

IN THE CIRCUIT COURT OF SEVENTEENTH
JUDICIAL CIRCUIT OF FLORIDA IN
AND FOR BROWARD COUNTY, FLORIDA

William J. Mitchell, individually

Plaintiff,

vs.

CASE NO:

Ben Smith A.K.A.

Defendant.

COMPLAINT FOR DEFAMATION

COMES NOW, PLAINTIFF William J. Mitchell, (hereinafter, "Mitchell"), proceeding pro se, hereby sues DEFENDANT, Ben Smith, A.K.A. "Apollo Legend", an individual, (hereinafter, Smith ") for Defamation for making false damaging statements and alleges as follows:

A. PARTIES, JURISDICTION & VENUE

1. This is an Action for Defamation (Libel Per Se) and damages in excess of \$15,000.00, exclusive of interest, costs and attorney's fees.
2. PLAINTIFF William Mitchell is an individual over the age of 18 who is sui juris and resides in Broward County.
3. DEFENDANT Ben Smith A.K.A. "Apollo Legend," who publishes content on a YouTube page titled, "Apollo Legend."
4. The events which gave rise to this Complaint have occurred in Broward County and as such Broward County is the proper Venue for this Action.

B. GENERAL ALLEGATIONS COMMON TO ALL COUNTS

5. Mitchell is amongst the first professional video/ electronic gaming professional in world history.

6. Mitchell has set multiple records relating to scores and performance in video games beginning in the 1980s.

7. Mitchell is also in the business of making paid appearances at video gaming and related events.

8. On February 17, 2018, Smith posted a video on his YouTube channel claiming that Mitchell cheated and falsified his scores on the video game Donkey Kong. The link to this video is attached and is marked as EXHIBIT A.

9. One week later, on February 24, 2018, Smith traveled to Florida to attend “Arcade Night,” a private charity event at a local arcade, Arcade Game Sales. Arcade Game Sales advertised the event on social media, including Facebook, and announced that Billy Mitchell would be a guest. Smith attended the event in a “fan” costume intended to copy Mitchell’s appearance while concealing his own identity. Smith asked Mitchell questions, and surreptitiously recorded Mitchell as he responded. The recording contained both video and audio content. A picture of Smith and Mitchell at this event is attached and marked as EXHIBIT B.

10. On September 13, 2019, Smith posted another video on his YouTube channel stating once again that Mitchell had falsified his scores on Donkey Kong. He stated that Mr. Mitchell was making threats, including legal action, despite “solid evidence” that he had “cheated.” Smith also used the audio and video recordings he obtained surreptitiously during the “Arcade Night” event and edited them to create his false narrative that Mitchell had cheated. The link to this video is attached and marked as EXHIBIT C.

11. On September 27, 2019, Smith posted a video on his YouTube channel claiming that Mitchell had falsely claimed to be the first person to achieve a perfect score on the arcade video game Pacman, despite the fact that this claim has been acknowledged by creator of the game and the score was authenticated by Namco, the manufacturer of the game.

12. On October 1, 2019, Smith posted a video on his YouTube channel stating that Mitchell does “stupid stuff” by not acknowledging the fact that he submitted “bogus” scores and threatening lawsuits. Smith stated, “He can’t let it go. Something in him compels him to fight, no matter how wrong he may be.” He also stated that Mitchell has committed a wrongdoing by filing fraudulent copyright strikes to remove two videos removed from YouTube.

13. The statements made and published by DEFENDANT contained a series of untrue statements and misrepresentations.

14. The Untrue statements made by the DEFENDANT through his internet posts and interviews include but are not limited to:

- a) Mitchell not earning scores on legitimate game hardware, and
- b) Mitchell falsifying his video game scores,
- c) Mitchell cheating

15. The DEFENDANT made these statements with reckless disregard and malice.

16. DEFENDANT identifies by the online alias "Apollo Legend." Mitchell engaged a private investigator to discover DEFENDANT's legal identity as Smith. If incorrect, Mitchell clarifies DEFENDANT as the individual behind the alias "Apollo Legend."

COUNT 1

LIBEL PER SE AGAINST DEFENDANTS

17. Plaintiffs incorporate paragraphs 1 through 16 as if fully set forth herein.

18. These false statements were published with malice.

19. MITCHELL has been damaged by these false statements because the statements subject MITCHELL to hatred, distrust, ridicule, contempt, and disgrace.

20. MITCHELL has been damaged by these false statements because the statements injured MITCHELL in his profession and business.

21. MITCHELL has been damaged by these false statements because the statements attribute conduct, characteristics, and conditions incompatible with the proper exercise of MITCHELL lawful business.

Prayer for Relief

WHEREFORE, MITCHELL prays for a judgment against DEFENDANTS as follows:

- i. Awarding MITCHELL all compensatory damages including consequential and incidental damages as a result of DEFENDANTS wrongdoing in an amount to be determined at Trial.
- ii. Awarding MITCHELL attorney's fees and costs
- iii. Requiring the DEFENDANT to make a public retraction of the false statements, in an equally or more prominent manner than those used to originally disseminate the libelous material originally.
- iv. Granting preliminary and permanent injunctive relief to prevent the DEFENDANT from making further defamatory remarks.
- v. Such further relief this court deems just and proper.

PRAYER FOR JURY TRIAL

MITCHELL prays for a Jury Trial on all issues so triable.

DATE: February 11, 2020

Respectfully Submitted:
William J. Mitchell
Pro Se Plaintiff
P.O. Box 816645
Hollywood, FL 33081
rickeyshotsauce@aol.com
billy.pacman.player@gmail.com

Exhibit A

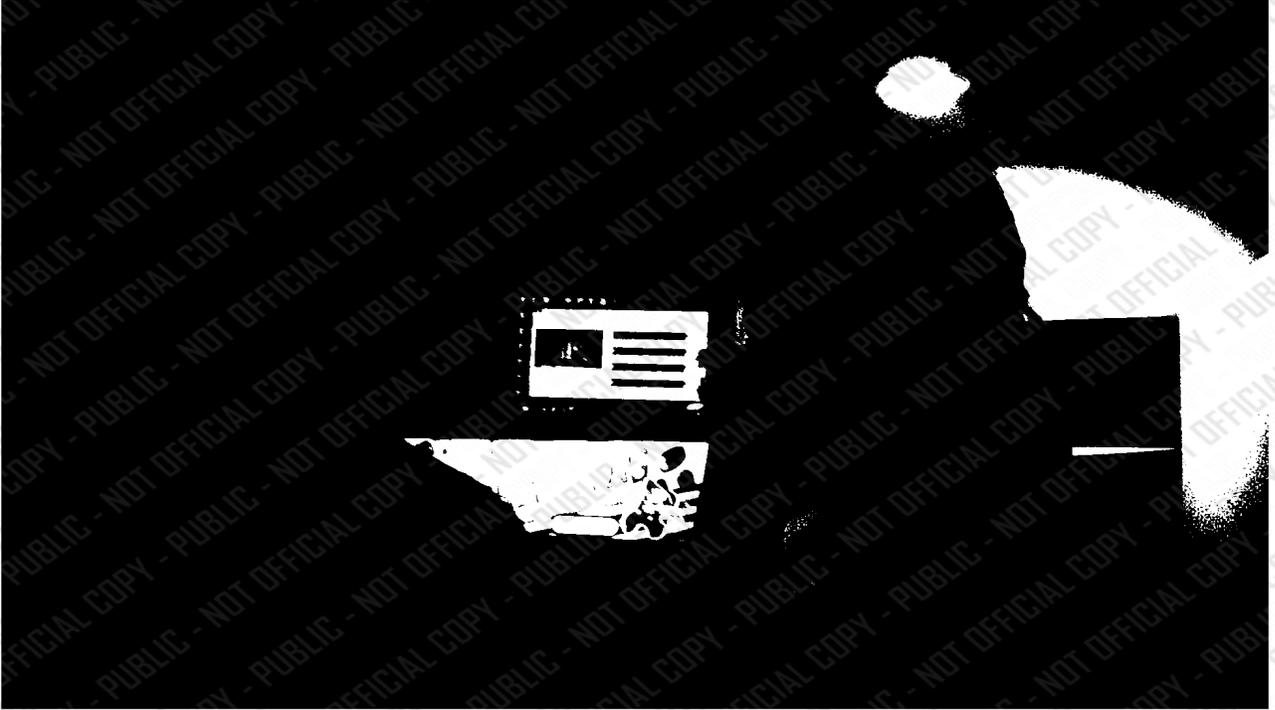
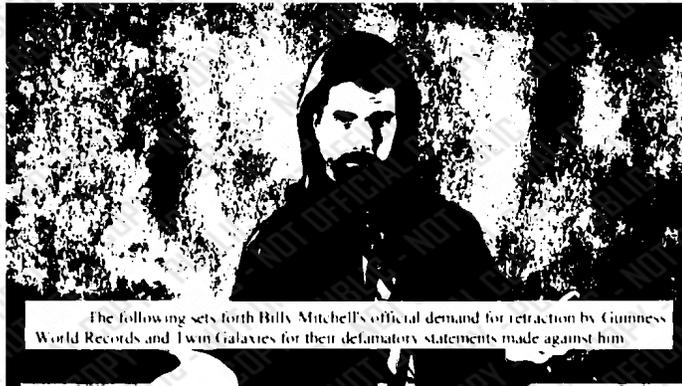


Exhibit B



https://youtu.be/234Y76_3YPE

Exhibit B



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

Disgraced Gaming Legend Threatens Lawsuit!

344K views · 4 months ago

Like Dislike Share Download Save

 **Apollo Legend**
292K subscribers

Buy Apollo Legend merchandise
From Twinkl

 **The Human Element**
\$14.99

Up next

 **Roblox**
Ad 4.5 | FREE
Cross-Platform Play. Thousands of Free Games

Autoplay

https://youtu.be/WI6Zf_XPFdA

Exhibit C



<https://youtu.be/LbCQKvIMsbY>

