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SUPERIOR COURT OF THE STATE OF CALIFORNIA
COUNTY OF LOS ANGELES

WILLIAM JAMES MITCHELL,

Plaintiff,

v.

TWIN GALAXIES, LLC; and Does 1-10,

Defendants.

Case No. 19STCV12592

Assigned to: Hon. Gregory W. Alarcon
[Dept. 36]

**DECLARATION OF STEVEN KLEISATH
ISO SPECIAL MOTION TO STRIKE OF
DEFENDANT TWIN GALAXIES, LLC
[CCP § 425.16]**

*[Filed concurrently with: (1) Declaration of
Chris Glead; (2) Declaration of Robert
Mruczek; (3) Declaration of Carlos Pineiro; (4)
Declaration of Dwayne Richard; (5)
Declaration of Jason Hall; (6) Objections to
Evidence; and (7) Reply]*

Hearing

Date: July 6, 2020

Time: 9:00 a.m.

Place: Department 36

RESERVATION ID: 095658146502

Action Filed: 4/11/2019

DECLARATION OF STEVEN KLEISATH

I, Steven Kleisath, declare that:

1. I am an individual of the age of majority, and I make this declaration in support of the special motion to strike of Twin Galaxies, LLC ("Twin Galaxies"). The matters declared to herein are known to me personally to be true, and if called to testify to these facts, I could and would do so.

2. I have known Billy Mitchell and Robert Childs since 2011. For years prior to April 2018, I worked with Mr. Mitchell and Mr. Childs to organize a regular event called Retro Arcade Night which took place at Mr. Childs' place of business called Arcade Game Sales in Fort Lauderdale, Florida.

3. In or about February 2018, I became aware of a claim made by Jeremy Young in the Mitchell Score Dispute Claim Thread where Mr. Young asserted that Billy Mitchell's 1,047,200 (the King of Kong "tape"), 1,050,200 (the Mortgage Brokers score), and 1,062,800 (the Boomers score) scores were not created on an original Donkey Kong Arcade platform system because the videotape recordings of those performances contain images and other artifacts that couldn't have originated from an unmodified original Donkey Kong Arcade system.

4. After learning about Mr. Young's dispute, I informed Mr. Childs about it and suggested that he tell Mr. Mitchell.

5. After I told Mr. Childs about the Jeremy Young dispute, I noticed that Carlos Pineiro commented on a Facebook post authored by Mr. Childs about the way a direct feed from an arcade printed circuit board (PCB) works. After reading Mr. Pineiro's comment, I thought that he would be the perfect person to help Billy Mitchell address the validity of Jeremy Young's dispute.

6. I contacted Carlos and asked him to come to Arcade Game Sales to meet Robert Childs, Billy Mitchell, and others. I also asked him if he was willing to investigate Jeremy Young's claim on Billy Mitchell's behalf to exonerate him. He agreed to do both.

7. Starting in February 2018 through the first week of April 2018, I assisted Carlos Pineiro in his investigation into Jeremy Young's dispute. I spent approximately 2-4 hours a day,

1 2 to 3 days a week, for about 6 weeks at Arcade Game Sales testing equipment to disprove Jeremy
2 Young's dispute claim. Billy Mitchell was present at Arcade Game Sales about half the time that
3 I was there.

4 8. To assist Mr. Pineiro, I would play the Donkey Kong game so that Mr. Pineiro
5 could record the gameplay to perform his analysis. I witnessed Billy Mitchell doing the same
6 thing.

7 9. I would also post Mr. Pineiro's findings on the Mitchell Score Dispute Thread as
8 those findings became available. I did so with Mr. Pineiro's permission and because he was not a
9 Twin Galaxies forum member, but I was under the pseudonym "Maximumsteve."

10 10. Also during the investigation, I spoke to Jace Hall of Twin Galaxies on a few
11 occasions to update him on the status of our investigation and to discuss our findings up to that
12 point. There was one instance where I contacted Mr. Hall to request more time to perform our
13 analysis. Billy Mitchell was present when I made the call and he listened quietly and I never told
14 Mr. Hall that Mr. Mitchell was present and listening. Mr. Hall agreed and gave us more time to
15 perform our analysis and publish our findings.

16 11. After weeks of testing, and countless hours of analysis, Mr. Pineiro, in my presence,
17 came to the final conclusion that at least as to Billy Mitchell's 1,047,200 (the King of Kong "tape"),
18 1,050,200 (the Mortgage Brokers score), scores performances as they exist on videotape were not
19 achieved on an original Donkey Kong arcade system and PCB. Although I at first set out to
20 exonerate Mr. Mitchell, after working with Mr. Pineiro on the investigation, I too was satisfied
21 that the score performances were not from an original Donkey Kong arcade system.

22 12. On April 9, 2018, I posted in the Twin Galaxies Dispute Thread Mr. Pineiro's
23 findings that the 1,047,200 (the King of Kong "tape"), and the 1,050,200 (the Mortgage Brokers
24 score) score performances were not made on an original Donkey Kong arcade system. My post
25 to the thread is identified as post number 2935 and can be found here:
26 [https://www.twingalaxies.com/showthread.php/176004-Dispute-Jeremy-Young-Arcade-Donkey-](https://www.twingalaxies.com/showthread.php/176004-Dispute-Jeremy-Young-Arcade-Donkey-Kong-Points-Hammer-Allowed-Player-Billy-L-Mitchell-Score-1-062-800?p=963313&viewfull=1#post963313)
27 [Kong-Points-Hammer-Allowed-Player-Billy-L-Mitchell-Score-1-062-](https://www.twingalaxies.com/showthread.php/176004-Dispute-Jeremy-Young-Arcade-Donkey-Kong-Points-Hammer-Allowed-Player-Billy-L-Mitchell-Score-1-062-800?p=963313&viewfull=1#post963313)
28 [800?p=963313&viewfull=1#post963313.](https://www.twingalaxies.com/showthread.php/176004-Dispute-Jeremy-Young-Arcade-Donkey-Kong-Points-Hammer-Allowed-Player-Billy-L-Mitchell-Score-1-062-800?p=963313&viewfull=1#post963313)

1 13. After my post, Robert Childs and Billy Mitchell cut all ties with me.

2 14. Billy Mitchell was an integral part of the investigation that Carlos and I performed.
3 Mr. Mitchell played Donkey Kong runs for Mr. Pineiro to record and to analyze. Without that
4 help, Mr. Pineiro and I could not adequately do our investigation. Mr. Mitchell and Robert Childs
5 also provided what they claimed was the original Donkey Kong arcade cabinet PCB, 2 bit
6 converter, and capture card that was used to record Billy Mitchell's 1,050,200 (the Mortgage
7 Brokers score), and 1,062,800 (the Boomers score) score performances for Mr. Pineiro to record
8 and analyze. Moreover, Billy Mitchell was actively involved in the strategy for the investigation.

9 15. There is no question that Carlos Pineiro and I volunteered our time to exonerate
10 Billy Mitchell. We worked tirelessly and hand-in-hand with Billy Mitchell to provide evidence to
11 the Mitchell Score Dispute Thread on his behalf. But, our investigation results did not exonerate
12 him, and instead validated Mr. Young's dispute claim.

13 16. I understand that Billy Mitchell may claim that he was not involved in the work
14 Carlos and I were doing to investigate Jeremy Young's claim. This is simply not the case. For
15 example, on February 12, 2018, Billy Mitchell forwarded me a text message from Carlos Pineiro
16 where Carlos Pineiro shares some of his early findings with Mr. Mitchell. A true and correct copy
17 of the text message that I received from Billy Mitchell on February 12, 2018 is attached to this
18 declaration as **Exhibit A**, and is incorporated herein by this reference. I recognize this text
19 message as having been received by me.

20 17. There is additional evidence that Billy Mitchell was involved in our investigation.
21 On April 4, 2018, Carlos Pineiro made a technical breakthrough that allowed him to record color
22 images from a direct feed output from the PCB to a recording device. I texted Billy Mitchell
23 telling him that Carlos Pineiro and I would be at Arcade Game Sales – referred to as the “shop” in
24 the message -- at 12:45 to 1:00. Billy Mitchell responded that he would meet us at the shop in 30
25 minutes. A true and correct copy of the text messages that I sent to, and received from, Billy
26 Mitchell on April 4, 2018 are attached to this declaration as **Exhibit B**, and are incorporated herein
27 by this reference. I recognize these text messages as having been sent and received by me.

28 ///

1 I declare, under penalty of perjury of the laws of the State of California, that the foregoing
2 is true and correct. Executed this 26th day of June, 2020 in Fort Lauderdale, Florida.

3
4 /s/ Steven Kleisath (original on file)

EXHIBIT A

3:50

4G LTE 84%



Bill Mitchell

1 954-829-9464



Fwd: I'm sorry my man, my phone ran totally out of juice. While charging up I went on line to see what is up and to catch up. I believe the idea we have spoken about will be the best, quickest, rebuttal proof option myth buster style. Quick, clean and to the point demo of machine and side setup. Since we have original machine and the original converter used on the contested video, I have over 99.999978% good feeling that it will all be good.

Carlos Pineiro

cashe@CARLOSystems.com

Feb 12, 2018 7:17 PM

Received

Reply

Delete



EXHIBIT B

3:58

4G 83%

Bill Mitchell
1 954-829-9464



How did it go with the lady
in Sebring??

12:29 PM

Wed, Apr 4, 2018

Me and Carlos will be at
the shop at 12:45-1:00 for
reference.

12:12 PM

B

Awesome... I'm on my
way should be about
30 minutes

2:00 PM

Try to be quicker. Carlos
had to leave soon but we
are on to something.

Has

2:03 PM

Arcade game to two bit
converter to VCR to the TV
and it recorded in color.

Enter message



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 5900 Canoga Ave, Suite 250, Woodland Hills, CA 91367-5017. On June 26, 2020, I served the herein described document(s):

**DECLARATION OF STEVEN KLEISATH ISO SPECIAL MOTION TO STRIKE OF
DEFENDANT TWIN GALAXIES, LLC [CCP § 425.16]**

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 jeg@manningllp.com pursuant to an agreement of the parties.

by personally delivering the document(s) listed above to the person(s) at the address(es) set forth below.

by overnight courier of the document(s) listed above to the person(s) at the address(es) set forth below.

James E. Gibbons (State Bar No. 130631)
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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 June 26, 2020 at Woodland Hills, California.



Mona Tashroudian