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David W. Slayton,
Executive Officer/Clerk of Court,
By S. Bolden, 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 IN RESPONSE TO
ORDER TO SHOW CAUSE RE
POTENTIAL DISCIPLINARY REFERRAL
OF DEFENDANT'S COUNSEL FOR
VIOLATIONS OF THE RULES OF
PROFESSIONAL CONDUCT**

Hearing

Date: January 11, 2024

Time: 8:30 a.m.

Place: Department 36

Action Filed: 4/11/2019

1 **DECLARATION OF DAVID A. TASHROUDIAN**

2 I, David A. Tashroudian, declare as follows:

3 1. I am an attorney duly qualified to practice law before this Court. I make this declaration in
4 response to this Court's Order to Show Cause re Potential Disciplinary Referral of Defense
5 Counsel for Violation of the Rules of Professional Conduct. I make this declaration based upon
6 facts known to me personally to be true. If called as a witness to testify to the facts set forth herein,
7 I could and would do so.

8 2. I obtained a degree in economics from the University of California Los Angeles in 2006.
9 I went on to obtain my juris doctorate degree from the University of California College of the Law
10 (formerly UC Hastings) in 2009. I was admitted to the State Bar of California on December 1,
11 2009. My California State Bar number is 266718.

12 3. I am currently a partner with the Tashroudian Law Group, APC. I started the firm in 2014
13 with my sister Mona Tashroudian who is also a graduate of the University of California College
14 of the Law, class of 2010. Mona and I exclusively represent employees in harassment,
15 discrimination, retaliation, and wage and hour matters.

16 **APPOLOGY TO THE COURT**

17 4. I would like to begin my declaration by apologizing to this Court for my communications
18 with Jerry Byrum and with Isaiah TriForce Johnson. I have debased myself before this Court. I
19 wish I could go back and undo what I have done but I cannot and the only thing I can do is ask for
20 this Court's mercy. I have allowed my personal emotions to cloud my judgement. I was upset
21 and frustrated by what appeared to me to be the purposeful fabrication and hiding of evidence. I
22 contacted both Mr. Byrum and Mr. Johnson while in the thralls of those emotions and I should not
23 have done so. I should have taken a step back and composed myself prior to contacting these
24 witnesses.

25 5. I recognize and appreciate the gravity of my inappropriate behavior. Again, for that I
26 apologize not only to the Court but also to the witnesses Mr. Byrum and Mr. Johnson. I would
27 formally write to them to express my apology but I refrain from doing so to avoid any further
28 contact with them prior to the hearing on this order to show cause.

1 6. The only reason that I contacted these witnesses was to obtain evidence to prove my
2 client's defense and to prove what I still genuinely believe is fraud on this Court. I contacted these
3 witnesses right around the time I was told by Plaintiff's counsel about the discovery and
4 subsequent hiding of his Namco awards. However, I understand now that my aggressive and brash
5 actions were out-of-line and I should have taken a different tact. As this Court put it at the
6 December 1, 2023 hearing, I am the professional and I should have acted like that. This concept
7 is not lost on me. The ends do not justify the means in this case.

8 7. I also apologize to my client for my conduct. I was overzealous in my attempt to secure
9 evidence and that has tarnished my reputation before this Court. My greatest concern is that this
10 Court will impute my transgressions to my client, which it should not. My client and I endeavored
11 to always wear the white hat in this litigation. It is my fault that white has now been stained. This
12 Court should not treat my client any differently regardless of its thoughts about my ethics.

13 8. As part of my apology, I would also like to state for the record that I am an ethical lawyer
14 and an ethical person. In 14 years of practice, I have been sanctioned only once in 2017 where I
15 was ordered to pay \$1000 as part of a motion to compel discovery responses. I promptly paid
16 those sanctions that same day outside the courtroom immediately after the hearing. I have not
17 been sanctioned otherwise, and I certainly do not have any history of discipline with the State Bar.
18 I also engage in significant *pro bono* work representing the elderly and impoverished. Most
19 recently, I provided *pro bono* representation to an elderly woman against tort claims brought by
20 her tenants. Without me, she could have lost her only source of income. She is immobile and I
21 would buy her groceries and basic living essentials. I also raced to her home once during a
22 particularly unbearable summer night and brought her a portable air-conditioning unit so she
23 would not die. I never asked for money from her. I am currently providing *pro bono* representation
24 to a woman who lost her only son to suicide and who is being sued by the employee of an uninsured
25 contractor who was repairing her roof. She cannot afford a lawyer and would lose her house if
26 she did not have an attorney to defend her. In law school, I provided free services to the San
27 Francisco homeless population in a program put on by the school. I also volunteer my time in the
28 community by coaching youth soccer, basketball, and baseball.

1 9. My apology to this Court is not to avoid disciplinary referral. If this Court is inclined to
2 refer me to the State Bar for discipline, then I will deal with that if it happens (though I hope the
3 Court is forgiving). Rather, my apology to this Court is rooted in my great respect for its authority.
4 I respect this Court and Your Honor and I hope that is apparent. I appear at all of the hearings in
5 this matter in-person as a sign of respect. I ask for permission before taking a seat at counsel's
6 table during argument as a sign of respect. I spend countless hours researching and writing my
7 submissions to this Court to produce and submit only high quality legal work as a sign of respect
8 to the profession and to the Court. Lastly, I fight vigorously to defend the Constitution of the
9 United States of America and to defend against Plaintiff's attempt to curtail my client's essential
10 right to freedom of speech as a sign of respect to this country and to this Court. I am deeply
11 dismayed that my actions have called into question that respect but all of it is my doing and I do
12 bear full responsibility for the consequences of those actions.

13 10. Although I do agree and understand that my communications with Mr. Byrum and Mr.
14 Johnson are unbecoming of member of the Bar, I must maintain that my actions do not violate the
15 Rules of Professional Conduct. In this regard, I am not dismissing my actions or even condoning
16 them, but I must take this position to defend myself if I am referred to the State Bar pursuant to
17 this Court's order. I pray this Court understands.

18 VIOLATIONS RE JERRY BYRUM

19 11. This Court held in its order on Plaintiff's Motion to Disqualify that my contact with Mr.
20 Byrum may violate Rule 3.4(a) of the California Rules of Professional Conduct. I respectfully
21 submit that I have not unlawfully obstructed Plaintiff's access to evidence or witnesses nor have I
22 concealed any document or other material having evidentiary value in my communications with
23 Mr. Byrum. My communications with Mr. Byrum were to obtain Plaintiff's Namco awards that I
24 subpoenaed from him. Plaintiff also told me that Mr. Byrum had those awards in his possession.
25 At no time in any of my communication with Mr. Byrum did I tell him that he should not give the
26 awards back to Plaintiff. After all, Plaintiff and Mr. Byrum are friends for 40 years, former
27 business partners, and to this date they are both associated with the International Video Game Hall
28 of Fame. Plaintiff certainly has access to the Namco plaques through Mr. Byrum and it is a stretch

1 to believe that my 77 minutes of text messaging with Mr. Byrum has caused him to not want to
2 produce that evidence to Mr. Mitchell. Indeed, although Mr. Byrum denied it at deposition,
3 Plaintiff has asked for Mr. Byrum to look for the plaques and produce them and Mr. Byrum said
4 he would.

5 12. This Court held in its order on Plaintiff's Motion to Disqualify that my contact with Mr.
6 Byrum may violate Rule 3.4(b) of the California Rules of Professional Conduct. I have not
7 encouraged Mr. Byrum to suppress any evidence that I or Twin Galaxies has a legal obligation to
8 reveal or to produce. The opposite is true. In my correspondences with Mr. Byrum, I asked him
9 to produce documents that he had a legal obligation to produce. Those are the same documents
10 that Mr. Mitchell had a legal obligation to produce and which are allegedly now in the hands of
11 Mr. Byrum.

12 13. This Court held in its order on Plaintiff's Motion to Disqualify that my contact with Mr.
13 Byrum may violate Rule 3.4(c) of the California Rules of Professional Conduct. I did not falsify
14 evidence, nor did I counsel Mr. Byrum or assist him in falsifying evidence. To the contrary, I
15 encouraged him to tell me the truth about the plaques and whether they were found at his arcade
16 by Mr. Johnson. At no time did I ask him to falsify evidence or to testify in any particular manner
17 that was untruthful. Why would I do that? He is not my witness, and he is not friendly to my side.
18 He is friendly with Plaintiff and would not falsify evidence if I asked him to do that. And to be
19 certain, I would not ask anyone to falsify evidence.

20 14. This Court held in its order on Plaintiff's Motion to Disqualify that my contact with Mr.
21 Byrum may violate Rule 3.10 of the California Rules of Professional Conduct. I want to be clear
22 that I was in no way threatening criminal charges against Mr. Byrum. Although, I did send Mr.
23 Byrum screen shots of the Penal Code, what I meant to show him was what Mr. Mitchell was
24 doing – fabricating evidence and hiding it away – was illegal. I did not mean to imply that I would
25 be seeking to report Mr. Byrum to the authorities because he was not the one who fabricated the
26 evidence and hid it away. I sent Mr. Byrum a follow-up text message explicitly stating to him that
27 I was not threatening him with prosecution, because I really was not. I thought this was sufficient.
28

1 15. Moreover, Rule 3.10 requires that I seek to gain an advantage with the threat – with that
2 advantage usually being the settlement of the case. I was not threatening Mr. Byrum with criminal
3 charges to get him to have Plaintiff drop the claim. There is no indication that any of that
4 happened. At most, I was seeking production of evidence that was subpoenaed and which Plaintiff
5 told me in discovery responses and in deposition was in the possession of Mr. Byrum. This is the
6 same evidence that would exonerate Plaintiff and possibly disprove his fraud if produced.

7 16. Lastly, Comment 1 to Rule 3.10 states that if the lawyer believes in good faith that the
8 conduct of the opposing party violates criminal or other laws, he may state that if the conduct
9 continues he will report it to the authorities. Based on all of the circumstances, including the
10 deposition testimony of Jerry Byrum, Brian Cady, John Grunwald, the statement by Laura Carrell,
11 and the analysis of the June 2023 Photograph, and the documents produced by John Grunwald, I
12 had a reasonable belief that Plaintiff had fabricated evidence and hid it away. I was allowed to
13 state that the conduct of Plaintiff violated criminal laws and that is what I did. But I never
14 threatened Mr. Byrum.

15 17. In retrospect, I understand the Court's position that sending the Penal Code screenshots to
16 Mr. Byrum despite the fact that I also sent him a note stating that I was not threatening him with
17 prosecution could be perceived as threatening prosecution. That was a lapse of judgment on my
18 part and I again apologize to the Court and to Mr. Byrum for my actions. My intent though was
19 never to threaten him with prosecution and I never made any such overt threat.

20 VIOLATION RE ISAIAH TRIFORCE JOHNSON

21 18. I am most disappointed in myself with respect to the communications I had with Mr.
22 Johnson to the extent it appears to this Court that I was harassing him because of his religion or
23 somehow suggesting to him that he had a religious obligation to certain facts. I was not

24 19. To start, my entire practice is focused on the representation of people who have been
25 harassed and discriminated against for the way they look and for what they believe in. The reason
26 I chose this specialty and why I fight for peoples' civil rights is because my family and I have been
27 harassed and discriminated against because of the way we look, our names, and our beliefs.
28

1 20. My father came to this country from Iran in 1976. He studied engineering in Denver,
2 Colorado and worked nights at 7-11 to support my mom, my sisters at the time, and myself. He
3 was shot during a robbery one night the early eighties as the assailant made a racial slur against
4 him. His nametag said Gholamreza. This was at the height of the Iran hostage crisis. My father
5 told me how he was discriminated against because of his name, ethnicity and religion during that
6 time so when I was born in 1982, he wanted to give me a name that would hide my ethnicity and
7 religion – so he gave me the name David. He wanted to preserve our culture and tradition so he
8 also named me Ali after his father. Ali is one of the most prevalent names in Islamic countries.
9 My father knew that I would be discriminated against because of that name so he enrolled me in
10 school under the name David Tashroudian. I did not realize until I was a teenager and saw my
11 birth certificate for the first time that my legal name is Ali David Tashroudian. But from
12 childhood, I have gone by David. Even though my name is David, I have been discriminated
13 against because of my religion and was once called “Pakistan” after 9/11. That was not the first
14 or the last time I was harassed because of my beliefs.

15 21. Moreover, I have great respect for the Rastafarian religion. In fact, my high-school senior
16 quote is from Bob Marley’s *Redemption Song*. I have studied the Rastafarian religion and Bob
17 Marley’s philosophy extensively. That is how I was introduced to the writings and speeches of
18 Haile Selassie and Marcus Garvey. One of Bob Marley’s songs that resonates most with me is
19 *War*. The lyrics of that song are from a speech given by Haile Selassie to the United Nations in
20 1963 where he said “that until the philosophy which holds one race superior and another inferior
21 is finally and permanently discredited and abandoned; that until there are no longer first class and
22 second class citizens of any nation; that until the color of a man's skin is of no more significance
23 than the color of his eyes; that until the basic human rights are equally guaranteed to all without
24 regard to race; that until that day, the dream of lasting peace and world citizenship and the rule of
25 international morality will remain but a fleeting illusion, to be pursued but never attained.” This
26 is so true considering what is going on in the world today.

27 22. I give this background to help the Court understand that I would never harass anyone
28 because of their religion. I have been there and my family has too. I also give this background to

1 help the Court understand why I referenced renowned Rastafarian figures in my communications
2 with Mr. Johnson. I was hoping to connect with him on principals we have mutual respect for.
3 But I was wrong and I can see how it came off as contrived and why the Court has a problem with
4 my actions. I was wrong but I must stress though that I was not trying to harass Mr. Johnson. I
5 respectfully submit that my communication with him do not violate Rule 8.4.1 of the California
6 Rules of Professional Conduct.

7 23. And with respect to the volitions of Rule 3.4(a-c) of the California Rules of Professional
8 Conduct, at no time did I attempt to: (1) influence Mr. Johnson's testimony; or (2) suppress
9 evidence; or (3) obstruct access to evidence. To the contrary, I contacted Mr. Johnson to obtain
10 evidence that Mr. Grunwald said that Mr. Johnson had. That evidence is the four pictures of the
11 Namco awards that Mr. Grunwald said Mr. Johnson took on his iPad at the Bridge View Center.
12 That evidence is also the high resolution file of the June 2023 Photograph of the awards that Mr.
13 Johnson took in his hotel room. This evidence is necessary for Defendant to prove its claims and
14 for me to prove fraud on this Court. I was not trying to suppress the evidence, I was trying to
15 gather it for presentation to this Court. Plus Mr. Johnson is Plaintiff's friend. If Plaintiff wants
16 evidence from Mr. Johnson he will be able to get it just like he has gotten two declarations from
17 him and documentary evidence previously.

18 TRIAL PUBLICITY

19 24. I respectfully submit that the provision of discovery materials in this case to the media does
20 not violate Rule 3.6(a) of the California Rules of Professional Conduct.

21 25. In California, the parties to litigation have a First Amendment right to disseminate
22 discovery materials absent a protective order. (*See Westinghouse Electric Corp. v. Newman &*
23 *Holtzinger* (1995) 39 Cal.App.4th 1194, 1209, fn. 6 ("Thus, in the absence of an order obtained
24 on a showing of good cause, nothing in California law would prohibit a party's sharing documents
25 obtained through discovery with a nonparty").)

26 26. There is also an important state interest in California in facilitating the ascertainment of
27 the truth and obtaining just resolutions in connection with legal proceedings. (*Britt v. Superior*
28

1 Court (1978) 20 Cal.3d 844, 857 *quoting* In re Lifschutz (1970) 2 Cal.3d 415, 432; *see also* Valley
2 Bank of Nevada v. Superior Court (1975) 15 Cal.3d 652, 657–658.)

3 27. No material subject to the parties’ stipulated protective order was disseminated to the
4 media in this case. The material that was disseminated to the media was only the actual discovery
5 materials and neither myself nor Twin Galaxies made any public comment regarding the materials
6 or their contents. Certainly no public statement that I made or that my client made has been
7 presented to this Court. In other words, there is no extrajudicial statement subject to the rule.

8 28. The public has a right to these materials so that the truth and a just resolution can be
9 achieved in this matter. And the dissemination of the discovery materials has facilitated the
10 discovery of the truth to ensure there is fair resolution.

11 29. The most glaring example of the dissemination of discovery to the public facilitating the
12 discovery of the truth comes from Elizabeth Hunter. Ms. Hunter testifies in her December 18,
13 2023 declaration that she became aware of statements Plaintiff made in his discovery responses
14 that were untrue. The statements made by Plaintiff are that: (1) he was never a director of the
15 International Video Game Hall of Fame; and (2) that he donated his awards to the International
16 Video Game Hall of Fame at a 2010 event at the Bridge View Center in 2010. Ms. Hunter saw
17 these statements in the public and came forward with facts. And the truth is that Plaintiff was a
18 director of the International Video Game Hall of Fame, and that he did not donate any awards to
19 the Hall of Fame. She had personal knowledge of these facts since she was the secretary and
20 president of the International Video Game Hall of Fame in 2010 and 2011 and served on the board
21 of the organization with Plaintiff. She also had personal knowledge of the fact that Plaintiff did
22 not donate any of his awards to the organization because she was responsible for recording that
23 information and also because she stored all of the Hall of Fame’s things at her building in 2010
24 and 2011 and none of Plaintiff’s awards were part of the stuff she stored – and she testified that
25 she stored *all* of the Hall of Fame’s belongings.

26 30. Had the discovery materials not been shared with the public pursuant to Defendant’s First
27 Amendment right to do so, this matter would be resolved on perjured testimony and false evidence.
28 The public has an important interest in ensuring that does not have happen and that this case is

1 resolved justly. The dissemination of discovery materials in this case ensures that these two
2 important state interests are met.

3 31. Moreover, there is no evidence in the record that any of my statements or my client's
4 statements regarding this case or the discovery materials were published by the media so as to
5 reach a jury pool. The discovery materials were published by the media and members of the media
6 and the public made their own commentary on the materials. The public certainly has a right to
7 debate and comment on this information as it relates to a matter of public interest and to a public
8 figure – video game high scores, and Plaintiff.

9 32. Indeed, Plaintiff has invited the publication of the discovery and public comment to prove
10 the legitimacy of his scores. Plaintiff is on the board of advisors of *Old School Gamer Magazine*.
11 He gave an official video recorded statement 1 minute and 9 seconds in length to the magazine on
12 April 15, 2018 concerning the controversy regarding his *Donkey Kong* scores (“Mitchell
13 Commitment”). The Mitchell Commitment can be found at:
14 <https://www.youtube.com/watch?v=mjtn3EEG65Q>. That official statement was posted on the
15 magazine's website as well as on its YouTube page where it has been viewed 285,000 times.
16 Plaintiff told the public in the Mitchell Commitment that “there is a true professional due diligence
17 being done to investigate” and show that his *Donkey Kong* scores at issue were “done
18 professionally, according to the rules, according to the scoreboard, the integrity that was set up.”
19 He said that “Everything will be transparent. Everything will be available.” He promised to the
20 public that “Witnesses, documents, everything will be made available to you. Nothing will be
21 withheld. You absolutely have my commitment to that.” Plaintiff has consented to the
22 dissemination of discovery material in the Mitchell Commitment.

23 33. In addition, Rule 3.6(b)(5) of the California Rules of Professional Conduct provides an
24 exception to the trial publicity rule where the lawyer makes a request for assistance in obtaining
25 evidence and information necessary thereto. The dissemination of the discovery materials in this
26 case has resulted in Ms. Hunter coming forward with evidence and information necessary to the
27 just resolution of this case. I respectfully submit that this Court should not find a violation of this
28

1 rule considering the dissemination of information has resulted in the ascertainment of the truth and
2 will eventually lead to a just resolution of this case.

3 34. Lastly, the dissemination of discovery materials in this case does not implicate any of the
4 factors set forth in Comment 1 to Rule 3.6 of the California Rules of Professional Conduct. That
5 comment identifies the factors to consider when determining whether an extrajudicial statement
6 violates the rule. The provision of discovery materials in this case does not implicate a statement
7 that presents inadmissible evidence or false and deceptive information – they are Plaintiffs own
8 discovery responses and true and correct depositions. And the materials were not subject to the
9 protective order when disseminated. Accordingly, there has been no violation of the Rule when
10 the dissemination is considered against the factors set forth in Comment 1.

11 VIOLATION OF RULE 4.4

12 35. I respectfully submit that I have not violated Rule 4.4 of the California Rules of
13 Professional Conduct.

14 36. Plaintiff has had his son sit in on almost every single one of the dozen remote depositions
15 that have taken place in this case. Plaintiff's son never identifies himself at deposition and instead
16 appears remotely as "Billy Mitchell" with his camera turned off. Plaintiff, the father, also appears
17 as "Billy Mitchell" with his camera turned off during the majority of the depositions. I routinely
18 ask Plaintiff's counsel who it is that is appearing as "Billy Mitchell" and Plaintiff's counsel refuses
19 to identify the participants on the record. They do this to give the appearance that the son is the
20 father so the son can sit in and gather evidence for his dad. Even this Court was confused during
21 the December 1, 2023 hearing on Plaintiff's motion to disqualify where Plaintiff appeared in-
22 person and his son appeared by videoconference with the name "Billy Mitchell."

23 37. My recollection is that Plaintiff appeared at Mr. Byrum's deposition from his car and it
24 appeared that he was driving. Mr. Byrum denied at deposition sharing text messages between him
25 and myself with Plaintiff and his son. However, during the deposition, and while Plaintiff's
26 counsel Ms. Ross was obviously sharing her entire screen, a message popped up very briefly from
27 "Billy Mitchell" stating that Mr. Byrum had told me that he had seen Plaintiff's awards. The only
28 way for "Billy Mitchell" to know that is for Mr. Byrum to have told him.

1 38. I know from my review of the discovery in this case that Plaintiff's son has been
2 spearheading Plaintiff's prosecution of his dad's claim by being actively involved in almost every
3 facet of this case. I also know from my review of the discovery in this case that that
4 communications that come from Plaintiff in this case are often incomprehensible and
5 unintelligible.

6 39. I had a reasonable belief that the message that popped up on the screen was from Plaintiff's
7 son and not from Plaintiff. Moreover, I have a reasonable belief that communications between
8 Plaintiff's son and Plaintiff's counsel are not privileged. To start, all of the communications that
9 have been produced in this matter between Plaintiff's son and witnesses in this matter have come
10 from Plaintiff's son's "kingofkong.com" email address. None of the communications show any
11 indication that Plaintiff's son has ever been associated in any way with the Manning & Kass law
12 firm. Moreover, I have reviewed Plaintiff's son's LinkedIn page and there is no indication of any
13 association with the Manning & Kass law firm. Instead, his experience is listed as a Lieutenant in
14 the United States Army from July 2017 through the present; and his education is listed as the
15 United States Military Academy at West Point with a major in military history and a minor in
16 environmental engineering. Nothing in his education or experience history links Plaintiff's son to
17 the Manning & Kass law firm.

18 40. Moreover, I do not believe that my actions violated Rule 4.4 of the California Rules of
19 Professional Conduct. I did not question Mr. Byrum about the contents of the message that popped
20 up. The message that popped up simply reinforced my belief that Mr. Byrum was being deceptive.
21 I asked him if he was being deceptive and nothing about that is secret. This is not like the case of
22 Clark v. Superior Court (2011) 196 Cal.App.4th 37 where the lawyer obtained obviously
23 privileged information that was clearly marked and which he had for a long period of time and
24 which was used to prosecute the case. This situation is markedly different. Here, there was a
25 message that popped up for a second or two which showed the deponent was lying. How was I
26 supposed to ignore that happened? And when counsel objected to my line of questioning, I
27 stopped. It would be unjust for this Court to refer me to the State Bar on this record.

1 41. Lastly and fundamentally, there is no evidence in the record that the message that popped
2 up on counsel's screen was actually from Plaintiff and not his son. Nor is there any evidence that
3 Plaintiff's son is actually a law clerk for the Manning & Kass law firm. I respectfully submit that
4 this Court should not refer me to the State Bar for discipline without that baseline showing.

5 COMMENT REGARDING "GET REAL" & "BE A GOOD BOY"

6 42. I would like to address the "get real" and "be a good boy" comments this Court referenced
7 in its order on the motion to disqualify.

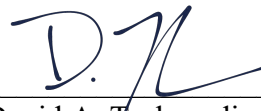
8 43. First, I think the Court may have misheard me. What I said was "let's be real" and what I
9 meant is that let's consider what is actually going on here. We have Plaintiff's two friends Mr.
10 Johnson and Mr. Byrum presenting evidence to get the lawyer that has been hounding their buddy
11 and exposing his lies for years kicked off this case. Plaintiff wants nothing more than for me to
12 be kicked off of this case. It was apparent at the hearing on the disqualification motion. Plaintiff
13 flew from Florida to be there in-person. Plaintiff's counsel made their first appearance in-court in
14 this matter after four years. Plaintiff's prior counsel James E. Gibbons who has not been on this
15 case for two years appeared remotely. Robert Cohen whose client Walter Day was dismissed the
16 week earlier appeared remotely and so did Plaintiff's son. They all want me off of this case
17 because of the knowledge I have gathered through discovery about this case. Plaintiff even went
18 so far as to provide false evidence in support of the motion to disqualify when his son declared
19 that I did not produce documents in discovery when I actually did. Ms. Ross had to walk back
20 Plaintiff's son's statement in her declaration in reply to the disqualification motion.

21 44. I know this will not stop. I am now Plaintiff's and his counsel's target. The facts support
22 Defendant's defense and now Plaintiff realizes that. He also realizes that he has dug himself into
23 a hole by lying in discovery. I do not say that lightly. He has lied to me about receiving \$33,000
24 from Walter Day in connection with the sale of Twin Galaxies. He has lied to me about being a
25 director of the International Video Game Hall of Fame. He has fabricated a second Namco plaque
26 and evidence surrounding its discovery. He has lied about playing Donkey Kong for Carlos
27 Pineiro to do technical testing even after he was confronted with a video of him doing that. He
28 has lied about Josh Ryan setting up a recording device at the 2007 Mortgage Brokers Convention

1 when Josh Ryan who was subpoenaed by Plaintiff categorically denied that ever happened. And
2 the technical analysis shows that the videotaped recordings of his score in questions could not
3 have come from original unmodified *Donkey Kong* hardware. The outlook is bleak for Plaintiff
4 so I am the target now. Plaintiff is chomping at the bit to see me referred to the State Bar and
5 relent. I just hope the Court sees that.

6 45. With respect to the being a good boy comment, please understand Your Honor that I was
7 not expecting to be assailed with all of my misdeeds at the hearing. I was shocked and embarrassed
8 and if the Court recalls, I was at loss for words. I did not mean anything by it other than I will
9 conform my conduct.

10 I declare under penalty of perjury under the laws of the State of California that the
11 foregoing is true and correct. Executed this fifth day of January, 2024 at Los Angeles, California.

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13 _____

14 David A. Tashroudian
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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 January 5, 2024, I served the herein described document(s):

DECLARATION OF DAVID A. TASHROUDIAN IN RESPONSE TO ORDER TO SHOW CAUSE RE POTENTIAL DISCIPLINARY REFERRAL OF DEFENDANT'S COUNSEL FOR VIOLATIONS OF THE RULES OF PROFESSIONAL CONDUCT

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.

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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 January 5, 2024 at Woodland Hills, California.



Mona Tashroudian