

**CAUSE NO. 141-307474-19****VICTOR MIGNOGNA****Plaintiff,****V.****FUNIMATION PRODUCTIONS, LLC,  
MONICA RIAL, RONALD TOYE, and  
JAMIE MARCHI****Defendants.**§  
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§**IN THE DISTRICT COURT****141st JUDICIAL DISTRICT****TARRANT COUNTY, TEXAS****AGREED MOTION TO EXTEND TIME TO FILE MOTION TO DISMISS**

Plaintiff Victor Mignogna (“Mignogna” or “Plaintiff”) and Defendants Monica Rial (“Rial”) and Ronald Toye (“Toye”) respectfully request that this Court extend the time to file a motion to dismiss pursuant to Chapter 27 of the Texas Civil Practice and Remedies Code, also known as the Texas Citizens Participation Act (“TCPA” or the “Act”), and would show the Court as follows:

**I. INTRODUCTORY FACTS**

1. Plaintiff filed his Original Petition (“Petition”) on April 18, 2019.
2. Defendants Rial and Toye accepted service of the Petition on April 19, 2019.
3. Defendants Rial and Toye filed their Original Answer on May 13, 2019.
4. On May 31, 2019, Plaintiff and all Defendants in this lawsuit attended a hearing before the Court concerning certain discovery matters (the “Discovery Hearing”). During the Discovery Hearing, Plaintiff and Defendants Rial and Toye agreed to sit for depositions before the end of June 2019, to be arranged with the Court Coordinator of the 141st District Court. Also during the Discovery Hearing, Plaintiff and Defendants Rial and Toye agreed to extend the time

to file a motion to dismiss pursuant to the TCPA in order to allow for these agreed depositions to take place.

5. Plaintiff and Defendants have agreed to sit for depositions at the Tom Vandergriff Civil Courts Building during the last week of June. Plaintiff will sit for his deposition on June 26, 2019. Defendant Toye will sit for his deposition on June 27, 2019. Defendant Rial will sit for her deposition on June 28, 2019.

## **II. BASIS FOR MOTION**

Plaintiff and Defendants Rial and Toye now move the Court, pursuant to Texas Civil Practice and Remedies Code § 27.003(b), to extend the time to file the motion to dismiss under the TCPA.

Section 27.003(b) permits the Court to “extend the time to file a motion under this section on a showing of good cause.”<sup>1</sup>

Plaintiff and Defendants Rial and Toye assert that there is good cause to extend the time to file the motion to dismiss in order to allow for the timely progress of prearranged discovery in this matter. Plaintiff and Defendants Rial and Toye believe that this Motion complies with the Court’s statements during the Discovery Hearing, and will promote judicial economy in avoiding any further motion practice concerning these agreed depositions.

## **III. PRAYER FOR RELIEF**

Accordingly, Plaintiff and Defendants Rial and Toye respectfully request an Order from the Court extending the time to file the motion to dismiss for Defendants Rial and Toye to July 19, 2019, in order to allow for depositions to take place on June 26, 27, and 28, 2019, and grant Plaintiff and Defendants Rial and Toye all other relief to which they may be entitled.

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<sup>1</sup> TEX. CIV. PRAC. & REM. CODE § 27.003(b).

Respectfully submitted by:

Cowles & Thompson

By: /s/ Casey S. Erick

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**CERTIFICATE OF SERVICE**

I certify that on June 17, 2019, a true and correct copy of the foregoing was served on all counsel of record in accordance with Rule 21a of the Texas Rules of Civil Procedure.

/s/ Casey S. Erick

Casey S. Erick