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**IN THE UNITED STATES DISTRICT COURT
DISTRICT OF UTAH**

BAM FRANCHISING, INC., AMMON
MCNEFF, MATTHEW MCNEFF, JOSH
JOHNSON, BRANDON BEST, BAKER
BRICKS, LLC, dba SALEM-BAKER
BRICKS, INC.,

Plaintiffs,

vs.

BENJAMIN PAUL SCHNEIDER,
RECKLESS BEN LLC, BRYAN MANSELL,
and VICTOR NGUYEN,

Defendants.

**DEFENDANTS BENJAMIN PAUL
SCHNEIDER, VICTOR NGUYEN, AND
RECKLESS BEN LLC'S MOTION TO
SUPPLEMENT THEIR SPECIAL
MOTION FOR EXPEDITED RELIEF
AND FOR PARTIAL DISMISSAL OF
PLAINTIFFS' VERIFIED COMPLAINT
WITH NEW EVIDENCE**

Case No. 2:26cv593

Judge David Barlow

RELIEF SOUGHT AND GROUNDS

On September 18, 2026, Defendants Benjamin Paul Schneider, Reckless Ben LLC, and Victor Nguyen (collectively, "Reckless Ben") filed their Special Motion for Expedited Relief and for Partial Dismissal of Plaintiffs' Verified Complaint (Dkt. 37, "Motion"). Nine days later, on September 27, 2026, Plaintiff Josh Johnson participated in a recorded phone call posted in part to

YouTube. *See* https://www.youtube.com/watch?v=cC0xKlc_42o, **Ex. 1**. The same day, the full call was also posted to Patreon. *See* <https://www.patreon.com/MattyAppleseed999/posts/1-hour-call-with-170666704>, **Ex. 2**. In this phone call, Mr. Johnson made numerous omissions that further show Plaintiffs cannot prove their claims and Reckless Ben should prevail on their Motion. Reckless Ben seeks an order allowing them to supplement their Motion to include these phone call admissions and argument on how the admissions impact Plaintiffs' claims and the Motion.

STATEMENT OF FACTS

1. On September 18, 2026, Reckless Ben filed its Motion. *See* Dkt. #37.
2. Nine days later, on September 27, 2026, Plaintiff Josh Johnson participated in a recorded phone call posted in part to YouTube. *See* https://www.youtube.com/watch?v=cC0xKlc_42o, **Ex. 1**. The same day, the full call was also posted to Patreon. *See* <https://www.patreon.com/MattyAppleseed999/posts/1-hour-call-with-170666704>, **Ex. 2**.
3. Reckless Ben could not have included these statements by Plaintiff Johnson in the Motion because the statements had not been made yet.

ARGUMENT

Fed. R. Civ. P. 1. provides for “the just, speedy, and inexpensive determination of every action and proceeding.” Fed. R. Civ. P. 16(c)(2) allows the Court to “consider and take appropriate action on the following matters: (A) formulating and simplifying the issues, and eliminating frivolous claims or defenses ... (C) obtaining admissions and stipulations about facts and documents to avoid unnecessary proof ... (O) establishing a reasonable limit on the time allowed

to present evidence; and (P) facilitating in other ways the just, speeding and inexpensive disposition of the action.”

Based on these rules, the Court should allow Reckless Ben to supplement its motion to include admissions made by Plaintiff Johnson **after** the Motion was filed. In the videos cited above, Mr. Johnson made the following admissions:

YouTube Video:

- “Ben, I think in his heart he’s trying to do the right thing.” (3:16)
- **“I’m glad that Bryan got . . . that we were able to give him all his LEGOs back and pay him.”** (3:22, emphasis added)
- “The first time Bryan comes in the store . . . I’m like, I’ll continue the consignment.” (7:32)
- **“Ammon didn’t want to give Bryan his LEGOs back.”** (8:38, emphasis added)
- “I got done dirty by my boy (Ammon) in more than one way.” (16:45)
- “Between you and me, I love Ammon, but I got done dirty on all these things.” (21:16)
- “I don’t have anything to do with Matt and Ammon.” (23:21)
- “And I’m completely walking away and washing my hands of Bricks and Minifigs.” (23:33)
- **“I feel like I owe Ben an apology** for swearing at him.” (23:41, emphasis added)

Patreon Video:

- “People think I’m a bad guy, but at the end of the day, I was responsible for Bryan’s sets that were left at the store, right?” (33:08)
- “The first time Bryan comes in . . . and tells me about the stuff, I’m like, cool, I’ll buy it from you or I’ll continue the consignment.” (33:51)
- **“Ammon didn’t want to give Bryan his LEGOs back.”** (35:17, emphasis added)
- Explaining “Brandon had showed me the LEGOs in the cupboards” and stating he then called Mr. Mansell and said “Bryan, come get your stuff. Brandon showed me where it was.” (35:28-35:49)
- Referring to Ammon, “I got done dirty by my boy in more than one way.” (42:10)
- **“I’m just glad that Bryan has his LEGOs back,** that Bryan’s made whole. You know what I mean? That’s what’s important to me.” (43:12, emphasis added)
- “My part is that I’m happy that **I can have a clear conscience that Bryan has his LEGO sets back.**” (44:10, emphasis added)
- “Like I said, man, at the end of the day, like, my part, is Bryan, and that’s important to me that he got taken care of. . . . Between Bryan, Bryan not wanting it, Ben not getting it when I sent him in there to get it, **Ammon not wanting to give it to him,** I’m just happy the dude has his LEGO back and that he’s taken care of. That’s so important to me.” (48:05, emphasis added)

- “And I feel bad that I was . . . *I wish Ben the best. I feel bad that I yelled at him and told him to F off.*” (51:05, emphasis added)
- “All I wanted to do was give this guy his LEGO back.” (51:50)
- When asked about why Brandon Best said no to returning the LEGOs to Mr. Mansell, Mr. Johnson states, “Brandon never said no. *AMMON and MATT.*” Then when asked to confirm that Ammon and Matt McNeff said no to returning the LEGOs, Mr. Johnson says, “I don’t really care what they would say, . . . the only thing that really mattered to me was that Bryan got his stuff back, that Bryan’s taken care of, right? I don’t want Bryan to get screwed.” (52:30, emphasis added)
- “I feel like I needed to get Bryan his stuff back, and he did. . . . And *I feel like I owe Ben an apology* for swearing at him.” (55:35, emphasis added)
- “I did what I needed to accomplish, and that was taking care of Bryan.” (56:20)
- “But you would say sorry to Ben at the end of the day, for like swearing at him or treating him the way you did? *Yeah, I feel really bad about that.*” (56:24, emphasis added)
- “*I really like Ben.*” (56:52, emphasis added)
- “Like, I feel like I’ve done my repentance part and made sure that Bryan got taken care of and got paid and he got the LEGOs back.” (57:47)
- “I want to do my part to do the right thing, and that’s making sure that Bryan got taken care of” (1:00:27)
- “At the end of the day, there was those sets that were left in the store that I was personally responsible for, and I feel that part is done. Bryan’s been taken care of. You know what I mean? I’ve always felt heart sorry for Bryan.” (1:03:45)

These statements are material to Plaintiffs’ claims for relief and Reckless Ben’s Motion. For example, the admissions that BAM possessed Bryan’s LEGOs show Reckless Ben’s statements were true and not defamatory. In addition, the statement that BAM knew of, and did not object to, the consignment agreement also shows Reckless Ben did not defame BAM or engage in a Civil RICO conspiracy. For these reasons, Reckless Ben seeks leave to file a supplemental memorandum (limited to 10 pages) to address how the above statements, and others from the phone call, impact the Motion.

CONCLUSION

For the reasons set forth above, Reckless Ben moves the Court to allow it to file a supplemental memorandum of up to 10 pages in support of its Motion.

DATED this 1st day of October, 2026.

SPENCER FANE LLP

/s/ Melinda K. Bowen

R. Scott Young

Melinda K. Bowen

Hailey Winn

*Attorneys for Defendants Benjamin Paul Schneider,
Reckless Ben LLC, and Victor Nguyen*

CERTIFICATE OF SERVICE

I hereby certify that on the 1st day of October, 2026, I electronically filed the foregoing
**DEFENDANTS BENJAMIN PAUL SCHNEIDER, VICTOR NGUYEN, AND RECKLESS
BEN LLC'S MOTION TO SUPPLEMENT THEIR SPECIAL MOTION FOR
EXPEDITED RELIEF AND FOR PARTIAL DISMISSAL OF PLAINTIFFS' VERIFIED
COMPLAINT WITH NEW EVIDENCE** with the Clerk of the Court using the CM/ECF System:

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