

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

VICTOR MIGNOGNA,  
Plaintiff,

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IN THE DISTRICT COURT

v.

141<sup>st</sup> JUDICIAL DISTRICT

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

TARRANT COUNTY, TEXAS

**SUPPLEMENT TO PLAINTIFF’S SECOND AMENDED PETITION**

TO THE HONORABLE JUDGE OF SAID COURT:

Plaintiff Victor Mignogna (“Plaintiff” or “Vic”) filed his Second Amended Petition on September 2, 2019. However, several pages of Exhibit E were omitted from the filing. Therefore, Plaintiff hereby replaces the original Exhibit E with Exhibit E attached hereto.

Respectfully submitted,  
BEARD HARRIS BULLOCK HUGHES

By:  /s/ Ty Beard

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*Attorneys for Plaintiff*

## **Exhibit E**

CAUSE NO. 141-307474-19

VICTOR MIGNOGNA,  
Plaintiff,

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IN THE DISTRICT COURT

v.

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

141<sup>st</sup> JUDICIAL DISTRICT

TARRANT COUNTY, TEXAS

**UNSWORN DECLARATION OF VICTOR MIGNOGNA**

I, VICTOR MIGNOGNA, hereby execute this Unsworn Declaration and state as follows:

1. My name is Victor Mignogna and I live in Tarrant County, Texas. I am over the age of eighteen years and competent to make this Declaration. I have personal knowledge of the facts stated in this Declaration, and these facts are true and correct.
2. I have never sexually assaulted or sexually harassed anyone or attempted to do so.
3. I have never physically assaulted any woman or attempted to do so.
4. I have never forced (or attempted to force) anyone to kiss me, hug me, or engage in any sexual activities.
5. I have never fondled, kissed without consent, or otherwise inappropriately had contact with underage people or adults.
6. I have never inappropriately touched, rubbed, stroked, struck any female fans, guests, staff or acquaintances.
7. I have never had sexual contact with anyone without their consent.
8. I have never attempted to sexually assault, sexually harass, touch inappropriately, or have any nonconsensual contact with Monica Rial or Jamie Marchi.
9. I have read Jamie Marchi's July 18, 2019 affidavit, attached as Exhibit A to her Motion to Dismiss. I have (a) never grabbed her hair and pulled it



down; (b) never whispered sexually suggestive or violent statements to her; and (c) never pressed my lips to ears, as as she claims in the affidavit.

10. Tammi Denbow contacted me on January 25, 2019. She stated she was an executive with Sony and advised me that she wanted to interview me by phone about several allegations that had been reported against me. We discussed the three allegations below:
    - a. An accusation that, at an anime convention, I ate a jellybean thrown at me by Monica Rial in a sexually suggestive manner. I did not eat the jellybean in a sexually suggestive manner; I made no sexually suggestive comments; and no one, including Monica Rial appeared to interpret the action and comments as being sexual in nature. I told this to Tammi Denbow.
    - b. An accusation that I invited two adult females (who had flirted with me numerous times over the previous year) to my hotel room at an anime convention, then sexually harassed or assaulted them. I did not sexually harass or assault them. I expressed romantic interest in them, they declined and left the room. I did not harass, intimidate or pressure them in any way. I told this to Tammi Denbow.
    - c. An accusation that I kissed a Funimation Productions, LLC (“Funimation”) employee, Sarah Bachmeyer, without her consent, in her office. I did share a single, consensual kiss with her. There was no coercion or lack of consent. I told this to Tammi Denbow.
  11. Immediately after this conversation, I emailed Tammi Denbow about the investigation. The emails attached as Exhibit A are true and correct versions of the emails we exchanged.
  12. Before the consensual kiss in her office at Funimation, Sara Bachmeyer and I had corresponded via text, phone calls and in person for at least a year or more. I regularly stopped by her office while in the studio recording just to say hi. She appeared to welcome my interest in her and appeared to be interested in me. Eventually asked to kiss her, and she agreed. We only kissed that one time. In the years since the kiss, she has never expressed any outrage or anger to me.
  13. Tammi Denbow did not mention or ask me about any other incidents. In particular, she did not mention or ask about the purported attempted sexual assault in 2007 against Monica Rial (alleged by Monica Rial in her affidavit), nor did she mention any of the alleged hair-pulling incidents asserted by Monica Rial and Jamie Marchi.
-

14. I was assured by Tammi Denbow that the investigation and its results would be kept confidential.
  15. I was informed by telephone on Saturday January 26, 2019 or Monday January 28, 2019 that I had been terminated by Funimation.
  16. By mid-January, 2019, I had valid contracts with dozens of conventions to appear as a guest in 2019. At least a dozen cancelled my appearance by the time I filed this lawsuit and they are listed in my Amended Petition. Emerald City Comic Con, Fan Expo Toronto, Fan Expo Orlando (aka MegaCon) and Planet Comic Con also cancelled my appearances, despite having contracts with me to appear.
  17. I have appeared at a number of conventions in 2019. They are listed below, along with the amounts I earned at each (all amounts rounded down to the nearest thousand dollars):
    - a. Kamehacon - \$37,000
    - b. Savannah - \$13,000
    - c. Central PA - \$5,000
    - d. Puerto Rico - \$11,000
    - e. BakAnime - \$5,000
    - f. Anime Matsuri - \$30,000
    - g. Super World Con - \$5,000
    - h. Ireland - \$12,000
    - i. Liberty - \$14,000
    - j. Jacksonville NC - \$12,000
    - k. Bubba Fest - \$17,000
  18. Five of the conventions that cancelled me were as large or larger than Anime Matsuri. These were: Emerald City Comic Con, Florida Super Con, Fan Expo Toronto, Fan Expo Orlando (aka MegaCon) and Planet Comic Con. It is reasonable to expect that I would have earned similar amounts at each of these conventions that I earned at Anime Matsuri (\$30,000), but I would have earned a minimum of \$20,000 per convention because they were all larger in attendance than Anime Matsuri. I would have expected to earn at least \$5,000 at each of the smaller conventions that cancelled my appearances, extrapolating from similar sized conventions that I did attend (i.e., the conventions listed in the previous paragraph other than Anime Matsuri).
  19. The owners or managers of the conventions that cancelled me all stated that the cancellation was due to the allegations of sexual assault being made by defendants. Several also mentioned the Funimation investigation as motivating the cancellation.
-

20. I have never been cancelled at a convention before 2019.
  21. I have no memory of anyone named Robin Michelle Blankenship or Robin Michelle Blankenship-McConnell and no memory of any of the events she described in her affidavit that was attached to Rial and Toye's Motion to Dismiss.
  22. I have read the affidavit of Kara Edwards, attached to Rial and Toye's Motion to Dismiss. I did not commit any of the improper acts she claims I did in the affidavit, such as knocking on her door repeatedly, hugging for an uncomfortably long time, saying things like "open the door; nobody has to know" or "you know you want this", etc. I did not sexually assault her, I did not attempt to sexually assault her and I never engaged in any contact without her consent.
  23. I have read the affidavit of Lynn Hunt, attached to Rial and Toye's Motion to Dismiss. I deny all improper conduct she claims I engaged in, including the specific allegations in paragraphs 3-9 of the affidavit.
  24. I have read the affidavit of Faisal Ahmed attached to Rial and Toye's Motion to Dismiss. I deny all improper conduct he claims I engaged in, including being "overly friendly" with female cosplayers, behaving inappropriately with Erica McCord, Kelly Loftus or Leah Hamilton.
  25. I have read the affidavit of Mary Reese attached to Rial and Toye's Motion to Dismiss. I deny all improper conduct she claims I engaged in, including manipulating and tricking young girls, being "demanding", being a bully, being intentionally rude to her, grabbing Kara Edwards' hair and forcefully pulling it back, demanding that Kara Edwards' table be moved, etc.
  26. I have read the affidavit of Whitney Falba attached to Rial and Toye's Motion to Dismiss. I deny all improper conduct she claims I engaged in, including being disrespectful to staff, inappropriately touching females, having underage female fans in my hotel room, etc.
  27. I have read the affidavit of Nesha Perry attached to Rial and Toye's Motion to Dismiss. I deny all improper conduct she claims I engaged in, including stroking anyone's leg without permission, and grabbing anyone's hair and pull it back while whispering into their ear.
  28. I have read the affidavit of Emmett Plant attached to Rial and Toye's Motion to Dismiss. I deny all improper conduct he claims I engaged in, including stroking anyone's leg without permission, and grabbing anyone's hair and pull it back while whispering into their ear.
-

29. I have read the affidavit of Adam Sheehan attached to Rial and Toye's Motion to Dismiss. I deny all improper conduct he claims I engaged in, including "having [any] predatory tendencies", kissing, touching or stroking female fans inappropriately, etc.
30. I have read the affidavit of Kelly Loftus attached to Rial and Toye's Motion to Dismiss. I deny that I ever "hit" on her. I also deny all improper conduct she claims I engaged in, including hugging, touching or kissing her without her consent or doing so inappropriately.
31. I have read the affidavit of John Prager attached to Rial and Toye's Motion to Dismiss. I deny all improper conduct he claims I engaged in, including "stalking" or behaving inappropriately with Mari Iijima. Being a sexual predator, touching women inappropriately or without their consent.
32. I have read the affidavits of Elizabeth Yost and Theresa Yost, attached to Rial and Toye's Supplement to Motion to Dismiss. I deny that I touched either of them without consent or in any inappropriate way. I did invite them to my room (after they had flirted with me numerous times over the previous year), but when their made their lack of interest clear, I bid them goodbye and they left freely and peacefully. I did not ask them to do a strip tease show for me. I did not try to kiss either of them. I did not later express a desire to kiss them nor did I ever become angry with them. They never cried, teared up or acted afraid in my presence.
33. As a result of the stress and anguish caused by Defendants, I have been diagnosed with depression and have been prescribed Zoloft. Zoloft was prescribed after the defamatory assertions by Defendants.
34. I have never asked my fans to harass, attack or mistreat anyone.
35. In late 2017, I walked into Coleen Clinkenbeard's office and asked her why I was not cast more often. At the time, I was directing *Juni Taisen*. She told me that (a) they did not like casting people who weren't local and (b) that some directors thought I was "difficult" because I occasionally requested additional takes even though the director was satisfied. She stated that there were no other concerns about my conduct and did not mention any reports of inappropriate conduct. I told Chuck Huber of this meeting.
36. Until the January 25, 2019 communication with Tammi Denbow, I had never been reprimanded or questioned for any inappropriate conduct of any kind.



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Victor Mignogna, Declarant

**Jurat**

(Sensitive Information Redacted Per T.R.C.P. 21)

My name is Victor Mignogna, my date of birth is xx/xx/xxxx, and my address is xxxx xxxxxx  
xx, xxxxxxxxxxx, xxxxxxx xxxxxxx, xxxxx xxxxx and USA.

I declare under penalty of perjury that the foregoing is true and correct.

Executed in Tarrant County, State of Texas, on the 2<sup>nd</sup> day of September, 2019.



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Victor Mignogna

Mignogna Declaration  
**Exhibit A**

----- Forwarded message -----

**From:** **victhewop** <[victhewop@aol.com](mailto:victhewop@aol.com)>  
**Date:** Fri, Jan 25, 2019 at 5:30 PM  
**Subject:** Fwd: Confidential Discussion  
**To:** Lisa Hansell <[liser67@gmail.com](mailto:liser67@gmail.com)>

Begin forwarded message:

**From:** "Denbow, Tammi" <[Tammi\\_Denbow@spe.sony.com](mailto:Tammi_Denbow@spe.sony.com)>  
**Date:** January 25, 2019 at 7:20:44 PM CST  
**To:** "[victhewop@aol.com](mailto:victhewop@aol.com)" <[victhewop@aol.com](mailto:victhewop@aol.com)>  
**Subject:** RE: Confidential Discussion

Vic,

As we discussed during our previous conversation today, please do NOT reach out to either party listed below or anyone else you believe might have raised a concern, or be connected to this investigation.

Thanks,

Tammi

**From:** [victhewop@aol.com](mailto:victhewop@aol.com) <[victhewop@aol.com](mailto:victhewop@aol.com)>  
**Sent:** Friday, January 25, 2019 12:33 PM  
**To:** Denbow, Tammi <[Tammi\\_Denbow@spe.sony.com](mailto:Tammi_Denbow@spe.sony.com)>  
**Subject:** Re: Confidential Discussion

just one more thing..... I hope this is acceptable to offer....

I would be more than willing to make a sincere heartfelt apology to Monica and Sara for any unintended offense. I have considered them both friends and I believed the feeling was mutual. I would have apologized at the time, but was never given any indication that anything offensive had occurred.

thanks again, sorry to bother again.

vic

-----Original Message-----

From: Denbow, Tammi <[Tammi\\_Denbow@spe.sony.com](mailto:Tammi_Denbow@spe.sony.com)>

To: [victhewop@aol.com](mailto:victhewop@aol.com) <[victhewop@aol.com](mailto:victhewop@aol.com)>

Sent: Fri, Jan 25, 2019 2:19 pm

Subject: RE: Confidential Discussion

Hi, Vic.

Thank you for the additional information/clarification. I will add it to my file.

Tammi

**From:** [victhewop@aol.com](mailto:victhewop@aol.com) <[victhewop@aol.com](mailto:victhewop@aol.com)>

**Sent:** Friday, January 25, 2019 11:59 AM

**To:** Denbow, Tammi <[Tammi\\_Denbow@spe.sony.com](mailto:Tammi_Denbow@spe.sony.com)>

**Subject:** Re: Confidential Discussion

thank you for your time, Tammi, albiet a difficult conversation.

I just wanted to reiterate a couple things....

1. Sara Bachmeyer and I corresponded via text, phone calls and in person for at least a year or more. I regularly stopped by her office while in the studio recording just to say hi. She gave me every indication that she liked me and welcomed my interest in her before I ever asked to kiss her... and she agreed. And it was a couple years ago and she has never expressed any offense then or since, so I feel that why it's coming up now is suspect.

2. My relationship with Monica has always been completely platonic. That jelly bean joke was in bad taste at worst, but it was also many years ago and it was simply quick banter meant to be funny. She and I

have done dozens of events and projects together since then and she has not only never mentioned any offense, but has treated me exactly the same as the good friends we've been for 20 years.

Additionally, many many things are said and done by voice actors at conventions in front of fans that's MUCH worse. In fact, many conventions have "after dark" panels where voice actors actually share explicitly sexual stories and profanity in front of an audience of fans. (I have never attended one because it's not who I am)

I hope you dont mind me sending you this. I just wasn't sure if I communicated those points clearly enough.

Sincerely,

vic

-----Original Message-----

From: Denbow, Tammi <[Tammi\\_Denbow@spe.sony.com](mailto:Tammi_Denbow@spe.sony.com)>

To: [victhewop@aol.com](mailto:victhewop@aol.com) <[victhewop@aol.com](mailto:victhewop@aol.com)>

Sent: Fri, Jan 25, 2019 11:20 am

Subject: RE: Confidential Discussion

Hi, Vic.

10 a.m. is perfect. I'll make sure I'm free at that time.

Thanks,

Tammi

**From:** [victhewop@aol.com](mailto:victhewop@aol.com) <[victhewop@aol.com](mailto:victhewop@aol.com)>

**Sent:** Friday, January 25, 2019 9:19 AM

**To:** Denbow, Tammi <[Tammi\\_Denbow@spe.sony.com](mailto:Tammi_Denbow@spe.sony.com)>

**Subject:** Re: Confidential Discussion

hi Tammi,

Thanks for your email. I've been expecting your call. Would it be OK for me to call you at your number listed below around 10 AM your time? It will be from my cell 713-927-3897.

Thanks,

Vic

-----Original Message-----

From: Denbow, Tammi <[Tammi\\_Denbow@spe.sony.com](mailto:Tammi_Denbow@spe.sony.com)>

To: [victhewop@aol.com](mailto:victhewop@aol.com) <[victhewop@aol.com](mailto:victhewop@aol.com)>

Sent: Fri, Jan 25, 2019 11:09 am

Subject: Confidential Discussion

Hi, Vic.

As Karen informed you, I need to speak with you regarding a confidential matter brought to my attention. Please do not discuss this request with others to maintain the integrity of this confidential process. My schedule is open until 2 p.m. Pacific time today. You will need privacy on your end of the call, so please plan accordingly when responding with a time you are available. Please indicate whether you would prefer to call me at the number below or if I should call you at 713-927-3897.

I look forward to speaking with you soon.

Tammi

Tammi Denbow

Executive Director, P&O

Sony Pictures Entertainment

10202 West Washington Blvd.

Culver City, CA 90232

(310) 244-2907

[Tammi\\_Denbow@spe.sony.com](mailto:Tammi_Denbow@spe.sony.com)