

Anthony J. Ellrod (State Bar No. 136574)  
 tony.ellrod@manningkass.com  
 Kristina Ross (State Bar No. 325440)  
 kristina.ross@manningkass.com  
**MANNING & KASS**  
**ELLROD, RAMIREZ, TRESTER LLP**  
 801 S. Figueroa St, 15<sup>th</sup> Floor  
 Los Angeles, California 90017-3012  
 Telephone: (213) 624-6900  
 Facsimile: (213) 624-6999

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 Superior Court of California,  
 County of Los Angeles  
 3/11/2024 6:46 PM  
 David W. Slayton,  
 Executive Officer/Clerk of Court,  
 By V. Sino-Cruz, Deputy Clerk

Attorneys for Plaintiff, WILLIAM JAMES MITCHELL

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

WILLIAM JAMES MITCHELL,  
 Plaintiff,  
 v.  
 TWIN GALAXIES, LLC,  
 Defendants.

**Case No. 19STCV12592**

[Hon. Hon. Wendy Chang, Department 36]

**NOTICE OF MOTION AND MOTION TO  
 SEAL RE PLAINTIFF'S MOTION TO  
 ENFORCE SETTLEMENT AGREEMENT  
 PURSUANT TO C.C.P. SECTION 664.6;  
 MEMORANDUM OF POINTS AND  
 AUTHORITIES; DECLARATION OF  
 KRISTINA ROSS**

[Filed concurrently with [PROPOSED] Order,  
 Plaintiff's Motion to Enforce Settlement  
 Agreement; Notice of Lodging; [PROPOSED]  
 Order re Motion to Enforce]

Date: May 30, 2024  
 Time: 8:30 a.m.  
 Dept.: 36

*Reservation No.: 485151508422*

TO THE HONORABLE COURT, THE PARTIES AND THEIR ATTORNEYS OF RECORD:

PLEASE TAKE NOTICE THAT on May 30, 2024 or as soon thereafter as counsel may be  
 heard, in Department 36 of the above-captioned Court, Plaintiff WILLIAM JAMES MITCHELL  
 ("Plaintiff") will and hereby does move this Court for an Order to seal: (1) the unredacted version  
 of Plaintiff's Motion to Enforce Settlement Agreement Pursuant to Code of Civil Procedure

(“C.C.P.”) Section 664.6 (“Motion to Enforce”); (2) the unredacted version of the Declaration of Kristina Ross in support of Plaintiff’s Motion to Enforce; and (3) the unredacted Exhibits in support of the portions of Plaintiff’s Motion to Enforce.

This motion is made pursuant to California Rules of Court (“CRC”), Rules 2.550 and 2.551 on the grounds that Plaintiff’s Motion to Enforce the Settlement Agreement concerns the settlement agreement (“Settlement Agreement”) in the above-entitled and for reasons set forth fully in the concurrent Motion to Enforce the portions redacted should be sealed. Plaintiff’s Motion to Enforce cannot properly be brought without making references to the terms of Settlement Agreement, thereby requiring that it be filed under seal. If the portions of the Motion to Enforce the Settlement Agreement and exhibits filed conditionally under seal are not sealed, there is a substantial probability that the parties overriding interest in maintaining the settlement terms will be prejudiced as noted in the concurrently filed Motion to Enforce.

This Motion is also brought on the grounds that an overriding interest in protecting the terms of the Settlement Agreement overcomes the right of public access to this record, the proposed sealing is narrowly tailored to the terms of the Settlement Agreement and other issues that are protected under the protective order in this matter, and there is no less restrictive means that exist to achieve this overriding interest.

This Motion is based on this Notice of Motion, the attached Memorandum of Points and Authorities, the supporting Declaration of Kristina Ross, the concurrently filed Motion to Enforce, all of the pleadings, files, and records in this proceeding, all other matters of which the Court may take judicial notice, and any argument or evidence that may be presented at or before hearing on this Motion.

DATED: March 11, 2024

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

By:



Anthony J. Ellrod  
Kristina Ross  
Attorneys for Plaintiff  
WILLIAM JAMES MITCHELL

1 **MEMORANDUM OF POINTS AND AUTHORITIES**

2 **I. STATEMENT OF FACTS**

3 This case arises from defamatory statements made by Defendant regarding Plaintiff's  
4 achievement of certain world records in video gaming. On April 11, 2019, Plaintiff filed this lawsuit  
5 against Defendant, and subsequently filed a First Amended Complaint on March 12, 2020, setting  
6 out two causes of action: (1) Defamation; and (2) False Light. At the center of the action are public  
7 statements made by Twin Galaxies on April 12, 2018, that Plaintiff had achieved his long-standing  
8 world record video game scores by cheating. Based on these allegations Defendant stripped Plaintiff  
9 of those records and forever banned him from submitting further records as of April 2018.  
10 Declaration of Kristina Ross ("Ross Decl.") ¶ 3.

11 On January 10, 2024, the parties entered into a written settlement agreement ("Settlement  
12 Agreement") and counsel of record for the parties appeared in Court on January 11, 2024 and  
13 advised the Court of the settlement. The parties and counsel filed a stipulation for the Court to retain  
14 jurisdiction to enforce that settlement under C.C.P. §664.6 on January 11, 2024. Ross Decl. ¶ 4.

15 Plaintiff has filed concurrently a Motion to Enforce the Settlement Agreement ("Motion to  
16 Enforce") as Defendant has breached the Settlement Agreement as set forth more fully in the  
17 concurrently filed Motion to Enforce. As the entire basis of the Motion to Enforce is predicated on  
18 the terms of the Settlement Agreement, the Motion to Enforce cannot be properly brought without  
19 referring and citing to the terms of the Settlement Agreement and without attaching the Settlement  
20 Agreement as an exhibit. Ross Decl. ¶ 5.

21 Thus, Plaintiff brings the instant Motion and respectfully requests the Court seal the  
22 requested portions of Plaintiff's Motion to Enforce, as well as corresponding declarations, exhibits,  
23 and proposed orders in support of that motion.

24 **II. ARGUMENT**

25 **A. The Court Has Authority to Seal the Redacted Portions of the Motion to**  
26 **Enforce**

27 California Rules of Court, Rule 2.551 provides that a party may request that a record be filed  
28 under seal by filing a noticed motion or application for an order sealing that record. C.R.C.

1 2.551(b)(1); *See Nixon v. Warner Comm'n Inc.* (1978) 435 U.S. 589, 598 (“Every court has a  
2 supervisory power over its own records and files, and access has been denied where court files might  
3 become a vehicle for improper purpose.”)

4 Following a hearing, the Court can enter an order directing the sealing of documents that  
5 contain material which needs to be placed under seal. The Court may order that a record be filed  
6 under seal if it finds facts that establish:

7 “(1) There exists an overriding interest that overcomes the right of public access  
8 to the record;

9 (2) The overriding interest supports sealing the record;

10 (3) A substantial probability exists that the overriding interest will be prejudiced  
11 if the record is not sealed;

12 (4) The proposed sealing is narrowly tailored; and

13 (5) No less restrictive means exist to achieve the overriding interest.”

14 Cal. Rules of Court, rule 2.550(d); see also *In re Providian Credit Card Cases* (2002) 96  
15 Cal.App.4th 292, 299-301; *NBC Subsidiary (KNBC-TV), Inc. v. Superior Court* (1999) 20 Cal.4<sup>th</sup>  
16 1178, 1211. Additionally, a Court has discretion in whether to seal court documents. *People v.*  
17 *Jackson* (2005) 128 Cal.App.4<sup>th</sup> 1009, 1019.

18 In this matter, the interests served by sealing the redacted portions of Plaintiff’s Motion to  
19 Enforce and supporting documents that were lodged conditionally under seal override the right of  
20 public access to that information as detailed more thoroughly in the Motion to Enforce and below.

21 **B. The Parties’ Interest in the Redacted Portions of the Motion to Enforce Being**  
22 **Sealed Overcomes the Public’s Right of Access to the Records and Supports**  
23 **the Court’s Order to Seal**

24 The right of public access to court records is not an absolute right, and the decision as to  
25 access “is one best left to the sound discretion of the trial court . . . in light of the relevant facts and  
26 circumstances of the particular case.” *See Nixon*, supra, 435 U.S. at 98. Considering the relevant  
27 facts and circumstances of this case, there are multiple overriding interests that would overcome a  
28 right of public access to the settlement terms: (1) overriding public policy promoting settlements,  
(2) concerns for the protection and privacy of the parties and witnesses related to this case, and (3)

1 concerns regarding the parties' privacy.

2 Firstly, it is a well-established principle that settlements of litigation are favored and should  
3 be encouraged. *See Villa v. Cole* (1992) 4 Cal.App.4th 1327, 1338; *Fisher v. Superior Court* (1980)  
4 103 Cal.App.3d 434, 440.

5 Secondly, this Court is already aware of the substantial interest in this case and  
6 corresponding aggressive and fanatical behavior by members of the public. Indeed, based upon  
7 evidence of party and witness harassment this Court issued its own protective order that all discovery  
8 in the case is confidential.

9 Thirdly, a party's financial privacy concerns, alone, can be an overriding interest that  
10 overcomes right of public access. *See Carmel-by-the-Sea v. Young* (1970) 2 Cal.3d 259, 268  
11 (holding that the protection of one's financial affairs against public disclosure is justified under the  
12 Fourth Amendment.).

13 Here, the parties entered into a Settlement Agreement, the terms of which are detailed in the  
14 Motion to Enforce. There is an overriding interest in the sealing the redacted portions of Plaintiff's  
15 Motion to Enforce and supporting documents that were lodged conditionally under seal as it would  
16 be contrary to California law to not seal the requested portions of the Motion to Enforce and contrary  
17 to the parties intentions. *See Hinshaw, Winkler, Draa, Marsh & Still v. Superior Court* (1986) 51  
18 Cal.App.4th 233, 241; *NBC, 20 Cal.4th at 1222; Publicker Ind., Inc. v. Cohen* (1984) 733 F.2d 1059,  
19 1073.

20 As this Court is well aware this case has garnered notoriety and many aspects have been  
21 made public such that a full protective order was in place over any and all discovery in the matter.  
22 The public has no legitimate interest in the information detailed in the Motion to Enforce regarding  
23 the Settlement Agreement that outweighs the privacy concerns in this matter.

24 Finally, the proposed sealing is narrowly tailored to only sealing the portions of the Motion  
25 to Enforce that detail or reference the terms of the Settlement Agreement and the corresponding  
26 declarations and exhibits, as well as any reference to discovery in this matter due to the prior  
27 protective order issued. Due to the Motion to Enforce being based upon the Settlement Agreement  
28 itself, there is no less restrictive means for Plaintiff to properly bring the motion and allow the Court

1 to properly rule on it.

2 The parties explicitly agreed to the terms of the Settlement Agreement and the Court should  
3 grant this Motion and order the redacted portions of Plaintiff's Motion to Enforce sealed.

4 **C. The Redacted Portions of the Motion to Enforce Should Not be Revealed in**  
5 **Open Court**

6 Plaintiff additionally respectfully requests to seal any and all references to the redacted  
7 portions of the Motion to Enforce in any court transcript or other papers and requests that said  
8 portions therefore only be discussed *in camera* such that they are not revealed in open court. In the  
9 alternative, Plaintiff requests that any non-involved persons, excluding court staff, be asked to leave  
10 the courtroom during any hearings where the redacted portions of the Motion to Enforce will be  
11 revealed and discussed, and that the Court order all parties present to keep such information  
12 confidential. This will allow the Court to be fully informed of the issues and the parties to argue  
13 their points without jeopardizing the parties' rights.

14 Plaintiff believes this to be necessary as at the last court hearing on this matter on January  
15 11, 2024, a reporter was in the audience and requested comment from Plaintiff and counsel and as  
16 noted this case has garnered notoriety and any information revealed is likely to end up widely  
17 disseminated on the internet.

18 **III. CONCLUSION**

19 Based upon the foregoing, Plaintiff respectfully requests that this Motion be granted and that  
20 the Court order the following as sealed: (1) the unredacted version of Plaintiff's Motion to Enforce  
21 Settlement Agreement Pursuant to Code of Civil Procedure ("C.C.P.") Section 664.6 ("Motion to  
22 Enforce"); (2) the unredacted version of the Declaration of Kristina Ross in support of Plaintiff's  
23 Motion to Enforce; and (3) the unredacted Exhibits in support of the portions of Plaintiff's Motion  
24 to Enforce.

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1           Additionally, that the Court order the hearing on this matter as to discussion of the redacted  
2 portions of the Motion to Enforce be conducted *in camera*, or in the alternative, without any non-  
3 involved persons aside from court staff to leave the courtroom and any parties present to keep the  
4 information confidential.

5  
6 DATED: March 11, 2024

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

7  
8  
9 By: 

\_\_\_\_\_  
Anthony J. Ellrod

Kristina Ross

Attorneys for Plaintiff

WILLIAM JAMES MITCHELL

**DECLARATION OF KRISTINA ROSS**

I, KRISTINA ROSS, declare as follows:

1. I am an attorney at law duly licensed to practice before all the courts of the State of California, and am an associate of the law firm of Manning & Kass, Ellrod, Ramirez, Trester, LLP, attorneys of record for Plaintiff WILLIAM JAMES MITCHELL ("Plaintiff").

2. If called upon to testify as to the matters herein related, I could and would competently do so based upon my review of the litigation file herein and my personal participation as one of the attorneys of record herein.

3. This case arises from defamatory statements made by Defendant regarding Plaintiff's achievement of certain world records in video gaming. On April 11, 2019, Plaintiff filed this lawsuit against Defendant, and subsequently filed a First Amended Complaint on March 12, 2020, setting out two causes of action: (1) Defamation; and (2) False Light. At the center of the action are public statements made by Twin Galaxies on April 12, 2018, that Plaintiff had achieved his long-standing world record video game scores by cheating. Based on these allegations Defendant stripped Plaintiff of those records and forever banned him from submitting further records as of April 2018.

4. On January 10, 2024, the parties entered into a written settlement agreement ("Settlement Agreement") and counsel of record for the parties appeared in Court on January 11, 2024 and advised the Court of the settlement. The parties and counsel filed a stipulation for the Court to retain jurisdiction to enforce that settlement under C.C.P. §664.6 on January 11, 2024

5. Plaintiff has filed concurrently a Motion to Enforce the Settlement Agreement ("Motion to Enforce") as Defendant has breached the Settlement Agreement as set forth more fully in the concurrently filed Motion to Enforce. As the entire basis of the Motion to Enforce is predicated on the terms of the Settlement Agreement, the Motion to Enforce cannot be properly brought without referring and citing to the terms of the Settlement Agreement and without attaching the Settlement Agreement as an exhibit.

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

Executed on this March 11, 2024, at Los Angeles, California.

  
\_\_\_\_\_  
Kristina Ross

**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 March 11, 2024, I served true copies of the following document(s) described as **NOTICE OF MOTION AND MOTION TO SEAL RE PLAINTIFF'S MOTION TO ENFORCE SETTLEMENT AGREEMENT PURSUANT TO C.C.P. SECTION 664.6; MEMORANDUM OF POINTS AND AUTHORITIES; DECLARATION OF KRISTINA ROSS** on the interested parties in this action as follows:

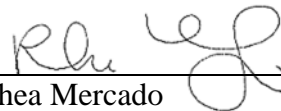
David Tashroudian, Esq.  
Mona Tashroudian, Esq.  
TASHROUDIAN LAW GROUP, APC  
12400 Ventura Boulevard, Suite 300  
Studio City, CA 91604  
T: (818) 561-7381  
F: (818) 561-7381  
Email: [david@tashlawgroup.com](mailto:david@tashlawgroup.com)  
[mona@tashlawgroup.com](mailto:mona@tashlawgroup.com)

*Attorney for Defendants,  
TWIN GALAXIES*

**BY E-MAIL OR ELECTRONIC TRANSMISSION:** I caused a copy of the document(s) to be sent from e-mail address [rhea.mercado@manningkass.com](mailto:rhea.mercado@manningkass.com) to the persons at the e-mail addresses listed in the Service List. I did not receive, within a reasonable time after the transmission, any electronic message or other indication that the transmission was unsuccessful.

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

Executed on March 11, 2024, at Los Angeles, California.

  
\_\_\_\_\_  
Rhea Mercado



## Court Reservation Receipt

### Reservation

Reservation ID:  
485151508422

Status:  
RESERVED

Reservation Type:  
Motion to Seal (Motion to Seal Re Plaintiff's Motion to  
Enforce Settlement Agreement Pursuant to C.C.P.  
Section 664.6; Memorandum of Points and Authorities;  
Declaration of Kristina Ross)

Number of Motions:  
1

Case Number:  
19STCV12592

Case Title:  
WILLIAM JAMES MITCHELL vs TWIN GALEXIES, LLC

Filing Party:  
William James Mitchell (Plaintiff)

Location:  
Stanley Mosk Courthouse - Department 36

Date/Time:  
May 30th 2024, 8:30AM

Confirmation Code:  
CR-K3CTHEYCVLWTFIOYM

### Fees

Description	Fee	Qty	Amount
Motion to Seal (name extension)	0.00	1	0.00
TOTAL			\$0.00

### Payment

Amount:  
\$0.00

Type:  
NOFEE

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