

CAUSE NO. 141-307474-19

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

**FUNIMATION PRODUCTIONS, LLC'S SUPPLEMENTAL
BRIEF IN SUPPORT OF ITS TCPA MOTION**

Defendant Funimation Productions, LLC supplements its Motion to Dismiss Under the TCPA, filed on July 1, 2019, as follows:

SUPPLEMENTAL ARGUMENT AND EVIDENCE

1. Funimation adopts by reference the arguments made and evidence submitted in support of the TCPA Motions filed by Defendants Monica Rial and Ron Toye and by Defendant Jamie Marchi on July 19, 2019. Specifically, the evidence submitted by Rial, Toye and Marchi further establishes that Vic Mignogna is a public figure and that Funimation's February 11, 2019 tweets concerning "the Vic Mignogna situation" were about a matter of public concern and were a clear exercise of Funimation's freedom of speech and freedom of association, thus further showing that the TCPA requires dismissal of Plaintiff's claims against Funimation. Tex. Civ. Prac. & Rem. Code. § 27.005(b).

2. The evidence submitted by Rial, Toye and Marchi also shows that Vic Mignogna is libel-proof. Under Texas Civil Practice & Remedies Code § 27.005(d), the Court should dismiss a lawsuit if the moving party establishes by a preponderance of the evidence each essential element

of a valid defense to the nonmovant's claim. Here, Funimation pleaded the affirmative defense that Mignogna is libel-proof. *See Bui Phu Xian v. Fort Worth Star Telegram*, No. 2-06-206-CV, 2007 WL 530078 (Tex.App.–Fort Worth Feb. 22, 2007, rev. denied); *Swate v. Schiffers*, 975 S.W.2d 70, 74–75 (Tex. App.–San Antonio 1998, pet. denied). Because the evidence submitted by Rial, Toye and Marchi proves that Mr. Mignogna is libel-proof, Funimation is entitled to dismissal of Mignogna's claims pursuant to Texas Civil Practice & Remedies Code § 27.005(d).

3. Funimation also supplements the record with excerpts from the deposition of Vic Mignogna that show that Mignogna was investigated before he was terminated by Funimation and that Mignogna is a public figure.¹ In his deposition, Mignogna testified at length about his interaction with Sony Pictures Entertainment employee Tammi Denbow in her investigation of allegations of misconduct against him. *See Exhibit A* at 113:4-114:6, 116:2-117:24, 265:21-269:5. Mignogna also testified about his termination by Funimation. *Id.* at 133:14-135:2, 273:3-274:7. Mignogna also admitted in his deposition that there have long been public allegations against him of inappropriate conduct at anime conventions and that there was an ongoing public uproar regarding his alleged inappropriate behavior when Funimation published its February 11, 2019, tweets about its decision to terminate its business relationship with Mignogna. *Id.* at 100:5-23, 140:6-12, 200:6-201:25, 205:14-206:6, 226:22-229:10, 274:22-276:19. This evidence is further proof that Mignogna is a public figure and that Funimation's tweets were about a matter of public concern for the purpose of the Court's analysis of Funimation's TCPA motion. *See* Funimation's TCPA Motion at pps. 9-15 (discussing TCPA's application to statements about public figures and the actual malice requirement of defamation claims involving public figures).

¹ Mignogna has asked the Court to strike certain statements made in the affidavits submitted by Funimation about Tammi Denbow's investigation of him, about his termination by Funimation, and about his own notoriety and fame, even though these matters are admitted in his amended petition. Mignogna's testimony is offered here to show that there is no legitimate reason for Mignogna to quibble over these undisputed facts.

4. Last, Funimation supplements the record with excerpts from the depositions of Monica Rial and Ron Toye and with a declaration from Jamie Marchi. This evidence further proves Rial, Toye and Rial are not agents or employees of Funimation such that Funimation could be held vicariously liable for any of their public statements related to Mignogna. Ms. Rial testified at her deposition that she works for Funimation on a contract basis and does not represent Funimation. See Exhibit B at 23:21-25:2, 28:11-13, 48:16-21. Toye testified that he is a loan officer at a mortgage company and is not an employee of Funimation. See Exhibit C at 35:8-23, 51:5-52:5, 139:23-140:1. Ms. Marchi declares that she is not an employee or agent of Funimation and that Funimation has no access to, control of, or the right to access or control any of her social media accounts. See Exhibit D. Accordingly, there is no legal or factual basis for Mignogna's effort to hold Funimation vicariously liable for the conduct of Rial, Toye or Marchi.

Dated: July 29, 2019

Respectfully Submitted,

/s/ John Volney

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CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and correct copy of foregoing has been served upon counsel of record via the court's e-filing service on July 29, 2019.

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EXHIBIT A

DEPOSITION OF VICTOR MIGNOGNA
June 26, 2019

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NO. 141-307474-19

VICTOR MIGNOGNA,)	IN THE DISTRICT COURT
)	
Plaintiff,)	
)	
VS.)	TARRANT COUNTY, TEXAS
)	
FUNIMATION PRODUCTIONS,)	
LLC, JAMIE MARCHI, MONICA)	
RIAL, and RONALD TOYE,)	
)	
Defendants.)	141st JUDICIAL DISTRICT

ORAL AND VIDEOTAPED DEPOSITION OF

VICTOR MIGNOGNA

JUNE 26, 2019

ORAL AND VIDEOTAPED DEPOSITION OF VICTOR MIGNOGNA,
produced as a witness at the instance of the DEFENDANTS,
and duly sworn, was taken in the above-styled and
numbered cause on June 26, 2019, from 10:05 a.m. to 5:39
p.m., before Claudia White, CSR in and for the State of
Texas, reported by machine shorthand, at the 141st
Judicial District Court, 100 North Calhoun Street, 1st
Floor, Fort Worth, Texas, pursuant to the Texas Rules of
Civil Procedure and the provisions stated on the record
or attached hereto.

Job No. 132281

CSI GLOBAL DEPOSITION SERVICES
972-719-5000

DEPOSITION OF VICTOR MIGNOGNA
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Ms. Monica Rial

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1 it your testimony that you basically sat silently for
2 the next couple of months until you finally decided to
3 sue somebody?

4 A. Pretty much.

5 Q. Can you think of instances in the last five,
6 six years where someone has impugned your reputation in
7 the voice acting community and you just walked away from
8 it and did nothing?

9 A. Certainly.

10 Q. Does that happen often?

11 A. There are always disgruntled fans and people
12 that are looking for attention in some way. I have
13 largely ignored it because attention is exactly what
14 they want, so I tend to ignore it. And it's never --
15 never been an issue. And -- and this time, this all
16 started, ironically, at the moment that the Dragon Ball
17 Broly movie that I was the main character in was
18 released, to the day. The day that it was released,
19 this was launched against me. And I didn't do anything
20 about it for a while, quite a while, thinking, well,
21 it's just the same old people trying to get some
22 attention. And then it just didn't -- it just didn't
23 abate, and so --

24 Q. And -- and what happened in -- when the Dragon
25 Ball movie was released in January of 2019?

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1 Q. Anybody ever told you Mr. Toye worked for
2 Funimation?

3 A. I can't recall that anyone has.

4 Q. Were you ever interviewed at any point in time
5 by Funimation with regard to allegations of improper
6 conduct by you?

7 A. I was contacted in mid-January, very shortly
8 after this -- the online social media stuff started, I
9 was contacted by someone at Funimation. Basically, it
10 was about a 20-second phone call where they basically
11 said, Someone from Sony would like to chat with you, can
12 you be available tomorrow at this time.

13 And so I said yes. And someone from Sony
14 contacted me and said that they had received some --
15 some incidents that they wanted to ask me about. And
16 that was the first I had heard of it.

17 Q. Okay. And that's the only time that -- that
18 you've ever dealt with any investigation --

19 A. Yes, sir.

20 Q. -- while at Sony?

21 A. Yes, sir.

22 Q. Does the name Tammi Denbow ring a bell to you?

23 A. Not off the top of my head, no, sir.

24 (Exhibit 24 marked.)

25 Q. (BY MR. LEMOINE) Let me show you what we've

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1 premarked as Exhibit 24.

2 Have you ever seen Exhibit 24 before?

3 A. Yes, sir.

4 Q. And what is Exhibit 24?

5 A. It was apparently an email that Sony sent to
6 me, and I replied.

7 Q. And starting at the top, page 1 of Exhibit 24,
8 victhewop, that's your email?

9 A. Yes, sir.

10 Q. And I assume the wop is a cute reference, in
11 fact, of your Italian heritage?

12 A. Yes, sir.

13 Q. And then it says: Forwarding confidential
14 discussion to Lisa --

15 A. She's laughing at my name. No, I'm just
16 kidding.

17 Q. -- to -- to Lisa Hansell. That's the lady that
18 was here earlier in the deposition?

19 A. I'm sorry. Yes.

20 Q. If you look at the top of Exhibit 24, are you
21 with me, on page 1, very top?

22 A. Oh, yes.

23 Q. This is you forwarding this communication to
24 Ms. Hansell?

25 A. Uh-huh.

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1 A. Yes, sir.

2 Q. The bottom of the page, Ms. Tanny -- Tammi
3 Denbow, does that refresh your recollection --

4 A. Yeah.

5 Q. -- of who she is?

6 A. Yeah, that's the woman you asked me about, yes.
7 Apparently, that's the name of the woman at Sony.

8 Q. Okay. So prior to January 25, 2019, you had
9 never met Ms. Denbow and didn't know who she was?

10 A. Not to my -- no, not to my recollection.

11 Q. All right. And January 25, 2019 is the first
12 time that you even knew that there was any kind of issue
13 --

14 A. Yes, sir.

15 Q. -- with your work?

16 All right. So did you have a conversation
17 with Ms. Denbow?

18 A. Yes. Yes, sir.

19 Q. Okay. What -- what do you recall of that
20 conversation?

21 A. She asked me about three incidents that had
22 come to their attention. The first one was a kiss with
23 a coworker at Funimation a few years earlier. One was
24 an interaction with Monica at a convention with a jelly
25 bean. And the third one was an incident that was

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1 reported to them of two twin ladies who I had met
2 several times at conventions and had invited to my room.

3 Q. Okay. So before I start asking you questions
4 --

5 MR. BEARD: Counsel, can we take a
6 30-second break?

7 MR. LEMOINE: Off the record.

8 THE VIDEOGRAPHER: We're going off the
9 record at 1:34.

10 (Break taken from 1:34 p.m. to 1:39 p.m.)

11 THE VIDEOGRAPHER: And we're back on the
12 record, the time is 1:39.

13 Q. (BY MR. LEMOINE) All right. So as I -- as I
14 recall your testimony, the three separate incidences
15 that Ms. Denbow wanted to discuss with you --

16 A. Yes.

17 Q. -- of those three, one of them is -- is Mrs.
18 Rial, correct?

19 A. Yes.

20 Q. The other two instances, are those women who
21 have publicly accused you of anything, meaning it's out
22 on -- they've given statements to magazines or otherwise
23 disclosed their names?

24 A. Not to my knowledge.

25 Q. All right. You know who these -- you know

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1 was -- it was, dare I say, kind of like a show. You
2 know, I mean, they're fans and they're all laughing and
3 thought it was funny.

4 **Q. And you understand that Mrs. Rial has accused**
5 **you of a far more serious incident than --**

6 A. I understand now.

7 **Q. But that was not relayed to you by Ms. Denbow?**

8 A. No, sir.

9 **Q. Did you have any more conversations with --**
10 **with Ms. Denbow after that initial conversation on**
11 **January 25th?**

12 A. I'm sorry, would you repeat the question,
13 please?

14 **Q. Yeah. Did you have any more conversations with**
15 **Ms. Denbow after January 25th?**

16 A. I -- I don't remember if it was her, but at the
17 end of that conversation, the first one, she said that
18 they would be in touch with me. And I don't remember
19 how much time went by, I don't think it was more than a
20 couple of days, and they called me and basic -- and
21 there was -- there was more than one person on the line,
22 and they said, We've reviewed the situation, and you're
23 being terminated from Funimation immediately.

24 **Q. And did that come as a shock to you?**

25 A. Yes, very much so.

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1 Q. Did they say anything about why, other than the
2 situation?

3 A. No. I -- I was -- I was a bit dumbfounded.

4 Q. And so there was no, We believe them and we
5 don't believe you, nothing like that?

6 A. No.

7 Q. Now, did you -- was it anything other than you
8 were terminated and that's it? When that phone call
9 ended, did you ask them why?

10 A. Bear with me, Sean.

11 Q. Sure.

12 A. It was -- it was rather a blow.

13 Q. Sure.

14 A. And I think I -- I think I said I've worked for
15 you for 20 years. I -- I can't believe, based on what
16 you asked me about, that this is an appropriate action
17 and that -- and I don't -- I don't remember them saying
18 much of anything in response. And they're like, all
19 right, bye. I mean, you know, I was a bit dumbfounded.
20 You know, you feel like you've been hit by a truck.

21 Q. Now, did you talk to anybody at Funimation
22 after this termination, talk to anybody about it?

23 A. Let me think. No.

24 Q. And so as far as you know, the -- the basis for
25 the termination was the three incidences that they

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1 **raised?**

2 A. That's all I was told about.

3 Q. Now, you would agree with me that Ms. Denbow
4 did tell you not to reach out to any of the individuals
5 and to talk to them, correct?

6 A. Yes.

7 Q. And -- and did you reach out to any of them
8 after -- after the fact?

9 A. Yes. I was terminated, why -- why in the
10 world -- why wouldn't I? Especially a woman that I'd
11 been -- thought I was friends with for 20 years. And,
12 in fact, all I reached out to do was to apologize and
13 ask her what it was that -- that -- that I -- that I
14 did.

15 MR. LEMOINE: I object as nonresponsive
16 after yes.

17 Q. (BY MR. LEMOINE) Did you reach out to the --
18 to the -- the twins?

19 A. Nope.

20 Q. Did you reach out to Ms. XXXXXXXXXX?

21 A. No.

22 MR. LEMOINE: Let's make sure we strike --
23 we take care of that.

24 Q. (BY MR. LEMOINE) Okay. And you sent an email
25 to Mrs. Rial, correct?

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1 Q. All right. And so after that, did -- did you
2 agree that it kind of became -- it went viral?

3 A. I suppose, yeah.

4 Q. Do you know why it went viral?

5 A. (Witness nods.)

6 Q. I mean, is there something about anything that
7 you've done over the past 20 years in the voice acting
8 community that would lend credence to people thinking
9 that maybe you were a sexual assaulter?

10 A. No. There are an awful lot of fans out there
11 who are really desperate for attention, and they often
12 like to talk about people to get it.

13 Q. And so your theory is that they make up stories
14 about you sexually assaulting them to get attention?

15 A. Absolutely.

16 Q. Wouldn't it be better to say 'I had sex with
17 Vic' to get attention, as opposed to say 'Vic assaulted
18 me'?

19 A. Oh, I'm sure, give it time, or if you haven't
20 seen it, I'm sure somebody out there would say that.

21 Q. But -- and that may or may not be true, right,
22 you've -- you have had sex with --

23 A. Consensually, yes.

24 Q. In fact, you've had sex with so many people
25 consensually, you're not sure what the number is. And

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1 and gossip online, and I knew that fans had questions
2 about it, and I wanted to dispel the rumors.

3 Q. All right. I'll show you what we're going to
4 mark as Exhibit 21.

5 (Exhibit 21 marked.)

6 Q. (BY MR. LEMOINE) I'll represent to you
7 Exhibit 21 is a post on the internet I pulled off, or
8 somebody pulled off, with a date of 4/20/2010,
9 references a Tekkoshococon rumor panel.

10 A. Which is in Pittsburgh. Tekkoshococon is in
11 Pittsburgh.

12 Q. All right. Does that one refresh your
13 recollection, that that's what the rumor panel that you
14 did was at the Tekkoshococon in Pittsburgh?

15 A. Yes, sir. I suppose, yes. I only did one, and
16 I didn't remember the panel -- the convention, and this
17 says Tekkoshococon, in which I know is a Pittsburgh
18 convention, so I can -- I'm going to assume that's --
19 that's the one.

20 Q. All right. Are you aware of any other voice
21 actors that have done rumor panels?

22 A. I don't know. There are hundreds of voice
23 actors do hundreds of panels at hundreds of conventions.
24 I don't know what their schedules are. I don't know
25 what they do.

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1 Q. Okay. So you've never heard of anybody doing a
2 rumor panel besides you?

3 A. I've never asked. I mean, I -- I've never
4 inquired. I don't know.

5 Q. And so the rumor panel is designed for you to
6 talk about rumors and address them; is that right?

7 A. Yes, sir.

8 Q. Okay.

9 A. Well, actually, if I may say so, it wasn't
10 designed to be that type of panel. It was a normal Q
11 and A session, and I ended up -- I think maybe somebody
12 even might have asked a question about something and I
13 answered it, and it kind of continued in a vein of,
14 you've heard this, or, you've heard this, and it became
15 that, but it wasn't, like, advertised that way.

16 Q. Do you recall that this rumor panel in
17 Tekkoshoccon addressed any issue of you being homophobic?

18 A. Yes, sir. It's outrageous.

19 Q. And that was -- and is that a rumor that has
20 kind of dogged you even after that rumor panel?

21 A. Yes, sir.

22 Q. And does -- that you're homophobic, does that
23 hurt your professional reputation?

24 A. Well, it certainly doesn't help it.

25 Q. And if you turn to page 2 --

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1 encourage it, don't respond. And so for the first
2 several days, I didn't respond, and -- and then this was
3 the first public response.

4 **Q. Now, you've kind of apologized in that letter**
5 **to people you've made feel uncomfortable.**

6 **Was there anybody in particular that you**
7 **were thinking or was that just more of a generic?**

8 A. No, it was generic. It -- it was the idea of
9 somebody that I might have hugged for a photo that
10 didn't say anything at the time, but, of course they
11 went home and posted about how they didn't approve --
12 appreciate it or something, and I apologized to those
13 people for not being sensitive to that.

14 **Q. Now, were there allegations floating around**
15 **after January 16, 2019 that you were a pedophile?**

16 A. Well, people have been throwing that word
17 around for, you know --

18 **Q. For -- for what?**

19 A. Well, just for a while.

20 **Q. About you?**

21 A. Yes.

22 **Q. For how long?**

23 A. I don't know.

24 **Q. I mean, when's the first time you can recall --**

25 A. I don't recall. Like I said, there are people

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1 out there that see me hugging someone for a photo in
2 front of 300 other people and 25 video cameras, it's
3 purely for the photo, and they -- and they decide
4 somehow that I'm a pedophile. There is no evidence of
5 that. There's no proof of it. There are no charges.
6 There are no convictions. It's just salacious.

7 Q. Have any of the Defendants, to your knowledge,
8 ever accused you of being a pedophile?

9 A. Not to my knowledge.

10 (Exhibit 15 marked.)

11 Q. (BY MR. LEMOINE) Let me show you what I've
12 marked as Exhibit 15.

13 A. Uh-huh.

14 Q. The second email, Exhibit 15, that is the
15 apology that you wrote, or the -- not the apology, but
16 the letter you wrote to Monica Rial on February 8th,
17 2019?

18 A. Yes, sir.

19 Q. And you -- did you have any -- anybody help you
20 draft this?

21 A. I bounced it off a couple of friends of mine
22 before I sent it.

23 Q. Who did you bounce it off of?

24 A. My friend Jeff Johnson.

25 Q. Anybody else?

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1 A. I'm sorry?

2 **Q. What have you heard about it?**

3 A. I have heard that it's just a repository for
4 garbage.

5 **Q. About who?**

6 A. Anybody. You. I mean, anybody. No one.
7 Anybody. Anything salacious, anything people desperate
8 to know about other people might want to read.

9 **Q. Right. I'm going to show you what we're going**
10 **to mark as Exhibit 25.**

11 **(Exhibit 25 marked.)**

12 **Q. (BY MR. LEMOINE) I'll represent to you that**
13 **Exhibit 25 represents a Google Docs repository that's**
14 **associated with prettyuglylittleliar.net. This**
15 **particular Google Doc was pulled on April 25th, 2019,**
16 **and it goes through a series of allegations at lengths,**
17 **associated with people who have made statements about**
18 **you over the years. But you've never read it, correct?**
19 **Never been through pretty little -- Ugly Little Liars to**
20 **see what was being said about you?**

21 A. No, sir.

22 **Q. When's the first time you can recall**
23 **allegations of sexual harassment being raised against**
24 **you in your career as a voice actor?**

25 **A. Can I ask you to define sexual harassment?**

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1 **Q. Unwanted touching.**

2 A. So that -- so any -- any unwanted contact is
3 harassment?

4 **Q. Sexual harassment, yeah.**

5 A. Sexual harassment?

6 **Q. Sure.**

7 A. I -- I don't agree with your definition
8 personally.

9 **Q. Well, then give me your definition of sexual**
10 **harassment.**

11 A. Forcing somebody to engage in sexual-related
12 behavior against their will.

13 **Q. So you have to use some type of physical force**
14 **to harass them under your definition, right?**

15 A. Or verbal.

16 **Q. And when's the first time that you were ever --**
17 **has there been any allegations made against you for**
18 **verbal or physical sexual harassment?**

19 A. Well, for the longest time, my only
20 recollection of the rumors and stories online were that
21 I would hug fans that -- you know, that didn't want to
22 be hugged or, you know -- or I would get -- I would be
23 too close to -- to a fan that didn't appreciate it. And
24 of course they didn't say anything at the time, but they
25 -- they mentioned it later. Those were the first

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1 instances I ever heard of.

2 Q. And when was that, like, roughly?

3 A. I -- I don't remember.

4 Q. Would you agree with me that this issue of you
5 kissing young girls and that being kind of creepy has
6 been around for a while?

7 A. No, sir.

8 Q. Something that just started?

9 A. No, I wouldn't agree that it was kind of
10 creepy, that part of your sentence.

11 Q. All right. How about we do it this way: Would
12 you agree with me that people online have commented that
13 it's creepy that you kiss young girls?

14 A. Sure.

15 Q. And that's been around for a while?

16 A. Yes, sir.

17 Q. And that's certainly impacted your personal
18 reputation, hasn't it?

19 A. Not much. I mean, I -- I was doing pretty well
20 in the industry, as you pointed out yourself at the
21 beginning of the deposition. I have done hundreds of
22 characters. I've -- I'm just saying I have been a voice
23 actor at Funimation and been hired repeatedly for 15
24 years, and --

25 Q. And it all started on April 16th, 2019, when

DEPOSITION OF VICTOR MIGNOGNA
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1 that tweet went out?

2 A. April?

3 Q. I'm sorry, January 2016.

4 A. No. No. Like I said, my belief is that --
5 that that date was chosen to piggyback on the popularity
6 of the Broly movie. There has been a recurring theme
7 here. Over the years, any time I am announced as part
8 of a new, big new show or playing a role, there are
9 always a handful of people that want to jump on that
10 publicity and -- and get some attention for themselves.

11 Q. And -- and by get attention to themselves, you
12 mean people post anonymously that you -- you harass
13 people or do inappropriate things?

14 A. Yes.

15 Q. And so they want to get attention for
16 themselves --

17 A. Yes.

18 Q. -- through an anonymous avatar, I guess?

19 A. Yes. For the same reason they don't want to be
20 listed right now, because they want the attention, they
21 want people to click on, ooh, I like your post, and, oh,
22 look how many people liked my post, but they don't --
23 you know, they certainly don't want the accountability.
24 And whenever any supporters have been pressed for any
25 evidence or substance, well, a friend told me that they

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1 Q. (BY MR. JOHNSON) She's going to attack us if
2 we don't keep the right exhibits --

3 A. Okay.

4 Q. -- down here when the deposition is over.

5 A. Stay over there.

6 Q. I'll represent to you that this is a letter
7 that your attorney sent to Ms. Marchi in March of 2009,
8 I'm sorry, 2019, informing her that she needed to
9 preserve all electronically-stored information, data,
10 all that kind of stuff.

11 Do you agree that if -- if you, whether
12 directly or through an attorney were instructing the
13 other parties to this lawsuit to preserve all electronic
14 information that might relate to this case, that you
15 should be doing that also, at least as of that date?

16 A. I suppose.

17 Q. Okay.

18 MR. JOHNSON: I'll pass the witness.

19 CROSS-EXAMINATION

20 BY MR. VOLNEY:

21 Q. Hi, Mr. Mignogna, my name is John Volney. I
22 represent Funimation. The first time we met was this
23 morning before this event started, correct?

24 A. Yes, sir.

25 Q. So I just have a few follow-up questions. I

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1 want to start out with the timeline. On January 16th
2 was the date that the latest Broly movie was released?

3 A. Yes, sir, in theaters.

4 Q. In theaters. And that was the same date that
5 these social media posts started to happen that were
6 accusing you of inappropriate behavior?

7 A. Yes, sir.

8 Q. Did you, at that time, communicate to anyone at
9 Funimation about those social media posts that were
10 coming out about you?

11 A. Yes.

12 Q. Who did you communicate with?

13 A. Justin Cook.

14 Q. What did you tell Mr. Cook?

15 A. I was in recording and -- for that Mononokean
16 show that I -- that they tweeted that I was replaced in.
17 And I had spoken with him. He was telling me -- he was
18 showing me the -- the demographics and -- or not the
19 demographics, what do you call it, the analytics, you
20 know what I mean, of how well the movie was doing, and I
21 was in his office, and I -- I mentioned the -- the --
22 the -- the -- the Twitter stuff that had just started at
23 that point. And he said -- he -- he was very much in
24 agreement, he was like, it's a bunch of garbage. I
25 know, it's -- it's just, what a bunch of garbage. And

DEPOSITION OF VICTOR MIGNOGNA
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1 we both agreed that it was, you know, just unfortunate
2 fan garbage.

3 Q. This was not the first time that this sort of
4 what you called fan garbage had come out coincident with
5 the release of a movie where you provided a voice --
6 voice?

7 A. Or an anime series. Not a movie, but anime
8 series.

9 Q. Anime. So this had happened before?

10 A. Yes, sir.

11 Q. And so did you have any other conversations
12 with Funimation at that time?

13 A. Not that I recall, no, sir.

14 Q. What does Justin Cook do for Funimation?

15 A. He's -- you know, he kind of oversees all of
16 the directors, I -- I believe. I'm -- I'm kind of
17 embarrassed to say that I don't know what his actual
18 title is. I want to say head of production, but I -- I
19 don't think -- I don't know if that's it for sure. He's
20 been there many -- he and I have been friends, I
21 believed, for a very long time.

22 Q. When was the next time you had any contact from
23 anyone at Funimation about the -- the social media
24 uproar that was going on?

25 A. When the human resources woman called me and

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1 said that -- that someone from Sony wanted to have a
2 conversation with me.

3 Q. And was the next contact after that human
4 resources call the communication you got from Tammi
5 Denbow at Sony?

6 A. Yes, sir.

7 Q. And then -- did you then participate in an
8 interview with Ms. Denbow?

9 A. We had a phone conversation where she raised
10 the three incidents.

11 Q. How long did that phone conversation last?

12 A. Maybe half an hour, 40 minutes. I -- I don't
13 recall, specifically.

14 Q. Was anyone on the phone besides you and Ms.
15 Denbow?

16 A. No, sir.

17 Q. Did you take any notes?

18 A. No, sir.

19 Q. How did that phone conversation end?

20 A. With her saying that they would -- that she
21 would take the information she gathered from me and
22 review -- and review it with other people, I don't know
23 who, and get back to me with their decision on it.

24 Q. Did you consider yourself honest and truthful
25 in your communications with Ms. Denbow?

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1 A. Absolutely.

2 Q. Did you, in that conversation, explain to Ms.
3 -- to Ms. Denbow that you sometimes had hugs and kisses
4 with fans at anime conventions?

5 A. Probably.

6 Q. Tell me, how is it that you get signed up to be
7 a participant at -- at an anime convention.

8 A. The convention organizers will contact people
9 in the industry and invite them to come for the purpose
10 of, you know, attracting fans to come and meet the guy
11 who wrote this show, or the woman who directed that
12 show, or the guy who played this character in this show,
13 or this artist, or --

14 Q. Who handles it for Vic? Do you, Mr. Mignogna,
15 take the phone calls and get the text messages yourself
16 or do you have somebody who handles this for you, like
17 an agent?

18 A. The vast majority of them are me, and it's
19 because I've been doing it since they started. Even
20 Monica and -- can tell you that when we started in this
21 industry 20 years ago, there were only a handful of --
22 very few con -- anime -- anime-specific conventions.

23 And they were much smaller, they were in
24 hotels and, you know, very small venues. And the
25 conventions would contact us and just basically say,

DEPOSITION OF VICTOR MIGNOGNA
June 26, 2019

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1 had an ongoing long relationship with a lot of the
2 organizers myself, and --

3 Q. Fair. I take it within a -- you've testified
4 that within a few days of your conversation on the
5 telephone with Ms. Denbow, you had a further
6 conversation with the folks at Funimation, where they
7 communicated to you that they were terminating your
8 relationship, fair?

9 A. No, sir. I did not speak with Funimation. A
10 couple of days after my initial conversation with Ms.
11 Denbow, she called me back, and there was someone else
12 on the line, a gentleman. I -- I don't remember his
13 name. And they were the ones on the phone that informed
14 me that my employment with Funimation was terminated.

15 Q. Was Karen Micah on the phone?

16 A. Maybe. Possibly.

17 Q. Was Zack Hall from Sony on the phone?

18 A. I don't remember the names.

19 Q. What do you recall about what they told you?

20 A. They told me, quote, We have finished reviewing
21 the -- the situation and concluded that your
22 termination -- your employment with Funimation is
23 terminated, effective immediately.

24 Q. Now, you said employment. At the time, you had
25 an independent contractor agreement with Funimation; is

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1 that right?

2 A. Yes, sir.

3 Q. You weren't like a W-2 employee where they
4 provided you benefits; you got paid by the hour --

5 A. Yes, sir.

6 Q. -- for your voice acting, fair?

7 A. Yes, sir. Sorry.

8 Q. And then did Funimation make any public
9 statement at the time that it terminated you?

10 A. No, sir. In fact, as I mentioned earlier, they
11 told me on the phone that they had no intention of
12 making any public statement, and I didn't either.

13 Q. Did you, thereafter, make any public statements
14 about the social media uproar situation that was going
15 on?

16 A. Relating to what specifically?

17 Q. Relating to Funimation's termination of the
18 relationship.

19 A. No, sir.

20 Q. Did you --

21 A. I was rather ashamed. I was embarrassed.

22 Q. Got it. You have a personal Twitter account, I
23 take it?

24 A. Yes, sir.

25 Q. And you, from time to time, have issued tweets

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1 that relate to the social media uproar that we've been
2 talking about today; is that fair?

3 A. Yes, sir.

4 Q. Mr. Lemoine asked you some questions about this
5 subject matter. I don't really want to go into it in
6 detail. But my understanding from looking at these
7 posts and some of the tweets is that there was quite a
8 bit of turmoil and strife between the #kickvic
9 supporters and the #istandwithvic supporters; is that
10 fair?

11 A. Yes, sir.

12 Q. Were you concerned about that at any time?

13 A. Yes, I was.

14 MR. VOLNEY: So what's the next exhibit
15 number?

16 MR. BEARD: 24 [sic].

17 MR. VOLNEY: 24. Can I have a sticker?

18 (Exhibit 27 marked.)

19 Q. (BY MR. VOLNEY) Right here it's going to show
20 you Exhibit 24. Is this a tweet that you published on
21 February 8th, 2019?

22 A. I assume so, yes.

23 Q. In your tweet you say that it has come to your
24 attention that there have been threats made toward
25 others by fans in support of me. Do you see that?

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1 A. Yes, sir.

2 **Q. What are you referring to there?**

3 A. I had heard just through the normal, you know,
4 gossip and interaction that -- that people were making
5 threatening statements.

6 (Sneeze.)

7 THE WITNESS: Bless you.

8 MR. JOHNSON: Bless you.

9 A. I had not seen any of those statements. I -- I
10 don't even -- honestly, don't even know if such
11 statements ever existed. I never saw any. But all you
12 need to do is tell me, hey, your fans have threatened to
13 do this, and I -- and I tweeted, hey, don't do that.

14 **Q. (BY MR. VOLNEY) Part of the point of this**
15 **February 8th tweet is to let the folks -- any folks who**
16 **might be engaged in threatening or intimidating**
17 **behavior, that they shouldn't do that, fair?**

18 A. Let me be clear, perfectly clear. I would
19 never condone that.

20 **Q. And that's, in fact, what you say in the tweet?**

21 A. Yes, sir.

22 **Q. And do you know if this particular tweet had**
23 **any effect on that sort of online fighting that was**
24 **going on?**

25 A. I don't know. I hope so.

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8 REPORTER'S CERTIFICATION
9 DEPOSITION OF VICTOR MIGNOGNA
JUNE 26, 2019

13 That the witness, VICTOR MIGNOGNA, was duly sworn
14 by the officer and that the transcript of the oral
15 deposition is a true record of the testimony given by
16 the witness;

21 That the amount of time used by each party at the
22 deposition is as follows:

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972-719-5000

DEPOSITION OF VICTOR MIGNOGNA
June 26, 2019

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1 Deposition officer at the time said testimony was taken,
2 the following includes counsel for all parties of
3 record:

4 Mr. Ty Beard, Esq., Attorney for Plaintiff
5 Mr. J. Sean Lemoine, Esq., Attorney for Defendant
6 Monica Rial and Ronald Toye
7 Mr. Sam Johnson, Esq., Attorney for Defendant
8 Jamie Marchi
9 Mr. John Volney, Esq., Attorney for Defendant
10 Funimation

11 I further certify that I am neither counsel for,
12 related to, nor employed by any of the parties or
13 attorneys in the action in which this proceeding was
14 taken, and further that I am not financially or
15 otherwise interested in the outcome of the action.

16 Further certification requirements pursuant to Rule
17 203 of TRCP will be certified to after they have
18 occurred.

19 Certified to by me this 1st day of July, 2019.

20

21

22

23

24

25



Claudia White, Texas CSR #8242
Expiration Date: 5/31/21
Firm Registration No. 526
CSI Global Deposition Services
4950 N. O'Connor Road, Suite 152
Irving, Texas 75062
(877) 784-0004 fax (972) 650-0225
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EXHIBIT B

DEPOSITION OF MONICA RIAL
June 28, 2019

1

NO. 141-307474-19

VICTOR MIGNOGNA,)	IN THE DISTRICT COURT
)	
Plaintiff,)	
)	
VS.)	TARRANT COUNTY, TEXAS
)	
FUNIMATION PRODUCTIONS,)	
LLC, JAMIE MARCHI, MONICA)	
RIAL, and RONALD TOYE,)	
)	
Defendants.)	141st JUDICIAL DISTRICT

ORAL AND VIDEOTAPED DEPOSITION OF
MONICA RIAL
JUNE 28, 2019

ORAL AND VIDEOTAPED DEPOSITION OF MONICA RIAL,
produced as a witness at the instance of the PLAINTIFF,
and duly sworn, was taken in the above-styled and
numbered cause on June 28, 2019, from 8:50 a.m. to 12:29
p.m., before Claudia White, CSR in and for the State of
Texas, reported by machine shorthand, at the 141st
Judicial District Court, 100 North Calhoun Street, 1st
Floor, Fort Worth, Texas, pursuant to the Texas Rules of
Civil Procedure and the provisions stated on the record
or attached hereto.

Job No. 132315

CSI GLOBAL DEPOSITION SERVICES
972-719-5000

DEPOSITION OF MONICA RIAL

June 28, 2019

2

1 A P P E A R A N C E S

2

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8 FOR THE DEFENDANTS RONALD TOYE and MONICA RIAL:

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9 COWLES & THOMPSON
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10 Suite 3900
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cerick@cowlesthompson.com

12

FOR THE DEFENDANT FUNIMATION PRODUCTIONS:

13 Mr. John Volney, Esq.
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17 FOR THE DEFENDANT JAMIE MARCHI:

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18 JOHNSON SPARKS
7161 Bishop Road
19 Suite 220
Plano, Texas 75024
20 (972) 918-5274
sam@johnsonsparks.com

21

22 FOR THE VIDEOGRAPHER:

Mr. John Franks

23

24 ALSO PRESENT:

Mr. Ronald Toye

25

CSI GLOBAL DEPOSITION SERVICES

972-719-5000

DEPOSITION OF MONICA RIAL
June 28, 2019

23

1 **Q. And who are your closest voice actor friends,**
2 **would you say?**

3 A. Oh, gosh, close as in like hang around with
4 constantly?

5 **Q. Yes.**

6 A. Okay. Closest, best, goodness, Jamie Marchi,
7 Colleen Clinkenbeard, Chris Sabat, Anne Sinclair, Josh
8 Grelle. Gosh, there's so many. I'm trying to go
9 through everybody. J. Michael Tatum, Brandon McInnis.

10 **Q. And these are people, do they live in the**
11 **Dallas-Fort Worth area?**

12 A. Yes, ma'am.

13 MR. ERICK: Can we take a quick break? I
14 just need to make one phone call, super quick.

15 MS. CHRISTIE: Yes. Sure.

16 THE VIDEOGRAPHER: We're going off the
17 record at 9:14.

18 (Break taken from 9:14 a.m. to 9:25 a.m.)

19 THE VIDEOGRAPHER: And we are back on the
20 record. The time is 9:25.

21 **Q. (BY MS. CHRISTIE) Monica, you had mentioned**
22 **earlier that you have a contract with Funimation that's**
23 **running through the year.**

24 A. Yes, ma'am.

25 **Q. Okay. And you are a voice actress for them on**

DEPOSITION OF MONICA RIAL

June 28, 2019

24

1 a contractual basis?

2 A. Yes, ma'am.

3 Q. How often are you at the -- at the offices or
4 the studios?

5 A. It's dependent upon a multiple of different
6 factors. We keep up with the Japanese television
7 schedule so we do what are called simul dubs, and that
8 means that every three months we have a new group of
9 shows. So it could be that for the first quarter you're
10 there six hours a week, and then it could be for the
11 second quarter you're there for 20 hours a week, and --
12 but recently, I haven't had as much, so it's been like
13 maybe three or four hours a week.

14 Q. Do you do any recordings remotely for
15 Funimation?

16 A. For Funimation, no.

17 Q. And would you say the work environment at
18 Funimation is -- what would you say about the work
19 environment?

20 A. I'd say it's professional, but friendly.
21 People are very happy and say hi to one another, and --

22 Q. Does any -- when people greet each other, or
23 have you noticed when people greet each other, that they
24 kiss each other on the cheek or hug each other?

25 A. There -- it used to be the case a long time

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DEPOSITION OF MONICA RIAL
June 28, 2019

25

1 ago, but I know that in recent years, no, that is
2 frowned upon.

3 **Q. And who frowns upon that?**

4 A. Management. I'm not sure who management is,
5 but the people upstairs.

6 **Q. Okay. And to your knowledge, are there any**
7 **people that are currently dating each other that work**
8 **there?**

9 A. I -- you mean two employees together?

10 **Q. Uh-huh.**

11 A. I -- I wouldn't know.

12 **Q. Who is Trina Simon?**

13 A. Oh, she is the HR head of Funimation, or the HR
14 lady at Funimation.

15 **Q. Are there any written policies for Funimation**
16 **that you receive?**

17 A. I don't quite understand. What do you mean by
18 written policies?

19 **Q. So like -- like an employee manual or -- or**
20 **anything that kind of tells you what they expect of you.**

21 A. If there was, I would have received it when I
22 started, so I surely don't have that anymore. But they
23 do have -- there are post -- posted things all over the
24 building explaining different policies and where to exit
25 if there's an emergency, that kind of stuff.

DEPOSITION OF MONICA RIAL
June 28, 2019

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1 **was that around the January 15th, 16th time frame?**

2 A. I know it was sometime in January, but I don't
3 remember exact dates at all. Sorry.

4 **Q. And prior to January of 2019, had you spoken to**
5 **anyone at Funimation about Vic?**

6 A. About Vic in particular, about anything about
7 Vic, or I --

8 **Q. Or just about -- about these allegations that**
9 **have been made.**

10 A. No.

11 **Q. Did you -- were you under that yearly contract**
12 **with Funimation in January of this year?**

13 A. Yes.

14 **Q. You have -- you have mentioned the**
15 **investigation in some of my previous questions.**

16 **Who from Funimation contacted you?**

17 A. From Funimation?

18 **Q. Yes.**

19 A. Nobody -- it depends on if you're considering
20 Tammi Denbow being Sony, a part of Funimation, then
21 Tammi.

22 Excuse me.

23 **Q. Did she just contact you out of the blue?**

24 A. No. I had contacted Colleen Clinkenbeard and
25 said that I needed to talk to her, or talk to someone,

DEPOSITION OF MONICA RIAL
June 28, 2019

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1 Q. Ten, twenty?

2 A. Sorry. I wouldn't know.

3 Q. And when -- were you and Vic representing
4 Funimation in any way when the jelly bean incident
5 occurred?

6 MR. ERICK: Objection, form.

7 A. I don't recall if we -- if I was even working
8 at Funimation at that time. That's a long time ago.

9 Q. (BY MS. CHRISTIE) And were you and Vic repre
10 -- representing Funimation in any way when he -- and --
11 and when I use the word allegedly, please understand
12 that's because he's not been charged with any crimes,
13 there's not been any convictions, so I use the word
14 allegedly.

15 A. I understand.

16 Q. Okay. Were you and Vic representing Funimation
17 when he allegedly assaulted you in 2007?

18 MR. ERICK: Objection, form.

19 A. We work as independent contractors for
20 Funimation, but we do not represent Funimation, other
21 than being a voice actor.

22 Q. (BY MS. CHRISTIE) So there were no ties with
23 Funimation? I mean, like, there was nothing at that
24 convention that represented that you were --

25 A. No.

DEPOSITION OF MONICA RIAL

June 28, 2019

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1 NO. 141-307474-19
2 VICTOR MIGNOGNA,) IN THE DISTRICT COURT
3 Plaintiff,)
4 VS.) TARRANT COUNTY, TEXAS
5 FUNIMATION PRODUCTIONS,)
6 LLC, JAMIE MARCHI, MONICA)
7 RIAL, and RONALD TOYE,)
8 Defendants.) 141st JUDICIAL DISTRICT

9 REPORTER'S CERTIFICATION
10 DEPOSITION OF MONICA RIAL
11 JUNE 28, 2019

12 I, Claudia White, Certified Shorthand Reporter in
13 and for the State of Texas, hereby certify to the
14 following:

15 That the witness, MONICA RIAL, was duly sworn by
16 the officer and that the transcript of the oral
17 deposition is a true record of the testimony given by
18 the witness;

19 That the deposition transcript was submitted on
20 _____ to the witness or to the attorney for
21 the witness for examination, signature and return to CSI
22 Global Deposition Services by _____;

23 That the amount of time used by each party at the
24 deposition is as follows:

25 Ms. Carey-Elisa Christie, Esq. - 01 HOURS:46
MINUTE(S)

Mr. Casey S. Erick, Esq. - 00 HOURS:00 MINUTE(S)

CSI GLOBAL DEPOSITION SERVICES
972-719-5000

DEPOSITION OF MONICA RIAL

June 28, 2019

85

1 Mr. John Volney, Esq. - 00 HOURS:00 MINUTE(S)
Mr. Sam Johnson, Esq. - 00 HOURS:00 MINUTE(S)

2

3 That pursuant to information given to the
4 Deposition officer at the time said testimony was taken,
5 the following includes counsel for all parties of
6 record:

7 Ms. Carey-Elisa Christie, Esq., and Mr. Ty Beard,
Esq., Attorneys for Plaintiff

8 Mr. Casey S. Erick, Esq., Attorney for Defendants
Monica Rial and Ronald Toye

9 Mr. John Volney, Esq., Attorney for Defendant
Funimation

10 Mr. Sam Johnson, Esq., Attorney for Defendant
Jamie Marchi

11 I further certify that I am neither counsel for,
12 related to, nor employed by any of the parties or
13 attorneys in the action in which this proceeding was
14 taken, and further that I am not financially or
15 otherwise interested in the outcome of the action.

16 Further certification requirements pursuant to Rule
17 203 of TRCP will be certified to after they have
18 occurred.

19 Certified to by me this 29th day of June, 2019.

20

21



22

23

24

25

Claudia White, Texas CSR #8242
Expiration Date: 5/31/21
Firm Registration No. 526
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EXHIBIT C

DEPOSITION OF RONALD TOYE
June 27, 2019

Page 1

NO. 141-307474-19

VICTOR MIGNOGNA,)	IN THE DISTRICT COURT
)	
Plaintiff,)	
)	
VS.)	TARRANT COUNTY, TEXAS
)	
FUNIMATION PRODUCTIONS,)	
LLC, JAMIE MARCHI, MONICA)	
RIAL, and RONALD TOYE,)	
)	
Defendants.)	141st JUDICIAL DISTRICT

ORAL AND VIDEOTAPED DEPOSITION OF

RONALD TOYE

JUNE 27, 2019

ORAL AND VIDEOTAPED DEPOSITION OF RONALD TOYE,
produced as a witness at the instance of the PLAINTIFF,
and duly sworn, was taken in the above-styled and
numbered cause on June 27, 2019, from 9:28 a.m. to 3:49
p.m., before Claudia White, CSR in and for the State of
Texas, reported by machine shorthand, at the 141st
Judicial District Court, 100 North Calhoun Street, 1st
Floor, Fort Worth, Texas, pursuant to the Texas Rules of
Civil Procedure and the provisions stated on the record
or attached hereto.

Job No. 132313

CSI GLOBAL DEPOSITION SERVICES
972-719-5000

DEPOSITION OF RONALD TOYE
June 27, 2019

Page 2

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FOR THE VIDEOGRAPHER:

Mr. John Franks

ALSO PRESENT:

Ms. Monica Rial

DEPOSITION OF RONALD TOYE
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1 A. No.

2 Q. Have you met with any witnesses in this case to
3 prepare for this deposition?

4 A. No.

5 Q. Okay. Did you review any documents to prepare
6 for this deposition?

7 A. No.

8 Q. What do you do for a living, Mr. Toye?

9 A. I'm a loan officer.

10 Q. What company do you work for?

11 A. Mid America Mortgage now.

12 Q. Are you an employee or an owner?

13 A. I'm an employee.

14 Q. Is Mid America a franchisee? In other words,
15 do they franchise with a national company?

16 A. So Mid America is the umbrella, and then
17 there's branches within it, but I work for Mid America.

18 Q. Okay. Are you employed by an individual branch
19 of Mid America?

20 A. It's employed by Mid America.

21 Q. Okay. Okay. So the branch you work for is
22 owned and part of Mid America?

23 A. Correct.

24 Q. Okay. I was just trying to figure that out. I
25 went to --

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1 A. No.

2 Q. -- abuse? Okay.

3 Are you a smoker?

4 A. No.

5 Q. Tell me, again, your employer. I didn't write
6 that down.

7 A. Mid America Mortgage.

8 Q. Mid America Mortgage. Okay.

9 How long have you worked there?

10 A. Just started about a week and a half ago, maybe
11 two.

12 Q. Where did you work before Mid America Mortgage?

13 A. Fairway Mortgage.

14 Q. What did you do for them?

15 A. Sure. I was a loan officer and operations
16 manager.

17 Q. Were you an owner of Fairway Mortgage?

18 A. Not at all.

19 Q. What does a loan officer do?

20 A. He instructs clients on purchasing a
21 residential mortgage.

22 Q. Okay.

23 A. Or obtaining a residential mortgage.

24 Q. Okay. What was the other thing that you said
25 you did?

1 A. Operations manager.

2 Q. What does an ops mana -- operations manager do?

3 A. Make sure the loans close.

4 Q. How long did you work at Fairway Mortgage?

5 A. Around three years.

6 Q. Are you a religious man?

7 A. Yes.

8 Q. What denomination?

9 A. Christian.

10 Q. Any particular denomination of Christianity?

11 A. I would say nondenominational.

12 Q. Okay. Do your religious beliefs have an
13 opinion -- scratch that.

14 Do your personal religious beliefs have
15 anything to say about telling lies?

16 A. Yep.

17 Q. What does it say?

18 A. It's not good.

19 Q. Would it be fair to say they say don't do that?

20 A. It's not a good idea.

21 Q. Okay. Do you attempt to follow those rules?

22 A. For the most part, I do my best.

23 Q. Okay. Okay. Let's go to Exhibit 28.

24 A. Sure. Is there tabs or a table of index or
25 anything --

1 knowledge and all, with a smiley face.

2 Q. What insider knowledge were you referring to?

3 A. The information I know about his assaults on
4 Monica Rial, XXXXX XXXX, XXXX XXXX, XXXX XXXXXXXXXXXX,
5 Jamie Marchi.

6 Q. Okay. By February 2nd, had -- scratch that.

7 To your knowledge, has -- have XXXXX and
8 XXXX XXXX commented publicly on this whole matter?

9 A. Not to my knowledge.

10 Q. Who reported this incident to Funimation --

11 MR. ERICK: Object.

12 Q. (BY MR. BEARD) -- with -- sorry.

13 Who reported the purported incident with
14 XXXXX and XXXX XXXX and Vic Mignogna to Funimation?

15 A. I'm not sure.

16 Q. Do you know if Monica did, Monica Rial?

17 A. I'm not sure.

18 Q. Did you?

19 A. I did not.

20 Q. Okay. Has XXXX XXXXXXXXXXXX publicly commented on
21 this matter?

22 A. Not that I can think of.

23 Q. Okay. Did you report the purported incident
24 with Vic Mignogna and XXXX XXXXXXXXXXXX to Funimation?

25 A. No, I did not. I'm not an employee of

1 Funimation.

2 Q. I didn't ask that question, but, thank you.

3 Did Monica Rial report XXXX XXXXXXXXXX and
4 Vic Mignogna's purported interaction?

5 A. I'm not sure.

6 Q. Did you and Monica Rial text each other
7 regarding Vic in the last six months?

8 A. I'm sure we have.

9 Q. Did you turn those text messages over to your
10 attorney?

11 A. Yes, I think so.

12 Q. Have you emailed each other regarding Vic in
13 the last six months?

14 A. Not that I can think of.

15 Q. Okay. Let's go to page 12 --

16 A. Sure.

17 Q. -- please. Well, hold on one second. Maybe
18 I'll read before I --

19 A. Sure.

20 Q. -- direct you. Okay. Yeah, go to 31. Okay.
21 Read 31, please.

22 A. I don't need to hear him out because I know a
23 very personal account of his atrocious behavior, and him
24 and I are going to talk about it really soon.

25 Q. Did you literally mean you were going to have a

DEPOSITION OF RONALD TOYE

June 27, 2019

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1 NO. 141-307474-19
2 VICTOR MIGNOGNA,) IN THE DISTRICT COURT
3 Plaintiff,)
4 VS.) TARRANT COUNTY, TEXAS
5 FUNIMATION PRODUCTIONS,)
6 LLC, JAMIE MARCHI, MONICA)
7 RIAL, and RONALD TOYE,)
8 Defendants.) 141st JUDICIAL DISTRICT

9 REPORTER'S CERTIFICATION
10 DEPOSITION OF RONALD TOYE
11 JUNE 27, 2019

12 I, Claudia White, Certified Shorthand Reporter in
13 and for the State of Texas, hereby certify to the
14 following:

15 That the witness, RONALD TOYE, was duly sworn by
16 the officer and that the transcript of the oral
17 deposition is a true record of the testimony given by
18 the witness;

19 That the deposition transcript was submitted on
20 _____ to the witness or to the attorney for the
21 witness for examination, signature and return to CSI
22 Global Deposition Services by _____;

23 That the amount of time used by each party at the
24 deposition is as follows:

25 Mr. Ty Beard, Esq. - 04 HOURS:00 MINUTE(S)
Mr. Casey S. Erick, Esq. - 00 HOURS:00 MINUTE(S)
Mr. John Volney, Esq. - 00 HOURS:00 MINUTE(S)
Mr. Sam Johnson, Esq. - 00 HOURS:00 MINUTE(S)
That pursuant to information given to the

CSI GLOBAL DEPOSITION SERVICES
972-719-5000

DEPOSITION OF RONALD TOYE

June 27, 2019

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1 Deposition officer at the time said testimony was taken,
2 the following includes counsel for all parties of
3 record:

4 Mr. Ty Beard, Esq., and Ms. Carey-Elisa Christie,
Esq. Attorney for Plaintiff

5 Mr. Casey S. Erick, Esq., Attorney for Defendants
Monica Rial and Ronald Toye

6 Mr. John Volney, Esq., Attorney for Defendant
Funimation

7 Mr. Sam Johnson, Esq., Attorney for Defendant
Jamie Marchi

8 I further certify that I am neither counsel for,
9 related to, nor employed by any of the parties or
10 attorneys in the action in which this proceeding was
11 taken, and further that I am not financially or
12 otherwise interested in the outcome of the action.

13 Further certification requirements pursuant to Rule
14 203 of TRCP will be certified to after they have
15 occurred.

16 Certified to by me this 30th day of June, 2019.

17

18



19

Claudia White, Texas CSR #8242

20

Expiration Date: 5/31/21

Firm Registration No. 526

21

CSI Global Deposition Services

4950 N. O'Connor Road, Suite 152

Irving, Texas 75062

22

(877) 784-0004 fax (972) 650-0225

production@courtroomsciences.com

23

24

25

CSI GLOBAL DEPOSITION SERVICES

972-719-5000

EXHIBIT D

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

141ST JUDICIAL DISTRICT

TARRANT COUNTY, TEXAS

SWORN DECLARATION OF JAMIE MARCHI

STATE OF TEXAS

§

COUNTY OF DALLAS

§

§

Pursuant to TEX. CIV. PRAC. & REM. CODE §132.001, Jamie Marchi, a defendant in the above-styled and numbered cause, hereby states as follows:

1. My name is Jamie Marchi. I am over eighteen years of age, am of sound mind, and am fully competent to make this declaration, and the facts stated here are within my personal knowledge and are true and correct.

2. I am a named defendant in the above-captioned cause.

3. I have worked as a voice actor for Defendant Funimation Productions, LLC ("Funimation").

4. I am an independent contractor for Funimation.

5. I am neither an employee nor agent of Funimation.

6. I have various, personal social media accounts, including Twitter with the handle @marchimark.

7. Any communications or usage from my social media accounts reflect my own personal views and do not reflect the views of anyone else.

8. Funimation does not have access to, control of, or the right to access or control any of my social media accounts.

My name is Jamie Marchi, my date of birth is October 8, 1977, and my address is 9411 Timberleaf Drive, Dallas, Texas, USA. I declare under penalty of perjury that the foregoing is true and correct.

Executed in Dallas County, State of Texas, on the 30 day of June, 2019.


Jamie Marchi