

**In the Court of Appeals  
Second Judicial District  
Fort Worth, Texas**

VICTOR MIGNOGNA, Appellant,

v.

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

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**Unopposed Motion for Extension of Time to File  
Appellant's Reply Briefs**

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### **Summary of Motion & Requested Relief**

Victor Mignogna (“Vic” or “Cross-Appellee”) previously filed his Unopposed Motion for Extension of Time to File Cross Appellee’s Brief (the “Motion”) on April 17, 2020. While Vic’s intent was to request an extension to file his responses to each of the three individual Reply Briefs previously filed by the various Defendants as well as the Cross Appellant Brief, the Motion did not accurately reflect this intent and only speaks to the cross appeal. Accordingly, Vic now files this subsequent motion respectfully requesting that the Court grant an extension of the time to file his response brief to each of the three Reply Briefs previously filed by the various Defendants to May 20, 2020. This is Vic’s first request for an extension of time to file his responses to the Reply Briefs.

### **Factual & Procedural Background**

Appellees filed their respective briefs on March 31, 2020. The current deadline for Vic to file his brief is April 20, 2020.

### **Argument & Authorities**

The Court of Appeals may extend the time for filing a brief, TEX. R. APP. P. 38.6(d), and inquire whether there is a reasonable explanation for the requested extension. In re J.I., 156 S.W.3d 651, 652 (Tex. App.—Fort Worth 2005, no pet.). Here, Vic’s counsel have been impacted by the current COVID crisis in that they have been forced to work remotely and with reduced staff. Additionally, lead appellate counsel Jim E. Bullock recently left the firm which necessitated Ty Beard take over as lead

appellate counsel. Despite these challenges, Vic's counsel has been diligently working to review the various Appellees' briefs, the voluminous record, and research necessary case law in order to properly respond while also attending to multiple other matters.

Appellant's counsel seek an additional 30 days to complete and file his response brief to each of the three Appellee Reply Briefs and, therefore, requests an extension of the filing deadline to May 20, 2020. Appellees were notified of Appellant's intent to file his motion to request an extension of time to respond to the various Appellee Reply Briefs on April 13, 2020 each indicated that they did not oppose the motion.

**Prayer**

ACCORDINGLY, Appellant respectfully requests that the Court of Appeals grant this motion, order that Appellant's response to the three various Appellee Reply Briefs is due May 20, 2020, and grant him such other and further relief to which he is justly or equitably entitled.

Respectfully submitted,  
BEARD ♦ HARRIS ♦ BULLOCK ♦ CHRISTIE and  
MARTINEZ HSU, P.C.

By: /s/ Ty Beard

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**Certificate of Conference**

The undersigned certifies that, on April 13, 2020, he conferred via email with:

(a) John Volney of LYNN PINKER COX & HURST, LLP, Funimation Productions, LLC's lead counsel, who confirmed that Funimation Productions, LLC does not oppose the relief requested herein;

(b) Samuel Johnson of JOHNSON & SPARKS, PLLC, Jamie Marchi's lead counsel, who confirmed that Jamie Marchi does not oppose the relief requested herein; and

(c) Rusty J. O'Kane of WICK PHILLIPS GOULD & MARTIN, LLP, Monica Rial's and Ronald Toye's counsel, who confirmed that Monica Rial and Ronald Toye do not oppose the relief requested herein.

Dated: April 17, 2020

/s/ Michael S. Martinez  
Attorney Certifying

**Certificate of Service**

The undersigned certifies that, on this day, a copy of the foregoing and the Appendix attached hereto was served in accordance with Texas Rules of Appellate Procedure 6.3 and 9.5, electronically via efile.txcourts.gov to:

(a) Funimation Productions, LLC, by and through counsel of record, John Volney and Christian Orozco of LYNN PINKER COX & HURST, LLP;

(b) Jamie Marchi, by and through counsel of record Samuel Johnson of JOHNSON & SPARKS, PLLC; and

(c) Monica Rial and Ronald Toye, by and through counsel of record Sean Lemoine of WICK PHILLIPS GOULD & MARTIN, LLP, Casey Erick of COWLES & THOMPSON, P.C., and Andrea Perez of CARRINGTON, COLEMAN, SLOMAN & BLUMENTHAL, LLP.

Dated: April 27, 2020

Michael S. Martinez  
Attorney Certifying