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7
 8 SUPERIOR COURT OF THE STATE OF CALIFORNIA
 9 COUNTY OF LOS ANGELES

11 WILLIAM JAMES MITCHELL,
 12 Plaintiff,
 13 v.
 14
 15 TWIN GALAXIES, LLC; and Does 1-10,
 16 Defendants.

Case No. 19STCV12592

Assigned to: Hon. Gregory W. Alarcon
[Dept. 36]

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

*[Filed concurrently with: (1) Memorandum of
 Points & Authorities; (2) Declaration of David
 A. Tashroudian; (3) Request for Judicial
 Notice; and (4) [Proposed] Order]*

Hearing

Date: July 6, 2020
 Time: 8:30 a.m.
 Place: Department 36

RESERVATION ID: 095658146502

Action Filed: 4/11/2019

1 **DECLARATION OF JASON HALL**

2 I, Jason Hall, declare that:

3 1. I am an individual over the age of 18 and I make this declaration in support of the
4 special motion to strike of Twin Galaxies, LLC ("Twin Galaxies") to the complaint for defamation
5 of William James Mitchell ("Billy Mitchell"). I make this declaration based on facts known to me
6 personally to be true, and if called as a witness to testify to them, I could and would do so.

7 2. I am the Head Custodian of Records for Twin Galaxies, and have held that position
8 since I purchased the organization from Walter Day in 2014. In my position as Head Custodian
9 of Records, I am responsible for maintaining the integrity of all scores that appear on Twin
10 Galaxies records of video game achievements. I am also the head administrator of Twin Galaxies
11 and have access to all metrics regarding users, submissions, scores, forum posts, and other
12 information generated by the Twin Galaxies Website – defined below. I am the person most
13 knowledgeable about all of Twin Galaxies’ current business practices, and all of the website’s
14 functions as well. As the Head Custodian of Records, I make the final determination as to the
15 validity of any dispute claim related to an existing score which appears on any of the Twin
16 Galaxies video game score leaderboards.

17 **THE TWIN GALAXIES PUBLIC WEBSITE FORUMS & SCORE LEADERBOARDS**

18 3. Twin Galaxies operates a web site at the address: www.twingalaxies.com (the
19 "Twin Galaxies Website"). The Twin Galaxies Website is a comprehensive social platform that
20 facilitates a competitive community and provides official structure and parameters to video game
21 playing achievement across all electronic gaming platforms. It is where competitive video game
22 rules are officially set, player performances are objectively measured and adjudicated, and the
23 statistical data of official records and rankings are logged, maintained, updated and made publicly
24 available.

25 4. The Twin Galaxies Website provides a public forum for members of the public to
26 discuss all things related to video games, including video game industry news, video game scores
27 and score performances. Any user is allowed to start a new discussion “thread” in a forum related
28 to a variety of video game related topics. All threads and forums are available for the general

1 public to view. That is, anyone with access to the Internet and who navigates to the Twin Galaxies
2 website is able to view all forums and threads on the site. The general public can, and is
3 encouraged to, join the discussion on the forums and threads by registering as a user and posting
4 their comments.

5 5. The Twin Galaxies Website publishes leaderboards for thousands of video game
6 titles across dozens of video game platforms, including but not limited the personal computer,
7 Arcade, Sony PlayStation consoles, Microsoft Xbox consoles, Nintendo consoles, emulation
8 platforms such as M.A.M.E (Multiple Arcade Machine Emulator) and a variety of other video
9 gaming platforms. The leaderboards recognize video game achievements for various aspects of
10 the video game such as high score, or fastest time, and ranks players according to their verified
11 achievements in those categories.

12 6. As an example, the Twin Galaxies Website publishes leaderboards for the Donkey
13 Kong video game on multiple platforms which include Arcade, and M.A.M.E. There is a
14 leaderboard for most points scored in the Donkey Kong video game on the Arcade platform; while
15 there is another completely separate leaderboard for the most points scored in the Donkey Kong
16 video game on the M.A.M.E platform. Although both high score point achievements relate to the
17 same game, the fact that they were achieved on a different platform means that the scores are
18 recorded different leaderboards.

19 7. The records and rankings of video game achievement that appear on the Twin
20 Galaxies Website leaderboards for a particular game have been historically recognized world-wide
21 as the official records of achievement in that video games. Many records and rankings appearing
22 and recognized on the Twin Galaxies Website leaderboards have been used by Guinness World
23 Records in several Guinness World Records Gamer's Edition books, and continue to be recognized
24 as world records by the Guinness organization and others.

25 SCORE SUBMISSION PROCESS

26 8. Any verified user of the Twin Galaxies Website is allowed to submit a recorded
27 video game performance for inclusion on a particular video game's leaderboard. However, every
28 submission must comport with that video game's leaderboard track rules. The track rules set forth

1 the game settings and parameters that must be observed for the score to be recognized. The track
2 rules make sure that all achievement submissions are performed on an equal basis – that is,
3 following the rules allows Twin Galaxies to ensure that everyone is playing on an equal footing.
4 For example, the Donkey Kong Arcade leaderboard has a specific set of track rules as follows:
5 “Dip-Switch Bank: 1-7 = OFF; 8 = ON/OFF [Upright/Cocktail]; Number of Jumpman: 3; Score
6 Level for Extra Jumpman: 7,000 Points.” The rules also require that the submitted performance
7 be on an original, unmodified Donkey Kong Arcade system with original printed circuit board.
8 The Donkey King M.A.M.E leader board has a different set of track rules as follows: “ROMSet:
9 DKong; Lives: 3; Bonus life: 7000; Special Rules: None.” Any variation from a game’s track
10 rules is grounds for disqualification of a score or submission.

11 9. Once a verified user submits a recorded video game performance for inclusion onto
12 a leaderboard, it is placed in a forum for the community of users registered on the Twin Galaxies
13 Website to adjudicate and vote on the veracity of the performance. The Twin Galaxies Website
14 utilizes a one-of-a-kind, highly controlled, blind system of peer review to adjudicate scores. The
15 peer review is conducted by other registered members of the Twin Galaxies Website who are
16 known as adjudicators. The adjudicators are members of the public and not employees or otherwise
17 compensated by Twin Galaxies. When voting on the submission, the adjudicators are asked one
18 question: Based on the evidence provided, do they believe a score claim is valid? Yes or No.
19 Adjudicators do not know when a voting period will end. Adjudicators do not know exactly how
20 many people voted, adjudicators do not know how many votes it will take to close a vote.
21 Adjudicators have no control over the adjudication process; they merely vote.

22 10. If a score submission passes the peer review process, the achievement is placed on
23 the leaderboard, and is presumed valid.

24 SCORE CLAIM DISPUTE PROCESS

25 11. The Twin Galaxies Website provides a process to dispute the veracity of a verified
26 score appearing on a leaderboard. Next to every score performance record on a leaderboard is a
27 button that allows a registered user with a minimum credibility rating to dispute the score
28 performance and achievement claim.

1 12. Once a score dispute claim is submitted, it is placed into a public dispute voting
2 forum where the gaming community will publicly discuss, debate and vote on the veracity of the
3 claim and present evidence which is supplied by the public or the one making the dispute claim.
4 The public dispute claim forum is the evidentiary record from which the score dispute is decided
5 by the Twin Galaxies Website administrator. This public process is designed for transparency and
6 accessibility. All registered Twin Galaxies Website members can participate in the process of
7 providing evidence and discussion that is for or against the dispute claim's assertions. The public
8 can too, so long as they register to post on the site.

9 13. A dispute claim remains open until it accumulates enough supportive votes to
10 trigger a score removal recommendation. When a score removal recommendation is triggered, a
11 Twin Galaxies Website administrator is notified and will review all of the presented dispute claim
12 evidence and the comments in the public forum supporting, or disagreeing with, the dispute claim.
13 If after reviewing the evidence, the Twin Galaxies Website administrator agrees with the
14 community's removal recommendation, the disputed score will be removed.

15 14. If, however, after reviewing the evidence, the Twin Galaxies Website administrator
16 does not agree with the community removal recommendation, the disputed score will not be
17 removed, and the disputed claim will be placed into inactive status while simultaneously remaining
18 open to allow it to continue to gather additional evidence and further votes until it triggers another
19 score removal recommendation event.

20 15. The disputed claim voting / review process may continue to escalate indefinitely
21 until a claim becomes compelling enough for the Twin Galaxies Website administrator to agree
22 and remove the score. Every dispute claim is handled uniquely, on a case-by-case basis, and driven
23 by the community review process.

24 16. Only evidence that is specifically provided and documented within the public
25 dispute claim discussion thread will be considered toward any decision.

26 17. Twin Galaxies' default position is that all of its stored adjudicated performance
27 record data has already been proven valid, and does not need to be re-proven. Therefore, the onus
28

1 is on the dispute claim submitter to definitively and objectively prove the invalidity of any Twin
2 Galaxies adjudicated performance record in order to have that record removed.

3 18. Twin Galaxies, as part of a comprehensive process and in its position of authority,
4 must ensure due diligence. The public documentation of our processes and conclusions are
5 intended to satisfy scrutiny for the long term. So in instances where warranted, Twin Galaxies'
6 comprehensiveness must go above and beyond what would normally satisfy the public. This means
7 that the dispute claim process can be lengthy.

8 19. The dispute claim process, and rules and procedures for disputes, appear on the
9 Twin Galaxies Website at: [https://www.twingalaxies.com/wiki_index.php?title=Policy:The-](https://www.twingalaxies.com/wiki_index.php?title=Policy:The-Dispute-Process-Guidelines-and-How-To-Submit-a-Dispute-Claim)
10 [Dispute-Process-Guidelines-and-How-To-Submit-a-Dispute-Claim](https://www.twingalaxies.com/wiki_index.php?title=Policy:The-Dispute-Process-Guidelines-and-How-To-Submit-a-Dispute-Claim).

11 DISPUTE CLAIM RELATING TO THE BILLY MITCHELL DONKEY KONG SCORES

12 20. On, or about, August 28, 2017, Twin Galaxies Website registered user Jeremy
13 Young, under the pseudonym Xelnia, submitted a dispute claim whereby he disputed Billy
14 Mitchell's 1,047,200 (the King of Kong "tape"), 1,050,200 (the Mortgage Brokers score), and
15 1,062,800 (the Boomers score) scores (the "Disputed Score Performances") which had previously
16 appeared on the Donkey Kong video game points (with hammer allowed) leaderboard for the
17 Arcade platform.

18 21. The dispute claim was published on a public forum accessible to anyone on the
19 Twin Galaxies Website on or about August 28, 2017 (the "Mitchell Score Dispute Claim Thread").
20 The Mitchell Score Dispute Claim Thread can be accessed at the following web address:
21 [https://www.twingalaxies.com/showthread.php/176004-Dispute-Jeremy-Young-Arcade-Donkey-](https://www.twingalaxies.com/showthread.php/176004-Dispute-Jeremy-Young-Arcade-Donkey-Kong-Points-Hammer-Allowed-Player-Billy-L-Mitchell-Score-1-062-800)
22 [Kong-Points-Hammer-Allowed-Player-Billy-L-Mitchell-Score-1-062-800](https://www.twingalaxies.com/showthread.php/176004-Dispute-Jeremy-Young-Arcade-Donkey-Kong-Points-Hammer-Allowed-Player-Billy-L-Mitchell-Score-1-062-800).

23 22. For ease of reference, I am attaching to this declaration as **Exhibit A** a true and
24 correct copy of the entirety of the Mitchell Score Dispute Claim Thread. This exhibit encompasses
25 all of the comments from Twin Galaxies Website users who submitted evidence or other
26 commentary in connection with the score dispute from the time the dispute claim was started on
27 August 28, 2017 through the time it was printed on March 13, 2020 and it remains publicly
28 accessible. This exhibit was created in the regular course of Twin Galaxies' business. That is,

1 whenever a dispute claim is started, it along with all comments posted within that dispute claim
2 forum and thread, are recorded on Twin Galaxies Website servers for presentation on the Internet
3 and for posterity. I was able to extract that information in a document format as presented in this
4 exhibit. Each of the comments that appear on this exhibit were recorded in this writing at the time
5 they were posted in the Mitchell Score Dispute Claim Thread. The source of the information has
6 not been altered in any manner, and thus the information contained in this exhibit is the same
7 information that would be accessed by navigating to the link provided to the Mitchell Score
8 Dispute Claim Thread in the preceding paragraph. The only difference between the information
9 contained in this exhibit, and that appearing on the Twin Galaxies Website, is that any video,
10 pictures, or other media which appears on the Twin Galaxies Website does not appear in this
11 exhibit. However, all text comments between the two sources are identical.

12 23. In connection with drafting this declaration, I had the Twin Galaxies Website
13 engineers prepare a statistical analysis of the Mitchell Score Dispute Claim Thread. The statistical
14 analysis revealed that as of March 14, 2020: (1) Mitchell Score Dispute Claim Thread was viewed
15 on the Twin Galaxies Website 2,394,329 times; (2) there were 170 unique contributors who
16 commented in the Mitchell Score Dispute Claim Thread; (3) there were 211 users who voted to
17 adjudicate the score dispute (198 agreeing with the dispute, and 13 disagreeing); and, (4) there
18 were 3,770 content entries in the evidentiary record which comprise the entirety of the Mitchell
19 Score Dispute Claim Thread.

20 24. The substance of the dispute claim made by Jeremy Young is that Billy Mitchell's
21 1,047,200 (the King of Kong "tape"), 1,050,200 (the Mortgage Brokers score), and 1,062,800 (the
22 Boomers score) scores were not created on an original Donkey Kong Arcade platform system, but
23 that they were instead created on an emulation platform such as the M.A.M.E. platform system,
24 and they were therefore ineligible for inclusion on the Donkey Kong video game points (with
25 hammer allowed) leaderboard for the Arcade platform. Jeremy Young contended that the
26 performances that were recorded onto video tape and submitted to Twin Galaxies as evidentiary
27 proof of his Donkey Kong accomplishment, could not have been produced by an unmodified
28 original Donkey Kong Arcade system. The dispute claim contended that the images and other

1 artifacts that were recorded and being displayed in the video tapes that Twin Galaxies referees
2 used to verify and authenticate Billy Mitchell's 1,047,200 (the King of Kong "tape"), 1,050,200
3 (the Mortgage Brokers score), and 1,062,800 (the Boomers score) scores could not have originated
4 from an unmodified original Donkey Kong Arcade system.

5 25. The rationale for Jeremy Young's dispute claim was based on purely objective
6 technical, scientific evidence. There was and is no subjectivity to the claim. Jeremy Young's
7 assertion was completely testable and measurable to an absolute definitive conclusion. His
8 technical presentation can be found in the Mitchell Score Dispute Claim Thread at posts numbers
9 186 and 187 dated February 2, 2018, at the following web address:
10 <https://www.twingalaxies.com/showthread.php/176004-Dispute-Jeremy-Young-Arcade-Donkey->
11 [Kong-Points-Hammer-Allowed-Player-Billy-L-Mitchell-Score-1-062-](https://www.twingalaxies.com/showthread.php/176004-Dispute-Jeremy-Young-Arcade-Donkey-Kong-Points-Hammer-Allowed-Player-Billy-L-Mitchell-Score-1-062-800?p=946633&viewfull=1#post946633)
12 [800?p=946633&viewfull=1#post946633](https://www.twingalaxies.com/showthread.php/176004-Dispute-Jeremy-Young-Arcade-Donkey-Kong-Points-Hammer-Allowed-Player-Billy-L-Mitchell-Score-1-062-800?p=946633&viewfull=1#post946633). The presented evidence comprehensively demonstrated
13 that it was technologically impossible for the videotaped performances that were used to verify
14 and adjudicate Billy Mitchell's 1,047,200 (the King of Kong "tape"), 1,050,200 (the Mortgage
15 Brokers score), and 1,062,800 (the Boomers score) scores to have originated from an unmodified
16 original Donkey Kong Arcade system.

17 26. It is an absolute Twin Galaxies requirement that all Donkey Kong Arcade platform
18 performances adhere to a specific ruleset to be considered valid. One of the primary rules is that
19 unmodified original Donkey Kong Arcade hardware be used. The very specific and detailed
20 ruleset can be found here: [https://www.twingalaxies.com/showthread.php/168098-Twin-](https://www.twingalaxies.com/showthread.php/168098-Twin-Galaxies-Donkey-Kong-(Arcade)-Recording-Rules)
21 [Galaxies-Donkey-Kong-\(Arcade\)-Recording-Rules](https://www.twingalaxies.com/showthread.php/168098-Twin-Galaxies-Donkey-Kong-(Arcade)-Recording-Rules).

22 27. After Jeremy Young made his technical presentation, public interest and discussion
23 on the matter escalated further, and on February 2, 2018, Twin Galaxies administration made a
24 public statement in the dispute claim file that it would be impartially reviewing and verifying the
25 technological assertions in the dispute claim: "To clarify, time will be needed for Twin Galaxies
26 to fully-review this evidence. We will do this thoroughly and impartially. In the meantime we will
27 continue to observe this discussion by experts in our community."

28 ///

1 original unmodified Donkey Kong Arcade system. Twin Galaxies completely replicated Billy
2 Mitchell's claimed hardware recording setup in an attempt to produce the signature images seen
3 in Billy Mitchell's recordings. We were never able to recreate those images and artifacts.

4 32. Twin Galaxies publicly presented its testing setup in the dispute thread with
5 photographs as well as a complete walk through video inclusive of some real time testing on March
6 30, 2018 at dispute thread pos number 2387. The evidentiary post can be found here:
7 [https://www.twingalaxies.com/showthread.php/176004-Dispute-Jeremy-Young-Arcade-Donkey-](https://www.twingalaxies.com/showthread.php/176004-Dispute-Jeremy-Young-Arcade-Donkey-Kong-Points-Hammer-Allowed-Player-Billy-L-Mitchell-Score-1-062-800?p=961122&viewfull=1#post961122)
8 [Kong-Points-Hammer-Allowed-Player-Billy-L-Mitchell-Score-1-062-](https://www.twingalaxies.com/showthread.php/176004-Dispute-Jeremy-Young-Arcade-Donkey-Kong-Points-Hammer-Allowed-Player-Billy-L-Mitchell-Score-1-062-800?p=961122&viewfull=1#post961122)
9 [800?p=961122&viewfull=1#post961122.](https://www.twingalaxies.com/showthread.php/176004-Dispute-Jeremy-Young-Arcade-Donkey-Kong-Points-Hammer-Allowed-Player-Billy-L-Mitchell-Score-1-062-800?p=961122&viewfull=1#post961122)

10 33. Twin Galaxies dedicated the following four staff to research the Jeremy Young
11 dispute claim. Jace Hall – (Software Engineer and video game developer credited with more than
12 30 top tier video game titles produced.) I handled the vast majority of the investigative work, while
13 the other Twin Galaxies staff members assisted with set up and then participated in result
14 discussion. Anthony Marin – (Information Technology Specialist.) Helped to set up the various
15 testing configurations, along with myself. He also helped to acquire any needed hardware, cables
16 or software. Todd Roy – (Video production specialist) Helped to set up and capture high speed
17 footage of the Donkey Kong machines as needed during the investigation. Franny Maufras –
18 (Community and Administration support) Went through all the stored video tape archives of TG
19 to find any relevant material needed for comparative or origination.

20 34. Twin Galaxies held a four-plus hour live public discussion stream reviewing and
21 showing Billy Mitchell's taped performances frame by frame with full and complete transparency.
22 I moderated the public discussion. Throughout the broadcast, Twin Galaxies was fair and unbiased
23 as it discussed Jeremy Young's claims, and the claims of other contributors to the Mitchell Score
24 Dispute Claim Thread. I clearly stated throughout the broadcast that the review effort is not
25 malicious or representative of anyone's character.

26 35. Twin Galaxies spent thousands of dollars to adjudicate the claim. The expenditures
27 were in form of equipment purchased, and salaries paid. Twin Galaxies believes that this was the
28 most professionally documented and thoroughly investigated video game score of all time. We are

1 currently aware of no other video game score investigation that matches the expense, transparency,
2 and length of investigative time that went into this dispute claim.

3 36. At all times, Twin Galaxies publicly checked and posted its ongoing results against
4 the results of other third-party public results that were being discovered and posted simultaneously
5 in the Mitchell Score Dispute Claim Thread. Twin Galaxies also examined results of others for
6 comparative purposes. This was done throughout the dispute claim thread. This was truly a public
7 process. The overall collection of data by the public and the subsequent verification of the data
8 took a total of 7 months from start to finish.

9 INVESTIGATION RESULTS

10 37. After all of Twin Galaxies investigation and testing process had concluded, I, in
11 agreement with the rest of the Twin Galaxies staff involved, determined that Jeremy Young's
12 dispute claim was valid. This determination was based on (1) a consideration of the public's
13 comments and investigation as set forth in the Mitchell Score Dispute Claim Thread and (2) Twin
14 Galaxies' inability, and all known 3rd party public investigation's inability to replicate the image
15 and artifacts appearing in Billy Mitchell's submitted taped score performances on original,
16 unmodified, Donkey Kong Arcade system and PCB with, or without, a converter board.

17 38. Based on my determination that Jeremy Young's dispute claim was valid, on April
18 12, 2018, I caused to be posted in the Mitchell Score Dispute Claim Thread, the ultimate findings
19 of Twin Galaxies that: "[w]e now believe [Billy Mitchell's Donkey Kong scores leaderboard
20 scores] are not from an original unmodified DK Arcade PCB, and so our investigation of the tape
21 content ends with that conclusion and assertion." A true and correct copy of Twin Galaxies' April
22 12, 2018 statement is attached hereto as **Exhibit B**, and is incorporated herein by reference. Billy
23 Mitchell's records of achievement were erased from the Donkey Kong score leaderboard
24 accordingly.

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28 ///

LACK OF MALICE

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2 39. Throughout the course of the investigation into Jeremy Young’s claim dispute
3 regarding Billy Mitchell’s Donkey Kong score, I reiterated to the community that the investigation
4 into Jeremy Young’s claim dispute does not reflect on Billy Mitchell’s character, and that the
5 investigation is not malicious. Rather, the investigation was to verify the veracity of the
6 evidentiary content provided with Jeremy Young’ dispute claim submission whose goal was to
7 ensure that only valid scores appear on Twin Galaxies Website leaderboards.

8 40. I personally harbor no animosity or ill will toward Billy Mitchell. I am indifferent
9 one way or another whether his Donkey Kong or other scores appear on the Twin Galaxies Website
10 leaderboards. My only concern is to maintain the integrity of the leaderboards.

11 41. I was in communication with Billy Mitchell during the time Twin Galaxies was
12 investigating Jeremy Young’s dispute claim. In my communications with Mr. Michell, I
13 encouraged him to submit evidence to the public thread for comment and consideration. I also
14 encouraged him to have anyone with evidence on his behalf to contribute to the public discussion
15 for comment and consideration. I encouraged Mr. Mitchell to do so because I wanted to ensure
16 he had a fair opportunity to present his case. At no time did Mr. Mitchell personally comment, or
17 personally present any assistance to Twin Galaxies in support of the validity of his scores in the
18 public Mitchell Score Dispute Claim Thread.

19 42. On March 12, 2018 an evidentiary entry to the Billy Mitchell Dispute Thread was
20 made by Joel West who announced that Billy Mitchell had formed an independent technical
21 investigation team (self-titled “Team Billy”) to provide evidence in support of the validity of his
22 taped score performances. This announcement is evidentiary entry #1690 in the Billy Mitchell
23 Dispute Thread, found here: [https://www.twingalaxies.com/showthread.php/176004-Dispute-](https://www.twingalaxies.com/showthread.php/176004-Dispute-Jeremy-Young-Arcade-Donkey-Kong-Points-Hammer-Allowed-Player-Billy-L-Mitchell-Score-1-062-800?p=955912&viewfull=1#post955912)
24 [Jeremy-Young-Arcade-Donkey-Kong-Points-Hammer-Allowed-Player-Billy-L-Mitchell-Score-](https://www.twingalaxies.com/showthread.php/176004-Dispute-Jeremy-Young-Arcade-Donkey-Kong-Points-Hammer-Allowed-Player-Billy-L-Mitchell-Score-1-062-800?p=955912&viewfull=1#post955912)
25 [1-062-800?p=955912&viewfull=1#post955912.](https://www.twingalaxies.com/showthread.php/176004-Dispute-Jeremy-Young-Arcade-Donkey-Kong-Points-Hammer-Allowed-Player-Billy-L-Mitchell-Score-1-062-800?p=955912&viewfull=1#post955912)

26 43. This team was provided direct access to Billy Mitchell’s Arcade and recording
27 equipment and was lead by former Sega technician, Carlos Pinerio. After Twin Galaxies concluded
28 its technical investigation, and was preparing to come to a final decision, “Team Billy”, requested

1 that I delay the final decision in the dispute case until Carlos Pinerio had an opportunity to provide
2 his findings to the public evidentiary dispute thread.

3 44. I granted this request, provided all of the time requested without constraint, and
4 carefully reviewed and considered all the evidence provided in Carlos Pinerio's summary, which
5 contained the statement: "My Conclusion on the 1.047 & 1.050 game tapes is that they were NOT
6 generated from a Genuine Nintendo Donkey Kong PCB. The signatures which are normally
7 produced by those PCB's are NOT on the recordings. Repeated testing and viewing of the game
8 on those tapes do not demonstrate the signatures found on recordings coming out of Genuine
9 Nintendo Donkey Kong Arcade boards."

10 45. "Team Billy's" evidentiary entry is found as post #2935 in the Billy Mitchell
11 Dispute Thread here: [https://www.twingalaxies.com/showthread.php/176004-Dispute-Jeremy-
12 Young-Arcade-Donkey-Kong-Points-Hammer-Allowed-Player-Billy-L-Mitchell-Score-1-062-
13 800?p=963313&viewfull=1#post963313](https://www.twingalaxies.com/showthread.php/176004-Dispute-Jeremy-Young-Arcade-Donkey-Kong-Points-Hammer-Allowed-Player-Billy-L-Mitchell-Score-1-062-800?p=963313&viewfull=1#post963313)

14 46. After the investigation was completed, and particularly after Twin Galaxies had
15 replicated the setup that Billy Mitchell claimed he used to capture the Donkey Kong score
16 performance, and considering the fact that we were unable to replicate the images and artifacts
17 appearing in the submissions, I had no subjective doubt that the performances did not comport
18 with the rules for submission and inclusion onto the Arcade leaderboard. To be sure, I had no
19 doubt that Billy Mitchell's Donkey Kong score performances were NOT from an original
20 unmodified Donkey Kong Arcade system and PCB. I still have no subjective doubt that that is
21 the case. We could not replicate the images and artifacts, and we tried. That fact showed me the
22 scores were not from Arcade cabinet, and they were performed on some other system.

23 I swear, under penalty of perjury of the laws of the State of California, that the foregoing
24 is true and correct. Executed this 30th day of March, 2020 at Los Angeles California.

25 /s/ Jason Hall
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28