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TARRANT COUNTY
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THOMAS A. WILDER
DISTRICT CLERK

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**

DEFENDANT FUNIMATION PRODUCTIONS, LLC'S RESPONSE TO PLAINTIFF'S MOTION TO CONTINUE THE HEARING ON DEFENDANTS' MOTIONS FOR FEES AND SANCTIONS

The Court should deny Plaintiff Victor Mignogna's motion for continuance for the following reasons:

First, Plaintiff has had seventeen days to review and prepare his response (if any) to Defendants' motions for fees and sanctions.[1] That is more than enough time to deal with the straightforward motions submitted by Defendants.

Second, Defendants' motions were no surprise to Plaintiff. He has known that Defendants would be seeking fees and sanctions since at least September 6, 2019, when the Court dismissed all of the claims against Jamie Marchi, and all of the tortious interference claims against Funimation, Monica Rial, and Ron Toye.

Third, Plaintiff was further put on notice on October 4, 2019, because that is when the Court dismissed Plaintiff's remaining claims and directed Defendants to submit their briefing on

[1] This is more time than a party has to respond to a Motion for Summary Judgment under Tex. R. Civ. P. 166a(c).

fees and sanctions by no later than November 4, 2019. Plaintiff should have begun researching and preparing his response in anticipation of Defendants' filings.

Fourth, Plaintiff waited until the last minute to file his motion for continuance, and Defendants should not be required to bear the cost of Plaintiff's delay. If Plaintiff truly needed extra time to respond, Plaintiff should have sought a continuance within a few days of Defendants' filings (or at the same time he sent four attorneys to quash a deposition). If Plaintiff had done so, Plaintiff likely would have avoided a last minute hearing on his continuance motion (assuming the Court even entertains the motion) and a situation where Defendants may be required to prepare and appear twice for the same hearing, thus adding to the substantial fees already incurred in this case.

Fifth, Plaintiff has two law firms and four or more lawyers working on his case. There should be more than enough lawyers on Plaintiff's team to deal with the issues that will be presented to the Court for determination on November 21, 2019.

For these reasons, Defendant Funimation respectfully requests that the Court deny Plaintiff's motion for continuance.

Dated: November 19, 2019

Respectfully submitted,

/s/ John Volney

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CERTIFICATE OF SERVICE

The undersigned counsel certifies that a true and correct copy of the foregoing has been served upon all counsel of record via the Court's e-filing service on November 19, 2019.

/s/ John Volney
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