

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

3 _____

4 DAVID KOENIG	11 Case No.: 23CV15424
5 Plaintiff	12 DECLARATION OF
6 vs	13 DAVID KOENIG
7 EVANS CLINCHY	14
8 JENNIFER CLINCHY and	15
9 BRIANNA (LOLA) McKISSEN	16
10 Defendants	17

18 _____

19 **EXPLANATORY NOTE**

20 Bates numbers and ranges here refer to wide swaths of documents that have already been served
21 to defendants through Responses to Requests For Production, the contents of which are not
22 relevant to this particular declaration. Documents whose contents are relevant to this declaration
23 are included at the end and are referred to by “Exhibit A”, etc.

24 **DECLARATION**

25 I, David Koenig, declare the following under penalty of perjury:

- 26 1. This declaration sets forth facts as would be admissible in evidence, and I am competent
27 to testify to the matters stated.
- 28 2. I have not intentionally withheld or destroyed any documents relevant to this case. I have
29 done my best to adhere to the rules of discovery as best as I understand them.

- 1 3. I did not have full vision into what had and had not been submitted as evidence for the
2 case until after Marc Mohan withdrew as my attorney on July 28, 2023 and handed over
3 his computer files related to the case to me.
- 4 4. Based on the files and information I received, I believe that Marc Mohan served evidence
5 with Bates #1-391 to defendants Evans and Jennifer Clinchy via Michael Fuller on May
6 22 and 25, 2023.
- 7 5. Based on the files and information I received, I believe that Marc Mohan served evidence
8 with Bates #392-411 to defendants Evans and Jennifer Clinchy via Michael Fuller on
9 June 1st, 2023.
- 10 6. Based on the files and information I received, I believe that Marc Mohan served evidence
11 with Bates #411-417 to defendants Evans and Jennifer Clinchy via Michael Fuller and to
12 defendant McKissen via Ashley L. Vaughn on June 29th, 2023. (Bates #411 was
13 accidentally used twice.)
- 14 7. In summary, Marc Mohan served all of Bates #1-417 to defendants Evans and Jennifer
15 Clinchy, and he confirmed to me on the phone after he had withdrawn from the case that
16 these were the only Bates labeled documents that he served to them.
- 17 8. Ashley L. Vaughn's assistant Emily Chung confirmed to me by email on Monday August
18 7th, 2023 that Marc Mohan had only served them with Bates #411-417.
- 19 9. Acting *pro se*, I served evidence with Bates #1-411 to defendant McKissen via Ashley L.
20 Vaughn on August 8th, 2023.
- 21 10. Acting *pro se*, I served evidence with Bates #418-459 to defendants Evans and Jennifer
22 Clinchy via Michael Fuller and to defendant McKissen via Ashley L. Vaughn on August
23 8th, 2023.

- 1 11. When I first contacted Marc Mohan in April 2023, I shared with him a zipfile containing
2 all of my evidence. Marc Mohan served much but not all of that evidence to the
3 defendants while he was acting as my attorney. Bates #418-427 were all part of that
4 initial set of evidence that I gave him.
- 5 12. In the course of working with Marc Mohan, I continued adding more evidence to later
6 versions of that zipfile as it collected, and I sent him updated versions with additional
7 evidence on numerous occasions, two of those occasions being May 26th, 2023 and June
8 8th, 2023.
- 9 13. On May 26th, 2023, Marc Mohan was cc'ed on my email to NASPA (Exhibit A) which
10 included in the email and the attachments Bates #418-429.
- 11 14. On June 8th, 2023 Marc Mohan was bcc'ed on my email to Mina Le and Wayne Kelly
12 (Exhibit B) which included in the email and the attachments Bates #418-434, 439.
- 13 15. On June 8th, 2023 Michael Fuller sent a letter to Marc Mohan claiming that plaintiff had
14 finished the discovery process. (Exhibit C) I did not then and I do not now agree with
15 Michael Fuller's claim in this letter. While Marc Mohan was still representing me, I
16 repeatedly voiced my dissatisfaction to him that he was only behaving reactively to
17 Michael Fuller's requests and motions and not behaving proactively by seeking out
18 evidence that we were not already in possession of. I asked Marc Mohan to subpoena
19 CoCo, WGPO, and WESPA in addition to NASPA, and he never succeeded in doing any
20 of those things.
- 21 16. On June 16th, 2023 Michael Fuller sent a letter to Marc Mohan falsely accusing me of
22 withholding or destroying relevant documents. (Exhibit D)

1 17. On June 17th, 2023 Marc Mohan emailed me Michael Fuller's letter. I emailed him back
2 the same day, telling him to pass along the email at Exhibit B and all of its attachments.

3 18. Marc Mohan later had a meeting with Michael Fuller, after which he told me on the
4 phone that Michael Fuller was still complaining that we had not shared all of the
5 evidence. On that phone call, I specifically asked him if he had sent along the email at
6 Exhibit B and all of its attachments, and he said that he had not. I then told him for the
7 second time to send the email at Exhibit B and all of its attachments, because I believed
8 that everything Michael Fuller was looking for was there.

9 19. Despite my repeated instructions, both via email and phone, Marc Mohan never
10 submitted the email at Exhibit B and its attachments as evidence.

11 20. On July 6th, 2023 Michael Fuller sent another letter to Marc Mohan, (Exhibit E)
12 repeating the false accusation that I was withholding communications and also claimed
13 that Marc Mohan had confirmed that I had made communications about the lawsuit
14 without Marc Mohan's knowledge.

15 21. Contrary to what Michael Fuller claims Marc Mohan had confirmed, I had done no such
16 thing. I did everything I could to be as above board about all of my communications as
17 possible with Marc Mohan, including making sure that he approved every word of my
18 appeal to NASPA, every word of my new splenetic.net blog post The Scapegoat, and
19 every word of emails that I sent to the Scrabble associations.

20 22. Michael Fuller's July 6th, 2023 letter (Exhibit E) also included an attached email from
21 Terry Kang to Evans and Jennifer Clinchy, (Exhibit F) which Michael Fuller claimed was
22 for attorney's eyes only and could not be shared with me.

- 1 23. On July 7th, 2023 at 2:34 PM, Marc Mohan sent me an email notifying me that he was
2 going to withdraw from my case due to a belief that continuing to work with me would
3 be an ethics violation.
- 4 24. On July 7th, 2023 at 2:36 PM, Marc Mohan emailed Michael Fuller and Ashley Vaughn
5 notifying them that he was required to withdraw from the case. (Exhibit 9 of Jennifer
6 Clinchy's Special Motion To Strike, p. 83)
- 7 25. Marc Mohan had not spoken to me at all about Michael Fuller's July 6th communication
8 (Exhibits E and F) or any of the issues related to it before he sent both of the
9 aforementioned emails of July 7th, 2023.
- 10 26. I spoke to Marc Mohan briefly on the phone later on Friday, July 7th, 2023, during which
11 time he gave me no indication that his withdrawal was related to Terry Kang, but in
12 which he suggested to me that I could be guilty of witness tampering.
- 13 27. Marc Mohan agreed not to withdraw until after we were able to talk in person at the
14 beginning of the following week.
- 15 28. After our phone call, I correctly intuited that the concern that led to Marc's withdrawal
16 was related to a three message Facebook conversation with Terry Kang that she initiated
17 the previous day. (Exhibit G)
- 18 29. I emailed Marc Mohan with the screenshot at Exhibit G and an explanation of what really
19 happened, including that I was sick and cranky when Terry unexpectedly wrote to me that
20 morning, and that I had had no dialog with Terry for a long time prior to that. The last
21 two times we emailed were on July 18, 2022 and September 23, 2022, both well before
22 this case was filed in court. (Exhibit H)

1 30. I have spoken to other lawyers who have agreed with me that any interpretation that the
2 short conversation I had with Terry Kang at Exhibit G constitutes witness tampering or a
3 waiver of attorney-client privilege is absurd.

4 31. When I spoke to Marc Mohan the following week, I convinced him that he was wrong in
5 his initial assessment that he needed to withdraw from my case immediately. However,
6 we both agreed that he was not competent enough to remain my attorney on the case.

7 32. Marc Mohan did not share Michael Fuller's July 6th, 2023 letter and the attached email
8 from Terry Kang (Exhibits E and F) with me until after he had withdrawn from the case
9 and I was representing myself *pro se*.

10 33. On May 25, 2023, Judge Skye signed a Stipulated Protective Order that had already been
11 signed by both Michael Fuller and Marc Mohan.

12 34. Marc Mohan had never notified me of this Stipulated Protective Order in any way. I did
13 not know it was something he was negotiating with Michael Fuller beforehand, and he
14 never shared the document with me afterward nor mentioned it in any of our
15 communications as far as I am aware.

16 35. I first learned about the Stipulated Protective Order from another lawyer who reviewed
17 the public files on the case, while I was considering new representation. I saw the order
18 for the first time on July 16, 2023, when that lawyer emailed it to me.

19 36. I would have strenuously protested Marc Mohan signing that Stipulated Protective Order
20 on the basis of the phrase "personal information and communications that could be used
21 by plaintiff to carry out future acts of predatory behavior or violence." (p.1, l. 26-28) I
22 have never engaged in any acts of predatory behavior or violence, and the defendants'

1 repeated lies that I have done so or am at risk for doing so are the very reason that we are
2 having this case.

3 37. I believe that Marc Mohan represented me incompetently in a number of ways, including

- 4 a. failing to submit evidence that I repeatedly asked him to submit,
- 5 b. lack of awareness of what he had and had not submitted,
- 6 c. failing to take a proactive enough approach to discovery,
- 7 d. failing to properly execute subpoenas,
- 8 e. agreeing to a stipulated protective order with opposing counsel without my
9 consent,
- 10 f. failing to disclose to me a stipulated protective order after he and the judge had
11 signed it,
- 12 g. falling for Michael Fuller's bullying deception that I was doing anything wrong,
- 13 h. and telling both Michael Fuller and Ashley L. Vaughn that he had to withdraw
14 from the case before talking to me about it first.

15 38. I do not know whether Michael Fuller's bullying of Marc Mohan and use of the
16 "Attorney's Eyes Only" designation on Terry Kang's July 6, 2023 email in order to
17 convince Marc Mohan of false things about me behind my back is legal, but I consider it
18 unethical. I will report this entire declaration to the Oregon State Bar to investigate
19 whether either or both Marc Mohan and Michael Fuller have committed any ethics
20 violations and/or malpractice.

21 39. Terry Kang's claim in her email of July 6th, 2023 (Exhibit F) that I lied about my
22 interactions with her and Stefan Rau in the splenetic.net blog is false. (She incorrectly
23 called it "his latest screed on FB," but I assume she meant the blog. All I posted on

1 Facebook was a link to the blog.) Stefan Rau made a statement to me over email
2 confirming the truth of my accounts of those interactions. (Exhibit I)

3 40. In early July 2020, Terry Kang was a pre-publication reader of the first two splenetic.net
4 blog posts, The Crucible and The Fallout. Her email feedback to me at the time (Exhibit
5 J) espouses a very different attitude and perspective about those blog posts than her July
6 6th, 2023 email. (Exhibit F)

7

8 August 10th, 2023.

9

/s/ David Koenig

10

11

12

13

14

Plaintiff, representing *pro se*

PROOF OF SERVICE

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26

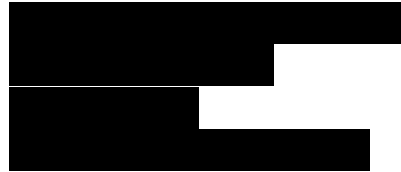
I certify that I caused this document to be served via e-mail on:

Defendants Jennifer and Evans Clinchy
% Atty: Michael Fuller
Olsen Daines
US Bancorp Tower
111 SW 5th Ave., Suite 3150
Portland, Oregon 97204
michael@underdoglawyer.com

Defendant BriAnna (Lola) McKissen
% Atty: Ashley L. Vaughn
Dumas & Vaughn
3835 NE Hancock St., Suite GLB
Portland, Oregon 97212
Ashley@DumasandVaughn.com

August 10th, 2023.

/s/ David Koenig

A large black rectangular redaction box covers the signature area, obscuring the name and any handwritten notes or dates.

Plaintiff, representing *pro se*



000428

Dave Koenig [redacted]

Executive Committee appeal for September 2022 decision

Dave Koenig [redacted] Fri, May 26, 2023 at 12:32 PM
To: NASPA Information <info@scrabbleplayers.org>
Cc: Marc Mohan <marc@veritelawcompany.com>
Bcc: cesar del solar [redacted], scottappel [redacted], augustine adda [redacted]

Dear NASPA Executive Committee,

Attached to this email is my appeal for the September 2022 decision of the Advisory Board to suspend me, a statement on my behalf by Scott Appel, and a link to a zip file which includes the full history of my communication relevant to the case.

Please be advised that Clifford Davidson is no longer representing me. I am now being represented by Marc Mohan, who can be reached at marc@veritelawcompany.com

Sincerely,
David Koenig

[Supporting Documents for NASPA.zip](#)

2 attachments

NASPA EC Appeal.pdf
893K

Statement from Scott Appel.pdf
35K

Exhibit A



Dave Koenig 000439

David Koenig's status in international Scrabble, including the upcoming WESPA Championship

Dave Koenig Thu, Jun 8, 2023 at 10:35 AM
To: Mina Le Wayne Kelly
Bcc: Marc Mohan <marc@veritelawcompany.com>

Dear WESPA Executive Committee and ABSP Committee,

The unfortunate reason that I am writing to you is because of wrongful treatment of me by the leadership of NASPA. I have been suspended for three years from tournament play by NASPA. An intellectually honest investigation of how that came to be can only reach one conclusion: not only that I have done nothing wrong, but also that many people in North American Scrabble leadership have done massive things wrong and are trying to avoid accountability for it and put the blame on me.

On May 26, 2023, I submitted the attached appeal document to NASPA and the attached statement of support from Scott Appel. I also included a folder of supporting documents with all of the past history of communication relevant to the case. The "Supporting Documents" folder that I am sending you has the exact same contents except that it has a few additional emails from May 26 onward between NASPA, my lawyer, and me.

My impression of the recent communications is that NASPA is attempting to avoid dealing with this until after the upcoming WESPA Championship, possibly both in order to delay them being held accountable for their actions and to prevent me from being able to play in the tournament. I am also concerned because NASPA has contacted WESPA about my suspension, which could interfere with my ability to play in tournaments outside of North America.

My hope is that both WESPA and ABSP will thoroughly review this case and come to the natural conclusion that there is nothing legitimate in this decision against me and refuse to respect and reciprocate it for tournaments outside of North America.

I am also curious whether WESPA and/or ABSP can do anything to help me play in the upcoming WESPA Championship, or at least to hold NASPA to account for their mishandling of my situation.

I appreciate whatever help you can give me.

Sincerely,
David Koenig

Supporting Documents.zip

2 attachments

NASPA EC Appeal.pdf
893K

Statement from Scott Appel.pdf
35K

Exhibit B

000463



June 8, 2023

David Koenig
c/o attorney Marc Mohan
1525 SE 22nd Avenue
Portland, Oregon 97214
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

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

Exhibit C

000464



June 16, 2023

David Koenig
c/o attorney Marc Mohan
1525 SE 22nd Avenue
Portland, Oregon 97214
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

Exhibit D

000458



July 6, 2023

David Koenig
c/o attorney Marc Mohan
1525 SE 22nd Avenue
Portland, Oregon 97214
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

Exhibit E

000459



Evans Clinchy [REDACTED]

The Verboten Subject

Terry Kang Rau [REDACTED] Thu, Jul 6, 2023 at 10:23 AM
To: Jennifer Clinchy <jennifer@cocoscrabble.org>, Evans Clinchy [REDACTED]

Hi guys:

Hope all is well. I just wanted to say for the record, in case you happened to see his latest screed on FB, that Koenig flat-out lied about me and Stefan being on his side and telling him we agreed with his assessment of you and CoCo. Basically anytime we are mentioned, he literally made up things we never said. We listened to him, and that is all.

He sent me a message just now telling me that he thinks I am "completely disgusting" for continuing to run CoCo tourneys when he has clearly proven how awful your behavior was. In response to an earlier message from him, I'd told him the best thing he could do was drop the lawsuit because he has little chance of prevailing, and he claims he spoke to multiple lawyers who told him he has a very strong case. Ugh.

Anyway, I promise that is the last I will say about him..Just wanted to make sure you knew we had never said those things to him.

TK

Exhibit F



Terry Kang

000457

Jul 6, 2023, 8:10 AM

Hey Dave. I've been wanting to say this to you for a while, but didn't know if you'd be open to it, and frankly nervous about your reaction. I realize how awful everything has been for you, but I strongly advise you to drop the lawsuit. For one, I think you'll have very little chance of prevailing, and it'll only further alienate you from the community. From experience, I can tell you that being in litigation is ten times more emotionally draining and stressful than you can imagine. I'm only trying to save you more distress. I really do wish you the best, and hope things get better for you.



Jul 6, 2023, 9:53 AM

You're completely wrong, Terry. It was way worse enduring this bullying and not being able to stand up for myself. On what basis do you think I have little chance of prevailing? Multiple lawyers have reviewed my case and deemed that I have a very strong case.

I'm frankly disgusted by you continuing to run a tournament under CoCo after I showed you how awful their behavior was.





Dave Koenig [REDACTED] 000452

Request for Response to Incident Report

Dave Koenig [REDACTED] Mon, Jul 18, 2022 at 12:04 PM
To: Terry Kang Rau [REDACTED]

Here's the initial email I received from NASPA with all the statements attached.

I will also add you as a viewer to a couple of Google Docs I have written that are the beginnings of my defense. I'm not going to submit anything to NASPA until I have it reviewed by a lawyer.

Sincerely,
Dave

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

From: <judith.cole@scrabbleplayers.org>
Date: Thu, Apr 14, 2022 at 4:48 PM
Subject: Incident Report
To: [REDACTED]
Cc: <ab@scrabbleplayers.org>, NASPA Info <info@scrabbleplayers.org>

Hi Dave,

The NASPA Executive Committee has received an incident report from Steve Pellinen as detailed in the attached documents – the KoenigNotification document contains Steve’s statement and overview. The other documents contain statements from Jennifer Clinchy, Evans Clinchy, and Lola McKissen.

We have referred the incident to the NASPA Advisory Board in its capacity as a general disciplinary body for association members.

We want to give you the opportunity to respond to the allegations and ask that you do so within 10 days if possible.

You can find the NASPA Code of Conduct here - http://www.scrabbleplayers.org/w/Code_of_Conduct

On behalf of NASPA,

Exhibit H

8/7/23, 11:15 PM

Gmail - Request for Response to Incident Report

Remove Watermark Wondershare PDFelement

Judy Cole

000453

Judith.cole@scrabbleplayers.org

5 attachments






-  **Statement from Evans Clinchy.pdf**
39K
-  **LolaToWooglesandWGPO.pdf**
56K
-  **KoenigNotification.pdf**
49K
-  **J. Clinchy - Statement.pdf**
198K
-  **J. Clinchy - Attachments.pdf**
9668K

Exhibit H

000454
Dave Koenig [REDACTED]

Request for Response to Incident Report

Terry Kang Rau [REDACTED]

Mon, Jul 18, 2022 at 2:38 PM

To: Dave Koenig [REDACTED]

A couple immediate thoughts: I find Lola's behavior to you post-SLC to be confounding. If she was that terrified of you, why would she continue contact? The "hundreds" of hours of rants seemed like a stretch. If she found it unbearable to listen to, why did she allow it to continue? Why did she drive with you back to Portland? Is she alleging something analagous to Stockholm Syndrome?

You know very well that I am friends with Jennifer and Evans, but I also consider you a friend. You have never wronged me, though I have to admit, I was not fair to you in my Facebook post criticizing you. Sometimes, we all let our tempers get the best of us, and I regret having posted that publicly.

When Shelley betrayed me, I expressed the hope that she would get run over by a mack truck. That is a sentiment that I've shared with a few who I consider close friends. My wishing her death in a moment of feeling extreme hurt and betrayal should not be interpreted as my being a threat to her. I can see why, in the context of an intimate relationship with Lola, you felt you could vent about Jennifer and Evans. If I were Lola, the solution would have been simple: the second I felt uncomfortable, I would have said, "Listening to this makes me scared. Please stop." Instead, she let you, in her words, rant for hundreds of hours? That's hard to believe or understand.

[Quoted text hidden]

Exhibit H



000455

Dave Koenig [REDACTED]

Request for Response to Incident Report

Dave Koenig [REDACTED]
To: Terry Kang Rau [REDACTED]

Mon, Jul 18, 2022 at 2:42 PM

Thank you for reading and giving me your feedback.

Thank you especially for what you said about criticizing me on Facebook. It means a lot that you said it, and I forgive you.

Cheers,
Dave
[Quoted text hidden]

Exhibit H



000456

Dave Koenig [REDACTED]

AB fuck-ups

Terry Kang Rau [REDACTED]
To: Dave Koenig [REDACTED]

Fri, Sep 23, 2022 at 7:28 PM

Dave:

I'm sorry to hear about your suspension. I know words are hollow sometimes, but I think the decision was wrong, and the length of the suspension ludicrous, especially considering Sam K got only one year for allegedly attempting to rape multiple women.

If there's anything I can do, please let me know. Just know that you are in my thoughts.

TK

Exhibit H



000447

Dave Koenig [REDACTED]

(no subject)

Stefan Rau [REDACTED]
To: "Koenig, David" [REDACTED]

Mon, Aug 7, 2023 at 3:25 PM

All parts of the four blog posts that David Koenig has posted on splenetic.net (The Crucible, The Fallout, The Scapegoat, and The Conspiracy, along with the linked documents) which mention me or which I have direct knowledge of are true. As far as I know, David's recounting of the story has been honest and accurate.

Sincerely,
Stefan Rau

Exhibit I

**Exhibit J**

Dave Koenig [REDACTED]

Re: Part II: The Fallout, appendix - Invitation to view

4 messages

Terry Kang Rau [REDACTED]

Sat, Jul 11, 2020 at 5:23 PM

To: "Dave Koenig (via Google Docs)" [REDACTED]

Hi Dave:

I just read this. I don't know if you were looking for specific feedback, but my reaction is as follows. I believe you erred in your initial attempts to reach out to Jenn and get "closure." It seemed to me that she had already moved on from you, and that she had already set her sights on Evans. Your asking her to talk about it came across as your feeling that she somehow needed your blessing to embark on her relationship with Evans when she herself was not interested in hearing what you had to say on the matter. I do think it was cold and thoughtless on her part, and her choosing to simply ignore you made things escalate and exacerbated your bad feelings and understandable frustration.

Your last email to her before New Orleans, though, was a mistake. It certainly came across as a threat. If I had been in Jenn's position, however, it would have made me realize that you were writing mainly out of annoyance at being ignored. I would have called you and hashed things out instead of letting them fester further. Knowing what little I do of Jenn, however, I am not surprised at her reaction. She has always struck me as sort of hypersensitive and prickly, and she chose to assume the worst of your intentions. If she had just given you a pass on how your email came across and instead had simply spoken to you, this would have all boiled over.

So, there were mistakes made on both sides. I think she was overly emotional and defensive, and expecting the worst by the time you met face to face in New Orleans. I mean, she'd known you for several years. She should have realized that you weren't menacing or actually threatening to her, and that you weren't going to cause a big scene in front of everybody. For whatever reason, though, she felt threatened by you. When she and Evans saw your demeanor at the actual tourney, they should have realized that you were not going to do anything bad.

When you sent your mea culpa letter to Jenn, that should have ended the bad feelings and drama. I see no reason she shouldn't have just accepted your explanation of your then-state of mind, and just said okay, it's over, let's all be civil again. Instead, she and Evans continued to hold this grudge and actively hate you. Instead of focusing only on her belief that she had been mistreated and threatened by you, she should have realized that she had also caused you a lot of pain.

I don't understand why they both still feel this strongly against you three years later. When I had my breakdown in 2010 after Venice, Evans reached out to me and tried to help. I don't believe he realized what an incredibly fragile state I was in. Anyway, he wrote me this long email in which he started off saying he wasn't interested in hearing any apologies from me. I reacted very badly to this email, not realizing that his last paragraph said something like, "If I'm coming across as being tough on you, it's only because I love you and want to see you get better." So, instead focusing on the first few paragraphs, which were a little harsh, I wrote back to Evans, saying some of the most awful things I believe I have ever said to anyone. Every other word was an expletive -- I called him a "ugly, chinless fuck" -- and I told him I never wanted to speak to him again. Instead of fighting back, he sent me a final email, simply repeating that he just wanted me to get better.

000460

I tell you this because the Evans I know doesn't hold grudges. He initially unfriended me on Facebook, and he didn't speak to me the first time that we were face to face again, but within a few months, he had refriended me, and within a few more months, we were back to being friends. That Evans doesn't jibe with the way he has been towards you. I wish my words had enough weight with either of them where I could say, hey guys, enough is enough. Dave is a good guy. Can't you just all forgive one another and move on? As you said, you had known Evans for fifteen years before this whole drama started. How he can judge you just from that brief time before New Orleans doesn't make sense to me.


I hope they will come around in time. What I do believe strongly about, however, is that your intention to post what you wrote publicly would make things much worse than they already are. So, I think you have to ask yourself what your true motivation in publishing would be. Is it to have third parties understand your take on what happened? Is it to "punish" Jenn and Evans? I just don't see how any good can come of it. If Jenn's big fear was being publicly attacked by you, that is exactly how she will perceive this.

Anyway, that's my feeling on the matter. I'm sure I am not the only one who wishes Jenn and Evans could just move on.

-Terry

On Saturday, July 11, 2020, 05:30:45 PM EDT, Dave Koenig (via Google Docs) [redacted] wrote:

[redacted] has invited you to **view** the following document:

 [Part II: The Fallout, appendix](#)

[Open in Docs](#)

Google Docs: Create and edit documents online.

Google LLC, [1600 Amphitheatre Parkway, Mountain View, CA 94043, USA](#)

You have received this email because davidewkoenig@gmail.com shared a document with you from Google Docs.



Dave Koenig [redacted]
To: Terry Kang Rau [redacted]

Sat, Jul 11, 2020 at 5:30 PM

Terry,

I love your feedback. Thank you.

Exhibit J

000461

The status quo is not acceptable to me. I can't wait for the slim possibility that they will eventually change their attitudes. I am being denied the possibility of playing Scrabble and being mistreated by other Scrabble players. My hope is to transform my relationship with those other Scrabble players, not with Jennifer and Evans.

Love,
Dave

[Quoted text hidden]

Dave Koenig [REDACTED]

Sat, Jul 11, 2020 at 5:42 PM

To: Terry Kang Rau [REDACTED]

Another aspect of it is that I have been suffering a deep social cost for the last three and half on account of their mistakes, not on account of mine. Whatever it is people think I did is far worse than the emails I actually sent.

I need to change the dynamic so that they pay the social cost, not me. If that means that I also pay the social cost for my own mistakes, so be it. I would much rather have people judge me for what I actually did than for what they falsely believe I did.

Love,
Dave

[Quoted text hidden]

Dave Koenig [REDACTED]

Sat, Jul 11, 2020 at 5:43 PM

To: Terry Kang Rau [REDACTED]

Eek! Bad editing job in the last email. I fixed it below.

Another aspect of it is that I have been suffering a deep social cost for the last three and half years on account of their mistakes, not on account of mine. Whatever it is people think I did is far worse than the emails I actually sent.

I need to change the dynamic so that they pay the social cost for their own actions, not me. If that means that I also pay the social cost for my own mistakes, so be it. I would much rather have people judge me for what I actually did than for what they falsely believe I did.

Love,
Dave

[Quoted text hidden]

Exhibit J

000462