

## CAUSE NO. 141-307474-19

VICTOR MIGNOGNA,  
Plaintiff,§  
§  
§  
§  
§  
§  
§  
§

IN THE DISTRICT COURT

v.

141<sup>st</sup> JUDICIAL DISTRICTFUNIMATION PRODUCTIONS, LLC,  
JAMIE MARCHI, MONICA RIAL,  
AND RONALD TOYE,  
Defendants

TARRANT COUNTY, TEXAS

**PLAINTIFF'S MOTION TO COMPEL**

TO THE HONORABLE JUDGE OF SAID COURT:

Victor respectfully asks that the Court overrule or strike their objections and order them to respond to his discovery requests.

**I. BACKGROUND**

Victor included interrogatories and requests for production of documents along with service of his original petition. Prior to Ronald's and Monica's responses being due, Victor proposed an agreed confidentiality order—poignantly, to protect (*inter alia*) the identities of the women Ronald and Monica claimed would “come forward.” Ronald and Monica vigorously opposed any confidentiality order. However, Ronald and Monica then refused to answer Victor's interrogatories or produce documents without a confidentiality order. *See* Exhibits A, B, C and D hereto. Moreover, they posited numerous general, prophylactic objections and other objections in resisting discovery. *Id.*

**II. ARGUMENTS & AUTHORITIES**

A party may object to discovery only “if a good faith factual and legal basis for the objection exists at the time the objection if made.” TEX. R. CIV. P. 192.2(c). And the objecting party must “state specifically the legal or factual basis for the objection and the extent to which

the party is refusing to comply with the request.” *Id.*, Rule 193.2(a). Frankly, broad or general objections are not permitted. *In re Park Cities Bank*, 409 S.W.3d 859, 877 (Tex. App.—Tyler 2013, *orig. proceeding*). Indeed, an objection “that is obscured by numerous unfounded objections” is waived. TEX. R. CIV. P. 192.2(e); *see also Id.* R. 215.1 (“an evasive or incomplete answer is to be treated as a failure to answer”).

Ronald’s and Monica’s brain-jarring about-face in opposing a confidentiality order before demanding one is a pretext to avoid answering Victor’s interrogatories and producing documents in response to his requests. Indeed, positing general, prophylactic objections and answering “subject to” those global objections waives any objection to the discovery request. Had Ronald and Monica truly wanted a confidentiality order prior to complying with Victor’s discovery requests—despite having one offered to them weeks before their responses were due—the proper procedure was to ask the Court for a protective order and not to unilaterally withhold properly requested discovery. TEX. R. CIV. P. 192.6, 193.2.<sup>1</sup>

### **III. SUMMARY & PRAYER**

By playing discovery games, Ronald and Monica have violated the Rules of Civil Procedure and waived their objections to Victor’s interrogatories and production requests. Victor requests that the Court overrule or strike their objection and to compel their compliance. Victor prays for such other and further relief to which he is justly or equitably entitled and prays for general relief.

---

<sup>1</sup> Victor attempted to reach agreement on reasonable confidentiality provisions; however, an agreement could not be reached. *See* Exhibits C-D.

Respectfully submitted,  
BEARD HARRIS BULLOCK HUGHES

By: /s/ Ty Beard

Ty Beard  
Texas Bar No. 00796181  
Carey-Elisa Christie  
Texas Bar No. 24103218  
Kristina M. Ross  
Texas Bar No. 24069173  
Jim E. Bullock  
Texas Bar No. 00795271  
100 Independence Place, Suite 101  
Tyler, Texas 75703  
(903) 509-4900 [T]  
(903) 509-4908 [F]  
[Ty@beardandharris.com](mailto:Ty@beardandharris.com)  
[Carey@beardandharris.com](mailto:Carey@beardandharris.com)  
[Kristina@beardandharris.com](mailto:Kristina@beardandharris.com)  
[Jim@beardandharris.com](mailto:Jim@beardandharris.com)

*Attorneys for Plaintiff*

***Certificate of Conference***

A conference was held via written correspondence with Casey Erick, counsel for Defendants Rial and Toye, on June 19-21, 2019, on the merits of this motion. A reasonable effort has been made to resolve the dispute without the necessity of court intervention, and the effort failed. Therefore, it is presented to the Court for determination.

/s/ Ty Beard  
Date: June 21, 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: June 21, 2019

# Exhibit A

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

**VICTOR MIGNOGNA**

**Plaintiff,**

**V.**

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

**Defendants.**

§  
§  
§  
§  
§  
§  
§  
§  
§  
§

**IN THE DISTRICT COURT**

**141st JUDICIAL DISTRICT**

**TARRANT COUNTY, TEXAS**

**RONALD TOYE’S OBJECTIONS AND RESPONSES TO PLAINTIFF’S  
FIRST INTERROGATORIES AND REQUESTS FOR PRODUCTION**

TO: Plaintiff, Victor Mignogna, by and through his attorney of record, Ty Beard, Beard Harris Bullock Hughes, 100 Independence Place, Suite 101, Tyler, Texas 75703.

Pursuant to the Texas Rules of Civil Procedure, Defendant Ron Toye (“Toye”) serves the following objections and responses to Plaintiff’s First Interrogatories and Requests for Production (“First Discovery Requests”).

Cowles & Thompson

By: /s/ Casey Erick

Casey S. Erick  
State Bar No.: 24028564  
901 Main Street, Suite 3900  
Dallas, Texas 75202  
Email: [cerick@cowlesthompson.com](mailto:cerick@cowlesthompson.com)

and  
Andrea Perez  
State Bar No.: 24070402  
Email: [aperez@kesslercollins.com](mailto:aperez@kesslercollins.com)  
Kessler Collins, P.C.  
2100 Ross Avenue, Suite 750  
Dallas, Texas 75201  
Tel. (214) 379-0732  
Fax. (214) 373-4714

**ATTORNEYS FOR DEFENDANTS  
MONICA RIAL AND RONALD TOYE**

**CERTIFICATE OF SERVICE**

I certify that on June 10, 2019, a true and correct copy of the foregoing document was served on Plaintiff's counsel by electronic service in accordance with Texas Rule of Civil Procedure 21a.

/s/ Casey Erick  
Casey S. Erick

**I.**  
**OBJECTIONS TO DEFINITIONS AND INSTRUCTIONS**

1. The following Responses, while based on diligent investigation by Defendant and Defendant's counsel, are necessarily supported only by those facts and writings presently and specifically known, and readily available. Defendant has not completed his investigation of the facts related to the subject matter of this action, discovery, or his preparation for trial. Defendant, therefore, makes these Responses without prejudice to his right to produce at any stage of these proceedings, including at trial, evidence of any facts or information that Defendant may later discover. Defendant further reserves the right to change, amend, or supplement his Responses with facts, information, or documents he may discover that were omitted by inadvertence, mistake, or excusable neglect, and as additional facts are ascertained and contentions are made in this litigation.

2. Defendant's Responses and objections herein are made without waiving or intending to waive: (a) any objections as to the competency, relevancy, materiality, privileged status, or admissibility as evidence, for any purpose, of any documents or information provided in response to the First Discovery Requests (or other subsequent discovery requests); (b) the right to object on any ground to the documents or information produced in response to the Interrogatories at any hearing or trial; or (c) the right to object on any ground at any time to a demand for further responses to the First Discovery Requests. All such objections and grounds are expressly reserved and may be presented as appropriate throughout this dispute. Moreover, no incidental or implied admissions are intended by the Responses below.

3. Defendant objects to all definitions, terms, and instructions to the extent that they misstate or mischaracterize the relationship between Defendant and any persons or entities, and attempt to impose any burden upon Defendant greater than that required by the Texas Rules of Civil Procedure. Defendant will comply with the Texas Rules of Civil Procedure and any applicable court orders or local rules of Tarrant County in responding to the First Discovery Requests.

4. Defendant objects to the First Discovery Requests to the extent that they seek disclosure of information or documents protected by the attorney-client privilege, the attorney work product doctrine, the party communications privilege, the investigative privilege, or any other applicable privileges or exemptions from discovery, including those relating to documents prepared in anticipation of litigation or in preparation of trial. Defendant's communications with its attorneys are privileged and fall outside the bounds of permissible discovery.

5. Defendant objects to the First Discovery Requests to the extent any specific Request or Interrogatory seeks information concerning trade secrets, confidential and/or proprietary information, or other sensitive information.

6. Defendant objects to Interrogatories or Requests that utilize capitalized terms that fail to have specified definitions or appropriate reference points as vague and ambiguous.

7. To the extent any document is responsive to more than one Request, duplicate copies will not be produced.

8. The specific responses and objections below are expressly made subject to the preliminary objections.

## **II. OBJECTIONS AND RESPONSES TO INTERROGATORIES**

**INTERROGATORY NO. 1.** Identify all persons who assist or participate in the answering of interrogatories served on you in the above-numbered cause of action.

ANSWER: Defendant objects to this Interrogatory because it seeks privileged information.

Subject to, and without waiving, the aforementioned objection, Defendant answers as follows:

- Defendant and Defendant Rial.

**INTERROGATORY NO. 2.** Identify each instance of the “at least 4 assaults” and “at least 4 accounts” you alleged Plaintiff committed in the tweets you posted to @RonToye on January 31, 2019, February 1, 2019 and February 21, 2019.

ANSWER: Defendant objects to this Interrogatory because it seeks to have Defendant prematurely marshal all of his evidence. Defendant further objects to this Interrogatory because it seeks information that is in the possession of Plaintiff, may be publicly accessible, and/or equally accessible to Plaintiff. Defendant further objects to this Interrogatory because it assumes facts not in evidence.

Subject to, and without waiving, the aforementioned objections, Defendant answers as follows:

- *See* Documents Bates labeled TOYE 000001-000042, attached hereto. *See also* Rial’s Objections and Responses to Plaintiff’s First Interrogatories and Requests for Production.

**INTERROGATORY NO. 3.** Identify each person you allege Plaintiff assaulted in your answer to Interrogatory No. 2.

ANSWER: Defendant objects to this Interrogatory because it seeks to have Defendant prematurely marshal all of his evidence. Defendant further objects to this Interrogatory because it seeks information that is in the possession of Plaintiff, may be publicly accessible, and/or equally accessible to Plaintiff. Defendant further objects to this Interrogatory because it assumes facts not in evidence.

Subject to, and without waiving, the aforementioned objections, Defendant answers as follows:

- As Plaintiff stated in his communication through Twitter on February 8, 2019, “there have been threats made toward others by fans in support of [Plaintiff].” In order to ensure that such threats are not made toward other witnesses in this litigation, Defendant proposes a



Rule 11 Agreement with counsel for Plaintiff. The Rule 11 Agreement will state that Defendants will provide identifying information solely to counsel for Plaintiff, or *in camera* if to the Court. Plaintiff's counsel agrees that none of the information so proffered will be shared publicly unless and until the information is to be used in a public pleading or argument in this matter. Defendant will provide the information requested in this Interrogatory once the Rule 11 Agreement is on file with the Court.

- *See also* Documents Bates labeled TOYE 000001-000042, attached hereto; Rial's Objections and Responses to Plaintiff's First Interrogatories and Requests for Production.

**INTERROGATORY NO. 4.** Identify each of the "4 of [your] friends" you claim Plaintiff "[f]orced himself on" as alleged in the tweet you posted to @RonToye (replying to @TheJoker\_TWV, *et al*) on February 6, 2019.

ANSWER: Defendant objects to this Interrogatory because it seeks to have Defendant prematurely marshal all of his evidence. Defendant further objects to this Interrogatory because it seeks information that is in the possession of Plaintiff, may be publicly accessible, and/or equally accessible to Plaintiff. Defendant further objects to this Interrogatory because it assumes facts not in evidence.

Subject to, and without waiving, the aforementioned objections, Defendant answers as follows:

- Defendant will provide the information requested in this Interrogatory once the Rule 11 Agreement is on file with the Court.
- *See also* Documents Bates labeled TOYE 000001-000042, attached hereto; Rial's Objections and Responses to Plaintiff's First Interrogatories and Requests for Production.

**INTERROGATORY NO. 5.** Identify each of the incidents you described as "stuff he has done in his hotel room, multiple times, and an office or two" in the tweet you posted to @RonToye (replying to @BasedNrd) on February 6, 2019.

ANSWER: Defendant objects to this Interrogatory because it seeks to have Defendant prematurely marshal all of his evidence. Defendant further objects to this Interrogatory because it seeks information that is in the possession of Plaintiff, may be publicly accessible, and/or equally accessible to Plaintiff. Defendant further objects to this Interrogatory because it assumes facts not in evidence.

Subject to, and without waiving, the aforementioned objections, Defendant answers as follows:

- Defendant will provide the information requested in this Interrogatory once the Rule 11 Agreement is on file with the Court.
- *See also* Documents Bates labeled TOYE 000001-000042, attached hereto; Rial's Objections and Responses to Plaintiff's First Interrogatories and Requests for Production.

**INTERROGATORY NO. 6.** Identify each instance of the "[o]ver 100 accounts" of "assault" you alleged Plaintiff committed in the tweet you posted to @RonToye on February 4, 2019 (*Figure 3* in Plaintiff's Original Petition).

ANSWER: Defendant objects to this Interrogatory because it seeks to have Defendant prematurely marshal all of his evidence. Defendant further objects to this Interrogatory because it seeks information that is in the possession of Plaintiff, may be publicly accessible, and/or equally accessible to Plaintiff. Defendant further objects to this Interrogatory because it assumes facts not in evidence.

Subject to, and without waiving, the aforementioned objections, Defendant answers as follows:

- Defendant will provide the information requested in this Interrogatory once the Rule 11 Agreement is on file with the Court.
- *See also* Documents Bates labeled TOYE 000001-000042, attached hereto; Rial's Objections and Responses to Plaintiff's First Interrogatories and Requests for Production.

**INTERROGATORY NO. 7.** Identify each of the "100+ ladies" you asserted had come forward or were "coming forward" in the tweet you posted to @RonToye (replying to @tylerripley2 and @Rialisms) on February 6, 2019.

ANSWER: Defendant objects to this Interrogatory because it seeks to have Defendant prematurely marshal all of his evidence. Defendant further objects to this Interrogatory because it seeks information that is in the possession of Plaintiff, may be publicly accessible, and/or equally accessible to Plaintiff. Defendant further objects to this Interrogatory because it assumes facts not in evidence.

Subject to, and without waiving, the aforementioned objections, Defendant answers as follows:

- Defendant will provide the information requested in this Interrogatory once the Rule 11 Agreement is on file with the Court.
- *See also* Documents Bates labeled TOYE 000001-000042, attached hereto; Rial's Objections and Responses to Plaintiff's First Interrogatories and Requests for Production.

**INTERROGATORY NO. 8.** Identify each instance comprising the "assaults the public isn't aware of" as you alleged in the tweet you posted to @RonToye (replying to @nightblur, @marchimark, *et al*) on February 23, 2019.

ANSWER: Defendant objects to this Interrogatory because it seeks to have Defendant prematurely marshal all of his evidence. Defendant further objects to this Interrogatory because it seeks information that is in the possession of Plaintiff, may be publicly accessible, and/or equally accessible to Plaintiff. Defendant further objects to this Interrogatory because it assumes facts not in evidence.

Subject to, and without waiving, the aforementioned objections, Defendant answers as follows:

- Defendant will provide the information requested in this Interrogatory once the Rule 11 Agreement is on file with the Court.
- *See also* Documents Bates labeled TOYE 000001-000042, attached hereto; Rial's Objections

and Responses to Plaintiff's First Interrogatories and Requests for Production.

**INTERROGATORY NO. 9.** Identify each instance of Plaintiff "rob[bing] fans" as you alleged in the tweet you posted to @RonToye (replying to @marchimark, @Coffeegaijin,, *et al*) on February 23, 2019.

ANSWER: Defendant objects to this Interrogatory because it seeks to have Defendant prematurely marshal all of his evidence. Defendant further objects to this Interrogatory because it seeks information that is in the possession of Plaintiff, may be publicly accessible, and/or equally accessible to Plaintiff. Defendant further objects to this Interrogatory because it assumes facts not in evidence.

Subject to, and without waiving, the aforementioned objections, Defendant answers as follows:

- Defendant will provide the information requested in this Interrogatory once the Rule 11 Agreement is on file with the Court.
- *See also* Documents Bates labeled TOYE 000043-000048, attached hereto.

**INTERROGATORY NO. 10.** Identify each instance of Plaintiff "forc[ing] himself on people in a sexual manner without consent and that resulted in assault" as you alleged in the tweet you posted to @RonToye on April 7, 2019.

ANSWER: Defendant objects to this Interrogatory because it seeks to have Defendant prematurely marshal all of his evidence. Defendant further objects to this Interrogatory because it seeks information that is in the possession of Plaintiff, may be publicly accessible, and/or equally accessible to Plaintiff. Defendant further objects to this Interrogatory because it assumes facts not in evidence.

Subject to, and without waiving, the aforementioned objections, Defendant answers as follows:

- Defendant will provide the information requested in this Interrogatory once the Rule 11 Agreement is on file with the Court.
- *See also* Documents Bates labeled TOYE 000001-000042, attached hereto; Rial's Objections and Responses to Plaintiff's First Interrogatories and Requests for Production.

**INTERROGATORY NO. 11.** Identify the date you first met Plaintiff.

ANSWER: Defendant objects to this Interrogatory because it seeks information that is in the possession of Plaintiff, may be publicly accessible, and/or equally accessible to Plaintiff.

Subject to, and without waiving, the aforementioned objections, Defendant answers as follows:

- Defendant believes that he met Plaintiff in 2017 at Denver Comicon.

**INTERROGATORY NO. 12.** Identify each incident of an “investigation” into Plaintiff’s behavior or conduct in which you have participated between (a) the more recent of (i) the date you first met Plaintiff or (ii) January 1, 2014 and (b) the present.

ANSWER: Defendant objects to this Interrogatory because it seeks to have Defendant prematurely marshal all of his evidence. Defendant further objects to this Interrogatory because it seeks information that is in the possession of Plaintiff, may be publicly accessible, and/or equally accessible to Plaintiff. Defendant also objects to this Interrogatory because the phrase “each incident of an “investigation” into Plaintiff’s behavior or conduct” is vague and ambiguous. Defendant further objects to this Interrogatory because it assumes facts not in evidence.

Subject to, and without waiving, the aforementioned objections, Defendant answers as follows:

- Defendant has never participated in an investigation of Plaintiff’s behavior or conduct.
- *See also* Rial’s Objections and Responses to Plaintiff’s First Interrogatories and Requests for Production.

**INTERROGATORY NO. 13.** Identify all email addresses, including respective domain names (*e.g.*, @aol.com, @gmail.com), you have used between (a) the more recent of (i) the date you first met Plaintiff or (ii) January 1, 2014 and (b) the present.

ANSWER: Defendant objects as this Interrogatory is overly broad and not reasonably calculated to lead to the discovery of admissible evidence, as the Interrogatory seeks information that is unrelated to the claims in this lawsuit in both scope and time. Moreover, Defendant objects to the relevance of Defendant’s email addresses, and the safety of disclosing any additional addresses absent the Rule 11 Agreement described in response to Interrogatory No. 3.

Subject to, and without waiving, the aforementioned objections, Defendant answers as follows:

- rontoye3@yahoo.com; rtoye@fairwaymc.com

**INTERROGATORY NO. 14.** Identify all social media handles and user names, and the associated social media platforms or sites, you have used between (a) the more recent of (i) the date you first met Plaintiff or (ii) January 1, 2014 and (b) the present.

ANSWER: Defendant objects as this Interrogatory is overly broad and not reasonably calculated to lead to the discovery of admissible evidence, as the Interrogatory seeks information that is unrelated to the claims in this lawsuit in both scope and time. Moreover, Defendant objects to the relevance of Defendant’s social media handles and user names, and the safety of disclosing any additional addresses absent the Rule 11 Agreement described in response to Interrogatory No. 3.

Subject to, and without waiving, the aforementioned objections, Defendant answers as follows:

- Facebook: /ronnie.toye
- Twitter: @rontoye

## **Requests**

**REQUEST FOR PRODUCTION NO. 1.** All documents and communications (including electronically-stored information in its native format) referencing Plaintiff between (a) the more recent of (i) the date you first met Plaintiff or (ii) January 1, 2014 and (b) the present.

RESPONSE: Defendant objects as this request is overly broad, unduly burdensome, vague, and ambiguous. Defendant objects to this Request because it seeks to have Defendant prematurely marshal all of his evidence. Moreover, the Request for “All documents and communications” is facially overbroad and does not comport with Texas Rule of Civil Procedure 196. *See Chamberlain v. Cherry*, 818 S.W.2d 201, 204 (Tex. App.--Amarillo 1991) (discussing predecessor to Rule 196). Plaintiff’s Requests do not “specify the items to be produced or inspected, either by individual item or by category, and describe with reasonable particularity each item and category.” TEX. R. CIV. P. 196(b). Consequently, Defendant further objects that this Request seeks documents that are irrelevant and not reasonably calculated to lead to the discovery of admissible evidence, as the Request is unrelated to the claims in this lawsuit in both scope and time.

Defendant further objects to the term “referencing” as undefined and unclear. Plaintiff did not include relevant definitions in his First Discovery Requests, and therefore this Request is impossible to answer. This overly broad Request would necessarily involve hundreds of thousands of documents and communications that could not possibly be produced in a reasonable timeframe, and that would necessarily require production of countless irrelevant and privileged communications. Moreover, due to the vague nature of the Request, it necessarily seeks information that is in the possession of Plaintiff and equally accessible to Plaintiff from another source.

Subject to, and without waiving, the aforementioned objections, Defendant will produce documents responsive to this Request.

**REQUEST FOR PRODUCTION NO. 2.** All documents and communications relating to any investigation conducted by Funimation Productions, LLC into allegations that Plaintiff assaulted, harassed, sexually assaulted, or sexually harassed any person or otherwise conducted himself inappropriately toward any person.

RESPONSE: Defendant objects as this request is overly broad, unduly burdensome, vague, and ambiguous. Defendant objects to this Request because it seeks to have Defendant prematurely marshal all of his evidence. Moreover, the Request for “All documents and communications” is facially overbroad and does not comport with Texas Rule of Civil Procedure 196. *See Chamberlain v. Cherry*, 818 S.W.2d 201, 204 (Tex. App.--Amarillo 1991) (discussing predecessor to Rule 196). Plaintiff’s Requests do not “specify the items to be produced or inspected, either by individual item or by category, and describe with reasonable particularity each item and category.” TEX. R. CIV. P. 196(b). Consequently, Defendant further objects that this Request seeks documents that are irrelevant and not reasonably calculated to lead to the discovery of admissible evidence, as the Request is unrelated to the claims in this lawsuit in both scope and time.

Defendant further objects to the phrase “relating to any investigation” as undefined and unclear. Plaintiff did not include relevant definitions in his First Discovery Requests, and therefore this

Request is impossible to answer. It is unclear what is meant by “allegations that Plaintiff assaulted, harassed, sexually assaulted, or sexually harassed any person or otherwise conducted himself inappropriately toward any person.” Moreover, due to the vague nature of the Request, it necessarily seeks information that is in the possession of Plaintiff and equally accessible to Plaintiff from another source.

Subject to, and without waiving, the aforementioned objections, Defendant has not located any responsive documents after a diligent search.

**REQUEST FOR PRODUCTION NO. 3.** All documents and communications (including electronically-stored information in its native format) you assert prove your allegations identified in your answer to Interrogatory No. 2.

RESPONSE: Defendant objects as this request is overly broad, unduly burdensome, vague, and ambiguous. Defendant objects to this Request because it seeks to have Defendant prematurely marshal all of his evidence. Defendant objects to the assertion that he has any obligation to “prove allegations” at this stage of the case

Moreover, the Request for “All documents and communications” is facially overbroad and does not comport with Texas Rule of Civil Procedure 196. *See Chamberlain v. Cherry*, 818 S.W.2d 201, 204 (Tex. App.--Amarillo 1991) (discussing predecessor to Rule 196). Plaintiff’s Requests do not “specify the items to be produced or inspected, either by individual item or by category, and describe with reasonable particularity each item and category.” TEX. R. CIV. P. 196(b). Consequently, Defendant further objects that this Request seeks documents that are irrelevant and not reasonably calculated to lead to the discovery of admissible evidence, as the Request is unrelated to the claims in this lawsuit in both scope and time.

Subject to, and without waiving, the aforementioned objections, Defendant will produce documents responsive to this Request.

**REQUEST FOR PRODUCTION NO. 4.** All documents and communications (including electronically-stored information in its native format) you assert prove your allegations identified in your answer to Interrogatory No. 4.

RESPONSE: Defendant objects as this request is overly broad, unduly burdensome, vague, and ambiguous. Defendant objects to this Request because it seeks to have Defendant prematurely marshal all of his evidence. Defendant objects to the assertion that he has any obligation to “prove allegations” at this stage of the case

Moreover, the Request for “All documents and communications” is facially overbroad and does not comport with Texas Rule of Civil Procedure 196. *See Chamberlain v. Cherry*, 818 S.W.2d 201, 204 (Tex. App.--Amarillo 1991) (discussing predecessor to Rule 196). Plaintiff’s Requests do not “specify the items to be produced or inspected, either by individual item or by category, and describe with reasonable particularity each item and category.” TEX. R. CIV. P. 196(b). Consequently, Defendant further objects that this Request seeks documents that are irrelevant and

not reasonably calculated to lead to the discovery of admissible evidence, as the Request is unrelated to the claims in this lawsuit in both scope and time.

Subject to, and without waiving, the aforementioned objections, Defendant will produce documents responsive to this Request.

**REQUEST FOR PRODUCTION NO. 5.** All documents and communications (including electronically-stored information in its native format) you assert prove your allegations identified in your answer to Interrogatory No. 5.

RESPONSE: Defendant objects as this request is overly broad, unduly burdensome, vague, and ambiguous. Defendant objects to this Request because it seeks to have Defendant prematurely marshal all of his evidence. Defendant objects to the assertion that he has any obligation to “prove allegations” at this stage of the case

Moreover, the Request for “All documents and communications” is facially overbroad and does not comport with Texas Rule of Civil Procedure 196. *See Chamberlain v. Cherry*, 818 S.W.2d 201, 204 (Tex. App.--Amarillo 1991) (discussing predecessor to Rule 196). Plaintiff’s Requests do not “specify the items to be produced or inspected, either by individual item or by category, and describe with reasonable particularity each item and category.” TEX. R. CIV. P. 196(b). Consequently, Defendant further objects that this Request seeks documents that are irrelevant and not reasonably calculated to lead to the discovery of admissible evidence, as the Request is unrelated to the claims in this lawsuit in both scope and time.

Subject to, and without waiving, the aforementioned objections, Defendant will produce documents responsive to this Request.

**REQUEST FOR PRODUCTION NO. 6.** All documents and communications (including electronically-stored information in its native format) you assert prove your allegations identified in your answer to Interrogatory No. 6.

RESPONSE: Defendant objects as this request is overly broad, unduly burdensome, vague, and ambiguous. Defendant objects to this Request because it seeks to have Defendant prematurely marshal all of his evidence. Defendant objects to the assertion that he has any obligation to “prove allegations” at this stage of the case

Moreover, the Request for “All documents and communications” is facially overbroad and does not comport with Texas Rule of Civil Procedure 196. *See Chamberlain v. Cherry*, 818 S.W.2d 201, 204 (Tex. App.--Amarillo 1991) (discussing predecessor to Rule 196). Plaintiff’s Requests do not “specify the items to be produced or inspected, either by individual item or by category, and describe with reasonable particularity each item and category.” TEX. R. CIV. P. 196(b). Consequently, Defendant further objects that this Request seeks documents that are irrelevant and not reasonably calculated to lead to the discovery of admissible evidence, as the Request is unrelated to the claims in this lawsuit in both scope and time.

Subject to, and without waiving, the aforementioned objections, Defendant will produce documents responsive to this Request.

**REQUEST FOR PRODUCTION NO. 7.** All documents and communications (including electronically-stored information in its native format) you assert prove your allegations identified in your answer to Interrogatory No. 7.

RESPONSE: Defendant objects as this request is overly broad, unduly burdensome, vague, and ambiguous. Defendant objects to this Request because it seeks to have Defendant prematurely marshal all of his evidence. Defendant objects to the assertion that he has any obligation to “prove allegations” at this stage of the case

Moreover, the Request for “All documents and communications” is facially overbroad and does not comport with Texas Rule of Civil Procedure 196. *See Chamberlain v. Cherry*, 818 S.W.2d 201, 204 (Tex. App.--Amarillo 1991) (discussing predecessor to Rule 196). Plaintiff’s Requests do not “specify the items to be produced or inspected, either by individual item or by category, and describe with reasonable particularity each item and category.” TEX. R. CIV. P. 196(b). Consequently, Defendant further objects that this Request seeks documents that are irrelevant and not reasonably calculated to lead to the discovery of admissible evidence, as the Request is unrelated to the claims in this lawsuit in both scope and time.

Subject to, and without waiving, the aforementioned objections, Defendant will produce documents responsive to this Request.

**REQUEST FOR PRODUCTION NO. 8.** All documents and communications (including electronically-stored information in its native format) you assert prove your allegations identified in your answer to Interrogatory No. 8.

RESPONSE: Defendant objects as this request is overly broad, unduly burdensome, vague, and ambiguous. Defendant objects to this Request because it seeks to have Defendant prematurely marshal all of his evidence. Defendant objects to the assertion that he has any obligation to “prove allegations” at this stage of the case

Moreover, the Request for “All documents and communications” is facially overbroad and does not comport with Texas Rule of Civil Procedure 196. *See Chamberlain v. Cherry*, 818 S.W.2d 201, 204 (Tex. App.--Amarillo 1991) (discussing predecessor to Rule 196). Plaintiff’s Requests do not “specify the items to be produced or inspected, either by individual item or by category, and describe with reasonable particularity each item and category.” TEX. R. CIV. P. 196(b). Consequently, Defendant further objects that this Request seeks documents that are irrelevant and not reasonably calculated to lead to the discovery of admissible evidence, as the Request is unrelated to the claims in this lawsuit in both scope and time.

Subject to, and without waiving, the aforementioned objections, Defendant will produce documents responsive to this Request.



**REQUEST FOR PRODUCTION NO. 9.** All documents and communications (including electronically-stored information in its native format) you assert prove your allegations identified in your answer to Interrogatory No. 9.

RESPONSE: Defendant objects as this request is overly broad, unduly burdensome, vague, and ambiguous. Defendant objects to this Request because it seeks to have Defendant prematurely marshal all of his evidence. Defendant objects to the assertion that he has any obligation to “prove allegations” at this stage of the case

Moreover, the Request for “All documents and communications” is facially overbroad and does not comport with Texas Rule of Civil Procedure 196. *See Chamberlain v. Cherry*, 818 S.W.2d 201, 204 (Tex. App.--Amarillo 1991) (discussing predecessor to Rule 196). Plaintiff’s Requests do not “specify the items to be produced or inspected, either by individual item or by category, and describe with reasonable particularity each item and category.” TEX. R. CIV. P. 196(b). Consequently, Defendant further objects that this Request seeks documents that are irrelevant and not reasonably calculated to lead to the discovery of admissible evidence, as the Request is unrelated to the claims in this lawsuit in both scope and time.

Subject to, and without waiving, the aforementioned objections, Defendant will produce documents responsive to this Request.

**REQUEST FOR PRODUCTION NO. 10.** All documents and communications (including electronically-stored information in its native format) you assert prove your allegations identified in your answer to Interrogatory No. 10.

RESPONSE: Defendant objects as this request is overly broad, unduly burdensome, vague, and ambiguous. Defendant objects to this Request because it seeks to have Defendant prematurely marshal all of his evidence. Defendant objects to the assertion that he has any obligation to “prove allegations” at this stage of the case

Moreover, the Request for “All documents and communications” is facially overbroad and does not comport with Texas Rule of Civil Procedure 196. *See Chamberlain v. Cherry*, 818 S.W.2d 201, 204 (Tex. App.--Amarillo 1991) (discussing predecessor to Rule 196). Plaintiff’s Requests do not “specify the items to be produced or inspected, either by individual item or by category, and describe with reasonable particularity each item and category.” TEX. R. CIV. P. 196(b). Consequently, Defendant further objects that this Request seeks documents that are irrelevant and not reasonably calculated to lead to the discovery of admissible evidence, as the Request is unrelated to the claims in this lawsuit in both scope and time.

Subject to, and without waiving, the aforementioned objections, Defendant will produce documents responsive to this Request.

**REQUEST FOR PRODUCTION NO. 11.** All documents and communications (including electronically-stored information in its native format), relating to each “investigation” identified in your answer to Interrogatory No. 12, that you created, drafted, provided, received, reviewed or sent.

RESPONSE: Defendant objects as this request is overly broad, unduly burdensome, vague, and ambiguous. Defendant objects to this Request because it seeks to have Defendant prematurely marshal all of his evidence. Defendant objects to the assertion that he has any obligation to “prove allegations” at this stage of the case

Moreover, the Request for “All documents and communications” is facially overbroad and does not comport with Texas Rule of Civil Procedure 196. *See Chamberlain v. Cherry*, 818 S.W.2d 201, 204 (Tex. App.--Amarillo 1991) (discussing predecessor to Rule 196). Plaintiff’s Requests do not “specify the items to be produced or inspected, either by individual item or by category, and describe with reasonable particularity each item and category.” TEX. R. CIV. P. 196(b). Consequently, Defendant further objects that this Request seeks documents that are irrelevant and not reasonably calculated to lead to the discovery of admissible evidence, as the Request is unrelated to the claims in this lawsuit in both scope and time.

Subject to, and without waiving, the aforementioned objections, Defendant will produce documents responsive to this Request.

## Exhibit B

CAUSE NO. 141-307474-19

VICTOR MIGNOGNA

Plaintiff,

V.

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

Defendants.

§  
§  
§  
§  
§  
§  
§  
§  
§  
§

IN THE DISTRICT COURT

141st JUDICIAL DISTRICT

TARRANT COUNTY, TEXAS

**MONICA RIAL'S OBJECTIONS AND RESPONSES TO PLAINTIFF'S  
FIRST INTERROGATORIES AND REQUESTS FOR PRODUCTION**

TO: Plaintiff, Victor Mignogna, by and through his attorney of record, Ty Beard, Beard Harris Bullock Hughes, 100 Independence Place, Suite 101, Tyler, Texas 75703.

Pursuant to the Texas Rules of Civil Procedure, Defendant Monica Rial ("Rial") serves the following objections and responses to Plaintiff's First Interrogatories and Requests for Production ("First Discovery Requests").

Cowles & Thompson

By: /s/ Casey Erick

Casey S. Erick  
State Bar No.: 24028564  
901 Main Street, Suite 3900  
Dallas, Texas 75202  
Email: [cerick@cowlesthompson.com](mailto:cerick@cowlesthompson.com)

and  
Andrea Perez  
State Bar No.: 24070402  
Email: [aperez@kesslercollins.com](mailto:aperez@kesslercollins.com)  
Kessler Collins, P.C.  
2100 Ross Avenue, Suite 750  
Dallas, Texas 75201  
Tel. (214) 379-0732  
Fax. (214) 373-4714

**ATTORNEYS FOR DEFENDANTS  
MONICA RIAL AND RONALD TOYE**

**CERTIFICATE OF SERVICE**

I certify that on June 10, 2019, a true and correct copy of the foregoing document was served on Plaintiff's counsel by electronic service in accordance with Texas Rule of Civil Procedure 21a.

/s/ Casey Erick  
Casey S. Erick

**I.**  
**OBJECTIONS TO DEFINITIONS AND INSTRUCTIONS**

1. The following Responses, while based on diligent investigation by Defendant and Defendant's counsel, are necessarily supported only by those facts and writings presently and specifically known, and readily available. Defendant has not completed her investigation of the facts related to the subject matter of this action, discovery, or her preparation for trial. Defendant, therefore, makes these Responses without prejudice to her right to produce at any stage of these proceedings, including at trial, evidence of any facts or information that Defendant may later discover. Defendant further reserves the right to change, amend, or supplement her Responses with facts, information, or documents she may discover that were omitted by inadvertence, mistake, or excusable neglect, and as additional facts are ascertained and contentions are made in this litigation.

2. Defendant's Responses and objections herein are made without waiving or intending to waive: (a) any objections as to the competency, relevancy, materiality, privileged status, or admissibility as evidence, for any purpose, of any documents or information provided in response to the First Discovery Requests (or other subsequent discovery requests); (b) the right to object on any ground to the documents or information produced in response to the Interrogatories at any hearing or trial; or (c) the right to object on any ground at any time to a demand for further responses to the First Discovery Requests. All such objections and grounds are expressly reserved and may be presented as appropriate throughout this dispute. Moreover, no incidental or implied admissions are intended by the Responses below.

3. Defendant objects to all definitions, terms, and instructions to the extent that they misstate or mischaracterize the relationship between Defendant and any persons or entities, and attempt to impose any burden upon Defendant greater than that required by the Texas Rules of Civil Procedure. Defendant will comply with the Texas Rules of Civil Procedure and any applicable court orders or local rules of Tarrant County in responding to the First Discovery Requests.

4. Defendant objects to the First Discovery Requests to the extent that they seek disclosure of information or documents protected by the attorney-client privilege, the attorney work product doctrine, the party communications privilege, the investigative privilege, or any other applicable privileges or exemptions from discovery, including those relating to documents prepared in anticipation of litigation or in preparation of trial. Defendant's communications with its attorneys are privileged and fall outside the bounds of permissible discovery.

5. Defendant objects to the First Discovery Requests to the extent any specific Request or Interrogatory seeks information concerning trade secrets, confidential and/or proprietary information, or other sensitive information.

6. Defendant objects to Interrogatories or Requests that utilize capitalized terms that fail to have specified definitions or appropriate reference points as vague and ambiguous.

7. To the extent any document is responsive to more than one Request, duplicate copies will not be produced.

8. The specific responses and objections below are expressly made subject to the preliminary objections.

**II.**  
**OBJECTIONS AND RESPONSES TO**  
**INTERROGATORIES**

**INTERROGATORY NO. 1.** Identify all persons who assist or participate in the answering of interrogatories served on you in the above-numbered cause of action.

ANSWER: Defendant objects to this Interrogatory because it seeks privileged information.

Subject to, and without waiving, the aforementioned objection, Defendant answers as follows:

- Defendant and Defendant Toye.

**INTERROGATORY NO. 2.** Identify each instance when Plaintiff took “a fist full of [your] hair, [pulled your] head back, and either whisper[ed] so closely to [your] ear that his lips were touching or kiss [your] cheek/neck” as you alleged in the tweet you posted to @Rialisms on February 19, 2019.

ANSWER: Defendant objects to this Interrogatory because it seeks to have Defendant prematurely marshal all of her evidence. Defendant further objects to this Interrogatory because it seeks information that is in the possession of Plaintiff, may be publicly accessible, and/or equally accessible to Plaintiff. Defendant further objects to this Interrogatory because it assumes facts not in evidence.

Subject to, and without waiving, the aforementioned objections, Defendant answers as follows:

- The conduct described happened too many times for Defendant to clearly recall the specific date of each occurrence.
- The first such occurrence took place in late 2000 or early 2001 during a dinner with Plaintiff at Cafe Adobe on Interstate 10 in Houston, Texas.
- Since that first dinner, Plaintiff has exhibited the described behavior too many times to count.
- The most recent incident in which Plaintiff exhibited the described behavior was at Louisville Supercon in Louisville, Kentucky, which took place between November 30th and December 2nd 2018.
- On December 1, 2018, Plaintiff grabbed the back of Defendant’s neck (Defendant’s hair was not long enough at the time to collect it in Plaintiff’s fist, as in previous incidents), and whispered into Defendant’s ear with his lips touching Defendant’s ear. Plaintiff exhibited the described behavior in front of waiting fans, guaranteeing that Defendant could not resist, or risk making a scene in front of Defendant’s fans.
- It is impossible to recount all of the times Plaintiff has exhibited the described behavior, because it has become a regular occurrence for Defendant and other women who attend

conventions.

**INTERROGATORY NO. 3.** Identify all persons who witnessed the incidents identified in your answer to Interrogatory No. 2.

ANSWER: Defendant objects to this Interrogatory because it seeks to have Defendant prematurely marshal all of her evidence. Defendant further objects to this Interrogatory because it seeks information that is in the possession of Plaintiff, may be publicly accessible, and/or equally accessible to Plaintiff. Defendant further objects to this Interrogatory because it assumes facts not in evidence.

Subject to, and without waiving, the aforementioned objections, Defendant answers as follows:

- Plaintiff has exhibited the described behavior too many times to recount, and in front of too many people to recall.
- Plaintiff exhibits the described behavior without warning, in private or in public, and often in front of unknown fans in order to prevent his victims from resisting or causing a scene.
- Defendant has personally spoken with fans following incidents, but Defendant cannot know all such people, or be able to contact all such witnesses.
- For example, following the incident at Louisville Supercon described in Defendant's response to Interrogatory No. 2 above, a male fan witnessed Plaintiff exhibiting the described behavior, and inquired whether Defendant would like for the male fan to confront Plaintiff about the inappropriate behavior. It is impossible to know how many other fans have witnessed this conduct.
- *See also* Toye's Objections and Responses to Plaintiff's First Interrogatories and Requests for Production, and Documents Bates labeled TOYE 000001-000042, attached thereto.

**INTERROGATORY NO. 4.** Identify the instance in "the mid-2000s"—including the name of the convention—when Plaintiff "grabbed [you] and kissed [you] in his hotel room" as you alleged in the tweet you posted to @Rialisms on February 19, 2019.

ANSWER: Defendant objects to this Interrogatory because it seeks information that is in the possession of Plaintiff and equally accessible to Plaintiff. Defendant further objects to this Interrogatory because it assumes facts not in evidence.

Subject to, and without waiving, the aforementioned objections, Defendant answers as follows:

- Plaintiff grabbed and kissed Defendant without Defendant's consent on Sunday, November 4th, 2007 while Plaintiff and Defendant were both attending Izumicon in Oklahoma City, Oklahoma.
- After several other guests had left Oklahoma City, Stan Dahlin, one of the convention chairmen, invited Plaintiff and Defendant to dinner. Plaintiff requested that Defendant accompany Plaintiff to Plaintiff's hotel room to view Plaintiff's fan film called "Fullmetal Fantasy." Mr. Dahlin stated that he would collect us both for dinner from Plaintiff's hotel room.



- Plaintiff played the video as promised while Defendant stood to watch the video. But Plaintiff soon grabbed Defendant by the upper arms and began aggressively kissing Defendant. Defendant attempted to resist, but Plaintiff physically restrained Defendant and pushed Defendant backward toward the bed. Plaintiff climbed on top of Defendant and held her down as he continued to aggressively kiss Defendant.
- Plaintiff continued in this fashion for several minutes, despite Defendant's fear and shock, until Mr. Dahlin knocked on Plaintiff's hotel door. Plaintiff left Defendant on the bed, and hurriedly answered the door. Mr. Dahlin inquired whether Defendant was ok, clearly noticing distress. Defendant, however, was too shocked and afraid to admit to what had occurred.
- Following dinner, Plaintiff forced Defendant to speak with Plaintiff's longtime fiancée on the telephone, and Plaintiff spoke with his fiancée as if nothing had happened.

**INTERROGATORY NO. 5.** Identify all persons who witnessed the incident identified in your answer to Interrogatory No. 4.

ANSWER: Defendant objects to this Interrogatory because it seeks to have Defendant prematurely marshal all of her evidence. Defendant further objects to this Interrogatory because it seeks information that is in the possession of Plaintiff, may be publicly accessible, and/or equally accessible to Plaintiff. Defendant further objects to this Interrogatory because it assumes facts not in evidence.

Subject to, and without waiving, the aforementioned objections, Defendant answers as follows:

- Plaintiff waited until Defendant was away from the many other guests and friends who attended the convention before he forced himself upon Defendant. Several guests and friends noticed Plaintiff's behavior leading up to this incident, but other than Mr. Dahlin, Defendant cannot know who may have known about Plaintiff's intentions.
- *See also* Toye's Objections and Responses to Plaintiff's First Interrogatories and Requests for Production, and Documents Bates labeled TOYE 000001-000042, attached thereto.

**INTERROGATORY NO. 6.** Identify the "three of [your] close friends" who "came forward" and "shared their stories with [you]" after "the premiere for the Broly movie" as you alleged in the tweet you posted to @Rialisms on February 19, 2019.

ANSWER: Defendant objects to this Interrogatory because it seeks to have Defendant prematurely marshal all of her evidence. Defendant further objects to this Interrogatory because it seeks information that is in the possession of Plaintiff, may be publicly accessible, and/or equally accessible to Plaintiff. Defendant further objects to this Interrogatory because it assumes facts not in evidence.

Subject to, and without waiving, the aforementioned objections, Defendant answers as follows:

- As Plaintiff stated in his communication through Twitter on February 8, 2019, "there have been threats made toward others by fans in support of [Plaintiff]." In order to ensure that such threats are not made toward other witnesses in this litigation, Defendant proposes a

Rule 11 Agreement with counsel for Plaintiff. The Rule 11 Agreement will state that Defendants will provide identifying information solely to counsel for Plaintiff, or *in camera* if to the Court. Plaintiff's counsel agrees that none of the information so proffered will be shared publicly unless and until the information is to be used in a public pleading or argument in this matter. Defendant will provide the information requested in this Interrogatory once the Rule 11 Agreement is on file with the Court.

- See also Toye's Objections and Responses to Plaintiff's First Interrogatories and Requests for Production, and Documents Bates labeled TOYE 000001-000042, attached thereto.

**INTERROGATORY NO. 7.** Identify the "investigators" with whom you "chose to share [your] testimony" as you alleged in the tweet you posted to @Rialisms on February 19, 2019.

ANSWER: Defendant objects to this Interrogatory because it assumes facts not in evidence. Defendant further objects to this Interrogatory because it seeks information that is in the possession of Plaintiff, may be publicly accessible, and/or equally accessible to Plaintiff.

Subject to, and without waiving, the aforementioned objections, Defendant answers as follows:

- Tammi Denbow  
Executive Director, Employee Relations  
Sony Pictures Entertainment

**INTERROGATORY NO. 8.** Identify the date you first met Plaintiff.

ANSWER: Defendant objects to this Interrogatory because it seeks information that is in the possession of Plaintiff, may be publicly accessible, and/or equally accessible to Plaintiff.

Subject to, and without waiving, the aforementioned objections, Defendant answers as follows:

- Defendant believes that she met Plaintiff in 2000 at a screening of Gasaraki.

**INTERROGATORY NO. 9.** Identify all email addresses, including respective domain names (e.g., @aol.com, @gmail.com), you have used between (a) the more recent of (i) the date you first met Plaintiff or (ii) January 1, 2014 and (b) the present.

ANSWER: Defendant objects as this Interrogatory is overly broad and not reasonably calculated to lead to the discovery of admissible evidence, as the Interrogatory seeks information that is unrelated to the claims in this lawsuit in both scope and time. Moreover, Defendant objects to the relevance of Defendant's email addresses, and the safety of disclosing any additional addresses absent the Rule 11 Agreement described in response to Interrogatory No. 6.

Subject to, and without waiving, the aforementioned objections, Defendant answers as follows:

- monicarial@yahoo.com

**INTERROGATORY NO. 10.** Identify all social media handles and user names, and the associated social media platforms or sites, you have used between (a) the more recent of (i) the date you first met Plaintiff or (ii) January 1, 2014 and (b) the present.

ANSWER: Defendant objects as this Interrogatory is overly broad and not reasonably calculated to lead to the discovery of admissible evidence, as the Interrogatory seeks information that is unrelated to the claims in this lawsuit in both scope and time. Moreover, Defendant objects to the relevance of Defendant's social media handles and user names, and the safety of disclosing any additional addresses absent the Rule 11 Agreement described in response to Interrogatory No. 6.

Subject to, and without waiving, the aforementioned objections, Defendant answers as follows:

- Facebook: /rialisms
- Twitter: @Rialisms
- Instagram: @Rialisms
- LinkedIN: Monica Rial

**III.**  
**OBJECTIONS AND RESPONSES TO**  
**REQUESTS FOR PRODUCTION**

**REQUEST FOR PRODUCTION NO. 1.** All documents and communications (including electronically-stored information in its native format) referencing Plaintiff between (a) the more recent of (i) the date you first met Plaintiff or (ii) January 1, 2014 and (b) the present.

RESPONSE: Defendant objects as this request is overly broad, unduly burdensome, vague, and ambiguous. Defendant objects to this Request because it seeks to have Defendant prematurely marshal all of her evidence. Moreover, the Request for “All documents and communications” is facially overbroad and does not comport with Texas Rule of Civil Procedure 196. *See Chamberlain v. Cherry*, 818 S.W.2d 201, 204 (Tex. App.--Amarillo 1991) (discussing predecessor to Rule 196). Plaintiff’s Requests do not “specify the items to be produced or inspected, either by individual item or by category, and describe with reasonable particularity each item and category.” TEX. R. CIV. P. 196(b). Consequently, Defendant further objects that this Request seeks documents that are irrelevant and not reasonably calculated to lead to the discovery of admissible evidence, as the Request is unrelated to the claims in this lawsuit in both scope and time.

Defendant further objects to the term “referencing” as undefined and unclear. Plaintiff did not include relevant definitions in his First Discovery Requests, and therefore this Request is impossible to answer. This overly broad Request would necessarily involve hundreds of thousands of documents and communications that could not possibly be produced in a reasonable timeframe, and that would necessarily require production of countless irrelevant and privileged communications. Moreover, due to the vague nature of the Request, it necessarily seeks information that is in the possession of Plaintiff, may be publicly accessible, and/or equally accessible to Plaintiff.

Subject to, and without waiving, the aforementioned objections, Defendant will produce documents responsive to this Request.

**REQUEST FOR PRODUCTION NO. 2.** All documents and communications relating to any investigation conducted by Funimation Productions, LLC into allegations that Plaintiff assaulted, harassed, sexually assaulted, or sexually harassed any person or otherwise conducted himself inappropriately toward any person.

RESPONSE: Defendant objects as this request is overly broad, unduly burdensome, vague, and ambiguous. Defendant objects to this Request because it seeks to have Defendant prematurely marshal all of her evidence, and assumes facts not in evidence. Moreover, the Request for “All documents and communications” is facially overbroad and does not comport with Texas Rule of Civil Procedure 196. *See Chamberlain v. Cherry*, 818 S.W.2d 201, 204 (Tex. App.--Amarillo 1991) (discussing predecessor to Rule 196). Plaintiff’s Requests do not “specify the items to be produced or inspected, either by individual item or by category, and describe with reasonable particularity each item and category.” TEX. R. CIV. P. 196(b). Consequently, Defendant further objects that this Request seeks documents that are irrelevant and not reasonably calculated to lead to the discovery of admissible evidence, as the Request is unrelated to the claims in this lawsuit in both scope and time.

Defendant further objects to the phrase “relating to any investigation” as undefined and unclear. Plaintiff did not include relevant definitions in his First Discovery Requests, and therefore this Request is impossible to answer. It is unclear what is meant by “allegations that Plaintiff assaulted, harassed, sexually assaulted, or sexually harassed any person or otherwise conducted himself inappropriately toward any person.” Moreover, due to the vague nature of the Request, it necessarily seeks information that is in the possession of Plaintiff, may be publicly accessible, and/or equally accessible to Plaintiff.

Subject to, and without waiving, the aforementioned objections, Defendant will produce documents responsive to this Request.

**REQUEST FOR PRODUCTION NO. 3.** All documents (including electronically-stored information in its native format) exchanged or shared between you and the “investigators” identified in your answer to Interrogatory No. 7.

RESPONSE: Defendant objects as this request is overly broad, unduly burdensome, vague, and ambiguous. Defendant objects to this Request because it seeks to have Defendant prematurely marshal all of her evidence. Moreover, the Request for “All documents” is facially overbroad and does not comport with Texas Rule of Civil Procedure 196. *See Chamberlain v. Cherry*, 818 S.W.2d 201, 204 (Tex. App.--Amarillo 1991) (discussing predecessor to Rule 196). Plaintiff’s Requests do not “specify the items to be produced or inspected, either by individual item or by category, and describe with reasonable particularity each item and category.” TEX. R. CIV. P. 196(b). Consequently, Defendant further objects that this Request seeks documents that are irrelevant and not reasonably calculated to lead to the discovery of admissible evidence, as the Request is unrelated to the claims in this lawsuit in both scope and time.

Defendant further objects to the term “exchanged or shared” as undefined and unclear. Plaintiff did not include relevant definitions in his First Discovery Requests, and therefore this Request is impossible to answer. Moreover, due to the vague nature of the Request, it necessarily seeks information that is in the possession of Plaintiff, may be publicly accessible, and/or equally accessible to Plaintiff.

Subject to, and without waiving, the aforementioned objections, Defendant will produce documents responsive to this Request.

**REQUEST FOR PRODUCTION NO. 4.** All communications (including electronically- stored information in its native format) between you and the “investigators” identified in your answer to Interrogatory No. 7.

RESPONSE: Defendant objects as this request is overly broad, unduly burdensome, vague, and ambiguous. Defendant objects to this Request because it seeks to have Defendant prematurely marshal all of her evidence. Moreover, the Request for “All communications” is facially overbroad and does not comport with Texas Rule of Civil Procedure 196. *See Chamberlain v. Cherry*, 818 S.W.2d 201, 204 (Tex. App.--Amarillo 1991) (discussing predecessor to Rule 196). Plaintiff’s Requests do not “specify the items to be produced or inspected, either by individual item or by category, and describe with reasonable particularity each item and category.” TEX. R. CIV. P. 196(b).

Consequently, Defendant further objects that this Request seeks documents that are irrelevant and not reasonably calculated to lead to the discovery of admissible evidence, as the Request is unrelated to the claims in this lawsuit in both scope and time.

Defendant further objects to the term “exchanged or shared” as undefined and unclear. Plaintiff did not include relevant definitions in his First Discovery Requests, and therefore this Request is impossible to answer. Moreover, due to the vague nature of the Request, it necessarily seeks information that is in the possession of Plaintiff, may be publicly accessible, and/or equally accessible to Plaintiff.

Subject to, and without waiving, the aforementioned objections, Defendant will produce documents responsive to this Request.

# Exhibit C

**From:** Ty Beard  
**Sent:** Wednesday, June 19, 2019 04:32 PM  
**To:** Erick, Casey  
**Cc:** Carey Christie; Jim Bullock; Laci Stovall; Andrea Perez  
**Subject:** RE: Written Discovery

The motion will likely be filed tonight. And we will ask for sanctions against you of course, for flagrant discovery abuse.

Your sudden concern for "safety" is transparently self-serving and ridiculous. It's now very clear that your clients can't back up their public claims.

If you were actually concerned about the identity of these purported witnesses, you would have accepted our offer to redact their names. Obviously, your real concern is that your clients are about to be publicly exposed as liars.

Maybe these discovery games will work out for you, but I doubt it. You really should just comply with the rules. The purpose of discovery is to allow the parties to investigate claims being made. Your attempt at prior restraint won't work.

--Ty

---

**From:** Erick, Casey <cerick@cowlesthompson.com>  
**Sent:** Wednesday, June 19, 2019 4:23 PM  
**To:** Ty Beard <ty@beardandharris.com>  
**Cc:** Carey Christie <carey@beardandharris.com>; Jim Bullock <jim@beardandharris.com>; Laci Stovall <laci.stovall@beardandharris.com>; Andrea Perez <APerez@kesslercollins.com>  
**Subject:** RE: Written Discovery

Ty, we are opposed.

Be advised we will seek sanctions against you, your client, or both, for having to respond.

## **Casey S. Erick**

### **COWLES & THOMPSON**

901 Main St., Suite 3900, Dallas, TX 75202  
214.672.2138 (t) | [cerick@cowlesthompson.com](mailto:cerick@cowlesthompson.com)  
214.672.2338 (f) | [www.cowlesthompson.com](http://www.cowlesthompson.com)

---

**From:** Ty Beard <[ty@beardandharris.com](mailto:ty@beardandharris.com)>  
**Sent:** Wednesday, June 19, 2019 4:16 PM  
**To:** Erick, Casey <[cerick@cowlesthompson.com](mailto:cerick@cowlesthompson.com)>  
**Cc:** Carey Christie <[carey@beardandharris.com](mailto:carey@beardandharris.com)>; Jim Bullock <[jim@beardandharris.com](mailto:jim@beardandharris.com)>; Laci Stovall <[laci.stovall@beardandharris.com](mailto:laci.stovall@beardandharris.com)>; Andrea Perez <[APerez@kesslercollins.com](mailto:APerez@kesslercollins.com)>  
**Subject:** RE: Written Discovery

Dear Casey –



Since January, your clients have defamed Mr. Mignogna mercilessly and constantly. A key point of the public allegations (and private statements made to businesses) is that there are “hundreds” of women who will purportedly accuse Mr. Mignogna of sexual assault.

I see no value proposition in your proposal as it allows your clients’ public defamation of Mr. Mignogna to stand unanswered.

I will, however, agree to redact the identity of each witness in any public statements for 30 days. That will give us time to work this out and see if there is any common ground.

I reserve the right to publicly release information about their specific allegations, the number of such accusers, whether they are identified with sufficient detail, etc.

Please advise ASAP if this is acceptable as we otherwise intend to file this evening.

--Ty

---

**From:** Erick, Casey <[cerick@cowlesthompson.com](mailto:cerick@cowlesthompson.com)>

**Sent:** Wednesday, June 19, 2019 3:43 PM

**To:** Ty Beard <[ty@beardandharris.com](mailto:ty@beardandharris.com)>

**Cc:** Carey Christie <[carey@beardandharris.com](mailto:carey@beardandharris.com)>; Jim Bullock <[jim@beardandharris.com](mailto:jim@beardandharris.com)>; Laci Stovall <[laci.stovall@beardandharris.com](mailto:laci.stovall@beardandharris.com)>; Andrea Perez <[APerez@kesslercollins.com](mailto:APerez@kesslercollins.com)>

**Subject:** RE: Written Discovery

Thanks for the information.

We have valid safety concerns about disclosing the names and contact information of the other victims given the comments made online. And, taking that position is not inconsistent with our objection to Plaintiff’s motion for a confidentiality order.

Since the hearing on that confidentiality order, we have seen numerous comments online that are disturbing, prejudicial to my clients, and intended to frighten witnesses. You have publicly encouraged your client’s supporters to find personal and private information about witnesses and even other third party attorneys. Given this climate, we think it is our ethical obligation to protect these women, who want only to speak about their experiences. They should not be subjected to online abuse, doxing, harassment, and death threats for speaking out.

So, you can see why we are taking measures to protect these witnesses and which is why we now request an agreement limited to the purpose of protecting these women from online harassment. I will remind you that during the hearing, Jim admitted that Plaintiff would protect the identities of people who come forward because they have not put themselves into this case. I suggested that we handle such situations on a case-by-case basis, and the judge agreed. So not only is our proposal consistent with the discussion during the hearing, the change in circumstances I refer to above makes this matter even more important.

All that said, we will provide the witness information you asked for pursuant to a rule 11 agreement by Friday. All we’re asking for here is the professional courtesy of an agreement that no one will expose these witness’s identities and personal information online. What is your position?

**Casey S. Erick**

**COWLES & THOMPSON**

901 Main St., Suite 3900, Dallas, TX 75202

214.672.2138 (t) | [cerick@cowlesthompson.com](mailto:cerick@cowlesthompson.com)

**From:** Ty Beard <[ty@beardandharris.com](mailto:ty@beardandharris.com)>  
**Sent:** Wednesday, June 19, 2019 12:16 PM  
**To:** Erick, Casey <[cerick@cowlesthompson.com](mailto:cerick@cowlesthompson.com)>  
**Cc:** Carey Christie <[carey@beardandharris.com](mailto:carey@beardandharris.com)>; Jim Bullock <[jim@beardandharris.com](mailto:jim@beardandharris.com)>; Laci Stovall <[laci.stovall@beardandharris.com](mailto:laci.stovall@beardandharris.com)>; Andrea Perez <[APerez@kesslercollins.com](mailto:APerez@kesslercollins.com)>  
**Subject:** RE: Written Discovery

Casey, I assume that you saw my response below and have rejected my request for confirmation. However, I'd like to call your attention to Local Rule 3.12: "Frivolous objections to discovery requests are subject to sanctions by the trial court, including, e.g., objections to identification of persons having knowledge of relevant facts and identification of testifying expert witnesses." It seems to me that your responses will be sanctionable per this rule. I would like to avoid that, but I am not willing to let you withhold the information that we're entitled to.

Please confirm whether you will provide the information requested in my 3:29 PM email by Friday at 3 pm.

--Ty

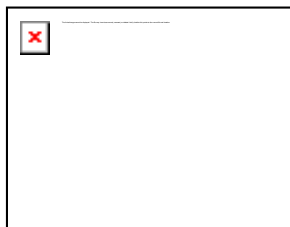
---

**From:** Ty Beard  
**Sent:** Tuesday, June 18, 2019 9:53 PM  
**To:** Erick, Casey <[cerick@cowlesthompson.com](mailto:cerick@cowlesthompson.com)>  
**Cc:** Carey Christie <[carey@beardandharris.com](mailto:carey@beardandharris.com)>; Jim Bullock <[jim@beardandharris.com](mailto:jim@beardandharris.com)>; Laci Stovall <[laci.stovall@beardandharris.com](mailto:laci.stovall@beardandharris.com)>; Andrea Perez <[APerez@kesslercollins.com](mailto:APerez@kesslercollins.com)>  
**Subject:** Re: Written Discovery

As a last effort to resolve this without court involvement, and on the off chance that this is a simple misunderstanding, I am asking you one more time to confirm that you will provide the information requested in my 3:29 PM email by Friday at 3 pm.

If you will confirm that, I will not file the motion. The remaining items we can discuss later. If you won't confirm that you'll provide the information, then you leave me no choice but to file the motion to compel and schedule a hearing.

—Ty



Ty Beard, Senior Partner

Beard and Harris, Attorneys at Law

[100 Independence Place #101](#)

[Tyler, Texas 75703](#)

(o) [903-509-4900](#)

(f) [903-509-4908](#)

Email: [ty@beardandharris.com](mailto:ty@beardandharris.com)

Please CC emails to: [admin@beardandharris.com](mailto:admin@beardandharris.com)

On Jun 18, 2019, at 9:00 PM, Erick, Casey <[cerick@cowlesthompson.com](mailto:cerick@cowlesthompson.com)> wrote:

Okay.

At this point, we won't waste anymore time reviewing our answers by Friday and will deal with them via your motion. Although, I'm guessing the court won't view it as a good faith effort to confer.

In any event, I do not agree to setting a hearing during your client's deposition or my clients' depositions.

Let me know what dates the court offers so I may see if I'm available.

Thanks.

**Casey S. Erick**

---

**COWLES & THOMPSON**

[901 Main St., Suite 3900, Dallas, TX 75202](#)

[214.672.2138](tel:214.672.2138) (t) | [cerick@cowlesthompson.com](mailto:cerick@cowlesthompson.com)

[214.672.2338](tel:214.672.2338) (f) | [www.cowlesthompson.com](http://www.cowlesthompson.com)

On Jun 18, 2019, at 6:02 PM, Ty Beard <[ty@beardandharris.com](mailto:ty@beardandharris.com)> wrote:

I intend to file my motion to compel first thing in the morning and I plan to call to set the hearing right after I file.

Sent from my iPhone

On Jun 18, 2019, at 5:29 PM, Erick, Casey <[cerick@cowlesthompson.com](mailto:cerick@cowlesthompson.com)> wrote:

Hearing for what?

**Casey S. Erick**

---

**COWLES & THOMPSON**

[901 Main St., Suite 3900, Dallas, TX 75202](#)

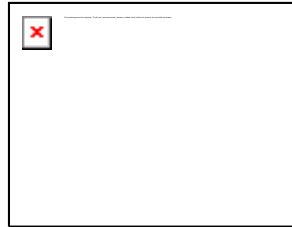
[214.672.2138](tel:214.672.2138) (t) | [cerick@cowlesthompson.com](mailto:cerick@cowlesthompson.com)

[214.672.2338](tel:214.672.2338) (f) | [www.cowlesthompson.com](http://www.cowlesthompson.com)

On Jun 18, 2019, at 5:10 PM, Ty Beard <[ty@beardandharris.com](mailto:ty@beardandharris.com)> wrote:

If the court can accommodate us, I'll set the hearing while we're up there for depositions. Is that OK with you?

—Ty



Ty Beard, Senior Partner

Beard and Harris, Attorneys at Law

[100 Independence Place #101](#)

[Tyler, Texas 75703](#)

(o) [903-509-4900](#)

(f) [903-509-4908](#)

Email: [ty@beardandharris.com](mailto:ty@beardandharris.com)

Please CC emails to: [admin@beardandharris.com](mailto:admin@beardandharris.com)

On Jun 18, 2019, at 3:57 PM, Erick, Casey  
<[cerick@cowlesthompson.com](mailto:cerick@cowlesthompson.com)> wrote:

Ty, then file your motion to compel with us opposed. I will respond to your motion accordingly.

Otherwise, see my prior email about any supplemental answers. Thanks.

**Casey S. Erick**

---

**COWLES & THOMPSON**

901 Main St., Suite 3900, Dallas,  
TX 75202  
214.672.2138 (t) |  
[cerick@cowlesthompson.com](mailto:cerick@cowlesthompson.com)  
214.672.2338 (f) |  
[www.cowlesthompson.com](http://www.cowlesthompson.com)

---

**From:** Ty Beard  
<[ty@beardandharris.com](mailto:ty@beardandharris.com)>  
**Sent:** Tuesday, June 18, 2019 3:29 PM  
**To:** Erick, Casey  
<[cerick@cowlesthompson.com](mailto:cerick@cowlesthompson.com)>  
**Cc:** Carey Christie  
<[carey@beardandharris.com](mailto:carey@beardandharris.com)>; Jim  
Bullock <[jim@beardandharris.com](mailto:jim@beardandharris.com)>;  
Laci Stovall  
<[laci.stovall@beardandharris.com](mailto:laci.stovall@beardandharris.com)>;  
Andrea Perez  
<[APerez@kesslercollins.com](mailto:APerez@kesslercollins.com)>  
**Subject:** RE: Written Discovery

That will not work for us. I am willing to give you time to supplement the responses, but I will not wait until Friday for you to tell me that you're not going to supplement. In particular, I need the names that are responsive to the following Toye interrogatories:

INTERROGATORY NO. 3.  
Identify each person you allege Plaintiff assaulted in your answer to Interrogatory No. 2.

INTERROGATORY NO. 4.  
Identify each of the "4 of [your] friends" you claim Plaintiff "[f]orced himself on" as alleged in the tweet you posted to @RonToye (replying to @TheJoker\_TWV, et al) on February 6, 2019.

INTERROGATORY NO. 7.  
Identify each of the "100+ ladies" you asserted had come forward or were "coming forward" in the tweet you posted to @RonToye (replying to @tylerripley2 and @Rialisms) on February 6, 2019.

I need the names that are responsive to the following Rial interrogatory:

INTERROGATORY NO. 6.  
Identify the “three of [your] close friends” who “came forward” and “shared their stories with [you]” after “the premiere for the Broly movie” as you alleged in the tweet you posted to @Rialisms on February 19, 2019.

In addition, I need the specific responses to these Toye interrogatories:

INTERROGATORY NO. 5.  
Identify each of the incidents you described as “stuff he has done in his hotel room, multiple times, and an office or two” in the tweet you posted to @RonToye (replying to @BasedNrd) on February 6, 2019.

INTERROGATORY NO. 6.  
Identify each instance of the “[o]ver 100 accounts” of “assault” you alleged Plaintiff committed in the tweet you posted to @RonToye on February 4, 2019 (Figure 3 in Plaintiff’s Original Petition).

INTERROGATORY NO. 8.  
Identify each instance comprising the “assaults the public isn’t aware of” as you alleged in the tweet you posted to @RonToye (replying to @nightblur, @marchimark, et al) on February 23, 2019.

INTERROGATORY NO. 9.  
Identify each instance of

Plaintiff “rob[bing] fans” as you alleged in the tweet you posted to @RonToye (replying to @marchimark, @Coffeegaijin,, et al) on February 23, 2019.

INTERROGATORY NO. 10.  
Identify each instance of Plaintiff “forc[ing] himself on people in a sexual manner without consent and that resulted in assault” as you alleged in the tweet you posted to @RonToye on April 7, 2019.

Are you willing to agree that you will provide specific answers to these interrogatories by Friday? If you are not, I’ll go ahead and file our motion to compel.

--Ty

---

**From:** Erick, Casey  
<[cerick@cowlesthompson.com](mailto:cerick@cowlesthompson.com)>  
**Sent:** Tuesday, June 18, 2019 3:08 PM  
**To:** Ty Beard <[ty@beardandharris.com](mailto:ty@beardandharris.com)>  
**Cc:** Carey Christie  
<[carey@beardandharris.com](mailto:carey@beardandharris.com)>; Jim Bullock <[jim@beardandharris.com](mailto:jim@beardandharris.com)>; Laci Stovall  
<[laci.stovall@beardandharris.com](mailto:laci.stovall@beardandharris.com)>; Andrea Perez  
<[APerez@kesslercollins.com](mailto:APerez@kesslercollins.com)>  
**Subject:** RE: Written Discovery

I can’t say just based on your email. I see you list a number of interrogatories, but, a general comment stating they don’t comply does not identify what the objection is with enough detail to provide a coherent response.

Our answers were complete when made. That being said, I will review the interrogatories you list and reply by Friday with supplemental answers, if any.

## Casey S. Erick

---

### COWLES & THOMPSON

901 Main St., Suite 3900, Dallas,  
TX 75202

214.672.2138 (t) |  
[cerick@cowlesthompson.com](mailto:cerick@cowlesthompson.com)

214.672.2338 (f) |  
[www.cowlesthompson.com](http://www.cowlesthompson.com)

---

**From:** Ty Beard

<[ty@beardandharris.com](mailto:ty@beardandharris.com)>

**Sent:** Tuesday, June 18, 2019 3:02 PM

**To:** Erick, Casey

<[cerick@cowlesthompson.com](mailto:cerick@cowlesthompson.com)>

**Cc:** Carey Christie

<[carey@beardandharris.com](mailto:carey@beardandharris.com)>; Jim

Bullock <[jim@beardandharris.com](mailto:jim@beardandharris.com)>;

Laci Stovall

<[laci.stovall@beardandharris.com](mailto:laci.stovall@beardandharris.com)>;

Andrea Perez

<[APerez@kesslercollins.com](mailto:APerez@kesslercollins.com)>

**Subject:** RE: Written Discovery

Not to be pedantic, but do you intend  
to supplement the responses by Friday?

--Ty

---

**From:** Erick, Casey

<[cerick@cowlesthompson.com](mailto:cerick@cowlesthompson.com)>

**Sent:** Tuesday, June 18, 2019 2:49 PM

**To:** Ty Beard <[ty@beardandharris.com](mailto:ty@beardandharris.com)>

**Cc:** Carey Christie

<[carey@beardandharris.com](mailto:carey@beardandharris.com)>; Jim

Bullock <[jim@beardandharris.com](mailto:jim@beardandharris.com)>;

Laci Stovall

<[laci.stovall@beardandharris.com](mailto:laci.stovall@beardandharris.com)>;

Andrea Perez

<[APerez@kesslercollins.com](mailto:APerez@kesslercollins.com)>

**Subject:** RE: Written Discovery

Yes, we will reply by end of the week. If  
we need more time, I will let you know  
by then.

## Casey S. Erick

---

### COWLES & THOMPSON

901 Main St., Suite 3900, Dallas,  
TX 75202

214.672.2138 (t) |  
[cerick@cowlesthompson.com](mailto:cerick@cowlesthompson.com)



**From:** Ty Beard  
<[ty@beardandharris.com](mailto:ty@beardandharris.com)>  
**Sent:** Tuesday, June 18, 2019 1:26 PM  
**To:** Erick, Casey  
<[cerick@cowlesthompson.com](mailto:cerick@cowlesthompson.com)>  
**Cc:** Carey Christie  
<[carey@beardandharris.com](mailto:carey@beardandharris.com)>; Jim  
Bullock <[jim@beardandharris.com](mailto:jim@beardandharris.com)>;  
Laci Stovall  
<[laci.stovall@beardandharris.com](mailto:laci.stovall@beardandharris.com)>;  
Andrea Perez  
<[APerez@kesslercollins.com](mailto:APerez@kesslercollins.com)>  
**Subject:** RE: Written Discovery

To be clear, do you intend to comply by the end of the week? If so, that's acceptable.

I'll get those disclosures to you ASAP; sorry for the oversight.

--Ty

---

**From:** Erick, Casey  
<[cerick@cowlesthompson.com](mailto:cerick@cowlesthompson.com)>  
**Sent:** Tuesday, June 18, 2019 1:22 PM  
**To:** Ty Beard <[ty@beardandharris.com](mailto:ty@beardandharris.com)>  
**Cc:** Carey Christie  
<[carey@beardandharris.com](mailto:carey@beardandharris.com)>; Jim  
Bullock <[jim@beardandharris.com](mailto:jim@beardandharris.com)>;  
Laci Stovall  
<[laci.stovall@beardandharris.com](mailto:laci.stovall@beardandharris.com)>;  
Andrea Perez  
<[APerez@kesslercollins.com](mailto:APerez@kesslercollins.com)>  
**Subject:** RE: Written Discovery

Twenty four hours is not reasonable. If you insist on sticking to that timeframe, you may put us down as opposed to your motion to compel.

We will reply by end of week.

Also, it is my understanding Plaintiff has not provided disclosures and they are overdue. I would like to have those by the end of the week.

Thanks.

## Casey S. Erick

### COWLES & THOMPSON

901 Main St., Suite 3900, Dallas,  
TX 75202

214.672.2138 (t) |

[cerick@cowlesthompson.com](mailto:cerick@cowlesthompson.com)

214.672.2338 (f) |

[www.cowlesthompson.com](http://www.cowlesthompson.com)

---

**From:** Ty Beard

[<ty@beardandharris.com>](mailto:ty@beardandharris.com)

**Sent:** Tuesday, June 18, 2019 1:16 PM

**To:** Erick, Casey

[<cerick@cowlesthompson.com>](mailto:cerick@cowlesthompson.com)

**Cc:** Carey Christie

[<carey@beardandharris.com>](mailto:carey@beardandharris.com); Jim

Bullock [<jim@beardandharris.com>](mailto:jim@beardandharris.com);

Laci Stovall

[<laci.stovall@beardandharris.com>](mailto:laci.stovall@beardandharris.com);

Andrea Perez

[<APerez@kesslercollins.com>](mailto:APerez@kesslercollins.com)

**Subject:** Written Discovery

Hey Casey. Toye's responses to Interrogatories Nos. 2, 3, 4, 5, 6, 7, 8, 9, and 10 are non-responsive and fail to comply with TRCP 193.2. We do not consent to a confidentiality agreement and the rules do not allow you to withhold such information. Also, the rules require that you answer the interrogatories specifically. Broad references to 42 pages of documents are non-responsive. Therefore, I request that you immediately (i.e., within 24 hours) supplement Toye's responses to Interrogatories 2-10.

Rial's responses to Interrogatory Nos. 3 and 6 are non-responsive and fail to comply with TRCP 193.2. We do not consent to a confidentiality agreement and the rules do not allow you to withhold such information. Also, the rules require that you answer the interrogatories specifically. Broad references to 42 pages of documents are non-responsive. Therefore, I request that you immediately (i.e., within 24 hours) supplement Rial's responses to Interrogatories 3 and 6.

If I don't hear from you, I will have no choice but to file a motion to compel.

By the way, your position is wholly inconsistent with your testimony at the May 31 hearing:

MR. ERICK: And it's also not workable for us, because we have witness statements that are coming out from women that are going to talk about their experience with this individual, and we don't want a confidentiality order, and we don't want a protective order for that, and neither do they.

They want their names out there, and they want their names known. So we want the ability to put that information out there, and it could be a part of our pleadings. (May 31, 2019 Hearing Transcript, Page 12, Lines 12-21).

If you want to discuss this further, please give me a call.

--Ty

# Exhibit D

**From:** Ty Beard  
**Sent:** Friday, June 21, 2019 04:37 PM  
**To:** Erick, Casey  
**Cc:** Carey Christie; Jim Bullock; Laci Stovall; 'Andrea Perez'  
**Subject:** RE: Rule 11 Agreement

I don't think that we are close at all. We will go ahead and file our motions and let the court sort this out. Have a nice weekend.

--Ty

---

**From:** Erick, Casey <cerick@cowlesthompson.com>  
**Sent:** Friday, June 21, 2019 4:11 PM  
**To:** Ty Beard <ty@beardandharris.com>  
**Cc:** Carey Christie <carey@beardandharris.com>; Jim Bullock <jim@beardandharris.com>; Laci Stovall <laci.stovall@beardandharris.com>; 'Andrea Perez' <APerez@kesslercollins.com>  
**Subject:** RE: Rule 11 Agreement

Ty,

I don't know why you're getting so angry. We're basically agreeing to the same things here.

If we're in a deposition and we want to talk about allegations made by Jane Doe, we want to make sure that her name and Identifying Information don't get disclosed publicly. That's just a necessary consequence of the agreement. The deposition paragraph is there to ensure that we all know how such testimony will be treated. The rest of the depositions will be just like normal. We just want to make sure that the names and information that are protected under the agreement are still protected in a deposition.

So how about this. During the depositions, we can say on the record that we are going to talk about things that are protected by the Rule 11 Agreement. Everyone will acknowledge what is the protected information, and we'll all make sure that the information is not disclosed. That just means that the segments of the transcripts that cover the Identifying Information would be private, and can't be shared, especially not online or on YouTube. If you'll agree to that, then I think we'll be ok.

As far as the "previously disclosed" paragraph is concerned, I understand that we can't designate Bob Smith as protected. If he's been out there attacking Vic publicly, and you or Vic have known about it, then we wouldn't even want to keep that secret. That person would have waived any such protection by making their allegations public. All we are talking about here are women who have not been online "slagging" Vic. They're too scared to do that. But we don't want to allow disclosure of their names or identifying information just because someone on Kiwi Farms has talked about them before, or has already attempted to dox them, thereby making their information "public."

So how about this. We'll keep your paragraph, but that can't be a unilateral decision. If you believe some information is already "publicly disclosed," then you can challenge our designation. If you show us that Bob Smith has been online saying "Vic can call me on my cell phone if he doesn't like me," then we'll agree and remove the protection. But if it's just "someone on twitter posted Jane Doe's house address before she ever even made a statement" then that wouldn't be a good reason for her to lose protection under the agreement.

I'm trying to be reasonable here, because it sounds like we're close. But if we're just never going to agree, then just tell me and we can all stop wasting our time. You can file what you need to, and we can go to a hearing in a few weeks and explain why we need to protect these women from being harassed and intimidated by Kiwi Farms and other bad actors online.

## Casey S. Erick

### **COWLES & THOMPSON**

901 Main St., Suite 3900, Dallas, TX 75202  
214.672.2138 (t) | [cerick@cowlesthompson.com](mailto:cerick@cowlesthompson.com)  
214.672.2338 (f) | [www.cowlesthompson.com](http://www.cowlesthompson.com)

---

**From:** Ty Beard <[ty@beardandharris.com](mailto:ty@beardandharris.com)>

**Sent:** Friday, June 21, 2019 3:27 PM

**To:** Erick, Casey <[cerick@cowlesthompson.com](mailto:cerick@cowlesthompson.com)>

**Cc:** Carey Christie <[carey@beardandharris.com](mailto:carey@beardandharris.com)>; Jim Bullock <[jim@beardandharris.com](mailto:jim@beardandharris.com)>; Laci Stovall <[laci.stovall@beardandharris.com](mailto:laci.stovall@beardandharris.com)>; 'Andrea Perez' <[APerez@kesslercollins.com](mailto:APerez@kesslercollins.com)>

**Subject:** RE: Rule 11 Agreement

Casey, I thought we had a deal but your proposal is far beyond anything we discussed or agreed to.

We will not agree to let you indiscriminately declare "portions" of deposition testimony as confidential and automatically get seven days from the delivery of the transcript. We're having the depositions at the courthouse; the court has already agreed to rule on any confidentiality issues. So that's already covered.

And I do not agree to letting you convert currently public information into Identifying Information. That strikes me as an attempt to limit public comment on the parties in this case that have already publicly identified themselves. After six months of Mr. Mignogna being slagged publicly by your clients and their allies, I think you can understand why I'm not willing to let your clients and their public allies hide behind the Rule 11 agreement now. Your objection seems ill founded – the paragraph clearly states that only information that is currently public is excluded from the definition of Identifying Information. So if Bob Smith is openly attacking Vic on Twitter, his identity would not be shielded by the Agreement. But if he didn't disclose his email address, that would be Identifying Information.

In addition, I also have to backtrack on a point. Sorry about this, but I was in a hurry to respond to you due to an impending meeting. I am not willing to include employment information as part of Identifying Information. But since the actual name of the person IS protected, I don't see the problem. I want to be able to publicly disclose (for instance) that accuser Jane Doe is a voice actor with Funimation and has accused Vic of looking creepily at her. I understand the concern about being so specific that their identity is obvious. I am willing to discuss reasonable qualifiers on that, but none come to mind.

It's simple – we will agree to keep the names, email addresses, physical addresses, mailing addresses phone numbers, twitter handles, etc. confidential, subject to court review/consent/already being publicly available.

Be advised that unless we have an agreed deal by 4:30 pm, we will move forward and file our motions.

--Ty

---

**From:** Erick, Casey <[cerick@cowlesthompson.com](mailto:cerick@cowlesthompson.com)>

**Sent:** Friday, June 21, 2019 2:23 PM

**To:** Ty Beard <[ty@beardandharris.com](mailto:ty@beardandharris.com)>

**Cc:** Carey Christie <[carey@beardandharris.com](mailto:carey@beardandharris.com)>; Jim Bullock <[jim@beardandharris.com](mailto:jim@beardandharris.com)>; Laci Stovall <[laci.stovall@beardandharris.com](mailto:laci.stovall@beardandharris.com)>; 'Andrea Perez' <[APerez@kesslercollins.com](mailto:APerez@kesslercollins.com)>

**Subject:** RE: Rule 11 Agreement

Ty,

We can agree to some of this, but not all. We've accepted your changes to the definition of "Identifying Information, and made the relevant changes to Paras. 1-3, and 7, and added the definition paragraph. But we all need for the deposition paragraph to stay in, to make sure we're on the same page next week, and can discuss the people who may be protected by this agreement.

We also can't agree to your new paragraph 9 regarding previously disclosed information. That's just too vague. If someone comes forward, but their name has been gossiped about online, that would arguably be "publicly disclosed." "Publicly disclosed" could also just mean that Vic, one of the Defendants, or even Tammi Denbow has already talked about that person, and that wouldn't be in keeping with the spirit of this agreement. These people are scared specifically because of what's been said online, so that shouldn't be a reason to prevent them from being protected.

And we have already agreed that we will supplement our discovery responses and produce responsive documents today, so we have just stated that at the end.

Let us know if this works for you, and we'll be glad to get it on file.

## Casey S. Erick

### COWLES & THOMPSON

901 Main St., Suite 3900, Dallas, TX 75202

214.672.2138 (t) | [cerick@cowlesthompson.com](mailto:cerick@cowlesthompson.com)

214.672.2338 (f) | [www.cowlesthompson.com](http://www.cowlesthompson.com)

---

**From:** Ty Beard <[ty@beardandharris.com](mailto:ty@beardandharris.com)>

**Sent:** Friday, June 21, 2019 12:36 PM

**To:** Erick, Casey <[cerick@cowlesthompson.com](mailto:cerick@cowlesthompson.com)>

**Cc:** Carey Christie <[carey@beardandharris.com](mailto:carey@beardandharris.com)>; Jim Bullock <[jim@beardandharris.com](mailto:jim@beardandharris.com)>; Laci Stovall <[laci.stovall@beardandharris.com](mailto:laci.stovall@beardandharris.com)>; 'Andrea Perez' <[APerez@kesslercollins.com](mailto:APerez@kesslercollins.com)>

**Subject:** RE: Rule 11 Agreement

Attached is a redline of the Rule 11 agreement. Please advise ASAP whether these changes are acceptable. I did this in a hurry, so minor tweaks for usage, etc. are fine. The procedure outlined in item 3 may need a little tweaking, but we're only agreeing to redact the identifying information.

--Ty

---

**From:** Erick, Casey <[cerick@cowlesthompson.com](mailto:cerick@cowlesthompson.com)>

**Sent:** Friday, June 21, 2019 12:06 PM

**To:** Ty Beard <[ty@beardandharris.com](mailto:ty@beardandharris.com)>

**Cc:** Carey Christie <[carey@beardandharris.com](mailto:carey@beardandharris.com)>; Jim Bullock <[jim@beardandharris.com](mailto:jim@beardandharris.com)>; Laci Stovall <[laci.stovall@beardandharris.com](mailto:laci.stovall@beardandharris.com)>; 'Andrea Perez' <[APerez@kesslercollins.com](mailto:APerez@kesslercollins.com)>

**Subject:** Rule 11 Agreement

Ty,

Here is the Rule 11 Agreement we discussed yesterday. We'll need the other lawyers to sign off on this, too. The mechanics will work like this:

- Counsel finds out that a witness wants to remain anonymous;
- Counsel informs the other lawyers that this person wants to be anonymous;
- Counsel provides the name of the individual to the other lawyers under this Rule 11 Agreement;
- The other lawyers respect the request for anonymity, and agree not to disclose that person's name or information;
- If the other lawyers want to disclose the name or information, they have to ask the court.

This could get clunky during depositions, so I suggest we just say on the record "this person has requested anonymity, so we will block out this portion of the transcript." The only portions blocked out will be the names and any information that may reveal who that person is.

As far as we're concerned, there are only a few people who we know of who would apply under this agreement. We can provide those names (and supplement our responses to the interrogatories) as soon as we can get this on file.

## Casey S. Erick

### **COWLES & THOMPSON**

901 Main St., Suite 3900, Dallas, TX 75202  
214.672.2138 (t) | [cerick@cowlesthompson.com](mailto:cerick@cowlesthompson.com)  
214.672.2338 (f) | [www.cowlesthompson.com](http://www.cowlesthompson.com)

---

**From:** Ty Beard <[ty@beardandharris.com](mailto:ty@beardandharris.com)>

**Sent:** Friday, June 21, 2019 11:27 AM

**To:** Erick, Casey <[cerick@cowlesthompson.com](mailto:cerick@cowlesthompson.com)>

**Cc:** Carey Christie <[carey@beardandharris.com](mailto:carey@beardandharris.com)>; Jim Bullock <[jim@beardandharris.com](mailto:jim@beardandharris.com)>; Laci Stovall <[laci.stovall@beardandharris.com](mailto:laci.stovall@beardandharris.com)>; 'Andrea Perez' <[APerez@kesslercollins.com](mailto:APerez@kesslercollins.com)>

**Subject:** RE: Requests for Production

Casey, what's your ETA on the proposed Rule 11 Agreement?

--Ty

---

**From:** Erick, Casey <[cerick@cowlesthompson.com](mailto:cerick@cowlesthompson.com)>

**Sent:** Thursday, June 20, 2019 4:03 PM

**To:** Ty Beard <[ty@beardandharris.com](mailto:ty@beardandharris.com)>

**Cc:** Carey Christie <[carey@beardandharris.com](mailto:carey@beardandharris.com)>; Jim Bullock <[jim@beardandharris.com](mailto:jim@beardandharris.com)>; Laci Stovall <[laci.stovall@beardandharris.com](mailto:laci.stovall@beardandharris.com)>; 'Andrea Perez' <[APerez@kesslercollins.com](mailto:APerez@kesslercollins.com)>

**Subject:** RE: Requests for Production

### **Quick follow up to my prior email:**

- The documents you produced aren't labeled, so that will make things difficult in the depositions. We also have not seen any contracts that were allegedly interfered with, and the only communications with the FUNimation or Rooster Teeth investigators is the one string of emails with Ms. Denbow that you've pointed out. Can you represent to us that the email string with Ms. Denbow is the only communication your client exchanged with anyone concerning the investigations into his conduct? For the most part, all we have seen at this point are a bunch of public tweets and a few out of context messages that implicate optional completeness. For example, the text messages you obtained from Chris Slatosch seem out of order, and limited, so we cannot ascertain what the rest of the discussion was, or whether Mr. Slatosch has had any



communications with *your* client. So my clients are prejudiced going into these depositions, and we will need to depose your client again with the responsive documents after they're produced.

## Casey S. Erick

### COWLES & THOMPSON

901 Main St., Suite 3900, Dallas, TX 75202  
214.672.2138 (t) | [cerick@cowlesthompson.com](mailto:cerick@cowlesthompson.com)  
214.672.2338 (f) | [www.cowlesthompson.com](http://www.cowlesthompson.com)

---

**From:** Erick, Casey

**Sent:** Thursday, June 20, 2019 3:44 PM

**To:** 'Ty Beard' <[ty@beardandharris.com](mailto:ty@beardandharris.com)>

**Cc:** Carey Christie <[carey@beardandharris.com](mailto:carey@beardandharris.com)>; Jim Bullock <[jim@beardandharris.com](mailto:jim@beardandharris.com)>; Laci Stovall <[laci.stovall@beardandharris.com](mailto:laci.stovall@beardandharris.com)>; Andrea Perez <[APerez@kesslercollins.com](mailto:APerez@kesslercollins.com)>

**Subject:** RE: Requests for Production

First, on the Rule 11 protective order, we will provide the sensitive information once the Rule 11 is on file. We're not hiding the ball, we just worry for these women. Some of the documents we will produce will also address the same women, so those will be produced subject to the Rule 11, as well. We're packaging up the production today and tomorrow, so I don't think there will be much reason for your motion, but that's your call.

And I understand that we all have a lot going on. We're also preparing for depositions next week, which is why this discussion is important. The documents you produced aren't labeled, so that will make things difficult in the depositions. We also have not seen any contracts that were allegedly interfered with, and none of the communications with the FUNimation or Rooster Teeth investigators. Frankly, all we have seen at this point are a bunch of public tweets and a few out of context messages that implicate optional completeness. So my clients are prejudiced going into these depositions, and we will need to depose your client again with the responsive documents after they're produced.

And I'm sure you appreciate that we will also object to the use of any documents in motion practice that haven't been produced.

Setting those issues aside, let me know if we are in agreement on the Rule 11 and we'll work up a draft.

## Casey S. Erick

### COWLES & THOMPSON

901 Main St., Suite 3900, Dallas, TX 75202  
214.672.2138 (t) | [cerick@cowlesthompson.com](mailto:cerick@cowlesthompson.com)  
214.672.2338 (f) | [www.cowlesthompson.com](http://www.cowlesthompson.com)

---

**From:** Ty Beard <[ty@beardandharris.com](mailto:ty@beardandharris.com)>

**Sent:** Thursday, June 20, 2019 2:52 PM

**To:** Erick, Casey <[cerick@cowlesthompson.com](mailto:cerick@cowlesthompson.com)>

**Cc:** Carey Christie <[carey@beardandharris.com](mailto:carey@beardandharris.com)>; Jim Bullock <[jim@beardandharris.com](mailto:jim@beardandharris.com)>; Laci Stovall <[laci.stovall@beardandharris.com](mailto:laci.stovall@beardandharris.com)>; Andrea Perez <[APerez@kesslercollins.com](mailto:APerez@kesslercollins.com)>

**Subject:** RE: Requests for Production

I believe that our responsive were responsive to the subpoena duces tecum. Your requests were extraordinarily broad. That said, I will review our document production and make any changes that are reasonable and necessary to fully comply.

However, there is no way that they will be available next week. We will be busy with deposition prep and we're tending to urgent matters this week. Also our client is in Dublin through Monday, so we can't get anything from him until then. However, if I agree that your points are well taken, I'm confident that we can get them to you the following week.

Regarding the proposed confidentiality agreement, please confirm that you will answer the interrogatories once the confidentiality agreement is accepted. If so, there will be no need for us to file a motion to compel responses to the interrogatories. And if your production responses are reasonably responsive tomorrow, there will no need for us to file a motion to compel responses to the requests for production.

--Ty

---

**From:** Erick, Casey <[cerick@cowlesthompson.com](mailto:cerick@cowlesthompson.com)>

**Sent:** Thursday, June 20, 2019 2:10 PM

**To:** Ty Beard <[ty@beardandharris.com](mailto:ty@beardandharris.com)>

**Cc:** Carey Christie <[carey@beardandharris.com](mailto:carey@beardandharris.com)>; Jim Bullock <[jim@beardandharris.com](mailto:jim@beardandharris.com)>; Laci Stovall <[laci.stovall@beardandharris.com](mailto:laci.stovall@beardandharris.com)>; Andrea Perez <[APerez@kesslercollins.com](mailto:APerez@kesslercollins.com)>

**Subject:** RE: Requests for Production

Ty-

**We are producing documents tomorrow and will send supplemental responses. I can't promise it will be before noon, but they will be there before close of business tomorrow.**

**In regards to Plaintiff's production responses:**

- Responsive documents have not been produced. Everything that was provided is either a screenshot of a document in the public domain or a cherry-picked document obtained from Chris Slatosch.
- Plaintiff has not produced any communications, i.e. emails, texts, instant messaging, etc. We know there are communications between Plaintiff and Ms. Denbow, but they have not been provided.
- He hasn't given us any communications. No emails or texts. Nothing between Vic and Denbow.
- The folder titled "Risembool Rangers Discord" is empty.
- A large amount of documents are jumbled and inadmissible because they have apparently been altered.
- None of the documents are bates-labeled.
  - We ask the documents be appropriately labeled and produced by Monday, but no later than Tuesday.

In regards to a hearing next week, I reiterate my position on having that during depositions but that assumes you can get a hearing next week. If that occurs, we can revisit.

**In regards to the proposed confidentiality agreement:**

- We can agree to a confidentiality agreement that protects the witness' identities and personal information (name, jobs, addresses, phone numbers, email addresses, etc." but

without a time limit. The agreement will be subject to waiver and to any party's right to petition the court.

- We will send a draft agreement over tomorrow.

Thanks.

## Casey S. Erick

### COWLES & THOMPSON

901 Main St., Suite 3900, Dallas, TX 75202  
214.672.2138 (t) | [cerick@cowlesthompson.com](mailto:cerick@cowlesthompson.com)  
214.672.2338 (f) | [www.cowlesthompson.com](http://www.cowlesthompson.com)

---

**From:** Ty Beard <[ty@beardandharris.com](mailto:ty@beardandharris.com)>

**Sent:** Thursday, June 20, 2019 8:32 AM

**To:** Erick, Casey <[cerick@cowlesthompson.com](mailto:cerick@cowlesthompson.com)>

**Cc:** Carey Christie <[carey@beardandharris.com](mailto:carey@beardandharris.com)>; Jim Bullock <[jim@beardandharris.com](mailto:jim@beardandharris.com)>; Laci Stovall <[laci.stovall@beardandharris.com](mailto:laci.stovall@beardandharris.com)>; Andrea Perez <[APerez@kesslercollins.com](mailto:APerez@kesslercollins.com)>

**Subject:** Requests for Production

Casey –

You've objected to every single Request for Production we propounded to Rial and Toye. However, you stated that you would produce responsive documents, subject to those objections. For ten days, you have failed to produce those documents.

I ask that you immediately produce the documents requested. Specifically, for Toye RFPs 1, 3-11 and Rial RFPs 1-3. Since you've had our Requests for Production for nearly 70 days, this should be adequate time for you to respond.

If you decline to do so by noon tomorrow, we will file a Motion to Compel the production of these documents and schedule a hearing for Wednesday morning (if the court has availability). Since we will be at the court that morning, there's no reason we can't have the hearing. I remind you that we are entitled to conduct discovery on your clients and urge you to comply with the Texas Rules of Civil Procedure.

Please advise ASAP whether you will comply with this request. Please give me a call if you wish to discuss.

--Ty



**BEARD & HARRIS**  
ATTORNEYS AT LAW

Ty Beard, Senior Partner  
Beard Harris Bullock Hughes, Attorneys at Law  
100 Independence Place #300  
Tyler, Texas 75703  
(o) 903-509-4900  
(f) 903-509-4908

Email: [ty@beardandharris.com](mailto:ty@beardandharris.com)

Please CC emails to: [admin@beardandharris.com](mailto:admin@beardandharris.com)