

Cause No. 141-307474-19

VICTOR MIGNOGNA,

Plaintiff,

v.

**FUNIMATION PRODUCTIONS, LLC,
JAMIE MARCHI, MONICA RIAL, and
RONALD TOYE,**

Defendants.

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IN THE DISTRICT COURT OF

141ST JUDICIAL DISTRICT

TARRANT COUNTY, TEXAS

**DEFENDANT FUNIMATION PRODUCTIONS, LLC'S
MOTION FOR REASONABLE ATTORNEY'S FEES, COSTS AND SANCTIONS**

Under Texas Citizens Participation Act (“TCPA”) section 27.009, Funimation is entitled to recover its attorney’s fees and costs from Plaintiff Vic Mignogna. *See Sullivan v. Abraham*, 488 S.W.3d 294, 299 (Tex. 2016) (“[T]he TCPA requires an award of reasonable attorney’s fees to the successful movant.”). The same is true of sanctions. *See Kinney v. BCG Attorney Search, Inc.*, No. 03-12-00579-CV, 2014 WL 1432012, at *11 (Tex. App–Austin Apr. 11, 2014, pet. denied).

As set forth below, Funimation requests that the Court award Funimation attorney’s fees in the amount of \$168,941 and court costs and additional expenses in the amount of \$7,504. Funimation further requests that the Court award Funimation conditional appellate fees for any unsuccessful appeal or petition for review filed by Plaintiff in the amounts set out below. Finally, Funimation requests that the Court sanction Plaintiff Vic Mignogna at least \$25,000 to deter him from filing similar lawsuits in the future.

I. EVIDENCE

Exhibit No.	Name
1	Affidavit of John Volney
A	John Volney’s Resumé
B	Christian A. Orozco’s Resumé
C	LPCH Invoices
D	Summary Chart of Invoices
E	Invoices for Expenses/Costs
F	Transcript of Excerpts from YouTube Livestream - October 4, 2019
G	Screenshot from YouTube Livestream
2	Excerpts from Deposition of Vic Mignogna

II. THE COURT SHOULD AWARD FUNIMATION REASONABLE FEES AND COSTS.

Section 27.009(a) of the Texas Civil Practice & Remedies Code provides that the “court shall award to the moving party:

(1) court costs, reasonable attorney’s fees and other expenses incurred in defending against the legal action as justice and equity may require[.]”

The Texas Supreme Court has construed this provision to mean that “the TCPA requires an award of “reasonable attorney’s fees’ to the successful movant. A ‘reasonable’ attorney’s fee ‘is one that is not excessive or extreme, but rather moderate or fair.’” *See Sullivan v. Abraham*, 488 S.W.3d 294, 299 (Tex. 2016) (citing *Garcia v. Gomez*, 319 S.W. 3d 638, 642 (Tex. 2010)).

Counsel for Funimation John Volney provides the necessary evidence to support Funimation’s request for reasonable attorney’s fees and costs in his attached affidavit. In doing so, Volney follows the framework for proving attorney’s fees from the recent Texas Supreme Court case *Rohrmoos Venture v. UTSW DVA Healthcare, LLP*, 578 S.W.3d 469 (Tex. 2019). *See* Ex. 1 (Volney Aff. ¶¶ 14-24). Volney also considers the “Anderson factors,” which are taken from the case of *Arthur Anderson v. Perry Equipment, Co.*, 945 S.W.2d 812, 818 (Tex. 1997).¹ *See* Ex. 1 (Volney Aff. ¶¶ 25-33). And

¹ Those factors are as follows:

Volney reviews his firm's invoices on a month-by-month basis to assess the reasonableness of the tasks performed and to make discretionary billing adjustments. Ex. 1 (Volney Aff. ¶¶ 34-38).

In sum, Funimation seeks an award of the following reasonable attorney's fees already incurred in defending against the legal action brought by Plaintiff and that will be incurred in the event of an unsuccessful appeal or petition for review:

Description	Amount
Attorney's Fees Already Incurred	\$168,941
Conditional Attorney's Fees for Appeal	\$50,000
Conditional Attorney's Fees for Petition for Review	\$25,000
Conditional Attorney's Fees if Petition Granted	\$25,000

A. Funimation's base calculation of fees incurred is presumptively reasonable

Funimation's attorney's fees are presumptively reasonable because they are derived from the hours that Funimation's counsel and paralegal spent multiplied by their hourly rates. *See Rohrmoos Venture*, 578 S.W.3d at 497 ("Time x Rate = Presumptively Reasonable"). To establish the base calculation, Funimation must prove "(1) particular services performed, (2) who performed those services, (3) approximately when the services were performed, (4) the reasonable amount of time required to perform the services, and (5) the reasonable hourly rate for each person performing such services." *Id.* at 498.

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- (1) the time and labor required, the novelty and difficulty of the questions involved, and the skill required to perform the legal service properly;
 - (2) the likelihood that the acceptance of the particular employment will preclude other employment by they lawyer;
 - (3) the fee customarily charged in the locality for similar legal services;
 - (4) the amount involved and the results obtained;
 - (5) the time limitations imposed by the client or by the circumstances;
 - (6) the nature and length of the professional relationship with the client;
 - (7) the experience, reputation, and ability of the lawyer or lawyers performing the services; and
 - (8) whether the fee is fixed or contingent on results obtained or uncertainty of collection before the legal services have been rendered.

See Arthur Anderson, 945 S.W.2d at 818.

These elements are contained in LPCH's redacted invoices, which are attached as Exhibit C to John Volney's affidavit. The invoices show (1) what services were performed in defending Mignogna's lawsuit; (2) which LPCH team member performed each task; (3) the dates when the services were performed; (4) the reasonable amount of time employed for each task; and (5) the reasonable hourly rate for each LPCH team member. Ex. 1 (Volney Aff. ¶¶ 15-24).

As further explained in his affidavit, John Volney reviewed the invoices prepared by LPCH and made necessary adjustments to reflect billing judgment and discretion. In doing so, he adjusted or excluded certain time entries where the time spent appeared to be more than that required for the task, where the time spent may have been duplicative, or where the time spent may not have been strictly necessary for Funimation to prevail on its TCPA motion and to seek recovery of its reasonable attorney's fees, costs and sanctions. Ex. 1 (Volney Aff. at ¶¶ 34-38). After applying billing judgment, the amount sought by Funimation for attorney's fees already incurred is approximately 85% of the total fees incurred by Funimation since the inception of the lawsuit through the end of October 2019. Ex. 1 (Volney Aff. ¶¶ 35-36).

B. The *Anderson* factors warrant maintaining the base calculation

The Court should look to the following *Anderson* factors to determine whether to enhance or maintain Funimation's base calculation, including:

1. "the time and labor required," "the novelty and difficulty of the questions involved," "the skill required to perform the legal service properly,"
2. "the fee customarily charged in the locality for similar legal services,"
3. "the amount involved," "results obtained,"
4. "the experience, reputation, and ability of the lawyer or lawyers performing the services,"
5. "the uncertainty of collection before the legal services have been rendered," and
6. "whether the fee is fixed or contingent on results obtained."

Rohrmoos Venture, 578 S.W.3d at 500 (quoting *Arthur Andersen & Co. v. Perry Equipment Corp.*, 945 S.W.2d 812, 818 (Tex. 1997)). After applying the relevant *Andersen* factors, the Court should award the fees requested by Funimation. Each relevant factor is addressed below.

The time, labor, and skill required to perform the legal service properly and the novelty and difficulty of questions involved. As reflected in the detailed invoices and billing records attached to John Volney's affidavit, the time entries are reasonable and appropriate for the type of work required to represent Funimation in this case. Ex. 1 (Volney Aff. ¶ 26). These invoices include detailed time entries for each professional for each day of work on this case, and each entry separately describes the task being performed by that person on each day.

The hours worked on this matter reflect time on the following activities:

- Initial conference with Funimation to discuss the case background and strategy, and other client intake work;
- Reviewing the documentation underlying Plaintiff's claims against Funimation, including Funimation's complaint and internal investigation documents;
- Legal research regarding the TCPA, Plaintiff's claims and Funimation's defenses in preparation for the TCPA motion to dismiss;
- Interviewing Funimation's employees;
- Drafting the TCPA motion to dismiss and a reply and supporting documentation;
- Drafting and filing of other motions, including motions to strike Plaintiff's evidence, responding to Plaintiff's motion to strike Funimation's evidence; a reply to Plaintiff's objections; and motion to striking Plaintiff's untimely Second Amended Petition and exhibits.
- Responding to Plaintiff's motion to continue the August TCPA hearing;
- Work with co-defense counsel regarding strategy on the motion to dismiss and response to Plaintiff's opposition;
- Preparing for and attending the hearing on Defendants' TCPA Motions;
- Attending the hearing on September 17, 2019, where the Court ordered the parties to mediation;
- Preparing and attending the court-ordered mediation on October 2, 2019; and
- Preparing this motion and its supporting attorney's fees affidavit.

See Ex. C. As reflected in Funimation’s TCPA motion to dismiss, Funimation’s counsel had to research numerous legal issues, including: (1) the standards and applicability of the TCPA to this case; (2) constitutional questions, including application of the freedom of speech and right of association to petition to the underlying facts; and (3) various defenses to Plaintiff’s claim. Based on the experience of Funimation’s lead counsel, John Volney, it his opinion that the requested fees are reasonable. Ex. 1 (Volney Aff. ¶¶ 17-19, 24-26).

The customary fee. Here, Funimation seeks fees based on attorney hourly rate ranging from \$220 to \$500 per hour. As set forth in the attached affidavit, these fees are well within the range of fees customarily charged in this area for this type of work. Ex. 1 (Volney Aff. ¶¶ 23-24, 28); Exs. C–D.

The amount involved and the results obtained. In this case, Plaintiff sought to hold Funimation liable for various alleged “actual, consequential, and punitive damages.” Pl.’s Am. Pet. 13. Through their representation, Funimation’s attorneys achieved complete victory without protracted litigation. Ex. 1 (Volney Aff. ¶ 29).

The experience, reputation, and ability of the attorneys. Volney is a partner at LPCH and has been licensed to practice law since 1997 and has more than 20 years of experience handling complex commercial and civil litigation matters in jurisdictions across the country, including in state and federal courts across Texas. Ex. 1 (Volney Aff. ¶¶ 2–7, 32); Ex. A.

Volney has been assisted by a mid-level associate, Christian Orozco, who has been licensed to practice law in the State of Texas since 2018 and California since 2012. Ex. 1 (Volney Aff. ¶ 8); Ex. B. Prior to joining LPCH, the associate completed a federal clerkship in the Western District of Texas. Ex. 1 (Volney Aff. ¶ 8); Ex. B.

Volney has also been assisted by a paralegal, Scott Smoot, who has been a paralegal since 2000. Smoot was critical in streamlining discovery by providing summaries of documents and preparing necessary items for depositions and hearings. Ex. 1 (Volney Aff. ¶ 9).

Whether the fee is fixed or contingent. The fee in this case is based on fixed hourly rates, and it is not contingent upon the outcome of the case.

C. Funimation is also entitled to recoup \$7,504 in costs and expenses incurred in this matter

In addition to reasonable attorney's fees, Funimation requests that the Court award Funimation costs and expenses incurred from inception of the lawsuit through the TCPA hearing:

Description	Amount
Westlaw Charges	\$173.10
In-house Copy Charges	\$1456.60
Third Party Copy Charges	\$153.33
Deposition Transcripts	\$3,073.48
Parking Charges (Hearings & Depositions)	\$48
Mediator's Fees	\$2,250
TCPA Hearing Transcripts	\$350
TOTAL	\$7,504

These costs and expenses are properly supported by the attached affidavit. Ex. 1 (Volney Aff. ¶ 39);

Ex. E.

For all the reasons set forth above and in the attached affidavit, Funimation requests that this Court find that the attorney's fees and costs sought by Funimation are reasonable and award them to Funimation in its final judgment in this case.

III. FUNIMATION IS ENTITLED TO SANCTIONS²

In addition to the above, Funimation seeks a sanction award of no less than \$25,000 against Mignogna to deter him from bringing similar lawsuits in the future. *See Kinney v. BCG Attorney*

² Funimation incorporates all evidence and arguments made by its co-defendants in this matter in support of their requests for sanctions awards against Plaintiff.

Search, Inc., No. 03-12-00579-CV, 2014 WL 1432012, at *11 (Tex. App.–Austin Apr. 11, 2014, pet. denied) (“Section 27.009(a)(2) requires the trial court to award sanctions if it dismisses a claim pursuant to section 27.003 and gives the trial court broad discretion to determine what amount is sufficient to deter the party from bringing similar actions in the future.”). Under the TCPA, a successful movant is entitled to sanctions “to deter the party who brought the legal action from bringing similar actions described in this chapter.” Tex. Civ. Prac. & Rem. Code § 27.009(a)(2).

Courts considering the appropriate amount of sanctions under the statute have awarded between \$100 and \$1,000,000.³ Courts have “broad discretion to determine what amount is sufficient to deter the party from bringing similar actions in the future” under the TCPA. *Kinney*, 2014 WL 1432012, at *12 (upholding a sanctions award of \$75,000 based in part on “the broad discretion afforded the trial court by section 27.009”).

Although the Court does not need to explain how it reached the sanctions amount, the Court can consider the following to determine the sanction award: (1) the defendant’s attorney’s fees as a “guidepost”; and (2) the non-movant’s litigation conduct. *See id.* at *11 (“It does not expressly require

³ Laura Lee Prather & Justice Jane Bland, *The Developing Jurisprudence of the Texas Citizens Participation Act*, 50 TEX. TECH L. REV. 633, 679 n.376 (2018) (citing Order Awarding Attorney’s Fees and Sanctions, *McGibney v. Retzlaff*, No. 67-270669-14, 2016 WL 1703694 (67th Jud. Dist., Tarrant County, Tex., Dec. 30, 2015) (issuing sanctions of \$1,000,000) *modified by* Attorney McGibney v. Retzlaff, No. 67-270669-14, 2016 WL 1703694, at *1 (67th Jud. Dist., Tarrant County, Tex., Apr. 14, 2016) (issuing sanctions of \$150,000) *rev’d* *McGibney v. Rauhauser*, 549 S.W.3d 816, 835 (Tex. App.–Fort Worth 2018, pet. denied); *Am. Heritage Capital, LP v. Gonzalez*, 436 S.W.3d 865, 881 (Tex. App.–Dallas 2014, no pet.) (upholding an award of \$15,000 in sanctions) *overruled on other grounds* *Hersh v. Tatum*, 526 S.W.3d 462, 467 (Tex. 2017); *Schlumberger Ltd. v. Rutherford*, No. 2014-13621, 2014 WL 8105895 (127th Dist. Ct., Harris County, Tex. Aug. 27, 2014) (awarding \$250,000 in sanctions), *aff’d in part, appeal dismissed in part*, *Schlumberger Ltd. v. Rutherford*, 472 S.W.3d 881, 883 (Tex. App.–Houston [1st Dist.] 2015, no pet.); *Algae Int’l Grp., Inc. v. Stegman*, No. DC-13-03933 (44th Dist. Ct., Dallas County, Tex. Sept. 13, 2013) (awarding \$29,395.25 in sanctions to the defendants after a nonsuit was filed prior to a hearing on the defendants’ motion to dismiss); *Head v. Chicory Media, LLC*, No. 2013-0040 (714th Dist. Ct., Harrison County, Tex. Sept. 25, 2013) (awarding a total of \$55,000 in sanctions), *dismissing appeal*, 415 S.W.3d 559 (Tex. App.–Texarkana 2013, no pet.); *In re Thuesen*, No. 2012-49262 (151st Dist. Ct., Harris County, Tex. Mar. 4, 2013) (awarding \$24,000 in sanctions), *mandamus denied*, No. 14-13-00174-CV, 2013 WL 1461790, at *3 (Tex. App.–Houston [14th Dist.] 2013, no pet.); *Rustic Cedar Cabins Inc. v. Cortell*, No. 28500 (21st Dist. Ct., Bastrop County, Tex. Sept. 5, 2012) (awarding \$500 in sanctions); *Simpton v. High Plains Broad., Inc.*, No. 2011-13290 (285th Dist. Ct., Bexar County, Tex. July 30, 2012) (awarding \$85,000 in sanctions)).

the trial court to explain how it reached its determination.”); *see also Low v. Henry*, 221 S.W.3d 609, 621 (Tex. 2007). Here, there are multiple reasons why Mignogna should be sanctioned to deter him from bringing similar suits in the future.

First, sanctioning Mignogna at least \$25,000 is justifiable and appropriate because there is a real risk that Mignogna will file more lawsuits against people who have commented publicly about him. During his deposition, Mignogna freely admitted that he may sue other people who he believes harmed his reputation. Ex. 2 (Mignogna Dep. at 50:10-24). Thus, his own testimony shows that he must be deterred from filing new lawsuits against his perceived enemies.

The risk that Mignogna will file additional lawsuits is elevated here because, unlike most litigants, Mignogna is not paying any of his own legal bills. Instead, this case is crowdfunded by a GoFundMe account named “Vic Kicks Back” started by an internet lawyer in Minnesota named Nick Rekieta who regularly appears on YouTube to stir up Mignogna’s adolescent supporters and to raise money for Mignogna to sue his accusers.⁴ Ex. 1 (Volney Aff. ¶ 40); Exs. F-G. As of October 4, 2019, the “Vic Kicks Back” GoFundMe campaign managed by Rekieta had raised over \$250,000 to fund lawsuits to “kick back” at Mignogna’s accusers. Ex. 1 (Volney Aff. ¶ 40); Ex. G. Importantly, Mignogna knows about the GoFundMe and approves of it. Ex. 2 (Mignogna Dep. at 32:17-38:15, 40:11-41:21, 48:1-49:16). Because of the GoFundMe, Mignogna has never felt the pain of paying legal bills. If he felt that pain, because of a robust sanctions award entered against him by the Court, he might think twice before filing another frivolous lawsuit.

In addition to elevating the risk of future lawsuits, the GoFundMe has created an environment that encourages Mignogna to attack his accusers in court. Rekieta and Beard routinely appear together on Rekieta’s YouTube program to discuss this lawsuit, to attack Mignogna’s perceived enemies, and

⁴ In fact, it was Rekieta who referred Mignogna to Ty Beard to serve as Mignogna’s counsel in this case. Ex. 2 (Mignogna Dep. at 99:7-24).

to fundraise for Mignogna’s “Vic Kicks Back” legal campaign against his accusers. Ex. F (Transcript of Excerpts from Rekieta’s YouTube stream for October 4, 2019). For example, on the day that the Court entered its order dismissing Mignogna’s claims, Ty Beard appeared on Rekieta’s YouTube program to explain that, while he was unhappy with the Court’s ruling, Mignogna’s game plan has always been to use the lawsuit to “shine the light on all this stuff,” and to “force evidence to be produced that you guys can all evaluate.” Ex. F (3:7-17).

More remarkably, Beard went on to claim victory for Mignogna, even though the Court dismissed his client’s claims that same day:

What I’m saying is we have already won a victory. We have already won a victory and all the people in Tweet world that don’t like that, tough stuffins. ***We have won. The only question is how big of a victory are we going to win.***

* * *

So, you know, the people out there that hate us are – you know, you guys are – pissing up the wrong tree because we’ve already won. ***We’ve already won.*** You know, and you can deny it, but here’s the thing. ***Vic is out there and people are standing in line for hours to see that man.*** Doesn’t sound to me like y’all accomplished anything. Just saying.

Ex. F (5:15-19, 6:10-14) (emphasis added). After Beard signed off, Rekieta went on to trumpet recent donations made to the GoFundMe ***after*** the Court’s dismissal ruling. Ex. F (10:18-13:4); Ex. G. Beard’s and Rekieta’s statements show that this lawsuit and any others that Mignogna may file with his GoFundMe money have nothing to do with the legal merits of the claims but are instead part of an ill-advised public relations campaign designed to arouse Mignogna’s adolescent supporters.

Given these unusual circumstances, Mignogna and his advisors intend to continue to raise money to file additional lawsuits against Mignogna’s accusers, without regard to the merits of those lawsuits. A sanctions award of at least \$25,000 against Mignogna will send a painful and personal message to him to avoid filing future frivolous lawsuits such as this one.

Second, sanctioning Mignogna at least \$25,000 is also justifiable and appropriate because of his litigation tactics. *See Am. Heritage*, 436 S.W.3d at 881 (award of sanctions was not an abuse of discretion given the plaintiff’s “aggressive” posture). “In deciding whether a pleading or motion was brought in bad faith or for the purpose of harassment, the trial court **must consider the acts** or omissions of the party or **counsel**, not merely the legal merit of the pleading.” *Pajoooh v. Abedi*, 14-16-00336-CV, 2017 WL 1430601, at *3 (Tex. App.–Houston [14th Dist.] Apr. 18, 2017, no pet.) (emphasis added) (analyzing Rule 13). Here, Mignogna used his response to Funimation’s TCPA motion and his Second Amended Petition to attempt to smear Funimation about irrelevant, untrue matters, rather than to provide clear and specific evidence in support of any of his claims against Funimation. *See* Second Am. Pet. at ¶¶ 36-37; Response at 1-2. That is not to mention the other miscues – fraudulently-notarized affidavits, late and incomplete filings, improper pleadings – leading up to the hearing on defendants’ TCPA motions, which drove up the cost of the case and made the Court’s job more difficult. These facts justify an award of at least \$25,000 in sanctions against Mignogna.

Third, sanctioning Mignogna at least \$25,000 is justifiable when compared to the total fees incurred by Funimation since the inception of the lawsuit through today. *See Kinney*, 2014 WL 1432012, at *12 (trial court’s award of \$75,000 as a sanction was proper based on the fact that the defendant had incurred \$45,000 in attorney’s fees); *Am. Heritage Capital, L.P. v. Gonzales*, 436 S.W.3d 865, 881 (Tex. App.–Dallas 2014, no pet.) *rev’d on other grounds Hersh v. Tatum*, 526 S.W.3d 462, 467 (Tex. 2017) (concluding that trial court did not abuse its discretion in basing its sanction award on the amount of the defendant’s attorney’s fees). Here, Funimation seeks substantially less in sanctions than the approximately \$200,000 in total fees it has incurred since the inception of the lawsuit. Ex. 1 (Volney Aff. ¶ 35). Moreover, Funimation seeks less than the

approximately \$250,000 raised by the “Vic Kicks Back” GoFundMe to finance Plaintiff’s baseless lawsuit. Using either Funimation’s fees or the GoFundMe as a “guidepost,” sanctioning Plaintiff at least \$25,000 is easily justified.

IV. CONCLUSION

Funimation requests that the Court award the following:

- Reasonable attorney’s fees of \$168,941.
- Costs and expenses of \$7,504.
- Conditional appellate fees of \$50,000 for appeal, \$25,000 for filing a petition for review, and an additional \$25,000 if the petition for review is granted but relief is denied.
- Sanctions of at least \$25,000, at the Court’s discretion.
- Any other additional relief that Funimation may be entitled to receive.

Dated: November 4, 2019

Respectfully Submitted,

/s/ John Volney

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FUNIMATION PRODUCTIONS, INC.**

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and correct copy of foregoing has been served upon counsel of record via the court's e-filing service on November 4, 2019.

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ATTORNEYS FOR DEFENDANTS
MONICA RIAL AND RONALD TOYE

/s/ John Volney _____
John Volney

EXHIBIT 1

CAUSE NO. DC-19-00429

VICTOR MIGNOGNA,

Plaintiff,

v.

FUNIMATION PRODUCTIONS, LLC,
JAMIE MARCHI, MONICA RIAL, and
RONALD TOYE,

Defendants.

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IN THE DISTRICT COURT

141ST JUDICIAL DISTRICT

TARRANT COUNTY, TEXAS

AFFIDAVIT OF JOHN VOLNEY

STATE OF TEXAS §
 §
COUNTY OF DALLAS §

BEFORE ME, the undersigned authority, personally appeared John Volney, who, after being duly sworn, testified as follows:

1. My name is John Volney. I am over the age of 21 years, and I am fully competent to make this affidavit. I have never been convicted of a felony or a crime of moral turpitude. The facts stated in this affidavit are within my personal knowledge and are true and correct.

A. Background and Experience

2. I am an attorney licensed to practice law in the state of Texas since 1997. I am admitted to practice in the United States Court of Appeals for the Fifth Circuit and all of the United States District Courts in the State of Texas.

3. I received a Bachelor of Arts from University of Texas in Austin in 1994. I received a Juris Doctor from Duke University in 1997.

4. I am a partner with the law firm of Lynn Pinker Cox & Hurst, LLP (“LPCH”), where I have practiced since 2002.

5. I am lead trial counsel for Funimation Productions, LLC (“Funimation”) in the above captioned case. My billing rate in this case is \$500 per hour.

6. Since I began practicing law, I have exclusively handled litigation matters. In 1997, I began my career as an associate at the Law Office of Fred Misko, Jr. P.C., in Dallas, Texas, where I worked on plaintiff-side class actions, mass torts, and personal injury matters. In January 2002, I joined LPCH, where I became partner in 2007. Since joining LPCH, I have been trial counsel in jury and non-jury trials in federal and state courts. I have experience and knowledge in the area of business torts, intellectual property, breach of contract, and other commercial law cases. In addition to litigating cases at the trial court level, I have handled appeals to the Fifth Circuit Court of Appeals, to Texas appellate courts and petitions for review to the Texas Supreme Court. In doing so, I have argued two appeals to the Dallas Court of Appeals and one to the Fifth Circuit Court of Appeals.

7. For further information concerning my background and experience, see my resumé which is attached as **Exhibit A**.

8. My associate, Christian A. Orozco, has been licensed in the State of Texas since 2018. Mr. Orozco has been licensed in the State of California since 2012. His practice, like mine, focuses on complex commercial litigation at both the state and federal level. He has represented clients at all stages of litigation, from discovery hearings to settlement to trial. His billing rate is \$410.00 per hour in this case. His resume is attached as **Exhibit B**.

9. My paralegal, Scott Smoot, has been a paralegal since 2000. He has experience managing large, document intensive cases, and performing duties similar to those he performed in

this case, and at all times worked under my direction on this matter. His billing rate is \$220.00 per hour in this case.

10. As a part of its usual and regular course of business, our firm keeps regular records of the legal work performed by its attorneys and paralegals. In connection with work in our firm, I have become familiar with records kept and maintained by it in the usual and regular course of business.

B. Legal Framework Employed

11. To provide this affidavit, I employed the standard set out in § 27.009 of the Texas Citizens Participation Act (“TCPA”). Section 27.009(a) provides that the “court shall award to the moving party:

(1) court costs, reasonable attorney’s fees and other expenses incurred in defending against the legal action as justice and equity may require[.]”

12. I note that the Texas Supreme Court has construed this provision to mean that “the TCPA requires an award of ‘reasonable attorney’s fees’ to the successful movant. A ‘reasonable’ attorney’s fee ‘is one that is not excessive or extreme, but rather moderate or fair.’” *See Sullivan v. Abraham*, 488 S.W.3d 294, 299 (Tex. 2016) (citing *Garcia v. Gomez*, 319 S.W. 3d 638, 642 (Tex. 2010)). The Supreme Court also noted that the phrase “as justice and equity may require” does not apply to the attorney’s fees award and that it would be error to include such considerations in assessing an attorney’s fees award. *Id.* (concluding that “as justice and equity may require” applied only to “other expenses.”).

13. As a result, I only considered whether the fees billed by LPCH were “reasonable.” In making this determination, I employed three basic considerations:

(a) Consideration of the framework for proving attorney’s fees as recently set out by the Texas Supreme Court in *Rohrmoos Venture v. UTSW DVA Healthcare, LLP*, 578 S.W.3d 469 (Tex. 2019).

- (b) Consideration of what is commonly referred to as the “Anderson factors,” which are taken from the case of *Arthur Anderson v. Perry Equipment, Co.*, 945 S.W.2d 812, 818 (Tex. 1997).¹
- (c) Review of the actual LPCH invoices on a month-by-month basis to assess the reasonableness of the specific tasks performed.

C. Funimation’s Base Calculation is Presumptively Reasonable

14. I have personal supervision, custody, control and access to the permanent records of my firm as they pertain to the legal services rendered in this case. I have examined the records kept and maintained by my firm in the regular course of its business and such records reflect certain transactions in the rendering of legal services in this matter. The entries on said records were regularly made at or near the time of the transaction, act or event recorded thereby, and it is a part of the regular course of business of my firm for an employee or a representative of my firm with personal knowledge of such transaction, act or event to make such memoranda, and to record or transmit information pertaining thereto to be included in such memoranda or records. The records kept by my firm were kept in the regular course of business which pertain to the legal services rendered in this matter are permanent records of my firm.

¹ Those factors are as follows:

- (1) the time and labor required, the novelty and difficulty of the questions involved, and the skill required to perform the legal service properly;
- (2) the likelihood that the acceptance of the particular employment will preclude other employment by the lawyer;
- (3) the fee customarily charged in the locality for similar legal services;
- (4) the amount involved and the results obtained;
- (5) the time limitations imposed by the client or by the circumstances;
- (6) the nature and length of the professional relationship with the client;
- (7) the experience, reputation, and ability of the lawyer or lawyers performing the services; and
- (8) whether the fee is fixed or contingent on results obtained or uncertainty of collection before the legal services have been rendered.

See Arthur Anderson, 945 S.W.2d at 818.

15. A true and correct copy of the redacted records of the legal services performed by LPCH is attached to this affidavit as **Exhibit C**. These records have been redacted in accordance with the attorney-client privilege and the attorney work product doctrine.

16. Through my experience as a trial attorney in commercial litigation such as this, I am familiar with the reasonable and necessary work required by attorneys at various experience levels to prosecute and defend cases such as this. I am familiar with the customary and reasonable attorney's fees charged for cases of this type and in Dallas-Fort Worth metroplex, where this case was filed. Further, I am familiar with the work that has been done on this file because I have been lead counsel and reviewed both the work performed and the fee statements in this matter. Based on my personal knowledge of the work done in this case, I have an opinion as to what reasonable attorney's fees would be in this matter.

17. In my opinion, reasonable attorney's fees in this matter to defend Funimation against Plaintiff Victor Mignogna's claims is \$168,941, not including costs, expenses, and appellate attorney's fees, which are addressed below. A summary of Exhibit C is attached as **Exhibit D**.

18. In my opinion, this amount is more than reasonable under the applicable standard for proving attorney's fees identified by the Texas Supreme Court. *See Rohrmoos Venture v. UTSW DVA Healthcare, LLP*, 578 S.W.3d 469, 498 (Tex. 2019). Under *Rohrmoos*, Funimation must produce evidence of:

- (1) particular services performed,
- (2) who performed those services,
- (3) approximately when the services were performed,
- (4) the reasonable amount of time required to perform the services, and

(5) the reasonable hourly rate for each person performing such services.

Funimation has produced evidence of each of these items.

19. First, the services performed to date involved researching and drafting Funimation's answer and affirmative defenses filed in this case, fact gathering, preparing for and attending three depositions, and preparing and filing Funimation's TCPA motion, among many other tasks leading up to the hearing on Defendants' TCPA motions, the court-ordered mediation, and drafting this affidavit and my client's motion seeking an award of costs, fees, and sanctions. The case required a high level of skill from Funimation's attorneys because of the legal issues involved and the extensive motion practice and other tactics engaged in by Plaintiff's counsel, which increased the fees incurred by Funimation in seeking dismissal of Plaintiff's lawsuit under the TCPA. Accordingly, it is my opinion that the fees incurred by Funimation in connection with the tasks referenced in LPCH's invoices are reasonable given the time and labor required, the novelty and difficulty of the questions involved, and the skill required to perform the legal services properly. *See* Tex. Disc. R. Prof. Conduct 1.04(b)(1).

20. Second, a list of which individual did what task is located on the redacted records of the legal services performed by LPCH attached as **Exhibit C**. *See Rohrmoos*, 578 S.W.3d at 502 (“[B]illing records are strongly encouraged to prove the reasonableness and necessity of requested fees when those elements are contested.”).

21. Third, the date when each of these services was performed is noted in the redacted records of the legal services performed by LPCH attached as **Exhibit C**.

22. Fourth, the amount of time each individual spent for each task is identified in the redacted records of the legal services performed by LPCH attached as **Exhibit C**.

23. Fifth, the rate each individual charged is reasonable. As *Rohrmoos* articulated, “Base Calculation: Time x Rate = Presumptively Reasonable.” *Rohrmoos*, 578 S.W.3d at 498. As noted above, the hourly rate for each LPCH contributor is as follows:

- Partner—John Volney: \$500.00 per hour
- Associate—Christian A. Orozco: \$410.00 per hour
- Paralegal—Scott Smoot: \$220.00 per hour

I am aware of the hourly rates charged by attorneys of similar skill, reputation, and experience in the Dallas-Fort Worth metroplex. It is my opinion that the fees charged by LPCH are consistent with those fees customarily charged in Dallas-Fort Worth metroplex for similar legal services. *See* Tex. Disc. R. Prof. Conduct 1.04(b)(3). I am familiar with rates charged by Dallas-Fort Worth metroplex lawyers because (a) I have seen other firm’s bills and; (b) I routinely compete against other firms for legal matters and so am aware of the fees they charge.

24. In determining reasonable attorneys’ fees in this case, I considered the amount of time actually incurred by my firm. Each member of Funimation’s legal team performed tasks commensurate with his skill set and level of experience, and the hours each person expended were necessary and non-duplicative. The hourly rates charged for each member of Funimation’s legal team are similarly reasonable and reflect each person’s level of experience. In my opinion, all hours spent by the attorneys and paralegals on this matter that Funimation is seeking to recover from Plaintiff were reasonable and necessary. In my opinion, the rates charged by the attorneys and paralegals involved in this matter constitute normal, customary, and reasonable charges for the services rendered.

D. Factors Warranting Enhancing or Maintaining Base Calculation

25. The “*Anderson factors*,” which are taken from the case of *Arthur Anderson v. Perry Equipment, Co.*, 945 S.W.2d 812, 818 (Tex. 1997), also support Funimation’s attorney’s fee application.

26. Factor (1): The time and labor required, the novelty and difficulty of the questions involved, and the skill required to perform the legal service properly. I believe this factor supports the reasonableness of the fees sought. This is because this was an important and significant matter for Funimation given the amount of media scrutiny that the case received and the relief requested by Plaintiff. Also, it involved an important and sophisticated legal dispute involving a public figure. LPCH’s professionals brought unique skills to this matter that allowed them to perform the legal work efficiently and successfully. Thus, this factor weighs strongly in favor of finding these fees reasonable.

27. Factor (2): The likelihood that the acceptance of the particular employment will preclude other employment by the lawyer. This factor was neutral.

28. Factor (3): The fee customarily charged in the locality for similar legal services. It is my opinion that the fee charged in this case is similar to those customarily charged in Dallas-Fort Worth metroplex by firms of similar skill and expertise. I base this on the rates charged by other firms and my specific experience in seeing how other firms bill for matters of similar complexity. Thus, this factor weighs strongly in favor of finding these fees reasonable.

29. Factor (4): The amount involved and the results obtained. This factor strongly supports a determination that the fee is reasonable. The result was a complete win for Funimation. The legal work done by LPCH achieved the important outcome sought by the client. Thus, this factor provides substantial support that the fees charged in this matter are reasonable.

30. Factor (5): The time limitation imposed by the client and the circumstances. This factor also supports a finding that the fees are reasonable. LPCH was required to marshal its evidence and file its TCPA motion within the accelerated time frame provided by the statute.

31. Factor (6): The nature and length of the professional relationship with the client. This factor is neutral as this is the first case where LPCH represented Funimation.

32. Factor (7): The experience, reputation, and ability of the lawyer or lawyers performing the services. This factor strongly supports a finding that the fees are reasonable. LPCH is a nationally-recognized trial boutique with significant experience in handling complex, multi-party civil litigation. Thus, this factor weighs in favor of finding these fees are reasonable.

33. Factor (8): Whether the fee is fixed or contingent on results obtained or uncertainty of collection before the legal services have been rendered. Here, the fee was fixed and known. Thus, this factor does not affect the analysis one way or another. Accordingly, in viewing all of the factors under *Andersen* as a whole, it is my opinion that the attorney's fees charged in this matter are reasonable.

E. Invoice Review and Exercising Billing Judgment

34. In reaching my opinion on the reasonable attorney's fees incurred by Funimation, I also reviewed the invoices on a month-by-month basis in order to assess whether the work was reasonable based on what each professional did. In general, the time spent by the professionals on this case was reasonable given the nature and demands of the case.

35. That said, I further reviewed the time entries for each lawyer and professional and made certain reductions and adjustments where the time spent appeared to be in excess of that required for the task, where the time spent may have been duplicative, or where the time spent may not have been strictly necessary for Funimation to prevail on its TCPA motion and to seek recovery

of fees, costs and sanctions. These reductions and adjustments are noted in my handwriting on the attached invoices. In that regard, I reduced Funimation's fee request by excluding time spent travelling to and from Tarrant County, by excluding certain attorney conference time, and by eliminating or adjusting other entries. While these fees were reasonably incurred by and are recoverable by Funimation under the TCPA statute, I have excluded these fees from Funimation's fee application in the exercise of my billing judgment. After this review, the attorney's fees requested below are more than reasonable in my opinion.

36. The total amount of reductions based on my review is as follows:

Month	Original Invoice	Reduced Amount	% Reduction
April	\$294	\$294	0%
May	\$12,382	\$10,735	13.3%
June	\$49,109	\$42,333	13.8%
July	\$27,098	\$23,325	13.9%
August	\$27,317	\$24,417	10.6%
September	\$48,750	\$39,489	19%
October ²	\$34,536	\$28,348	17.5%
TOTAL	\$199,486	\$168,941	15.3%
Total Fees Requested		\$168,941	

37. Thus, I am of the opinion that an award of \$168,941 in fees is reasonable for legal fees incurred by Funimation in defending against the legal action brought against Funimation by Plaintiff.³

38. In addition to the attorney's fees through the hearing on Funimation's TCPA motion, it is my opinion that Funimation will incur (a) reasonable attorney's fees of \$50,000 (100

² As of the date of this filing, LPCH's October invoice has not been issued to the client. Thus, the record included with this affidavit is a redacted version of LPCH's pre-bill for the month.

³ Note that I am not offering the opinion that any time spent by an LPCH professional was unreasonable. Instead, I am exercising billing judgment and discretion to ensure that the fees requested are solely the reasonable fees incurred in defending against the legal action brought by Plaintiff. Tex. Civ. Prac. & Rem. Code § 27.009(a)(1). The result of the exercise of my billing judgment is to seek lower fees than Funimation might otherwise be entitled to recover under the TCPA. In addition, I am not commenting on any other defendant's request for attorney's fees.

hours at \$500/hour) if Plaintiff unsuccessfully appeals this matter to the Second Court of Appeals of Texas, (b) reasonable attorney’s fees of \$25,000 (50 hours at \$500/hour) if Plaintiff then unsuccessfully petitions the Texas Supreme Court for review, and (c) reasonable attorney’s fees of \$25,000 (50 hours at \$500/hour) if the Texas Supreme Court grants the petition for review but then denies any relief to Plaintiff. This opinion is based on my experience with Texas state appeals, through which I can estimate the amount of work necessarily involved in such an appeal, including the detailed review of the trial court record, legal research, legal briefing, and oral argument. This opinion is also based LPCH’s attorneys’ hourly rates for such services, which are consistent with the hourly rates charged by attorneys of similar skill, experience, and reputation in the Dallas-Fort Worth metroplex.

39. In addition to the attorney’s fees requested above, Funimation has incurred the following costs and expenses in this case from inception through September 2019, which are itemized on the attached billing records (**Exhibit C**):

Description	Amount
Westlaw Charges	\$173.10
Inhouse Copy Charges	\$1456.60
Third Party Copy Charges	\$153.33
Deposition Transcripts	\$3,073.48
Parking Charges (Hearings & Depositions)	\$48
Mediator’s Fees	\$2,250
TCPA Hearing Transcripts	\$350
TOTAL	\$7,504

True and correct copies of invoices for the third-party copy charges, the mediator’s fees, and deposition and hearing transcripts are attached here as **Exhibit E**. The referenced invoices for expenses are included in the business records of the firm and are kept in the usual course of the firm’s business; the firm relies on the accuracy of the contents of the referenced invoices when

passing through expenses to its clients for payment. The remaining expenses are identified on the redacted invoices attached as **Exhibit C**.

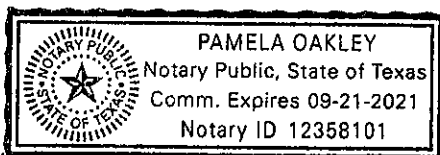
40. **Exhibit F** is a true and correct copy of a partial transcript of a YouTube livestream entitled "Reviewing the Vic Mignogna Decision – Reupload" in the following link <https://www.youtube.com/watch?v=kfC8XM3dfIQ&feature=youtu.be>. I accessed this link and recognized that the speakers were Ty Beard and Nick Rekieta, who discuss the Court's October 4, 2019, ruling and the GoFundMe established to bankroll Plaintiff's lawsuit against defendants in this matter. Excerpts from the YouTube video were transcribed at my request by a court reporter from Dickman Davenport. Based on my comparison of the YouTube video with the written transcript, the transcript is an accurate written record the referenced excerpts. At pages 10:18 to 11:8 of the attached transcript, Rekieta discusses the "Vic Kicks Back" GoFundMe account, which funds Mr. Mignogna's lawsuit. A true and correct copy of the referenced screenshot from the YouTube video at time stamp 1:22:51, which is attached here as **Exhibit G**, shows that there was \$251,223 in Plaintiff's "Vic Kicks Back" GoFundMe account as of that time. The "Vic Kicks Back" GoFundMe account (with additional commentary from Rekieta) can be viewed at <https://www.gofundme.com/f/vic-kicks-back>.

THIS CONCLUDES MY AFFIDAVIT

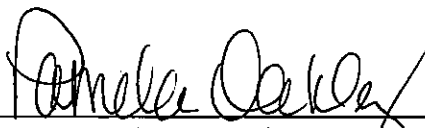


JOHN VOLNEY

SWORN TO and SUBSCRIBED before me on Nov. 4, 2019



SEAL:



Notary Public in and for the State of Texas

EXHIBIT 1A

LYNN PINKER COX HURST_(L).



CONTACT INFORMATION

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John Volney
Partner

[DOWNLOAD ONE PAGE BIO \(/PDF/ATTORNEYS/JOHN VOLNEY5723339.PDF\)](/PDF/ATTORNEYS/JOHN_VOLNEY5723339.PDF)

John Volney represents businesses and individuals in all types of business disputes and complex litigation. His past and current clients include entrepreneurs, professionals, high-tech companies, financial institutions, real estate developers, energy companies, manufacturers and many other types of businesses.

Since starting with the firm in 2002, John has successfully represented clients in state and federal courts in Texas and elsewhere as well as in arbitration proceedings before JAMS and the American Arbitration Association. John also has significant experience litigating bankruptcy cases. John has argued appeals before the Fifth Circuit Court of Appeals and before the Dallas Court of Appeals, and he has successfully defended cases before the Texas Supreme Court. John also has considerable experience prosecuting and defending class action lawsuits.

After over 20 years practicing law, John has handled all types of civil cases through trial and appeal. In recent years:

- John successfully represented a Saudi Arabian prince in a federal court jury trial in which the client obtained a judgment against an Irving-based technology company and one of its principals for more than \$3 million.
- John successfully pursued and settled claims on behalf of a bankruptcy trustee against a group of Philadelphia-based mobsters and their associates arising out of the illegal takeover of a publicly-traded company.
- John defended a Dallas-based technology company in federal court against breach of contract and business tort claims brought by a former business associate.
- John successfully defended a large manufacturer of smart phones in a federal court consumer class action.
- John represented the world's largest manufacturer of plastic and PVC pipe in multiple lawsuits in the state of Texas, including cases involving construction defects, products liability and personal injury.
- John obtained summary judgment on a multi-million dollar breach of contract claim involving a "take or pay" gas supply contract and then successfully upheld that summary judgment at the Dallas Court of Appeals.

- In addition to the above, John has advised lawyers in disciplinary and related proceedings before the State Bar of Texas and the Texas Attorney General's office.

John is committed to giving his clients personal attention, candid advice and cost-effective representation.

Opinions include: *Galitski v. Samsung Telecommunications America, LLC*, 2015 WL 5319802 (N.D. Tex. Sept. 11, 2015); *FPL Energy, LLC v. TXU Portfolio Management Co., LP*, 426 S.W.3d 59 (Tex. 2014); *Matheson Tri-Gas, Inc. v. Maxim Integrated Products, Inc.*, 444 S.W.3d 283 (Tex. App.–Dallas 2014); *Rice v. Malouf*, 2013 WL 3771446 (Tex. App.–Amarillo July 8, 2013); *Abbott v. Law Office of Patrick J. Mulligan*, 440 Fed. Appx. 612 (10th Cir. 2011); *Arete Partners, L.P. v. Gunnerman*, 594 F.3d 390 (5th Cir. 2010); *AssistMed, Inc. v. Conceptual Health Solutions, Inc.*, 2006 WL 1489422 (N.D. Tex. May 11, 2006); *Gunnerman v. Basic Capital Management, Inc.*, 2006 WL 411805 (Tex. App.–Dallas 2006, no pet.); and *Canales Martinez v. Dow Chemical Co.*, 219 F.Supp.2d 719 (E.D. La. July 16, 2002).

Before joining LPCH, John spent four years working exclusively on plaintiff's contingency fee cases, including consumer class actions against the life insurance and workers compensation industries, catastrophic personal injury cases, and toxic torts. In 1998-1999, John traveled extensively in West Africa, the Philippines and Costa Rica to distribute settlement funds to banana workers injured by the toxic pesticide DBCP.

John received his law degree from Duke University School of Law in 1997, and his B.A. (Plan II), with high honors, from the University of Texas at Austin in 1994. He lives in Dallas with his wife Lori and his children Sarah and Andrew.

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Super Lawyers

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EXHIBIT 1B

LYNN PINKER COX HURST_(L).



CHRISTIAN OROZCO

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Christian Orozco
Associate

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Christian is a litigation associate at Lynn Pinker Cox & Hurst, LLP where he energetically and creatively represents clients. His experience includes drafting and arguing motions and examining witnesses at trial.

Prior to joining Lynn Pinker Cox & Hurst, LLP, Christian clerked for the Honorable Philip R. Martinez of the United States District Court for the Western District of Texas. Christian also was a litigation associate at DLA Piper LLP in San Francisco, California where he worked on environmental and white-collar issues.

During law school, Christian served as an extern for the Honorable S. James Otero at the United States District Court for the Central District of California, and the Honorable Eugene E. Siler, Jr. at the United States Court of Appeals for the Sixth Circuit.

Before attending law school, Christian was a high-school history teacher in San Jose, California as a corps member of Teach for America where he was warmly called "Mr. O."

In his spare time, Christian enjoys rooting for Chicago sports teams, playing board games, and practicing his golf swing.

Christian is currently a member of the 2018 Dallas Association of Young Lawyers Leadership Class.

ADMISSIONS

State Bar of Texas

- United States District Court for the Northern District of Texas
- United States District Court for the Western District of Texas
- United States District Court for the Eastern District of Texas

State Bar of California

- United States District Court for the Northern District of California
- United States District Court for the Central District of California
- United States District Court for the Eastern District of California
- United States District Court for the Southern District of California

EDUCATION

Vanderbilt University, Nashville, TN, J.D., 2012

Stanford University, Stanford, CA

- M.A., Education, 2007

- B.A., Political Science, History Minor, 2006

PUBLICATIONS

- *Warning – California proposes major changes for Proposition 65 warnings: take part in the process*, 19 Mar 2014

- *California’s Governor Brown earmarks funds for Prop 65 regulations but the threat of unnecessary litigation remains*, 20 Feb 2014

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EXHIBIT 1C

LYNN PINKER COX & HURST, L.L.P.

Attorneys and Counselors
2100 ROSS AVE., SUITE 2700
Dallas, TX 75201
214-981-3800

May 13, 2019

Invoice submitted to:
Funimation Productions, LLC



Invoice #: 20191001
Tax I.D.#: 75-2507536

TERMS: NET 30 DAYS

In Reference
To:

Regarding Victor Mignogna.
Our Client/Matter No.: 03456-901.

Professional services

		<u>Hours</u>	<u>Amount</u>
4/26/2019	JDV Review pleadings and check service status;	0.50	250.00
	STS Attention to multiple emails from Mr. Volney regarding case status.	0.20	44.00
For professional services rendered		<u>0.70</u>	<u>\$294.00</u>
BALANCE DUE			<u><u>\$294.00</u></u>

ATTY/EMPLOYEE Summary

<u>Name</u>	<u>Hours</u>	<u>Rate</u>	<u>Amount</u>
John D. Volney - Partner	0.50	500.00	\$250.00
Scott Smoot - Paralegal	0.20	220.00	\$44.00

Lynn Pinker Cox & Hurst, L.L.P. - Tax I.D. #: 75-2507536.

LYNN PINKER COX & HURST, L.L.P.

Attorneys and Counselors
2100 ROSS AVE., SUITE 2700
Dallas, TX 75201
214-981-3800

June 19, 2019

Invoice submitted to:
Funimation Productions, LLC
[REDACTED]

Invoice #: 20191329
Tax I.D.#: 75-2507536

TERMS: NET 30 DAYS

In Reference To: Regarding Victor Mignogna.
Our Client/Matter No.: 03456-901.

Professional services

			<u>Hours</u>	<u>Amount</u>
5/1/2019	JDV	Meet with counsel for Monica Rial and Ron Toye regarding matter; send email [REDACTED].	2.20	1,100.00
5/6/2019	JDV	Review status of service and contact [REDACTED].	0.30	150.00
5/7/2019	JDV	Call with [REDACTED].	0.40	200.00
5/8/2019	JDV	Call Ty Beard (Mignogna counsel); report [REDACTED].	1.00	500.00
	STS	Review docket and note motions to quash depositions of Ms. Rial and Mr. Toye and forward information to Mr. Volney.	0.20	44.00
	STS	Attention to multiple emails from counsel regarding deposition status.	0.10	22.00
5/9/2019	JDV	Review pleadings filed by Plaintiff (motion to quash and for protective order); review correspondence between parties regarding same.	1.00	500.00
	JDV	Telephone conference with Sam Johnson (counsel for Jamie Marchi).	0.30	150.00

			<u>Hours</u>	<u>Amount</u>
	5/9/2019	STS	Attention to multiple emails regarding service of process and deadline for client Answer.	0.20 44.00
EXCLUDE [	5/10/2019	JDV	Conference call with defense counsel; report same [REDACTED].	0.70 350.00]
		STS	Review of documents received from client.	0.40 88.00
		STS	Attention to multiple emails regarding documents received from client.	0.10 22.00
EXCLUDE		STS	Attention to multiple emails regarding case status.	0.10 22.00
EXCLUDE [	5/15/2019	JDV	Review Rule 11 Agreement related to service of petition and [REDACTED].	0.60 300.00]
EXCLUDE [	5/16/2019	JDV	Sign off on Rule 11 Agreement related to service; sign off [REDACTED].	0.30 150.00]
	5/20/2019	STS	Attention to multiple new case filings and docket deadlines.	0.20 44.00
	5/22/2019	JDV	Review materials received from client ([REDACTED]).	3.00 1,500.00
	5/23/2019	JDV	Continue review of materials received from client ([REDACTED]); review web articles regarding Mignonga termination.	2.00 1,000.00
EXCLUDE [	5/27/2019	JDV	Email communications with [REDACTED] counsel for Co-Defendants regarding next steps.	0.50 250.00]
	5/28/2019	JDV	Draft and email [REDACTED],	0.50 250.00
		JDV	Attention to draft answer for Funimation; review correspondence between Funimation and Mr. Beard regarding notice under Texas Defamation Mitigation Act;	3.00 1,500.00

EXCLUDE
[

		<u>Hours</u>	<u>Amount</u>
	identify defenses to be pleaded and defects in Mitigation Act notice.		
5/29/2019	JDV Further attention to drafting of answer for Funimation and [REDACTED]	0.60	300.00
	JDV Email communications with counsel for Co-Defendants regarding proposed conference call and filing of response to Motion to Quash.	0.30	150.00
	STS Prepare materials for review by Mr. Volney to prepare for hearing on motion to quash and for protective order.	0.40	88.00
5/30/2019	JDV Prepare for and attend conference call with Co-Defendants' counsel regarding hearing scheduled for May 31.	0.50	250.00
	JDV Attention to Texas Citizens Participation Act Anti-SLAPP motion research of recent cases considering such motions for defamation cases and cases involving public comment on allegations of sexual harassment.	1.50	750.00
	JDV Draft notice and file Rule 11 agreement with Court regarding answer and acceptance of service.	0.30	150.00
	JDV Attention to communications with opposing counsel regarding production of documents; coordinate same.	0.40	200.00
	STS Download and cursory review of documents produced by Mr. Mignogna in response to subpoena duces tecum; report findings to Mr. Volney.	1.20	264.00
5/31/2019	JDV Attend hearing on Motion to Quash and for Protective Order; provide email update to client regarding same.	4.00	2,000.00
	STS Attention to multiple new case filings.	0.20	44.00
For professional services rendered		26.50	\$12,382.00

SUBTRACT 1.5 HOURS TRAVEL

Additional charges:

	<u>Amount</u>
5/31/2019 Westlaw research for May 2019.	15.83
Total costs	<u>\$15.83</u>
Total amount of this invoice	<u>\$12,397.83</u>
Previous balance	<u>\$294.00</u>
BALANCE DUE	<u><u>\$12,691.83</u></u>

ATTY/EMPLOYEE Summary

<u>Name</u>	<u>Hours</u>	<u>Rate</u>	<u>Amount</u>
John D. Volney - Partner	23.40	500.00	\$11,700.00
Scott Smoot - Paralegal	3.10	220.00	\$682.00

Lynn Pinker Cox & Hurst, L.L.P. - Tax I.D. #: 75-2507536.

LYNN PINKER COX & HURST, L.L.P.

Attorneys and Counselors
2100 ROSS AVE., SUITE 2700
Dallas, TX 75201
214-981-3800

July 17, 2019

Invoice submitted to:
Funimation Productions, LLC



Invoice #: 20191460

Tax I.D.#: 75-2507536

TERMS: NET 30 DAYS

In Reference
To:

Regarding Victor Mignogna.
Our Client/Matter No.: 03456-901.

Professional services

		<u>Hours</u>	<u>Amount</u>
6/3/2019	STS Research to locate various web articles relating to case on multiple anime and news websites; download and save articles to shared drive for review by counsel to prepare motion to dismiss.	2.20	484.00
6/4/2019	JDV Review web articles and media publications regarding Mr. Mignogna.	0.50	250.00
	STS Attention to multiple emails regarding conference call [REDACTED].	0.10	22.00
6/5/2019	JDV Prepare for, and attend, teleconference [REDACTED].	2.50	1,250.00
	JDV Attention to draft answer for Funimation; contact [REDACTED].	1.00	500.00
	JDV Review [REDACTED]; create working outline of events relating to investigation and publications regarding Mr. Mignogna.	2.00	1,000.00
	STS Attention to multiple emails from counsel regarding conference call [REDACTED]; attention to new case filings.	0.20	44.00
	STS Attention to multiple emails regarding depositions; attention to email from Mr. Volney regarding documents [REDACTED].	0.20	44.00

		<u>Hours</u>	<u>Amount</u>
	[REDACTED]		
6/6/2019	JDV Prepare for, and attend, teleconference with [REDACTED].	1.00	500.00
	JDV Review case law related to discovery after the filing of an Anti-SLAPP motion; communication [REDACTED].	1.00	500.00
6/7/2019	JDV Further attention to draft answer for Funimation; follow-up [REDACTED].	1.00	500.00
	STS Review file to locate materials for review by Mr. Volney to prepare deposition notices.	0.20	44.00
6/10/2019	JDV Finalize and file Funimation answer.	0.50	250.00
6/11/2019	STS Review discovery received from Defendants Toye and Rial.	0.20	44.00
	STS Prepare case materials for review by Mr. Volney to prepare motion to dismiss.	0.70	154.00
6/17/2019	STS Attention to multiple new case filings.	0.10	22.00
6/18/2019	JDV Attention to Anti-SLAPP motion fact section.	2.50	1,250.00
	JDV Review deposition notices for upcoming party depositions; email co-Defendants' counsel regarding same.	0.30	150.00
	JDV Provide update [REDACTED].	0.50	250.00
	CAO Research case law on TCPA issues.	3.50	1,435.00
	CAO Outline TCPA response.	2.40	984.00
	CAO Draft TCPA response.	4.50	1,845.00

REDUCE.
By 50%

[CAO Research case law on TCPA issues. 3.50 1,435.00]
 [CAO Outline TCPA response. 2.40 984.00]
 [CAO Draft TCPA response. 4.50 1,845.00]

5.2 TOTAL

			<u>Hours</u>	<u>Amount</u>
6/18/2019	STS	Attention to multiple new case filings.	0.20	44.00
	STS	Prepare materials for review by Mr. Volney to prepare motion to dismiss.	0.60	132.00
	STS	Attention to multiple emails from ██████████ counsel regarding motion to dismiss.	0.20	44.00
6/19/2019	JDV	Attention to fact section of TCPA motion draft.	6.00	3,000.00
	CAO	Research case law on TCPA issues.	3.80	1,558.00
	CAO	Draft TCPA response.	6.90	2,829.00
	STS	Review deposition notices for Mr. Toye and Ms. Rial and docket deposition dates and locations.	0.10	22.00
	STS	Research to locate various twitter statements for review by Mr. Volney to prepare motion to dismiss.	0.80	176.00
6/20/2019	JDV	Prepare ██████████	0.50	250.00
	JDV	Attention to fact and argument sections of TCPA motion draft; ██████████	4.00	2,000.00
	JDV	Draft affidavits for Karen Mika and Tammi Denbow; ██████████	3.00	1,500.00
	CAO	Research case law on TCPA issues.	1.80	738.00
	CAO	Prepare for and draft declarations in support of TCPA.	1.20	492.00
	CAO	Edit TCPA response.	3.20	1,312.00
	CAO	Confer with Mr. Volney regarding outstanding TCPA issues.	0.50	205.00

REDUCE
50%

[CAO Research case law on TCPA issues. 3.80 1,558.00]
[CAO Draft TCPA response. 6.90 2,829.00]

			<u>Hours</u>	<u>Amount</u>
6/20/2019	CAO	Prepare [REDACTED]	0.80	328.00
	STS	Research to locate additional information regarding Funimation tweets for review by Mr. Volney to prepare motion to dismiss.	0.30	66.00
6/21/2019	JDV	Attention to draft affidavits for co-Defendants; teleconference with counsel for Rial and Toye regarding same.	1.00	500.00
	JDV	Continued attention to TCPA motion draft.	1.50	750.00
	JDV	Review Plaintiff's document production for possible deposition and/or TCPA motion exhibits.	1.50	750.00
	CAO	Edit declarations in support of TCPA.	0.30	123.00
	CAO	Prepare for and attend call with co-Defendants' counsel to discuss next steps.	0.70	287.00
	STS	Attention to multiple emails from Mr. Volney regarding documents produced by Plaintiff.	0.20	44.00
	STS	Review motion to compel filed by Defendants Toye and Rial.	0.20	44.00
	STS	Review documents produced by Plaintiff to locate materials requested by Mr. Volney to prepare motion to dismiss.	0.40	88.00
	STS	Begin preparing materials to be used as exhibits to motion to dismiss.	2.10	462.00
6/24/2019	JDV	Conference call [REDACTED]	0.30	150.00
	STS	Prepare materials for review by Mr. Volney to prepare for upcoming depositions.	2.70	594.00

EXCLUDE [

Hours Amount

6/24/2019 STS Attention to correspondence from counsel regarding location of upcoming depositions. 0.10 22.00

6/25/2019 JDV Attention to preparation for depositions, including discussions with co-counsel Sean Lemoine regarding same. 0.40 200.00]

JDV Attention to revisions to Mika affidavit [REDACTED] 0.50 250.00

JDV Draft Barretto affidavit [REDACTED] 0.60 300.00

JDV Attention to draft of Texas Anti-SLAPP motion. 3.00 1,500.00

JDV Attend telephone conference [REDACTED] 0.40 200.00

JDV Attend telephone conference [REDACTED] 0.60 300.00

STS Review documents produced by Defendants Toye and Rial to locate any useful materials for review by Mr. Volney to prepare for upcoming depositions. 1.30 286.00

EXCLUDE [

STS Attention to multiple emails from counsel regarding documents produced by Defendants Toye and Rial. 0.10 22.00

6/26/2019 JDV Travel to and from Fort Worth for deposition of Victor Mignogna. 1.50 750.00]

JDV Attention to trial notes [REDACTED] 0.50 250.00

JDV Attend deposition of Mr. Mignogna; depose Mr. Mignogna. 8.00 4,000.00

STS Attention to multiple emails from counsel regarding Mr. Mignogna's deposition. 0.10 22.00

EXCLUDE
[

			<u>Hours</u>	<u>Amount</u>
6/27/2019	JDV	Travel to and from Fort Worth for deposition of Ron Toye.	1.50	750.00
	JDV	Email communications [REDACTED]	0.50	250.00
	JDV	Attend deposition of Mr. Toye.	6.50	3,250.00
	CAO	Research case law on commercial speech exemption.	1.50	615.00
	CAO	Outline edits to TCPA motion to incorporate new portions.	0.70	287.00
	STS	Review and revise documents to be used as exhibits to motion to dismiss.	1.10	242.00
	STS	Attention to multiple emails from counsel regarding depositions of plaintiff and defendant Toye.	0.10	22.00
6/28/2019	JDV	Travel to and from Fort Worth for deposition of Monica Rial.	1.50	750.00
	JDV	Attention to affidavits of Karen Mika, Scott Barretto, and Tammi Denbow in support of TCPA motion: [REDACTED]	2.50	1,250.00
	JDV	Attention to deposition notes [REDACTED]	0.50	250.00
	JDV	Attend deposition of Monica Rial.	3.00	1,500.00
	CAO	Research case law on right of association and commercial speech exemption.	1.70	697.00
	CAO	Edit TCPA motion and provide redline to Mr. Volney.	1.80	738.00
	STS	Revise materials to be used as exhibits to motion to dismiss.	1.60	352.00
	STS	Attention to multiple emails from counsel [REDACTED] regarding affidavits to be used as exhibits to motion to dismiss.	0.20	44.00

EXCLUDE
[

	<u>Hours</u>	<u>Amount</u>
For professional services rendered	113.70	\$49,109.00
Additional charges:		
6/30/2019 Copy charges.		439.50
Westlaw research for June 2019.		8.58
Total costs		<u>\$448.08</u>
Total amount of this invoice		\$49,557.08
Previous balance		\$12,691.83
BALANCE DUE		<u><u>\$62,248.91</u></u>

ATTY/EMPLOYEE Summary

<u>Name</u>	<u>Hours</u>	<u>Rate</u>	<u>Amount</u>
John D. Volney - Partner	62.10	500.00	\$31,050.00
Christian Orozco - Associate	35.30	410.00	\$14,473.00
Scott Smoot - Paralegal	16.30	220.00	\$3,586.00

Lynn Pinker Cox & Hurst, L.L.P. - Tax I.D. #: 75-2507536.

LYNN PINKER COX & HURST, L.L.P.

Attorneys and Counselors
2100 ROSS AVE., SUITE 2700
Dallas, TX 75201
214-981-3800

September 05, 2019

Invoice submitted to:

Funimation Productions, LLC
[REDACTED]

Invoice #: 20191975

Tax I.D.#: 75-2507536

TERMS: NET 30 DAYS

In Reference
To:

Regarding Victor Mignogna.
Our Client/Matter No.: 03456-901.

Professional services

			<u>Hours</u>	<u>Amount</u>
7/1/2019	JDV	Finalize and file Funimation's Texas Citizens Participation Act motion with supporting exhibits.	7.00	3,500.00
	CAO	Confer with Mr. Volney regarding proposed order and outstanding issues before filing.	0.20	82.00
	STS	Review and finalize exhibits to motion to dismiss to be filed.	0.60	132.00
	STS	Attention to multiple emails from counsel [REDACTED] regarding motion to dismiss.	0.20	44.00
7/3/2019	JDV	Confirm hearing date with court and serve notice of hearing regarding same.	0.30	150.00
	JDV	Email and telephone communications [REDACTED]	0.30	150.00
	STS	Review depositions of Plaintiff and Defendants Toye and Rial.	0.40	88.00
	STS	Begin preparing index of deposition exhibits for review by counsel.	0.40	88.00
	STS	Review notice of hearing on Funimation's motion to dismiss and docket hearing date.	0.10	22.00

EXCLUDE

			<u>Hours</u>	<u>Amount</u>
7/9/2019	JDV	Review materials related to SPE investigation.	0.50	250.00
	JDV	Contact [REDACTED]	0.30	150.00
	STS	Review Defendants' motion to determine scope or for leave to conduct discovery.	0.30	66.00
7/10/2019	CAO	Confer with Mr. Volney regarding [REDACTED]	0.20	82.00
	STS	Review portions of [REDACTED]	0.60	132.00
7/12/2019	STS	Attention to multiple new case filings.	0.20	44.00
7/15/2019	STS	Prepare materials for review by Mr. Volney to prepare for hearing on Defendants' special exceptions.	0.80	176.00
7/16/2019	STS	Finish preparing index of deposition exhibits for review by counsel.	0.40	88.00
	STS	Attention to multiple emails regarding status of hearing on Defendants' special exceptions.	0.20	44.00
	STS	Attention to multiple emails from counsel regarding case status.	0.10	22.00
7/17/2019	JDV	Review research and case law regarding employee/agent/independent contractor legal issue as it effects Mr. Mignogna's vicarious liability claim against Funimation.	1.50	750.00
	CAO	Research case law on vicarious liability arising employees and independent contractors.	2.30	943.00
	CAO	Draft email and confer with Mr. Volney regarding the same.	0.20	82.00
	CAO	Review Plaintiff's first amended petition.	0.30	123.00

EXCLUDE

			<u>Hours</u>	<u>Amount</u>	
7/17/2019	STS	Prepare comparison of original petition and first amended petition for review by Mr. Orozco.	0.40	88.00	
	STS	Attention to multiple emails from counsel regarding case status.	0.10	22.00	
EXCLUDE	7/18/2019	JDV	Review draft of Texas Citizens Participation Act motion to be filed by Co-Defendants.	0.50	250.00
		JDV	Telephone conference with Mr. Lemoine regarding same.	0.50	250.00
EXCLUDE		STS	Attention to multiple new case filings.	0.20	44.00
EXCLUDE	7/19/2019	JDV	Review Texas Citizens Participation Act briefs filed by Co-Defendants.	1.40	700.00
		JDV	Send Texas Citizens Participation Act briefs file by Co-Defendants [REDACTED].	0.10	50.00
		CAO	Review Co-Defendants' motion to dismiss.	0.50	205.00
		CAO	Confer with Mr. Volney regarding Co-Defendant's Motion to Dismiss.	0.20	82.00
7/23/2019	JDV	Update phone call [REDACTED]	0.40	200.00	
7/24/2019	JDV	Review materials related to Anti-Slapp motions from Fort Worth Court of Appeals.	1.00	500.00	
	JDV	Review Motion to Strike filed by Plaintiff.	1.00	500.00	
	CAO	Confer with Mr. Volney regarding next steps.	0.20	82.00	
7/25/2019	JDV	Draft affidavit for Mr. Barretto.	2.00	1,000.00	
	JDV	Attention to initial draft of Funimation supplement in support of its Texas Citizens Participation Act motion.	1.00	500.00	

			<u>Hours</u>	<u>Amount</u>
7/25/2019	JDV	Review depositions of Mr. Mignogna and Co-Defendants Rial and Toye for relevant excerpts to include in supplement.	1.00	500.00
	JDV	Continue review of motion to strike filed by Plaintiff and review cases cited by Plaintiff in support of evidentiary objection.	1.50	750.00
	JDV	Telephone conference with [REDACTED]	0.50	250.00
	STS	Review and organize materials for review by Mr. Volney to prepare supplement to motion to dismiss.	0.30	66.00
	STS	Review file and prepare materials to be used as exhibits to supplement to motion to dismiss.	1.30	286.00
	STS	Review transcript of Mr. Mignogna's deposition to locate information requested by Mr. Volney to be included in supplement to motion to dismiss.	1.90	418.00
7/26/2019	JDV	Further attention to finalizing draft of supplement and send same to Ms. Hallinan for review/comment.	2.00	1,000.00
	JDV	Attention to draft supplemental affidavit for Ms. Mika.	1.00	500.00
	CAO	Draft PowerPoint presentation for Texas Citizens Participation Act hearing.	3.20	1,312.00
	CAO	Review evidence for Texas Citizens Participation Act PowerPoint.	1.20	492.00
	CAO	Confer with Mr. Smoot regarding strategy of Texas Citizens Participation Act.	0.30	123.00
	CAO	Confer with Mr. Volney regarding strategy of Texas Citizens Participation Act.	0.30	123.00

EXCLUDE

			<u>Hours</u>	<u>Amount</u>
7/26/2019	STS	Review materials to be submitted as supplement to motion to dismiss and inform Mr. Volney of any issues.	0.60	132.00
	STS	Finalize exhibits to be filed with supplement to motion to dismiss.	0.50	110.00
	STS	Attention to new case filings.	0.10	22.00
7/29/2019	JDV	Attention to finalizing and filing Funimation's Supplemental Brief in Support of its Texas Citizens Participation Act motion, including revising same, cite-checking same, and attention to exhibits.	2.00	1,000.00
	JDV	Contact [REDACTED]	0.30	150.00
	JDV	Telephone conference [REDACTED]	0.50	250.00
	JDV	Email [REDACTED]	0.20	100.00
	JDV	Confer with opposing counsel, review, and then draft response to Plaintiff's Motion to Continue Hearing.	2.80	1,400.00
	JDV	Review evidentiary objections by Plaintiff and continue work on draft supplemental affidavit and circulate same to client and witness for review.	2.50	1,250.00
	JDV	Contact [REDACTED]	0.20	100.00
	STS	Review and revise exhibits to be filed with Texas Citizens Participation Act motion.	0.30	66.00
	STS	Attention to multiple emails from counsel regarding supplement to Texas Citizens Participation Act motion.	0.10	22.00
7/30/2019	JDV	Finalize and file response to motion for continuance.	0.40	200.00

		<u>Hours</u>	<u>Amount</u>
7/30/2019	JDV Review filings by Co-Defendants regarding same.	0.40	200.00
	JDV Contact and communications [REDACTED] [REDACTED]	0.50	250.00
	STS Attention to multiple emails from counsel regarding Plaintiff's motion for continuance.	0.10	22.00
	STS Research [REDACTED] [REDACTED]	0.40	88.00
	STS Attention to multiple emails from counsel regarding response to motion for continuance.	0.20	44.00
7/31/2019	JDV Draft letter to court regarding discussions with Plaintiff's counsel about moving hearing date and agreeing to a briefing schedule and procedure for handling evidentiary objections.	0.80	400.00
	JDV Attention to revisions to affidavits of Ms. Mika and Mr. Barretto.	2.50	1,250.00
	JDV Review filings related to motion for continuance of hearing.	2.20	1,100.00
	JDV Coordinate [REDACTED] [REDACTED]	0.50	250.00
	JDV Email communications with opposing counsel regarding resolution of filings related to motion for continuance hearing.	0.20	100.00
	JDV Emails and telephone calls with Co-Defendants' counsel regarding filings related to motion for continuance hearing.	0.50	250.00
	JDV Contact court coordinator Jeff Fisher regarding filings related to motion for continuance hearing.	0.10	50.00
	CAO Edit letter for the court.	0.40	164.00

	<u>Hours</u>	<u>Amount</u>
7/31/2019 CAO Review filings for telephonic hearing.	0.70	287.00
CAO Confer with Mr. Volney regarding letter for the court.	0.40	164.00
STS Prepare materials for review by counsel to prepare for hearing on motion for continuance.	0.60	132.00
STS Attention to multiple emails from counsel regarding hearing on motion for continuance.	0.20	44.00
	<hr/>	<hr/>
For professional services rendered	62.60	\$27,098.00
Additional charges:		
6/21/2019 Parking for Mr. Volney 05/13/19 for hearing on plaintiff's motion to quash 05/31/19.		20.00
7/3/2019 Certified copies of the deposition of Monica Rial (Global Deposition Services).		497.65
Certified copies of the deposition of Victor Mignogna (Global Deposition Services).		1,447.25
Certified copies of the deposition of Ronald Toyne (Global Deposition Services).		1,128.55
7/21/2019 Parking for Mr. Volney at courthouse for 06/26/19 deposition of Vic Mignogna 06/26/19.		6.00
Parking for Mr. Volney at courthouse for 06/26/19 deposition of Monica Rial 06/27/19.		6.00
Parking for Mr. Volney at courthouse for 06/27/19 deposition of Ron Toyne 06/28/19.		6.00
Lunch for Mr. Volney for the deposition of Ron Toyne 06/28/19.		20.16
7/31/2019 Copy charges.		170.50
Westlaw research for July 2019.		45.52

	Amount
7/31/2019 Litigation copies, index tabs and binder copies for hearing preparation.	54.61
Total costs	\$3,402.24
Total amount of this invoice	\$30,500.24
Previous balance	\$62,248.91
BALANCE DUE	\$92,749.15

ATTY/EMPLOYEE Summary

Name	Hours	Rate	Amount
John D. Volney - Partner	40.40	500.00	\$20,200.00
Christian Orozco - Associate	10.60	410.00	\$4,346.00
Scott Smoot - Paralegal	11.60	220.00	\$2,552.00

Lynn Pinker Cox & Hurst, L.L.P. - Tax I.D. #: 75-2507536.

LYNN PINKER COX & HURST, L.L.P.

Attorneys and Counselors
2100 ROSS AVE., SUITE 2700
Dallas, TX 75201
214-981-3800

September 19, 2019

Invoice submitted to:
Funimation Productions, LLC

Invoice #: 20192016

Tax I.D.#: 75-2507536

TERMS: NET 30 DAYS

**In Reference
To:**

Regarding Victor Mignogna.
Our Client/Matter No.: 03456-901.

Professional services

			<u>Hours</u>	<u>Amount</u>
8/1/2019	JDV	Prepare for telephonic hearing on motion for continuance.	0.30	150.00
	JDV	Review email correspondence of parties regarding form of agreement on continuance motion and briefing schedule.	0.20	100.00
	JDV	Review and approve letter submission to court regarding continuance of Texas Citizens Participation Act hearing.	0.50	250.00
	JDV	Review filings by Plaintiff in support of his Motion for Continuance.	0.30	150.00
	JDV	Attend telephone conference regarding Plaintiff's motion for continuance.	0.50	250.00
	CAO	Prepare for telephonic hearing.	0.70	287.00
	CAO	Finalize letter to the Court in anticipation for the telephonic hearing.	1.00	410.00
	CAO	Confer with Messrs. Smoot and Volney regarding next steps.	0.20	82.00
	STS	Attention to multiple new case filings.	0.10	22.00
	STS	Prepare new filings for review by counsel to prepare for hearing call with court on motion for continuance.	0.30	66.00

EXCLUDE

[

]

			<u>Hours</u>	<u>Amount</u>
	8/1/2019	STS Participate on hearing call with court on motion for continuance.	0.30	66.00
<i>EXCLUDE</i>	[	STS Review [REDACTED] and prepare summary for review by Mr. Volney.	1.60	352.00
		8/2/2019 JDV Review status [REDACTED]	0.40	200.00
		JDV Review Rule 11 agreement proposed by counsel for Plaintiff; conference with Co-Defendants and send redline of same acceptable to Defendants to Plaintiff.	1.20	600.00
	8/5/2019	JDV Attention to drafting supplemental filing to address evidentiary objections from Plaintiff.	1.20	600.00
		JDV Email communications [REDACTED]	0.30	150.00
		JDV Further email and telephone communications with opposing counsel and counsel for Co-Defendants regarding agreement on briefing schedule and hearing on Texas Citizens Participation Act motions.	0.60	300.00
<i>EXCLUDE</i>	(	CAO Confer with Messrs. Volney and Smoot regarding strategy.	0.40	164.00
		STS Prepare materials to be filed as supplemental evidence to Texas Citizens Participation Act motion to dismiss.	0.50	110.00
	8/6/2019	JDV Attention to drafting and filing notice of hearing on Texas Citizens Participation Act motion.	0.20	100.00
		JDV Finalize and file supplementation with affidavits prepared by Ms. Mika and Mr. Barretto.	0.80	400.00
		JDV Finalize and file Rule 11 agreement regarding Texas Citizens Participation Act motion hearing and briefing schedule.	0.30	150.00

		<u>Hours</u>	<u>Amount</u>
8/6/2019	JDV	0.10	50.00
	STS	0.20	44.00
8/7/2019	JDV	1.00	500.00
	STS	0.10	22.00
8/8/2019	JDV	2.50	1,250.00
	JDV	1.00	500.00
	JDV	0.20	100.00
	JDV	0.30	150.00
	STS	0.70	154.00
	STS	0.50	110.00
	STS	1.10	242.00
8/12/2019	JDV	1.00	500.00

EXCLUDE

EXCLUDE

claim and additional evidentiary materials related to Plaintiff.

			<u>Hours</u>	<u>Amount</u>
8/12/2019	JDV	Review recent Texas Citizens Participation Act case law from Fort Worth Court of Appeals related to proof necessary to show clear and specific evidence for tortious interference claims.	0.50	250.00
8/20/2019	STS	Review Texas Citizens Participation Act motion to dismiss and supplements to prepare chart of evidence cited for use by the Court.	0.40	88.00
	STS	Prepare chart of evidence cited in Texas Citizens Participation Act motion to dismiss and supplements thereto for use by the Court to note what evidence is admitted and what will be struck pursuant to Plaintiff's motion to strike.	1.10	242.00
	STS	Attention to multiple emails from counsel regarding replies in support of Texas Citizens Participation Act motions.	0.20	44.00
8/21/2019	JDV	Attention to draft response in opposition to Plaintiff's July 24, 2019, objections and motion to strike Funimation's evidence.	1.20	600.00
8/22/2019	JDV	Review hearing PowerPoint draft provided by Mr. Orozco for hearing on Texas Citizens Participation Act motion.	0.80	400.00
8/26/2019	JDV	Attention to response in opposition to motion to strike evidence submitted by Funimation (Mika, Barretto, Denbow).	1.50	750.00
	CAO	Research case law regarding limited purpose public figure.	0.50	205.00
	CAO	Confer with Mr. Volney regarding research on case law scope and direction.	0.30	123.00
8/27/2019	JDV	Draft response in opposition to Plaintiff's motion to strike Funimation's supplemental filings.	2.00	1,000.00

			<u>Hours</u>	<u>Amount</u>
	8/28/2019	CAO Research case law on vicarious liability against funimation.	3.00	1,230.00
<i>EXCLUDE</i>	[	CAO Confer with Messrs. Smoot and Volney regarding research case law on vicarious liability	0.20	82.00
	8/29/2019	JDV Finalize response to motion to strike and direct filing of same.	0.50	250.00
		JDV Review and revise draft response to motion to strike filings.	1.50	750.00
		JDV Send update email to client regarding next steps in matter.	0.30	150.00
<i>EXCLUDE</i>	[	CAO Research case law on Texas Citizens Participation Act issues regarding defamation, and scope of tortious interference and limited purpose public figure, and in anticipation of reply.	3.50	1,435.00
		STS Attention to multiple emails from Mr. Volney regarding meeting with co-defendants to discuss Texas Citizens Participation Act hearing.	0.20	44.00
	8/30/2019	JDV Further attention to drafting response to motion to strike and objections to affidavits filed by Funimation employees Mika, Barretto, and Denbow.	6.00	3,000.00
		JDV Telephone call [REDACTED]	0.20	100.00
		JDV Review emails [REDACTED]	0.30	150.00
		CAO Research case law on vicarious liability and civil conspiracy to determine scope of statements Co-Defendant's.	1.30	533.00
		CAO Draft reply in support of motion to dismiss.	1.40	574.00
<i>EXCLUDE</i>	[	CAO Confer with Mr. Volney regarding the same draft reply in support of motion to dismiss.	0.20	82.00

EXCLUDE

			<u>Hours</u>	<u>Amount</u>
8/31/2019	JDV	Prepare for and attend meeting with counsel for Co-Defendants to discuss reply briefs, objections to evidence, and next steps for hearing.	1.50	750.00
	JDV	Review Response in Opposition to Defendants' Texas Citizens Participation Act motion.	0.30	150.00
	JDV	Review multiple email communications to and from opposing counsel regarding late filings.	0.50	250.00
	JDV	Review draft pleading [REDACTED]	0.50	250.00
	JDV	Attention to review of record and drafting of objections to evidence submitted by Plaintiff.	4.50	2,250.00
	JDV	Email communications [REDACTED]	0.30	150.00
	CAO	Outline reply in support of Funimation's Texas Citizens Participation Act Motion.	1.50	615.00
	CAO	Review Plaintiff's Response to Texas Citizens Participation Act Motion.	2.50	1,025.00
	CAO	Prepare for and attend meeting with Messrs. Volney, Johnson, and Lemoine.	2.20	902.00
	STS	Prepare Plaintiff's Response to Motions to Dismiss for review by counsel to prepare for meeting with co-defense counsel.	1.60	352.00
For professional services rendered			63.10	\$27,357.00
Additional charges:				
8/15/2019	FedEx	to Mr. Volney 08/02/19.		38.87
	FedEx	to Karen Mika Perrinton, MI 07/31/19.		47.60

	<u>Amount</u>
8/31/2019 Copy charges.	380.50
Westlaw research for August 2019.	22.94
Total costs	\$489.91
Total amount of this invoice	\$27,846.91
Previous balance	\$92,749.15
BALANCE DUE	\$120,596.06

ATTY/EMPLOYEE Summary

<u>Name</u>	<u>Hours</u>	<u>Rate</u>	<u>Amount</u>
John D. Volney - Partner	35.30	500.00	\$17,650.00
Christian Orozco - Associate	18.90	410.00	\$7,749.00
Scott Smoot - Paralegal	8.90	220.00	\$1,958.00

Lynn Pinker Cox & Hurst, L.L.P. - Tax I.D. #: 75-2507536.

LYNN PINKER COX & HURST, L.L.P.

Attorneys and Counselors
2100 ROSS AVE., SUITE 2700
Dallas, TX 75201
214-981-3800

October 24, 2019

Invoice submitted to:

Funimation Productions, LLC


Invoice #: 20192255

Tax I.D.#: 75-2507536

TERMS: NET 30 DAYS

In Reference
To:

Regarding Victor Mignogna.
Our Client/Matter No.: 03456-901.

Professional services

			<u>Hours</u>	<u>Amount</u>
9/1/2019	CAO	Draft reply in support of Funimation's TCPA motion.	1.50	615.00
	CAO	Outline reply in support of Funimation's TCPA motion	0.40	164.00
	CAO	Review Plaintiff's Response to TCPA Motion.	1.20	492.00
9/2/2019	JDV	Draft changes to letter to Court with parties' filings related to motions filed under Texas Citizens Participation Act.	0.50	250.00
	JDV	Further attention to drafting and finalizing Funimation's objections to evidence submitted by Plaintiff in support of his Texas Citizens Participation Act response.	2.00	1,000.00
	JDV	Review evidence and arguments related to Plaintiff's filing of fraudulently-notarized affidavits and conference with counsel for Co-Defendants related to same.	1.20	600.00
	CAO	Research case law on TCPA issues.	3.20	1,312.00
	CAO	Draft reply in support of Funimation's TCPA motion.	6.90	2,829.00
	EXCLUDE [CAO	Confer with Mr. Volney regarding reply brief.	0.80	328.00]
9/3/2019	JDV	Edit and finalize for filing Funimation's Response to Plaintiff's Motion to Strike Funimation's employees' supplemental affidavits.	1.50	750.00

			<u>Hours</u>	<u>Amount</u>
	9/3/2019	JDV Review Order denying objections to Funimation's employees' affidavits and circulate same to client.	0.20	100.00
		JDV Attention to reviewing and finalizing Funimation's Joinder in Co-Defendants' Motion to Strike Pleadings and Evidence.	0.50	250.00
EXCLUDE		[JDV Review reply briefs filed by Co-Defendants.	0.50	250.00]
		JDV Attention to reviewing, editing and finalizing Funimation's reply brief in support of its Texas Citizens Participation Act motion.	7.00	3,500.00
EXCLUDE		[JDV Telephone conference with [REDACTED]	0.30	150.00]
		CAO Research case law on right of association.	0.40	164.00
		CAO Edit reply in support of Funimation's TCPA motion.	2.80	1,148.00
		CAO Review sanction motion against Plaintiff's counsel.	0.40	164.00
EXCLUDE		[CAO Confer with Mr. Volney regarding reply brief.	0.50	205.00]
		STS Prepare proposed orders for various motions filed by Funimation and Plaintiff for review by counsel.	0.30	66.00
		STS Prepare exhibits to response to Plaintiff's motion to strike to be filed.	0.70	154.00
		STS Prepare materials to be sent to co-defendant counsel to be included in materials that are being forwarded to Judge prior to hearing on motions to dismiss.	1.10	242.00
EXCLUDE		STS Attention to multiple new case filings.	0.20	44.00
	9/4/2019	JDV Review filing of Notice of Appearance of new counsel for Plaintiff and research same.	0.50	250.00]

		<u>Hours</u>	<u>Amount</u>
9/4/2019	JDV Review statute and case law related to admissibility of unsworn declarations that do not include statutorily-required information (date of birth and home address).	0.60	300.00
	JDV Retrieve and begin review of Texas Citizens Participation Act case law in preparation for Texas Citizens Participation Act hearing.	1.50	750.00
EXCLUDE	[JDV Email communications with client (Mr. Barretto, Mr. Hilton and Ms. Hallinan) related to Texas Citizens Participation Act hearing.]	0.50	250.00
	STS Being preparing materials for use at hearing on motion to dismiss.	1.90	418.00
	STS Attention to multiple new case filings.	0.10	22.00
9/5/2019	JDV Research case law related to filing of amended petition in advance of Texas Citizens Participation Act hearing and grounds to strike same.	1.20	600.00
	JDV Attention to drafting outline of argument, including review of PowerPoint presentation prepared by Mr. Orozco.	2.00	1,000.00
	JDV Review, edit, finalize bench brief on application of Rule 59, Rule 70, and statute related to unsworn declarations.	2.00	1,000.00
	JDV Review cases cited in parties' briefing in preparation for hearing on Texas Citizens Participation Act motions.	2.00	1,000.00
	CAO Research case law on Rule 21c regarding the admittance of exhibits to pleadings.	1.10	451.00
	CAO Draft bench brief on excluding second amended petition and exhibits.	2.90	1,189.00
	CAO Edit PowerPoint presentation for TCPA hearing.	5.20	2,132.00

EXCLUDE

			<u>Hours</u>	<u>Amount</u>
9/5/2019	CAO	Confer with Messrs. Smoot and Volney regarding PowerPoint presentation.	0.30	123.00
	STS	Attention to multiple new case filings.	0.20	44.00
	STS	Review and revise presentation to be used at TCPA hearing.	0.30	66.00
	STS	Attention to multiple emails regarding TCPA hearing.	0.20	44.00
9/6/2019	JDV	Prepare for hearing on Texas Citizens Participation Act motions.	2.00	1,000.00

EXCLUDE

	JDV	Travel to and from Tarrant County courthouse for Texas Citizens Participation Act hearing.	1.20	600.00
	JDV	Update clients on outcome of hearing and next steps.	0.50	250.00
	JDV	Attend hearing on Texas Citizens Participation Act motions.	3.00	1,500.00

EXCLUDE

	CAO	Draft email to Ms. Hallinan regarding update of TCPA hearing.	0.30	123.00
	CAO	Confer with Mr. Volney regarding TCPA hearing.	0.80	328.00

EXCLUDE

	CAO	Travel to and from Tarrant County courthouse for TCPA hearing.	1.20	492.00
	CAO	Attend TCPA hearing; prepare for TCPA hearing.	5.50	2,255.00

EXCLUDE

	STS	Travel to and from Motion to Dismiss hearing.	2.00	440.00
	STS	Prepare for and attend Motion to Dismiss hearing.	5.50	1,210.00

EXCLUDE

9/9/2019	STS	Review [REDACTED] TCPA hearing and prepare summary for Mr. Volney.	1.30	286.00
	STS	Attention to multiple emails from counsel regarding transcript from motion to dismiss hearing.	0.10	22.00

			<u>Hours</u>	<u>Amount</u>
	9/10/2019	JDV Multiple communications with client and court clerk regarding in-person hearing requested by Judge Chupp.	0.80	400.00
		STS Review email from court setting meeting between counsel and judge and docket meeting.	0.10	22.00
<i>EXCLUDE</i>	9/11/2019	STS Review of [REDACTED] and prepare summary of stream for review by Mr. Volney.	2.10	462.00
	9/12/2019	JDV Review case law and research related to bond requirement for Texas Citizens Participation Act appeals.	1.00	500.00
	9/13/2019	JDV Review transcript of hearing on Texas Citizens Participation Act motions and provide same to client.	1.00	500.00
<i>EXCLUDE</i>		JDV Email communications with client related [REDACTED]	0.50	250.00
<i>EXCLUDE</i>		STS Review transcript of TCPA motion to dismiss hearing.	0.70	154.00
		STS Attention to multiple emails from counsel regarding transcript of TCPA motion to dismiss hearing.	0.20	44.00
<i>EXCLUDE</i>	9/17/2019	JDV Drive to and from Fort Worth for hearing requested by Court.	1.20	600.00
		JDV Further research regarding whether defamation by implication can ever qualify as defamation per se, in the event that the court offers any additional opportunity to provide arguments on Texas Citizens Participation Act motions.	1.00	500.00
		JDV Telephone conversation [REDACTED]	0.40	200.00
		JDV Email communications to client regarding hearing and court's order to mediation, including providing background regarding threats to court.	0.50	250.00

EXCLUDE

			<u>Hours</u>	<u>Amount</u>
9/17/2019	JDV	Discussion with co-counsel regarding next steps.	0.80	400.00

	JDV	Attention to multiple communications with mediator's office, client, and counsel for other parties regarding mediation scheduling.	2.00	1,000.00
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	JDV	Attend court hearing.	0.80	400.00
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EXCLUDE

	CAO	Prepare for meeting with trial court by reviewing briefing and transcript.	0.80	328.00
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	CAO	Attend trial court meeting with Mr. Volney.	3.20	1,312.00
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	STS	Attention to multiple emails from counsel regarding results of meeting with judge.	0.20	44.00
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9/18/2019	JDV	Further attention to scheduling and confirmation mediation with all parties and the mediator.	1.20	600.00
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	STS	Attention to multiple emails from client/counsel regarding mediation.	0.20	44.00
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EXCLUDE

9/20/2019	JDV	Travel to and from Fort Worth for meeting with mediator.	1.20	600.00
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	JDV	Research mediator and send email to client with mediator information and recap of lunch meeting.	0.50	250.00
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	JDV	Prepare chart for lunch meeting with mediator.	0.50	250.00
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	JDV	Review authorities on sanctions available in the context of a winning Texas Citizens Participation Act motion.	0.50	250.00
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	JDV	Meeting with mediator and Mr. Lemoine [REDACTED]	1.50	750.00
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	STS	Prepare information sheet on case players (to include photographs of each party) for use by Mr. Volney during meeting with mediator.	0.30	66.00
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			<u>Hours</u>	<u>Amount</u>
9/24/2019	JDV	Research and prepare proposed stipulation of voluntary dismissal as potential settlement proposal.	1.50	750.00
	JDV	Review redacted legal bills in preparation for mediation .	0.50	250.00
	STS	Review and redact firm invoices to be sent to mediator.	1.90	418.00
9/25/2019	JDV	Draft mediation statement.	2.50	1,250.00
	JDV	Send mediation statement to client with cover email identifying issues to be considered for final draft to mediator.	0.40	200.00
9/26/2019	JDV	Attention to mediation statement draft.	2.00	1,000.00
	JDV	Email communications with Mr. Hilton and Ms. Hallinan related to mediation statement.	0.50	250.00
9/27/2019	JDV	Finalize and send mediation statement to Mediator's office.	1.20	600.00
	JDV	Email communications with client related to mediation preparation and logistics.	0.30	150.00
	JDV	Email communications with Mr. Lemoine related to mediation materials (players list).	0.30	150.00
	JDV	Telephone call with Mr. Lemoine related to mediation preparation and strategy.	0.40	200.00
	CAO	Compare first and second amended petition.	0.40	164.00
	CAO	Confer with Mr. Volney regarding petition differences.	0.20	82.00
9/30/2019	JDV	Email communications with Mr. Smoot and Mr. Lemoine [REDACTED]	0.20	100.00
	STS	Finish redacting firm invoices to be forwarded to mediator.	0.40	88.00

EXCLUDE
[

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	<u>Hours</u>	<u>Amount</u>
For professional services rendered	115.90	\$48,750.00
Additional charges:		
9/6/2019 Reimbursement to Mr. Volney for parking at courthouse for plaintiff's motion to strike late filings.		10.00
9/10/2019 Check made payable to Tina Fett for hearing transcript of TCPA motion to dismiss 09/06/19.		350.00
9/17/2019 Copies of images.		98.72
9/23/2019 Check made payable to Lacy Malone Steppick Ryder & Menefee for mediation 10/2/19.		1,500.00
9/30/2019 Copy charges.		466.10
Westlaw research for September 2019.		80.23
Total costs		<u>\$2,505.05</u>
Total amount of this invoice		<u>\$51,255.05</u>
Previous balance		<u>\$120,596.06</u>
10/4/2019 Payment - thank you electronic payment for invoice 20191001.		(\$294.00)
10/7/2019 Payment - thank you electronic payment for invoices 20191329, 20191460, 20191975 and partial payment of invoice 20192016.		(\$93,125.66)
Total payments and adjustments		<u>(\$93,419.66)</u>
BALANCE DUE		<u><u>\$78,431.45</u></u>

ATTY/EMPLOYEE Summary

<u>Name</u>	<u>Hours</u>	<u>Rate</u>	<u>Amount</u>
John D. Volney - Partner	55.90	500.00	\$27,950.00
Christian Orozco - Associate	40.00	410.00	\$16,400.00
Scott Smoot - Paralegal	20.00	220.00	\$4,400.00

Funimation Productions, LLC

Page 9

Lynn Pinker Cox & Hurst, L.L.P. - Tax I.D. #: 75-2507536.

Selection Criteria

Slip.Transaction Date 10/1/2019 - 10/31/2019
CLIE.Selection Include: Funimation/Mign

Nickname Funimation/Mign | 03456-901
Full Name Funimation Productions, LLC
Address [REDACTED]
Phone 1 [REDACTED] Phone 2
Phone 3 [REDACTED] Phone 4
In Ref To Regarding Victor Mignogna.
Our Client/Matter No.: 03456-901.
Last bill 9/19/2019
Last charge 10/31/2019
Last payment 10/7/2019 Amount \$93,125.66

Date ID	ATTY/EMPLOYEE Task	Rate Markup %	Hours DNB Time	Amount DNB Amt	Total
10/1/2019 744164	7Orozco, Chris Settlement/ADR Prepare for mediation by summarizing attorneys' fees. Custom Text: A101	410.00	0.80	328.00	Billable
10/1/2019 741702	Smoot, Scott Settlement/ADR Prepare materials for review by counsel to prepare for mediation. Custom Text: a111	220.00	1.30	286.00	Billable
EXCLUDE [10/2/2019 744603	1fVolney, John Miscellaneous Travel to and from Fort Worth for mediation. Custom Text: A109	500.00	1.20	600.00	Billable]
10/2/2019 744604	1fVolney, John Analysis/Strate Prepare for mediation (revised [REDACTED] and print same). Custom Text: A101	500.00	0.50	250.00	Billable
EXCLUDE [10/2/2019 744606	1fVolney, John Settlement/ADR Attend mediation. Custom Text: A109	500.00	8.00	4,000.00	Billable]
10/2/2019 744168	7Orozco, Chris Settlement/ADR Prepare for and attend mediation with Messrs. Volney, Hilton, and Ms. Hallinan. Custom Text: A109	410.00	10.00	4,100.00	Billable
10/4/2019 744611	1fVolney, John Analysis/Strate Communications with client regarding Court Order granting Texas Citizens Participation Act motion. Custom Text: A106	500.00	0.50	250.00	Billable

Funimation/Mign:Funimation Productions, LLC (continued)

Date ID	ATTY/EMPLOYEE Task	Rate Markup %	Hours DNB Time	Amount DNB Amt	Total
10/4/2019 744175	7Orozco, Chris Pleadings Review Court's order. Custom Text: A104	410.00	0.20	82.00	Billable
10/4/2019 743013	Smoot, Scott Other case asse Review order on TCPA motions to dismiss. Custom Text: a111	220.00	0.20	44.00	Billable
10/7/2019 744614	1fVolney, John Analysis/Strate Joint defense communications with Co-Defendants related to attorneys' fees issue and next steps. Custom Text: A107	500.00	0.50	250.00	Billable
10/7/2019 743582	Smoot, Scott Other case asse Research to locate information Custom Text: a111	220.00	0.50	110.00	Billable
10/8/2019 744617	1fVolney, John Analysis/Strate Teleconference with Mr. Lemoine regarding evidentiary basis for seeking sanctions against Mr. Mignogna per Texas Citizens Participate Act. Custom Text: A107	500.00	0.40	200.00	Billable
10/9/2019 744623	1fVolney, John Analysis/Strate Communications with client and US Postal Inspector regarding threats received by witnesses. Custom Text: A106	500.00	0.50	250.00	Billable
10/9/2019 744244	Smoot, Scott Other case asse Review copies of threats mailed to various voice actors. Custom Text: a108	220.00	0.10	22.00	Billable
10/11/2019 747175	7Orozco, Chris Analysis/Strate Review caselaw on sanctions and attorneys' fees. Custom Text: A104	410.00	2.50	1,025.00	Billable
10/11/2019 747176	7Orozco, Chris Analysis/Strate Confer with Mr. Volney regarding Motion for attorneys' fees and sanctions. Custom Text: A105	410.00	0.20	82.00	Billable
10/14/2019 747128	1fVolney, John Fact investigat Attention to research and writing attorney's fees affidavit in support of Funimation's Motion for Reasonable Attorney's Fees, Costs, and Sanctions. Custom Text: A102	500.00	2.00	1,000.00	Billable

EXCLUDE

EXCLUDE

Funimation/Mign:Funimation Productions, LLC (continued)

Date ID	ATTY/EMPLOYEE Task	Rate Markup %	Hours DNB Time	Amount DNB Amt	Total
10/14/2019 747129	1fVolney, John Analysis/Strate Conference with co-counsel for Defendants regarding attorney's fees application and sanctions request. Custom Text: A107	500.00	0.50	250.00	Billable
10/14/2019 747177	7Orozco, Chris Analysis/Strate Research caselaw on sanctions. Custom Text: A102	410.00	2.20	902.00	Billable
10/14/2019 747178	7Orozco, Chris Analysis/Strate Research caselaw on attorneys' fees. Custom Text: A102	410.00	2.30	943.00	Billable
10/14/2019 747179	7Orozco, Chris Written Motions Outline Motion for Attorneys' fees and sanctions. Custom Text: A103	410.00	3.20	1,312.00	Billable
10/14/2019 747180	7Orozco, Chris Written Motions Draft Motion for Attorneys' fees and sanctions. Custom Text: A103	410.00	1.50	615.00	Billable
10/15/2019 747130	1fVolney, John Analysis/Strate Further attention to attorney's fees affidavit in support of Funimation's motion for reasonable attorney's fees, costs, and sanctions, including review of fee invoices and billing adjustments and edits to draft and calculation of appellate attorney's fees. Custom Text: A103	500.00	4.00	2,000.00	Billable
10/15/2019 747131	1fVolney, John Analysis/Strate Attention to evidence in support of Funimation's Motion for Reasonable Attorney's Fees, Costs, and Sanctions available online (Beard/Rekieta discussion of Court's October 4 order). Custom Text: A103	500.00	1.00	500.00	Billable
10/15/2019 747181	7Orozco, Chris Written Motions Draft Motion for Attorneys' fees and sanctions. Custom Text: A103	410.00	2.50	1,025.00	Billable
10/15/2019 745004	Smoot, Scott Other case asse Attention to multiple emails from counsel regarding fee statements. Custom Text: a108	220.00	0.20	44.00	Billable

Funimation/Mign:Funimation Productions, LLC (continued)

Date ID	ATTY/EMPLOYEE Task	Rate Markup %	Hours DNB Time	Amount DNB Amt	Total
10/16/2019 747132	1fVolney, John Analysis/Strate Further attention to attorney's fees affidavit in support of Funimation's Motion for Reasonable Attorney's Fees, Costs, and Sanctions, including review of fee invoices and billing adjustments for September time entries. Custom Text: A106	500.00	3.00	1,500.00	Billable
10/16/2019 747133	1fVolney, John Analysis/Strate Attention to research and editing motion in support of Funimation's Request for Reasonable Attorney's Fees, Costs, and Sanctions. Custom Text: A103	500.00	3.00	1,500.00	Billable
10/16/2019 747134	1fVolney, John Analysis/Strate Attention to section of affidavit related to costs sought to be recovered by Funimation. Custom Text: A104	500.00	0.50	250.00	Billable
10/16/2019 747184	7Orozco, Chris Analysis/Strate Research caselaw on recovering paralegal fees. Custom Text: A102	410.00	0.60	246.00	Billable
10/16/2019 745218	Smoot, Scott Other case asse Review [REDACTED] Custom Text: a111	220.00	0.70	154.00	Billable
10/17/2019 747135	1fVolney, John Analysis/Strate Further attention to research and editing motion in support of Funimation's Request for Reasonable Attorney's Fees, Costs, and Sanctions. Custom Text: A103	500.00	2.50	1,250.00	Billable
10/21/2019 746478	1fVolney, John Analysis/Strate Email communications with counsel for Co-Defendants regarding procedure for presenting attorney's fees proof to Court; review Mr. Lemoine's letter to the Court. Custom Text: A107	500.00	0.50	250.00	Billable
10/21/2019 745776	Smoot, Scott Other case asse Review transcript from 10/4/19 livestream hosted by Nick Rekieta. Custom Text: a111	220.00	0.30	66.00	Billable
10/22/2019 746482	1fVolney, John Analysis/Strate Communications with co-counsel regarding scheduling of sanctions hearing. Custom Text: A107	500.00	0.30	150.00	Billable

EXCLUDE

Funimation/Mign:Funimation Productions, LLC (continued)

Date ID	ATTY/EMPLOYEE Task	Rate Markup %	Hours DNB Time	Amount DNB Amt	Total
10/22/2019 746484	1fVolney, John [REDACTED] Custom Text: A103	500.00	0.60	300.00	Billable
10/24/2019 746489	1fVolney, John [REDACTED] Call with Mr. Beard [REDACTED] Custom Text: A107	500.00	0.50	250.00	Billable
10/24/2019 746490	1fVolney, John Other case asse Further attention to record in support of fee application (legal bills to be redacted in support of September 2019 time entries) Custom Text: A103	500.00	0.50	250.00	Billable
10/24/2019 745872	Smoot, Scott Other case asse Attention to multiple new case filings. Custom Text: a111	220.00	0.30	66.00	Billable
10/25/2019 746492	1fVolney, John [REDACTED] Additional call with Mr. Beard [REDACTED] Custom Text: A107	500.00	0.50	250.00	Billable
10/25/2019 745982	Smoot, Scott Other case asse Review and redact firm invoices to be submitted with motion for attorney fees and sanctions. Custom Text: a111	220.00	1.10	242.00	Billable
10/28/2019 746494	1fVolney, John Written Motions Attention to drafting motion for sanctions and attorney's fees. Custom Text: A103	500.00	5.00	2,500.00	Billable
10/28/2019 746495	1fVolney, John Analysis/Strate Review potential evidence to use in support of sanctions argument (transcript of YouTube video, GoFundMe account status, Mignogna deposition). Custom Text: A104	500.00	1.00	500.00	Billable
10/28/2019 746185	Smoot, Scott Other case asse Review deposition of VicMignogna to locate information regarding the Go Fund Me and Nick Rekieta for analysis by Mr. Volney. Custom Text: a111	220.00	1.10	242.00	Billable

EXCLUDE

EXCLUDE

EXCLUDE

Funimation/Mign:Funimation Productions, LLC (continued)

Date ID	ATTY/EMPLOYEE Task	Rate Markup %	Hours DNB Time	Amount DNB Amt	Total Billable
10/29/2019 746499	1fVolney, John Written Motions Edit and finalize draft of motion for sanctions and attorney's fees and send same to client for review and approval. Custom Text: A103	500.00	3.00	1,500.00	Billable
10/29/2019 746500	1fVolney, John Written Motions Edit and finalize draft of attorney's fees affidavit and send same to client for review and approval. Custom Text: A103	500.00	0.50	250.00	Billable
10/29/2019 746501	1fVolney, John Analysis/Strate Review case filings from Co-Defendants (Motion to Dismiss Appeal for Lack of Jurisdiction; Motion to Compel Deposition of Mr.Slatosch). Custom Text: A104	500.00	0.50	250.00	Billable
10/29/2019 747185	7Orozco, Chris Analysis/Strate Edit long string citation; confer with Mr. Volney regarding the same. Custom Text: A103	410.00	0.40	164.00	Billable
10/29/2019 746573	Smoot, Scott Other case asse Review motion to compel filed by Defendants Rial and Toye. Custom Text: a111	220.00	0.30	66.00	Billable
10/30/2019 747136	1fVolney, John Analysis/Strate Edits to motion in support of sanctions request from Funimation. Custom Text: A103	500.00	2.00	1,000.00	Billable
10/30/2019 747137	1fVolney, John Analysis/Strate Teleconference with Ms. Hallinan regarding next steps. Custom Text: A106	500.00	0.30	150.00	Billable
10/30/2019 746561	Smoot, Scott Trial/Hearing Review notice of hearing of Defenants' motion to compel and docket hearing date. Custom Text: a111	220.00	0.10	22.00	Billable
10/30/2019 746562	Smoot, Scott Other case asse Review deposition transcript from Vic Mignogna's deposition to locate materials requested by Mr. Volney to include in application for attorney fees and sanctions. Custom Text: a111	220.00	0.70	154.00	Billable

Funimation/Mign:Funimation Productions, LLC (continued)

Date ID	ATTY/EMPLOYEE Task	Rate Markup %	Hours DNB Time	Amount DNB Amt	Total
10/31/2019 747138	1fVolney, John Analysis/Strate Additional edits to motion in support of sanctions request. Custom Text: A103	500.00	1.00	500.00	Billable
10/31/2019 746828	Smoot, Scott Appellate motio Review Defendants' motion to dismiss appeal and report to Mr. Volney. Custom Text: a111	220.00	0.20	44.00	Billable
TOTAL	Billable Fees		77.80		\$34,536.00

Date ID	ATTY/EMPLOYEE Expense	Price Markup %	Quantity	Amount	Total
10/8/2019 745869	FIRM-LTP Arbitrator/Medi Conduct mediation 10/2/19 (Lacy Malone Steppick Ryder & Menefee).	750.00	1.000	750.00	Billable
TOTAL	Billable Costs				\$750.00

	Amount	Total
Total of Fees (Time Charges)		\$34,536.00
Total of Costs (Expense Charges)		\$750.00

Total new charges		\$35,286.00
Previous Balance		
90 Days	\$62,248.91	
60 Days	\$30,500.24	
30 Days	\$27,846.91	
Total Previous Balance		\$120,596.06

Accounts Receivables

Date	ID	Type	Description	
10/4/2019	62960	PAY	Payment - thank you electronic payment for invoice 20191001.	(\$294.00)
10/7/2019	62961	PAY	Payment - thank you electronic payment for invoices 20191329, 20191460, 20191975 and partial payment of invoice 20192016.	(\$93,125.66)
Total Accounts Receivable				(\$93,419.66)

New Balance		
30 Days	\$27,176.40	
Current	\$35,286.00	
Total New Balance		\$62,462.40

Funimation/Mign:Funimation Productions, LLC (continued)

	<u>Amount</u>	<u>Total</u>
Total Overdue: \$27,176.40		
Funds Account: Default		
Previous account balance	\$0.00	
Total added to account	\$0.00	
Total removed from account	\$0.00	
New account balance		<u>\$0.00</u>

ATTY/EMPLOYEE Summary

<u>ATTY/EMPLOYEE</u>	<u>Rate</u>	<u>Hours</u>	<u>Charges</u>	<u>Slip Value</u>	<u>Adjustment</u>
JDV	500.00	44.30	\$22,150.00	\$22,150.00	0.00
CAO	410.00	26.40	\$10,824.00	\$10,824.00	0.00
STS	220.00	7.10	\$1,562.00	\$1,562.00	0.00

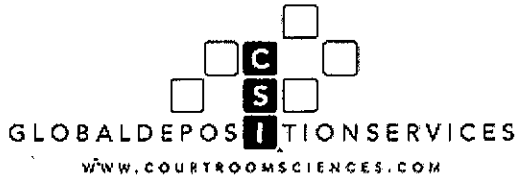
EXHIBIT 1D

SUMMARY OF FEES REQUESTED BY FUNIMATION

Month	Original Invoice	Reduced Amount	% Reduction
April	\$294	\$294	0%
May	\$12,382	\$10,735	13.3%
June	\$49,109	\$42,333	13.8%
July	\$27,098	\$23,325	13.9%
August	\$27,317	\$24,417	10.6%
September	\$48,750	\$39,489	19%
October	\$34,536	\$28,348	17.5%
TOTAL	\$199,486	\$168,941	15.3%
Total Fees Requested		\$168,941	

EXHIBIT 1E

INVOICE



John Volney
Lynn Pinker Cox & Hurst LLP
2100 Ross Avenue
27th Floor, Suite 2700
Dallas, TX 75201

ENTERED
7/24/19

Invoice No.	Invoice Date	Job No.
71492	7/3/2019	132313
Job Date	Case No.	
6/27/2019	141-307474-19	
Case Name		
Victor Mignogna v. Monica Rial, et al. 03456-901		
Payment Terms		
Due upon receipt		

Certified Copy of Deposition Incl. word index

Ronald Toye

1,128.55

TOTAL DUE >>> **\$1,128.55**

AFTER 8/2/2019 PAY \$1,196.26

Invoice inquires please email Billing at billing@courtroomsciences.com
Payment inquires please email Accounts Receivable at acct-rec@courtroomsciences.com

To pay your invoice securely online please access
<https://secure.lawpay.com/pages/courtroomsciences/gds-operating>
Serviced by LawPay
Thank you for your prompt payment!

(-) Payments/Credits: 0.00
(+) Finance Charges/Debits: 0.00
(=) New Balance: \$1,128.55

Tax ID: 75-2314328

Phone: 214-981-3800 Fax: 214-981-3839

Please detach bottom portion and return with payment.

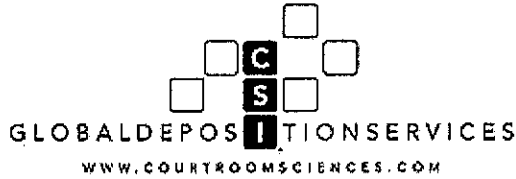
John Volney
Lynn Pinker Cox & Hurst LLP
2100 Ross Avenue
27th Floor, Suite 2700
Dallas, TX 75201

Invoice No. : 71492
Invoice Date : 7/3/2019
Total Due : **\$1,128.55**

Remit To: **CSI Global Deposition Services, Inc.**
PH: 1-800-514-5879
Acct-rec@courtroomsciences.com
4950 N. O'Connor Rd., Suite 152
Irving, TX 75062-2778

Job No. : 132313
BU ID : PTI
Case No. : 141-307474-19
Case Name : Victor Mignogna v. Monica Rial, et al.

INVOICE



John Volney
 Lynn Pinker Cox & Hurst LLP
 2100 Ross Avenue
 27th Floor, Suite 2700
 Dallas, TX 75201

ENTERED
 7/24/23

Invoice No.	Invoice Date	Job No.
71458	7/3/2019	132315
Job Date	Case No.	
6/28/2019	141-307474-19	
Case Name		
Victor Mignogna v. Monica Rial, et al. 0345b-901		
Payment Terms		
Due upon receipt		

Certified Copy of Deposition incl. word index

Monica Rial	105.00	Pages	@	3.25	341.25
Exhibits- B&W OCR Scan	2.00	Pages	@	0.40	0.80
Exhibits- Color OCR Scan	8.00	Pages	@	0.70	5.60
Transcript File Formats, Certification & Archive				150.00	150.00
TOTAL DUE >>>					\$497.65
AFTER 8/2/2019 PAY					\$527.51

Invoice Inquires please email Billing at billing@courtroomsciences.com
 Payment Inquires please email Accounts Receivable at acct-rec@courtroomsciences.com

To pay your invoice securely online please access
<https://secure.lawpay.com/pages/courtroomsciences/gds-operating>
 Serviced by LawPay
 Thank you for your prompt payment!

(-) Payments/Credits:	0.00
(+) Finance Charges/Debits:	0.00
(=) New Balance:	\$497.65

Tax ID: 75-2314328

Phone: 214-981-3800 Fax: 214-981-3839

Please detach bottom portion and return with payment.

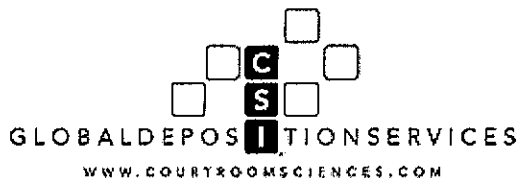
John Volney
 Lynn Pinker Cox & Hurst LLP
 2100 Ross Avenue
 27th Floor, Suite 2700
 Dallas, TX 75201

Invoice No. : 71458
 Invoice Date : 7/3/2019
Total Due : \$497.65

Remit To: **CSI Global Deposition Services, Inc.**
PH: 1-800-514-5879
Acct-rec@courtroomsciences.com
4950 N. O'Connor Rd., Suite 152
Irving, TX 75062-2778

Job No. : 132315
 BU ID : PTI
 Case No. : 141-307474-19
 Case Name : Victor Mignogna v. Monica Rial, et al.

INVOICE



John Volney
Lynn Pinker Cox & Hurst LLP
2100 Ross Avenue
27th Floor, Suite 2700
Dallas, TX 75201

ENTERED
7/24/2019

Invoice No.	Invoice Date	Job No.
71482	7/3/2019	132281
Job Date	Case No.	
6/26/2019	141-307474-19	
Case Name		
Victor Mignogna v. Monica Rial, et al. 03456-901		
Payment Terms		
Due upon receipt		

Certified Copy of Deposition Incl. word index

Victor Mignogna	357.00	Pages	@	3.25	1,160.25
Exhibits- B&W OCR Scan	150.00	Pages	@	0.40	60.00
Exhibits- Color OCR Scan	110.00	Pages	@	0.70	77.00
Transcript File Formats, Certification & Archive				150.00	150.00

TOTAL DUE >>> **\$1,447.25**
AFTER 8/2/2019 PAY **\$1,534.09**

Invoice Inquires please email Billing at billing@courtroomsciences.com
Payment Inquires please email Accounts Receivable at acct-rec@courtroomsciences.com

To pay your invoice securely online please access
<https://secure.lawpay.com/pages/courtroomsciences/gds-operating>
Serviced by LawPay
Thank you for your prompt payment!

(-) Payments/Credits: 0.00
(+) Finance Charges/Debits: 0.00
(=) New Balance: \$1,447.25

Tax ID: 75-2314328

Phone: 214-981-3800 Fax: 214-981-3839

Please detach bottom portion and return with payment.

John Volney
Lynn Pinker Cox & Hurst LLP
2100 Ross Avenue
27th Floor, Suite 2700
Dallas, TX 75201

Invoice No. : 71482
Invoice Date : 7/3/2019
Total Due : **\$1,447.25**

Remit To: **CSI Global Deposition Services, Inc.**
PH: 1-800-514-5879
Acct-rec@courtroomsciences.com
4950 N. O'Connor Rd., Suite 152
Irving, TX 75062-2778

Job No. : 132281
BU ID : PTI
Case No. : 141-307474-19
Case Name : Victor Mignogna v. Monica Rial, et al.



Pinnacle Reprographics-Digital, L.L.C
 2100 Ross Avenue
 Suite 830
 Dallas, Texas 75201

Invoice

ENTERED
 7331662

Date	Invoice #
7/31/2019	D-14657

BILL TO

Lynn, Pinker, Cox & Hurst LLP
 2100 Ross Avenue
 Suite 2700
 Dallas, TX 75201

SHIP TO

Scott Smoot
 Hearing Prep

CLIENT/MATTER #		TERMS	DUE DATE	REP	FEDERAL ID #
03456-901		Net 15	8/15/2019	OA	32-0044066
Quantity	Item Code	Description	Price Each	Amount	
201	315	LITIGATION COPIES	0.15	30.15T	
26	IND11	INDEX TABS - 11" / 1 - 100	0.30	7.80T	
1	3RBCV1.5	1.5" THREE RING BINDER/CV/D RING	12.50	12.50T	
		Sales Tax	8.25%	4.16	
<p>Please remit payments to 2100 Ross Avenue, STE 830 Dallas, Texas 75201</p>					
Thank you for your business.				Total	\$54.61

Phone	WEB
214-999-1300	www.dallaspinnacle.com



Pinnacle Reprographics-Digital, L.L.C
 2100 Ross Avenue
 Suite 830
 Dallas, Texas 75201

Invoice

Date	Invoice #
9/17/2019	D-14871

BILL TO

Lynn, Pinker, Cox & Hurst LLP
 2100 Ross Avenue
 Suite 2700
 Dallas, TX 75201

SHIP TO

Scott Smoot
 Depo

CLIENT/MATTER #		TERMS	DUE DATE	REP	FEDERAL ID #
03456-901		Net 15	10/2/2019		32-0044066
Quantity	Item Code	Description	Price Each	Amount	
912	B03HP	Printing of Images on 3-Hole paper. Sales Tax	0.10 8.25%	91.20T 7.52	
<div style="background-color: black; color: white; padding: 5px; display: inline-block;"> Please remit payments to 2100 Ross Avenue, STE 830 Dallas, Texas 75201 </div>					
Thank you for your business.				Total	\$98.72

Phone	WEB
214-999-1300	www.dallaspinnacle.com

Fe



Make check payable to:

Tina Fett

Official Court Reporter

141st District Court

Tom Vandergriff Civil Courts Building

100 N. Calhoun, 3rd Floor

Fort Worth, TX 76196

(817) 884-1423

DATE: September 10, 2019

RE: Case No. 141-307474-19

VICTOR MIGNOGNA

TO: Pam Oakley

VS

(for attorney John Volney)

FUNIMATION, et al

poakley@lynnllp.com and jvolney@lynnllp.com

NET DUE IN ADVANCE

FOR PROFESSIONAL SERVICES RENDERED:

Copy of the Reporter's Record taken in the above-styled and -numbered cause in the hearing held on September 6, 2019.

TOTAL \$ 350.00

Thank you very much,

TINA FETT, CSR

LACY MALONE STEPPICK
RYDER & MENELEE, PLLC
ATTORNEYS & COUNSELORS

David R. Seidler
Tax ID # 47-2922473

DSeidler@lacymalone.com

October 8, 2019

VIA E-MAIL

John Volney & Christian Orozco
LYNN PINKER COX & HURST LLP
2100 Ross Avenue, Suite 2700
Dallas, Texas 75201

E-Mail: jvolney@lynllp.com
corozco@lynllp.com

Re: Cause No. 141-307474-19; *Victor Mignogna v. Funimation Productions, LLC, etal*

Date of Mediation: October 2, 2019

<u>10/2/2019</u>	Conduct mediation (6.0 hours)	\$1,500.00
<u>10/2/2019</u>	Continued mediation efforts (3 hours at \$250 per hour)	+ <u>750.00</u>
	Total billed	\$2,250.00
	Amount paid as of 10/2/2019:	- <u>1,500.00</u>
	AMOUNT DUE AND OWING:	<u>\$750.00</u>

Thank you.

Please make check payable to: LACY MALONE STEPPICK RYDER & MENELEE

**Send to: David Seidler
Lacy Malone Steppick Ryder & Menefee, PLLC
303 Main Street, Suite 200
Fort Worth, TX 76102**

EXHIBIT 1F

EXCERPTS FROM REKIETA 10_4 STREAM - October 4, 2019

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EXCERPTS FROM REKIETA 10/4 STREAM
(0 - 1:15) (1:07:30 - 1:12:20) (1:17:00 - 1:28:25)

1 ** 0 - 1:15 **

2 NICK REKIETA: Hey, what's up, guys.
3 Welcome to Lawsplaining the Interwebs. Never mind the
4 headphones and my muted guest. He's resolving a
5 technical difficulty and he'll join up in just a
6 second. I am your host, Nick Rekieta, of Rekieta Law,
7 small law firm in central Minnesota.

8 My guest will be with me in a moment, but
9 today is an interesting day. Today is an interesting
10 day. We've got a lot to talk about. There is a lot
11 of emotionally charged activity going on.

12 And you're all set? All set? Okay. Let
13 me -- let me welcome my guest to the show. With me
14 today of course is Mr. Ty Beard. How are you, sir?

15 TY BEARD: Hey, man. I'm doing great.
16 I'm doing great.

17 NICK REKIETA: Good.

18 TY BEARD: How are you?

19 NICK REKIETA: I'm -- I'm fine. I mean,
20 I'm annoyed at some things. There are things I'm
21 annoyed with.

22 ** 1:07:30 - 1:12:20 **

23 NICK REKIETA: James Duvall says if you
24 can clarify for me, I'm a little confused. So if the
25 appeal goes in Ty's favor, does the game plan change

1 or is it still the same?

2 TY BEARD: Same.

3 NICK REKIETA: It's the same --

4 TY BEARD: Yeah.

5 NICK REKIETA: It's the same game plan if
6 the appeal goes in --

7 TY BEARD: Let me tell you. Let me tell
8 you guys what the game plan is and has always been.
9 It's to shine the light on all this stuff. You know,
10 we were never able to guarantee an outcome on the
11 legal side of things.

12 NICK REKIETA: Because you can't. You
13 can never guarantee an outcome.

14 TY BEARD: Of course not. Of course not.
15 But what the legal process could do for us and did do
16 for us is it forced evidence to be produced that you
17 guys can all evaluate because here's the thing. We're
18 wrangling over a technical statute. We're not
19 wrangling over whether or not Vic did it. I think
20 it's pretty clear from the evidence that he didn't do
21 it and it's absurd to try to wreck a man's career for
22 that.

23 We're fighting over technicalities. Now,
24 I have no intention of losing this case, but if
25 something happened tomorrow and we were wiped out and

1 this couldn't go any further, we've accomplished a
2 primary objective, which is to stop people from
3 destroying this man. So, yeah, you say, oh, Ty, are
4 you upset, yeah -- no, not really. I'm disappointed
5 of course. And, like I said, there are any number of
6 things that I did not do as well as I should have
7 done.

8 As you said, I remember watching your
9 stream right after the hearing and somebody was -- I
10 think was slagging or something, and you kind of
11 chuckled and said, guys, you're not going to say
12 anything worse than what Ty is saying to himself and
13 you were right about that, but, no, I mean, we --
14 look, we've made -- we've put the evidence out there.
15 Okay I don't care -- no matter what else happens in
16 this case, the people out there can evaluate accusers
17 and the accused. And I am thoroughly comfortable with
18 what a rational person would bring from that.

19 So, you know, no, but the game plan --
20 that was the game plan, and that's what it will
21 continue to be. The ultimate outcome of the trial is
22 almost irrelevant. Okay. It's the evidence that
23 matters. That's what we're after.

24 NICK REKIETA: Right, and remember these
25 people have --

1 TY BEARD: No question.

2 NICK REKIETA: These people have had
3 eight months to produce a single shred of evidence
4 that Vic has done anything that they have said and
5 they haven't done it so...

6 TY BEARD: Where -- the dozens and dozens
7 and hundreds and hundreds and all that stuff,
8 that's -- you know, that doesn't exist. I mean, you
9 know, so -- and look this comes off as self-serving,
10 so that's why I don't like to harp on it, right,
11 because, you know, you say I don't care if we win or
12 lose. Oh, believe me. I care a whole lot about
13 whether or not we are going to lose. Okay. I'm not
14 saying that. Never would I say that.

15 What I'm saying is we have already won a
16 victory. We have already won a victory, and all the
17 people out there in the Tweet world that don't like
18 that, tough stuffins. We have won. The only question
19 is how big of a victory are we going to win. Now, me,
20 I want the whole thing, but if I have to settle --
21 have to settle for exposing the lies, hypocrisy, and
22 just absolute insanity of certain votes, if I got to
23 settle for that -- and by the way, a guy that I have
24 come to not only like as a friend, but genuinely
25 respect as a truly talented man, if my worst case

1 scenario is that we kept him from being destroyed and
2 we exposed through depositions and through evidence
3 the nature of the other side, look, I'm fine with
4 that.

5 Now, like I said, I absolutely want all
6 the marbles, but I'll settle for half the marbles that
7 we got right now if I have to. So, you know, the
8 people out there that hate us are -- you know, you
9 guys are -- you're pissing up the wrong tree because
10 we've already won. We've already won. You know, and
11 you can deny it all you want to, but here's the thing,
12 Vic is out there and people are standing in line for
13 hours and hours to see that man. Doesn't sound to me
14 like y'all accomplished anything. Just saying.

15 ** 1:17:00 - 1:28:25 **

16 NICK REKIETA: All right. The next
17 one -- this is probably the last one, and then I'll
18 let you go.

19 TY BEARD: Okay.

20 NICK REKIETA: I know there are some more
21 questions for Ty, but really we're running out of time
22 and I believe I can field most of them. Luz Maria
23 Arroyo.

24 TY BEARD: I have a --

25 NICK REKIETA: What?

1 TY BEARD: Oh, I was saying -- as you
2 know I was going to say to everybody, I wasn't
3 avoiding the stream for any particular reason. I
4 didn't really want to talk about the case before
5 mediation because I was, you know, wanting the Court
6 to -- the Court wanted us to go in good faith and that
7 was it, but, you know, I'll probably be back. I'm not
8 hiding or anything, you know.

9 NICK REKIETA: Right.

10 TY BEARD: I just, like I said, had a lot
11 going on lately.

12 NICK REKIETA: Yep, and I -- frankly, I
13 didn't invite him before mediation --

14 TY BEARD: Yeah, yeah.

15 NICK REKIETA: -- because there was
16 mediation. That's how it goes. Luz Maria Arroyo says
17 Ty and Nick, thank you for arming your army with
18 knowledge, cienta osit potencia (phonetic).
19 That's --

20 TY BEARD: Well, I believe Mr. Rekieta is
21 the one that's doing most of the arming here, but I
22 appreciate you putting me in his category.

23 NICK REKIETA: And then Pusiger says,
24 take care, sir, Mr. Beard. So, Mr. Beard, with that,
25 I will bid you adieu, unless you have any final things

1 to say.

2 TY BEARD: (Inaudible). Yeah, I guess.
3 Like I said, it's never as bad as it seems. It's
4 never as good as it seems. This is just another step
5 in a very long process, but I do want everyone out
6 there who supports us, Vic, whatever, you know,
7 concentrate on that for a moment. We've already won.
8 The only question in my mind is how big a win because
9 at the end of the day, they didn't destroy him and
10 they're not going to. It's no longer in their power
11 to do so.

12 And at the end -- you know, that is the
13 victory that we had to have, so I'm satisfied. I
14 still want to win the whole thing. Don't get me
15 wrong, but, no, this is -- all this y'all are dead,
16 y'all are dead, y'all are dead, no, we're not. Not
17 even close.

18 So anyway, it was great to be back on the
19 stream, Nick, and I appreciate everybody, but I am
20 going to have to go to bed because I have to get up in
21 about four hours.

22 NICK REKIETA: Yeah, again --

23 TY BEARD: Y'all can all pray for me that
24 I -- well, pray that I win the fishing tournament.
25 Send out good vibes on that. It's not going to

1 happen, but, hey, it's worth it. All right. My
2 friend, you have a great one. Bye-bye to the stream.
3 Enjoyed talking with y'all.

4 NICK REKIETA: Yeah, go raise -- go raise
5 some money for charity.

6 TY BEARD: Absolutely. Talk to y'all
7 later. Bye-bye.

8 NICK REKIETA: All right, man. Have a
9 good night. Bye.

10 Okay. One second here. There we go.
11 Okay. So anyway, anyway. Let's see. We've got -- a
12 couple of chats have come in since that. Seth says --
13 and then what I'm going to do is I'm going to pull up
14 the -- I'm going to pull up the ruling and we'll go
15 through it in just a minute. Seth says, seems like
16 kid Vic showed up in chat to talk a lot of stuff
17 today. Doesn't them watching you just help you grift
18 even more money. It's pretty bizarre. Clown is going
19 to clown, I guess.

20 Well, I mean, kind of. Kind of. Thank
21 you for watching, I suppose. Bryce Byerly says,
22 there's a reason the ol' song goes the wheels of
23 justice turn slow, but grind fine. We are in this for
24 the long game for both Vic and your firm and we are
25 looking forward to see you grind them until they give.

1 So there you go.

2 Fairytale Master says, hey, Nick did you
3 wear your ugly shorts in Hawaii? Yes. On a serious
4 note, did the judge dismiss the charges just to allow
5 Vic to appeal immediately? I don't think the judge
6 had some sort of motivation for that. So that's just
7 how it -- you know, that's just the judge ruling in
8 the way he wanted to rule. So there you go. Let's
9 see. Was there anything else that needed to be dealt
10 with immediately? No, I think that's it for now.

11 Let's get over to that ruling one second
12 here. Oh, my goodness. We've got this one. That's
13 not what I want at all. Hold on. Everything got
14 through here. Aha. This first. This first. Okay.
15 Hold on. I'm getting the screen set up over here.
16 Here we go. We've got -- sorry. I'm rearranging my
17 Windows here.

18 Okay. Here we go. There. Look at that.
19 That is the current state -- well, let me just refresh
20 it and make sure. Nope. There we go. This is the
21 GoFundMe for Vic, which has gained quite a bit of
22 money today. Well over a thousand dollars with the
23 vast, vast majority of that coming after the ruling.

24 So we've got lots of -- lots of donations
25 have come in. I think it's pretty clear what people

1 want to happen with this. I think it's pretty clear
2 that people want Vic to fight on, that this is about
3 standing up for it, and people do support Vic. I
4 mean, that's just -- that's just where we're at,
5 right. It's amazing and thank you so much for
6 continuing to contribute to the GoFundMe. I -- you
7 know, it doesn't go to me at all. It -- not a penny.
8 I have never had access to a penny of this GoFundMe.

9 To all you morons who can't figure that
10 out, this money goes to the benefit of Vic entirely.
11 And just so we're clear, I've said this before, but if
12 Vic fired Ty tomorrow, the money wouldn't go to Ty.
13 There would be an accounting of everything and
14 whatever was left and whatever new came in would be
15 directed to a new law firm and whatever was left would
16 be Ty's responsibility to send to the new law firm or
17 to return to the client to then send to the new law
18 firm or whatever he is going to do with it.

19 So this isn't some weird thing that
20 people are making it out to be. This is just money
21 that has been raised for Vic to fight this lawsuit and
22 I appreciate very much the contributions to it because
23 it's such a slap in the face. These whiny people,
24 these whiny people. And I can already see them in the
25 chat being literally stupid because if they think the

1 GoFundMe allows me to take a single penny out of this,
2 then they have, I guess, brain damage. There is no
3 way for me to do it. There never has been. So that's
4 fun, but there you go.

5 Anyway, let's -- you know, if you choose
6 to keep donating to the GoFundMe, I was asked by Derek
7 Padula, the Dragon Ball guy -- I think I said his last
8 name correctly -- I was asked by him what my plans are
9 for the GoFundMe. My plan is simple. I don't see any
10 reason to close it. I don't benefit from it. I don't
11 get any money from it. So it will stay open as long
12 as the suit is available for people to contribute.

13 So if you want to know about, like,
14 keeping a GoFundMe open for a really long time past --
15 past what you're needing to purchase, just go ahead
16 and ask Tegrade (phonetic) about that. He's very good
17 at doing that with those CPAP machines and stuff so...

18 So, anyway, there you go. There you go.
19 We'll -- let's get this ruling pulled up here. Where
20 is that guy? Aha. Here is this ruling. Okay. I
21 think we've got that. Yes. Yes, we do. So here is
22 the order. We are going to go through the order.
23 This is going to be a more traditional Lawsplaining
24 stream where we read through a document. You guys get
25 to see every line of it, and we'll go through and I'll

1 give you my thoughts.

2 So here we go. This is Order Granting
3 Defendant Funimation Production, LLC's Motion to
4 Dismiss Under the TCPA. Monica Rial and Ron Toye's
5 Motion to Dismiss Under the TCPA, and Jamie Marchi's
6 Motion to Dismiss Under the TCPA on September 6th,
7 2019. This court considered defendant Funimation
8 Production, LLC's Motion to Dismiss under the TCPA,
9 Monica Rial and Ron Toye's Motion to Dismiss pursuant
10 to the Texas Citizen Participation Act, defendant
11 Jamie Marchi's Motion to Dismiss pursuant to the Texas
12 Citizens Participation Act, the responses, the
13 replies, the evidence, other documents on file and the
14 arguments of counsel. The court finds that the three
15 motions should be and are granted in full. So this
16 is, of course, the news that all of the claims raised
17 by Vic Mignogna have been dismissed at the trial court
18 level by Judge Chupp.

19 I don't think that's a surprise to anyone
20 in chat at this point. This news came out around
21 noon, 1:00 p.m. Central Time, I believe, and people
22 have been talking about it all day. And, of course,
23 Ty and I have just been talking about it, but that is
24 the actual wording of the summary. Now we are going
25 to get into a little more of it.

EXCERPTS FROM REKIETA 10_4 STREAM - October 4, 2019

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(End of recording.)

1 I, Audra B. Paty, court-approved transcriber,
2 certify that the foregoing is a correct transcription
3 from the audio recording in the above-entitled matter.

4 I further certify that I am neither counsel
5 for, related to, nor employed by any of the parties to
6 the action in which this recording was taken, and
7 further that I am not financially or otherwise
8 interested in the outcome of the action.

9 Given under my hand and seal of office on the
10 18th day of October, 2019.

11
12 
13



14 Audra B. Paty, Certified
15 Shorthand Reporter No. 5987
16 Dickman Davenport, Inc.
17 Firm Registration #312
18 4228 North Central Expressway
19 Suite 101
20 Dallas, Texas 75206
21 (214) 855-5100 (800) 445-9548
22 e-mail: abp@dickmandavenport.com
23 My commission expires 12-31-19
24
25

EXHIBIT 1G

Vic Kicks Back



s cannot express the depth of my
ude for all the kindness and supp
as been shown to me over the la
eeks. I had hoped that my apolo
cknowledgments, both public an
e, would be received. But I have r
eluctantly retained a law firm as
nd only recourse to attempt to
ge my reputation and my 20-year
r in this industrv

Nick Rekieta is organizing this fundraiser on behalf of Beard Harris.

Created February 19, 2019 Other

Vic Mispogno spent the past two decades building a career as a voice actor. He worked with great people, made great friends, and represented great companies.

Over the past month, all of that work and goodwill was maliciously and brutally destroyed by a dedicated group hell-bent on dragging his name and reputation into oblivion. This capped off with hurtful allegations from people Vic has worked with, and considered friends, for many years.

Now Vic has been removed from Rooster Teeth and Furimination, and disinherited from several companies. Subscribing here from the bottom and from the top, just
[Read more](#)

\$251,223 Goal of \$300,000 goal

5.6K donors 10.7K shares 6.6K followers

Donate now
Share

- Damon Brett \$50 - 6 mins
- Teresa Burnes \$5 - 15 mins
- Brandy Wright \$100 - 43 mins
- Anonymous \$40 - 1 hr
- David Harlow \$256 - 1 hr

See all



LAWSPAINING THE REKIETA INTERWEBS
LAWSPAINING @NICKREKIETA

\$20.00 \$20.00 \$20.00 \$20.00 \$20.00

- Darth Luc @weg_Marcus are you for real? nice spinning mats, while most of your responses were 'what are you asking about' when I called you to prove your accusation of Nick, which BTW you havent yet
- Checkpoint look at those feggy shorts
- The reaper 1/1 Message deleted by Kurino. View deleted message
- mary ford contribute to the viewer count lulz
- Sharon Young Normal people live real life. Law Twitter circle jerks online. Just saying.
- Chad Simmons Ty's a virgin lawyer
- Corrupted Singularity We deeply appreciate your down-to earth donation
- Destiel Thamb burger. Everyone that disagrees with me is kick vic
- Ede rex Judge was retarded
- AncologicalPirocha lol ty screwed up. ... to win. ... not getting ... my head up for my report.
- Corrupted Singularity

1:22:51 / 2:40:11

EXHIBIT 2

DEPOSITION OF VICTOR MIGNOGNA
June 26, 2019

Page 1

NO. 141-307474-19

VICTOR MIGNOGNA,) IN THE DISTRICT COURT
)
Plaintiff,)
)
VS.) TARRANT COUNTY, TEXAS
)
FUNIMATION PRODUCTIONS,)
LLC, JAMIE MARCHI, MONICA)
RIAL, and RONALD TOYE,)
)
Defendants.) 141st JUDICIAL DISTRICT

ORAL AND VIDEOTAPED DEPOSITION OF
VICTOR MIGNOGNA
JUNE 26, 2019

ORAL AND VIDEOTAPED DEPOSITION OF VICTOR MIGNOGNA,
produced as a witness at the instance of the DEFENDANTS,
and duly sworn, was taken in the above-styled and
numbered cause on June 26, 2019, from 10:05 a.m. to 5:39
p.m., before Claudia White, CSR in and for the State of
Texas, reported by machine shorthand, at the 141st
Judicial District Court, 100 North Calhoun Street, 1st
Floor, Fort Worth, Texas, pursuant to the Texas Rules of
Civil Procedure and the provisions stated on the record
or attached hereto.

Job No. 132281

1 A P P E A R A N C E S

2

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9 FOR THE DEFENDANTS RONALD TOYE and MONICA RIAL:

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15

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20

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20
21 FOR THE VIDEOGRAPHER:
22 Mr. John Franks
23
24 ALSO PRESENT: (Appearing via Zoom)
25 Ms. Jamie Marchi
Mr. Ronald Toye
Ms. Monica Rial

1 wouldn't have to donate to your GoFundMe campaign?

2 A. They don't have to donate. No one is
3 compelling them to donate.

4 Q. And no one's asking them to donate?

5 A. I'm sorry?

6 Q. And no one's asking them to donate?

7 A. Not that I know of. I have nothing to do with
8 that.

9 Q. Do you know how the money is spent?

10 A. No, sir.

11 Q. So who makes sure the money is actually spent
12 for your benefit?

13 A. I didn't set it up. I don't know anything
14 about it.

15 MR. LEMOINE: Objection, nonresponsive.

16 A. I don't know.

17 Q. (BY MR. LEMOINE) So you have a GoFundMe
18 campaign out there in your name. Do you know how much
19 money is in it?

20 A. No, sir.

21 Q. You have no clue?

22 A. No, sir.

23 Q. So somebody is raising money with your name and
24 face on a GoFundMe page. Do you agree with that?

25 A. That's what I've been told, yes.

1 Q. And you have no idea -- do you know who runs
2 that account?

3 A. Do I know who funds the account?

4 Q. Runs the account.

5 A. Oh. I believe it was set up by a gentleman
6 named Nick Rekieta.

7 Q. How do you spell Rekieta?

8 A. I don't know. R-E-K-E --

9 MR. BEARD: I-E.

10 A. -- E-I-T-A -- I-E -- I-E-T-A.

11 Q. (BY MR. LEMOINE) All right. Do you know Mr.
12 Rekieta?

13 A. I'd never met him until, for the first time, a
14 couple of weeks ago.

15 Q. Where did you meet him at?

16 A. I met him at an anime convention in Houston.

17 Q. Is he your attorney?

18 A. No, sir.

19 Q. Has he ever represented you?

20 A. No, sir.

21 Q. Have you ever communicated with Mr. Rekieta by
22 email, text, any type of application on your phone?

23 A. Briefly.

24 Q. About what?

25 A. He wrote me back in, probably, February. I

1 didn't know who he was, it was unsolicited, and I did
2 not reply. And then it was brought to my attention that
3 there was a gentleman on the internet who was making
4 videos and -- and being very supportive of -- of my
5 situation. And when they told me his name, I went back
6 into my email and looked up to see if that was the
7 person that had contacted me, and it was. And so I sent
8 him an email and thanked him for his support.

9 Q. Is that the only exchange that you-all had or
10 have you-all had continuous email, text message?

11 A. Occasionally.

12 Q. Did you talk about this litigation?

13 A. Briefly.

14 Q. Do you know what his cell number is?

15 A. No, sir.

16 Q. Is it stored in your phone somewhere?

17 A. Yes, sir.

18 Q. When's the last time you got a text message
19 from Mr. Rekieta?

20 A. I don't recall.

21 Q. Have you done anything to delete any
22 communications off your, either email or phone, or other
23 electronic devices, from Mr. Rekieta?

24 A. Well, I -- I have a routine of, once I finish a
25 conversation with somebody, I delete it because I don't

1 want to have 600 text messages. So if you and I have a
2 conversation about a particular thing, where are we
3 going to lunch today, whatever, once that conversation
4 is over, I delete it.

5 Q. All right. Have you ever done a factory reset
6 on your phone?

7 A. No, sir.

8 Q. Do you ever take your phone and put a lightning
9 cord in it -- well, strike that.

10 What kind of phone do you use?

11 A. iPhone.

12 Q. All right. Do you ever plug your iPhone into
13 your laptop?

14 A. I have, yes.

15 Q. When's the last time you did that?

16 A. I don't recall. It's been a while, actually.

17 Q. Have you done anything to remove communications
18 off your laptop?

19 A. No.

20 Q. All right. Do you have an iCloud account?

21 A. No -- wait.

22 Q. Just --

23 A. I -- I -- I -- I may, yes, actually.

24 Q. And do you know whether or not your phone backs
25 up to your iCloud account?

1 A. I don't know.

2 Q. Do you have some type of administrator that
3 would help you with that, that handles --

4 A. No.

5 Q. So Mr. Rekieta communicates with you in
6 February of 2019, for the first time, and at some point
7 you reach back out to him and you-all have a
8 conversation.

9 Who came up with the idea of the GoFundMe
10 campaign?

11 A. Mr. Rekieta.

12 Q. And what was the purpose of the GoFundMe
13 campaign?

14 A. You'll have to ask Mr. Rekieta.

15 Q. What did Mr. Rekieta tell you the purpose of
16 the GoFundMe campaign was?

17 A. He said that he believed that the people who
18 supported my position wanted to help in any way they
19 could. And he said he was going to provide them a way
20 to do so, if they chose to.

21 Q. And you told him that was okay with you?

22 A. No. I did not give him permission. He had
23 already done it.

24 Q. Okay. Did you -- did he ask for permission
25 after he did it?

1 A. No, sir.

2 Q. All right. You do realize that people have put
3 hundreds -- over \$100,000 into that GoFundMe account?
4 Did you know that?

5 A. If -- if that's the number you're telling me,
6 then I believe you. Voluntarily. I -- I believe. I
7 don't think anyone's been compelled to do anything.

8 Q. Did you ask Mr. Rekieta to set up this GoFundMe
9 campaign?

10 A. No, sir.

11 Q. It was a complete shock to you when it
12 occurred?

13 A. Define complete shock.

14 Q. Well --

15 A. That sounds rather, you know --

16 Q. Well, how about this: How many GoFundMe
17 campaigns have been set up for your benefit, without
18 your knowledge, in your lifetime?

19 A. None that I'm aware of.

20 Q. So this is the first?

21 A. As far as I know.

22 Q. And Mr. Rekieta wasn't a friend of yours when
23 it was set up, was he?

24 A. No, sir.

25 Q. All right. So would you agree with me that

1 that was kind of shocking, that a random individual that
2 you don't know sets up a GoFundMe campaign?

3 A. It was unexpected.

4 Q. Did you ever bless him doing that?

5 A. No.

6 Q. Are you okay with the -- the GoFundMe account?

7 A. As a matter of fact, sir, I remember when he
8 first told me that he had done it, I told him I -- I
9 didn't -- I didn't really know how I felt about it,
10 because I didn't want people -- you know, I didn't want
11 people giving money to something. And that was the
12 point at which he said what I just mentioned to you
13 earlier, that he felt that there were a lot of people
14 out there who felt that I was being treated unjustly and
15 wanted to help.

16 Q. So this GoFundMe campaign, you don't have any
17 idea how the money is being spent?

18 A. No, sir.

19 Q. Don't know who -- where the money is going?

20 A. No, sir.

21 Q. What happens to the money when this -- if
22 there's any money left over after this litigation is
23 over?

24 A. I -- I believe I was told at some point that if
25 there was money, any money that was not spent, left

1 A. I'm responding to my --

2 MR. BEARD: You can answer the question,
3 I'm sorry.

4 A. -- attorney's objection.

5 Q. (BY MR. LEMOINE) Oh. Unless he tells you not
6 to answer it, you have to answer it.

7 A. Okay. Sorry. I didn't know how that worked.

8 Q. Yeah.

9 MR. BEARD: No, that's right.

10 A. Please repeat the question.

11 Q. (BY MR. LEMOINE) Sure. You feel no
12 responsibility whatsoever to make sure that the money
13 being put into a GoFundMe campaign for your benefit, how
14 it's spent?

15 MR. BEARD: Same objection. Objection,
16 form.

17 You can answer the question.

18 A. My understanding is that it's being spent for
19 legal defense.

20 Q. (BY MR. LEMOINE) Okay.

21 A. And I trust what I've been told.

22 Q. All right. Where did you get the understanding
23 that it's being spent for your legal defense?

24 A. What's the name of the GoFundMe? Do you know
25 what it is?

1 (Exhibit 11 marked.)

2 Q. (BY MR. LEMOINE) Sure. I'm going to show you
3 what's been premarked as Exhibit 11. I will represent
4 to you that Exhibit 11 is a screenshot of the GoFundMe
5 campaign called Vic Kicks Back, that started on February
6 19th, 2019. Are you with me so far?

7 A. Yes, sir.

8 Q. Have you ever seen the GoFundMe page?

9 A. No, sir.

10 Q. This is the first time you've ever seen it?

11 A. I haven't followed it.

12 MR. LEMOINE: Objection, nonresponsive.

13 Q. (BY MR. LEMOINE) Is this the first time you've
14 ever seen the GoFundMe page?

15 A. I don't recall if I've -- if I've looked at it
16 before, but --

17 Q. So -- so why is it that you don't feel a desire
18 to make sure that money that's being collected in your
19 name is spent properly?

20 MR. BEARD: Objection, form.

21 A. Because I didn't start it.

22 Q. (BY MR. LEMOINE) Okay. So --

23 A. I didn't request it.

24 Q. -- if Mr. Rekieta is some kind of con artist,
25 it's okay that he takes money from your fans because you

1 Q. All right. I want to look on the left-hand
2 side, second column down. It says: A friend expressed
3 a desire to set up a GoFundMe for legal expenses. I
4 approved his kind offer and am so grateful, but I am not
5 managing it, nor will I personally receive any of it.

6 First question, the friend that expressed
7 that desire is Nick Rekieta?

8 A. Yes, sir.

9 Q. And you would agree with me that when he
10 expressed that desire, you approved it?

11 A. As I mentioned, he had already done it.

12 MR. LEMOINE: Objection, nonresponsive.

13 Q. (BY MR. LEMOINE) Does --

14 A. He did not express a desire to do it, he
15 expressed that he had already done it.

16 Q. Okay. So when you tweeted this out to your
17 people, you didn't say -- or on -- to all of your
18 followers -- how many do you have?

19 A. Twitter followers?

20 Q. Twitter followers.

21 A. Roughly, 113,000.

22 Q. Okay. So when you -- when you made this tweet
23 on February 20th, 2019 to all these people, you didn't
24 say, Mr. Rekieta, or my friend, set this up without
25 asking me, but -- but I was okay with it?

1 A. No, sir, I did not.

2 Q. In fact, what you said was you gave it -- what
3 it appears to be is you gave it your blessing, didn't
4 you?

5 MR. BEARD: Objection, form.

6 Q. (BY MR. LEMOINE) "I approved his kind offer
7 and am so grateful," that's -- that's Nick -- that's Vic
8 Mignogna blessing the GoFundMe?

9 A. Well, I -- I wanted to communicate that I was
10 aware of it, and --

11 Q. And grateful, right?

12 A. And grateful.

13 Q. Yeah.

14 A. Certainly.

15 Q. And grateful.

16 A. Certainly.

17 Q. Because you-all are going to take that money,
18 and you-all are going to sue some women into the dirt,
19 aren't you, Mr. Mignogna?

20 MR. BEARD: Objection, form.

21 A. I'm sorry, say that again.

22 Q. (BY MR. LEMOINE) You-all are going to take
23 that money and you're going to grind some women down
24 into the dirt with this lawsuit?

25 MR. BEARD: Objection, form.

1 MR. BEARD: -- a couple of weeks later.

2 THE WITNESS: Okay.

3 MR. BEARD: It was kind of a blur.

4 MR. LEMOINE: Okay.

5 MR. BEARD: So -- but you had retained
6 counsel.

7 THE WITNESS: Okay.

8 Q. (BY MR. LEMOINE) Okay. Just so I'm clear, by
9 February 20th, you had retained Mr. Beard?

10 A. Yes, sir.

11 Q. And did you know Mr. Beard prior to this --
12 these events that --

13 A. No, sir.

14 Q. -- led to this lawsuit?

15 And who introduced you to him?

16 A. Mr. Rekieta.

17 Q. Do you know their -- how their -- where their
18 relationship started?

19 A. No, I don't.

20 Q. Did -- and Mr. Rekieta never told you how he
21 knew Mr. Beard?

22 A. No. Mr. Rekieta told me that he knew I was in
23 Texas and that he knew an -- an attorney in Texas if I
24 wanted to speak with him.

25 Q. And so after you hired Mr. Beard, is it -- is

DEPOSITION OF VICTOR MIGNOGNA
June 26, 2019

289

1 NO. 141-307474-19

2 VICTOR MIGNOGNA,) IN THE DISTRICT COURT

3 Plaintiff,)

4 VS.) TARRANT COUNTY, TEXAS

5 FUNIMATION PRODUCTIONS,)

6 RIAL, and RONALD TOYE,)

7 Defendants.) 141st JUDICIAL DISTRICT

8

9 REPORTER'S CERTIFICATION
DEPOSITION OF VICTOR MIGNOGNA
JUNE 26, 2019

10 I, Claudia White, Certified Shorthand Reporter in

11 and for the State of Texas, hereby certify to the

12 following:

13 That the witness, VICTOR MIGNOGNA, was duly sworn

14 by the officer and that the transcript of the oral

15 deposition is a true record of the testimony given by

16 the witness;

17 That the deposition transcript was submitted on

18 _____ to the witness or to the attorney for

19 the witness for examination, signature and return to CSI

20 Global Deposition Services by _____;

21 That the amount of time used by each party at the

22 deposition is as follows:

- 23 Mr. Ty Beard, Esq. - 00 HOURS:00 MINUTE(S)
- 24 Mr. J. Sean Lemoine, Esq. - 03 HOURS:40 MINUTE(S)
- 25 Mr. Sam Johnson, Esq. - 00 HOURS:30 MINUTE(S)
- Mr. John Volney, Esq. - 00 HOURS:30 MINUTE(S)
- That pursuant to information given to the

CSI GLOBAL DEPOSITION SERVICES
972-719-5000

DEPOSITION OF VICTOR MIGNOGNA
June 26, 2019

290

1 Deposition officer at the time said testimony was taken,
2 the following includes counsel for all parties of
3 record:

4 Mr. Ty Beard, Esq., Attorney for Plaintiff
5 Mr. J. Sean Lemoine, Esq., Attorney for Defendant
6 Monica Rial and Ronald Toye
7 Mr. Sam Johnson, Esq., Attorney for Defendant
8 Jamie Marchi
9 Mr. John Volney, Esq., Attorney for Defendant
10 Funimation

11 I further certify that I am neither counsel for,
12 related to, nor employed by any of the parties or
13 attorneys in the action in which this proceeding was
14 taken, and further that I am not financially or
15 otherwise interested in the outcome of the action.

16 Further certification requirements pursuant to Rule
17 203 of TRCP will be certified to after they have
18 occurred.

19 Certified to by me this 1st day of July, 2019.

20

21

22

23

24

25



Claudia White, Texas CSR #8242
Expiration Date: 5/31/21
Firm Registration No. 526
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