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3 IN THE CIRCUIT COURT FOR THE STATE OF OREGON  
4 FOR MULTNOMAH COUNTY  
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7 **DAVID KOENIG**

8 Plaintiff  
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10 vs

11 **EVANS CLINCHY**  
12 **JENNIFER CLINCHY and**  
13 **BRIANNA (LOLA) McKISSEN**

14 Defendants  
15

Case No. 23CV15424

**JENNIFER CLINCHY'S**  
**SPECIAL MOTION TO STRIKE**

Oral Argument: Requested  
Estimated Time: 45 Minutes  
Court Reporting: Requested

16 **UTCR 5.050 STATEMENT**

17 Jennifer Clinchy (defendant) does not expect oral argument will exceed 45  
18 minutes. Defendant requests official court reporting services.  
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21 **CONFERRAL CERTIFICATION**

22 After extensive conferrals, plaintiff has confirmed that there are no further  
23 amendments he wishes to make to his complaint, and has confirmed that he does  
24 not intend to voluntarily dismiss his case under any circumstance. Exhibit 1.  
25 Accordingly, a special motion to strike is now necessary, and the relief sought in this  
26 motion remains opposed.  
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## FACTUAL BACKGROUND

### 1. Free Speech as a Mandatory Reporter

In March of 2022, defendant was asked by a widely respected leader in the Scrabble community to make statements in a disciplinary proceeding with the North American Scrabble Players Association concerning plaintiff's conduct. Clinchy ¶ 2. As a certified director with the Association, defendant was a mandatory reporter of any potential Code of Conduct violations. *Id.*; Exhibit 2. As part of the proceeding, defendant and other players exercised their right to free speech by making public the communicative statements attached to plaintiff's complaint in this case. *Id.*

### 2. Statements Concerning a Person in the Public Eye

According to the complaint, plaintiff "is a highly ranked competitive Scrabble player" who "has enjoyed a high level of repute in the competitive Scrabble community for over twenty years." Complaint ¶ 1. Plaintiff has publicly stated, "I am a prominent person in the tournament Scrabble community" and "organizers have told me that my name on the registration list has increased the prestige of their events and helped draw in other players." Exhibit 3. Plaintiff has publicly stated that he viewed the allegations made against him in the various disciplinary proceedings "in the vein of celebrity hate mail." *Id.* Plaintiff has been publicly described as "the most despised person in Scrabble" in an article by *New Jersey Monthly*. Exhibit 4. Plaintiff voluntarily helped launch and promote the issues raised in defendants' statements into the public domain by publishing a manifesto on his Internet blog in July of 2020 at splenetic.net.

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2 **3. Statements Affecting People Beyond the Direct Participants**

3 Plaintiff has acknowledged that defendant’s statements were “something that  
4 impacted the entirety of North American competitive Scrabble.” Exhibit 3. The  
5 Association’s membership database currently lists 8,339 members. Clinchy ¶ 2.  
6 Defendant’s public statements had the ability to directly affect a large number of  
7 people beyond the direct participants in the Code of Conduct disciplinary proceeding,  
8 and had the potential to protect the international Scrabble community at large from  
9 future acts of predatory behavior against others by plaintiff. *Id.*  
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12 **4. Statements that Involved a Topic of Widespread Public Interest**

13 The issue of safety from threatening behavior and harassment in the Scrabble  
14 community is an issue of widespread public interest that has received national media  
15 attention. Exhibit 5. In October of 2020, *Sports Illustrated* magazine published an  
16 exposé exposing harassment in the Scrabble community. *Id.* Defendant was  
17 interviewed by the author for the article. Clinchy ¶ 2. Plaintiff has said that “it is in  
18 the public interest of the entire Scrabble world to know the facts of [defendants]  
19 political malfeasance so that players can make their best decisions.” Exhibit 3.  
20 Plaintiff’s statements on this topic have received widespread public interest and  
21 readership. *Id.* Three days after the publication of plaintiff’s manifesto, plaintiff  
22 posted on Facebook that his first post had received 500 hits in the first 24 hours and  
23 Part II had received 330 hits in the first 12 hours after publication. *Id.* Defendant’s  
24 statements at issue in this case, which she also communicated to law enforcement,  
25 were intended to protect the public interest regarding various safety concerns  
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2 pertaining to plaintiff, which were reported by defendant and other members of the  
3 Scrabble community. Clinchy ¶ 2.

#### 4 **5. Plaintiff's Suspension for Violating the Code of Conduct**

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6 In September of 2022, the Advisory Board concluded its disciplinary  
7 proceeding concerning plaintiff. Exhibit 6. After reviewing and considering all the  
8 evidence received in the case, the Advisory Board determined that at least three of  
9 plaintiff's actions were in violation of Section 2 of the Association's Code of Conduct.

10  
11 *Id.* Notably, the Advisory Board decided that plaintiff had violated the Code of  
12 Conduct based largely through plaintiff's own submissions, which mirrored the  
13 manifesto that plaintiff still maintains on his Internet blog. *Id.* Plaintiff's Code of  
14 Conduct violations resulted in his suspension from the Association's club and  
15 tournament play for a period of three years. *Id.* In order to resume club and  
16 tournament play, the Advisory Board required, among other actions, that plaintiff  
17 complete an anger management program and commit to complying with the  
18 Association's Code of Conduct moving forward. *Id.*

#### 19 **6. Plaintiff Targets Defendants for Litigation**

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21 Rather than appeal<sup>1</sup> the suspension or satisfy the conditions required by the  
22 Advisory Board to rejoin the Association, plaintiff instead began looking for an  
23 attorney willing to file a lawsuit against three of the four people who provided  
24 statements in the proceeding. Exhibit 7. In November of 2022 plaintiff retained an  
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<sup>1</sup> Plaintiff did later appeal the suspension, eight months after the Association had issued its decision and notified him of his appeal rights, but only after this lawsuit was filed and it was brought to his attention that his failure to appeal stood to further bar him relief under a failure to mitigate defense.

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2 experienced trial attorney to advise him in this matter. *Id.* Plaintiff's first attorney  
3 was either unwilling or unable to certify a complaint, and by April of 2023, plaintiff  
4 apparently found a new attorney who *was* willing to certify a complaint as plaintiff  
5 had wanted. Unlike plaintiff's first attorney, plaintiff's new attorney was not  
6 experienced. Exhibit 8. Court records show plaintiff's new attorney had never tried  
7 a case nor ever even filed a legal complaint before he certified and filed plaintiff's  
8 various complaints in this case. *Id.*

### 11 **7. Bad Faith Litigation Conduct**

12 Plaintiff has spent his time over the past several months promoting this  
13 litigation on the Internet (apparently without the knowledge of his own attorney),  
14 filing frivolous discovery requests, and further ramping up his efforts to harass and  
15 annoy defendants and other members of the Scrabble community. Exhibit 1.  
16 Plaintiff's complaint has been amended twice, both to add new facts and theories in  
17 an attempt to save his claims after conferrals, and to change old facts that plaintiff's  
18 attorney later learned were false. *Id.*

21 Despite having had ample opportunity to amend (or voluntarily dismiss) his  
22 claims, plaintiff's complaint remains as irregular as it is baseless. For instance, the  
23 second amended complaint, which plaintiff still has not served, seeks to make  
24 defendant pay for plaintiff's damaged vocal cords under the apparent theory that  
25 after learning of defendants' statements, plaintiff screamed so loud that the police  
26 were allegedly called to his apartment. Complaint ¶ 32; Exhibit 3. In response to a  
27 public records request, police have so far been unable to find any records of any such  
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2 event having taken place, and plaintiff has failed to provide any legal authority  
3 permitting the recovery of these types of purely self-inflicted damages. Fuller ¶ 4.  
4 Plaintiff's misguided complaint also seeks to make defendant pay for impermissibly  
5 speculative "loss of revenue" that plaintiff claims would have been "within the realm  
6 of possibility" playing Scrabble, had he not been suspended from competitive play  
7 for his Code of Conduct violations. Complaint ¶ 13; Koenig ¶ 7.  
8

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10 Half of the claims in plaintiff's complaint (claims for damages based on civil  
11 conspiracy) are not separate torts for which damages may even be recovered as a  
12 matter of black letter law. *See Granewich v. Harding*, 329 Or 47, 53 (1999) ("civil  
13 conspiracy is not, itself, a separate tort for which damages may be recovered");  
14 *Dennis v. JP Morgan Chase Bank*, No. 3:18-cv-00555-YY, 2018 US Dist LEXIS  
15 222736, at \*19-20 (D Or Nov. 13, 2018) ("Oregon state law likewise does not  
16 recognize an independent claim for conspiracy."). Yet even after multiple conferrals  
17 during which plaintiff was not able to articulate any legal basis for his independent  
18 conspiracy claims, he nonetheless adamantly continues in his refusal to dismiss or  
19 otherwise withdraw the claims.  
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22 Throughout this litigation, plaintiff has engaged in various forms of bad faith  
23 litigation conduct, harassment, missed filing deadlines, missed service deadlines,  
24 failed to comply with the discovery rules, and has otherwise destroyed or withheld  
25 responsive communications. Exhibit 1. Plaintiff's new attorney has now been  
26 required to withdraw from the case citing ethical concerns, and information has  
27 surfaced that plaintiff had apparently misled his counsel, waived attorney-client  
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2 privilege, and engaged in the falsification of records and tampering of witness  
3 statements. *Id.*; Exhibit 9.

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5 Now, after extensive conferrals discussing in detail why his claims lack any  
6 objective legal basis, two amended complaints, after his own attorney has said he  
7 can no longer ethically continue this litigation, and plaintiff not having found a  
8 single licensed attorney willing or able to ethically resume the litigation, plaintiff  
9 remains steadfast in his refusal to voluntarily dismiss this abusive, wrongful, and  
10 meritless civil proceeding, requiring Court intervention and dispositive motions  
11 practice.  
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### 13 **SPECIAL MOTION TO STRIKE**

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15 Plaintiff has had ample opportunity to add any additional facts, theories, or  
16 claims to augment his complaint, and so now defendant respectfully joins her co-  
17 defendants in filing a special motion to strike the claims in plaintiff's complaint  
18 under ORS 31.150. Exhibit 1. Defendant incorporates by reference all the facts,  
19 arguments, and contents of the special motions to strike filed by co-defendant  
20 BriAnna McKissen and co-defendant Evans Clinchy, as well as the facts, arguments  
21 and contents contained in this motion. This motion is timely under ORS 31.152(1)  
22 because plaintiff stipulated in writing to extend defendant's deadline to file through  
23 August 7, 2023, and because plaintiff has not served defendant with the operative  
24 complaint. Fuller ¶ 13.  
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## LEGAL STANDARDS

The “resolution of a special motion to strike under Oregon’s anti-SLAPP statute requires that the court engage in a two-step burden-shifting process.” *Young v. Davis*, 259 Or App 497, 501 (2013).

First, the Court must determine whether the defendant has met the initial burden to show that the claim against which the motion is made “arises out of” one or more protected activities set forth in ORS 31.150(2). ORS 31.150(3).

Second, if the defendant meets the initial burden, the burden shifts to the plaintiff to show that “there is a probability that the plaintiff will prevail on the claim by presenting substantial evidence to support a prima facie case.” *Id.* Only if the plaintiff meets this burden may the Court deny the defendant’s motion. *Id.* If a plaintiff fails to show there is a probability that it will prevail on its claims, the Court must grant the motion and dismiss those claims. ORS 31.150(1).

An anti-SLAPP motion “shall be treated as a motion to dismiss under ORCP 21 A but shall not be subject to ORCP 21 F.” *Id.* In making a determination under ORS 31.150(1) “the court shall consider pleadings and supporting and opposing affidavits stating the facts upon which the liability or defense is based.” ORS 31.150(4); *see also C.R. v. Eugene Sch. Dist. 4J*, 308 Or App 773, 780-81 (2021) (holding that “in determining whether a claim arises out of statements made in or in connection with an issue under consideration in one of the proceedings described in ORS 31.150(2), the court is not limited to the face of the complaint”).



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## ARGUMENT

As alleged in plaintiff’s complaint and as further explained in this motion, all six of plaintiff’s claims arise out of statements described in ORS 31.150(2)(d). Complaint ¶¶ 16-37. Because plaintiff’s claims all undeniably arise out of defendant’s exercise of the right of free speech in connection with a public issue and an issue of public interest, “the burden shifts to the plaintiff in the action to establish that there is a probability that the plaintiff will prevail on the claim by presenting substantial evidence to support a prima facie case.” ORS 31.150(3).

### 1. Claim-By-Claim Analysis

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The Court must examine “the content, form, and context” of statements to determine whether the statements “involve matters of public concern” such that they are protected under the First Amendment. *Neumann v. Liles*, 358 Or 706, 720 (2016). In making this determination, the Court must liberally construe the categories of protected conduct in favor of the exercise of the rights of expression. ORS 31.152(4).

The Oregon Court of Appeals recently affirmed that written statements identifying harassment and misconduct by another person in a community are “related to a matter of general interest to the public and that that speech should be protected to ensure continued discourse on public issues.” *Davoodian v. Rivera*, 327 Or App 197 (2023) (reversing trial court’s denial of defendant’s special motion to strike).

A claim-by-claim analysis of plaintiff’s complaint in this case establishes that all six of plaintiff’s claims against defendant arise out of the same free speech,

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2 contained in the written statement attached to the complaint as Exhibit C, a  
3 courtesy copy of which is attached to this motion. *Tokarski v. Wildfang*, 313 Or App  
4 19, 25-26 (2021) (special motions to strike employ a “claim-by-claim analysis as to  
5 whether a particular claim should be stricken.”).  
6

7 As explained below, defendant’s written statement that forms the basis of  
8 each of plaintiff’s claims, was, on its face, communicative and an otherwise  
9 permissible exercise of the right of free speech. *Hilton v. Hallmark Cards*, 599 F3d  
10 894, 904 (9th Cir 2010).  
11

12 By plaintiff’s own admission, defendant’s statement was in connection with a  
13 public issue or an issue of public interest. Exhibit 3. Defendant’s statement  
14 concerned harassment in the Scrabble community—an issue that has garnered  
15 national media attention. Exhibit 5; *DeHart v. Tofte*, 326 Or App 720 (2023). And  
16 defendant’s statement concerned the conduct of plaintiff, who is, by his own  
17 admission, a celebrity in the Scrabble world and a person in the public eye who has  
18 been the subject of much international attention and news articles. Exhibit 4; *Sunset*  
19 *v. Media*, 2023 Cal. Super. LEXIS 29208, \*13-15 (May 24, 2023).  
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22 Finally, the written statement by defendant that forms the basis of each of  
23 plaintiff’s claims could and did “directly affect a large number of people beyond the  
24 direct participants” in the Code of Conduct violation disciplinary proceeding, as  
25 evidenced by the Association’s decision to suspend plaintiff’s ability to interact with  
26 other players and otherwise participate in its tournaments and clubs. *DeHart*, 326  
27 Or App at 720.  
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2 **1.1. Defamation**

3 Plaintiff's first claim against defendant is defamation. The complaint alleges  
4 that defendant defamed plaintiff by writing the statement attached to the complaint  
5 as Exhibit C. Complaint ¶¶ 16-18. Specifically, the complaint alleges that defendant  
6 defamed plaintiff by accusing plaintiff of sexual coercion and the harassment and  
7 stalking of multiple women. Complaint ¶ 10.  
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9 The Court must examine "the content, form, and context" of defendant's  
10 statements to determine whether they "involve matters of public concern" such that  
11 they are protected speech. *Neumann*, 358 Or at 720.  
12

13 By their very nature, the statements that form the basis of plaintiff's  
14 defamation claim are public, as publication is a required element of the claim. And  
15 as explained in this motion and the motions of the co-defendants, plaintiff's  
16 defamation claim arises out of the written statements attached to the complaint,  
17 which fall under the category of communicative speech about an issue of public  
18 interest, and so the burden now shifts to plaintiff to provide substantial evidence to  
19 support each element of his defamation claim under ORS 31.150(3). Clinchy ¶ 2.  
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22 **1.2. Intentional Interference with Economic Relations**

23 Plaintiff's next claim against defendant is intentional interference with  
24 economic relations ("IIER"). The complaint alleges that defendant defamed plaintiff  
25 by writing the statement attached to the complaint as Exhibit C, and that  
26 defendant's alleged defamation caused interference with plaintiff's economic  
27 relationship with various Scrabble organizations. Complaint ¶¶ 22-26.  
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2 As with plaintiff's defamation claim, the claim for IIER is predicated on and  
3 arises out of the written statements attached to the complaint, which fall under the  
4 category of communicative speech about an issue of public interest. Accordingly,  
5 plaintiff must present substantial, admissible evidence to support each element of  
6 his IIER claim.  
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### 8 ***1.3. Intentional Infliction of Emotional Distress***

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10 Plaintiff's complaint also claims intentional infliction of emotional distress  
11 ("IIED") against defendant. The complaint alleges that defendant defamed plaintiff  
12 by writing the statement attached to the complaint as Exhibit C, and that  
13 defendant's alleged defamation constituted an extraordinary transgression of the  
14 bounds of socially tolerable conduct and caused plaintiff severe mental and  
15 emotional distress. Complaint ¶¶ 30-34. As with plaintiff's claims for defamation  
16 and IIER, the claim for IIED is predicated on and arises out of the written  
17 statements attached to the complaint, which fall under the category of  
18 communicative speech about an issue of public interest, and so plaintiff now has the  
19 burden to present substantial, admissible evidence to support the IIED claim.  
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### 22 ***1.4. Conspiracy***

23  
24 Plaintiff's complaint also includes three independent claims for damages  
25 based on civil conspiracy to commit the torts of defamation, IIER, and IIED.  
26 Complaint ¶¶ 19-21; 27-29; 35-37. The three civil conspiracy claims in the complaint  
27 are expressly predicated on and arise out of the written statements attached to the  
28 complaint, which fall under the category of communicative speech about an issue of

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2 public interest. As explained above, all six of plaintiff’s claims arise out of statements  
3 by defendant contained in Exhibit C to the complaint. Because defendant has shown  
4 that each of plaintiff’s claims arise out of defendant’s free speech on an issue of public  
5 interest, now “the burden shifts to the plaintiff” to present “substantial evidence to  
6 support” each element of each claim in his complaint. ORS 31.150(3).  
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## 8 **2. Plaintiff Lacks Substantial Evidence to Support a Prima Facie Case**

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10 Even if plaintiff’s claims were well-pleaded<sup>2</sup>, which for the most part they are  
11 not, plaintiff’s responses (or lack thereof) to defendant’s discovery requests establish  
12 that plaintiff simply doesn’t have any evidence, let alone any admissible evidence,  
13 let alone any *substantial* admissible evidence, to support each element of each of his  
14 claims. Fuller ¶ 11; Exhibit 10. Because the elements of plaintiff’s claims in this case  
15 are not supported by the discovery record, a finding of “substantial” evidence under  
16 ORS 31.150 is not possible, and defendant’s special motion to strike should be  
17 granted.  
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20 Further, by carefully crafting and amending his legal claims with the primary  
21 purpose to evade dismissal at the pleadings stage, plaintiff is now stuck with theories  
22 of causation and damages that are so irregular and unfounded that actually proving  
23 his claims under the theories he has pleaded is simply not possible.  
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26 <sup>2</sup> Plaintiff’s failure to produce admissible evidence to support each element of each of his six claims is  
27 fatal to his case, either under ORS 31.150, or on summary judgment. *Celotex Corp. v. Catrett*, 477 US  
28 317 (1986) (the absence of evidence in the discovery record as to any element essential to a party’s  
claim requires dismissal of the claim on summary judgment). After multiple conferrals and three  
separate opportunities to draft a facially valid complaint, plaintiff still has not sufficiently pleaded  
cogent claims for which relief can be granted. In the event the Court does not grant defendants’ special  
motions to strike for any reason, defendants intend to promptly file motions for judgment on the  
pleadings and motions for summary judgment.

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2           **2.1. Defamation**

3           As confirmed by his responses to requests for production, plaintiff simply has  
4 no evidence to prove that defendant’s statements are false, or that plaintiff  
5 experienced lost income attributable to defendant’s statements, or that plaintiff  
6 experienced injury to his already tarnished reputation attributable to defendant’s  
7 statements, or that plaintiff experienced any noneconomic damages that he himself  
8 did not self-inflict.  
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11           Plaintiff also cannot prove any damages for defamation that are attributable  
12 to defendant (as opposed to some other person or source) because the bulk of the  
13 statements by defendant that form the basis of plaintiff’s defamation claim are also  
14 contained in the statements of the other co-defendants.  
15

16           Plaintiff’s defamation claim is also barred as a matter of law on its face  
17 because the claim was filed in May of 2023, more than a year after the March 2022  
18 publication date of defendant’s statement, and the complaint fails to sufficiently  
19 allege ultimate facts that plaintiff had no reasonable opportunity to discover his  
20 injury and the identity of the party responsible for that injury in order to toll the  
21 statute of limitations. *Bock v. Collier*, 175 Or 145, 148 (1944) (the statute of  
22 limitations for defamation runs from the date of publication). *See also Doe v. Lake*  
23 *Oswego Sch. Dist.*, 353 Or 321, 327 (2013), discussing what facts must be pleaded  
24 and proved to toll the statute of limitations. Regardless, plaintiff still has not  
25 effectuated service according to the Court’s docket, and plaintiff’s claim for  
26 defamation remains time-barred.  
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2 Even if plaintiff's defamation claim were not time-barred, plaintiff is  
3 nonetheless barred relief by the qualified privilege doctrine and the First  
4 Amendment. *Cribbs v. Montgomery Ward & Co.*, 202 Or 8, 12-13 (1954) (dismissing  
5 claim based on qualified privilege where defendant had a moral and social obligation  
6 to inform an organization of another person's alleged misconduct); *Peck v. Coos Bay*  
7 *Times Pub. Co.*, 122 Or 408, 421-422 (1927) (whether a communication is entitled to  
8 a qualified privilege is usually a question of law); *Snyder v. Phelps*, 562 US 443-44  
9 (2011) ("The Free Speech Clause of the First Amendment \* \* \* can serve as a defense  
10 in state tort suits."); *id.* at 444 ("speech is of public concern when it can "be fairly  
11 considered as relating to any matter of political, social, or other concern to the  
12 community \* \* \* or when it is a subject of general interest and of value and concern  
13 to the public.") (internal quotation marks and citations omitted); *Dongguk Univ. v.*  
14 *Yale Univ.*, 734 F3d 113, 129 (2d Cir 2013) ("This is true regardless of the claim at  
15 issue, be it defamation, intentional infliction of emotional distress, or negligence;  
16 heightened First Amendment protections apply to any tort alleging reputational  
17 harm as long as the underlying speech relates to a matter of public concern.").

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22 As explained above, plaintiff's claim for defamation is not supported with  
23 substantial evidence and plaintiff is not likely to prevail on the claim. Under these  
24 circumstances, the Court should grant defendant's special motion to strike the claim.  
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2           **2.2. Intentional Interference with Economic Relations**

3           Plaintiff's IIER claim is not legally tenable, and plaintiff has failed to produce  
4 admissible evidence to support any of the allegations underlying his claim for IIER.  
5 Plaintiff produced no admissible evidence to support his allegation that he possessed  
6 an economic relationship with the Association, and the Association provided no such  
7 documents evidencing any economic relationship with plaintiff in response to a  
8 subpoena duces tecum. Fuller ¶ 4.  
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11           Plaintiff also cannot produce substantial evidence that defendant's alleged  
12 statements caused plaintiff to be banned by the Association because according to the  
13 Association, the decision that plaintiff violated the Code of Conduct was based on  
14 statements from various individuals, including statements from plaintiff himself.  
15 Exhibit 6 ("We have determined, **largely through your own submissions**, that at  
16 least three of your actions were in violation of section 2 of NASPA's Code of  
17 Conduct.") (emphasis added).  
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20           To recover any lost income damages for IIER as his claim seeks, plaintiff  
21 would have to prove that he would have won the Scrabble tournaments he was  
22 suspended from playing in, and also would have recovered winnings in excess of his  
23 expenses. No evidence exists to support these kinds of speculative damages, nor  
24 could any expert offer a damages model based on a purely speculative and  
25 hypothetical chance of winning a Scrabble tournament. In his responses to request  
26 for admission filed May 16, 2023, plaintiff admitted that he hasn't even paid any  
27 taxes on any income earned playing Scrabble. While the law does recognize models  
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2 of damages based on prospective economic relationships, no authority exists to  
3 permit a damages model based on speculative or hypothetical gambling or gaming  
4 winnings where the chance of success cannot reliably be determined. Plaintiff’s own  
5 affidavit filed May 22, 2023 concedes that his future Scrabble earnings are “within  
6 the realm of possibility”—a far cry from the legal standard needed to plead and prove  
7 damages under Oregon law. *See* UCJI 70.03 (economic damages are “**objectively**  
8 **verifiable** monetary losses”) (emphasis added).  
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11 Plaintiff’s IIER claim is also barred as a matter of law under the qualified  
12 privilege doctrine and the First Amendment because defendant’s statements were  
13 made to protect the public interest, communicated to law enforcement, and the  
14 community’s interest in reporting misconduct and threatening behavior is an  
15 interest equal or superior in social value to the plaintiff’s ability to earn occasional  
16 winnings playing Scrabble with organizations that do not want him as a member.  
17 *Cribbs*, 202 Or at 12-13 (dismissing claim based on qualified privilege where  
18 defendant had a moral and social obligation to inform an organization of another  
19 person’s alleged misconduct); *Peck*, 122 Or at 421-422 (whether a communication is  
20 entitled to a qualified privilege is usually a question of law); *Ride PDX, Ltd. Liab.*  
21 *Co. v. Tee & B, Ltd. Liab. Co.*, 322 Or App 165, 167-68 (2022) (“A person who  
22 interferes with a contract is not always responsible for the resultant injury. If he is  
23 promoting an interest which is equal or superior in social value to that with which  
24 he interferes, his actions are said to be privileged or justified.”); *Top Service Body*  
25 *Shop v. Allstate Ins. Co.*, 283 Or 201, 209 (1978) (“It is the plaintiff’s burden to show  
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2 'both that a defendant intentionally interfered with the plaintiff's economic  
3 relationship and **that the defendant had no privilege to do so.**') (emphasis  
4 added); *Snyder*, 562 US 443-44; *Dongguk*, 734 F3d at 129. Plaintiff's IIER claim must  
5 fail because the claim asserts that "damages are presumed" for IIER, when in reality,  
6 damages are not presumed, and must be pleaded. Complaint ¶ 26; *See, e.g., Allen v.*  
7 *Hall*, 328 Or 276, 281 (1999) (to establish a claim for IIER, a plaintiff must plead  
8 and prove damages).

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11 As explained above, plaintiff has not and cannot satisfy his burden under ORS  
12 31.150(3) with respect to his IIER claim because he has no admissible evidence to  
13 support the elements of his claim, nor can plaintiff prove his irregular theories of  
14 causation and damages.

### 15 16 **2.3. *Intentional Infliction of Emotional Distress***

17 Plaintiff's claim for IIED is not supported with substantial evidence and  
18 plaintiff is not likely to prevail on the claim. Plaintiff's claim for IIED (as with his  
19 claims for IIER and conspiracy) are all premised on his claim of defamation, which,  
20 as discussed above, is not viable. Further, by his own admission in his complaint,  
21 plaintiff's emotional distress was self-inflicted, and plaintiff has no proof that  
22 defendant's statements, as opposed to the statements of any other person, were the  
23 cause of the harm he alleges in his IIED claim.

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26 Plaintiff cannot prove (nor is it plausible) that defendant intended nor knew  
27 with substantial certainty that plaintiff would self-inflict damage to his own vocal  
28 cords when he learned that he was the subject of a Code of Conduct disciplinary

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2 proceeding. Plaintiff also has not alleged nor can he prove the existence of a  
3 qualifying special relationship between himself and defendant, which is the “most  
4 important factor” in determining whether alleged conduct is “extreme and  
5 outrageous.” *House v. Hicks*, 218 Or App 348, 360 (2008).  
6

7 Similarly, plaintiff cannot prove that defendant’s statements to protect the  
8 public interest “constituted an extraordinary transgression of the bounds of socially  
9 tolerable conduct” as alleged in his complaint. *Watte v. Edgar Maeyens*, 112 Or App  
10 234, 238 (1992) (“Conduct that is merely ‘rude, boorish, tyrannical, churlish and  
11 mean’ does not satisfy that standard, nor do ‘insults, harsh or intimidating words,  
12 or rude behavior ordinarily ... result in liability even when intended to cause  
13 distress.”); *Clemente v. State*, 227 Or App 434, 442-43 (2009) (affirming dismissal of  
14 IIED claim and ruling that in the context of an IIED claim, the court functions as a  
15 gatekeeper and decides the contours of social norms in the first instance).  
16  
17

18 Plaintiff’s IIED claim is also barred as a matter of law under the First  
19 Amendment. *Snyder*, 562 US at 443 (“The Free Speech Clause of the First  
20 Amendment \* \* \* can serve as a defense in state tort suits, including suits for  
21 intentional infliction of emotional distress.”).  
22

23 Plaintiff’s IIED claim also must fail because the complaint attempts to use a  
24 theory of “reckless disregard in taking actions” to support the claim. Complaint ¶ 31.  
25 As a matter of black letter law, reckless conduct cannot satisfy the intent element of  
26 an IIED claim. *T.L. v. Sherwood Charter Sch.*, 68 F Supp 3d 1295, 1319 (D Or 2014)  
27 (“negligent or reckless conduct does not suffice” to support a claim for IIED); *Snead*  
28

1  
2 *v. Metropolitan Property and Cas. Ins. Co.*, 909 F Supp 775, 779 (D Or 1996), *aff'd*,  
3 116 F3d 486 (9th Cir 1997) (“there is no cognizable claim for the reckless infliction  
4 of emotional distress under the laws of the State of Oregon”); *Logan v. West Coast*  
5 *Benson Hotel*, 981 F Supp 1301, 1322 (D Or 1997) (accord).  
6

7 For all these reasons, plaintiff has not pleaded nor can he prove the required  
8 elements of an IIED claim. Under these circumstances, defendant’s special motion  
9 to strike the IIED claim should be granted.  
10

#### 11 **2.4. Conspiracy**

12 Plaintiff’s claims for conspiracy are not supported with substantial evidence  
13 and plaintiff is not likely to prevail on the claims, because they are not even  
14 recognized as separate torts for which damages may be recovered. *Granewich v.*  
15 *Harding*, 329 Ore 47, 53 (1999) (“civil conspiracy is not, itself, a separate tort for  
16 which damages may be recovered”); *Dennis v. JP Morgan Chase Bank*, No. 3:18-cv-  
17 00555-YY, 2018 US Dist LEXIS 222736, at \*19-20 (D Or Nov. 13, 2018) (“Oregon  
18 state law likewise does not recognize an independent claim for conspiracy.”).  
19  
20

21 Even if Oregon did recognize an independent claim for conspiracy, plaintiff’s  
22 complaint fails to state any ultimate facts to support the required elements of “a  
23 meeting of the minds on the object or course of action” among the co-defendants as  
24 required, nor can plaintiff prove such a conspiracy. *Osborne v. Fadden*, 225 Or App  
25 431, 436-37 (2009); *Reed v. Toyota Motor Credit Corp.*, 301 Or App 825, 837-38 (2020)  
26 (affirming dismissal of co-defendant where “no evidence was presented to support a  
27 meeting of the minds to establish a civil conspiracy”).  
28

1  
2 Plaintiff cannot satisfy his substantial burden to prove a conspiracy under  
3 ORS 31.150(3) because there simply was no conspiracy—rather, various members of  
4 the Scrabble community were asked to cooperate in a disciplinary proceeding  
5 concerning plaintiff’s conduct, and defendant cooperated in the request, both out of  
6 genuine safety concerns for the community, and because she is a mandatory reporter  
7 of any potential Code violations. Exhibit 2. Under these circumstances, defendant’s  
8 special motion to strike plaintiff’s conspiracy claims should be granted.  
9  
10

11 **2.5. Attorney Fees**

12 Plaintiff’s prayer seeks attorney fees but plaintiff provides absolutely no basis  
13 for the recovery of attorney fees as required by the rules. *See* ORCP C(2)(a) (“A party  
14 seeking attorney fees shall allege the facts, statute, or rule that provides a basis for  
15 the award of fees in a pleading filed by that party.”). Plaintiff’s prayer also seeks  
16 \$20,000 in economic damages and \$400,000 in noneconomic damages—figures that  
17 plaintiff has now essentially admitted are fictitious or otherwise have no basis in  
18 fact. To the extent plaintiff’s prayer for attorney fees is deemed an independent  
19 claim, the claim lacks any basis in fact or law and should be stricken under ORS  
20 31.150.  
21  
22

23 **CONCLUSION**

24  
25 As argued in this motion, and in the special motions to strike filed by the other  
26 co-defendants which defendant adopts and incorporates by reference, the claims in  
27 plaintiff’s complaint are unsupported with substantial admissible evidence and  
28 plaintiff is not likely to prevail on them. Accordingly, this Court should grant

1  
2 defendant's special motion to strike, after which defendant will file a statement for  
3 attorney fees, costs and disbursements under ORS 31.152(3).

4  
5 Defendants have given plaintiff ample opportunity to voluntarily dismiss his  
6 baseless claims, and have repeatedly requested in writing that the claims be  
7 voluntarily dismissed, with repeated warnings that if special motions to strike are  
8 granted, the Court must award attorney fees and costs to the movants.  
9  
10 Notwithstanding multiple requests and warnings over the course of several months,  
11 plaintiff has remained steadfast in his refusal to dismiss his claims, and has only  
12 ramped up his harassment as the case has progressed. Exhibit 1.

13 August 3, 2023

14  
15 **RESPECTFULLY FILED,**

16 /s/ Michael Fuller  
17 **Michael Fuller, OSB No. 09357**  
18 Lead Trial Attorney for Jennifer Clinchy  
19 OlsenDaines  
20 US Bancorp Tower  
21 111 SW 5th Ave., Suite 3150  
22 Portland, Oregon 97204  
23 [michael@underdoglawyer.com](mailto:michael@underdoglawyer.com)  
24 Direct 503-222-2000  
25  
26  
27  
28

1  
2 **PROOF OF SERVICE**

3 I certify that on the date below I caused this document to be served via hand  
4 delivery, with a courtesy copy via email to:

5  
6 **Plaintiff David Koenig**



7  
8  
9 I certify that I caused this document to be served via email to:

10  
11 **Defendant BriAnna McKissen**  
12 **Ashley L. Vaughn**  
13 [ashley@dumasandvaughn.com](mailto:ashley@dumasandvaughn.com)

14  
15 August 3, 2023

16 /s/ Michael Fuller  
17 **Michael Fuller, OSB No. 09357**  
18 Lead Trial Attorney for Jennifer Clinchy  
19 OlsenDaines  
20 US Bancorp Tower  
21 111 SW 5th Ave., Suite 3150  
22 Portland, Oregon 97204  
23 [michael@underdoglawyer.com](mailto:michael@underdoglawyer.com)  
24 Direct 503-222-2000  
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26  
27  
28

1  
2 IN THE CIRCUIT COURT FOR THE STATE OF OREGON  
3 FOR MULTNOMAH COUNTY  
4

5  
6 **DAVID KOENIG**

7 Plaintiff

8  
9 vs

10 **EVANS CLINCHY**  
11 **JENNIFER CLINCHY and**  
12 **BRIANNA (LOLA) McKISSEN**

13 Defendants  
14

Case No. 23CV15424

**DECLARATION OF  
JENNIFER CLINCHY**

15 **DECLARATION**

16 I, Jennifer Clinchy, declare the following under penalty of perjury:

- 17
- 18 1. This declaration sets forth facts as would be admissible in  
19 evidence, and I am competent to testify to the matters stated.
  - 20 2. In March of 2022, I was asked by a widely respected leader in the  
21 Scrabble community to make statements in a disciplinary  
22 proceeding with the North American Scrabble Players Association  
23 concerning plaintiff's conduct. As a certified director with the  
24 Association, I was a mandatory reporter of any potential Code of  
25 Conduct violations. As part of the proceeding, I exercised my right  
26 to free speech by making public the communicative statements  
27 attached to the operative complaint as Exhibit C. The  
28



1  
2 Association's membership database currently lists 8,339 members.  
3 My public statements, which I also communicated to law  
4 enforcement, had the ability to directly affect a large number of  
5 people beyond the direct participants in the Code of Conduct  
6 disciplinary proceeding, and had the potential to protect the  
7 international Scrabble community at large from future acts of  
8 predatory behavior against others by plaintiff. In October of 2020,  
9 *Sports Illustrated* magazine published an exposé exposing  
10 harassment in the Scrabble community. I was interviewed by the  
11 author for the article. My public statements at issue in this case  
12 were intended to protect the public interest regarding various  
13 safety concerns pertaining to plaintiff, which were reported by me  
14 and other members of the Scrabble community.  
15

16  
17  
18 3. I know the facts I am testifying about based on my personal  
19 knowledge. I declare that the above statement is true to the best  
20 of my knowledge and belief, and that I understand it is made for  
21 use as evidence in court and is subject to penalty for perjury.  
22  
23

24  
25 Date: Aug. 2, 2023

26  
27   
28 Jennifer Clinchy

1  
2  
3 IN THE CIRCUIT COURT FOR THE STATE OF OREGON  
4 FOR MULTNOMAH COUNTY  
5  
6

7 Case No. 23CV15424

8 **DAVID KOENIG**

9 Plaintiff

**DECLARATION OF  
MICHAEL FULLER**

10 vs

11 **EVANS CLINCHY**  
12 **JENNIFER CLINCHY and**  
13 **BRIANNA (LOLA) McKISSEN**

14 Defendants  
15

16 **DECLARATION**

17  
18 I, Michael Fuller, declare the following under penalty of perjury:

- 19 **1.** This declaration sets forth facts as would be admissible in  
20 evidence, and I am competent to testify to the matters stated.  
21  
22 **2.** The document attached as Exhibit 1 is a true and correct copy  
23 (highlighted for the convenience of Court and counsel) of  
24 communications between the parties establishing that defendants  
25 have given plaintiff ample opportunity to voluntarily dismiss his  
26 baseless claims, and have repeatedly requested in writing that the  
27 claims be voluntarily dismissed.  
28

- 1
- 2       **3.** The document attached as Exhibit 2 is a true and correct copy of
- 3           the NASPA Code of Conduct and mandatory reporting
- 4           requirements.
- 5
- 6       **4.** The document attached as Exhibit 3 is a true and correct copy
- 7           (highlighted for the convenience of Court and counsel) of various
- 8           statements and admissions made by plaintiff, including a
- 9           statement and admission made by plaintiff about police allegedly
- 10          showing up at his door in the middle of the night after plaintiff
- 11          allegedly damaged his vocal cords by screaming in his apartment.
- 12          In response to a public records request, police were unable to find
- 13          any records of any such event having taken place.
- 14
- 15
- 16       **5.** The document attached as Exhibit 4 is a true and correct copy of
- 17          an article by *New Jersey Monthly* publicly describing plaintiff as
- 18          the most despised person in Scrabble.
- 19
- 20       **6.** The document attached as Exhibit 5 is a true and correct copy of
- 21          an exposé by *Sports Illustrated* magazine exposing harassment in
- 22          the Scrabble community.
- 23
- 24       **7.** The document attached as Exhibit 6 is a true and correct copy
- 25          (highlighted for the convenience of Court and counsel) of the
- 26          NASPA Advisory Board decision to suspend plaintiff.
- 27
- 28       **8.** The document attached as Exhibit 7 is a true and correct copy of a
- letter from an attorney for plaintiff.

1  
2 **9.** The document attached as Exhibit 8 is a true and correct copy of  
3 court records pertaining to the attorney who certified and filed  
4 plaintiff's complaints in this case.  
5

6 **10.** The document attached as Exhibit 9 is a true and correct copy of  
7 an email from plaintiff's attorney.  
8

9 **11.** The document attached as Exhibit 10 is a true and correct copy of  
10 plaintiff's written responses to defendants' initial requests for  
11 production in this case. Upon request, plaintiff has failed to  
12 provide admissible evidence to support each element of his claims  
13 in the discovery record. The bulk of the documents produced by  
14 plaintiff (articles about the game of Scrabble, a copy of his  
15 manifesto, self-serving emails and texts and an affidavit, his tax  
16 returns, his attorney fee agreement, his Scrabble ratings, etc.) do  
17 not constitute substantial evidence to support a prima facie case  
18 and otherwise do not constitute admissible evidence.  
19  
20

21 **12.** Upon request through a subpoena duces tecum, NASPA provided  
22 no documents to suggest that plaintiff ever had an economic  
23 relationship with NASPA.  
24

25 **13.** Plaintiff stipulated in writing to extend defendant's deadline to file  
26 this motion through August 7, 2023.  
27  
28

1  
2 **14.**I know the facts I am testifying about based on my personal  
3 knowledge. I declare that the above statement is true to the best  
4 of my knowledge and belief, and that I understand it is made for  
5 use as evidence in court and is subject to penalty for perjury.  
6

7  
8 August 3, 2023  
9

10 **RESPECTFULLY FILED,**

11 /s/ Michael Fuller

12 **Michael Fuller, OSB No. 09357**

13 Lead Trial Attorney for Jennifer Clinchy  
14 OlsenDaines

15 US Bancorp Tower

16 111 SW 5th Ave., Suite 3150

17 Portland, Oregon 97204

18 [michael@underdoglawyer.com](mailto:michael@underdoglawyer.com)

19 Direct 503-222-2000  
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July 24, 2023

David Koenig  
c/o attorney Marc Mohan  
1525 SE 22nd Avenue  
Portland, Oregon 97214  
[veritelawcompany@gmail.com](mailto:veritelawcompany@gmail.com)

**RE Case No. 23CV15424**

Back in April, we wrote you a letter warning that your complaint had no objectively reasonable basis. Our letter warned of personal liability against you and your attorney for wrongful use of civil proceedings.

It is now July.

You have missed multiple service deadlines.

You have missed multiple filing deadlines.

You have tried to save your complaint by amendment twice.

Your attorney has notified us that he is required to withdraw under the ethical rules, and you have not found another attorney who is ethically permitted or otherwise willing to continue prosecuting this baseless case.

Most critically, your discovery responses have confirmed that you lack admissible evidence to support your claims.

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Portland, Oregon 97204 • 503-222-2000

In light of these circumstances, we again request that you voluntarily dismiss your complaint, before Court and counsel must spend considerable time and resources engaging in motions practice.

If you continue in your refusal to dismiss this baseless litigation, we intend to reference this letter in support of our forthcoming request for an award of enhanced attorney fees against you under ORS 20.075.

In the event you do ever find replacement counsel willing to resume this litigation, please forward this letter and its attachments to them, and ask them to contact us as soon as possible. Otherwise, we will await the filing of the notice of withdrawal, and file our dispositive motions on or before August 7.

Thank you,

s/ Michael Fuller  
Partner

Enclosures Letter dated April 25, 2023  
Letter dated May 10, 2023  
Letter dated June 8, 2023  
Letter dated June 16, 2023  
Letter dated July 6, 2023  
Letter dated July 12, 2023



April 25, 2023

David Koenig  
c/o attorney Marc Mohan  
1525 SE 22nd Avenue  
Portland, Oregon 97214  
[veritelawcompany@gmail.com](mailto:veritelawcompany@gmail.com)

**RE Notice of Representation**  
**Case No. 23CV15424**

We've been retained by Jennifer and Evans Clinchy to defend the lawsuit you filed against them. The Law Office of Kelly D. Jones has been retained to oversee motions practice, in the event the case results in an appeal. As a legal matter, based on the facts as we see them, your lawsuit has no objectively reasonable basis. Please understand that there will be no money paid by our clients to settle what we consider to be baseless claims. Ever.

If we must begin litigation, we will defend the case to judgment, either through dispositive motions, or through a trial by jury. Assuming we secure a verdict in our favor, we will file a statement under ORS 20.105 asking the Court to enter judgment against you in the amount of the legal fees needlessly incurred defending your baseless claims, along with a fee multiplier under ORS 20.075. My litigation rate in this case is \$545 per hour. I've been given full authority to mount the best defense possible. After we begin litigation, it will be impossible for you to later withdraw your lawsuit against my clients voluntarily, without being required to pay any judgment entered in our favor for legal fees<sup>1</sup> and costs and disbursements as the prevailing party.

---

<sup>1</sup> My jury trial in April resulted in a \$430,126 fee statement. Case No. 19CV42308.



Attached are three recent defense judgments I secured against plaintiffs who refused to promptly dismiss baseless lawsuits against my clients, requiring the plaintiffs to pay my clients' attorney fees.<sup>2</sup>

If you wish to proceed with litigation against my clients under these circumstances, that is your right, though the outcome may not be what you had hoped for, and may result in a money judgment against you in favor of my clients.<sup>3</sup> Please also understand that your failure to promptly dismiss my clients from this baseless lawsuit may also result in separate liability against you and your attorney, as we establish through motions practice and discovery that your claims lack probable cause, and that you acted with a primary purpose other than securing an adjudication on the merits of your claims.

If you wish to end the expense of litigation with my clients, please file a notice of voluntary dismissal with respect to them, and circulate a draft form of judgment for my review. If not, we respect your decision, and we will call your attorney on Thursday to confer on our forthcoming motions and to schedule your examination with Dr. Wicher. Thank you.

Sincerely,

s/ Michael Fuller  
Partner

Enclosures    Initial Requests for Production  
                    Prior Judgments

cc                Emily Templeton, Associate  
                    Nate Haberman, Associate  
                    Kelly D. Jones

---

<sup>2</sup> We have recent experience defending against baseless defamation and IIED claims. The attached Washington County judgment involved a complaint similar to yours, claiming defamation and IIED against a local doctor. The Court ultimately entered judgment against the plaintiff on her own defamation claim through motions practice, and the IIED claim was later dismissed through unconditional surrender by the plaintiff, requiring her to pay our client's attorney fees.

<sup>3</sup> Legal fees owed under ORS 20.105 may not be dischargeable in bankruptcy, and any unpaid fee award may create a lien on your home. *See, e.g., Hamm v. Burcar (In re Hamm)*, Nos. CC-20-1049-LSF, 9:18-bk-10785-DS, 9:18-ap-01045-DS, 2020 Bankr LEXIS 2593, at \*20 (BAP 9th Cir Sep. 29, 2020).



May 10, 2023

Marc Mohan  
[veritelawcompany@gmail.com](mailto:veritelawcompany@gmail.com)

**RE Case No. 23CV15424**

Your responses to the initial requests for production do not comply with ORCP 43 and will result in motions for sanctions and summary judgment if you do not serve compliant responses and produce documents by May 25.

If you intend to withhold a requested item from production on the basis of an objection, ORCP 43 B(2)(a) requires your response to “specifically” object to the request, so we know that responsive documents exist and have been withheld. Your blanket objections do not comply with ORCP 43. Further, your responses do not include a statement that, except as specifically objected to, any requested item within plaintiff’s possession or custody will be provided or made available by May 25, as ORCP 43 B(2)(a) requires.

Please understand that if you do not produce admissible evidence to satisfy each element of each claim in the operative complaint by the time allowed (30 days after service of the initial requests under ORCP 43 B(2)), we may promptly file a *Celotex*-style motion for summary judgment in hopes of putting an end to this baseless and vindictive litigation that your client apparently convinced you to file.

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Portland, Oregon 97204 • 503-222-2000

Page 1 of 2

**Exhibit 1**

Your responses state that “investigation and discovery are continuing”. Please understand that as an officer of the Court, your signing and filing of the operative complaint (which plaintiff’s prior counsel was apparently unwilling or unable to do) is a certification that each allegation in the complaint is supported by evidence in your litigation file. If an attorney files legal claims and later learns that the claims are not supported by admissible evidence, the attorney is required to withdraw from the representation. We reserve the right and intend to seek sanctions under ORCP 17 D if you and your client cannot or otherwise do not produce evidence to support each factual allegation in the operative complaint by May 25 as the rules require.

In the event you do timely produce evidence responsive to the initial requests by May 25, please be sure your production complies with ORCP 43 B(2)(a) by organizing and labeling the items produced to correspond with the categories in the requests.

Thank you.

Sincerely,

s/ Michael Fuller  
Partner



June 8, 2023

David Koenig  
c/o attorney Marc Mohan  
1525 SE 22nd Avenue  
Portland, Oregon 97214  
[veritelawcompany@gmail.com](mailto:veritelawcompany@gmail.com)

**RE Case No. 23CV15424**

To confirm our last conferral, plaintiff has now provided all responsive documents to defendants' discovery requests, and plaintiff has no additional documents, information, or things that he intends to introduce or reference on summary judgment.

Before responding to the operative complaint, we want to confirm that plaintiff has no further amendments he wishes to make. Defendants would be prejudiced if plaintiff were to attempt to further change his complaint as the parties begin to engage in dispositive motions practice. If plaintiff has any additional facts, theories, or claims to augment his operative complaint, please let us know, and if so, feel free to circulate a proposed amended complaint by close of business next Friday.

Thank you,

Sincerely,

s/ Michael Fuller  
Partner

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Portland, Oregon 97204 • 503-222-2000



June 16, 2023

David Koenig  
c/o attorney Marc Mohan  
1525 SE 22nd Avenue  
Portland, Oregon 97214  
[veritelawcompany@gmail.com](mailto:veritelawcompany@gmail.com)

**RE Case No. 23CV15424**

On June 8, we sent plaintiff a letter requesting confirmation that he had provided all his documents that were responsive to our discovery requests.

Plaintiff did not respond.

Based on the facts as we now understand them, plaintiff either withheld or destroyed relevant responsive documents that were in his possession, including communications with Augustine Adda, John Chew, Judy Cole, Jason Idalski, Wayne Kelly, Eric Kinderman, Mina Le, Stefan Rau, Cesar del Solar, Sue Tremblay and others, as well as statements plaintiff has made about this lawsuit.

Please let us know your availability next Monday or Tuesday to confer.

Thank you.

Sincerely,

s/ Michael Fuller  
Partner

US Bancorp Tower • 111 SW 5th Ave. • Suite 3150  
Portland, Oregon 97204 • 503-222-2000



July 6, 2023

David Koenig  
c/o attorney Marc Mohan  
1525 SE 22nd Avenue  
Portland, Oregon 97214  
[veritelawcompany@gmail.com](mailto:veritelawcompany@gmail.com)

**RE Case No. 23CV15424**

Last month we notified you that we had concerns that your client was withholding responsive communications that he had made about this lawsuit after you filed it. You later confirmed that your client had in fact made communications about this lawsuit without your knowledge.

Please see the attached email, currently designated confidential and attorney's eyes only. If true, the email further substantiates our ongoing concerns about your client's wrongful use of this civil proceeding, and raises new concerns of tampering and fraud. If true, the email also establishes that your client has waived attorney-client privilege pertaining to the subject matter of this litigation.

Assuming you continue to represent the plaintiff in this matter, please let us know your availability to confer next week. Thank you.

Sincerely,

s/ Michael Fuller  
Partner

US Bancorp Tower • 111 SW 5th Ave. • Suite 3150  
Portland, Oregon 97204 • 503-222-2000



July 12, 2023

David Koenig  
c/o attorney Marc Mohan  
1525 SE 22nd Avenue  
Portland, Oregon 97214  
[veritelawcompany@gmail.com](mailto:veritelawcompany@gmail.com)

**RE Case No. 23CV15424**

If you wish to dismiss your claims against my clients now before we engage in dispositive motions practice, please sign, date, and return the attached judgments before the close of business on Friday.

Thank you,

s/ Michael Fuller  
Partner

US Bancorp Tower • 111 SW 5th Ave. • Suite 3150  
Portland, Oregon 97204 • 503-222-2000

Page 1 of 1

**Exhibit 1**

# NASPA Code of Conduct (Effective July 26, 2020)

## Preamble

The favorable reputation of NASPA is a valuable asset that creates tangible benefits for all NASPA members.

NASPA players and officials serve as ambassadors for our game. Accordingly, everyone involved in NASPA activities should refrain from engaging in conduct or behavior detrimental to our reputation when attending a club or tournament. All participants should also strive to present a positive image during events even during those times when they are away from the tournament area, in such places as restaurants or hotels.

Players and directors are reminded that their friends, spouses, relatives, and other associates who attend NASPA events with them should not negatively disrupt the event nor impede club and tournament officials from doing their jobs.

Players and officials are encouraged, to the best of their abilities, to be cooperative and courteous with media personnel who are covering NASPA events.

A NASPA event should be an enjoyable experience for everyone involved. Behavior that is deemed harmful to this objective will not be tolerated. All players are urged to inform club and tournament directors about any incidents which are detrimental to the positive atmosphere at a NASPA event. In order to create a pleasant atmosphere at NASPA events, the following guidelines have been established.

NASPA may also announce that this Code of Conduct is in effect in specific situations that are not traditional club or tournament venues. In this case, the words club and tournament should be understood to refer to the situation in question.

## Classification 1 Code Violations

### a. Audible Obscenities

Do not use audible obscenities while playing a game or in the accepted boundaries of the club or tournament area. An audible obscenity is defined as the use of words commonly known and understood to be profane and uttered clearly and loudly enough to be heard. It is permissible to speak offensive words where necessary in the context of relating a play that was made during a game.



## **b. Visible Obscenities**

Do not make obscene gestures of any kind while playing a game or while in the accepted boundaries of the club or tournament area. A visible obscenity is defined as the making of a sign with hands or other means that is commonly known to have an obscene meaning.

## **c. Written Obscenities**

Do not use any written obscenities to insult, demean, or harass other players or club or tournament officials. This includes the writing of words or statements, commonly understood to be profane, that can be easily seen by nearby players or passersby. It is permissible to write offensive words on a challenge slip when such words are challenged. It is also permissible to write offensive words that have been played during a game (or words that were considered for play) on one's score sheet or note paper.

## **d. Abuse of Equipment**

Do not throw, slam, break, damage or destroy any game equipment, tournament equipment, or other personal property.

## **e. Leaving the Playing Area during a Game without Legitimate Cause**

With the exception of unavoidable restroom breaks or other legitimate reasons, do not leave the playing room before your game is completed (including completing and submitting any required paperwork).

## **f. Deliberate Noncooperation with Tournament Officials**

Cooperate with club or tournament officials and staff at all times. Deliberate noncooperation with tournament officials will not be tolerated.

## **g. Unsportsmanlike Conduct**

Conduct yourself in a sportsmanlike manner and give due regard to the authority of officials and the rights of your opponents and other players. Unsportsmanlike conduct will not be tolerated. Unsportsmanlike conduct is defined as any misconduct by a player that is not specifically defined in other sections of this code, but is clearly abusive, negative, or detrimental to the success of the club, tournament, or NASPA in general.

## **Classification 2 Code Violations**

### **a. Physical Abuse**

Do not at any time physically abuse any official, opponent, or other person within the precincts of the club or tournament site.

### **b. Intimidation, Threats, and Harassment**

It is part of the mission of NASPA to provide all participants and officials at NASPA clubs and events with a safe and harassment-free experience. Do not verbally abuse, intimidate, threaten, bully, or harass fellow players, club officials or tournament officials. This includes (without limitation) sexual harassment and discriminatory or harassing remarks based on race, color, creed or religion, sex, sexual orientation, gender identity, national origin, age, marital status, military status, or disability.

### **c. Sexual and Gender-Based Harassment**

Do not sexually harass or harass on the basis of gender players, directors, other tournament staff, vendors, or visitors. Examples of sexual and gender-based harassment include:

- Any unwelcome sexual attention, advances, and/or requests for sexual favors, whether verbal, physical, or visual.
- Sexually explicit slurs or words used to describe a person.
- Unwelcome jokes, comments, or conversations regarding sexual activity, including the use of sexually explicit language.
- Sexually suggestive remarks concerning a person's body or clothing.
- Any unwelcome comments about a person's gender, gender conformity, physical characteristics, or mannerisms.
- Using sexually-suggestive or gender-based comments to bully, intimidate, or harass a person.
- Spreading sexual or gender-based rumors about a person, including in person, by telephone, by email, online, or otherwise.

Any of the listed behavior is unacceptable in the club and tournament environment. Such conduct will not be tolerated. If you believe that you are the victim of harassment, or observe harassment of someone else, immediately tell the person engaging the offensive behavior to stop, if you feel safe doing so. He or she may not be aware that his or her conduct is unwelcome or offensive.

If you believe that you have experienced sexual or gender-based harassment, you are encouraged to report the matter as soon as possible, even if you have discussed the matter directly with the individual involved. You may report the matter to the club or tournament

director, any member of the NASPA Club/Directors Committee, Tournament Committee, or Advisory Board, or the [Community Advocate](#). The NASPA Community Advocate is a position created by the NASPA Advisory Board specifically to receive and investigate incidents of sexual and gender-based harassment.

Reports made to a club or tournament director about sexual or gender-based harassment during a NASPA-sanctioned event will be dealt with by the director as he/she deems appropriate at the time. The director will then refer the matter to the NASPA Community Advocate (unless requested not to do so by the party making the report, or if the Advocate is the subject of the complaint). Reports to other NASPA committee members will be similarly referred to the NASPA Community Advocate, except as noted.

The NASPA Community Advocate will promptly investigate any report or complaint of sexual or gender-based harassment, subject to any requests for confidentiality you make. The complaint and your identity will be revealed to other NASPA officials and/or committee members strictly on a "need to know" basis. Under no circumstances will you be subject to retaliation for registering the complaint or reporting the conduct. When appropriate and authorized by you, the NASPA Community Advocate will file an incident report with the relevant NASPA committee, for investigation and possible disciplinary action against the offender.

We need your cooperation in immediately reporting conduct which you believe may be any kind of discrimination or harassment.

## **Classification 3 Code Violations**

### **a. Cheating**

Do not cheat. Cheating is defined as knowingly violating the rules to gain a competitive advantage. Cheating is a serious infraction that cannot be tolerated.

### **b. Suspicious Behavior**

Do not engage in suspicious behavior. Suspicious behavior is defined as any behavior that could be interpreted as cheating, but has not been conclusively determined to be cheating.

Note: It is understood that tournament newcomers may sometimes accidentally engage in suspicious behavior because of their inexperience. Directors may grant some leeway and give the benefit of the doubt to unseasoned players who violate the rules without malicious intent. The rules pertaining to suspicious behavior are generally designed for more experienced tournament players who are trying to gain an unfair advantage with their actions and who are willfully violating the rules and/or spirit of the game.

## On-site Reporting and Enforcement of Code Violations

A player who witnesses a Code of Conduct violation should notify a club or tournament director who is in charge of the event at which the violation occurred, as soon as possible.

When a club or tournament director ascertains by a preponderance of the evidence that a player has committed a Code of Conduct violation, the director is empowered to discipline said player in one or more of the following ways, depending upon the seriousness of the offense, the impact on the club or tournament, and any other factors that the director deems relevant to the decision-making process:

1. Official warning – the director warns the player about his/her conduct, and informs the player that additional Code of Conduct violations will carry more serious sanctions.
2. A point penalty (e.g., 100 points; 200 points) applied to club or tournament spread.
3. Forfeiture of the game in process at the time of the violation.
4. Ejection and disqualification from the club or tournament.

The disciplinary items listed are not intended to be a system of "progressive discipline" in which the player may only receive an official warning for a first offense. Rather, the director is empowered to levy those sanctions against the player which the director deems reasonable under the circumstances.

Sanctions may also be imposed against the player by NASPA as detailed below.

## Reporting Code Violations to NASPA

Club and Tournament directors are required to report all code violations to NASPA as soon as they can conveniently do so, and not later than 7 days after the event (use the [Incident Report](#) form). Players are also permitted to report code violations to NASPA using the [Incident Report](#) form (but should always make an in-person report to the director at the time of the event, unless special circumstances apply as described below). Players should report code violations to NASPA as soon as they can conveniently do so. NASPA will consider the timeliness of an [Incident Report](#) filed by a player when determining what action to take.

Incidents which occur at a club shall be reported to the NASPA Club/Directors Committee (CDC). All other incidents which are related to NASPA competition, whether at a tournament or otherwise, shall be reported to the NASPA Tournament Committee (TC).

## Incident Report Investigation

Upon receipt of an incident report, the CDC or TC will also investigate the incident and shall levy such sanctions against any of the involved parties as it deems appropriate. The committee will endeavor to complete its incident report investigation within 3 weeks from the date the report is received. The committee shall investigate the incident as it deems appropriate under the circumstances, but such investigation shall ordinarily proceed as follows:

1. For a first offense of a lower-level violation, the committee will generally receive the incident report for its files, and take no action beyond the sanctions imposed by the on-site director.
2. For a more serious violation, the committee will generally solicit statements from relevant witnesses, then forward the entire incident report, including witness statements, to the accused player and provide him/her an opportunity to respond (usually 10 days will be provided).
3. The committee will review the entire record, solicit any additional information it deems necessary or advisable, then render its decision.
4. The decision will be communicated to the accused player at his/her email address of record in the NASPA membership database. If the player does not have a recorded email address but does have a recorded postal address, a printed copy of the decision will be mailed to the player.
5. If the decision results in a membership suspension, a suspension record will be posted for viewing by NASPA directors online at NASPA Member Services, and the suspension will be announced on the [naspa-tcd@yahoo.com](mailto:naspa-tcd@yahoo.com) mailing list for NASPA directors.

Should the committee find, by clear and convincing evidence, that a player has committed a Code of Conduct violation, the committee shall issue such sanctions against the player as it deems appropriate, which sanctions may include, but are not limited to, suspension of an individual from participation in club and/or tournament events for a period of time or permanently, suspension or revocation of an individual's NASPA membership without refund, financial restitution, and adjustment of game results or spread, or cumulative spread. Additionally, where appropriate, the CDC or TC may require an individual to provide reasonable evidence that circumstances underlying that person's misconduct have been appropriately addressed, prior to that person being permitted to participate in NASPA-sanctioned activities. An accumulation of transgressions may result in longer suspensions and/or other disciplinary action.

The CDC and TC will keep records of all reported transgressions, and any action taken with respect to them, and will share this information with each other.

All reports/statements provided to the CDC or TC shall be deemed non-confidential, unless a request for confidentiality accompanies the report/statement. "Non-confidential" means that reports/statements may be shared by the CDC or TC with the accused and other parties to the

alleged incident, for their review and response. "Confidential" means that the CDC or TC will not forward the report/statement to the accused or any other party, except for another NASPA committee considering the matter, either directly or upon appeal. Confidential reports/statements are given less weight.

All parties to an incident report investigation are prohibited from disseminating the reports or statements of others to any party, other than legal counsel or personal advisors to that party, or to NASPA committees who are acting on the incident report.

## **Special Circumstances**

In the event that a Code of Conduct violation is committed by the on-site director, and the player is uncomfortable reporting the violation to that director, they may report it to a NASPA Advisory Board member or Executive Committee member, if present at the tournament, or may make a written Incident Report to NASPA at the earliest convenient opportunity to do so.

In the event that a player is subject to sexual or gender-based harassment, they may report it in any of the ways outlined in the Sexual and Gender-Based Harassment Policy above. In the event that a player is subject to other kinds of harassment, and is uncomfortable reporting the harassment to the on-site director, they may report it to a NASPA Advisory Board member or Executive Committee member, either in person, by phone, or in writing.

## **Right to Appeal of On-site Director Sanctions**

A player who has been disciplined by an on-site director may appeal the disciplinary ruling as follows:

1. Tell the director immediately that you object to their decision, and explain why, citing specific rules and presenting evidence as appropriate. You may ask for a second opinion, if a second director is available to offer such opinion. Do not delay, as most problems quickly become harder to resolve fairly with the passage of time. NOTE: If the director has ejected you from the tournament site, your right to immediate appeal is void, and you must appeal to a NASPA committee as described below.
2. If you disagree with a club or tournament director's ruling against you, and are unable to resolve your disagreement with them, email or mail the CDC (for incidents taking place at a NASPA club) or TC (for all other incidents), respectively, within 10 days of the ruling. Give as much information as you can about the ruling, and include eyewitness or other evidence to support your case. The CDC or TC will ask the director to provide a written account of the ruling and the evidence on which it was based. The CDC or TC will then make its own ruling, typically within 30 days of gathering all necessary information. The CDC/TC may uphold, vacate or modify a director's original ruling (to either increase or decrease the sanctions against a player). The CDC/TC may uphold a director's original ruling based on an evidentiary standard of preponderance of the evidence, but will only

vacate or modify a director's original ruling based on an evidentiary standard of clear and convincing evidence.

The NASPA Executive Committee (EC) is also empowered sua sponte to direct the CDC or TC to consider any director's decision.

## **Right to Appeal of NASPA Committee Ruling**

If you disagree with a ruling issued against you on an incident report by the CDC or TC, you may appeal it to the Advisory Board (AB). To do so, email or mail the Executive Committee (EC) within 10 days of the issuance of the committee ruling, and explain why you believe the committee's ruling was unjust. The EC will ask the committee chair to forward all files pertaining to the ruling to the AB, and offer the chair an opportunity to reply to your appeal in writing. The AB will then deliberate on the matter at its next meeting, typically within 30 days of gathering all necessary materials, using an evidentiary standard of clear and convincing evidence. The AB deliberation constitutes a de novo review of the matter, and the AB may uphold, vacate, or modify (to increase or decrease) sanctions levied by a director or another NASPA committee. The AB may uphold a lower committee's ruling based on an evidentiary standard of preponderance of the evidence, but will only vacate or modify a lower committee's ruling based on an evidentiary standard of clear and convincing evidence.

The NASPA Executive Committee (EC) is also empowered sua sponte to direct the AB to consider any director's or other committee's decision (except for decisions of the Executive Committee).

## **Motion for Reconsideration by NASPA Executive Committee**

If you disagree with a ruling issued on an incident report by the AB, you may email or mail the NASPA Executive Committee (EC) within 30 days of the issuance of the ruling and ask it to reconsider the matter. The EC is also empowered sua sponte to reconsider any director's or other committee's decision.

Should the EC decide to reconsider any matter, it will review the case record to date in the matter, solicit such additional information as it deems necessary or advisable, and shall render such decision as it deems proper under the circumstances. Except in extraordinary circumstances, the EC will not accept for reconsideration the decisions of lower committees or directors. If the EC declines to reconsider a matter, the decision of the AB shall be final.

The EC reconsideration constitutes a de novo review of the matter, and the EC may uphold sanctions levied by a director or another NASPA committee, based on an evidentiary standard of preponderance of the evidence, or may vacate, or modify (to increase or decrease) sanctions levied by a director or another NASPA committee, based on an evidentiary standard of clear and convincing evidence. The decision of the EC shall be final.

# **NASPA Code of Conduct (effective November 28, 2017)**

## **Preamble**

The favorable reputations of SCRABBLE® Brand Crossword Game and the North American SCRABBLE Players Association (NASPA) are valuable assets. They create tangible benefits for all NASPA members.

SCRABBLE players and officials serve as ambassadors for the game. Accordingly, everyone involved in organized SCRABBLE should refrain from engaging in conduct or behavior detrimental to the integrity of SCRABBLE when attending a club or tournament. All SCRABBLE participants should also strive to present a positive image during SCRABBLE events even during those times when they are away from the tournament area, in such places as restaurants or hotels.

Players and directors are reminded that their friends, spouses, relatives, and other associates who attend SCRABBLE events with them should not negatively disrupt the event nor impede club and tournament officials from doing their jobs.

Players and officials are encouraged, to the best of their abilities, to be cooperative and courteous with media personnel who are covering SCRABBLE events.

A SCRABBLE event should be an enjoyable experience for everyone involved. Behavior that is deemed harmful to this objective will not be tolerated. All players are urged to inform club and tournament directors about any incidents which are detrimental to the positive atmosphere at a SCRABBLE event. In order to create a pleasant atmosphere at SCRABBLE events, the following guidelines have been established.

## **Classification 1 Code Violations**

### **a. Audible Obscenities**

Do not use audible obscenities while playing a game or in the accepted boundaries of the club or tournament area. An audible obscenity is defined as the use of words commonly known and understood to be profane and uttered clearly and loudly enough to be heard. It is permissible to speak offensive words where necessary in the context of relating a play that was made during a game.

### **b. Visible Obscenities**

Do not make obscene gestures of any kind while playing a game or while in the accepted boundaries of the club or tournament area. A visible obscenity is defined as the making of a sign with hands or other means that is commonly known to have an obscene meaning.



### **c. Written Obscenities**

Do not use any written obscenities to insult, demean, or harass other players or club or tournament officials. This includes the writing of words or statements, commonly understood to be profane, that can be easily seen by nearby players or passersby. It is permissible to write offensive words on a challenge slip when such words are challenged. It is also permissible to write offensive words that have been played during a game (or words that were considered for play) on one's score sheet or note paper.

### **d. Abuse of Equipment**

Do not throw, slam, break, damage or destroy any game equipment, tournament equipment, or other personal property.

### **e. Leaving the Playing Area during a Game without Legitimate Cause**

With the exception of unavoidable restroom breaks or other legitimate reasons, do not leave the playing room before your game is completed (including completing and submitting any required paperwork).

### **f. Deliberate Noncooperation with Tournament Officials**

Cooperate with club or tournament officials and staff at all times. Deliberate noncooperation with tournament officials will not be tolerated.

### **g. Unsportsmanlike Conduct**

Conduct yourself in a sportsmanlike manner and give due regard to the authority of officials and the rights of your opponents and other players. Unsportsmanlike conduct will not be tolerated. Unsportsmanlike conduct is defined as any misconduct by a player that is not specifically defined in other sections of this code, but is clearly abusive, negative, or detrimental to the success of the club, tournament, NASPA, or organized SCRABBLE in general.

## **Classification 2 Code Violations**

### **a. Physical Abuse**

Do not at any time physically abuse any official, opponent, or other person within the precincts of the club or tournament site.

### **b. Intimidation, Threats, and Harassment**

It is part of the mission of NASPA to provide all participants and officials at NASPA clubs and events with a safe and harassment-free experience. Do not verbally abuse, intimidate, threaten, bully, or harass fellow players, club officials or tournament officials. This includes (without limitation) sexual harassment and discriminatory or harassing remarks based on race, color, creed or religion, sex, sexual orientation, gender identity, national origin, age, marital status, military status, or disability.

### **c. Sexual and Gender-Based Harassment**

Do not sexually harass or harass on the basis of gender players, directors, other tournament staff, vendors, or visitors. Examples of sexual and gender-based harassment include:

- Any unwelcome sexual attention, advances, and/or requests for sexual favors, whether verbal, physical, or visual.
- Sexually explicit slurs or words used to describe a person.
- Unwelcome jokes, comments, or conversations regarding sexual activity, including the use of sexually explicit language.
- Sexually suggestive remarks concerning a person's body or clothing.
- Any unwelcome comments about a person's gender, gender conformity, physical characteristics, or mannerisms.
- Using sexually-suggestive or gender-based comments to bully, intimidate, or harass a person.
- Spreading sexual or gender-based rumors about a person, including in person, by telephone, by email, online, or otherwise.

Any of the listed behavior is unacceptable in the club and tournament environment. Such conduct will not be tolerated. If you believe that you are the victim of harassment, or observe harassment of someone else, immediately tell the person engaging the offensive behavior to stop, if you feel safe doing so. He or she may not be aware that his or her conduct is unwelcome or offensive.

If you believe that you have experienced sexual or gender-based harassment, you are encouraged to report the matter as soon as possible, even if you have discussed the matter directly with the individual involved. You may report the matter to the club or tournament director, any member of the NASPA Club/Directors Committee, Tournament Committee, or Advisory Board, or the NASPA Community Advocate. The NASPA Community Advocate is a position created by the NASPA Advisory Board specifically to receive and investigate incidents of sexual and gender-based harassment.

Reports made to a club or tournament director about sexual or gender-based harassment during a NASPA-sanctioned event will be dealt with by the director as he/she deems appropriate at the time. The director will then refer the matter to the NASPA Community Advocate (unless requested not to do so by the party making the report, or if the Advocate is the subject of the complaint). Reports to other NASPA committee members will be similarly referred to the NASPA Community Advocate, except as noted.

The NASPA Community Advocate will promptly investigate any report or complaint of sexual or gender-based harassment, subject to any requests for confidentiality you make. The complaint and your identity will be revealed to other NASPA officials and/or committee members strictly on a "need to know" basis. Under no circumstances will you be subject to retaliation for registering the complaint or reporting the conduct. When appropriate and authorized by

you, the NASPA Community Advocate will file an incident report with the relevant NASPA committee, for investigation and possible disciplinary action against the offender.

We need your cooperation in immediately reporting conduct which you believe may be any kind of discrimination or harassment.

### **Classification 3 Code Violations**

#### **a. Cheating**

Do not cheat. Cheating is defined as knowingly violating the rules to gain a competitive advantage. Cheating is a serious infraction that cannot be tolerated.

#### **b. Suspicious Behavior**

Do not engage in suspicious behavior. Suspicious behavior is defined as any behavior that could be interpreted as cheating, but has not been conclusively determined to be cheating.

*Note: It is understood that tournament newcomers may sometimes accidentally engage in suspicious behavior because of their inexperience. Directors may grant some leeway and give the benefit of the doubt to unseasoned players who violate the rules without malicious intent. The rules pertaining to suspicious behavior are generally designed for more experienced tournament players who are trying to gain an unfair advantage with their actions and who are willfully violating the rules and/or spirit of the game.*

### **On-site Reporting and Enforcement of Code Violations**

A player who witnesses a Code of Conduct violation should notify a club or tournament director who is in charge of the event at which the violation occurred, as soon as possible.

When a club or tournament director ascertains by a preponderance of the evidence that a player has committed a Code of Conduct violation, the director is empowered to discipline said player in one or more of the following ways, depending upon the seriousness of the offense, the impact on the club or tournament, and any other factors that the director deems relevant to the decision-making process:

1. Official warning – the director warns the player about his/her conduct, and informs the player that additional Code of Conduct violations will carry more serious sanctions.
2. A point penalty (e.g., 100 points; 200 points) applied to club or tournament spread.
3. Forfeiture of the game in process at the time of the violation.
4. Ejection and disqualification from the club or tournament.

The disciplinary items listed are not intended to be a system of “progressive discipline” in

which the player may only receive an official warning for a first offense. Rather, the director is empowered to levy those sanctions against the player which the director deems reasonable under the circumstances.

Sanctions may also be imposed against the player by NASPA as detailed below.

### **Reporting Code Violations to NASPA**

Club and Tournament directors are required to report all code violations to NASPA as soon as they can conveniently do so, and not later than 7 days after the event (use the Incident Report Form). Players are also permitted to report code violations to NASPA using the Incident Report Form (but should always make an in-person report to the director at the time of the event, unless special circumstances apply as described below). Players should report code violations to NASPA as soon as they can conveniently do so. NASPA will consider the timeliness of an Incident Report filed by a player when determining what action to take.

Incidents which occur at a club shall be reported to the NASPA Club/Directors Committee (CDC). All other incidents which are related to NASPA organized SCRABBLE® Brand Crossword Game play, whether at a tournament or otherwise, shall be reported to the NASPA Tournament Committee (TC).

### **Incident Report Investigation**

Upon receipt of an incident report, the CDC or TC will also investigate the incident and shall levy such sanctions against any of the involved parties as it deems appropriate. The committee will endeavor to complete its incident report investigation within 3 weeks from the date the report is received. The committee shall investigate the incident as it deems appropriate under the circumstances, but such investigation shall ordinarily proceed as follows:

1. For a first offense of a lower-level violation, the committee will generally receive the incident report for its files, and take no action beyond the sanctions imposed by the on-site director.
2. For a more serious violation, the committee will generally solicit statements from relevant witnesses, then forward the entire incident report, including witness statements, to the accused player and provide him/her an opportunity to respond (usually 10 days will be provided).
3. The committee will review the entire record, solicit any additional information it deems necessary or advisable, then render its decision.
4. The decision will be communicated to the accused player at his/her email address of record in the NASPA membership database. If the player does not have a recorded email address but does have a recorded postal address, a printed copy of the decision will be mailed to the player.
5. If the decision results in a membership suspension, a suspension record will be

posted for viewing by NASPA directors online at NASPA Member Services, and the suspension will be announced on the [naspa-tcd@yahoogroups.com](mailto:naspa-tcd@yahoogroups.com) mailing list for NASPA directors.

Should the committee find, by clear and convincing evidence, that a player has committed a Code of Conduct violation, the committee shall issue such sanctions against the player as it deems appropriate, which sanctions may include, but are not limited to, suspension of an individual from participation in club and/or tournament events for a period of time or permanently, suspension or revocation of an individual's NASPA membership without refund, financial restitution, and adjustment of game results or spread, or cumulative spread. Additionally, where appropriate, the CDC or TC may require an individual to provide reasonable evidence that circumstances underlying that person's misconduct have been appropriately addressed, prior to that person being permitted to participate in NASPA-sanctioned activities. An accumulation of transgressions may result in longer suspensions and/or other disciplinary action.

The CDC and TC will keep records of all reported transgressions, and any action taken with respect to them, and will share this information with each other.

All reports/statements provided to the CDC or TC shall be deemed non-confidential, unless a request for confidentiality accompanies the report/statement. "Non-confidential" means that reports/statements may be shared by the CDC or TC with the accused and other parties to the alleged incident, for their review and response. "Confidential" means that the CDC or TC will not forward the report/statement to the accused or any other party, except for another NASPA committee considering the matter, either directly or upon appeal. Confidential reports/statements are given less weight.

All parties to an incident report investigation are prohibited from disseminating the reports or statements of others to any party, other than legal counsel or personal advisors to that party, or to NASPA committees who are acting on the incident report.

### **Special Circumstances**

In the event that a Code of Conduct violation is committed by the on-site director, and the player is uncomfortable reporting the violation to that director, they may report it to a NASPA Advisory Board member or Executive Committee member, if present at the tournament, or may make a written Incident Report to NASPA at the earliest convenient opportunity to do so.

In the event that a player is subject to sexual or gender-based harassment, they may report it in any of the ways outlined in the Sexual and Gender-Based Harassment Policy above. In the event that a player is subject to other kinds of harassment, and is uncomfortable reporting the harassment to the on-site director, they may report it to a NASPA Advisory Board member or

Executive Committee member, either in person, by phone, or in writing.

### **Right to Appeal of On-site Director Sanctions**

A player who has been disciplined by an on-site director may appeal the disciplinary ruling as follows:

1. Tell the director immediately that you object to their decision, and explain why, citing specific rules and presenting evidence as appropriate. You may ask for a second opinion, if a second director is available to offer such opinion. Do not delay, as most problems quickly become harder to resolve fairly with the passage of time. NOTE: If the director has ejected you from the tournament site, your right to immediate appeal is void, and you must appeal to a NASPA committee as described below.
2. If you disagree with a club or tournament director's ruling against you, and are unable to resolve your disagreement with them, email or mail the CDC (for incidents taking place at a NASPA club) or TC (for all other incidents), respectively, within 10 days of the ruling. Give as much information as you can about the ruling, and include eyewitness or other evidence to support your case. The CDC or TC will ask the director to provide a written account of the ruling and the evidence on which it was based. The CDC or TC will then make its own ruling, typically within 30 days of gathering all necessary information. The CDC/TC may uphold, vacate or modify a director's original ruling (to either increase or decrease the sanctions against a player). The CDC/TC may uphold a director's original ruling based on an evidentiary standard of preponderance of the evidence, but will only vacate or modify a director's original ruling based on an evidentiary standard of clear and convincing evidence.

The NASPA Executive Committee (EC) is also empowered sua sponte to direct the CDC or TC to consider any director's decision.

### **Right to Appeal of NASPA Committee Ruling**

If you disagree with a ruling issued against you on an incident report by the CDC or TC, you may appeal it to the Advisory Board (AB). To do so, email or mail the Executive Committee (EC) within 10 days of the issuance of the committee ruling, and explain why you believe the committee's ruling was unjust. The EC will ask the committee chair to forward all files pertaining to the ruling to the AB, and offer the chair an opportunity to reply to your appeal in writing. The AB will then deliberate on the matter at its next meeting, typically within 30 days of gathering all necessary materials, using an evidentiary standard of clear and convincing evidence. The AB deliberation constitutes a de novo review of the matter, and the AB may uphold, vacate, or modify (to increase or decrease) sanctions levied by a director or another

NASPA committee. The AB may uphold a lower committee's ruling based on an evidentiary standard of preponderance of the evidence, but will only vacate or modify a lower committee's ruling based on an evidentiary standard of clear and convincing evidence.

The NASPA Executive Committee (EC) is also empowered sua sponte to direct the AB to consider any director's or other committee's decision (except for decisions of the Executive Committee).

### **Motion for Reconsideration by NASPA Executive Committee**

If you disagree with a ruling issued on an incident report by the AB, you may email or mail the NASPA Executive Committee (EC) and ask it to reconsider the matter. The EC is also empowered sua sponte to reconsider any director's or other committee's decision.

Should the EC decide to reconsider any matter, it will review the case record to date in the matter, solicit such additional information as it deems necessary or advisable, and shall render such decision as it deems proper under the circumstances. Except in extraordinary circumstances, the EC will not accept for reconsideration the decisions of lower committees or directors. If the EC declines to reconsider a matter, the decision of the AB shall be final.

The EC reconsideration constitutes a de novo review of the matter, and the EC may uphold sanctions levied by a director or another NASPA committee, based on an evidentiary standard of preponderance of the evidence, or may vacate, or modify (to increase or decrease) sanctions levied by a director or another NASPA committee, based on an evidentiary standard of clear and convincing evidence. The decision of the EC shall be final.

## Damages

Evans and Jennifer have been targeting, harassing, and disparaging me from early 2017 until the present day. They have not only damaged my reputation in the world of tournament Scrabble terribly, resulting in me being banned from playing Scrabble tournaments around the world, but they have also influenced many other people in the Scrabble world to pile on more harassment, including the entire Board of Directors of WGPO and the CoCo conduct team.

I consider all communication that I received both from WGPO and CoCo regarding incident reports and suspensions to be harassment, in the vein of celebrity hate mail. I am a prominent person in the tournament Scrabble community who has zero desire to play in tournaments of either of these organizations, and they contacted me repeatedly to give an air of bureaucratic legitimacy to their kangaroo court hearings designed to condemn me and preemptively ban me from ever joining their organizations or tournaments.

I have been ranked as high as the #3 best tournament Scrabble player in the USA and #4 in the UK and in the top 20 in the world. Altogether I have probably won over \$20,000 in prize money in my tournament Scrabble career. Most of this has come in the last few years, including a £1000 prize for winning the Grand Slam in March 2020 in Warrington, England and an \$1190 prize for winning the Crescent City Cup in January 2022 in New Orleans, Louisiana. (They were back-to-back tournaments for me, separated by a hiatus of all tournaments due to the pandemic.) Then I won a total of about €550 between three tournaments in the UK and Germany in June 2022. These were five of the six tournaments I played in this time period. I am a favorite to finish in the cash prizes at the vast majority of tournaments I play.

What's been far more financially damaging to me is that the abuse I have received from this community has caused me so much emotional distress that I have not worked for the majority of the last three years, including August 2019 through October 2020 and then from July 2021 to the present day. I had a lucrative career as a software developer, earning between \$180,000 and \$210,000 per year in jobs that I held prior to August 2019 as well as in late 2020 to early 2021.

I've also been so emotionally damaged in the last few years that I've seen seven different therapists since 2018. I believe that I am suffering complex PTSD. This has resulted in, among other things, me screaming so loudly while alone in my car or my apartment that I have on many occasions damaged my vocal cords to the point of not being able to speak for a day or two afterward and to police showing up to my door in the middle of the night, (and once hotel security when I was traveling.) I believe that I may be doing permanent damage to my vocal cords. Doctors have prescribed me antidepressants, benzos, lavender oil, and lemon balm tea for my stress and anxiety. I have found myself frequently talking to myself, at first mostly while I was alone, and sometimes even when I am out in public.



I have been immensely successful in tournaments, including often being ranked in the top 5 or 10 players in North America and earning the Grandmaster title from the Association of British Scrabble Players. Since I became a top ranked player, when I have played tournament Scrabble anywhere in the world with any group other than the close friends of Evans and Jennifer, I have been treated graciously and enthusiastically by the tournament organizers and by the locals at the event. Organizers have told me that my name on the registration list has increased the prestige of their events and helped draw in other players. In fact, organizer Peggy Fehily said just that at my most recent tournament, the 2022 Continental Scrabble Championship in Berlin.

I know my worth, and I only want to play Scrabble not just where I am allowed but where I am valued. I have zero interest in trying to fight my way into any subset of the community that does not value me. Just the opposite, the cost of disrespect to me is you losing my support and advocacy for your tournaments.

In addition to supporting many tournament directors and events, I have been influential in pulling many North American Scrabble players into the CSW fold over the years. Among those have been Scott Appel, Guy Ingram, Barry Keith, Jennifer Clinchy, and Lola McKissen.

For a few years I ran an unofficial CSW club in the DC area, and I also pulled together the CSW players in the Seattle area for casual Scrabble get-togethers when I made business trips there between 2014 and 2017, before I was living in the area. I met Bharath Balakrishnan at a tournament in Chicagoland in 2017, and when I learned he was in Seattle, I introduced him to the other CSW players there, which led to him becoming part of that community.

Many of the people in Evans's and Jennifer's circles over the last several years are people with whom I had longtime friendships, predating Evans and Jennifer running any Scrabble events, and Jennifer even being in our Scrabble scene. When Evans and Jennifer started disparaging me, I tried to give these mutual friends the benefit of the doubt and continue good relationships and Scrabble get-togethers with them, though it became more awkward over the last few years. One of the primary reasons I wrote the splenic.net blog was to try to clear my name and the air with these people. I perhaps naively assumed that when they saw the truth of the story, they would recognize that I had done nothing wrong and would want to play Scrabble with me.

When a number of those people doubled down by criticizing or otherwise disrespecting me on account of anything to do with the story between Evans and Jennifer and me, I started instituting a one-strike-you're-out policy. If people were going to act as if I did anything wrong beyond two poorly worded texts and two poorly worded emails between December 2016 and January 2017 or as if I was anything other than the victim of bullying since that time, I wasn't going to waste my time seeking their approval.

I worked around this whole situation as best as I could by traveling far and wide to get as many CSW Scrabble games against strong players as I could. While I have been living in the Pacific Northwest since 2018, this has included flying to tournaments in San Francisco, CA; Chicagoland, IL; Austin, TX; New Orleans, LA; Albany, NY; Montclair, NJ; Niagara Falls, ON;

Ironically, she also accused me of disparaging her. I had been doing no such thing, but her partner had been disparaging me for nearly two years.

On September 17, 2018, I replied with a brief email apologizing for my specific offending words in the January 5th, 2017 email. I respected their decision not to allow me to enter the tournament, and I specifically said I would not escalate to NASPA. I did not ask for a response nor anything else from them. The entirety of this email correspondence is in the blog at splenetic.net, along with a longer draft of the response email that is contemporaneous evidence that my intention in signing up for the tournament all along was simply to open a line of communication and allow them to address their grievance with me. (Figures 37-38)

I never attempted to sign up for another tournament of theirs again. The apology email is the last time I personally communicated to them in any way.

In July 2019, nearly a year after being denied entry to Hood River, I began to write the story of the trauma I had already been experiencing for the last few years. Most of it was written in Spring 2020. The first draft was for my own therapeutic purposes, just to get out what was bothering me so much. However, I knew from the beginning that I needed to tell the mutual friends of Evans, Jennifer, and me some of my story, in hopes of salvaging my relationships with them.

I had not committed to publishing anything to the world at that time. I thought I might just send the story to a particular circle of friends. However, Evans and Jennifer took several more *political actions* within our Scrabble community over the next year that convinced me that the entire Scrabble world needed to hear my story.

At the end of 2019, Evans and Jennifer left NASPA and created a renegade association. They enlisted friends in other parts of the country to run tournaments under their new banner. I have consistently advocated for unity in our Scrabble world and criticized WGPO for forming nearly a decade earlier. A third organization was a bigger step in the wrong direction. Furthermore, Evans and Jennifer were attempting to put themselves in a position where they did not have to answer to anyone. They could continue unethical and vindictive practices against other Scrabble players unabated.

I also suspected, based on the rumor mill, that they intended to foist all of the tournaments using the CSW dictionary in North America away from NASPA, and to get recognition from WESPA as another official association for North America. If they got their way, I would potentially have no tournaments to play on my entire continent. This was the reason that I decided that I needed to go public. This was no longer just a personal vendetta, but **something that impacted the entirety of North American competitive Scrabble.**

While I was preparing the blog, Evans and Jennifer escalated even further against me and gave me another justification for going public. Shortly after the 2020 Alchemist Cup was canceled due to the pandemic, they stepped in and ran an online tournament they called the Virtual World

Regarding the alleged invasion of Jennifer's privacy in part (a), she and Evans have decided to be leaders in our Scrabble community, both by running tournaments and by leading an association. As such, it is completely within the bounds of propriety for Scrabble players to hold them publicly accountable for their actions which affect the world of Scrabble politics, which includes registrations systems for tournaments and equal access for tournament players both to play in events and to have the opportunities to qualify for international events such as the Alchemist Cup. When Jennifer and Evans use their personal grudge against me and their twisted interpretations of our personal history as grounds for keeping me out of tournaments, they choose to take a personal issue and turn it into a political one.

Especially when they separate from the official Scrabble associations and make a renegade association, they create a situation where **it is in the public interest of the entire Scrabble world to know the facts of their political malfeasance so that players can make their best decisions.**

If Jennifer and Evans chose to disband their organization and never run another Scrabble tournament, I would gladly put all of this behind me, take down the blog, and never speak of it again. But I love Scrabble, and I want the tournament world to be fair and to ensure that neither I—nor any other Scrabble player in the future—suffers the kind of vindictive and bullying treatment they have been dishing out. I will continue into perpetuity to hold them accountable for all of their political actions which disadvantage me in the Scrabble world, and that is 100% a good act of whistleblowing.

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**Dave Koenig**

3d

I've been stunned by the reactions to my writing. It's everything I hoped for. Many people have been supportive and totally gotten my message. I've loved the negative feedback too. There were a lot of people who just wouldn't talk to me about these things before, and now they are. You don't have to be on my side, but we can only make progress by talking.

I am 100% sure that writing this and putting it out there was the right decision for me.

I'm also flabbergasted by how many people are reading. **Part I had 500 hits in the first 24 hours. Part II has had 330 in the first 12 hours.** Thank you.

I'm sure there will be more positive and negative effects of putting this out there down the road, and I'm more than okay with that. I was stuck dealing with the same insoluble problems for the last two years. Now at least I will have different problems.

One of my earliest readers of Part II was David Eldar, who unblocked me on Facebook and apologized to me.

Mina Le, Sandy Nang and 31 others

10 Comments

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**Fred Simonton** It's on my list

Like Reply 3d

1



**Martin Gold** I'm just a little disappointed that I didn't even get a cameo. I know I'm kind of on the periphery of all of these groups of people, and I don't attend many tournaments, and I don't really do drama, but come on man, we were practically neighbors in Virginia, I came to your very first Northern Virginia Collins meet-up, (thank you for getting the excellent Peruvian chicken by the way), and I was a main character's first contact in the competitive Scrabble world. I mean, jeez, not even a passing reference. I'll just sit here and lick my wounds.

Like Reply 3d

9



**Elizabeth Sanchez** David, you were right but that's not the same thing as doing what's right. Perhaps her refusal to talk to you is not what escalated the drama and drove a wedge thru your scrabble community. Maybe it was your refusal to accept that fact. And when she didn't do what you wanted you threatened to air it all out in front of everyone. It was the threat right there that brought in the whole community. You insisted that she could have ended this by just talking with you. But you could have ended it by accepting that she didn't want to talk and finding closure in another way. Reveling in the fact that you were in their heads just means they were in yours.

It seems that writing this was cathartic for you and I hope you also see the opportunity for personal growth.

Like Reply 3d

12



**Lisa Odom** Hi Dave--this is what I wished you had said to Jennifer, compliments of an old Dionne Warwick song:

Goodbye, no use leading with our chins  
This is where our story ends  
Never lovers, ever friends  
Goodbye, let our hearts call it a day  
But before you walk away  
I sincerely want to say  
I wish you bluebirds in the spring  
To give your heart a song to sing  
And then a kiss, but more than this  
I wish you love  
And in July a lemonade  
To cool you in some leafy glade  
I wish you health  
But more than wealth  
I wish you love  
My breaking heart and i agree  
That you and i could never be  
So with my best  
My very best  
I set you free  
I wish you shelter from the storm  
A cozy fire to keep you warm  
But most of all when snowflakes fall  
I wish you love

Maybe, someday, when you have truly let go. Peace to you.

Like Reply 3d

4

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# New Jersey

MONTHLY

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## Scrabble Rouser

Math whiz and former chess Master David Koenig laughs at his rep as “the most despised person in Scrabble.” But he’s dead serious about being the best in the game.

By [Tom Brennan](#) | April 3, 2008



"I've seen what most of the top-level players can do," he says matter-of-factly, "and I think I can be the best player in the world."

Koenig's arrogance, a character flaw to which he freely admits, has alienated some of his peers. He's even been described as "the most despised person in Scrabble."

At first glance, though, Koenig doesn't seem particularly menacing. He's 30, thin, and baby-faced. He grew his brown goatee in order to make himself look a little older after he became a math teacher at Dwight-Englewood High School (his alma mater) in 2001 and was at first mistaken for a student. During tournaments, he rocks back and forth as he considers his next move, hugging a clipboard of score sheets. He looks stressed. Heavy sighs escape him.

Koenig is actually a relative newcomer to Scrabble. His restless and relentlessly analytical mind had previously seized upon chess. He took up the game of kings at age ten, eventually winning two New Jersey State Junior Championships and, at age 21, achieving FIDE Master status. Fewer than 6,000 of the 164,000 competitive chess players in the world reach that level. But in 2002, after reading *Word Freak*, Stefan Fatsis' hugely influential 2001 best seller about competitive Scrabble, he switched.

"I said to myself, There's no reason I can't do this. I can be as good as the best guys in Scrabble." His decision was influenced partly by the recognition that "I just don't have the talent" to become a Grand Master. (There are currently 1,414 in the world.) But the element of chance in Scrabble appealed to him. "Scrabble is a great metaphor for life in that you're going to be dealt very different things in different games," he says. "But playing the best isn't about getting the best or worst tiles. It's about making the best of whatever you're dealt."

Scott Appel has watched Koenig grow into the player he is today. Appel was New Jersey's number one Scrabble player before Koenig came along, and the two traded the top ranking during 2007 until last fall, when Augustine Adda, 30, of Belleville, took over the top spot. (Ratings are volatile because they are recalculated after every tournament.)

"When David came up," Appel recalls, "he talked a bigger game than he had. It's rare to see people talk s— as quickly as he did." Another elite player on whom Koenig drew a bead was Marlon Hill, who placed second at the 1996 U.S. Scrabble Open and was featured prominently in both Fatsis' book and in the 2004 Scrabble documentary, *Word Wars*. In a May 2007 posting on [crossword-games-pro.com](http://crossword-games-pro.com), a site open only to rated players, Koenig taunted Hill about an upcoming tournament in Hill's hometown of Baltimore: "I'm looking forward to kicking Marlon's ass, and everyone else's." Hill did not play that tournament, but Koenig has won both times the two have faced each other since.

Koenig threw himself into Scrabble, quickly learning his twos and threes (two- and three-letter words) and high-probability bingos. (A bingo, worth a bonus 50 points over the word score, occurs when a player uses all seven letters in his rack.) He began trekking across the Hudson every Thursday to play at the Manhattan Scrabble Club, arriving early to study his word lists over a cheddar burger (relish, pickle, no fries) and a large water at Burger Heaven. He later began using computer programs like *Zyzyva*, studying 500 to 1,000 words a day.

There are 178,691 words in Scrabble's Official Tournament and Club Word List. Koenig won't reveal how many he knows—he'd rather keep opponents guessing.

There is an art to choosing which words to study. "It's a balancing act between breadth and depth," he says. A word such as *coccyges* (plural of *coccyx*) "isn't worth learning" because the probability of being able to play it is too slim.

One of the first things a serious Scrabble competitor learns is how many tiles of each letter are in the set. (They range from twelve E's to one each of J, K, Q, X, and Z.) Playing *coccyges* would require having both of the C's in the bag plus one of the two blank tiles.

Daily study for two or more hours is considered minimum for top-level players. Joel R. Sherman, another of the warriors profiled in *Word Freak* and *Word Wars*, sees word study as mental replenishment. "It's like pouring water into a bucket that has a hole in the bottom of it," he says. "You need to keep filling it."

It might seem to disparage Scrabble that most top players don't bother learning the meanings of the more esoteric words. The fact is, it isn't necessary. (In a recent tournament in Atlantic City, Koenig played *qaid*, *vertu*, and *genii*, which he could define, and *souari* and *oolites*, which he couldn't.) Scrabble as recreation is a vocabulary game; but at the tournament level it is a pressure-packed game of probability, letter permutations, and exploitation of patterns on the board. Christine Economos, a member of the Manhattan Scrabble Club and a serious player for ten years, says of her fellow competitors, "You can't drive with them. They start anagramming the signs."

Growing up in Cresskill, the oldest of four children, Koenig was "a bit of a brainiac," he says. Always a math whiz, he preferred mental games to physical ones. In fact, during his brief middle-school wrestling career in the 85-pound weight class, "not only did I lose every match that season, I was pinned every match." Koenig's mother, Julie Terrace, recalls, "If he didn't have the physical skills, he used his mental skills to challenge people." Koenig began playing video and computer games at a young age, competing against and often besting older kids. "I think he really enjoyed that," Terrace says.

Terrace raised Koenig and his three sisters on her own after their father, Eugene, left home when Koenig was ten. "It was a touchy and tough financial and family situation," Koenig says, "but my mom kept the family together." Terrace later completed her nursing degree and went to work fulltime. Contact between father and son was sporadic at best after Eugene left. Koenig was a freshman at Columbia University and had not seen his father in several years when Eugene died at age 52—most likely from substance-abuse problems, Koenig says.

When Koenig was in fourth grade, he found a chess book at his grandparents' house and became absorbed in it. A couple of summers later, his counselor at a camp for gifted students in Blirstown encouraged his mom to take him to chess clubs. By the beginning of sixth grade, Koenig was a regular at Dumont Chessmates. He played his first match at ten. "His opponent must have been the oldest man in the club," recalls Terrace. "David might have been a bit scared. But he played." She doesn't remember whether he won or lost, but observes, "That was his attitude as a kid. He would do anything he wanted to do and accept any challenge."

Koenig ranked in the top ten nationally throughout middle school. His chess tapered off in college as he devoted more time to a demanding double major in math and classics, but by his 1999 graduation from Columbia, he was playing regularly again.

Math, language, chess, and Scrabble "are all about structure," Koenig says. He thrives on structure. "I don't do good in unstructured environments, and I'm not good at creating it for myself," he says. "Some people may see creativity and structure at odds with each other. But I don't."

Koenig played his first Scrabble tournament in 2002. Two years later, he was seeded 40th out of 40 players at a Boston tournament—and finished 4th. The strong showing boosted his rating 200 points, to 1,832. “I had a lot of luck,” he concedes. “After that tournament, I could say I was overrated. But I wanted to prove I was worthy of that rating.” Later that year, before a tournament in Albany, Koenig learned all the most probable bingos, sorting through seven- and eight-letter words a thousand at a time. “Since then I’ve had a lot of confidence that I can compete at that level,” he says. His rating peaked at 1,905 last September. At press time, it was 1,751.

There’s little money in Scrabble. From his earnings as a math teacher, Koenig pays his way to tournaments. His biggest prize: \$550 for a win at Princeton in March 2007. The biggest purse in the game is \$25,000 to the winner of the U.S. Scrabble Open, the national championship, which will be held in Orlando July 25-29. Koenig will compete in it for the second time.

There is little fame in Scrabble, either, despite the popularity of Word Freak and the DVD availability of Word Wars. (The U.S. Scrabble Open winner does appear on NBC’s Today.) ESPN began broadcasting the U.S. Scrabble Open in 2004 before switching to the U.S. School Scrabble Open a couple years later. Beyond teaching and Scrabble, Koenig devotes most of his time to his five-year-old son, Simon. “He’s an awesome kid,” Koenig says. He and Simon’s mother, Adela Roxas, met while Koenig was teaching a Kaplan GRE prep course in New York during the summer of 2000. A flirtatious e-mail from his student prompted Koenig to ask Adela out, and they were engaged the following spring. Now the two are divorcing. He won’t discuss the split but admits Scrabble became “a bone of contention between me and my wife at times.” In the ensuing tension, the game has come to matter even more. “It’s an escape from everything else,” he says. “When I’m at a Scrabble tournament, everything else just fades away.”

Now Koenig is trying to reform his image. “I certainly shot my mouth off,” on the message board, he admits. How does he feel about being described as the most despised person in Scrabble? “That cracks me up. Maybe people are being disingenuous—nice to my face, but talking behind my back. I’m not going to let it keep me up at night.”

Then he softens, admitting that his people skills have not been the best. “It took me a long time to realize that I needed to learn a new way of interacting with people,” he says. “I felt the need to prove myself. I don’t feel that need anymore.” From now on, he’ll try to let his tiles do the talking.

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**DAILY COVER**

# Board to Death: How Scrabble Blew Its Big Moment

The 2000s were all about the tiles, from televised tournaments to indie documentaries to addictive social apps. What has changed? Start with a recession, add a racial reckoning and the #MeToo movement. ... Now shake up your bag.

ALEX PREWITT • OCT 26, 2020

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Kenneth Rubin was ill. Nausea. Indigestion. Pretty much every symptom on a Pepto Bismol bottle, induced by the noxious combination of bad coffee and a rattling charter bus. Alas, with neither medicine nor a way to teleport to his destination, the New York City-based health care educator

**Exhibit 5**

diagnosed that his best treatment on the night of Friday, Feb. 14, was to sprawl across his row and pray. *Let me get to the hotel. Let me get to the boards.*

“I barely made it, but I didn’t mind the craziness,” says Rubin, having arrived (mercifully, sans gastric incident) at a Residence Inn 160 miles east of Toronto. “It was crazy—but I’m crazy. How is it not crazy to spend all weekend playing Scrabble?”

Rubin may have sought salvation from the gods of his gut on the bus, but here at the 2020 Kingston Open, he and 70-odd fellow competitors bow down to the Depression-era creation of architect Alfred Butts, with its almighty 15-x-15 grid and bag of 100 letter tiles. Like Rubin, they are not shy about their faith. Witness the idolatry inside these hotel ballroom doors: the blown-up Scrabble letters reading WELCOME TO KINGSTON; the jumbo Scrabble board backdropping a Valentine’s Day-themed photo booth. Pick a table, pull up a chair. Wait for a break in the action. (*Shh ... don’t interrupt.*) Everyone here has a story of devotion.

One player in Kingston, 22-year-old Jackson Smylie, says he attended just a third of his freshman-year classes at the University of Toronto, so preoccupied was he with studying Scrabble flash cards. Mad Palazzo, 61, used to battle coworkers on the boards over lunch—until she got so good that she one day beat 20 of them at once. (She was never again invited to play.) Lisa Kessler, 65, recounts her first visit, in the ’80s, to the world’s oldest Scrabble club, in Toronto, comparing herself to a gambler refusing to leave a casino: “One more game! This will be the big one!” (Today she’s a codirector of that club.)

Twenty matches—25 minutes per side on a chess-style clock—make up the official three-day tournament schedule in Kingston, but few players stop there. They arrive early in the morning, some warming up with rounds of Blitz (speed Scrabble), others poring over laminated cheat sheets of must-know words (the 2s and 3s, the J’s and Z’s); and they stay late into the night, playing for practice and pride. One afternoon, several dozen players skip their lunch break to hear Smylie’s presentation on strategy. Later he, Rubin and a few others retreat to a suite, sip beers, analyze recent games on A.I. software and debate whether retention of the 192,111-word North American tournament dictionary—279,496 for international (Collins) rules—suffers while hungover. Consensus? Not for top wordsmiths like Rubin, who the next morning backs up this thesis by finishing second (prize: \$550, enough to cover his travel costs) to 45-year-old artist Max Panitch. Rubin, in the end, is undone by consecutive 50-point-bonus bingos of *gerontic* and *geranium*, which share a G and each land on a triple-word square.

In these ways competitive Scrabble on this continent remains the same “charming oddball subculture,” as Kessler puts it, that has permeated rec centers, chess clubs and church basements ever since the game first hit department stores in the ’50s. The linguistic gymnastics still dazzle. (At one point in Kingston, Smylie fazed an opponent by laying down *topazine* through an existing *opa*, hitting two triple-word bonuses, for 162 points.) And every event still feels like a family reunion, from the North American championships (“nationals,” in player parlance) to the midsize Kingston Open to any number of one-nighters staged in tournament directors’ backyards and living rooms.

“If you’re not a Scrabble player,” Palazzo says, “you can’t understand.”

Step away from the boards, though, and attitudes about Scrabble are more scrambled. A decade and a half ago, it enjoyed an **unprecedented burst of popularity** for a proprietary board game: More than 1.5 million combined viewers watched ESPN’s broadcasts of the 2003 All-Star

Championship, the '04 and '05 nationals, and the '06 U.S. Open, with winners making the rounds on *Good Morning America* and the *Today* show. Journalist Stefan Fatsis wrote about the scene in an '01 *New York Times* bestseller, *Word Freak*, and at least four documentaries were released, including *Word Wars*, which premiered at Sundance. “The golden age,” says 26-year-old Josh Sokol, another Kingston competitor.

The landscape, particularly in the U.S. and Canada, is much different now. Whereas a record 837 players vied for a prize pool of roughly \$100,000 at the **2004 Nationals in New Orleans**, only \$40,000 or so was up for grabs among 280 entrants in Reno last year. Overall participation has also waned. In '19, the Scrabble database Cross-Tables logged some 40,000 “rated” tournament games—played under the umbrella of the continent’s main governing body, the North American Scrabble Players Association—down from 75,000 in '04. Part of this attrition can be explained by the emergence of several splinter organizations that siphoned off NASPA membership—but that’s just one of many issues conspiring to dampen enthusiasm at the game’s highest level.

“I’ve been playing for more than 20 years,” says Fatsis, “and I’ve never seen this much frustration and dissatisfaction with the management and direction of the competitive game.”

On one hand, the answer to the question “What the f-- happened to Scrabble?,” as one former national champion asks, reveals the sort of niche drama typical of so many oddball subcultures. On the other hand, it paints a picture entirely reflective of American society in 2020, marked by cold capitalistic cuts in the wake of the '08 recession; political bickering and power grabs; the #MeToo movement; and the country’s ongoing racial reckoning.

Given the momentum that tournament Scrabble once had, and the high hopes that many held for its future, widespread disappointment among the word freaks is undeniable. “Things have gotten steadily worse,” Will Anderson, a 35-year-old textbook editor from Lititz, Pa., and NASPA’s top-ranked player on the North American word list, said in July. “This is probably the nadir.”

\*\*\*

For a glimpse into Scrabble’s golden age, go back to those 2004 Nationals. Rubin remembers. Then premed at Columbia, he had never so much as attended a multiday tournament before entering the Marriott ballroom in New Orleans. There he found vendors hawking custom Scrabble boards, timers and tile racks. He watched as camera crews from ESPN, CNN and *CBS Sunday Morning* patrolled the floor, grabbing closeups of the top competitors at tables cordoned off with velvet rope. The energy was palpable, and not just for the dramatic stir caused in the \$25,000 final when eventual champion Trey Wright played *lez*, an ordinarily legal word that he was forced to rescind because it was deemed too mature for the TV audience.

“The sights, the sounds were overwhelming,” says Rubin. “Hearing the rattling of tiles from all those players, in a room so big that I couldn’t see how far it went.... It was like being at Disney World for the first time.”

The only comparable period of excitement around Scrabble took place a half-century earlier, after Macy’s started stocking the game in 1952. Newspapers chronicled ad hoc tournaments in Chicago and Brooklyn, Terre Haute and Jamaica, among seventh-graders and “suburban society matrons.”

In '54, White Sox manager Paul Richards brought a board and two dictionaries to spring training in Florida, where he reportedly hustled writers for \$2 per game.

An organized tournament community took longer to develop, but as boards zoomed off shelves—more than 20 million sold by Christmas 1973—Scrabble's then corporate owner, Selchow & Righter, wised up and chartered the Association of Scrabble Crossword Game Players (later the National Scrabble Association, or NSA), sanctioning official clubs and publishing a newsletter and rules handbook. Pilot events were held in New Jersey and Pennsylvania, and there was a New York City-wide championship of qualifiers from all five boroughs.

Then, as now, the health of competitive Scrabble depended on how much the game's owner was willing to invest. An especially dark period dawned under Coleco (maker of Cabbage Patch Kids dolls and ColecoVision video games), which bought Selchow & Righter in 1986, canceled the '87 Nationals and soon after filed for Chapter 11 bankruptcy. But it wasn't long before Hasbro purchased the license and began pumping cash into tournament play. The bulk of an annual budget (which topped \$1 million during this heyday) was earmarked for the nationals, where players attended open-bar receptions and noshed on free food between matches. The rest went to bankrolling the NSA, an outfit of half a dozen or so employees in Greenport, Long Island, which distributed the newsletter, maintained player ratings, managed the tournament calendar and oversaw p.r. efforts.

To focus on the boardroom, though, is to ignore the crucial role of those at the board. From Kingston, Jamaica, to Kingston, Ontario, tournament Scrabble would be nowhere without its most passionate players. Every rating system and pairing software employed at tournaments, every anagramming app and A.I. analysis program used for studying, every high-quality board and extra-long rack—each was the product of grassroots innovation. User-generated word lists led to Merriam-Webster's first *Official Scrabble Players' Dictionary* in 1978, and hawk-eyed enthusiasts scoured that book for mistakes to fix for a second edition.

When corporate support has slowed, players have picked up the slack. This was true when they organized an unofficial nationals event in 1987 and, as Fatsis wrote in *Word Freak*, “shamed” Coleco into donating \$5,000 in prize money. And it was true two decades later, in 2007, when ESPN stopped airing adult tournament Scrabble and the Hasbro-funded NSA decided to skip that same year's nationals, leading two well-known competitors—Chris Cree, then the NSA's ombudsman, a liaison for player complaints; and John Chew, the NSA's webmaster—to organize a Players Championship.

The following year, a revived nationals event staged in Orlando featured 650-plus players and over \$86,000 in prize money. Good vibes flowed and the future looked bright, owing to a new crop of talented young competitors who had discovered the game at its *Word Freak* peak. (Four of the six division winners that year were under 21.) Hasbro rolled out its usual array of perks—but, given what would follow, those 2008 Nationals track today less like a lavish celebration and more like a last supper.

As one former Hasbro executive says, “They didn't completely wipe out [tournament Scrabble] from there, but it was death by a thousand cuts.”

The invitations were ... vague. Hasbro would cover all travel expenses and lead a tour of the Scrabble factory in East Longmeadow, Mass., followed by a “ground-breaking summit” about the

game's future. Otherwise, the 14 tournament players summoned to Hasbro Gaming headquarters in December 2008 could only speculate about what lay in store. "Some people were thinking it was some sort of press junket," says Chew. "I could see the writing on the wall."

Sure enough, the morning after a welcome dinner at the Basketball Hall of Fame in nearby Springfield, the guests filed into a boardroom where a team of execs broke the news: Hasbro would all but cease funding tournament Scrabble. The NSA would still exist, but only to oversee School Scrabble, a longstanding program for growing the game at the youth level. Hasbro would still pitch in some prize money for the winner of the national championship each year, but the players were on their own to figure out pretty much everything else.

"There was stunned silence," Chew recalls. "The rest of the day was a little bit of shock."

Viewed through the business lens of a billion-dollar company, the decision made sense. Only a few thousand tournament players were active in North America, all of whom already owned their own boards and therefore made little meaningful impact on retail sales. (Hasbro doesn't own the international rights to sell the game, having lost a bid in the mid-'90s to toy rival Mattel.) In the wake of a recession, the competitive scene simply wasn't worth saving. "[Hasbro] recovered quickly," the former executive says, "but the die had been cast on Scrabble."

From the players' perspective, Hasbro bigwigs had never seemed to match their enthusiasm for the pastime anyway. (Oft-cited complaints include the use of incorrect tile letter values on Scrabble merchandise, such as game boxes and pajamas, and a slowness by the company to embrace an evolving digital-games space, exemplified by the decision earlier in 2008 to sue a wildly popular Facebook app, Scrabulous, for trademark infringement while rolling out a lackluster replacement for its half-million daily users.) So, despite trepidation about breaking free of the corporate teat—"There was some, *Oh, my God, can we do this?*" says Palazzo, who attended the summit—many were eager to take the royalty-free license to use the Scrabble trademark and chart their own course.

The earliest sketches of that course were drafted at the summit in East Longmeadow, from which Cree and Chew emerged as copresidents of what would come to be known as NASPA. Cree, then 54 and running a forklift-sales operation, incorporated the nonprofit in his home state of Texas, paying insurance fees and startup costs himself. And a long-term budget projection from April 2009 forecasted a starry, albeit naive future. By '15, annual income was predicted to reach \$1.9 million, including \$500,000 in nonprofit donations ("Pew Trust, Knight Foundation, etc.") and \$500,000 in corporate sponsorships ("Nike, Coca-Cola, etc.").

That optimism didn't last. Some members took umbrage with newly instituted player fees for NASPA tournaments, which had the effect of cutting into prize pools. (Cree justified such changes by citing a desire to amass a "war chest" of \$250,000 that, as players recall him saying, would protect NASPA in the event of financial emergency, such as a lawsuit.) Others had philosophical concerns. Cree, with his background in business and as ombudsman, had seemed a natural choice to lead the game into the new era, but he quickly chafed anyone hoping for collaborative decision-making. "His model was: *It's my company, and everyone is a potential customer,*" says Steve Pellinen, another summit attendee, alluding to Cree's brash, top-down, loyalty-first leadership style (which seven current and former Scrabble players likened, unflatteringly, in interviews, to that of Donald Trump). "Most players didn't care. But he might've been taken by surprise with how many weren't O.K."

By 2010, less than two years into its existence, NASPA was already dealing with another major schism, over the issue of word lists. Top players, driven by the allure of international events where they could lay tiles against the world's best and challenge themselves with the more expansive of Scrabble's two main dictionaries, began migrating to Collins competition, which is the standard in almost every country outside the U.S. and Canada.

That same year, a new governing body split off in frustration, the egalitarian mission of the new Word Game Players' Organization (WGPO) reflected by a possessive apostrophe, whereas NASPA's *Players* had none. As popular tournament directors from the West Coast and the Midwest jumped ship, players in those areas followed. Rather than reconcile with the upstart outfit, Cree took a hard-line approach, defrocking NASPA directors, including Pellinen, who dared host WGPO tournaments or serve on their subcommittees.

The damage was stark. From 2010 to '12, according to Cross-Tables, player appearances in NASPA-sanctioned events dropped 20%, and NASPA-rated games fell 23%. Only about half of this dip, however, can be accounted for by competition; the other half, says Cross-Tables operator Seth Lipkin, "just evaporated. Could have been just a normal drop-off that was going to happen anyway. Or could have been people's response to the tensions."

Among those who walked away was Kenji Matsumoto, a Scrabble grandmaster who took second at the '11 Nationals, when he was 26. Two years later, alarmed by NASPA's declining membership and dwindling prize pools, Matsumoto petitioned Cree, Chew and other leadership to "invest both time and money to help our community blossom." Some 200 players lent their signatures, but Matsumoto says he never heard back, and so "I kind of gave up and stopped playing [competitively] after that."

In accounting for NASPA's flatlined headcount—the number of active dues-paying players has consistently hovered between 2,100 and 2,400 since 2009—Cree points to tournament Scrabble's innate intensity ("Fear of embarrassment," he says, "has always been the most pronounced barrier") and its severed financial ties with Hasbro ("If [the NSA] could not exponentially increase membership with in excess of one million dollars per year ... how could we?").

But this ignores the bevy of other frustrations conspiring to drive away diehards, like the WGPO split and the dictionary debate and the dozens of other small-potato problems that trouble Scrabble (which Cree and Chew are left to clean up, with little thanks, even NASPA's fiercest critics admit). "The smaller the subculture," Fatsis says, "the bigger and dumber the divisions."

It also dismisses problems of a much more serious nature, with ramifications extending far beyond the tiny world of the tiles.

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Like so many new Scrabble players, Rachel Christensen was swept up by the wave of momentum that boosted the game through the turn of the century. Hooked, she says, by the "energy" and "positivity" of the community, the 2001 University of Washington graduate found a club in Seattle and later began driving to bigger gatherings, beyond the Pacific Northwest, including a multiday event in October '06, in Calgary, where she crashed at the tournament director's house. "It was the only way I could afford to go," she says.

On the first night, after a group dinner, Christensen asked permission to send an email from the host's computer, which was in a room where another player, Sam Kantimathi, was staying. Initially Kantimathi left the room, Christensen says, but soon he returned and started making small talk. "I told him I was typing an email to my boyfriend," Christensen says. "He said, 'Oh, only your *boyfriend*? It can't be that serious.'" The next few seconds unfolded in a flash. "He put his hands on my shoulders and started rubbing them. Then his hand was down my shirt and into my bra."

Christensen had never before encountered Kantimathi, but she'd heard enough to have been "excited" about meeting him, she recalls. An engineering consultant from Sacramento, Kantimathi had been a longtime tournament presence; his play in September 1993 of *bezique*, for 124 points, still stands as the second-highest-scoring opening move in NASPA's record books. He also happened to be one of the Scrabble community's foremost purveyors of custom equipment, from his \$10 tile bags to his \$200 boards, everything emblazoned with the website and toll-free number for his side business, SamTimer.

As Christensen would learn, Kantimathi was well-known for other reasons, too. In Calgary, she says she wrested his hand away, chastised him, hurried out of the bedroom and the next day told a fellow female player about the incident. "She was like, 'Yeah, Sam is the worst,'" Christensen recalls. "'You should never be in a room with him.'"

Indeed, Kantimathi's conduct toward female Scrabble players had become something of an open secret. One longtime tournament director recounts making sure to escort fellow female players whenever Kantimathi asked them to pick up SamTimer equipment from his hotel room. But it wasn't until late in the summer of 2017—one month before a *New York Times* exposé about the sex crimes of Harvey Weinstein brought attention to the #MeToo movement—that players began looking to take action.

At the time, Kantimathi was nearing the end of a four-year NASPA suspension for illegally palming tiles at the 2013 Nationals. Initially Kantimathi had been banned just two years, but NASPA's advisory board—a council of players established to give the wider community more voice—voted to double the penalty after Kantimathi filed an appeal, steadfastly denying his guilt. The general assumption among players, says Tony Leah, who sat on that board, was that Kantimathi had suffered too much public shame to show his face at another tournament. "But he did, and that's when people exploded."

The earliest rumblings of concern appeared in a Facebook group called Scrabble Laydeez, which had been created as a space for female players to connect. (While the overall gender makeup of NASPA membership is roughly 60% male, women are vastly outnumbered at the highest levels.) Before long, enough stories about unpleasant encounters with Kantimathi had been shared that one player, Sue Tremblay, successfully lobbied NASPA to appoint her as a "community advocate" to investigate complaints of sexual misconduct by members.

She would be busy. Over the next year, Tremblay collected on-the-record statements from 14 women, including Christensen, and submitted them to NASPA's tournament committee, which oversees discipline. Some expressed general discomfort with Kantimathi's sexually inappropriate comments, unwanted advances and "creepy vibes." Others were more detailed. Marsh Richards described how Kantimathi pulled her away from a conversation with her husband at the 2012 Nationals and told her, out of nowhere, "You have to stop making me think about your vagina." Marsha Gillis recounted Kantimathi's "bizarre ... attempt to drive a wedge into my marriage" through ceaseless phone, text and Facebook messages, in which he falsely insisted that her

husband was having an affair. (Both Richards and Gillis confirmed these accounts to *Sports Illustrated*.)

Then there was Gerri Martin, who was 73 in April 2019 when she became the 15th named woman to speak out. As she explained in an email to NASPA, and later outlined to SI, she was playing at a tournament in Baltimore, in 2000, when she went to Kantimathi's hotel room to buy a timer. "Suddenly he grabbed me and tried to kiss me while simultaneously grabbing my breast," she wrote to NASPA. "I attempted to pull away, but he was very strong and determined to continue his advances." Only after Martin threatened to "tell everybody" about the incident did Kantimathi back off, she says. She recalls running away, taking the clock with her.

In statements to NASPA, Kantimathi, now 66, did not refute any specific details from the on-the-record allegations, only declaring that his "recollection of some of the events differ from testimony." He did, however, alternately apologize "without reservation" for "instances of poor behavior on my part" (an apology that he reiterated to SI); allude to the tournament committee's investigation into him as a "Me Too' inspired crusade"; and submit a completion certificate from an online sexual harassment course, as evidence of personal growth. "People have no idea what I [have] gone through ... because of those complaints," he wrote. "Am I not punished enough?"

In reality, Kantimathi escaped punishment from NASPA altogether, other than a probationary "one-strike" warning—harass another woman and you're banned for life—that the tournament committee issued in March 2018 and the advisory board later upheld. According to players involved with the proceedings, several factors were cited by NASPA leadership as justifying this decision: that Kantimathi was never charged with any crime; that the events reported by Christensen and Martin predated NASPA's existence; and that no new allegations had emerged since Kantimathi returned from his cheating ban. "Your new behavior supports our judgement that you are a very different person," tournament committee chair Rich Baker wrote to Kantimathi in May '19.

The backlash was swift. Christensen was frustrated that NASPA had asked her to clarify "the most asinine" details about her complaint, such as whether Kantimathi "actually [made] contact with your breast." Baker drew ire for what some characterized as downplaying the severity of the matter, dismissing one player's concerns as "overblown wailing." And in a final advisory board ruling in June '19, which effectively closed the book on Kantimathi's case, a vote was cast by all men, while four other board members, including two women, were forcibly recused because of their connections to complainants. (A Hasbro spokesperson says the company was previously unaware of these events but "will be looking into the allegations immediately.")

Once again, players and organizers took matters into their own hands. At the 2019 world championships in Goa, India, Leah showed up for his match against Kantimathi wearing a T-shirt featuring cartoon portraits of top Scrabble players, including Kantimathi, whose name had been covered with the words CHEATER/HARASSER. "He's banned from any tournament I run, which is quite a lot," says Tremblay—and plenty others have followed.

But for some women in Scrabble, this is not enough. "[NASPA] took action against somebody for cheating," says Martin. "Why wouldn't they take action against somebody who was inappropriate sexually?" After the vote, one of the recused advisory board members, Jennifer Lee, resigned from her post in protest; she and her husband, Evans Clinchy, a former Collins national champion (and, full disclosure, the editor in chief of *The Tufts Daily* when this writer was a freshman reporter), stopped playing in NASPA events and later launched a competing organization, CoCo. Gillis,



meanwhile, is just one of several complainants who have stopped attending events where Kantimathi is welcome or who have quit competitive Scrabble altogether. “I won’t put myself in a position where I’ll see Sam,” she says.

To Christensen, the most troubling part of this all is her feeling that NASPA leadership protected one man—a veteran, high-level player; a NASPA committee member from 2009 to ’13; and a leading equipment salesman—over its female membership. “It’s so clear,” she says. “The value is definitely not on the safety of the members. That’s fine if that’s your standpoint. But don’t expect people to come back.”

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In the months since the Kingston Open, where the only contentious moment was a mild shouting match over a scorekeeping discrepancy, Scrabble players have continued to endure a steady *drip-drip-drip* of controversy. “Every month, it seems like there’s some new uproar,” says Anderson, the continent’s top player. Even so, a pair of major issues stand out above the rest.

The first arose in the middle of March. Even as every major sports league in the country shut down due to the coronavirus pandemic, NASPA refused to halt its tournaments; that decision was left instead to individual directors. The organization finally ordered a pause on March 18, but not before [Fatsis wrote on Slate](#) about player pushback (including a petition, signed by seven doctors, urging for play to be unilaterally halted), and not before Hasbro executives contacted Chew (who now runs NASPA’s day-to-day as CEO, after a 2019 restructuring that saw Cree slide into the CFO role) to express their concerns.

Then, as social justice protests gripped the country in early summer, a debate erupted in the Scrabble community concerning the 250-odd racial, anti-LGBTQ and other targeted slurs that populate NASPA’s official tournament word list. The initial spark came when one player suggested in a Facebook post that NASPA should remove the n-word to “show solidarity with [the Black Lives Matter movement] and demonstrate that NASPA does not condone racism.” Chew took this further, formally proposing to the advisory board a blanket ban on every slur, thereby angering linguistic purists, who argued that definitions don’t matter in Scrabble, only associated point values.

In the end, NASPA “agreed to remove all slurs ... for Scrabble tournament play,” according to a July 8 statement titled “[Hasbro Update on Scrabble Rules](#).” (The final purge list ranges from the n-word and the c-word to *redneck*, *honky* and *superbitch*. Notably, the former name of the NFL’s Washington Football Team is still playable.) Once again, though, the process sparked outrage. Players howled about the fact that NASPA’s executive board had acted against its membership in siding with Hasbro, vetoing what turned out to be a symbolic advisory board vote to keep the word list intact. Not that they had much choice. As Chew told the advisory board, the nature of NASPA’s relationship with Hasbro had presented him with a black-and-white choice about the slurs: Lose them, or lose the Scrabble license. (The organization overseeing English-language Scrabble abroad has thus far not taken any action with its lexicon.)

“There are plenty of people who disagree with the decision and hate the way it was done,” Anderson says. “And there are plenty of people who agree with the decision and hate the way it was done.”

Like many of the 50-plus current and former players, directors and community members interviewed for this story, Anderson can rattle off a long list of gripes about the current Scrabble scene. The Kantimathi case. (“Such a bad decision.”) The dictionary split. (“A crisis.”) Stagnant membership, splinter organizations and NASPA’s seeming indifference—as reflected by the small sliver of its budget used for marketing—about growing the scene.

“It is incredibly thankless to be a **New York Jets** fan,” says Anderson. “It sucks. And it’s kind of the same way in Scrabble. When things aren’t going right, you’re like, How are you still a fan? The reason: Somewhere, beneath all of the displeasure and bellyaching, is genuine love. The game of Scrabble is so perfect that we are willing to put up with a ton of bulls---.”

There are plenty of reasons for pessimism, Anderson admits. Hasbro still isn’t investing in adult competition beyond prize money for the nationals, which were canceled this year because of COVID-19. NASPA still holds the Scrabble license, content to tread water in terms of membership numbers with little infrastructure to grow any faster (no p.r. division, no social media department, no corporate sponsors anywhere near the level of Nike or Coke ...). And the relationship between those two key Scrabble parties—Hasbro and NASPA—remains complicated. After the meeting with Hasbro in which Chew agreed to remove the slurs, members recall, he relayed to the advisory board a rosy upshot of the sensitive talks: “This means they’ll start answering my emails again, which they hadn’t been doing for a year.” (Hasbro declined to comment on its relationship with NASPA, citing “corporate policy.”)

But there have also been seeds of progress. And players, again, are taking the lead. High-level online competition has long been hosted exclusively on an unsanctioned Romanian website; today, a group of players is developing a new platform, Woogles, having raised enough cash on Kickstarter to launch a beta version. CoCo, the organization started by Clinchy and Lee, hosted a 16-nation Virtual World Cup in August. And while NASPA has remained mostly dark during the pandemic, Anderson has produced and hosted live coverage of a variety of online Scrabble events on his personal Twitch channel.

So Anderson has hope. He sees chess matches on Twitch attracting millions of viewers every month and Scrabble-inspired mobile apps such as Words With Friends drawing legions more. He sees the successful global pro tours of other tabletop games, such as poker and Magic: The Gathering (another Hasbro property). He sees the flourishing competitive scenes in Thailand, where the King’s Cup in Bangkok draws some 10,000 competitors, and Nigeria, where Scrabble is a government-sanctioned sport.

And he wonders: *Why can’t we be big again, too?* “With the correct governance and organization, Scrabble has a huge ceiling.”

Fatsis, the public voice of tournament Scrabble over the past two decades in North America, shares some of this cautious enthusiasm. But his hope isn’t focused entirely on the adult scene. “If we set aside the bickering and infighting, and designed a dream scenario,” he says, “it would start with what’s happening in Philly.”

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“Uh, oh! Here they come!”

Smiling beneath his red Scrabble hat, holding a well-worn Scrabble dictionary, 74-year-old Matt Hopkins can see the future. It is rushing toward him, embodied by 100 students, grades three through 12, about to devour soft-pretzel snacks and then compete in the Philadelphia Scholastic Scrabble League Finals in February at the city's African American Museum.

Hopkins was like them once, just another kid taken by the tiles. Born in South Philly, he began playing around age five with his mother, who used Scrabble to teach him how to spell. Decades later, when she was suffering from terminal lung cancer, some of mother and son's final moments together were shared over the board. After her death in 1992, Hopkins found a local club and entered the tournament scene, eventually traveling to Hasbro headquarters in East Longmeadow for that "ground-breaking summit."

Today, however, he stays away from the competitive arena; he hasn't been to a NASPA tournament in 10 years. He directs his Scrabble enthusiasm, instead, into his gig as a tournament director and coach for the country's largest scholastic Scrabble initiative: more than 1,100 kids across 87 local clubs under the umbrella of an after-school program that also offers drama, debate and chess. Hopkins loves the teamwork Scrabble promotes (here students compete in pairs); the vocabulary and math it teaches (inherent Scrabble benefits); the diversity it attracts (like Hopkins, the overwhelming majority of entrants at the Philly finals were Black); and the focus it generates in a group that was previously shrieking for soft pretzels. Miraculously, only one student is busted for checking a cellphone during the multihour event.

No, youth Scrabble isn't immune to the myriad problems plaguing the adult scene. Overall corporate investment is similarly minimal: Whereas Hasbro was years ago pumping upward of \$300,000 annually into the NSA's School Scrabble program, today's National School Scrabble Championships are outsourced to a brand development company, with local directors and coaches left to organize and fund everything else. (With this licensing arrangement, NASPA has virtually no involvement in what should otherwise act as a feeder system for new members.)

But the groundwork is there. It is *here*. Surveying the boards at the African American Museum, Hopkins imagines the possibilities. What if there was a vibrant, central online hub to host youth tournaments and offer learning resources for new players? What if there were high school leagues, attracting top talent from youth organizations modeled after Philly? What if there was an annual television event, not unlike the Scripps National Spelling Bee, funded by educational sponsors and appealing to an audience of grown-ups who were made to feel both impressed and shamed by smarty-pants kids?

"I know we've had our glory days," Hopkins says, but "the game is in a healthy place because of the children."

Children like Heather Jordan. Despite being the advanced division's only solo entrant, the 15-year-old blows away the competition at the school finals. But this was a predictable result. Hopkins knew Heather had that special Scrabble drive when he saw her studying words on the trolley ride home from a club meeting.

As Heather accepts her trophy, her father, Eric, watches nearby with pride. Just a few months earlier, after attending her first NASPA tournament, she'd sent him a text: "I keep losing. Why do I enjoy it so much?" Obsessed as she may be, though, Eric says she is also realistic about the game's limitations, starting with the obvious. No one plays Scrabble for a living. The money just isn't there.

No matter, Eric says. His daughter already has a career picked out. She plans to one day become an architect, specifically in the field of historic preservation. She wants to help fix up old buildings in disrepair, reinvigorating once-renowned establishments that aren't too far gone to save.

*[Read more of SI's Daily Cover stories here](#)*

*Correction: An earlier version of this story scored Kantimathi's record-setting play of bezique as 123 points.*

----- Forwarded message -----

From: **Jason Idalski** <[jason.idalski@gmail.com](mailto:jason.idalski@gmail.com)>

Date: Fri, Sep 23, 2022 at 11:08 AM

Subject: NASPA Advisory Board Decision

To: David Koenig <[davidewkoenig@gmail.com](mailto:davidewkoenig@gmail.com)>, <[ab@scrabbleplayers.org](mailto:ab@scrabbleplayers.org)>

Cc: Steven Pellinen <[stevenpellinen@gmail.com](mailto:stevenpellinen@gmail.com)>

Good morning, Dave.

The NASPA Advisory Board has reviewed and considered all the evidence received in your case. We have determined, largely through your own submissions, that at least three of your actions were in violation of section 2 of NASPA's Code of Conduct.

More generally, AB members were concerned by a general pattern of behavior and lack of contrition that we feel warrants measures to protect the safety of our members and uphold the values of our community.

We are hereby imposing a three-year suspension, to begin today (September 23, 2022).

Effective immediately, should we receive any subsequent, substantiated complaint that you have engaged in intimidation, threats, harassment or any related behavior, you will be subject to extreme sanctions, up to and including a lifetime ban from NASPA.

This is a "one strike" warning, and we advise that you be extremely cautious about your communications with other Scrabble players, lest your words or actions be construed as harassment.

In addition to the three-year suspension, you will not be allowed to resume NASPA club and tournament play until you have satisfied the following conditions:

- Complete an anger management program – the details of which must first be approved by the AB
- Write a genuine statement of your commitment to comply with NASPA's Code of Conduct
- Remove the offending blog posts (Parts I and II) from [splenetic.net](http://splenetic.net)

Once the AB deems these conditions to be met, and you are once again allowed to attend tournaments, you will need to further adhere to the following requirements upon registration:

- Register during the first half of the registration period
- Notify the tournament directors of your disciplinary status

**Exhibit 6**

NASPA's mission is to provide all participants and officials with a safe and harassment-free experience at our clubs and events. The AB feels that the disciplinary/protective measures stated herein are fair, and necessary to foster a sense of safety and wellbeing for our members.

On behalf of the Advisory Board, I anticipate your acceptance of these conditions.

If you disagree with the decision, you may appeal by contacting the Executive Committee ([info@scrabbleplayers.org](mailto:info@scrabbleplayers.org)) and providing your rationale.

# Snell & Wilmer

1455 SW BROADWAY, SUITE 1750  
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503.624.6800 P  
503.624.6888 F

**Clifford S. Davidson**  
**(503) 443-6099**  
**csdavidson@swlaw.com**

November 11, 2022

**VIA EMAIL:**

Jennifer Clinchy  
leejmkp@gmail.com

Dear Jennifer Clinchy:

My law firm and I represent David Koenig. I understand that you are likely to have information or documents relevant to accusations made against Mr. Koenig that ultimately resulted in his suspension from participating in Scrabble tournaments. The purpose of this letter is to ensure the preservation of such information and documents, whether personal or through CoCo.

Please retain and preserve all records that might be relevant to this matter. Documents to be preserved include, but are not limited to, all paper and electronically stored information (including e-mails; SMS/text messages; word processing documents; spreadsheets; databases; and social media communications, whether public or private) related to, referring to, or mentioning David Koenig, whether or not his name actually appears in a given document. Be sure to turn off any auto-delete or overwriting functions on all devices or accounts that might contain such information or documents. Please download complete copies of social media profiles and save them, unaltered, for use in discovery. If you replace a device with relevant information, then please either save the device or seek the assistance of an IT professional to transfer all data, with metadata intact, to storage.

# Snell & Wilmer

Jennifer Clinchy  
November 11, 2022  
Page 2

If you have any doubt as to whether a document should be preserved, then please preserve it. Please bear in mind that document collection and preservation is an ongoing process that continues throughout the course of any dispute or litigation. So, you must preserve any additional documents as they are sent, received, or created going forward. Failure to preserve documents may be grounds for court sanctions.

Thank you for your attention.

Very truly yours,

Snell & Wilmer

*/s/ Clifford S. Davidson*

Clifford S. Davidson

4882-9663-6734



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<a href="#">22PB00635</a>	In the Matter of: E. Richard Saunders	01/13/2022 Clackamas	Estate - General Closed
<a href="#">23CV15424</a>	David Koenig vs Evans Clinchy, Jennifer Clinchy, Brianna (Lola) McKissen	04/14/2023 Multnomah	Tort - General Open



Michael Fuller <michael@underdoglawyer.com>

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## Withdrawal

1 message

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**Marc Mohan** <marc@veritelawcompany.com>

Fri, Jul 7, 2023 at 2:36 PM

To: Michael Fuller <michael@underdoglawyer.com>, Ashley Vaughn <ashley@dumasandvaughn.com>

Michael and Ashley,

I'm writing to inform you that I have notified my client, David Koenig, that I am required to withdraw as his counsel under RPC 1.16(a). I will file the motion for withdrawal by Monday.

Thank you for professionalism and patience in this matter.

Sincerely,

Marc

Marc Mohan  
Verite Law Company  
[1525 SE 22nd Ave.](#)  
[Portland OR 97214](#)  
(503) 754-1656

\*\*\*PLEASE NOTE NEW EMAIL ADDRESS\*\*\*

[marc@veritelawcompany.com](mailto:marc@veritelawcompany.com)

### CONFIDENTIAL COMMUNICATION

E-mails from this firm normally contain confidential and privileged material, and are for the sole use of the intended recipient. Use or distribution by an unintended recipient is prohibited, and may be a violation of law. If you believe that you received this e-mail in error, please do not read this e-mail or any attached items. Please delete the e-mail and all attachments, including any copies thereof, and inform the sender that you have deleted the e-mail, all attachments and any copies thereof. Thank you.

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IN THE CIRCUIT COURT OF THE STATE OF OREGON  
FOR THE COUNTY OF MULTNOMAH

DAVID KOENIG,	)	
	)	Case No. 23CV15424
Plaintiff,	)	
	)	PLAINTIFF’S RESPONSE TO
v.	)	DEFENDANT EVANS
	)	CLINCHY’S INITIAL
EVANS CLINCHY,	)	REQUESTS FOR
JENNIFER CLINCHY, and	)	PRODUCTION
BRIANNA (LOLA) McKISSEN	)	
	)	
Defendants.	)	

Plaintiff responds to Defendant’s Initial Request for Production as follows:

**GENERAL OBJECTIONS**

1. Plaintiff objects to all requests to the extent plaintiff seeks information protected by the attorney–client privilege, work-product doctrine, or any other applicable privilege.
2. Plaintiff objects to any portion of these requests that contain instructions, directions, provisions, or definitions that are inconsistent with or more onerous than the requirements of the Oregon Rules of Civil Procedure.
3. Plaintiff objects to any request to the extent it seeks the production of documents that are not currently in its possession, custody, or control.
4. Plaintiff’s investigation and discovery are continuing. Plaintiff therefore reserves the right to supplement its responses after additional discovery has taken place.
5. Plaintiff is responding in good faith to these requests as plaintiff interprets and understands them. If defendant subsequently asserts an interpretation of any request that differs from plaintiff’s understanding, plaintiff reserves the right to supplement responses or objections herein.

Each of these general objections is incorporated into each of plaintiff’s specific responses as if set forth in full below.

**REQUESTS**

REQUEST NO. 1: Under ORCP 36 B(2), as soon as practicable, please produce any insurance agreement or policy (including any homeowner policy, renter policy, umbrella policy, etc.) under which a person transacting insurance may be liable to satisfy part or all of a judgment for fees or costs or disbursements against plaintiff that may be entered in the action.

RESPONSE: No responsive documents are in Plaintiff’s possession, custody, or control.

REQUESTS NO. 2 to 253:

RESPONSE: Responsive documents will be produced in accordance with ORCP 43.

DATED: May 9, 2023.

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IN THE CIRCUIT COURT OF THE STATE OF OREGON  
FOR THE COUNTY OF MULTNOMAH

DAVID KOENIG,	)	
	)	Case No. 23CV15424
Plaintiff,	)	
	)	PLAINTIFF’S RESPONSE TO
v.	)	DEFENDANT JENNIFER
	)	CLINCHY’S INITIAL
EVANS CLINCHY,	)	REQUESTS FOR
JENNIFER CLINCHY, and	)	PRODUCTION
BRIANNA (LOLA) McKISSEN	)	
	)	
Defendants.	)	

Plaintiff responds to Defendant’s Initial Request for Production as follows:

**GENERAL OBJECTIONS**

1. Plaintiff objects to all requests to the extent plaintiff seeks information protected by the attorney–client privilege, work-product doctrine, or any other applicable privilege.
2. Plaintiff objects to any portion of these requests that contain instructions, directions, provisions, or definitions that are inconsistent with or more onerous than the requirements of the Oregon Rules of Civil Procedure.
3. Plaintiff objects to any request to the extent it seeks the production of documents that are not currently in its possession, custody, or control.
4. Plaintiff’s investigation and discovery are continuing. Plaintiff therefore reserves the right to supplement its responses after additional discovery has taken place.
5. Plaintiff is responding in good faith to these requests as plaintiff interprets and understands them. If defendant subsequently asserts an interpretation of any request that differs from plaintiff’s understanding, plaintiff reserves the right to supplement responses or objections herein.

Each of these general objections is incorporated into each of plaintiff’s specific responses as if set forth in full below.

**REQUESTS**

REQUEST NO. 1: Under ORCP 36 B(2), as soon as practicable, please produce any insurance agreement or policy (including any homeowner policy, renter policy, umbrella policy, etc.) under which a person transacting insurance may be liable to satisfy part or all of a judgment for fees or costs or disbursements against plaintiff that may be entered in the action.

RESPONSE: No responsive documents are in Plaintiff’s possession, custody, or control.

REQUESTS NO. 2 to 253:

RESPONSE: Responsive documents will be produced in accordance with ORCP 43.

DATED: May 9, 2023.

1  
2 IN THE CIRCUIT COURT OF THE STATE OF OREGON  
3 FOR THE COUNTY OF MULTNOMAH  
4

5 DAVID KOENIG, )  
6 ) Case No. 23CV15424  
7 Plaintiff, )  
8 v. ) PLAINTIFF’S RESPONSE TO  
9 ) DEFENDANT EVANS  
10 EVANS CLINCHY, ) CLINCHY’S INITIAL  
11 JENNIFER CLINCHY, and ) REQUESTS FOR  
12 BRIANNA (LOLA) McKISSEN ) PRODUCTION  
13 Defendants. )

14 Plaintiff responds to Defendant’s Initial Request for Production as follows:

15 **GENERAL OBJECTIONS**

- 16 1. Plaintiff objects to all requests to the extent plaintiff seeks information protected  
17 by the attorney–client privilege, work-product doctrine, or any other applicable privilege.  
18
- 19 2. Plaintiff objects to any portion of these requests that contain instructions,  
20 directions, provisions, or definitions that are inconsistent with or more onerous than the  
21 requirements of the Oregon Rules of Civil Procedure.  
22
- 23 3. Plaintiff objects to any request to the extent it seeks the production of documents  
24 that are not currently in its possession, custody, or control.  
25
- 26 4. Plaintiff’s investigation and discovery are continuing. Plaintiff therefore reserves  
27 the right to supplement its responses after additional discovery has taken place.  
28

1 5. Plaintiff is responding in good faith to these requests as plaintiff interprets and  
2 understands them. If defendant subsequently asserts an interpretation of any request that differs  
3 from plaintiff's understanding, plaintiff reserves the right to supplement responses or objections  
4 herein.

5 Each of these general objections is incorporated into each of plaintiff's specific responses  
6 as if set forth in full below.

### 8 REQUESTS

9  
10 1. Under ORCP 36 B(2), as soon as practicable, please produce any insurance  
11 agreement or policy (including any homeowner policy, renter policy, umbrella policy, etc.) under  
12 which a person transacting insurance may be liable to satisfy part or all of a judgment for fees or  
13 costs or disbursements against plaintiff that may be entered in the action.  
14

15  
16 RESPONSE: No such documents, information or things are in Plaintiff's custody or  
17 control at this time.  
18

19  
20 2. A log of any documents, information, or things withheld from production on the  
21 basis of a claim of privilege or work product. The log should sufficiently describe the nature of  
22 the withheld documents, information, and things, including, when possible, dates, locations, and  
23 descriptions, so defendant can sufficiently assess the claim.  
24

25  
26 RESPONSE: Privilege log will be provided if necessary.  
27  
28

1           3.       All documents, information, or things evidencing communications pertaining to  
2 the events and behavior and interactions described in plaintiff's complaint.

3  
4           RESPONSE: Plaintiff objects to this request as vague and burdensome. Plaintiff opts to  
5 treat this as a request for all documents, information, or things evidencing communications  
6 pertaining to the events and behavior and interactions described in Plaintiff's complaint, as  
7 relevant to Plaintiff's claims for relief. Responsive documents attached at Bates # 011-256.  
8

9  
10           4.       All documents, information, or things pertaining to the events and behavior and  
11 interactions described in plaintiff's complaint.  
12

13  
14           RESPONSE: Plaintiff objects to this request as vague and burdensome. Plaintiff opts to  
15 treat this as a request for all documents, information, or things pertaining to the events and  
16 behavior and interactions described in Plaintiff's complaint, as relevant to Plaintiff's claims for  
17 relief. Responsive documents attached at Bates # 001-256.  
18

19  
20           5.       All documents, information, or things that tend to prove or disprove the  
21 allegations in plaintiff's complaint.  
22

23           RESPONSE: Responsive documents attached at Bates # 001-256.  
24

25  
26           6.       Any documents, information, or things (if any exist) that evidence any habit of  
27 defendant to lie that plaintiff may intend to use in this case.  
28

1  
2 RESPONSE: Responsive documents attached at Bates # 174-179.  
3

4 7. All documents, information, or things obtained from third parties or by subpoena  
5 pertaining to the events and behavior and interactions alleged in plaintiff's complaint.  
6

7  
8 RESPONSE: No such documents, information or things are in Plaintiff's custody or  
9 control at this time.  
10

11 8. All documents, information, or things plaintiff may intend to introduce or  
12 reference in a motion for summary judgement or at evidentiary hearing or trial in this lawsuit.  
13  
14

15 RESPONSE: Responsive documents attached at Bates # 1-389.  
16

17  
18 9. All documents, information, or things evidencing complaints against plaintiff by  
19 any person within the past 10 years pertaining to allegations or behavior or interactions  
20 substantially similar to those described in Exhibit A to plaintiff's complaint.  
21

22 RESPONSE: No such documents, information or things are in Plaintiff's custody or  
23 control at this time.  
24  
25  
26  
27  
28



1           10.     All documents, information, or things evidencing complaints against plaintiff by  
2 any person within the past 10 years pertaining to allegations or behavior or interactions  
3 substantially similar to those described in Exhibit B to plaintiff’s complaint.  
4

5           RESPONSE: No such documents, information or things are in Plaintiff’s custody or  
6 control at this time.  
7

8  
9           11.     All documents, information, or things evidencing complaints against plaintiff by  
10 any person within the past 10 years pertaining to allegations or behavior or interactions  
11 substantially similar to those described in Exhibit C to plaintiff’s complaint.  
12

13  
14           RESPONSE: No such documents, information or things are in Plaintiff’s custody or  
15 control at this time.  
16

17  
18           12.     All written communications with the Court pertaining to this case.  
19

20           RESPONSE: No such documents, information or things are in Plaintiff’s custody or  
21 control at this time.  
22

23  
24           13.     Any trial subpoenas, contemporaneously provided to plaintiff upon service to the  
25 witness.  
26

1           RESPONSE: No such documents, information or things are in Plaintiff’s custody or  
2 control at this time.

3  
4           14.     All documents, information, or things that support plaintiff’s allegation in the  
5 complaint that, plaintiff is a highly ranked competitive Scrabble player.  
6

7  
8           RESPONSE: Responsive documents are attached at Bates # 007, 146-147, 257-259.  
9

10           15.     All documents, information, or things that support plaintiff’s allegation in the  
11 complaint that, plaintiff ranked as high as the #3 competitive Scrabble player in the United  
12 States.  
13

14  
15           RESPONSE: Responsive documents are attached at Bates # 007, 260-261.  
16

17  
18           16.     All documents, information, or things that support plaintiff’s allegation in the  
19 complaint that, plaintiff ranked as high as the #4 competitive Scrabble player in the United  
20 Kingdom.  
21

22           RESPONSE: Responsive documents are attached at Bates # 007, 262.  
23

24  
25           17.     All documents, information, or things that support plaintiff’s allegation in the  
26 complaint that, plaintiff ranked among the top 20 players Scrabble globally.  
27

1 RESPONSE: Responsive documents are attached at Bates # 007, 263.

2  
3 18. All documents, information, or things that support plaintiff's allegation in the  
4 complaint that, plaintiff has enjoyed a high level of repute in the competitive Scrabble  
5 community for over twenty years.  
6

7  
8 RESPONSE: Responsive documents are attached at Bates # 007, 149, 257-259, 264-265.  
9

10 19. All documents, information, or things that support plaintiff's allegation in the  
11 complaint that, plaintiff has earned as much as \$2,000 annually in winnings.  
12

13  
14 RESPONSE: Responsive documents are attached at Bates # 007, 257-259.  
15

16 20. All documents, information, or things that support plaintiff's allegation in the  
17 complaint that, Evans Clinchy is a prominent member of the competitive Scrabble community in  
18 the Pacific Northwest.  
19

20  
21 RESPONSE: Responsive documents are attached at Bates # 266-277.  
22

23 21. All documents, information, or things that support plaintiff's allegation in the  
24 complaint that, Evans Clinchy has known plaintiff for 18 years.  
25

26  
27 RESPONSE: Responsive documents are attached at Bates #66.  
28

1  
2 22. All documents, information, or things that support plaintiff's allegation in the  
3 complaint that, Jennifer Clinchy was in a romantic relationship with plaintiff from September  
4 2014 to June 2016.

5  
6  
7 RESPONSE: Responsive documents are attached at Bates #21, 66.

8  
9 23. All documents, information, or things that support plaintiff's allegation in the  
10 complaint that, Brianna McKissen was in a romantic relationship with plaintiff from March 2020  
11 to June 2020.

12  
13  
14 RESPONSE: Responsive documents are attached at Bates #156, 191-211.

15  
16 24. All documents, information, or things that support plaintiff's allegation in the  
17 complaint that, Evans Clinchy undertook a campaign to smear the reputation of plaintiff within  
18 the competitive Scrabble community.

19  
20  
21 RESPONSE: Responsive documents are attached at Bates #189-190, 225-228.

22  
23  
24 25. All documents, information, or things that support plaintiff's allegation in the  
25 complaint that, Evans Clinchy undertook a campaign to tarnish the standing of plaintiff within  
26 the competitive Scrabble community.

1 RESPONSE: Responsive documents are attached at Bates #189-190, 225-228.

2  
3 26. All documents, information, or things that support plaintiff's allegation in the  
4 complaint that, Jennifer Clinchy undertook a campaign to smear the reputation of plaintiff within  
5 the competitive Scrabble community.  
6

7  
8 RESPONSE: Responsive documents are attached at Bates #189-190, 225-228.

9  
10 27. All documents, information, or things that support plaintiff's allegation in the  
11 complaint that, Jennifer Clinchy undertook a campaign to tarnish the standing of plaintiff within  
12 the competitive Scrabble community.  
13

14  
15 RESPONSE: Responsive documents are attached at Bates #189-190, 225-228.

16  
17  
18 28. All documents, information, or things that support plaintiff's allegation in the  
19 complaint that, Evans Clinchy violated Scrabble tournament rules.  
20

21 RESPONSE: Responsive documents are attached at Bates #041, 118-121, 129, 131, 137-  
22 138, 171, 278.  
23

24  
25 29. All documents, information, or things that support plaintiff's allegation in the  
26 complaint that, Jennifer Clinchy violated Scrabble tournament rules.  
27  
28

1 RESPONSE: Responsive documents are attached at Bates #041, 118-121, 129, 131, 137-  
2 138, 171, 278.

3  
4 30. All documents, information, or things that support plaintiff's allegation in the  
5 complaint that, Evans Clinchy violated rules in order to exclude plaintiff from Scrabble  
6 competitions.  
7

8  
9 RESPONSE: Responsive documents are attached at Bates #041, 118-121, 129, 131, 137-  
10 138, 171, 278.

11  
12  
13 31. All documents, information, or things that support plaintiff's allegation in the  
14 complaint that, Jennifer Clinchy violated rules in order to exclude plaintiff from Scrabble  
15 competitions.  
16

17  
18 RESPONSE: Responsive documents are attached at Bates #041, 118-121, 129, 131, 137-  
19 138, 171, 278.

20  
21 32. All documents, information, or things that support plaintiff's allegation in the  
22 complaint that, Evans Clinchy spread false rumors about plaintiff.  
23

24  
25 RESPONSE: Responsive documents are attached at Bates #011-012.  
26  
27  
28

1           33.     All documents, information, or things that support plaintiff’s allegation in the  
2 complaint that, Jennifer Clinchy spread false rumors about plaintiff.

3  
4           RESPONSE: Responsive documents are attached at Bates #021-028, 233-237.

5  
6  
7           34.     All documents, information, or things that support plaintiff’s allegation in the  
8 complaint that, Evans Clinchy spread defamatory rumors about plaintiff.

9  
10          RESPONSE: Responsive documents are attached at Bates #011-012.

11  
12  
13          35.     All documents, information, or things that prove when plaintiff first learned that  
14 Jennifer Clinchy allegedly spread defamatory rumors about plaintiff.

15  
16          RESPONSE: Responsive documents are attached at Bates #279.

17  
18  
19          36.     All documents, information, or things that prove when plaintiff first learned that  
20 Evans Clinchy allegedly spread false rumors about plaintiff.

21  
22          RESPONSE: Responsive documents are attached at Bates #279.

23  
24  
25          37.     All documents, information, or things that prove when plaintiff first learned that  
26 Jennifer Clinchy allegedly spread false rumors about plaintiff.

1 RESPONSE: Responsive documents are attached at Bates #279.

2  
3 38. All documents, information, or things that prove when plaintiff first learned that  
4 Evans Clinchy allegedly spread defamatory rumors about plaintiff.

5  
6 RESPONSE: Responsive documents are attached at Bates #279.

7  
8  
9 39. All documents, information, or things that prove when plaintiff first learned that  
10 Jennifer Clinchy allegedly spread defamatory rumors about plaintiff.

11  
12 RESPONSE: Plaintiff objects to this request as repetitive. It is identical to request #35.

13  
14  
15 40. All documents, information, or things that support plaintiff's allegation in the  
16 complaint that the primary organizer of competitive Scrabble tournaments in the United States is  
17 the North American Scrabble Players Association.

18  
19  
20 RESPONSE: Responsive documents are attached at Bates #001, 280-284.

21  
22  
23 41. All documents, information, or things that support plaintiff's allegation in the  
24 complaint that the primary organizer of competitive Scrabble tournaments in Canada is the North  
25 American Scrabble Players Association.

26  
27 RESPONSE: Responsive documents are attached at Bates #001, 280-284.



1  
2 42. All documents, information, or things that support plaintiff's allegation in the  
3 complaint that rival organizers to the North American Scrabble Players Association have  
4 emerged in recent years.

5  
6  
7 RESPONSE: Responsive documents are attached at Bates #001-002, 285-295.

8  
9 43. All documents, information, or things evidencing the emergence of the World  
10 Game Players Organization, as alleged in plaintiff's complaint.

11  
12  
13 RESPONSE: Responsive documents are attached at Bates #001-002, 290-295.

14  
15 44. All documents, information, or things evidencing the emergence of the Collins  
16 Coalition, as alleged in plaintiff's complaint.

17  
18  
19 RESPONSE: Responsive documents are attached at Bates #001-002, 285-289.

20  
21 45. All documents, information, or things that support plaintiff's allegation in the  
22 complaint that, the Collins Coalition was founded by Evans Clinchy and Jennifer Clinchy in  
23 2019.

24  
25  
26 RESPONSE: Responsive documents are attached at Bates #001-002, 296-312.

1  
2           46.     All documents, information, or things that support plaintiff's allegation in the  
3 complaint that, the motive behind the creation of Collins Coalition was to create an organization  
4 where plaintiff would be unable to participate.  
5

6           RESPONSE: Responsive documents are attached at Bates #002, 129-130, 180-186.  
7  
8

9           47.     All documents, information, or things that support plaintiff's allegation in the  
10 complaint that, the motive behind the creation of Collins Coalition was to damage the North  
11 American Scrabble Players Association.  
12

13           RESPONSE: Responsive documents are attached at Bates #002, 129-130, 180, 302-312.  
14  
15

16           48.     All documents evidencing any inability by plaintiff to participate in Collins  
17 Coalition.  
18

19           RESPONSE: Responsive documents are attached at Bates #002, 129-130, 180-186.  
20  
21

22           49.     All documents evidencing any damage to the North American Scrabble Players  
23 Association caused by the creation of Collins Coalition.  
24  
25  
26  
27  
28

1           RESPONSE: Plaintiff objects to this request on the grounds that it fails to request  
2 documents that are reasonably calculated to lead to the discovery of relevant, admissible  
3 evidence.

4  
5           50.     All documents evidencing any economic harm to plaintiff caused by the creation  
6 of Collins Coalition, as alleged in plaintiff's complaint.  
7

8  
9           RESPONSE: No such documents, information or things are in Plaintiff's custody or  
10 control at this time.  
11

12  
13           51.     All documents, information, or things that support plaintiff's allegation in the  
14 complaint that, plaintiff cherished the Scrabble community.  
15

16           RESPONSE: Responsive documents are attached at Bates #067-069.  
17

18  
19           52.     All documents, information, or things that support plaintiff's allegation in the  
20 complaint that, plaintiff relied upon the Scrabble community.  
21

22           RESPONSE: Responsive documents are attached at Bates #148-150.  
23

24  
25           53.     All documents, information, or things that support plaintiff's allegation in the  
26 complaint that, plaintiff was ostracized from the Scrabble community.  
27

1 RESPONSE: Responsive documents are attached at Bates #086-088.

2  
3 54. All documents, information, or things that support plaintiff's allegation in the  
4 complaint that, plaintiff was frustrated with his ostracism from the Scrabble community.

5  
6 RESPONSE: Responsive documents are attached at Bates #086-088.

7  
8  
9 55. All documents, information, or things that support plaintiff's allegation in the  
10 complaint that, plaintiff experienced psychological trauma from his ostracism from the Scrabble  
11 community.

12  
13 RESPONSE: Responsive documents are attached at Bates #007-008.

14  
15  
16 56. All documents, information, or things that support plaintiff's allegation in the  
17 complaint that, plaintiff published a two-part blog post in July 2020.

18  
19 RESPONSE: Responsive documents are attached at Bates #065-143.

20  
21  
22 57. All documents, information, or things that support plaintiff's allegation in the  
23 complaint that, plaintiff's blog post explained plaintiff's side of the story.

24  
25 RESPONSE: Responsive documents are attached at Bates #065-143.

1           58.     All documents, information, or things that support plaintiff’s allegation in the  
2 complaint that, plaintiff’s blog post criticized Evans Clinchy’s actions.

3  
4           RESPONSE: Responsive documents are attached at Bates #065-143.

5  
6  
7           59.     All documents, information, or things that support plaintiff’s allegation in the  
8 complaint that, plaintiff’s blog post criticized Jennifer Clinchy’s actions.

9  
10          RESPONSE: Responsive documents are attached at Bates #065-143.

11  
12  
13          60.     All documents, information, or things evidencing any of the actions taken by  
14 Evans Clinchy that plaintiff criticized in his blog post, as alleged in plaintiff’s complaint.

15          RESPONSE: Responsive documents are attached at Bates #090-096, 135-142, 180-232.

16  
17  
18          61.     All documents, information, or things evidencing any of the actions taken by  
19 Jennifer Clinchy that plaintiff criticized in his blog post, as alleged in plaintiff’s complaint.

20  
21          RESPONSE: Responsive documents are attached at Bates #090-096, 135-142, 180-232.

22  
23  
24          62.     All documents, information, or things that support plaintiff’s allegation in the  
25 complaint that, Brianna McKissen assisted plaintiff in the preparation of plaintiff’s blog posts.

26  
27          RESPONSE: Responsive documents are attached at Bates #055, 157, 208-209, 313-314.

1  
2           63.     All documents, information, or things that support plaintiff's allegation in the  
3 complaint that, Brianna McKissen supported plaintiff's efforts to make the truth known.  
4

5           RESPONSE: Responsive documents are attached at Bates #055, 157, 208-209, 313-314.  
6

7  
8           64.     All documents, information, or things that support plaintiff's allegation in the  
9 complaint that, plaintiff had no further substantial contact with any defendants from July 2020  
10 onward.  
11

12           RESPONSE: Responsive documents are attached at Bates #055, 157, 208-209.  
13

14  
15           65.     All documents, information, or things evidencing any substantial contact between  
16 plaintiff and any defendants from July 2020 onward.  
17

18           RESPONSE: Responsive documents are attached at Bates #213-224.  
19

20  
21  
22           66.     All documents, information, or things that support plaintiff's allegation in the  
23 complaint that, plaintiff had an e-mail message conversation in December 2020 with a defendant.  
24

25  
26           RESPONSE: Responsive documents are attached at Bates #216-217.  
27

1           67.     All documents, information, or things that support plaintiff’s allegation in the  
2 complaint that, plaintiff had a single text conversation in February 2021 with a defendant.

3  
4           RESPONSE: Responsive documents are attached at Bates #218-222.

5  
6  
7           68.     All documents, information, or things that support plaintiff’s allegation in the  
8 complaint that, plaintiff had a single in-person encounter in January 2022 with Brianna  
9 McKissen.

10  
11           RESPONSE: Responsive documents are attached at Bates #160-163.

12  
13  
14           69.     All documents, information, or things that support plaintiff’s allegation in the  
15 complaint that, plaintiff had amicable contact with defendants from July 2020 onward.

16  
17           RESPONSE: Responsive documents are attached at Bates #213-224.

18  
19  
20           70.     All documents, information, or things that support plaintiff’s allegation in the  
21 complaint that, plaintiff had respectful contact with defendants from July 2020 onward.

22  
23           RESPONSE: Responsive documents are attached at Bates #213-224.

1           71. All documents, information, or things that support plaintiff's allegation in the  
2 complaint that, on April 14, 2022, plaintiff received a Notification of Potential Disciplinary  
3 Action from Steve Pellinen.

4  
5           RESPONSE: Responsive documents are attached at Bates #279.  
6

7  
8           72. All communications with Steve Pellinen pertaining to Evans Clinchy.  
9

10           RESPONSE: Responsive documents are attached at Bates #279.  
11

12  
13           73. All communications with Steve Pellinen pertaining to Jennifer Clinchy.  
14

15           RESPONSE: Responsive documents are attached at Bates #279.  
16

17  
18           74. All communications with Steve Pellinen pertaining to Brianna McKissen.  
19

20           RESPONSE: Responsive documents are attached at Bates #279.  
21

22  
23           75. All documents, information, or things that support plaintiff's allegation in the  
24 complaint that, Evans Clinchy's statement contained false statements.  
25

26           RESPONSE: Responsive documents are attached at Bates #011-012, 064-143, 169-174.  
27  
28



1           76. All documents, information, or things that support plaintiff's allegation in the  
2 complaint that, Jennifer Clinchy's statement contained false statements.

3  
4           RESPONSE: Responsive documents are attached at Bates #021-028, 064-143, 174-179,  
5 233-243.

6  
7  
8           77. All documents, information, or things that support plaintiff's allegation in the  
9 complaint that, Brianna McKissen's statement contained false statements.

10  
11           RESPONSE: Responsive documents are attached at Bates #013-020, 021-028, 030-034,  
12 164-168, 191-224, 244-255.

13  
14  
15           78. All documents, information, or things that support plaintiff's allegation in the  
16 complaint that, Evans Clinchy's statement contained defamatory statements.

17  
18  
19           RESPONSE: Responsive documents are attached at Bates #011-012.

20  
21           79. All documents, information, or things that support plaintiff's allegation in the  
22 complaint that, Jennifer Clinchy's statement contained defamatory statements.

23  
24  
25           RESPONSE: Responsive documents are attached at Bates #021-029.

1           80.     All documents, information, or things that support plaintiff’s allegation in the  
2 complaint that, Brianna McKissen’s statement contained defamatory statements.  
3

4           RESPONSE: Responsive documents are attached at Bates #013-020.  
5  
6

7           81.     All documents, information, or things that support plaintiff’s allegation in the  
8 complaint that, the North American Scrabble Players Association is the only organization  
9 plaintiff recognizes as legitimate.  
10

11           RESPONSE: Responsive documents are attached at Bates #003.  
12  
13

14           82.     All documents, information, or things that support plaintiff’s allegation in the  
15 complaint that, the North American Scrabble Players Association is the only organization  
16 plaintiff participates in.  
17

18           RESPONSE: Responsive documents are attached at Bates #003.  
19  
20

21           83.     All documents, information, or things provided by plaintiff to North American  
22 Scrabble Players Association to refute statements made by defendants, as alleged in plaintiff’s  
23 complaint.  
24

25           RESPONSE: Responsive documents are attached at Bates #144-232.  
26  
27  
28

1           84.     All documents, information, or things that support plaintiff's allegation in the  
2 complaint that, plaintiff was suspended from all tournament play with North American Scrabble  
3 Players Association for three years.

4  
5           RESPONSE: Responsive documents are attached at Bates #315-316.  
6

7  
8           85.     All documents, information, or things evidencing any suspension of plaintiff's  
9 participation in any Scrabble organization.

10  
11           RESPONSE: Responsive documents are attached at Bates #315-320.  
12

13  
14           86.     All documents, information, or things evidencing any termination of plaintiff's  
15 membership from any Scrabble organization.

16  
17           RESPONSE: Responsive documents are attached at Bates #315-320.  
18

19  
20           87.     All documents, information, or things evidencing any disqualification of plaintiff  
21 from any Scrabble event.

22  
23           RESPONSE: Responsive documents are attached at Bates #315-320.  
24

1           88.     All documents, information, or things that support plaintiff’s allegation in the  
2 complaint that, Evans Clinchy engaged in a coordinated effort to interfere with plaintiff’s  
3 professional relationship with the North American Scrabble Players Association.  
4

5           RESPONSE: Responsive documents are attached at Bates #011-232.  
6  
7

8           89.     All documents, information, or things that support plaintiff’s allegation in the  
9 complaint that, Evans Clinchy interfered with plaintiff’s professional relationship with the North  
10 American Scrabble Players Association with malicious intent.  
11

12           RESPONSE: Responsive documents are attached at Bates #011-232.  
13  
14

15           90.     All documents, information, or things that support plaintiff’s allegation in the  
16 complaint that, Evans Clinchy engaged in a coordinated effort to interfere with plaintiff’s  
17 professional relationship with North American Scrabble Players Association members.  
18

19           RESPONSE: Responsive documents are attached at Bates #011-232.  
20  
21

22           91.     All documents, information, or things that support plaintiff’s allegation in the  
23 complaint that, Evans Clinchy interfered with plaintiff’s professional relationship with the North  
24 American Scrabble Players Association members with malicious intent.  
25

26           RESPONSE: Responsive documents are attached at Bates #011-232.  
27  
28

1  
2 92. All documents, information, or things that support plaintiff's allegation in the  
3 complaint that, Evans Clinchy engaged in a coordinated effort to interfere with plaintiff's  
4 professional relationship with other parts of the competitive Scrabble community.  
5

6  
7 RESPONSE: Responsive documents are attached at Bates #011-232.  
8

9 93. All documents, information, or things that support plaintiff's allegation in the  
10 complaint that, Evans Clinchy interfered with plaintiff's professional relationship with other  
11 parts of the competitive Scrabble community with malicious intent.  
12

13  
14 RESPONSE: Responsive documents are attached at Bates #011-232.  
15

16 94. All documents, information, or things that support plaintiff's allegation in the  
17 complaint that, Jennifer Clinchy engaged in a coordinated effort to interfere with plaintiff's  
18 professional relationship with the North American Scrabble Players Association.  
19

20  
21 RESPONSE: Responsive documents are attached at Bates #011-255.  
22

23 95. All documents, information, or things that support plaintiff's allegation in the  
24 complaint that, Jennifer Clinchy interfered with plaintiff's professional relationship with the  
25 North American Scrabble Players Association with malicious intent.  
26  
27  
28

1 RESPONSE: Responsive documents are attached at Bates #011-255.

2  
3 96. All documents, information, or things that support plaintiff's allegation in the  
4 complaint that, Jennifer Clinchy interfered with plaintiff's professional relationship with the  
5 North American Scrabble Players Association members with malicious intent.  
6

7  
8 RESPONSE: Responsive documents are attached at Bates #011-255.

9  
10 98. All documents, information, or things that support plaintiff's allegation in the  
11 complaint that, Jennifer Clinchy engaged in a coordinated effort to interfere with plaintiff's  
12 professional relationship with other parts of the competitive Scrabble community.  
13

14  
15 RESPONSE: Responsive documents are attached at Bates #011-255.

16  
17  
18 99. All documents, information, or things that support plaintiff's allegation in the  
19 complaint that, Jennifer Clinchy interfered with plaintiff's professional relationship with other  
20 parts of the competitive Scrabble community with malicious intent.  
21

22 RESPONSE: Responsive documents are attached at Bates #011-64, 144-255.

23  
24  
25 100. All documents, information, or things that support plaintiff's allegation in the  
26 complaint that, Brianna McKissen engaged in a coordinated effort to interfere with plaintiff's  
27 professional relationship with the North American Scrabble Players Association.  
28

1  
2 RESPONSE: Responsive documents are attached at Bates #011-64, 144-255.  
3

4 101. All documents, information, or things that support plaintiff's allegation in the  
5 complaint that, Brianna McKissen interfered with plaintiff's professional relationship with the  
6 North American Scrabble Players Association with malicious intent.  
7

8  
9 RESPONSE: Responsive documents are attached at Bates #011-64, 144-255.  
10

11 102. All documents, information, or things that support plaintiff's allegation in the  
12 complaint that, Brianna McKissen engaged in a coordinated effort to interfere with plaintiff's  
13 professional relationship with North American Scrabble Players Association members.  
14

15  
16 RESPONSE: Responsive documents are attached at Bates #011-64, 144-255.  
17

18  
19 103. All documents, information, or things that support plaintiff's allegation in the  
20 complaint that, Brianna McKissen interfered with plaintiff's professional relationship with the  
21 North American Scrabble Players Association members with malicious intent.  
22

23  
24 RESPONSE: Responsive documents are attached at Bates #011-64, 144-255.  
25  
26  
27  
28

1 104. All documents, information, or things that support plaintiff's allegation in the  
2 complaint that, Brianna McKissen engaged in a coordinated effort to interfere with plaintiff's  
3 professional relationship with other parts of the competitive Scrabble community.  
4

5 RESPONSE: Responsive documents are attached at Bates #011-64, 144-255.  
6  
7

8 105. All documents, information, or things that support plaintiff's allegation in the  
9 complaint that, Brianna McKissen interfered with plaintiff's professional relationship with other  
10 parts of the competitive Scrabble community with malicious intent.  
11

12 RESPONSE: Responsive documents are attached at Bates #011-64, 144-255.  
13  
14

15 106. All documents, information, or things that support plaintiff's allegation in the  
16 complaint that, Evans Clinchy's defamatory statements directly affected plaintiff's ability to earn  
17 income from competitive Scrabble.  
18

19 RESPONSE: Responsive documents are attached at Bates #007, 257-259, 315-320.  
20  
21

22 107. All documents, information, or things that support plaintiff's allegation in the  
23 complaint that, Jennifer Clinchy's defamatory statements directly affected plaintiff's ability to  
24 earn income from competitive Scrabble.  
25

26 RESPONSE: Responsive documents are attached at Bates #007, 257-259, 315-320.  
27  
28



1  
2 108. All documents, information, or things that support plaintiff's allegation in the  
3 complaint that, Brianna McKissen's defamatory statements directly affected plaintiff's ability to  
4 earn income from competitive Scrabble.  
5

6  
7 RESPONSE: Responsive documents are attached at Bates #007, 257-259, 315-320.  
8

9  
10 109. All documents, information, or things that support plaintiff's allegation in the  
11 complaint that, Evans Clinchy's defamatory statements directly caused plaintiff a significant loss  
12 of revenue estimated not to exceed \$10,000.  
13

14 RESPONSE: Responsive documents are attached at Bates #007, 257-259, 315-320.  
15

16  
17 110. All documents, information, or things that support plaintiff's allegation in the  
18 complaint that, Jennifer Clinchy's defamatory statements directly caused plaintiff a significant  
19 loss of revenue estimated not to exceed \$10,000.  
20

21 RESPONSE: Responsive documents are attached at Bates #007, 257-259, 315-320.  
22

23  
24 111. All documents, information, or things that support plaintiff's allegation in the  
25 complaint that, Brianna McKissen's defamatory statements directly caused plaintiff a significant  
26 loss of revenue estimated not to exceed \$10,000.  
27  
28

1 RESPONSE: Responsive documents are attached at Bates #007, 257-259, 315-320.

2  
3 112. All documents, information, or things (if any exist) that tend to prove that Evans  
4 Clinchy's defamatory statements directly affected plaintiff's ability to earn income from  
5 competitive Scrabble, separate and apart from any statements made by Jennifer Clinchy or  
6 Brianna McKissen.  
7

8 RESPONSE: Responsive documents are attached at Bates #007, 257-259, 315-320.

9  
10 113. All documents, information, or things (if any exist) that tend to prove that Jennifer  
11 Clinchy's defamatory statements directly affected plaintiff's ability to earn income from  
12 competitive Scrabble, separate and apart from any statements made by Evans Clinchy and  
13 Brianna McKissen.  
14

15  
16 RESPONSE: Responsive documents are attached at Bates #007, 257-259, 315-320.

17  
18  
19 114. All documents, information, or things (if any exist) that tend to prove that Brianna  
20 McKissen's defamatory statements directly affected plaintiff's ability to earn income from  
21 competitive Scrabble, separate and apart from any statements made by Evan Clinchy or Jennifer  
22 Clinchy.  
23

24  
25 RESPONSE: Responsive documents are attached at Bates #007, 257-259, 315-320.  
26  
27  
28

1 115. All documents, information, or things (if any exist) that tend to prove that Evans  
2 Clinchy's defamatory statements directly caused plaintiff a significant loss of revenue estimated  
3 not to exceed \$10,000, separate and apart from any statements made by Jennifer Clinchy or  
4 Brianna McKissen.

5  
6  
7 RESPONSE: Responsive documents are attached at Bates #007, 257-259, 315-320.  
8

9 116. All documents, information, or things (if any exist) that tend to prove that Jennifer  
10 Clinchy's defamatory statements directly caused plaintiff a significant loss of revenue estimated  
11 not to exceed \$10,000, separate and apart from any statements made by Evans Clinchy and  
12 Brianna McKissen.  
13

14  
15 RESPONSE: Responsive documents are attached at Bates #007, 257-259, 315-320.  
16

17 117. All documents, information, or things (if any exist) that tend to prove that Brianna  
18 McKissen's defamatory statements directly caused plaintiff a significant loss of revenue  
19 estimated not to exceed \$10,000, separate and apart from any statements made by Evan Clinchy  
20 or Jennifer Clinchy.  
21

22  
23 RESPONSE: Responsive documents are attached at Bates #007, 257-259, 315-320.  
24

25  
26 118. All documents, information, or things used by plaintiff to calculate the estimation of  
27 lost revenue not to exceed \$10,000, as alleged in plaintiff's complaint.  
28

1  
2 RESPONSE: Responsive documents are attached at Bates #007, 257-259, 390-391.  
3

4 119. All documents, information, or things used by plaintiff to calculate the expectation  
5 of medical expenses not to exceed \$10,000, as alleged in plaintiff's complaint.  
6

7  
8 RESPONSE: Responsive documents are attached at Bates #007, 321, 390-391.  
9

10 120. All documents, information, or things used by plaintiff to calculate the expectation  
11 of damage to his reputation in an amount not to exceed \$400,000, as alleged in plaintiff's  
12 complaint.  
13

14  
15 RESPONSE: No such documents, information or things are in Plaintiff's custody or  
16 control at this time. Reputational damages are presumed.  
17

18  
19 121. Please produce any statement by Evans Clinchy which, according  
20 to plaintiff, constitutes libel per se, as alleged in plaintiff's complaint.  
21

22 RESPONSE: Responsive documents are attached at Bates #011-012:  
23

- 24
- 25 • Plaintiff is "a man who abuses women."
  - 26 • "[H]e has spent hours and hours discussing his intent to kill me"
  - 27 • "[T]his man is now openly discussing how to murder me in cold blood"
- 28

- “I’ve seen countless examples of him turning nasty, threatening, or downright horrifying in confrontations with other Scrabble players”
- “[H]e’s expressed his urge to shoot up a Scrabble tournament.”

122. Please produce any statement by Jennifer Clinchy which, according to plaintiff, constitutes libel per se, as alleged in plaintiff’s complaint.

RESPONSE: Responsive documents are attached at Bates #021-028, 233-236:

- “David Koenig has
  1. Coerced me to have sex with him after I repeatedly told him No.
  2. Harassed, threatened, and stalked multiple women.
  3. Orally expressed homicidal intent, including a desire to kill my husband and commit a mass shooting at a Scrabble tournament.”
- Plaintiff is “a man with a pattern of sexually aggressive behavior toward women”
- Plaintiff “state[d] that my husband and I deserved to die.”

123. Please produce any statement by Brianna McKissen which, according to plaintiff, constitutes libel per se, as alleged in plaintiff’s complaint.

RESPONSE: Responsive documents are attached at Bates #013-20, 30-34, 244-255

- Plaintiff is “an actual psychopath”
- Plaintiff is a threat to “shoot up” “a whole random tournament of Scrabble players
- Plaintiff is “going to kill someone someday.”

1  
2 124. Please produce any statements to third parties by Evans Clinchy which, according to  
3 plaintiff, Evans Clinchy knew were false, as alleged in plaintiff's complaint.  
4

5 RESPONSE: Responsive documents are attached at Bates #011-012:  
6

- 7 • "I've seen countless examples of him turning nasty, threatening, or downright horrifying  
8 in confrontations with other Scrabble players"
- 9 • "I understand that there's a narrative out there in the Scrabble community that I have  
10 somehow turned other players against David Koenig - that because of some deep-seated  
11 anger or hatred that I feel, I've led some sort of campaign of ostracism to keep him out of  
12 the Scrabble community. That narrative is false."
- 13 • "I have tried very hard to avoid doing anything at all to antagonize DK."
- 14 • Plaintiff "attempted to register for a house tournament that Jennifer and I were hosting"  
15 in 2018.  
16  
17

18  
19 125. Please produce any statements to third parties by Jennifer Clinchy which, according  
20 to plaintiff, Jennifer Clinchy knew were false, as alleged in plaintiff's complaint.  
21

22 RESPONSE: Responsive documents are attached at Bates #021-028, 233-236  
23

- 24 • "David Koenig has  
25 1. Coerced me to have sex with him after I repeatedly told him No.  
26 2. Harassed, threatened, and stalked multiple women."  
27 • Plaintiff is "a man with a pattern of sexually aggressive behavior toward women"  
28

- 1 • “I attempted to end my informal relationship with Dave on at least five occasions.”
- 2 • Plaintiff “communicated threats to me via third parties.”
- 3 • Plaintiff moved to Portland at a time when Brianna McKissen already lived there.
- 4 • Plaintiff subjected defendant to "a screaming torrent of verbal abuse" following a dinner
- 5 in Perth, Australia in November 2015.
- 6
- 7

8 126. Please produce any statements by Brianna McKissen which, according to plaintiff,  
9 Brianna McKissen knew were false, as alleged in plaintiff’s complaint.

10  
11  
12 RESPONSE: Responsive documents are attached at Bates #011-020, 233-236:

- 13 • Plaintiff said, “I’m writing a book proving it, and what I really want is for [Jennifer
- 14 Clinchy] to be so humiliated that she kills herself.”
- 15 • Plaintiff “showed zero interest in me as a human being.”
- 16 • “I have listened to at least a hundred hours of insane murder fantasies.”
- 17 • Plaintiff “is going to kill someone someday.”
- 18 • Plaintiff said “I feel more betrayed by you than by anything Jennifer and Evans did.”
- 19 • Plaintiff is a threat to “shoot up” “a whole random tournament of Scrabble players
- 20 • Plaintiff hovered around Defendant and her friends during the January 2022 New Orleans
- 21 Scrabble tournament.
- 22 • Plaintiff followed Defendant into a hallway during the January 2022 New Orleans
- 23 Scrabble tournament.
- 24 • Plaintiff ranted at Defendant during the January 2022 New Orleans Scrabble tournamenr.
- 25
- 26
- 27
- 28

1 127. Please produce any statement to third parties by Evans Clinchy which, according to  
2 plaintiff, Evans Clinchy made with reckless disregard for the truth of the statements, as alleged  
3 in plaintiff's complaint.  
4

5 RESPONSE: Responsive documents are attached at Bates #011-012:  
6

- 7 • Plaintiff "deliberately and maliciously sought to harass and threaten my once-partner,  
8 now-wife Jennifer."
- 9 • Plaintiff "has spent hours and hours discussing his intent to kill me, including specific  
10 details about the weapon he'd use and the method he'd employ."  
11
- 12 • Plaintiff "is a clear threat not only to my wife and myself, but to everyone else in the  
13 game as well."
- 14 • Plaintiff "has expressed his urge to shoot up a Scrabble tournament."  
15

16 128. Please produce any statement to third parties by Jennifer Clinchy which, according  
17 to plaintiff, Jennifer Clinchy made with reckless disregard for the truth of the statements, as  
18 alleged in plaintiff's complaint.  
19

20 RESPONSE: Responsive documents are attached at Bates #021-028, 233-236  
21

- 22 • Plaintiff "[o]rally expressed homicidal intent, including a desire to kill my husband and  
23 commit a mass shooting at a Scrabble tournament."  
24
- 25 • Plaintiff "has explicitly stated that he wants me dead, wants to kill my husband, and  
26 wants to shoot up a Scrabble tournament."  
27
- 28 • Plaintiff "is threatening the lives of other people."



- 1 • Plaintiff “wants me and my husband dead and wants to shoot up a tournament.”
- 2 • Plaintiff “wanted to kill my husband by hitting him in the head with a cast iron frying
- 3 pan.”
- 4 • Plaintiff’s “intent in publishing his manifesto was...that I would kill myself.”

5

6

7 129. Please produce any statement by Brianna McKissen which, according to plaintiff,

8 Brianna McKissen made with reckless disregard for the truth of the statements, as alleged in

9 plaintiff’s complaint.

10

11

12 RESPONSE: No such documents, information or things are in Plaintiff’s custody or

13 control at this time.

14

15 130. For any statement by Evans Clinchy alleged by plaintiff in the complaint to

16 constitute defamation, please provide all documents, information, or things that prove the

17 statement was false.

18

19

20 RESPONSE: Responsive documents are attached at Bates #148.

21

22

23 131. For any statement by Jennifer Clinchy alleged by plaintiff in the complaint to

24 constitute defamation, please provide all documents, information, or things that prove the

25 statement was false.

26

27 RESPONSE: Responsive documents are attached at Bates #148.

28

1  
2 132. For any statement by Brianna McKissen alleged by plaintiff in the complaint to  
3 constitute defamation, please provide all documents, information, or things that prove the  
4 statement was false.

5  
6  
7 RESPONSE: Responsive documents are attached at Bates #148.

8  
9 133. For any statement by Evans Clinchy alleged by plaintiff in the complaint to  
10 constitute defamation, please provide all documents, information, or things that prove the  
11 statement caused plaintiff lost income.

12  
13  
14 RESPONSE: Responsive documents are attached at Bates #007, 257, 315.

15  
16 134. For any statement by Jennifer Clinchy alleged by plaintiff in the complaint to  
17 constitute defamation, please provide all documents, information, or things that prove the  
18 statement caused plaintiff lost income.

19  
20  
21 RESPONSE: Responsive documents are attached at Bates #007, 257, 315.

22  
23 135. For any statement by Brianna McKissen alleged by plaintiff in the complaint to  
24 constitute defamation, please provide all documents, information, or things that prove the  
25 statement caused plaintiff lost income.  
26  
27  
28

1 RESPONSE: Responsive documents are attached at Bates #007, 257, 315.

2  
3 136. For any statement by Evans Clinchy alleged by plaintiff in the complaint to  
4 constitute defamation, please provide all documents, information, or things that prove the  
5 statement caused plaintiff injury to his reputation.  
6

7  
8 RESPONSE: Responsive documents are attached at Bates #003-008, 107-143, 149-150.  
9

10 137. For any statement by Jennifer Clinchy alleged by plaintiff in the complaint to  
11 constitute defamation, please provide all documents, information, or things that prove the  
12 statement caused plaintiff injury to his reputation.  
13

14  
15 RESPONSE: Responsive documents are attached at Bates #003-008, 107-143, 149-150.  
16

17  
18 138. For any statement by Brianna McKissen alleged by plaintiff in the complaint to  
19 constitute defamation, please provide all documents, information, or things that prove the  
20 statement caused plaintiff injury to his reputation.  
21

22 RESPONSE: Responsive documents are attached at Bates #003-008, 107-143, 149-150.  
23

24  
25 139. For any statement by Evans Clinchy alleged by plaintiff in the complaint to  
26 constitute defamation, please provide all documents, information, or things that prove the  
27 statement caused plaintiff emotional distress.  
28

1  
2 RESPONSE: Responsive documents are attached at Bates #007-008, 107-143, 149-150,  
3 321-326.

4  
5 140. For any statement by Jennifer Clinchy alleged by plaintiff in the complaint to  
6 constitute defamation, please provide all documents, information, or things that prove the  
7 statement caused plaintiff emotional distress.  
8

9  
10 RESPONSE: Responsive documents are attached at Bates #007-008, 107-143, 149-150,  
11 321-326.

12  
13  
14 141. For any statement by Brianna McKissen alleged by plaintiff in the complaint to  
15 constitute defamation, please provide all documents, information, or things that prove the  
16 statement caused plaintiff emotional distress.  
17

18  
19 RESPONSE: Responsive documents are attached at Bates #007-008, 107-143, 149-150,  
20 321-326.

21  
22 142. All documents, information, or things that support plaintiff's allegation in the  
23 complaint that, Evans Clinchy entered into a coordinated, premeditated, agreement to commit  
24 tortious acts of defamation concerning plaintiff.  
25

26  
27 RESPONSE: Responsive documents are attached at Bates #011-064, 233-255.  
28

1  
2 143. All documents, information, or things that support plaintiff's allegation in the  
3 complaint that, Jennifer Clinchy entered into a coordinated, premeditated, agreement to commit  
4 tortious acts of defamation concerning plaintiff.  
5

6  
7 RESPONSE: Responsive documents are attached at Bates #011-064, 233-255.  
8

9 144. All documents, information, or things that support plaintiff's allegation in the  
10 complaint that, Brianna McKissen entered into a coordinated, premeditated, agreement to  
11 commit tortious acts of defamation concerning plaintiff.  
12

13  
14 RESPONSE: Responsive documents are attached at Bates #011-064, 233-255.  
15

16 145. All documents, information, or things that support plaintiff's allegation in the  
17 complaint that, plaintiff sustained economic damages resulting from lost income as a result of  
18 Evans Clinchy's alleged conspiracy to defame plaintiff.  
19

20  
21 RESPONSE: Responsive documents are attached at Bates #007, 257, 315.  
22

23 146. All documents, information, or things that support plaintiff's allegation in the  
24 complaint that, plaintiff sustained economic damages resulting from lost income as a result of  
25 Jennifer Clinchy's alleged conspiracy to defame plaintiff.  
26  
27  
28

1 RESPONSE: Responsive documents are attached at Bates #007, 257, 315.

2  
3 147. All documents, information, or things that support plaintiff's allegation in the  
4 complaint that, plaintiff sustained economic damages resulting from lost income as a result of  
5 Brianna McKissen's alleged conspiracy to defame plaintiff.  
6

7  
8 RESPONSE: Responsive documents are attached at Bates #007, 257, 315.

9  
10 148. All documents, information, or things that support plaintiff's allegation in the  
11 complaint that, plaintiff sustained economic damages resulting from lost income as a result of  
12 Evans Clinchy's alleged conspiracy to defame plaintiff.  
13

14  
15 RESPONSE: Responsive documents are attached at Bates #007, 257, 315.

16  
17  
18 149. All documents, information, or things that support plaintiff's allegation in the  
19 complaint that, plaintiff sustained economic damages resulting from lost income as a result of  
20 Jennifer Clinchy's alleged conspiracy to defame plaintiff.  
21

22 RESPONSE: Responsive documents are attached at Bates #007, 257, 315.

23  
24  
25 150. All documents, information, or things that support plaintiff's allegation in the  
26 complaint that, plaintiff sustained economic damages resulting from lost income as a result of  
27 Brianna McKissen's alleged conspiracy to defame plaintiff.  
28

1  
2 RESPONSE: Responsive documents are attached at Bates #007, 257, 315.  
3

4 151. All documents, information, or things (if any exist) that tend to prove that Evans  
5 Clinchy's alleged conspiracy to defame plaintiff caused plaintiff lost income, separate and apart  
6 from any lost income caused by the alleged conspiracy to defame plaintiff between Jennifer  
7 Clinchy and Brianna McKissen.  
8

9  
10 RESPONSE: Responsive documents are attached at Bates #007, 257, 315.  
11

12  
13 152. All documents, information, or things (if any exist) that tend to prove that Jennifer  
14 Clinchy's alleged conspiracy to defame plaintiff caused plaintiff lost income, separate and apart  
15 from any lost income caused by the alleged conspiracy to defame plaintiff between Evans  
16 Clinchy and Brianna McKissen.  
17

18  
19 RESPONSE: Responsive documents are attached at Bates #007, 257, 315.  
20

21 153. All documents, information, or things (if any exist) that tend to prove that Brianna  
22 McKissen's alleged conspiracy to defame plaintiff caused plaintiff lost income, separate and  
23 apart from any lost income caused by the alleged conspiracy to defame plaintiff between Evans  
24 Clinchy and Jennifer Clinchy.  
25

26  
27 RESPONSE: Responsive documents are attached at Bates #007, 257, 315.  
28

1  
2 154. All documents, information, or things that support plaintiff's allegation in the  
3 complaint that, plaintiff sustained noneconomic damages for emotional distress as a result of  
4 Evans Clinchy's alleged conspiracy to defame plaintiff.  
5

6  
7 RESPONSE: Responsive documents are attached at Bates #007, 322-326.  
8

9  
10 155. All documents, information, or things that support plaintiff's allegation in the  
11 complaint that, plaintiff sustained noneconomic damages for emotional distress as a result of  
12 Jennifer Clinchy's alleged conspiracy to defame plaintiff.  
13

14 RESPONSE: Responsive documents are attached at Bates #007, 322-326.  
15

16  
17 156. All documents, information, or things that support plaintiff's allegation in the  
18 complaint that, plaintiff sustained noneconomic damages for emotional distress as a result of  
19 Brianna McKissen's alleged conspiracy to defame plaintiff.  
20

21 RESPONSE: Responsive documents are attached at Bates #007, 322-326.  
22

23  
24 157. All documents, information, or things that support plaintiff's allegation in the  
25 complaint that, plaintiff sustained noneconomic damages for emotional distress as a result of  
26 Evans Clinchy's alleged conspiracy to defame plaintiff.  
27  
28



1 RESPONSE: Plaintiff objects to this request as repetitive. It is identical to request #154.

2  
3 158. All documents, information, or things that support plaintiff's allegation in the  
4 complaint that, plaintiff sustained noneconomic damages for emotional distress as a result of  
5 Jennifer Clinchy's alleged conspiracy to defame plaintiff.  
6

7  
8 RESPONSE: Plaintiff objects to this request as repetitive. It is identical to request #155.

9  
10 159. All documents, information, or things that support plaintiff's allegation in the  
11 complaint that, plaintiff sustained noneconomic damages for emotional distress as a result of  
12 Brianna McKissen's alleged conspiracy to defame plaintiff.  
13

14  
15 RESPONSE: Plaintiff objects to this request as repetitive. It is identical to request #156.

16  
17  
18 160. All documents, information, or things (if any exist) that tend to prove that Evans  
19 Clinchy's alleged conspiracy to defame plaintiff caused plaintiff emotional distress, separate and  
20 apart from any emotional distress caused by the alleged conspiracy to defame plaintiff between  
21 Jennifer Clinchy and Brianna McKissen.  
22

23  
24 RESPONSE: Responsive documents are attached at Bates #007, 322-326.

25  
26 161. All documents, information, or things (if any exist) that tend to prove that Jennifer  
27 Clinchy's alleged conspiracy to defame plaintiff caused plaintiff emotional distress, separate and  
28

1 apart from any emotional distress caused by the alleged conspiracy to defame plaintiff between  
2 Evans Clinchy and Brianna McKissen.

3  
4 RESPONSE: Responsive documents are attached at Bates #007, 322-326.

5  
6  
7 162. All documents, information, or things (if any exist) that tend to prove that Brianna  
8 McKissen's alleged conspiracy to defame plaintiff caused plaintiff emotional distress, separate  
9 and apart from any emotional distress caused by the alleged conspiracy to defame plaintiff  
10 between Evans Clinchy and Jennifer Clinchy.

11  
12  
13 RESPONSE: Responsive documents are attached at Bates #007, 322-326.

14  
15 163. All documents, information, or things that support plaintiff's allegation in the  
16 complaint that, plaintiff sustained noneconomic damages for injury to plaintiff's reputation as a  
17 result of Evans Clinchy's alleged conspiracy to defame plaintiff.

18  
19  
20 RESPONSE: Responsive documents are attached at Bates #003-008, 107-143, 149-150.

21  
22 164. All documents, information, or things that support plaintiff's allegation in the  
23 complaint that, plaintiff sustained noneconomic damages for injury to plaintiff's reputation as a  
24 result of Jennifer Clinchy's alleged conspiracy to defame plaintiff.

25  
26  
27 RESPONSE: Responsive documents are attached at Bates #003-008, 107-143, 149-150.

1  
2 165. All documents, information, or things that support plaintiff's allegation in the  
3 complaint that, plaintiff sustained noneconomic damages for injury to plaintiff's reputation as a  
4 result of Brianna McKissen's alleged conspiracy to defame plaintiff.  
5

6  
7 RESPONSE: Responsive documents are attached at Bates #003-008, 107-143, 149-150.  
8

9 166. All documents, information, or things that support plaintiff's allegation in the  
10 complaint that, plaintiff sustained noneconomic damages for injury to plaintiff's reputation as a  
11 result of Evans Clinchy's alleged conspiracy to defame plaintiff.  
12

13  
14 RESPONSE: Responsive documents are attached at Bates #003-008, 107-143, 149-150.  
15

16 167. All documents, information, or things (if any exist) that tend to prove that Jennifer  
17 Clinchy's alleged conspiracy to defame plaintiff caused plaintiff injury to reputation, separate  
18 and apart from any injury to reputation caused by the alleged conspiracy to defame plaintiff  
19 between Evans Clinchy and Brianna McKissen.  
20

21  
22 RESPONSE: Responsive documents are attached at Bates #003-008, 107-143, 149-150.  
23

24  
25 168. All documents, information, or things (if any exist) that tend to prove that Brianna  
26 McKissen's alleged conspiracy to defame plaintiff caused plaintiff injury to reputation, separate  
27  
28

1 and apart from any injury to reputation caused by the alleged conspiracy to defame plaintiff  
2 between Evans Clinchy and Jennifer Clinchy.

3  
4 RESPONSE: Responsive documents are attached at Bates #003-008, 107-143, 149-150.

5  
6  
7 169. All documents, information, or things that support plaintiff's allegation in the  
8 complaint that plaintiff participated in professional Scrabble tournaments.

9  
10 RESPONSE: Responsive documents are attached at Bates #001-265.

11  
12  
13 170. All documents, information, or things that support plaintiff's allegation in the  
14 complaint that plaintiff possessed a professional, economic relationship with the North American  
15 Scrabble Players Association.

16  
17  
18 RESPONSE: Responsive documents are attached at Bates #001-265.

19  
20 171. All documents, information, or things that support plaintiff's allegation in the  
21 complaint that plaintiff possessed a professional, economic relationship with organizations other  
22 than the North American Scrabble Players Association.

23  
24  
25 RESPONSE: No such documents, information or things are in Plaintiff's custody or  
26 control at this time.

1 172. All documents, information, or things evidencing any money or property or other  
2 earnings paid to plaintiff in the past ten years resulting from Scrabble tournaments.  
3

4 RESPONSE: Responsive documents are attached at Bates #257-259.  
5  
6

7 173. All documents, information, or things evidencing any money or property or other  
8 earnings paid to plaintiff in the past ten years resulting from plaintiff's profession as a Scrabble  
9 player, other than from Scrabble tournaments.  
10

11 RESPONSE: No such documents, information or things are in Plaintiff's custody or  
12 control at this time.  
13  
14

15 174. All documents, information, or things (if any exist) evidencing any state taxes paid  
16 by plaintiff in the past ten years from income resulting from Scrabble tournaments.  
17

18 RESPONSE: No such documents, information or things are in Plaintiff's custody or  
19 control at this time.  
20

21 175. All documents, information, or things (if any exist) evidencing any state taxes paid  
22 by plaintiff in the past ten years from income resulting from plaintiff's profession as a Scrabble  
23 player, other than from Scrabble tournaments.  
24

25  
26 RESPONSE: No such documents, information or things are in Plaintiff's custody or  
27 control at this time.  
28

1  
2 176. All documents, information, or things (if any exist) evidencing any federal taxes  
3 paid by plaintiff in the past ten years from income resulting from Scrabble tournaments.  
4

5 RESPONSE: No such documents, information or things are in Plaintiff's custody or  
6 control at this time.  
7

8  
9 177. All documents, information, or things (if any exist) evidencing any federal taxes  
10 paid by plaintiff in the past ten years from income resulting from plaintiff's profession as a  
11 Scrabble player, other than from Scrabble tournaments.  
12

13  
14 RESPONSE: No such documents, information or things are in Plaintiff's custody or  
15 control at this time.  
16

17  
18 178. All documents, information, or things that support plaintiff's allegation in the  
19 complaint that, Evans Clinchy interfered with plaintiff's economic relationship with the North  
20 American Scrabble Players Association.  
21

22 RESPONSE: Responsive documents are attached at Bates #011-012, 315.  
23

24  
25 179. All documents, information, or things that support plaintiff's allegation in the  
26 complaint that, Jennifer Clinchy interfered with plaintiff's economic relationship with the North  
27 American Scrabble Players Association.  
28

1  
2 RESPONSE: Responsive documents are attached at Bates #021-064, 233-236, 315.  
3

4 180. All documents, information, or things that support plaintiff's allegation in the  
5 complaint that, Brianna McKissen interfered with plaintiff's economic relationship with the  
6 North American Scrabble Players Association.  
7

8  
9 RESPONSE: Responsive documents are attached at Bates #012-020, 244-255, 315.  
10

11 181. All documents, information, or things that support plaintiff's allegation in the  
12 complaint that, Evans Clinchy interfered with plaintiff's economic relationship with  
13 organizations other than the North American Scrabble Players Association.  
14

15  
16 RESPONSE: No such documents, information or things are in Plaintiff's custody or  
17 control at this time.  
18

19  
20 182. All documents, information, or things that support plaintiff's allegation in the  
21 complaint that, Jennifer Clinchy interfered with plaintiff's economic relationship with  
22 organizations other than the North American Scrabble Players Association.  
23

24  
25 RESPONSE: No such documents, information or things are in Plaintiff's custody or  
26 control at this time.  
27

1 183. All documents, information, or things that support plaintiff's allegation in the  
2 complaint that, Brianna McKissen interfered with plaintiff's economic relationship with  
3 organizations other than the North American Scrabble Players Association.  
4

5 RESPONSE: No such documents, information or things are in Plaintiff's custody or  
6 control at this time.  
7

8  
9 184. All documents, information, or things that support plaintiff's allegation in the  
10 complaint that, Evans Clinchy's interference caused plaintiff to be banned by the North  
11 American Scrabble Players Association.  
12

13  
14 RESPONSE: Responsive documents are attached at Bates #011-012, 315.  
15

16 185. All documents, information, or things that support plaintiff's allegation in the  
17 complaint that, Jennifer Clinchy's interference caused plaintiff to be banned by the North  
18 American Scrabble Players Association.  
19

20  
21 RESPONSE: Responsive documents are attached at Bates #021-064, 233-236, 315.  
22

23  
24 186. All documents, information, or things that support plaintiff's allegation in the  
25 complaint that, Brianna McKissen's interference caused plaintiff to be banned by the North  
26 American Scrabble Players Association.  
27



1 RESPONSE: Responsive documents are attached at Bates #012-020, 244-255, 315.

2  
3 187. All documents, information, or things that tend to prove that Evans Clinchy's  
4 alleged interference caused plaintiff to be banned by the North American Scrabble Players  
5 Association, separate and apart from any alleged interference by Jennifer Clinchy or Brianna  
6 McKissen.  
7

8  
9 RESPONSE: Responsive documents are attached at Bates #011-012, 315.

10  
11  
12 188. All documents, information, or things that tend to prove that Jennifer Clinchy's  
13 alleged interference caused plaintiff to be banned by the North American Scrabble Players  
14 Association, separate and apart from any alleged interference by Evans Clinchy or Brianna  
15 McKissen.  
16

17  
18 RESPONSE: Responsive documents are attached at Bates #021-064, 233-236, 315.

19  
20 189. All documents, information, or things that tend to prove that Brianna McKissen's  
21 alleged interference caused plaintiff to be banned by the North American Scrabble Players  
22 Association, separate and apart from any alleged interference by Evans Clinchy or Jennifer  
23 Clinchy.  
24

25  
26 RESPONSE: Responsive documents are attached at Bates #012-020, 244-255, 315.  
27  
28

1 190. All documents, information, or things that support plaintiff's allegation in the  
2 complaint that, Evans Clinchy entered into a coordinated, premeditated, agreement to  
3 intentionally interfere with plaintiff's economic relations.  
4

5 RESPONSE: Responsive documents are attached at Bates #011-064.  
6  
7

8 191. All documents, information, or things that support plaintiff's allegation in the  
9 complaint that, Jennifer Clinchy entered into a coordinated, premeditated, agreement to  
10 intentionally interfere with plaintiff's economic relations.  
11

12 RESPONSE: Responsive documents are attached at Bates #011-064, 233-255.  
13  
14

15 192. All documents, information, or things that support plaintiff's allegation in the  
16 complaint that, Brianna McKissen entered into a coordinated, premeditated, agreement to  
17 intentionally interfere with plaintiff's economic relations.  
18

19 RESPONSE: Responsive documents are attached at Bates #011-064, 233-255.  
20  
21

22 193. All documents, information, or things that support plaintiff's allegation in the  
23 complaint that, Evans Clinchy intended to inflict severe mental or emotional distress upon  
24 plaintiff.  
25

26 RESPONSE: Responsive documents are attached at Bates #107-232.  
27  
28

1  
2 194. All documents, information, or things that support plaintiff's allegation in the  
3 complaint that, Jennifer Clinchy intended to inflict severe mental or emotional distress upon  
4 plaintiff.

5  
6  
7 RESPONSE: Responsive documents are attached at Bates #107-232.

8  
9 195. All documents, information, or things that support plaintiff's allegation in the  
10 complaint that, Brianna McKissen intended to inflict severe mental or emotional distress upon  
11 plaintiff.

12  
13  
14 RESPONSE: Responsive documents are attached at Bates #144-232.

15  
16 196. All documents, information, or things that support plaintiff's allegation in the  
17 complaint that, Evans Clinchy acted with reckless disregard in taking actions that were  
18 substantially certain to result in severe emotional distress to plaintiff.

19  
20  
21 RESPONSE: Responsive documents are attached at Bates #107-232.

22  
23 197. All documents, information, or things that support plaintiff's allegation in the  
24 complaint that, Jennifer Clinchy acted with reckless disregard in taking actions that were  
25 substantially certain to result in severe emotional distress to plaintiff.  
26  
27  
28

1 RESPONSE: Responsive documents are attached at Bates #107-232.

2  
3 198. All documents, information, or things that support plaintiff's allegation in the  
4 complaint that, Brianna McKissen acted with reckless disregard in taking actions that were  
5 substantially certain to result in severe emotional distress to plaintiff.  
6

7  
8 RESPONSE: Responsive documents are attached at Bates #144-232.

9  
10 199. All documents, information, or things that support plaintiff's allegation in the  
11 complaint that, Evans Clinchy's actions did in fact cause plaintiff severe mental and emotional  
12 distress.  
13

14  
15 RESPONSE: Responsive documents are attached at Bates #007.

16  
17  
18 200. All documents, information, or things that support plaintiff's allegation in the  
19 complaint that, Jennifer Clinchy's actions did in fact cause plaintiff severe mental and emotional  
20 distress.  
21

22 RESPONSE: Responsive documents are attached at Bates #007.

23  
24  
25 201. All documents, information, or things that support plaintiff's allegation in the  
26 complaint that, Brianna McKissen's actions did in fact cause plaintiff severe mental and  
27 emotional distress.  
28

1  
2 RESPONSE: Responsive documents are attached at Bates #007.  
3

4 202. All documents, information, or things (if any exist) that tend to prove that Evans  
5 Clinchy's intentional infliction of emotional distress caused plaintiff noneconomic damages  
6 separate and apart from any intentional infliction of emotional distress caused by Jennifer  
7 Clinchy or Brianna McKissen.  
8

9  
10 RESPONSE: Responsive documents are attached at Bates #007.  
11

12  
13 203. All documents, information, or things (if any exist) that tend to prove that Jennifer  
14 Clinchy's intentional infliction of emotional distress caused plaintiff noneconomic damages  
15 separate and apart from any intentional infliction of emotional distress caused by Evans Clinchy  
16 and Brianna McKissen.  
17

18  
19 RESPONSE: Responsive documents are attached at Bates #007.  
20

21 204. All documents, information, or things (if any exist) that tend to prove that Brianna  
22 McKissen's alleged intentional infliction of emotional distress caused plaintiff noneconomic  
23 damages separate and apart from any intentional infliction of emotional distress caused by Evan  
24 Clinchy or Jennifer Clinchy.  
25

26  
27 RESPONSE: Responsive documents are attached at Bates #007.  
28

1  
2           205. All documents, information, or things (if any exist) that tend to prove that Evans  
3 Clinchy's alleged intentional infliction of emotional distress caused plaintiff injury to reputation  
4 separate and apart from any injury to reputation caused by Jennifer Clinchy or Brianna  
5 McKissen.  
6

7  
8           RESPONSE: Responsive documents are attached at Bates #007.  
9

10           206. All documents, information, or things (if any exist) that tend to prove that Jennifer  
11 Clinchy's alleged intentional infliction of emotional distress caused plaintiff injury to reputation  
12 separate and apart from any injury to reputation caused by Evans Clinchy and Brianna  
13 McKissen.  
14

15  
16           RESPONSE: Responsive documents are attached at Bates #007.  
17

18  
19           207. All documents, information, or things that support plaintiff's allegation in the  
20 complaint that, Evans Clinchy entered into a coordinated, premeditated, agreement to  
21 intentionally inflict emotional distress upon plaintiff.  
22

23  
24           RESPONSE: Responsive documents are attached at Bates #107-232.  
25  
26  
27  
28

1           208. All documents, information, or things that support plaintiff’s allegation in the  
2 complaint that, Jennifer Clinchy entered into a coordinated, premeditated, agreement to  
3 intentionally inflict emotional distress upon plaintiff.  
4

5           RESPONSE: Responsive documents are attached at Bates #107-232.  
6  
7

8           209. All documents, information, or things that support plaintiff’s allegation in the  
9 complaint that, Brianna McKissen entered into a coordinated, premeditated, agreement to  
10 intentionally inflict emotional distress upon plaintiff.  
11

12           RESPONSE: Responsive documents are attached at Bates #144-232.  
13  
14

15           210. All documents, information, or things that plaintiff’s counsel reviewed prior to  
16 signing plaintiff’s complaint on April 14, 2023 to support the certification to the Court under  
17 ORCP 17 that the following allegations and other factual assertions in the complaint are  
18 supported by evidence: Evans Clinchy violated Scrabble tournament rules.  
19

20           RESPONSE: Responsive documents are attached at Bates #001-256, 315-348, 390-391.  
21  
22

23           211. All documents, information, or things that plaintiff’s counsel reviewed prior to  
24 signing plaintiff’s complaint on April 14, 2023 to support the certification to the Court under  
25 ORCP 17 that the following allegations and other factual assertions in the complaint are  
26 supported by evidence: Jennifer Clinchy violated Scrabble tournament rules.  
27  
28

1  
2 RESPONSE: Responsive documents are attached at Bates #001-256, 315-348, 390-391.  
3

4 212. All documents, information, or things that plaintiff's counsel reviewed prior to  
5 signing plaintiff's complaint on April 14, 2023 to support the certification to the Court under  
6 ORCP 17 that the following allegations and other factual assertions in the complaint are  
7 supported by evidence: the motive behind the creation of Collins Coalition was to damage the  
8 North American Scrabble Players Association.  
9

10  
11 RESPONSE: Responsive documents are attached at Bates #001-256, 315-348, 390-391.  
12

13  
14 213. All documents, information, or things that plaintiff's counsel reviewed prior to  
15 signing plaintiff's complaint on April 14, 2023 to support the certification to the Court under  
16 ORCP 17 that the following allegations and other factual assertions in the complaint are  
17 supported by evidence: Evans Clinchy's statement contained false statements.  
18

19  
20 RESPONSE: Responsive documents are attached at Bates #001-256, 315-348, 390-391.  
21

22 214. All documents, information, or things that plaintiff's counsel reviewed prior to  
23 signing plaintiff's complaint on April 14, 2023 to support the certification to the Court under  
24 ORCP 17 that the following allegations and other factual assertions in the complaint are  
25 supported by evidence: Jennifer Clinchy's statement contained false statements.  
26  
27  
28



1 RESPONSE: Responsive documents are attached at Bates #001-256, 315-348, 390-391.

2  
3 215. All documents, information, or things that plaintiff's counsel reviewed prior to  
4 signing plaintiff's complaint on April 14, 2023 to support the certification to the Court under  
5 ORCP 17 that the following allegations and other factual assertions in the complaint are  
6 supported by evidence: Evans Clinchy's defamatory statements directly caused plaintiff a  
7 significant loss of revenue estimated not to exceed \$10,000.  
8

9  
10 RESPONSE: Responsive documents are attached at Bates #001-256, 315-348, 390-391.

11  
12  
13 216. All documents, information, or things that plaintiff's counsel reviewed prior to  
14 signing plaintiff's complaint on April 14, 2023 to support the certification to the Court under  
15 ORCP 17 that the following allegations and other factual assertions in the complaint are  
16 supported by evidence: Jennifer Clinchy's defamatory statements directly caused plaintiff a  
17 significant loss of revenue estimated not to exceed \$10,000.  
18

19  
20 RESPONSE: Responsive documents are attached at Bates #001-256, 315-348, 390-391.

21  
22  
23 217. All documents, information, or things that plaintiff's counsel reviewed prior to  
24 signing plaintiff's complaint on April 14, 2023 to support the certification to the Court under  
25 ORCP 17 that the following allegations and other factual assertions in the complaint are  
26 supported by evidence: medical expenses not to exceed \$10,000.  
27  
28

1 RESPONSE: Responsive documents are attached at Bates #001-256, 315-348, 390-391.

2  
3 218. All documents, information, or things that plaintiff's counsel reviewed prior to  
4 signing plaintiff's complaint on April 14, 2023 to support the certification to the Court under  
5 ORCP 17 that the following allegations and other factual assertions in the complaint are  
6 supported by evidence: damage to his reputation in an amount not to exceed \$400,000.  
7

8  
9 RESPONSE: Responsive documents are attached at Bates #001-256, 315-348.

10  
11 219. All documents, information, or things that support plaintiff's claim of damages in  
12 plaintiff's first claim for relief.  
13

14  
15 RESPONSE: Responsive documents are attached at Bates #001-256, 315-348.

16  
17 220. All documents, information, or things that support plaintiff's claim of damages in  
18 plaintiff's second claim for relief.  
19

20  
21 RESPONSE: Responsive documents are attached at Bates #001-256, 315-348.

22  
23 221. All documents, information, or things that support plaintiff's  
24 claim of damages in plaintiff's third claim for relief.  
25

26  
27 RESPONSE: Responsive documents are attached at Bates #001-256, 315-348.  
28

1  
2 222. All documents, information, or things that support plaintiff's claim of damages in  
3 plaintiff's fourth claim for relief.

4  
5 RESPONSE: Responsive documents are attached at Bates #001-256, 315-348.  
6

7  
8 223. All documents, information, or things that support plaintiff's claim of damages in  
9 plaintiff's fifth claim for relief.

10  
11 RESPONSE: Responsive documents are attached at Bates #001-256, 315-348.  
12

13  
14 224. All documents, information, or things that support plaintiff's claim of damages in  
15 plaintiff's sixth claim for relief.

16  
17 RESPONSE: Responsive documents are attached at Bates #001-256, 315-348.  
18

19  
20 225. All documents, information, or things that support plaintiff's request in the  
21 complaint's prayer for economic damages.

22  
23 RESPONSE: Responsive documents are attached at Bates #001-256, 315-348.  
24

25  
26 226. All documents, information, or things that support plaintiff's request in the  
27 complaint's prayer for noneconomic damages.  
28

1  
2 RESPONSE: Responsive documents are attached at Bates #001-256, 315-348.

3  
4 227. All documents, information, or things that support plaintiff's request in the  
5 complaint's prayer for attorney fees.  
6

7  
8 RESPONSE: Responsive documents are attached at Bates #001-256, 315-348.

9  
10 228. All documents, information, or things that support plaintiff's request in the  
11 complaint's prayer for costs.  
12

13  
14 RESPONSE: Responsive documents are attached at Bates #001-256, 315-348.

15  
16 229. Complete copies of all records of any counseling, diagnosis, examination, or  
17 treatment that plaintiff received by any psychologist, psychiatrist, counselor, or any other  
18 healthcare provider in the mental health field.  
19

20  
21 RESPONSE: Responsive documents are attached at Bates #349-366.

22  
23 230. Complete copies of all records of any drug or alcohol treatment that plaintiff  
24 received by any psychologist, psychiatrist, counselor, or any other healthcare provider in the  
25 mental health field.  
26  
27  
28

1           RESPONSE: No such documents, information or things are in Plaintiff's custody or  
2 control at this time.

3  
4           231. Complete copies of all records of any criminal conviction of plaintiff that was  
5 punishable by death or imprisonment in excess of one year under the law under which plaintiff  
6 was convicted.  
7

8  
9           RESPONSE: No such documents, information or things are in Plaintiff's custody or  
10 control at this time.  
11

12  
13           232. Complete copies of all records of any crime or complaint against plaintiff that  
14 involved an alleged false statement.  
15

16           RESPONSE: No such documents, information or things are in Plaintiff's custody or  
17 control at this time.  
18

19  
20           233. Complete copies of all records of any crime or complaint against plaintiff that  
21 involved alleged dishonesty.  
22

23  
24           RESPONSE: No such documents, information or things are in Plaintiff's custody or  
25 control at this time.  
26

1           234. Complete copies of all records of any crime or complaint against plaintiff that  
2 involved alleged drug use.

3  
4           RESPONSE: No such documents, information or things are in Plaintiff's custody or  
5 control at this time.

6  
7  
8           235. Complete copies of all records of any crime or complaint against plaintiff that  
9 involved alleged violence.

10  
11           RESPONSE: No such documents, information or things are in Plaintiff's custody or  
12 control at this time.

13  
14  
15           236. Complete copies of all records of any crime or complaint against plaintiff that  
16 involved any alleged intent by plaintiff to kill.

17  
18           RESPONSE: Responsive documents are attached at Bates #367-376.

19  
20  
21           237. Complete copies of all records of any crime or complaint against plaintiff that  
22 involved any alleged urge by plaintiff to shoot up a Scrabble tournament.

23  
24           RESPONSE: Responsive documents are attached at Bates #367-376.

1           238. Complete copies of all records of any crime or complaint against plaintiff that  
2 involved an alleged firearm or weapon.

3  
4           RESPONSE: No such documents, information or things are in Plaintiff's custody or  
5 control at this time.  
6

7  
8           239. Complete copies of all records of any firearms or weapons used or owned by  
9 plaintiff.

10  
11           RESPONSE: No such documents, information or things are in Plaintiff's custody or  
12 control at this time.  
13

14  
15           240. Complete copies of all records of any crime or complaint against plaintiff that  
16 involved any alleged sexual coercion by plaintiff.  
17

18  
19           RESPONSE: No such documents, information or things are in Plaintiff's custody or  
20 control at this time.  
21

22           241. Complete copies of all records of any crime or complaint against plaintiff that  
23 involved any alleged harassment by plaintiff.  
24

25  
26           RESPONSE: Responsive documents are attached at Bates #367-376.  
27  
28

1 242. Complete copies of all records of any crime or complaint against plaintiff that  
2 involved any alleged stalking by plaintiff.  
3

4 RESPONSE: Responsive documents are attached at Bates #367-376.  
5  
6

7 243. Complete copies of all records of any crime or complaint against plaintiff that  
8 involved any alleged threats by plaintiff.  
9

10 RESPONSE: Responsive documents are attached at Bates #367-376.  
11  
12

13 244. All documents, information, or things evidencing any receipts for the medical  
14 expenses alleged in plaintiff's complaint.  
15

16 RESPONSE: Responsive documents are attached at Bates #349-366.  
17  
18

19 245. All documents, information, or things evidencing any video recordings of any of the  
20 events, incidents, or allegations in the complaint.  
21

22 RESPONSE: No such documents, information or things are in Plaintiff's custody or  
23 control at this time.  
24

25  
26 246. All documents, information, or things evidencing any audio recordings of any of the  
27 events, incidents, or allegations in the complaint.  
28



1  
2           RESPONSE: No such documents, information or things are in Plaintiff's custody or  
3 control at this time.

4  
5           247. Any attorney fee agreement between plaintiff and plaintiff's counsel which may be  
6 used to support plaintiff's prayer for an award of attorney fees.  
7

8  
9           RESPONSE: Responsive documents are attached at Bates #387-389.

10  
11           248. Any social media posts pertaining to the allegations in the complaint or the  
12 statements in the attachments to the complaint.  
13

14  
15           RESPONSE: Responsive documents are attached at Bates #036-063, 180, 226-228, 302-  
16 312.  
17

18  
19           249. Any text messages pertaining to the allegations in the complaint or the statements in  
20 the attachments to the complaint.  
21

22           RESPONSE: Responsive documents are attached at Bates #090-102, 135-136, 141-142,  
23 187, 189-213, 218-224, 229-231, 314.  
24

25  
26           250. Any application by plaintiff for disability insurance in the past ten years.  
27  
28

1 RESPONSE: No such documents, information or things are in Plaintiff's custody or  
2 control at this time.

3  
4 251. A copy of any legal complaint or legal action or legal proceeding threatened to be  
5 filed or filed in any court by plaintiff in the past 10 years.  
6

7  
8 RESPONSE: No such documents, information or things are in Plaintiff's custody or  
9 control at this time.  
10

11 252. A copy of plaintiff's state tax returns and all attachments for the past ten years.  
12

13  
14 RESPONSE: Plaintiff objects to this request as overbroad, burdensome, and duplicative.  
15

16 253. A copy of plaintiff's federal tax returns and all attachments for the past ten years.  
17

18  
19 RESPONSE: Plaintiff objects to this request as overbroad and burdensome, and opts to  
20 treat it as a request for documents evidencing Plaintiff's adjusted gross income over the last ten  
21 years. Responsive documents are attached at Bates #377-386.  
22

23  
24  
25 DATED: May 22, 2023.  
26

27 /s/ \_\_\_ Marc Mohan \_\_\_\_\_  
28 Marc Mohan

1  
2 IN THE CIRCUIT COURT OF THE STATE OF OREGON  
3 FOR THE COUNTY OF MULTNOMAH  
4

5 DAVID KOENIG, )  
6 ) Case No. 23CV15424  
7 Plaintiff, )  
8 v. ) PLAINTIFF’S RESPONSE TO  
9 ) DEFENDANT JENNIFER  
10 EVANS CLINCHY, ) CLINCHY’S INITIAL  
11 JENNIFER CLINCHY, and ) REQUESTS FOR  
12 BRIANNA (LOLA) McKISSEN ) PRODUCTION  
13 )  
14 Defendants. )

15 Plaintiff responds to Defendant’s Initial Request for Production as follows:

16 **GENERAL OBJECTIONS**

- 17 1. Plaintiff objects to all requests to the extent plaintiff seeks information protected  
18 by the attorney–client privilege, work-product doctrine, or any other applicable privilege.
- 19 2. Plaintiff objects to any portion of these requests that contain instructions,  
20 directions, provisions, or definitions that are inconsistent with or more onerous than the  
21 requirements of the Oregon Rules of Civil Procedure.
- 22 3. Plaintiff objects to any request to the extent it seeks the production of documents  
23 that are not currently in its possession, custody, or control.
- 24 4. Plaintiff’s investigation and discovery are continuing. Plaintiff therefore reserves  
25 the right to supplement its responses after additional discovery has taken place.  
26  
27  
28



1           3.       All documents, information, or things evidencing communications pertaining to  
2 the events and behavior and interactions described in plaintiff's complaint.

3  
4           RESPONSE: Plaintiff objects to this request as vague and burdensome. Plaintiff opts to  
5 treat this as a request for all documents, information, or things evidencing communications  
6 pertaining to the events and behavior and interactions described in Plaintiff's complaint, as  
7 relevant to Plaintiff's claims for relief. Responsive documents attached at Bates # 011-256.  
8

9  
10           4.       All documents, information, or things pertaining to the events and behavior and  
11 interactions described in plaintiff's complaint.

12  
13  
14           RESPONSE: Plaintiff objects to this request as vague and burdensome. Plaintiff opts to  
15 treat this as a request for all documents, information, or things pertaining to the events and  
16 behavior and interactions described in Plaintiff's complaint, as relevant to Plaintiff's claims for  
17 relief. Responsive documents attached at Bates # 001-256.  
18

19  
20           5.       All documents, information, or things that tend to prove or disprove the  
21 allegations in plaintiff's complaint.

22  
23           RESPONSE: Responsive documents attached at Bates # 001-256.  
24

25  
26           6.       Any documents, information, or things (if any exist) that evidence any habit of  
27 defendant to lie that plaintiff may intend to use in this case.  
28

1  
2 RESPONSE: Responsive documents attached at Bates # 174-179.  
3

4 7. All documents, information, or things obtained from third parties or by subpoena  
5 pertaining to the events and behavior and interactions alleged in plaintiff's complaint.  
6

7  
8 RESPONSE: No such documents, information or things are in Plaintiff's custody or  
9 control at this time.  
10

11 8. All documents, information, or things plaintiff may intend to introduce or  
12 reference in a motion for summary judgement or at evidentiary hearing or trial in this lawsuit.  
13  
14

15 RESPONSE: Responsive documents attached at Bates # 1-389.  
16

17  
18 9. All documents, information, or things evidencing complaints against plaintiff by  
19 any person within the past 10 years pertaining to allegations or behavior or interactions  
20 substantially similar to those described in Exhibit A to plaintiff's complaint.  
21

22 RESPONSE: No such documents, information or things are in Plaintiff's custody or  
23 control at this time.  
24  
25  
26  
27  
28

1           10.     All documents, information, or things evidencing complaints against plaintiff by  
2 any person within the past 10 years pertaining to allegations or behavior or interactions  
3 substantially similar to those described in Exhibit B to plaintiff’s complaint.  
4

5           RESPONSE: No such documents, information or things are in Plaintiff’s custody or  
6 control at this time.  
7

8  
9           11.     All documents, information, or things evidencing complaints against plaintiff by  
10 any person within the past 10 years pertaining to allegations or behavior or interactions  
11 substantially similar to those described in Exhibit C to plaintiff’s complaint.  
12

13  
14           RESPONSE: No such documents, information or things are in Plaintiff’s custody or  
15 control at this time.  
16

17  
18           12.     All written communications with the Court pertaining to this case.  
19

20           RESPONSE: No such documents, information or things are in Plaintiff’s custody or  
21 control at this time.  
22

23  
24           13.     Any trial subpoenas, contemporaneously provided to plaintiff upon service to the  
25 witness.  
26

1           RESPONSE: No such documents, information or things are in Plaintiff’s custody or  
2 control at this time.

3  
4           14.     All documents, information, or things that support plaintiff’s allegation in the  
5 complaint that, plaintiff is a highly ranked competitive Scrabble player.  
6

7  
8           RESPONSE: Responsive documents are attached at Bates # 007, 146-147, 257-259.  
9

10           15.     All documents, information, or things that support plaintiff’s allegation in the  
11 complaint that, plaintiff ranked as high as the #3 competitive Scrabble player in the United  
12 States.  
13

14  
15           RESPONSE: Responsive documents are attached at Bates # 007, 260-261.  
16

17  
18           16.     All documents, information, or things that support plaintiff’s allegation in the  
19 complaint that, plaintiff ranked as high as the #4 competitive Scrabble player in the United  
20 Kingdom.  
21

22           RESPONSE: Responsive documents are attached at Bates # 007, 262.  
23

24  
25           17.     All documents, information, or things that support plaintiff’s allegation in the  
26 complaint that, plaintiff ranked among the top 20 players Scrabble globally.  
27



1 RESPONSE: Responsive documents are attached at Bates # 007, 263.

2  
3 18. All documents, information, or things that support plaintiff's allegation in the  
4 complaint that, plaintiff has enjoyed a high level of repute in the competitive Scrabble  
5 community for over twenty years.  
6

7  
8 RESPONSE: Responsive documents are attached at Bates # 007, 149, 257-259, 264-265.  
9

10 19. All documents, information, or things that support plaintiff's allegation in the  
11 complaint that, plaintiff has earned as much as \$2,000 annually in winnings.  
12

13  
14 RESPONSE: Responsive documents are attached at Bates # 007, 257-259.  
15

16 20. All documents, information, or things that support plaintiff's allegation in the  
17 complaint that, Evans Clinchy is a prominent member of the competitive Scrabble community in  
18 the Pacific Northwest.  
19

20  
21 RESPONSE: Responsive documents are attached at Bates # 266-277.  
22

23  
24 21. All documents, information, or things that support plaintiff's allegation in the  
25 complaint that, Evans Clinchy has known plaintiff for 18 years.  
26

27 RESPONSE: Responsive documents are attached at Bates #66.  
28

1  
2 22. All documents, information, or things that support plaintiff's allegation in the  
3 complaint that, Jennifer Clinchy was in a romantic relationship with plaintiff from September  
4 2014 to June 2016.

5  
6  
7 RESPONSE: Responsive documents are attached at Bates #21, 66.

8  
9 23. All documents, information, or things that support plaintiff's allegation in the  
10 complaint that, Brianna McKissen was in a romantic relationship with plaintiff from March 2020  
11 to June 2020.

12  
13  
14 RESPONSE: Responsive documents are attached at Bates #156, 191-211.

15  
16 24. All documents, information, or things that support plaintiff's allegation in the  
17 complaint that, Evans Clinchy undertook a campaign to smear the reputation of plaintiff within  
18 the competitive Scrabble community.

19  
20  
21 RESPONSE: Responsive documents are attached at Bates #189-190, 225-228.

22  
23  
24 25. All documents, information, or things that support plaintiff's allegation in the  
25 complaint that, Evans Clinchy undertook a campaign to tarnish the standing of plaintiff within  
26 the competitive Scrabble community.

1 RESPONSE: Responsive documents are attached at Bates #189-190, 225-228.

2  
3 26. All documents, information, or things that support plaintiff's allegation in the  
4 complaint that, Jennifer Clinchy undertook a campaign to smear the reputation of plaintiff within  
5 the competitive Scrabble community.  
6

7  
8 RESPONSE: Responsive documents are attached at Bates #189-190, 225-228.

9  
10 27. All documents, information, or things that support plaintiff's allegation in the  
11 complaint that, Jennifer Clinchy undertook a campaign to tarnish the standing of plaintiff within  
12 the competitive Scrabble community.  
13

14  
15 RESPONSE: Responsive documents are attached at Bates #189-190, 225-228.

16  
17  
18 28. All documents, information, or things that support plaintiff's allegation in the  
19 complaint that, Evans Clinchy violated Scrabble tournament rules.  
20

21 RESPONSE: Responsive documents are attached at Bates #041, 118-121, 129, 131, 137-  
22 138, 171, 278.  
23

24  
25 29. All documents, information, or things that support plaintiff's allegation in the  
26 complaint that, Jennifer Clinchy violated Scrabble tournament rules.  
27  
28

1 RESPONSE: Responsive documents are attached at Bates #041, 118-121, 129, 131, 137-  
2 138, 171, 278.

3  
4 30. All documents, information, or things that support plaintiff's allegation in the  
5 complaint that, Evans Clinchy violated rules in order to exclude plaintiff from Scrabble  
6 competitions.  
7

8  
9 RESPONSE: Responsive documents are attached at Bates #041, 118-121, 129, 131, 137-  
10 138, 171, 278.

11  
12  
13 31. All documents, information, or things that support plaintiff's allegation in the  
14 complaint that, Jennifer Clinchy violated rules in order to exclude plaintiff from Scrabble  
15 competitions.  
16

17  
18 RESPONSE: Responsive documents are attached at Bates #041, 118-121, 129, 131, 137-  
19 138, 171, 278.

20  
21 32. All documents, information, or things that support plaintiff's allegation in the  
22 complaint that, Evans Clinchy spread false rumors about plaintiff.  
23

24  
25 RESPONSE: Responsive documents are attached at Bates #011-012.  
26  
27  
28

1           33.     All documents, information, or things that support plaintiff’s allegation in the  
2 complaint that, Jennifer Clinchy spread false rumors about plaintiff.

3  
4           RESPONSE: Responsive documents are attached at Bates #021-028, 233-237.

5  
6  
7           34.     All documents, information, or things that support plaintiff’s allegation in the  
8 complaint that, Evans Clinchy spread defamatory rumors about plaintiff.

9  
10          RESPONSE: Responsive documents are attached at Bates #011-012.

11  
12  
13          35.     All documents, information, or things that prove when plaintiff first learned that  
14 Jennifer Clinchy allegedly spread defamatory rumors about plaintiff.

15  
16          RESPONSE: Responsive documents are attached at Bates #279.

17  
18  
19          36.     All documents, information, or things that prove when plaintiff first learned that  
20 Evans Clinchy allegedly spread false rumors about plaintiff.

21  
22          RESPONSE: Responsive documents are attached at Bates #279.

23  
24  
25          37.     All documents, information, or things that prove when plaintiff first learned that  
26 Jennifer Clinchy allegedly spread false rumors about plaintiff.

RESPONSE: Responsive documents are attached at Bates #279.

38. All documents, information, or things that prove when plaintiff first learned that Evans Clinchy allegedly spread defamatory rumors about plaintiff.

RESPONSE: Responsive documents are attached at Bates #279.

39. All documents, information, or things that prove when plaintiff first learned that Jennifer Clinchy allegedly spread defamatory rumors about plaintiff.

RESPONSE: Plaintiff objects to this request as repetitive. It is identical to request #35.

40. All documents, information, or things that support plaintiff's allegation in the complaint that the primary organizer of competitive Scrabble tournaments in the United States is the North American Scrabble Players Association.

RESPONSE: Responsive documents are attached at Bates #001, 280-284.

41. All documents, information, or things that support plaintiff's allegation in the complaint that the primary organizer of competitive Scrabble tournaments in Canada is the North American Scrabble Players Association.

RESPONSE: Responsive documents are attached at Bates #001, 280-284.

1  
2 42. All documents, information, or things that support plaintiff's allegation in the  
3 complaint that rival organizers to the North American Scrabble Players Association have  
4 emerged in recent years.

5  
6  
7 RESPONSE: Responsive documents are attached at Bates #001-002, 285-295.

8  
9 43. All documents, information, or things evidencing the emergence of the World  
10 Game Players Organization, as alleged in plaintiff's complaint.

11  
12  
13 RESPONSE: Responsive documents are attached at Bates #001-002, 290-295.

14  
15 44. All documents, information, or things evidencing the emergence of the Collins  
16 Coalition, as alleged in plaintiff's complaint.

17  
18  
19 RESPONSE: Responsive documents are attached at Bates #001-002, 285-289.

20  
21 45. All documents, information, or things that support plaintiff's allegation in the  
22 complaint that, the Collins Coalition was founded by Evans Clinchy and Jennifer Clinchy in  
23 2019.

24  
25  
26 RESPONSE: Responsive documents are attached at Bates #001-002, 296-312.

1  
2           46.     All documents, information, or things that support plaintiff's allegation in the  
3 complaint that, the motive behind the creation of Collins Coalition was to create an organization  
4 where plaintiff would be unable to participate.  
5

6           RESPONSE: Responsive documents are attached at Bates #002, 129-130, 180-186.  
7  
8

9           47.     All documents, information, or things that support plaintiff's allegation in the  
10 complaint that, the motive behind the creation of Collins Coalition was to damage the North  
11 American Scrabble Players Association.  
12

13           RESPONSE: Responsive documents are attached at Bates #002, 129-130, 180, 302-312.  
14  
15

16           48.     All documents evidencing any inability by plaintiff to participate in Collins  
17 Coalition.  
18

19           RESPONSE: Responsive documents are attached at Bates #002, 129-130, 180-186.  
20  
21

22           49.     All documents evidencing any damage to the North American Scrabble Players  
23 Association caused by the creation of Collins Coalition.  
24  
25  
26  
27  
28



1           RESPONSE: Plaintiff objects to this request on the grounds that it fails to request  
2 documents that are reasonably calculated to lead to the discovery of relevant, admissible  
3 evidence.

4  
5           50.     All documents evidencing any economic harm to plaintiff caused by the creation  
6 of Collins Coalition, as alleged in plaintiff's complaint.  
7

8  
9           RESPONSE: No such documents, information or things are in Plaintiff's custody or  
10 control at this time.  
11

12  
13           51.     All documents, information, or things that support plaintiff's allegation in the  
14 complaint that, plaintiff cherished the Scrabble community.  
15

16           RESPONSE: Responsive documents are attached at Bates #067-069.  
17

18  
19           52.     All documents, information, or things that support plaintiff's allegation in the  
20 complaint that, plaintiff relied upon the Scrabble community.  
21

22           RESPONSE: Responsive documents are attached at Bates #148-150.  
23

24  
25           53.     All documents, information, or things that support plaintiff's allegation in the  
26 complaint that, plaintiff was ostracized from the Scrabble community.  
27

1 RESPONSE: Responsive documents are attached at Bates #086-088.

2  
3 54. All documents, information, or things that support plaintiff's allegation in the  
4 complaint that, plaintiff was frustrated with his ostracism from the Scrabble community.

5  
6 RESPONSE: Responsive documents are attached at Bates #086-088.

7  
8  
9 55. All documents, information, or things that support plaintiff's allegation in the  
10 complaint that, plaintiff experienced psychological trauma from his ostracism from the Scrabble  
11 community.

12  
13 RESPONSE: Responsive documents are attached at Bates #007-008.

14  
15  
16 56. All documents, information, or things that support plaintiff's allegation in the  
17 complaint that, plaintiff published a two-part blog post in July 2020.

18  
19 RESPONSE: Responsive documents are attached at Bates #065-143.

20  
21  
22 57. All documents, information, or things that support plaintiff's allegation in the  
23 complaint that, plaintiff's blog post explained plaintiff's side of the story.

24  
25 RESPONSE: Responsive documents are attached at Bates #065-143.

1           58.     All documents, information, or things that support plaintiff’s allegation in the  
2 complaint that, plaintiff’s blog post criticized Evans Clinchy’s actions.

3  
4           RESPONSE: Responsive documents are attached at Bates #065-143.

5  
6  
7           59.     All documents, information, or things that support plaintiff’s allegation in the  
8 complaint that, plaintiff’s blog post criticized Jennifer Clinchy’s actions.

9  
10          RESPONSE: Responsive documents are attached at Bates #065-143.

11  
12  
13          60.     All documents, information, or things evidencing any of the actions taken by  
14 Evans Clinchy that plaintiff criticized in his blog post, as alleged in plaintiff’s complaint.

15          RESPONSE: Responsive documents are attached at Bates #090-096, 135-142, 180-232.

16  
17  
18          61.     All documents, information, or things evidencing any of the actions taken by  
19 Jennifer Clinchy that plaintiff criticized in his blog post, as alleged in plaintiff’s complaint.

20  
21          RESPONSE: Responsive documents are attached at Bates #090-096, 135-142, 180-232.

22  
23  
24          62.     All documents, information, or things that support plaintiff’s allegation in the  
25 complaint that, Brianna McKissen assisted plaintiff in the preparation of plaintiff’s blog posts.

26  
27          RESPONSE: Responsive documents are attached at Bates #055, 157, 208-209, 313-314.

1  
2           63.     All documents, information, or things that support plaintiff's allegation in the  
3 complaint that, Brianna McKissen supported plaintiff's efforts to make the truth known.  
4

5           RESPONSE: Responsive documents are attached at Bates #055, 157, 208-209, 313-314.  
6

7  
8           64.     All documents, information, or things that support plaintiff's allegation in the  
9 complaint that, plaintiff had no further substantial contact with any defendants from July 2020  
10 onward.  
11

12           RESPONSE: Responsive documents are attached at Bates #055, 157, 208-209.  
13

14  
15           65.     All documents, information, or things evidencing any substantial contact between  
16 plaintiff and any defendants from July 2020 onward.  
17

18           RESPONSE: Responsive documents are attached at Bates #213-224.  
19

20  
21  
22           66.     All documents, information, or things that support plaintiff's allegation in the  
23 complaint that, plaintiff had an e-mail message conversation in December 2020 with a defendant.  
24

25  
26           RESPONSE: Responsive documents are attached at Bates #216-217.  
27

1           67. All documents, information, or things that support plaintiff’s allegation in the  
2 complaint that, plaintiff had a single text conversation in February 2021 with a defendant.

3  
4           RESPONSE: Responsive documents are attached at Bates #218-222.

5  
6  
7           68. All documents, information, or things that support plaintiff’s allegation in the  
8 complaint that, plaintiff had a single in-person encounter in January 2022 with Brianna  
9 McKissen.

10  
11           RESPONSE: Responsive documents are attached at Bates #160-163.

12  
13  
14           69. All documents, information, or things that support plaintiff’s allegation in the  
15 complaint that, plaintiff had amicable contact with defendants from July 2020 onward.

16  
17           RESPONSE: Responsive documents are attached at Bates #213-224.

18  
19  
20           70. All documents, information, or things that support plaintiff’s allegation in the  
21 complaint that, plaintiff had respectful contact with defendants from July 2020 onward.

22  
23           RESPONSE: Responsive documents are attached at Bates #213-224.

1           71. All documents, information, or things that support plaintiff's allegation in the  
2 complaint that, on April 14, 2022, plaintiff received a Notification of Potential Disciplinary  
3 Action from Steve Pellinen.

4  
5           RESPONSE: Responsive documents are attached at Bates #279.  
6

7  
8           72. All communications with Steve Pellinen pertaining to Evans Clinchy.  
9

10           RESPONSE: Responsive documents are attached at Bates #279.  
11

12  
13           73. All communications with Steve Pellinen pertaining to Jennifer Clinchy.  
14

15           RESPONSE: Responsive documents are attached at Bates #279.  
16

17  
18           74. All communications with Steve Pellinen pertaining to Brianna McKissen.  
19

20           RESPONSE: Responsive documents are attached at Bates #279.  
21

22  
23           75. All documents, information, or things that support plaintiff's allegation in the  
24 complaint that, Evans Clinchy's statement contained false statements.  
25

26           RESPONSE: Responsive documents are attached at Bates #011-012, 064-143, 169-174.  
27  
28

1           76. All documents, information, or things that support plaintiff's allegation in the  
2 complaint that, Jennifer Clinchy's statement contained false statements.

3  
4           RESPONSE: Responsive documents are attached at Bates #021-028, 064-143, 174-179,  
5 233-243.  
6

7  
8           77. All documents, information, or things that support plaintiff's allegation in the  
9 complaint that, Brianna McKissen's statement contained false statements.

10  
11           RESPONSE: Responsive documents are attached at Bates #013-020, 021-028, 030-034,  
12 164-168, 191-224, 244-255.  
13

14  
15           78. All documents, information, or things that support plaintiff's allegation in the  
16 complaint that, Evans Clinchy's statement contained defamatory statements.

17  
18           RESPONSE: Responsive documents are attached at Bates #011-012.  
19

20  
21           79. All documents, information, or things that support plaintiff's allegation in the  
22 complaint that, Jennifer Clinchy's statement contained defamatory statements.  
23

24           RESPONSE: Responsive documents are attached at Bates #021-029.  
25  
26  
27  
28

1           80.     All documents, information, or things that support plaintiff’s allegation in the  
2 complaint that, Brianna McKissen’s statement contained defamatory statements.

3  
4           RESPONSE: Responsive documents are attached at Bates #013-020.

5  
6  
7           81.     All documents, information, or things that support plaintiff’s allegation in the  
8 complaint that, the North American Scrabble Players Association is the only organization  
9 plaintiff recognizes as legitimate.

10  
11           RESPONSE: Responsive documents are attached at Bates #003.

12  
13  
14           82.     All documents, information, or things that support plaintiff’s allegation in the  
15 complaint that, the North American Scrabble Players Association is the only organization  
16 plaintiff participates in.

17  
18           RESPONSE: Responsive documents are attached at Bates #003.

19  
20  
21           83.     All documents, information, or things provided by plaintiff to North American  
22 Scrabble Players Association to refute statements made by defendants, as alleged in plaintiff’s  
23 complaint.

24  
25           RESPONSE: Responsive documents are attached at Bates #144-232.



1           84.     All documents, information, or things that support plaintiff's allegation in the  
2 complaint that, plaintiff was suspended from all tournament play with North American Scrabble  
3 Players Association for three years.

4  
5           RESPONSE: Responsive documents are attached at Bates #315-316.  
6

7  
8           85.     All documents, information, or things evidencing any suspension of plaintiff's  
9 participation in any Scrabble organization.

10  
11           RESPONSE: Responsive documents are attached at Bates #315-320.  
12

13  
14           86.     All documents, information, or things evidencing any termination of plaintiff's  
15 membership from any Scrabble organization.

16  
17           RESPONSE: Responsive documents are attached at Bates #315-320.  
18

19  
20           87.     All documents, information, or things evidencing any disqualification of plaintiff  
21 from any Scrabble event.

22  
23           RESPONSE: Responsive documents are attached at Bates #315-320.  
24

1           88.     All documents, information, or things that support plaintiff’s allegation in the  
2 complaint that, Evans Clinchy engaged in a coordinated effort to interfere with plaintiff’s  
3 professional relationship with the North American Scrabble Players Association.  
4

5           RESPONSE: Responsive documents are attached at Bates #011-232.  
6  
7

8           89.     All documents, information, or things that support plaintiff’s allegation in the  
9 complaint that, Evans Clinchy interfered with plaintiff’s professional relationship with the North  
10 American Scrabble Players Association with malicious intent.  
11

12           RESPONSE: Responsive documents are attached at Bates #011-232.  
13  
14

15           90.     All documents, information, or things that support plaintiff’s allegation in the  
16 complaint that, Evans Clinchy engaged in a coordinated effort to interfere with plaintiff’s  
17 professional relationship with North American Scrabble Players Association members.  
18

19           RESPONSE: Responsive documents are attached at Bates #011-232.  
20  
21

22           91.     All documents, information, or things that support plaintiff’s allegation in the  
23 complaint that, Evans Clinchy interfered with plaintiff’s professional relationship with the North  
24 American Scrabble Players Association members with malicious intent.  
25

26           RESPONSE: Responsive documents are attached at Bates #011-232.  
27  
28

1  
2 92. All documents, information, or things that support plaintiff's allegation in the  
3 complaint that, Evans Clinchy engaged in a coordinated effort to interfere with plaintiff's  
4 professional relationship with other parts of the competitive Scrabble community.  
5

6  
7 RESPONSE: Responsive documents are attached at Bates #011-232.  
8

9 93. All documents, information, or things that support plaintiff's allegation in the  
10 complaint that, Evans Clinchy interfered with plaintiff's professional relationship with other  
11 parts of the competitive Scrabble community with malicious intent.  
12

13  
14 RESPONSE: Responsive documents are attached at Bates #011-232.  
15

16 94. All documents, information, or things that support plaintiff's allegation in the  
17 complaint that, Jennifer Clinchy engaged in a coordinated effort to interfere with plaintiff's  
18 professional relationship with the North American Scrabble Players Association.  
19

20  
21 RESPONSE: Responsive documents are attached at Bates #011-255.  
22

23 95. All documents, information, or things that support plaintiff's allegation in the  
24 complaint that, Jennifer Clinchy interfered with plaintiff's professional relationship with the  
25 North American Scrabble Players Association with malicious intent.  
26  
27  
28

1 RESPONSE: Responsive documents are attached at Bates #011-255.

2  
3 96. All documents, information, or things that support plaintiff's allegation in the  
4 complaint that, Jennifer Clinchy interfered with plaintiff's professional relationship with the  
5 North American Scrabble Players Association members with malicious intent.  
6

7  
8 RESPONSE: Responsive documents are attached at Bates #011-255.

9  
10 98. All documents, information, or things that support plaintiff's allegation in the  
11 complaint that, Jennifer Clinchy engaged in a coordinated effort to interfere with plaintiff's  
12 professional relationship with other parts of the competitive Scrabble community.  
13

14  
15 RESPONSE: Responsive documents are attached at Bates #011-255.

16  
17  
18 99. All documents, information, or things that support plaintiff's allegation in the  
19 complaint that, Jennifer Clinchy interfered with plaintiff's professional relationship with other  
20 parts of the competitive Scrabble community with malicious intent.  
21

22 RESPONSE: Responsive documents are attached at Bates #011-64, 144-255.

23  
24  
25 100. All documents, information, or things that support plaintiff's allegation in the  
26 complaint that, Brianna McKissen engaged in a coordinated effort to interfere with plaintiff's  
27 professional relationship with the North American Scrabble Players Association.  
28

1  
2 RESPONSE: Responsive documents are attached at Bates #011-64, 144-255.  
3

4 101. All documents, information, or things that support plaintiff's allegation in the  
5 complaint that, Brianna McKissen interfered with plaintiff's professional relationship with the  
6 North American Scrabble Players Association with malicious intent.  
7

8  
9 RESPONSE: Responsive documents are attached at Bates #011-64, 144-255.  
10

11 102. All documents, information, or things that support plaintiff's allegation in the  
12 complaint that, Brianna McKissen engaged in a coordinated effort to interfere with plaintiff's  
13 professional relationship with North American Scrabble Players Association members.  
14

15  
16 RESPONSE: Responsive documents are attached at Bates #011-64, 144-255.  
17

18  
19 103. All documents, information, or things that support plaintiff's allegation in the  
20 complaint that, Brianna McKissen interfered with plaintiff's professional relationship with the  
21 North American Scrabble Players Association members with malicious intent.  
22

23  
24 RESPONSE: Responsive documents are attached at Bates #011-64, 144-255.  
25  
26  
27  
28

1 104. All documents, information, or things that support plaintiff's allegation in the  
2 complaint that, Brianna McKissen engaged in a coordinated effort to interfere with plaintiff's  
3 professional relationship with other parts of the competitive Scrabble community.  
4

5 RESPONSE: Responsive documents are attached at Bates #011-64, 144-255.  
6  
7

8 105. All documents, information, or things that support plaintiff's allegation in the  
9 complaint that, Brianna McKissen interfered with plaintiff's professional relationship with other  
10 parts of the competitive Scrabble community with malicious intent.  
11

12 RESPONSE: Responsive documents are attached at Bates #011-64, 144-255.  
13  
14

15 106. All documents, information, or things that support plaintiff's allegation in the  
16 complaint that, Evans Clinchy's defamatory statements directly affected plaintiff's ability to earn  
17 income from competitive Scrabble.  
18

19 RESPONSE: Responsive documents are attached at Bates #007, 257-259, 315-320.  
20  
21

22 107. All documents, information, or things that support plaintiff's allegation in the  
23 complaint that, Jennifer Clinchy's defamatory statements directly affected plaintiff's ability to  
24 earn income from competitive Scrabble.  
25

26 RESPONSE: Responsive documents are attached at Bates #007, 257-259, 315-320.  
27  
28

1  
2 108. All documents, information, or things that support plaintiff's allegation in the  
3 complaint that, Brianna McKissen's defamatory statements directly affected plaintiff's ability to  
4 earn income from competitive Scrabble.  
5

6  
7 RESPONSE: Responsive documents are attached at Bates #007, 257-259, 315-320.  
8

9  
10 109. All documents, information, or things that support plaintiff's allegation in the  
11 complaint that, Evans Clinchy's defamatory statements directly caused plaintiff a significant loss  
12 of revenue estimated not to exceed \$10,000.  
13

14 RESPONSE: Responsive documents are attached at Bates #007, 257-259, 315-320.  
15

16  
17 110. All documents, information, or things that support plaintiff's allegation in the  
18 complaint that, Jennifer Clinchy's defamatory statements directly caused plaintiff a significant  
19 loss of revenue estimated not to exceed \$10,000.  
20

21 RESPONSE: Responsive documents are attached at Bates #007, 257-259, 315-320.  
22

23  
24 111. All documents, information, or things that support plaintiff's allegation in the  
25 complaint that, Brianna McKissen's defamatory statements directly caused plaintiff a significant  
26 loss of revenue estimated not to exceed \$10,000.  
27  
28

1 RESPONSE: Responsive documents are attached at Bates #007, 257-259, 315-320.

2  
3 112. All documents, information, or things (if any exist) that tend to prove that Evans  
4 Clinchy's defamatory statements directly affected plaintiff's ability to earn income from  
5 competitive Scrabble, separate and apart from any statements made by Jennifer Clinchy or  
6 Brianna McKissen.  
7

8 RESPONSE: Responsive documents are attached at Bates #007, 257-259, 315-320.

9  
10 113. All documents, information, or things (if any exist) that tend to prove that Jennifer  
11 Clinchy's defamatory statements directly affected plaintiff's ability to earn income from  
12 competitive Scrabble, separate and apart from any statements made by Evans Clinchy and  
13 Brianna McKissen.  
14

15  
16 RESPONSE: Responsive documents are attached at Bates #007, 257-259, 315-320.

17  
18  
19 114. All documents, information, or things (if any exist) that tend to prove that Brianna  
20 McKissen's defamatory statements directly affected plaintiff's ability to earn income from  
21 competitive Scrabble, separate and apart from any statements made by Evan Clinchy or Jennifer  
22 Clinchy.  
23

24  
25 RESPONSE: Responsive documents are attached at Bates #007, 257-259, 315-320.  
26  
27  
28



1 115. All documents, information, or things (if any exist) that tend to prove that Evans  
2 Clinchy's defamatory statements directly caused plaintiff a significant loss of revenue estimated  
3 not to exceed \$10,000, separate and apart from any statements made by Jennifer Clinchy or  
4 Brianna McKissen.

5  
6  
7 RESPONSE: Responsive documents are attached at Bates #007, 257-259, 315-320.  
8

9 116. All documents, information, or things (if any exist) that tend to prove that Jennifer  
10 Clinchy's defamatory statements directly caused plaintiff a significant loss of revenue estimated  
11 not to exceed \$10,000, separate and apart from any statements made by Evans Clinchy and  
12 Brianna McKissen.  
13

14  
15 RESPONSE: Responsive documents are attached at Bates #007, 257-259, 315-320.  
16

17 117. All documents, information, or things (if any exist) that tend to prove that Brianna  
18 McKissen's defamatory statements directly caused plaintiff a significant loss of revenue  
19 estimated not to exceed \$10,000, separate and apart from any statements made by Evan Clinchy  
20 or Jennifer Clinchy.  
21

22  
23 RESPONSE: Responsive documents are attached at Bates #007, 257-259, 315-320.  
24

25  
26 118. All documents, information, or things used by plaintiff to calculate the estimation of  
27 lost revenue not to exceed \$10,000, as alleged in plaintiff's complaint.  
28

1  
2 RESPONSE: Responsive documents are attached at Bates #007, 257-259, 390-391.  
3

4 119. All documents, information, or things used by plaintiff to calculate the expectation  
5 of medical expenses not to exceed \$10,000, as alleged in plaintiff's complaint.  
6

7  
8 RESPONSE: Responsive documents are attached at Bates #007, 321, 390-391.  
9

10 120. All documents, information, or things used by plaintiff to calculate the expectation  
11 of damage to his reputation in an amount not to exceed \$400,000, as alleged in plaintiff's  
12 complaint.  
13

14  
15 RESPONSE: No such documents, information or things are in Plaintiff's custody or  
16 control at this time. Reputational damages are presumed.  
17

18  
19 121. Please produce any statement by Evans Clinchy which, according  
20 to plaintiff, constitutes libel per se, as alleged in plaintiff's complaint.  
21

22 RESPONSE: Responsive documents are attached at Bates #011-012:  
23

- 24
- 25 • Plaintiff is "a man who abuses women."
  - 26 • "[H]e has spent hours and hours discussing his intent to kill me"
  - 27 • "[T]his man is now openly discussing how to murder me in cold blood"
- 28

- 1 • “I’ve seen countless examples of him turning nasty, threatening, or downright
- 2 horrifying in confrontations with other Scrabble players”
- 3 • “[H]e’s expressed his urge to shoot up a Scrabble tournament.”

4

5 122. Please produce any statement by Jennifer Clinchy which, according to plaintiff,

6 constitutes libel per se, as alleged in plaintiff’s complaint.

7

8

9 RESPONSE: Responsive documents are attached at Bates #021-028, 233-236:

- 10 • “David Koenig has
- 11 1. Coerced me to have sex with him after I repeatedly told him No.
- 12 2. Harassed, threatened, and stalked multiple women.
- 13 3. Orally expressed homicidal intent, including a desire to kill my husband and commit a
- 14 mass shooting at a Scrabble tournament.”
- 15 • Plaintiff is “a man with a pattern of sexually aggressive behavior toward women”
- 16 • Plaintiff “state[d] that my husband and I deserved to die.”

17

18

19

20 123. Please produce any statement by Brianna McKissen which, according to plaintiff,

21 constitutes libel per se, as alleged in plaintiff’s complaint.

22

23

24 RESPONSE: Responsive documents are attached at Bates #013-20, 30-34, 244-255

- 25 • Plaintiff is “an actual psychopath”
  - 26 • Plaintiff is a threat to “shoot up” “a whole random tournament of Scrabble players
  - 27 • Plaintiff is “going to kill someone someday.”
- 28

1  
2 124. Please produce any statements to third parties by Evans Clinchy which, according to  
3 plaintiff, Evans Clinchy knew were false, as alleged in plaintiff's complaint.  
4

5 RESPONSE: Responsive documents are attached at Bates #011-012:  
6

- 7 • "I've seen countless examples of him turning nasty, threatening, or downright horrifying  
8 in confrontations with other Scrabble players"
- 9 • "I understand that there's a narrative out there in the Scrabble community that I have  
10 somehow turned other players against David Koenig - that because of some deep-seated  
11 anger or hatred that I feel, I've led some sort of campaign of ostracism to keep him out of  
12 the Scrabble community. That narrative is false."
- 13 • "I have tried very hard to avoid doing anything at all to antagonize DK."
- 14 • Plaintiff "attempted to register for a house tournament that Jennifer and I were hosting"  
15 in 2018.  
16  
17

18  
19 125. Please produce any statements to third parties by Jennifer Clinchy which, according  
20 to plaintiff, Jennifer Clinchy knew were false, as alleged in plaintiff's complaint.  
21

22 RESPONSE: Responsive documents are attached at Bates #021-028, 233-236  
23

- 24 • "David Koenig has  
25 1. Coerced me to have sex with him after I repeatedly told him No.  
26 2. Harassed, threatened, and stalked multiple women."  
27 • Plaintiff is "a man with a pattern of sexually aggressive behavior toward women"  
28

- 1 • “I attempted to end my informal relationship with Dave on at least five occasions.”
- 2 • Plaintiff “communicated threats to me via third parties.”
- 3 • Plaintiff moved to Portland at a time when Brianna McKissen already lived there.
- 4 • Plaintiff subjected defendant to "a screaming torrent of verbal abuse" following a dinner
- 5 in Perth, Australia in November 2015.
- 6
- 7

8 126. Please produce any statements by Brianna McKissen which, according to plaintiff,  
9 Brianna McKissen knew were false, as alleged in plaintiff’s complaint.

10  
11  
12 RESPONSE: Responsive documents are attached at Bates #011-020, 233-236:

- 13 • Plaintiff said, “I’m writing a book proving it, and what I really want is for [Jennifer
- 14 Clinchy] to be so humiliated that she kills herself.”
- 15 • Plaintiff “showed zero interest in me as a human being.”
- 16 • “I have listened to at least a hundred hours of insane murder fantasies.”
- 17 • Plaintiff “is going to kill someone someday.”
- 18 • Plaintiff said “I feel more betrayed by you than by anything Jennifer and Evans did.”
- 19 • Plaintiff is a threat to “shoot up” “a whole random tournament of Scrabble players
- 20 • Plaintiff hovered around Defendant and her friends during the January 2022 New Orleans
- 21 Scrabble tournament.
- 22 • Plaintiff followed Defendant into a hallway during the January 2022 New Orleans
- 23 Scrabble tournament.
- 24 • Plaintiff ranted at Defendant during the January 2022 New Orleans Scrabble tournamenr.
- 25
- 26
- 27
- 28

1 127. Please produce any statement to third parties by Evans Clinchy which, according to  
2 plaintiff, Evans Clinchy made with reckless disregard for the truth of the statements, as alleged  
3 in plaintiff's complaint.  
4

5 RESPONSE: Responsive documents are attached at Bates #011-012:  
6

- 7 • Plaintiff "deliberately and maliciously sought to harass and threaten my once-partner,  
8 now-wife Jennifer."
- 9 • Plaintiff "has spent hours and hours discussing his intent to kill me, including specific  
10 details about the weapon he'd use and the method he'd employ."  
11
- 12 • Plaintiff "is a clear threat not only to my wife and myself, but to everyone else in the  
13 game as well."
- 14 • Plaintiff "has expressed his urge to shoot up a Scrabble tournament."  
15

16 128. Please produce any statement to third parties by Jennifer Clinchy which, according  
17 to plaintiff, Jennifer Clinchy made with reckless disregard for the truth of the statements, as  
18 alleged in plaintiff's complaint.  
19

20 RESPONSE: Responsive documents are attached at Bates #021-028, 233-236  
21

- 22 • Plaintiff "[o]rally expressed homicidal intent, including a desire to kill my husband and  
23 commit a mass shooting at a Scrabble tournament."  
24
- 25 • Plaintiff "has explicitly stated that he wants me dead, wants to kill my husband, and  
26 wants to shoot up a Scrabble tournament."  
27
- 28 • Plaintiff "is threatening the lives of other people."

- 1 • Plaintiff “wants me and my husband dead and wants to shoot up a tournament.”
- 2 • Plaintiff “wanted to kill my husband by hitting him in the head with a cast iron frying
- 3 pan.”
- 4 • Plaintiff’s “intent in publishing his manifesto was...that I would kill myself.”

5

6

7 129. Please produce any statement by Brianna McKissen which, according to plaintiff,

8 Brianna McKissen made with reckless disregard for the truth of the statements, as alleged in

9 plaintiff’s complaint.

10

11

12 RESPONSE: No such documents, information or things are in Plaintiff’s custody or

13 control at this time.

14

15 130. For any statement by Evans Clinchy alleged by plaintiff in the complaint to

16 constitute defamation, please provide all documents, information, or things that prove the

17 statement was false.

18

19

20 RESPONSE: Responsive documents are attached at Bates #148.

21

22

23 131. For any statement by Jennifer Clinchy alleged by plaintiff in the complaint to

24 constitute defamation, please provide all documents, information, or things that prove the

25 statement was false.

26

27 RESPONSE: Responsive documents are attached at Bates #148.

28

1  
2 132. For any statement by Brianna McKissen alleged by plaintiff in the complaint to  
3 constitute defamation, please provide all documents, information, or things that prove the  
4 statement was false.

5  
6  
7 RESPONSE: Responsive documents are attached at Bates #148.

8  
9 133. For any statement by Evans Clinchy alleged by plaintiff in the complaint to  
10 constitute defamation, please provide all documents, information, or things that prove the  
11 statement caused plaintiff lost income.

12  
13  
14 RESPONSE: Responsive documents are attached at Bates #007, 257, 315.

15  
16 134. For any statement by Jennifer Clinchy alleged by plaintiff in the complaint to  
17 constitute defamation, please provide all documents, information, or things that prove the  
18 statement caused plaintiff lost income.

19  
20  
21 RESPONSE: Responsive documents are attached at Bates #007, 257, 315.

22  
23 135. For any statement by Brianna McKissen alleged by plaintiff in the complaint to  
24 constitute defamation, please provide all documents, information, or things that prove the  
25 statement caused plaintiff lost income.



1 RESPONSE: Responsive documents are attached at Bates #007, 257, 315.

2  
3 136. For any statement by Evans Clinchy alleged by plaintiff in the complaint to  
4 constitute defamation, please provide all documents, information, or things that prove the  
5 statement caused plaintiff injury to his reputation.  
6

7  
8 RESPONSE: Responsive documents are attached at Bates #003-008, 107-143, 149-150.  
9

10 137. For any statement by Jennifer Clinchy alleged by plaintiff in the complaint to  
11 constitute defamation, please provide all documents, information, or things that prove the  
12 statement caused plaintiff injury to his reputation.  
13

14  
15 RESPONSE: Responsive documents are attached at Bates #003-008, 107-143, 149-150.  
16

17  
18 138. For any statement by Brianna McKissen alleged by plaintiff in the complaint to  
19 constitute defamation, please provide all documents, information, or things that prove the  
20 statement caused plaintiff injury to his reputation.  
21

22 RESPONSE: Responsive documents are attached at Bates #003-008, 107-143, 149-150.  
23

24  
25 139. For any statement by Evans Clinchy alleged by plaintiff in the complaint to  
26 constitute defamation, please provide all documents, information, or things that prove the  
27 statement caused plaintiff emotional distress.  
28

1  
2 RESPONSE: Responsive documents are attached at Bates #007-008, 107-143, 149-150,  
3 321-326.

4  
5 140. For any statement by Jennifer Clinchy alleged by plaintiff in the complaint to  
6 constitute defamation, please provide all documents, information, or things that prove the  
7 statement caused plaintiff emotional distress.  
8

9  
10 RESPONSE: Responsive documents are attached at Bates #007-008, 107-143, 149-150,  
11 321-326.

12  
13  
14 141. For any statement by Brianna McKissen alleged by plaintiff in the complaint to  
15 constitute defamation, please provide all documents, information, or things that prove the  
16 statement caused plaintiff emotional distress.  
17

18  
19 RESPONSE: Responsive documents are attached at Bates #007-008, 107-143, 149-150,  
20 321-326.

21  
22 142. All documents, information, or things that support plaintiff's allegation in the  
23 complaint that, Evans Clinchy entered into a coordinated, premeditated, agreement to commit  
24 tortious acts of defamation concerning plaintiff.  
25

26  
27 RESPONSE: Responsive documents are attached at Bates #011-064, 233-255.  
28

1  
2 143. All documents, information, or things that support plaintiff's allegation in the  
3 complaint that, Jennifer Clinchy entered into a coordinated, premeditated, agreement to commit  
4 tortious acts of defamation concerning plaintiff.  
5

6  
7 RESPONSE: Responsive documents are attached at Bates #011-064, 233-255.  
8

9 144. All documents, information, or things that support plaintiff's allegation in the  
10 complaint that, Brianna McKissen entered into a coordinated, premeditated, agreement to  
11 commit tortious acts of defamation concerning plaintiff.  
12

13  
14 RESPONSE: Responsive documents are attached at Bates #011-064, 233-255.  
15

16 145. All documents, information, or things that support plaintiff's allegation in the  
17 complaint that, plaintiff sustained economic damages resulting from lost income as a result of  
18 Evans Clinchy's alleged conspiracy to defame plaintiff.  
19

20  
21 RESPONSE: Responsive documents are attached at Bates #007, 257, 315.  
22

23 146. All documents, information, or things that support plaintiff's allegation in the  
24 complaint that, plaintiff sustained economic damages resulting from lost income as a result of  
25 Jennifer Clinchy's alleged conspiracy to defame plaintiff.  
26  
27  
28

1 RESPONSE: Responsive documents are attached at Bates #007, 257, 315.

2  
3 147. All documents, information, or things that support plaintiff's allegation in the  
4 complaint that, plaintiff sustained economic damages resulting from lost income as a result of  
5 Brianna McKissen's alleged conspiracy to defame plaintiff.  
6

7  
8 RESPONSE: Responsive documents are attached at Bates #007, 257, 315.

9  
10 148. All documents, information, or things that support plaintiff's allegation in the  
11 complaint that, plaintiff sustained economic damages resulting from lost income as a result of  
12 Evans Clinchy's alleged conspiracy to defame plaintiff.  
13

14  
15 RESPONSE: Responsive documents are attached at Bates #007, 257, 315.

16  
17  
18 149. All documents, information, or things that support plaintiff's allegation in the  
19 complaint that, plaintiff sustained economic damages resulting from lost income as a result of  
20 Jennifer Clinchy's alleged conspiracy to defame plaintiff.  
21

22 RESPONSE: Responsive documents are attached at Bates #007, 257, 315.

23  
24  
25 150. All documents, information, or things that support plaintiff's allegation in the  
26 complaint that, plaintiff sustained economic damages resulting from lost income as a result of  
27 Brianna McKissen's alleged conspiracy to defame plaintiff.  
28

1  
2 RESPONSE: Responsive documents are attached at Bates #007, 257, 315.  
3

4 151. All documents, information, or things (if any exist) that tend to prove that Evans  
5 Clinchy's alleged conspiracy to defame plaintiff caused plaintiff lost income, separate and apart  
6 from any lost income caused by the alleged conspiracy to defame plaintiff between Jennifer  
7 Clinchy and Brianna McKissen.  
8

9  
10 RESPONSE: Responsive documents are attached at Bates #007, 257, 315.  
11

12  
13 152. All documents, information, or things (if any exist) that tend to prove that Jennifer  
14 Clinchy's alleged conspiracy to defame plaintiff caused plaintiff lost income, separate and apart  
15 from any lost income caused by the alleged conspiracy to defame plaintiff between Evans  
16 Clinchy and Brianna McKissen.  
17

18  
19 RESPONSE: Responsive documents are attached at Bates #007, 257, 315.  
20

21 153. All documents, information, or things (if any exist) that tend to prove that Brianna  
22 McKissen's alleged conspiracy to defame plaintiff caused plaintiff lost income, separate and  
23 apart from any lost income caused by the alleged conspiracy to defame plaintiff between Evans  
24 Clinchy and Jennifer Clinchy.  
25

26  
27 RESPONSE: Responsive documents are attached at Bates #007, 257, 315.  
28

1  
2 154. All documents, information, or things that support plaintiff's allegation in the  
3 complaint that, plaintiff sustained noneconomic damages for emotional distress as a result of  
4 Evans Clinchy's alleged conspiracy to defame plaintiff.  
5

6  
7 RESPONSE: Responsive documents are attached at Bates #007, 322-326.  
8

9 155. All documents, information, or things that support plaintiff's allegation in the  
10 complaint that, plaintiff sustained noneconomic damages for emotional distress as a result of  
11 Jennifer Clinchy's alleged conspiracy to defame plaintiff.  
12

13  
14 RESPONSE: Responsive documents are attached at Bates #007, 322-326.  
15

16 156. All documents, information, or things that support plaintiff's allegation in the  
17 complaint that, plaintiff sustained noneconomic damages for emotional distress as a result of  
18 Brianna McKissen's alleged conspiracy to defame plaintiff.  
19

20  
21 RESPONSE: Responsive documents are attached at Bates #007, 322-326.  
22

23 157. All documents, information, or things that support plaintiff's allegation in the  
24 complaint that, plaintiff sustained noneconomic damages for emotional distress as a result of  
25 Evans Clinchy's alleged conspiracy to defame plaintiff.  
26  
27  
28

1 RESPONSE: Plaintiff objects to this request as repetitive. It is identical to request #154.

2  
3 158. All documents, information, or things that support plaintiff's allegation in the  
4 complaint that, plaintiff sustained noneconomic damages for emotional distress as a result of  
5 Jennifer Clinchy's alleged conspiracy to defame plaintiff.  
6

7  
8 RESPONSE: Plaintiff objects to this request as repetitive. It is identical to request #155.

9  
10 159. All documents, information, or things that support plaintiff's allegation in the  
11 complaint that, plaintiff sustained noneconomic damages for emotional distress as a result of  
12 Brianna McKissen's alleged conspiracy to defame plaintiff.  
13

14  
15 RESPONSE: Plaintiff objects to this request as repetitive. It is identical to request #156.

16  
17  
18 160. All documents, information, or things (if any exist) that tend to prove that Evans  
19 Clinchy's alleged conspiracy to defame plaintiff caused plaintiff emotional distress, separate and  
20 apart from any emotional distress caused by the alleged conspiracy to defame plaintiff between  
21 Jennifer Clinchy and Brianna McKissen.  
22

23  
24 RESPONSE: Responsive documents are attached at Bates #007, 322-326.

25  
26 161. All documents, information, or things (if any exist) that tend to prove that Jennifer  
27 Clinchy's alleged conspiracy to defame plaintiff caused plaintiff emotional distress, separate and  
28

1 apart from any emotional distress caused by the alleged conspiracy to defame plaintiff between  
2 Evans Clinchy and Brianna McKissen.

3  
4 RESPONSE: Responsive documents are attached at Bates #007, 322-326.

5  
6  
7 162. All documents, information, or things (if any exist) that tend to prove that Brianna  
8 McKissen's alleged conspiracy to defame plaintiff caused plaintiff emotional distress, separate  
9 and apart from any emotional distress caused by the alleged conspiracy to defame plaintiff  
10 between Evans Clinchy and Jennifer Clinchy.

11  
12  
13 RESPONSE: Responsive documents are attached at Bates #007, 322-326.

14  
15 163. All documents, information, or things that support plaintiff's allegation in the  
16 complaint that, plaintiff sustained noneconomic damages for injury to plaintiff's reputation as a  
17 result of Evans Clinchy's alleged conspiracy to defame plaintiff.

18  
19  
20 RESPONSE: Responsive documents are attached at Bates #003-008, 107-143, 149-150.

21  
22 164. All documents, information, or things that support plaintiff's allegation in the  
23 complaint that, plaintiff sustained noneconomic damages for injury to plaintiff's reputation as a  
24 result of Jennifer Clinchy's alleged conspiracy to defame plaintiff.

25  
26  
27 RESPONSE: Responsive documents are attached at Bates #003-008, 107-143, 149-150.



1  
2 165. All documents, information, or things that support plaintiff's allegation in the  
3 complaint that, plaintiff sustained noneconomic damages for injury to plaintiff's reputation as a  
4 result of Brianna McKissen's alleged conspiracy to defame plaintiff.  
5

6  
7 RESPONSE: Responsive documents are attached at Bates #003-008, 107-143, 149-150.  
8

9 166. All documents, information, or things that support plaintiff's allegation in the  
10 complaint that, plaintiff sustained noneconomic damages for injury to plaintiff's reputation as a  
11 result of Evans Clinchy's alleged conspiracy to defame plaintiff.  
12

13  
14 RESPONSE: Responsive documents are attached at Bates #003-008, 107-143, 149-150.  
15

16 167. All documents, information, or things (if any exist) that tend to prove that Jennifer  
17 Clinchy's alleged conspiracy to defame plaintiff caused plaintiff injury to reputation, separate  
18 and apart from any injury to reputation caused by the alleged conspiracy to defame plaintiff  
19 between Evans Clinchy and Brianna McKissen.  
20

21  
22 RESPONSE: Responsive documents are attached at Bates #003-008, 107-143, 149-150.  
23

24  
25 168. All documents, information, or things (if any exist) that tend to prove that Brianna  
26 McKissen's alleged conspiracy to defame plaintiff caused plaintiff injury to reputation, separate  
27  
28

1 and apart from any injury to reputation caused by the alleged conspiracy to defame plaintiff  
2 between Evans Clinchy and Jennifer Clinchy.

3  
4 RESPONSE: Responsive documents are attached at Bates #003-008, 107-143, 149-150.

5  
6  
7 169. All documents, information, or things that support plaintiff's allegation in the  
8 complaint that plaintiff participated in professional Scrabble tournaments.

9  
10 RESPONSE: Responsive documents are attached at Bates #001-265.

11  
12  
13 170. All documents, information, or things that support plaintiff's allegation in the  
14 complaint that plaintiff possessed a professional, economic relationship with the North American  
15 Scrabble Players Association.

16  
17  
18 RESPONSE: Responsive documents are attached at Bates #001-265.

19  
20 171. All documents, information, or things that support plaintiff's allegation in the  
21 complaint that plaintiff possessed a professional, economic relationship with organizations other  
22 than the North American Scrabble Players Association.

23  
24  
25 RESPONSE: No such documents, information or things are in Plaintiff's custody or  
26 control at this time.

1 172. All documents, information, or things evidencing any money or property or other  
2 earnings paid to plaintiff in the past ten years resulting from Scrabble tournaments.

3  
4 RESPONSE: Responsive documents are attached at Bates #257-259.  
5

6  
7 173. All documents, information, or things evidencing any money or property or other  
8 earnings paid to plaintiff in the past ten years resulting from plaintiff's profession as a Scrabble  
9 player, other than from Scrabble tournaments.  
10

11 RESPONSE: No such documents, information or things are in Plaintiff's custody or  
12 control at this time.  
13

14  
15 174. All documents, information, or things (if any exist) evidencing any state taxes paid  
16 by plaintiff in the past ten years from income resulting from Scrabble tournaments.  
17

18 RESPONSE: No such documents, information or things are in Plaintiff's custody or  
19 control at this time.  
20

21 175. All documents, information, or things (if any exist) evidencing any state taxes paid  
22 by plaintiff in the past ten years from income resulting from plaintiff's profession as a Scrabble  
23 player, other than from Scrabble tournaments.  
24

25  
26 RESPONSE: No such documents, information or things are in Plaintiff's custody or  
27 control at this time.  
28

1  
2 176. All documents, information, or things (if any exist) evidencing any federal taxes  
3 paid by plaintiff in the past ten years from income resulting from Scrabble tournaments.  
4

5 RESPONSE: No such documents, information or things are in Plaintiff's custody or  
6 control at this time.  
7

8  
9 177. All documents, information, or things (if any exist) evidencing any federal taxes  
10 paid by plaintiff in the past ten years from income resulting from plaintiff's profession as a  
11 Scrabble player, other than from Scrabble tournaments.  
12

13  
14 RESPONSE: No such documents, information or things are in Plaintiff's custody or  
15 control at this time.  
16

17  
18 178. All documents, information, or things that support plaintiff's allegation in the  
19 complaint that, Evans Clinchy interfered with plaintiff's economic relationship with the North  
20 American Scrabble Players Association.  
21

22 RESPONSE: Responsive documents are attached at Bates #011-012, 315.  
23

24  
25 179. All documents, information, or things that support plaintiff's allegation in the  
26 complaint that, Jennifer Clinchy interfered with plaintiff's economic relationship with the North  
27 American Scrabble Players Association.  
28

1  
2 RESPONSE: Responsive documents are attached at Bates #021-064, 233-236, 315.  
3

4 180. All documents, information, or things that support plaintiff's allegation in the  
5 complaint that, Brianna McKissen interfered with plaintiff's economic relationship with the  
6 North American Scrabble Players Association.  
7

8  
9 RESPONSE: Responsive documents are attached at Bates #012-020, 244-255, 315.  
10

11 181. All documents, information, or things that support plaintiff's allegation in the  
12 complaint that, Evans Clinchy interfered with plaintiff's economic relationship with  
13 organizations other than the North American Scrabble Players Association.  
14

15  
16 RESPONSE: No such documents, information or things are in Plaintiff's custody or  
17 control at this time.  
18

19  
20 182. All documents, information, or things that support plaintiff's allegation in the  
21 complaint that, Jennifer Clinchy interfered with plaintiff's economic relationship with  
22 organizations other than the North American Scrabble Players Association.  
23

24  
25 RESPONSE: No such documents, information or things are in Plaintiff's custody or  
26 control at this time.  
27

1 183. All documents, information, or things that support plaintiff's allegation in the  
2 complaint that, Brianna McKissen interfered with plaintiff's economic relationship with  
3 organizations other than the North American Scrabble Players Association.  
4

5 RESPONSE: No such documents, information or things are in Plaintiff's custody or  
6 control at this time.  
7

8  
9 184. All documents, information, or things that support plaintiff's allegation in the  
10 complaint that, Evans Clinchy's interference caused plaintiff to be banned by the North  
11 American Scrabble Players Association.  
12

13  
14 RESPONSE: Responsive documents are attached at Bates #011-012, 315.  
15

16 185. All documents, information, or things that support plaintiff's allegation in the  
17 complaint that, Jennifer Clinchy's interference caused plaintiff to be banned by the North  
18 American Scrabble Players Association.  
19

20  
21 RESPONSE: Responsive documents are attached at Bates #021-064, 233-236, 315.  
22

23  
24 186. All documents, information, or things that support plaintiff's allegation in the  
25 complaint that, Brianna McKissen's interference caused plaintiff to be banned by the North  
26 American Scrabble Players Association.  
27

1 RESPONSE: Responsive documents are attached at Bates #012-020, 244-255, 315.

2  
3 187. All documents, information, or things that tend to prove that Evans Clinchy's  
4 alleged interference caused plaintiff to be banned by the North American Scrabble Players  
5 Association, separate and apart from any alleged interference by Jennifer Clinchy or Brianna  
6 McKissen.  
7

8  
9 RESPONSE: Responsive documents are attached at Bates #011-012, 315.

10  
11  
12 188. All documents, information, or things that tend to prove that Jennifer Clinchy's  
13 alleged interference caused plaintiff to be banned by the North American Scrabble Players  
14 Association, separate and apart from any alleged interference by Evans Clinchy or Brianna  
15 McKissen.  
16

17  
18 RESPONSE: Responsive documents are attached at Bates #021-064, 233-236, 315.

19  
20 189. All documents, information, or things that tend to prove that Brianna McKissen's  
21 alleged interference caused plaintiff to be banned by the North American Scrabble Players  
22 Association, separate and apart from any alleged interference by Evans Clinchy or Jennifer  
23 Clinchy.  
24

25  
26 RESPONSE: Responsive documents are attached at Bates #012-020, 244-255, 315.  
27  
28

1 190. All documents, information, or things that support plaintiff's allegation in the  
2 complaint that, Evans Clinchy entered into a coordinated, premeditated, agreement to  
3 intentionally interfere with plaintiff's economic relations.  
4

5 RESPONSE: Responsive documents are attached at Bates #011-064.  
6  
7

8 191. All documents, information, or things that support plaintiff's allegation in the  
9 complaint that, Jennifer Clinchy entered into a coordinated, premeditated, agreement to  
10 intentionally interfere with plaintiff's economic relations.  
11

12 RESPONSE: Responsive documents are attached at Bates #011-064, 233-255.  
13  
14

15 192. All documents, information, or things that support plaintiff's allegation in the  
16 complaint that, Brianna McKissen entered into a coordinated, premeditated, agreement to  
17 intentionally interfere with plaintiff's economic relations.  
18

19 RESPONSE: Responsive documents are attached at Bates #011-064, 233-255.  
20  
21

22 193. All documents, information, or things that support plaintiff's allegation in the  
23 complaint that, Evans Clinchy intended to inflict severe mental or emotional distress upon  
24 plaintiff.  
25

26 RESPONSE: Responsive documents are attached at Bates #107-232.  
27  
28



1  
2 194. All documents, information, or things that support plaintiff's allegation in the  
3 complaint that, Jennifer Clinchy intended to inflict severe mental or emotional distress upon  
4 plaintiff.

5  
6  
7 RESPONSE: Responsive documents are attached at Bates #107-232.

8  
9 195. All documents, information, or things that support plaintiff's allegation in the  
10 complaint that, Brianna McKissen intended to inflict severe mental or emotional distress upon  
11 plaintiff.

12  
13  
14 RESPONSE: Responsive documents are attached at Bates #144-232.

15  
16 196. All documents, information, or things that support plaintiff's allegation in the  
17 complaint that, Evans Clinchy acted with reckless disregard in taking actions that were  
18 substantially certain to result in severe emotional distress to plaintiff.

19  
20  
21 RESPONSE: Responsive documents are attached at Bates #107-232.

22  
23 197. All documents, information, or things that support plaintiff's allegation in the  
24 complaint that, Jennifer Clinchy acted with reckless disregard in taking actions that were  
25 substantially certain to result in severe emotional distress to plaintiff.  
26  
27  
28

1 RESPONSE: Responsive documents are attached at Bates #107-232.

2  
3 198. All documents, information, or things that support plaintiff's allegation in the  
4 complaint that, Brianna McKissen acted with reckless disregard in taking actions that were  
5 substantially certain to result in severe emotional distress to plaintiff.  
6

7  
8 RESPONSE: Responsive documents are attached at Bates #144-232.

9  
10 199. All documents, information, or things that support plaintiff's allegation in the  
11 complaint that, Evans Clinchy's actions did in fact cause plaintiff severe mental and emotional  
12 distress.  
13

14  
15 RESPONSE: Responsive documents are attached at Bates #007.

16  
17  
18 200. All documents, information, or things that support plaintiff's allegation in the  
19 complaint that, Jennifer Clinchy's actions did in fact cause plaintiff severe mental and emotional  
20 distress.  
21

22 RESPONSE: Responsive documents are attached at Bates #007.

23  
24  
25 201. All documents, information, or things that support plaintiff's allegation in the  
26 complaint that, Brianna McKissen's actions did in fact cause plaintiff severe mental and  
27 emotional distress.  
28

1  
2 RESPONSE: Responsive documents are attached at Bates #007.  
3

4 202. All documents, information, or things (if any exist) that tend to prove that Evans  
5 Clinchy's intentional infliction of emotional distress caused plaintiff noneconomic damages  
6 separate and apart from any intentional infliction of emotional distress caused by Jennifer  
7 Clinchy or Brianna McKissen.  
8

9  
10 RESPONSE: Responsive documents are attached at Bates #007.  
11

12  
13 203. All documents, information, or things (if any exist) that tend to prove that Jennifer  
14 Clinchy's intentional infliction of emotional distress caused plaintiff noneconomic damages  
15 separate and apart from any intentional infliction of emotional distress caused by Evans Clinchy  
16 and Brianna McKissen.  
17

18  
19 RESPONSE: Responsive documents are attached at Bates #007.  
20

21 204. All documents, information, or things (if any exist) that tend to prove that Brianna  
22 McKissen's alleged intentional infliction of emotional distress caused plaintiff noneconomic  
23 damages separate and apart from any intentional infliction of emotional distress caused by Evan  
24 Clinchy or Jennifer Clinchy.  
25

26  
27 RESPONSE: Responsive documents are attached at Bates #007.  
28

1  
2           205. All documents, information, or things (if any exist) that tend to prove that Evans  
3 Clinchy’s alleged intentional infliction of emotional distress caused plaintiff injury to reputation  
4 separate and apart from any injury to reputation caused by Jennifer Clinchy or Brianna  
5 McKissen.  
6

7  
8           RESPONSE: Responsive documents are attached at Bates #007.  
9

10           206. All documents, information, or things (if any exist) that tend to prove that Jennifer  
11 Clinchy’s alleged intentional infliction of emotional distress caused plaintiff injury to reputation  
12 separate and apart from any injury to reputation caused by Evans Clinchy and Brianna  
13 McKissen.  
14

15  
16           RESPONSE: Responsive documents are attached at Bates #007.  
17

18  
19           207. All documents, information, or things that support plaintiff’s allegation in the  
20 complaint that, Evans Clinchy entered into a coordinated, premeditated, agreement to  
21 intentionally inflict emotional distress upon plaintiff.  
22

23  
24           RESPONSE: Responsive documents are attached at Bates #107-232.  
25  
26  
27  
28

1           208. All documents, information, or things that support plaintiff’s allegation in the  
2 complaint that, Jennifer Clinchy entered into a coordinated, premeditated, agreement to  
3 intentionally inflict emotional distress upon plaintiff.  
4

5           RESPONSE: Responsive documents are attached at Bates #107-232.  
6  
7

8           209. All documents, information, or things that support plaintiff’s allegation in the  
9 complaint that, Brianna McKissen entered into a coordinated, premeditated, agreement to  
10 intentionally inflict emotional distress upon plaintiff.  
11

12           RESPONSE: Responsive documents are attached at Bates #144-232.  
13  
14

15           210. All documents, information, or things that plaintiff’s counsel reviewed prior to  
16 signing plaintiff’s complaint on April 14, 2023 to support the certification to the Court under  
17 ORCP 17 that the following allegations and other factual assertions in the complaint are  
18 supported by evidence: Evans Clinchy violated Scrabble tournament rules.  
19

20           RESPONSE: Responsive documents are attached at Bates #001-256, 315-348, 390-391.  
21  
22

23           211. All documents, information, or things that plaintiff’s counsel reviewed prior to  
24 signing plaintiff’s complaint on April 14, 2023 to support the certification to the Court under  
25 ORCP 17 that the following allegations and other factual assertions in the complaint are  
26 supported by evidence: Jennifer Clinchy violated Scrabble tournament rules.  
27  
28

1  
2 RESPONSE: Responsive documents are attached at Bates #001-256, 315-348, 390-391.  
3

4 212. All documents, information, or things that plaintiff's counsel reviewed prior to  
5 signing plaintiff's complaint on April 14, 2023 to support the certification to the Court under  
6 ORCP 17 that the following allegations and other factual assertions in the complaint are  
7 supported by evidence: the motive behind the creation of Collins Coalition was to damage the  
8 North American Scrabble Players Association.  
9

10  
11 RESPONSE: Responsive documents are attached at Bates #001-256, 315-348, 390-391.  
12

13  
14 213. All documents, information, or things that plaintiff's counsel reviewed prior to  
15 signing plaintiff's complaint on April 14, 2023 to support the certification to the Court under  
16 ORCP 17 that the following allegations and other factual assertions in the complaint are  
17 supported by evidence: Evans Clinchy's statement contained false statements.  
18

19  
20 RESPONSE: Responsive documents are attached at Bates #001-256, 315-348, 390-391.  
21

22  
23 214. All documents, information, or things that plaintiff's counsel reviewed prior to  
24 signing plaintiff's complaint on April 14, 2023 to support the certification to the Court under  
25 ORCP 17 that the following allegations and other factual assertions in the complaint are  
26 supported by evidence: Jennifer Clinchy's statement contained false statements.  
27  
28

1 RESPONSE: Responsive documents are attached at Bates #001-256, 315-348, 390-391.

2  
3 215. All documents, information, or things that plaintiff's counsel reviewed prior to  
4 signing plaintiff's complaint on April 14, 2023 to support the certification to the Court under  
5 ORCP 17 that the following allegations and other factual assertions in the complaint are  
6 supported by evidence: Evans Clinchy's defamatory statements directly caused plaintiff a  
7 significant loss of revenue estimated not to exceed \$10,000.  
8

9  
10 RESPONSE: Responsive documents are attached at Bates #001-256, 315-348, 390-391.

11  
12  
13 216. All documents, information, or things that plaintiff's counsel reviewed prior to  
14 signing plaintiff's complaint on April 14, 2023 to support the certification to the Court under  
15 ORCP 17 that the following allegations and other factual assertions in the complaint are  
16 supported by evidence: Jennifer Clinchy's defamatory statements directly caused plaintiff a  
17 significant loss of revenue estimated not to exceed \$10,000.  
18

19  
20 RESPONSE: Responsive documents are attached at Bates #001-256, 315-348, 390-391.

21  
22  
23 217. All documents, information, or things that plaintiff's counsel reviewed prior to  
24 signing plaintiff's complaint on April 14, 2023 to support the certification to the Court under  
25 ORCP 17 that the following allegations and other factual assertions in the complaint are  
26 supported by evidence: medical expenses not to exceed \$10,000.  
27  
28

1 RESPONSE: Responsive documents are attached at Bates #001-256, 315-348, 390-391.

2  
3 218. All documents, information, or things that plaintiff's counsel reviewed prior to  
4 signing plaintiff's complaint on April 14, 2023 to support the certification to the Court under  
5 ORCP 17 that the following allegations and other factual assertions in the complaint are  
6 supported by evidence: damage to his reputation in an amount not to exceed \$400,000.  
7

8  
9 RESPONSE: Responsive documents are attached at Bates #001-256, 315-348.

10  
11 219. All documents, information, or things that support plaintiff's claim of damages in  
12 plaintiff's first claim for relief.  
13

14  
15 RESPONSE: Responsive documents are attached at Bates #001-256, 315-348.

16  
17 220. All documents, information, or things that support plaintiff's claim of damages in  
18 plaintiff's second claim for relief.  
19

20  
21 RESPONSE: Responsive documents are attached at Bates #001-256, 315-348.

22  
23 221. All documents, information, or things that support plaintiff's  
24 claim of damages in plaintiff's third claim for relief.  
25

26  
27 RESPONSE: Responsive documents are attached at Bates #001-256, 315-348.  
28



1  
2 222. All documents, information, or things that support plaintiff's claim of damages in  
3 plaintiff's fourth claim for relief.

4  
5 RESPONSE: Responsive documents are attached at Bates #001-256, 315-348.  
6

7  
8 223. All documents, information, or things that support plaintiff's claim of damages in  
9 plaintiff's fifth claim for relief.

10  
11 RESPONSE: Responsive documents are attached at Bates #001-256, 315-348.  
12

13  
14 224. All documents, information, or things that support plaintiff's claim of damages in  
15 plaintiff's sixth claim for relief.

16  
17 RESPONSE: Responsive documents are attached at Bates #001-256, 315-348.  
18

19  
20 225. All documents, information, or things that support plaintiff's request in the  
21 complaint's prayer for economic damages.

22  
23 RESPONSE: Responsive documents are attached at Bates #001-256, 315-348.  
24

25  
26 226. All documents, information, or things that support plaintiff's request in the  
27 complaint's prayer for noneconomic damages.  
28

1  
2 RESPONSE: Responsive documents are attached at Bates #001-256, 315-348.

3  
4 227. All documents, information, or things that support plaintiff's request in the  
5 complaint's prayer for attorney fees.  
6

7  
8 RESPONSE: Responsive documents are attached at Bates #001-256, 315-348.

9  
10 228. All documents, information, or things that support plaintiff's request in the  
11 complaint's prayer for costs.  
12

13  
14 RESPONSE: Responsive documents are attached at Bates #001-256, 315-348.

15  
16 229. Complete copies of all records of any counseling, diagnosis, examination, or  
17 treatment that plaintiff received by any psychologist, psychiatrist, counselor, or any other  
18 healthcare provider in the mental health field.  
19

20  
21 RESPONSE: Responsive documents are attached at Bates #349-366.

22  
23 230. Complete copies of all records of any drug or alcohol treatment that plaintiff  
24 received by any psychologist, psychiatrist, counselor, or any other healthcare provider in the  
25 mental health field.  
26  
27  
28

1           RESPONSE: No such documents, information or things are in Plaintiff's custody or  
2 control at this time.

3  
4           231. Complete copies of all records of any criminal conviction of plaintiff that was  
5 punishable by death or imprisonment in excess of one year under the law under which plaintiff  
6 was convicted.  
7

8  
9           RESPONSE: No such documents, information or things are in Plaintiff's custody or  
10 control at this time.  
11

12  
13           232. Complete copies of all records of any crime or complaint against plaintiff that  
14 involved an alleged false statement.  
15

16           RESPONSE: No such documents, information or things are in Plaintiff's custody or  
17 control at this time.  
18

19  
20           233. Complete copies of all records of any crime or complaint against plaintiff that  
21 involved alleged dishonesty.  
22

23  
24           RESPONSE: No such documents, information or things are in Plaintiff's custody or  
25 control at this time.  
26

1           234. Complete copies of all records of any crime or complaint against plaintiff that  
2 involved alleged drug use.

3  
4           RESPONSE: No such documents, information or things are in Plaintiff's custody or  
5 control at this time.  
6

7  
8           235. Complete copies of all records of any crime or complaint against plaintiff that  
9 involved alleged violence.

10  
11           RESPONSE: No such documents, information or things are in Plaintiff's custody or  
12 control at this time.  
13

14  
15           236. Complete copies of all records of any crime or complaint against plaintiff that  
16 involved any alleged intent by plaintiff to kill.  
17

18  
19           RESPONSE: Responsive documents are attached at Bates #367-376.  
20

21           237. Complete copies of all records of any crime or complaint against plaintiff that  
22 involved any alleged urge by plaintiff to shoot up a Scrabble tournament.  
23

24  
25           RESPONSE: Responsive documents are attached at Bates #367-376.  
26  
27  
28

1           238. Complete copies of all records of any crime or complaint against plaintiff that  
2 involved an alleged firearm or weapon.

3  
4           RESPONSE: No such documents, information or things are in Plaintiff's custody or  
5 control at this time.  
6

7  
8           239. Complete copies of all records of any firearms or weapons used or owned by  
9 plaintiff.

10  
11           RESPONSE: No such documents, information or things are in Plaintiff's custody or  
12 control at this time.  
13

14  
15           240. Complete copies of all records of any crime or complaint against plaintiff that  
16 involved any alleged sexual coercion by plaintiff.  
17

18  
19           RESPONSE: No such documents, information or things are in Plaintiff's custody or  
20 control at this time.  
21

22           241. Complete copies of all records of any crime or complaint against plaintiff that  
23 involved any alleged harassment by plaintiff.  
24

25  
26           RESPONSE: Responsive documents are attached at Bates #367-376.  
27  
28

1 242. Complete copies of all records of any crime or complaint against plaintiff that  
2 involved any alleged stalking by plaintiff.  
3

4 RESPONSE: Responsive documents are attached at Bates #367-376.  
5  
6

7 243. Complete copies of all records of any crime or complaint against plaintiff that  
8 involved any alleged threats by plaintiff.  
9

10 RESPONSE: Responsive documents are attached at Bates #367-376.  
11  
12

13 244. All documents, information, or things evidencing any receipts for the medical  
14 expenses alleged in plaintiff's complaint.  
15

16 RESPONSE: Responsive documents are attached at Bates #349-366.  
17  
18

19 245. All documents, information, or things evidencing any video recordings of any of the  
20 events, incidents, or allegations in the complaint.  
21

22 RESPONSE: No such documents, information or things are in Plaintiff's custody or  
23 control at this time.  
24

25  
26 246. All documents, information, or things evidencing any audio recordings of any of the  
27 events, incidents, or allegations in the complaint.  
28

1  
2           RESPONSE: No such documents, information or things are in Plaintiff's custody or  
3 control at this time.

4  
5           247. Any attorney fee agreement between plaintiff and plaintiff's counsel which may be  
6 used to support plaintiff's prayer for an award of attorney fees.  
7

8  
9           RESPONSE: Responsive documents are attached at Bates #387-389.  
10

11           248. Any social media posts pertaining to the allegations in the complaint or the  
12 statements in the attachments to the complaint.  
13

14  
15           RESPONSE: Responsive documents are attached at Bates #036-063, 180, 226-228, 302-  
16 312.  
17

18  
19           249. Any text messages pertaining to the allegations in the complaint or the statements in  
20 the attachments to the complaint.  
21

22           RESPONSE: Responsive documents are attached at Bates #090-102, 135-136, 141-142,  
23 187, 189-213, 218-224, 229-231, 314.  
24

25  
26           250. Any application by plaintiff for disability insurance in the past ten years.  
27  
28

1 RESPONSE: No such documents, information or things are in Plaintiff's custody or  
2 control at this time.

3  
4 251. A copy of any legal complaint or legal action or legal proceeding threatened to be  
5 filed or filed in any court by plaintiff in the past 10 years.  
6

7  
8 RESPONSE: No such documents, information or things are in Plaintiff's custody or  
9 control at this time.  
10

11 252. A copy of plaintiff's state tax returns and all attachments for the past ten years.  
12

13  
14 RESPONSE: Plaintiff objects to this request as overbroad, burdensome, and duplicative.  
15

16 253. A copy of plaintiff's federal tax returns and all attachments for the past ten years.  
17

18  
19 RESPONSE: Plaintiff objects to this request as overbroad and burdensome, and opts to  
20 treat it as a request for documents evidencing Plaintiff's adjusted gross income over the last ten  
21 years. Responsive documents are attached at Bates #377-386.  
22

23  
24  
25 DATED: May 22, 2023.  
26

27 /s/ \_\_\_ Marc Mohan \_\_\_\_\_  
28 Marc Mohan



## EXHIBIT C: STATEMENT BY JENNIFER CLINCHY

March 24, 2022

To the Leaders of Scrabble Organizations:

As a player, director, and member of the North American Scrabble community, I write to report information about a player whom I believe to pose a threat to the public safety of our community. Specifically, I write to report that David Koenig (Dave) has engaged in the following behavior:

1. Coerced me to have sex with him after I repeatedly told him No.
2. Harassed, threatened, and stalked multiple women.
3. Orally expressed homicidal intent, including a desire to kill my husband and commit a mass shooting at a Scrabble tournament.
4. Published a written threat to commit explicit acts of physical violence.
5. Written and published a 164-page manifesto that intentionally discloses private information and documents his own acts of harassment.

What follows is a summary of Dave's relevant conduct in each of these areas. Attached is documentation to support the information provided in this report.

**I am separately reporting this information to the police. I have submitted this information under penalty of perjury, knowing that I could be disbarred as an attorney and lose my job if I knowingly make a false statement here.**

Some of the events in this report date back more than six years. I am reporting this information now because I recently learned that Dave has explicitly stated that he wants me dead, wants to kill my husband, and wants to shoot up a Scrabble tournament. I am particularly concerned about the safety risk to all members of the Scrabble community if Dave commits a mass shooting at a tournament.

I have not risked reporting Dave until now because I feared that reporting him would enrage and provoke him into committing an act of violence against me. Now that he is threatening the lives of other people, I believe I am obligated to report this information.

### 1. Sexual Coercion

I first met Dave at a Scrabble tournament in 2013 or 2014. From 2014 through 2016, I casually dated Dave while I resided in Washington, D.C. and he resided in Falls Church, VA. Though this was not a committed relationship and he was not my boyfriend, he was controlling. He strongly discouraged me from having relationships with other men in the Scrabble community.

For two years, we had an intermittent, on-and-off consensual sexual relationship. On more than one occasion, however, he coerced me to have sex with him after I had explicitly told him that I did not want to have sex.

On one occasion that I remember vividly, I repeatedly and unambiguously told him that I did not want to have sex because I knew it would hurt. He responded by trying to pull my clothing off and fondle me. He didn't stop his advances despite me repeatedly saying I didn't want to have sex. After fighting his advances for thirty minutes, I got exhausted of telling him No and concluded that he would not stop until he got what he wanted. I stopped saying No and lay down defeated while he penetrated me. It hurt. I dissociated from my body and lay like a dead fish staring blankly up at the ceiling until he was done.

## **2. Harassment and Stalking**

I attempted to end my informal relationship with Dave on at least five occasions, the last attempt being in person in September 2016. About two months later, Dave started suspecting that I was dating another Scrabble player, and began to email and text me harassing messages. At that point, I had not seen him in months and we had not had any sexual relations for even longer. I was therefore baffled to learn that he regarded us as being in a relationship that required a breakup conversation before he would permit me to move on and date someone new.

On December 19, 2016, Dave sent me an email demanding that I meet with him (alone) in person. I was afraid of Dave's temper and what he might do if I met him in person. I had witnessed his anger before and endured him yelling at me many times during the time when we dated. In his email, he wrote, "I am not going to be angry or yell or argue or try to convince you to do things otherwise." Despite this promise, the speech Dave intended to give me in person—reprinted in full in his manifesto—is unmistakably angry and demeaning.

Because I did not accede to his demands, Dave then escalated his threats. Specifically, he threatened that he would publicly embarrass and humiliate me at an upcoming event in January 2017 if I did not give in to his demands. I found his communications disturbing and blocked his emails, phone calls, and text messages. I later learned when he published his manifesto that he continued sending harassing text messages to me after I blocked him, including a message on Christmas Day, 2016, stating, "I have been very upset and angry and sometimes filled with hatred because you have not taken down the Facebook profile picture of you on my balcony as I asked you to."

When I did face Dave in January 2017, I was terrified. I had shared Dave's email threats with the directors of the New Orleans tournament in advance because I was scared about what he might do. I was physically shaking with fear throughout my game against him. He writes in his manifesto that he delighted in watching me suffer in front of him. Immediately after the game, I walked into the hallway outside the playing room and started sobbing in a corner. This was the first time my now-husband saw me cry.

In September 2017, I moved across the country, in part to get far away from Dave. I relocated from Washington, D.C. to Tacoma, WA. Approximately six months later, Dave moved to Seattle, WA, taking up residence less than an hour's drive from my new home. Prior to moving to Seattle, Dave had lived in Virginia for many years. At the time that he moved, he had joint custody of a minor child who also lived in Virginia, which made his move seem all the more strange and alarming to me.

For the next few years, Dave communicated threats to me via third parties that he would make me regret it if I did not agree to talk to him and give him closure about our relationship. An example is the message I received from Steve Pellinen on December 16, 2019 (Attachment A). I received this message more than three and a half years after I had last been in anything resembling a relationship with Dave. By that point, I hoped that Dave had moved on. Instead, Dave's threats and harassment further escalated into his publication of a 164-page manifesto in July 2020. In his manifesto, described in more detail later in this report, Dave details his harassment of me, including his continuous attempts to contact me after I had blocked his communications.

Stalking is "A pattern of behavior directed at a specific person that would cause a reasonable person to fear for the person's safety or the safety of others, or suffer substantial emotional distress."

For years, I have experienced intense emotional distress and feared that Dave will try to hurt or kill me or my husband. I have specifically sought out therapists with specialized training in trauma counseling. I have spent hundreds of hours and thousands of dollars in therapy trying to overcome my fear of Dave. Three different therapists have each independently diagnosed me with Post-Traumatic Stress Disorder. I experience insomnia, nightmares of Dave attacking me, and flashbacks from the time I spent with him. When I see someone who looks like him, I at times become paralyzed by tonic immobility (freezing) and am unable to move.

To protect myself, I have invested substantial money in upgrading my home's security system. I subscribed to a video security surveillance service and replaced an exterior door in our home. I installed a peephole in our front door. Upon learning that Dave wants me and my husband dead and wants to shoot up a tournament, I immediately removed the street addresses for CoCo Scrabble tournaments posted online because I am afraid that Dave will try to physically attack me or other attendees at those events. I quit all social media and refrain as much as possible from posting any personal information or photos of myself online because I fear that Dave or a person sympathetic to his grievances will identify me and commit an act of violence. I knowingly sacrificed income by delaying the launch of a website for my small business because I knew I'd have to publish my name and photo online.

Separate from my own personal experience with Dave, I recently learned that he has harassed and stalked another woman within the Scrabble community. Her name is Lola McKissen. Lola told me that she dated Dave from approximately March through July of 2020. Lola stated in a recent letter to me that after her relationship with Dave ended, "it's been 2 years of me telling

him to leave me alone, and that I do not want to be friends with him. He tries again every couple months.”

In 2020 or 2021, Dave moved to Portland, OR, where Lola also lives. In January 2022, Dave confronted and threatened Lola in person at a Scrabble tournament in New Orleans, LA; more information about his threat to Lola appears in her letter (Attachment B). In her letter, Lola states that she fears Dave will kill her. Like me, she is also in trauma counseling as a result of her fear of Dave.

### **3. Homicidal Statements**

On March 1, 2022, Lola electronically sent me a letter. In her letter, she describes Dave as “unstable” and recounts how he would become angry and fly into a rage. She recounts that when she dated Dave in spring 2020:

“We lived together for 8 horrific weeks. Every night when he got tired he would turn into a whole other person and I’d have to lie there listening for hours and hours while he shouted about how much you and Evans deserved to die and how he would want to carry that out. Sometimes the people who needed to die were the people who must have told lies about him last time he noticed that people don’t like him, in DC. Sometimes it was his mother. Once it was a whole random tournament of Scrabblers he wanted to shoot down, because they didn’t stop you from lying about him or excluding him. At one point, every single person who voted for Trump deserved death. He was never in control of himself during any of this, and would even yell this way at himself in the shower.”

Lola summarizes, “I have listened to at least a hundred hours of insane murder fantasies, and I am not okay.” She concludes by noting, “I’m pretty sure he’s going to kill someone someday.”

Dave’s expressed desire to shoot down a tournament of Scrabble players is particularly concerning given that large Scrabble tournaments have hundreds of people in attendance. These mass events often take place in large, open hotel ballrooms with no security. A mass shooting of the kind that Dave has envisioned would be relatively simple to execute and difficult to prevent.

On March 2, 2022, Lola spoke with me by phone. She recounted that Dave had consistently told her that he wanted to kill my husband by hitting him in the head with a cast iron frying pan. When I noted that Dave had at least not taken active steps to kill me or my husband, she disagreed. Lola had contemporaneous conversations with Dave when he published his manifesto in July 2020. She relayed that Dave’s intent and expectation in publishing his manifesto was that he would so thoroughly humiliate me that I would kill myself.

Harassment is a crime. Among the conduct qualifying as harassment is to “maliciously do any act which is intended to substantially harm the person threatened with respect to his or her

physical or mental health or safety.” Harassers who post threatening messages online, or whose harassment resulted in their target’s suicide, have been convicted of felony harassment and imprisoned for years.

#### **4. Written Threat to Commit Violence**

Dave’s expressions of homicidal ideation are not his only threats of violence. Prior to publication of his manifesto in July 2020, Dave published several explicit posts on Facebook in which he threatened violence against another Scrabble player, Darrell Day. Among his many threats of violence are the following posts, which he publicly posted on Facebook:

“Darrell Day I hope we meet again. I have no desire for intelligent or thoughtful conversation. I just want to beat the living shit out of you.”

“If I bashed your fucking skull in, it would probably improve your brain, and your appearance.”

“After I bash your skull in and leave you bleeding on the ground, I'm gonna diarrhea in your fucking mouth and chop your balls off and stuff them in there too for good measure. And then take pictures and send them to your kids.”

Dave has admitted to authoring this post. He received a formal disciplinary warning from a national Scrabble association for threatening another member of the Scrabble community.

#### **5. Manifesto Disclosing Private Information and Documenting Harassment**

On July 15, 2020, Dave published online a 164-page manifesto (Attachment E) in which he disclosed my private information and documented his own acts of harassment. The manifesto details his perception of events that occurred primarily from 2015 through 2017. He also describes how he believes others have wronged him by causing him to become ostracized.

Dave published his manifesto as a two-part blog series, available online at <https://splenetic.net/>. Around the time when he published his manifesto, he wrote on his personal Facebook page, “I recognize that I am incredibly privileged. I had the financial resources to take a year off of work and better than average writing skills to help me tell my story effectively.”

##### *a. Disclosure of Private Information*

The information that Dave published in his manifesto includes direct reproductions of numerous private communications that I had shared with him under a full and reasonable expectation of privacy. In a Facebook post in July 2020, Dave provided the following justification for his decision to publish my private text messages in his manifesto:

“Several people have given feedback about me including text messages with Jennifer in the appendices. I have heard this feedback, and I thought deeply before I did it. You may feel differently, but let me say a few things about why I felt it was necessary.

The text messages corroborate many things in my story, including my mother's surgery, my flu and mouth sore outbreak, my inability to get games with anyone but Vince. The email exchange with Jennifer also corroborates my sexual dysfunction. I felt it was necessary to give contemporaneous evidence to show that I was not exaggerating any of this for sympathy. November 2016 was truly the worst month of my life, independently from anything happening with Jennifer. In comparison, there is very little personal detail about her contained in those messages.”

Contrary to his description of the information as containing “very little personal detail” about me, the messages that Dave published contain personal information about my location, employment, finances, mental health, political views, alcohol consumption, family, and sex life. He published all of this information without my knowledge or consent. Some people choose to disclose private information about themselves online; I do not. I am a private person who chooses not to use social media or publish personal information about myself, which makes his publication of my personal information all the more distressing.

*b. Harassment*

In his manifesto, Dave documents his own harassment of me. After emailing me on December 16, 2016, promising to not be angry or yell at me, here is how he describes his actual state of mind and his attempts to continue harassing me after I blocked his communications:

“I still wanted to tell her off for what she had done. I wanted to have that one last breakup conversation to create closure, but this time I didn't need to hear anything from her. I just wanted to communicate how unkind she had been in ghosting me and not taking the picture down, and I believed that I could say things in just the right way that would make her cry in front of me. This time I wanted to talk in person, because I wanted to see those tears on her face, and I knew that if we talked on the phone, she would just hang up on me. I also knew that if I asked her again for a meeting, she was highly likely to just continue ghosting me. So I decided I had to give her an incentive to make the meeting happen. I sent her one more email on January 5th, and I copied it to both of her email accounts, just in case she had blocked the one I used previously.”

In the email he sent me on January 5, 2017, he escalates his threats, writing:

“I think it would be best to have this conversation in private, but I no longer have any compunctions about holding back in front of other Scrabble players we know. So if you do not meet with me before New Orleans, I will say what I need to say to you directly to your face across the Scrabble board in the tournament room with all the other players

able to hear. I am almost certain that if that happens you will regret not having had this conversation in private.”

In his Facebook posts promoting publication of his manifesto, Dave writes:

“By the time I had gotten to the New Orleans tournament [in mid-January 2017], I was already in a much calmer place.”

Here is how his manifesto describes that “much calmer place,” as I sat across from him shaking with fear:

“I delighted in watching Jennifer suffer in front of me. She punished herself for her behavior in a better way than I ever could have. I saw it as karmic justice for how much pain she had caused me in the last couple months. But at the same time, I did not do it to her. She did it to herself. She did it by coming to a tournament where she already knew I was going to be, by insisting on not communicating with me prior to the tournament, by avoiding a conversation that would have made things better, by building up so much tension in her own head that just being there with me was such a terrible experience, even though I wasn’t doing anything.”

Back on Facebook, Dave responds to a commenter’s criticism that he is still dismissing his own “truly disturbing behavior,” writing:

“I’m not making light of it. I don’t deny that I handled things poorly and scared Jennifer.”

In one of his last posts about the manifesto in July 2020, Dave summarizes publication of his manifesto as follows:

“I do have toxic aspects of my personality and anger issues ... I exposed to the world the worst emails and text messages I sent at the worst moment in my life. I’m willing to be held accountable for them. I hope you’ll also recognize the bravery and the desire for self-improvement that was inherent in putting them out there.”

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### **Attachments**

- A. Message from Steve Pellinen, dated December 16, 2019
- B. Letter to me from Lola McKissen, transmitted electronically on March 1, 2022
- C. Facebook post published by Dave, threatening Darrell Day, published in 2020
- D. Facebook posts published by Dave acknowledging authorship of his manifesto and defending his decision to publish private information, published in July 2020
- E. Full text of Dave’s manifesto, also available online at <https://splenetic.net/>

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I CERTIFY UNDER PENALTY OF PERJURY UNDER THE LAWS OF THE STATE OF WASHINGTON THAT THE FOREGOING IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE.

EXECUTED ON: March 24, 2022

A handwritten signature in blue ink that reads "Jennifer Clinchy". The signature is written in a cursive style with a long, sweeping underline that extends to the right.

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JENNIFER CLINCHY