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Court of Appeals  
Division I  
State of Washington  
1/14/2022 8:00 AM

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SUPREME COURT  
STATE OF WASHINGTON  
1/14/2022  
BY ERIN L. LENNON  
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No. 100572-5  
[Court of Appeals No. No. 81811-2-I]

IN THE SUPREME COURT  
OF THE STATE OF WASHINGTON

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IN RE: FUNKO INC. SECURITIES LITIGATION  
ROBERT LOWINGER, et al.

Appellants,

v.

FUNKO, INC., et al.

Respondents

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**JOINDER OF ACON INVESTMENTS, L.L.C., ACON FUNKO MANAGER,  
L.L.C., ACON FUNKO INVESTORS, L.L.C., ACON FUNKO INVESTORS  
HOLDINGS 1, L.L.C., AND ACON EQUITY GENPAR, L.L.C. IN PETITION FOR  
REVIEW**

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ACON Investments, L.L.C., ACON Funko Manager, L.L.C., ACON Funko Investors,  
L.L.C., ACON Funko Investors Holdings 1, L.L.C., and ACON Equity GenPar, L.L.C.

Pursuant to Rule of Appellate Procedure 10.1(g), ACON Investments, L.L.C., ACON Funko Manager, L.L.C., ACON Funko Investors, L.L.C., ACON Funko Investors Holdings 1, L.L.C., and ACON Equity GenPar, L.L.C (the “ACON Defendants”) join in the Petition for Review of the Court of Appeals’ November 1, 2021 decision filed by Funko, Inc., Brian Mariotti, Russell Nickel, Ken Brotman, Gino Dellomo, Charles Denson, Diane Irvine, Adam Kriger, and Richard McNally (the “Funko Defendants”).

Plaintiffs’ only claim against the ACON Defendants is for “control person” liability under Section 15 of the Securities Act of 1933, 15 U.S.C. § 77o. Section 15 claims are wholly dependent on the existence of a predicate violation by a “controlled person.” Here, Plaintiffs allege that the ACON Defendants controlled Funko, Inc. The ACON Defendants thus join and adopt the arguments in the Funko Defendants’ Petition for Review, which addresses the underlying claims against Funko, Inc.

Respectfully submitted this 13th day of January, 2022.

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**CERTIFICATE OF SERVICE**

I hereby certify that on January 13, 2022, I cause a true and correct copy of the foregoing document to be served via the Court’s electronic filing portal on the following:

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## Transmittal Information

**Filed with Court:** Court of Appeals Division I  
**Appellate Court Case Number:** 81811-2  
**Appellate Court Case Title:** Robert Lowinger, et al, Appellants v. Funko, Inc., et al, Respondents

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