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David W. Slayton,
Executive Officer/Clerk of Court,
By V. Sino-Cruz, Deputy Clerk

SUPERIOR COURT OF THE STATE OF CALIFORNIA
COUNTY OF LOS ANGELES

WILLIAM JAMES MITCHELL,

Plaintiff,

v.

TWIN GALAXIES, LLC; and Does 1-10,

Defendants.

AND RELATED CROSS-ACTION

Case No. 19STCV12592

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

**DECLARATION OF ELIZABETH
HUNTER**

*[Filed concurrently with: (1) Declaration of
David A. Tashroudian; (2) Motion for
Sanctions; (3) Declaration of Matthew Gabler;
(4) Declaration of Jacob Pilkington; (5)
Compendium of Evidence; and (6) Declaration
of Laura Carrell]*

Hearing

Date: January 11, 2024

Time: 8:30 a.m.

Place: Department 36

Reservation ID: 568771917469

Action Filed: 4/11/2019

DECLARATION OF ELIZABETH HUNTER

I, Elizabeth Hunter, declare as follows:

1. I am an individual over eighteen and I make this declaration based on facts known to me to be personally true. If called as a witness to testify to the matters declared to herein, I could and would do so.

2. I have been associated with the International Video Game Hall of Fame (the “Hall of Fame”) since, and prior to, its incorporation in Iowa in December 2009 until I resigned from the board in August 2011. I am one of the initial directors of the Hall of Fame along with Walter Day, Chris Bain, Josh Bolinger, Dan Canny, Josh Gettings, Charles Lawson, Terry McNitt, and Bobbiette Wachuko. Other Hall of Fame board directors that I served with were plaintiff Billy Mitchell, the mayor of Ottumwa, and the director of the Ottumwa Chamber of Commerce. I was the corporate secretary and then president of the Hall of Fame during my tenure. I went by the name of Liz Bolinger then and I was in my early twenties when all this happened.

3. In my position as corporate secretary from April 2009 through March 2011, I was responsible for preparing the agenda for meetings of the board of directors which took place between one and four times a month and often lasted three to five hours. I was also responsible for recording the corporate minutes. I was the custodian of records for the Hall of Fame. I performed these duties regularly in the course of business the entire time I was the secretary.

4. In my position as the Hall of Fame president from March 2011 through August 2011, I was responsible for all aspects of the Hall of Fames' business and presided over meetings of the board of directors.

5. I have known Billy Mitchell for approximately 15 years. I first met Mr. Mitchell around the time I associated with the Hall of Fame in 2009.

6. I became aware of statements Mr. Mitchell made in this case from information posted on the Internet. Specifically, I learned that Mr. Mitchell claimed under oath that he was never a director of the of Hall of Fame. I also learned that he claims to have donated his Namco plaque and other awards to the Hall of Fame around the time of the Big Bang event in 2010 to Jerry Byrum and Brian Cady. None of these claims are true.

MITCHELL AS A DIRECTOR OF THE HALL OF FAME

7. I was the president of the Hall of Fame when the board voted on whether Mr. Mitchell should join as a director. The vote on whether Mr. Mitchell should join the board of directors of the Hall of Fame took place after Mr. Mitchell was inducted into the Hall of Fame, in or about, the spring of 2011.

8. I was against Billy Mitchell joining the board of directors for the Hall of Fame. My reluctance to have Mr. Mitchell join the board was based on the fact that I was concerned about how it would look if Mr. Mitchell joined the board of directors shortly after his induction by the organization. I was also opposed to Mr. Mitchell joining the board of directors because he was not local to Ottumwa, Iowa and that was a requirement the board had prior to Mr. Mitchell joining. Walter Day vigorously advocated for Billy Mitchell to join the board of the Hall of Fame.

9. I remember the day the vote took place. I remember that the issue of Billy Mitchell joining the board of directors was on the board's meeting agenda the day of the vote. I also remember Mr. Mitchell phoned into the meeting and made his case to join the board. He said on speakerphone during the meeting that he could advance the cause of the Hall of Fame because he is a well-known public figure in the video game industry and because he has a relationship with Namco and Nintendo. He also said on the phone call that he would be able to obtain sponsorship opportunities for the Hall of Fame because of his celebrity. Eventually a vote was taken and Mr. Mitchell was voted onto the board of directors for the Hall of Fame. I voted against Mr. Mitchell joining the board.

10. Billy Mitchell regularly attended board of director meetings for the Hall of Fame from when he joined the board in spring of 2011 to August 2011 when I left. Mr. Mitchell would either appear in-person when he was in town but more frequently he would call-in to the meetings.

11. During the time Billy Mitchell and I were on the board of directors for the Hall of Fame together, he and I communicated frequently. I remember Mr. Mitchell calling me with Steve Sanders, an attorney, who I know to be a friend of Mr. Mitchell's from our relationship and from documentaries. Mr. Mitchell tried to coerce me during the call into agreeing to give Walter Day chief executive officer powers over the Hall of Fame. I opposed Mr. Day being granted chief

1 executive privileges and that upset Mr. Mitchell. He yelled at me during the call and told me that
2 I “didn’t understand” business because I was “just a little girl” – as mentioned, I was in my early
3 twenties when this happened.

4 12. In the summer of 2011, and while I was the president of the Hall of Fame, I
5 requested a vote to expel Mr. Mitchell from the board of directors. I made my first request at a
6 board meeting in July 2011 where I asked that the issue of Mr. Mitchell being expelled from the
7 board be put on the agenda for the August 2011 meeting. The issue was put on the agenda for the
8 August 2011 meeting of the board. Mr. Mitchell appeared at the August 2011 meeting by
9 telephone with Mr. Sanders again. The mayor, in his capacity as a board member, removed the
10 issue of Mr. Mitchell’s expulsion from the agenda after another board member, who was a retired
11 attorney, threatened to sue if the issue was put to a vote. I resigned from the Hall of Fame on the
12 spot during this board meeting.

13 MITCHELL’S SUPPOSED DONATIONS TO THE HALL OF FAME

14 13. I understand that Billy Mitchell claims that he donated his Namco award to the Hall
15 of Fame to either Brian Cady or Jerry Byrum in 2010. The Hall of Fame put on an event called
16 the Big Bang at the Bridgeview Center in August 2010. I was responsible for organizing the
17 event. Billy Mitchell was there and announced a new *Donkey Kong* world record at the event,
18 which he claimed to have achieved a few days prior. He had a table set up with his hot sauce,
19 video monitors playing his taped score performance, and magazines touting his new high score.
20 Billy Mitchell did not donate any of his awards to me or the Hall of Fame at this event. As the
21 Hall of Fame secretary and as the organizer of the Big Bang event, I would have known if Mr.
22 Mitchell donated his Namco award at the event and I would have understood the significance
23 because I am familiar with the award. I have seen Mr. Mitchell’s Namco award – only one though
24 – displayed in public and I am familiar with the award. I mention this because I would have
25 remembered Mr. Mitchell donating such an important relic to the Hall of Fame in 2010 if it
26 happened. It did not happen.

27 14. To be sure, I have neither seen nor prepared any record of Mr. Mitchell donating
28 anything to the Hall of Fame during my tenure from 2009 through 2011. I am aware of other

1 donations to the Hall of Fame, like arcade cabinets, because it was my job as secretary and then
2 president to keep track of such transactions and information.

3 15. I took possession of all of the Hall of Fame's property after the August 2010 Big
4 Bang event. All of the Hall of Fames' property was moved to be stored at a building I owned at
5 116 N. Green Street in Ottumwa, Iowa. The property was moved into my building after the
6 Ottumwa Chamber of Commerce requested that all Hall of Fame property be removed from its
7 offices. I arranged for the property to be moved into my building and stored there. I looked at
8 every item moved from the Chamber of Commerce to my building. I did not see Billy Mitchell's
9 awards in the property moved from the Chamber of Commerce.

10 16. I knew exactly what property I had stored for the Hall of Fame – it was every piece
11 of property then possessed by the Hall of Fame, including donated arcade cabinets and a lot of
12 promotional material. I stored this stuff in my building until the Grassroots Gaming Expo which
13 took place at the Bridgeview Center on August 6, 2011. I personally moved everything from my
14 building on Green Street to the Bridgeview Center for the expo. Some of the stuff was put on
15 display during the Grassroots Gaming Expo at a Hall of Fame booth we had setup. We set up
16 various items the Hall of Fame had such as televisions used during the Big Bang event. None of
17 Billy Mitchell's things were displayed. The rest of the property was stored upstairs at the
18 Bridgeview Center. After the expo, I arranged for all of the property displayed at the event to be
19 moved upstairs as well.

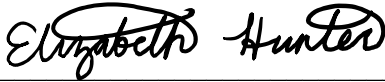
20 17. At the time I moved the Hall of Fame property from my building to the Bridgeview
21 center in 2011, I looked at and packed away every item stored in my building. I did this to make
22 sure that none of my own stuff was accidentally mixed in with the Hall of Fame property. I did not
23 see Billy Mitchell's Namco award in any of the Hall of Fame property I had. For that matter, I
24 did not see any of his awards or anything else related to him in the things I had stored.

25 BRIAN CADY & JERRY BYRUM

26 18. Brian Cady was not associated with the Hall of Fame during my tenure, except that
27 he was an inductee in 2010.

28 19. Jerry Byrum was not associated with the Hall of Fame at all during my tenure.

1 I declare under penalty of perjury under the laws of the State of California and the United
2 States of America that the foregoing is true and correct. Executed this seventeenth day of
3 December, 2023 at Clinton, Missouri.

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Elizabeth Hunter
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PROOF OF SERVICE

Case No. 19STCV12592

I am a resident of the State of California, over the age of eighteen years, and not a party to the within action. My business address is **TASHROUDIAN LAW GROUP, APC**, located 12400 Ventura Blvd., Suite 300, Studio City, California 91604. On December 18, 2023, I served the herein described document(s):

DECLARATION OF ELIZABETH HUNTER

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

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

X E-File - by electronically transmitting the document(s) listed above to tony.ellrod@manningkass.com pursuant to an agreement of the parties in lieu personal service.

Anthony J. Ellrod *tony.ellrod@manningkass.com*
MANNING & KASS
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Los Angeles, California 90017-3012

Attorneys for Plaintiff
WILLIAM JAMES MITCHELL

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

I declare under penalty of perjury under the laws of the State of California that the above is true and correct. Executed on December 18, 2023 at Woodland Hills, California.



Mona Tashroudian