

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

VICTOR MIGNOGNA, Appellant,

v.

FILED IN  
2nd COURT OF APPEALS  
FORT WORTH, TEXAS  
4/17/2020 2:35:56 PM  
DEBRA SPISAK  
Clerk

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

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**UNOPPOSED MOTION FOR EXTENSION OF  
TIME TO FILE CROSS APPELLEE'S BRIEF**

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

Victor Mignogna (“Vic” or “Cross-Appellee”) requests that the Court grant an extension of the time to file his Cross-Appellee’s brief to May 20, 2020. This is Cross-Appellee’s first request for an extension of time to file his brief.

### **Factual & Procedural Background**

Cross-Appellants’ filed their brief on March 31, 2020. The current deadline for cross-appellee 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, cross-appellee’s counsel have been impacted by the current COVID crisis in that they have been forced to work remotely and with reduced staff. Despite these challenges, cross-appellee’s counsel has been diligently working to review cross-appellants’ brief, the voluminous record, and research necessary case law in order to properly respond while also attending to multiple other matters.

Cross-appellee’s counsel seek an additional 30 days to complete and file cross-appellee’s brief and, therefore, request an extension of the filing deadline to May 20, 2020. Cross-Appellents do not oppose this motion.

**Prayer**

ACCORDINGLY, Cross-Appellee respectfully requests that the Court of Appeals grant this motion, order that Cross-Appellee's brief 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/ Jim E. Bullock

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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 17, 2020

Michael S. Martinez  
Attorney Certifying