

**CAUSE NO. 141-307474-19**

<b>VICTOR MIGNOGNA,</b>	§	<b>IN THE DISTRICT COURT</b>
	§	
<b>Plaintiff,</b>	§	
	§	
<b>v.</b>	§	
	§	<b>141<sup>ST</sup> JUDICIAL DISTRICT</b>
<b>FUNIMATION PRODUCTIONS, LLC,</b>	§	
<b>MONICA RIAL, RONALD TOYE, and</b>	§	
<b>JAMIE MARCHI,</b>	§	
	§	
<b>Defendants.</b>	§	<b>TARRANT COUNTY, TEXAS</b>

**DEFENDANTS MONICA RIAL AND RONALD TOYE'S  
SUPPLEMENTAL AFFIRMATIVE DEFENSE**

Pursuant to Rule 94 of the Texas Rules of Civil Procedure, Defendants Monica Rial and Ronald Toye ("Rial and Toye") file this Supplemental Affirmative Defense.

Rial and Toye are entitled to immunity under Section 230 of the Communications Decency Act (the "CDA"). *See* 47 U.S.C.A. § 230, *et. seq.* The CDA bars some or all of the claims asserted against Rial and Toye as a matter of law based on Plaintiff's admission that neither Rial nor Toye created the content at issue.

Dated: July 26, 2019.

Respectfully submitted,

/s/ J. Sean Lemoine

J. Sean Lemoine

State Bar No. 24027443

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**ATTORNEYS FOR DEFENDANTS**

**MONICA RIAL AND RONALD TOYE**

**CERTIFICATE OF SERVICE**

I certify that a true and correct copy of the foregoing instrument was served on counsel of record via electronic service pursuant to the Texas Rules of Civil Procedure on July 26, 2019.

/s/J. Sean Lemoine

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