1 2 3 4 5 6	David A. Tashroudian [SBN 266718] Mona Tashroudian [SBN 272387] TASHROUDIAN LAW GROUP, APC 12400 Ventura Blvd., Suite 300 Studio City, California 91604 Telephone: (818) 561-7381 Facsimile: (818) 561-7381 Email: david@tashlawgroup.com mona@tashlawgroup.com Attorneys for Twin Galaxies, LLC	Electronically FILED by Superior Court of California, County of Los Angeles 5/16/2024 9:26 PM David W. Slayton, Executive Officer/Clerk of Court, By S. Bolden, Deputy Clerk			
8	SUPERIOR COURT OF TH	E STATE OF CALIFORNIA			
9	COUNTY OF LOS ANGELES				
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11	WILLIAM JAMES MITCHELL,	Case No. 19STCV12592			
12	Plaintiff,	Assigned to: Hon. Wendy Chang [Dept. 36]			
13	v.	DECLARATION OF DAVID A.			
14 15	TWIN GALAXIES, LLC; and Does 1-10,	TASHROUDIAN IN OPPOSITION TO MOTION ENFORCE SETTLEMENT			
16	Defendants.	AGREEMENT			
17		[Filed concurrently with: (1) Opposition to Motion to Enforce; (2) Declaration of Jason			
18	AND RELATED CROSS-ACTION	Hall]			
19		PUBLIC-REDACTS MATERIALS FROM CONDITIONALLY SEALED RECORD			
20					
21		Hearing Date: May 30, 2024			
22		Time: 8:30 a.m.			
23		Place: Department 36			
24		Reservation ID: 184998743012			
25		Action Filed: 4/11/2019			
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28		1 TASHROUDIAN			

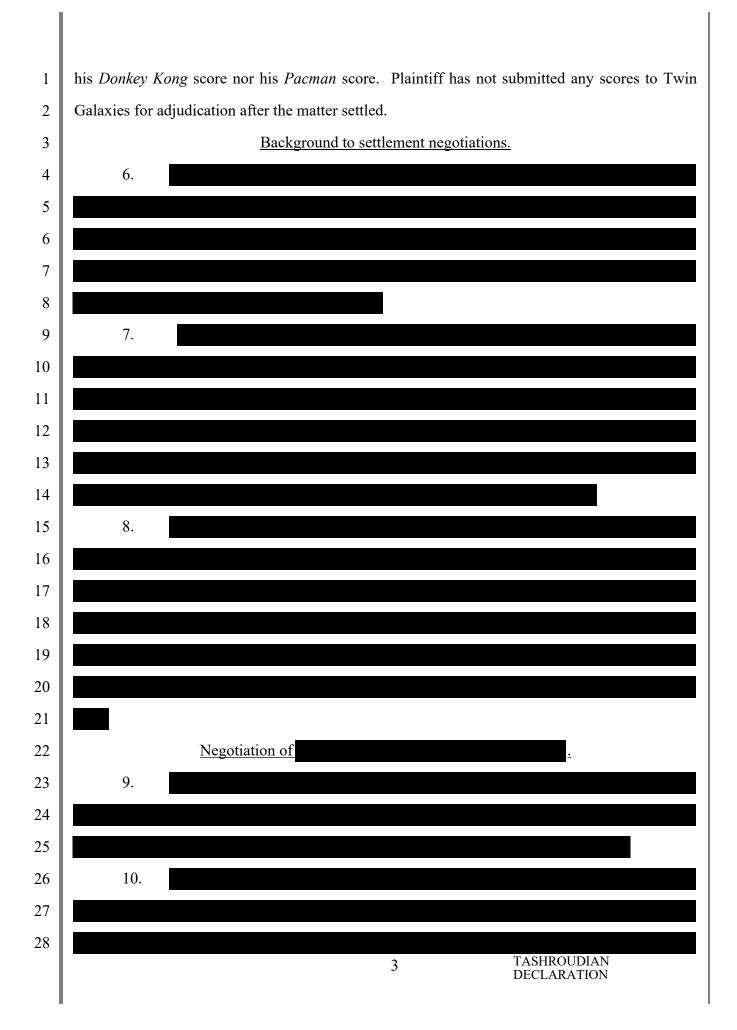
DECLARATION OF DAVID A. TASHROUDIAN

I, David A. Tashroudian, declare that:

- 1. I am an individual over the age of 18 and I make this declaration based upon facts known to me personally to be true. I am the attorney of record for defendant and cross-complainant Twin Galaxies, LLC ("Twin Galaxies") and I make this declaration in support of Twin Galaxies' opposition to the motion to enforce settlement agreement of plaintiff William James Mitchell ("Plaintiff"). If called as a witness to testify to the facts set forth herein, I would do so.
- 2. I am familiar with the procedural history of this case and with the terms of the parties' settlement. I litigated every aspect of this case and negotiated the settlement.

Brief statement of procedural history.

- 3. Plaintiff is a public figure who is known for his videogame world records including world records in the *Donkey Kong* and *Pacman* videogames. Twin Galaxies is intergalactically recognized as the foremost arbiter of videogame scores and maintains a leaderboard for high scores in *Donkey Kong* and other videogames like *Pacman*. Plaintiff had scores on Twin Galaxies' leaderboards for *Donkey Kong* and *Pacman*. Plaintiff's *Donkey Kong* high score was challenged by Jeremy Young in August 2017. Twin Galaxies determined that Mr. Young's challenge to Plaintiff's score was valid and on April 12, 2018 struck Plaintiff's *Donkey Kong* score and his *Pacman* score form its leaderboards and banned Plaintiff from participating in its competitive leaderboards for all games.
- 4. Plaintiff filed this suit for defamation against Twin Galaxies in April 2019 as his response. Twin Galaxies cross-complained and filed a special motion to strike which was denied, appealed, and resulted in a published decision. The case was remitted from the appellate court in February 2022 and the parties litigated this case with zeal through January 2024 when the matter settled by virtue of the agreement and statement attached to the declaration of Kristina Ross as Exhibit A (the "Settlement Agreement" and the "Statement").
- 5. As part of the settlement, Twin Galaxies reinstated Plaintiff's disputed *Donkey Kong* score and the *Pacman* score to a historical archive on its website. Importantly, none of Plaintiff's scores were restored to any of Twin Galaxies' current and active leaderboards neither



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			DECLARATION

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DECLARATION RE REASONABLENESS OF FEES

- 15. This Court has previously set my reasonable hourly rate at \$525.00/hr three years ago in October 2020 in connection with Twin Galaxies' successful motion to require Plaintiff to put up a costs bond as an out-of-state litigant. Since then, I have had three more years of experience a lot of it from his case, and I have achieved significant milestones in my career such as obtaining a \$6,400,000 jury verdict in San Diego County, settling a million dollar class-action/FEHA suit, settling another case for \$2,000,000.00, and trying a four-week securities fraud action in the Orange County Superior Court, Complex Division. I know form my industry contacts and from meeting with my colleagues and by reading the latest information on attorney's fees that the reasonable hourly rate for an attorney with my fourteen years of experience is \$625.00.
- 16. I spent 14 hours drafting this opposition and I anticipate I will spend 2 hours preparing for and appearing at the hearing of this matter for a total of 16 hours. My time spent drafting the opposition includes legal research, drafting the points & authorities and declarations, revisions to the same. At my \$625.00 rate, the reasonable expense incurred by Twin Galaxies to oppose this frivolous motion is \$10,000.00.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct. Executed this 16th day of April 2024 at Los Angeles, California.

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 May 16, 2024, I served the herein described document(s):

DECLARATION OF DAVID A. TASHROUDIAN IN OPPOSITION TO MOTION ENFORCE SETTLEMENT AGREEMENT

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.

E-File - by electronically transmitting the document(s) listed above to tony.ellrod@mannigkass.com & rwc@robertwcohenlaw.com pursuant to an agreement of the parties.

Anthony J. Ellrod tonv.ellrod@mannigkass.com MANNING & KASS ELLROD, RAMIREZ, TRESTER LLP 801 S. Figueroa St, 15th Floor Los Angeles, California 90017-3012

Attorneys for Plaintiff WILLIAM JAMES MITCHELL

Robert W. Cohen rwc@robertwcohenlaw.com Law Offices of Robert W. Cohen, APC 1901 Avenue of the Stars, Suite 1910 Los Angeles, CA 90067

Attorneys for Cross-Defendant WALTER DAY

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 May 16, 2024 at Woodland Hills, California.

Mona Tashroudian

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