WOODNICK LAW, PLLC
1747 E. Morten Avenue, Suite 205
Phoenix, Arizona 85020
Telephone: (602) 449-7980
Facsimile: (602) 396-5850
Office@WoodnickLaw.com

Gregg R. Woodnick, #020736
Isabel Ranney, #038564
Attorney for Respondent

IN THE SUPERIOR COURT OF THE STATE OF ARIZONA

IN AND FOR THE COUNTY OF MARICOPA

In Re the Matter of: **LAURA OWENS,** Petitioner, and **CLAYTON ECHARD,** Respondent,	Case No.: **FC2023-052114** **MOTION FOR SANCTIONS PURSUANT TO RULE 26** (Assigned to The Honorable Julie Mata)

Respondent, **CLAYTON ECHARD**, by and through undersigned counsel and pursuant to Rule 26(b) and 26(c), *Arizona Rules of Family Law Procedure* (ARFLP), hereby filed his Motion for Sanctions against Petitioner, **LAURA OWENS**, for filing her Petition to Establish Paternity, Legal Decision-Making, Parenting Time, and Child Support, as well as all other subsequent filings by Petitioner.

Petitioner filed the underlying action for an improper purpose without medical evidence to support her claim that she was pregnant and/or that she was pregnant by Respondent. Petitioner could not have become pregnant from the limited encounter the parties had and

therefore premised this entire action on a fiction. Petitioner violated Rule 26(b)(1)-(3) in her Petition and subsequent filings.

ARGUMENT

1. This matter arises from the establishment petition filed August 1, 2023. Also pending before the Court are: Respondent's Motion for Leave to Amend Respondent's Response to Petition to Establish Paternity, Respondent's Expedited Motion to Extend Dismissal Date on Inactive Calendar and Schedule an Evidentiary Hearing, Respondent's Notice of Filing Affidavit of Non-Paternity, Petitioner's Motion to Dismiss Petition to Establish Paternity, Legal Decision-Making, Parenting Time and Child Support with Prejudice, Petitioner's Response to Expedited Motion and Respondent's Response/Objection to Petitioner's Motion to Dismiss Petition to Establish Paternity, Legal Decision-Making, Parenting Time and Child Support with Prejudice (filed consecutively).

2. Rule 26(b) ARFLP provides, as relevant here, that "*by signing a pleading, motion or other document, the attorney or party certifies to the best of the person's knowledge, information, and belief formed after reasonable inquiry: (1) it is not being presented for any improper purposes, such as to harass [...] (2) the claims, defenses, and other legal contentions are warranted by existing law [...] (3) the factual contentions have evidentiary support or, if specifically so identified, will likely have evidentiary support after a reasonable opportunity for further investigation or discovery [...]*".

3. Rule 26(c) provides: "*if a pleading, motion, or other document is signed in violation of this rule, the court—on motion or on its own—may impose on the person who signed it, a represented party, or both, an appropriate sanction, which may include an order*

to pay to the other party or parties the amount of the reasonable expenses incurred because of the filing of the document, including a reasonable attorney fee."

4. The requirements of Rule 9(c) have been met and a good faith consultation certificate is attached hereto. *See also* Respondent's Motion for Leave to Amend Respondent's Response to Petition to Establish Paternity; Respondent's Response/Objection to Petitioner's Motion to Dismiss Petition to Establish Paternity, Legal Decision-Making, Parenting Time and Child Support with Prejudice.

A. Rule 26 sanctions are appropriate and warranted

Petitioner's behavior is the exact type of conduct that Rule 26 is intended to sanction. Petitioner was never pregnant by Respondent and filed this underlying action in bad faith and with the sole intent of coercing Respondent into having a relationship with her.

1. Petitioner's commencement of this action and original filing was made for an improper purpose under Rule 26(b)(1).

Petitioner instigated this action when she filed her Petition to Establish Paternity, Legal Decision-Making, Parenting Time and Child Support on August 1, 2023, which alleges she had sexual intercourse with Respondent, became pregnant by him, and requested this Court enter Orders for Joint Legal Decision-Making, a parenting plan, and order Respondent to pay her Child Support. Petitioner's Petition to Establish was filed for an improper purpose because Petitioner was never pregnant by Respondent and could not have become pregnant based on their one (1) encounter of oral sex on May 20, 2023.

Despite no underlying Orders, Petitioner filed a Motion to Communicate on August 8, 2023, and Motion to Compel on August 23, 2023. This Court denied both Motions. Respondent

filed a Response on August 21, 2023, denying that Petitioner could be pregnant by Respondent after one incident of oral sex on May 20, 2023. When Petitioner did not get what she wanted (including attempting to get Respondent to enter into a dating "*contract*") she went to the media (Reddit, *The Sun, People Magazine, Page Six,* Medium.com, etc), the police, Respondent's father, and even threatened self-harm. *See* Respondent's Response/Objection to Petitioner's Motion to Dismiss (filed 1/3/24). When the media turned on Petitioner and had doubts about the veracity of her pregnancy (as no verifiable medical evidence exists), Petitioner obtained an Order of Protection against Respondent based on "cyberbullying." **(Exhibit 1).**

Respondent obtained an Injunction of Harassment against Petitioner based on the receipt of 500+ harassing messages in (CV2023-05392). During the proceedings, on November 2, 2023, Petitioner wore a fake stomach ("moon bump") to appear pregnant and claimed, with no scientific support, that she was 24 weeks pregnant with Respondent's twins and due on February 14, 2024 *See* Respondent's Response/Objection to Petitioner's Motion to Dismiss (filed 1/3/24); *see also* FTR for hearing on 11/2/23. Petitioner then sought to have this Court enter Orders against Respondent despite no verifiable proof Petitioner was pregnant and no child subject to this Court's jurisdiction (with respect to entering parenting-related Orders) by filing an *Application and Affidavit for Entry of Default* on August 23, 2023.

Despite providing no verifiable medical evidence that she was pregnant or that she was pregnant by him (only positive HCG tests and fabricated sonograms), Petitioner sought to force Respondent to communicate with her and threatened to go to the media if he did not comply. Notably, in her Motion to Communicate, Petitioner requested "*that Respondent [...] is ordered to communicate with Petitioner [...] The Respondent was* The Bachelor *on* ABC *and the*

Petitioner knows it would be in his best interests to keep the details of this case out of the public eye." *See* Petitioner's Motion to Communicate filed August 8, 2023.

Also, in her Motion to Compel (filed August 23, 2023), Petitioner admitted she "*had requested* [Respondent agree to] *a one to two week trial relationship*" prior to filing her underlying Petition and asked this Court to hold Respondent in **contempt of Court** for not talking to her. Petitioner's own words prove that she instigated this entire action (including fabricating a pregnancy) to coerce Respondent into talking to and dating her.

2. Petitioner's Motion to Dismiss is unsupported by existing law under Rule 26(b)(2).

Jurisdiction was established at the time of Petitioner's initial filing, which Petitioner continued to avail herself of through each additional filing made in the course of this matter. Ostensibly fearing that she would be held accountable for her disturbing and unsettling behavior, Petitioner recently filed a (contested) *Motion to Dismiss* on December 28, 2023 the entire action alleging lack of subject matter jurisdiction.

As discussed more fully in the Response to that Motion, Arizona law is crystal clear that jurisdiction attaches at the time the action is filed. Subsequent events or acts by the parties cannot deprive the court of jurisdiction once attached, even if those events would have defeated jurisdiction if occurring before the action was filed (i.e., Petitioner claimed at the time of filing that she was pregnant with Respondent's children at the time of filing, so the fact that she is not currently pregnant does not deprive the court of jurisdiction). Statutory jurisdiction does not automatically divest unless the statutes expressly state whether and to what extent divestiture occurs. Title 25 contains no such provision, and the *Fry* case cited in Respondent's

January 3, 2024 *Response to the Motion to Dismiss* is highly analogous to the current circumstances.

For purposes of Rule 26(b)(2), Petitioner's claim is not warranted by existing law and does not attempt to make a non-frivolous argument for modifying the law or establishing new law. Simply put, Petitioner misstates the law of subject matter jurisdiction despite clearly contrary precedent in an opaque attempt to avoid the consequences of her improper filings. This is sanctionable.

3. Petitioner's factual contentions are not supported by evidence and did not become supported by evidence after investigation and discovery under Rule 26(b)(3).

The Petition lacks evidentiary support beyond Petitioner's assertions that she was pregnant with Respondent's children. Admittedly, any establishment petition made prior to the birth of the child is necessarily lacking evidentiary support, but Title 25 and Rule 26 permit such filings because those claims, if true, will have evidentiary support after a reasonable opportunity for further investigation or discovery. In this case, however, Petitioner's claims were never true and could not be true because the parties did not have sexual intercourse requisite to conception. In matters where pregnancy and paternity are contested, Title 25 contemplates subsequent testing—either before or after the birth of the child—to establish the necessary factual support.

Since filing, Petitioner has provided no Rule 49 disclosure (and seeks to avoid a deposition) that would support her claim that she was pregnant by Respondent (no sonogram reports, fetal anatomy scans, reports of weekly ultrasounds, etc). She has participated in fetal DNA tests, none of which have conclusively established the existence of a pregnancy or

Respondent's paternity. At least two (2) fetal DNA tests have come back with "*little to no fetal DNA*," indicating that not only was Petitioner not pregnant by Respondent, but she was not pregnant at all. Petitioner carefully alleges in her Motion to Dismiss that she is "no longer pregnant" but refuses to provide evidence of the termination or miscarriage of the pregnancy (e.g., fetal death certificates). It is critical for this Court to take evidence and investigate whether Petitioner was ever pregnant in the first instance, both for purposes of declaring non-paternity and for determining the appropriateness of Rule 26(b)(3) sanctions.

4. Rule 26(c)(1) contemplates sanctions by motion or on the court's own impetus.

Even if Respondent did not request sanctions—which he previously did and now reiterates by separate Motion to address any proffered procedural irregularity—this Court may investigate and impose sanctions on its own motion. Rule 26 requires signatures on pleadings and filings and attaches substantial meaning to those signatures: a person filing a document certifies to the Court that it is being presented for a proper purpose and is supported by law and evidence. The Rule requires parties and attorneys to conduct at least a reasonable inquiry before signing filings, and sanctions exist to ensure compliance, vindicate misuse of the Court's resources and authority, and to make responding parties whole for frivolous lawsuits. Respondent asserts that the circumstances of this case are so egregious that this Court ought to impose sanctions on its own, even if for no other reason than to deter specific and general abuse of process.

///

///

CONCLUSION

Pursuant to the above and consistent with Rule 26(b) and (c), ARFLP, this Court should impose appropriate sanctions against Petitioner, including but not limited to awarding Respondent his reasonable attorney's fees and costs incurred.

RESPECTFULLY SUBMITTED this 3rd day of January, 2024.

WOODNICK LAW, PLLC

Gregg R. Woodnick
Isabel Ranney
Attorneys for Respondent

ORIGINAL of the foregoing e-filed this 3rd day of January, 2024 with:

Clerk of Court
Maricopa County Superior Court

COPY of the foregoing document delivered/emailed this 3rd day of January, 2024, to:

The Honorable Julie Mata
Maricopa County Superior Court

Alexis Lindvall
MODERN LAW
1744 S. Val Vista Drive, Suite 205
Mesa, Arizona 85204
Alexis.lindvall@mymodernlaw.com
Attorney for Petitioner

By: */s/ MB*

VERIFICATION

I, **CLAYTON ECHARD**, declare under penalty of perjury that I am the Respondent in the above-captioned matter; that I have read the foregoing *Motion for Sanctions Pursuant to Rule 26* and I know of the contents thereof; that the foregoing is true and correct according to the best of my own knowledge, information and belief; and as to those things stated upon information and belief, I believe them to be true.

Clayton Echard (Jan 3, 2024 16:05 MST)

CLAYTON ECHARD

01/03/2024

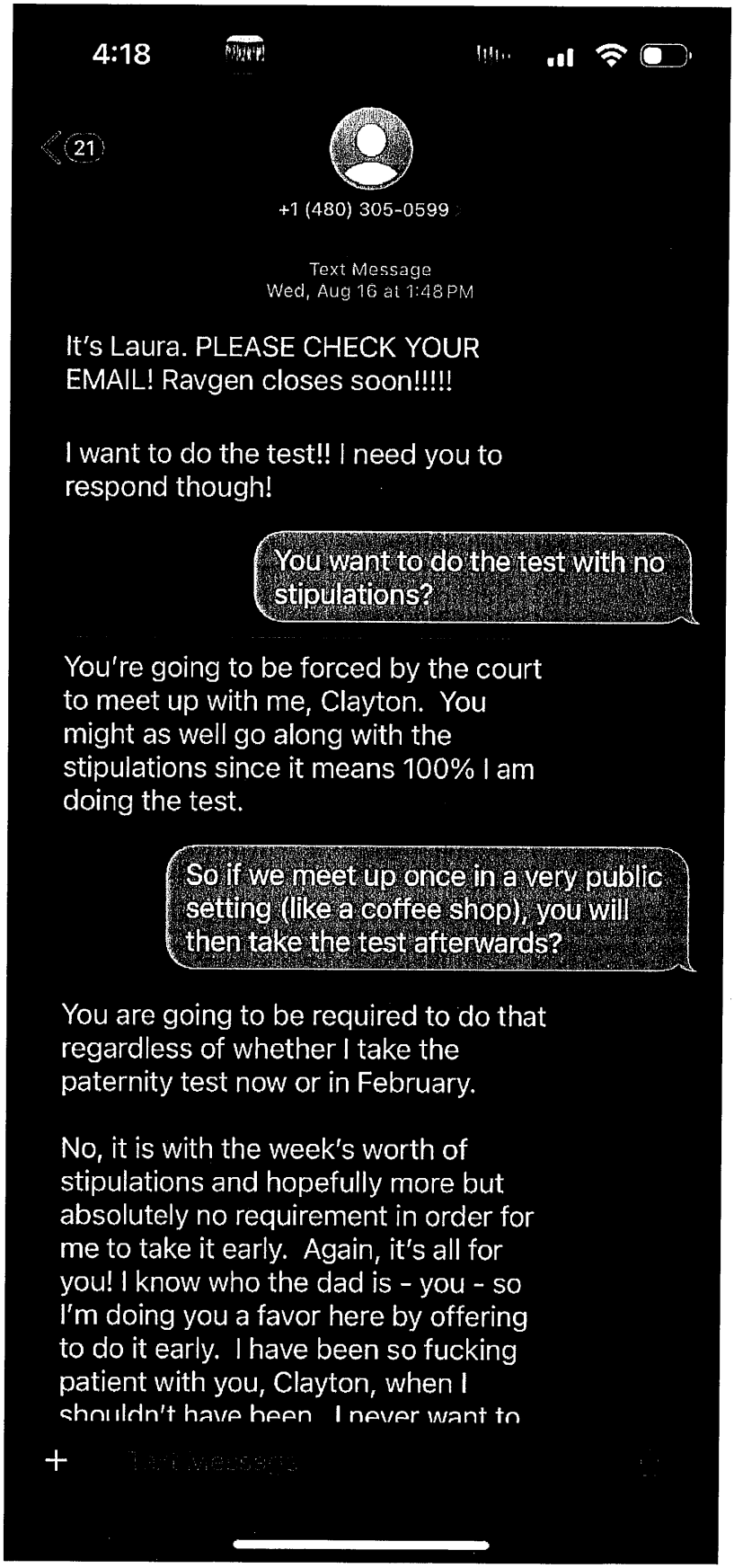
Date

GOOD FAITH CONSULTATION CERTIFICATE

In conformance with Rule 9(C), *Arizona Rules of Family Law Procedure*, counsel undersigned hereby certifies that Respondent, Clayton Echard, satisfied his Rule 9(c) obligation when he attempted to meet and confer with Petitioner, Laura Owens, on August 16, 2023 at 1:48 p.m. and 2:50 p.m. (text messages below) as well as in all of his subsequent filings and communications to Petitioner that indicated he could not be the father of her alleged twin fetuses (including but not limited to in Respondent's Injunction Against Harassment proceedings (CV2023-052952) against Petitioner on October 24, 2023 and November 2, 2023). *See also* Respondent's Motion for Leave to Amend Respondent's Response to Petition to Establish Paternity; Respondent's Response/Objection to Petitioner's Motion to Dismiss Petition to Establish Paternity, Legal Decision-Making, Parenting Time and Child Support with Prejudice. Additionally, undersigned met and conferred with Petitioner's counsel, Alexis Lindvall (who already has filed to withdraw from representing the Petitioner), over the phone on December 27, 2023.

WOODNICK LAW, PLLC

Gregg R. Woodnick
Attorneys for Respondent


4:18
21
+1 (480) 305-0599
Text Message
Wed, Aug 16 at 1:48 PM
It's Laura. PLEASE CHECK YOUR EMAIL! Ravgen closes soon!!!!!
I want to do the test!! I need you to respond though!
You want to do the test with no stipulations?
You're going to be forced by the court to meet up with me, Clayton. You might as well go along with the stipulations since it means 100% I am doing the test.
So if we meet up once in a very public setting (like a coffee shop), you will then take the test afterwards?
You are going to be required to do that regardless of whether I take the paternity test now or in February.
No, it is with the week's worth of stipulations and hopefully more but absolutely no requirement in order for me to take it early. Again, it's all for you! I know who the dad is - you - so I'm doing you a favor here by offering to do it early. I have been so fucking patient with you, Clayton, when I shouldn't have been. I never want to

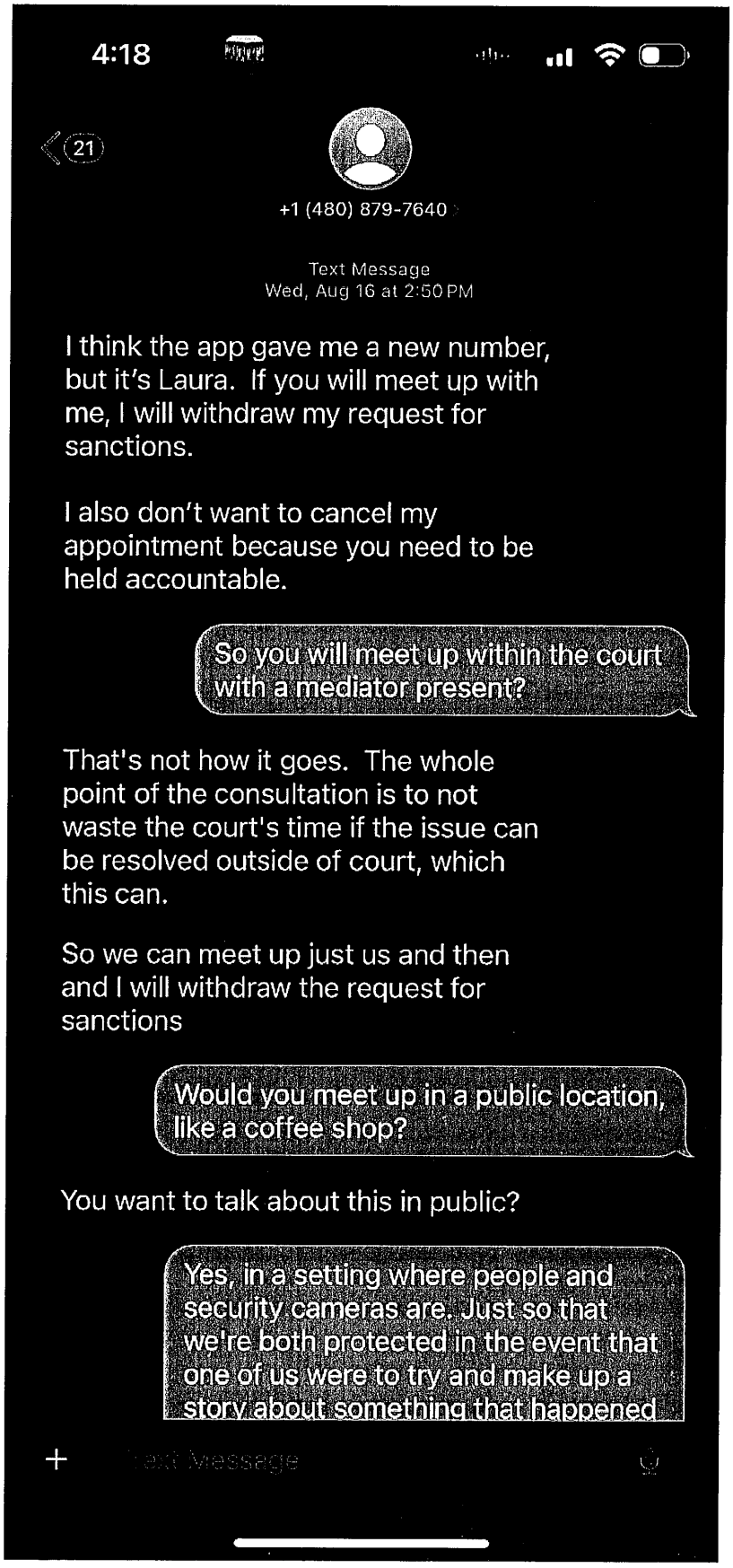

4:18
21
+1 (480) 879-7640
Text Message
Wed, Aug 16 at 2:50 PM
I think the app gave me a new number, but it's Laura. If you will meet up with me, I will withdraw my request for sanctions.
I also don't want to cancel my appointment because you need to be held accountable.
So you will meet up within the court with a mediator present?
That's not how it goes. The whole point of the consultation is to not waste the court's time if the issue can be resolved outside of court, which this can.
So we can meet up just us and then and I will withdraw the request for sanctions
Would you meet up in a public location, like a coffee shop?
You want to talk about this in public?
Yes, in a setting where people and security cameras are. Just so that we're both protected in the event that one of us were to try and make up a story about something that happened
Text Message

EXHIBIT "1"

CLERK OF THE SUPERIOR COURT
FILED
10/6/2023 @ 10:43AM
, Deputy

Superior Court of Arizona/AZ007035J/0700 18380 N. 40th St Phoenix, AZ 85032
602-506-7353 Monday - Friday 8am - 5pm

Plaintiff ☐ Employer-Plaintiff if Workplace Injunction Laura Owens	**Defendant** Clayton Ray Echard	**Case No.** FC2023-052771
☐ **On behalf of minor/person in need of protection named:**	**Defendant's address** 6855 E Camelback Road 7002 Scottsdale, AZ 85254	**PETITION for:** ☒ **Order of Protection** ☐ **Injunction Against Harassment** ☐ **Workplace Injunction**
Agent's name (if Workplace Injunction)	**Defendant's birth date** 4/29/1993	
	Defendant's phone 314-956-6975	

This is NOT a court order.
This petition contains Plaintiff's allegations and requests. To see what the court has ordered, see "Order" form.

DIRECTIONS: Please read the Plaintiff's Guide Sheet before filling out this form.

1. **Defendant/Plaintiff Relationship** *(Choose the options that best describe your relationship to the defendant. *If you are applying on behalf of another person, choose the relationship between the other person and the defendant)*

☐ Married (past or present)
☐ Live/lived together as intimate partners
☐ Parent of a child in common
☒ One party is pregnant by the other
☒ Romantic or sexual relationship (past or present)
☐ Related as parent, grandparent, child, grandchild, brother, sister (or in-law/step)
☐ Live/lived together but not as intimate partners
☐ Other (describe):

2. ☒ If checked, Defendant and I have a pending action involving maternity, paternity, annulment, legal separation, dissolution, custody, parenting time, or support in Maricopa County Superior Court, Case # FC2023-052114.

3. Name of court, if any, in which any other protective order related to this conduct has been filed.
Court name Case #

4. Tell the judge what happened and why you need this order. PRINT both the dates and a brief description of what happened. If there is a contested hearing, a judge can consider only what you write here.
NOTE: Defendant will receive a copy of this petition when the order is served.

Approx. Date	(Do not write on back or in the margin. Attach additional paper if necessary.)
6/1/2023	Clayton has sent threatening messages since discovering I was pregnant, such as: I legitimately hate you right now. my hatred will only grow if you decide to put me through all of this. My animosity would last for a lifetime and that's not something either of us want to subject ourselves to. One thing about me is when I make up my mind for good, especially when it's rooted in anger, I don't sway. Ever My hate is toward you and you only. if you decide to not take plan B and in the wild event that you are pregnant, I would hate you even more.
9/21/2023	Clayton Echard was The Bachelor and has many diehard loyal fans. He and I are involved in a very public paternity case that is being covered by every major media outlet. Clayton posted to a story to his 270k followers to look me up, which they have, and I have been sent threatening and harassing messages by his followers. I explained this to him and asked him to take down the post, which he did not. By posting personal and sensitive information about me publicly (and without my consent), he has made me feel humiliated and embarrassed.

9/21/2023	Scottsdale PD Officer Vince Johnson called Clayton to explain that what he was doing was harassment in and of itself, coupled with the fact that he was inciting his followers to harass me as well. Despite this call, Clayton still did not take down the post.
10/5/2023	Between 9/22 and 10/5, Clayton has posed as several users on Reddit, including "sillygoosetits", "GossipGooseTits", "Sandbetweenhertoes", and others. He has posted private and confidential information, including facts about my medical history, that is known only to him because of our paternity case. This is why it is 100% traceable back to him. He has also been writing defamatory and very hurtful things about me, including comments about how I have gained weight (I am pregnant), how I am not attractive, how my photos are so poorly edited that it is laughable, how I am bad at my job (a self-help podcaster), and how my prior abusive relationship, which inspired a TEDx talk, never happened, despite mountains of evidence. He is doing everything in his power to ruin and hurt my reputation. As a result of what he has posted, I have gotten harassing messages that have told me to harm myself as a result of becoming pregnant with his twins. I am getting other threatening messages as well, and all of this attention from the general public that he has incited is very much unwanted. As a result of this public shaming, he has caused me extreme psychological harm and disrupted my peace. I have asked Clayton to stop the harassment on Reddit and social media so many times, but he won't. I have reported his accounts and posts to Reddit, but he continues to write unacceptable, cruel things about me. He has multiple accounts now and so even if one is blocked, he can create another one. As a result of him spreading false and damaging information under pseudonyms, I feel demeaned, humiliated, and like my deepest sense of privacy has been invaded. In addition, he has been in communication with my ex, who I have an order of protection against, and who he knows is dangerous. I have asked him to stop talking to him because it will put me in danger, but he continues to communicate with him.
10/6/2023	When combined, all of this has led me to feel extreme anxiety and fear for my safety. I have not left my house since September 28th because of this.

5. The following persons should also be on this order. They should be protected because Defendant is a danger to them:

6. Defendant should be ordered to stay away from these locations at all times, even when I am not present.
NOTE: Do not list confidential addresses here.

   ☒ Residence (confidential)
   ☒ Work/Business
   ☒ School/other

7. ☐ Defendant owns or carries a firearm or other weapons.
   ☐ Defendant should be ordered NOT to possess firearms while this order is in effect because of the risk of harm to me or other protected persons.

8. ☐ Defendant should be ordered to stay away from any animal that is owned, possessed, leased, kept or held by me, Defendant, or a minor child living in either my household or Defendant's household.

9. Other requests: No cyberharassment or cyberbullying under real name or pseudonyms.;

Under penalty of perjury, I swear or affirm the above statements are true to the best of my knowledge, and I request an Order / Injunction granting relief as allowed by law.

/s/ Laura Owens — Attest: — 10/6/2023.

Plaintiff — Judicial Officer/Clerk/Notary — Date

Clerk of the Superior Court
*** Electronically Filed ***
10/26/2023 8:00 AM

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

FC 2023-052771

10/25/2023

HONORABLE JOHN R. DOODY

CLERK OF THE COURT
T. Sachse
Deputy

IN RE THE MATTER OF
LAURA OWENS

JOSHUA A LOPEZ

AND

CLAYTON RAY ECHARD

CLAYTON RAY ECHARD
6855 E CAMELBACK RD # 7002
SCOTTSDALE AZ 85254

COMM. DOODY

MINUTE ENTRY

There is a *LATER* at the end of this minute entry.

Prior to the commencement of today's proceedings, Plaintiff's Exhibits 1 through 18 and Defendant's Exhibits 19 through 51 are marked for identification.

Courtroom 101-NER

8:32 a.m. This is the time set for Hearing on Order of Protection issued on October 6, 2023. Plaintiff, Laura Owens, is present with the above-named counsel. Defendant, Clayton Ray Echard, is present on his own behalf.

A record of the proceedings is made digitally in lieu of a court reporter.

Laura Owens and Clayton Ray Echard are sworn.

The Court addresses previous motions filed by Plaintiff.

IT IS ORDERED denying Plaintiff's Motion Requesting That the Hearing be Closed From the Public or That This Hearing Be Closed From Watching Online, filed October 25, 2023 and denying Plaintiff's Motion Requesting Laura Owens Attend Virtually or Telephonically for Hearing Scheduled October 25, 2023, filed on October 25, 2023.

Counsel for Plaintiff presents opening statements.

Laura Owens testifies.

Plaintiff's Exhibits 1 and 11 are received into evidence and Exhibit 52 is marked for identification and received into evidence.

Clayton Ray Echard testifies.

Defendant's Exhibits 34, 35, and 51 are received into evidence and Exhibit 53 is marked for identification and received into evidence.

Discussion is held.

Based on the testimony and matters presented,

THE COURT FINDS by a preponderance of the evidence that there is reasonable cause to believe that Defendant has committed an act of domestic violence within the last year.

THE COURT FURTHER FINDS that good cause exists to continue the Order of Protection in this case.

IT IS ORDERED that the Order of Protection issued at Superior Court on October 6, 2023 shall remain in full force and effect.

LET THE RECORD FURTHER REFLECT that the parties receive a copy of the aforementioned document in open court.

LET THE RECORD FURTHER REFLECT that Plaintiff's Exhibits 2 through 10, 12 through 18 and Defendant's Exhibits 19 through 33, and 36 through 50 are disposed.

Counsel for Plaintiff makes an Oral Motion to withdraw from these proceedings.

IT IS ORDERED granting Counsel's Motion to withdraw.

10:13 a.m. Hearing concludes.

FILED: Hearing Order

LATER:

LET THE RECORD REFLECT that the Court did not invoke the Brady Order due to the fact that it is still undetermined if Plaintiff is pregnant with Defendant's child.

All parties representing themselves must keep the Court updated with address changes. A form may be downloaded at:
http://www.superiorcourt.maricopa.gov/SuperiorCourt/LawLibraryResourceCenter/