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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]

**OBJECTIONS TO EVIDENCE IN
SUPPORT OF SPECIAL MOTION TO
STRIKE & [PROPOSED] ORDER**

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

Hearing

Date: July 6, 2020

Time: 9:00 a.m.

Place: Department 36

Action Filed: 4/11/2019

OBJECTIONS TO EVIDENCE

Defendant Twin Galaxies, LLC respectfully submits these objections to the evidence submitted by plaintiff William James Mitchell in support of his opposition to defendant's special motion to strike, as follows:

- Declaration of William James Mitchell – Objection Nos. 1-100 [pp. 1-39];
- Declaration of Walter Day – Objection Nos. 101-114 [pp. 39-42]; and,
- Exhibits 2-62 – Objection Nos. 115-173 [pp. 42-55].
- [PROPOSED] Order – p. 56

<u>Material Objected To</u>	<u>Grounds</u>	<u>Ruling</u>
Declaration of Billy Mitchell		
1. <u>Paragraph 6</u> “Until 2014, Twin Galaxies adjudicated records through two methods: 1) on-site referee adjudication and 2) videotape adjudication. Twin Galaxies verified my Pac-man record through on-site referee adjudication via the Funspot Arcade staff. Following this adjudication, I provided a videotape for archival, which the Twin Galaxies owner, Walter Day, personally reviewed. Then, NAMCO, the Japanese company who created Pac-Man, adjudicated my record via videotape. All these videogame authorities unanimously approved it. The following exhibits, which are attached hereto as Exhibits 2-8 , provide even more evidence for this record. These exhibits are as follows: Exhibit 2 – Declaration of Thomas Fisher; Exhibit 3 – Declaration of Corey Sawyer; Exhibit 4 – Declaration of Ken Sweet; Exhibit 5 – Declaration of Randy Lawton; Exhibit 6 –	<u>Hearsay</u> (Evid. Code §§ 1200(a), 1200(b)) <u>Lacks Foundation</u> (Evid. Code §§ 702(a), 800(b)) <u>Relevance</u> (Evid. Code §§ 210, 350, 352)	<input type="checkbox"/> Sustained <input type="checkbox"/> Overruled

<u>Material Objected To</u>	<u>Grounds</u>	<u>Ruling</u>
Funspot Press Release; Exhibit 7 – Weirs Times Press Release; and Exhibit 8 – NAMCO Pac-Man Museum Plaque.”		
2. <u>Paragraph 8</u> “The following paragraphs, numbered 9 to 31, review the records which encompass the Twin Galaxies “investigation” and subsequent defamatory statement issued by them on April 12, 2018. However, the “Perfect Pac-Man” record retains equivalent relevance for reasons set forth later in this declaration. The evidence further disproving the Twin Galaxies statements continues through the “PROOF OF FALSITY” section of this declaration.(See Page 6 “Proof of Falsity”).”	<u>Hearsay</u> (Evid. Code §§ 1200(a), 1200(b)) <u>Lacks Foundation</u> (Evid. Code §§ 702(a), 800(b)) <u>Relevance</u> (Evid. Code §§ 210, 350, 352) <u>Improper Legal Conclusion</u> (See <u>Hayman v. Block</u> (1986) 176 Cal. App. 3d 629, 638-39 (“affidavits must cite evidentiary facts, not legal conclusions or ‘ultimate’ facts”); see also <u>Marriage of Heggie</u> (2002) 99 Cal. App. 4th 28, 30 n.3 (“The proper place for argument is in points and authorities, not declarations”).	<input type="checkbox"/> Sustained <input type="checkbox"/> Overruled
3. <u>Paragraph 11</u> “Despite its fictitious nature, the film miraculously succeeded, and it transcended the gaming world into a cultural phenomenon. The film heavily embraced my business, calling me a “Hot Sauce Mogul” on the front cover, and shooting scenes within my company warehouse and family restaurant. The film forever linked my status as a professional videogame player to my entrepreneurial ventures, and it became part of my sales pitch. As a result, the Twin Galaxies statement naturally imposed special damages upon my company in congruence with my reputation as a professional gamer. (See page 34, “ <u>SPECIAL DAMAGES</u> ”).”	<u>Improper Legal Conclusion</u> (See <u>Hayman, supra</u> , 176 Cal. App. 3d at pp. 638-39; see also <u>Marriage of Heggie, supra</u> , 99 Cal. App. 4th at p. 30 n.3)	<input type="checkbox"/> Sustained <input type="checkbox"/> Overruled
4. <u>Paragraph 13</u> “Twin Galaxies strictly outlined the adjudication process for my record	<u>Hearsay</u> (Evid. Code §§ 1200(a), 1200(b))	<input type="checkbox"/> Sustained <input type="checkbox"/> Overruled

<u>Material Objected To</u>	<u>Grounds</u>	<u>Ruling</u>
<p>attempt. It outlined that the attempt required 1) on-site referee adjudication and 2) hardware verified by the Senior Engineer at Nintendo (the creators of Donkey Kong). Obviously, I complied with both demands. Twin Galaxies assigned two referees for the record attempt, Mr. Todd Rogers and Ms. Kimberly Mahoney. Then, in June 2007, Twin Galaxies facilitated the hardware verification with the Senior Engineer at Nintendo, Mr. Wayne Shirk. Twin Galaxies personally coordinated the verification, ensuring that I never gained access to the hardware in order to indisputably secure the veracity of the attempt. After verification, Shirk mailed the hardware directly to the Mortgage Brokers, who input it into the Donkey Kong machine before locking the machine entirely. At no point did I gain access to the hardware.”</p>	<p><u>Lacks Foundation/Personal Knowledge</u> (Evid. Code §§ 702(a), 800(b))</p>	
<p>5. <u>Paragraph 16</u> “Following my record, the Mortgage Brokers returned the hardware to Shirk for reverification, and Shirk confirmed that the hardware remained legitimate throughout the performance. Following this re-verification, Shirk mailed me the hardware through UPS, and to this day, I retain the box of this final shipment with the associated shipping label and tracking number. Attached hereto as Exhibit 14 is a true and correct photo of the Nintendo Hardware Verification UPS Box. Lastly, the former Twin Galaxies owner, Walter Day, and the Mortgage Brokers provided</p>	<p><u>Hearsay</u> (Evid. Code §§ 1200(a), 1200(b))</p> <p><u>Lacks Foundation/Personal Knowledge</u> (Evid. Code §§ 702(a), 800(b))</p>	<p><input type="checkbox"/> Sustained <input type="checkbox"/> Overruled</p>

<u>Material Objected To</u>	<u>Grounds</u>	<u>Ruling</u>
sworn declarations to the hardware verification from Shirk. (<i>See again – Exhibit 1, Exhibit 12, and Exhibit 13</i>)."		
6. <u>Paragraph 17</u> "Following this achievement, I took a hiatus from videogames until 2009. In early 2010, after months of practice, I decided to attempt the Donkey Kong record once more. In order to ensure indisputable veracity of my record, I wanted to achieve my record in a public setting under the observation of Twin Galaxies personnel, exactly as the record achieved from the Mortgage Brokers Convention. As a result, I sought out a credible venue for my attempt, and I found it in Boomers Arcade in Ft. Lauderdale, FL."	<u>Relevance</u> (Evid. Code §§ 210, 350, 352)	<input type="checkbox"/> Sustained <input type="checkbox"/> Overruled
7. <u>Paragraph 18</u> "The machine traveled from Enzo Celani to Boomers Arcade through the Route Manager of Arcade Game Sales, Matt Furgal. Furgal delivered the machine sometime before Friday, July 30, 2010. He then placed it within Boomers Arcade at the direction of its manager, Joe Tortorella. Furgal and Tortorella ensured that the machine possessed the correct hardware and necessary settings for my attempt."	<u>Relevance</u> (Evid. Code §§ 210, 350, 352) <u>Lacks Foundation/Personal Knowledge</u> (Evid. Code §§ 702(a), 800(b))	<input type="checkbox"/> Sustained <input type="checkbox"/> Overruled
8. <u>Paragraph 19</u> "The machine traveled from Enzo Celani to Boomers Arcade through the Route Manager of Arcade Game Sales, Matt Furgal. Furgal delivered the machine sometime before Friday, July 30, 2010. He then placed it within Boomers Arcade at the direction of its manager, Joe	<u>Relevance</u> (Evid. Code §§ 210, 350, 352)	<input type="checkbox"/> Sustained <input type="checkbox"/> Overruled

<u>Material Objected To</u>	<u>Grounds</u>	<u>Ruling</u>
<p>Tortorella. Furgal and Tortorella ensured that the machine possessed the correct hardware and necessary settings for my attempt. These two individuals also witnessed my record achievement. The declarations provided by Matt Furgal and Joe Tortorella are attached hereto as Exhibit 16 and Exhibit 17 respectively. ”</p>		
<p>9. <u>Paragraph 20</u> “After failing on Friday, July 30, I achieved a new Donkey Kong world record of 1,062,800 points on Saturday, July 31. Again, Twin Galaxies assigned two of its personnel to perform on-site verification of my record, and these personnel were Todd Rogers and Kimberly Mahoney once more. (See Exhibit 9 and Exhibit 10). For clarity, Twin Galaxies verified this record through on-site referee adjudication.”</p>	<u>Relevance</u> (Evid. Code §§ 210, 350, 352)	<input type="checkbox"/> Sustained <input type="checkbox"/> Overruled
<p>10. <u>Paragraph 21</u> “On Monday, August 2, 2010, Furgal picked up the machine from Boomers Arcade and subsequently returned it to Celani, which concluded the event. Celani confirmed that the machine returned in the same state as he loaned it – with original unmodified Donkey Kong hardware. (See Exhibit 15).”</p>	<u>Relevance</u> (Evid. Code §§ 210, 350, 352) <u>Lacks Foundation/Personal Knowledge</u> (Evid. Code §§ 702(a), 800(b)) <u>Hearsay</u> (Evid. Code §§ 1200(a), 1200(b))	<input type="checkbox"/> Sustained <input type="checkbox"/> Overruled
<p>11. <u>Paragraph 23</u> “Through the facts incorporated into paragraphs 3 to 21, and the expansions set forth herein, the Twin Galaxies statements are false. In addition to my own refutations, the founder and former owner of Twin Galaxies, Walter Day,</p>	<u>Relevance</u> (Evid. Code §§ 210, 350, 352) <u>Lacks Foundation/Personal Knowledge</u> (Evid. Code §§ 702(a), 800(b))	<input type="checkbox"/> Sustained <input type="checkbox"/> Overruled

<u>Material Objected To</u>	<u>Grounds</u>	<u>Ruling</u>
disavows the claims. Day provided a sworn declaration containing the full account of his conclusive testimony against the Twin Galaxies allegations, and this declaration further outlines that Twin Galaxies was aware of his testimony but deliberately omitted it from their evidentiary body. (See Exhibit 1).”	<u>Hearsay</u> (Evid. Code §§ 1200(a), 1200(b)) <u>Improper Legal Conclusion</u> (See <u>Hayman</u> , <i>supra</i> , 176 Cal. App. 3d at pp. 638-39; <i>see also</i> <u>Marriage of Heggie</u> , <i>supra</i> , 99 Cal. App. 4th at p. 30 n.3)	
12. <u>Paragraph 23</u> “Moreover, in September 2019, Guinness World Records (“GWR”) launched its own investigation that resulted in the reversal of its previous removal of my records, which originally occurred as a result of the Twin Galaxies allegations. On June 18, 2020, GWR publicly announced the full reinstatement of my Pac-Man and Donkey Kong records. The Guinness World Records Reinstatement Announcement is attached hereto as Exhibit 18 ”	<u>Relevance</u> (Evid. Code §§ 210, 350, 352) <u>Lacks Foundation/Personal Knowledge</u> (Evid. Code §§ 702(a), 800(b)) <u>Hearsay</u> (Evid. Code §§ 1200(a), 1200(b))	<input type="checkbox"/> Sustained <input type="checkbox"/> Overruled
13. <u>Paragraph 24</u> “ First , my Pac-Man and Donkey Kong records occurred in public venues under the observation of Twin Galaxies personnel, numerous arcade industry experts, and third-party eyewitnesses. To this day, almost 20 eye-witnesses provided sworn declarations to the fact that I performed my records on original unmodified hardware. In contrast, ZERO eye-witnesses testify that I achieved my records on unoriginal modified hardware, as claimed by Twin Galaxies. This is because the accusations never occurred and hence nobody witnessed it. I incorporated these declarations in	<u>Relevance</u> (Evid. Code §§ 210, 350, 352) <u>Lacks Foundation/Personal Knowledge</u> (Evid. Code §§ 702(a), 800(b))	<input type="checkbox"/> Sustained <input type="checkbox"/> Overruled

<u>Material Objected To</u>	<u>Grounds</u>	<u>Ruling</u>
the exhibits throughout paragraphs 3 to 22.”		
<p>14. <u>Paragraph 25</u> “Second, as previously outlined, I complied with former Twin Galaxies owner Walter Day’s request to verify my hardware with the Senior Engineer at Nintendo, Wayne Shirk. It is patently impossible for hardware verified by the videogame’s creator (Nintendo) to be illegitimate. Furthermore, I never accessed the hardware before or after the performance, and hence I never possessed the opportunity to commit the allegations. I attached a brief which thoroughly outlines the process of the hardware verification with the associated real and testimonial evidence. (<i>See Exhibit 19</i>)”</p>	<p><u>Relevance</u> (Evid. Code §§ 210, 350, 352) <u>Lacks Foundation/Personal Knowledge</u> (Evid. Code §§ 702(a), 800(b)) <u>Hearsay</u> (Evid. Code §§ 1200(a), 1200(b))</p>	<input type="checkbox"/> Sustained <input type="checkbox"/> Overruled
<p>15. <u>Paragraph 26</u> “Third, the Twin Galaxies allegations contradict common sense. For the allegations to be true, it would not only require me to lie, but also the dozens of individuals involved in my records. This includes Arcade Game Sales, the Mortgage Brokers, Boomers Arcade, casual spectators, and the Twin Galaxies personnel themselves. In other words, it would require three conspiracies involving three different groups of people in three different locations at three different times for these allegations to be true. This amounts to roughly 20 different individuals,</p>	<p><u>Hearsay</u> (Evid. Code §§ 1200(a), 1200(b)) <u>Relevance</u> (Evid. Code §§ 210, 350, 352) <u>Lacks Foundation/Personal Knowledge</u> (Evid. Code §§ 702(a), 800(b)) <u>Improper Legal Conclusion</u> (<i>See Hayman, supra</i>, 176 Cal. App. 3d at pp. 638-39; <i>see also Marriage of Heggie, supra</i>, 99 Cal. App. 4th at p. 30 n.3)</p>	<input type="checkbox"/> Sustained <input type="checkbox"/> Overruled
<p>16. <u>Paragraph 27</u> “Fourth, Twin Galaxies never provided evidence for “<i>how</i>” I committed these egregious</p>	<p><u>Relevance</u> (Evid. Code §§ 210, 350, 352)</p>	<input type="checkbox"/> Sustained <input type="checkbox"/> Overruled

<u>Material Objected To</u>	<u>Grounds</u>	<u>Ruling</u>
<p>allegations. It possesses no witnesses, photos, videos, or any factual evidence to support its dubious technical accusations. It never will produce any such evidence, because its allegations are false and never occurred.”</p>	<p><u>Lacks Foundation/Personal Knowledge</u> (Evid. Code §§ 702(a), 800(b))</p> <p><u>Improper Legal Conclusion</u> (See <i>Hayman, supra</i>, 176 Cal. App. 3d at pp. 638-39; see also <u>Marriage of Heggie, supra</u>, 99 Cal. App. 4th at p. 30 n.3)</p>	
<p>17. <u>Paragraph 28</u> “Fifth, as outlined further in this declaration and the associated exhibit, Twin Galaxies lost the chain of custody over my videotapes for over ten-years to Mr. Dwayne Richard. Richard, who provided them the now alleged videotapes, historically expressed his “master plan” to “take [me] down.” He also asked Mr. Richard Vavrence to help him “fake an [emulation] score,” and Vavrence publicly testified of this incident during the Twin Galaxies investigation. I told Jason Hall about it, but Hall ignored it. There is a probable likelihood that these now alleged tapes are false representations of my performance, which were edited by Richard. The “Chain of Custody Brief,” which thoroughly expands upon this paragraph with the relevant exhibits, is attached hereto as Exhibit 20.”</p>	<p><u>Hearsay</u> (Evid. Code §§ 1200(a), 1200(b))</p> <p><u>Relevance</u> (Evid. Code §§ 210, 350, 352)</p> <p><u>Lacks Foundation/Personal Knowledge</u> (Evid. Code §§ 702(a), 800(b))</p> <p><u>Inadmissible Speculation and Conclusions</u> (Evid. Code §§ 400, 403, 410)</p>	<p><input type="checkbox"/> Sustained <input type="checkbox"/> Overruled</p>
<p>18. <u>Paragraph 29</u> “Sixth, an extensive statistical analysis from expert witness Robert Lakeman, who is an eight-time Donkey Kong World Record holder and the most knowledgeable Donkey Kong player in history, demonstrated two facts: 1) the gameplay on these alleged videotapes exhibit gameplay from a legitimate Donkey Kong Arcade</p>	<p><u>Hearsay</u> (Evid. Code §§ 1200(a), 1200(b))</p> <p><u>Relevance</u> (Evid. Code §§ 210, 350, 352)</p> <p><u>Lacks Foundation/Personal Knowledge</u> (Evid. Code §§ 702(a), 800(b))</p>	<p><input type="checkbox"/> Sustained <input type="checkbox"/> Overruled</p>

<u>Material Objected To</u>	<u>Grounds</u>	<u>Ruling</u>
<p>machine, and 2) that no motive for these accusations exists, because no competitive advantage occurs on the alleged videotapes. Lakeman's statistical analysis concluded that "I do not see a reason why Billy would need to even use [emulation], or save states to film both games with this style of play." A true and correct copy of Robert Lakeman's Expert-Witness Analysis is attached hereto as Exhibit 21."</p>	<p><u>Inadmissible Speculation and Conclusions</u> (Evid. Code §§ 400, 403, 410)</p> <p><u>Improper Expert Opinion</u> (Evid. Code §§ 720, 801)</p>	
<p>19. <u>Paragraph 30</u> Lastly, as shown throughout this declaration, several individuals disproved numerous technical allegations set forth by Twin Galaxies and its community. Twin Galaxies has displayed a track record of incorrect technical assessments, and one should proceed with caution in believing any of its allegations. This declaration reviews three separate occurrences where Twin Galaxies asserted a technical fact, and it was disproven.</p>	<p><u>Relevance</u> (Evid. Code §§ 210, 350, 352)</p> <p><u>Lacks Foundation/Personal Knowledge</u> (Evid. Code §§ 702(a), 800(b))</p> <p><u>Inadmissible Speculation and Conclusions</u> (Evid. Code §§ 400, 403, 410)</p> <p><u>Improper Legal Conclusion</u> (<i>See Hayman, supra</i>, 176 Cal. App. 3d at pp. 638-39; <i>see also Marriage of Heggie, supra</i>, 99 Cal. App. 4th at p. 30 n.3)</p>	<p><input type="checkbox"/> Sustained <input type="checkbox"/> Overruled</p>
<p>20. <u>Paragraph 32</u> In the period between February 3 and February 5, 2018, I learned the following facts. 1) Twin Galaxies lost the chain of custody over ALL of my world record videotapes, 2) Twin Galaxies lost the chain of custody over ALL of the documentation associated with the videotapes, such as the submission forms and the eye-witness declarations provided by the Twin Galaxies referees, and 3) Mr. Dwayne Richard held custody of the videotapes. Richard has spent a decade defaming me across the internet, and he historically</p>	<p><u>Lacks Foundation/Personal Knowledge</u> (Evid. Code §§ 702(a), 800(b))</p> <p><u>Inadmissible Speculation and Conclusions</u> (Evid. Code §§ 400, 403, 410)</p> <p><u>Improper Legal Conclusion</u> (<i>See Hayman, supra</i>, 176 Cal. App. 3d at pp. 638-39; <i>see also Marriage of Heggie, supra</i>, 99 Cal. App. 4th at p. 30 n.3)</p>	<p><input type="checkbox"/> Sustained <input type="checkbox"/> Overruled</p>

<u>Material Objected To</u>	<u>Grounds</u>	<u>Ruling</u>
expressed intentions to “take [me] down” (See Exhibit 20).		
21. <u>Paragraph 36</u> “On February 14, 2018 , Jason Hall officially engaged Mr. Chris Gleed as his “third-party” investigator, who possessed no qualifications beyond that of a casual videogame hobbyist. (See Jason Hall Declaration – Exhibit A, Page 435).”	<u>Lacks Foundation/Personal Knowledge</u> (Evid. Code §§ 702(a), 800(b)) <u>Inadmissible Speculation and Conclusions</u> (Evid. Code §§ 400, 403, 410)	<input type="checkbox"/> Sustained <input type="checkbox"/> Overruled
22. <u>Paragraph 36</u> “Therefore, Hall directly chose a member of the accusatory group for a ‘third-party.’”	<u>Lacks Foundation/Personal Knowledge</u> (Evid. Code §§ 702(a), 800(b)) <u>Inadmissible Speculation and Conclusions</u> (Evid. Code §§ 400, 403, 410) <u>Improper Legal Conclusion</u> (See <u>Hayman, supra</u> , 176 Cal. App. 3d at pp. 638-39; see also <u>Marriage of Heggie, supra</u> , 99 Cal. App. 4th at p. 30 n.3)	<input type="checkbox"/> Sustained <input type="checkbox"/> Overruled
23. <u>Paragraph 39</u> “ I learned that the Dispute Thread possessed 1) no moderation of user conduct, 2) mostly anonymous posts with no evidentiary content, and 3) almost exclusively the vitriol of individuals with personal animosity towards me, who possessed no expertise about the issue and desired to see me harmed no matter the falsity of the allegations.”	<u>Lacks Foundation/Personal Knowledge</u> (Evid. Code §§ 702(a), 800(b)) <u>Inadmissible Speculation and Conclusions</u> (Evid. Code §§ 400, 403, 410) <u>Improper Legal Conclusion</u> (See <u>Hayman, supra</u> , 176 Cal. App. 3d at pp. 638-39; see also <u>Marriage of Heggie, supra</u> , 99 Cal. App. 4th at p. 30 n.3)	<input type="checkbox"/> Sustained <input type="checkbox"/> Overruled
24. <u>Paragraph 40</u> (1) Former Twin Galaxies referee Robert Mruczek, whom the previous Twin Galaxies administration banned for abusive conduct,	<u>Lacks Foundation/Personal Knowledge</u> (Evid. Code §§ 702(a), 800(b))	<input type="checkbox"/> Sustained <input type="checkbox"/> Overruled

<u>Material Objected To</u>	<u>Grounds</u>	<u>Ruling</u>
expressed direct hatred for me, compared me to convicted sexual assaulter Bill Cosby, and falsified testimony to imply that I used money to corrupt my way to success. On June 18, 2020, Mruczek spoke of me, saying “I hope someone decks him a good one.”	<u>Inadmissible Speculation and Conclusions</u> (Evid. Code §§ 400, 403, 410) <u>Hearsay</u> (Evid. Code §§ 1200(a), 1200(b))	
25. <u>Paragraph 40</u> (1) Former Twin Galaxies referee Robert Mruczek, whom the previous Twin Galaxies administration banned for abusive conduct, expressed direct hatred for me, compared me to convicted sexual assaulter Bill Cosby, and falsified testimony to imply that I used money to corrupt my way to success. On June 18, 2020, Mruczek spoke of me, saying “I hope someone decks him a good one.”	<u>Lacks Foundation/Personal Knowledge</u> (Evid. Code §§ 702(a), 800(b)) <u>Inadmissible Speculation and Conclusions</u> (Evid. Code §§ 400, 403, 410) <u>Hearsay</u> (Evid. Code §§ 1200(a), 1200(b))	<input type="checkbox"/> Sustained <input type="checkbox"/> Overruled
26. <u>Paragraph 40</u> “Former Twin Galaxies employee Wolff Marrow, whom I’ve never met, compared me to convicted serial killers. Wolff Marrow’s statement demonstrating personal animosity towards me is attached as Exhibit 24. ”	<u>Lacks Foundation/Personal Knowledge</u> (Evid. Code §§ 702(a), 800(b)) <u>Hearsay</u> (Evid. Code §§ 1200(a), 1200(b))	<input type="checkbox"/> Sustained <input type="checkbox"/> Overruled
27. <u>Paragraph 40</u> “Twin Galaxies member Wes Copeland called for the removal of my records seven months before the current allegations even arose. A true and correct copy of Wes Copeland’s statement is attached hereto as Exhibit 25. ”	<u>Lacks Foundation/Personal Knowledge</u> (Evid. Code §§ 702(a), 800(b)) <u>Hearsay</u> (Evid. Code §§ 1200(a), 1200(b))	<input type="checkbox"/> Sustained <input type="checkbox"/> Overruled
28. <u>Paragraph 41</u> “Understanding these facts, I determined that the Dispute Thread was a witch hunt, and I decided that I would not participate in the	<u>Improper Legal Conclusion</u> (See <u>Hayman, supra</u> , 176 Cal. App. 3d at pp. 638-39; see also <u>Marriage of Heggie, supra</u> , 99 Cal. App. 4th at p. 30 n.3)	<input type="checkbox"/> Sustained <input type="checkbox"/> Overruled

<u>Material Objected To</u>	<u>Grounds</u>	<u>Ruling</u>
<p>“kangaroo court” set forth in it. To the contrary, I chose to engage Twin Galaxies directly to defend myself. The Twin Galaxies motion calls the Dispute Thread a “lively public debate.” However, the most cursory unbiased analysis of its contents would prove this factually false. The Twin Galaxies motion and Jason Hall’s declaration also heavily imply that I never attempted to defend myself, simply because I never posted in its Dispute Thread. However, this is also false, and it omits the multiple-hour phone calls and text message communications between me and Jason Hall, where I vigorously defended myself from these accusations. The following paragraphs explain these facts.”</p>		
<p>29. <u>Paragraph 42</u> “I later learned that on February 22, 2018, Twin Galaxies received a shipment from Mr. Dwayne Richard. The shipment contained several videotapes, all of which Richard alleged belonged to me. A true and correct photo of the videotapes is attached as Exhibit 26. Hall immediately attributed the 1,047,200 point and 1,050,200 Donkey Kong videotapes to me. However, for some reason, Hall ignored the “6 [HOUR] PERFECT GAME PAC-MAN,” which Richard publicly asserted was my Pac-Man world record videotape. At the time, I paid little attention to Hall’s decision to ignore the videotape of my Pac-Man record. However, as shown later, I eventually learned that Hall decided to deliberately hide the videotape from public scrutiny to bury evidence in my favor.”</p>	<p><u>Lacks Foundation/Personal Knowledge</u> (Evid. Code §§ 702(a), 800(b))</p> <p><u>Inadmissible Speculation and Conclusions</u> (Evid. Code §§ 400, 403, 410)</p> <p><u>Hearsay</u> (Evid. Code §§ 1200(a), 1200(b))</p> <p><u>Improper Legal Conclusion</u> (See <u>Hayman</u>, <i>supra</i>, 176 Cal. App. 3d at pp. 638-39; <i>see also</i> <u>Marriage of Heggie</u>, <i>supra</i>, 99 Cal. App. 4th at p. 30 n.3)</p>	<p><input type="checkbox"/> Sustained <input type="checkbox"/> Overruled</p>

<u>Material Objected To</u>	<u>Grounds</u>	<u>Ruling</u>
<p>30. <u>Paragraph 43</u> “On or about February 24, 2018, I engaged in my first significant contact with Twin Galaxies. I spoke in a phone conversation with Jason Hall. In this phone call, I complied with Hall’s requests and answered his questions. He questioned me on three main topics. Firstly, Hall asked if the videotapes over which Twin Galaxies lost the chain of custody belonged to me. I stated that the videotapes did not possess my physical appearance nor my audio, and considering his source’s personal animosity for me, I did not know. Secondly, Hall questioned me about a “statistical analysis” presented by Wes Copeland, which alleged that I used emulation to falsify my performance. I reiterated that I did not falsify my records, and therefore any analysis asserting such was false. Lastly, Hall asked me to join the Dispute Thread, because “it would go a long way in appeasing the people.” I told Hall that these individuals would only be appeased by a public humiliation of me, and that they already concluded me as guilty. I specifically told Hall that I “will not enter a kangaroo court,” and if he possessed questions or inquiries, I will comply with them through direct communication.”</p>	<p><u>Hearsay</u> (Evid. Code §§ 1200(a), 1200(b))</p>	<p><input type="checkbox"/> Sustained <input type="checkbox"/> Overruled</p>
<p>31. <u>Paragraph 44</u> “I urged Hall to interview these Twin Galaxies personnel and eyewitnesses who would easily deny the allegations. However, Hall immediately refused my entreaty, stating that he ‘doesn’t care about what anybody says.’”</p>	<p><u>Hearsay</u> (Evid. Code §§ 1200(a), 1200(b))</p>	<p><input type="checkbox"/> Sustained <input type="checkbox"/> Overruled</p>

<u>Material Objected To</u>	<u>Grounds</u>	<u>Ruling</u>
<p>32. <u>Paragraph 44</u> “I urged Hall to interview these Twin Galaxies personnel and eyewitnesses who would easily deny the allegations. However, Hall immediately refused my entreaty, stating that he ‘doesn’t care about what anybody says.’”</p>	<p><u>Hearsay</u> (Evid. Code §§ 1200(a), 1200(b))</p>	<input type="checkbox"/> Sustained <input type="checkbox"/> Overruled
<p>33. <u>Paragraph 44</u> “However, Hall refused to investigate these facts as well, claiming he “didn’t care.” Although I did not record the phone call for obvious legal reasons, Hall repeated these words to the public on March 23, 2018, stating ‘[Twin Galaxies] does not care about [verified hardware], or any other non-relevant item to the dispute claim’.”</p>	<p><u>Hearsay</u> (Evid. Code §§ 1200(a), 1200(b))</p> <p><u>Lacks Foundation/Personal Knowledge</u> (Evid. Code §§ 702(a), 800(b))</p>	<input type="checkbox"/> Sustained <input type="checkbox"/> Overruled
<p>34. <u>Paragraph 47</u> “This event marked the moment which Hall bought the equipment which supposedly “recreated” my recording set-up. Considering Hall purchased it on a Saturday, it could not have arrived until at least Tuesday, March 13.”</p>	<p><u>Lacks Foundation/Personal Knowledge</u> (Evid. Code §§ 702(a), 800(b))</p> <p><u>Inadmissible Speculation and Conclusions</u> (Evid. Code §§ 400, 403, 410)</p>	<input type="checkbox"/> Sustained <input type="checkbox"/> Overruled
<p>35. <u>Paragraph 48</u> “To the contrary, as shown herein, Gleed decided to make inflammatory comments about me thereafter. It is very clear that Gleed only sought to convict me from the outset.”</p>	<p><u>Hearsay</u> (Evid. Code §§ 1200(a), 1200(b))</p> <p><u>Lacks Foundation/Personal Knowledge</u> (Evid. Code §§ 702(a), 800(b))</p> <p><u>Inadmissible Speculation and Conclusions</u> (Evid. Code §§ 400, 403, 410)</p>	<input type="checkbox"/> Sustained <input type="checkbox"/> Overruled

<u>Material Objected To</u>	<u>Grounds</u>	<u>Ruling</u>
<p>36. <u>Paragraph 49</u> “Also, at the Donkey Kong World Championships, the allegations against me became materially impossible. Hall, Young, and the Dispute Thread alleged that I utilized “MAME” emulation in my records. However, the specific version of MAME was not created until AFTER I achieved my 1,047,200 record.”</p>	<p><u>Lacks Foundation/Personal Knowledge</u> (Evid. Code §§ 702(a), 800(b))</p> <p><u>Inadmissible Speculation and Conclusions</u> (Evid. Code §§ 400, 403, 410)</p>	<input type="checkbox"/> Sustained <input type="checkbox"/> Overruled
<p>37. <u>Paragraph 49</u> “However, Jason Hall assisted the Dispute Thread in fabricating explanations in an effort to circumvent this fact; nevertheless, these explanations failed to refute the discovery. Hall responded by simply ignoring this fact, and Hall acted as if it didn’t exist.”</p>	<p><u>Lacks Foundation/Personal Knowledge</u> (Evid. Code §§ 702(a), 800(b))</p> <p><u>Inadmissible Speculation and Conclusions</u> (Evid. Code §§ 400, 403, 410)</p> <p><u>Improper Legal Conclusion</u> (<i>See Hayman, supra</i>, 176 Cal. App. 3d at pp. 638-39; <i>see also Marriage of Heggie, supra</i>, 99 Cal. App. 4th at p. 30 n.3)</p>	<input type="checkbox"/> Sustained <input type="checkbox"/> Overruled
<p>38. <u>Paragraph 50</u> “On or about March 19, 2018, I received a phone call from Walter Day – the former owner of Twin Galaxies. Day informed me that he received a phone call from Jason Hall roughly one week prior, where Hall asked him, “How will you feel when I announce that Billy cheated?” Day explained that Hall was extremely closed off to anything which opposed this allegation, and Day told me that Hall ended the call by saying that “It doesn’t matter what anybody else does, I know more about this than anybody, and I have better equipment.”</p>	<p><u>Hearsay</u> (Evid. Code §§ 1200(a), 1200(b))</p>	<input type="checkbox"/> Sustained <input type="checkbox"/> Overruled

<u>Material Objected To</u>	<u>Grounds</u>	<u>Ruling</u>
<p>39. <u>Paragraph 51</u> In July 2019, I received a phone call from Mr. Dean Wenzel. Wenzel is a videogame enthusiast who spoke to several individuals during the investigation, including Wes Copeland. On April 8, 2018, Copeland told Wenzel the following: “I’ve been chatting with [Jason Hall] a little bit behind the scenes... I have no idea what [Jason] is going to do. He asked me a very interesting question in my recent convo with him: “What does the [Donkey Kong] community think I am going to do?” I can tell you this. [Jason] has been pretending to be impartial for the last month, including during that 4-hour + [Facebook] livestream. He made up his mind a long time ago.”</p>	<p><u>Hearsay</u> (Evid. Code §§ 1200(a), 1200(b)) <u>Lacks Foundation/Personal Knowledge</u> (Evid. Code §§ 702(a), 800(b))</p>	<p><input type="checkbox"/> Sustained <input type="checkbox"/> Overruled</p>
<p>40. <u>Paragraph 52</u> On March 21, 2018, Twin Galaxies “third-party” investigator, Chris Gleed, wrote about me on the Donkey Kong Forum. He stated: “I really can’t imagine carrying all that weight of the wrong-doing around for so many years, and then having it surface and piece-by-piece fully exposed.” A true and correct copy of Chris Gleed’s March 21, 2018 statement is attached as Exhibit 31. Once again, the “third-party” who supposedly operated without pre-ordained conclusions displayed his inherent bias as a member of the group alleging that I am a cheater. Yet, Twin Galaxies still retained him as their “third-party” investigator.</p>	<p><u>Hearsay</u> (Evid. Code §§ 1200(a), 1200(b)) <u>Lacks Foundation/Personal Knowledge</u> (Evid. Code §§ 702(a), 800(b)) <u>Inadmissible Speculation and Conclusions</u> (Evid. Code §§ 400, 403, 410) <u>Improper Legal Conclusion</u> (See <u>Hayman, supra</u>, 176 Cal. App. 3d at pp. 638-39; see also <u>Marriage of Heggie, supra</u>, 99 Cal. App. 4th at p. 30 n.3)</p>	<p><input type="checkbox"/> Sustained <input type="checkbox"/> Overruled</p>

<u>Material Objected To</u>	<u>Grounds</u>	<u>Ruling</u>
41. <u>Paragraph 53</u> In its entirety.	<u>Relevance</u> (Evid. Code §§ 210, 350, 352)	<input type="checkbox"/> Sustained <input type="checkbox"/> Overruled
42. <u>Paragraph 53</u> Toward the end of the broadcast, Hall played the Pac-Man videotape from Dwayne Richard, which I mentioned in Paragraph 42. Prior to playing the videotape, Hall stated that “I have a Perfect Pac-Man sitting here. I don’t know if it belongs to Billy.”	<u>Relevance</u> (Evid. Code §§ 210, 350, 352) <u>Improper Legal Conclusion</u> (See <u>Hayman</u> , <i>supra</i> , 176 Cal. App. 3d at pp. 638-39; <i>see also</i> <u>Marriage of Heggie</u> , <i>supra</i> , 99 Cal. App. 4th at p. 30 n.3)	<input type="checkbox"/> Sustained <input type="checkbox"/> Overruled
43. <u>Paragraph 55</u> In its entirety.	<u>Relevance</u> (Evid. Code §§ 210, 350, 352)	<input type="checkbox"/> Sustained <input type="checkbox"/> Overruled
44. <u>Paragraph 56</u> In its entirety.	<u>Relevance</u> (Evid. Code §§ 210, 350, 352)	<input type="checkbox"/> Sustained <input type="checkbox"/> Overruled
45. <u>Paragraph 57</u> On or about March 24, 2018, my son who is also named Billy Mitchell, questioned Jason Hall about the lost chain of custody videotapes. My son asked Hall: “How do YOU know those are the same [videotapes]...” Hall responded with his allegations, one of which stated, “Referees have confirmed that these are the tapes which they viewed at the time of adjudication.” In other words, Hall directly admitted to utilizing witness testimony to justify his lost chain of custody. Meanwhile, Hall still did not interview any obvious eye-witnesses who would easily deny the allegations against me. On this day, I learned that Hall not only refused to contact the eye-witnesses,	<u>Relevance</u> (Evid. Code §§ 210, 350, 352) <u>Hearsay</u> (Evid. Code §§ 1200(a), 1200(b)) <u>Lacks Foundation/Personal Knowledge</u> (Evid. Code §§ 702(a), 800(b)) <u>Inadmissible Speculation and Conclusions</u> (Evid. Code §§ 400, 403, 410) <u>Improper Legal Conclusion</u> (See <u>Hayman</u> , <i>supra</i> , 176 Cal. App. 3d at pp. 638-39; <i>see also</i> <u>Marriage of Heggie</u> , <i>supra</i> , 99 Cal. App. 4th at p. 30 n.3)	<input type="checkbox"/> Sustained <input type="checkbox"/> Overruled

<u>Material Objected To</u>	<u>Grounds</u>	<u>Ruling</u>
but sought to enlist any witness testimony (not eye-witnesses) that would impugn me and justify his goal to convict me. A true and correct copy of the Hall's statement is attached as Exhibit 32.		
46. <u>Paragraph 58</u> In its entirety.	<u>Relevance</u> (Evid. Code §§ 210, 350, 352)	<input type="checkbox"/> Sustained <input type="checkbox"/> Overruled
47. <u>Paragraph 59</u> In its entirety.	<u>Relevance</u> (Evid. Code §§ 210, 350, 352) <u>Hearsay</u> (Evid. Code §§ 1200(a), 1200(b)) <u>Lacks Foundation/Personal Knowledge</u> (Evid. Code §§ 702(a), 800(b)) <u>Inadmissible Speculation and Conclusions</u> (Evid. Code §§ 400, 403, 410)	<input type="checkbox"/> Sustained <input type="checkbox"/> Overruled
48. <u>Paragraph 60</u> "On March 31, 2018, I had my second phone call with Jason Hall. At 10:29 PM, I texted Hall, asking "Would you have time for conversation tomorrow or tomorrow evening?" Hall said, "Sure." In this conversation, I once again asked Hall to consider interviewing the numerous eye-witnesses and to recognize the fact that the Senior Engineer at Nintendo verified my hardware. Hall refused my entreaty, reiterating that he "didn't care." The call also contained conversation about the lost chain of custody videotapes, where Hall admitted that he could not find the original videotapes."	<u>Hearsay</u> (Evid. Code §§ 1200(a), 1200(b)) <u>Inadmissible Speculation and Conclusions</u> (Evid. Code §§ 400, 403, 410)	<input type="checkbox"/> Sustained <input type="checkbox"/> Overruled

<u>Material Objected To</u>	<u>Grounds</u>	<u>Ruling</u>
<p>49. <u>Paragraph 61</u> Although I knew long before early April 2018 that Jason Hall already made up his mind on a specific outcome, I did not give up on defending myself. During this period, I had numerous text message and phone conversations with Hall. Hall and I spoke on the phone on April 3, April 8, and April 11, 2018. In all three of these exchanges, I continuously denied the allegations, and asked him to interview the obvious witnesses and documentation which proved my case. Hall refused, and told me numerous times that “it doesn’t matter” and that he “didn’t care.” On a few occasions, I responded to Hall’s claims by saying, “A judge and a jury will care, I promise it.”</p>	<p><u>Hearsay</u> (Evid. Code §§ 1200(a), 1200(b))</p> <p><u>Inadmissible Speculation and Conclusions</u> (Evid. Code §§ 400, 403, 410)</p> <p><u>Best (Secondary) Evidence Rule</u> (Evid. Code §§ 1520, 1521, 1522, 1523)</p>	<input type="checkbox"/> Sustained <input type="checkbox"/> Overruled
<p>50. <u>Paragraph 62</u> On April 5, 2018, Hall clearly and obviously began to position himself in anticipation for legal retaliation to his planned announcement. He began to imply that I hadn’t attempted to defend myself, despite the fact that this was patently false. He texted me phrases such as “Hey Bill, as stated numerous times, you have not been under any obligation to provide any information regarding any of your scores that have been previously adjudicated and accepted by [Twin Galaxies].”</p>	<p><u>Hearsay</u> (Evid. Code §§ 1200(a), 1200(b))</p> <p><u>Inadmissible Speculation and Conclusions</u> (Evid. Code §§ 400, 403, 410)</p> <p><u>Best (Secondary) Evidence Rule</u> (Evid. Code §§ 1520, 1521, 1522, 1523)</p>	<input type="checkbox"/> Sustained <input type="checkbox"/> Overruled
<p>51. <u>Paragraph 64</u> In its entirety.</p>	<p><u>Relevance</u> (Evid. Code §§ 210, 350, 352)</p>	<input type="checkbox"/> Sustained <input type="checkbox"/> Overruled
<p>52. <u>Paragraph 65</u></p>	<p><u>Improper Legal Conclusion</u> (<i>See Hayman, supra</i>, 176 Cal. App. 3d at</p>	<input type="checkbox"/> Sustained <input type="checkbox"/> Overruled

<u>Material Objected To</u>	<u>Grounds</u>	<u>Ruling</u>
<p>“On April 12, 2018, at 1:00 p.m. PST, Twin Galaxies published its public press release which alleged as a statement of fact that I did not utilize an “original unmodified PCB” (The PCB operates the Donkey Kong machine). In summary, the allegation parallels accusing a professional baseball player of utilizing performance enhancement drugs. In both instances, the videogame player and the baseball player employ illegal means to gain a competitive advantage. It is an allegation of cheating.”</p>	<p>pp. 638-39; <i>see also</i> <u>Marriage of Heggie</u>, <i>supra</i>, 99 Cal. App. 4th at p. 30 n.3)</p>	
<p>53. <u>Paragraph 66</u> In its entirety.</p>	<p><u>Improper Legal Conclusion</u> (<i>See Hayman, supra</i>, 176 Cal. App. 3d at pp. 638-39; <i>see also</i> <u>Marriage of Heggie</u>, <i>supra</i>, 99 Cal. App. 4th at p. 30 n.3)</p>	<p><input type="checkbox"/> Sustained <input type="checkbox"/> Overruled</p>
<p>54. <u>Paragraph 67</u> In its entirety.</p>	<p><u>Improper Legal Conclusion</u> (<i>See Hayman, supra</i>, 176 Cal. App. 3d at pp. 638-39; <i>see also</i> <u>Marriage of Heggie</u>, <i>supra</i>, 99 Cal. App. 4th at p. 30 n.3)</p>	<p><input type="checkbox"/> Sustained <input type="checkbox"/> Overruled</p>
<p>55. <u>Paragraph 68</u> In its entirety.</p>	<p><u>Improper Legal Conclusion</u> (<i>See Hayman, supra</i>, 176 Cal. App. 3d at pp. 638-39; <i>see also</i> <u>Marriage of Heggie</u>, <i>supra</i>, 99 Cal. App. 4th at p. 30 n.3)</p>	<p><input type="checkbox"/> Sustained <input type="checkbox"/> Overruled</p>
<p>56. <u>Paragraph 69</u> At the very least, the statement deliberately lied through implication, and Twin Galaxies provided heavy innuendo to enforce this implication with the punitive</p>	<p><u>Improper Legal Conclusion</u> (<i>See Hayman, supra</i>, 176 Cal. App. 3d at pp. 638-39; <i>see also</i> <u>Marriage of Heggie</u>, <i>supra</i>, 99 Cal. App. 4th at p. 30 n.3)</p>	<p><input type="checkbox"/> Sustained <input type="checkbox"/> Overruled</p>

<u>Material Objected To</u>	<u>Grounds</u>	<u>Ruling</u>
sanctions its rulebook associates with “deliberate cheating.”		
<p>57. <u>Paragraph 70</u></p> <p>The following news commentary further proved that people, such as the mainstream media, understood the allegation, its implications, and attached innuendo. For example, at 05:16 hours, Variety published the story to millions, pulling no punches that:</p> <p>“Famed high-score gamer Billy Mitchell, best known for his role in “The King of Kong: A Fistful of Quarters” documentary, was officially stripped of his “Donkey Kong” and other video game high scores and banned from submitting scores to the world’s largest tracker of video game world records following a decision that he cheated, Twin Galaxies announced today.”</p>	<p><u>Hearsay</u> (Evid. Code §§ 1200(a), 1200(b))</p> <p><u>Lacks Foundation/Personal Knowledge</u> (Evid. Code §§ 702(a), 800(b))</p>	<input type="checkbox"/> Sustained <input type="checkbox"/> Overruled
<p>58. <u>Paragraph 71</u></p> <p>Moreover, videogame media outlet <i>Ars Technica</i> published an article titled: “Cheater! Billy Mitchell Stripped of Scores, Banned from Premiere Scoreboard.” The news traveled further from there, making articles in <i>The New York Times</i>, <i>The Washington Post</i>, and other major media outlets.</p>	<p><u>Hearsay</u> (Evid. Code §§ 1200(a), 1200(b))</p> <p><u>Lacks Foundation/Personal Knowledge</u> (Evid. Code §§ 702(a), 800(b))</p> <p><u>Best (Secondary) Evidence Rule</u> (Evid. Code §§ 1520, 1521, 1522, 1523)</p>	<input type="checkbox"/> Sustained <input type="checkbox"/> Overruled
<p>59. <u>Paragraph 73</u></p> <p>As stated previously, Twin Galaxies’ decision to assert as a <u>fact</u> that I did not achieve my records on an “original unmodified PCB” surprised me, and with the heavy innuendo provided by their heavy sanctions, and their heavy sanctions were tantamount to calling me a</p>	<p><u>Lacks Foundation/Personal Knowledge</u> (Evid. Code §§ 702(a), 800(b))</p> <p><u>Improper Legal Conclusion</u> (See <u>Hayman</u>, <i>supra</i>, 176 Cal. App. 3d at pp. 638-39; <i>see also</i> <u>Marriage of Heggie</u>, <i>supra</i>, 99 Cal. App. 4th at p. 30 n.3)</p>	<input type="checkbox"/> Sustained <input type="checkbox"/> Overruled

<u>Material Objected To</u>	<u>Grounds</u>	<u>Ruling</u>
<p>cheater. The entire world perceived it as such. Although I foresaw the result of their pre-ordained investigation before the statement, I never imagine it would issue a public press release framing these allegations as facts. It maliciously lied about me in allegations of fact, and as a result, I decided to pursue legal recourse. My initial legal counsel advised me to prepare evidence for a retraction demand and potential litigation. Therefore, I spent my time, away from work, traveling to collect all available evidence. It became a financially exhaustive and time-consuming process, which took about 16 months.</p>		
<p>60. <u>Paragraph 75</u> On September 12, Hall posted an email from former Twin Galaxies referee Robert Mruczek, which said “[Jason], as discussed last night, if a point is reached where Billy’s legal action is squashed, then I would definitely want to be part of that class-action suit against him.” Mruczek’s message to Hall regarding the “class-action” is attached as Exhibit 36. Therefore, I knew that Hall did not care about the truth, and by extension, would ignore the demand and its evidence.</p>	<p><u>Hearsay</u> (Evid. Code §§ 1200(a), 1200(b)) <u>Lacks Foundation/Personal Knowledge</u> (Evid. Code §§ 702(a), 800(b))</p>	<p><input type="checkbox"/> Sustained <input type="checkbox"/> Overruled</p>
<p>61. <u>Paragraph 79</u> Guinness World Records announced the full reinstatement of my records on June 18, 2020. Guinness World Records reinstated my records based upon the same evidence which Twin Galaxies ignored in its original investigation and the retraction demand. (<i>See Exhibit 18</i>).</p>	<p><u>Relevance</u> (Evid. Code §§ 210, 350, 352)</p>	<p><input type="checkbox"/> Sustained <input type="checkbox"/> Overruled</p>

<u>Material Objected To</u>	<u>Grounds</u>	<u>Ruling</u>
62. <u>Paragraph 83</u> In its entirety.	<u>Improper Legal Conclusion</u> (See <u>Hayman, supra</u> , 176 Cal. App. 3d at pp. 638-39; see also <u>Marriage of Heggie, supra</u> , 99 Cal. App. 4th at p. 30 n.3)	<input type="checkbox"/> Sustained <input type="checkbox"/> Overruled
63. <u>Paragraph 84</u> In its entirety.	<u>Improper Legal Conclusion</u> (See <u>Hayman, supra</u> , 176 Cal. App. 3d at pp. 638-39; see also <u>Marriage of Heggie, supra</u> , 99 Cal. App. 4th at p. 30 n.3) <u>Inadmissible Speculation and Conclusions</u> (Evid. Code §§ 400, 403, 410)	<input type="checkbox"/> Sustained <input type="checkbox"/> Overruled
64. <u>Paragraph 85</u> In its entirety.	<u>Improper Legal Conclusion</u> (See <u>Hayman, supra</u> , 176 Cal. App. 3d at pp. 638-39; see also <u>Marriage of Heggie, supra</u> , 99 Cal. App. 4th at p. 30 n.3) <u>Inadmissible Speculation and Conclusions</u> (Evid. Code §§ 400, 403, 410)	<input type="checkbox"/> Sustained <input type="checkbox"/> Overruled
65. <u>Paragraph 86</u> However, Twin Galaxies selectively chose to solely ignore witnesses who proved my innocence. As shown in Paragraph 56, Hall admitted to accepting witness testimony to support the lost chain of custody videotapes, which by extension supported the allegations against me. Again, after I issued a retraction demand in September 2019, Twin Galaxies posted testimonial emails from former referees Robert Mruczek and Greg Sakundiak. Although Mruczek and Sakundiak did not witness my records, Twin Galaxies utilized their	<u>Hearsay</u> (Evid. Code §§ 1200(a), 1200(b)) <u>Improper Legal Conclusion</u> (See <u>Hayman, supra</u> , 176 Cal. App. 3d at pp. 638-39; see also <u>Marriage of Heggie, supra</u> , 99 Cal. App. 4th at p. 30 n.3) <u>Inadmissible Speculation and Conclusions</u> (Evid. Code §§ 400, 403, 410) <u>Lacks Foundation/Personal Knowledge</u> (Evid. Code §§ 702(a), 800(b))	<input type="checkbox"/> Sustained <input type="checkbox"/> Overruled

<u>Material Objected To</u>	<u>Grounds</u>	<u>Ruling</u>
testimony to support the lost chain of custody videotapes. (See Exhibits 36 - 39).		
<p>66. <u>Paragraph 87</u> “There is no debate that Twin Galaxies failed to corroborate its allegations with all obvious sources, even its own former referees. Moreover, its decision to selectively accept witness testimony against me displays downright malicious intention.”</p>	<p><u>Improper Legal Conclusion</u> (See <u>Hayman, supra</u>, 176 Cal. App. 3d at pp. 638-39; see also <u>Marriage of Heggie, supra</u>, 99 Cal. App. 4th at p. 30 n.3)</p> <p><u>Inadmissible Speculation and Conclusions</u> (Evid. Code §§ 400, 403, 410)</p> <p><u>Lacks Foundation/Personal Knowledge</u> (Evid. Code §§ 702(a), 800(b))</p>	<input type="checkbox"/> Sustained <input type="checkbox"/> Overruled
<p>67. <u>Paragraph 89</u> However, despite awareness of this fact, Jason Hall disregarded the evidence, refusing to investigate it entirely. On March 23, 2018, Hall publicly stated that “[Twin Galaxies] does not care about [verified hardware], or any other non-relevant item to the dispute claim.” Once again, it left me wondering why Twin Galaxies’ verified my hardware if it would decide to disregard this verification upon the outbreak of an investigation. Twin Galaxies’ intentional disregard of this obvious evidence, which was facilitated at the request of its former owner, once again portrays its clear malice in the “investigation.”</p>	<p><u>Hearsay</u> (Evid. Code §§ 1200(a), 1200(b))</p> <p><u>Improper Legal Conclusion</u> (See <u>Hayman, supra</u>, 176 Cal. App. 3d at pp. 638-39; see also <u>Marriage of Heggie, supra</u>, 99 Cal. App. 4th at p. 30 n.3)</p> <p><u>Inadmissible Speculation and Conclusions</u> (Evid. Code §§ 400, 403, 410)</p> <p><u>Lacks Foundation/Personal Knowledge</u> (Evid. Code §§ 702(a), 800(b))</p>	<input type="checkbox"/> Sustained <input type="checkbox"/> Overruled
<p>68. <u>Paragraph 91</u> “I learned about this email shortly after, and I understood that Hall clearly would not accept the demand, because his attack on me was personal, as evidenced by his</p>	<p><u>Hearsay</u> (Evid. Code §§ 1200(a), 1200(b))</p> <p><u>Improper Legal Conclusion</u> (See <u>Hayman, supra</u>, 176 Cal. App. 3d at pp. 638-39; see also <u>Marriage of</u></p>	<input type="checkbox"/> Sustained <input type="checkbox"/> Overruled

<u>Material Objected To</u>	<u>Grounds</u>	<u>Ruling</u>
<p>plan to sue me in a class-action lawsuit. As expected, on September 28, 2019, Twin Galaxies denied the retraction demand. It never contacted the witnesses, and it never reviewed the documentation presented in it. I know because the witnesses communicated to me that they never received contact from Hall.”</p>	<p><u>Heggie, supra</u>, 99 Cal. App. 4th at p. 30 n.3)</p> <p><u>Inadmissible Speculation and Conclusions</u> (Evid. Code §§ 400, 403, 410)</p> <p><u>Lacks Foundation/Personal Knowledge</u> (Evid. Code §§ 702(a), 800(b))</p>	
<p>69. <u>Paragraph 93</u> “Guinness World Records reinstated my records based upon the same evidence which Twin Galaxies ignored during its original investigations and also ignored during the retraction demand. On June 18, 2020, I issued Twin Galaxies a second retraction demand, providing a final opportunity to tell the truth. However, it denied this retraction demand as well. The refusal of two separate retraction demands, even in the face of the conflicting conclusion of its 36-year partner in Guinness World Records, proves that Twin Galaxies possesses undeniable reckless disregard. they never received contact from Hall.”</p>	<p><u>Improper Legal Conclusion</u> (See <u>Hayman, supra</u>, 176 Cal. App. 3d at pp. 638-39; see also <u>Marriage of Heggie, supra</u>, 99 Cal. App. 4th at p. 30 n.3)</p> <p><u>Inadmissible Speculation and Conclusions</u> (Evid. Code §§ 400, 403, 410)</p> <p><u>Lacks Foundation/Personal Knowledge</u> (Evid. Code §§ 702(a), 800(b))</p>	<input type="checkbox"/> Sustained <input type="checkbox"/> Overruled
<p>70. <u>Paragraph 94</u> In its entirety.</p>	<p><u>Relevance</u> (Evid. Code §§ 210, 350, 352)</p>	<input type="checkbox"/> Sustained <input type="checkbox"/> Overruled
<p>71. <u>Paragraph 95</u> In its entirety.</p>	<p><u>Relevance</u> (Evid. Code §§ 210, 350, 352)</p>	<input type="checkbox"/> Sustained <input type="checkbox"/> Overruled
<p>72. <u>Paragraph 96</u> In its entirety.</p>	<p><u>Relevance</u> (Evid. Code §§ 210, 350, 352)</p>	<input type="checkbox"/> Sustained <input type="checkbox"/> Overruled

<u>Material Objected To</u>	<u>Grounds</u>	<u>Ruling</u>
	<u>Improper Legal Conclusion</u> (See <u>Hayman, supra</u> , 176 Cal. App. 3d at pp. 638-39; see also <u>Marriage of Heggie, supra</u> , 99 Cal. App. 4th at p. 30 n.3) <u>Inadmissible Speculation and Conclusions</u> (Evid. Code §§ 400, 403, 410) <u>Lacks Foundation/Personal Knowledge</u> (Evid. Code §§ 702(a), 800(b))	
73. <u>Paragraph 97</u> In its entirety.	<u>Relevance</u> (Evid. Code §§ 210, 350, 352) <u>Improper Legal Conclusion</u> (See <u>Hayman, supra</u> , 176 Cal. App. 3d at pp. 638-39; see also <u>Marriage of Heggie, supra</u> , 99 Cal. App. 4th at p. 30 n.3) <u>Inadmissible Speculation and Conclusions</u> (Evid. Code §§ 400, 403, 410) <u>Lacks Foundation/Personal Knowledge</u> (Evid. Code §§ 702(a), 800(b))	<input type="checkbox"/> Sustained <input type="checkbox"/> Overruled
74. <u>Paragraph 98</u> “Jason Hall’s declaration states that specifically his failure to replicate the “images and artifacts” on the lost chain of custody videotapes led to his assertion that I did not utilize an “unmodified Donkey Kong Arcade system.” (See Paragraph 46). However, Hall resolved to issue his allegations BEFORE his attempt to replicate the “images and artifacts.” On or about March 12, 2018, Hall called Walter Day to ask, “How will you feel when I announce that Billy cheated?” Meanwhile, Hall	<u>Hearsay</u> (Evid. Code §§ 1200(a), 1200(b)) <u>Inadmissible Speculation and Conclusions</u> (Evid. Code §§ 400, 403, 410) <u>Lacks Foundation/Personal Knowledge</u> (Evid. Code §§ 702(a), 800(b))	<input type="checkbox"/> Sustained <input type="checkbox"/> Overruled

<u>Material Objected To</u>	<u>Grounds</u>	<u>Ruling</u>
simultaneously ordered the equipment to test his allegations on Saturday, March 10, 2018. (See Jason Hall Declaration – Exhibit A (Page 663, published on March 10, 2018, 15:55 Hours).”		
<p>75. <u>Paragraph 99</u></p> <p>“Hall could not have received the equipment and performed all of his tests between March 10 and March 12, because the company could not have shipped the equipment to Hall on a weekend. Furthermore, the testing required substantial work which could not have occurred prior to his phone call with Day, and Hall posted his initial failures to produce the “images and artifacts” on March 30, 2018, in the article titled “Twin Galaxies Explores Capturing Equipment used in Billy Mitchell Score.” The fact that the initial update occurred over two weeks later confirms these facts.”</p>	<p><u>Hearsay</u> (Evid. Code §§ 1200(a), 1200(b))</p> <p><u>Inadmissible Speculation and Conclusions</u> (Evid. Code §§ 400, 403, 410)</p> <p><u>Lacks Foundation/Personal Knowledge</u> (Evid. Code §§ 702(a), 800(b))</p>	<p><input type="checkbox"/> Sustained</p> <p><input type="checkbox"/> Overruled</p>
<p>76. <u>Paragraph 100</u></p> <p>Furthermore, two other unique sources corroborate Hall’s pre-ordained conclusion. As reviewed in Paragraph 51, in July 2019, I received a text message conversation from Mr. Dean Wenzel, who provided messages from Twin Galaxies member Wes Copeland who stated that [with emphasis in bold]:</p> <p>“I’ve been chatting with [Jason Hall] a little bit behind the scenes... I have no idea what [Jason] is going to do. He asked me a very interesting question in my recent convo with him: “What does the [Donkey Kong] community think I am going to</p>	<p><u>Hearsay</u> (Evid. Code §§ 1200(a), 1200(b))</p> <p><u>Inadmissible Speculation and Conclusions</u> (Evid. Code §§ 400, 403, 410)</p> <p><u>Lacks Foundation/Personal Knowledge</u> (Evid. Code §§ 702(a), 800(b))</p>	<p><input type="checkbox"/> Sustained</p> <p><input type="checkbox"/> Overruled</p>

<u>Material Objected To</u>	<u>Grounds</u>	<u>Ruling</u>
do?" I can tell you this. [Jason] has been pretending to be impartial for the last month, including during that 4-hour + [Facebook] livestream. He made up his mind a long time ago." Again, in April 2020, I spoke with former Twin Galaxies employee Glen Updike, who worked for the company during the investigation. Updike confirmed that Hall concluded his investigation long before the announcement on April 12, 2018. Specifically, Updike stated that Hall concluded the investigation "before the Facebook livestream."		
77. <u>Paragraph 104</u> Gleed's position as a "third-party" investigator represents a single-piece of the one-sided, pre-ordained investigation from Twin Galaxies. Hall engaged Gleed, who possessed no qualification beyond that of a casual hobbyist, in order to present legitimacy to his investigation. However, Gleed simply acted a pawn to facilitate the Twin Galaxies sham investigation.	<u>Inadmissible Speculation and Conclusions</u> (Evid. Code §§ 400, 403, 410) <u>Lacks Foundation/Personal Knowledge</u> (Evid. Code §§ 702(a), 800(b)) <u>Improper Legal Conclusion</u> (See <u>Hayman</u> , <i>supra</i> , 176 Cal. App. 3d at pp. 638-39; <i>see also</i> <u>Marriage of Heggie</u> , <i>supra</i> , 99 Cal. App. 4th at p. 30 n.3)	<input type="checkbox"/> Sustained <input type="checkbox"/> Overruled
78. <u>Paragraph 106</u> Twin Galaxies made ZERO effort to fact-check these allegations. To the contrary, Jason Hall badgered me on the phone, asserting that it presented strong "circumstantial evidence."	<u>Hearsay</u> (Evid. Code §§ 1200(a), 1200(b)) <u>Inadmissible Speculation and Conclusions</u> (Evid. Code §§ 400, 403, 410) <u>Lacks Foundation/Personal Knowledge</u> (Evid. Code §§ 702(a), 800(b))	<input type="checkbox"/> Sustained <input type="checkbox"/> Overruled
79. <u>Paragraph 107</u> However, Copeland's analysis was entirely false. A thorough 84-page crossexamination from my son	<u>Hearsay</u> (Evid. Code §§ 1200(a), 1200(b))	<input type="checkbox"/> Sustained <input type="checkbox"/> Overruled

<u>Material Objected To</u>	<u>Grounds</u>	<u>Ruling</u>
<p>proved it with clarity. Then, I hired Mr. Robert Lakeman, an eight-time Donkey Kong World Record holder, to examine Copeland's allegations. Lakeman concluded that "After reviewing Billy's gameplay, and reproducing similar games myself, I can honestly say that this is legitimate gameplay... I do not see a reason why Billy would need to even use MAME, or save states to film both games with this style of play." (See Exhibit 21).."</p>	<p><u>Inadmissible Speculation and Conclusions</u> (Evid. Code §§ 400, 403, 410)</p> <p><u>Lacks Foundation/Personal Knowledge</u> (Evid. Code §§ 702(a), 800(b))</p> <p><u>Improper Expert Opinion</u> (Evid. Code §§ 720, 801)</p>	
<p>80. <u>Paragraph 108</u> In this event, Twin Galaxies blindly accepted information posted to their internet forum as factual, and it made no effort whatsoever to verify it. Accepting information from random individuals on the internet without a fact-check clearly displays reckless disregard for the truth. Furthermore, Copeland possessed personal vendetta against me, calling for the removal of my records over 5 months prior to the allegations from Jeremy Young. (See Exhibit 25). This should have provided Twin Galaxies even more reason to fact-check Copeland's allegations. However, it instead chose to recklessly accept information on an un-moderated forum as factual, and attempt to portray it as a bona fide investigation</p>	<p><u>Inadmissible Speculation and Conclusions</u> (Evid. Code §§ 400, 403, 410)</p> <p><u>Lacks Foundation/Personal Knowledge</u> (Evid. Code §§ 702(a), 800(b))</p>	<p><input type="checkbox"/> Sustained <input type="checkbox"/> Overruled</p>
<p>81. <u>Paragraph 109</u> During the Twin Galaxies investigation, yet another observer, Mr. David Race, took it upon himself to research the allegations against me in an effort to disprove them. After the Twin Galaxies statements, Race decided to</p>	<p><u>Hearsay</u> (Evid. Code §§ 1200(a), 1200(b))</p> <p><u>Inadmissible Speculation and Conclusions</u> (Evid. Code §§ 400, 403, 410)</p>	<p><input type="checkbox"/> Sustained <input type="checkbox"/> Overruled</p>

<u>Material Objected To</u>	<u>Grounds</u>	<u>Ruling</u>
<p>continue his research. On April 13, 2018, Race requested Jason Hall to mail him the alleged Donkey Kong videotapes, because Race wanted to examine them. However, Hall refused Race's entreaty, refusing to relinquish custody of the videotapes. Therefore, Race requested Hall to send him copies of the videotapes. However, Hall also refused this request. Race pleaded to Hall that both parties deserve equal evidentiary access, but Hall simply refused, telling Race that "We have come to our own determination for our own purposes."</p>	<p><u>Lacks Foundation/Personal Knowledge</u> (Evid. Code §§ 702(a), 800(b))</p>	
<p>82. <u>Paragraph 110</u> Hall refused Race's request in a deliberate effort to prevent the possibility of someone disproving his allegations, and this event portrays Hall's subjective intent to defame me. Race provided me the text message exchange with Hall, which is attached as Exhibit 45.</p>	<p><u>Hearsay</u> (Evid. Code §§ 1200(a), 1200(b))</p> <p><u>Inadmissible Speculation and Conclusions</u> (Evid. Code §§ 400, 403, 410)</p> <p><u>Lacks Foundation/Personal Knowledge</u> (Evid. Code §§ 702(a), 800(b))</p>	<p><input type="checkbox"/> Sustained <input type="checkbox"/> Overruled</p>
<p>83. <u>Paragraph 112</u> "Firstly, in Paragraph 40, Hall claims that, "I personally harbor no animosity or ill will toward Billy Mitchell," and the Twin Galaxies motion states: "This is enough to defeat Billy Mitchell's defamation claim." (See Motion, p. 14, ¶25.) However, Hall's personal actions disprove his "lack of malice" assertion. After I issued Twin Galaxies a retraction demand in September 2019, Hall actively worked with Mr. Robert Mruczek to organize a "class-action suit" against me, despite the absence of a legal claim. (See Exhibit 36)."</p>	<p><u>Hearsay</u> (Evid. Code §§ 1200(a), 1200(b))</p> <p><u>Inadmissible Speculation and Conclusions</u> (Evid. Code §§ 400, 403, 410)</p> <p><u>Lacks Foundation/Personal Knowledge</u> (Evid. Code §§ 702(a), 800(b))</p> <p><u>Improper Legal Conclusion</u> (See <u>Hayman, supra</u>, 176 Cal. App. 3d at pp. 638-39; see also <u>Marriage of Heggie, supra</u>, 99 Cal. App. 4th at p. 30 n.3)</p>	<p><input type="checkbox"/> Sustained <input type="checkbox"/> Overruled</p>

<u>Material Objected To</u>	<u>Grounds</u>	<u>Ruling</u>
<p>84. <u>Paragraph 113</u> “Again, in May 2020, Hall encouraged third-parties to file meritless lawsuits against me. Specifically, an internet personality named Benjamin Smith (A.K.A “Apollo Legend”) organized a campaign named “Billy Mitchell Will Be Sued.” Smith opened a GoFundMe account, raising over \$25,000 from his friends and family. However, Smith abruptly cancelled the campaign on May 14, 2020, with a YouTube video titled “Billy Mitchell Won’t Be Sued.” In the video, Smith reveals that Jason Hall convinced him to start the campaign, but he eventually learned from an attorney that the lawsuit possessed no merit. In the video, Smith explains that, “I get the feeling I’m being used... Maybe this is what [Jason] wants.”</p>	<p><u>Hearsay</u> (Evid. Code §§ 1200(a), 1200(b))</p> <p><u>Inadmissible Speculation and Conclusions</u> (Evid. Code §§ 400, 403, 410)</p> <p><u>Lacks Foundation/Personal Knowledge</u> (Evid. Code §§ 702(a), 800(b))</p>	<p><input type="checkbox"/> Sustained <input type="checkbox"/> Overruled</p>
<p>85. <u>Paragraph 114</u> “There is no better evidence of hostility, ill-will, and animosity than encouraging third-parties to file meritless lawsuits against another person. It becomes even more compelling with his attempts to organize a “class-action suit” against me for issuing a simple retraction demand. I presume that Hall sought to financially exhaust me, because on May 10, 2020, Hall stated in a text-message to Mr. Tanner Fokkens that, “[Billy] is very likely going to be fighting a number of [lawsuits] on many fronts. Extremely expensive.” A true and correct copy of the text message exchange is attached as Exhibit 61.”</p>	<p><u>Hearsay</u> (Evid. Code §§ 1200(a), 1200(b))</p> <p><u>Inadmissible Speculation and Conclusions</u> (Evid. Code §§ 400, 403, 410)</p> <p><u>Lacks Foundation/Personal Knowledge</u> (Evid. Code §§ 702(a), 800(b))</p> <p><u>Improper Legal Conclusion</u> (<i>See Hayman, supra</i>, 176 Cal. App. 3d at pp. 638-39; <i>see also Marriage of Heggie, supra</i>, 99 Cal. App. 4th at p. 30 n.3)</p>	<p><input type="checkbox"/> Sustained <input type="checkbox"/> Overruled</p>

<u>Material Objected To</u>	<u>Grounds</u>	<u>Ruling</u>
<p>86. <u>Paragraph 115</u> Secondly, in Paragraph 41, Jason Hall alleges that I never attempted to defend myself from the allegations. However, the evidence previously set forth in my declaration refutes these allegations. For example, I recounted the phone calls between Jason Hall and myself, and I prove the occurrence of these phone calls with my text-message communications, attached as Exhibit 48. Furthermore, Hall’s deliberate decision to avoid facts which would have led to the falsity of the allegations portrayed itself at numerous points of this declaration. For example, Hall simply ignored the fact that the Senior Engineer at Nintendo verified my hardware, asserting that he “did not care.” Nevertheless, Hall carefully avoids an outright lie by specifically stating that I never participated in his un-moderated internet forum with these facts. However, my non-participation in the forum does not prove Hall acted without actual malice. If Hall was truly committed to a pursuit of the truth, then he would have inserted the evidence himself, but he simply chose to “not care.”</p>	<p><u>Hearsay</u> (Evid. Code §§ 1200(a), 1200(b)) <u>Inadmissible Speculation and Conclusions</u> (Evid. Code §§ 400, 403, 410) <u>Lacks Foundation/Personal Knowledge</u> (Evid. Code §§ 702(a), 800(b)) <u>Improper Legal Conclusion</u> (<i>See Hayman, supra</i>, 176 Cal. App. 3d at pp. 638-39; <i>see also Marriage of Heggie, supra</i>, 99 Cal. App. 4th at p. 30 n.3)</p>	<p><input type="checkbox"/> Sustained <input type="checkbox"/> Overruled</p>
<p>87. <u>Paragraph 116</u> Thirdly, in Paragraphs 42 through 44, Jason Hall claims that I formed a technical investigative team titled “Team Billy,” who also concurred with his allegations. In Paragraph 43, Hall asserts that the team “was led by former Sega technician, Carlos Pineiro.” However, Carlos Pineiro testifies that he did NOT represent me, stating that “I did not</p>	<p><u>Misstates the Testimony</u> (Evid. Code §§ 210, 403.) <i>See</i> Declarations of Carlos Pineiro and Steven Kliesath filed concurrently herewith.</p>	<p><input type="checkbox"/> Sustained <input type="checkbox"/> Overruled</p>

<u>Material Objected To</u>	<u>Grounds</u>	<u>Ruling</u>
represent Billy Mitchell in the dispute, and my research was not being done on his behalf.” (See Exhibit 34).		
<p>88. <u>Paragraph 117</u> Nevertheless, Hall falsifies several other allegations in these paragraphs to support his narrative. For example, in Paragraph 42, Hall claims that Mr. Joel West announced that “Billy Mitchell had formed an independent technical investigation team (self-titled “Team Billy”) to provide evidence in support of the validity of his taped score performances.” To the contrary, West did NOT state this. In the link provided by Hall, West simply shared a YouTube video which refuted several allegations from Hall. West never stated that I “formed a technical investigative team.” Also, in my text-message communications with Hall, I explicitly denied that West acted on my behalf. (See Exhibit 48).</p>	<p><u>Inadmissible Speculation and Conclusions</u> (Evid. Code §§ 400, 403, 410)</p> <p><u>Lacks Foundation/Personal Knowledge</u> (Evid. Code §§ 702(a), 800(b))</p> <p><u>Improper Legal Conclusion</u> (See <u>Hayman, supra</u>, 176 Cal. App. 3d at pp. 638-39; see also <u>Marriage of Heggie, supra</u>, 99 Cal. App. 4th at p. 30 n.3)</p>	<input type="checkbox"/> Sustained <input type="checkbox"/> Overruled
<p>89. <u>Paragraph 120</u> “In the “LACK OF MALICE” subsection, Hall rests his claims upon the premise that random users on the Twin Galaxies forums speak on my behalf (i.e., Joel West & Carlos Pineiro). However, I explicitly denied to Hall that other spoke on my behalf, and he simply attempts to weaponize unaffiliated words on the internet. (See Exhibit 48.) Every claim in this section is false, and it presents very disingenuous attempts to misrepresent the truth.”</p>	<p><u>Improper Legal Conclusion</u> (See <u>Hayman, supra</u>, 176 Cal. App. 3d at pp. 638-39; see also <u>Marriage of Heggie, supra</u>, 99 Cal. App. 4th at p. 30 n.3)</p>	<input type="checkbox"/> Sustained <input type="checkbox"/> Overruled
<p>90. <u>Paragraph 121</u> In its entirety.</p>	<p><u>Relevance</u> (Evid. Code §§ 210, 350, 352)</p>	<input type="checkbox"/> Sustained <input type="checkbox"/> Overruled

<u>Material Objected To</u>	<u>Grounds</u>	<u>Ruling</u>
<p>91. <u>Paragraph 122</u> Lastly, the Twin Galaxies Special Motion to Strike intentionally misrepresents the Twin Galaxies “voting system” to support its allegations. The motion claims that 211 users “voted to adjudicate the score dispute (198 agreeing with the dispute, and 13 disagreeing).” Twin Galaxies clearly fabricates this narrative to falsely portray that its decision possessed legitimacy. However, Jason Hall himself previously stated that the voting system possesses no influence on the adjudication of the score dispute, but “only guarantees that [Twin Galaxies] administration MUST review the claim.”</p>	<p><u>Relevance</u> (Evid. Code §§ 210, 350, 352)</p> <p><u>Improper Legal Conclusion</u> (See <u>Hayman</u>, <i>supra</i>, 176 Cal. App. 3d at pp. 638-39; <i>see also</i> <u>Marriage of Heggie</u>, <i>supra</i>, 99 Cal. App. 4th at p. 30 n.3)</p> <p><u>Inadmissible Speculation and Conclusions</u> (Evid. Code §§ 400, 403, 410)</p> <p><u>Lacks Foundation/Personal Knowledge</u> (Evid. Code §§ 702(a), 800(b))</p>	<input type="checkbox"/> Sustained <input type="checkbox"/> Overruled
<p>92. <u>Paragraph 123</u> “To the contrary, as shown in thorough documentation, I incurred \$951,236 in special damages. Therefore, the defamation claim succeeds for this part of the case no matter the <i>per se</i> or <i>per quod</i> determination.”</p>	<p><u>Relevance</u> (Evid. Code §§ 210, 350, 352)</p> <p><u>Improper Legal Conclusion</u> (See <u>Hayman</u>, <i>supra</i>, 176 Cal. App. 3d at pp. 638-39; <i>see also</i> <u>Marriage of Heggie</u>, <i>supra</i>, 99 Cal. App. 4th at p. 30 n.3)</p> <p><u>Inadmissible Speculation and Conclusions</u> (Evid. Code §§ 400, 403, 410)</p> <p><u>Lacks Foundation/Personal Knowledge</u> (Evid. Code §§ 702(a), 800(b))</p>	<input type="checkbox"/> Sustained <input type="checkbox"/> Overruled
<p>93. <u>Paragraph 124</u> “My business as a professional videogame player involves movie appearances and public appearances at videogame festivals. Upon the release of the Twin Galaxies press release on April 12, 2018, my manager immediately received a cancellation from the Long Island</p>	<p><u>Hearsay</u> (Evid. Code §§ 1200(a), 1200(b))</p> <p><u>Improper Legal Conclusion</u> (See <u>Hayman</u>, <i>supra</i>, 176 Cal. App. 3d at pp. 638-39; <i>see also</i> <u>Marriage of Heggie</u>, <i>supra</i>, 99 Cal. App. 4th at p. 30 n.3)</p>	<input type="checkbox"/> Sustained <input type="checkbox"/> Overruled

<u>Material Objected To</u>	<u>Grounds</u>	<u>Ruling</u>
<p>Retro Game Festival; this immediately resulted in \$5,000 in special damages. Other videogame festivals who annually invited me to their festivals ceased contact, such as Classic Game Fest and Chicago Pinball Expo. Other events forced me to settle for less money, such as Southern Fried Gaming Expo. Furthermore, I lost television deals as a result of the Twin Galaxies statements. I lost a television deal for a series called “Chasing Games,” which would have amounted to \$30,000. I attached my manager’s declaration about these facts as Exhibit 49. With all events considered, I lost \$133,000 in 2018. The damages continued in 2019, where I lost \$68,000. In total, the Twin Galaxies Statements cost me \$201,000 to my career as a professional videogame player and actor. Attached as Exhibit 50 is a summary of the special damages to my videogame career.”</p>	<p><u>Inadmissible Speculation and Conclusions</u> (Evid. Code §§ 400, 403, 410)</p> <p><u>Lacks Foundation/Personal Knowledge</u> (Evid. Code §§ 702(a), 800(b))</p>	
<p>94. <u>Paragraph 127</u> “Understanding these facts, the popularity of the film forever linked my videogame achievements to my personal businesses, and I utilized this link to drive my hot sauce sales. Prior to the Twin Galaxies statements, my company averaged \$800,216 in revenue from 2013 to 2017. In 2017, it generated \$796,068. A true and correct copy of a summary of Rickey’s Hot Sauces Sales from 2017 is attached as Exhibit 55.”</p>	<p><u>Hearsay</u> (Evid. Code §§ 1200(a), 1200(b))</p> <p><u>Improper Legal Conclusion</u> (<i>See Hayman, supra</i>, 176 Cal. App. 3d at pp. 638-39; <i>see also</i> <u>Marriage of</u></p> <p><u>Lacks Foundation/Personal Knowledge</u> (Evid. Code §§ 702(a), 800(b))</p> <p><u>Hearsay</u> (Evid. Code §§ 1200(a), 1200(b))</p>	<input type="checkbox"/> Sustained <input type="checkbox"/> Overruled
<p>95. <u>Paragraph 128</u></p>	<p><u>Hearsay</u> (Evid. Code §§ 1200(a), 1200(b))</p>	<input type="checkbox"/> Sustained <input type="checkbox"/> Overruled

<u>Material Objected To</u>	<u>Grounds</u>	<u>Ruling</u>
<p>“As a result of the Twin Galaxies statements, company revenue dropped to \$410,267 in 2018. A true and correct copy of a summary of Rickey’s Hot Sauces Sales from 2018 is attached as Exhibit 56. Monetary damages continued in 2019, resulting in \$364,435 more in special damages. A true and correct copy of a summary of Rickey’s Hot Sauces Sales from 2019 is attached as Exhibit 57. The documentation proves \$750,236 in special damages to my company. I calculated these numbers by simply subtracting the 2017 revenue from the 2018 and 2019 revenues, respectively.”</p>	<p><u>Improper Legal Conclusion</u> (See <u>Hayman, supra</u>, 176 Cal. App. 3d at pp. 638-39; see also <u>Marriage of Lacks Foundation/Personal Knowledge</u> (Evid. Code §§ 702(a), 800(b)))</p>	
<p>96. <u>Paragraph 128</u> “As a result of the Twin Galaxies statements, company revenue dropped to \$410,267 in 2018. A true and correct copy of a summary of Rickey’s Hot Sauces Sales from 2018 is attached as Exhibit 56. Monetary damages continued in 2019, resulting in \$364,435 more in special damages. A true and correct copy of a summary of Rickey’s Hot Sauces Sales from 2019 is attached as Exhibit 57. The documentation proves \$750,236 in special damages to my company. I calculated these numbers by simply subtracting the 2017 revenue from the 2018 and 2019 revenues, respectively.”</p>	<p><u>Hearsay</u> (Evid. Code §§ 1200(a), 1200(b))</p> <p><u>Improper Legal Conclusion</u> (See <u>Hayman, supra</u>, 176 Cal. App. 3d at pp. 638-39; see also <u>Marriage of Lacks Foundation/Personal Knowledge</u> (Evid. Code §§ 702(a), 800(b)))</p>	<p><input type="checkbox"/> Sustained <input type="checkbox"/> Overruled</p>
<p>97. <u>Paragraph 129</u> “In total, combining the damages incurred to my videogame career and hot sauce company, I suffered \$951,236 in special damages. The damages occurred in a booming economy and there is no argument</p>	<p><u>Hearsay</u> (Evid. Code §§ 1200(a), 1200(b))</p> <p><u>Improper Legal Conclusion</u> (See <u>Hayman, supra</u>, 176 Cal. App. 3d at pp. 638-39; see also <u>Marriage of</u></p>	<p><input type="checkbox"/> Sustained <input type="checkbox"/> Overruled</p>

<u>Material Objected To</u>	<u>Grounds</u>	<u>Ruling</u>
that Twin Galaxies bears the responsibility for these special damages.”	<u>Lacks Foundation/Personal Knowledge</u> (Evid. Code §§ 702(a), 800(b))	
98. <u>Paragraph 131</u> “One may ask, “Why would Twin Galaxies do it?” The answer is simple. It all occurred in an effort to generate internet “clicks,” attention, and revenue for Twin Galaxies. Twin Galaxies received only 75,000 site visits in August 2017. From August to January, it created a public spectacle out of the Todd Rogers investigation, which raised its monthly site visits to roughly 1,000,000. Coincidentally, it initiated an investigation against me just days after, which rose its average site visits to 2,500,000 in April 2018. Attached as Exhibit 58 is a true and correct copy of a graph showing the Twin Galaxies Website Traffic from August 2017 to April 2018. “	<u>Hearsay</u> (Evid. Code §§ 1200(a), 1200(b)) <u>Improper Legal Conclusion</u> (See <u>Hayman, supra</u> , 176 Cal. App. 3d at pp. 638-39; <i>see also</i> <u>Marriage of</u> <u>Lacks Foundation/Personal Knowledge</u> (Evid. Code §§ 702(a), 800(b))	<input type="checkbox"/> Sustained <input type="checkbox"/> Overruled
99. <u>Paragraph 132</u> In its entirety.	<u>Hearsay</u> (Evid. Code §§ 1200(a), 1200(b)) <u>Improper Legal Conclusion</u> (See <u>Hayman, supra</u> , 176 Cal. App. 3d at pp. 638-39; <i>see also</i> <u>Marriage of</u> <u>Lacks Foundation/Personal Knowledge</u> (Evid. Code §§ 702(a), 800(b))	<input type="checkbox"/> Sustained <input type="checkbox"/> Overruled
100. <u>Paragraph 133</u> In its entirety.	<u>Hearsay</u> (Evid. Code §§ 1200(a), 1200(b)) <u>Improper Legal Conclusion</u> (See <u>Hayman, supra</u> , 176 Cal. App. 3d at pp. 638-39; <i>see also</i> <u>Marriage of</u>	<input type="checkbox"/> Sustained <input type="checkbox"/> Overruled

<u>Material Objected To</u>	<u>Grounds</u>	<u>Ruling</u>
	<u>Lacks Foundation/Personal Knowledge</u> (Evid. Code §§ 702(a), 800(b))	
EXHIBIT 1 – Declaration of Walter Day		
101. <u>Paragraph 3</u> Exhibit A	<u>Relevance</u> (Evid. Code §§ 210, 350, 352)	
102. <u>Paragraph 8</u> “On or about March 13, 2018, roughly one month prior to the Twin Galaxies decision, I received the expected phone call from Jason Hall. After a short and civil conversation, Hall changed the topic to the Billy Mitchell investigation. However, to my surprise, Hall did NOT seek my testimony. To the contrary, he asked me, “How will you feel when I announce that Billy [Mitchell] cheated?” In other words, Hall concluded his verdict already. I told Hall that it would negatively affect me, because I knew the allegations were false.”	<u>Hearsay</u> (Evid. Code §§ 1200(a), 1200(b)) <u>Improper Legal Conclusion</u> (See <u>Hayman</u> , <i>supra</i> , 176 Cal. App. 3d at pp. 638-39; <i>see also</i> <u>Marriage of</u>	<input type="checkbox"/> Sustained <input type="checkbox"/> Overruled
103. <u>Paragraph 9</u> In its entirety.	<u>Hearsay</u> (Evid. Code §§ 1200(a), 1200(b)) <u>Improper Legal Conclusion</u> (See <u>Hayman</u> , <i>supra</i> , 176 Cal. App. 3d at pp. 638-39; <i>see also</i> <u>Marriage of</u> <u>Lacks Foundation/Personal Knowledge</u> (Evid. Code §§ 702(a), 800(b))	<input type="checkbox"/> Sustained <input type="checkbox"/> Overruled
104. <u>Paragraph 10</u> In its entirety.	<u>Hearsay</u> (Evid. Code §§ 1200(a), 1200(b))	<input type="checkbox"/> Sustained <input type="checkbox"/> Overruled

<u>Material Objected To</u>	<u>Grounds</u>	<u>Ruling</u>
	<u>Improper Legal Conclusion</u> (See <u>Hayman, supra</u> , 176 Cal. App. 3d at pp. 638-39; <i>see also</i> <u>Marriage of Lacks Foundation/Personal Knowledge</u> (Evid. Code §§ 702(a), 800(b)))	
105. <u>Paragraph 11</u> In its entirety.	<u>Hearsay</u> (Evid. Code §§ 1200(a), 1200(b)) <u>Improper Legal Conclusion</u> (See <u>Hayman, supra</u> , 176 Cal. App. 3d at pp. 638-39; <i>see also</i> <u>Marriage of Lacks Foundation/Personal Knowledge</u> (Evid. Code §§ 702(a), 800(b)))	<input type="checkbox"/> Sustained <input type="checkbox"/> Overruled
106. <u>Paragraph 12</u> In its entirety.	<u>Hearsay</u> (Evid. Code §§ 1200(a), 1200(b)) <u>Improper Legal Conclusion</u> (See <u>Hayman, supra</u> , 176 Cal. App. 3d at pp. 638-39; <i>see also</i> <u>Marriage of Lacks Foundation/Personal Knowledge</u> (Evid. Code §§ 702(a), 800(b)))	<input type="checkbox"/> Sustained <input type="checkbox"/> Overruled
107. <u>Paragraph 13</u> In its entirety.	<u>Hearsay</u> (Evid. Code §§ 1200(a), 1200(b)) <u>Improper Legal Conclusion</u> (See <u>Hayman, supra</u> , 176 Cal. App. 3d at pp. 638-39; <i>see also</i> <u>Marriage of Lacks Foundation/Personal Knowledge</u> (Evid. Code §§ 702(a), 800(b)))	<input type="checkbox"/> Sustained <input type="checkbox"/> Overruled
108. <u>Paragraph 14</u> In its entirety.	<u>Hearsay</u> (Evid. Code §§ 1200(a), 1200(b))	<input type="checkbox"/> Sustained <input type="checkbox"/> Overruled

<u>Material Objected To</u>	<u>Grounds</u>	<u>Ruling</u>
	<u>Improper Legal Conclusion</u> (See <u>Hayman, supra</u> , 176 Cal. App. 3d at pp. 638-39; <i>see also</i> <u>Marriage of Lacks Foundation/Personal Knowledge</u> (Evid. Code §§ 702(a), 800(b)))	
109. <u>Paragraph 15</u> In its entirety.	<u>Hearsay</u> (Evid. Code §§ 1200(a), 1200(b)) <u>Improper Legal Conclusion</u> (See <u>Hayman, supra</u> , 176 Cal. App. 3d at pp. 638-39; <i>see also</i> <u>Marriage of Lacks Foundation/Personal Knowledge</u> (Evid. Code §§ 702(a), 800(b)))	<input type="checkbox"/> Sustained <input type="checkbox"/> Overruled
110. <u>Paragraph 16</u> In its entirety.	<u>Hearsay</u> (Evid. Code §§ 1200(a), 1200(b)) <u>Improper Legal Conclusion</u> (See <u>Hayman, supra</u> , 176 Cal. App. 3d at pp. 638-39; <i>see also</i> <u>Marriage of Lacks Foundation/Personal Knowledge</u> (Evid. Code §§ 702(a), 800(b)))	<input type="checkbox"/> Sustained <input type="checkbox"/> Overruled
111. <u>Paragraph 17</u> In its entirety.	<u>Hearsay</u> (Evid. Code §§ 1200(a), 1200(b)) <u>Improper Legal Conclusion</u> (See <u>Hayman, supra</u> , 176 Cal. App. 3d at pp. 638-39; <i>see also</i> <u>Marriage of Lacks Foundation/Personal Knowledge</u> (Evid. Code §§ 702(a), 800(b)))	<input type="checkbox"/> Sustained <input type="checkbox"/> Overruled
112. <u>Paragraph 18</u> In its entirety.	<u>Hearsay</u> (Evid. Code §§ 1200(a), 1200(b))	<input type="checkbox"/> Sustained <input type="checkbox"/> Overruled

<u>Material Objected To</u>	<u>Grounds</u>	<u>Ruling</u>
	<u>Improper Legal Conclusion</u> (See <u>Hayman, supra</u> , 176 Cal. App. 3d at pp. 638-39; <i>see also</i> <u>Marriage of Lacks Foundation/Personal Knowledge</u> (Evid. Code §§ 702(a), 800(b)))	
113. <u>Paragraph 19</u> In its entirety.	<u>Hearsay</u> (Evid. Code §§ 1200(a), 1200(b)) <u>Improper Legal Conclusion</u> (See <u>Hayman, supra</u> , 176 Cal. App. 3d at pp. 638-39; <i>see also</i> <u>Marriage of Lacks Foundation/Personal Knowledge</u> (Evid. Code §§ 702(a), 800(b)))	<input type="checkbox"/> Sustained <input type="checkbox"/> Overruled
114. <u>Paragraph 20</u> In its entirety.	<u>Hearsay</u> (Evid. Code §§ 1200(a), 1200(b)) <u>Improper Legal Conclusion</u> (See <u>Hayman, supra</u> , 176 Cal. App. 3d at pp. 638-39; <i>see also</i> <u>Marriage of Lacks Foundation/Personal Knowledge</u> (Evid. Code §§ 702(a), 800(b)))	<input type="checkbox"/> Sustained <input type="checkbox"/> Overruled
Exhibit 2 – Declaration of Thomas Fisher		
115. <u>Entire Exhibit</u>	<u>Relevance</u> (Evid. Code §§ 210, 350, 352)	<input type="checkbox"/> Sustained <input type="checkbox"/> Overruled
Exhibit 3 – Declaration of Corey Sawyer		
116. <u>Entire Exhibit</u>	<u>Relevance</u> (Evid. Code §§ 210, 350, 352)	<input type="checkbox"/> Sustained <input type="checkbox"/> Overruled

<u>Material Objected To</u>	<u>Grounds</u>	<u>Ruling</u>
Exhibit 4 – Declaration of Ken Sweet		
117. <u>Entire Exhibit</u>	<u>Relevance</u> (Evid. Code §§ 210, 350, 352)	<input type="checkbox"/> Sustained <input type="checkbox"/> Overruled
Exhibit 5 – Declaration of Randy Lawton		
118. <u>Entire Exhibit</u>	<u>Relevance</u> (Evid. Code §§ 210, 350, 352)	<input type="checkbox"/> Sustained <input type="checkbox"/> Overruled
Exhibit 6 – Funspot Press Release		
119. <u>Entire Exhibit</u>	<u>Relevance</u> (Evid. Code §§ 210, 350, 352)	<input type="checkbox"/> Sustained <input type="checkbox"/> Overruled
Exhibit 7 – Weirs Times Press Release		
120. <u>Entire Exhibit</u>	<u>Relevance</u> (Evid. Code §§ 210, 350, 352)	<input type="checkbox"/> Sustained <input type="checkbox"/> Overruled
Exhibit 8 – NAMCO’s Pac-Man Museum Plaque		
121. <u>Entire Exhibit</u>	<u>Relevance</u> (Evid. Code §§ 210, 350, 352)	<input type="checkbox"/> Sustained <input type="checkbox"/> Overruled
Exhibit 9 – Declaration of Todd Rogers		
122. <u>Entire Exhibit</u>	<u>Lacks Foundation/Personal Knowledge</u> (Evid. Code §§ 702(a), 800(b)) <u>Inadmissible Speculation and Conclusions</u> (Evid. Code §§ 400, 403, 410) <u>Improper Legal Conclusion</u> (See <u>Hayman, supra</u> , 176 Cal. App. 3d at pp. 638-39; see also <u>Marriage of Heggie, supra</u> , 99 Cal. App. 4th at p. 30 n.3) <u>Improper Expert Opinion</u> (Cal. Evid. Code §§ 720, 801)	<input type="checkbox"/> Sustained <input type="checkbox"/> Overruled

<u>Material Objected To</u>	<u>Grounds</u>	<u>Ruling</u>
Exhibit 10 – Declaration of Kimberly Mahoney		
123. <u>Entire Exhibit</u>	<u>Lacks Foundation/Personal Knowledge</u> (Evid. Code §§ 702(a), 800(b)) <u>Inadmissible Speculation and Conclusions</u> (Evid. Code §§ 400, 403, 410) <u>Improper Legal Conclusion</u> (<i>See Hayman, supra</i> , 176 Cal. App. 3d at pp. 638-39; <i>see also Marriage of Heggie, supra</i> , 99 Cal. App. 4th at p. 30 n.3) <u>Improper Expert Opinion</u> (Cal. Evid. Code §§ 720, 801)	<input type="checkbox"/> Sustained <input type="checkbox"/> Overruled
Exhibit 11 – Declaration of Valerie Saunders		
124. <u>Entire Exhibit</u>	<u>Lacks Foundation/Personal Knowledge</u> (Evid. Code §§ 702(a), 800(b))	<input type="checkbox"/> Sustained <input type="checkbox"/> Overruled
Exhibit 12 – Declaration of Sheila Kiniry		
125. <u>Entire Exhibit</u>	<u>Lacks Foundation/Personal Knowledge</u> (Evid. Code §§ 702(a), 800(b)) <u>Hearsay</u> (Evid. Code §§ 1200(a), 1200(b)) <u>Relevance</u> (Evid. Code §§ 210, 350, 352)	<input type="checkbox"/> Sustained <input type="checkbox"/> Overruled
Exhibit 13 – Declaration of Richard Mallion		
126. <u>Entire Exhibit</u>	<u>Lacks Foundation/Personal Knowledge</u> (Evid. Code §§ 702(a), 800(b)) <u>Hearsay</u> (Evid. Code §§ 1200(a),	<input type="checkbox"/> Sustained <input type="checkbox"/> Overruled

<u>Material Objected To</u>	<u>Grounds</u>	<u>Ruling</u>
	1200(b)) <u>Relevance</u> (Evid. Code §§ 210, 350, 352)	
Exhibit 14 – Nintendo Hardware Verification UPS Box.		
127. <u>Entire Exhibit</u>	<u>Lacks Foundation/Personal Knowledge</u> (Evid. Code §§ 702(a), 800(b)) <u>Relevance</u> (Evid. Code §§ 210, 350, 352)	<input type="checkbox"/> Sustained <input type="checkbox"/> Overruled
Exhibit 15 – Declaration of Enzo Celani		
128. <u>Entire Exhibit</u>	<u>Relevance</u> (Evid. Code §§ 210, 350, 352)	<input type="checkbox"/> Sustained <input type="checkbox"/> Overruled
Exhibit 16 – Declaration of Matt Furgal		
129. <u>Entire Exhibit</u>	<u>Relevance</u> (Evid. Code §§ 210, 350, 352)	<input type="checkbox"/> Sustained <input type="checkbox"/> Overruled
Exhibit 17 – Declaration of Joe Tortorella		
130. <u>Entire Exhibit</u>	<u>Relevance</u> (Evid. Code §§ 210, 350, 352)	<input type="checkbox"/> Sustained <input type="checkbox"/> Overruled
Exhibit 18 – Guinness World Records Reinstatement Announcement		
131. <u>Entire Exhibit</u>	<u>Relevance</u> (Evid. Code §§ 210, 350, 352) <u>Lack of Authentication</u> (Evid. Code §§ 1400, 1401) <u>Best (Secondary) Evidence Rule</u> (Evid. Code §§ 1520, 1521, 1522, 1523)	<input type="checkbox"/> Sustained <input type="checkbox"/> Overruled

<u>Material Objected To</u>	<u>Grounds</u>	<u>Ruling</u>
Exhibit 19 – Nintendo Hardware Verification Brief		
132. <u>Entire Exhibit</u>	<u>Unsworn Declaration</u> (Cal. Code Civ. Proc. §§ 2015.5) <u>Lacks Foundation/Personal Knowledge</u> (Evid. Code §§ 702(a), 800(b)) <u>Inadmissible Speculation and Conclusions</u> (Evid. Code §§ 400, 403, 410) <u>Improper Expert Opinion</u> (Cal. Evid. Code §§ 720, 801)	<input type="checkbox"/> Sustained <input type="checkbox"/> Overruled
Exhibit 20 – Chain of Custody Brief		
133. <u>Entire Exhibit</u>	<u>Unsworn Declaration</u> (Cal. Code Civ. Proc. §§ 2015.5) <u>Lacks Foundation/Personal Knowledge</u> (Evid. Code §§ 702(a), 800(b)) <u>Hearsay</u> (Evid. Code §§ 1200(a), 1200(b)) <u>Inadmissible Speculation and Conclusions</u> (Evid. Code §§ 400, 403, 410) <u>Improper Expert Opinion</u> (Cal. Evid. Code §§ 720, 801) <u>Hearsay</u> (Evid. Code §§ 1200(a), 1200(b))	<input type="checkbox"/> Sustained <input type="checkbox"/> Overruled
Exhibit 21 – Robert Lakeman Expert-Witness Analysis		
134. <u>Entire Exhibit</u>	<u>Lacks Foundation/Personal Knowledge</u> (Evid. Code §§ 702(a), 800(b)) <u>Inadmissible Speculation and Conclusions</u> (Evid. Code §§ 400, 403, 410) <u>Improper Expert Opinion</u> (Cal. Evid. Code §§ 720, 801) <u>Hearsay</u> (Evid. Code §§ 1200(a),	<input type="checkbox"/> Sustained <input type="checkbox"/> Overruled

<u>Material Objected To</u>	<u>Grounds</u>	<u>Ruling</u>
	1200(b))	
Exhibit 22 – Chris Glead Public Statement, February 2, 2018		
135. <u>Entire Exhibit</u>	<u>Hearsay</u> (Evid. Code §§ 1200(a), 1200(b)) <u>Lack of Authentication</u> (Evid. Code §§ 1400, 1401)	<input type="checkbox"/> Sustained <input type="checkbox"/> Overruled
Exhibit 23 – Robert Mruczek Personal Animosity Evidence		
136. <u>Entire Exhibit</u>	<u>Hearsay</u> (Evid. Code §§ 1200(a), 1200(b)) <u>Lack of Authentication</u> (Evid. Code §§ 1400, 1401)	<input type="checkbox"/> Sustained <input type="checkbox"/> Overruled
Exhibit 24 – Wolff Marrow Personal Animosity Evidence		
137. <u>Entire Exhibit</u>	<u>Hearsay</u> (Evid. Code §§ 1200(a), 1200(b)) <u>Lack of Authentication</u> (Evid. Code §§ 1400, 1401)	<input type="checkbox"/> Sustained <input type="checkbox"/> Overruled
Exhibit 25 – Wes Copeland Personal Animosity Evidence		
138. <u>Entire Exhibit</u>	<u>Hearsay</u> (Evid. Code §§ 1200(a), 1200(b)) <u>Lack of Authentication</u> (Evid. Code §§ 1400, 1401)	<input type="checkbox"/> Sustained <input type="checkbox"/> Overruled
Exhibit 26 – Twin Galaxies Receives Alleged Videotapes from Dwayne Richard		
139. <u>Entire Exhibit</u>	<u>Lack of Authentication</u> (Evid. Code §§ 1400, 1401) <u>Lacks Foundation/Personal Knowledge</u> (Evid. Code §§ 702(a), 800(b))	<input type="checkbox"/> Sustained <input type="checkbox"/> Overruled

<u>Material Objected To</u>	<u>Grounds</u>	<u>Ruling</u>
Exhibit 27 – Jason Hall states that “[Twin Galaxies] does not care about [verified hardware]”		
140. <u>Entire Exhibit</u>	<u>Hearsay</u> (Evid. Code §§ 1200(a), 1200(b)) <u>Lack of Authentication</u> (Evid. Code §§ 1400, 1401)	<input type="checkbox"/> Sustained <input type="checkbox"/> Overruled
Exhibit 28 – Text Messages with Jason Hall, March 9, 2018.		
141. <u>Entire Exhibit</u>	<u>Hearsay</u> (Evid. Code §§ 1200(a), 1200(b)) <u>Lack of Authentication</u> (Evid. Code §§ 1400, 1401)	<input type="checkbox"/> Sustained <input type="checkbox"/> Overruled
Exhibit 29 – The Girder Finger Brief		
142. <u>Entire Exhibit</u>	<u>Lacks Foundation/Personal Knowledge</u> (Evid. Code §§ 702(a), 800(b)) <u>Inadmissible Speculation and Conclusions</u> (Evid. Code §§ 400, 403, 410) <u>Improper Expert Opinion</u> (Cal. Evid. Code §§ 720, 801) <u>Hearsay</u> (Evid. Code §§ 1200(a), 1200(b))	<input type="checkbox"/> Sustained <input type="checkbox"/> Overruled
Exhibit 30 – Declaration of Dean Wenzel		
143. <u>Entire Exhibit</u>	<u>Hearsay</u> (Evid. Code §§ 1200(a), 1200(b))	<input type="checkbox"/> Sustained <input type="checkbox"/> Overruled
Exhibit 31 – Chris Gleed Public Statement, March 21, 2018		
144. <u>Entire Exhibit</u>	<u>Hearsay</u> (Evid. Code §§ 1200(a), 1200(b)) <u>Lack of Authentication</u> (Evid. Code §§ 1400, 1401)	<input type="checkbox"/> Sustained <input type="checkbox"/> Overruled

<u>Material Objected To</u>	<u>Grounds</u>	<u>Ruling</u>
Exhibit 32 – Jason Hall Admits to Accepting Witnesses against Mitchell		
145. <u>Entire Exhibit</u>	<u>Hearsay</u> (Evid. Code §§ 1200(a), 1200(b)) <u>Lack of Authentication</u> (Evid. Code §§ 1400, 1401)	<input type="checkbox"/> Sustained <input type="checkbox"/> Overruled
Exhibit 33 – The Color Brief		
146. <u>Entire Exhibit</u>	<u>Lacks Foundation/Personal Knowledge</u> (Evid. Code §§ 702(a), 800(b)) <u>Inadmissible Speculation and Conclusions</u> (Evid. Code §§ 400, 403, 410) <u>Improper Expert Opinion</u> (Cal. Evid. Code §§ 720, 801) <u>Hearsay</u> (Evid. Code §§ 1200(a), 1200(b))	<input type="checkbox"/> Sustained <input type="checkbox"/> Overruled
Exhibit 34 – Carlos Pineiro Retraction		
147. <u>Entire Exhibit</u>	<u>Misstates the Record</u> (Evid. Code §§ 210, 403.) <i>See</i> Declaration of Carlos Pineiro at Paragraphs 23-25.	<input type="checkbox"/> Sustained <input type="checkbox"/> Overruled
Exhibit 35 – First Retraction Demand, September 9, 2019		
148. <u>Entire Exhibit</u>	<u>Relevance</u> (Evid. Code §§ 210, 350, 352)	<input type="checkbox"/> Sustained <input type="checkbox"/> Overruled
Exhibit 36 – Robert Mruzek and Jason Hall speak about “class-action suit”		
149. <u>Entire Exhibit</u>	<u>Hearsay</u> (Evid. Code §§ 1200(a), 1200(b)) <u>Lack of Authentication</u> (Evid. Code §§ 1400, 1401)	<input type="checkbox"/> Sustained <input type="checkbox"/> Overruled

<u>Material Objected To</u>	<u>Grounds</u>	<u>Ruling</u>
Exhibit 37 – Jason Hall posts testimony from Greg Sakundiak		
150. <u>Entire Exhibit</u>	<u>Hearsay</u> (Evid. Code §§ 1200(a), 1200(b)) <u>Lack of Authentication</u> (Evid. Code §§ 1400, 1401)	<input type="checkbox"/> Sustained <input type="checkbox"/> Overruled
Exhibit 38 – Jason Hall posts testimony from Robert Mruczek, again		
151. <u>Entire Exhibit</u>	<u>Hearsay</u> (Evid. Code §§ 1200(a), 1200(b)) <u>Lack of Authentication</u> (Evid. Code §§ 1400, 1401)	<input type="checkbox"/> Sustained <input type="checkbox"/> Overruled
Exhibit 39 – Robert Mruczek speaks about his “length call” with Jason Hall		
152. <u>Entire Exhibit</u>	<u>Hearsay</u> (Evid. Code §§ 1200(a), 1200(b)) <u>Lack of Authentication</u> (Evid. Code §§ 1400, 1401)	<input type="checkbox"/> Sustained <input type="checkbox"/> Overruled
Exhibit 41 – Second Retraction Demand, June 18, 2020		
153. <u>Entire Exhibit</u>	<u>Relevance</u> (Evid. Code §§ 210, 350, 352)	<input type="checkbox"/> Sustained <input type="checkbox"/> Overruled
Exhibit 42 – Orientation Assessment		
154. <u>Entire Exhibit</u>	<u>Lacks Foundation/Personal Knowledge</u> (Evid. Code §§ 702(a), 800(b)) <u>Inadmissible Speculation and Conclusions</u> (Evid. Code §§ 400, 403, 410) <u>Improper Expert Opinion</u> (Cal. Evid. Code §§ 720, 801)	<input type="checkbox"/> Sustained <input type="checkbox"/> Overruled

<u>Material Objected To</u>	<u>Grounds</u>	<u>Ruling</u>
	<u>Hearsay</u> (Evid. Code §§ 1200(a), 1200(b))	
Exhibit 43 – Wes Copeland Public Statement about “save-states” and too much “luck”		
155. <u>Entire Exhibit</u>	<u>Hearsay</u> (Evid. Code §§ 1200(a), 1200(b)) <u>Lack of Authentication</u> (Evid. Code §§ 1400, 1401)	<input type="checkbox"/> Sustained <input type="checkbox"/> Overruled
Exhibit 45 – Jason Hall refuses David Race access to the videotapes		
156. <u>Entire Exhibit</u>	<u>Hearsay</u> (Evid. Code §§ 1200(a), 1200(b)) <u>Lack of Authentication</u> (Evid. Code §§ 1400, 1401)	<input type="checkbox"/> Sustained <input type="checkbox"/> Overruled
Exhibit 46 – Billy Mitchell denies other acting on his behalf in text-message to Jason Hall		
157. <u>Entire Exhibit</u>	<u>Hearsay</u> (Evid. Code §§ 1200(a), 1200(b)) <u>Lack of Authentication</u> (Evid. Code §§ 1400, 1401)	<input type="checkbox"/> Sustained <input type="checkbox"/> Overruled
Exhibit 47 – Guinness World Records removes Twin Galaxies from trusted sources location		
158. <u>Entire Exhibit</u>	<u>Relevance</u> (Evid. Code §§ 210, 350, 352)	<input type="checkbox"/> Sustained <input type="checkbox"/> Overruled
Exhibit 48 – Sample of Text-Messages between Billy Mitchell and Jason Hall		
159. <u>Entire Exhibit</u>	<u>Hearsay</u> (Evid. Code §§ 1200(a), 1200(b)) <u>Lack of Authentication</u> (Evid. Code §§ 1400, 1401)	<input type="checkbox"/> Sustained <input type="checkbox"/> Overruled

<u>Material Objected To</u>	<u>Grounds</u>	<u>Ruling</u>
Exhibit 49 – Declaration of Shawn Jones (Billy Mitchell’s Manager)		
160. <u>Entire Exhibit</u>	<u>Hearsay</u> (Evid. Code §§ 1200(a), 1200(b)) <u>Relevance</u> (Evid. Code §§ 210, 350, 352) <u>Lacks Foundation/Personal Knowledge</u> (Evid. Code §§ 702(a), 800(b)) <u>Inadmissible Speculation and Conclusions</u> (Evid. Code §§ 400, 403, 410) <u>Improper Legal Conclusion</u> (See <u>Hayman, supra</u> , 176 Cal. App. 3d at pp. 638-39; <i>see also</i> <u>Marriage of Heggie, supra</u> , 99 Cal. App. 4th at p. 30 n.3) <u>Improper Expert Opinion</u> (Cal. Evid. Code §§ 720, 801) <u>Lack of Authentication</u> (Evid. Code §§ 1400, 1401) <u>Best (Secondary) Evidence Rule</u> (Evid. Code §§ 1520, 1521, 1522, 1523)	<input type="checkbox"/> Sustained <input type="checkbox"/> Overruled
Exhibit 50 – Summary of Special Damages to Mitchell’s Videogame Career		
161. <u>Entire Exhibit</u>	<u>Hearsay</u> (Evid. Code §§ 1200(a), 1200(b)) <u>Relevance</u> (Evid. Code §§ 210, 350, 352) <u>Lacks Foundation/Personal Knowledge</u> (Evid. Code §§ 702(a), 800(b)) <u>Inadmissible Speculation and Conclusions</u> (Evid. Code §§ 400, 403, 410) <u>Improper Legal Conclusion</u> (See <u>Hayman, supra</u> , 176 Cal. App. 3d at pp. 638-39; <i>see also</i> <u>Marriage of Heggie, supra</u> , 99 Cal. App. 4th at p. 30 n.3) <u>Improper Expert Opinion</u> (Cal. Evid. Code §§ 720, 801)	<input type="checkbox"/> Sustained <input type="checkbox"/> Overruled

<u>Material Objected To</u>	<u>Grounds</u>	<u>Ruling</u>
	<u>Lack of Authentication</u> (Evid. Code §§ 1400, 1401) <u>Best (Secondary) Evidence Rule</u> (Evid. Code §§ 1520, 1521, 1522, 1523)	
Exhibit 51 – Front Cover of The King of Kong calling Mitchell a “Hot Sauce Mogul”		
162. <u>Entire Exhibit</u>	<u>Relevance</u> (Evid. Code §§ 210, 350, 352)	<input type="checkbox"/> Sustained <input type="checkbox"/> Overruled
Exhibit 52 – The King of Kong showcasing Mitchell with his “Rickey’s Hot Sauce”		
163. <u>Entire Exhibit</u>	<u>Relevance</u> (Evid. Code §§ 210, 350, 352)	<input type="checkbox"/> Sustained <input type="checkbox"/> Overruled
Exhibit 53 – The King of Kong showcasing the “Rickey’s Hot Sauce” warehouse		
164. <u>Entire Exhibit</u>	<u>Relevance</u> (Evid. Code §§ 210, 350, 352)	<input type="checkbox"/> Sustained <input type="checkbox"/> Overruled
Exhibit 54 – The King of Kong shows the “Rickey’s Restaurant”		
165. <u>Entire Exhibit</u>	<u>Relevance</u> (Evid. Code §§ 210, 350, 352)	<input type="checkbox"/> Sustained <input type="checkbox"/> Overruled
Exhibit 55 – Summary of Rickey’s Hot Sauce Sales, 2017		
166. <u>Entire Exhibit</u>	<u>Hearsay</u> (Evid. Code §§ 1200(a), 1200(b)) <u>Lacks Foundation/Personal Knowledge</u> (Evid. Code §§ 702(a), 800(b))	<input type="checkbox"/> Sustained <input type="checkbox"/> Overruled
Exhibit 56 – Summary of Rickey’s Hot Sauce Sales, 2018		
167. <u>Entire Exhibit</u>	<u>Hearsay</u> (Evid. Code §§ 1200(a), 1200(b)) <u>Lacks Foundation/Personal Knowledge</u> (Evid. Code §§ 702(a),	<input type="checkbox"/> Sustained <input type="checkbox"/> Overruled

<u>Material Objected To</u>	<u>Grounds</u>	<u>Ruling</u>
	800(b))	
Exhibit 57 – Summary of Rickey’s Hot Sauce Sales, 2019		
168. <u>Entire Exhibit</u>	<u>Hearsay</u> (Evid. Code §§ 1200(a), 1200(b)) <u>Lacks Foundation/Personal Knowledge</u> (Evid. Code §§ 702(a), 800(b))	<input type="checkbox"/> Sustained <input type="checkbox"/> Overruled
Exhibit 58 – Twin Galaxies Website Traffic, August 2017 – April 2018		
169. <u>Entire Exhibit</u>	<u>Hearsay</u> (Evid. Code §§ 1200(a), 1200(b)) <u>Lacks Foundation/Personal Knowledge</u> (Evid. Code §§ 702(a), 800(b)) <u>Lack of Authentication</u> (Evid. Code §§ 1400, 1401)	<input type="checkbox"/> Sustained <input type="checkbox"/> Overruled
Exhibit 59 – Jason Hall displays his motive to gain monetary benefits and internet click		
170. <u>Entire Exhibit</u>	<u>Hearsay</u> (Evid. Code §§ 1200(a), 1200(b)) <u>Lacks Foundation/Personal Knowledge</u> (Evid. Code §§ 702(a), 800(b)) <u>Lack of Authentication</u> (Evid. Code §§ 1400, 1401)	<input type="checkbox"/> Sustained <input type="checkbox"/> Overruled
Exhibit 60 – Text Messages between Billy Mitchell and Jason Hall from April 11, 2018		
171. <u>Entire Exhibit</u>	<u>Hearsay</u> (Evid. Code §§ 1200(a), 1200(b)) <u>Lacks Foundation/Personal Knowledge</u> (Evid. Code §§ 702(a), 800(b))	<input type="checkbox"/> Sustained <input type="checkbox"/> Overruled

<u>Material Objected To</u>	<u>Grounds</u>	<u>Ruling</u>
	<u>Lack of Authentication</u> (Evid. Code §§ 1400, 1401)	
Exhibit 61 – May 10, 2020 Fokkens-Hall Text Message Exchange		
172. <u>Entire Exhibit</u>	<u>Hearsay</u> (Evid. Code §§ 1200(a), 1200(b)) <u>Lacks Foundation/Personal Knowledge</u> (Evid. Code §§ 702(a), 800(b)) <u>Lack of Authentication</u> (Evid. Code §§ 1400, 1401)	<input type="checkbox"/> Sustained <input type="checkbox"/> Overruled
Exhibit 62- Twin Galaxies Dispute Decision: “Billy Mitchell’s Donkey Kong & All Other Records Removed”		
173. <u>Entire Exhibit</u>	<u>Best (Secondary) Evidence Rule</u> (Evid. Code §§ 1520, 1521, 1522, 1523)	<input type="checkbox"/> Sustained <input type="checkbox"/> Overruled

Dated: June 26, 2020

Respectfully submitted,

TASHROUDIAN LAW GROUP, APC

By: /s/ David Tashroudian, Esq.

David Tashroudian, Esq.

Mona Tashroudian, Esq.

Attorneys for Defendant Twin Galaxies, LLC

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[PROPOSED] ORDER

The Court, having read and considered the objections to evidence of defendant Twin Galaxies as set forth above, hereby adopts its rulings as those rulings are set forth in the column entitled "Ruling."

IT IS SO ORDERED.

Dated: _____

Judge of the Superior Court

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):

OBJECTIONS TO EVIDENCE IN SUPPORT OF SPECIAL MOTION TO STRIKE & [PROPOSED] ORDER

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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MANNING & KASS
ELLROD, RAMIREZ, TRESTER LLP
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Facsimile: (213) 624-6999

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