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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 DAVID A.
TASHROUDIAN**

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

Hearing

Date: January 11, 2024

Time: 8:30 a.m.

Place: Department 36

Reservation ID: 568771917469

Action Filed: 4/11/2019

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Century” on it (the “Namco Player of the Century Plaque”). [See Exhibit 1 (Mitchell Depo., 16:21-18:8).]

5. Plaintiff responded similarly to Defendant’s special interrogatory number 119 asking what the front of the Namco Player of the Century Plaque says. On October 17, 2022 Plaintiff responded that: “[t]he words printed on the “Video Game Player of the Century” award plaque state that Responding Party is recognized as the ‘Video Game Player of the Century’ for his gaming achievements that century.”

6. Plaintiff testified at deposition that he was given two plaques by Namco and a framed award by Walter Day at the 1999 Tokyo Game Show. [See Exhibit 1 (Mitchell Depo., 27:6-29:11 & 29:18-31:21).] He claimed he was given the Namco Player of the Century Plaque and another plaque that refers to Pac-Man and its contribution to the culture both on stage and in a private ceremony. [Id.] He also testified that he was presented on stage in Japan with a framed certificate from Walter Day which, in Plaintiff’s words, said, “[b]iggest headline, Player of the Century” (the “Day Player of the Century Award”). [Exhibit 1 (Mitchell Depo., 27:19-24 & 29:20-31:21).]

7. At deposition Plaintiff authenticated a photo of himself on stage at the 1999 Tokyo Game Show holding what he alleges to be the Namco Player of the Century Plaque. [See Exhibit 1 (Mitchell Depo., 21:16-22:9).] The photo shows him on stage next to the father of Pac-Man, Masaya Nakamura and the two are flanked by nine models. A true and correct copy of the picture of Plaintiff on stage with Masaya Nakamura at the Tokyo Game Show holding the Namco Player of the Century Award is attached to the Compendium of Evidence as Exhibit 7, and is reproduced below:



8. At deposition Plaintiff authenticated the picture of another Namco plaque with Pac-Man (the “Alternate Namco Plaque”) and testified that he received it from Namco but claimed that it was different from the Namco Player of the Century Plaque he was holding on stage with Mr. Nakamura and the nine models. [See Exhibit 1 (Mitchell Depo., 22:18-23:10).] The text of the Alternate Namco Plaque is legible and nowhere does it say Player of the Century on it. I have attached a true and correct copy of my translation to the Compendium of Evidence as Exhibit 23. A true and correct copy of the Alternate Namco Plaque is attached to the Compendium of Evidence as Exhibit 8, and reproduced below:



9. At deposition Plaintiff authenticated a photograph of the Day Player of the Century Award. [See Exhibit 1 (Mitchell Depo., 29:22-31:21).] A true and correct copy of the Day Player of the Century Certificate is attached to the Compendium of Evidence as Exhibit 9, and is reproduced below:



1 10. At deposition Walter Day authenticated a picture from the 1999 Tokyo Game Show
2 of “Billy Mitchell receiving the video game player of the century” award at Namco’s booth. The
3 picture shows Plaintiff holding the Day Player of the Century Award next to Day and Masaya
4 Nakamura. A true and correct copy of this picture is attached to the Compendium of Evidence as
5 Exhibit 10, and is reproduced below:



15 EFFORTS TO PHYSICALLY INSPECT THE PLAYER OF THE CENTURY PLAQUE

16 11. Plaintiff was asked to produce the physical Namco Player of the Century Plaque
17 for inspection in request for production number 9. On August 22, 2022, he responded to request
18 number 9 that he cannot comply with the request because he “[...] donated all actual physical
19 awards or plaques obtained from his videogame career to the International Videogame Hall of Fame
20 located in Ottumwa, Iowa.”

21 12. As a follow-up, Plaintiff was asked to produce all awards he donated to the
22 International Video Game Hall of Fame in request for production number 231 – one of the
23 document requests at issue in this motion. Plaintiff responded on June 9, 2023 again that he was
24 unable to comply because he “donated all of the awards from his videogame career to the
25 International Videogame Hall of Fame in or about 2010.”

26 13. Plaintiff elaborated in his responses to special interrogatories numbers 120 and 121
27 certifying that Jerry Byrum has knowledge of the fact that he donated the Namco Player of the
28 Century Plaque to the International Video Game Hall of Fame in 2010. But when asked at

1 deposition who he donated the Namco Player of the Century Plaque to in 2010, Plaintiff responded
2 that he gave the plaque to either Jerry Byrum or Brian Cady. [See Exhibit 1 (Mitchell Depo.,
3 18:9-19:5).] He testified that the plaque was at the International Video Game Hall of fame as of
4 the date of his deposition. [Id.] Plaintiff also testified that a few months before his deposition, he
5 asked Mr. Byrum by telephone if he would send the Namco Player of the Century Play to him so
6 he could produce it in this litigation, to which Mr. Byrum responded “okay,” “I’ll let you know
7 what I find,” and “I’ll find it.” [Exhibit 1 (Mitchell Depo., 25:7-25, 43:2-13, & 44:13-25).]

8 14. I deposed Jerry Byrum pursuant to subpoena in the afternoon of June 26, 2023. To
9 do so, I domesticated a California subpoena through Iowa case no. FIF013270 filed in the County
10 of Polk styled as William James Mitchell vs Twin Galaxies LLC and arranged to have Mr. Byrum
11 personally served at his home in Des Moines, Iowa. Mr. Byrum was commanded to produce,
12 among other things, all awards, and picture of those awards, that Plaintiff donated to either him or
13 to the International Video Game Hall of Fame. He did not produce any documents at deposition.
14 Mr. Byrum testified that he did not have any documents responsive to the subpoena. [See Exhibit
15 3 (Byrum Depo., 9:21-10:2).] He testified that the International Video Game Hall of Fame does
16 not have anything from 2010. [Exhibit 3 (Byrum Depo., 16:11-17).] He testified that the
17 International Video Game Hall of Fame does not have the Namco Player of the Century Plaque.
18 [Exhibit 3 (Byrum Depo., 21:21-22:3).] He testified that Plaintiff has not given him any awards
19 and that the International Video Game Hall of Fame has not received any donations from Plaintiff
20 during his tenure as president of the organization which started in 2019. [Exhibit 3 (Byrum Depo.,
21 11:4-12:19 & 28:6-24).] Mr. Byrum testified that the International Video Game Hall of Fame
22 owns “very few items that were given to them by myself and other close to me in recent years,”
23 and that he was not aware of any donations of awards by Plaintiff. [Exhibit 3 (Byrum Depo., 11:4-
24 12:19 & 28:6-24).] He also testified that Plaintiff has not asked him to send to Plaintiff any of the
25 awards Plaintiff donated to the association. [Exhibit 3 (Byrum Depo., 14:1-15 & 22:4-9).]

26 15. I subpoenaed Brian Cady to sit for deposition and to produce documents. I deposed
27 Mr. Cady on July 5, 2023. He was asked to produce all communications with Plaintiff and to
28 produce all awards donated to him or the International Video Game Hall of Fame by Plaintiff. Mr.

1 Cady did produce recent text message communications, but did not produce any awards. He
2 testified that Plaintiff did not donate any plaques or awards to him in 2010, or ever for that matter.
3 [See Exhibit 6 (Cady Depo., 24:22-25-9).] He testified that he did not have any position with the
4 International Video Game Hall of Fame in 2010 and that he was only an inductee. [Exhibit 6
5 (Cady Depo., 13:13-24).]

6 16. To date, Plaintiff has refused to produce the Namco Player of the Century Plaque
7 for Defendant's inspection.

8 DISCOVERY OF THE ALLEGED NAMCO PLAQUES

9 17. I took Walter Day's deposition. Mr. Day testified on the morning of Monday, June
10 26, 2023 that Plaintiff showed him a picture of the Namco Player of the Century Plaque by email
11 "last week." Mr. Day's counsel and Plaintiff's counsel objected to my questions about where,
12 when, and how Plaintiff provided Mr. Day with a picture of the Namco Player of the Century
13 Plaque asserting a joint defense privilege and Mr. Day was instructed not to answer. Mr. Day did
14 testify that the picture of the Namco Player of the Century plaque shown to him by Plaintiff in
15 June 2023 said "video game player of the century" on it, and that is "what left out of the page."

16 18. After Mr. Day's deposition, on June 26, 2023 at 3:38 p.m. I sent an email to
17 Plaintiff's counsel demanding production of the picture of the Namco Player of the Century Plaque
18 Mitchell showed Mr. Day and which Mr. Day testified regarding. I wanted the picture prior to
19 Mr. Byrum's deposition which was happening right afterward at 4:00 p.m.. Plaintiff's counsel
20 Kristina Ross sent me a picture depicting four awards – two being plaques from Namco, one being
21 the Day Player of the Century Award, and the other being a trophy (the "June 2023 Photograph").
22 The filename as provided to me by Ms. Ross is "IVGHOF.jpeg." Ms. Ross told me during Mr.
23 Byrum's deposition that her client had provided her with the June 2023 Photograph earlier that
24 day. I provided the June 2023 Photograph to Defendant's expert to perform a comparative analysis
25 against other examples of the Namco plaques in the public domain. A true and correct copy of
26 my June 26, 2023 email to Ms. Ross and her response with the June 2023 Photograph she produced
27 is attached to the Compendium of Evidence as Exhibit 11. A true and correct copy of the picture
28 reflected in the filename "IVGHOF.jpeg." is reproduced below:



19. I questioned Mr. Byrum about the June 2023 Photograph at his deposition. He testified that he did not recognize the photo nor did he recognize the Namco awards in the photo and he did not know who took the photo. [See Exhibit 3 (Byrum Depo., 16:16-17:14).]

20. Ms. Ross introduced Exhibit D at Mr. Byrum's deposition which appeared to be part of an email chain from Plaintiff to Laura Carrell, John Grunwald, and Jerry Byrum. Mr. Byrum testified that he did not receive the email reflected in Exhibit D. [See Exhibit 3 (Byrum Depo., 33:10-24).] A true and correct copy of Exhibit D to Mr. Byrum's deposition is attached to the Compendium of Evidence as Exhibit 12.

21. Through extensive research and investigation, right before the Fourth of July holiday, I was able to determine that the photograph in "IVGHOF.jpeg" was likely taken by Isaiah TriForce Johnson at the AmericInn in Ottumwa, Iowa. I was able to link Isaiah TriForce Johnson – who I know to be an associate of Plaintiff – because the laptop in the far right side of the screen shows a YouTube video that Mr. Johnson interacted with on June 24, 2023. I was able to link the hotel room to the AmericInn in Ottumwa, Iowa because I searched hotel review sites in Ottumwa, Iowa and looked through thousands of pictures until I found a picture of a room the AmericInn which shows the same art as the art on the wall of the IVGHOF.jpeg picture. Moreover, I knew Mr. Johnson was staying in Ottumwa, Iowa between June 22 and 24th to attend an e-sports event at the Bridge View Center (the "Event") because he posted that he was going to attend the event on his Twitter page, as reproduced below:

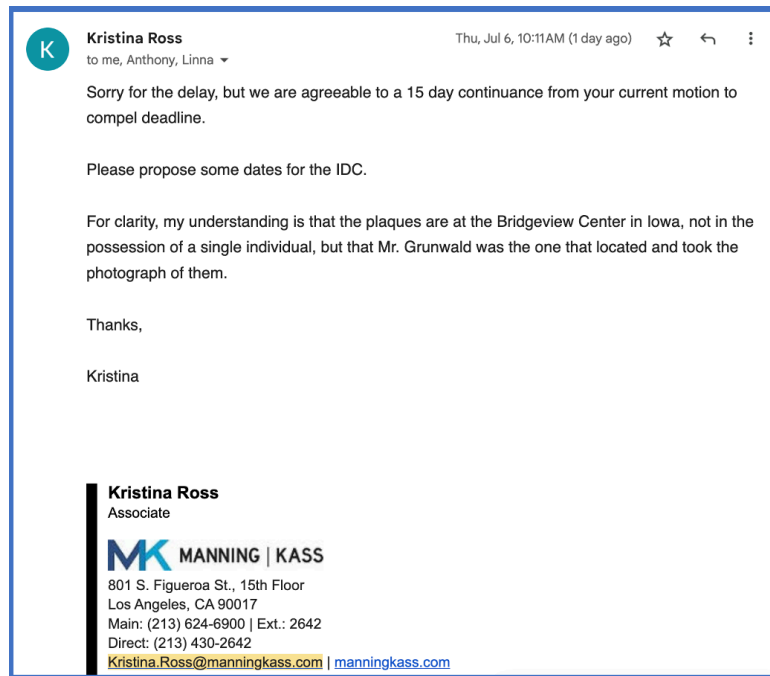


22. I know from my research in this case and the extensive discovery in this matter that Mr. Johnson resides out of the country in Jamaica. Accordingly, and because I believed that Mr. Johnson was going to imminently flee with the awards shown in the June 2023 Photograph, on July 5, 2023, I prepared an *ex parte* application for an order compelling production of the Namco plaques. A true and correct copy of my July 5, 2023 *ex parte* application and supporting declaration are attached to the Compendium of Evidence as Exhibit 13.

23. I gave written notice of the *ex parte* application to Plaintiff's counsel on July 5, 2023. Shortly after giving notice and prior to filing the application, I was contacted by Ms. Ross to meet and confer about the application. We spoke on the telephone and Ms. Ross told me that she and the supervising attorney Anthony Ellrod were in a bench trial through July 7, 2023. I explained to her that I was concerned that Mr. Johnson had the plaques and was going to take them to Jamaica. She told me on the phone that I was told at Mr. Byrum's deposition that the plaques were at Bridge View Center in Ottumwa, Iowa. Based on Ms. Ross' representation that the plaques were at the Bridge View Center and considering counsel's trial schedule, I agreed to withdraw the *ex parte* application.

24. I memorialized my telephone call with Ms. Ross by email on July 5, 2023 at 6:48 to further our meet and confer efforts. Ms. Ross responded on July 6, 2023 at 10:11 a.m. and again misrepresented to me that the plaques were at the Bridge View Center; and John Grunwald was

1 the one who located the plaques and took the photograph of them. A true and copy of my July 5,
2 2023 meet and confer email and Ms. Ross' July 6, 2023 response is attached to the Compendium
3 of Evidence as Exhibit 14. Ms. Ross' July 6, 2023 email is reproduced below:



15 25. I contacted Laura Carrell at the Bridge View Center on July 7, 2023 by email to
16 determine the location of the Namco plaques in the June 2023 Photograph and to determine if she
17 had any higher resolution pictures of the Namco plaques. She responded on the same that she did
18 not and directed me to Jacob Pilkington to obtain CCTV footage from the Bridge View Center.
19 She and I also talked on the phone that day. John Grunwald was copied on the email. A true and
20 correct copy of my July 7, 2023 email is attached to the Compendium of Evidence as Exhibit 15.

21 26. I also contacted Jacob Pilkington on July 7, 2023. I spoke with him on the phone
22 about preservation of CCTV footage from the Bridge View Center during the time period from
23 June 20 – June 24, 2023. I prepared a litigation hold letter after our call and sent it to Mr.
24 Pilkington to ensure the CCTV was not destroyed. A true and correct of my July 7, 2023 litigation
25 hold letter is attached to the Compendium of Evidence as Exhibit 16.

26 27. On July 12, 2023, I contacted John Grunwald about sitting for deposition in this
27 matter. A few days later, I was contacted by Mr. Grunwald's attorney and we ultimately arranged
28 for Mr. Grunwald's deposition to take place on July 20, 2023 pursuant to a subpoena.

1 28. John Grunwald sat for deposition on July 20, 2023. I deposed him. He was
2 represented by counsel. He produced a number of documents in response to the subpoena
3 including communications between himself and each of Plaintiff, Isaiah TriForce Johnson, and
4 Laura Carrell.

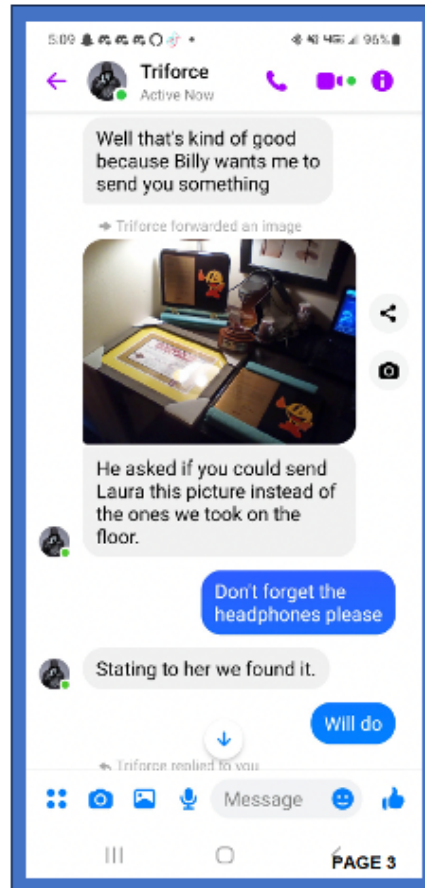
5 29. Mr. Grunwald testified that he did not find the awards reflected in the June 2023
6 Photograph. [See Exhibit 4 (Grunwald Depo., 10:22-12:20).] He testified that Isaiah TriForce
7 Johnson brought the awards to him at the Bridge View Center on June 23, 2023 in a black trash
8 bag. [Id.]

9 30. Mr. Grunwald testified the Mr. Johnson left the Bridge View Center on June 23,
10 2023 sometime after 5:00 p.m. [Exhibit 4 (Grunwald Depo., 99:7-21).] Mr. Grunwald testified
11 that Mr. Johnson “went to get some stuff for Billy” at a local arcade owned by Jerry Byrum and
12 he returned to the tournament with a black trash bag full of the awards. [Exhibit 4 (Grunwald
13 Depo., 17:12-18:5 & 20:24- 22:18).] He testified that Mr. Johnson took him to a backroom at
14 approximately 7:30 p.m. to show him the four awards in the June 2023 Photograph that were in
15 the black trash bag. [Exhibit 4 (Grunwald Depo., 12:24-13:10).] Mr. Johnson proceeded to take
16 the four awards out of the trash bag, placed them on the floor in the backroom and took pictures
17 of each award on his iPad. [Exhibit 4 (Grunwald Depo., 18:13-20:6).] Mr. Grunwald
18 contemporaneously called Plaintiff on speaker phone at 7:53 p.m. while Mr. Johnson was taking
19 pictures of the awards and Plaintiff told Grunwald he did not want to know where the awards were
20 found. [Id.]

21 31. Mr. Grunwald testified that he did nothing to find the awards. [See Exhibit 4
22 (Grunwald Depo., 20:18-23).] He also testified unequivocally that Ms. Ross’ July 6, 2023 email
23 stating that “Mr. Grunwald was the one that located and took the photograph of [Plaintiff’s
24 awards]” is incorrect. [Exhibit 4 (Grunwald Depo., 23:9-19).] With respect to the June 2023
25 Photograph, Mr. Grunwald testified that it was taken in Mr. Johnson’s hotel room. [Exhibit 4
26 (Grunwald Depo., 52:23-54:2).]

27 32. Mr. Grunwald testified that Mr. Mitchell instructed him to send the June 2023
28 Photograph to Laura Carrell and to tell her the awards were found. [See Exhibit 4 (Grunwald

1 Depo., 30:2-31:1).] Mr. Mitchell sent this instruction through Mr. Johnson as evinced by the
2 Facebook messenger communications between Johnson and Grunwald on June 24, 2023 at 9:53
3 a.m. produced pursuant to subpoena, a true and correct copy of which is attached to the
4 Compendium of Evidence as Exhibit 17; and a copy of which is reproduced below:



19 33. Mr. Grunwald dutifully carried out Plaintiff's instructions and he sent Ms. Carrell
20 the June 2023 Photograph by email telling her that the photos had been found with Plaintiff all the
21 while getting updates on the status of he "treasure hunt" and exactly which photo was sent to Ms.
22 Carrell. [See Exhibit 4 (Grunwald Depo., 44:21-46:18; 47:3-23; 47:25-48:11; 50:13-20 & 54:8-
23 55:2).] Mr. Grunwald also testified that Plaintiff instructed him to ask Ms. Carrell to send an email
24 stating that the awards had been found. [Exhibit 4 (Grunwald Depo., 56:25-57:18).] Mr.
25 Grunwald made the request but Ms. Carrell did not comply because the request was weird – he
26 thought so too. [Id.] A true and correct copy of the email chain between Grunwald and Carrell
27 related to the June 2023 Photograph is attached to the Compendium of Evidence as Exhibit 18.
28

1 34. At the end of the event Mr. Grunwald took Mr. Johnson to the airport for Mr.
2 Johnson to fly to Fort Lauderdale where Mr. Mitchell lives. [See Exhibit 4 (Grunwald Depo.,
3 25:12-26:25 & 28:12-29:8).] Mr. Grunwald paid for the extra baggage fee for Mr. Johnson to fly
4 to Fort Lauderdale on June 25, 2023 with the awards. [Id.] Mr. Grunwald also kept Mr. Mitchell
5 apprised of the delays to Mr. Johnson's flight because the plan was for Mr. Mitchell to pick Mr.
6 Johnson up from the airport.

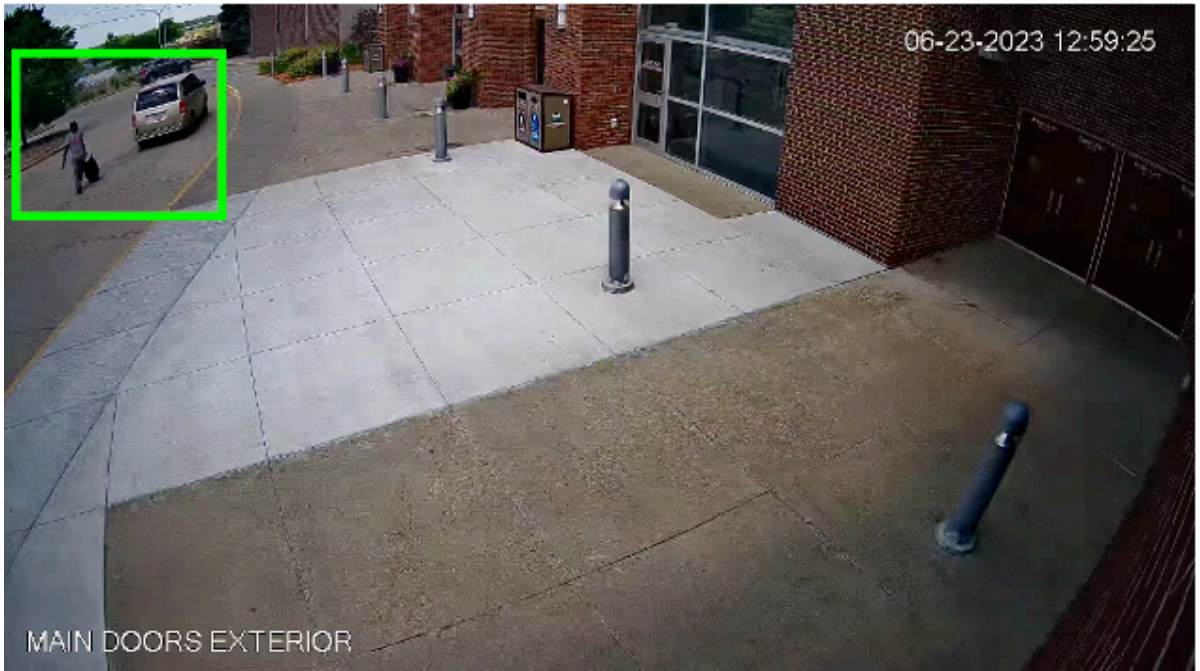
7 BRIDGE VIEW CENTER CCTV FOOTAGE OF THE PLAQUE DISCOVERY

8 35. Jacob Pilkington at the Bridge View Center produced CCTV footage from June 23,
9 2023. He produced approximately 100 clips of CCTV footage ranging in length from about fifteen
10 (15) minutes to five (5) hours. All of the still footage herein is from the Surveillance Footage
11 produced by Mr. Pilkington and authenticated in paragraphs 5 and 6 of his declaration filed
12 concurrently herewith and which I personally reviewed. I captured the still footage by playing
13 the Surveillance Footage that was authenticated by Mr. Pilkington and stopping the playback on a
14 frame I wanted to capture and then used my computer operating system to take a snapshot of my
15 screen which I then pasted into this declaration.

16 36. On September 4, 2023, I visited John Grunwald's Facebook site and found a picture
17 of Mr. Johnson at the Bridge View Center at the Event wearing a light grey shirt with a red logo,
18 a dark grey long sleeve undershirt, light colored pants, and dark shoes. I recognize Mr. Johnson
19 and Mr. Grunwald in the picture from my investigation in this matter The picture I found is
20 reproduced below:



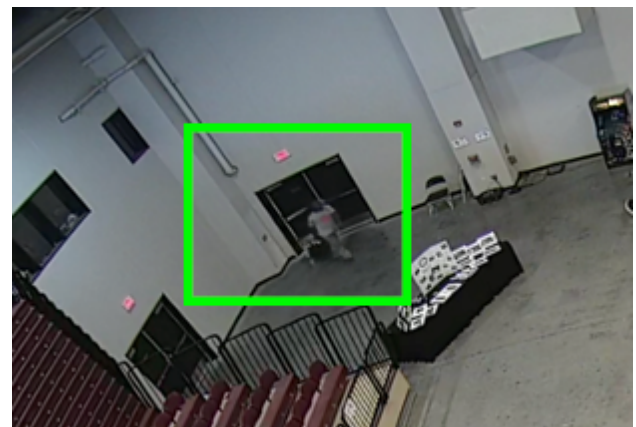
37. I reviewed surveillance footage from the Main Door Exterior and I captured Mr. Johnson in the clothing described with a rolling duffle bag arriving at the Bridge View Center in a gold van on June 23, 2023 at 12:59 p.m. in the footage below:



38. I reviewed surveillance footage from Expo A, and from the South Service Entry and I captured Mr. Jonson entering the expo hall where the Event was being held through a backdoor on June 23, 2023 at approximately 1:00 p.m. in the footage below:



South Service Entry

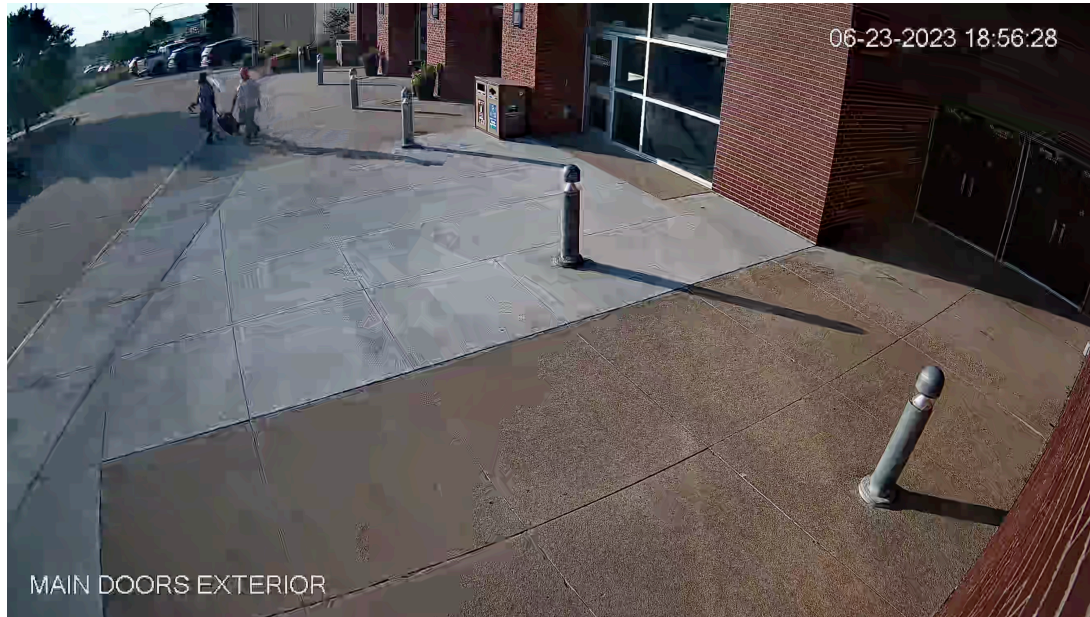


Expo A – 1:00 p.m.

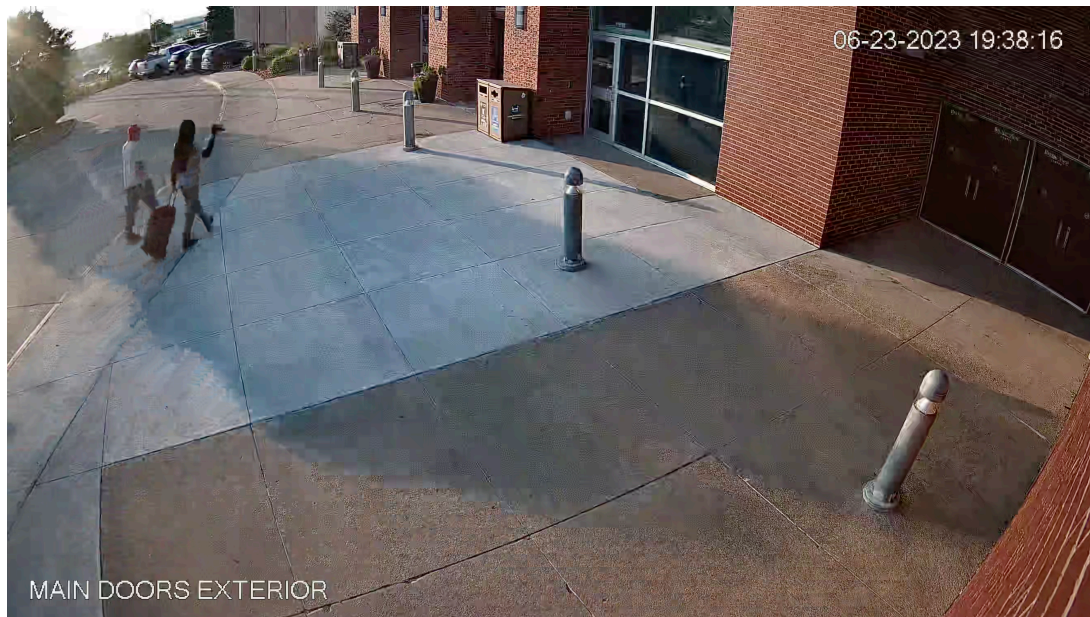
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39. I reviewed surveillance footage from the Main Door Exterior to determine if Mr. Johnson left the Bridge View Center after 5:00 p.m. as Mr. Grunwald testified to. I captured Mr. Johnson rolling his duffle bag leaving the Bridge View Center on June 23, 2023 at 6:56 p.m. with a man in a red hat. I also captured Mr. Johnson returning with the same man 42 minutes later at 7:38 p.m. – he was not carrying a black trash bag when he returned. The footage is below:

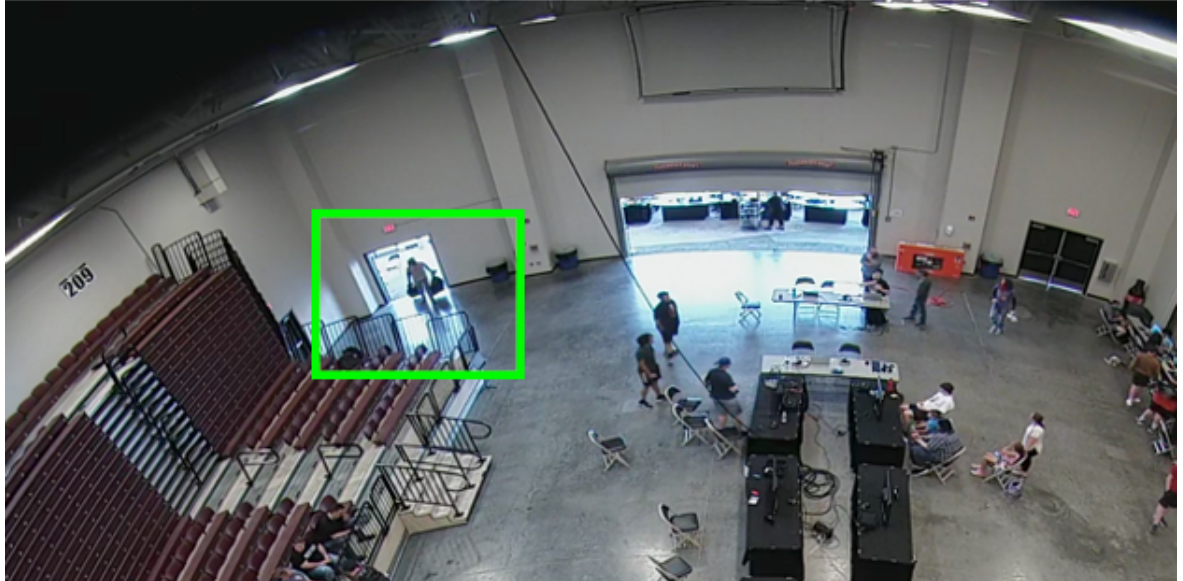
Mr. Johnson Leaving at 6:56 p.m.



Mr. Johnson Returning at 7:38 p.m.



1 40. I reviewed the surveillance footage from Expo A and I captured Mr. Johnson
2 entering the expo hall through the front entrance on June 23, 2023 at 7:47 p.m. carrying a black
3 trash bag and rolling his duffle bag, the footage is below:



14 41. I reviewed the surveillance footage from the South Service Entrance and I captured
15 Mr. Johnson carrying the black trash bag of awards and I captured him and Grunwald packing the
16 awards into a cardboard box on June 23, 2023 at 8:05 p.m. and 8:09 p.m. in the footage below:



///
28

1 THE NAMCO PLAYER OF THE CENTURY PLAQUE IN THE PUBLIC DOMAIN

2 43. Plaintiff was asked to produce pictures of all awards he donated to the International
3 Video Game Hall of Fame in request for production number 232. Plaintiff responded on June 9,
4 2023 that he is “unable to comply because the requested items if they ever existed no longer exist, or
5 are no longer in his possession due to the length of time that has passed since these photographs may
6 have been taken.”

7 44. Despite his response to inspection demand number 232, Plaintiff testified at
8 deposition that “[...] there’s pictures of [the Namco Player of the Century Plaque] online.” [See
9 Exhibit 1 (Mitchell Depo., 17:3-21).] He also testified that there pictures of the Day Player of the
10 Century Award on the Internet as well. [Exhibit 1 (Mitchell Depo., 29:18-30:15).] Accordingly,
11 I searched online and found pictures of the Namco Player of the Century Plaque, the Alternate
12 Namco Plaque, and the Day Player of the Century Award.

13 45. In my investigation, I discovered that Plaintiff was at the 2000 Classic Gaming
14 Expo in Las Vegas and displayed both the Namco Player of the Century Namco Plaque and the
15 Day Player of the Century Award. I found a photo of Plaintiff at this event pointing to a table
16 where the these two awards are situated at the web URL
17 <http://www.arcaderestoration.com/media/Graphics/cge2000/billysmall.jpg> last accessed on
18 September 4, 2023. A true and correct copy of the photo of Plaintiff at the 2000 Classic Gaming
19 Expo with the two awards is attached to the Compendium of Evidence as Exhibit 19.

20 46. In my investigation, I discovered that Walter Day posted a picture of the Namco
21 Player of the Century Plaque displayed at a 2001 Twin Galaxies exposition at the Mall of America
22 in Minnesota on his Facebook page. Mr. Day admitted the genuineness of the photos in response
23 to Defendant’s request for admission. A true and correct copy of images of the Namco Player of
24 the Century Award as displayed in 2001 at the Mall of America are attached to the Compendium
25 of Evidence as Exhibit 20. I provided these photos to Mr. Gabler for his expert analysis.

26 47. In my investigation, I discovered Plaintiff was at the 2005 Classic Gaming Expo
27 in the United Kingdom and displayed both the Alternate Namco Plaque and the Day Player of the
28 Century Award. I found several pictures of Plaintiff and the Alternate Namco Plaque at this event

1 at the web URL <http://www.jammajup.co.uk/classic-gaming-expo-2005>, last accessed on
2 September 4, 2023. The photos of the awards and the specific URL associated with the photos
3 are attached to the Compendium of Evidence as Exhibit 21. I provided photos of the Alternate
4 Namco Plaque to Mr. Gabler for his expert analysis.

5 48. In my investigation, I discovered that Plaintiff brandished the Namco Player of the
6 Century Plaque in the 2006 movie *Chasing Ghosts: Beyond the Arcade*. I found the movie on
7 YouTube at the URL https://www.youtube.com/watch?v=tA_iTvKYATw last accessed on
8 September 4, 2023. I found a scene where Plaintiff holds the Namco Player of the Century Plaque
9 at timestamp 19:25 and captured the image. A true and correct copy of the still image from
10 *Chasing Ghosts: Beyond the Arcade* at timestamp 19:25 where Plaintiff is holding the Namco
11 Player of the Century Plaque is attached to the Compendium of Evidence as Exhibit 22. I provided
12 this image to Mr. Gabler for his expert analysis.

13 49. In my investigation, I discovered that Plaintiff points to what appears to be the
14 Namco Player of the Century Plaque in the 2007 movie *The King of Kong: A fistful of Quarters*.
15 I produced a copy of this movie to Plaintiff in discovery. I found a scene where Plaintiff points to
16 the Namco Player of the Century Plaque at timestamp 7:59 and captured the image. A true and
17 correct copy of the still image from *The King of Kong: A fistful of Quarters* at time stamp 7:59
18 where Plaintiff points to the Namco Player of the Century Plaque is attached to the Compendium
19 of Evidence as Exhibit 24. I provided this image to Mr. Gabler for his expert analysis.

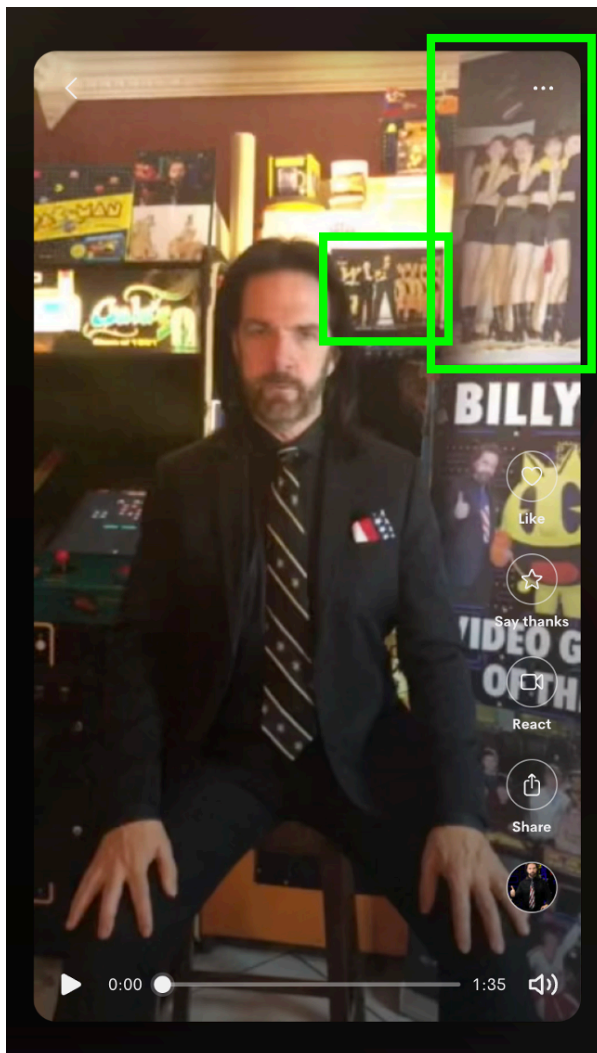
20 FALSE DISCOVERY STATEMENTS BY PLAINTIFF

21 50. Plaintiff testified that he was not a director of the International Video Game Hall
22 of Fame. [See Exhibit 1 (Mitchell Depo., 32:5-18).] Walter Day testified at his deposition that he
23 founded the International Video Game Hall of Fame in 2009 and that Plaintiff has been a member
24 of the board since 2010 or 2011. Jerry Byrum testified similarly that Plaintiff is currently on the
25 board of directors for the Hall of Fame and has been since Mr. Byrum assumed the post in 2019.
26 [Exhibit 3 (Byrum Depo., 18:15-22).]

27 51. Plaintiff has as recently as June 9, 2023 responded to discovery that he does not
28 have any photographs of the Namco plaque he donated to the Hall of Fame. [See Paragraph 43,

1 *supra.*] However, Plaintiff has posted videos of himself online with pictures of his Namco awards
2 in the background. For example, Plaintiff is a member of the website Cameo where the public can
3 buy personalized videos from celebrities. Plaintiff has posted on his Cameo site at
4 https://www.cameo.com/billy.mitchell/feed/1_0Ovd5Yx, last accessed on December 17, 2023, a
5 video where pictures of his Namco plaque are in the background. You can see the same banner
6 from the Cameo video behind Billy Mitchell from his appearance at the July 2023 Northeast Retro
7 Gaming Expo in England, picture taken from the Expo's Twitter site on December 17, 2023 found
8 at the link <https://twitter.com/PdmonPaul/status/1678029454088577025/photo/3>.

9 CAMEO



Northeast Retro Gaming Expo – July 2023



27 52. Plaintiff submitted the declaration of David L. Bishop dated August 16, 2023 in
28 support of his opposition to Defendant's September 2023 motion to compel. Mr. Bishop testifies

1 that he helped Plaintiff obtain the original high definition photograph of him on stage at the 1999
2 Tokyo Game Show. Plaintiff has not produced his copy of the original high-definition Photograph
3 he received from Namco in 2010 despite that he has produced an August 2010 letter from Namco
4 transmitting the photograph to him. I reviewed the website for the International Video Game Hall
5 of Fame on December 17, 2023 and saw that Mr. Bishop is listed along with Brian Cady, Billy
6 Mitchell, Walter Day, as director of the Hall of Fame. Attached to the Compendium of Evidence
7 as Exhibit 25 is a true and correct copy of Mr. Bishop's August 16, 2023 declaration.

8 53. On December 17, 2023, I visited the Twitter site for the Northeast Retro Gaming
9 Expo at <https://twitter.com/PdmonPaul/status/1678029454088577025/photo/2> and observed the
10 Twitter posts made by the organization after the July 2023 expo where I know Mr. Mitchell was a
11 guest and where he sat and talked during a panel discussion with Walter Day. I observed the
12 following picture which appears to be a signed picture of Plaintiff on stage at the 1999 Tokyo
13 Game Show. I am informed and believe and based thereon allege that Plaintiff has these pictures
14 printed up for expositions, and he takes them with him to sign and give away.



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55. This paragraph and Exhibit 2 are intentionally omitted.

57. Attached to the Compendium of Evidence as Exhibit 4 are true and correct pages 1-2, 10-15, 17-23, 25-26, 28-32, 36-39, 43-48, 50, 52-57, 99, 108 from the July 20, 2023 deposition of John Grunwald. I took the deposition.

59. Attached to the Compendium of Evidence as Exhibit 6 are true and correct pages 24-25, 27-28, 48 from the July 5, 2023 deposition of Brian Cady. I took the deposition.

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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 DAVID A. TASHROUDIAN

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
ELLROD, RAMIREZ, TRESTER LLP
801 S. Figueroa St, 15th Floor
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