



**BEARD • HARRIS • BULLOCK • HUGHES**  
**ATTORNEYS AT LAW**

March 8, 2019

**VIA CERTIFIED MAIL AND EMAIL (Email redacted)**

Jamie Marchi

**(Address redacted)**

**RE: Vic Mignogna**

**DEMAND FOR PRESERVATION OF ELECTRONICALLY STORED INFORMATION**

Dear Ms. Marchi:

Please be advised that Ty Beard and Beard, Harris, Bullock Hughes have been retained to represent Mr. Vic Mignogna regarding allegations of defamation, tortious interference with business relations and civil conspiracy. Please be advised that you need to protect and preserve all electronically stored data currently in your possession. This electronically stored data is an important, irreplaceable source of discovery and/or evidence in this matter. This notice requests preservation of all information from your computer systems (including hard drives), cell phone systems, PDA's, email systems, software systems, and other removable electronic media as well as the computer systems (including hard drives), cell phone systems, PDA's, email systems, software systems, and other removable electronic media which are in your possession. This includes, but is not limited to, email and other electronic communications, word processing documents, spreadsheets, data bases, calendars, telephone logs, instant messages, video files, picture files, any files associated with your google accounts, yahoo accounts or outlook accounts, text messages, internet usage files, social networking sites, and network access information. Failure to comply with this request could result in spoliation issues.

Please note that litigation is reasonably likely. Accordingly, you have a duty (even without a court order) to preserve information that is relevant to the potential dispute over termination of Vic's relationship with FUNimation and Roosterteeth and damage to his reputation and career, including, without limitation, information relating to: (i) Vic's work for FUNimation and Roosterteeth, (ii) the circumstances surrounding termination of his relationship with FUNimation and Roosterteeth, (iii) the history of, basis for, and decision to publish tweets related to Vic Mignogna since January 18, 2019, (iv) all information related to investigations by FUNimation or Sony and Roosterteeth into allegations that Vic engaged in "any kind of harassment or threatening behavior being directed at anyone" and the "testimony, proof, [and]

**TYLER OFFICE:**  
**100 INDEPENDENCE PLACE**  
**SUITE 300**  
**TYLER, TEXAS 75703**  
**O: 903.509.4900**

**MARSHALL OFFICE:**  
**115 NORTH WELLINGTON**  
**SUITE 102**  
**MARSHALL, TEXAS 75670**  
**O: 903.509.4900**

**FRISCO OFFICE:**  
**7460 WARREN PARKWAY**  
**SUITE 100**  
**FRISCO, TEXAS 75034**  
**O: 903.509.4900**



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evidence" given therein including the investigations referenced in numerous tweets by yourself, (v) and any and all communications between yourself and FUNimation, yourself and Roosterteeth and yourself and any persons who have made allegations that Vic engaged in "any kind of harassment or threatening behavior directed at anyone" and the "testimony, proof [and] evidence" provided through said communications and (vi) any and all communications between yourself and Vic Mignogna referencing any allegations that Vic engaged in "any kind of harassment or threatening behavior being directed at anyone including yourself" and the "testimony, proof, [and] evidence" provided.

This duty extends not only to tangible items but also to electronically stored information ("ESI"). ESI should be afforded the broadest possible definition and includes, without limiting, documents, spreadsheets, presentations, calendars, diaries, communications, recordings, photographs, logs, data and databases, backup and archival files, and other data, files and records that are electronically, magnetically or optically stored on current or former computer systems and other media and devices (including cell phones, tablets, online repositories and messaging systems) used by yourself. ESI resides not only in areas of electronic, magnetic and optical storage media you may consider reasonably accessible but also in areas you may deem not reasonably accessible; your obligation to preserve potentially relevant evidence extends to both of these sources of ESI. ESI includes both system metadata (i.e., information describing the history and characteristics of other ESI) and application metadata (i.e., information that is automatically included or embedded in electronic files).

Adequate preservation of ESI requires more than simply refraining from efforts to destroy or dispose of such evidence. You must also intervene to prevent the loss or destruction of potentially relevant ESI due to routine operations or individual actors and employ proper techniques and protocols suited to protecting ESI such as (i) initiating a "litigation hold" for potentially relevant ESI, (ii) identifying and modifying or suspending features of systems and devices that, in routine operation, cause the loss of potentially relevant ESI, (iii) securing and preserving items required to access or search ESI such as passwords, keys, and other authenticators, as well as hardware and peripherals required to access the ESI, and (iv) informing your employees, contractors, officers, directors and agents of the obligation to preserve potentially relevant ESI (and the ability to access or search same) and taking steps to prevent their hiding, destroying or altering potentially relevant ESI. Item (iv) may involve preservation of potentially relevant ESI on home or personal devices—as well as online or browser-based accounts or services — used by yourself and agents if they forwarded, created, viewed or stored potentially relevant ESI using such devices, accounts or systems.

**TYLER OFFICE:**  
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**TYLER, TEXAS 75703**  
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**115 NORTH WELLINGTON**  
**SUITE 102**  
**MARSHALL, TEXAS 75670**  
**O: 903.509.4900**

**FRISCO OFFICE:**  
**7460 WARREN PARKWAY**  
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Without limiting or diminishing your obligation to preserve potentially relevant ESI (or limiting or diminishing your obligation to preserve documents, tangible things and other potentially relevant evidence), you are requested to preserve potentially relevant ESI with a "created" or "last modified" date of January 1, 2017 or later.

Thank you for your attention to this matter. If you have questions or concerns, please feel free to contact myself or Beard, Harris, Bullock Hughes. during normal business hours.

Highest Regards,



Ty Beard

cc: Client

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**100 INDEPENDENCE PLACE**  
**SUITE 300**  
**TYLER, TEXAS 75703**  
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**SUITE 100**  
**FRISCO, TEXAS 75034**  
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