

Response to complaint #536563

Super Dungeon is a board game created by Soda Pop Miniatures LLC, and designed and published by its sister company Ninja Division Publishing LLC.

In 2015 Ninja Division Publishing, under license from Soda Pop Miniatures, ran a crowdfunding campaign on the Kickstarter platform to fund a new edition of the Super Dungeon board game. The campaign raised \$1,290,522 through pledges by 6,611 backers. The project had an estimated completion date of December 2016. As of the date of this letter, this project's completion is currently delayed while we continue final development of some components and actively seek additional funding in order to complete the project.

We have every intention to complete the project and fulfill the promised rewards.

## **Kickstarter**

### **What is Kickstarter?**

Kickstarter is a platform to fund projects that may not have been possible through traditional funding methods.

“Kickstarter [PBC](#) is a funding platform for creative projects. Everything from films, games, and music to art, design, and technology.[\[1\]](#)”

“Backers that support a project on Kickstarter get an inside look at the creative process, and help that project come to life. They also get to choose from a variety of unique rewards offered by the project creator. Rewards vary from project to project, but often include a copy of what is being produced (CD, DVD, book, etc.) or an experience unique to the project. Project creators keep 100% ownership of their work, and Kickstarter cannot be used to offer equity, financial returns, or to solicit loans.[\[2\]](#)”

### **What was the Super Dungeon Legends Kickstarter?**

The Super Dungeon Kickstarter was launched to fund the development and creation of three groups of new products.[\[3\]](#)

1. A refresh of the existing Super Dungeon board game with a “2nd Edition,” designed to improve the game play.
2. A large format expansion, called Super Dungeon Legends, that introduces roleplaying elements to the core game.
3. A line of small expansions, designed to supplement gameplay and add variety.

The Kickstarter proved an overwhelming success, raised \$1,290,522 through pledges by 6,611 backers, with an estimated completion of December 2016.

### **Our Obligation**

Once the Kickstarter successfully funded Kickstarter's Terms of Use define our obligations as quoted below:

“When a project is successfully funded, the creator must complete the project and fulfill each reward. Once a creator has done so, they've satisfied their obligation to their backers.

Throughout the process, creators owe their backers a high standard of effort, honest communication, and a dedication to bringing the project to life. At the same time, backers must understand that when they back a project, they're helping to create something new — not ordering something that already exists. There may be changes or delays, and there's a chance something could happen that prevents the creator from being able to finish the project as promised. [\[4. Terms of Use Section 4\]](#)”

## **Complaints and Fulfillment**

The central issue in the complaint(s) filed against us is that the Kickstarter is now almost two years delayed and some backers are concerned that they will not receive their rewards. We remain 100% fully committed to doing everything in our power to fulfill our obligation despite the delays and hurdles we have encountered.

### **Delay**

One of the central assumptions of the complaint(s) filed is that Kickstarter is a “preorder” for a product. This is not the case. As cited in the Kickstarter terms above “backers must understand that when they back a project, they're helping to create something new — not ordering something that already exists. There may be changes or delays”

### *Product Testing*

As part of this creative process we involved backers in a public “beta” test of the rules for the products included in the Kickstarter. This involved periodic posting of rules in development, which allowed backers to play the game using the rules and provide feedback.

After months of testing, feedback to the revised 2nd Edition product was lukewarm at best. This led us to make the decision to scrap the existing rules and begin anew from scratch. Our reasoning being that part of funding through Kickstarter was that this was a creative process, and our backers desired adjustments to the product to better fit their expectations. So in the mutual interest of creating a more satisfying end result we began again. This decision was explained in detail in an update to backers, and was widely well received and considered as a positive development, even though such a decision would incur delays. [\[5\]](#)

Unfortunately, we did not fully realise the complete ramifications and ripple effects of this decision.

### *Project Changes*

Through continued development of the 2nd Edition product, it became apparent that changes to the project were required.

1. The 2nd Edition product which was intended to be a single boxed game with only incremental changes would need to be broken out into three distinct products: Super Dungeon Explore, Super Dungeon Arcade, Super Dungeon Pet Parade.
2. The Super Dungeon Legends expansion could not meet quality expectations as an expansion and was turned into a standalone product. Requiring further significant development.

3. The smaller single expansions would all require complete redevelopment to be useable as part of new changes for the above products.

These changes were decided upon as part of the ongoing development process for the project and to satisfy both company and backer expectations of quality. However, they also increased development time, development costs, manufacturing costs, and future shipping costs. All of which we absorbed, at no additional cost to backers. These changes were communicated to backers via an update. [\[6\]](#)

As an apology for the delays and changes we provided backers with additional rewards, including a new deluxe model and new cards increasing their gameplay options. Like the changes to the products this incurred additional costs to us as well as increased development time. [\[7\]](#)

### *Health Issues*

In March 2017, Dietrich Stella the lead designer for Super Dungeon, developed heart problems. This led to a 911 call, multiple ER visits, and a hospital stay. It also led to approximately 6 months limited work ability while seeking treatment. While this delay was not initially made public, in an effort to preserve privacy, it was eventually discussed in the Kickstarter comments [\[8\]](#) and in a video Q&A in the interest of full transparency. [\[9\]](#)

Realizing we had lost more time and needing additional hands we hired a new designer Justin Gibbs in August of 2017 to help continue Super Dungeon's development.

### **Finances**

While the crowdfunding campaign successfully raised funds towards the project's creations, delays and the project's increase in scope from changes lead to serious cash flow issues within the company which we continue to battle in an attempt to fulfill our obligation.

### *Initial Funding*

The initial funds raised for the Kickstarter were collected at the end of 2015.

- **Funds Raised:** \$1,277,204 (approximately \$13,318 of pledges bounced)
- **Total Fees:** -\$103,386 (These include Kickstarter and payment processing fees.)
- **Project Expenses:** -\$485,679 (This includes license fees, marketing, outside art, sculpting, writing, etc.)
- **Refunds:** -\$53,441.00
- **Annual Overhead:** -\$343,559 (This includes payroll, facilities leasing, and additional overhead.)

Initial Funding was able to cover initial development as well as the company's annual overhead for the end of 2015 and all of 2016. However, the project changes and additional development required (as outlined above) required us to use remaining funds towards our annual overhead for 2017, essentially exhausting the funds earned from Kickstarter. While also not being able to bring the product to market for 2017 retail sales.

With a significant amount of the project's development complete, the majority of production was expected to begin in November 2017, which we communicated with backers via an update. [\[10\]](#) The products that we were able to complete development of during 2016 - 2017 were shown in an update to backers in early 2018. [\[11\]](#) Unfortunately, the funds we anticipated to have in place in order to begin manufacturing did not materialize.

### *Required Funds to Complete Project*

With the Kickstarter funds expended it was upon us to be able to self fund the necessary cash needed to complete the project. The remaining estimates for completion of the project are shown below.

- **Manufacturing:** \$490,592.00
- **Shipping:** \$238,000.00
- **Remaining Development:** \$17,400

Raising the funds needed was attempted (and continues to be attempted) through profits of non-Super Dungeon projects as well as outside investor funding.

To date we have still not been able to secure funding for the approximately \$750,000 needed to complete the project. However, we continue to work diligently in an attempt to find the funds.

### *Financial Disclosure*

As a privately held LLC, financial details of the project have, to date, remained private in order to prevent a “run on the bank” scenario for refund requests from backers; to not jeopardize potential investment opportunities; or to erode existing partners’ confidence in the company. (Partners and investors in need-to-know situations are, of course, made aware.)

Kickstarter does require a financial disclosure in their terms and conditions under the following requirements:

“If a creator is unable to complete their project and fulfill rewards, they’ve failed to live up to the basic obligations of this agreement. To right this, they must make every reasonable effort to find another way of bringing the project to the best possible conclusion for backers. A creator in this position has only remedied the situation and met their obligations to backers if:

- they post an update that explains what work has been done, how funds were used, and what prevents them from finishing the project as planned;”[\[12.Terms of Use Section 4\]](#)

At this time, we are still actively “making every reasonable effort to find another way of bringing the project to the best possible conclusion” — which is complete fulfillment of all rewards.

## **Project Future**

We continue to work towards bringing this project to fruition. However, we continue to have multiple hurdles that we are overcoming.

### **Cashflows**

Super Dungeon is the company’s primary income source. With the delays and inability to manufacture, we have seen a steady decline in our sales and cashflows. This has led to a company relocation to a smaller facility, layoffs, furloughs, and inventory liquidation. Despite the picture painted by some complaints that our owners have “taken the money and run”; our owners have been especially hard hit, selling their homes, draining savings accounts, and going months with reduced, or no salaries all in an attempt to reduce our overhead and free up cash and move the project forward.

### **Outward Communication**

We have always strived to present open communication with our backers. We have posted 132 updates to our Kickstarter. We also have a dedicated customer support representative who answers emails, engages on social media, and communicates directly with backers in the Kickstarter comments sections.

However, as the delay drags on, communication from a small group of backers has become increasingly vocal and hostile. We have been accused of being liars, had threats made to our homes and families, had campaigns actively targeting our other projects in an attempt to make them fail, as well as targeted social media campaigns against us.

During 2018 the actions of these hostile backers has become increasingly rampant including actively rating products as poor to damage the company's sales, letter campaigns to the BBB and to our partners, creating false social media accounts using our names to spread misinformation, and now filing complaints to the AGs office. The sum total of this has added to our cashflow burdens, mired us in a seemingly never ending cycle of rebutting misinformation and disputing complaints, and severely reduced company morale. If necessary, documentation of all of these items can be provided.

While we certainly understand and feel that frustration in the delays is justified, the constant hostility led us to make a decision in June to pull back from our regular Kickstarter updates. Our new policy is that once we have concrete information regarding production and fulfillment we will post an update on it. Anything else appears to only stir the hornet's nest and invite further hostilities.

### **Remaining Options**

Despite the above issues, we continue to doggedly pursue any and all avenues we can to fulfill our obligation. Currently, we have a few options we are pursuing:

- We are in discussion with multiple companies about an acquisition of our studio. This includes assistance in fulfilling our obligations.
- We are currently working with our manufacturing partner to produce Super Dungeon Arcade on credit. While this is single product from the Kickstarter, it is considered a core product that has the potential to jump start sales of our other existing products in the marketplace.
- Should one of our acquisition options fail to come through, or the Super Dungeon Arcade printing proves a success, our manufacturer has expressed interest in working further with us on additional products from the Kickstarter to slowly roll out production and meet our obligations.

If documentation of these discussions is required we are happy to provide them.

### **Conclusion**

We understand backers' frustration in the delay. While it has held up the delivery of \$50-300 in rewards to any given backer, the cost of the delay to the company and the people who have worked tirelessly towards its creation has been millions of dollars in lost revenues, lost jobs, and future opportunity. This is in no way a result we would have intentionally caused, nor is one that we have arrived at through a breach of our Kickstarter obligation.

We have worked diligently and in good faith to bring the project to its best possible conclusion, and we continue to do so.

Thank you for your time in considering our response to the filed complaint. If you require any additional documentation or clarification please do not hesitate to contact us.

Sincerely,

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Owners  
Soda Pop Miniatures LLC

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[1] What is Kickstarter?

<https://help.kickstarter.com/hc/en-us/articles/115004996453-What-is-Kickstarter->

[2] What do backers get in return?

<https://help.kickstarter.com/hc/en-us/articles/115005047953-What-do-backers-get-in-return->

[3] Super Dungeon Legends Campaign Page

<https://www.kickstarter.com/projects/sodapopminiatures/super-dungeon-explore-legends?ref=discovery&term=super%20dungeon>

[4] Kickstarter Terms of Use

<https://www.kickstarter.com/terms-of-use?ref=global-footer>

[5] Super Dungeon Legends Kickstarter Update #40

<https://www.kickstarter.com/projects/sodapopminiatures/super-dungeon-explore-legends/posts/1542453>

[6] Super Dungeon Legends Kickstarter Update #90

<https://www.kickstarter.com/projects/sodapopminiatures/super-dungeon-explore-legends/posts/1896066>

[7] Super Dungeon Legends Kickstarter Update #72

<https://www.kickstarter.com/projects/sodapopminiatures/super-dungeon-explore-legends/posts/1793585>

[8] Super Dungeon Legends Kickstarter Update #98 - Comments Section

<https://www.kickstarter.com/projects/sodapopminiatures/super-dungeon-explore-legends/posts/1949517>

[9] Super Dungeon Legends Livestream

<https://www.kickstarter.com/projects/sodapopminiatures/super-dungeon-explore-legends/posts/2018841>

[10] Super Dungeon Legends Kickstarter Update #107

<https://www.kickstarter.com/projects/sodapopminiatures/super-dungeon-explore-legends/posts/2002230>

[11] Super Dungeon Legends Kickstarter Update #122

<https://www.kickstarter.com/projects/sodapopminiatures/super-dungeon-explore-legends/posts/2125440>

[12] Kickstarter Terms of Use

<https://www.kickstarter.com/terms-of-use?ref=global-footer>