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7 **MARICOPA COUNTY SUPERIOR COURT**  
8 **STATE OF ARIZONA**

9 **In Re Matter of:**

Case No: FC2023-052114

10 **LAURA OWENS,**

**ADDENDUM TO  
PETITIONER'S  
PRETRIAL STATEMENT**

11 **Petitioner,**

12 **And**

**(Assigned to Hon. Julie Mata)**

13 **CLAYTON ECHARD,**

14 **Respondent.**

GINGRAS LAW OFFICE, PLLC  
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PHOENIX, ARIZONA 85044

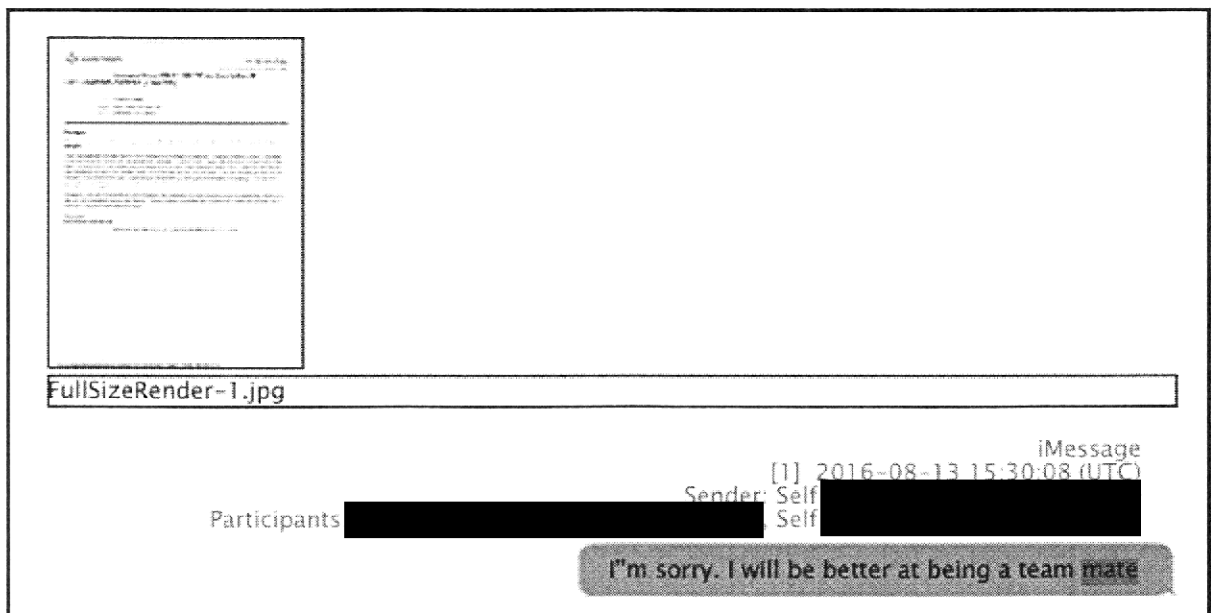
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17 Pursuant to Rule 76.1, Ariz. R. Fam. L.P., Petitioner Laura Owens (“Laura” or  
18 “Petitioner”) hereby submits the following *Addendum* to her Pretrial Statement. This  
19 addendum addresses issues required by Rule 76.1(g)(6) (contested issues of fact/law) and  
20 76.1(g)(13) (exhibits and objections). To the extent necessary, Laura also moves the  
21 Court to admit late-disclosed evidence pursuant to Rule 76.1(i) as discussed below.

22 Specifically, as the Court will recall, on April 30, 2024, Laura filed an *Emergency*  
23 Motion to Strike and Request for Immediate Telephonic Scheduling Conference. That  
24 pleading explained that earlier that same day (April 30, 2024), Respondent Clayton  
25 Echard disclosed, for the first time, documents purporting to show Laura sent fake  
26 medical records to an ex-boyfriend named Michael Marraccini in 2016. The motion to  
27 strike further explained, “Mr. Echard’s motion is supported by dozens of pages of new  
28 documents which he only disclosed for the first time today, April 30, 2024.”

1 On May 2, 2024, Clayton filed a Response opposing Laura’s Emergency Motion  
2 to Strike. In his Response, Clayton claimed the medical records he disclosed on April 30,  
3 2024 (the ones allegedly sent by Laura to Mr. Marraccini) were not “new”, because he  
4 claimed the records “are her medical records” and therefore “*not* new to Laura.” Opp. at  
5 2:2–6.


6 The next day, May 3, 2024, Laura submitted a Reply in support of her Emergency  
7 Motion to Strike. Laura also filed an affidavit in which she attested, unequivocally, that  
8 the “medical records” attached to Clayton’s April 30, 2024 7<sup>th</sup> Supplemental Disclosure  
9 Statement were “fake: these are not my medical records”. Laura further attested “I have  
10 no idea who created the fake records attached hereto as Exhibit A. All I can say is that I  
11 did not create them, I have no idea who did, and I never sent them to anyone else,  
12 because I had never seen these documents prior to them being disclosed by Mr. Echard  
13 on April 30, 2024.” Laura Aff., 5/3/24 at ¶ 6.

14 Days later, on May 7, 2024 (just three days prior to the close of discovery),  
15 Clayton disclosed an additional 2,489 pages of documents which he claimed were copies  
16 of text messages sent between Laura and Mr. Marraccini in 2016 and 2017. In effect, this  
17 data dump purported to show the *full* and complete exchange of text messages between  
18 Laura and Mr. Marraccini (as opposed to the partial snippets disclosed on April 30<sup>th</sup>).  
19 And sure enough, in this chain were the same “fake” records attached to Clayton’s April  
20 30, 2024 disclosure statement. One example is shown here (Bates No. CE1287):



1 For context, the screenshot above purports to shows a text message in a blue box  
2 which reads: "I'm sorry. I will be better at being a team mate." Above that blue box is  
3 some text which appears to represent metadata regarding the message (i.e., information  
4 showing the date, time, and sender/recipient of the message).

5 Directly above that metadata is an image with a filename: FullSizeRender-1.jpg.  
6 In the 2,500 page document disclosed by Clayton, this image is essentially illegible; it  
7 cannot be "clicked" or otherwise expanded for a clearer view, and the text is too small to  
8 read. However, it appears this small "thumbnail" image is probably the same as a larger  
9 version that was attached to Clayton's April 30, 2024 Seventh Supplemental Disclosure  
10 Statement (Bates No. CE0586), shown here:



Attn: My Health Online  
P.O. Box 255386  
Sacramento, California 95865-5386

Name: Laura M Owens | DOB: [REDACTED] PCP: John Chung Kai Chan, MD

## Re: Ovarian cancer (Owens)

To: Laura M Owens  
From: John Chung Kai Chan, MD  
Sent: 8/13/2016 6:37 AM PDT

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Dear Laura,

Thank you for your e-mail. I am sorry you are going through such a rough time right now and will do my best to help you through it.

I read the messages you sent me from your boyfriend and answer his questions. Stage IA is without a doubt considered to be true cancer and something that we take very seriously. You are correct, Laura, that this cancer is found only in one ovary. He is incorrect in his saying that this means you just 'might' have malignant cancer cells. Please tell him that yes, I have diagnosed you with 'real' ovarian cancer, not something that just 'may' be there. I am not sure what is meant by the message you forwarded that says I would only be diagnosing it if it were something other than stage IA. That is a very real stage and simply means it has not spread beyond your right ovary. I recommend looking at the American Cancer Society's website page for more information.

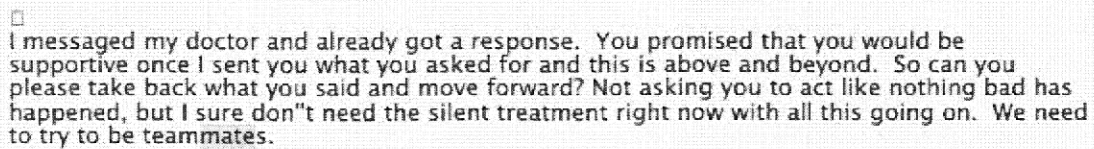
In addition, you can let him know that your diagnosis and treatment has been complicated by your pregnancy, which on its own has been extremely difficult and unusual. I would strongly encourage him to change his attitude and support you at this time. I sincerely hope things get better.

All the best,  
John Chung Kai Chan, MD

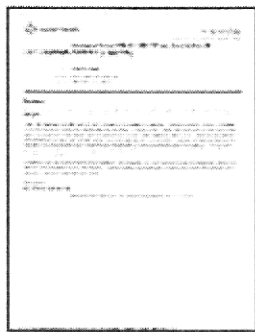
MyChart® licensed from Epic Systems Corporation, © 1999 - 2016.

27 This specific "Ovarian cancer" message is one of the documents Laura referenced  
28 in her May 2, 2024 affidavit which she denied creating or sending to Mr. Marraccini.

1 This creates an obvious concern – either Laura lied in her affidavit when she said  
2 she did not create this fake “Ovarian cancer” document, or Clayton (or someone on his  
3 team) lied about the authenticity of the text messages purportedly found on Mr.  
4 Marraccini’s computer. To help provide more context, attached hereto as Exhibit A are  
5 two pages from the report of Clayton’s expert, Jon Berryhill. These two pages show the  
6 “Ovarian cancer” thumbnail, the next message below (reading “I’m sorry. I will be better  
7 at being a team mate.”), and the prior message above it (which ends with “We need to try  
8 to be teammates.”)  
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iMessage  
2016-08-13 14:15:28 (UTC) [1][29][30]  
Sender: [REDACTED]  
Participants: [REDACTED]



21 FullSizeRender-1.jpg

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iMessage  
[1] 2016-08-13 15:30:08 (UTC)  
Sender: Sel [REDACTED]  
Sel [REDACTED]  
Participants: [REDACTED]

26 "I'm sorry. I will be better at being a team mate"

27 Again, if the documents disclosed by Clayton are genuine and authentic, they  
28 appear to show Laura did send the fake “Ovarian cancer” document to Mr. Marraccini,  
and that she lied about this fact in her May 2, 2024 affidavit.

1            However, Laura maintains that she has *not* lied. In fact, in the course of preparing  
2 for trial in this matter, literally *yesterday* (June 6<sup>th</sup>) Laura discovered a screenshot of the  
3 *original* “teammates” text message exchange with Mr. Marraccini. And guess what? The  
4 fake “Ovarian cancer” document does not appear in the original message thread.



1 The problem here is obvious – either the 2,500 page document produced by  
2 Clayton’s “expert”<sup>1</sup> is not authentic, or Laura’s testimony (and the above screenshot) are  
3 not true. One party is telling the truth, and the other is not. The question is – who is  
4 lying?

5 Resolving that factual dispute is a job for the finder of fact (this Court). But under  
6 a correct application of the Rules of Evidence, Clayton’s 2,500 page document is clearly  
7 *inadmissible* in this proceeding. This conclusion is based on the classic “best evidence  
8 rule” as found in Ariz. R. Evid. 1002 which provides: “An original writing, recording,  
9 photograph, or video is required in order to prove its content unless these rules or an  
10 applicable statute provides otherwise.”

11 To be sure, the very next rule of evidence – Rule 1003 – *does provide otherwise*.  
12 That rule allows copies (duplicates) to be admitted, *except* when there is a genuine  
13 question about the original’s authenticity: “A duplicate is admissible to the same extent  
14 as the original *unless a genuine question is raised about the original's authenticity* or the  
15 circumstances make it unfair to admit the duplicate.” (emphasis added)

16 Here, there is clearly a genuine question regarding the original’s authenticity.  
17 Indeed, the original computer files used to create the 2,500 page PDF document attached  
18 to Mr. Berryhill’s report have never been disclosed, not even to this day. The only  
19 disclosure is a *report* which Mr. Berryhill claims contains copies of text messages found  
20 on Mr. Marraccini’s laptop. But the laptop itself has never been disclosed, nor has the  
21 original iMessage data file containing the text messages themselves. Furthermore, the  
22 “circumstances” of this disclosure could not be more patently unfair; rather than  
23 disclosing information in a timely manner as required by Rule 49, Clayton waited until  
24 three days before the close of discovery to dump this massive amount of data on Laura.

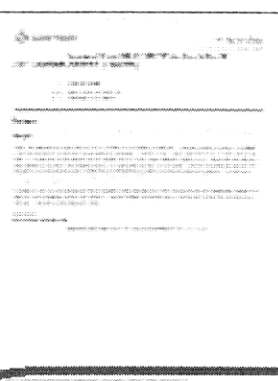
25 <sup>1</sup> Clayton’s expert, Jon Berryhill, may certainly qualify as an expert in certain areas.  
26 However, Mr. Berryhill does not appear to be offering any expert opinions. Rather, he is  
27 testifying about information he claims to have found on Mr. Marraccini’s laptop. As  
28 such, Mr. Berryhill is not offering any *expert opinions* under Rule 702 of the Rules of  
Evidence. Rather, he is offering testimony as a normal percipient fact witness based on  
his alleged personal knowledge of the matters he observed.

1 Perhaps in other circumstances, these concerns would not be so substantial. But in  
2 this case, there is a very real concern about trusting evidence from *either party*. Laura has  
3 openly admitted to editing at least two documents (a sonogram from Planned Parenthood  
4 and an HCG test from Any Lab Test now, neither of which were ever used as genuine  
5 evidence in this case or any other court proceeding), although she maintains those  
6 documents are immaterial to any issue in this case (other than her credibility).

7 At the same time, as this Court will learn at trial, there is clear and compelling  
8 evidence that Clayton has made false statements to Laura. More concerning, there is clear  
9 evidence Clayton's counsel has made knowingly false material misrepresentations to this  
10 Court in pleadings filed in this case.

11 For those reasons, this Court simply cannot assume the veracity of the 2,500 page  
12 PDF report produced by Clayton; only the original computer files will suffice. Indeed, the  
13 PDF itself was produced in an entirely insecure manner (i.e., the PDF was not "locked"  
14 or protected against modification, which could and should easily have been done). In  
15 plain English, this means anyone with common PDF software can open the document and  
16 change the contents, like the example shown below (created by undersigned counsel).

17 **EXAMPLE (NON-ORIGINAL) SHOWN BELOW**



Someone-Faked-This.jpg

Participants [REDACTED] Sender [REDACTED] iMessage [1] 2016-08-13 15:30:08 (UTC)

The temp in Phoenix was 110° on June 6, 2024.

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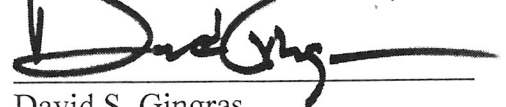
Because the contents of the PDF can be changed by anyone, at any time, and because the original data files used to create the PDF were never produced, this means the exhibit is inadmissible pursuant to the best evidence rule, Evid. R. 1002 (to be clear – this objection was raised in Laura’s original Pretrial Statement; the only addendum here is the screenshot of a recently discovered text message that is inconsistent with the version produced by Clayton).

In short, the veracity of the contents of the PDF produced by Mr. Berryhill depend entirely and solely on trusting that Mr. Berryhill, Clayton and/or his counsel did nothing to tamper with the document. The Rules of Evidence and basic common sense do not permit such an important issue to be based entirely on one party or lawyer saying: “*Trust me Judge, you can take my word for it, just don’t fact-check me.*”

For the reasons stated above, Laura hereby supplements her previous objections to the admission of any part of the 2,500 page PDF attached to Mr. Berryhill’s report. This includes, but is not limited to, an objection to Clayton’s trial exhibit 48, any testimony regarding the contents of those messages, and any other exhibit purporting to be based on information obtained from Mr. Marraccini’s laptop.

DATED June 7, 2024.

GINGRAS LAW OFFICE, PLLC



David S. Gingras  
Attorney for Petitioner  
Laura Owens



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**Original** e-filed  
and **COPIES** e-delivered June 7, 2024 to:

Gregg R. Woodnick, Esq.  
Isabel Ranney, Esq.  
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1747 E. Morten Avenue, Suite 505  
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Attorneys for Respondent



A handwritten signature in black ink, appearing to read "David G. Woodnick", is written over a horizontal line. The signature is stylized and cursive.

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PHOENIX, ARIZONA 85044

# Exhibit A



IMG\_7704-1.PNG

iMessage  
2016-08-13 05:13:36 (UTC) [1]  
Sender: [REDACTED]  
Participants: [REDACTED]

You just picked up my call but not sure you meant to.

iMessage  
2016-08-13 05:13:36 (UTC) [2]  
Sender: [REDACTED]  
Participants: [REDACTED]

You just picked up my call but not sure you meant to.

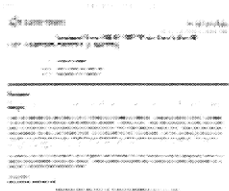
iMessage  
2016-08-13 14:15:28 (UTC) [3]  
Sender: [REDACTED]  
Participants: [REDACTED]

I messaged my doctor and already got a response. You promised that you would be supportive once I sent you what you asked for and this is above and beyond. So can you please take back what you said and move forward? Not asking you to act like nothing bad has happened, but I sure don't need the silent treatment right now with all this going on. We need to try to be teammates.

iMessage  
2016-08-13 14:15:28 (UTC) [1][28]  
Sender: [REDACTED]  
Participants: [REDACTED]

I messaged my doctor and already got a response. You promised that you would be supportive once I sent you what you asked for and this is above and beyond. So can you please take back what you said and move forward? Not asking you to act like nothing bad has happened, but I sure don't need the silent treatment right now with all this going on. We need to try to be teammates.

iMessage  
2016-08-13 14:15:28 (UTC) [1][29][30]  
Sender: [REDACTED]  
Participants: [REDACTED]



FullSizeRender-1.jpg

iMessage  
[1] 2016-08-13 15:30:08 (UTC)  
Sender: Self  
Participants: [redacted]

I'm sorry. I will be better at being a team mate

iMessage  
[3] 2016-08-13 15:30:08 (UTC)  
Sender: Self  
Participants: [redacted]

I'm sorry. I will be better at being a team mate

iMessage  
2016-08-13 15:32:16 (UTC) [3]  
Sender: [redacted]  
Participants: [redacted]

Thank you

iMessage  
2016-08-13 15:32:16 (UTC) [1]  
Sender: [redacted]  
Participants: [redacted]

Thank you

iMessage  
2016-08-13 16:32:00 (UTC) [1]  
Sender: [redacted]  
Participants: [redacted]

How is your day going?

iMessage  
2016-08-13 16:32:00 (UTC) [3]  
Sender: [redacted]  
Participants: [redacted]

How is your day going?

iMessage  
[3] 2016-08-13 18:14:24 (UTC)  
Sender: [redacted]  
Participants: [redacted]

Good, just coming back to the city for the birthday now.