

3. First, contrary to their allegations, I was never informed by Pascal, Sprattley or Iconoscope Films LLC that any of them considered the D&D Production partnership to be over at any time.

4. I did have possession of the footage because I was the director of the film. Iconoscope held the funds. Both the funds and the footage rights were primary assets of the partnership.

5. I started out in the partnership in 2011 by doing a lot of research online, then I bought several books to do research about D&D. I found one by author and D&D expert Michael Tresca. It was very informative and I thought he would be a good interview. I reached out to Mr. Tresca and he was gracious enough to say yes. When he met Andrew and I he explained that there was a film that had gone through the gaming community recently that had portrayed the D&D community in what they perceived as a negative manner. As a result, there was a sense of mistrust that would need to be met. Mr. Tresca helped us by introducing us to people who became our pathway into that community. This is a public community, but they also are guarded. They were hurt by a prior film and wanted to make sure they were protected before cooperating with another film. With the help from Mr. Tresca and his contacts, and the partnership's efforts and expenditures, we were able to get in with the community. These people include those described at ¶18 of Pascal's Affidavit, and also below at ¶6. Though their identities may be publicly available, gaining their trust and their knowledge about D&D history took effort and money by the partnership, as shown by defendants' "accounting". (See Pascal Aff. Ex. D)

6. The 2012 Kickstarter fundraising campaign also legitimized the D&D Production. Once we gained credibility in the community through a successful Kickstarter

fundraising campaign, it was much easier to develop these connections. The public reacted positively to our trailer and marketing efforts, building up our reputation and good will, in turn allowing us to dig deeper into the D&D history. Defendants have attempted to and in many instances have used those inroads and opportunities for themselves. For example, on July 23, 2014, they thanked their “supporters” for successfully helping them to raise funds in a posting on their Kickstarter web page. See **Exhibit A**. Of the names listed there, many were people whose relationships we had cultivated specifically for the D&D Production, spending partnership assets to do so as shown in the “accounting” provided as Exhibit D to the Pascal Affidavit. They include:

- Ernie Gygax, who was interviewed for the D&D Production in 2012;
- Mary Jo Gygax, Walker, interviewed for the D&D Production in March 2013;
- Elise Gygax, interviewed for the D&D Production in March 2013;
- Heidi and Luke Gygax, interviewed for the D&D Production in March 2013;
- Paul Stormberg, interviewed for the D&D Production in March 2012;
- Jon Peterson - interviewed for the D&D Production late 2012. We were introduced to him via one of Michael Tresca's contacts;
- David Ewalt, who was interviewed for the D&D Production in March 2012. He has always been an anchor interview of our film;
- Rob Kuntz, - Everyone told us to contact Rob. We could never get in contact with him. We finally were at a convention with him in March of 2013. I walked up to him and introduced myself to him and we started a conversation. He was interviewed for the D&D Production in 2013;
- Michael Mornard, interviewed for the D&D Production in Jan 2012;
- Jim Ward, interviewed him 2012 and 2013;
- Ethan Gilsdorf, the second interviewee for the D&D Production;

- Alex Gutenmakher, our film paid Alex \$5000 to use his edit facilities. We were never given a contact for him and were told that the \$5,000 was only good for a limited period of time so the money was lost. Alex then performed services for defendants' film trailer;
- Adam Goldberg, who came to the project via the Kickstarter fundraising campaign, offered to help the film. He is the person referred to at paragraph 55 of the Complaint.

7. The value of the footage obtained with these subjects is continually diluted as defendants continue to draw public interest and support by marketing their competing film, touting footage with the same interviewees, and which presumably contain additional details that were shared only after building the original relationship for the D&D Production.

8. Another of the supporters to which defendants are grateful is Benoist Poire. *See* Ex. A hereto. Through his support for defendants' competing film, he apparently has been given the impression by defendants that "the Great Kingdom grew out of" the D&D Production.

The Benoist comment can be seen at **Exhibit B** p. 2.¹ Ernie Gygax, another supporter of the competing film and a relative of a founder of D&D, also acknowledges there that defendants have "spent a couple of years and plenty of air miles" on the competing project. *Id.* By defendants own admission they had only started working on the competing project in or about August, 2013, almost one year ago – by no means "a couple of years." Ernie Gygax, who had been interviewed for the D&D Production in 2012 simply acknowledges that defendants' competing film is a product of the original partnership's hard work and expenditures.

9. Pascal asserts that he provided me with the password to the partnership email account dungeonsdoc@gmail.com and that the password has remained unchanged. The email provided at Exhibit G to the Pascal Affidavit merely provides a login and password. I have found this email but did not remember receiving it. When I saw this email recently I had no idea the

¹ <http://www.tenkarstavern.com/2014/07/another-dungeons-dragons-documentary-is.html>

information was for the email account, as the email doesn't explain what it is for. When I received Pascal's affidavit on July 22, 2014, I logged into the account to change the password (since it was now public information). The password was subsequently changed again, presumably by Pascal. I still have no access to this email account. Moreover, from what I did see when I was briefly allowed to log in, the account is empty aside from a few emails, as all emails have been deleted. A screen shot of the inbox is attached as **Exhibit C**.

10. On July 17, 2014, Andrew Pascal used his access to the D&D Production's Kickstarter web page to respond to a question from "D. Daniel Wagner." Amazingly, through this platform that is intended to benefit the D&D Production, he used that opportunity to ask Mr. Wagner to spread the word about the competing film. **Exhibit D**.

11. A final point I must counter as false is that I was never notified by Pascal or Sprattley that they intended to make their own D&D movie and I had no idea until after the Settlement Agreement was agreed. Only then did defendants go public with a their website page and other social media promotion. **Exhibit E** is the domain registration information for the competing film's website, thegreatkingdom.com, which shows Pascal acquired it on December 10, 2013. The Settlement Agreement is dated December 5, 2013. Why would defendants wait until immediately after the Settlement Agreement was signed to go public with their project if I had already known about it? They were keeping their competing project a secret from me so that I would sign the Settlement Agreement and apparently they thought they would be free to proceed publicly with the competing project while still retaining the upside from the D&D Production.



Anthony Savini
Officer, Director, and Shareholder of
Westpaw Films Inc.

Sworn to before me this
28th day of July, 2014



Notary Public