

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

**VICTOR MIGNOGNA**  
**Plaintiff,**

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**IN THE DISTRICT COURT**

**V.**

**TARRANT COUNTY, TEXAS**

**FUNIMATION PRODUCTIONS, LLC**  
**JAIME MARCHI, MONICA RIAL, AND**  
**RONALD TOYE**  
**Defendants.**

**141<sup>ST</sup> DISTRICT COURT**

**PLAINTIFF'S MOTION FOR SUBSTITUTED SERVICE**

**TO THE HONORABLE JUDGE OF SAID COURT:**

**NOW COMES** Plaintiff, VICTOR MIGNOGNA, as Movant herein, and brings this Motion for Substituted Service pursuant to Tex. R. Civ. P. 106, and in support thereof, shows the court the following:

**I.**

Attempts to serve process on Defendant, JAMIE MARCHI, have been unsuccessful, as set out in the affidavit attached hereto as Exhibit "A" and incorporated herein for all purposes and referenced herein.

**II.**

Reasonably effective notice of the suit may be given to the Defendant by having any person authorized by Tex. R. Civ. P. 103 leave a true copy of the citation, with a copy of the petition and the order granting this motion attached, with anyone 16 years of age or older at the location specified in the attached affidavit, or by such other order of the Court as it deems appropriate under the circumstances.

**WHEREFORE, PREMISES CONSIDERED**, Movant prays that the Court grants this Motion for Substituted Service, and for such other and further relief that may be awarded at law or in equity.

Respectfully submitted,  
BEARD • HARRIS • BULLOCK • HUGHES

By: /s/ Ty Beard  
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*Attorneys for Plaintiff*

**CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of the foregoing instrument has been forwarded to all counsel of record via electronic filing on this 13th day of May, 2019.

By: /s/ Ty Beard

# EXHIBIT A

CAUSE NO. 141-307474-19

VICTOR MIGNOGNA

§

IN THE COURT OF

Plaintiff,

§

VS.

§

TARRANT COUNTY, TEXAS

§

FUNIMATION PRODUCTIONS, LLC, JAMIE MARCHI,  
MONICA RIAL, AND RONALD TOYE

§

Defendant.

§

141ST DISTRICT

AFFIDAVIT IN SUPPORT OF SUBSTITUTE SERVICE

"The following came to my hand on Tuesday, Apr 30, 2019 at 03:53 PM,

CITATION AND PLAINTIFF'S ORIGINAL PETITION,

For delivery to JAMIE MARCHI

1) Unsuccessful Attempt: May 1, 2019, 7:45 pm CDT at 9411 TIMBERLEAF DR, DALLAS, TX 75243

I attempted service at the above address. There was no answer at the door. When I went back to the car, I could see someone looking out the window. I went back and knocked on the door and rang the doorbell. I still did not get an answer. A vehicle belonging to the Defendant was parked in front of the home. I left a card on the door for a call back.

2) Unsuccessful Attempt: May 4, 2019, 5:25 pm CDT at 9411 TIMBERLEAF DR, DALLAS, TX 75243

I attempted service at the above address. There was no answer at the door.

3) Unsuccessful Attempt: May 8, 2019, 8:00 am CDT at 9411 TIMBERLEAF DR, DALLAS, TX 75243

I attempted service at the above address. There was no answer at the door.

4) Unsuccessful Attempt: May 8, 2019, 10:00 am CDT at 9411 TIMBERLEAF DR, DALLAS, TX 75243

I attempted service at the above address. There was no answer at the door. A white BMW that belonged to the Defendant was parked in front of the home. I checked for other vehicles registered to the Defendant and at the same address. It appeared that the BMW that was parked out front was the only vehicle registered to the Defendant. The blinds were open downstairs. I sat across the street where the Defendant would not be able to see me until about 1:05 p.m. At that time an Oncor utility truck arrived at the Defendant's home. The driver got out and went to the Defendant's door. I pulled in front of the home and waited. The Defendant did not open the door. The Oncor driver left the home as shown in Exhibit "A", which also shows the vehicle registered to the Defendant. The Oncor driver sat in his truck for about 10 minutes and then left. I stayed another 10 minutes and left.

5) Unsuccessful Attempt: May 9, 2019, 2:15 pm CDT at 9411 TIMBERLEAF DR, DALLAS, TX 75243

I attempted service at the above address. There were a couple of 5 gallon bottles of water at the door. I pulled across the street and waited a moment. There was a Fedex truck that pulled up and delivered a carpet by leaving it at the door. I left a card on the carpet roll.

I have made diligent efforts to deliver said papers to JAMIE MARCHI. I have made numerous attempts at her residence as described above. I believe an efficient way to effect service is by leaving a copy with anyone over 16 years of age or by securely attaching the Citation, with Plaintiff's Original Petition attached, the front door of JAMIE MARCHI's residence,

where it is sure to be seen by someone at the residence, or in any other manner the affidavit or evidence before the court shows will be reasonably effective to give the defendant notice of the suit.

I am a person over eighteen (18) years of age and I am competent to make this affidavit. I am a resident of the State of Texas. I am familiar with the Texas Rules of Civil Procedure as they apply to service of Process. I am not a party to this suit nor related or affiliated with any herein, and have no interest in the outcome of the suit. I have never been convicted of a felony or of a misdemeanor involving moral turpitude. I have personal knowledge of the facts stated herein and they are true and correct."



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Lamont Aldridge  
Certification Number: PSC-3970 EXP 8/31/20

**BEFORE ME**, a Notary Public, on this day personally appeared **Lamont Aldridge**, known to me to be the person whose name is subscribed to the foregoing document and, being by me first duly sworn, declared that the statements therein contained are within his or her personal knowledge and are true and correct.

SUBSCRIBED AND SWORN TO ME ON 05-12-19



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Notary Public, State of Texas

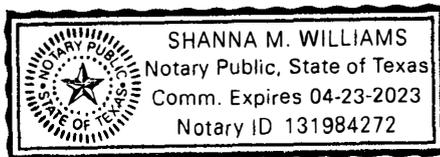




EXHIBIT A