

141-307474-19  
CAUSE NO. 141-307474-19

FILED  
TARRANT COUNTY  
9/5/2019 5:00 PM  
THOMAS A. WILDER  
DISTRICT CLERK

VICTOR MIGNOGNA, Plaintiff,	§	IN THE DISTRICT COURT
	§	
	§	
v.	§	
	§	
	§	141 <sup>st</sup> JUDICIAL DISTRICT
FUNIMATION PRODUCTIONS, LLC,	§	
JAMIE MARCHI, MONICA RIAL,	§	
AND RONALD TOYE,	§	
Defendants	§	TARRANT COUNTY, TEXAS

**PLAINTIFF'S MOTION TO QUASH  
AND FOR PROTECTIVE ORDER**

TO THE HONORABLE JUDGE OF SAID COURT:

Plaintiff Victor Mignogna ("Vic") requests that the Court to quash a subpoena and issue a protective order in connection therewith and would show the following:

(1) On September 5, 2019, at the behest of Defendants Monica Rial and Ronald Toye, Vic was served with the subpoena attached hereto and incorporated by reference as Exhibit A (the "Subpoena"), purportedly requiring him to appear and testify in the September 6, 2019 hearing in this matter.

(2) The Subpoena is an attempt to obtain testimony from Plaintiff that is protected by the attorney-client privilege and the doctrine of attorney work product and also is intended merely to harass Plaintiff.

(3) A trial court has broad discretion to protect a party with a protective order, and Vic asks that the Court exercise its discretion and grant a protective order in this instance, because it is necessary to protect him from Defendants' evident desire to harass him with questions that have no relevance to the issues at bar (as they repeatedly did during his deposition) but, rather, are nothing more than an invasion of privacy or which seek to elicit information that is privileged.

(4) In the interest of justice, Vic requests that the Court issue a protective order quashing the Subpoena in its entirety.

(5) Pursuant to Texas Rule of Civil Procedure 176.6(e), as a result of this motion, Vic need not comply with the Subpoena unless the Court orders him to do so.

**PRAYER**

WHEREFORE, PREMISES CONSIDERED, Vic requests that the Court enter an order quashing the Subpoena and for such other and further relief that may be awarded at law or in equity. Plaintiff prays for general relief.

Respectfully submitted,  
BEARD HARRIS BULLOCK HUGHES

By: /s/ Ty Beard  
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Carey-Elisa Christie  
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*Attorneys for Plaintiff*

***Certificate of Conference***

A conference was not held with counsel for Defendants, because of the time sensitivity and the urgency to file this motion.

/s/ Ty Beard  
Date: September 5, 2019

***Certificate of Service***

The undersigned certifies that the foregoing motion was electronically filed today and served via electronic filing manager on counsel of record.

/s/ Ty Beard

Date: September 5, 2019

STATE OF TEXAS  
SUBPOENA  
CAUSE NO. 141-307474-19

<b>VICTOR MIGNOGNA,</b>  <b>Plaintiff,</b>  <b>v.</b>  <b>FUNIMATION PRODUCTIONS, LLC,</b> <b>MONICA RIAL, RONALD TOYE, and JAMIE</b> <b>MARCHI,</b>  <b>Defendants.</b>	<b>IN THE DISTRICT COURT OF</b>  <div style="text-align: right; color: red; font-family: cursive;">Delivered this <u>5</u> Day of <u>September</u> 201<u>9</u> POC# <u>357</u> Exp <u>7-31-2020</u></div> <b>141<sup>st</sup> JUDICIAL DISTRICT</b>  <b>TARRANT COUNTY, TEXAS</b>
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**TO ANY SHERIFF OR CONSTABLE OF THE STATE OF TEXAS OR OTHER PERSON AUTHORIZED TO SERVE AND EXECUTE - GREETINGS: YOU ARE HEREBY COMMANDED TO SUMMON:**

Plaintiff Victor Mignogna  
By and through attorneys  
Beard Harris Bullock Hughes  
Ty Beard  
Carey-Elisa Christie  
Jim E. Bullock  
100 Independence Place, Suite 300  
Tyler, Texas 75703  
-OR-  
WHEREVER HE MAY BE FOUND

<input checked="" type="checkbox"/> YOU ARE COMMANDED to appear at the place, date and time specified below to testify at the trial.	
PLACE OF TESTIMONY	COURTROOM
Tom Vandergriff Civil Courts Building, 100 North Calhoun Street, Fort Worth, TX, 76196	141 <sup>st</sup> District Court 3 <sup>rd</sup> Floor
	DATE AND TIME
September 6, 2019 at 10:00 a.m.	
<input type="checkbox"/> YOU ARE COMMANDED to appear at the place, date, and time specified below to testify at the taking of a deposition in the above case.	
PLACE OF DEPOSITION	DATE AND TIME

EXHIBIT A

<input type="checkbox"/> YOU ARE COMMANDED to produce and permit inspection and copying of the following documents or tangible things at the place, date, and time specified below (list documents or tangible things):	
SEE "EXHIBIT A" for a listing of documents to produce and permit inspection and copying of	
PLACE	DATE AND TIME
<input type="checkbox"/> YOU ARE COMMANDED to permit inspection of the following premises at the date and time specified below.	
PREMISES	DATE AND TIME
Failure by any person without adequate excuse to obey a subpoena served upon that person may be deemed a contempt of the court from which the subpoena is issued or a district court in the county in which the subpoena is served, and may be punished by fine or confinement, or both. Texas Rule of Civil Procedure 176.8(a).	
ISSUING OFFICER SIGNATURE AND TITLE (INDICATE IF ATTORNEY FOR PLAINTIFF OR DEFENDANT)	DATE
<u>/s/ J. Sean Lemoine</u> Attorney for Plaintiffs	September 5, 2019
ISSUING OFFICER'S NAME, ADDRESS AND PHONE NUMBER J. Sean Lemoine State Bar No. 24027443 <a href="mailto:sean.lemoine@wickphillips.com">sean.lemoine@wickphillips.com</a> <b>WICK PHILLIPS GOULD &amp; MARTIN, LLP</b> 3131 McKinney, Suite 100 Dallas, Texas 75204 Telephone: 214.692.6200 Facsimile: 214.692.6255	

EXHIBIT A

PROOF OF SERVICE		
<b>SERVED</b>	DATE	PLACE
SERVED ON (PRINT NAME)		MANNER OF SERVICE
SERVED BY (PRINT NAME)		TITLE

### DECLARATION OF SERVER

I declare under penalty of perjury under the laws of the State of Texas that the foregoing information contained in the Proof of Service is true and correct.

Executed on \_\_\_\_\_

\_\_\_\_\_  
SIGNATURE OF SERVER

ADDRESS OF SERVER:

\_\_\_\_\_  
\_\_\_\_\_

EXHIBIT A