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8 SUPERIOR COURT OF THE STATE OF CALIFORNIA
9 COUNTY OF LOS ANGELES

11 WILLIAM JAMES MITCHELL,

12 Plaintiff,

13 v.

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

15 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 Gleed;
17 (3) Declaration of Carlos Pineiro; (4)
Declaration of Dwayne Richard; (5)
18 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

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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>
<p>1 attempt. It outlined that the attempt 2 required 1) on-site referee 3 adjudication and 2) hardware 4 verified by the Senior Engineer at 5 Nintendo (the creators of Donkey 6 Kong). Obviously, I complied with 7 both demands. Twin Galaxies 8 assigned two referees for the record 9 attempt, Mr. Todd Rogers and Ms. 10 Kimberly Mahoney. Then, in June 11 2007, Twin Galaxies facilitated the 12 hardware verification with the 13 Senior Engineer at Nintendo, Mr. 14 Wayne Shirk. Twin Galaxies 15 personally coordinated the 16 verification, ensuring that I never 17 gained access to the hardware in 18 order to indisputably secure the 19 veracity of the attempt. After 20 verification, Shirk mailed the 21 hardware directly to the Mortgage 22 Brokers, who input it into the 23 Donkey Kong machine before 24 locking the machine entirely. At no 25 point did I gain access to the 26 hardware.”</p>	<p><u>Lacks Foundation/Personal Knowledge</u> (Evid. Code §§ 702(a), 800(b))</p>	
<p>18 5. <u>Paragraph 16</u> 19 “Following my record, the Mortgage 20 Brokers returned the hardware to 21 Shirk for reverification, and Shirk 22 confirmed that the hardware 23 remained legitimate throughout the 24 performance. Following this re- 25 verification, Shirk mailed me the 26 hardware through UPS, and to this 27 day, I retain the box of this final 28 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>
<p>1 2 3 4</p> <p>sworn declarations to the hardware verification from Shirk. (<i>See again – Exhibit 1, Exhibit 12, and Exhibit 13</i>).”</p>		
<p>5 6 7 8 9 10 11 12 13 14</p> <p>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.”</p>	<p><u>Relevance</u> (Evid. Code §§ 210, 350, 352)</p>	<p><input type="checkbox"/> Sustained <input type="checkbox"/> Overruled</p>
<p>15 16 17 18 19 20 21 22</p> <p>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.”</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>
<p>23 24 25 26 27 28</p> <p>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</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>
<p>1 Tortorella. Furgal and Tortorella 2 ensured that the machine possessed 3 the correct hardware and necessary 4 settings for my attempt. These two 5 individuals also witnessed my 6 record achievement. The 7 declarations provided by Matt 8 Furgal and Joe Tortorella are 9 attached hereto as Exhibit 16 and 10 Exhibit 17 respectively. ”</p>		
<p>8 9. <u>Paragraph 20</u> 9 “After failing on Friday, July 30, I 10 achieved a new Donkey Kong world 11 record of 1,062,800 points on 12 Saturday, July 31. Again, Twin 13 Galaxies assigned two of its 14 personnel to perform on-site 15 verification of my record, and these 16 personnel were Todd Rogers and 17 Kimberly Mahoney once more. (<i>See</i> 18 Exhibit 9 and Exhibit 10). For 19 clarity, Twin Galaxies verified this 20 record through on-site referee 21 adjudication.”</p>	<p><u>Relevance</u> (Evid. Code §§ 210, 350, 352)</p>	<p><input type="checkbox"/> Sustained <input type="checkbox"/> Overruled</p>
<p>17 10. <u>Paragraph 21</u> 18 “On Monday, August 2, 2010, 19 Furgal picked up the machine from 20 Boomers Arcade and subsequently 21 returned it to Celani, which 22 concluded the event. Celani 23 confirmed that the machine returned 24 in the same state as he loaned it – 25 with original unmodified Donkey 26 Kong hardware. (<i>See Exhibit 15</i>).”</p>	<p><u>Relevance</u> (Evid. Code §§ 210, 350, 352) <u>Lacks Foundation/Personal</u> <u>Knowledge</u> (Evid. Code §§ 702(a), 800(b)) <u>Hearsay</u> (Evid. Code §§ 1200(a), 1200(b))</p>	<p><input type="checkbox"/> Sustained <input type="checkbox"/> Overruled</p>
<p>24 11. <u>Paragraph 23</u> 25 “Through the facts incorporated into 26 paragraphs 3 to 21, and the 27 expansions set forth herein, the 28 Twin Galaxies statements are false. In addition to my own refutations, the founder and former owner of Twin Galaxies, Walter Day,</p>	<p><u>Relevance</u> (Evid. Code §§ 210, 350, 352) <u>Lacks Foundation/Personal</u> <u>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>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.)”</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>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”</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>Hearsay</u> (Evid. Code §§ 1200(a), 1200(b))</p>	<input type="checkbox"/> Sustained <input type="checkbox"/> Overruled
<p>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</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>	<input type="checkbox"/> Sustained <input type="checkbox"/> Overruled

<u>Material Objected To</u>	<u>Grounds</u>	<u>Ruling</u>
<p>1 the exhibits throughout paragraphs 3 2 to 22.”</p>		
<p>3 14. <u>Paragraph 25</u> 4 “Second, as previously outlined, I 5 complied with former Twin 6 Galaxies owner Walter Day’s 7 request to verify my hardware with 8 the Senior Engineer at Nintendo, 9 Wayne Shirk. It is patently 10 impossible for hardware verified by 11 the videogame’s creator (Nintendo) 12 to be illegitimate. Furthermore, I 13 never accessed the hardware before 14 or after the performance, and hence 15 I never possessed the opportunity to 16 commit the allegations. I attached a 17 brief which thoroughly outlines the 18 process of the hardware verification 19 with the associated real and 20 testimonial evidence. (<i>See Exhibit</i> 21 19)”</p>	<p>22 <u>Relevance</u> (Evid. Code §§ 210, 350, 23 352) 24 <u>Lacks Foundation/Personal</u> 25 <u>Knowledge</u> (Evid. Code §§ 702(a), 26 800(b)) 27 <u>Hearsay</u> (Evid. Code §§ 1200(a), 28 1200(b))</p>	<p><input type="checkbox"/> Sustained <input type="checkbox"/> Overruled</p>
<p>15 15. <u>Paragraph 26</u> 16 “Third, the Twin Galaxies 17 allegations contradict common 18 sense. For the allegations to be true, 19 it would not only require me to lie, 20 but also the dozens of individuals 21 involved in my records. This 22 includes Arcade Game Sales, the 23 Mortgage Brokers, Boomers 24 Arcade, casual spectators, and the 25 Twin Galaxies personnel 26 themselves. In other words, it would 27 require three conspiracies involving 28 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</u> <u>Knowledge</u> (Evid. Code §§ 702(a), 800(b)) <u>Improper Legal Conclusion</u> (<i>See</i> <u>Hayman</u>, <i>supra</i>, 176 Cal. App. 3d at pp. 638-39; <i>see also</i> <u>Marriage of</u> <u>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>26 16. <u>Paragraph 27</u> 27 “Fourth, Twin Galaxies never 28 provided evidence for “<i>how</i>” I committed these egregious</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>
<p>1 allegations. It possesses no 2 witnesses, photos, videos, or any 3 factual evidence to support its 4 dubious technical accusations. It 5 never will produce any such 6 evidence, because its allegations are 7 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> (<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>8 17. <u>Paragraph 28</u> 9 “Fifth, as outlined further in this 10 declaration and the associated 11 exhibit, Twin Galaxies lost the chain 12 of custody over my videotapes for 13 over ten-years to Mr. Dwayne 14 Richard. Richard, who provided 15 them the now alleged videotapes, 16 historically expressed his “master 17 plan” to “take [me] down.” He also 18 asked Mr. Richard Vavrence to help 19 him “fake an [emulation] score,” 20 and Vavrence publicly testified of 21 this incident during the Twin 22 Galaxies investigation. I told Jason 23 Hall about it, but Hall ignored it. 24 There is a probable likelihood that 25 these now alleged tapes are false 26 representations of my performance, 27 which were edited by Richard. The 28 “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>22 18. <u>Paragraph 29</u> 23 “Sixth, an extensive statistical 24 analysis from expert witness Robert 25 Lakeman, who is an eight-time 26 Donkey Kong World Record holder 27 and the most knowledgeable 28 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>1 machine, and 2) that no motive for 2 these accusations exists, because no 3 competitive advantage occurs on the 4 alleged videotapes. Lakeman’s 5 statistical analysis concluded that “I 6 do not see a reason why Billy would 7 need to even use [emulation], or 8 save states to film both games with 9 this style of play.” A true and 10 correct copy of Robert Lakeman’s 11 Expert-Witness Analysis is attached 12 hereto as Exhibit 21.”</p>	<p><u>Inadmissible Speculation and Conclusions</u> (Evid. Code §§ 400, 403, 410) <u>Improper Expert Opinion</u> (Evid. Code §§ 720, 801)</p>	
<p>9 19. <u>Paragraph 30</u> 10 Lastly, as shown throughout this 11 declaration, several individuals 12 disproved numerous technical 13 allegations set forth by Twin 14 Galaxies and its community. Twin 15 Galaxies has displayed a track 16 record of incorrect technical 17 assessments, and one should 18 proceed with caution in believing 19 any of its allegations. This 20 declaration reviews three separate 21 occurrences where Twin Galaxies 22 asserted a technical fact, and it was 23 disproven.</p>	<p><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> (<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>19 20. <u>Paragraph 32</u> 20 In the period between February 3 21 and February 5, 2018, I learned the 22 following facts. 1) Twin Galaxies 23 lost the chain of custody over ALL 24 of my world record videotapes, 2) 25 Twin Galaxies lost the chain of 26 custody over ALL of the 27 documentation associated with the 28 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)) <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)</p>	<p><input type="checkbox"/> Sustained <input type="checkbox"/> Overruled</p>

<u>Material Objected To</u>	<u>Grounds</u>	<u>Ruling</u>
<p>expressed intentions to “take [me] down” (See Exhibit 20).</p>		
<p>21. <u>Paragraph 36</u> “On February 14, 2018, Jason Hall officially engaged Mr. Chris Glead as his “third-party” investigator, who possessed no qualifications beyond that of a casual videogame hobbyist. (See Jason Hall Declaration – Exhibit A, Page 435).”</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>22. <u>Paragraph 36</u> “Therefore, Hall directly chose a member of the accusatory group for a “third-party.””</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> (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>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.”</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> (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>24. <u>Paragraph 40</u> (1) Former Twin Galaxies referee Robert Mruczek, whom the previous Twin Galaxies administration banned for abusive conduct,</p>	<p><u>Lacks Foundation/Personal Knowledge</u> (Evid. Code §§ 702(a), 800(b))</p>	<input type="checkbox"/> Sustained <input type="checkbox"/> Overruled

<u>Material Objected To</u>	<u>Grounds</u>	<u>Ruling</u>
<p>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.”</p>	<p><u>Inadmissible Speculation and Conclusions</u> (Evid. Code §§ 400, 403, 410) <u>Hearsay</u> (Evid. Code §§ 1200(a), 1200(b))</p>	
<p>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.”</p>	<p><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))</p>	<p><input type="checkbox"/> Sustained <input type="checkbox"/> Overruled</p>
<p>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.”</p>	<p><u>Lacks Foundation/Personal Knowledge</u> (Evid. Code §§ 702(a), 800(b)) <u>Hearsay</u> (Evid. Code §§ 1200(a), 1200(b))</p>	<p><input type="checkbox"/> Sustained <input type="checkbox"/> Overruled</p>
<p>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.”</p>	<p><u>Lacks Foundation/Personal Knowledge</u> (Evid. Code §§ 702(a), 800(b)) <u>Hearsay</u> (Evid. Code §§ 1200(a), 1200(b))</p>	<p><input type="checkbox"/> Sustained <input type="checkbox"/> Overruled</p>
<p>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</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>1 “kangaroo court” set forth in it. To 2 the contrary, I chose to engage Twin 3 Galaxies directly to defend myself. 4 The Twin Galaxies motion calls the 5 Dispute Thread a “lively public 6 debate.” However, the most cursory 7 unbiased analysis of its contents 8 would prove this factually false. The 9 Twin Galaxies motion and Jason 10 Hall’s declaration also heavily imply 11 that I never attempted to defend 12 myself, simply because I never 13 posted in its Dispute Thread. 14 However, this is also false, and it 15 omits the multiple-hour phone calls 16 and text message communications 17 between me and Jason Hall, where I 18 vigorously defended myself from 19 these accusations. The following 20 paragraphs explain these facts.”</p>		
<p>21 29. <u>Paragraph 42</u> 22 “I later learned that on February 23 22, 2018, Twin Galaxies received a 24 shipment from Mr. Dwayne 25 Richard. The shipment contained 26 several videotapes, all of which 27 Richard alleged belonged to me. A 28 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> (<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>1</p> <p>2 30. <u>Paragraph 43</u></p> <p>3 “On or about February 24, 2018, I</p> <p>4 engaged in my first significant</p> <p>5 contact with Twin Galaxies. I spoke</p> <p>6 in a phone conversation with Jason</p> <p>7 Hall. In this phone call, I complied</p> <p>8 with Hall’s requests and answered</p> <p>9 his questions. He questioned me on</p> <p>10 three main topics. Firstly, Hall asked</p> <p>11 if the videotapes over which Twin</p> <p>12 Galaxies lost the chain of custody</p> <p>13 belonged to me. I stated that the</p> <p>14 videotapes did not possess my</p> <p>15 physical appearance nor my audio,</p> <p>16 and considering his source’s</p> <p>17 personal animosity for me, I did not</p> <p>18 know. Secondly, Hall questioned me</p> <p>19 about a “statistical analysis”</p> <p>20 presented by Wes Copeland, which</p> <p>21 alleged that I used emulation to</p> <p>22 falsify my performance. I reiterated</p> <p>23 that I did not falsify my records, and</p> <p>24 therefore any analysis asserting such</p> <p>25 was false. Lastly, Hall asked me to</p> <p>26 join the Dispute Thread, because “it</p> <p>27 would go a long way in appeasing</p> <p>28 the people.” I told Hall that these</p> <p>individuals would only be appeased</p> <p>by a public humiliation of me, and</p> <p>that they already concluded me as</p> <p>guilty. I specifically told Hall that I</p> <p>“will not enter a kangaroo court,”</p> <p>and if he possessed questions or</p> <p>inquiries, I will comply with them</p> <p>through direct communication.”</p>	<p><u>Hearsay</u> (Evid. Code §§ 1200(a), 1200(b))</p>	<p><input type="checkbox"/> Sustained</p> <p><input type="checkbox"/> Overruled</p>
<p>23 31. <u>Paragraph 44</u></p> <p>24 “I urged Hall to interview these</p> <p>25 Twin Galaxies personnel and</p> <p>26 eyewitnesses</p> <p>27 who would easily deny the</p> <p>28 allegations. However, Hall</p> <p>immediately refused my entreaty,</p> <p>stating that he ‘doesn’t care about</p> <p>what anybody says.’”</p>	<p><u>Hearsay</u> (Evid. Code §§ 1200(a), 1200(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>
<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>	<p><input type="checkbox"/> Sustained <input type="checkbox"/> Overruled</p>
<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)) <u>Lacks Foundation/Personal Knowledge</u> (Evid. Code §§ 702(a), 800(b))</p>	<p><input type="checkbox"/> Sustained <input type="checkbox"/> Overruled</p>
<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)) <u>Inadmissible Speculation and Conclusions</u> (Evid. Code §§ 400, 403, 410)</p>	<p><input type="checkbox"/> Sustained <input type="checkbox"/> Overruled</p>
<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)) <u>Lacks Foundation/Personal Knowledge</u> (Evid. Code §§ 702(a), 800(b)) <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>1</p> <p>2 36. <u>Paragraph 49</u></p> <p>3 “Also, at the Donkey Kong World</p> <p>4 Championships, the allegations</p> <p>5 against me became materially</p> <p>6 impossible. Hall, Young, and the</p> <p>7 Dispute Thread alleged that I</p> <p>8 utilized “MAME” emulation in my</p> <p>records. However, the specific</p> <p>version of MAME was not created</p> <p>until AFTER I achieved my</p> <p>1,047,200 record.”</p>	<p><u>Lacks Foundation/Personal</u></p> <p><u>Knowledge</u> (Evid. Code §§ 702(a),</p> <p>800(b))</p> <p><u>Inadmissible Speculation and</u></p> <p><u>Conclusions</u> (Evid. Code §§ 400,</p> <p>403, 410)</p>	<p><input type="checkbox"/> Sustained</p> <p><input type="checkbox"/> Overruled</p>
<p>9 37. <u>Paragraph 49</u></p> <p>10 “However, Jason Hall assisted the</p> <p>11 Dispute Thread in fabricating</p> <p>12 explanations in an effort to</p> <p>13 circumvent this fact; nevertheless,</p> <p>14 these explanations failed to refute</p> <p>15 the discovery. Hall responded by</p> <p>16 simply ignoring this fact, and Hall</p> <p>acted as if it didn’t exist.”</p>	<p><u>Lacks Foundation/Personal</u></p> <p><u>Knowledge</u> (Evid. Code §§ 702(a),</p> <p>800(b))</p> <p><u>Inadmissible Speculation and</u></p> <p><u>Conclusions</u> (Evid. Code §§ 400,</p> <p>403, 410)</p> <p><u>Improper Legal Conclusion</u> (<i>See</i></p> <p><i>Hayman, supra</i>, 176 Cal. App. 3d at</p> <p>pp. 638-39; <i>see also Marriage of</i></p> <p><i>Heggie, supra</i>, 99 Cal. App. 4th at p.</p> <p>30 n.3)</p>	<p><input type="checkbox"/> Sustained</p> <p><input type="checkbox"/> Overruled</p>
<p>17 38. <u>Paragraph 50</u></p> <p>18 “On or about March 19, 2018, I</p> <p>19 received a phone call from Walter</p> <p>20 Day – the former owner of Twin</p> <p>21 Galaxies. Day informed me that he</p> <p>22 received a phone call from Jason</p> <p>23 Hall roughly one week prior, where</p> <p>24 Hall asked him, “How will you feel</p> <p>25 when I announce that Billy</p> <p>26 cheated?” Day explained that Hall</p> <p>27 was extremely closed off to</p> <p>anything which opposed this</p> <p>28 allegation, and Day told me that</p> <p>Hall ended the call by saying that “It</p> <p>doesn’t matter what anybody else</p> <p>does, I know more about this than</p> <p>anybody, and I have better</p> <p>equipment.”</p>	<p><u>Hearsay</u> (Evid. Code §§ 1200(a),</p> <p>1200(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>
<p>1</p> <p>2 39. <u>Paragraph 51</u></p> <p>3 In July 2019, I received a phone call</p> <p>4 from Mr. Dean Wenzel.</p> <p>5 Wenzel is a videogame enthusiast</p> <p>6 who spoke to several individuals</p> <p>7 during the investigation, including</p> <p>8 Wes Copeland. On April 8, 2018,</p> <p>9 Copeland told Wenzel the</p> <p>10 following:</p> <p>11 “I’ve been chatting with [Jason</p> <p>12 Hall] a little bit behind the scenes...</p> <p>13 I have no idea what [Jason] is going</p> <p>14 to do. He asked me a very</p> <p>15 interesting question in my recent</p> <p>16 convo with him: “What does the</p> <p>17 [Donkey Kong] community think I</p> <p>18 am going to do?” I can tell you this.</p> <p>19 [Jason] has been pretending to be</p> <p>20 impartial for the last month,</p> <p>21 including during that 4-hour +</p> <p>22 [Facebook] livestream. He made up</p> <p>23 his mind a long time ago.”</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</p> <p><input type="checkbox"/> Overruled</p>
<p>15 40. <u>Paragraph 52</u></p> <p>16 On March 21, 2018, Twin Galaxies</p> <p>17 “third-party” investigator, Chris</p> <p>18 Gleed, wrote about me on the</p> <p>19 Donkey Kong Forum. He stated: “I</p> <p>20 really can’t imagine carrying all that</p> <p>21 weight of the wrong-doing around</p> <p>22 for so many years, and then having</p> <p>23 it surface and piece-by-piece fully</p> <p>24 exposed.” A true and correct copy of</p> <p>25 Chris Gleed’s March 21, 2018</p> <p>26 statement is attached as</p> <p>27 Exhibit 31. Once again, the “third-</p> <p>28 party” who supposedly operated</p> <p>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))</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> (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</p> <p><input type="checkbox"/> Overruled</p>

<u>Material Objected To</u>	<u>Grounds</u>	<u>Ruling</u>
<p>1 41. <u>Paragraph 53</u> 2 In its entirety.</p>	<p><u>Relevance</u> (Evid. Code §§ 210, 350, 352)</p>	<p><input type="checkbox"/> Sustained <input type="checkbox"/> Overruled</p>
<p>4 42. <u>Paragraph 53</u> 5 Toward the end of the broadcast, 6 Hall played the Pac-Man videotape 7 from Dwayne Richard, which I 8 mentioned in Paragraph 42. Prior to 9 playing the videotape, Hall stated 10 that “I have a Perfect Pac-Man 11 sitting here. I don’t know if it 12 belongs to Billy.”</p>	<p><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)</p>	<p><input type="checkbox"/> Sustained <input type="checkbox"/> Overruled</p>
<p>11 43. <u>Paragraph 55</u> 12 In its entirety.</p>	<p><u>Relevance</u> (Evid. Code §§ 210, 350, 352)</p>	<p><input type="checkbox"/> Sustained <input type="checkbox"/> Overruled</p>
<p>13 44. <u>Paragraph 56</u> 14 In its entirety.</p>	<p><u>Relevance</u> (Evid. Code §§ 210, 350, 352)</p>	<p><input type="checkbox"/> Sustained <input type="checkbox"/> Overruled</p>
<p>16 45. <u>Paragraph 57</u> 17 On or about March 24, 2018, my 18 son who is also named Billy 19 Mitchell, questioned Jason Hall 20 about the lost chain of custody 21 videotapes. My son asked Hall: 22 “How do YOU know those are the 23 same [videotapes]...” Hall 24 responded with his allegations, one 25 of which stated, “Referees have 26 confirmed that these are the tapes 27 which they viewed at the time of 28 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,</p>	<p><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, 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>1 but sought to enlist any witness 2 testimony (not eye-witnesses) that 3 would impugn me and justify his 4 goal to convict me. A true and 5 correct copy of the Hall's statement is attached as Exhibit 32.</p>		
<p>6 46. <u>Paragraph 58</u> 7 In its entirety.</p>	<p><u>Relevance</u> (Evid. Code §§ 210, 350, 352)</p>	<p><input type="checkbox"/> Sustained <input type="checkbox"/> Overruled</p>
<p>8 47. <u>Paragraph 59</u> 9 In its entirety.</p>	<p><u>Relevance</u> (Evid. Code §§ 210, 350, 352) <u>Hearsay</u> (Evid. Code §§ 1200(a), 1200(b)) <u>Lacks Foundation/Personal</u> <u>Knowledge</u> (Evid. Code §§ 702(a), 800(b)) <u>Inadmissible Speculation and</u> <u>Conclusions</u> (Evid. Code §§ 400, 403, 410)</p>	<p><input type="checkbox"/> Sustained <input type="checkbox"/> Overruled</p>
<p>16 48. <u>Paragraph 60</u> 17 "On March 31, 2018, I had my 18 second phone call with Jason Hall. 19 At 10:29 PM, I texted Hall, asking 20 "Would you have time for 21 conversation tomorrow or tomorrow 22 evening?" Hall said, "Sure." In this 23 conversation, I once again asked 24 Hall to consider interviewing the 25 numerous eye-witnesses and to 26 recognize the fact that the Senior 27 Engineer at Nintendo verified my 28 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."</p>	<p><u>Hearsay</u> (Evid. Code §§ 1200(a), 1200(b)) <u>Inadmissible Speculation and</u> <u>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>1</p> <p>2 49. <u>Paragraph 61</u></p> <p>3 Although I knew long before early</p> <p>4 April 2018 that Jason Hall already</p> <p>5 made up his mind on a specific</p> <p>6 outcome, I did not give up on</p> <p>7 defending myself. During this</p> <p>8 period, I had numerous text message</p> <p>9 and phone conversations with Hall.</p> <p>10 Hall and I spoke on the phone on</p> <p>11 April 3, April 8, and April 11, 2018.</p> <p>12 In all three of these exchanges, I</p> <p>13 continuously denied the allegations,</p> <p>14 and asked him to interview the</p> <p>15 obvious witnesses and</p> <p>documentation which proved my</p> <p>case. Hall refused, and told me</p> <p>numerous times that “it doesn’t</p> <p>matter” and that he “didn’t</p> <p>care.” On a few occasions, I</p> <p>responded to Hall’s claims by</p> <p>saying, “A judge and a jury will</p> <p>care, I</p> <p>promise it.”</p>	<p><u>Hearsay</u> (Evid. Code §§ 1200(a), 1200(b))</p> <p><u>Inadmissible Speculation and</u> <u>Conclusions</u> (Evid. Code §§ 400, 403, 410)</p> <p><u>Best (Secondary) Evidence Rule</u> (Evid. Code §§ 1520, 1521, 1522, 1523)</p>	<p><input type="checkbox"/> Sustained</p> <p><input type="checkbox"/> Overruled</p>
<p>16 50. <u>Paragraph 62</u></p> <p>17 On April 5, 2018, Hall clearly and</p> <p>18 obviously began to position himself</p> <p>19 in anticipation for legal retaliation to</p> <p>20 his planned announcement. He</p> <p>21 began to imply that I hadn’t</p> <p>22 attempted to defend myself, despite</p> <p>23 the fact that this was patently false.</p> <p>24 He texted me phrases such as “Hey</p> <p>Bill, as stated numerous times, you</p> <p>have not been under any obligation</p> <p>to provide any information</p> <p>regarding any of your scores that</p> <p>have been previously adjudicated</p> <p>and accepted by [Twin Galaxies].”</p>	<p><u>Hearsay</u> (Evid. Code §§ 1200(a), 1200(b))</p> <p><u>Inadmissible Speculation and</u> <u>Conclusions</u> (Evid. Code §§ 400, 403, 410)</p> <p><u>Best (Secondary) Evidence Rule</u> (Evid. Code §§ 1520, 1521, 1522, 1523)</p>	<p><input type="checkbox"/> Sustained</p> <p><input type="checkbox"/> Overruled</p>
<p>25 51. <u>Paragraph 64</u></p> <p>26 In its entirety.</p>	<p><u>Relevance</u> (Evid. Code §§ 210, 350, 352)</p>	<p><input type="checkbox"/> Sustained</p> <p><input type="checkbox"/> Overruled</p>
<p>27 52. <u>Paragraph 65</u></p> <p>28</p>	<p><u>Improper Legal Conclusion</u> (<i>See</i> <i>Hayman, supra</i>, 176 Cal. App. 3d at</p>	<p><input type="checkbox"/> Sustained</p> <p><input type="checkbox"/> Overruled</p>

<u>Material Objected To</u>	<u>Grounds</u>	<u>Ruling</u>
<p>1 “On April 12, 2018, at 1:00 p.m. 2 PST, Twin Galaxies published its 3 public press release which alleged as 4 a statement of fact that I did not 5 utilize an “original unmodified 6 PCB” (The PCB operates the 7 Donkey Kong machine). In 8 summary, the allegation parallels 9 accusing a professional baseball 10 player of utilizing performance 11 enhancement drugs. In both 12 instances, the videogame player and 13 the baseball player employ illegal 14 means to gain a competitive 15 advantage. It is an allegation of 16 cheating.”</p>	<p>pp. 638-39; <i>see also</i> <u>Marriage of Heggie, supra</u>, 99 Cal. App. 4th at p. 30 n.3)</p>	
<p>17 53. <u>Paragraph 66</u> 18 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, supra</u>, 99 Cal. App. 4th at p. 30 n.3)</p>	<p><input type="checkbox"/> Sustained <input type="checkbox"/> Overruled</p>
<p>19 54. <u>Paragraph 67</u> 20 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, supra</u>, 99 Cal. App. 4th at p. 30 n.3)</p>	<p><input type="checkbox"/> Sustained <input type="checkbox"/> Overruled</p>
<p>21 55. <u>Paragraph 68</u> 22 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, supra</u>, 99 Cal. App. 4th at p. 30 n.3)</p>	<p><input type="checkbox"/> Sustained <input type="checkbox"/> Overruled</p>
<p>23 56. <u>Paragraph 69</u> 24 At the very least, the statement 25 deliberately lied through 26 implication, and Twin Galaxies 27 provided heavy innuendo to enforce 28 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, 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>sanctions its rulebook associates with “deliberate cheating.”</p>		
<p>57. <u>Paragraph 70</u> 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: “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)) <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> 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)) <u>Lacks Foundation/Personal Knowledge</u> (Evid. Code §§ 702(a), 800(b)) <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> 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)) <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

<u>Material Objected To</u>	<u>Grounds</u>	<u>Ruling</u>
<p>1 2 3 4 5 6 7 8 9 10 11 12</p> <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>13 14 15 16 17 18 19 20 21</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))</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>22 23 24 25 26 27 28</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>
<p>62. <u>Paragraph 83</u> In its entirety.</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>
<p>63. <u>Paragraph 84</u> In its entirety.</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><input type="checkbox"/> Sustained <input type="checkbox"/> Overruled</p>
<p>64. <u>Paragraph 85</u> In its entirety.</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><input type="checkbox"/> Sustained <input type="checkbox"/> Overruled</p>
<p>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 Mruzec and Greg Sakundiak. Although Mruzec and Sakundiak did not witness my records, Twin Galaxies utilized their</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>	<p><input type="checkbox"/> Sustained <input type="checkbox"/> Overruled</p>

<u>Material Objected To</u>	<u>Grounds</u>	<u>Ruling</u>
<p>1 testimony to support the lost chain 2 of custody videotapes. (See Exhibits 3 36 - 39).</p>		
<p>4 66. <u>Paragraph 87</u> 5 “There is no debate that Twin 6 Galaxies failed to corroborate its 7 allegations with all obvious sources, 8 even its own former referees. 9 Moreover, its decision to selectively 10 accept witness testimony against me 11 displays downright malicious 12 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</u> <u>Heggie, supra</u>, 99 Cal. App. 4th at p. 30 n.3) <u>Inadmissible Speculation and</u> <u>Conclusions</u> (Evid. Code §§ 400, 403, 410) <u>Lacks Foundation/Personal</u> <u>Knowledge</u> (Evid. Code §§ 702(a), 800(b))</p>	<p><input type="checkbox"/> Sustained <input type="checkbox"/> Overruled</p>
<p>13 67. <u>Paragraph 89</u> 14 However, despite awareness of this 15 fact, Jason Hall disregarded the 16 evidence, refusing to investigate it 17 entirely. On March 23, 2018, Hall 18 publicly stated that “[Twin 19 Galaxies] does not care about 20 [verified hardware], or any other 21 non-relevant item to the dispute 22 claim.” Once again, it left me 23 wondering why Twin Galaxies’ 24 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)) <u>Improper Legal Conclusion</u> (See <u>Hayman, supra</u>, 176 Cal. App. 3d at pp. 638-39; see also <u>Marriage of</u> <u>Heggie, supra</u>, 99 Cal. App. 4th at p. 30 n.3) <u>Inadmissible Speculation and</u> <u>Conclusions</u> (Evid. Code §§ 400, 403, 410) <u>Lacks Foundation/Personal</u> <u>Knowledge</u> (Evid. Code §§ 702(a), 800(b))</p>	<p><input type="checkbox"/> Sustained <input type="checkbox"/> Overruled</p>
<p>25 68. <u>Paragraph 91</u> 26 “I learned about this email shortly 27 after, and I understood that Hall 28 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)) <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>
<p>1 plan to sue me in a class-action 2 lawsuit. As expected, on September 3 28, 2019, Twin Galaxies denied the 4 retraction demand. It never 5 contacted the witnesses, and it never 6 reviewed the documentation 7 presented in it. I know because the 8 witnesses communicated to me that 9 they never received contact from 10 Hall.”</p>	<p><u>Heggie, supra</u>, 99 Cal. App. 4th at p. 30 n.3) <u>Inadmissible Speculation and</u> <u>Conclusions</u> (Evid. Code §§ 400, 403, 410) <u>Lacks Foundation/Personal</u> <u>Knowledge</u> (Evid. Code §§ 702(a), 800(b))</p>	
<p>9 69. <u>Paragraph 93</u> 10 “Guinness World Records reinstated 11 my records based upon the same 12 evidence which Twin Galaxies 13 ignored during its original 14 investigations and also ignored 15 during the retraction demand. On 16 June 18, 2020, I issued Twin 17 Galaxies a second retraction 18 demand, providing a final 19 opportunity to tell the truth. 20 However, it denied this retraction 21 demand as well. The refusal of two 22 separate retraction demands, even in 23 the face of the conflicting 24 conclusion of its 36-year partner in 25 Guinness World Records, proves 26 that Twin Galaxies possesses 27 undeniable reckless disregard. they 28 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</u> <u>Heggie, supra</u>, 99 Cal. App. 4th at p. 30 n.3) <u>Inadmissible Speculation and</u> <u>Conclusions</u> (Evid. Code §§ 400, 403, 410) <u>Lacks Foundation/Personal</u> <u>Knowledge</u> (Evid. Code §§ 702(a), 800(b))</p>	<input type="checkbox"/> Sustained <input type="checkbox"/> Overruled
<p>22 70. <u>Paragraph 94</u> 23 In its entirety.</p>	<p><u>Relevance</u> (Evid. Code §§ 210, 350, 352)</p>	<input type="checkbox"/> Sustained <input type="checkbox"/> Overruled
<p>24 71. <u>Paragraph 95</u> 25 In its entirety.</p>	<p><u>Relevance</u> (Evid. Code §§ 210, 350, 352)</p>	<input type="checkbox"/> Sustained <input type="checkbox"/> Overruled
<p>27 72. <u>Paragraph 96</u> 28 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><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>	
<p>73. <u>Paragraph 97</u> In its entirety.</p>	<p><u>Relevance</u> (Evid. Code §§ 210, 350, 352)</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>	<p><input type="checkbox"/> Sustained <input type="checkbox"/> Overruled</p>
<p>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</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>

<u>Material Objected To</u>	<u>Grounds</u>	<u>Ruling</u>
<p>1 simultaneously ordered the 2 equipment to test his allegations on 3 Saturday, March 10, 2018. (See 4 Jason Hall Declaration – Exhibit A 5 (Page 663, published on March 10, 6 2018, 15:55 Hours).”</p>		
<p>6 75. <u>Paragraph 99</u> 7 “Hall could not have received the 8 equipment and performed all of his 9 tests between March 10 and March 10 12, because the company could not 11 have shipped the equipment to Hall 12 on a weekend. Furthermore, the 13 testing required substantial work 14 which could not have occurred prior 15 to his phone call with Day, and Hall 16 posted his initial failures to produce 17 the “images and artifacts” on March 18 30, 2018, in the article titled “Twin 19 Galaxies Explores Capturing 20 Equipment used in Billy Mitchell 21 Score.” The fact that the initial 22 update occurred over two weeks 23 later confirms these facts.”</p>	<p><u>Hearsay</u> (Evid. Code §§ 1200(a), 1200(b))</p> <p><u>Inadmissible Speculation and</u> <u>Conclusions</u> (Evid. Code §§ 400, 403, 410)</p> <p><u>Lacks Foundation/Personal</u> <u>Knowledge</u> (Evid. Code §§ 702(a), 800(b))</p>	<p><input type="checkbox"/> Sustained <input type="checkbox"/> Overruled</p>
<p>17 76. <u>Paragraph 100</u> 18 Furthermore, two other unique 19 sources corroborate Hall’s pre- 20 ordained conclusion. As reviewed in 21 Paragraph 51, in July 2019, I 22 received a text message 23 conversation from Mr. Dean 24 Wenzel, who provided messages 25 from Twin Galaxies member Wes 26 Copeland who stated that [with 27 emphasis in bold]: 28 “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</u> <u>Conclusions</u> (Evid. Code §§ 400, 403, 410)</p> <p><u>Lacks Foundation/Personal</u> <u>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>1 do?" I can tell you this. [Jason] has 2 been pretending to be impartial for 3 the last month, including during that 4 4-hour + [Facebook] livestream. He 5 made up his mind a long time ago." 6 Again, in April 2020, I spoke with 7 former Twin Galaxies employee 8 Glen Updike, who worked for the 9 company during the investigation. 10 Updike confirmed that Hall 11 concluded his investigation long 12 before the announcement on April 13 12, 2018. Specifically, Updike 14 stated that Hall concluded the 15 investigation "before the Facebook 16 livestream."</p>		
<p>17 <u>77. Paragraph 104</u> 18 Gleed's position as a "third-party" 19 investigator represents a single- 20 piece of the one-sided, pre-ordained 21 investigation from Twin Galaxies. 22 Hall engaged Gleed, who possessed 23 no qualification beyond that of a 24 casual hobbyist, in order to present 25 legitimacy to his investigation. 26 However, Gleed simply acted a 27 pawn to facilitate the Twin Galaxies 28 sham investigation.</p>	<p><u>Inadmissible Speculation and</u> <u>Conclusions</u> (Evid. Code §§ 400, 403, 410) <u>Lacks Foundation/Personal</u> <u>Knowledge</u> (Evid. Code §§ 702(a), 800(b)) <u>Improper Legal Conclusion</u> (<i>See</i> <i>Hayman, supra</i>, 176 Cal. App. 3d at pp. 638-39; <i>see also Marriage of</i> <i>Heggie, supra</i>, 99 Cal. App. 4th at p. 30 n.3)</p>	<input type="checkbox"/> Sustained <input type="checkbox"/> Overruled
<p>20 <u>78. Paragraph 106</u> 21 Twin Galaxies made ZERO effort to 22 fact-check these allegations. To the 23 contrary, Jason Hall badgered me on 24 the phone, asserting that it presented 25 strong "circumstantial evidence."</p>	<p><u>Hearsay</u> (Evid. Code §§ 1200(a), 1200(b)) <u>Inadmissible Speculation and</u> <u>Conclusions</u> (Evid. Code §§ 400, 403, 410) <u>Lacks Foundation/Personal</u> <u>Knowledge</u> (Evid. Code §§ 702(a), 800(b))</p>	<input type="checkbox"/> Sustained <input type="checkbox"/> Overruled
<p>26 <u>79. Paragraph 107</u> 27 However, Copeland's analysis was 28 entirely false. A thorough 84-page crossexamination from my son</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>1 proved it with clarity. Then, I hired 2 Mr. Robert Lakeman, an eight-time 3 Donkey Kong World Record holder, 4 to examine Copeland’s allegations. 5 Lakeman concluded that “After 6 reviewing Billy’s gameplay, and 7 reproducing similar games myself, I 8 can honestly say that this is 9 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>10 80. <u>Paragraph 108</u> 11 In this event, Twin Galaxies blindly 12 accepted information posted to their 13 internet forum as factual, and it 14 made no effort whatsoever to verify 15 it. Accepting information from 16 random individuals on the internet 17 without a fact-check clearly displays 18 reckless disregard for the truth. 19 Furthermore, Copeland possessed 20 personal vendetta against me, 21 calling for the removal of my 22 records over 5 months prior to the 23 allegations from Jeremy Young. 24 (See Exhibit 25). This should have 25 provided Twin Galaxies even more 26 reason to fact-check Copeland’s 27 allegations. However, it instead 28 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>	<input type="checkbox"/> Sustained <input type="checkbox"/> Overruled
<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>	<input type="checkbox"/> Sustained <input type="checkbox"/> Overruled

<u>Material Objected To</u>	<u>Grounds</u>	<u>Ruling</u>
<p>1 2 3 4 5 6 7 8 9 10 11</p> <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>12 13 14 15 16 17</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>18 19 20 21 22 23 24 25 26 27 28</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>1</p> <p>2 84. <u>Paragraph 113</u></p> <p>3 “Again, in May 2020, Hall</p> <p>4 encouraged third-parties to file</p> <p>5 meritless lawsuits against</p> <p>6 me. Specifically, an internet</p> <p>7 personality named Benjamin Smith</p> <p>8 (A.K.A “Apollo Legend”)</p> <p>9 organized a campaign named “Billy</p> <p>10 Mitchell Will Be Sued.” Smith</p> <p>11 opened a GoFundMe account,</p> <p>12 raising over \$25,000 from his</p> <p>13 friends and family. However, Smith</p> <p>14 abruptly cancelled the campaign on</p> <p>15 May 14, 2020, with a YouTube</p> <p>16 video titled “Billy Mitchell Won’t</p> <p>17 Be Sued.” In the video, Smith</p> <p>18 reveals that Jason Hall convinced</p> <p>19 him to start the campaign, but he</p> <p>20 eventually learned from an attorney</p> <p>21 that the lawsuit possessed no merit.</p> <p>22 In the video, Smith explains that, “I</p> <p>23 get the feeling I’m being used...</p> <p>24 Maybe this is what [Jason] wants.”</p>	<p><u>Hearsay</u> (Evid. Code §§ 1200(a), 1200(b))</p> <p><u>Inadmissible Speculation and</u> <u>Conclusions</u> (Evid. Code §§ 400, 403, 410)</p> <p><u>Lacks Foundation/Personal</u> <u>Knowledge</u> (Evid. Code §§ 702(a), 800(b))</p>	<p><input type="checkbox"/> Sustained</p> <p><input type="checkbox"/> Overruled</p>
<p>16 85. <u>Paragraph 114</u></p> <p>17 “There is no better evidence of</p> <p>18 hostility, ill-will, and animosity than</p> <p>19 encouraging third-parties to file</p> <p>20 meritless lawsuits against another</p> <p>21 person. It becomes even more</p> <p>22 compelling with his attempts to</p> <p>23 organize a “class-action suit” against</p> <p>24 me for issuing a simple retraction</p> <p>25 demand. I presume that Hall sought</p> <p>26 to financially exhaust me, because</p> <p>27 on May 10, 2020, Hall stated in a</p> <p>28 text-message to Mr. Tanner Fokkens</p> <p>that, “[Billy] is very likely going to</p> <p>be fighting a number of [lawsuits]</p> <p>on many fronts. Extremely</p> <p>expensive.” A true and correct copy</p> <p>of the text message exchange is</p> <p>attached as Exhibit 61.”</p>	<p><u>Hearsay</u> (Evid. Code §§ 1200(a), 1200(b))</p> <p><u>Inadmissible Speculation and</u> <u>Conclusions</u> (Evid. Code §§ 400, 403, 410)</p> <p><u>Lacks Foundation/Personal</u> <u>Knowledge</u> (Evid. Code §§ 702(a), 800(b))</p> <p><u>Improper Legal Conclusion</u> (<i>See</i> <u>Hayman, supra</u>, 176 Cal. App. 3d at pp. 638-39; <i>see also</i> <u>Marriage of</u> <u>Heggie, supra</u>, 99 Cal. App. 4th at p. 30 n.3)</p>	<p><input type="checkbox"/> Sustained</p> <p><input type="checkbox"/> Overruled</p>

<u>Material Objected To</u>	<u>Grounds</u>	<u>Ruling</u>
<p>1</p> <p>2 86. <u>Paragraph 115</u></p> <p>3 Secondly, in Paragraph 41, Jason</p> <p>4 Hall alleges that I never attempted to</p> <p>5 defend myself from the allegations.</p> <p>6 However, the evidence previously</p> <p>7 set forth in my declaration refutes</p> <p>8 these allegations. For example, I</p> <p>9 recounted the phone calls between</p> <p>10 Jason Hall and myself, and I prove</p> <p>11 the occurrence of these phone calls</p> <p>12 with my text-message</p> <p>13 communications, attached as</p> <p>14 Exhibit 48. Furthermore, Hall’s</p> <p>15 deliberate decision to avoid facts</p> <p>16 which would have led to the falsity</p> <p>17 of the allegations portrayed itself at</p> <p>18 numerous points of this declaration.</p> <p>19 For example, Hall simply ignored</p> <p>20 the fact that the Senior Engineer at</p> <p>21 Nintendo verified my hardware,</p> <p>asserting that he “did not care.”</p> <p>Nevertheless, Hall carefully avoids</p> <p>an outright lie by specifically stating</p> <p>that I never participated in his un-</p> <p>moderated internet forum with these</p> <p>facts. However, my non-</p> <p>participation in the forum does not</p> <p>prove Hall acted without actual</p> <p>malice. If Hall was truly committed</p> <p>to a pursuit of the truth, then he</p> <p>would have inserted the evidence</p> <p>himself, but he simply chose to “not</p> <p>care.”</p>	<p><u>Hearsay</u> (Evid. Code §§ 1200(a), 1200(b))</p> <p><u>Inadmissible Speculation and</u> <u>Conclusions</u> (Evid. Code §§ 400, 403, 410)</p> <p><u>Lacks Foundation/Personal</u> <u>Knowledge</u> (Evid. Code §§ 702(a), 800(b))</p> <p><u>Improper Legal Conclusion</u> (<i>See</i> <i>Hayman, supra</i>, 176 Cal. App. 3d at pp. 638-39; <i>see also Marriage of</i> <i>Heggie, supra</i>, 99 Cal. App. 4th at p. 30 n.3)</p>	<p><input type="checkbox"/> Sustained</p> <p><input type="checkbox"/> Overruled</p>
<p>22 87. <u>Paragraph 116</u></p> <p>23 Thirdly, in Paragraphs 42 through</p> <p>24 44, Jason Hall claims that I formed a</p> <p>25 technical investigative team titled</p> <p>26 “Team Billy,” who also concurred</p> <p>27 with his allegations. In Paragraph</p> <p>28 43, Hall asserts that the team “was</p> <p>led by former Sega technician,</p> <p>Carlos Pineiro.” However, Carlos</p> <p>Pineiro testifies that he did NOT</p> <p>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</p> <p><input type="checkbox"/> Overruled</p>

<u>Material Objected To</u>	<u>Grounds</u>	<u>Ruling</u>
<p>1 represent Billy Mitchell in the 2 dispute, and my research was not 3 being done on his behalf.” (See 4 Exhibit 34).</p>		
<p>5 88. <u>Paragraph 117</u> 6 Nevertheless, Hall falsifies several 7 other allegations in these paragraphs 8 to support his narrative. For 9 example, in Paragraph 42, Hall 10 claims that Mr. Joel West 11 announced that “Billy Mitchell had 12 formed an independent technical 13 investigation team (self-titled “Team 14 Billy”) to provide evidence in 15 support of the validity of his taped 16 score performances.” To the 17 contrary, West did NOT state this. 18 In the link provided by Hall, West 19 simply shared a YouTube video 20 which refuted several allegations 21 from Hall. West never stated that I 22 “formed a technical investigative 23 team.” Also, in my text-message 24 communications with Hall, I 25 explicitly denied that West acted on 26 my behalf. (See Exhibit 48).</p>	<p><u>Inadmissible Speculation and</u> <u>Conclusions</u> (Evid. Code §§ 400, 403, 410) <u>Lacks Foundation/Personal</u> <u>Knowledge</u> (Evid. Code §§ 702(a), 800(b)) <u>Improper Legal Conclusion</u> (See <u>Hayman, supra</u>, 176 Cal. App. 3d at pp. 638-39; see also <u>Marriage of</u> <u>Heggie, supra</u>, 99 Cal. App. 4th at p. 30 n.3)</p>	<p><input type="checkbox"/> Sustained <input type="checkbox"/> Overruled</p>
<p>18 89. <u>Paragraph 120</u> 19 “In the “LACK OF MALICE” sub- 20 section, Hall rests his claims upon 21 the premise that random users on the 22 Twin Galaxies forums speak on my 23 behalf (i.e., Joel West & Carlos 24 Pineiro). However, I explicitly 25 denied to Hall that other spoke on 26 my behalf, and he simply attempts 27 to weaponize unaffiliated words on 28 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</u> <u>Heggie, supra</u>, 99 Cal. App. 4th at p. 30 n.3)</p>	<p><input type="checkbox"/> Sustained <input type="checkbox"/> Overruled</p>
<p>26 90. <u>Paragraph 121</u> 27 In its entirety.</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>
<p>1 2 91. <u>Paragraph 122</u> 3 Lastly, the Twin Galaxies Special 4 Motion to Strike intentionally 5 misrepresents the Twin Galaxies 6 “voting system” to support its 7 allegations. The motion claims that 8 211 users “voted to adjudicate the 9 score dispute (198 agreeing with the 10 dispute, and 13 disagreeing).” Twin 11 Galaxies clearly fabricates this 12 narrative to falsely portray that its 13 decision possessed legitimacy. 14 However, Jason Hall himself 15 previously stated that the voting 16 system possesses no influence on 17 the adjudication of the score dispute, 18 but “only guarantees that [Twin 19 Galaxies] administration 20 MUST review the claim.”</p>	<p><u>Relevance</u> (Evid. Code §§ 210, 350, 352)</p> <p><u>Improper Legal Conclusion</u> (<i>See</i> <u>Hayman, supra</u>, 176 Cal. App. 3d at pp. 638-39; <i>see also</i> <u>Marriage of</u> <u>Heggie, supra</u>, 99 Cal. App. 4th at p. 30 n.3)</p> <p><u>Inadmissible Speculation and</u> <u>Conclusions</u> (Evid. Code §§ 400, 403, 410)</p> <p><u>Lacks Foundation/Personal</u> <u>Knowledge</u> (Evid. Code §§ 702(a), 800(b))</p>	<p><input type="checkbox"/> Sustained <input type="checkbox"/> Overruled</p>
<p>13 92. <u>Paragraph 123</u> 14 “To the contrary, as shown in 15 thorough documentation, I incurred 16 \$951,236 in special damages. 17 Therefore, the defamation claim 18 succeeds for this part of the case no 19 matter the <i>per se</i> or <i>per quod</i> 20 determination.”</p>	<p><u>Relevance</u> (Evid. Code §§ 210, 350, 352)</p> <p><u>Improper Legal Conclusion</u> (<i>See</i> <u>Hayman, supra</u>, 176 Cal. App. 3d at pp. 638-39; <i>see also</i> <u>Marriage of</u> <u>Heggie, supra</u>, 99 Cal. App. 4th at p. 30 n.3)</p> <p><u>Inadmissible Speculation and</u> <u>Conclusions</u> (Evid. Code §§ 400, 403, 410)</p> <p><u>Lacks Foundation/Personal</u> <u>Knowledge</u> (Evid. Code §§ 702(a), 800(b))</p>	<p><input type="checkbox"/> Sustained <input type="checkbox"/> Overruled</p>
<p>23 93. <u>Paragraph 124</u> 24 “My business as a professional 25 videogame player involves movie 26 appearances and public appearances 27 at videogame festivals. Upon the 28 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> (<i>See</i> <u>Hayman, supra</u>, 176 Cal. App. 3d at pp. 638-39; <i>see also</i> <u>Marriage of</u> <u>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>1 Retro Game Festival; this 2 immediately resulted in \$5,000 in 3 special damages. Other videogame 4 festivals who annually invited me to 5 their festivals ceased contact, such 6 as Classic Game Fest and Chicago 7 Pinball Expo. Other events forced 8 me to settle for less money, such as 9 Southern Fried Gaming Expo. 10 Furthermore, I lost television deals 11 as a result of the Twin Galaxies 12 statements. I lost a television deal 13 for a series called “Chasing Games,” 14 which would have amounted to 15 \$30,000. I attached my manager’s 16 declaration about these facts as 17 Exhibit 49. With all events 18 considered, I lost \$133,000 in 2018. 19 The damages continued in 2019, 20 where I lost \$68,000. In total, the 21 Twin Galaxies Statements cost me 22 \$201,000 to my career as a 23 professional videogame player and 24 actor. Attached as Exhibit 50 is a 25 summary of the special damages to 26 my videogame career.”</p>	<p><u>Inadmissible Speculation and</u> <u>Conclusions</u> (Evid. Code §§ 400, 403, 410) <u>Lacks Foundation/Personal</u> <u>Knowledge</u> (Evid. Code §§ 702(a), 800(b))</p>	
<p>18 94. <u>Paragraph 127</u> 19 “Understanding these facts, the 20 popularity of the film forever linked 21 my videogame achievements to my 22 personal businesses, and I utilized 23 this link to drive my hot sauce sales. 24 Prior to the Twin Galaxies 25 statements, my company averaged 26 \$800,216 in revenue from 2013 to 27 2017. In 2017, it generated 28 \$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)) <u>Improper Legal Conclusion</u> (<i>See</i> <i>Hayman, supra</i>, 176 Cal. App. 3d at pp. 638-39; <i>see also</i> <u>Marriage of</u> <u>Lacks Foundation/Personal</u> <u>Knowledge</u> (Evid. Code §§ 702(a), 800(b)) <u>Hearsay</u> (Evid. Code §§ 1200(a), 1200(b))</p>	<p><input type="checkbox"/> Sustained <input type="checkbox"/> Overruled</p>
<p>27 95. <u>Paragraph 128</u></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>1 “As a result of the Twin Galaxies 2 statements, company revenue 3 dropped to \$410,267 in 2018. A true 4 and correct copy of a summary of 5 Rickey’s Hot Sauces Sales from 6 2018 is attached as Exhibit 56. 7 Monetary damages continued in 8 2019, resulting in \$364,435 more in 9 special damages. A true and correct 10 copy of a summary of Rickey’s Hot 11 Sauces Sales from 2019 is attached 12 as Exhibit 57. The documentation 13 proves \$750,236 in special damages 14 to my company. I calculated these 15 numbers by simply subtracting the 16 2017 revenue from the 2018 and 17 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</u> <u>Lacks Foundation/Personal</u> <u>Knowledge</u> (Evid. Code §§ 702(a), 800(b))</p>	
<p>13 96. <u>Paragraph 128</u> 14 “As a result of the Twin Galaxies 15 statements, company revenue 16 dropped to \$410,267 in 2018. A true 17 and correct copy of a summary of 18 Rickey’s Hot Sauces Sales from 19 2018 is attached as Exhibit 56. 20 Monetary damages continued in 21 2019, resulting in \$364,435 more in 22 special damages. A true and correct 23 copy of a summary of Rickey’s Hot 24 Sauces Sales from 2019 is attached 25 as Exhibit 57. The documentation 26 proves \$750,236 in special damages 27 to my company. I calculated these 28 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</u> <u>Lacks Foundation/Personal</u> <u>Knowledge</u> (Evid. Code §§ 702(a), 800(b))</p>	<input type="checkbox"/> Sustained <input type="checkbox"/> Overruled
<p>24 97. <u>Paragraph 129</u> 25 “In total, combining the damages 26 incurred to my videogame career 27 and hot sauce company, I suffered 28 \$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>	<input type="checkbox"/> Sustained <input type="checkbox"/> Overruled

<u>Material Objected To</u>	<u>Grounds</u>	<u>Ruling</u>
<p>1 that Twin Galaxies bears the 2 responsibility for these special 3 damages.”</p>	<p><u>Lacks Foundation/Personal Knowledge</u> (Evid. Code §§ 702(a), 800(b))</p>	
<p>5 98. <u>Paragraph 131</u> 6 “One may ask, “Why would Twin 7 Galaxies do it?” The answer is 8 simple. It all occurred in an effort to 9 generate internet “clicks,” attention, 10 and revenue for Twin Galaxies. 11 Twin Galaxies received only 75,000 12 site visits in August 2017. From 13 August to January, it created a 14 public spectacle out of the Todd 15 Rogers investigation, which raised 16 its monthly site visits to roughly 17 1,000,000. Coincidentally, it 18 initiated an investigation against me 19 just days after, which rose its 20 average site visits to 2,500,000 in 21 April 2018. Attached as Exhibit 58 22 is a true and correct copy of a graph 23 showing the Twin Galaxies Website 24 Traffic from August 2017 to April 25 2018. “</p>	<p><u>Hearsay</u> (Evid. Code §§ 1200(a), 1200(b))</p> <p><u>Improper Legal Conclusion</u> (<i>See</i> <u>Hayman, supra</u>, 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><input type="checkbox"/> Sustained <input type="checkbox"/> Overruled</p>
<p>17 99. <u>Paragraph 132</u> 18 In its entirety.</p>	<p><u>Hearsay</u> (Evid. Code §§ 1200(a), 1200(b))</p> <p><u>Improper Legal Conclusion</u> (<i>See</i> <u>Hayman, supra</u>, 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><input type="checkbox"/> Sustained <input type="checkbox"/> Overruled</p>
<p>24 100. <u>Paragraph 133</u> 25 In its entirety.</p>	<p><u>Hearsay</u> (Evid. Code §§ 1200(a), 1200(b))</p> <p><u>Improper Legal Conclusion</u> (<i>See</i> <u>Hayman, supra</u>, 176 Cal. App. 3d at pp. 638-39; <i>see also</i> <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>
	<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; see also <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; see also <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; see also <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; see also <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; see also <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; see also <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; see also <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; see also <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; see also <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; see also <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; see also <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 Mruzec 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> (<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) <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> (<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

<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
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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