

NO. 02-19-00394-CV

IN THE COURT OF APPEALS
FOR THE SECOND APPELLATE DISTRICT OF TEXAS AT FORT WORTH
FILED

VICTOR MIGNOGNA
Appellant/Cross-Appellee

COURT OF APPEALS
SECOND DISTRICT OF TEXAS

March 6, 2020 5:02 PM

v.

DEBRA SPISAK, CLERK

FUNIMATION PRODUCTIONS, LLC, JAMIE MARCHI, MONICA RIAL,
AND RONALD TOYE
Appellees/Cross-Appellants

FROM 141ST DISTRICT COURT
TARRANT COUNTY, TEXAS
CAUSE NO. 141-307474-19

**APPELLEES/CROSS-APPELLANTS'
UNOPPOSED MOTION TO ENLARGE TIME TO FILE BRIEFS**

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CROSS-APPELLANTS**

UNOPPOSED MOTION TO ENLARGE TIME TO FILE
OPENING BRIEF AND RESPONSE BRIEF

Appellees/Cross-Appellants in the above-styled and numbered appellate proceeding hereby file this Unopposed Motion to Enlarge Time to File their Opening Brief and Response to Appellant's Opening Brief ("Motion"), and for same would show as follows:

SUMMARY OF MOTION & REQUESTED RELIEF

1. Appellees/Cross-Appellants Monica Rial ("Rial") and Ronald Toye ("Toye") (together, "Appellees/Cross-Appellants") respectfully request that the Court grant an extension of time to March 31, 2020, to file both their (1) Opening Brief and (2) Response to Appellant Victor Mignogna's ("Appellant/Cross-Appellee") Opening Brief. This is Appellees/Cross-Appellants' second request for an extension of time to file their brief. The requested relief is unopposed.

CROSS-APPELLANTS' UNOPPOSED MOTION TO ENLARGE TIME TO
FILE OPENING AND RESPONSE BRIEFS

2. The matter from which this cross appeal is sought was pending in the 141st Judicial District Court, Tarrant County, Texas.

3. Appellant/Cross-Appellee filed his Notice of Appeal on or about October 24, 2019, before the trial court entered a Final Judgment.

4. The cross appeal is taken from the trial court's November 25, 2019 Order, in which the trial court awarded attorneys' fees and sanctions to Cross-

Appellants in the amount of \$100,000.00 without considering evidence of time and labor supporting a higher award.

5. Cross-Appellants filed their cross notice of appeal on December 13, 2019.

6. Appellant/Cross-Appellee's deadline to file his Opening Brief was originally set for January 27, 2020. This Court then granted Appellant/Cross-Appellee's unopposed motion to enlarge time, extending the deadline to file his Opening Brief to February 18, 2020.

7. Appellant/Cross-Appellee then filed, and this Court granted, his second unopposed motion to enlarge time, extending the deadline to file his Opening Brief to February 19, 2020.

8. Appellees/Cross-Appellants filed, and this Court granted, their unopposed motion to extend the deadline to file their Opening Brief and to respond to Appellant/Cross-Appellee's Opening Brief—on or about March 19, 2020.

9. After Appellant/Cross-Appellee filed his Opening Brief on February 19, however, the Court sent a notice to the Parties indicating that Appellees' briefs were all due on March 10, 2020, which created uncertainty regarding Rial and Toye's deadlines.

10. Regardless, on February 26, 2020, this Court granted Appellee Funimation Productions, LLC's unopposed motion to enlarge time to file its brief to March 31, 2020. Thereafter, on March 2, 2020, this Court granted Appellee Jamie

Marchi's unopposed motion to enlarge time to file her response brief to March 31, 2020.

11. Therefore, to avoid any confusion and ensure consistency, Appellees/Cross-Appellants respectfully request that this Court grant them an extension and enter an order extending the deadline to file both their Opening Brief and Response Brief to March 31, 2020.

CERTIFICATE OF CONFERENCE

12. On February 28, 2020, the undersigned, via electronic mail, conferenced with counsel for Appellant/Cross-Appellee regarding the merits of this Motion. Specifically, counsel for Appellees informed Appellant's counsel that they would ask the Court to enter an order extending Appellees/Cross-Appellants' deadline to file their Opening Brief and Response Brief to March 31, 2020. Counsel for Appellant/Cross-Appellee's responded that he was not opposed to the requested extension. Therefore, this Motion is presented to the Court as unopposed.

WHEREFORE, Appellees/Cross-Appellants pray that this Court enter an order enlarging the time to March 31, 2020, in which they may file their Opening Brief and Response to Appellant/Cross-Appellee's Opening Brief, and for such other relief to which they may be entitled.

Respectfully submitted,

/s/ Rusty J. O'Kane

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CERTIFICATE OF SERVICE

I hereby certify that on March 6, 2020, a true and correct copy of the foregoing document was served on counsel of record for all parties through the Court's e-filing system.

/s/ Rusty J. O'Kane

Rusty J. O'Kane