

NO. 02-19-00394-CV

**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

**SECOND UNOPPOSED MOTION FOR EXTENSION
OF TIME TO FILE APPELLANT'S BRIEF**

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Summary of Motion & Requested Relief

Victor Mignogna (“Vic” or “Appellant”) requests that the Court grant an extension of the time to file his Appellant’s brief to February 19, 2020. This is Appellant’s second request for an extension of time to file his brief.

Factual & Procedural Background

Appellant filed his notice of appeal on October 24, 2019. The Clerk’s Record was initially filed on November 15, 2019 and supplemented on November 26, 2019, December 5, 2019, and February 14, 2020. The Reporter’s Record was filed on January 6, 2020. On January 27, 2020, the Court of Appeals granted Appellant’s request to extend the time to file his brief to January 27, 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, Appellant’s counsel have been diligently working to finalize Appellant’s brief amidst attending to multiple other matters.

Appellant’s counsel seek only an additional 24 hours to finalize and file Appellant’s brief and, therefore, request an extension of the filing deadline to February 19, 2020. Since Appellees’ briefs are not due until after Appellant’s brief is filed, there is no material injury to Appellees by the Court granting this extension. Moreover, Appellees do not oppose this motion.

Prayer

ACCORDINGLY, Appellant respectfully requests that the Court of Appeals grant this motion, order that Appellant's brief is due February 19, 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/ Jim E. Bullock

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Certificate of Conference

The undersigned certifies that, on February 18, 2020, he conferred via email with:

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

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

(c) Sean Lemoine of WICK PHILLIPS GOULD & MARTIN, LLP, Appellees Monica Rial's and Ronald Toye's lead counsel, who confirmed that Appellees Monica Rial and Ronald Toye do not oppose the relief requested herein.

Dated: February 18, 2020

/s/ Jim E. Bullock
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) Appellee Funimation Productions, LLC, by and through counsel of record, John Volney and Christian Orozco of LYNN PINKER COX & HURST, LLP;

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

(c) Appellees 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: February 18, 2020

Jim E. Bullock
Attorney Certifying