

## CAUSE NO. 141-307474-19

VICTOR MIGNOGNA,  
Plaintiff,

V.

FUNIMATION PRODUCTIONS, LLC.  
MONICA RIAL, RONALD TOYE, and  
JAMIE MARCHI,  
Defendants.§ IN THE DISTRICT COURT  
§  
§ 141<sup>ST</sup> JUDICIAL DISTRICT  
§  
§ TARRANT COUNTY, TEXASAFFIDAVIT OF SERVICE

Came to my hand on October 24, 2019 at 10:12 AM,  
 Delivered at: 100 Independence Place, Suite 300, Tyler, TX 75703-1328  
 within the county of Smith at 11:15 AM, on Thursday, **October 24, 2019**  
 by individually and personally delivering to the within named:

Percy Tyrone Beard

a true copy of the NOTICE OF INTENT TO SERVE SUBPOENA FOR PRODUCTION OF DOCUMENTS ON  
 NONPARTY PERCY TYRONE BEARD; Exhibit 1; and Exhibit A, having first endorsed thereon the date of the  
 delivery.

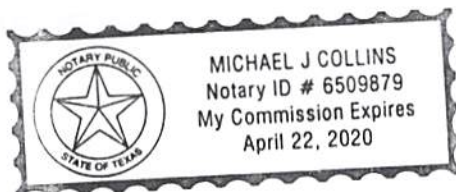
BEFORE ME, the undersigned authority, on this day personally appeared Marcus J Collins, who after being duly sworn on oath states:  
 "My name is Marcus J Collins. I am a person over eighteen (18) years of age and I am competent to make this affidavit. I am a  
 resident of the State of Texas. I have personal knowledge of the facts and statements contained in this affidavit and aver that each is  
 true and correct. 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 am familiar with the Texas Rules of Civil  
 Procedure, and the Texas Practice and Remedies Codes as they apply to service of process. I am approved by the Judicial Branch  
 Certification Commission (JBCC) of Texas under Rule 103 and 501.2 of the TRCP to deliver citations and other notices from any  
 District, County and Justice Courts in and for the State of Texas."

Reference No 297-0201

Marcus J Collins  
 Of: Smith County, Texas

By: Marcus J Collins  
 Process Server PSC-2147, Expires 07/31/2020

Subscribed and Sworn to by Marcus J Collins, Before Me, the undersigned authority, on this 24 day of  
 October, 2019.



[Signature]  
 Notary Public in and for the State of Texas

## 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 OF

141<sup>st</sup> JUDICIAL DISTRICT

TARRANT COUNTY, TEXAS

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**NOTICE OF INTENT TO SERVE SUBPOENA FOR PRODUCTION OF DOCUMENTS  
ON NONPARTY PERCY TYRONE BEARD**

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To: Percy Tyrone Beard, 100 Independence Place, Suite 300 Tyler, TX 75703-1328.

Pursuant to Texas Rule of Civil Procedure 205, please take notice that within ten days from the date of this Notice, Defendants Monica Rial ("Rial") and Ronald Toye ("Toye") (together "Defendants"), intend to serve on Ty Beard, a signed copy of the Subpoena Duces Tecum (the "Subpoena") attached hereto, requesting the production of documents and things described in Exhibit A thereto.

**NOTICE OF INTENT TO SERVE SUBPOENA FOR PRODUCTION OF DOCUMENTS ON TY BEARD**

Date: October 22, 2019

By: /s/ J. Sean Lemoine  
J. Sean Lemoine  
State Bar No. 24027443  
sean.lemoine@wickphillips.com

**WICK PHILLIPS GOULD & MARTIN, LLP**  
3131 McKinney Ave., Suite 100  
Dallas, Texas 75204  
Telephone: (214) 692-6200  
Facsimile: (214) 692-6255

Cowles & Thompson  
Casey S. Erick  
State Bar No.: 24028564  
901 Main Street, Suite 3900  
Dallas, Texas 75202  
Email: cerick@cowlesthompson.com

and

Carrington, Coleman, Sloman & Blumenthal, L.L.P.  
Andrea Perez  
State Bar No.: 24070402  
901 Main Street, Suite 5500  
Dallas, Texas 75202  
214.855.3070  
APerez@CCSB.com

**ATTORNEYS FOR DEFENDANTS  
MONICA RIAL AND RONALD TOYE**

**CERTIFICATE OF SERVICE**

I certify that on October 22, 2019, a true and correct copy of the foregoing was served on all counsel of record in accordance with Rule 21a of the Texas Rules of Civil Procedure.

/s/J. Sean Lemoine  
J. Sean Lemoine

**NOTICE OF INTENT TO SERVE SUBPOENA FOR PRODUCTION OF DOCUMENTS ON TY BEARD**

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STATE OF TEXAS  
DEPOSITION SUBPOENA DUCES TECUM  
CAUSE NO. 141-307474-19

**EXHIBIT 1**

|                                                                                                                                                                                                                                                                                                                                                   |                                                                                                        |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------|
| <b>VICTOR MIGNOGNA,</b><br>Plaintiff,<br><br>v.<br><b>FUNIMATION PRODUCTIONS, LLC, MONICA RIAL,</b><br><b>RONALD TOYE, and JAMIE MARCHI,</b><br>Defendants.                                                                                                                                                                                       | <b>IN THE DISTRICT COURT</b><br><br><b>141ST JUDICIAL DISTRICT</b><br><br><b>TARRANT COUNTY, TEXAS</b> |
| <b>TO ANY SHERIFF OR CONSTABLE OF THE STATE OF TEXAS OR OTHER PERSON AUTHORIZED TO SERVE AND EXECUTE - GREETINGS: YOU ARE HEREBY COMMANDED TO SUMMON:</b>                                                                                                                                                                                         |                                                                                                        |
| Percy Tyrone Beard, 100 Independence Place, Suite 300 Tyler, TX 75703-1328.                                                                                                                                                                                                                                                                       |                                                                                                        |
| <input type="checkbox"/> <b>YOU ARE COMMANDED</b> to appear at the place, date, and time specified below to testify at the taking of a deposition in the above case.                                                                                                                                                                              |                                                                                                        |
| <b>PLACE OF DEPOSITION</b>                                                                                                                                                                                                                                                                                                                        | <b>DATE AND TIME</b>                                                                                   |
|                                                                                                                                                                                                                                                                                                                                                   |                                                                                                        |
| <input checked="" type="checkbox"/> <b>YOU ARE COMMANDED</b> to produce and permit inspection and copying of the following documents or tangible things at the place, date, and time specified below (list documents or tangible things):                                                                                                         |                                                                                                        |
| <b>SEE "EXHIBIT A" for a listing of documents to produce for inspection.</b>                                                                                                                                                                                                                                                                      |                                                                                                        |
| <b>PLACE</b>                                                                                                                                                                                                                                                                                                                                      | <b>DATE AND TIME</b>                                                                                   |
| Via electronic copy to Wick Phillips Gould & Martin, 3131 McKinney Avenue, Suite 100 Dallas, Texas 75204.                                                                                                                                                                                                                                         | November 8, 2019 at 5:00 p.m.                                                                          |
| <input type="checkbox"/> <b>YOU ARE COMMANDED</b> to permit inspection of the following premises at the date and time specified below.                                                                                                                                                                                                            |                                                                                                        |
| <b>PREMISES</b>                                                                                                                                                                                                                                                                                                                                   | <b>DATE AND TIME</b>                                                                                   |
|                                                                                                                                                                                                                                                                                                                                                   |                                                                                                        |
| Failure by any person without adequate excuse to obey a subpoena served upon that person may be deemed a contempt of the court from which the subpoena is issued or a district court in the county in which the subpoena is served, and may be punished by fine or confinement, or both. Texas Rule of Civil Procedure 176.8(a).                  |                                                                                                        |
| <b>ISSUING OFFICER SIGNATURE AND TITLE (INDICATE IF ATTORNEY FOR PLAINTIFF OR DEFENDANT)</b>                                                                                                                                                                                                                                                      | <b>DATE</b>                                                                                            |
| <u>/s/ J. Sean Lemoine</u><br>Attorney for Defendants<br>Monica Rial and Ronald Toyne                                                                                                                                                                                                                                                             | October 22, 2019                                                                                       |
| <b>ISSUING OFFICER'S NAME, ADDRESS AND PHONE NUMBER</b><br>J. Sean Lemoine<br>State Bar No. 24027443<br><a href="mailto:sean.lemoine@wickphillips.com">sean.lemoine@wickphillips.com</a><br><b>WICK PHILLIPS GOULD &amp; MARTIN, LLP</b><br>3131 McKinney, Suite 100<br>Dallas, Texas 75204<br>Telephone: 214.692.6200<br>Facsimile: 214.692.6255 |                                                                                                        |

| PROOF OF SERVICE       |      |                   |
|------------------------|------|-------------------|
| SERVED                 | DATE | PLACE             |
|                        |      |                   |
| SERVED ON (PRINT NAME) |      | MANNER OF SERVICE |
|                        |      |                   |
| SERVED BY (PRINT NAME) |      | TITLE             |
|                        |      |                   |

#### DECLARATION OF SERVER

I declare under penalty of perjury under the laws of the State of Texas that the foregoing information contained in the Proof of Service is true and correct.

Executed on \_\_\_\_\_

\_\_\_\_\_  
SIGNATURE OF SERVER

ADDRESS OF SERVER:

\_\_\_\_\_  
\_\_\_\_\_

## **Exhibit A**

### **Instructions and Definitions:**

1. The terms “communication(s),” means any oral or written utterance, notation or statement of any nature whatsoever, by or to whomsoever made, including, but not limited to correspondence, conversations, dialogues, discussions, interviews, consultations, agreements, and other understandings, between two or more persons.
2. The term “document” is used in the broadest sense and includes, but is not limited to, all originals, non-identical copies and drafts thereof. The term “document” includes, but is not limited to, the following items, whether printed, recorded, or reproduced by mechanical or electronic process, or written or produced by hand: agreements; communications, including intercompany and intracompany communications; letters; **electronic mail, instant messages, text messages,** correspondence; **applications of any type that exchange communications,** telegrams; cables; telexes; memoranda; records; books; summaries of records or papers; graphs; charts; maps; blueprints; diagrams; tables; indices; pictures; recordings; tapes; computer storage media; accounts; analyses and analytical records; memoranda of telephone calls; minutes or records of meetings or conferences; reports or summaries of interviews; transcripts; reports; microfilm; microfiche; telecopies; faxes; computer printouts; ledgers; photographs; videotapes; photographs; schedules; wiring diagrams; logic diagrams; diaries; calendars; day-timers; logs; reports or summaries of investigations; opinions or reports of consultants; appraisals; evaluations; reports or summaries of negotiations; brochures; bulletins; pamphlets; circulars; advertising literature; magazine and newspaper articles or advertisements; trade letters; press releases; contracts; notes; drafts; projections; working papers; ledgers; checks (front and back); check stubs; receipts; and other documents, papers, or writings of whatever description including, but not limited to, any information contained in any computer or electronic information storage and retrieval device.
3. The term “You” or “Your” as used herein shall mean Percy Tyrone Beard.
4. The term “Litigation” as used herein shall mean the action cited above, Cause No. 141-307474-19; *Mignogna v. Funimation, et al.*; currently pending in the 141st Judicial District Court of Tarrant County, Texas.
5. The term “Kameha Con” as used herein shall mean the annual unofficial Dragon Ball convention based out of Irving, Texas and hosted at the Irving Convention Center.
6. The term “Kameha Con 2019” as used herein shall mean the Kameha Con convention hosted at the Irving Convention Center on April 12-14, 2019.
7. The term “Mignogna” as used herein shall mean Plaintiff Vic Mignogna.
8. The term “Defendants” as used herein shall mean Defendants Funimation Productions, LLC, Monica Rial, Ronald Toye, and Jamie March.
9. The term “Rekieta” as used herein shall mean Nicholas Robert Rekieta, as well as his entities including Rekieta Law, Rekieta Law, LLC, and Rekieta Media, LLC.
10. Unless otherwise indicated, the use in these requests of the name or identity of any person, business organization, or other entity (including, but not limited, to those entities and persons identified in this definitions) shall specifically include all of that entity’s or person’s present or former employees, officers, directors, agents, representatives, members, partners, attorneys, departments, sections, affiliates, subsidiaries, parents, and all others acting on its/their behalf.
11. The term “relating to” (or any variant of “relating to”) means reflecting, referring to, regarding, having any relationship to, pertaining to, evidencing, or constituting, in whole or in part, the subject matter of the particular request, as well as any document which contains, records, states, reflects,

interprets, identifies, confirms, contradicts, or otherwise concerns that subject in any fashion whatsoever.

12. Pursuant to Texas Rule of Civil Procedure 196.4, for any responsive documents that are in electronic form, please produce in both (i) hard copy (with Bates-stamps) or .pdf (with Bates-stamps); and (ii) the native magnetic or electronic form.
13. Unless otherwise indicated, the use in these requests of the name or identity of any person, business organization, or other entity shall specifically include all of that entity's present or former employees, officers, directors, agents, representatives, members, attorneys, departments, sections, affiliates, subsidiaries, parents, and all other persons acting on its behalf.
14. The time period relevant to these requests is January 1, 2019 through the date of production listed in this subpoena, unless otherwise stated and/or obvious from the context of the Request.
15. For the purpose of interpreting and construing the scope of these Requests, you are instructed to give words their most expansive and inclusive meanings, unless otherwise specifically limited by the language of an individual request. Accordingly: (a) construe the words "and" as well as "or" in the disjunctive or conjunctive, as necessary to make the request more inclusive; (b) construe the term "including" to mean "including, but not limited to;" (c) construe the singular form of a word to include the plural and the plural form to include the singular; (d) construe a masculine noun or adjective to include the feminine and vice versa; and (e) construe the words "all" and "each" to mean both all and each.
16. If, in answering a Request, you object to any part of a Request, each part of said Request shall be treated separately. If an objection is made to a portion of a Request, the remaining portion(s) shall be answered.
17. These Requests are intended to cover all documents or things that are in your possession, custody, or control. A document or thing is deemed to be in your possession, custody, or control if:
  - a. it is in your physical control; or
  - b. it is in the physical control of any other person or entity, and you, individually or otherwise:
    - (1) own the document or thing in whole or in part;
    - (2) have a right by contract, statute, or otherwise, to use, inspect, examine, or copy that document or thing on any terms; or
    - (3) have been able to use, inspect, examine, or copy that document or thing when you have sought to do so.

**Documents:**

1. Documents, and communications (including emails, texts, or any other type of communication) between You and Chris Slatosch, Chuck Huber, Stan Dahlin, and/or Rekieta concerning the Litigation, Vic Mignogna, any of the Defendants, Defense counsel, and/or the affidavits executed by Chris Slatosch, Chuck Huber, and Stan Dahlin in the Litigation.
2. Documents, and communications, concerning Kameha Con 2019 that reference or discuss Mignogna, Defendants, Slatosch, or Rekieta.