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ANDREA KORNBLAU
ANTHONY WERBIN
MICHAEL WATTS
NISHAN WILDE

MANNING & KASS
ELLROD, RAMIREZ, TRESTER LLP
ATTORNEYS AT LAW

15TH FLOOR AT 801 TOWER
801 SOUTH FIGUEROA STREET
LOS ANGELES, CALIFORNIA 90017-3012
TELEPHONE: (213) 624-6900
FACSIMILE: (213) 624-6999
WEB SITE: WWW.MANNINGLLP.COM

September 9, 2019

LYNN CARPENTER
DAVID R. RUIZ
NATALYA VASYUK
ANDREEA CUSTUREA
DERIK SARKESIAN
MARK WILSON
CRAIG SMITH
KARLY K. WHITE
ALEXANDRA RAMBIS
KELSEY NICOLAISEN
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RONEN ZARGAROF
CLAYTON BLAZEK
RICHARD MCKIE
ALEXANDRIA DAVIS
EDWIN SASAKI
LARAYA PARNELL
AMY COOPER

OF COUNSEL
ARI MARKOW
TRISHA NEWMAN

* Admitted in Multiple Jurisdiction
† Admitted to Practice Law in Arizona
only
‡ Admitted to Practice Law in
Alabama

VIA E-MAIL AND U.S. MAIL

Craig Glenday
Editor in Chief
EMAIL REDACTED
Elizabeth Montoya
Senior PR Manager
EMAIL REDACTED
Guinness Book of World Records
45 W. 45th St. New York, NY 10036

Jace Hall
Twin Galaxies
335 N. Maple Drive, Ste. 380
Beverly Hills, CA 90210
EMAIL REDACTED

Re: **In re: Billy Mitchell**
Our File No.:

Dear Sirs and Madam:

The following sets forth Billy Mitchell's official demand for retraction by Guinness World Records and Twin Galaxies for their defamatory statements made against him.

On April 12th, 2018, Twin Galaxies issued defamatory statements against Billy Mitchell's video game records and legacy, claiming he cheated to achieve his Donkey Kong scores. Specifically, Twin Galaxies stated that he did not achieve his scores on original,

DALLAS
1717 McKinney Ave., Suite 700
Dallas, TX 75202-1241
Telephone: (214) 953-7669

NEW YORK
One Battery Park Plaza, 4th Floor
New York, NY 10004
Telephone: (212) 858-7769

ORANGE COUNTY
19800 MacArthur Blvd., Suite 900
Irvine, CA 92612
Telephone: (949) 440-6690

PHOENIX
3636 North Central Avenue, 11th Floor
Phoenix, AZ 85012
Telephone: (602) 313-5469

SAN DIEGO
225 Broadway, Suite 1200
San Diego, CA 92101
Telephone: (619) 515-0269

SAN FRANCISCO
One California Street, Suite 900
San Francisco, CA 94111
Telephone: (415) 217-6990

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unmodified hardware.¹ Twin Galaxies then stripped Mr. Mitchell of all his records and achievements. Twin Galaxies followed its statement (10 hours later) with articles such as “5 Impressive and Legitimate Feats Involving Video Games.”² This article, which heavily stressed that the records discussed were legitimate achievements, started by reallocating Mitchell’s most famous achievement, “The Perfect Pac-man,” implying that Mitchell cheated to achieve it. Moreover, Twin Galaxies never clarified that Mitchell did not cheat to achieve this record.

The following day, April 13th, 2018, Guinness World Records followed suit, stating to Variety:

"The Guinness World Records titles relating to Mr. Mitchell’s highest scores on ‘Donkey Kong’ have all been disqualified due to Twin Galaxies being our source of verification for these achievements.” “We also recognize records for first perfect score on ‘Pac-Man’ and Highest score on ‘Pac-Man,’” the spokesperson added. “Twin Galaxies was the original source of verification for these record titles and in line with their decision to remove all of Mr. Mitchell’s records from their system, we have disqualified Mr. Mitchell as the holder of these two records. Guinness World Records will look to update and find the appropriate holder of these records in the next few days.”³

Notably, Guinness World Records then published its 2019 Gamer’s Edition Book (see Figure 1). Titled “THE RECORDS THAT NEVER WERE,” Guinness World Records specifically cites the disqualification of Billy Mitchell’s “highest score on PAC-Man and the first perfect score on PAC-Man.” Following that, Guinness stated that Mitchell’s “submitted scores were obtained while using MAME.” In this statement, not only did Guinness World Records assert that Mitchell’s records, specifically his Pac-man records, “NEVER WERE,” but its use of the generalized phrase, “submitted scores,” also asserted that all his achievements were obtained while using MAME. These statements are factually false.

¹ https://www.twingalaxies.com/feed_details.php/1047/billy-mitchells-donkey-kong-and-all-other-records-removed

² https://www.twingalaxies.com/feed_details.php/1053/setting-records-five-impressive-feats-from-the-world-of-video-games

³ <https://variety.com/2018/gaming/news/billy-mitchell-pac-man-world-record-1202752594/>

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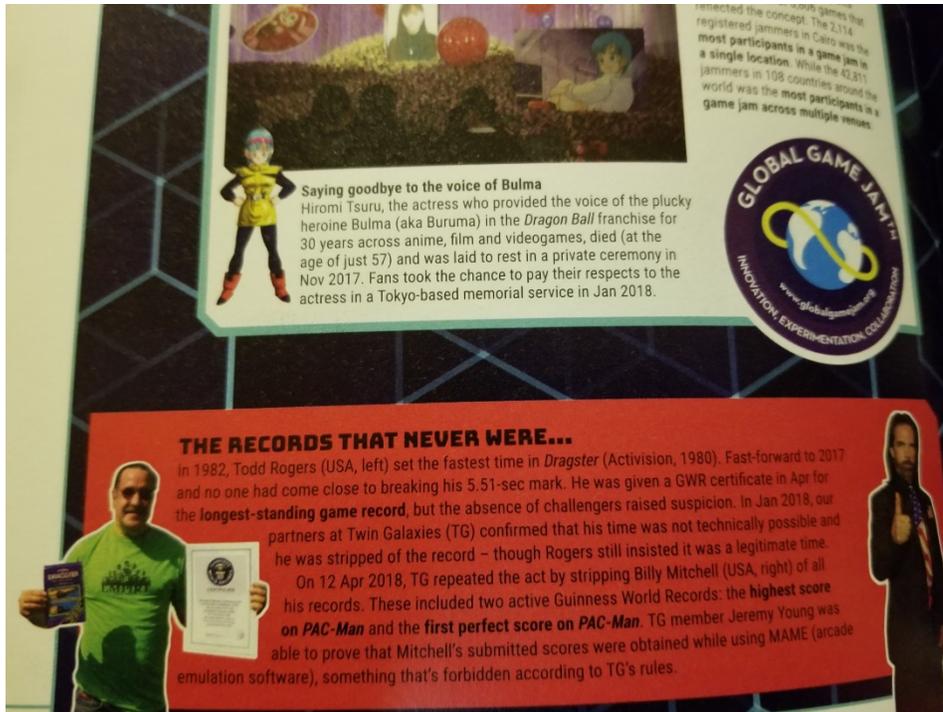


Figure 1. Guinness World Records statement in their 2019 Gamer's

It is important to note that Guinness World Records never conducted an investigation into Billy Mitchell's Pac-Man records. As a matter of fact, there is no evidence to support Guinness World Records' assertion that Mitchell's Pac-Man scores "NEVER WERE," or were "obtained while using MAME." Lastly, there is certainly no evidence to support the claim that all his "submitted scores," from 1982 to 2018, were achieved while using MAME. This is especially ridiculous considering MAME was created in 1997, and the majority of Mitchell's scores occur in the 1980's.

In addition, Walter Day, founder and owner of Twin Galaxies from 1981 to 2014, stands behind Billy Mitchell. Mr. Day, not the current Twin Galaxies administration, is the original adjudication source of Billy Mitchell's records. In line with Guinness World Records' words to Variety (see the earlier quote), the linked evidence package that accompanies this letter and Day's testimony warrants restoration of Billy Mitchell's achievements and legacy. Day's own letter is included in this demand for retraction, which includes his sworn testimony and advice for Guinness World Records.

As to Twin Galaxies, its investigation did not provide Billy Mitchell fair opportunity to provide evidence to prove his innocence. Throughout the investigation, Twin Galaxies had a double standard. Specific evidence against Mitchell was accepted, while evidence of equal stature was rejected. Further, Twin Galaxies selected a biased third party investigator with close

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ties to Donkey Kong Forum, another group defaming Billy Mitchell. This investigator was openly inflammatory throughout the investigation, and expressed his support of score removal on the very first day of the dispute; there was nothing unbiased about him. This, along with other examples, displays a substantial level of constitutional malice.

This letter demands that both Twin Galaxies and Guinness World Records retract their claims against Billy Mitchell, and immediately restore his achievements and good name. Attached to this letter via link is the full evidence package, which proves that the claims of Twin Galaxies and Guinness World Records are false.⁴ This evidence includes witness affidavits, historical documentation, scientific evidence, gameplay analysis, expert witnesses, and Walter Day's letter with sworn affidavit. Due to the overwhelming evidence, neither Twin Galaxies nor Guinness World Records can possibly refuse this retraction request and claim to be acting without constitutional malice.

This request for retraction is for all of Billy Mitchell's records; a partial retraction will not suffice. Both Twin Galaxies and Guinness World Records must retract their claims impugning Mitchell's scores publicly, so the damages done to him will finally begin to reverse. There was a press release against Billy Mitchell, and there must be a reciprocal release in his favor.

Each corporation has a 14-day deadline to review the information and issue the retraction, or we will resort to legal recourse, our final option. We urge Guinness World Records to independently evaluate the evidence, and not rely on Twin Galaxies, which did not force Guinness to make the defamatory statements. As such, Guinness World Records will be held responsible, and hiding behind its partnership with Twin Galaxies will be perceived as a refusal of this retraction request.

Very truly yours,

**MANNING & KASS
ELLROD, RAMIREZ, TRESTER LLP**

JAMES E. GIBBONS

cc: Guinness World Records Press Department:
press@guinnessworldrecords.com
Billy Mitchell

⁴https://docs.google.com/document/d/1IGODhaCGZ_ZLCwMHJS74ZNE0YrI5uD_yjxsTilYb9Ls/edit