

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

William J. Mitchell, individually

Plaintiff,

vs.

CASE NO:

DONKEY KONG FORUM.COM, JEFF HARRIST,

and

JEREMY YOUNG.

Defendant(s).

COMPLAINT FOR DEFAMATION

COMES NOW, PLAINTIFF William J. Mitchell, (hereinafter, "Mitchell"), proceeding pro se, hereby sues DEFENDANTS, DONKEY KONG FORUM (hereinafter, "DK Forum "); Jeff Harrist, an individual (hereinafter Harrist); and Jeremy Young, an individual (hereinafter Young) (collectively referred to herein as, " DEFENDANTS") 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 Donkey Kong Forum, a website media outlet organized under the laws governing corporate entities for the State of Alaska.

4. Jeff Harrist is an individual who owns the website domain name DonkeyKongForum.com.

5. Jeremy Young is an individual who serves as a moderator, using the online username "Xelnia," for the Donkey Kong Forum.com website.

6. 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

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

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

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

10. On Friday, February 2, 2018, Jeremy Young posted a claim on DK Forum claiming that Mitchell cheated and falsified his scores on the video game Donkey Kong by using MAME, an emulator that enables scores to be falsified, and not on original Donkey Kong hardware. This post is attached and is marked as EXHIBIT A.

11. On April 12, 2018, Young is quoted in an article on the website Kotaku.com. Young used the word "cheater" to refer to Mitchell and stated that the video game database Twin Galaxies "is still built on a foundation of video game high scores. With another cheater removed that foundation grows more solid." This article is attached and marked as EXHIBIT B.

12. Young has had a history of defaming Mitchell by making unsubstantiated claims regarding the authenticity of Mitchell's video game play. On Monday, September 25, 2017, Young posted to the DK Forum a claim stating that Mitchell's game play was "shady." This post

points to Young's premeditated intentions of defaming Mitchell through any means possible. This post is attached and marked as EXHIBIT C.

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

14. The Untrue statements made by DEFENDANTS through their 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,

15. DEFENDANTS made these statements with reckless disregard and malice.

16. On April 16, 2018, the Washington Post published an entitled, "Video game player of the century" stripped of records after Donkey Kong scandal. A copy of the article is attached as EXHIBIT D.

COUNT 1
LIBEL PER SE AGAINST DEFENDANTS

17. Plaintiffs incorporate paragraphs 1 through 17 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 DEFENDANTS 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 DEFENDANTS 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 2, 2020

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

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Not Secure — donkeykongforum.com



DONKEY KONG FORUM

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Top 10 Donkey Kong Scores

Rank	Score	Name	Date	Platform
1	1,245,000	Mr. M. Long	06-26-16	ARCade
2	1,241,000	Ross Lammert	02-02-16	ARCade
3	1,239,000	Ken Lippert	05-09-16	ARCade
4	1,205,000	Donkey Kong	10-04-13	N64M5
5	1,184,000	Donkey Kong	05-17-15	ARCade
6	1,162,750	Dr. Tardis	06-05-16	N64M5
7	1,162,000	Super Nint	10-07-16	N64M5
8	1,139,000	Donkey Kong	03-02-12	ARCade
9	1,115,000	Mr. M. Long	05-09-16	ARCade
10	1,036,500	Ross Lammert	05-26-13	ARCade

See the whole list

Donkey Kong 8: 1st

Active Streamers:

[Gulabmehosth04de](#)
[Capn1x0x0x0x](#)
[EugeneW](#)
[Rayline1](#)

Welcome, **Guest**. Please login or register

Forever Login

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Donkey Kong Forums High Score Lists Donkey kong High Score Lists; Moderators: ste a d j e, venia
 If J. Mitchell's Direct Feed Recordings are MAME Generated

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xelnia
Global Moderator
Spring Jumper

meh...

Posts: 2077

Stop using 0.106



 Billy Mitchell's Direct Feed Recordings are
 MAME Generated
 • on: February 02, 2018, 10:22:52 AM •

Below, you'll find a large collection of animated GIFs. PLEASE take the time to read this ENTIRE post before jumping to them, and please continue reading what is posted AFTER them. **In summary, these GIFs show that each of the Donkey Kong world record direct feed recordings presented by Billy Mitchell and verified by TG were generated in MAME and not by original Donkey Kong hardware.** These scores are: 1,047,200 (the King of Kong "tape"), 1,050,200 (the Mortgage Brokers score), and 1,062,800 (the Boomers score). In order to demonstrate this, it's necessary to understand how DK images are generated by MAME versus an original PCB.

Video emulation has changed across MAME versions, but there are basically 4 eras: 0.115 and prior, 0.116 - 0.121, 0.122 - 0.126, 0.127 and newer. Each of these groups or eras show different methods of video emulation as a result of MAMEdev making various improvements. As it currently stands, video emulation is not perfect, but it's closer than it used to be.

The important bit: prior to version 0.127, MAME generated video in essentially a "snapshot" fashion. The 780 would run for 1 frame, then the video emulation

Exhibit B

Twin Galaxies also specifically voiced a 1,030,200 score achieved live on July 13, 2007 at the Florida Association of Mortgage Brokers in Orlando, Florida. They did not make a determination about the Boomers Arcade scores, citing a lack of “enough of a body of direct evidence.”

“I obviously support their decision,” **Young** said to *Kotaku* via email. “I think it speaks to the current administration’s commitment to the integrity of their leaderboards. Even with all the focus on modern eSports, TG is still built on a foundation of video game high scores. With another cheater removed that foundation grows more solid. I’m also grateful for the support I’ve received from members of the [Donkey Kong Forum], TG, and larger gaming communities. My name is attached to the dispute, but I consider this a community effort.”

Kotaku has reached out to Mitchell and to Twin Galaxies commissioner Dave Hawksett, but did not receive comment in time for publication. We have also

Exhibit C

xelnia
Global Moderator
Spring Jumper



meh...



Posts: 2060
Stop using 0.106



Re: Should Billy Mitchell's 1.06 million DK score be removed from the DK Forum?

< **Reply #1 on:** September 25, 2017, 09:02:50 PM >

Your DK3 game actually had evidence that could be reviewed. 🙄 With your game, it's easy to say it was played on this setting or that setting and reclassify the score. With mystery DK games played in the shadows, we have nothing solid to go on. I said something over at TG to the effect of: with Billy, all we have is a history of shady behavior but no smoking gun.

I started the dispute on TG hoping that new some information would come to light. Not everyone in the TG community sees what goes on here, and sure enough, Michael Sroka posted some footage he took at the 2010 IVGHOF event where Billy announced the scores. It was no smoking gun, but it did show Billy displaying two direct feed games (one of DK, one of DKJR) on TVs. That just adds to the shady factor.

As HSL moderator, my official position is to always follow the will of the community. I've thought about it and I'm not sure what kind of process we would need to go through or what level of community support would be needed. 100%? 75% 50%+1? And if everyone agrees, do we replace the 1.06 with the equally shady 1.05 mortgage brokers score, 1.04 KoK score?

It's also important to be very clear on what the issue is...are we removing scores because he didn't do them live, or because he didn't do them at all? The current DKF policy is to not retroactively apply our evidence standards to

<https://donkeykongforum.com/index.php?topic=1944.0>

2/9

1/13/2020

Should Billy Mitchell's 1.06 million DK score be removed from the DK Forum?

old scores without evidence, otherwise a lot of MARP and TG scores would already be gone. So, what hard evidence do we have? For Billy's 1.06, we only have a few sporadic shots of direct feed games in Sroka's video...that's not nearly enough to determine how those games were performed.

My personal feeling (which I would not use to make any sort of unilateral decision regarding the HSL) is, at the very best, Billy did not perform any of the Big 3 games in a live venue, but did so in private. This means the 1,047,200 seen in King of Kong, the 1,050,200 that was supposedly done at a mortgage bankers convention, and the 1,062,800 which was supposedly done at Boomers. I believe that, regardless of the method used to achieve them, those scores were made in private and saved for whatever dramatic purposes Billy thought they would be good for. I believe there is strong enough evidence in the available tapes of the 1.047 and 1.05 scores to question whether those scores were done on MAME instead of a real PCB. I'm not entirely convinced they're MAME scores, and I'm not entirely convinced they're not.

< Last Edit: September 26, 2017, 02:54:17 AM by xelnia >

Logged

"Do not criticize, question, suggest or opine anything about an upcoming CAG event, no matter how constructive or positive your intent may be. You will find nothing but pain and frustration, trust me. Just go, or don't go, and 'f* either way!" -ChrisP, 3/29/15



Exhibit D



Morning Mix

‘Video game player of the century’ stripped of records after Donkey Kong scandal



