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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]

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

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

Hearing

Date: July 6, 2020

Time: 9:00 a.m.

Place: Department 36

RESERVATION ID: 095658146502

Action Filed: 4/11/2019

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DECLARATION OF DWAYNE RICHARD

I, Dwayne Richard, declare that:

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

2. I am a video game hobbyist and have been associated with Twin Galaxies as a referee and otherwise since the 1980s.

3. In the summer of 2007, Billy Mitchell and his friend and fellow Twin Galaxies referee Todd Rogers sent me a videotape copy of Billy Mitchell's 1,050,200 (the Mortgage Brokers score) score performance. They sent me the score performance as part of an investigation into the veracity of Steve Wiebe's Donkey Kong score. I maintained the videotape of this score performance in my possession until March 2018 when I sent it to Jason Hall of Twin Galaxies by mail.

4. In 2008 or 2009, Walter Day, the then owner of the Twin Galaxies organization, sent me a videotape copy of Billy Mitchell's 1,047,200 (the King of Kong "tape") score performance. He sent me the score performance as part of an investigation into the veracity of Steve Wiebe's Donkey Kong score. I maintained the videotape of this score performance in my possession until March 2018 when I sent it to Jason Hall of Twin Galaxies by mail.

5. I have never made any alteration to the videotape copies of either Billy Mitchell's 1,047,200 (the King of Kong "tape"), or his 1,050,200 (the Mortgage Brokers score) score performances.

I swear, under penalty of perjury of the laws of the State of California, that the foregoing is true and correct. Executed this 25th day of June, 2020 at Grande Prairie, Alberta, Canada.

/s/ Dwayne Richard (original on file)

PROOF OF SERVICE
Case No. 19STCV12592

I am a resident of the State of California, over the age of eighteen years, and not a party to the within action. My business address is **TASHROUDIAN LAW GROUP, APC**, located 5900 Canoga Ave, Suite 250, Woodland Hills, CA 91367-5017. On June 26, 2020, I served the herein described document(s):

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

by transmitting via facsimile the document(s) listed above to the fax number(s) set forth below on this date before 5:00 p.m.

by placing the document(s) listed above in a sealed envelope with postage thereon fully prepaid, in the United States mail at Woodland Hills, California addressed as set forth below.

X E-File - by electronically transmitting the document(s) listed above to jeg@manningllp.com pursuant to an agreement of the parties.

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

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

James E. Gibbons (State Bar No. 130631)
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Attorneys for Plaintiff
WILLIAM JAMES MITCHELL

I am readily familiar with the firm's practice of collection and processing correspondence for mailing. Under that practice it would be deposited with the U.S. Postal Service on that same day with postage thereon fully prepaid in the ordinary course of business. I am aware that on motion of the party served, service is presumed invalid if postal cancellation date or postage meter date is more than one day after date of deposit for mailing in affidavit.

I declare under penalty of perjury under the laws of the State of California that the above is true and correct. Executed on June 26, 2020 at Woodland Hills, California.



Mona Tashroudian