

On 08-28-2017 Twin Galaxies member Jeremy Young ( @xelnia ) filed a dispute claim assertion against the validity of Billy Mitchell's historical and current original arcade Donkey Kong score performances of 1,047,200 (the King of Kong "tape"), 1,050,200 (the Mortgage Brokers score), and 1,062,800 (the Boomers score) on the technical basis of a demonstrated impossibility of original unmodified Donkey Kong arcade hardware to produce specific board transition images shown in the videotaped recordings of those adjudicated performances.

Jeremy's assertion concluded that not only can original Donkey Kong arcade hardware not produce the board transition images shown in the recordings, but that these transitions were actually generated through the use of MAME (emulation software.)

The rules for submitting scores for the original arcade Donkey Kong competitive leaderboards requires the use of original arcade hardware only. The use of MAME or any other emulation software for submission to these leaderboards is strictly forbidden.

Jeremy Young provided his dispute case evidence to the dispute thread for both public and Twin Galaxies scrutiny and review.

Twin Galaxies has meticulously tested and investigated the dispute case assertions as well as a number of relevant contingent factors, such as the veracity of the actual video performances that the dispute claim assertions rely upon.

In addition to Twin Galaxies' own investigation into the dispute case assertions, at least two different 3rd parties conducted their own explorations and came to identical conclusions.

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

Additionally, during the evidence gathering period of this dispute, numerous experts, hobbyists, and casual observers participated and contributed to this investigation.

Here are our specific findings:

- The taped Donkey Kong score performances of 1,047,200 (the King of Kong "tape"), 1,050,200 (the Mortgage Brokers score) that were historically used by Twin Galaxies to substantiate those scores and place them in the database were not produced by the direct feed output of an original unmodified Donkey Kong Arcade PCB.
- The 1,062,800 (the Boomers score) Donkey Kong performance does not have enough of a body of direct evidence for Twin Galaxies to feel comfortable to make a definitive determination on at this time.
- The 1047 and 1050 score performance videos we have in our possession (and are basing our determinations on) are in fact the performances that were used by previous Twin Galaxies administration as justification for those scores to be entered into the database and for Twin Galaxies to attribute those specific accomplishments to Billy Mitchell. We have several different and unique sources of these performances and access to private historical Twin Galaxies referee e-mail distribution records showing where these sources acquired their copies and what the purpose was.
- Of significant note is that it is very straightforward for anyone to check the authenticity of the 1047 performance source tape by just cross-referencing the digital capture video of the performance that has been posted in this dispute thread with the very public "King of Kong" movie gameplay footage along with its DVD extras.
- While we know for certain that an unmodified original DK arcade PCB did not output the display seen in the videotaped score performances, we cannot definitively conclude that what is on the tapes is MAME.
- To definitively conclude that MAME was used, Twin Galaxies would need to comprehensively rule out the possibility of all other methods that could produce what is seen on the tapes. This would mean testing all other emulators other than MAME across all other platforms to eliminate the possibility that a different emu was used. It would also mean testing visual effects software and anything else we can think of to be definitively certain. This kind of testing is beyond the scope of the dispute case needs.

From a Twin Galaxies viewpoint, the only important thing to know is whether or not the score performances are from an unmodified original DK arcade PCB as per the competitive rules. We now believe that they are not from an original unmodified DK arcade PCB, and so our investigation of the tape content ends with that conclusion and assertion.

Twin Galaxies has endeavored to provide a fair opportunity and reasonable amount of time for all sides and interests to present their thoughts and evidence as it has evaluated this dispute claim.

Twin Galaxies has also investigated this matter as comprehensively as reasonably possible to make sure that its findings are as informed as possible.

Throughout every step of this investigation, Billy Mitchell had the opportunity to answer questions and contribute to the public dispute thread. However, he was under no obligation to participate in this dispute thread and as such he chose not to do so.

Twin Galaxies is only looking at the dispute claim assertions about score performances and either validating or refuting those claims specifically - it is not evaluating people.

Twin Galaxies would like to give a huge thank you to all involved in this dispute from all sides. Our community, the DKF community, @xelnia and @YesAffinity specifically and many many others have contributed tremendously and deserve proper and full recognition.

Hopefully it is becoming more and more obvious that we care very much about our scoreboard integrity and will continue to improve it step-by-step, no matter how painful or public it might occasionally be.

This has been said before, but it is important to repeat that Twin Galaxies is dedicated to absolutely rooting out invalid scores from our historic database wherever we find them.

Twin Galaxies' recent efforts to build a dispute system for the purpose of allowing scores to be questioned in a centralized and documented manner have enabled all of the available evidence regarding Billy Mitchell's score performances to finally, after many years, be concentrated, examined and discussed by non-anonymous members of the gaming community and Twin Galaxies administration. This system has created a permanent body of evidence for examination.

Anyone looking into their own past with honesty and a desire to improve will likely find things potentially messy and uncomfortable. Twin Galaxies has experienced a nice big dose of that again with this dispute. However, Twin Galaxies understands that this is required for it to continue its commitment to accuracy. As we all have learned, this cannot occur overnight and must be a step-by-step process.

Just as in other disputes, we definitely know that many in the gaming community operate with a general urgency and would have preferred to see this matter resolved more swiftly.

However, Twin Galaxies, as part of a comprehensive process and in its position of authority, must ensure due diligence. Our public documentation of our processes and conclusions are intended to satisfy scrutiny for the long term, so in instances where warranted our comprehensiveness must go above and beyond what would normally satisfy.

Our methodic approach has allowed many things to surface, not only related to this specific score, but other scores as well as some previously never-before-discussed video game related history.

We must repeat, the truth is the priority. That is the concern. Whatever it takes.

Twin Galaxies continues to strive to earn and maintain trust over time by making supportable decisions and taking sensible actions.

With this ruling Twin Galaxies can no longer recognize Billy Mitchell as the 1st million point Donkey Kong record holder. According to our findings, Steve Wiebe would be the official 1st million point record holder.

Thanks again to all who contributed time, effort and expertise to this case.



Donkey Kong was a legendary achievement from Nintendo at the time of release.

While there are a lot of challenges when it comes to verifying video game scores, due to the many factors that each game holds, this decision sets a statement of only having the most conclusive evidence for video game achievement. While this goal is hard to attain, when it is possible, it must be strived for in the eyes of Twin Galaxies.

That said, Donkey Kong remains one of the most entertaining arcade games to see played at the highest level. While Mitchell wasn't the top score for the last eight years, each score on that leaderboard has a story behind it. With Mitchell's score removed, there is more room for more stories, while also creating more credibility to the overall board. As said in the statement, with this dispute accepted, Steve Wiebe is now the official first Million Point record holder for Donkey Kong. For those cheering for the underdog all these years, that's a huge deal!

At the end of the day, Twin Galaxies is striving for certainty on their leaderboards. This process was just a step on that journey that will likely have many tribulations ahead, but is still a path worth taking.

(A previous version of this article had spelled the name of Carlos Pineiro incorrectly, which has now been fixed)



## DISCUSSION

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**PROOF OF SERVICE**

**STATE OF CALIFORNIA, COUNTY OF LOS ANGELES**

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

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

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

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

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

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

/s/ Martha Alfaro  
\_\_\_\_\_  
Martha Alfaro