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8  
9 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**  
10 **COUNTY OF LOS ANGELES**

11 CHRISTOPHER AVELLONE, an individual,

12 Plaintiff,

13 v.

14 KARISSA BARROWS, an individual; KELLY  
15 BRISTOL, an individual; and DOES 1-100,

16 Defendants.

Case No. 21STCV22573

[Assigned to Hon. Theresa M. Traber]

**DEFENDANTS' NOTICE OF MOTION  
AND MOTION TO QUASH, MOTION  
TO STRIKE (ANTI-SLAPP), AND/OR  
MOTION TO DISMISS; and**

**MEMORANDUM OF POINTS AND  
AUTHORITIES; and**

**DECLARATIONS OF:**

- 1. KARISSA BARROWS
- 2. KELLY BRISTOL
- 3. DANIEL ALLENDER

DATE: August 11, 2021

TIME: 10:00 a.m.

DEPT.: 47

**RES ID: 278968973909**

ROBINS KAPLAN LLP  
ATTORNEYS AT LAW  
LOS ANGELES

1 TO THE COURT, ALL PARTIES AND THEIR ATTORNEYS OF RECORD:  
2 PLEASE TAKE NOTICE THAT on August 11, 2021, at 10:00 a.m., or as soon thereafter  
3 as the matter may be heard, in Department 47 of the Superior Court of California, County of Los  
4 Angeles, located at 111 North Hill Street, Los Angeles, California, 90012, Defendants Karissa  
5 Barrows and Kelly Bristol ( “Defendants”), will and hereby do move this Court, pursuant to Code  
6 of Civil Procedure §§ 418.10(a)(1), 418.10(a)(2), 425.16, and 410.30(a), for the following relief:

- 7 1. An order quashing service of summons on the Defendants pursuant  
8 to § 418.10(a)(1) because the Court lacks personal jurisdiction over them;
- 9 2. Simultaneously, an order striking the complaint pursuant to  
10 § 425.16 because this action arises from Defendants’ acts in furtherance of a  
11 protected activity and Plaintiff cannot establish a probability of prevailing on his  
12 claims, because:
- 13 (a) this Court lacks personal jurisdiction over the Defendants,
  - 14 (b) the statements alleged in the complaint are not provably false,
  - 15 (c) Plaintiff lacks evidence of actual malice; and
- 16 3. In the alternative, if the above relief is denied, an order dismissing  
17 the action on the ground of inconvenient forum (§418.10(a)(2)) and/or because in  
18 the interest of substantial justice it should be heard outside this state (§ 410.30(a)).

19 This Motion is based upon this Notice of Motion and Motion, the Memoranda of Points  
20 and Authorities, concurrently-filed declarations and exhibits, the evidence that is properly the  
21 subject of judicial notice, all other materials on file herein, any argument of counsel before this  
22 Court, and any additional matters or documents that this Court may consider.

23 Dated: July 19, 2021

ROBINS KAPLAN LLP

24 By: *Daniel L. Allender*  
25 Daniel L. Allender

26  
27 Attorneys for Defendants  
28 KARISSA BARROWS and  
KELLY BRISTOL

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1 MEMORANDUM OF POINTS AND AUTHORITIES

2 **I. INTRODUCTION**

3 This is an abusive defamation case from the #MeToo era. It should have never been filed  
4 in this Court or any other.

5 Plaintiff Christopher Avellone is a famous videogame designer. He has had several  
6 blockbuster titles, and he founded a marquee studio that was recently acquired by Microsoft.<sup>1</sup> His  
7 comings and goings, and rumors about his projects, make industry headlines.<sup>2</sup> But in 2020, Mr.  
8 Avellone’s reputation caught up with him. Numerous women, not just the defendants, spoke out  
9 about a concerning pattern of inappropriate sexual behavior. One woman not involved here even  
10 posted a text message showing Mr. Avellone making explicit sexual advances in response to  
11 straightforward request for professional help.<sup>3</sup> From all this, a crescendo of bad press formed and  
12 the industry distanced itself from Mr. Avellone.<sup>4</sup>

13 At first, Mr. Avellone apologized, including apologies to Karissa Barrows and Kelly  
14 Bristol, the defendants in this case.<sup>5</sup> After waiting a year, he deleted those apologies and filed this  
15 lawsuit in their place. Even though numerous women have come out against him, this lawsuit  
16 targets the two whom Mr. Avellone believes will have the hardest time defending themselves,  
17 given their lack of resources and lack of any ties to California.

18 Unlike the plaintiff, Ms. Barrows and Ms. Bristol are not famous. They met Mr. Avellone  
19 while attending gaming conventions as fans, not industry-leading professionals. Neither lives in  
20 California—they are from Illinois and Oklahoma, respectively. The conventions they attended  
21 were not here, they published no statements from here, and nothing alleged in the complaint  
22 happened here. This Court lacks personal jurisdiction and the summonses should be quashed.

23 The complaint should also be struck under the anti-SLAPP statute. This case is a perfect  
24 example of the vexatious litigation the statute was intended to curtail. As soon as he filed the

25 \_\_\_\_\_  
26 <sup>1</sup> Compl. ¶ 8 & Ex. 9, p. 2.

27 <sup>2</sup> See Compl. ¶ 20.

28 <sup>3</sup> See Allender Decl. Ex B.

<sup>4</sup> See Compl. Exs. 2, 3, 6, 7 & 8.

<sup>5</sup> Defendants kept copies, which Mr. Avellone later tried to spoliage. See Allender Decl. Ex. E; Barrows Decl. ¶ 6 (authenticating Ex. E).

1 complaint, Mr. Avellone ran straight to the press, self-publishing an article about his experiences,  
2 taking interviews with journalists, and posting repeatedly on Twitter.<sup>6</sup> His goal is clear: to punish  
3 the defendants for engaging in free speech while creating a media frenzy that distracts public  
4 attention away from all those other women. Our Supreme Court has held that a lack of  
5 jurisdiction is itself sufficient grounds for striking a complaint under Section 425.16. *See Barry v.*  
6 *State Bar of Cal.*, 2 Cal. 5th 318, 320–21, 329 (2017). And anti-SLAPP relief is also warranted  
7 because defendants’ statements are not provably false and plaintiff cannot show actual malice.

8 In the alternative, if other relief is denied, the Court should dismiss the case on the  
9 grounds of inconvenient forum. None of the evidence or witnesses are located here. And the lack  
10 the resources and ability to mount a defense here so far from their homes. They are not rich  
11 playboys like Mr. Avellone and, but for pro bono counsel, could not have even brought this  
12 motion. They certainly cannot afford litigation simply for the press attention. Ms. Bristol, in  
13 particular, spent most of the pandemic unemployed and only recently found work a temp. She  
14 does not get time off or vacation of any kind. Traveling to California for depositions or trial  
15 would likely cost her that job and potentially her apartment. Travel here would also strain  
16 Ms. Barrows’s resources and interfere with her son’s ability to attend school, for whom she is the  
17 primary caretaker. If no other relief is granted, the Court should at least dismiss the case under the  
18 doctrine of forum non conveniens.

## 19 **II. BACKGROUND**

20 Mr. Avellone calls himself an “established computer game writer, having written games  
21 for blue-chip gaming franchises including *Star Wars*, *Fallout*, *Dungeons and Dragons*, and *Dying*  
22 *Light*.” (Compl., ¶ 8.) Industry press describes him as “prominent” and “acclaimed” and one of  
23 the “industry greats.” (Compl. Exs. 2–3.)

24 During the summer of 2020, numerous women accused Avellone of sexual harassment  
25 and sexually inappropriate conduct. One woman—who was trying to gain employment in the  
26 industry—accused Avellone of sending her unsolicited sexually explicit messages, which she  
27 publicly posted on Twitter. (Compl. Ex. 2; *see also* Allender Decl. Ex. B.) Another woman,

28 \_\_\_\_\_  
<sup>6</sup> *See, e.g.*, Allender Decl. Exs. C, D & H.

1 responding to Ms. Barrows’s statements, came forward to say she had “the same kind of scenario  
2 in 2013.” (Compl. Ex. 3 at 3.) These are not the only stories. (*See* Compl. Exs. 2, 3, 6, 7 & 8; *see*  
3 *also* Allender Decl. Exs. F–K.)

4 Ms. Barrows and Ms. Bristol are gaming fans who go to conventions. They live in Illinois  
5 and Oklahoma. Neither has ties to California. Neither made any statements or posted anything  
6 online while present here. The conventions were not here, and neither defendant has ever visited  
7 Mr. Avellone here. Ms. Bristol did not even know where Mr. Avellone lived until after she posted  
8 about him. (*See* Barrows Decl. ¶ 4; Bristol Decl. ¶ 4.) Neither of them ever directed the  
9 statements alleged in the complaint at California.

### 10 **III. THE COMPLAINT SHOULD BE STRUCK**

11 This anti-SLAPP motion requires a two-step analysis. *Barry v. State Bar of Cal.*, 2 Cal.  
12 5th 318, 321 (2017). First, the defendants must show that the challenged causes of action arise  
13 from “protected activity.” *Id.* Second, the burden shifts to the plaintiff, who must demonstrate “a  
14 probability of prevailing on the claim.” *Id.*

15 The second step may be shown by *either* a lack of jurisdiction *or* a lack of substantive  
16 merit. “This conclusion accords with the basic purpose underlying the anti-SLAPP statute:  
17 namely, to shield defendants from the undue burden of defending against claims filed not for the  
18 purpose of securing judicial redress, but to intimidate or harass on the basis of the defendant’s  
19 constitutionally protected activity.” *Barry*, 2 Cal. 5th at 324–25. “A claim may fall into this  
20 category if it lacks substantive merit, but it may also fall into this category if it is filed in a  
21 tribunal that lacks the power to hear it.” *Id.* This case falls into both of the categories recognized  
22 in *Barry*: the court lacks the power to hear it and it is substantively meritless.<sup>7</sup>

23 \_\_\_\_\_  
24 <sup>7</sup> *Barry* addresses a case where the court lacked subject matter jurisdiction. But the Court’s  
25 reasoning applies equally here, given the broadly the anti-SLAPP statute is meant to be construed.  
26 *See Hecimovich v. Encinal School Parent Teacher Organization*, 203 Cal. App. 4th 450, 464  
27 (2012) (discussing broad application of the statute). Applying the statute to a case involving a  
28 lack of personal jurisdiction is also consistent with how courts address other situations where the  
court lacks jurisdiction over the *defendant* but has jurisdiction over the *plaintiff*. *See Shisler v.*  
*Sanfer Sports Cars, Inc.*, 167 Cal. App. 4th 1, 9 (2008) (“Since the trial court had jurisdiction of  
the subject matter and jurisdiction over plaintiffs, there was no jurisdictional impediment to  
defendant's specially appearing to call upon the trial court to enforce its statutory right to fees.”);  
*see also Bautista v. Gallery*, 2009 WL 10672521, at \*2 (C.D. Cal. Apr. 23, 2009).

1           **A. Step One: The Complaint Is Based On Defendants’ Exercise Of Free Speech**

2           A “protected activity” is “any written or oral statement or writing made in a place open to  
3 the public or a public forum in connection with an issue of public interest.” CCP § 426.16(e)(3).

4           Mr. Avellone makes six claims for libel. Each arises out of a post made online. Four  
5 claims are directed at Ms. Barrows and two at Ms. Bristol. There is no dispute these statements  
6 were made in a “public forum.” Statements made online can “hardly could be more public” for t  
7 anti-SLAPP purposes. *Wilbanks v. Wolk*, 121 Cal. App. 4th 883, 896-897 (2004); *see also D.C. v.*  
8 *R.R.*, 182 Cal. App. 4th 1190, 1226 (2010).

9           Each statements was also made “in connection with an issue of public interest.” “Like the  
10 anti-SLAPP statute itself, the question whether something is an issue of public interest must be  
11 construed broadly.” *Hecimovich v. Encinal School Parent Teacher Organization*, 203 Cal. App.  
12 4th 450, 464 (2012). Courts have held that an “issue of public interest” is “any issue in which the  
13 public is interested.” *Brodeur v. Atlas Entertainment*, 248 Cal. App. 4th 665, 675 (2016). “The  
14 most commonly articulated definitions of ‘statements made in connection with a public issue’  
15 focus on whether (1) the subject of the statement or activity precipitating the claim was a person  
16 or entity in the public eye; (2) the statement or activity precipitating the claim involved conduct  
17 that could affect large numbers of people beyond the direct participants; and (3) whether the  
18 statement or activity precipitating the claim involved a topic of widespread public interest.”  
19 *Wilbanks*, 121 Cal. App. 4th at 898.

20           The complaint concedes defendants’ statements were made about a person “in the public  
21 eye” and that the statements were “a topic of widespread public interest.” For example, the  
22 complaint references an industry press article about Mr. Avellone that first appeared on June 17,  
23 2020. (Compl. ¶ 20.) Mr. Avellone’s first cause of action is then directed at a reply that  
24 Ms. Barrows posted the next day to that June 17th article. (Compl. ¶ 21.) Mr. Avellone then  
25 alleges that the journalist who wrote the original June 17th article decided to amend it on June  
26 22nd as “a result of Barrows’s statements.” (Compl. ¶ 27.) Mr. Avellone also alleges defendants’  
27 statements proximately caused major game studios to sever ties with him. (*See* Compl. ¶¶ 61–62.)  
28 If defendants’ statements were not in connection with a public issue, there could not have been

1 such a reaction. Defendants statements also received substantial press attention, some of which is  
2 attached to the complaint.

3 More generally, information about sexual misconduct is itself a matter of public concern  
4 for anti-SLAPP purposes. *See Terry v. Davis Community Church*, 131 Cal.App.4th 1534, 1547  
5 (2005). For example, in a recent case from Department 32 of this Court, Judge Daniel S. Murphy  
6 ruled that a woman’s posts on Twitter accusing a semi-professional wrestler of sexually  
7 assaulting her “were in connection with an issue of public interest.” *See Meehan v. Morris*, Case  
8 No. 20STCV36653 (Los Angeles Sup. Ct., Feb. 24, 2021) (a copy of this order is attached as Ex.  
9 A). The Court’s framing and analysis in that case is instructive here.

10 For these reasons, defendants satisfy the first step of the anti-SLAPP analysis.

11 **B. Step Two: Plaintiff Cannot Show a Probability of Success**

12 Mr. Avellone has no probability of success for three reasons: (1) the Court lacks personal  
13 jurisdiction; (2) none of the challenged statements are provably false; and (3) Mr. Avellone  
14 cannot show actual malice.

15 **1. The Court Lacks Personal Jurisdiction Over The Defendants**

16 Mr. Avellone has the burden of demonstrating personal jurisdiction. *ViaView, Inc. v.*  
17 *Retzlaff*, 1 Cal. App. 5th 198, 209-10 (2016). Each defendant must be considered separately.  
18 *Burdick v. Super. Ct.*, 233 Cal. App. 4th 8, 12 (2015). The Court lacks both “general” and  
19 “specific” jurisdiction. *See Bristol-Myers Squibb Co. v. Super. Ct.*, 137 S. Ct. 1773, 1780 (2017).

20 General jurisdiction exists where the defendant lives. *Goodyear Dunlop Tires Operations,*  
21 *S.A. v. Brown*, 564 U.S. 915, 924 (2011). This Court lacks general jurisdiction over the  
22 defendants because they live in Illinois and Oklahoma, respectively. (*See Compl.* ¶¶ 2–3; *Barrows*  
23 *Decl.* ¶ 2; *Bristol Decl.* ¶ 2.)

24 Specific jurisdiction exists over a nonresident defendant only if: “(1) the defendant has  
25 purposely availed himself or herself of forum benefits; (2) the controversy is related to or arises  
26 out of [the] defendant’s contacts with the forum; and (3) the assertion of personal jurisdiction  
27 would comport with fair play and substantial justice.” *Burdick*, 233 Cal. App. 4th at 18. “For a  
28 State to exercise jurisdiction consistent with due process, the defendant’s suit-related conduct

1 must create a substantial connection with the forum State.” *Walden v. Fiore*, 571 U.S. 277, 284  
2 (2014). It is the “defendant’s contacts with the forum State” that matter—not the defendant’s  
3 contacts with persons who reside there.” *Id.* at 285. For this reason, “the plaintiff cannot be the  
4 only link between the defendant and the forum.” *Id.* “Even if a defendant has individually  
5 targeted conduct at a plaintiff he knows resides in the forum state, specific jurisdiction now lies  
6 ... *only* if his suit-related conduct creates a *substantial connection* with that state.” *David L. v.*  
7 *Super. Ct.*, 29 Cal. App. 5th 359 (2018) (emphasis in original).

8 Courts consistently hold that posting on social media about a California resident by itself  
9 does not establish personal jurisdiction in California—even if those posts are defamatory.  
10 *Burdick*, 233 Cal. App. 4th at 13 (“We hold that posting defamatory statements about a person on  
11 a Facebook page, while knowing that person resides in the forum state, is insufficient in itself to  
12 create the minimum contacts necessary to support specific personal jurisdiction in a lawsuit  
13 arising out of that posting.”); *see also Strasner v. Touchstone Wireless Repair & Logistics, LP*, 5  
14 Cal. App. 5th 215, 230–233 (2016) (no personal jurisdiction where Texas-based defendant  
15 uploaded pictures to the Facebook account of a plaintiff with substantial California contacts).

16 This case is just like *Burdick*, where “[t]he readers of the allegedly defamatory [Twitter  
17 and Reddit] posting[s] most likely would be spread all around the country—maybe even around  
18 the world—and not necessarily in the [California] forum.” 233 Cal. App. 4th at 27. Mr. Avellone  
19 cannot show the allegedly defamatory statements were aimed at California. None of the  
20 statements mention California or concern California-based conduct. They primarily concern  
21 conduct that happened in Georgia and other unspecified locations. Further, “all of Defendant[s’]  
22 alleged misconduct occurred outside of California and in cyberspace.” *McGibney v. Retzlaff*, Case  
23 No. 14-cv-01059-BLF, 2015 WL 3807671, at \*5 (N.D. Cal. June 18, 2015) (no personal  
24 jurisdiction over “negative comments posted on public Internet forums”). Neither of the  
25 defendants interacted with Mr. Avellone here or directed their statements at here. (Barrows Decl.  
26 ¶ 4; Bristol Decl. ¶ 4.) Ms. Bristol did not even know where Mr. Avellone lived. (*Id.*)

27 That Avellone lives here is irrelevant. “The substantial connection required by *Walden* is  
28 not created by Plaintiff[] having suffered injury in California.” *Burdick*, 233 Cal. App. 4th at 25.

1 For example, in *ViaView*, the plaintiff alleged the defendant had posted defamatory statements  
2 about the plaintiff—a California company with a California-based CEO—on Twitter. 1 Cal. App.  
3 5th at 219. The court held this did not establish personal jurisdiction because the plaintiff failed to  
4 “demonstrate with competent evidence” that the statements were “targeted to California.” *Id.*

5 Here, Mr. Avellone tries to allege that “the computer game development industry that  
6 employs Avellone is centered in California.” (Compl. ¶ 4). But the part of defendants’ statements  
7 that are allegedly defamatory were about Mr. Avellone—not the industry. And, in any event,  
8 complaint itself belies the notion that the industry is centered in California. It is a global industry,  
9 and most of the opportunities that Mr. Avellone says he lost were not even in the United States.<sup>8</sup>

10 For these reasons, the Court should grant the motion to quash and simultaneously find  
11 Mr. Avellone has no probability of success on the merits under the second step of its anti-SLAPP  
12 analysis. The Code contemplates that a motion to quash and motion to strike can be brought  
13 simultaneously. *See* CCP § 418.10(e) (regarding a motion to quash: “A defendant or cross-  
14 defendant may make a motion under this section and simultaneously answer, demur, or move to  
15 strike the complaint ...”); *see also* § 418.10(e)(3) (“Failure to make a motion under this section *at*  
16 *the time of filing a demurrer or motion to strike* constitutes a waiver of the issues of lack of  
17 personal jurisdiction ...”). For the reasons the Supreme Court articulated in *Barry*, regarding the  
18 intent of the anti-SLAPP statute and the need to apply it broadly, the Court should grant relief  
19 under both Section 418.10(a)(1) and 425.16 simultaneously. *Barry*, 2 Cal. 5th at 324–25.

## 20 2. Defendants’ Statements Are Not Actionable

21 Independent of the jurisdictional defects, Mr. Avellone cannot demonstrate any statements  
22 by the defendants were provably false. To satisfy his burden, Mr. Avellone “must present  
23 evidence of a statement of fact that is provably false.” *Nygaard, Inc. v. Uusi-kerttula*, 159 Cal.  
24 App. 4th 1027, 1048 (2008). Statements of opinion are not “provably false” and are therefore not  
25 actionable. “The critical determination of whether an allegedly defamatory statement constitutes

26 <sup>8</sup> Avellone claims he lost the opportunity to work on “The Waylanders” project through “Gato  
27 Salvage Studio,” which is based in Spain. (Comp. ¶ 27.) Mr. Avellone also references Techland  
28 S.A., which is based in Poland. (Compl. ¶ 61; *see also* Compl. Ex. 3 at 4 (describing Techland as  
a “Polish game studio”). While Mr. Avellone alleges that he lost work from California-based  
Electronic Arts Inc. (Compl. ¶ 62), he does not allege any statements targeted at EA.

1 fact or opinion is a question of law for the court” and may be resolved on the pleadings.  
2 *Campanelli v. Regents of University of California*, 44 Cal. App. 4th 572, 578 (1996). To make  
3 that determination, courts use a totality of the circumstances test. *Wong v. Tai Jing*, 189 Cal. App.  
4 4th 1354, 1369 (2010). In considering those circumstances, courts also consider whether they are  
5 made in a “setting in which the audience may anticipate efforts ... to persuade ... by use of  
6 epithets, fiery rhetoric or hyperbole.” *Okun v. Super. Ct.*, 29 Cal. 3d 442, 459 (1981).

7 Ms. Barrow and Ms. Bristol’s statements are not actionable. Their primary purpose was to  
8 express an opinion about Mr. Avellone’s character, to warn other women to be careful, and to  
9 stand in solidarity with other women who spoke out against him. (Barrows Decl. ¶ 5; Bristol  
10 Decl. ¶ 5). Statements like these cannot be weighed as either true or false, and allowing  
11 defamation claims like this would discourage women from speaking about their experiences. For  
12 example, in the recent #MeToo defamation case in front of Judge Murphy, where the defendant  
13 accused the plaintiff of sexual assault on Twitter, the Court noted: “There is mixed evidence as to  
14 whether the entirety of the parties’ sexual encounter was consensual or not. However, on balance,  
15 the Court finds that Defendant’s statements were not of facts, but of opinion. ... Defendant’s  
16 allegation that Plaintiff forced her hand was not a factual assertion of a crime but rather an  
17 expression of opinion.” *See Meehan*, Case No. 20STCV36653, at 7–8 (Ex. A).

18 Anticipating these weaknesses, Mr. Avellone tries to reframe defendants’ statements by  
19 adding artificial emphasis, like italics, to elevate some aspects of the statements over others. But  
20 the result is just that—artificial. “[T]he fact that a statement ‘standing alone’ could be construed  
21 as false is not sufficient to support a defamation claim.” *Balzaga v. Fox News Network, LLC*, 173  
22 Cal.App.4th 1325, 1339 (2009). “A defamatory meaning must be found, if at all, in a reading of  
23 the publication as a whole. Defamation actions cannot be based on snippets taken out of context.”  
24 *Issa v. Applegate* 31 Cal. App. 5th 689, 713 (2019).

25 Yet “snippets” are exactly what Mr. Avellone focuses on here. While he searches for a  
26 word or phrase to quibble about, when viewed as a whole, the statements are not actionable. It is  
27 not material whether Mr. Avellone was using a corporate credit card or a personal one to ply  
28 women with alcohol, or whether his separation from a particular gaming studio was voluntary or

1 involuntary. (See Compl. ¶ 48.) Those details are not the gist of the story, and they are incidental  
2 to the totality of the circumstances the women were addressing.

3 In this regard, Mr. Avellone’s focus on a just 5 words out of a 173-word post by Ms.  
4 Bristol is instructive. (Compl. ¶ 79.) The only word Mr. Avellone quibbles about is the word  
5 “predator.” That is not actionable. Every woman has a right to judge a man’s character, and  
6 Ms. Bristol’s statement must be viewed as a whole, not the part he snips out: “*As for my thoughts*  
7 *on Avellone?* He’s a sick man. I hope he gets help. But what happens to his or any other  
8 predator’s career is on them, not their victims.” (Compl. ¶ 79) (artificial emphasis added).

9 None of the statements alleged in the complaint are provably false, and Mr. Avellone  
10 cannot show a probability of success on the merits.

### 11 3. Mr. Avellone Cannot Show Actual Malice

12 For the purposes of the anti-SLAPP statute, Mr. Avellone is a public figure. *See Reader’s*  
13 *Digest Ass’n v. Superior Court*, 37 Cal. 3d 244 (1984); *McGarry v. Univ. of San Diego*, 154 Cal.  
14 App. 4th 97, 113 (2007). “In some instances an individual may achieve such pervasive fame or  
15 notoriety that he becomes a public figure for all purposes and in all contexts. More commonly, an  
16 individual voluntarily injects himself or is drawn into a particular public controversy and thereby  
17 becomes a public figure for a limited range of issues.” *Gertz v. Robert Welch, Inc.*, 418 U.S. 323,  
18 351 (1974). All-purpose public figures include “artists, athletes, business people, dilettantes,  
19 anyone who is famous or infamous because of who he is or what he has done.” *Cepeda v. Cowles*  
20 *Magazines & Broad., Inc.*, 392 F.2d 417, 419 (9th Cir. 1968).

21 In this contest, Mr. Avellone is akin to a famous artist. He describes himself as such.  
22 (Compl. ¶ 8.) Even before Ms. Barrows and Ms. Bristol spoke out about him, he was routinely  
23 covered in the industry press. (Compl. ¶ 20.) It is also notable that several gaming studios felt the  
24 urge to make public statements in response to the numerous allegations against him. (Compl.  
25 ¶¶ 27, 61–62.) This is sufficient evidence that Mr. Avellone is an “all purpose” public figure.

26 But at the very least, Mr. Avellone satisfies the “limited purpose” test. The press attention  
27 Mr. Avellone could command before the controversy ever arose, and the prompt attention it got  
28 after, demonstrate that he is a limited purpose public figure on this issue. Mr. Avellone’s conduct

1 after he filed the complaint reinforces that conclusion, when he posted a long article about the  
2 dispute online, interviewed with the press, and repeatedly posted on Twitter. It was his choice to  
3 raise the profile of these proceedings. *See Gertz*, 418 U.S. at 351.

4 As a public figure, Mr. Avellone must show by clear and convincing evidence that the  
5 defendants' statements were made with actual malice. *Christian Research Inst. v. Alnor*, 148 Cal.  
6 App. 4th 71, 92 (2007); *Bose Corp. v. Consumers Union of United States, Inc.*, 466 U.S. 485,  
7 511, 513-14 (1984). Under the "actual malice" requirement, a court must grant an anti-SLAPP  
8 motion unless the plaintiff submits evidence by which a jury could find, by clear and convincing  
9 proof, that the defendant made the allegedly false statement with knowledge that it was false or  
10 with reckless disregard of the truth. *New York Times v. Sullivan*, 376 U.S. 254, 279-80 (1964); *see*  
11 *also Ampex Corp. v. Cargle*, 128 Cal. App. 4th 1569, 1578 (2005) ("In the context of an anti-  
12 SLAPP suit, courts must consider the pertinent burden of proof in ascertaining whether the  
13 plaintiff has shown a probability of prevailing.") (citing *Annette F. v. Sharon S.*, 119 Cal.App.4th  
14 1146, 1166 (1994)).

15 Whatever Mr. Avellone responds to this motion with, it must be "such as to command the  
16 unhesitating assent of every reasonable mind." *Beilenson v. Superior Court*, 44 Cal. App. 4th 944,  
17 950 (1996). Given the potential chilling effect of a defamation-based SLAPP, "the actual malice  
18 requirement places a substantial barrier to defamation claims brought by a public figure,  
19 particularly at this early stage of the proceeding." *Christian Research Inst. v. Alnor*, 148  
20 Cal.App.4th 71, 92 (2007). Though a daunting task, the Supreme Court erected that barrier "in  
21 recognition that 'erroneous statement is inevitable in free debate, and...it must be protected if the  
22 freedoms of expression are to have the 'breathing space' that they 'need...to survive.'" *Id.* at 92  
23 (quoting *New York Times*, 376 U.S. at 271-72). Thus, actual malice "cannot be implied and must  
24 be proven by direct evidence." *Beilenson*, 44 Cal. App. 4th at 950. Nor may actual malice "be  
25 inferred solely from evidence of personal spite, ill will, or bad motive." *Annette F.*, 119 Cal. App.  
26 4th at 1169 (citing *Harte-Hanks Comm'ns v. Connaughton*, 491 U.S. 657, 666-67 & n.7 (1989)).

27 Mr. Avellone cannot establish that any of the defendants' statements are provably false.  
28 But even if he could, he still cannot meet the heightened burden of showing actual malice. Indeed,

1 Mr. Avellone admits that the gist of Ms. Barrows’s statements about him—that he bought her  
2 several rounds and then got sexual in a public place—is true. (*See* Compl. ¶ 10; *see also* Allender  
3 Decl. Ex. C.) Having conceded the encounter actually occurred, the burden on Mr. Avellone is  
4 even higher to prove that Ms. Barrows is lying about what happened and how she perceived it.  
5 Mr. Avellone offers nothing in support of his burden except his own, contradictory testimony.  
6 But to prove actual malice, the plaintiff’s contradictory testimony by itself is not enough. *Ampex*,  
7 128 Cal. App. 4th at 1579 (a declaration that “simply summarize[s] certain comments and  
8 repeat[s] that they were false[] is insufficient to establish a prima facie showing of constitutional  
9 malice”)The complaint should be struck.

#### 10 **IV. THIS IS AN INCONVENIENT FORUM**

11 If the Court denies the relief above, at a minimum, the case should be dismissed on the  
12 grounds of inconvenient forum, under Sections 418.10(a)(2) and Section 410.30. “When a court  
13 upon motion of a party or its own motion finds that in the interest of substantial justice an action  
14 should be heard in a forum outside this state, the court shall stay or dismiss the action in whole or  
15 in part on any conditions that may be just.” CCP § 410.30.

16 Dismissal is proper under the doctrine of forum non conveniens. *See Stangvik v. Shiley*  
17 *Inc.*, 54 Cal. 3d 744, 751, 819 P.2d 14, 17–18 (1991). All of the traditional factors considered  
18 under this doctrine point to a forum outside California. California is not a “suitable place for  
19 trial.” *See id.* None of the witnesses except plaintiff are located here; defendants cannot compel  
20 any of the nonparties who witnessed their interactions with Mr. Avellone to travel to California to  
21 testify. *See id.* It would also be more costly for defendants to come to California to testify, and  
22 any ensuing judgment between the parties could not be efficiently enforced in California. *See id.*  
23 The “public factors” that the court must consider are also relevant. California has no interest in  
24 managing this case through its already overburdened court system. Local tax payers have no  
25 interest in funding Mr. Avellone’s judicial ego trip. Simply put, the local community has far less  
26 interest than a forum where the defendants reside. *See id.*

27 If Mr. Avellone’s claims had any merit, they should have been brought as separate actions  
28 in Illinois and Oklahoma. Given the availability of those venues, the balance of interests here

1 weighs in favor of dismissal. Mr. Avellone is a nationally-recognized playboy game designer who  
2 admits to having enough resources to buy drinks for everyone in a bar. (*See* Allender Decl. Ex. C.)  
3 In contrast, Ms. Barrows and Ms. Bristol are young women who do not have the resources to  
4 litigate far from where they live. Ms. Bristol spent most of the pandemic unemployed and only  
5 recently found work as a temp, where she has no ability to take time off. The threat of having to  
6 travel to California for a trial alone could cost Ms. Bristol both her job and her apartment. (Bristol  
7 Decl. ¶ 3.) It would also disrupt the education of Ms. Barrows’s 11-year-old son. (Barrows Decl.  
8 ¶ 3.) This litigation does not arise out of any California acts, implicate any California-based  
9 witnesses (other than Mr. Avellone), and Ms. Barrows and Ms. Bristol have no ties here. The  
10 burden of keeping the case here is simply too great.

11           Given the disparity in the resources of the litigants, and the tenuous ties this case has to  
12 California, the case should be dismissed.

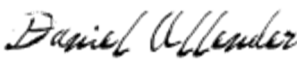
13 **V. CONCLUSION**

14           Defendants ask the Court for an order quashing service of the summonses (CCP §  
15 418.10(a)(1)) and simultaneously striking the complaint (CCP § 425.16). In the alternative, the  
16 Court should dismiss the case on grounds of inconvenient forum (CCP §§ 418.10(a)(2), 430.10).

17 Dated: July 19, 2021

ROBINS KAPLAN LLP

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By:   
Daniel L. Allender  
Jessica Pettit

Attorneys for Defendants  
KARISSA BARROWS and  
KELLY BRISTOL

**DECLARATION OF KARISSA BARROWS**

I, Karissa Barrows, state and declare as follows:

1. I have personal knowledge of each of the facts herein. If called as a witness, I could and would testify competently with respect to such facts.

2. I am a resident of Illinois, where I live with my eleven-year-old son. I have lived in Illinois most of my life, including continuously since 2008. I work, pay taxes, and I am registered to vote in Illinois.

3. I am the primary caretaker of my son. If I had to come to California for a trial, I don't know who would watch him while I was at court and he would have to miss school.

4. I have visited California only a few times in my life. I have never interacted with Chris Avellone while in California. I have never communicated with Chris Avellone while I was in California. I did not post any of the allegedly defamatory statements while I was in California. I have never traveled to California to attend any video-game industry event. I have never sent a tweet directly to anyone who I know to be employed by or affiliated with Entertainment Arts, Inc.

5. The statements attributed to me in the complaint were made by me. I made those statements to stand in solidarity with other women who had made similar statements about Mr. Avellone, to warn women to be careful around Mr. Avellone. I did not direct any of my statements to California or anyone specifically located in California. I intended them to be read by a general audience that was not specific to any particular location.

6. I made the screenshots from Mr. Avellone's Twitter account, attached as Exhibit E, by using the screenshot function on my mobile phone around the time that these tweets first appeared on Mr. Avellone's public Twitter account. These tweets were later deleted.

I declare under penalty of perjury under the laws of the California and Illinois that the forgoing is true and correct. Executed on July 18, 2021, in the city of Belleville, Illinois.

By:   
Karissa Barrows



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I declare under penalty of perjury under the laws of the California and Oklahoma that the forgoing is true and correct. Executed on July 17, 2021, in the city of Oklahoma City, Oklahoma.

By:  \_\_\_\_\_  
Kelly Bristol

ROBINS KAPLAN LLP  
ATTORNEYS AT LAW  
LOS ANGELES



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11. **Exhibit J** is an article that I printed from the publicly available website called Kotaku, that was originally published in June 2021.

12. **Exhibit K** is an article that I printed from the publicly available website called PC Gamer, that was originally published in June 2021.

I declare under penalty of perjury under the laws of the California that the forgoing is true and correct. Executed on July 19, 2021, in Los Angeles, California.

By: *Daniel Allender*  
Daniel Allender

# **EXHIBIT A**

FEB 24 2021

Superior Court of California

County of Los Angeles

Department 32

Sherri R. Carter, Executive Officer/Clerk  
By Shantal Luciferno, Deputy

JOSEPH R. MEEHAN,  
Plaintiff,

v.

DANIELLE MORRIS *et al.*,  
Defendants.

Case No.: 20STCV36653

Hearing Date: February 24, 2021

**[TENTATIVE] ORDER RE:**

SPECIAL MOTION TO STRIKE  
PORTIONS OF THE COMPLAINT

### BACKGROUND

Plaintiff Joseph R. Meehan ("Plaintiff") commenced this action against Defendant Danielle Morris ("Defendant") on September 24, 2020. On November 10, 2020, Plaintiff filed a First Amended Complaint ("FAC") against Defendant for (1) libel; (2) libel per se; (3) trade libel; (4) false light; (5) intentional infliction of emotional distress; (6) negligent infliction of emotional distress; (7) permanent injunction; and (8) declaratory relief. The FAC alleges in pertinent part as follows.

Plaintiff made his professional wrestling debut in September 2000 under the character and persona of "Joey Ryan." Since then, Plaintiff has become a popular wrestling character and has built a presence on various social networking platforms.

On June 21, 2020, Defendant used her Twitter account to publicly accuse Plaintiff of sexually assaulting Defendant. Thereafter, Defendant made subsequent, related statements on several social media platforms. These statements were false and caused Plaintiff to lose followers

1 on social media, venues for his wrestling promotions, and revenue from merchandising and  
2 social media.

3 Defendant now moves to strike the entirety of the FAC pursuant to CCP section 425.16.  
4 Plaintiff opposes.

### 5 LEGAL STANDARD

6 A special motion to strike under CCP section 425.16 — the anti-SLAPP statute — allows  
7 a defendant to seek early dismissal of a lawsuit that qualifies as a SLAPP, that is, a strategic  
8 lawsuit against public participation. (i (2008) 159 Cal.App.4th 1027, 1035.) A SLAPP is “a  
9 cause of action against a person arising from any act of that person in furtherance of the person’s  
10 right of petition or free speech under the United States Constitution or the California Constitution  
11 in connection.” (CCP § 425.16(b)(1).)

12 Such acts include (1) any written or oral statement or writing made before a judicial  
13 proceeding, (2) any written or oral statement or writing made in connection with an issue under  
14 consideration or review by a judicial body, (3) any written or oral statement or writing made in a  
15 place open to the public or a public forum in connection with an issue of public interest, or (4)  
16 any other conduct in furtherance of the exercise of the constitutional right of petition or the  
17 constitutional right of free speech in connection with a public issue or an issue of public interest.  
18 (CCP § 425.16(e).)

19 Evaluation of an anti-SLAPP motion requires a two-prong process. First, the court  
20 decides whether the defendant has made a threshold showing that the challenged cause of action  
21 is one arising from protected activity. Second, if the court finds such a showing has been made,  
22 the court must then consider whether the plaintiff has demonstrated a probability of prevailing on  
23 the claim. (*Nygaard, supra*, 159 Cal.App.4th at 1035.) Only a cause of action that satisfies both  
24 prongs of the anti-SLAPP statute is a SLAPP subject to being stricken under the statute. (*Dwight*  
25 *R. v. Christy B.* (2013) 212 Cal.App.4th 697, 709-10.)

1 **DISCUSSION**

2 **A. Request for Judicial Notice**

3 Defendant seeks judicial notice of four complaints filed by Plaintiff in federal court and  
4 of an article regarding the sexual abuse allegations against Plaintiff.

5 The Court grants the unopposed request, but not as to any hearsay. (Evid. Code § 452(d)  
6 and (h).)

7 **B. First Prong**

8 To satisfy the first prong, a moving defendant must identify the activity each challenged  
9 claim rests on and demonstrate that that activity is protected by the anti-SLAPP statute. (*Wilson*  
10 *v. Cable News Network, Inc.* (2019) 7 Cal.5th 871, 884.) A “claim may be struck only if the  
11 speech or petitioning activity itself is the wrong complained of, and not just evidence of liability  
12 or a step leading to some different act for which liability is asserted.” (*Park v. Board of Trustees*  
13 *of California State University* (2017) 2 Cal.5th 1057, 1060.) To determine whether a claim arises  
14 from protected activity, courts must “consider the elements of the challenged claim and what  
15 actions by the defendant supply those elements and consequently form the basis for liability.”  
16 (Id. at 1063.) Courts must then evaluate whether the defendant has shown any of these actions  
17 fall within one or more of the four categories of acts enumerated in CCP section 425.16(e).  
18 (*Wilson, supra*, 7 Cal.5th at 884.)

19 Here, the allegations sought to be stricken concern Defendant’s sexual assault allegations  
20 against Plaintiff, which she published on social media platforms. Defendant asserts that such  
21 allegations depict protected activity within the meaning of Section 425.16. The Court agrees.

22 First, social media platforms are public forums. (*Wilbanks v. Wolk* (2004) 121  
23 Cal.App.4th 883, 896-97.)

24 Second, Defendant’s statements were in connection with an issue of public interest.  
25

1           “The most commonly articulated definitions of “statements made in connection with a  
2 public issue” focus on whether (1) the subject of the statement or activity precipitating the claim  
3 was a person or entity in the public eye; (2) the statement or activity precipitating the claim  
4 involved conduct that could affect large numbers of people beyond the direct participants; and  
5 (3) whether the statement or activity precipitating the claim involved a topic of widespread  
6 public interest.” (*Wilbanks, supra*, 121 Cal.App.4th at 898.)

7           Defendant made the statements about Plaintiff, and Plaintiff is a person or entity in the  
8 public eye. (FAC, ¶¶ 15, 19, 29, 36-55; Morris Decl., Exh. A.) Plaintiff responded to the sexual  
9 abuse allegations by posting a 58-minute video on YouTube and by tweeting on Twitter.  
10 Plaintiff’s tweet was incorporated into an article that garnered 204 comments. (FAC, ¶ 51;  
11 Morris Decl., Exh. A.) The article led Defendant to post about her alleged experience with  
12 Plaintiff. (FAC, ¶ 36; Morris Decl., ¶ 4, Exh. A.) The sexual abuse allegations against Plaintiff  
13 were part of the #SpeakingOut movement, which speaks out against sexual misconduct. (FAC, ¶  
14 29, 36.) These allegations show that Plaintiff was in the middle of a public controversy, and that  
15 he invited public comment regarding the sexual abuse allegations against him. (*See D.C. v.*  
16 *R.R.* (2010) 182 Cal.App.4th 1190, 1230 [holding first prong was not met partly because “D.C.  
17 did not achieve pervasive fame or notoriety, and he was not in the midst of a particular public  
18 controversy”]; *Seelig v. Infinity Broadcasting Corp.* (2002) 97 Cal.App.4th 798, 808 [holding  
19 first prong was met partly because, “By having chosen to participate as a contestant in the Show,  
20 plaintiff voluntarily subjected herself to inevitable scrutiny and potential ridicule by the public  
21 and the media”].)

22           However, being in the public eye does not mean that Plaintiff’s causes of action  
23 regarding the sexual abuse allegations are necessarily a matter of public interest. (*Yeager v.*  
24 *Holt* (2018) 23 Cal.App.5th 450, 458.)

25           It is true that sexual abuse involves issues of public interest, i.e., protecting victims from

1 their predators. (*Terry v. Davis Community Church* (2005) 131 Cal.App.4th 1534, 1547.) But to  
2 prevail, Defendant’s act must “itself have been an act in furtherance of the right of petition or  
3 free speech.” (*Rand Resources, LLC v. City of Carson* (2019) 6 Cal.5th 610, 621.)

4 For example, in *Weinberg v. Feisel* (2003) 110 Cal.App.4th 1122, the defendant told  
5 others that the plaintiff had stolen a valuable collector’s item from him. (*Id.* at 1126.) The  
6 *Weinberg* Court held that the defendant’s statements were not subject to the anti-SLAAP statute.  
7 It reasoned, “Defendant did not report his suspicions to law enforcement, and there is no  
8 evidence that he intended to pursue civil charges against plaintiff. Rather, it is alleged that  
9 defendant began a private campaign, so to speak, to discredit plaintiff in the eyes of a relatively  
10 small group of fellow collectors.” (*Id.* at 1135; *Cf. Terry, supra*, 131 Cal.App.4th at 1547 [“Here,  
11 the communications clearly involved issues of public interest, because they involved the societal  
12 interest in protecting a substantial number of children from predators, and the matter was  
13 referred to the Davis Police Department for investigation...”].)

14 Here, there are no allegations of Defendant attempting to report the alleged sexual abuse  
15 she was subjected to by Plaintiff. However, on balance, her statements contributed to the public  
16 debate. (*Weinberg, supra*, 110 Cal.App.4th at 1132 [guiding principles to determine whether an  
17 issue is of public interest].) For example, Defendant made statements regarding the alleged  
18 sexual abuse to social media platforms where she had a few thousand followers (FAC, ¶¶ 33-44);  
19 and Defendant discussed the allegations with people outside of social media and also interacted  
20 with other Twitter users regarding the allegations against Plaintiff. (FAC, ¶¶ 37, 44; Morris  
21 Decl., ¶ 2.) Additionally, as discussed above, the sexual abuse allegations against Plaintiff caused  
22 Plaintiff to address the allegations. That is, the public has been “exposed to varying viewpoints  
23 on the issue,” thereby creating a public issue. (*Wilbanks, supra*.) 121 Cal.App.4th at 898.)

24 **C. Second Prong**  
25

1 To satisfy the second prong, the plaintiff must show a probability of prevailing on the  
2 challenged claim. (*Nygard, Inc. v. Uusi-Kerttula* (2008) 159 Cal.App.4th 1027, 1035.) To show a  
3 probability of prevailing, the plaintiff “must demonstrate that the complaint is both legally  
4 sufficient and supported by a sufficient prima facie showing of facts to sustain a favorable  
5 judgment if the evidence submitted by the plaintiff is credited.” (*Soukup v. Law Offices of*  
6 *Herbert Hafif* (2006) 39 Cal.4th 260, 291.) “For purposes of this inquiry, ‘the trial court  
7 considers the pleadings and evidentiary submissions of both the plaintiff and the defendant (§  
8 425.16, subd. (b)(2)); though the court does not weigh the credibility or comparative probative  
9 strength of competing evidence, it should grant the motion if, as a matter of law, the defendant’s  
10 evidence supporting the motion defeats the plaintiff’s attempt to establish evidentiary support for  
11 the claim.’ ” (Ibid.)

12 “The elements of a defamation claim are (1) a publication that is (2) false, (3)  
13 defamatory, (4) unprivileged, and (5) has a natural tendency to injure or causes special damage.”  
14 (*Wong v. Jing* (2011) 189 Cal.App.4th 1354, 1369.)

15 The parties dispute whether Plaintiff is a private figure or a public figure for a limited  
16 purpose. This distinction is important because if Plaintiff is a public figure or a limited public  
17 figure, Plaintiff has the burden of proving both that the challenged statements are false and that  
18 Defendant acted with “actual malice” that is, with knowledge that the statements were false or  
19 with reckless disregard of whether they were false or not. (*Christian Research Institute v.*  
20 *Alnor* (2007) 148 Cal.App.4th 71, 81 (*Alnor*).

21 Plaintiff is a “limited purpose” public figure, as he voluntarily injected himself or was  
22 drawn into a public controversy regarding the sexual allegations against him and as part of the  
23 #Speaking Out movement. (*Reader's Digest Assn. v. Superior Court* (1984) 37 Cal.3d 244, 253.)  
24 Plaintiff responded to the allegations against him by posting on Twitter. His response became the  
25 subject of an article that was published on June 20, 2020. (Morris Decl., Exh. A.) As a response

1 to that article, Plaintiff posted on social media about her experience with Plaintiff. (FAC, ¶ 35.)  
2 Later, Plaintiff posted a YouTube video responding to the allegations. (FAC, ¶ 51.) Plaintiff also  
3 filed four additional complaints against other women for defamation. (Morris Decl., Exh. B.)

4 Accordingly, Plaintiff must show at trial, that the challenged statements are false and that  
5 Defendant acted with “actual malice.” (*Alnor, supra*, 148 Cal.App.4th at 81)

6 Plaintiff offers his declaration to show that the entirety of the parties’ sexual encounter  
7 was consensual. (Meehan Decl., ¶¶ 17-24, Exh. 1.) Plaintiff also provides evidence of messages  
8 between the parties to show that Defendant made attempts to contact Plaintiff after their  
9 encounter to, among other things, see each other again. (Meehan Decl., ¶¶ 25-31, Exh. 2-8.)  
10 Though the proffered evidence may lead to the inference that Defendant was not a victim of  
11 sexual abuse by Plaintiff, the evidence is insufficient to show that Defendant acted with actual  
12 malice. The fact that Defendant did not attempt to leave during the parties’ sexual encounter or  
13 attempted to meet Defendant afterwards are insufficient to show actual malice.

14 The parties also dispute whether Defendant’s statements against Plaintiff were fact or  
15 opinion. “The critical determination of whether an allegedly defamatory statement constitutes  
16 fact or opinion is a question of law for the court...If the court concludes the statement could  
17 reasonably be construed as either fact or opinion, the issue should be resolved by a jury.”  
18 (*Campanelli v. Regents of University of California* (1996) 44 Cal.App.4th 572, 578, internal  
19 citations omitted.) ““To determine whether a statement is actionable fact or nonactionable  
20 opinion, courts use a totality of the circumstances test of whether the statement in question  
21 communicated or implies a provably false statement of fact.”” (*Wong v. Tai Jing* (2010) 189  
22 Cal.App.4th 1354, 1369, quoting *McGarry v. University of San Diego* (2007) 154 Cal.App.4th  
23 97, 113)

24 There is mixed evidence as to whether the entirety of the parties’ sexual encounter was  
25 consensual or not. (FAC, ¶¶ 37, 56; Morris Decl., ¶ 2; Meehan Decl., ¶¶ 17-24.) However, on

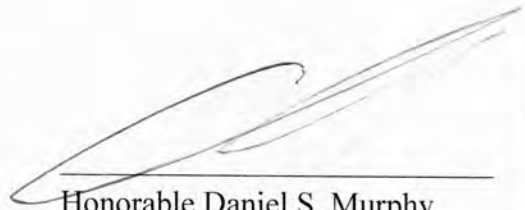
1 balance, the Court finds that Defendant's statements were not of facts, but of opinion.  
2 Defendant's statements were made in a "setting in which the audience may anticipate efforts...to  
3 persuade...by use of epithets, fiery rhetoric or hyperbole." (*Okun v. Superior Court* (1981) 29  
4 Cal.3d 442, 459, internal quotation and citation omitted.) Defendant's allegation that Plaintiff  
5 forced her hand (FAC, ¶ 37) "was not a factual assertion of crime but rather an expression of  
6 opinion." (Ibid.) The same applies to Defendant's other publications.

7 Plaintiff has not met his burden.

8 **CONCLUSION**

9 Defendant's motion is granted.

10  
11  
12 DATED: February 24, 2021

13   
14 \_\_\_\_\_  
15 Honorable Daniel S. Murphy  
16 Judge, Los Angeles Superior Court  
17  
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25

# **EXHIBIT B**

- 
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← Thread



[nsfw language in img]

In 2013, I forgave Chris for this. I never forgot about it, though.

I always kind of regretted forgiving it. I remained friendly with Chris after, I'm sorry if that in any way enabled him to harm others.

I was in a relationship at the time. Chris knew. [twitter.com/SJBsMama/statu...](https://twitter.com/SJBsMama/status/1274509359427383304)



This Tweet is unavailable.

6:08 PM · Jun 20, 2020 from Los Angeles, CA · Twitter for iPhone

387 Retweets 93 Quote Tweets 1,403 Likes

- 
- 
- 
- 

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**Jacqui Collins**  
@jacquicollins\_ [Follow](#)  
pr for video games. rescuer of shadow.

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 **Jacqui Collins** @jacquicollins\_ · Jun 20, 2020  
Replying to @jacquicollins\_  
2014\* obviously from time stamps. typo.


2 2 154

 **Jacqui Collins** @jacquicollins\_ · Jun 20, 2020  
This was before I was fulltime in the games industry, but knew I wanted a future in it and was actively working towards that. Chris was one of the 'industry greats' I was frankly flattered to even know let alone be friendly with. So I forgave and regularly asked him career advice

1 4 165


 **Jacqui Collins** @jacquicollins\_ · Jun 20, 2020  
I felt sick and upset when I woke up next to my then-boyfriend and saw this. I felt guilty like it was my fault. I remember messaging @crecenteb as soon as I saw this because he was another industry friend I really respected. Bless Brian for talking me through the initial pain.

5 4 170


 **Jacqui Collins** @jacquicollins\_ · Jun 20, 2020  
What pisses me off is other industry people have done worse to me. I've been raped, sexually assaulted, and inappropriately touched by people that are not Chris.

But rapes don't generate screenshots so if I publicly outed anyone the internet would just descend to ridicule me. 🙄


23 23 297


 **Jacqui Collins** @jacquicollins\_ · Jun 20, 2020  
oh and for when his defend-him-at-all-costs fans get here: i loved KOTOR II (yes, II) and it's one of the games that made me want to work in games. my love for that game and enjoyment of his other work didn't make this better, it actually made it worse.

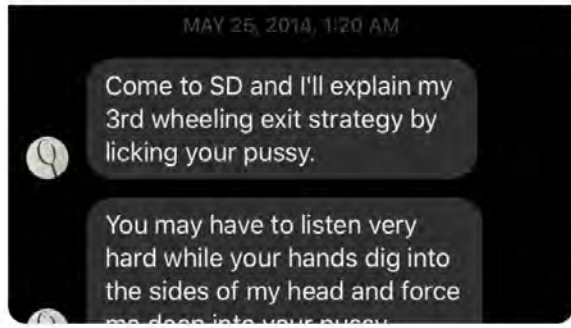
19 5 209

 **Jacqui Collins** @jacquicollins\_ · Jun 21, 2020  
People seem confused by one thing. I don't really blame them because Facebook messenger is kind of ass: I did not "keep" or "hold onto" evidence or a screenshot for years. FB messenger keeps all messages, they don't expire. They just passively exist. I took the screen yesterday.


7 4 103

 **Jacqui Collins** @jacquicollins\_ · Jun 21, 2020  
only saw the tweet bc i just got tagged into it. they made...a pun. i'm not even mad just like pun people are so dedicated.

 **reply guys.txt** @replyguys\_txt · Jun 21, 2020  
There will be Fallout from this one.



2 2 76

 **Jacqui Collins** @jacquicollins\_ · Jun 21, 2020  
(I know the account's bio says their stuff comes from submissions. Just want to clarify that I did not submit this to @replyguys\_txt. Someone else may have submitted to them after seeing it, or maybe they just saw it on the timeline).

- 3      66
- Jacqui Collins** @jacquicollins\_ · Jun 22, 2020  
 Thought I was done with this thread, but I will add one more clarification inspired by a few ats I've gotten.
- It was 1am for me, living in NYC at the time. It was 10pm for Chris, living in SD at the time.
- "What's the difference between 10 and 1, who cares?" Idk ask my mentions
- 1      2      48
- ikhsail Klimentov** @LeaderGrev · Jun 20, 2020  
 Replying to @jacquicollins\_  
 Jesus. This is so awful.
- 2      7
- Jacqui Collins** @jacquicollins\_ · Jun 20, 2020  
 I woke up to the message because I'd gotten home (from the third-wheel situation I was stuck in) and gone to bed before he replied. I remember feeling physically ill about it.
- 1      13
- GABBY** @Katixxia · Jun 20, 2020  
 Replying to @jacquicollins\_  
 🙄
- 1
- Shad** 10-0 @discosfish · Jun 20, 2020  
 Replying to @jacquicollins\_  
 what the fuck
- 1
- Aiden Straw(berry)hun** @AStraww · Jun 20, 2020  
 Replying to @jacquicollins\_  
 God, Jacqui, I'm so sorry.
- 1
- Spideraxe** @Spideraxe30 · Jun 20, 2020  
 Replying to @jacquicollins\_  
 Holy shit, I can't believe someone actually said that
- 3
- MAXIMUM DEREK** @neurodivergers · Jun 20, 2020  
 Replying to @jacquicollins\_  
 Holy..... I'm so sorry. That's just. Wow.
- 1
- Nick aka The Time Miser** @nscottg · Jun 20, 2020  
 Replying to @jacquicollins\_  
 fuckin YIKES
- 1
- Jennifer Scheurle** @Gaohmee · Jun 20, 2020  
 Replying to @jacquicollins\_  
 Jesus Christ...
- 39
- Seth Sivak** @sjsivak · Jun 20, 2020  
 Replying to @jacquicollins\_  
 Holy. Shit.
- 1
- Ginger Au'ra (Fully Pfizerized)** @NKuillAnd... · Jun 20, 2020  
 Replying to @jacquicollins\_  
 What the actual eff?
- 1

# **EXHIBIT C**



# It's Come To This

Chris Avellone Jun 26 · 20 min read



I'm Chris Avellone. I'm a game writer. I've worked on Star Wars, Fallout, and Dying Light 2, among many other games.

In 2012, I met a woman named **Karissa** at a convention in Atlanta called "Dragon Con." We met at a bar after the convention. This gathering wasn't a sanctioned convention event. She looked my age. She had no idea who I was, acted that way, and has admitted as much. She didn't know who I was, but she *did* know I was buying rounds for everyone. Like many in this story, she wasn't a colleague, she wasn't my employee, I wasn't her boss, and she wasn't in the game industry.



Karissa and I. Dragon Con 2012. Night After We First Met (Photo and

Tweet both posted by Karissa) This tweet was deleted, but can be found archived [here](#).

At the end of the evening, two other writers and I escorted Karissa back to her room. When we got to the door, I made a move to kiss her, she reciprocated, and we made out enthusiastically in the hallway outside her room. We never went into her room. She had a roommate, of which I was unaware, who apparently, in the roommate's own words, slept through it. After several minutes, Karissa told me it wasn't a good idea (to keep making out in a hotel hallway, which made sense to me), so I stopped and we parted ways.

We met up for drinks with the same group on the next few evenings and had fun. Everything after that seemed great. We didn't make out again. Correspondence, of which there was a lot, was enthusiastic. She wanted to hang out with me and the others again at other conventions, including future Dragon Cons. Our last kiss was at ~5am when I walked her to the train station at the end of the convention so she could get to the airport safely. She seemed cool, I liked her, and she seemed to like me. In her own words, we were friends.

A year later, 2013, we met up at the same bar at the same convention where Karissa and I had first met, drinking again. Her friend **Jackie** was there. Karissa encouraged me to get together with Jackie, whispering to me, "you should hit on Jackie." I did. Jackie reciprocated, and we spent the night together. I liked spending the night with Jackie a lot (and she liked spending it with me, as her correspondence indicated), so we continued to see each other.

Back to Karissa. While Karissa and I made out in the hallway outside her hotel room and had a goodbye kiss at the train station, we never did more than that. We were friends for about a year and a half, meeting not only at Dragon Con 2013, but also at other game conventions, like PAX East in 2013 (see photo). We exchanged enthusiastic correspondence and made plans to see each other. I helped her out with interviews for her friends and networking favors for her, and everything between us seemed great.



Karissa and I, PAX East 2013 (Picture not taken by me or Karissa)

The friend she set me up with, Jackie, and I saw each other for about a year.

We weren't dating, we weren't boyfriend and girlfriend (Jackie lived very far away from me, and I was working very long hours at the office, which didn't leave a lot of free time so I told her I couldn't commit to more).

Midway through the year I was hanging out with Jackie, things started fraying between Jackie and I. Jackie became unhappy. I do not fully know the reason for this, but I assumed that Jackie wanted more from me, which I couldn't give her at the time because of work and stress. Worse, she seemed to be communicating something different about our interactions to Karissa and her friends, and this was evidenced in both Karissa and Kelly's accusations in 2020 — they called me Jackie's 'boyfriend', and that I was in a committed relationship with Jackie, neither of which was true.

When Jackie and I began to develop problems, Karissa's attitude toward me changed. She became increasingly negative, then hostile. Recognizing that Karissa was Jackie's friend, I made efforts to continue to be nice to Karissa, despite her anger. In September of 2014, again at the same convention where I met her, Karissa eventually became so hostile in texts I chose not to speak to her any longer. Also, in no small part to Karissa's insertion into our affairs, Jackie and I argued, and I stopped seeing Jackie not long after (although Jackie indicated she still wanted to continue to see me). After September 2014, while I still corresponded with Jackie, I didn't speak or communicate with Karissa ever again.

Fast forward six years. In June 2020, to my surprise, Karissa went on Twitter late on a Friday night and delivered a long list of accusations based on our first encounter way back in 2012. I believed she was changing the narrative of every interaction she had had with me to put me in the worst possible light. Her motivation felt petty — but the accusations were not, they were very serious.

She accused me of forcibly getting her drunk, of targeting her with drinks even though I was buying rounds for a crowd of people, of using the "company dime" to do so, of assaulting her, and a whole host of other accusations, too many to list. One of her friends and another close friend of Jackie, **Kelly**, also chimed in, supporting Karissa and adding an odd story of her own that supposedly took place in 2014. I took these stories seriously, but I didn't respond at the time. I'm responding now.

This is the first time I've spoken about it in-depth. Part of the motivation for this is because it was brought to my attention that, later in 2020, Karissa started deleting a large section of her past Twitter postings, almost 60,000+ tweets. She did this a short while after some of her older, questionable posts that contained conflicts with her original accusations were discovered in her timeline — many of which were recovered and stored, but it made me uncomfortable she might do more and caused me to examine the ones that had been saved in more depth, and a pattern emerged.

This is the story about Karissa, Kelly, Jackie, and I... and more. I hope you'll be willing to read it, and take it as seriously as Karissa's accusations, because both merit attention. This isn't the last that will be said on this subject, but it's an introduction, and it'll widen the perspective on what happened.

**INDUSTRY PROBLEMS AND THE CULTURE OF SILENCE**

I'm in the game industry. And there are many problems in the game industry that need to be addressed. We should not be silent about them, and when people come forward, we should listen to their voices. I have. I listened for a year.

When someone feels they have been wronged, their story should *not* be dismissed. These stories should be investigated as if they are true. I also believe all facts should be put forth before judgment is delivered.

So when Karissa and her close friend Kelly accused me of being a sexual predator on social media in 2020, I didn't try to shout them down or silence them. I listened. My only response, which I maintained at the time of their accusations, was I believed that Kelly and Karissa made these claims because of the bad split I had with their friend Jackie, many, many years ago in 2014. This felt like revenge. At the time of Karissa and Kelly's accusations, I had little evidence to show this change except for Karissa's own pattern of correspondence, a correspondence that changed dramatically when Jackie and I began to have problems.

As one example, in 2014, well after our initial meeting but more importantly, *before Jackie and I started having problems*, Karissa posted the following statement.

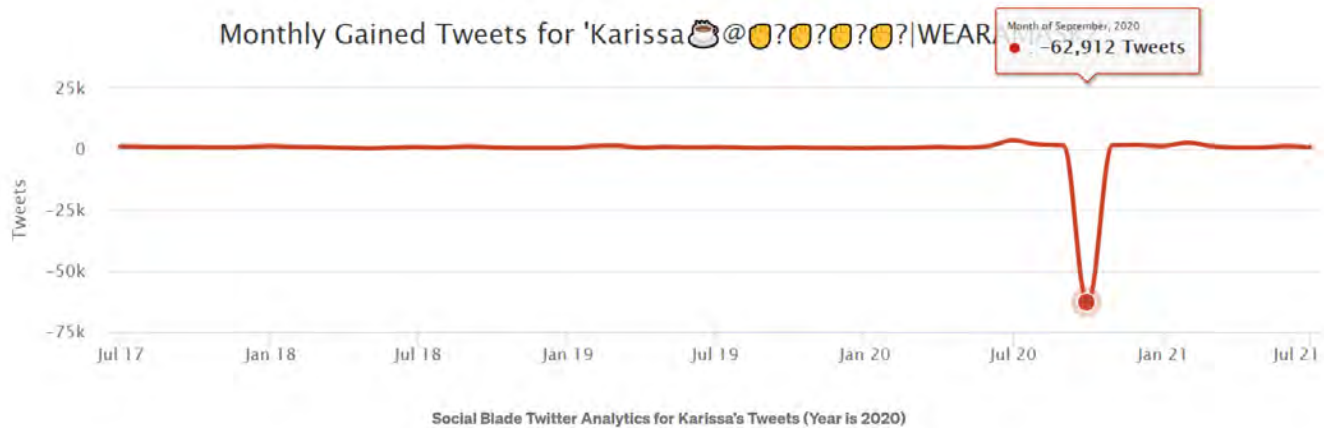


**Karissa, posting on Twitter in 2014 — before Jackie and I had problems. This tweet was deleted but can be found archived [here](#).**

She adds to this, in another tweet, "And strangely enough, when it does, it's USUALLY another woman." I have no idea what she meant by that. This tweet concerning women is archived [here](#).

I'd also stress the abuse/harassment tweet above wasn't made in direct "reaction" to another post, it's not any sort of reply to another post at all — it's something she gave *thought* to, then posted. [This was one of the 60,000 tweets she deleted](#), a short while after this particular statement (and others) was discovered and shared on Twitter.

**Addendum: 7-1-21:** Rekieta Media was able to show this on their [video](#) covering this topic through *Social Blade*. You need to scroll down to the graph of "Monthly Gained Tweets," but the specific graph is captured here for ease.



I'll repeat this: Jackie is someone Karissa set me up with, at a bar, at the same convention, a year after Karissa and I had our make out session.

Setting a friend up with someone you believe to be a sexual predator is an unusual way to treat a friend. It is not something I would do to any friend of mine.

Top highlight

And I believed that Karissa, years later in 2020, not having any other way to hurt me after the bad split with Jackie, decided to attack me another way. Why 2020? That's another story: I believe she was triggered by seeing me in a seemingly-prominent IGN interview. Seeing me featured on IGN may have made it seem I was still in the industry, still employed, and I was getting enough 'attention' that IGN would want to do an interview.

There's much, much more to that IGN interview and the press in general, but I'll elaborate on that later. It was handled poorly (they cropped my female lead's input and presence completely out of the video), and the handling of it disgusted me.

Please be aware that what I say here is only a very small part of the story, and what I am sharing is a very small part of all the receipts, facts, correspondence, pictures, and witness testimony that has been gathered over the course of a year since Karissa made her accusations. There is simply too much to share, and here is not the place to share all of it at this time — there's a reason for this, which I'll get to.

### STRANGE KIND OF JUSTICE

As I said at the time of Karissa and Kelly's accusations in 2020, their seeming motivation in attacking me was something I understood — they were still angry about my breakup with their friend Jackie many years ago. This wasn't in doubt. It was referenced explicitly in their accusations.

This struck me as strange because it didn't have anything directly to do with their stories on the surface, unless of course, it was the reason for their claims.

It seemed like they wanted "justice" for Jackie, even though Karissa had already gotten what she wanted from me years ago: to make me break up with Jackie. To be 100% clear, this *isn't* what Jackie wanted, which makes

the whole situation even more messed up, and the end result was it caused a lot of hurt feelings.

But I had done what Karissa demanded. I had broken things off with Jackie. This was wrong of me, as Karissa shouldn't have influenced things at all. But I did it anyway and broke things off in no small part due to Karissa's continued insertion into our relationship and threatening texts to me.

To this day, I don't know exactly why Karissa wanted this. These escalating texts and anger from Karissa seemed to be fueled by what I can only guess was some unhappiness about my relationship with Jackie that Jackie was fueling to Karissa in private, to which I had no defense because I wasn't part of the conversation. The only time I was aware something was wrong was when I got a notification on my phone... and the Karissa text doom scroll would start.

Again, breaking up with Jackie is not what Jackie wanted, not at all. There are many receipts to this effect. She wanted to keep seeing me. But Karissa did not approve of us seeing each other, so she tried to convince me, then threatened me to break things off... and I finally decided to give in because I just wanted Karissa to *stop*. I wanted Karissa out of my life. I had never asked for Karissa in the relationship, and her continued insertion into our relationship took its toll. I was seeing Jackie because I wanted to see *Jackie*, not Karissa.

## **IT WAS NOT ENOUGH**

It doesn't end there. Even breaking things off with Jackie was not enough. Karissa continued her attacks, by her own admission. At no point did Karissa ever go as far as she did in 2020, at least publicly.

June 2020, eight years after we had first met, Karissa's attacks changed and went in a new direction. Karissa leveraged the social climate to begin a new round of attacks, repainting the one time she and I made out almost eight years ago into something worse. Her ridiculously long list of accusations can still be found on Twitter. She presented many of them as facts, some as implied speculation that was equally damaging. Speculation isn't a crime. Facts that are untrue and can be verified are different.

I haven't mentioned much about Kelly, Karissa and Jackie's other friend, but I'll do that now, since she chose that moment to also publicly join in the attacks with a new story of her own. This is likely the last I'll speak in detail about her because she's a strange case. She is a friend of Karissa's I don't remember meeting (not because of drinking, but because I've seen her picture, and I don't remember her at all). She claimed I touched her inappropriately and propositioned her at a bar in 2014 while Karissa and Jackie, who were nearby, never noticed anything and never knew about it until Karissa made her accusations. It was very strange she had never said anything to Karissa, since apparently they had many negative conversations about me and Karissa was clearly an ally. Kelly also claimed she and I spoke, and I've never had any conversation with her I can recall, ever.

Furthermore, her story, which made no sense to me, seemed to be worded so that it couldn't be confirmed except by her. However, I looked into it further — and contradictions started to pop up. I wasn't sure what to think, but the worst conclusion was that, as Jackie's friend, she felt she needed to

but the worst conclusion was that, as Jackie's friend, she felt she needed to join in the attack to create the illusion of multiple incidents of improper behavior on my part. Also, to be clear — like Karissa, Kelly is also not in the game industry and has no professional connection to me.

Karissa and Kelly, for better or worse, have posted a great deal about Dragon Con (all years) and many details of their lives on social media for all to read. Many of them relate directly to their claims. Some of this social sharing was deleted after making their accusations, but not all. Some deletions, notably from Jackie, were done before the accusations to erase any past friendly correspondence between us or any suggestion of good will. Some were done for unknown reasons, but all of these posts (both the ones they deleted but were saved, and the ones that still exist), have provided further evidence against their claims. When canceling someone, you need to be careful about how much of your life you've shared on social media related to your accusations... and if you've shared contradictory information, deleting it won't "help" you.

In short, Kelly's story doesn't hold up, and I wouldn't have been able to confirm this if she herself hadn't accidentally revealed "witnesses" (even though apparently, in another version, there were no witnesses). When speaking to these same individuals, they were surprised they had been mentioned and completely discounted her story. Nevertheless, Kelly jumped on the bandwagon to call me a sexual predator, so I'm including her story here because that's the accusation she chose to make on social media, and you should hear it for context.

Karissa and Kelly's accusation of predation is untrue, as were a number of the other falsehoods Karissa accused me of — and make no mistake, Karissa accused me of *everything* she could, for which I have no explanation beyond she hoped at least *one* of her false accusations would trigger someone to believe her — and if even if they did not believe *her* explicitly, perhaps she hoped to trigger someone who believed strongly in taking a stand *against the broader subject* of what she was claiming, regardless of what had occurred.

I have never violated consent with anyone, ever. Even Karissa's story of the two of us making out outside her hotel room was consensual. It didn't matter, though, the result of her accusations were the same.

## **THE RESULT**

The results of these attacks shouldn't surprise anyone.

Virtually no one will leap to defend someone accused of *all* the many things Karissa and Kelly claimed, regardless of whether they believe the story or not. It's not culturally appropriate to defend anyone accused of these things, even if the accusations haven't been verified.

That is why, rather than assuming guilt for either party, our society has other means to settle accusations such as these, in order to ensure all voices are heard. Social media is *not* one of these places, Twitter being one of the worst.

For those of you that did ask questions about what Karissa and Kelly

claimed — thank you. For those who offered support — thank you. For those of you willing to listen before rushing to judgment — thank you.

I believe all these same people will also agree I did not do anything to fight Kelly and Karissa and others saying accusations, far from it — not because of guilt, but because, as I said at the time of these accusations, I do not want to silence *anyone*. That is not how the truth comes out.

As of this posting, it has been a year since Karissa and Kelly made their claims. Karissa has been heard, Kelly has been heard, and so have the voices of others. The problem is, what Karissa, Kelly, and others have said contain serious falsehoods that not only hurt the individuals involved, but hurt others — including other accusers, harming them as well when they parroted Karissa's false accusations. I'll get to that in another post, since it was a symptom of what happened here and it's damaging for both Karissa and those individuals, but for now, I want to focus on Karissa and Kelly's falsehoods.

'Falsehood' is not a word I use lightly. There are receipts, evidence, and testimony from even Karissa and Kelly's own "witnesses" that directly contradict all of their stories — and contradict the stories of others who jumped on the bandwagon.

I wanted to clarify this point again: Some have claimed Karissa, Kelly, and others who believed to be wronged by me were colleagues of mine. They were not. I have never worked with any of them. They were not coworkers. They were not my employees. I was not their boss, ever. They claimed I bragged about where I worked. This is ridiculous, especially considering my work situation at the time and the trouble the company was in. Bragging about the company I was working for at the time, as one person said, would be a "weird flex" for me. They're right. Even without that factor, I don't brag about the companies I work for, even though I am proud of the teams and the projects I am part of, and say as much in person and on social media to give credit where credit is due. There was no display of managerial or "star" power — Karissa herself didn't even *know* who I was when she met me, by her own admission.

In the end, I very much doubt Karissa cared if I even had a name when she met me beyond seeing a guy buying rounds of drinks for *everyone*. No one was "targeted." But the falsehoods came out, nonetheless.

After the initial night when Karissa and Kelly attacked me on Twitter (Friday, June 19 of 2020), I chose not to respond further for a number of reasons. I am at fault for many things, even if they are not what Karissa accused me of. I was not always kind to her friend Jackie and others. Feelings were hurt. But the crime of hurting someone's feelings does not merit the fabricated accusations of sexual assault.

I did try to reach out to Karissa, and was rebuffed. Told, in essence, I didn't deserve an answer, that Karissa owed me "nothing" concerning her accusations. Like the accusations themselves, this is untrue, but we'll get to that in a bit.

Why did I reach out? It is because in the past, whenever it became apparent I had hurt someone emotionally (Jackie being one of them) I apologized *at*

*the time*. When I had the unpleasant breakup with Jackie in 2014, I apologized then and I (unwisely) apologized to Jackie again in 2020. When someone communicates they have been hurt, my first instinct is to make amends because that is how I was raised, and it is how I strive to act in my daily life. I don't believe any human being *wants* to hurt another, and when hurt is expressed, it is *human* to try and make amends. Karissa has called my behavior in the past, that of a "gentleman," but she's wrong: It's basic human decency.

### CONSEQUENCES LOVE COMPAN(IES)

There were consequences to their accusations, of course. When Karissa and Kelly made their allegations, I was cut off from almost every studio I was working with.

None of these studios did any investigations I'm aware of. Some didn't have time (they only had the weekend, and rarely is everyone in a company working on a weekend), or they didn't take the time.

I say "didn't have time" because the accusations were made late on a Friday. I believe this may have been done deliberately, since Karissa herself admitted she had delayed her accusations, and furthermore, it's difficult for companies (especially HR or legal) to respond over a weekend. This allowed Karissa's and Kelly's accusations to spread and become viral. For companies overseas I was working for, like Techland (*Dying Light 2*) and Gato Salvaje (*The Waylanders*), her accusations effectively hit on a Saturday.

So when Monday morning hit, I received calls and emails, and in many of them, notably Techland and Gato Salvaje, separation agreements and statements had already been drafted *before* they communicated to me directly.

This next bit might surprise you: I didn't fight any of this. You *can't*. Cancel culture being what it is, the *companies* can't fight it either, or else they are attacked, too. Companies can't even ask for time to "look into it" without coming across as not believing the accusations, as unfounded as they are, because even the *hint* of a delay or wanting to find out more will be judged and will get them canceled, too. And no one wants to get canceled, even if it means turning your back on someone else getting canceled, even someone you'd worked with in the trenches for years.

I understood all of this, tried to be gracious, and tried to not make it difficult for them. This is because I understood cancel culture, how it works, and the difficult situation that any show of hesitation would put these companies in. Many of the developers I worked with at these companies were friends and colleagues. I didn't want to hurt them, nor did I want to hurt the projects I was once a part of.

The subsequent public statements some of these companies made seemed to reinforce my guilt, even if they didn't directly condemn me. Karissa, with apparent glee, thanked Techland profusely for letting me go — it may have been what she had hoped for all along.



### Techland's Statement — and Karissa's Response, June 2020, the Monday following her Friday night accusations.

Please know that even saying this, I don't bear Techland any ill will. I still consider myself fortunate that I lasted longer than the other writers for *Dying Light 2* (there were a lot, some I never even got the chance to meet before they were gone), even though I doubt anything I contributed still remains in the game, and I'm fine with that. I will admit, though, both of their statements, especially the Gato Salvaje one (*The Waylanders*, and the studio that had pushed for the unwanted IGN video) were painful to read.

There's more to Karissa's behavior, what triggered this, and the company responses and the companies in general, but I'll leave that for another time. For now, I'll focus on what happened next.

### THE PRESS

While a few, not all, of the press reached out to me, I could not respond. I was in a pretty dark place, and I took steps to avoid the internet and to avoid any contact with the outside world. I confess I was considering more drastic steps, and this isn't unusual when one is the target in these situations. Fortunately, I had family and loved ones around me, and they provided enough stability to keep going. But for the most part, I avoided email and avoided the internet.

The press didn't check facts either, despite Karissa claiming their articles were further confirmation of her story. At some point, Karissa appeared to stop relying on her own words and kept pointing to companies, press, and others as validation, which wasn't proof, they were just echoes of her own story and sometimes, echoes of the falsehoods she told. She even publicly stated that she essentially dictated her story to the journalists who interviewed her, criticizing Kotaku for being the only outlet that gave her any pushback.

I should point out that some of the press didn't reach out to me at all before painting their own lurid interpretation of events with their own embellishments — Sean Murray of *The Gamer*, in particular. You can read it in his article, and you can see the unedited url that references it to this day.

To be clear, the game press don't need to check the "facts" — all they need to do is *report that someone said something* or fall back on the word *alleged*, and it's a story. And so they did, and the clicks started rolling in. As soon as the press "report" something like this, however, it carries the same validation as if it was researched and fact checked, which no press publication to my knowledge did. Either they didn't take the time, or they may not have cared because it's not really "on them" for the truth. All they have to do is report *someone said something*, which is *technically* the truth, but it's far from the reality of what actually occurred.

Now that things have calmed, I have the strength to respond, and so do others who were cited or involved in these accusations. I don't want them ignored or silenced — I want their words elevated, and I want them heard.

### ADVICE

When Karissa and Kelly posted their falsehoods on social media, I got a great deal of conflicting advice from friends and colleagues. Among the advice was (1) never apologize, and (2) use the legal system in the manner in which it is intended. Both of these are contrary to my nature.

The "never apologize" rule felt inhuman to me. I quickly learned my mistake the night of Karissa's accusations when I publicly apologized to Karissa's *friend* Jackie for the bad break-up in 2014, and then I watched as that apology was taken, warped, and then upheld as an admission and an apology to *Karissa* herself. It was not true then, it is not true now.

Others suggested the legal route. I didn't want to do this. Often, the legal system is used to silence others. I do not believe any good ever comes of this. I do not want to silence anyone — I want the opposite. I want Karissa's and Kelly's story to be not only heard, but elevated, and I want them to speak *more* about what happened.

And after they have spoken, I want my response and the responses of others who witnessed the allegations to be heard as well... but Twitter and Facebook are not the place for these conversations because they are unlikely to be heard.

I spent the last year trying to persuade myself that these acts were done out of a misguided sense of self-righteousness. I have tried to correct the record, dispel misconceptions, allow voices to be heard, but it is clear I was wrong; the attacks against me were made from malice. I'm ready to defend myself, and setting the record straight is the first step.

There is more to the story. I believe you'll want to hear it, too, in the right time, in the right place, for everyone to hear.

Thanks for reading this far. More, much more, to come.

👤 4.2K



Game Industry

Game Journalism

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Cancel Culture

### More from Chris Avellone

Game Writer

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# **EXHIBIT D**



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Chris Avellone @ChrisAvellone

Ending Silence:



Ending Silence

This is my compiled statement I made on Twitter; if you've already read that, you can jump to the full ... chrisavellone.medium.com

1:25 AM - Jun 26, 2021 - Twitter Web App

696 Retweets 203 Quote Tweets 3,313 Likes



Chris Avellone @ChrisAvellone · Jun 26

Replying to @ChrisAvellone
Last year, a woman named Karissa made accusations against me, and so did her friend, Kelly. The accusations were surprising. They concerned our first meeting almost 9 years ago and they were untrue.

4 replies 60 retweets 830 likes

Chris Avellone @ChrisAvellone · Jun 26

I spent the last year trying to persuade myself these acts were done out of a misguided sense of self-righteousness. I have tried to correct the record, allow voices to be heard, but in keeping silent, I was wrong.

1 reply 31 retweets 737 likes

Chris Avellone @ChrisAvellone · Jun 26

The motivation for these attacks seemed simple, Karissa and Kelly were angry about a bad break up I had had with their friend Jackie nearly 7 years ago.

2 replies 31 retweets 716 likes

Chris Avellone @ChrisAvellone · Jun 26

Jackie was a woman Karissa had encouraged me to hit on at a bar at the same convention a year after Karissa and I first met. It is an unusual thing for someone to do to a friend with someone they believe to be a 'sexual predator.'

3 replies 32 retweets 684 likes

Chris Avellone @ChrisAvellone · Jun 26

Jackie and I saw each other for a year. We were not dating, we were not boyfriend/girlfriend. We stopped seeing each other 7 years ago. I had to break it off, in no small part to Karissa continually, angrily inserting herself into our relationship - which Jackie encouraged.

1 reply 29 retweets 661 likes

Chris Avellone @ChrisAvellone · Jun 26

I do not know why Karissa waited so long with these accusations. She seemed to be triggered by the posting of an IGN video interview involving me.

1 reply 27 retweets 659 likes

Chris Avellone @ChrisAvellone · Jun 26

I did not want to do this video interview. I was told by the PR Evolve liaison IGN 'insisted.' IGN's handling of the interview (cutting out my female lead at the time) seemed to confirm it. This was their decision, and their handling of it disgusted me.

1 reply 25 retweets 634 likes

Chris Avellone @ChrisAvellone · Jun 26

But it was not the content Karissa seemed angered by, it was my presence. Whether it was that I still had a job in the industry or believed I did not deserve the 'attention,' I do not know. I certainly didn't want the attention.

1 reply 27 retweets 629 likes

Chris Avellone @ChrisAvellone · Jun 26

Shortly after, Karissa made her accusations. Kelly supported her with claims that were hard (but not impossible) to disprove. As I said at the time, I believed the breakup with their friend Jackie motivated their attacks. Karissa and Kelly even said as much.

1 reply 26 retweets 637 likes

Chris Avellone @ChrisAvellone · Jun 26

A long list of digital evidence and witness testimony has been compiled over the past year. With that in hand, I filed a formal response last week, not to silence Karissa and Kelly, but to encourage them to speak more.

2 replies 20 retweets 655 likes

- Chris Avellone** @ChrisAvellone · Jun 26 ...

Other women came forward, but addressing them is easier done by first challenging Karissa's statements. This is because Karissa's claims were, unfortunately, echoed by others as truth. Whether done out of malice or ignorance doesn't matter. They are untrue.

3 26 646
- Chris Avellone** @ChrisAvellone · Jun 26 ...

When Karissa's claims are addressed in court, they will put these other claims in a much different light. Other parts of these stories that weren't parroted are easy to prove false with a little research.

1 25 641
- Chris Avellone** @ChrisAvellone · Jun 26 ...

None of the press did any such research I'm aware of, even for the easiest confirmations. For example, a woman, Christy Dena, claimed we shared a night together in 2013 when I wasn't even on the same continent.

2 45 758
- Chris Avellone** @ChrisAvellone · Jun 26 ...

For now, my focus is Karissa and her statements. I'm not here to argue them on Twitter. She has told me she owes me "nothing" concerning her accusations. Like her accusations, this is also not true.

1 32 703
- Chris Avellone** @ChrisAvellone · Jun 26 ...

When you accuse someone of a crime, when you present falsehoods as facts to harm another, you must provide proof of your claims and address the evidence that shows your words to be false. It's called accountability.

14 95 1K
- Chris Avellone** @ChrisAvellone · Jun 26 ...

Again, I spent the last year trying to persuade myself these acts were done out of misguided self-righteousness. I tried to correct the record, allow voices to be heard, but I was wrong: these attacks were malicious, and they must be challenged.

18 47 941
- Chris Avellone** @ChrisAvellone · Jun 26 ...

"It's Come To This," my expanded statement here:

[chrisavellone.medium.com/its-come-to-th...](https://chrisavellone.medium.com/its-come-to-th...)

More to follow.



**It's Come To This**  
 I'm Chris Avellone. I'm a game writer. I've worked on Star Wars, Fallout, and Dying Light 2, among many other games.  
[chrisavellone.medium.com](https://chrisavellone.medium.com)

107 216 1.3K

- Jack The King Ophel** @BlackIceSheep · Jun 26 ...

Replying to @ChrisAvellone

Did you talk to a lawyer first before making a statement?

1 2
- nope** @xyzabc33321 · Jun 26 ...

I mean it's been a year, you'd assume as much.

1 46

[Show replies](#)
- Prisonscape** @Prisonscape · Jun 26 ...

Replying to @ChrisAvellone

Good to see you're back, Chris!

10
- Nomad** @KamiNoJoe · Jun 26 ...

Replying to @ChrisAvellone

If you're truly innocent, then best of luck to you friend

23
- million dollar guy** @vizual\_ · Jun 26 ...

Replying to @ChrisAvellone

Don't let them break your stride Chris, praying for you.

 Pinned Tweet



**Chris Avellone**  
@ChrisAvellone



## Ending Silence:



### Ending Silence

This is my compiled statement I made on Twitter; if you've already read that, you can jump to the full ...

[chrisavellone.medium.com](https://chrisavellone.medium.com)

1:25 AM · Jun 26, 2021 · Twitter Web App

**696** Retweets   **203** Quote Tweets   **3,313** Likes

↻ Chris Avellone Retweeted



**Niche Gamer** @nichegamer · Jul 11



Avellone Associate Claims Accuser Never Said Anything Negative About "Con-Boyfriend;" "Clearly" Sought Relationship  
[nichegamer.com/2021/07/11/ave...](https://nichegamer.com/2021/07/11/ave...)



💬 8

↻ 48

❤️ 181





**Chris Avellone** @ChrisAvellone · Jul 9



Just when you think the accusations from last year couldn't get any crazier, along comes new evidence against them that's even crazier.

I had no idea about any of this shit, I don't even know what to say... except:

Read the whole article, not just Karissa's tweets.



**JeffDaniel** @JJDGraphics · Jul 9

As a culture we should wait for facts before casting judgment on someone. This goes beyond politics, beliefs, or life choices – it is about right and wrong. My statement on Ms. Barrows' claim against @ChrisAvellone:  
[link.medium.com/BIGei64oLhb](https://link.medium.com/BIGei64oLhb)



27



115



594





**Chris Avellone** @ChrisAvellone · Jul 10



Still processing this.

Aside from the messages below, the article itself is worth reading.

[jeffdjohnson.medium.com/beyond-politic...](http://jeffdjohnson.medium.com/beyond-politic...)



41

89

630



# **EXHIBIT E**

# Chris Avellone

19.2K Tweets



Tweets

**Tweets & replies**

Media

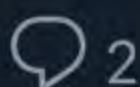
Likes



**Karissa** @ [emojis] |WEAR... · 1d

Replying to @IGN

ZERO interest in anything from a man who spent so much time preying on young women (no age check), getting them drunk & taking them to hotel rooms, showing up to panels late & w

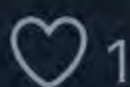
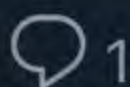


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**Chris Avellone** @ChrisAvellone · 30m

When someone is defending a friend, there is no enemy.



**Chris Avellone** @ChrisAvellone · 10m

Also, @GeekyFriedRice, as I've said, I am so sorry how things worked out. I did care about you very much, and I do appreciate your friends both trying to get us together and then backing away from that. :(



**Woolie Versus** @WoolieWoolz · 11h

Is there any other character in all of Star Wars lore that even approaches Kreia on that level 99 tired "fuck the very

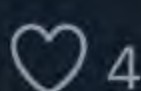
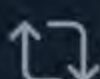
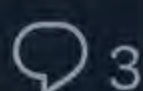




**Chris Avellone** @ChrisAvellone · 1h

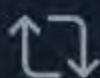
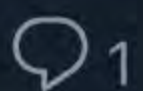
Karissa does hate me, it is true. Very much, and I do not know how to fix it, but recognized when you hurt someone's friend, there may be no fix at all, except between the two people involved.

And there's never any need to "support" me, I do not wish this.



**GoodOISmokey** @GoodOleSmo... · 9m

I still respect you and still look up to you despite what anyone else says. Ill probably get flack for this but I really don't give a damn quite frankly.



**Chris Avellone**  
@ChrisAvellone

Replying to [@GoodOleSmokey](#) and [@TheJediRevan](#)

Please just let me die in my sleep. I did care about Karissa's friend [@GeekyFriedRice](#) very much, and I don't want to diminish that, even if it didn't end up in a good place. :(



Tweet your reply





**Chris Avellone**  
@ChrisAvellone



[@GeekyFriedRice](#) I should have been better, and I apologize.

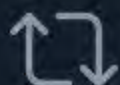
2:36 AM · 6/20/20 · [Twitter Web App](#)



**Chris Avellone** @ChrisAvellone · 23s  
Replying to [@ChrisAvellone](#)



I am so sorry things didn't work out - I did try, very much.



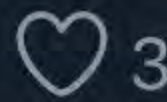
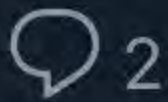


## Tweet



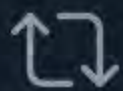
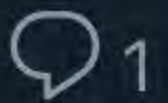
**Chris Avellone** @ChrisAvellone · 14m

[@GeekyFriedRice](#) I should have been better, and I apologize.



**efermeci** @efermeci · 8m

Not gonna share your account of things?



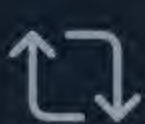
**Chris Avellone**  
@ChrisAvellone

Replying to [@efermeci](#) and [@GeekyFriedRice](#)

There is nothing to say, really. I should have been better, but I did care very much. We continued to see each other for years after our first meeting, and I have no regrets.

2:44 AM · 6/20/20 · [Twitter Web App](#)

2 Likes



# Chris Avellone

19.2K Tweets



Tweets

**Tweets & replies**

Media

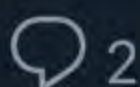
Likes



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Replying to @IGN

ZERO interest in anything from a man who spent so much time preying on young women (no age check), getting them drunk & taking them to hotel rooms, showing up to panels late & w

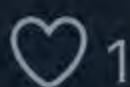
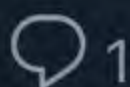


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**Chris Avellone** @ChrisAvellone · 30m

When someone is defending a friend, there is no enemy.



**Chris Avellone** @ChrisAvellone · 10m

Also, @GeekyFriedRice, as I've said, I am so sorry how things worked out. I did care about you very much, and I do appreciate your friends both trying to get us together and then backing away from that. :(



**Woolie Versus** @WoolieWoolz · 11h

Is there any other character in all of Star Wars lore that even approaches Kreia on that level 99 tired "fuck the very



# **EXHIBIT F**



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# Dying Light, Waylanders, Vampire Bloodlines 2 Devs Issue Statements Amid Chris Avellone Allegations

With Avellone facing sexual assault allegations, studios are cutting ties with writer Chris Avellone.

By [jeremy winslow](#) on June 23, 2020 at 8:10AM PDT

44 Comments

Chris Avellone, a game designer who came to prominence in the '90s following his work on *Fallout 2*, has been accused of sexual assault and harassment by multiple women, according to [Gamasutra](#). Avellone has worked as a freelance writer after leaving developer Obsidian Entertainment in 2015, 12 years after he co-founded the studio with fellow ex-Black Isle Studio employees. Multiple studios he has recently worked with have now spoken out about his involvement with their projects.

Among the studios now addressing his work status is Paradox Interactive, which stated that none of Avellone's contributions to *Vampire: The Masquerade - Bloodlines 2* will be included in the game, although it appears this does not stem from the allegations. According to a Paradox representative, early in the development of the game, Paradox said, "Through an iterative creative process, however, none of his contributions remain in the game that Hardsuit Labs is continuing to develop." Paradox didn't specifically comment on the allegations made against Avellone.

*Dying Light 2* developer Techland, in a [statement on Twitter](#), said it has stopped working with Avellone amid the allegations. "We treat matters of sexual harassment and disrespect with [the] utmost care, and have no tolerance for such behaviors--it applies to both our employees as well as external consultants, Chris among them," Techland said. "This is why, together with Chris Avellone, we've decided to end our cooperation." Avellone had served as a writer on Techland's upcoming zombie-parkour survival game.



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Another developer he was writing for, Gato Studio, has cut ties with him, and his work on it will be re-evaluated.

"Chris Avellone is no longer associated with Gato Salvaje Studio or the Waylanders project," Gato Studio said in a [Twitter statement](#). "Chris was brought on as a design contractor on *The Waylanders*. As of last week, Chris's contract is complete and the content provided will be assessed as development progress."



According to Gato Studio writer Emily Grace Buck, Chris is "no longer on the project," with Buck [revealing](#) she was the lead writer all along. "Waylanders has very little writing by him as it stands, and I'll be taking a look at his scenes," Buck said. "No one on the team knew anything about this. We're handling it, and I'm open to feedback."

The allegations, in which multiple women said he used his influence to coerce nonconsensual relations with women looking to break into the games industry, came to light over the weekend on social media. Avellone has not issued a public statement on the matter, though he has [responded](#) to certain tweets.



Vampire: The Masquerade - Bloodlines 2

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The Waylanders | Dying Light 2 Stay Human



# Zelda: Skyward Sword HD Gratitude Crystal Guide And Locations

Here's how to find every Gratitude Crystal in The Legend of Zelda: Skyward Sword HD for Nintendo Switch.

By Peter Brown , Matt Espineli , and Evan Langer on July 16, 2021 at 2:44PM PDT

Comments

In *The Legend of Zelda: Skyward Sword HD*, there's a special collectible called Gratitude Crystals. Once you meet Batreaux, you will be able to find them and trade them in for valuable items. Most people that you help will express their gratitude by producing five Gratitude Crystals at a time.

There are 80 Gratitude Crystals in total, so keep a keen eye open for any people with chat bubbles that look like they need assistance. Or you can reference the locations of all the crystals listed below.

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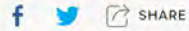
NEWS

# The game and comics industries are grappling with widespread allegations of harassment and abuse

*People who long felt silenced are speaking out, seemingly all at once*

By [Charlie Hall](#) and [Susana Polo](#) | Jun 25, 2020, 10:02am EDT

Illustration: James Bareham/Polygon



**T**he wider entertainment industry is having a moment.

Long after people who work in the film and television industries started naming and shaming carefully hidden abusers and bigots, those in the video game, tabletop, and comic book industries are opening up about abusers in their fields as well. Over the past several weeks, accusations have been flooding onto social media, inspiring even more individuals to step forward with their own personal accounts. And, like much of 2020 that we've experienced so far, it all seems to be happening so fast.

All of this is set against a tumultuous political climate characterized by protests and outpourings of support for Black, Indigenous, and other people of color. Perhaps because of this climate, more people seem to finally be paying attention to these allegations and taking them seriously, from individual fans all the way up to the executives at major companies. The repercussions could have a lasting impact on hiring and creative decisions in these industries this year, and in the years to come.

Here are some notable examples among the many stories that have emerged over the past few weeks.

## VIDEO GAMES

The most serious accusations brought to bear by people in the game industry in the past week have to do with gender-based discrimination, harassment, and sexual assault.

Among the most high-profile incidents comes from the *Destiny 2* streaming community. Three female players have accused streamer Lono (who also goes by the handle SayNoToRage) of numerous wrongdoings, including verbal harassment, groping, and propositioning for sex. Over the weekend, Lono responded with an apology both on Twitter and [on YouTube](#).



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[**Update:** On July 2, Lono made a new statement refuting the allegations made against him. We've included more information in an update at the bottom of this article.]

This past week also saw the resignation of Omeed Dariani, CEO of the Online Performers Group (OPG), which represented Lono. As reported by the [New York Times](#), Dariani has also [been accused by a woman in the games industry](#) of “of acting inappropriately toward her and propositioning her for a threesome in 2014.”

From there, the number and type of accusations against Twitch personalities has only increased. Kotaku notes [more than 50 of them](#). Kotaku's report also covers the recent allegations of sexual assault against Tom “Syndicate” Cassell, who was previously

"We are reviewing each case that has come to light as quickly as possible, while ensuring appropriate due diligence as we assess these serious allegations," Twitch said [in its news release](#). "We've prioritized the most severe cases and will begin issuing permanent suspensions in line with our findings immediately. In many of the cases, the alleged incident took place off Twitch, and we need more information to make a determination. In some cases we will need to report the case to the proper authorities who are better placed to conduct a more thorough investigation."

Video personalities aren't the only ones whose behavior has come into question. These incidents set off a series of statements and accusations from inside game development as well.

Over the past week, accusations against *Fallout: New Vegas* and *Planescape: Torment* writer Chris Avellone have garnered international attention. As reported by [Kotaku](#), multiple women have accused Avellone of groping, harassment, and inappropriate behavior. Following the allegations, *Dying Light 2* developer Techland formally cut ties with him.

"We treat matters of sexual harassment and disrespect with the utmost care, and have no tolerance for such behaviors," the [Polish company wrote on Twitter](#). "This is why, together with Chris Avellone, we've decided to end our cooperation."

On Wednesday, the creative director of *Assassin's Creed Valhalla*, [Ashraf Ismail, said he would step down from the project](#) following [accusations of multiple extramarital affairs with younger fans](#).

"I am stepping down from my beloved project to properly deal with the personal issues in my life," Ismail [said on Twitter](#). "The lives of my family and my own are shattered. I am deeply sorry to everyone hurt in this."

Ubisoft later confirmed his departure to Polygon.



## TABLETOP GAMES

The reckoning in the tabletop industry has been a slow burn since May, with sporadic Twitter threads emerging from marginalized people highlighting their experiences with harassment, racism, and abuse. In the past month, some of the most significant accusations to emerge concerned Max Temkin, co-creator of *Cards Against Humanity* and a leader at an influential coworking space in Chicago called Some Office.

In early June, former employees of Cards Against Humanity came forward on social media with allegations of a toxic work culture inside the Chicago-based company. [Polygon's further reporting](#) detailed several employees' descriptions of what they saw as a racist and sexist culture, as well as statements from Cards Against Humanity about its efforts to improve.

Our report also includes further investigation of a sexual assault allegation that was originally made against Temkin in 2014. Polygon interviewed the woman who made the allegation and printed further details from her account, as well as corroborations from five of her peers who said they recalled having been told about the alleged assault.

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Temkin denied the sexual assault allegation in 2014 and maintains this denial in 2020, issuing this statement to Polygon: "Today, unfortunately, a false allegation has reemerged and as I have publicly done before, I continue to maintain my innocence. I have never sexually assaulted anyone and I was shocked when this same false allegation was first shared in 2014. In 33 years, no one else has ever accused me of sexual assault or any other non-consensual behavior."

#### RELATED

[Former employees accuse Cards Against Humanity of a racist and sexist office culture](#)

Temkin has now stepped down from the company but remains a "one-eighth shareholder." Cards Against Humanity has issued an apology with regard to former employees' complaints about the office culture, as well as a resolution to continue ongoing efforts to improve its workplace. The company also provided Polygon with

this statement about the sexual assault allegation against Temkin: "We do not know the truth. We believe that all claims of sexual violence must be taken seriously, and we know that it takes incredible courage for a victim to speak out."

the coworking space he created, according to the company, his departure, and the environment he left behind, sours what once served as a vital creative hub in the region.

Another large theme roiling within the tabletop game community is the issue of racism and white supremacy.

Wizards of the Coast has been called to task for its portrayals of race in both *Magic: The Gathering* (the most popular collectible card game in the world) and *Dungeons & Dragons* (the most popular role-playing game in the world).

On June 10, the Hasbro-owned company announced that it would ban from play and remove from its online database seven [Magic cards that contain racist imagery and text](#). One card, Invoke Prejudice, was even archived online using a web URL ending in "1488" — numbers synonymous with white supremacy.

**ANOTHER LARGE THEME ROILING WITHIN THE TABLETOP GAME COMMUNITY IS THE ISSUE OF RACISM AND WHITE SUPREMACY**

Just one week later, on June 17, the D&D team announced that [it would be making changes to portions of its 5th edition product line](#) that fans have called out for being insensitive. That includes racist portrayals of a people known as the Vistani, an in-fiction analog for the Romani people. The company will also be making a substantive change to character creation to broaden the permissible spectrum of character types within each of the game's many races.

"Later this year, we will release a product (not yet announced) that offers a way for a player to customize their character's origin, including the option to change the ability score increases that come from being an elf, a dwarf, or one of D&D's many other playable folk," the company said in a statement. "This option emphasizes that each person in the game is an individual with capabilities all their own."

One of the highest-profile individuals to come forward with their own experience is

one of the highest profile individuals to come forward with such an experience as Eric Lang, an award-winning tabletop game designer, an executive at publisher CMON, and a Black man. Lang shared his experiences with racism on Twitter and on his personal Facebook page. His outpouring of energy led to a candid, and at times uncomfortable, livestreamed conversation about racism with tabletop personality Tom Vasel. Titled "[Gaming in a Social and Political World](#)," the video has been viewed nearly 20,000 times — many times more than other videos on the channel released around the same time.



Meanwhile, Lang has continued to be the target of racist dogpiling and other attacks online. Some of his tweets are even restricted from view at this time, likely due to Vasel. Titled "[Gaming in a Social and Political World](#)," the video has been viewed nearly 20,000 times — many times more than other videos on the channel released around the same time.



Meanwhile, Lang has continued to be the target of racist dogpiling and other attacks enforcement as a Black man. Against the backdrop of police violence in the face of massive national protests, Pondsmith made it clear where he stands.

Here's something I want to tell those of you who think the color of their skin makes them safe. "Your" cops are out of control. They don't care about who they work for anymore. Like the cops in Cyberpunk, they work for themselves. They have weapons, power and invulnerability that has been granted to them because of the devil's deal the people in power made with them since the 90's.

Pondsmith ended his essay with calls for establishing better laws to protect citizens against out-of-control policing, to "break or otherwise renegotiate" contracts with police unions, and to demilitarize the police.

"Remember; the Cyberpunk future is a warning; not an aspiration," Pondsmith said. "Whether we hear the warning is up to you."

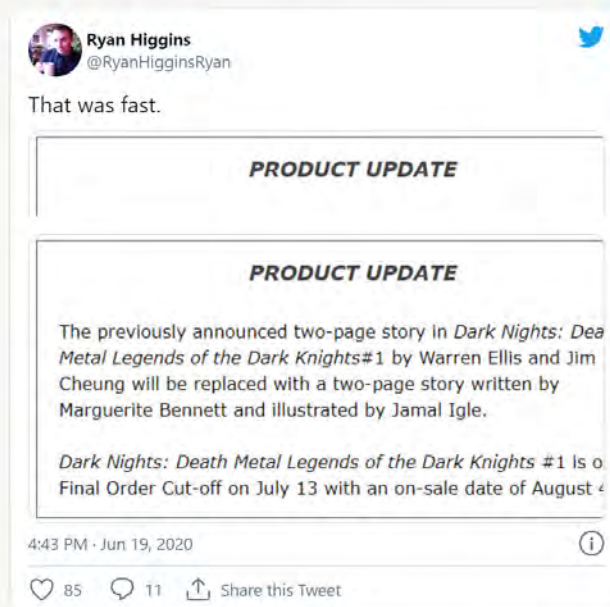
## COMICS

A similar reckoning with abuse and sexual misconduct in the direct market comics industry began on June 15, with several women accusing artist Cameron Stewart (*Batgirl*, *Motor Crush*) of “grooming” them. As reported by [Comics Beat](#), multiple women have alleged that Stewart tried to interest them in engaging in a romantic or sexual relationship with him, at a time when they were teenage fans or young women interested in working in the comics industry, while he was an established creator in his 30s or older. According to some corroborating voices — including [Marsha Cooke](#), widow of [industry legend Darwyn Cooke](#) — Stewart’s reputation for this behavior was widely known in Toronto’s close-knit comics community.

A day after the stories about Stewart emerged, [others spoke up about their experiences with similar behavior](#) from writer Warren Ellis, whose work on *The Authority*, *Transmetropolitan*, and Netflix’s *Castlevania* has made him one of the comics’ world’s biggest household names. At the time of this writing, artist Jhayne Holmes has gathered a [private group of “nearly 50 members”](#) who feel that Ellis coerced them into a relationship despite the gap in age, experience, or career prospects between them.

Ellis [released a statement](#) on June 18, saying, “I will continue to listen, learn, and strive to be a better human being. I have sought to make amends with people, as I have been made aware of my transgressions, and will continue to do so. I have apologised, I apologise, and will continue to apologise and take total responsibility for my actions without equivocation.”

Ellis added that he did not believe he had institutional privilege, saying, “I have never considered myself famous or powerful. [...] It had never really occurred to me that other people didn’t see it the same way.” Ellis recently oversaw a Stormwatch imprint for DC Comics, and is currently writing *The Batman’s Grave* with artist Bryan Hitch. The day following Ellis’ statement, DC Comics [announced to retailers](#) that it would be removing a short story written by Ellis from the upcoming anthology issue [Dark Nights: Death Metal Legends of the Dark Knights #1](#).



More accusations have emerged since. They include stories alleging harassing behavior from [Jason Latour](#) (co-creator of Spider-Gwen, writer on *Wolverine and the X-Men*); stalking and harassment from [former Dark Horse Comics editor Brendan Wright](#); and multiple [accounts of sexual assault](#) and [abuse in the form of grooming](#) levied at Scott Allie, [former editor-in-chief, then freelance editor, at Dark Horse](#). Following the accusations against Allie, both [Dark Horse](#) and superstar artist [Mike Mignola](#) announced that they would cut ties.

Comics creators have also rallied in their rejection of the executive director of the

Comic Book Legal Defense Fund, a nonprofit that offers legal funds and other services to support the First Amendment rights of comics creators. Charles Brownstein had served as executive director of the organization since 2002, but last week's ongoing conversations resulted in the resurfacing of a [well-reported 2006 incident of Brownstein groping artist Taki Soma](#), which ended with a bystander having to pry his hands off of her clothing.



Over the weekend, multiple comics creators, including [Brian Michael Bendis](#) (*Superman, The Avengers*), [Al Ewing](#) (*Immortal Hulk, Guardians of the Galaxy*), [Pia Guerra](#) (*Y the Last Man*), and [James Tynion IV](#) (*Batman, Detective Comics*) announced they would no longer be working with the CBLDF — or spoke publicly about how they had already stopped working with the organization — because of Brownstein's conduct.

On Monday, the CBLDF announced that it had accepted Brownstein's resignation, saying in a statement, "As we move forward, it will be with a renewed focus on accountability and transparency. And as we plan for the future with new leadership in place, we will work with our staff and human resources experts to continue developing policies that will make us a stronger organization."

**Update (June 26, 10:34 a.m. EDT):** On Thursday, the CBLDF's board of directors [released a longer public statement](#), voicing recognition and support for Soma and others who had come forward with reports of Brownstein sexually assaulting them. The board also announced that it would release a former employee from an NDA that she was required to sign upon leaving, due to that employee having made a public request for this.

"CBLDF's Board is undergoing a complete review of management practices and where we have fallen short," the statement read.

We are examining our mission to ensure it meets modern industry needs, and will do so with input from our full-time staff, expert third parties, and the comics and manga community.

The entire CBLDF staff and the Board will participate in mandatory training to educate ourselves about how to better respond to and eliminate such behavior. We will make whatever changes are necessary, including the makeup and structure of the board itself.

**Update (June 26, 11:15 a.m. EDT):** Yet more allegations have come to light involving Ubisoft employees. The company now says it has hired [an outside consultant to investigate them thoroughly](#). It also issued the following statement.

Concerning recent allegations raised against certain Ubisoft team members: We want to start by apologizing to everyone affected by this — we are truly sorry. We are dedicated to creating an inclusive and safe environment for our teams, players, and communities. It is clear we have fallen short of this in the past. We must do better.

We have started by launching investigations into the allegations with the support of specialized external consultants. Based on the outcomes, we are fully committed to taking any and all appropriate disciplinary action. As these investigations are ongoing, we can't comment further. We are also auditing our existing policies, processes, and systems to understand where these have broken down, and to ensure we can better prevent, detect, and punish inappropriate behavior.

We will be sharing additional measures that we are putting in place with our teams in the coming days. Our goal is to foster an environment that our employees, partners, and communities can be proud of — one that reflects our values and that is safe for everyone.

**Update (July 2, 10:45 a.m. EDT):** On July 2, *Destiny 2* streamer Lono made [an additional statement](#) on his YouTube channel after consulting with a lawyer. The more than hour-long video begins with a prepared statement, in which he now claims he “was conspired against, defamed” and that his business has been “irreparably harmed.” Lono now says the apology he made previously — which has since been unlisted from his YouTube channel, but still exists online — was in no way an admission of guilt. He then proceeds to refute the allegations made against him in detail.

“I never assaulted or harassed anyone,” Lono said, “and I can prove it.”

AD



# EXHIBIT H

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# Famed video game designer Chris Avellone has denied allegations of sexual assault and filed a libel lawsuit against his accusers

Samuel Horti Jun 30, 2021, 7:24 AM



Video game designer Chris Avellone. Christian Petersen/Getty Images

The New York Times

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- Video game designer Chris Avellone has denied claims he sexually assaulted a woman in 2012.
- Avellone also filed a libel suit against the woman and others, claiming they damaged his reputation and lost him work.
- The woman, Karissa Barrows, said she stood by her story.
- [See more stories on Insider's business page.](#)

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Chris Avellone, a famed video game designer, has broken a year-long silence to deny accusations that he sexually assaulted a woman at a 2012 convention.

Avellone, known for his work on two "Fallout" games and "Planescape: Torment," also [filed a libel suit](#) in California against the woman, Karissa Barrows, on June 16.

Avellone named another woman in the suit who had accused him of groping her, and listed up to 100 unnamed other people as defendants.

The suit claims Barrows and others made false accusations that damaged Avellone's reputation, lost him work, and hurt his feelings.

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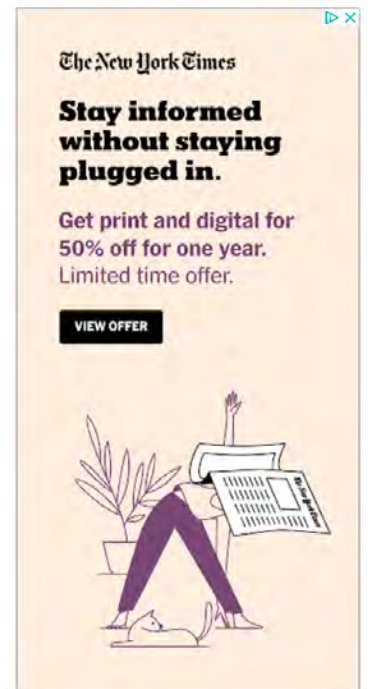


Barrows stands by her story.

In June 2020, Barrows claimed on [Twitter](#) and subsequently in [press interviews](#) that Avellone grabbed her face and forcibly kissed her while she was "blackout drunk" at a 2012 convention. Avellone then tried to put his hand down her pants, but stopped when she said "this isn't a good idea," she alleged to Insider last year.

Barrows also claimed Avellone had repeatedly bought her drink refills that evening.

At the time, Avellone did not respond to requests for comment from Insider and other publications. He did tweet at Barrows at the time saying he wanted to apologize, but did not go into further detail.




The New York Times

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On Saturday, he [published a Medium blog post denying the accusations](#), calling them "surprising" and "untrue."

"I have never violated consent with anyone, ever," he wrote.

Avellone said he "made a move to" kiss Barrows, that she "reciprocated," and that they "made out enthusiastically in the hallway outside her room".

"After several minutes, Karissa told me it wasn't a good idea (to keep making out in a hotel hallway, which made sense to me), so I stopped and we parted ways."

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An illustration of a person sitting on a chair, reading a newspaper. The person is wearing a purple top and pants. The chair is a simple line drawing. There is a potted plant to the left of the person.

**Read more:** [Current and former staff at gaming giant Ubisoft make new allegations of sexual harassment and HR failures, warning senior staff exits won't alter 'deep-rooted, toxic' culture](#)

He did not comment on the allegations in June 2020 because he "was in a pretty dark place" and wanted to "avoid any contact with the outside world," he wrote.

Avellone denied targeting Barrows with drinks. He was "buying rounds for a crowd," he said.

Insider asked Avellone about Barrows' claims that he grabbed her face and tried to put his hand down her pants.

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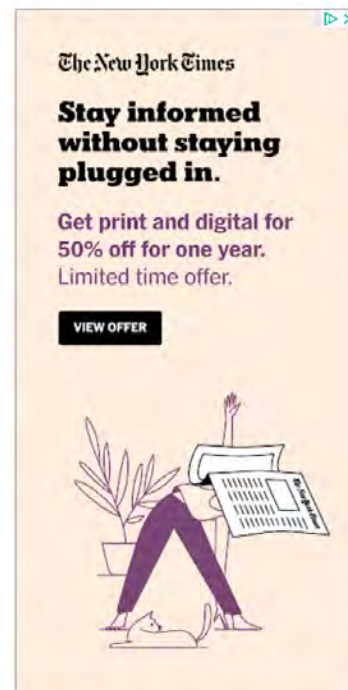
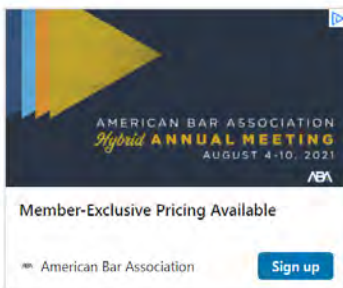
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He told Insider via **email** that Barrows "had told many versions of her story," referencing tweets she wrote about the incident, her interview with Insider, and an interview with gaming publication [Kotaku](#). "I have told one," he added. "What's in my Medium article is my answer and any further discussion on the falsehoods of Karissa's allegations can be had in court."

In a [separate blog post](#), Avellone said Barrows' allegations were "malicious."

Barrows was angry about a "bad breakup" between him and one of her friends, he wrote.

Barrows told Insider she couldn't comment beyond a statement she posted on Twitter.



"I stand by my story and the stories of the other women who came forward against him," she wrote. "We did not lie. I will not speak further about this until after it's all handled."

## Avellone's lawsuit says his accusers lost him work

The bulk of the lawsuit focuses on Barrows' claims but also names other women who accused Avellone of misconduct, including a previously unnamed woman who said he repeatedly groped her — he identifies her as Kelly Bristol — and other unnamed people that he claims damaged his reputation.

Insider could not find contact details for Kelly Bristol to approach her for comment. The Twitter handle Avellone associates with her in the suit is no longer available, and a website bearing her name is private.

Following Barrows' accusations in 2020, gaming studios EA, Techland, and Gato Salvaje cut ties with Avellone.

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In his suit, Avellone said he "lost employment and continues to lose employment" because of the allegations. EA and Gato Salvaje both declined to comment. Techland did not immediately respond to a request for comment.

Avellone, as the claimant, will need to show the allegations against him were defamatory. He seeks damages "in an amount appropriate to punish or set an example of Barrows."

"I do not want to silence anyone," he wrote on Medium. "I want Karissa's and Kelly's story to be not only heard, but elevated, and I want them to speak more about what happened."

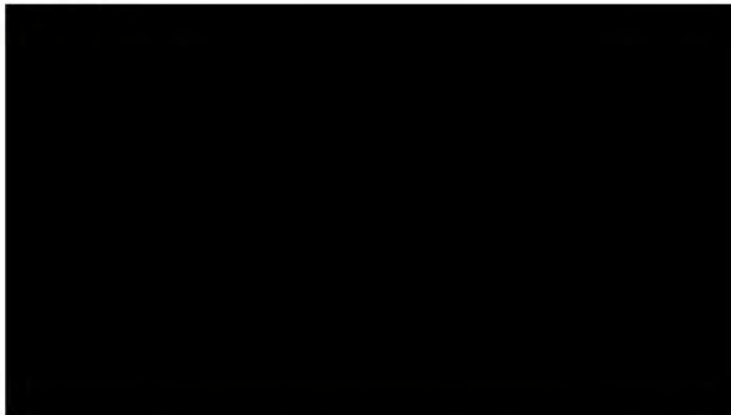
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An illustration of a person sitting on the floor, reading a newspaper. There is a potted plant to the left and a small dog to the right.

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# Game writer Chris Avellone files libel lawsuit over sexual misconduct allegations

June 28, 2021 | By Alissa McAloon

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Chris Avellone, a prolific game writer known for work on games like *Fallout: New Vegas* and *Tyranny*, has accused multiple people, including 100 unknown parties, of libel over allegations of sexual harassment made against Avellone last year.

That libel lawsuit and two Medium posts published by Avellone over the last few days mark his first significant comments on the [multiple accusations of sexual misconduct made against him in June 2020](#).

Within those posts, found [here](#) and [here](#), he argues that the libel lawsuit against Karissa Barrows, Kelly Bristol, and 100 unknown parties aims to elevate their voices rather than silence them, and maintains his earlier comments that the duo's remarks are retaliation for a "bad break up" with Barrows' and Bristol's friend seven years prior.

"Often, the legal system is used to silence others. I do not believe any good ever comes of this," writes Avellone, both in his Ending Silence blog and in a Twitter thread. "I do not want to silence anyone — I want the opposite. I want Karissa's and Kelly's story to be not only heard, but elevated, and I want them to speak *more* about what happened."

The language in the lawsuit takes a noticeably more abrasive approach, with each of the six libel complaints ending in a variation of a request for "an award of punitive damages in an amount appropriate to punish or set an example of [Barrows/Bristol] in an amount to be determined at trial."

In the complaint, found [here](#), attorneys representing Avellone outline the events they believe constitute libel. That includes six charges in total, four against Barrows and two against Bristol. All six apply to those 100 unknown parties, represented within the document as "Does 1-100", which is meant to represent individuals whose "true names are unknown to Avellone. Avellone will seek to leave to amend this complaint to allege the true names and capacities of these Defendants when they have been ascertained."

As with Avellone's Medium posts, the lawsuit walks through his 2012 interactions with Barrows from his perspective, and makes a point to argue throughout that what Barrows described as coercion and sexual assault was a consensual encounter that ended when Barrows objected and led to a "friendly relationship" in the years that followed.

Barrows original allegations against Avellone can be found [here](#) for context. Her account describes an encounter where Avellone "got me blackout drunk on Midori Sours," accompanied her back to her room along with two other men, "where he pounced in front of the other guys." She also adds that she witnessed a similar pattern to Avellone's interactions with other women throughout the time they knew one another.

Each of the individual libel counts levied against Barrows centers around how she shared her recollection of events on social media in 2020. All emphasize sections of her social media posts where she described Avellone as a predator or described actions as predatory behavior including the following Tweets (with emphasis added by Avellone's legal team).

*ZERO interest in anything from a man who spent so much time preying on young women (no age check), getting them drunk & taking them to hotel rooms, showing up to panels late & wasted if at all, & treating fans/fellow industry SO badly, he was blacklisted from at least 1 big con[vention].*

*While we're at it, here's another man to add to the gaming industry predator garbage pile. Yesterday was the first time I said something publicly about this, and I'm done being silent, despite that fuckstick in the reply telling me to shut up. I WILL NOT. Thread:*

*I didn't bother blowing this up until today due to work being insane all week, but I've got time now. Chris Avellone is an abusive, abrasive, conniving sexual predator. People tried to get him help. He refused it and continued. Stop glorifying him.*

For each, the lawsuit argues that the statements made by Barrows are false and "libelous on their face", that each implies Avellone purposely gets young women intoxicated with the intent of engaging in non-consensual sexual contact, and that Barrows "failed to use reasonable care to determine the truth or falsity" of her tweeted recollections. Each also includes the note that Barrows' accusations expose him to "hatred, contempt, ridicule" and professional harm, and that the statements were made "with the intent to vex, annoy, and/or harass Avellone."

Much of the same language is used to rebuke Bristol's claims against Avellone. Her own accusations say that Avellone groped her and made unwanted advances at her a 2014 event, and that "He [Avellone] knew exactly what he was doing. You didn't see it because he was just that practiced at it." Most of the

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## 5 Challenges for Game Producers & Production Directors in 2021

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lawsuit (and Aveilone's medium posts) focus on comments from barrows. In that post, Aveilone notes this is because he doesn't remember ever having met or spoken with Bristol.

As noted above, the lawsuit seeks damages from those named as defendants, including damages for emotional distress and to cover the cost of the lawsuit.

However, as game industry-watching lawyers [have suggested on Twitter](#), Avellone's lawsuit could easily fall under the SLAPP, or Strategic Lawsuits Against Public Participation, umbrella. That term largely refers to lawsuits filed with the intent of using legal pressure and costs to silence individuals that speak out on certain controversial topics (like sexual misconduct allegations in this case).

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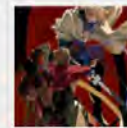
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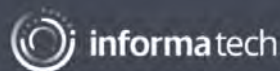
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NEWS

# Games Writer Chris Avellone Files Libel Lawsuit, Denies Sexual Misconduct Accusations

The Fallout writer denies accusations first leveled at him a year ago

By Ethan Gach | 6/28/21 12:45PM | Comments (87) | Alerts



Photo: Christian Petersen (Getty Images)

Famous games writer Chris Avellone, whose credits include *Planescape: Torment* and *Fallout: New Vegas*, broke his silence on sexual misconduct allegations made against him in 2020. In a series of blog posts on Medium, the game developer also revealed that he recently filed a libel lawsuit in California court against some of his accusers.

"I have never violated consent with anyone, ever," Avellone wrote [in a long post published](#) June 26. "I spent the last year trying to persuade myself these acts were done out of misguided self-righteousness," he wrote [in another post](#). "I tried to correct the record, allow voices to be heard, but I was wrong; these attacks were malicious, and they must be challenged."

Last June, [multiple women accused the veteran games writer](#) of sexually inappropriate or predatory behavior, including deploying booze and his status to try and take advantage of younger women. One of the accusers, Karissa Barrows, told *Kotaku* at the time that Avellone pushed drinks on her at a convention. At the end of the night, she said, he tried to go back to her hotel room with her, where he tried to take things further until she finally refused.



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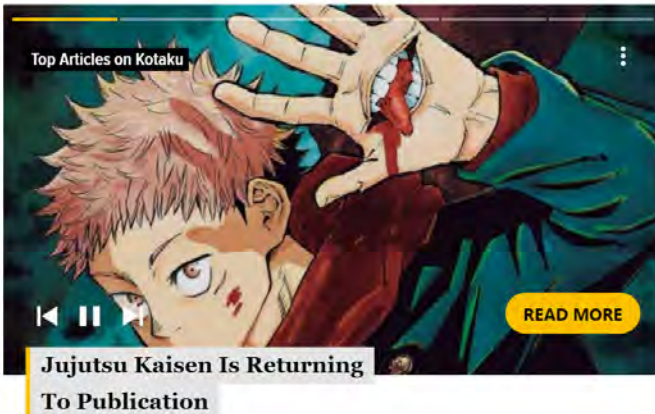
Avellone did not respond to a request for comment last year, and while some of his social media posts referenced the allegations, none of them directly addressed or refuted the claims.

In his posts a year later, Avellone claims that the interaction was consensual and calls Karissa's comments and tweets about how events played out "falsehoods."

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"As a result of Barrows' statements, Avellone has lost employment and continues to lose employment in an amount to be proved at trial," Avellone's lawsuit reads. Game studios Gato Salvaje and Techland, which Avellone was consulting for at the time, cut ties with the games writer last summer. "Avellone has also suffered shame, mortification, and hurt feelings as a result of Barrows' libels."



Avellone did not immediately respond to a new request for comment.

"I stand by my story and the stories of the other women who came forward," Barrows told *Kotaku* in a statement. "We told the truth. I am not at liberty to speak further on the situation at this time for legal reasons."

It's unclear how successful Avellone's lawsuit will be in court. Most of the claims covered in its initial filing appear to be differences of opinion. But sometimes, libel lawsuits don't have to be successful in court to be effective. SLAPP lawsuits (strategic lawsuits against public participation) are often used to silence people simply by tying them up in court proceedings and legal fees.

According to Avellone, that's not the case here. "Often, the legal system is used to silence others," he writes. "I do not believe any good ever comes of this. I do not want to silence anyone—I want the opposite. I want Karissa's and Kelly's story to be not only heard, but elevated, and I want them to speak *more* about what happened."

In his lawsuit, Avellone is seeking "punitive damages in an amount appropriate to punish or set an example of Barrows."

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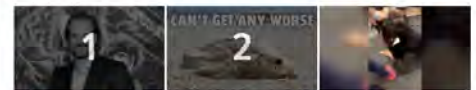
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**Update - 3:28 p.m. ET, 6/28/21:** Avellone reiterated in an email to *Kotaku* that he is not trying to silence anyone, writing “it’s to have *more* said on their allegations, which they have since refused to do, and I want everyone to know the truth.”

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DISCUSSION

By [iceweiner](#)

A few things (I’m an attorney that dabbles in some defamation cases in the greater LA area). The complaint itself is pretty terribly written and seems to be written for the purposes of media consumption (the identifying of someone as a “then girlfriend” while going to great lengths to explain they were not in fact his girlfriend might be one of the weirdest things I have ever seen). The complaint never explains why LA County should hear the case over Orange County, and he’ll likely have to pay for a change in venue (I also don’t know why he would choose the much more liberal jury pool of LA instead of Orange County, which, while politically blue still has a much larger pool of conservative jurors, unless of course he is just trying to make it as easy as possible for media to cover the case). While Ethan mentioned SLAPP complaints, I’m a little surprised he didn’t mention the California Anti-SLAPP statute ([https://leginfo.ca.gov/faces/codes\\_displaySection.xhtml?sectionNum=425.16&lawCode=CCP](https://leginfo.ca.gov/faces/codes_displaySection.xhtml?sectionNum=425.16&lawCode=CCP))

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# Chris Avellone files libel suit over last year's sexual misconduct allegations

By [Natalie Clayton](#), [Tyler Wilde](#) 17 days ago

The person who made the first allegations says she stands by them.

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(Image credit: Luna Cruz (via Wikipedia))

Just over a year after [multiple women accused him of sexual misconduct](#), game writer Chris Avellone has published a blog post in which he denies the claims which led to multiple studios cutting ties with him. He has also filed a lawsuit against two accusers, plus as many as 100 unnamed people who he claims are "responsible in some manner" for defamation.

Avellone's [lawsuit](#) specifically alleges that two women, Karissa Barrows and Kelly Bristol, made libellous statements about him last year. After seeing an IGN interview with Avellone in June 2020, Barrows alleged on Twitter that the writer had a history of "preying on young women" at conventions by "getting them drunk." In her case, she said that he purchased alcohol to get her "blackout drunk" at a bar before escorting her to her hotel room, where they made out in the hallway. (Both parties agree that, at her request, things didn't go further than that.)

Barrows went on to say that Avellone was a "sexual predator" and that he "assaulted and abused" her friends. Bristol, a friend of Barrows, alleged that Avellone groped and propositioned her, which Barrows said she hadn't known about.

Avellone expressed surprise at some of the comments from Barrows, but said very little publicly about the allegations in 2020. He has now rejected each

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claim, calling the statements "entirely false" and saying that he has never "targeted any person for the purpose of engaging in non-consensual sexual contact" and that he did not assault Bristol.


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Barrows stands by her allegations. "The only statement I will make at this time is that I stand by my story," Barrows told PC Gamer when reached for comment this week. "I told the truth. I am not at liberty to speak further until legal proceedings have concluded."

Along with the lawsuit, Avellone published a blog post titled "[It's Come To This](#)", in which he claims that Barrows became antagonistic toward him when his relationship with a friend of hers soured. In 2020, Barrows claimed that her best friend "endured over a year of heartache, gaslighting, and emotional abuse at [Avellone's] hands." Avellone says that the friend in question did become "unhappy," but that they had not been in a committed relationship. (The friend is only identified in the post as someone named Jackie. She is not identified in the lawsuit, either.)

Avellone also denies, preemptively, that he's using the legal system to silence accusers, saying that he wants Barrows and others to "speak more about what happened."


 **Chris Avellone** @ChrisAvellone · Jun 26, 2021  
Replying to @ChrisAvellone

A long list of digital evidence and witness testimony has been compiled over the past year. With that in hand, I filed a formal response last week, not to silence Karissa and Kelly, but to encourage them to speak more.

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Lawyer D.M. Schmeier, who is not involved in the suit but [characterized it as "revenge" and "bullying" in a widely shared Twitter thread](#), said that suits like Avellone's are used to silence defendants, in that they are expensive and difficult to respond to. Schmeier also criticized the strategy of the lawsuit, saying that Avellone's lawyers made a mistake by filing in California (because it favors the defendants in cases like this more than other states) and that the suit's claims lack legal merit. For example, Schmeier says that referring to someone as a "predator" is a statement of opinion rather than fact in the context of a libel suit, and so "isn't actionable." He also questions whether Avellone can prove that the accusers acted maliciously, the sense behind including the 100 "Does," and other specifics. Schmeier concludes that the suit is, in his opinion, about silencing the accusers.


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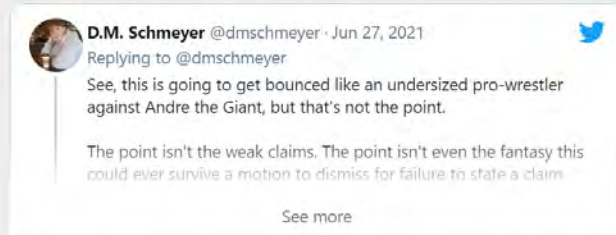


Avellone disagrees. Reached for comment, he told PC Gamer that he feels Barrows and Bristol "have had time to be heard" over the past year since the allegations were made, and therefore aren't being "silenced." In addition, "other voices involved in the stories" will now be heard, he said, and he believes the inquiry will reveal "serious misstatements and contradictions." He also said that the nature of the 100 "Doe" defendants will become clear in court.

In one tweet Avellone takes issue with, Schmeyer seems to mock the inclusion of "hurt feelings" in the suit as one of the damages suffered, writing, "Your feelings are hurt? You just literally plead hurt feelings. Dude."

"The lawyer in the thread is biased, unfortunately," wrote Avellone. "I respect his right to be heard, but while mocking one for pleading 'hurt feelings,' he should already be aware that's standard wording for libel suits in California and includes a range of emotional distress, including suicidal thoughts."

Indeed, while California does not specify what sort of thoughts might be described by "hurt feelings," it does include the term as one of the "general damages" relevant in libel cases alongside "loss of reputation," "shame," and "mortification."



Schmeyer declined to add anything specific to that remark, but did respond to the claim that he is biased. "I don't know Chris Avellone personally, nor do I know any parties to this lawsuit," wrote the lawyer in an email to PC Gamer. "I've played his games, and enjoyed them, but that's the extent of it. Being a lawyer, I found the legal issues surrounding his complaint to be of interest, and I commented.

Aside from the claim that he isn't trying to silence the defendants, Avellone says in his blog post that he waited until now to fight the allegations because he "understood cancel culture," and felt that the companies which cut ties with him could not show hesitation without being judged.

The lawsuit, which was filed in Los Angeles on June 16, seeks damages for lost work and emotional distress, as well as punitive damages, the costs of the suit, and a positive injunction, which means the court would define some action to be taken by defendants Barrows and Bristol as a remedy.

The next development will depend on the response from the defendants, which should happen fairly soon, as the default deadline is 30 days from being served.

Given the statement from Barrows that she stands by what she said, it seems obvious that she is challenging the suit. One option, which Schmeyer explains in his thread, is for the defendants to file a motion to strike the complaint on the basis that it lacks merit, which could succeed if the court agrees with Schmeyer's opinion.

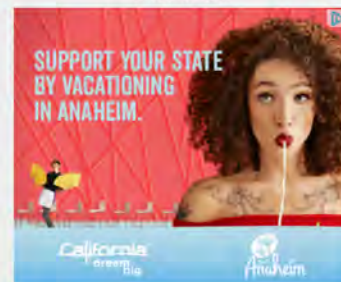
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11 **DECLARATIONS OF: 1. KARISSA BARROWS; 2. KELLY BRISTOL; 3. DANIEL**  
12 **ALLENDER** on the parties listed below:

13 Neville L. Johnson, Esq.  
14 Aleeza L. Marshlian, Esq.  
15 JOHNSON & JOHNSON LLP  
16 439 North Canon Drive, Suite 200  
17 Beverly Hills, California 90210  
18 Telephone: (310) 975-1080  
19 Facsimile: (310) 975-1095  
20 Email: njohnson@jjllplaw.com  
21 amarashlian@jjllplaw.com

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