

CAUSE NO. 141-307474-19

VICTOR MIGNOGNA,
Plaintiff,

v.

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

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IN THE DISTRICT COURT

141st JUDICIAL DISTRICT

TARRANT COUNTY, TEXAS

AFFIDAVIT OF VICTOR MIGNOGNA

STATE OF TEXAS
COUNTY OF SMITH

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On this day, VICTOR MIGNOGNA, personally known to me to be the affiant herein, appeared before me and, after being sworn according to law, on his oath, deposed and said 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 affidavit. I have personal knowledge of the facts stated in this Affidavit, 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.
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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 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.
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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 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).
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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.
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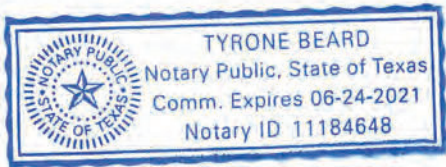
28. I have read the affidavit of Emmett Plant attached to Rial and Toye's Motion to Dismiss. I deny all improper conduct he claims I engaged in, including stroking anyone's leg without permission, and grabbing anyone's hair and pull it back while whispering into their ear.
 29. I have read the affidavit 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. I have also been diagnosed with high blood pressure and have been prescribed Losartan for that condition. These medications were 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
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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.


Victor Mignogna, Affiant

SUBSCRIBED AND SWORN TO BEFORE ME, the undersigned Notary Public in and for the State of Texas, on this 30th day of August, 2019, by Victor Mignogna, the affiant named above, to which witness and certify my signature and official seal.




NOTARY PUBLIC, STATE OF TEXAS