

**CAUSE NO. 141-307474-19**VICTOR MIGNOGNA,  
Plaintiff,

v.

FUNIMATION PRODUCTIONS, LLC,  
JAMIE MARCHI, MONICA RIAL,  
AND RONALD TOYE,  
Defendants§  
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IN THE DISTRICT COURT

141<sup>st</sup> JUDICIAL DISTRICT

TARRANT COUNTY, TEXAS

**ORDER ON PLAINTIFF'S OBJECTIONS AND MOTIONS TO STRIKE**

TO THE HONORABLE JUDGE OF SAID COURT:

ON THIS DAY, the Court considered Plaintiff's objections to and motion to strike (attached to *Plaintiff's Response to Defendants' TCPA Motions to Dismiss*) the evidence offered via:

- (1) *Monica Rial and Ron Toye's Motion to Dismiss Pursuant to the Texas Citizens Participation Act* (the "Rial/Toye Motion"),
- (2) *Defendants Monica Rial and Ronald Toye's Supplement to Motion to Dismiss* (the Rial/Toye Supplement"),
- (3) *Funimation Productions, LLC's Supplemental Brief In Support of its TCPA Motion* (the "Funimation Supplemental Brief"), and
- (4) *Defendant Funimation Productions, LLC's Supplemental Evidence in Support of its TCPA Motion to Dismiss* (the "Funimation Supplemental Evidence").<sup>1</sup>

Having considered the arguments of counsel, the Court finds as follows:

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<sup>1</sup> On September 3, 2019, the Court overruled *Plaintiff's Objections to and Motion to Strike Evidence Offered in Support of Defendant Funimation's Motion to Dismiss* filed on July 24, 2019.

## I. OBJECTIONS TO THE RIAL/TOYE MOTION

### 1. Exhibit A to the Rial/Toye Motion

Affidavit Statements/Paragraph	Objections	Court's Ruling on Objection
Exhibit 1 attached to the Deposition of Victor Mignogna (which is Exhibit A to the Rial/Toye Motion)	Inadmissible hearsay.	<input type="checkbox"/> Sustained / Evidence Stricken <input type="checkbox"/> Overruled
Exhibit 2 attached to the Deposition of Victor Mignogna (which is Exhibit A to the Rial/Toye Motion)	Inadmissible hearsay.	<input type="checkbox"/> Sustained / Evidence Stricken <input type="checkbox"/> Overruled
Exhibit 3 attached to the Deposition of Victor Mignogna (which is Exhibit A to the Rial/Toye Motion)	Inadmissible hearsay.	<input type="checkbox"/> Sustained / Evidence Stricken <input type="checkbox"/> Overruled
Exhibit 4 attached to the Deposition of Victor Mignogna (which is Exhibit A to the Rial/Toye Motion)	Inadmissible hearsay.	<input type="checkbox"/> Sustained / Evidence Stricken <input type="checkbox"/> Overruled
Exhibit 5 attached to the Deposition of Victor Mignogna (which is Exhibit A to the Rial/Toye Motion)	Inadmissible hearsay.	<input type="checkbox"/> Sustained / Evidence Stricken <input type="checkbox"/> Overruled
Exhibit 6 attached to the Deposition of Victor Mignogna (which is Exhibit A to the Rial/Toye Motion)	Inadmissible hearsay.	<input type="checkbox"/> Sustained / Evidence Stricken <input type="checkbox"/> Overruled
Exhibit 7 attached to the Deposition of Victor Mignogna (which is Exhibit A to the Rial/Toye Motion)	Inadmissible hearsay.	<input type="checkbox"/> Sustained / Evidence Stricken <input type="checkbox"/> Overruled
Exhibit 8 attached to the Deposition of Victor Mignogna (which is Exhibit A to the Rial/Toye Motion)	Inadmissible hearsay.	<input type="checkbox"/> Sustained / Evidence Stricken <input type="checkbox"/> Overruled

<b>Affidavit Statements/Paragraph</b>	<b>Objections</b>	<b>Court's Ruling on Objection</b>
Exhibit 9 attached to the Deposition of Victor Mignogna (which is Exhibit A to the Rial/Toye Motion)	Inadmissible hearsay.	___ Sustained / Evidence Stricken ___ Overruled
Exhibit 10 attached to the Deposition of Victor Mignogna (which is Exhibit A to the Rial/Toye Motion)	Inadmissible hearsay.	___ Sustained / Evidence Stricken ___ Overruled
Exhibit 11 attached to the Deposition of Victor Mignogna (which is Exhibit A to the Rial/Toye Motion)	Inadmissible hearsay.	___ Sustained / Evidence Stricken ___ Overruled
Exhibit 12 attached to the Deposition of Victor Mignogna (which is Exhibit A to the Rial/Toye Motion)	Inadmissible hearsay.	___ Sustained / Evidence Stricken ___ Overruled
Exhibit 13 attached to the Deposition of Victor Mignogna (which is Exhibit A to the Rial/Toye Motion)	Inadmissible hearsay.	___ Sustained / Evidence Stricken ___ Overruled
Exhibit 15 attached to the Deposition of Victor Mignogna (which is Exhibit A to the Rial/Toye Motion)	Inadmissible hearsay.	___ Sustained / Evidence Stricken ___ Overruled
Exhibit 16 attached to the Deposition of Victor Mignogna (which is Exhibit A to the Rial/Toye Motion)	Inadmissible hearsay.	___ Sustained / Evidence Stricken ___ Overruled
Exhibit 17 attached to the Deposition of Victor Mignogna (which is Exhibit A to the Rial/Toye Motion)	Inadmissible hearsay.	___ Sustained / Evidence Stricken ___ Overruled
Exhibit 18 attached to the Deposition of Victor Mignogna (which is Exhibit A to the Rial/Toye Motion)	Inadmissible hearsay.	___ Sustained / Evidence Stricken ___ Overruled
Exhibit 22 attached to the Deposition of Victor Mignogna (which is Exhibit A to the Rial/Toye Motion)	Inadmissible hearsay.	___ Sustained / Evidence Stricken ___ Overruled

## 2. Exhibit B to the Rial/Toye Motion

<b>Affidavit Statements/Paragraph</b>	<b>Objections</b>	<b>Court's Ruling on Objection</b>
Affidavit of Robin Michelle Blankenship McConnell (which is Exhibit B to the Rial/Toye Motion)	Irrelevant and inadmissible character evidence.	___ Sustained / Evidence Stricken ___ Overruled

### 3. Exhibit C to Rial /Toye Motion: Affidavit of Kara Edwards

<b>Affidavit Statements/Paragraph</b>	<b>Objections</b>	<b>Court's Ruling on Objection</b>
Affidavit of Kara Edwards (which is Exhibit C to the Rial/Toye Motion)	Inadmissible character evidence.	___ Sustained / Evidence Stricken ___ Overruled
Paragraph 2 of the Affidavit of Kara Edwards (which is Exhibit C to the Rial/Toye Motion)	Inadmissible opinion testimony. Contains unsubstantiated opinions or unilateral subjective determinations of facts/statements that cannot be readily controverted by opposing parties.	___ Sustained / Evidence Stricken ___ Overruled
Paragraph 3 of the Affidavit of Kara Edwards (which is Exhibit C to the Rial/Toye Motion)	Is inadmissible o Inadmissible opinion testimony. Contains unsubstantiated opinions or unilateral subjective determinations of facts/statements that cannot be readily controverted by opposing parties.	___ Sustained / Evidence Stricken ___ Overruled
Paragraph 4 of the Affidavit of Kara Edwards (which is Exhibit C to the Rial/Toye Motion)	Inadmissible opinion testimony. Contains unsubstantiated opinions or unilateral subjective determinations of facts/statements that cannot be readily controverted by opposing parties.	___ Sustained / Evidence Stricken ___ Overruled
Paragraph 5 of the Affidavit of Kara Edwards (which is Exhibit C to the Rial/Toye Motion)	Inadmissible opinion testimony. Contains unsubstantiated opinions or unilateral subjective determinations of facts/statements that cannot be readily controverted by opposing parties.	___ Sustained / Evidence Stricken ___ Overruled

Affidavit Statements/Paragraph	Objections	Court's Ruling on Objection
Paragraph 6 of the Affidavit of Kara Edwards (which is Exhibit C to the Rial/Toye Motion)	Inadmissible opinion testimony. Contains unsubstantiated opinions or unilateral subjective determinations of facts/statements that cannot be readily controverted by opposing parties.	<input type="checkbox"/> Sustained / Evidence Stricken <input type="checkbox"/> Overruled
Paragraph 7 of the Affidavit of Kara Edwards (which is Exhibit C to the Rial/Toye Motion)	Inadmissible opinion testimony. Contains unsubstantiated opinions or unilateral subjective determinations of facts/statements that cannot be readily controverted by opposing parties.	<input type="checkbox"/> Sustained / Evidence Stricken <input type="checkbox"/> Overruled
Paragraph 10 of the Affidavit of Kara Edwards (which is Exhibit C to the Rial/Toye Motion)	Inadmissible opinion testimony. Contains unsubstantiated opinions or unilateral subjective determinations of facts/statements that cannot be readily controverted by dsopposing parties.	<input type="checkbox"/> Sustained / Evidence Stricken <input type="checkbox"/> Overruled
Paragraph 11 of the Affidavit of Kara Edwards (which is Exhibit C to the Rial/Toye Motion)	Inadmissible opinion testimony. Contains unsubstantiated opinions or unilateral subjective determinations of facts/statements that cannot be readily controverted by opposing parties.	<input type="checkbox"/> Sustained / Evidence Stricken <input type="checkbox"/> Overruled
Paragraph 12 of the Affidavit of Kara Edwards (which is Exhibit C to the Rial/Toye Motion)	Inadmissible opinion testimony. Contains unsubstantiated opinions or unilateral subjective determinations of facts/statements that cannot be readily controverted by opposing parties.	<input type="checkbox"/> Sustained / Evidence Stricken <input type="checkbox"/> Overruled

Affidavit Statements/Paragraph	Objections	Court's Ruling on Objection
Paragraph 14 of the Affidavit of Kara Edwards (which is Exhibit C to the Rial/Toye Motion)	Inadmissible opinion testimony. Contains unsubstantiated opinions or unilateral subjective determinations of facts/statements that cannot be readily controverted by opposing parties. Also, is inadmissible hearsay.	<input type="checkbox"/> Sustained / Evidence Stricken  <input type="checkbox"/> Overruled
Paragraph 16 of the Affidavit of Kara Edwards (which is Exhibit C to the Rial/Toye Motion)	Inadmissible opinion testimony. Contains unsubstantiated opinions or unilateral subjective determinations of facts/statements that cannot be readily controverted by opposing parties.	<input type="checkbox"/> Sustained / Evidence Stricken  <input type="checkbox"/> Overruled
Paragraph 17 of the Affidavit of Kara Edwards (which is Exhibit C to the Rial/Toye Motion)	Inadmissible opinion testimony. Contains unsubstantiated opinions or unilateral subjective determinations of facts/statements that cannot be readily controverted by opposing parties. Also, is inadmissible hearsay.	<input type="checkbox"/> Sustained / Evidence Stricken  <input type="checkbox"/> Overruled
Paragraph 18 of the Affidavit of Kara Edwards (which is Exhibit C to the Rial/Toye Motion)	Inadmissible opinion testimony. Contains unsubstantiated opinions or unilateral subjective determinations of facts/statements that cannot be readily controverted by opposing parties. Also, is inadmissible hearsay.	<input type="checkbox"/> Sustained / Evidence Stricken  <input type="checkbox"/> Overruled
Paragraph 20 of the Affidavit of Kara Edwards (which is Exhibit C to the Rial/Toye Motion)	Inadmissible opinion testimony. Contains unsubstantiated opinions or unilateral subjective determinations of facts/statements that cannot be readily controverted by opposing parties.	<input type="checkbox"/> Sustained / Evidence Stricken  <input type="checkbox"/> Overruled

<b>Affidavit Statements/Paragraph</b>	<b>Objections</b>	<b>Court's Ruling on Objection</b>
Paragraph 21 of the Affidavit of Kara Edwards (which is Exhibit C to the Rial/Toye Motion)	Inadmissible opinion testimony. Contains unsubstantiated opinions or unilateral subjective determinations of facts/statements that cannot be readily controverted by opposing parties.	___ Sustained / Evidence Stricken ___ Overruled
Paragraph 23 of the Affidavit of Kara Edwards (which is Exhibit C to the Rial/Toye Motion)	Inadmissible opinion testimony. Contains unsubstantiated opinions or unilateral subjective determinations of facts/statements that cannot be readily controverted by opposing parties.	___ Sustained / Evidence Stricken ___ Overruled
The exhibits attached to the Affidavit of Kara Edwards (which is Exhibit C to the Rial/Toye Motion)	These exhibits are inadmissible hearsay. TEX. R. EVID. 801-802	___ Sustained / Evidence Stricken ___ Overruled

#### **4. Exhibit D to the Rial/Toye Motion: Affidavit of Lynn Hunt**

<b>Affidavit Statements/Paragraph</b>	<b>Objections</b>	<b>Court's Ruling on Objection</b>
Affidavit of Lynn Hunt (which is Exhibit D to the Rial/Toye Motion)	Inadmissible character evidence offered to prove action in accordance with that character or trait. TEX. R. EVID. 404.	___ Sustained / Evidence Stricken ___ Overruled
Paragraph 2 of the Affidavit of Lynn Hunt (which is Exhibit D to the Rial/Toye Motion)	Inadmissible opinion testimony. Contains unsubstantiated opinions or unilateral subjective determinations of facts/statements that cannot be readily controverted by opposing parties.	___ Sustained / Evidence Stricken ___ Overruled
Paragraph 3 of the Affidavit of Lynn Hunt (which is Exhibit D to the Rial/Toye Motion)	Inadmissible opinion testimony. Contains unsubstantiated opinions or unilateral subjective determinations of facts/statements that cannot be readily controverted by opposing parties.	___ Sustained / Evidence Stricken ___ Overruled

Affidavit Statements/Paragraph	Objections	Court's Ruling on Objection
Paragraph 4 of the Affidavit of Lynn Hunt (which is Exhibit D to the Rial/Toye Motion)	Inadmissible opinion testimony. Contains unsubstantiated opinions or unilateral subjective determinations of facts/statements that cannot be readily controverted by opposing parties.	<input type="checkbox"/> Sustained / Evidence Stricken <input type="checkbox"/> Overruled
Paragraph 5 of the Affidavit of Lynn Hunt (which is Exhibit D to the Rial/Toye Motion)	Inadmissible opinion testimony. Contains unsubstantiated opinions or unilateral subjective determinations of facts/statements that cannot be readily controverted by opposing parties. Also, inadmissible hearsay.	<input type="checkbox"/> Sustained / Evidence Stricken <input type="checkbox"/> Overruled
Paragraph 6 of the Affidavit of Lynn Hunt (which is Exhibit D to the Rial/Toye Motion)	Inadmissible opinion testimony. Contains unsubstantiated opinions or unilateral subjective determinations of facts/statements that cannot be readily controverted by opposing parties. Also, inadmissible hearsay.	<input type="checkbox"/> Sustained / Evidence Stricken <input type="checkbox"/> Overruled
Paragraph 7 of the Affidavit of Lynn Hunt (which is Exhibit D to the Rial/Toye Motion)	Inadmissible opinion testimony. Contains unsubstantiated opinions or unilateral subjective determinations of facts/statements that cannot be readily controverted by opposing parties. Also, is inadmissible hearsay. TEX. R. EVID. 801-802.	<input type="checkbox"/> Sustained / Evidence Stricken <input type="checkbox"/> Overruled
Paragraph 8 of the Affidavit of Lynn Hunt (which is Exhibit D to the Rial/Toye Motion)	Inadmissible opinion testimony. Contains unsubstantiated opinions or unilateral subjective determinations of facts/statements that cannot be readily controverted by opposing parties.	<input type="checkbox"/> Sustained / Evidence Stricken <input type="checkbox"/> Overruled



Affidavit Statements/Paragraph	Objections	Court's Ruling on Objection
Paragraph 9 of the Affidavit of Lynn Hunt (which is Exhibit D to the Rial/Toye Motion)	Is inadmissible opinion testimony in violation of TEX. R. EVID. 701 and contains unsubstantiated opinions or unilateral subjective determinations of facts/statements that cannot be readily controverted by opposing parties. Also, is inadmissible hearsay. TEX. R. EVID. 801-802.	<p>___ Sustained / Evidence Stricken</p> <p>___ Overruled</p>
Paragraph 10 of the Affidavit of Lynn Hunt (which is Exhibit D to the Rial/Toye Motion)	Is inadmissible opinion testimony in violation of TEX. R. EVID. 701 and contains unsubstantiated opinions or unilateral subjective determinations of facts/statements that cannot be readily controverted by opposing parties. Also, is inadmissible hearsay. TEX. R. EVID. 801-802.	<p>___ Sustained / Evidence Stricken</p> <p>___ Overruled</p>

#### 5. Exhibit E to the Rial/Toye Motion: Affidavit of Faisal Ahmed

Affidavit Statements/Paragraph	Objections	Court's Ruling on Objection
Affidavit of Faisal Ahmed (which is Exhibit E to the Rial/Toye Motion)	The entire exhibit constitutes inadmissible character evidence offered to prove action in accordance with that character or trait. TEX. R. EVID. 404.	<p>___ Sustained / Evidence Stricken</p> <p>___ Overruled</p>
Paragraph 3 of the Affidavit of Faisal Ahmed (which is Exhibit E to the Rial/Toye Motion)	Is inadmissible opinion testimony in violation of TEX. R. EVID. 701 and contains unsubstantiated opinions or unilateral subjective determinations of facts/statements that cannot be readily controverted by opposing parties. Also, is inadmissible hearsay. TEX. R. EVID. 801-802.	<p>___ Sustained / Evidence Stricken</p> <p>___ Overruled</p>

Affidavit Statements/Paragraph	Objections	Court's Ruling on Objection
Paragraph 4 of the Affidavit of Faisal Ahmed (which is Exhibit E to the Rial/Toye Motion)	Is inadmissible opinion testimony in violation of TEX. R. EVID. 701 and contains unsubstantiated opinions or unilateral subjective determinations of facts/statements that cannot be readily controverted by opposing parties. Also, is inadmissible hearsay. TEX. R. EVID. 801-802. Paragraph 4 also is contradicted by the Affidavit of Erica McCord.	<input type="checkbox"/> Sustained / Evidence Stricken <input type="checkbox"/> Overruled
Paragraph 5 of the Affidavit of Faisal Ahmed (which is Exhibit E to the Rial/Toye Motion)	Is inadmissible opinion testimony in violation of TEX. R. EVID. 701 and contains unsubstantiated opinions or unilateral subjective determinations of facts/statements that cannot be readily controverted by opposing parties. Also, is inadmissible hearsay. TEX. R. EVID. 801-802.	<input type="checkbox"/> Sustained / Evidence Stricken <input type="checkbox"/> Overruled
Paragraph 6 of the Affidavit of Faisal Ahmed (which is Exhibit E to the Rial/Toye Motion)	Is inadmissible opinion testimony in violation of TEX. R. EVID. 701 and contains unsubstantiated opinions or unilateral subjective determinations of facts/statements that cannot be readily controverted by opposing parties. Also, is inadmissible hearsay. TEX. R. EVID. 801-802.	<input type="checkbox"/> Sustained / Evidence Stricken <input type="checkbox"/> Overruled

Affidavit Statements/Paragraph	Objections	Court's Ruling on Objection
Paragraph 7 of the Affidavit of Faisal Ahmed (which is Exhibit E to the Rial/Toye Motion)	Is inadmissible opinion testimony in violation of TEX. R. EVID. 701 and contains unsubstantiated opinions or unilateral subjective determinations of facts/statements that cannot be readily controverted by opposing parties. Also, is inadmissible hearsay. TEX. R. EVID. 801-802.	<p>___ Sustained / Evidence Stricken</p> <p>___ Overruled</p>

#### 6. Exhibit F to the Rial/Toye Motion: Affidavit of Mary Reese

Affidavit Statements/Paragraph	Objections	Court's Ruling on Objection
Affidavit of Mary Reese (which is Exhibit F to the Rial/Toye Motion)	The entire exhibit constitutes inadmissible character evidence offered to prove action in accordance with that character or trait. TEX. R. EVID. 404.	<p>___ Sustained / Evidence Stricken</p> <p>___ Overruled</p>
Paragraph 3 of the Affidavit of Mary Reese (which is Exhibit F to the Rial/Toye Motion)	Is inadmissible opinion testimony in violation of TEX. R. EVID. 701 and contains unsubstantiated opinions or unilateral subjective determinations of facts/statements that cannot be readily controverted by opposing parties.	<p>___ Sustained / Evidence Stricken</p> <p>___ Overruled</p>
Paragraph 4 of the Affidavit of Mary Reese (which is Exhibit F to the Rial/Toye Motion)	Is inadmissible opinion testimony in violation of TEX. R. EVID. 701 and contains unsubstantiated opinions or unilateral subjective determinations of facts/statements that cannot be readily controverted by opposing parties.	<p>___ Sustained / Evidence Stricken</p> <p>___ Overruled</p>

Affidavit Statements/Paragraph	Objections	Court's Ruling on Objection
Paragraph 5 of the Affidavit of Mary Reese (which is Exhibit F to the Rial/Toye Motion)	Is inadmissible opinion testimony in violation of TEX. R. EVID. 701 and contains unsubstantiated opinions or unilateral subjective determinations of facts/statements that cannot be readily controverted by opposing parties.	<p>___ Sustained / Evidence Stricken</p> <p>___ Overruled</p>
Paragraph 6 of the Affidavit of Mary Reese (which is Exhibit F to the Rial/Toye Motion)	Is inadmissible opinion testimony in violation of TEX. R. EVID. 701 and contains unsubstantiated opinions or unilateral subjective determinations of facts/statements that cannot be readily controverted by opposing parties.	<p>___ Sustained / Evidence Stricken</p> <p>___ Overruled</p>
Paragraph 7 of the Affidavit of Mary Reese (which is Exhibit F to the Rial/Toye Motion)	Is inadmissible opinion testimony in violation of TEX. R. EVID. 701 and contains unsubstantiated opinions or unilateral subjective determinations of facts/statements that cannot be readily controverted by opposing parties.	<p>___ Sustained / Evidence Stricken</p> <p>___ Overruled</p>
Paragraph 8 of the Affidavit of Mary Reese (which is Exhibit F to the Rial/Toye Motion)	Is inadmissible opinion testimony in violation of TEX. R. EVID. 701 and contains unsubstantiated opinions or unilateral subjective determinations of facts/statements that cannot be readily controverted by opposing parties. Also, is inadmissible hearsay. TEX. R. EVID. 801-802.	<p>___ Sustained / Evidence Stricken</p> <p>___ Overruled</p>

Affidavit Statements/Paragraph	Objections	Court's Ruling on Objection
Paragraph 9 of the Affidavit of Mary Reese (which is Exhibit F to the Rial/Toye Motion)	Is inadmissible opinion testimony in violation of TEX. R. EVID. 701 and contains unsubstantiated opinions or unilateral subjective determinations of facts/statements that cannot be readily controverted by opposing parties. Also, is inadmissible hearsay. TEX. R. EVID. 801-802.	<p>___ Sustained / Evidence Stricken</p> <p>___ Overruled</p>
Paragraph 10 of the Affidavit of Mary Reese (which is Exhibit F to the Rial/Toye Motion)	Is inadmissible opinion testimony in violation of TEX. R. EVID. 701 and contains unsubstantiated opinions or unilateral subjective determinations of facts/statements that cannot be readily controverted by opposing parties. Also, is inadmissible hearsay. TEX. R. EVID. 801-802.	<p>___ Sustained / Evidence Stricken</p> <p>___ Overruled</p>
Paragraph 11 of the Affidavit of Mary Reese (which is Exhibit F to the Rial/Toye Motion)	Is inadmissible opinion testimony in violation of TEX. R. EVID. 701 and contains unsubstantiated opinions or unilateral subjective determinations of facts/statements that cannot be readily controverted by opposing parties. Also, is inadmissible hearsay. TEX. R. EVID. 801-802.	<p>___ Sustained / Evidence Stricken</p> <p>___ Overruled</p>
Paragraph 12 of the Affidavit of Mary Reese (which is Exhibit F to the Rial/Toye Motion)	Is inadmissible opinion testimony in violation of TEX. R. EVID. 701 and contains unsubstantiated opinions or unilateral subjective determinations of facts/statements that cannot be readily controverted by opposing parties.	<p>___ Sustained / Evidence Stricken</p> <p>___ Overruled</p>

Affidavit Statements/Paragraph	Objections	Court's Ruling on Objection
Paragraph 13 of the Affidavit of Mary Reese (which is Exhibit F to the Rial/Toye Motion)	Is inadmissible opinion testimony in violation of TEX. R. EVID. 701 and contains unsubstantiated opinions or unilateral subjective determinations of facts/statements that cannot be readily controverted by opposing parties.	<input type="checkbox"/> Sustained / Evidence Stricken <input type="checkbox"/> Overruled
Paragraph 14 of the Affidavit of Mary Reese (which is Exhibit F to the Rial/Toye Motion)	Is inadmissible opinion testimony in violation of TEX. R. EVID. 701 and contains unsubstantiated opinions or unilateral subjective determinations of facts/statements that cannot be readily controverted by opposing parties.	<input type="checkbox"/> Sustained / Evidence Stricken <input type="checkbox"/> Overruled
Paragraph 15 of the Affidavit of Mary Reese (which is Exhibit F to the Rial/Toye Motion)	Is inadmissible opinion testimony in violation of TEX. R. EVID. 701 and contains unsubstantiated opinions or unilateral subjective determinations of facts/statements that cannot be readily controverted by opposing parties.	<input type="checkbox"/> Sustained / Evidence Stricken <input type="checkbox"/> Overruled
Paragraph 17 of the Affidavit of Mary Reese (which is Exhibit F to the Rial/Toye Motion)	Is inadmissible opinion testimony in violation of TEX. R. EVID. 701 and contains unsubstantiated opinions or unilateral subjective determinations of facts/statements that cannot be readily controverted by opposing parties.	<input type="checkbox"/> Sustained / Evidence Stricken <input type="checkbox"/> Overruled

## 7. Exhibit G to the Rial/Toye Motion: Affidavit of Whitney Falba

Affidavit Statements/Paragraph	Objections	Court's Ruling on Objection
Affidavit of Whitney Falba (which is Exhibit G to the Rial/Toye Motion)	The entire exhibit constitutes inadmissible character evidence offered to prove action in accordance with that character or trait. TEX. R. EVID. 404.	<input type="checkbox"/> Sustained / Evidence Stricken <input type="checkbox"/> Overruled
Paragraph 3 of the Affidavit of Whitney Falba (which is Exhibit G to the Rial/Toye Motion)	Is inadmissible opinion testimony in violation of TEX. R. EVID. 701 and contains unsubstantiated opinions or unilateral subjective determinations of facts/statements that cannot be readily controverted by opposing parties.	<input type="checkbox"/> Sustained / Evidence Stricken <input type="checkbox"/> Overruled
Paragraph 4 of the Affidavit of Whitney Falba (which is Exhibit G to the Rial/Toye Motion)	Is inadmissible opinion testimony in violation of TEX. R. EVID. 701 and contains unsubstantiated opinions or unilateral subjective determinations of facts/statements that cannot be readily controverted by opposing parties.	<input type="checkbox"/> Sustained / Evidence Stricken <input type="checkbox"/> Overruled
Paragraph 5 of the Affidavit of Whitney Falba (which is Exhibit G to the Rial/Toye Motion)	Is inadmissible opinion testimony in violation of TEX. R. EVID. 701 and contains unsubstantiated opinions or unilateral subjective determinations of facts/statements that cannot be readily controverted by opposing parties.	<input type="checkbox"/> Sustained / Evidence Stricken <input type="checkbox"/> Overruled
Paragraph 6 of the Affidavit of Whitney Falba (which is Exhibit G to the Rial/Toye Motion)	Is inadmissible opinion testimony in violation of TEX. R. EVID. 701 and contains unsubstantiated opinions or unilateral subjective determinations of facts/statements that cannot be readily controverted by opposing parties.	<input type="checkbox"/> Sustained / Evidence Stricken <input type="checkbox"/> Overruled

Affidavit Statements/Paragraph	Objections	Court's Ruling on Objection
Paragraph 7 of the Affidavit of Whitney Falba (which is Exhibit G to the Rial/Toye Motion)	Is inadmissible opinion testimony in violation of TEX. R. EVID. 701 and contains unsubstantiated opinions or unilateral subjective determinations of facts/statements that cannot be readily controverted by opposing parties.	<input type="checkbox"/> Sustained / Evidence Stricken  <input type="checkbox"/> Overruled
Paragraph 8 of the Affidavit of Whitney Falba (which is Exhibit G to the Rial/Toye Motion)	Is inadmissible opinion testimony in violation of TEX. R. EVID. 701 and contains unsubstantiated opinions or unilateral subjective determinations of facts/statements that cannot be readily controverted by opposing parties. Also, is inadmissible hearsay. TEX. R. EVID. 801-802.	<input type="checkbox"/> Sustained / Evidence Stricken  <input type="checkbox"/> Overruled
Paragraph 9 of the Affidavit of Whitney Falba (which is Exhibit G to the Rial/Toye Motion)	Is inadmissible opinion testimony in violation of TEX. R. EVID. 701 and contains unsubstantiated opinions or unilateral subjective determinations of facts/statements that cannot be readily controverted by opposing parties. Also, is inadmissible hearsay. TEX. R. EVID. 801-802.	<input type="checkbox"/> Sustained / Evidence Stricken  <input type="checkbox"/> Overruled
Paragraph 10 of the Affidavit of Whitney Falba (which is Exhibit G to the Rial/Toye Motion)	Is inadmissible opinion testimony in violation of TEX. R. EVID. 701 and contains unsubstantiated opinions or unilateral subjective determinations of facts/statements that cannot be readily controverted by opposing parties. Also, is inadmissible hearsay. TEX. R. EVID. 801-802.	<input type="checkbox"/> Sustained / Evidence Stricken  <input type="checkbox"/> Overruled



### 8. Exhibit H to the Rial/Toye Motion: Affidavit of Neysha Perry

Affidavit Statements/Paragraph	Objections	Court's Ruling on Objection
Affidavit of Neysha Perry (which is Exhibit H to the Rial/Toye Motion)	The entire exhibit constitutes inadmissible character evidence offered to prove action in accordance with that character or trait. TEX. R. EVID. 404.	<input type="checkbox"/> Sustained / Evidence Stricken <input type="checkbox"/> Overruled
Paragraph 3 of the Affidavit of Neysha Perry (which is Exhibit H to the Rial/Toye Motion)	Is inadmissible opinion testimony in violation of TEX. R. EVID. 701 and contains unsubstantiated opinions or unilateral subjective determinations of facts/statements that cannot be readily controverted by opposing parties.	<input type="checkbox"/> Sustained / Evidence Stricken <input type="checkbox"/> Overruled
Paragraph 4 of the Affidavit of Neysha Perry (which is Exhibit H to the Rial/Toye Motion)	Is inadmissible opinion testimony in violation of TEX. R. EVID. 701 and contains unsubstantiated opinions or unilateral subjective determinations of facts/statements that cannot be readily controverted by opposing parties. Also, is inadmissible hearsay. TEX. R. EVID. 801-802.	<input type="checkbox"/> Sustained / Evidence Stricken <input type="checkbox"/> Overruled
Paragraph 5 of the Affidavit of Neysha Perry (which is Exhibit H to the Rial/Toye Motion)	Is inadmissible hearsay. TEX. R. EVID. 801-802.	<input type="checkbox"/> Sustained / Evidence Stricken <input type="checkbox"/> Overruled

### 9. Exhibit J to the Rial/Toye Motion: Affidavit of Adam Sheehan

Affidavit Statements/Paragraph	Objections	Court's Ruling on Objection
Affidavit of Adam Sheehan (which is Exhibit J to the Rial/Toye Motion)	The entire exhibit constitutes inadmissible character evidence offered to prove action in accordance with that character or trait. TEX. R. EVID. 404.	<input type="checkbox"/> Sustained / Evidence Stricken <input type="checkbox"/> Overruled

Affidavit Statements/Paragraph	Objections	Court's Ruling on Objection
Paragraph 4 of the Affidavit of Adam Sheehan (which is Exhibit J to the Rial/Toye Motion)	Is inadmissible opinion testimony in violation of TEX. R. EVID. 701 and contains unsubstantiated opinions or unilateral subjective determinations of facts/statements that cannot be readily controverted by opposing parties. Also, is inadmissible hearsay. TEX. R. EVID. 801-802.	<p>___ Sustained / Evidence Stricken</p> <p>___ Overruled</p>
Paragraph 5 of the Affidavit of Adam Sheehan (which is Exhibit J to the Rial/Toye Motion)	In this paragraph, the affiant is making legal conclusions regarding questions of law. <u>Greater Houston Transportation Co. v. Phillips</u> , 801 S.W.2d 523, 525 (Tex. 1990) (the existence of a duty, imposed by the relationship between employer and employee or independent contractor and contractee is a question of law); <u>Boyd v. Texas Christian University, Inc.</u> , 8 S.W.3d 758, 760 (Tex. App.—Fort Worth 1999, no pet.) (whether such a duty exists is a threshold question of law). Affiant cannot opine on these questions of law. TEX. R. EVID. 701; <i>see also</i> <u>Puente v. A.S.I. Signs</u> , 821 S.W.2d 400, 402 (Tex. App.—Corpus Christi 1991, writ denied) (an expert is not permitted to give an opinion or state a legal conclusion regarding a question of law)	<p>___ Sustained / Evidence Stricken</p> <p>___ Overruled</p>
Paragraph 6 of the Affidavit of Adam Sheehan (which is Exhibit J to the Rial/Toye Motion)	Is inadmissible hearsay. TEX. R. EVID. 801-802	<p>___ Sustained / Evidence Stricken</p> <p>___ Overruled</p>

Affidavit Statements/Paragraph	Objections	Court's Ruling on Objection
Paragraph 7 of the Affidavit of Adam Sheehan (which is Exhibit J to the Rial/Toye Motion)	Is inadmissible opinion testimony in violation of TEX. R. EVID. 701 and contains unsubstantiated opinions or unilateral subjective determinations of facts/statements that cannot be readily controverted by opposing parties. Also, is inadmissible hearsay. TEX. R. EVID. 801-802.	<p>___ Sustained / Evidence Stricken</p> <p>___ Overruled</p>
Paragraph 8 of the Affidavit of Adam Sheehan (which is Exhibit J to the Rial/Toye Motion)	Is inadmissible opinion testimony in violation of TEX. R. EVID. 701 and contains unsubstantiated opinions or unilateral subjective determinations of facts/statements that cannot be readily controverted by opposing parties. Also, is inadmissible hearsay. TEX. R. EVID. 801-802.	<p>___ Sustained / Evidence Stricken</p> <p>___ Overruled</p>
Paragraph 10 of the Affidavit of Adam Sheehan (which is Exhibit J to the Rial/Toye Motion)	Is inadmissible opinion testimony in violation of TEX. R. EVID. 701 and contains unsubstantiated opinions or unilateral subjective determinations of facts/statements that cannot be readily controverted by opposing parties. Also, is inadmissible hearsay. TEX. R. EVID. 801-802.	<p>___ Sustained / Evidence Stricken</p> <p>___ Overruled</p>
Paragraph 11 of the Affidavit of Adam Sheehan (which is Exhibit J to the Rial/Toye Motion)	Is inadmissible opinion testimony in violation of TEX. R. EVID. 701 and contains unsubstantiated opinions or unilateral subjective determinations of facts/statements that cannot be readily controverted by opposing parties.	<p>___ Sustained / Evidence Stricken</p> <p>___ Overruled</p>

# **10. Exhibit K to Rial/Toye Motion: Affidavit of Kelly Loftus**

Affidavit Statements/Paragraph	Objections	Court's Ruling on Objection
Affidavit of Kelly Loftus (which is Exhibit K to the Rial/Toye Motion)	The entire exhibit constitutes inadmissible character evidence offered to prove action in accordance with that character or trait. TEX. R. EVID. 404.	<p>___ Sustained / Evidence Stricken</p> <p>___ Overruled</p>
Paragraph 3 of the Affidavit of Kelly Loftus (which is Exhibit K to the Rial/Toye Motion)	Is inadmissible opinion testimony in violation of TEX. R. EVID. 701 and contains unsubstantiated opinions or unilateral subjective determinations of facts/statements that cannot be readily controverted by opposing parties.	<p>___ Sustained / Evidence Stricken</p> <p>___ Overruled</p>
Paragraph 4 of the Affidavit of Kelly Loftus (which is Exhibit K to the Rial/Toye Motion)	Is inadmissible opinion testimony in violation of TEX. R. EVID. 701 and contains unsubstantiated opinions or unilateral subjective determinations of facts/statements that cannot be readily controverted by opposing parties.	<p>___ Sustained / Evidence Stricken</p> <p>___ Overruled</p>
Paragraph 5 of the Affidavit of Kelly Loftus (which is Exhibit K to the Rial/Toye Motion)	Is inadmissible opinion testimony in violation of TEX. R. EVID. 701 and contains unsubstantiated opinions or unilateral subjective determinations of facts/statements that cannot be readily controverted by opposing parties. Also, is inadmissible hearsay. TEX. R. EVID. 801-802.	<p>___ Sustained / Evidence Stricken</p> <p>___ Overruled</p>

Affidavit Statements/Paragraph	Objections	Court's Ruling on Objection
Paragraph 6 of the Affidavit of Kelly Loftus (which is Exhibit K to the Rial/Toye Motion)	Is inadmissible opinion testimony in violation of TEX. R. EVID. 701 and contains unsubstantiated opinions or unilateral subjective determinations of facts/statements that cannot be readily controverted by opposing parties. Also, is inadmissible hearsay. TEX. R. EVID. 801-802.	<input type="checkbox"/> Sustained / Evidence Stricken <input type="checkbox"/> Overruled
Paragraph 7 of the Affidavit of Kelly Loftus (which is Exhibit K to the Rial/Toye Motion)	Is inadmissible opinion testimony in violation of TEX. R. EVID. 701 and contains unsubstantiated opinions or unilateral subjective determinations of facts/statements that cannot be readily controverted by opposing parties. Also, is inadmissible hearsay. TEX. R. EVID. 801-802.	<input type="checkbox"/> Sustained / Evidence Stricken <input type="checkbox"/> Overruled

#### 11. Exhibit L to the Rial/Toye Motion: Affidavit of Michelle Specht

Affidavit Statements/Paragraph	Objections	Court's Ruling on Objection
Affidavit of Michelle Specht (which is Exhibit L to the Rial/Toye Motion)	The entire exhibit contains irrelevant testimony and constitutes inadmissible character evidence offered to prove action in accordance with that character or trait. TEX. R. EVID. 401-402, 404.	<input type="checkbox"/> Sustained / Evidence Stricken <input type="checkbox"/> Overruled

#### 12. Exhibit M to the Rial/Toye Motion: Affidavit of John Prager

Affidavit Statements/Paragraph	Objections	Court's Ruling on Objection
Affidavit of John Prager (which is Exhibit M to the Rial/Toye Motion)	The entire exhibit constitutes inadmissible character evidence offered to prove action in accordance with that character or trait. TEX. R. EVID. 404.	<input type="checkbox"/> Sustained / Evidence Stricken <input type="checkbox"/> Overruled

<b>Affidavit Statements/Paragraph</b>	<b>Objections</b>	<b>Court's Ruling on Objection</b>
Paragraph 3 of the Affidavit of John Prager (which is Exhibit M to the Rial/Toye Motion)	Is inadmissible opinion testimony in violation of TEX. R. EVID. 701 and contains unsubstantiated opinions or unilateral subjective determinations of facts/statements that cannot be readily controverted by opposing parties. Also, is inadmissible hearsay. TEX. R. EVID. 801-802.	<input type="checkbox"/> Sustained / Evidence Stricken <input type="checkbox"/> Overruled
Paragraph 4 of the Affidavit of John Prager (which is Exhibit M to the Rial/Toye Motion)	Is inadmissible hearsay. TEX. R. EVID. 801-802.	<input type="checkbox"/> Sustained / Evidence Stricken <input type="checkbox"/> Overruled
Paragraph 5 of the Affidavit of John Prager (which is Exhibit M to the Rial/Toye Motion)	Is inadmissible opinion testimony in violation of TEX. R. EVID. 701 and contains unsubstantiated opinions or unilateral subjective determinations of facts/statements that cannot be readily controverted by opposing parties.	<input type="checkbox"/> Sustained / Evidence Stricken <input type="checkbox"/> Overruled
Paragraph 7 of the Affidavit of John Prager (which is Exhibit M to the Rial/Toye Motion)	Is inadmissible hearsay. TEX. R. EVID. 801-802.	<input type="checkbox"/> Sustained / Evidence Stricken <input type="checkbox"/> Overruled
Paragraph 9 of the Affidavit of John Prager (which is Exhibit M to the Rial/Toye Motion)	Is inadmissible opinion testimony in violation of TEX. R. EVID. 701 and contains unsubstantiated opinions or unilateral subjective determinations of facts/statements that cannot be readily controverted by opposing parties.	<input type="checkbox"/> Sustained / Evidence Stricken <input type="checkbox"/> Overruled

### 13. Exhibits Attached to Exhibit N to the Rial/Toye Motion:

<b>Affidavit Statements/Paragraph</b>	<b>Objections</b>	<b>Court's Ruling on Objection</b>
Exhibits attached to Exhibit N to the Rial/Toye Motion)	These exhibits are inadmissible hearsay. TEX. R. EVID. 801-802.	<input type="checkbox"/> Sustained / Evidence Stricken <input type="checkbox"/> Overruled

**14. Exhibits Attached to Exhibit O to the Rial/Toye Motion:**

<b>Affidavit Statements/Paragraph</b>	<b>Objections</b>	<b>Court's Ruling on Objection</b>
Exhibits attached to Exhibit O to the Rial/Toye Motion)	These exhibits are inadmissible hearsay. TEX. R. EVID. 801-802.	<input type="checkbox"/> Sustained / Evidence Stricken <input type="checkbox"/> Overruled

**15. Exhibit P to the Rial/Toye Motion: Affidavit of Sean Lemoine**

<b>Affidavit Statements/Paragraph</b>	<b>Objections</b>	<b>Court's Ruling on Objection</b>
The Affidavit of Sean Lemoine (which is Exhibit P to the Rial/Toye Motion).	Irrelevant. TEX. R. EVID. 401-402.	
Exhibits attached to Exhibit P to the Rial/Toye Motion)	These exhibits are inadmissible hearsay. TEX. R. EVID. 801-802.	<input type="checkbox"/> Sustained / Evidence Stricken <input type="checkbox"/> Overruled

**16. Exhibit Q: Timeline**

<b>Affidavit Statements/Paragraph</b>	<b>Objections</b>	<b>Court's Ruling on Objection</b>
Exhibit Q to the Rial/Toye Motion.	Is inadmissible opinion testimony in violation of TEX. R. EVID. 701 and contains unsubstantiated opinions or unilateral subjective determinations of facts/statements that cannot be readily controverted by opposing parties. Also, is inadmissible hearsay. TEX. R. EVID. 801-802.	<input type="checkbox"/> Sustained / Evidence Stricken <input type="checkbox"/> Overruled

### 17. Exhibit R to the Rial/Toye Motion: Affidavit of Monica Rial

Affidavit Statements/Paragraph	Objections	Court's Ruling on Objection
The Affidavit of Monica Rial (which is Exhibit R to the Rial/Toye Motion).	Is inadmissible opinion testimony in violation of TEX. R. EVID. 701 and contains unsubstantiated opinions or unilateral subjective determinations of facts/statements that cannot be readily controverted by opposing parties. Also, is inadmissible hearsay. TEX. R. EVID. 801-802.	<input type="checkbox"/> Sustained / Evidence Stricken <input type="checkbox"/> Overruled

### 18. Exhibit S

Affidavit Statements/Paragraph	Objections	Court's Ruling on Objection
Exhibit S to the Rial/Toye Motion.	Is inadmissible hearsay. TEX. R. EVID. 801-802.	<input type="checkbox"/> Sustained / Evidence Stricken <input type="checkbox"/> Overruled

## II. OBJECTIONS TO RIAL/TOYE SUPPLEMENT

### 1. Exhibit T to the Rial/Toye Supplement

Affidavit Statements/Paragraph	Objections	Court's Ruling on Objection
Exhibit T to the Rial/Toye Supplement.	The entire exhibit contains irrelevant testimony and constitutes inadmissible character evidence offered to prove action in accordance with that character or trait. TEX. R. EVID. 401-402, 404..	<input type="checkbox"/> Sustained / Evidence Stricken <input type="checkbox"/> Overruled
Paragraph 4 of Exhibit T to the Rial/Toye Motion Supplement.	Is inadmissible opinion testimony in violation of TEX. R. EVID. 701 and contains unsubstantiated opinions or unilateral subjective determinations of facts/statements that cannot be readily controverted by opposing parties.	<input type="checkbox"/> Sustained / Evidence Stricken <input type="checkbox"/> Overruled



Affidavit Statements/Paragraph	Objections	Court's Ruling on Objection
Paragraph 8 of Exhibit T to the Rial/Toye Motion Supplement.	Is inadmissible opinion testimony in violation of TEX. R. EVID. 701 and contains unsubstantiated opinions or unilateral subjective determinations of facts/statements that cannot be readily controverted by opposing parties.	<p>___ Sustained / Evidence Stricken</p> <p>___ Overruled</p>
Paragraph 9 of Exhibit T to the Rial/Toye Motion Supplement.	Is inadmissible opinion testimony in violation of TEX. R. EVID. 701 and contains unsubstantiated opinions or unilateral subjective determinations of facts/statements that cannot be readily controverted by opposing parties. Also, is inadmissible hearsay. TEX. R. EVID. 801-802.	<p>___ Sustained / Evidence Stricken</p> <p>___ Overruled</p>
Paragraph 10 of Exhibit T to the Rial/Toye Motion Supplement.	Is inadmissible opinion testimony in violation of TEX. R. EVID. 701 and contains unsubstantiated opinions or unilateral subjective determinations of facts/statements that cannot be readily controverted by opposing parties. Also, is inadmissible hearsay. TEX. R. EVID. 801-802.	<p>___ Sustained / Evidence Stricken</p> <p>___ Overruled</p>
Paragraph 12 of Exhibit T to the Rial/Toye Motion Supplement.	Is inadmissible opinion testimony in violation of TEX. R. EVID. 701 and contains unsubstantiated opinions or unilateral subjective determinations of facts/statements that cannot be readily controverted by opposing parties.	<p>___ Sustained / Evidence Stricken</p> <p>___ Overruled</p>

Affidavit Statements/Paragraph	Objections	Court's Ruling on Objection
Paragraph 13 of Exhibit T to the Rial/Toye Motion Supplement.	Is inadmissible opinion testimony in violation of TEX. R. EVID. 701 and contains unsubstantiated opinions or unilateral subjective determinations of facts/statements that cannot be readily controverted by opposing parties.	<p>___ Sustained / Evidence Stricken</p> <p>___ Overruled</p>
Paragraph 16 of Exhibit T to the Rial/Toye Motion Supplement.	Is inadmissible opinion testimony in violation of TEX. R. EVID. 701 and contains unsubstantiated opinions or unilateral subjective determinations of facts/statements that cannot be readily controverted by opposing parties.	<p>___ Sustained / Evidence Stricken</p> <p>___ Overruled</p>
Paragraph 17 of Exhibit T to the Rial/Toye Motion Supplement.	Is inadmissible opinion testimony in violation of TEX. R. EVID. 701 and contains unsubstantiated opinions or unilateral subjective determinations of facts/statements that cannot be readily controverted by opposing parties.	<p>___ Sustained / Evidence Stricken</p> <p>___ Overruled</p>
Paragraph 18 of Exhibit T to the Rial/Toye Motion Supplement.	Is inadmissible opinion testimony in violation of TEX. R. EVID. 701 and contains unsubstantiated opinions or unilateral subjective determinations of facts/statements that cannot be readily controverted by opposing parties.	<p>___ Sustained / Evidence Stricken</p> <p>___ Overruled</p>

## 2. Exhibit U to the Rial/Toye Supplement

Affidavit Statements/Paragraph	Objections	Court's Ruling on Objection
Exhibit U to the Rial/Toye Supplement.	The entire exhibit contains irrelevant testimony and constitutes inadmissible character evidence offered to prove action in accordance with that character or trait. TEX. R. EVID. 401-402, 404.	<p>___ Sustained / Evidence Stricken</p> <p>___ Overruled</p>
Paragraph 4 of Exhibit U to the Rial/Toye Motion Supplement.	Is inadmissible opinion testimony in violation of TEX. R. EVID. 701 and contains unsubstantiated opinions or unilateral subjective determinations of facts/statements that cannot be readily controverted by opposing parties.	<p>___ Sustained / Evidence Stricken</p> <p>___ Overruled</p>
Paragraph 8 of Exhibit U to the Rial/Toye Motion Supplement.	Is inadmissible opinion testimony in violation of TEX. R. EVID. 701 and contains unsubstantiated opinions or unilateral subjective determinations of facts/statements that cannot be readily controverted by opposing parties.	<p>___ Sustained / Evidence Stricken</p> <p>___ Overruled</p>
Paragraph 9 of Exhibit U to the Rial/Toye Motion Supplement.	Is inadmissible opinion testimony in violation of TEX. R. EVID. 701 and contains unsubstantiated opinions or unilateral subjective determinations of facts/statements that cannot be readily controverted by opposing parties. Also, is inadmissible hearsay. TEX. R. EVID. 801-802.	<p>___ Sustained / Evidence Stricken</p> <p>___ Overruled</p>

Affidavit Statements/Paragraph	Objections	Court's Ruling on Objection
Paragraph 10 of Exhibit U to the Rial/Toye Motion Supplement.	Is inadmissible opinion testimony in violation of TEX. R. EVID. 701 and contains unsubstantiated opinions or unilateral subjective determinations of facts/statements that cannot be readily controverted by opposing parties. Also, is inadmissible hearsay. TEX. R. EVID. 801-802.	<p>___ Sustained / Evidence Stricken</p> <p>___ Overruled</p>
Paragraph 12 of Exhibit U to the Rial/Toye Motion Supplement.	Is inadmissible opinion testimony in violation of TEX. R. EVID. 701 and contains unsubstantiated opinions or unilateral subjective determinations of facts/statements that cannot be readily controverted by opposing parties.	<p>___ Sustained / Evidence Stricken</p> <p>___ Overruled</p>
Paragraph 13 of Exhibit U to the Rial/Toye Motion Supplement.	Is inadmissible opinion testimony in violation of TEX. R. EVID. 701 and contains unsubstantiated opinions or unilateral subjective determinations of facts/statements that cannot be readily controverted by opposing parties.	<p>___ Sustained / Evidence Stricken</p> <p>___ Overruled</p>
Paragraph 16 of Exhibit U to the Rial/Toye Motion Supplement.	Is inadmissible opinion testimony in violation of TEX. R. EVID. 701 and contains unsubstantiated opinions or unilateral subjective determinations of facts/statements that cannot be readily controverted by opposing parties.	<p>___ Sustained / Evidence Stricken</p> <p>___ Overruled</p>

Affidavit Statements/Paragraph	Objections	Court's Ruling on Objection
Paragraph 17 of Exhibit U to the Rial/Toye Motion Supplement.	Is inadmissible opinion testimony in violation of TEX. R. EVID. 701 and contains unsubstantiated opinions or unilateral subjective determinations of facts/statements that cannot be readily controverted by opposing parties.	<p>___ Sustained / Evidence Stricken</p> <p>___ Overruled</p>
Paragraph 18 of Exhibit U to the Rial/Toye Motion Supplement.	Is inadmissible opinion testimony in violation of TEX. R. EVID. 701 and contains unsubstantiated opinions or unilateral subjective determinations of facts/statements that cannot be readily controverted by opposing parties.	<p>___ Sustained / Evidence Stricken</p> <p>___ Overruled</p>

### III. OBJECTIONS TO THE FUNIMATION SUPPLEMENTAL BRIEF

#### 1. Exhibit D to the Funimation Supplemental Brief

Affidavit Statements/Paragraph	Objections	Court's Ruling on Objection
Exhibit D to the Funimation Supplemental Brief.	The affiant makes legal conclusions regarding questions of law. <u>Phillips</u> , 801 S.W.2d at 525 (the existence of a duty, imposed by the relationship between employer and employee or independent contractor and contractee is a question of law); <u>Boyd</u> , 8 S.W.3d at 760 (whether such a duty exists is a threshold question of law). Affiant cannot opine on these questions of law. TEX. R. EVID. 701; <i>see also</i> <u>Puente</u> , 821 S.W.2d at 402 (an expert is not permitted to give an opinion or state a legal conclusion regarding a question of law).	<p>___ Sustained / Evidence Stricken</p> <p>___ Overruled</p>

#### IV. OBJECTIONS TO THE FUNIMATION SUPPLEMENTAL EVIDENCE

##### 1. Exhibit 1 to the Funimation Supplemental Evidence

Affidavit Statements/Paragraph	Objections	Court's Ruling on Objection
Paragraph 3 of Exhibit 1 to the Funimation Supplemental Evidence.	Inadmissible hearsay. TEX. R. EVID. 801-802	<input type="checkbox"/> Sustained / Evidence Stricken <input type="checkbox"/> Overruled
Paragraph 4 of Exhibit 1 to the Funimation Supplemental Evidence.	Lay testimony making legal conclusions. TEX. R. EVID. 701; <i>see Limon v. State</i> , 340 S.W.3d 753, 757 (Tex. Crim. App. 2011) (determinations of actual and apparent authority are reviewed as mixed questions of law and fact); <i>Phillips</i> , 801 S.W.2d at 525 (the existence of a duty, imposed by the relationship between employer and employee or independent contractor and contractee is a question of law); <i>Boyd</i> , 8 S.W.3d at 760 (whether such a duty exists is a threshold question of law); <i>Puente</i> , 821 S.W.2d at 402 (an expert is not permitted to give an opinion or state a legal conclusion regarding a question of law); <i>Goode v. Mazy</i> , 923 S.W.2d 746, 749 (Tex. App. – Tyler 1996, no writ) (“The affidavit must set forth facts, not legal conclusions.”).	<input type="checkbox"/> Sustained / Evidence Stricken <input type="checkbox"/> Overruled

##### 2. Exhibit 2 to the Funimation Supplemental Evidence

Affidavit Statements/Paragraph	Objections	Court's Ruling on Objection
Paragraph 3 of Exhibit 2 to the Funimation Supplemental Evidence.	Inadmissible hearsay. TEX. R. EVID. 801-802	<input type="checkbox"/> Sustained / Evidence Stricken <input type="checkbox"/> Overruled
Paragraph 4 of Exhibit 2 to the Funimation Supplemental Evidence.	Inadmissible hearsay. TEX. R. EVID. 801-802. Precluded by the best evidence rule. TEX. R. EVID. 1004.	<input type="checkbox"/> Sustained / Evidence Stricken <input type="checkbox"/> Overruled
Paragraph 5 of Exhibit 2 to the Funimation Supplemental Evidence.	Inadmissible hearsay. TEX. R. EVID. 801-802. Precluded by the best evidence rule. TEX. R. EVID. 1004.	<input type="checkbox"/> Sustained / Evidence Stricken <input type="checkbox"/> Overruled
Paragraph 6 of Exhibit 2, and Exhibits D-W of Exhibit 2, to the Funimation Supplemental Evidence.	Exhibits D-W are not properly authenticated and constitute inadmissible hearsay. TEX. R. EVID. 104, 801-802, 901; <i>see Tienda v. State</i> , 358 S.W.3d 633, 640-42 (Tex. Crim. App. 2012) (proof of authorship or composition or proof of a business record is required).	<input type="checkbox"/> Sustained / Evidence Stricken <input type="checkbox"/> Overruled

SIGNED: \_\_\_\_\_, 2019.

\_\_\_\_\_  
JUDGE PRESIDING