

NO. 02-19-00394-CV

**In the Court of Appeals  
Second Judicial District  
Fort Worth, Texas**

VICTOR MIGNOGNA, Appellant,

v.

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

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**UNOPPOSED MOTION FOR EXTENSION OF TIME  
TO FILE APPELLANT'S BRIEF**

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*Attorneys for Appellant*

## **Summary of Motion & Requested Relief**

Victor Mignogna (“Vic” or “Appellant”) requests that the Court grant an extension of the time to file his Appellant’s brief to February 18, 2020. This is Appellant’s first request for an extension of time to file his brief.

## **Factual & Procedural Background**

Appellant filed his notice of appeal on October 24, 2019. The Clerk’s Record was initially filed on November 15, 2019 and supplemented on November 26, 2019 and December 5, 2019. The Reporter’s Record was filed on January 6, 2020. On January 7, 2020, the Court of Appeals notified Appellant’s counsel that Appellant’s brief was due January 27, 2020.

## **Argument & Authorities**

The Court of Appeals may extend the time for filing a brief. TEX. R. APP. P. 38.6(d). Appellate courts inquire whether there is a reasonable explanation for the requested extension. In re J.I., 156 S.W.3d 651, 652 (Tex. App.—Fort Worth 2005, no pet.). Here, the attention of Appellant’s counsel has been required in multiple other matters pre-dating the Court’s January 7, 2020 notice, for example: discovery in Cause No. 2018-344, *Hubbard v. Kilaru, et al*, in the 402<sup>nd</sup> District Court of Wood County and Cause No. 417-01428-2019, *ABS Telecom, LLC v. Peoples Telephone Cooperative, Inc.*, in the 417<sup>th</sup> District Court of Collin County; a court-ordered scheduling conference in No. 6:19-cv-58, *Swanson v. Shannon Clinic, et al*, in the United States District Court for the Northern District of Texas, San Angelo Division; a

hearing in Cause No. 44215P, *Estate of Alberta Marie Owen, Dec'd*, in the County Court of Smith County; and a multi-million dollar transaction involving filings with the Federal Trade Commission and the Department of Justice.

Appellant's counsel need more time to prepare and file Appellant's brief and request an extension of the filing deadline to February 18, 2020.<sup>1</sup> Since Appellees' briefs are not due until after Appellant's brief is filed, there is no material injury to Appellees by the Court granting this extension. Moreover, Appellees do not oppose this motion.

### Prayer

ACCORDINGLY, Appellant respectfully requests that the Court of Appeals grant this motion, order that Appellant's brief is due February 18, 2020, and grant him such other and further relief to which he is justly or equitably entitled.

Respectfully submitted,  
BEARD ♦ HARRIS ♦ BULLOCK ♦ CHRISTIE and  
MARTINEZ HSU, P.C.

By: /s/ Jim E. Bullock

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<sup>1</sup> Twenty days after January 27, 2020 is February 16, 2020 which is a Sunday, and the next day, February 17, 2020, is a holiday (*i.e.*, President's Day). The next day that is not a Saturday, Sunday, or legal holiday, is Tuesday, February 18, 2020. *See* TEX. R. APP. P. 4.1(a).

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### **Certificate of Conference**

The undersigned certifies that, on January 24, 2020, he conferred via email with:

(a) John Volney of LYNN PINKER COX & HURST, LLP, Appellee Funimation Productions, LLC's lead counsel, who confirmed that Appellee Funimation Productions, LLC does not oppose the relief requested herein;

(b) Samuel Johnson of JOHNSON & SPARKS, PLLC, Appellee Jamie Marchi's lead counsel, who confirmed that Appellee Jamie Marchi does not oppose the relief requested herein; and

(c) Sean Lemoine of WICK PHILLIPS GOULD & MARTIN, LLP, Appellees Monica Rial's and Ronald Toye's lead counsel, who confirmed that Appellees Monica Rial and Ronald Toye do not oppose the relief requested herein.

Dated: January 27, 2020

/s/ Jim E. Bullock  
Attorney Certifying

### **Certificate of Service**

The undersigned certifies that, on this day, a copy of the foregoing and the Appendix attached hereto was served in accordance with Texas Rules of Appellate Procedure 6.3 and 9.5, electronically via efile.txcourts.gov to:

(a) Appellee Funimation Productions, LLC, by and through counsel of record, John Volney and Christian Orozco of LYNN PINKER COX & HURST, LLP;

(b) Appellee Jamie Marchi, by and through counsel of record Samuel Johnson of JOHNSON & SPARKS, PLLC; and

(c) Appellees Monica Rial and Ronald Toye, by and through counsel of record Sean Lemoine of WICK PHILLIPS GOULD & MARTIN, LLP, Casey Erick of COWLES & THOMPSON, P.C., and Andrea Perez of CARRINGTON, COLEMAN, SLOMAN & BLUMENTHAL, LLP.

Dated: January 27, 2020

Jim E. Bullock  
Attorney Certifying