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Superior Court of California,
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David W. Slayton,
Executive Officer/Clerk of Court,
By S. Bolden, Deputy Clerk

10 Attorneys for Twin Galaxies, LLC

11 SUPERIOR COURT OF THE STATE OF CALIFORNIA
12 COUNTY OF LOS ANGELES

13 WILLIAM JAMES MITCHELL,

14 Plaintiff,

15 v.

16 TWIN GALAXIES, LLC; and Does 1-10,

17 Defendants.

18 AND RELATED CROSS-ACTION

Case No. 19STCV12592

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

**DECLARATION OF JASON HALL IN
OPPOSITION TO MOTION TO ENFORCE
SETTLEMENT OF WILLIAM JAMES
MITCHELL**

*[Filed concurrently with: (1) Opposition to
Motion; and (2) Declaration of David A.
Tashroudian]*

**PUBLIC-REDACTS MATERIALS FROM
CONDITIONALLY SEALED RECORD**

Hearing

Date: May 30, 2024

Time: 8:30 a.m.

Place: Department 36

Reservation ID: 184998743012

Action Filed: 4/11/2019

1 **DECLARATION OF JASON HALL**

2 I, Jason Hall, declare that:

3 1. I am an individual over the age of 18 and I make this declaration in support of the
4 opposition to motion to enforce settlement agreement of Twin Galaxies, LLC (“Twin Galaxies”
5 or “TG”). I make this declaration based on facts known to me personally to be true, and if called
6 as a witness to testify to them, I could and would do so.

7 2. I am the Head Custodian of Records for Twin Galaxies, and have held that position
8 since I purchased the organization from Walter Day in 2014. In my position as Head Custodian
9 of Records, I am responsible for maintaining the integrity of all scores that appear on Twin
10 Galaxies’ records of videogame achievements. As the Head Custodian of Records, I responsible
11 for all of the scores that appear on any of the Twin Galaxies videogame score leaderboards.

12 3. I write to address the claim made by Plaintiff in his motion to enforce the terms of
13 the settlement agreement with facts that I know personally to be true.

14 *Item #1*

15 Twin Galaxies’ involvement with Karl Jobst’s videos.

16 4. I am not involved with Karl Jobst videos. The reason that he had a video so quick
17 on Tuesday Jan 16th was because on Jan 11th Courthouse News reported on the settlement with a
18 lengthy article. So, he, and everyone else, knew a settlement had happened and that an
19 announcement would likely be forthcoming. The announcement came on Jan 16th, so this gave
20 Karl 5 days to get his video together, leaving just a few empty slots for insertion for whatever
21 specific info he may have been able to pull whenever a TG statement would take place. This
22 information is known because Karl has publicly posted a detailed video explaining and providing
23 testimony in regard to the circumstances surrounding the creation of his Tuesday Jan 16th video
24 publication. (https://www.youtube.com/watch?v=fxK7fERBH_8)

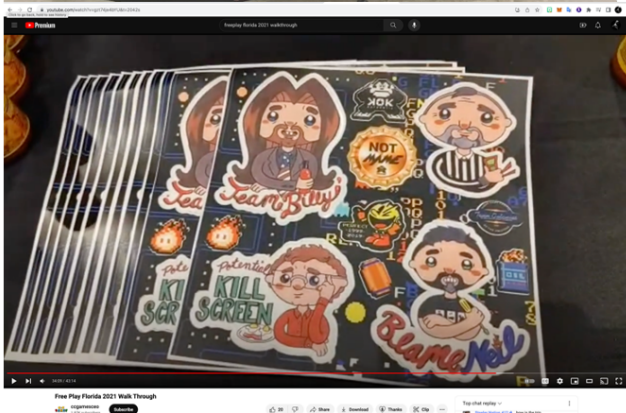
25 5. Additionally, in Plaintiff’s filing he says “Barely an hour after this exchange, Mr.
26 Jobst published a 10 minute polished video” – this is an exaggeration. From what I can tell from
27 my review of the video, Karl published his video more than 2 hours later.
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Item #2

Plaintiff's reference to merchandise in Twin Galaxies' online store.

6. There are no direct references in the store to the dispute. There are no references of any kind to any allegations made by Twin Galaxies against Mr. Mitchell. There are no references of any kind to Mr. Mitchell. In fact, the store provides language and goes out of its way to make clear that there are no references to any person, company, entity, etc. in relation to any of the products offered. Billy Mitchell does not own or control any of the intellectual property used on the products that are sold. There are over 60 different products in the online store. He has no legitimate claim here, and this is why they provide ZERO evidence of this in his filing.

7. To go even farther, BILLY HIMSELF sells "NOT MAME" merchandise and has been doing so for years. So somehow, he can sell "NOT MAME" stuff but Twin Galaxies can't sell "NOT ARCADE" stuff? You can see some of his merchandise below:



Item #3

Plaintiff remains banned from Twin Galaxies' leaderboards.

8. Billy is banned.

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[REDACTED]

[REDACTED]

[REDACTED]

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[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

11. The original ban was imposed due to a breach of trust—cheating. The integrity of Twin Galaxies’ leaderboards and the fairness to other users are at the heart of their decision to ban the Plaintiff. To ensure the maintenance of this integrity and fairness, any consideration for lifting such a ban would naturally require a thorough process of reassessment and verification that the reasons for the initial ban have been addressed and rectified.

12. Moreover, it is a fundamental aspect of any user-based platform to communicate the status of its participants; such transparency is vital for the community's functionality. The Plaintiff's claim that Twin Galaxies violates the settlement agreement by disclosing the status of Billy’s membership is in direct conflict with the platform's operational requirements and would never and can never be agreed to. Twin Galaxies always retains the right to inform its community about the standing of any member.

[REDACTED]

[REDACTED]

[REDACTED]

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Item #4

Why Twin Galaxies was required to clarify in the TG thread.

13. In a carefully orchestrated move following Twin Galaxies' announcement, Billy Mitchell actively engaged in a campaign of deliberate misrepresentation. His emphatic assertion and PR campaign on social media platforms, and in the press, was strategically worded to leave out important context for the purposes of misrepresenting the nature of Twin Galaxies' statement.



14. Mr. Mitchell's announcement, which was made within minutes of the Twin Galaxies statement release, implied a comprehensive reinstatement of his records, which sparked a wave of media coverage echoing this inaccurate sentiment. This not only caused significant damage to Twin Galaxies' standing as a trusted authority but also sowed confusion among Twin Galaxies' user base, and outrage among the public, who were familiar with the detailed evidence that questioned the validity of Mr. Mitchell's historical scores.

15. Numerous articles were immediately published with misleading or flat-out false titles, containing inaccurate information that was provided by Mr. Mitchell's campaign, creating confusion and public concern. Many of the article titles have been modified now, to reflect more accurate information, however you can use the Internet Archive to see what the titles were at the time of publication.

Some Examples below:

1 **Ars Technica –**

2 [https://web.archive.org/web/20240116184750/https://arstechnica.com/gaming/2024/01/twin-](https://web.archive.org/web/20240116184750/https://arstechnica.com/gaming/2024/01/twin-galaxies-billy-mitchell-settle-donkey-kong-score-case-before-trial/)
3 [galaxies-billy-mitchell-settle-donkey-kong-score-case-before-trial/](https://web.archive.org/web/20240116184750/https://arstechnica.com/gaming/2024/01/twin-galaxies-billy-mitchell-settle-donkey-kong-score-case-before-trial/)

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5 **ars TECHNICA** BIZ & IT TECH SCIENCE POLICY CARS GAMING & CULTURE STORE

6 *GAME OVER? —*

7 **Twin Galaxies restores Billy Mitchell's scores**
8 **following legal settlement**

9 Scoreboard cites new expert video analysis; "I am relieved and satisfied," says Mitchell.

10 **KYLE ORLAND** - UPDATED 1/16/2024, 9:51 AM

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23 **Enlarge** / Billy Mitchell (left) and Twin Galaxies owner Jace Hall (center) attend an event at the Arcade Expo 2015 in Banning, California.



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7 **Billy Mitchell's Donkey Kong records**
8 **officially reinstated by Twin Galaxies**

9 Everything's coming up Mitchell

10 16 January 2024 by quence 6



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20 Billy Mitchell has been a controversial figure in the arcade world for
21 years. Having held multiple records for the original Donkey Kong
22 arcade game, his process was made famous in the 2007
23 documentary *King of Kong*. His records were later revoked however,
24 after claims that he cheated using tricks such as emulation and
25 unsanctioned joysticks. Now, official record keeper Twin Galaxies
26 has decided that his records were legitimate after all.

1 IGN.COM –

2 <https://web.archive.org/web/20240116202912/https://www.ign.com/articles/billy-mitchells->



15 [donkey-kong-records-reinstated-twin-galaxies](https://web.archive.org/web/20240116202912/https://www.ign.com/articles/billy-mitchells-donkey-kong-records-reinstated-twin-galaxies)

16 16. Despite the growing unrest and the clear contextual omissions, Mr. Mitchell

17 remained silent on the issue, never taking steps to correct the widespread misbelief that his

18 competitive scores were restored in the official database and that he still remained banned from

19 the platform. Instead, he messaged the opposite, that Twin Galaxies' statement meant that Twin

20 Galaxies believed his scores to be legitimate which implied that he was no longer banned.

21 17. This resulted in Twin Galaxies witnessing tremendous public confusion and

22 speculation asking for clarity in the numerous comment sections attached to the mainstream media

23 news articles being published. Karl Jobst was one such entity that reached out for clarification –

24 to which Twin Galaxies responded.

25 18. Mr. Mitchell's campaign of misrepresenting the statement also spilled over into

26 Twin Galaxies itself, where people then felt the need to express their disgust and misunderstanding

27 that they were given by Mr. Mitchell's media campaign, causing damage to Twin Galaxies

28 reputation. These expressions not only took place in the comment section of the public facing

1 Twin Galaxies statement article itself, but also inside of the non-public facing Twin Galaxies
2 community platform, where users were posting similar comments.

3 19. **The Twin Galaxies user comments and questions from the Twin Galaxies**
4 **community located directly below the original statement** indicated a critical and significant
5 misunderstanding and emotional response to Mr. Mitchell’s campaign of misinformation. These
6 comments were not just general queries; they were pointed expressions of disillusionment and
7 frustration from users who believed the integrity of Twin Galaxies was compromised. False
8 information generating such strong reactions from TG’s dedicated user base necessitated a limited
9 but direct and clarifying response from the platform's administrators to those comments.

10 20. The clarification information provided was not of confidential nature, nor did it
11 interfere with the Twin Galaxies’ public article’s stand-alone nature. Every stand-alone public
12 article on Twin Galaxies contains a comment section. There is nothing in the settlement agreement
13 that indicates that Twin Galaxies cannot discuss the items in its clarification and [REDACTED]

14 [REDACTED]
15 [REDACTED]

16 21. [REDACTED]
17 [REDACTED]
18 [REDACTED]
19 [REDACTED]
20 [REDACTED]

21 22. It is critical to understand that the need for this clarification arose solely because of
22 the misleading information campaign pursued by Mr. Mitchell. Had he not deliberately
23 misrepresented the nature of our original announcement, for his own benefit, there would not have
24 been a widespread confusion or user questions to Twin Galaxies necessitating further clarification.

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

27 s/ Jason Hall
28 _____

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 JASON HALL IN OPPOSITION TO MOTION TO ENFORCE SETTLEMENT OF WILLIAM JAMES MITCHELL

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 & rwc@robertwcohenlaw.com pursuant to an agreement of the parties.

Anthony J. Ellrod *tony.ellrod@manningkass.com*
MANNING & KASS
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801 S. Figueroa St, 15th Floor
Los Angeles, California 90017-3012

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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