

EXHIBIT 34

Minnesota Lawyer Article Titled “Filings: Attorney helped build
‘online hate factory’”

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Minnesota attorney Nick Rekieta, left; voice actor Vic Mignogna, center; and Texas attorney Ty Beard pause for a cigar break at Houston's Anime Matsuri convention in mid-July. (Submitted photo)

Filings: Attorney helped build 'online hate factory'

By: Kevin Featherly November 19, 2019



Nick Rekieta isn't actually a party in the Texas legal drama that has been called the anime movie industry's first #MeToo reckoning.

But the Minnesota attorney plays a starring role in several pleas for sanctions against the Texas voice actor who unsuccessfully sued his sexual-harassment accusers for defamation.

On Oct. 4, actor Vic Mignogna lost the five remaining claims of his 17-count suit in a Texas county court. The rest were dismissed weeks earlier. An appeal is pending.

As the case played out, Rekieta — a popular YouTube channel host — served as Mignogna's "hate megaphone," defendants charge.

Their sanctions motions accuse Rekieta of coordinating an abusive PR campaign with Mignogna and his defense attorney, Ty Beard.

In it, they contend that Rekieta took to his YouTube site and his now-suspended Twitter account almost nightly. At times, he calmly discussed the case with guest hosts on camera. At others, he raged against the defendants and their supporters.

In the process, Rekieta unleashed "a torrent of disgusting and degrading insults" from his online followers. There were death threats and public confrontations, too. The defendants, their supporters and lawyers, even Tarrant County (Texas) District Court Judge John P. Chupp, were all targeted.

"By misleading viewers about the facts and the law," writes lawyer Sean Lemoine on behalf of clients Monica Rial and Ron Toye, "plaintiff generated an online hate factory designed to raise money and intimidate other victims."

Mignogna sued Rial, a voice actress; her fiancé, Toye; fellow voice actress Jamie Marchi; and Texas-based anime film distribution company Funimation in April. He claimed they falsely accused him to derail his career and sap his earnings.

In turn, the defendants sought dismissal, accusing Mignogna of violating the Texas Citizens Participation Act (TCPA), the state's anti-SLAPP (strategic lawsuits against public participation) law.

After several months of trial and failed mediation, Chupp on Oct. 4 sided with the respondents.

"All causes of action ... asserted by plaintiff Mignogna are based on, related to or are in response to the defendants' right to free speech, the right to petition or the right to association under the TCPA," Chupp wrote in his Oct. 4 opinion.

Afterward, the defendants petitioned to recover hundreds of thousands of dollars in attorney's fees and punitive sanctions. They ask the court to hit Mignogna hard financially to deter him from filing more suits to silence his accusers.

Rekieta's name looms as large in the case's finances as in its messaging. His GoFundMe page, created in February to pay Mignogna's legal fees, has raised \$261,200 from 6,600 supporters as of Nov. 14.

Those contributions have spared the actor from spending any of his own money on the case, litigants charge. Without heavy sanctions, they contend, he can simply continue abusing the system.

"If he felt that pain because of a robust sanctions award entered against him by the court," Lemoine's brief says, "he might think twice before filing another frivolous lawsuit."



This photograph was distributed on Twitter on Sept. 26. It shows Vic Mignogna, left, the plaintiff in a defamation suit against three people and a company that he says conspired to end his career as an anime voice actor by accusing him of sexual harassment and assault, and Nick Rekieta, the Minnesota attorney who raised more than \$260,000 on GoFundMe to pay for the suit. (Submitted photo)

'Hyperbole is fun'

The war started after the actor's latest animated movie, "Dragon Ball Super: Broly" was released in January. Mignogna voiced the movie's lead character.

As the film began challenging domestic anime box-office records, Rial and Marchi took to social media. They repeated old but persistent rumors that Mignogna has habitually kissed, hugged and made unwanted sexual advances toward young women, sometimes on the job.

After initially apologizing, Mignogna sued for defamation in April, financed by Rekieta's GoFundMe drive. His lawyer, Beard, has connections to Rekieta's family estate and appears to have been recruited by the Minnesotan to represent the actor.



Reached Wednesday, Rekieta expressed discomfort at being characterized as an anti-#MeToo minion.

His interest, he said, has nothing to do with the sexual harassment allegations. It's about defending Mignogna's religious, political and artistic freedoms, he said.

Whatever the case, his rhetoric has at times been inflammatory. On his YouTube channel, he has branded Mignogna's accusers and their supporters as "liars," "terrible people" and "scum." At one point he declared his goal was to "grind them into dust."

"The language of hyperbole is fun," Rekieta said with a chuckle over the phone.

But why does the case generate so much personal animosity? Rekieta was asked.

"Because I hate this stuff," he said. "I hate that art is destroyed over people's political or even personal animus. I think it ruins the art that people are creating. It takes good artists and good creators out of the world of creation."

Rekieta said he hasn't seen credible evidence that the accusations against Mignogna are true. He even claims that sexual harassment isn't the real issue. Instead, he said, it's Mignogna's cultural and religious conservatism.

As an evangelical Christian, the actor sometimes uses convention appearances to stump for God and the Bible onstage, Rekieta said. Some people in the anime community don't like that, he said. He dismisses their allegations as emblematic of the "cancel culture."

"For lack of a better word," Rekieta said, "it's a leftist or liberal push by fringe members of those communities to cancel someone — to censor their speech, to prevent them from getting work."

If his role is that of impassioned defender, Rekieta acknowledges that he also is an entrepreneur. And he doesn't deny that the Mignogna case has been good for business.

But he insists that he has not profited from the GoFundMe page and has never been paid by either Beard or Mignogna to serve as their tub-thumping spokesman.

His money, he said, comes from a YouTube application called "Super Chat," which allows viewers to pay to have their online commentary highlighted and read aloud during his show.

He turned that feature on in September 2018, he says, well before the Mignogna case exploded. "My channel is a business," he said. "It was a business back then."

Its model is "to build a network of lawyers and resources" for people in similar straits to Mignogna, he said. It's a "conduit for getting to people who can help them fight back."

Lemoine, who spoke by phone Tuesday, suggested that Rekieta's "conduit" more closely resembles a pipe bomb — and was designed as such. As evidence, he points to Rekieta's online comment from Feb. 15, 2019, just days before the GoFundMe site launched.

"Guys, I'm working on some stuff that I can't disclose," Rekieta wrote. "But if I am successful it will weaponize my channel in the culture war to a level far beyond right now, while providing massive amounts of content."

Rekieta waves that off, saying Lemoine misunderstands the post. It wasn't even about the Mignogna case, he said, but a related lawsuit that never saw the light of day.

"No one will believe this," he said, "but it's true."

End-zone dance



In their sanctions briefs, defendants also point to comments from attorney Beard, aired during Rekieta's Oct. 4 webcast, as evidence that Mignogna's crew didn't care whether he prevailed in the case.

"We've already won," Beard said on a web broadcast aired the night he lost the case. "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."

Over the phone, Lemoine compared Beard's braggadocio to a "safety dance." It shows that dragging the accusers to court to intimidate them into silence was the whole point, he said.

Therefore, Lemoine writes in his brief, "A sanction equal to the moving defendants' attorneys' fees is necessary and appropriate to deter future conduct."

Rekieta said that Lemoine has misread Beard's comments. He was just looking for a silver lining in a gray cloud after having a very bad day in court, Rekieta said.

"Anyone who can say that there was an end zone dance, after having all of your causes of action dismissed, is a little bit silly," Rekieta said.

Mignogna's lawyer attempted to file a notice of appeal on Oct. 24 — before fees were entered in the case. Lemoine then entered a motion to dismiss it as premature, because the court had yet to rule on fees and sanctions. That has yet to be acted on.

If the defendants collectively get everything they want, Mignogna could stand to pay out nearly \$800,000 in lawyers' fees and punitive sanctions — three times more than what Rekieta raised for him online.



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