

CAUSE NO. 141-307474-19**VICTOR MIGNOGNA****Plaintiff,****v.****FUNIMATION PRODUCTIONS, LLC,
MONICA RIAL, RONALD TOYE, and
JAMIE MARCHI****Defendants.**§
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§**IN THE DISTRICT COURT****141st JUDICIAL DISTRICT****TARRANT COUNTY, TEXAS****NOTICE OF LITIGATION HOLD**

PLEASE TAKE NOTICE that Defendants Monica Rial and Ronald Toye have served notice upon the following of their obligation to preserve documents relevant to this dispute.

1. Chelsea Beard;
2. Alyssa Fluty;
3. Todd Haberkorn;
4. Lisa Hansell;
5. Chuck Huber;
6. Veronica Julian;
7. Barb Myers;
8. Nicholas Rekieta; and
9. Chris Slatosch.

A redacted copy of the Litigation Hold letter is attached hereto for reference.

Dated: July 1, 2019

Respectfully submitted,

/s/ J. Sean Lemoine

J. Sean Lemoine

State Bar No. 24027443

sean.lemoine@wickphillips.com**WICK PHILLIPS GOULD & MARTIN, LLP**

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**ATTORNEY 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 all counsel pursuant to the Texas Rules of Civil Procedure on July 1, 2019.

/s/ J. Sean Lemoine

J. Sean Lemoine

July 1, 2019

Via Electronic Mail and/or First-Class Mail

Nicholas Rekieta

[REDACTED]

Barb Myers

[REDACTED]

Lisa Hansell

[REDACTED]

Chuck Huber

[REDACTED]

Todd Haberkorn

[REDACTED]

Chris Slatosch

[REDACTED]

Chelsea Beard

[REDACTED]

Veronica M. Julian

[REDACTED]

Alyssa A Fluty

[REDACTED]

Re: *Mignogna v. FUNimation Productions, LLC, et al*; Cause Number 141-307474-19, in the 431st District Court of Tarrant County, Texas; Litigation Hold Letter.

All:

This firm represents Monica Rial and Ronald Toye in connection with the above-referenced case pending in the 431st District Court of Tarrant County, Texas (the "Lawsuit"). As you are no doubt aware, Plaintiff Vic Mignogna ("Mignogna") filed the Lawsuit on April 18, 2019. Mignogna also sat for a deposition on June 26, 2019.

I send you this correspondence because I believe that you have knowledge and documents pertinent to this Lawsuit. Mignogna named you in his deposition, and informed me that he exchanged communications with you within the last year that are relevant to the Lawsuit.

This letter hereby notifies you that you must preserve any documents,¹ information, tangible things, or electronically stored information in your possession, custody, or control that may be relevant to the Lawsuit (“Materials”). We request that you take immediate steps to ensure all relevant Materials are not inadvertently or purposefully destroyed and/or deleted.

Such Materials include, but are not limited to:

- Documents and communications (emails/texts/other) with Mignogna about Monica Rial, Ronald Toye, Jamie Marchi, FUNimation, Tammi Denbow, Rooster Teeth, or any other matters concerning this Lawsuit;
- Documents and communications (emails/texts/other) between or among you and Monica Rial;
- Documents and communications (emails/texts/other) between or among you and Ronald Toye;
- Documents and communications (emails/texts/other) between or among you and Mignogna’s litigation counsel in this Lawsuit, Beard Harris Bullock Hughes;
- Documents and communications (emails/texts/other) between or among yourselves about Mignogna or this Lawsuit;
- Documents, donations, and accounting information concerning the “Vic Kicks Back” GoFundMe campaign found at this URL: <https://www.gofundme.com/f/vic-kicks-back>;
- Your communications to any person in which you exchange personal or identifying information concerning the Defendants in the lawsuit, any witnesses to Mignogna’s behavior at fan conventions, and any individuals who testify in the Lawsuit; this request specifically includes your communications (emails/texts/direct messages/posts) to individuals associated with Kiwi Farms and the Risembool Rangers.

¹ “Documents” as used in this letter is defined broadly. It includes hard copy files that you or your agents and representatives maintain at your home or office. It also includes “electronically stored information” or ESI. ESI includes any information maintained on any computer, including emails, Word, Excel, Dropbox, PowerPoint, .PDF, .TIF, or .JPG files. These files should be maintained in electronic form, and all steps should be taken to ensure they are not deleted through a routine backup or “purge” process. If you use a web-based email solution (i.e., gmail, Hotmail) that contains relevant information, this hold requires you to take all steps to ensure that information is not deleted or purged. ESI also includes any information maintained on a smart phone (i.e., iPhone, Android, or Blackberry), including memos, files, or text messages. “Documents” also include any audio or video recordings.

With regards to the forgoing, any and all of your automatic or routine document destruction policies or habits must be suspended. Therefore, until further notice:

DO NOT DESTROY, DISCARD, ALTER, OR ERASE ANY DOCUMENT OR ELECTRONIC INFORMATION, WHETHER ALREADY EXISTING OR CREATED IN THE FUTURE, THAT RELATES IN ANY WAY TO THE LAWSUIT OR THE MATERIALS. ALL DOCUMENTS AND ELECTRONIC INFORMATION RELATING TO THE LAWSUIT MUST BE PRESERVED UNTIL FURTHER NOTICE FROM COUNSEL.

The date range of Materials to be preserved is at least January 1, 2018 through trial or final dismissal of this matter, but do not limit preservation to those dates if you have relevant Materials that fall outside of the range.

Please forward this Litigation Hold Letter to your legal counsel, if any, and to any individual or agent who may be in possession of any documents or materials relating to the Lawsuit, or to any individual who has responsibility or control over any areas or devices where documents relating to the Lawsuit may be maintained or stored.

Your compliance is expected and appreciated.

Should you have any questions, you may contact me directly.

Sincerely,

A handwritten signature in black ink, appearing to read 'J. Sean Lemoine', with a long horizontal flourish extending to the right.

J. Sean Lemoine