



Our Ref: RJM:200097

30 July 2020

Mr Karl Jobst

By Email: k_jobst@hotmail.com

WILLIAM JAMES MITCHELL v KARL JOBST

We act for William (Billy) Mitchell.

This is a *concerns notice* for the purposes of section 14 Defamation Act Qld 2005.

Background

Mr Mitchell is a prominent and respected video gamer who is recognised throughout the world, including Australia, for his records in a number of video games including Donkey Kong, Pac-man and other video games. In 1999 our client achieved the first perfect score on the original Pac-man and was named (by Pac-man's manufacturer) as the video game player of the century. He has achieved record breaking scores on Donkey Kong. He was selected by MTV in 2006 as one of the 10 most influential video gamers of all time. He has been described as "probably the greatest arcade video game player of all time". He has appeared in several documentaries on competitive gaming.

In April 2018 Guinness World Records made a decision to remove a number of historical records achieved by our client for the arcade platform. The decision was made following a series of false allegations of cheating. However on 10 June 2020 the records management team of Guinness World Records unanimously decided to reverse the April 2018 decisions in respect to the videogame high scores achieved by our client between 1982 and 2010, these being:

- 3 July 1999 - First Perfect Score on PAC-Man – 3,333,360 Points
- 7 November 1982 – Highest score on Donkey Kong – 874,300 Points
- 4 June 2005 – Highest score on Donkey Kong – 1,047,200 Points
- 14 July 2007 – Highest score on Donkey Kong – 1,050,200 Points
- 31 July 2010 – Highest score on Donkey Kong – 1,062,800 Points

Publication

On or about 25 July 2020 you posted on the web a video entitled *Guinness World Records Should Stay out of Gaming*. In your video you stated that Guinness World Records were a **miller bou-samra lawyers**

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scam, that Guinness World Records had recently made a terrible decision to reinstate the World Records of a proven cheater. You identified our client as the person you refer to as a proven cheater. You stated that you plan to do a full video about our client at a later stage. The *terrible decision* you refer to was the decision made by Guinness World Records referred to earlier in this correspondence. You went on to state that Guinness World Records' decision to reinstatement our client's records was a slap in the face to all video gamers and that Guinness had falsified its records and that Guinness had been sufficiently paid off by our client in order to reinstate the records.

The words and images in your video falsely imputed that our client is a proven cheater, is a criminal, is a person not deserving of the honours bestowed upon him and as having bribed Guinness World Records in order to have his world records reinstated.

The imputations in question are grossly defamatory.

It is also highly concerning that you intend to further defame our client in a future video performance.

Our client has instructed us to commence proceedings for defamation damages against you and to pursue the proceedings through to a conclusion in the Courts.

We draw your attention to your entitlement to offer to make amends in accordance with the provisions of section 14 of the Defamation Act and doubtless you will seek legal advice about doing so.

Yours faithfully

Miller Bou-Samra Lawyers



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