PARTY WITHOUT ATTORNEY OR ATTORNEY
NAME: Omar Raul Serrato
FIRM NAME: The Eagle Law Firm
STREET ADDRESS: [redacted]
CITY: [redacted] STATE: [redacted] ZIP CODE: [redacted]
TELEPHONE NO.: [redacted] FAX NO.: [redacted]
EMAIL ADDRESS: [redacted]
ATTORNEY FOR (name): Michael Marraccini
STATE BAR NUMBER: 295975

FOR COURT USE ONLY

DEPARTMENT:
Hearing: 00/00/0000 12:00 am

SUPERIOR COURT OF CALIFORNIA, COUNTY OF San Francisco
STREET ADDRESS: 400 McAllister St.
MAILING ADDRESS:
CITY AND ZIP CODE: San Francisco 94102
BRANCH NAME: Civic Center Courthouse

ELECTRONICALLY
FILED
Superior Court of California,
County of San Francisco
08/25/2025
Clerk of the Court
BY: REGAN GONZALES
Deputy Clerk

PETITIONER: Laura Owens
RESPONDENT: Michael Marraccini
OTHER PARENT/PARTY:

CASE NUMBER:
FDV-18-813693

REQUEST FOR ORDER ☐ **CHANGE** ☐ **TEMPORARY EMERGENCY ORDERS**

☐ Child Custody ☐ Visitation (Parenting Time) ☐ Spousal or Partner Support
☐ Child Support ☐ Property Control ☐ Attorney's Fees and Costs
☑ Other *(specify):* Motion to Disqualify Counsel

Note: Read form FL-300-INFO for information about how to complete this form. To ask to change or end an order that was granted in a Restraining Order After Hearing (form DV-130 or JV-255), read form FL-300-INFO and form DV-300-INFO

NOTICE OF HEARING

1. TO *(name):* Laura Owens
   ☑ Petitioner ☐ Respondent ☐ Other Parent/Party ☐ Other *(specify):*

2. **A COURT HEARING WILL BE HELD AS FOLLOWS:**

   a. Date: Time: ☐ Dept.: ☐ Room.:
   b. Address of court ☐ same as noted above ☐ other *(specify):*

3. **WARNING to the person served with the *Request for Order:*** The court may make the requested orders without you if you do not file a *Responsive Declaration to Request for Order* (form FL-320), serve a copy on the other parties at least nine court days before the hearing (unless the court has ordered a shorter period of time), and appear at the hearing. *(See form FL-320-INFO for more information.)*

COURT ORDER
(FOR COURT USE ONLY)

It is ordered that:

4. ☐ Time ☐ for service ☐ until the hearing is shortened. Service must be on or before *(date):*
5. ☐ A *Responsive Declaration to Request for Order* (form FL-320) must be served on or before *(date):*
6. ☐ The parties must attend an appointment for child custody mediation or child custody recommending counseling as follows *(specify date, time, and location):*
7. ☐ The orders in *Temporary Emergency (Ex Parte) Orders* (form FL-305) apply to this proceeding and must be personally served with all documents filed with this *Request for Order*.
8. ☐ Other *(specify):*

Date:

JUDICIAL OFFICER

Form Adopted for Mandatory Use
Judicial Council of California
FL-300 [Rev. July 1, 2025]

Family Code, §§ 2045, 2107, 6224, 6226, 6320–6326, 6380–6383
Government Code, § 70612
Cal. Rules of Court, rule 5.92
courts.ca.gov

PETITIONER: **Laura Owens** RESPONDENT: **Michael Marraccini** OTHER PARENT/PARTY:	CASE NUMBER: **FDV-18-813693**

REQUEST FOR ORDER

Note: Place a mark **X** in front of the box that applies to your case or to your request. If you need more space, mark the box for "Attachment." For example, mark "Attachment 2a" to indicate that the list of children's names and birth dates continues on a paper attached to this form. Then, on a sheet of paper, list each attachment number followed by your request. At the top of the paper, write your name, case number, and "FL-300" as a title. (You may use *Attached Declaration* (form MC-031) for this purpose.)

1. ☐ RESTRAINING ORDER INFORMATION
   One or more domestic violence restraining/protective orders are now in effect between *(specify):*
   ☐ Petitioner ☐ Respondent ☐ Other Parent/Party *(Attach a copy of the orders if you have one.)*
   The orders are from the following court or courts *(specify county and state):*
   a. ☐ Criminal: County/state *(specify):* Case No. *(if known)*:
   b. ☐ Family: County/state *(specify):* Case No. *(if known)*:
   c. ☐ Juvenile: County/state *(specify):* Case No. *(if known)*:
   d. ☐ Other: County/state *(specify):* Case No. *(if known)*:

2. ☐ CHILD CUSTODY
   ☐ VISITATION (PARENTING TIME)
   ☐ I request temporary emergency orders
   a. I request that the court make orders about the following children *(specify):*

Child's Name	Date of Birth	☐ Legal Custody to *(person who decides: health, education, etc):*	☐ Physical Custody to *(person with whom child lives):*

   ☐ Attachment 2a.
   b. ☐ The orders I request for ☐ child custody ☐ visitation (parenting time) are:
      (1) ☐ Specified in the attached forms:
      ☐ Form FL-305 ☐ Form FL-311 ☐ Form FL-312 ☐ Form FL-341(C)
      ☐ Form FL-341(D) ☐ Form FL-341(E) ☐ Other *(specify):*
      (2) ☐ As follows *(specify):* ☐ Attachment 2b.
   c. The orders that I request are in the best interest of the children because *(specify):* ☐ Attachment 2c.

PETITIONER: **Laura Owens** RESPONDENT: **Michael Marraccini** OTHER PARENT/PARTY:	CASE NUMBER: **FDV-18-813693**

2. d. ☐ This is a change from the current order for ☐ child custody ☐ visitation (parenting time).
(1) ☐ The order for legal or physical custody was filed on *(date)*: . The court ordered *(specify)*:

(2) ☐ The visitation (parenting time) order was filed on *(date)*: . The court ordered *(specify)*:

☐ Attachment 2d.

3. ☐ CHILD SUPPORT
(Note: An earnings assignment may be issued. See *Income Withholding for Support* (form FL-195)
a. I request that the court order child support as follows:

Child's name and age	☐ I request support for each child based on the child support guideline.	Monthly amount ($) requested (if not by guideline)

☐ Attachment 3a.

b. ☐ I want to change a current court order for child support filed on *(date):*
The court ordered child support as follows *(specify):*

c. I have completed and filed with this *Request for Order* a current *Income and Expense Declaration* (form FL-150) or I filed a current *Financial Statement (Simplified)* (form FL-155) because I meet the requirements to file form FL-155.

d. The court should make or change the support orders because *(specify)*: ☐ Attachment 3d.

4. ☐ SPOUSAL OR DOMESTIC PARTNER SUPPORT
(Note: An *Earnings Assignment Order for Spousal or Partner Support* (form FL-435) may be issued.)
a. ☐ Amount requested *(monthly):* $
b. ☐ I want the court to ☐ change ☐ end the current support order filed on *(date):*
The court ordered $ per month for support.
c. ☐ This request is to modify (change) spousal or partner support after entry of a judgment.
I have completed and attached *Spousal or Partner Support Declaration Attachment* (form FL-157) or a declaration that addresses the same factors covered in form FL-157.
d. I have completed and filed a current *Income and Expense Declaration* (form FL-150) in support of my request.
e. The court should make, change, or end the support orders because *(specify):* ☐ Attachment 4e.

PETITIONER: Laura Owens RESPONDENT: Michael Marraccini OTHER PARENT/PARTY:	CASE NUMBER: FDV-18-813693

5. ☐ PROPERTY CONTROL ☐ I request temporary emergency orders
   a. The ☐ petitioner ☐ respondent ☐ other parent/party be given exclusive temporary use, possession, and control of the following property that we ☐ own or are buying ☐ lease or rent *(specify):*

   b. The ☐ petitioner ☐ respondent ☐ other parent/party be ordered to make the following payments on debts and liens coming due while the order is in effect:
   Pay to: _____ For: _____ Amount: $ _____ Due date: _____
   Pay to: _____ For: _____ Amount: $ _____ Due date: _____
   Pay to: _____ For: _____ Amount: $ _____ Due date: _____
   Pay to: _____ For: _____ Amount: $ _____ Due date: _____

   c. ☐ This is a change from the current order for property control filed on *(date):*
   d. Specify in Attachment 5d the reasons why the court should make or change the property control orders.

6. ☐ ATTORNEY'S FEES AND COSTS
   I request attorney's fees and costs, which total *(specify amount):* $. I filed the following to support my request:
   a. A current *Income and Expense Declaration* (form FL-150).
   b. A *Request for Attorney's Fees and Costs Attachment* (form FL-319) or a declaration that addresses the factors covered in that form.
   c. A *Supporting Declaration for Attorney's Fees and Costs Attachment* (form FL-158) or a declaration that addresses the factors covered in that form.

7. ☑ OTHER ORDERS REQUESTED *(specify):* ☐ Attachment 7.
   Motion to Disqualify Counsel

8. ☐ TIME FOR SERVICE / TIME UNTIL HEARING I urgently need:
   a. ☐ To serve the *Request for Order* no less than *(number):* court days before the hearing.
   b. ☐ The hearing date and service of the *Request for Order* to be sooner.
   c. I need the order because *(specify):* ☐ Attachment 8.

9. ☑ FACTS TO SUPPORT the orders I request are listed below. The facts that I write in support and attach to this request cannot be longer than 10 pages, unless the court gives me permission. ☐ Attachment 9.
   Please see attached

I declare under penalty of perjury under the laws of the State of California that the information provided in this form and all attachments is true and correct.

Date: 08/25/2025

Omar Serrato
(TYPE OR PRINT NAME)

Omar Serrato
(SIGNATURE OF APPLICANT)

Requests for Accommodations
Assistive listening systems, computer-assisted real-time captioning, or sign language interpreter services are available if you ask at least five days before the proceeding. Contact the clerk's office or go to courts.ca.gov/forms for *Disability Accommodations Request* (form MC-410). (Civ. Code, § 54.8.)

Document Title:

FL-300

Status:

Closed

Email Title:

FL-300 Motion to Disqualify Counsel

Package ID:

f8a837f4-3c92-4871-97a7-16feac342eca

Action	Recipient	Time	IP
Signed	Omar Serrato [redacted]	2025-08-25 11:06:19 -0700	IP: 98.154.50.8
Viewed	Omar Serrato [redacted]	2025-08-25 11:06:03 -0700	IP: 98.154.50.8

Omar R. Serrato, [redacted]

Attorney for Respondent, MICHAEL MARRACCINI

THE SUPERIOR COURT OF THE STATE OF CALIFORNIA
COUNTY OF SAN FRANCISCO

LAURA OWENS,

Petitioner

vs.

MICHAEL MARRACCINI,

Respondent

Case No: FDV-18-813693

NOTICE OF MOTION AND MOTION TO DISQUALIFY PETITIONER'S COUNSEL (DAVID GINGRAS); MEMORANDUM OF POINTS AND AUTHORITIES; DECLARATION OF COUNSEL AND PROPOSED ORDER

TO PETITIONER LAURA OWENS AND HER ATTORNEY OF RECORD: Please take notice that on October 10th 2025, at 8:30a.m. in Department 405A of the San Francisco County Superior Court, Family Division (located at 400 McAllister St., San Francisco, CA 94102), Respondent Mike Marraccini will, and hereby does, move for an order disqualifying David Gingras, Esq. from representing Petitioner Laura Owens in the pending Domestic Violence Restraining Order ("DVRO") renewal proceeding in this action.

This Motion is made on the following grounds, each an independent basis for disqualification:

1. Conflict of Interest (Cal. Rules of Prof. Conduct 1.7) – Mr. Gingras has a personal conflict of interest that materially limits his ability to represent Petitioner. He is the subject of a pending State Bar disciplinary proceeding arising out of his conduct toward Respondent in this case (a State Bar Court *Order of Probable Cause* has been recommended). Gingras has stated he intends to use this case to illicit testimony from Marraccini that will aid in his defense in the investigation into his misconduct against Marraccini. Mr. Gingras's personal interest in defending his own conduct and license creates a concurrent conflict of interest between his interests and those of his client, in violation of Rule 1.7 of the California Rules of Professional Conduct.
2. Advocate-Witness Rule (Cal. Rules of Prof. Conduct 3.7) – Mr. Gingras is a necessary witness on pivotal, contested factual issues in the DVRO renewal hearing – specifically, his alleged misuse of law enforcement to have Respondent arrested on a baseless charge of violating the DVRO (which is also the subject of the bar complaint involving Marraccini for which the Arizona state bar has recommended an order of Probable Cause). Mr. Gingras's dual role as advocate and witness contravenes Rule 3.7, the *advocate-witness rule*, which generally prohibits an attorney from acting as trial counsel in a matter where he is likely to testify on a material matter. None of the narrow exceptions to this rule apply here, as Mr. Gingras's testimony relates to a hotly contested incident central to the case, not to an "uncontested" issue or mere formalities. Petitioner's consent (if any) to Mr. Gingras's dual role does not resolve the problem; courts retain discretion to disqualify an attorney-witness notwithstanding client consent, to prevent prejudice to the opposing party or confusion of the fact-finder. *Doe v. Yim, 55 Cal. App. 5th 573*[1]*; Geringer v. Blue Rider Finance, 94 Cal. App. 5th 813 (2023)*[2]*.*

[1] In **Doe v. Yim, 55 Cal. App. 5th 573**, courts may remove counsel even with informed written consent to prevent prejudice and protect the judicial process; the advocate-witness rule exists to avoid jury confusion and conflicts between advocacy and testimony.

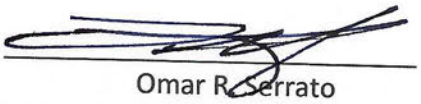
[2] In **Geringer v. Blue Rider Finance, 94 Cal. App. 5th 813** (2023), the court reiterated that courts retain discretion to disqualify an attorney under Rule 3.7, even with client consent, to protect the integrity of the judicial process. The court emphasized that disqualification must be based on a convincing demonstration of prejudice to the opposing party or injury to the judicial process.

3. Prejudice to Respondent & Threat to Trial Fairness – Allowing Mr. Gingras to continue as counsel under these circumstances will prejudice Respondent's rights and undermine the integrity of the proceedings. Mr. Gingras's personal stake in the outcome (avoiding self-incrimination or further discipline) creates a risk that his advocacy is driven by self-interest rather than his client's best interests. His presence as trial counsel will also force Respondent to confront and possibly cross-examine Mr. Gingras as a witness, an inherently prejudicial scenario that blurs the line between argument and evidence. This dual role could mislead or confuse the court and "impugn the integrity of the judicial process," which the Court has a duty to safeguard. *Kennedy v. Eldridge, 201 Cal. App. 4th 1197 (2011);*

This motion is and will be based upon this Notice of Motion and Motion, the attached Memorandum of Points and Authorities, the concurrently-filed Declaration of Respondent's counsel, Omar Serrato, all pleadings and records on file in this action, and such further evidence or argument as may be presented at or before the hearing on this matter.

Dated: August 25, 2025

Respectfully Submitted,



Omar R. Serrato
Attorney for Respondent, Michael Marraccini

Memorandum of Points and Authorities

I. Introduction and Background

Petitioner, Laura Owens, obtained a temporary Domestic Violence Restraining Order (DVRO) in the Superior Court of California, County of San Francisco, Case No. FDV-18-813693. The order was granted on January 10, 2018. The parties entered into a stipulated agreement, resulting in a two-year CLETS-reported Restraining Order After Hearing under Family Code §§ 6200 et seq. The order expired on July 10, 2020. The order issued without admission of wrongdoing by Respondent.

Petitioner filed a Request to Renew the DVRO. A hearing was held before the Hon. Sharon Reardon. Over Respondent's objections, and without a finding of abuse, the court granted a five-year renewal pursuant to Family Code § 6345(a), extending the DVRO until July 10, 2025. Petitioner filed a second Request to Renew the DVRO against Respondent in San Francisco Superior Court on July 10, 2025.

A hearing was held on August 15, 2025 whereby Attorney David Gingras appeared for Petitioner Laura Owens at the hearing on August 15, 2025. David Gingras has since indicated to counsel, Omar Serrato, both verbally and in writing, that he does not intend to represent Laura Owens in these proceedings. This motion is to ensure that he is in fact disqualified from representation due to major conflicts of interest. This motion is expected to be unopposed by Petitioner.

David Gingras's History with Michael Marraccini

Gingras attempted to illegally engineer Respondent's wrongful arrest during the DVRO period by misusing the restraining order in this case, involving law enforcement under false pretenses. Marraccini was lawfully subpoenaed (Exhibit A – Subpoena to Appear) to testify at a trial in Maricopa County, Arizona scheduled for June 10, 2024. (Case Number FC2023-052114). As admitted by David Gingras in his Declaration to this court regarding the instant renewal, he was aware there would be legal consequences for his failure to obey the subpoena.

Finally, please note that it is a felony under Arizona law for any person to unlawfully withhold testimony, to evade legal process to appear, and/or to fail to appear when legally summoned. For avoidance of any doubt, nothing in this

(Exhibit B - David Gingras's Declaration – Page 7, Paragraph 28)

It's doubtful that David Gingras, who's been in practice for roughly 25 years, has as profound a misunderstanding of the law, that he reasonably believes Marraccini violated the DVRO by complying with a validly issued subpoena. Yet he cites in his declaration Arizona's rule 49 regarding discovery disclosures as a valid basis to threaten Marraccini with arrest in an email to David Woodnick.

P.S. This goes without saying, but to the extent I suggested Mike would be arrested if he comes to court in AZ, that suggestion is completely and totally withdrawn. I only said that because I didn't want Mike to show up without giving me the chance to at least interview him (as I would with *any* normal witness). As long as Mike agrees to have a reasonable call to answer to some questions, I'll stipulate and agree his appearance in AZ is NOT a violation of anything and will not expose him to arrest or any other legal consequences.

(Exhibit D – Excerpt from David Gingras to Attorney Gregg Woodnick, dated May 8, 2024)

The issue regarding Marraccini's testimony was addressed in a motion in limine filed by Greg Woodnick and addressed by Judge Mata prior to the trial of Owens v. Echard, Case Number FC2023-052114. (Exhibit E – Response/Objection to Petitioners Motion in Limine). David Gingras argues in his declaration a violation of Arizona Rule 49 regarding disclosures as the reason law enforcement was called, which Woodnick refutes, and offers the basis behind Marraccini's expected testimony, namely that:

> " Mr. Marraccini's testimony is important to show her motive, intent, plan, preparation, knowledge and absence of mistake. There was extensive litigation in San Francisco regarding these parties. Owens claimed to Marraccini that she was pregnant with his "twins," that she miscarried, that she needed to take abortion pills/have a D&C because she had a "severe allergic reaction" to the abortion drug and that only one of the fetuses was terminated. Laura also allegedly told him she had ovarian cancer

> and that she had to have an ovary removed, fabricated medical records to support this, claimed that she might have cervical cancer, and that she might have " Asherman 's Syndrome" and " Crohn's disease. "
>
> Laura, after seemingly realizing that Marraccini provided relevant information in the instant litigation, has since claimed that the medical records Marraccini provided (disclosed to Laura), were fabricated. Ostensibly, Marraccini was distressed by Laura (via counsel) posting the 2018 deposition and blogging about him being a liar and " 100% false" which led him to surrender his laptop to a San Francisco based computer forensic expect (Jon Berryhill ; Berryhill Computer Forensics). Exhibit 2. Mr. Berryhill analyzed thousands of pages of text messages and "medical records" communicated between Laura and Mr. Marraccini and determined all text messages /medical records from Laura ' s phone number came from Laura. Meaning, Laura appears to be continuing to commit perjury by filing affidavits that disclaim texts and " medical records" that she sent. It is no wonder she does not want Marraccini addressing her intent, motive, knowledge, absence of mistake, and preparation, despite his testimony being admissible under the Rules." **(Exhibit E, Page 7)**

Gingras attempted to harass Mike Marraccini through social media, through his former attorney Randy Sue Pollock, and ultimately with the Phoenix PD in an effort to intimidate a witness into not testifying at trial. **(Exhibits F through R – Social media posts where David Gingras taunts Marraccini in social media, emails to counsel, and in his personal blog published on Gingras's website, both before and after the June 10, 2024 trial.)**

When Marraccini arrived as directed in the subpoena, David "contacted the Maricopa

County Superior Court's security department to advise them of the situation." He then, "contacted court security to explain the situation and to ask them to enforce this Court's order." The phoenix police department arrived shortly thereafter whereby David "provided them with a copy of this Court's order…and asked them to enforce the order as required by federal law." **(Exhibit B – David Gingras's Declaration – Page 10, Paragraphs 36-40).** A huge scene was made shortly before trial began because of the large presence of law enforcement. Gingras's transparent attempt at witness intimidation became moot as Marraccini, although a named witness, was not called to testify.

That incident, which Respondent contends was a bad-faith abuse of process by Mr. Gingras, is a central disputed issue in Petitioner's request to renew the DVRO. Mr. Gingras is a percipient witness to the event, and his credibility and conduct are directly in question. Compounding this, Mr. Gingras now has a personal stake in the case beyond his role as advocate. Respondent filed a State Bar complaint regarding Mr. Gingras's conduct in this matter. The Arizona State Bar's independent review has resulted in a recommended Order of Probable Cause, meaning the Bar is proceeding in it's investigation under the belief it has sufficient evidence of ethical violations by Mr. Gingras toward Marraccini to initiate formal disciplinary proceedings. (Exhibit C – Notice Recommending a Finding of Probable Cause).

He enters the DVRO renewal hearing with a serious conflict of interest: his own professional fate is at risk based on the facts of this case, creating strong incentives to vindicate himself or minimize his wrongdoing. Much of the basis for Owens renewal request is focused on Gingras's personal grievances against Marraccini and has little if anything to do with Owens reasonable fear required to move forward with her request.

California law holds paramount the duty of attorneys to avoid conflicts and to maintain the integrity of the judicial process. Where, as here, an attorney's personal interests materially limit his representation, and where the attorney is likely to be a necessary witness on contested issues, a court has both the authority and the obligation to disqualify counsel in order to preserve public trust in the fairness of the proceedings. *People ex rel. Dept. of Corporations v. SpeeDee Oil Change Systems, Inc., 20 Cal. 4th 1135; Kennedy v. Eldridge, 201 Cal. App. 4th 1197;*

City and County of San Francisco v. Cobra Solutions, Inc., 38 Cal. 4th 839

Respondent does not bring this motion lightly, recognizing that parties are generally entitled to counsel of their choice. However, the California Supreme Court has emphasized that *"the important right to counsel of one's choice must yield to ethical considerations that affect the fundamental principles of our judicial process." Great Lakes Construction, Inc. v. Burman (2010) 186 Cal.App.4th 1347, 1355.* In short, the paramount concern must be to ensure a just proceeding untainted by conflict or attorney self-interest.

Accordingly, Respondent moves to disqualify Mr. Gingras on two primary legal grounds: (1) Conflict of Interest (Rule 1.7), and (2) Advocate-Witness (Rule 3.7). In combination, these factors demonstrate that allowing Mr. Gingras to continue as counsel would prejudice Respondent's rights and the integrity of the court.

II. Legal Standard for Disqualification of Counsel

California courts have inherent authority to disqualify an attorney when necessary to protect the integrity of the judicial process and the rights of litigants. A motion to disqualify involves a conflict between the affected party's right to chosen counsel and the duty to uphold ethical standards in litigation. *Great Lakes Construction, Inc. v. Burman (2010) 186 Cal.App.4th 1347, 1355, 114 Cal.Rptr.3d 301 (Burman), quoting SpeeDee, supra, 20 Cal.4th at pp. 1145–1146, 86 Cal.Rptr.2d 816, 980 P.2d 371.*The Court's paramount concern is preserving public trust in the scrupulous administration of justice; therefore, *"the important right to counsel of one's choice must yield to ethical considerations"* where those considerations are fundamental to the fairness of the proceedings. *People ex rel. Dept. of Corporations v. SpeeDee Oil Change Systems, Inc., 20 Cal. 4th 1135 (1999); Comden v. Superior Court of Los Angeles County, 20 Cal. 3d 906 (1978); In re Complex Asbestos Litigation, 232 Cal. App. 3d 572 (1991); Kirk v. First American Title Ins. Co., 183 Cal. App. 4th 776 (2010); Winter v. Menlo, 110 Cal. App. 5th 299 (2025).*

Disqualification is warranted for a variety of ethical violations, but two grounds are particularly relevant here:

- **Concurrent Client Conflicts (Personal Interest Conflicts) –** Under Rule 1.7 of the California Rules of Professional Conduct, an attorney must not represent a client if there is a significant risk the representation will be materially limited by the lawyer's own personal interests, absent informed written consent from the client. *Simonyan v. Nationwide Ins. Co. of America, 78 Cal. App. 5th 889, 901.* Even with client consent, some conflicts are so severe that they are not truly waivable if they threaten the fairness of the proceedings. The Court may disqualify an attorney whose personal interest conflict "poses a substantial risk" to his ability to represent the client, in order to protect the interests of justice. will be materially limited by the lawyer's responsibilities to or relationships with another client, a former client, or a third person, or by the lawyer's own interests.'" We agree with the trial court's analysis. Simonyan has failed to establish the court abused its discretion in denying his motion for reconsideration or in denying him leave to amend his complaint. *Id.*
- **Advocate-Witness Conflicts** – Rule 3.7 A lawyer may not serve as both advocate and witness on a material issue at trial, absent narrow exceptions. This "advocate-witness rule" exists to avoid prejudice and confusion, as California courts deem the dual roles irreconcilable—requiring partisanship as counsel and objectivity as witness—thereby undermining fairness. *People ex rel. Dept. of Corporations v. SpeeDee Oil Change Systems, Inc., 20 Cal. 4th 1135; Kennedy v. Eldridge, 201 Cal. App. 4th 1197; City and County of San Francisco v. Cobra Solutions, Inc., 38 Cal. 4th 839*. Even if a client were to consent to such dual role, the court retains discretion to refuse to allow it, "to protect the trier of fact from being misled or the opposing party from being prejudiced." *Geringer v. Blue Rider Finance, 94 Cal. App. 5th 813, 822 (2023)*

In deciding a disqualification motion, the Court "must examine the totality of the circumstances and determine whether the attorney's involvement 'would have a continuing effect on the proceedings' such that the fairness or appearance of fairness is jeopardized." (See *Kennedy v. Eldridge* (2011) 201 Cal.App.4th 1197, 1210-1211.) When an attorney's continued

representation threatens to undermine the integrity of the judicial process or impacts the moving party's interest in a just determination of the case, the Court must exercise its discretion to disqualify that attorney *Id*. Ultimately, *"the trial court has an independent interest in ensuring trials are conducted within ethical standards and that legal proceedings appear fair to all who observe them."* Kennedy v. Eldridge, 201 Cal. App. 4th 1197, 1205. This independent interest exists regardless of whether the attorney's own client objects to the conflict; even a non-client litigant (like Respondent here) has standing to seek disqualification when the attorney's conduct *"infects the litigation"* and threatens a cognizable interest of the moving party in a fair proceeding. *Kennedy v. Eldridge, 201 Cal. App. 4th 1197, 1204.*

Against this legal backdrop, both prongs of Mr. Gingras's conflict are squarely presented in this case. We address each in turn.

III. Argument

A. David Gingras's Personal Interest in Avoiding Discipline Conflicts with His Client's Interests. (Rule 1.7 Conflict of Interest).

Gingras's ability to represent Petitioner with undivided loyalty and independent judgment is materially compromised by his own personal interests in this matter. Rule 1.7(b) defines a concurrent conflict of interest to include situations where "there is a significant risk the lawyer's representation of the client will be materially limited by the lawyer's… own interests."

That is precisely the situation here. Gingras's personal conduct regarding Respondent is under official scrutiny, and he has a powerful incentive to protect himself; to defend his reputation and avoid professional discipline arising from this case. This creates a "significant risk" that his representation of Ms. Owens will be skewed or impaired by considerations of self-preservation. (*American Bar Association, Rule 1.7 Conflict of Interest: Current Clients – Comment, www.americanbar.org)*

The Arizona State Bar's Probable Cause finding is an objective indicator Gingras's conduct in this matter is in serious question. When an attorney's own actions are at issue in the

case, ethical authorities warn that "it may be difficult or impossible for the lawyer to give a client detached advice." *Id.*

An attorney cannot be neutral or wholly loyal when his personal wrongdoing is intertwined with the client's case: "The lawyer's own interests should not be permitted to have an adverse effect on the representation of a client." (ABA Model Rule 1.7, Comment [10] americanbar.org)

Here, Gingras's alleged misconduct toward Respondent (misuse of the DVRO and law enforcement) is a central issue. He has a personal stake in denying or minimizing that misconduct. This personal stake directly conflicts with his client's interest in a full and truthful adjudication of the DVRO issues. If certain evidence in the renewal hearing might vindicate Respondent's claim of attorney abuse (and thereby bolster the State Bar charges against Gingras), Gingras has a temptation to downplay or suppress that evidence, even if it might be relevant to Ms. Owens's case. Conversely, Gingras might be tempted to over-emphasize or even fabricate justifications for his prior conduct to protect himself (evidenced by his major emphasis on the incident related to the Arizona Bar investigation highlighted in his Declaration[3]), thereby diverting the hearing's focus away from Ms. Owens's actual interests. In either scenario, his personal interest in avoiding discipline pulls against his client's best interest in an objectively fair presentation of facts.

California courts have recognized that an attorney who is simultaneously defending his own conduct while representing a client in the same matter operates under a disqualifying conflict. In Kennedy v. Eldridge, for instance, an attorney was disqualified in a family law case due in part to his "emotional involvement" and personal entanglements that compromised his objectivity and loyalty in representing his client (who was his son). The court noted that such multiple roles and personal stakes "undermine the integrity of the judicial system" and create at least an appearance of impropriety that cannot be ignored. *Kennedy v. Eldridge (2011) 201*

[3] Laura Owens petition for renewal was undoubtedly authored by David Gingras, as his declaration virtually mirrors the facts set forth in Laura Owens petition. The overwhelming basis of Owens petition is centered around Marraccini complying with a lawful subpoena, where Gingras is alleged to have abused the DVRO process and law enforcement to intimidate a witness.

Cal.App.4th 1197, 1211.

A client's consent to a conflicted representation does not bind the Court when the conflict threatens the fairness of the proceeding. Courts reserve the power to disqualify an attorney if the conflict "poses a substantial risk" to the attorney's ability to competently and loyally represent the client or if it undermines the adversarial process, notwithstanding the client's willingness to proceed. As the California Supreme Court has observed, some conflicts are so severe that "even informed consent may not suffice" to avoid prejudice, especially where an attorney's judgment may be impaired by personal considerations (see CRPC 1.7, Comment [8]).

In this case, disqualification on conflict-of-interest grounds is warranted because Gingras's personal interest in his own disciplinary outcome is paramount and irrevocably at odds with his client's interests. The situation "creates, at the very least, an appearance of impropriety" and a genuine risk that Ms. Owens will not receive unbiased, conflict-free representation. The integrity of the court's process is likewise at stake: the factfinder should not have to wonder whether Petitioner's counsel is shading his advocacy to save himself. In short, Rule 1.7 prohibits Gingras's continued representation, and the Court should exercise its discretion to disqualify him on this basis alone.

B. Gingras Must Be Disqualified Under the Advocate-Witness Rule (Rule 3.7)

Gingras's role as a key percipient witness independently mandates his disqualification. Rule 3.7(a) bars an attorney from serving as both advocate and witness on a contested issue, absent narrow exceptions that do not apply here. The June 2024 incident, where Gingras reported Respondent to police, in a misleading attempt to have him arrested, with knowledge Marraccini was complying with a lawfully ordered subpoena in an effort to intimidate a witness on the day of trial, is central to Petitioner's request for renewal. Only Gingras can testify about his own statements and motives during that episode, making his testimony necessary and material. Courts have long held that the dual roles of advocate and witness are "irreconcilable," as one requires persuasion and the other objectivity. *Lyle v. Superior Court* (1981) 122

Cal.App.3d 470; *Kennedy v. Eldridge* (2011) 201 Cal.App.4th 1197.

Allowing Gingras to continue would create multiple prejudicial effects: (1) misleading the factfinder by blurring advocacy with testimony; (2) prejudicing Respondent, who would be forced to cross-examine opposing counsel; and (3) improperly bolstering Gingras's credibility through his dual role, as warned in *Comden v. Superior Court* (1978) 20 Cal.3d 906. Even with client consent, Comment 3 to Rule 3.7 confirms the Court retains discretion to disqualify counsel to protect fairness. *Geringer v. Blue Rider Finance, 94 Cal. App. 5th 813, 822 (2023)*

Petitioner can readily secure substitute counsel, but Respondent's right to a fair trial would be gravely compromised if Gingras remains. The equities thus decisively support disqualification.

C. The Combined Effect of Gingras's Conflict and Dual Role Threatens the Fairness and Integrity of These Proceedings

Even if either of the above grounds alone might suffice, together they present a compelling case for disqualification. This is a situation where an attorney's personal interest conflict (Rule 1.7) and advocate-witness conflict (Rule 3.7) intersect, compounding the potential for injustice:

- Gingras's personal interest (his pending discipline) gives him a motive to color the evidence and arguments in this case to suit his own ends, consciously or unconsciously. This undermines the Court's confidence that Petitioner's case is being presented ethically and objectively.
- Simultaneously, Gingras's status as a key witness means he is effectively an unsworn participant in the events being litigated. The fact-finder must evaluate Gingras's actions and credibility, yet Gingras, as Petitioner's lawyer, would also be packaging those facts for the court.
- From Respondent's perspective, these conflicts materially prejudice his rights. He faces an opposing counsel who might distort the truth to protect himself and whose factual claims cannot be tested by normal means (since that counsel also controls what evidence is presented). This is antithetical to a fair adversarial process.

- From the Court's perspective, the proceedings risk devolving into a trial about Gingras's conduct rather than the parties' issues, creating a sideshow that detracts from adjudicating the DVRO renewal on the merits. Additionally, the Court must worry that any decision (granting or denying the DVRO renewal) could be tainted by the perception that one side's attorney had a personal ax to grind or that his dual role influenced the outcome. This threatens the integrity and public trust in the judicial outcome. *See City and County of San Francisco v. Cobra Solutions, Inc., 38 Cal. 4th 839, County of Santa Clara v. Superior Court, 50 Cal. 4th 35., In re Marriage of D.S. & A.S., 87 Cal. App. 5th 926, Lyle v. Superior Court (1981) 122 Cal.App.3d 470; Kennedy v. Eldridge (2011) 201 Cal.App.4th 1197.*

In sum, allowing Gingras to serve as Petitioner's advocate would materially compromise the fairness of the DVRO renewal hearing. It would place Respondent at an unfair disadvantage and interject Gingras's personal issues into a proceeding that should be about the parties, not the lawyers. The prudent and just remedy is to disqualify Gingras now, before the trial, to ensure that the upcoming hearing can focus on the merits with both parties represented by conflict free counsel and all witnesses (including Gingras) testifying without also acting as advocates.

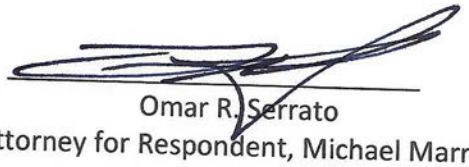
IV. Conclusion

For these reasons, Respondent Mike Marraccini respectfully asks the Court to disqualify David Gingras, Esq. from representing Petitioner Laura Owens in this DVRO renewal. Disqualification is necessary to eliminate a clear conflict of interest, enforce the advocate-witness rule, and preserve the fairness of these proceedings. If needed, the Court may briefly continue the hearing to allow Petitioner to retain new counsel, ensuring the matter is resolved on the merits without ethical compromise.

By removing Mr. Gingras, the Court affirms that justice must not be clouded by attorney conflicts or dual roles, thereby safeguarding both parties' rights and the integrity of the tribunal.

Dated: August 25, 2025

Respectfully Submitted,



Omar R. Serrato
Attorney for Respondent, Michael Marraccini

Omar R. Serrato, [redacted]

Attorney for Respondent, MICHAEL MARRUCCINI

THE SUPERIOR COURT OF THE STATE OF CALIFORNIA
COUNTY OF SAN FRANCISCO

LAURA OWENS,

Petitioner

vs.

MICHAEL MARRACCINI,

Respondent

Case No: FDV-18-813693

NOTICE OF MOTION AND MOTION TO DISQUALIFY PETITIONER'S COUNSEL (DAVID GINGRAS); MEMORANDUM OF POINTS AND AUTHORITIES; DECLARATION OF COUNSEL AND PROPOSED ORDER

I, Omar R. Serrato, declare as follows:

1. I am an attorney duly licensed to practice before the State of California and counsel of record for Respondent Michael Marruccini in this action. I have personal knowledge of the facts set forth in this declaration and, if called as a witness, could and would testify competently thereto.
2. This action involves Petitioner Laura Owens' request to renew a Domestic Violence Restraining Order (DVRO) against Respondent Mike Marruccini, having substituted in on August 15, 2025. The DVRO renewal hearing is currently pending in the San Francisco County Superior Court, Family Division.

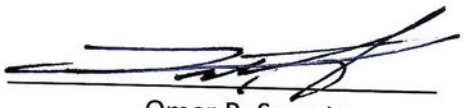
3. Attorney David Gingras, Esq. is the attorney of record for Petitioner Laura Owens in this DVRO proceeding, having substituted in August 15, 2025. Mr. Gingras has been representing Petitioner throughout the DVRO case and is expected to act as Petitioner's counsel at the upcoming renewal trial if not disqualified. He has also been her counsel in Maricopa County Arizona where he represented her in case number FC2023-052114 where Michael Marruccini was a subpoenaed witness.
4. I am informed and believe, and thereon declare, that Mr. Gingras is a percipient witness to significant disputed events underlying the DVRO matter. In particular, on or about June 10, 2024, during the period that the current DVRO has been in effect, Mr. Gingras contacted law enforcement and reported an alleged violation of the restraining order by Respondent Mike Marruccini. Mr. Gingras's report led to law enforcement officers confronting Michael Marruccini. No charges were ultimately filed, nor was he arrested for any violation against Respondent as a result of that incident.
5. Respondent's position is that the above incident was a false or exaggerated claim orchestrated by Mr. Gingras to harass or intimidate Respondent. Respondent disputes that he violated the DVRO at all, and contends that Mr. Gingras misused his role as Petitioner's attorney by involving the police without a valid basis. This incident (and the parties' conflicting accounts of it) is expected to be a key issue at the DVRO renewal hearing. Petitioner (through Mr. Gingras) has cited Respondent's *"violation"* of the DVRO as a reason the restraining order should be extended, while Respondent will argue that the incident shows an abuse of process by Petitioner's side.
6. I am informed and believe that Mr. Gingras has personal knowledge of and involvement in the aforementioned incident. Mr. Gingras was the person who spoke to the police; thus, he is a necessary witness to explain what he reported and why. To my knowledge, no one else can provide the same testimony regarding Mr. Gingras's communications and intentions in calling law enforcement. The accuracy and account of Mr. Gingras's actions during that incident are directly at issue in determining whether Respondent violated the DVRO or whether the incident was a misuse of the DVRO mechanism.

7. Respondent Mike Marruccini filed a complaint with the Arizona State Bar concerning Mr. Gingras's conduct in relation to the DVRO case. The State Bar complaint focuses on Mr. Gingras's role in the law enforcement incident described above (among other related conduct during the case), alleging that Gingras violated ethical duties in his treatment of Respondent.
8. I am informed and believe that after an investigation, the State Bar of Arizona and are recommending a finding of probable cause to proceed with disciplinary charges against Gingras, finding that sufficient evidence exists that Mr. Gingras committed one or more violations of the Rules of Professional Conduct in connection with his representation of Petitioner Owens against Respondent Marraccini. (Exhibit C)
9. As of the date of this declaration, Gingras's State Bar disciplinary proceeding remains pending. I am informed that no final discipline has been imposed, and Gingras maintains an active law license. However, the State Bar proceeding is ongoing and could result in professional discipline (such as reproval or suspension) if the charges are proven. It is my duty to alert the California State bar of the pending action pursuant to Rule of Professional Conduct 8.3 – Reporting Professional Misconduct.
10. I am informed and believe that Mr. Gingras did not disclose to this Court the fact that he is facing a State Bar investigation/charges arising from this case. There has been no stipulation or waiver concerning this conflict filed in this action. I am uncertain whether or not Laura Owens has provided informed written consent waiving the conflict presented by Mr. Gingras's personal interest in the outcome. In any event, as outlined in the motion, I believe that this conflict is so severe that the fairness of the proceeding would be affected even if consent were given.
11. I believe disqualifying Mr. Gingras will not prejudice Petitioner Owens's case beyond the ordinary inconvenience of obtaining new counsel.
12. We did not bring this motion for any improper purpose or tactical delay. Respondent's sole aim is to ensure that the upcoming DVRO renewal hearing is adjudicated on the merits, without the process being skewed by counsel's conflicting interests or dual role.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct. Executed on August 20, 2025, at San Bernardino, California.

Dated: August 20, 2025

Respectfully Submitted,



Omar R. Serrato
Attorney for Respondent, Michael Marraccini

Omar R. Serrato, [redacted]

Attorney for Respondent, MICHAEL MARRACCINI

THE SUPERIOR COURT OF THE STATE OF CALIFORNIA
COUNTY OF SAN FRANCISCO

LAURA OWENS,

Petitioner

vs.

MICHAEL MARRACCINI,

Respondent

Case No: FDV-18-813693

PROPOSED ORDER

The Court, having read and considered Respondent Mike Marruccini's Motion to Disqualify Petitioner's Counsel, the supporting Declaration of Counsel, all papers filed in support and opposition, and the arguments presented at hearing, now rules as follows:

FINDINGS

1. Conflict of Interest (Rule 1.7): The Court finds that attorney David Gingras is the subject of a pending State Bar disciplinary proceeding arising from his conduct toward Respondent in this related matter, for which an Order of Probable Cause has been recommended. This creates a personal interest conflict under Rule 1.7 of the California Rules of Professional Conduct. The Court finds that Gingras's representation of Petitioner is materially limited by his own personal

interest in avoiding discipline and defending his conduct, and that this conflict threatens his ability to render detached and loyal advice to his client.

2. Advocate-Witness Rule (Rule 3.7): The Court further finds that Gingras is a necessary witness on a contested factual issue in this case, namely, his role in contacting law enforcement to allege a violation of the DVRO by Respondent. The Court finds this testimony is material and disputed, and thus Gingras's dual role as both advocate and witness is barred under Rule 3.7. The Court also finds that no exception to Rule 3.7 applies, and that even with client consent, the Court has discretion to disqualify counsel to prevent prejudice and protect the integrity of the proceedings.

3. Prejudice to Respondent & Integrity of Proceedings: The Court finds that allowing Gingras to continue representing Petitioner would prejudice Respondent, as Respondent would face the untenable burden of having to cross-examine opposing counsel on material facts. The Court also finds that Gingras's dual role risks confusing the trier of fact, blurring the line between testimony and advocacy, and undermining public confidence in the fairness of the proceedings.

4. The Court finds that Petitioner's right to chosen counsel must yield to the overriding duty of the Court to ensure proceedings are conducted in accordance with ethical standards and to preserve public trust in the judicial process.

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ORDER

Based on the foregoing findings, and good cause appearing:

1) IT IS HEREBY ORDERED that Respondent's Motion to Disqualify is GRANTED.
2) IT IS FURTHER ORDERED that attorney David Gingras is disqualified from representing Petitioner Laura Owens in this matter.

IT IS SO ORDERED.

_____

JUDGE OF THE SUPERIOR COURT

Dated: October 10th, 2025

EXHIBIT A

Gregg R Woodnick, [redacted]6
Woodnick Law PLLC
[redacted]

Representing: Respondent

SUPERIOR COURT OF ARIZONA
IN MARICOPA COUNTY

In the matter of:

LAURA OWENS
Petitioner
vs.
CLAYTON ECHARD
Respondent

Case No.: FC2023-052114

SUBPOENA IN A FAMILY CASE

TO: MICHAEL MARACCINI
c/o Randy Sue Pollock, Attorney at Law
[redacted]

For Attendance of Witness at Hearing or Trial:

YOU ARE ORDERED TO APPEAR in the Superior Court of Arizona in Maricopa County at the place, date, and time specified below to testify at a trial in the above-named case, before:

Judicial Officer: The Honorable Julie Mata

Place: Northeast Regional Center
18380 N 40th St
Phoenix, AZ 85032
Room: 102

Date: 06/10/2024

Time: 8:45 AM Arizona Time

Your Duties In Responding To This Subpoena

ATTENDANCE AT A TRIAL: If this subpoena commands your attendance at a deposition, hearing, or trial, you must appear at the place, date and time designated in the subpoena unless you object (see below, procedures for objecting). Unless a court orders otherwise, you are required to travel to any part of the state to attend and give testimony at a trial.

ATTENDANCE AT A HEARING OR DEPOSITION: If this subpoena commands you to appear at a hearing or deposition, you must appear at the place, date and time designated in this subpoena unless either:

(1) you timely object (see below, the procedures for objecting); or

(2) you are not a party or a party's officer and this subpoena commands you to travel to a place other than:

  (1) the county where you reside or you transact business in person; or

  (2) the county in which you were served with the subpoena or within forty (40) miles from the place of service; or

  (3) such other convenient place fixed by a court order.

PRODUCTION OF DOCUMENTARY EVIDENCE: If this subpoena commands you to produce and permit inspection, copying, testing or sampling of designated documents, electronically stored information, or tangible things, you must make the items available at the place, date and time designated in this subpoena, and in the case of electronically stored information, in the form or forms requested, unless you provide a good faith written objection to the party or attorney who served the subpoena. You may timely object to the production of documentary evidence (see below, the procedures for objecting).

You may object to the production of electronically stored information from sources that you identify as not reasonably accessible because of undue burden or expense, including sources that are unduly burdensome or expensive to access because of the past good-faith operation of an electronic information system or good faith or consistent application of a document retention policy.

If this subpoena does not specify a form for producing electronically stored information, you may produce it in native form or in another reasonably usable form that will enable the receiving party to have the same ability to access, search, and display the information as the responding person, but you need not produce the same electronically stored information in more than one form.

If the subpoena commands you to produce documents, you have the duty to produce the designated documents as they are kept by you in the usual course of business, or you may organize the documents and label them to correspond with the categories set forth in the subpoena.

INSPECTION OF PREMISES: If this subpoena commands you to make certain premises available for inspection, you must make the designated premises available for inspection on the date and time designated in this subpoena unless you provide a timely, good faith written objection to the party or attorney who served the subpoena.

COMBINED SUBPOENA: You should note that a command to produce certain designated materials, or to permit the inspection of premises, may be combined with a command to appear at a trial, hearing or deposition.

You do not, however, need to appear in person at the place of production or inspection unless the subpoena also states that you must appear for and give testimony at a hearing, trial, or deposition.

Your Right To Object To This Subpoena

I. If you have concerns or questions about this subpoena, you should first contact the party or attorney who served the subpoena. The party or attorney serving the subpoena has a duty to take reasonable steps to avoid imposing an undue burden or expense on you. The Superior Court enforces this duty and may impose sanctions upon the party or attorney serving the subpoena if this duty is breached.

- You may object to this subpoena if you feel that you should not be required to respond. You must make any objection within 14 days after the subpoena is served upon you, or before the time specified for compliance, by providing a written objection to the party or attorney serving the subpoena. *
- If you object to the subpoena in writing, you do not need to comply with the subpoena until a court orders you to do so. It will be up to the party or attorney serving the subpoena to seek an order from the court to compel you to provide the documents or inspection requested, after providing notice to you. *

Unless otherwise ordered by the Court for good cause, the party seeking discovery from you must pay your reasonable expenses incurred in responding to a subpoena seeking the production of documents, electronically stored information, tangible things, or an inspection of premises.

- If you seek payment of expenses other than routine clerical and per-page costs as allowed by A.R.S. §12-351, you must object on the grounds of undue burden to producing the materials without the subpoenaing party's payment, and send an advanced estimate of those expenses to the subpoenaing party before the time specified for compliance or within 14 days after the subpoena is served, whichever is earlier. *
- You need not comply with those parts of the subpoena that are the subject of the objection, unless the Court orders you to do so. The court may enter an order conditioning your response to the subpoena on payment of your additional expenses, including ordering payment of those expenses in advance. *

II. PROCEDURE FOR OBJECTING TO A SUBPOENA FOR ATTENDANCE AT A HEARING, TRIAL OR DEPOSITION:

A. Form and Time for Objection.

(i) A person commanded to comply with a subpoena may object to the subpoena in writing on the basis that the information requested is not reasonably accessible or because complying with the subpoena would cause an undue burden or expense. The objection must state the basis for the objection, and must include the name, address, and telephone number of the person, or the person's attorney, serving the objection. The objection must be served on the party or attorney serving the subpoena before the time specified for compliance or within 14 days after the subpoena is served,

whichever is earlier.

(ii) A person served with a subpoena that combines a command to produce materials or to permit inspection, with a command to attend a deposition, hearing, or trial, may object to any part of the subpoena. A person objecting to the part of a combined subpoena that commands attendance at a deposition, hearing, or trial must attend and testify at the date, time, and place specified in the subpoena, unless excused from doing so by the party or attorney serving a subpoena, by a court order, or by any other provision of Rule 52.

B. Procedure After Objecting.

(i) A person objecting to a subpoena to produce materials or to permit inspection need not comply with those parts of the subpoena that are the subject of the objection, unless ordered to do so by the issuing court.

(ii) The party serving the subpoena may move under Rule 65(a) to compel compliance with the subpoena. The motion must be served on the subpoenaed person and all other parties under Rule 43.

(iii) Any court order to compel must protect a person who is neither a party nor a party's officer from undue burden or expense resulting from compliance.

C. Claiming Privilege or Protection.

(i) A person withholding subpoenaed information under a claim that it is privileged or subject to protection as work-product material must promptly identify in writing the information, document, or electronically stored information withheld and describe it in a manner that, without revealing information that is privileged or protected, will enable other parties to assess the claim.

(ii) If information subject to a claim of privilege was accidentally produced in response to a subpoena, the party who accidentally produced the information may notify any other party that the information was privileged. After being notified of such a claim, a party who received the information has several obligations. They must promptly return, sequester, or destroy the information and any copies they have. They must not disclose the information until the claim is resolved, and if they have already disclosed it, they must take reasonable steps to retrieve the information. They must also present the information to the court under seal for a decision as to whether it is subject to privilege. The party who accidentally disclosed the information must preserve it until the privilege claim is resolved.

*See Arizona Rules of Family Law Procedure (A.R.F.L.P.) Rule 52, and the "Your Right to Object to this Subpoena" section.

III. COURT MODIFIES or VOIDS (quashes) CIVIL SUBPOENA

A. The court must quash or modify a subpoena if . . .

(1) the subpoena does not provide a reasonable time for compliance;

(2) unless the subpoena commands your attendance at a trial, if you are not a party or a party's officer and if the subpoena commands you to travel to a place other than:

a. the county in which you reside or transact business in person;

b. the county in which you were served with a subpoena, or within forty (40) miles from the place of service; or

c. such other convenient place fixed by a court order; or

(3) the subpoena requires disclosure of privileged or other protected matter, if no exception or waiver applies; or

(4) the subpoena subjects you to undue burden.

B. The court may quash or modify a subpoena if . . .

(1) the subpoena requires you to disclose a trade secret or other confidential research, development or commercial information;

(2) you are an unretained expert and the subpoena requires you to disclose your opinion or information resulting from your study that you have not been requested by any party to give on matters that are specific to the dispute;

(3) you are not a party or a party's officer and the subpoena would require you to incur substantial travel expense; or

(4) the court determines that justice requires the subpoena to be quashed or modified.

In these last four circumstances a court may instead of quashing or modifying a subpoena, order your appearance or order the production of material under specified conditions if:

a. the party or attorney serving the subpoena shows a substantial need for the testimony or material that cannot otherwise be met without undue hardship; and

b. the person's travel expenses or the expenses resulting from the production are at issue, the party or attorney serving the subpoena assures that the subpoenaed person will be reasonably compensated for those expenses.

ADA Notification

Requests for reasonable accommodation for persons with disabilities must be made to the division assigned to the case by the party needing accommodation or his/her counsel at least three (3) judicial days in advance of a scheduled proceeding.

Interpreter Notification

Requests for an interpreter for persons with limited English proficiency must be made to the division assigned to the case by the party needing the interpreter and/or translator or his/her counsel at least ten (10) judicial days in advance of a scheduled court proceeding.

SIGNED AND SEALED this 7th day of May, 2024
Jeff Fine, CLERK

By: The State Bar of Arizona on behalf of the clerk pursuant to ARCP 45(a)(2)

EXHIBIT B

DECLARATION OF DAVID GINGRAS

1. My name is David S. Gingras. I am a United States citizen, a resident of the State of Arizona, am over the age of 18 years, and if called to testify in court or other proceeding I could and would give the following testimony which is based upon my own personal knowledge.

2. I am an attorney licensed to practice law in the States of California (since 2002) and Arizona (since 2004). I graduated from the University of San Francisco School of Law in May 2000 where I was a member of the USF Law Review for two years.

3. I am an active member in good standing with the State Bars of Arizona and California and I am admitted to practice and in good standing with the United States Court of Appeals for the Sixth, Ninth and Tenth Circuits, the United States District Court for the District of Arizona and the United States District Courts for the Northern, Central, and Eastern Districts of California.

4. I previously represented a woman named Laura Owens in a case filed in the Maricopa County Superior Court here in Phoenix, entitled *Owens v. Echard*, Case No. FC2023-052114. The online docket for this case is available here: https://www.superiorcourt.maricopa.gov/docket/FamilyCourtCases/caseInfo.asp?caseNumber=FC2023-052114

5. *Owens v. Echard* was a paternity case Laura filed on August 1, 2023. In her petition, Laura claimed she became pregnant after a one-night sexual encounter with a man named Clayton Echard. When Laura filed the case on August 1, 2023, she was *pro se* – I did not represent her in any capacity. Respondent Clayton Echard was also *pro se*.

6. Laura claimed while the paternity case was pending, she either had a miscarriage or otherwise learned she was not pregnant. After learning that information, Laura filed nothing further in the case, and court administration set the case for dismissal due to inactivity. During that time, Mr. Echard was *pro se*; he was not represented by counsel.

7. Shortly before the case was administratively dismissed, Mr. Echard hired counsel who appeared in the case around mid-December 2023. In his initial pleadings, Mr. Echard's lawyer accused Ms. Owens of "fabricating" her pregnancy. As a result, Mr. Echard's counsel threatened to seek sanctions against Laura for violating Rule 26 of the Arizona Rules of Family Law Procedure (which is substantially identical to Rule 11 of the Federal Rules of Civil Procedure; i.e., it prohibits groundless pleadings and allows sanctions for violations, subject to a safe harbor period in which an alleged violation may be cured; the rule also precludes an award of sanctions if a violation is timely cured within the safe harbor period).

8. Although I did not represent Ms. Owens at the time, my review of the docket reflects that after Mr. Echard's counsel threatened to seek sanctions, Laura retained a different attorney who immediately sought to invoke the safe harbor of Rule 26 by moving to dismiss Laura's paternity petition with prejudice. That motion (filed December 28, 2023) is available through the Arizona Court of Appeals' website here: https://www.appeals2.az.gov/APL2NewDocs1/COA/1061/3954079.PDF

9. Despite Laura moving to dismiss her petition with prejudice, just days later on January 3, 2024, Mr. Echard's counsel filed a Motion for Sanctions Pursuant to Rule 26 of the Arizona Rules of Family Law Procedure. That motion is available online here: https://www.appeals2.az.gov/APL2NewDocs1/COA/1061/3954087.PDF

10. The court later denied Laura's request to dismiss her petition, and the Court set an evidentiary hearing on Mr. Echard's Motion for Sanctions for June 10, 2024.

11. I was retained to represent Laura on March 25, 2024, and I appeared that same day. https://www.appeals2.az.gov/APL2NewDocs1/COA/1061/3954122.PDF

12. After I appeared in the case, I learned that Mr. Echard disclosed several witnesses including a man named Michael Marraccini. According to Rule 49 of the Arizona Rules of Family Law Procedure, all parties in family court are required to disclose certain information to the other party, including the following: "(i) **Disclosure of Witnesses.** Each party must disclose the names, addresses, and telephone numbers of any witness whom the disclosing party expects to call at trial, along with a statement fairly describing the substance of each witness's expected testimony." (emphasis added)

13. The Arizona Supreme Court has interpreted this disclosure requirement to require specific disclosure of the substance of a witness' testimony, not generalized non-substantive references such as saying a witness will testify to "all matters". *See Bryan v. Riddel*, 178 Ariz. 472, 477, 875 P.2d 131, 136 (1994) (finding disclosure statement did not contain sufficient detail to comply with the rule where it simply stated witnesses would testify about "all matters referred to in deposition" or "all matters in the complaint of which the witness has knowledge."); *Jimenez v. Wal-Mart Stores, Inc.*, 206 Ariz. 424, 426 (App. Div. 2 2003) (holding adequate disclosure "should fairly expose the facts and issues to be litigated, as well as the witnesses and exhibits to be relied upon.")

14. Based on my review of the disclosures provided by Mr. Echard, it was clear his disclosures failed to meet the specificity requirements of Rule 49, because Mr. Echard disclosed literally nothing more than a single sentence suggesting Mr. Marraccini intended

to testify regarding "his prior interactions with [Laura]." This told me nothing about the substance of Mr. Marraccini's expected testimony. The relevant portion of Mr. Echard's initial disclosure regarding Mr. Marraccini is shown below.

5. **Michael Maraccini**

c/o Randy Sue Pollock, Attorney at Law

[redacted]

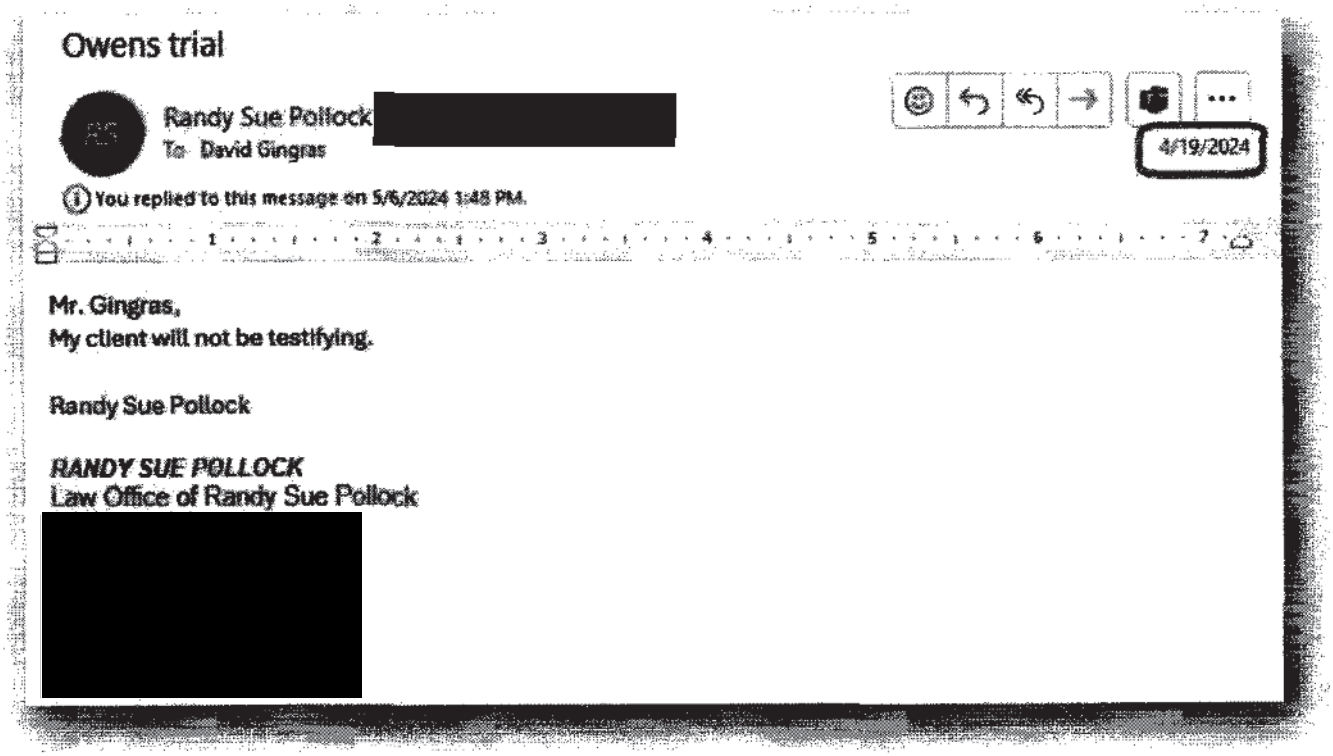
This witness is expected to testify about his prior interactions with Petitioner, her alleged two (2) pregnancies during their relationships, and the subsequent litigation.

15. Because Mr. Echard failed to comply with the disclosure requirements of Rule 49, I could have simply asked the Court to exclude Mr. Marraccini as a witness on that basis alone. *See Bryan v. Riddel*, 178 Ariz. 472, 477, 875 P.2d 131, 136 (1994) (explaining consequence of insufficient disclosure is the court shall exclude any evidence not properly disclosed).

16. However, because I wanted to know what Mr. Marraccini had to say, I picked up the phone and called the lawyer listed as his contact person (a woman named Randy Sue Pollock). During that call, Ms. Pollock told me she had never heard of *Owens v. Echard* and that to her knowledge, Mr. Marraccini would not be appearing as a witness at trial.

17. I thanked Ms. Pollock for providing this information, and I asked her to send me an email confirming what she had told me.

18. On April 19, 2024, I received an email from Ms. Pollock, shown below, in which she told me that Mr. Marraccini "will not be testifying" in *Owens v. Echard*.



Owens trial

Randy Sue Pollock [redacted]
To David Gingras

4/19/2024

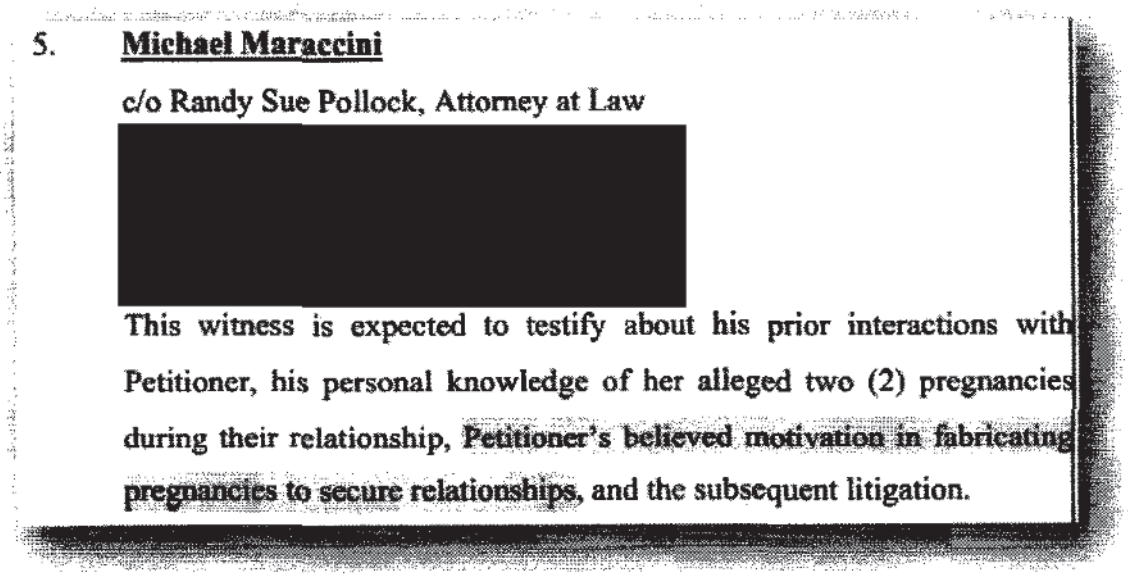
You replied to this message on 5/6/2024 1:48 PM.

Mr. Gingras,
My client will not be testifying.

Randy Sue Pollock

RANDY SUE POLLOCK
Law Office of Randy Sue Pollock
[redacted]

19. Despite this, just a few days later, I received a new disclosure statement from Mr. Echard which, once again, continued to list Mr. Marraccini as a witness and provided an extremely small amount of additional information, stating that he intended to testify as to "[Laura's] *believed motivation in fabricating pregnancies to secure relationships.*"



5. **Michael Maraccini**

c/o Randy Sue Pollock, Attorney at Law
[redacted]

This witness is expected to testify about his prior interactions with Petitioner, his personal knowledge of her alleged two (2) pregnancies during their relationship, **Petitioner's believed motivation in fabricating pregnancies to secure relationships**, and the subsequent litigation.

20. This new disclosure was directly contrary to what Ms. Pollock had told me just days earlier. Based on this, I became extremely concerned, so I again contacted Ms. Pollock by phone on May 6, 2024, to seek clarification.

21. During the phone call, Ms. Pollock was extremely angry, defensive, and agitated. I found this extremely odd because my single prior conversation with her was exceptionally brief and cordial.

22. During the call, I told her that IF Mr. Marraccini intended to appear as a witness, that was fine with me. I explained I had no concerns with Mr. Marraccini testifying as long as he complied with the disclosure requirements of Rule 49 by providing a specific summary of his expected testimony. I also informed Ms. Pollock that Ms. Owens had a valid, existing restraining order from this Court which required Mr. Marraccini to remain at least 100 yards away from her at all times, and to otherwise not have any contact with her without prior permission from this Court. I told Ms. Pollock several times that I had no objection whatsoever to Mr. Marraccini testifying in Arizona *provided* he did so in a manner that complied with Arizona's rules and did not violate this Court's order.

23. As to the issue of disclosure, during the phone call, I asked Ms. Pollock whether Mr. Marraccini would agree to either an informal interview (by phone), or a deposition assuming he would not agree to an interview. In response, Ms. Pollock specifically told me: "No, we are not willing to cooperate with you."

24. I responded by telling Ms. Pollock that compliance with Arizona's rules was not optional, and that if Mr. Marraccini would not agree to be interviewed or deposed (in violation of Arizona's disclosure rules), then I would object to his participation at trial (as the rules expressly allow).

25. In response, Ms. Pollock told me that under no circumstances would Mr. Marraccini agree to comply with Arizona's procedural rules applicable to witness testimony, but instead he was planning to simply "show up" in Arizona as a non-subpoenaed spectator.

26. I found Ms. Pollock's remarks extremely disturbing because, among other things, Mr. Marraccini's threat to travel from California to Arizona for the purpose of violating this Court's order would appear to constitute a *prima facie* federal crime in violation of 18 U.S.C. § 2262.

27. To ensure there was no confusion about my position on these issues, immediately after speaking with Ms. Pollock by phone, I sent her an email on May 6, 2024; a true and correct copy of this email is attached hereto as **Exhibit A**. In this email, I documented my conversation with Ms. Pollock including each of the above points. I also attached copies of the original and renewed Domestic Violence Restraining Orders entered against Mr. Marraccini by this Court.

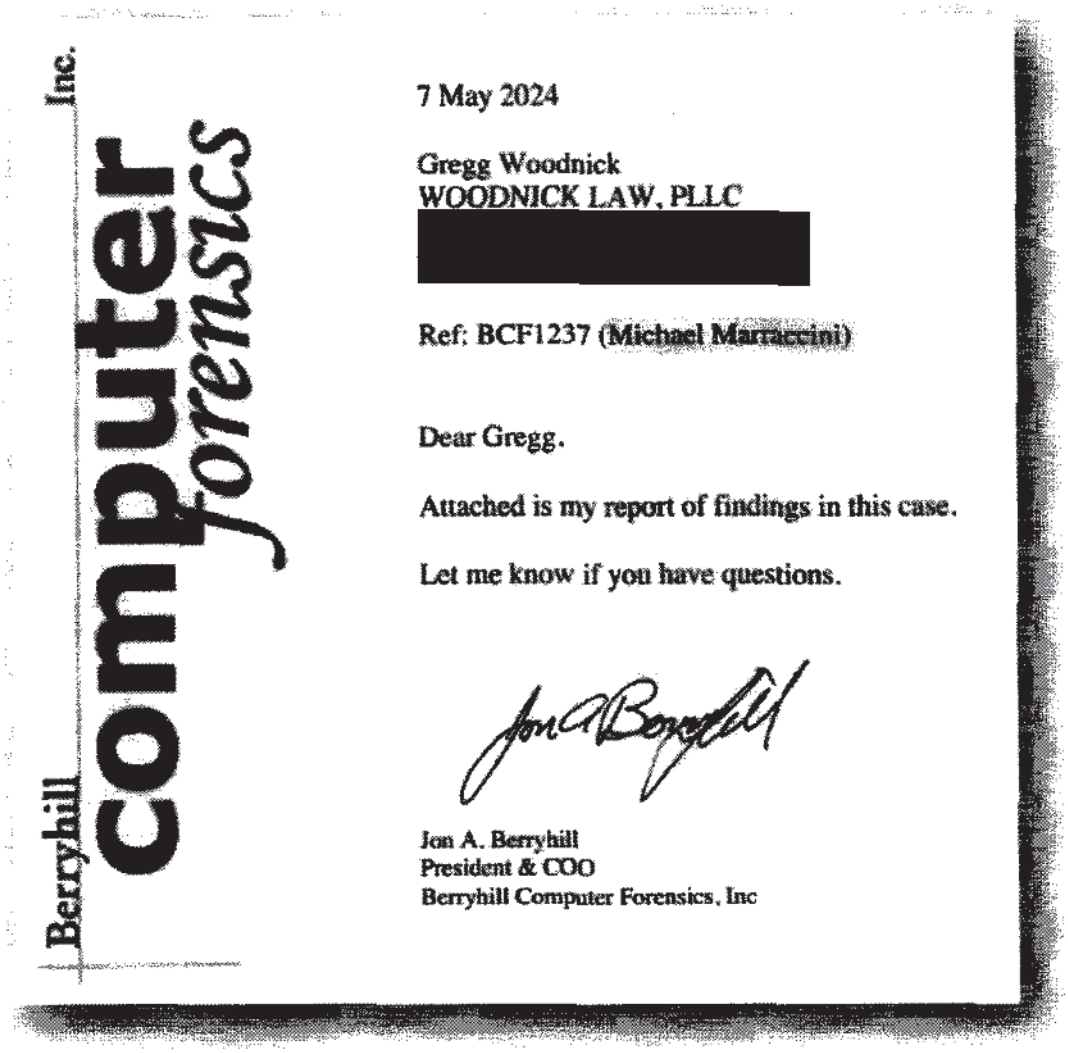
28. In addition to repeating my position (i.e., that Mr. Marraccini was obligated to comply with the disclosure requirements of Arizona law, if he wanted to testify as a witness at trial), I also explained the following points:

> Also, and just to be clear – I am not, under any circumstances, suggesting Mr. Marraccini should not participate in the trial if he has relevant information. All I am saying is that if he WANTS to testify, he needs to do so in a manner that complies with the rules and the law. This is mandatory to ensure basic fairness to ALL sides.
>
> Finally, please note that it is a felony under Arizona law for any person to unlawfully withhold testimony, to evade legal process to appear, and/or to fail to appear when legally summoned. For avoidance of any doubt, nothing in this email should be construed as an attempt to cause Mr. Marraccini not to appear. On the contrary, I would very much like him to appear, provided he does so in

a manner that complies with the rules (including the rule that requires the prompt disclosure of the substance of his testimony, and the rule which entitles me to interview him prior to trial).

29. Ms. Pollock never replied to this email and I had no further communications with her.

30. However, the following day, on May 7, 2024, I received an expert disclosure from Mr. Echard's counsel which included a report from a computer expert named Jon A. Berryhill; a true and correct copy of this expert disclosure is attached hereto as **Exhibit B**.



Berryhill computer forensics Inc.

7 May 2024

Gregg Woodnick
WOODNICK LAW, PLLC
[redacted]

Ref: BCF1237 (Michael Marraccini)

Dear Gregg.

Attached is my report of findings in this case.

Let me know if you have questions.

Jon A. Berryhill
President & COO
Berryhill Computer Forensics, Inc

31. The sole subject of the Berryhill report was a laptop allegedly provided to him by Mr. Marraccini. According to Mr. Berryhill, this laptop contained nearly 2,500 pages of private text messages exchanged between Mr. Marraccini and Ms. Owens while they were dating in 2016–17.

32. When I saw the Berryhill report, I was **astonished** because it represented such a blatant and intentional violation of the Family Law Disclosure Rules. Bearing in mind that *Owens v. Echard* was filed on August 1, 2023, the Rules required Mr. Echard to promptly disclose all evidence he intended to use at trial. Rule 49 specifically required Mr. Echard to make his initial disclosures within 40 days after his initial response to the petition (which would mean by September 2023). Any supplemental disclosures were required to be made "in a timely manner" which the rule defines as: "in no event more than 30 days after the information is discovered by, or revealed to, the disclosing party."

33. Here, rather than complying with his disclosure obligations, it was obvious Mr. Echard and Mr. Marraccini conspired to withhold and conceal evidence from Ms. Owens and myself until literally three days before the close of discovery (the court had previously scheduled the close of discovery as May 10, 2024).

34. Immediately after receiving some similar disclosures relating to Mr. Marraccini (which were sent a few days before the full Berryhill report), I filed an emergency request to Strike Mr. Echard's pleading and a request for an immediate telephonic scheduling conference to discuss Mr. Echard's violation of the disclosure rules as the related to Mr. Marraccini. https://www.appeals2.az.gov/APL2NewDocs1/COA/1061/3954142.PDF

35. Unfortunately, despite seeking emergency relief, the trial court waited several weeks before denying my emergency request without explanation on May 21, 2024.

36. Once it became clear that Mr. Marraccini intended to violate this Court's order by traveling to Arizona to appear at the hearing on June 10, 2024 without lawful grounds for doing so, Laura told me she did not believe she could participate in the case unless we did everything possible to ensure Mr. Marraccini complied with this Court's order.

37. To comply with Laura's request, shortly before the June 10th hearing, I contacted the Maricopa County Superior Court's security department to advise them of the situation and to seek their assistance. I was told by the head of security (Officer Sean Gibbs) that he understood the situation and that court security would be happy to ensure compliance with any valid court orders. Officer Gibbs asked me to provide him with a copy of this Court's restraining order against Mr. Marraccini, which I immediately did.

38. On the morning of June 10, 2024, Laura told me that she saw Mr. Marraccini violate this Court's order by coming less than 100 yards away from her in the parking lot outside the courthouse. Laura told me that if Mr. Marraccini was allowed to violate this Court's order and harass/threaten her in any way, she did not believe she could participate in the hearing set for 9 AM that morning.

39. At Laura's request, I contacted court security to explain the situation and to ask them to enforce this Court's order. Court security told me they did not believe they had authority to enforce an out-of-state court order, and that the only option for help was to contact the Phoenix Police Department, which I immediately did.

40. Officers from the Phoenix Police Department arrived within a few minutes. At that time, I provided them with a copy of this Court's order, and I explained that Mr. Marraccini had violated it by coming within 100 yards of Ms. Owens. I then asked them to enforce the order as required by federal law.

41. The responding officers told me they would defer any enforcement to the decision of the trial judge, Hon. Julie Mata. After some delay, the officers informed me that Judge Mata had instructed them not to enforce this Court's order. The officers declined to offer any further explanation.

42. Shortly before the evidentiary hearing began, I again raised this same issue with Judge Mata and I told her that my view was under federal law, specifically 18 U.S.C. § 2265, she was required to give full faith and credit to this Court's order by enforcing it as-written. Unfortunately, Judge Mata denied that request without any explanation.

43. Thereafter, Judge Mata allowed Mr. Marraccini to sit in the small courtroom approximately 20 feet away from Laura.

44. Mr. Marraccini did not, in fact, testify as a witness, and Mr. Echard's counsel never obtained a valid California subpoena requiring Mr. Marraccini to travel to Arizona for this appearance.

45. Similarly, Mr. Berryhill never testified as a witness, and his expert report was never admitted in evidence. Despite this, I am informed that the full 2,500 pages of text messages appended to Mr. Berryhill's report were later leaked onto the Internet by either Mr. Marraccini, Mr. Echard, or someone else working with them.

46. When Laura took the witness stand, she was forced to look at Mr. Marraccini sitting approximately 30-40 feet in front of her for the entire duration of her testimony.

47. During questioning and cross examination, Laura became so upset that she lost her composure and was unable to continue. As a result, I called for a recess, which was granted.

48. During the recess, Laura, her mother, and our medical expert (a retired doctor) assembled in a side room. Laura was shaking almost uncontrollably and she told me that she did not believe it was possible for her to continue testifying with Mr. Marraccini sitting there glaring at her. After extensive efforts from myself and our medical expert, we were eventually able to calm Laura down enough that she was able to complete her testimony, but it was clear to me that the traumatic nature of the situation directly affected Laura's testimony and demeanor in court.

49. Based on my personal observations of Laura and discussions with her on June 10, 2024, I have no doubt that Mr. Marraccini's actions that day were extremely upsetting to her. I believe Laura is particularly concerned that Mr. Marraccini knowingly and intentionally violated this Court's order by traveling to Arizona for the purpose of harassing her and despite knowing, in advance, that doing so constituted a serious federal crime.

Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury under the laws of the United State of America that the foregoing is true and correct.

Executed on July 8, 2025.

David S. Gingras

EXHIBIT C

STATE BAR OF ARIZONA

Assistant's Direct Line: [redacted]

Sent via email only: [redacted]

August 15, 2025

Michael J. Marraccini
[redacted]

Re: **File No:** 24-2819
Respondent: David S. Gingras, Esq.

Dear Michael Marraccini:

We have completed our investigation into the matter listed above. After our investigation, we have decided to recommend to the Attorney Discipline Probable Cause Committee (ADPCC) the following disposition of the matter: Order of Probable Cause.

We thoroughly investigated this matter, which included reviewing the charge, Mr. Gingras' response, and Mr. Gingras' supplemental responses.

We assume that as the complainant you do not object to our recommendation. Nevertheless, you have the right to object if you choose to do so. If you wish to object to the State Bar's recommendation, you may submit a written statement. You must address your objection statement to the Members of the Attorney Discipline Probable Cause Committee; you can prepare it in letter format. Please mail or deliver your statement to my attention so I receive it at the State Bar by **September 3, 2025** at **3:00 p.m**. We will provide your objection to ADPCC with other information related to the Bar's investigation.

No extension of the time period for submitting your written statement can be made unless substantial good cause is shown in writing to me. Thank you for your cooperation.

Sincerely,

/s/ James D. Lee

James D. Lee
Senior Bar Counsel

JDL/md

EXHIBIT D

From: David Gingras [redacted]
Sent: Wednesday, May 08, 2024 3:35 PM
To: Gregg Woodnick <[redacted]
Cc: Isabel Ranney <[redacted]>; Maribeth Burroughs <[redacted]
Subject: RE: Owens v. Echard

Gregg,

Just to follow up – I'm in the process of looking for a computer person in San Fran to look at Mike's laptop. Laura wants to move forward with that review, and while I'm not confident it will change anything, I do think it may help her remove doubts about what the laptop shows. That alone could be worth the effort.

As discussed, I'd also appreciate you setting up a call w/ Marraccini if you can. I guess there's also a technical issue with that – Mike is (to my knowledge) represented by Randy Sue Pollock, and I don't have her consent to talk with him. So if Mike is open to having a call (which I hope he is), I'd just need to make sure I have consent from his counsel to speak with him.

One last thing – after talking with Laura about this, she said she has lots of questions for Mike. I told her my preference is to have her send me any specific questions, and I'll see if Mike wants to answer them. She also said she's willing to speak directly with him, but that may not be appropriate in light of the restraining order. On the other hand, if Mike has a strong preference in favor of directly speaking with Laura, maybe we can make that happen (I'm licensed in CA and can probably do some sort of stipulation with Randy to modify the CA order to allow this, just to be safe).

P.S. This goes without saying, but to the extent I suggested Mike would be arrested if he comes to court in AZ, that suggestion is completely and totally withdrawn. I only said that because I didn't want Mike to show up without giving me the chance to at least interview him (as I would with *any* normal witness). As long as Mike agrees to have a reasonable call to answer to some questions, I'll stipulate and agree his appearance in AZ is NOT a violation of anything and will not expose him to arrest or any other legal consequences.

David Gingras, Esq.

Gingras Law Office, PLLC

[redacted]

EXHIBIT E

Clerk of the Superior Court
*** Electronically Filed ***
C. Brown, Deputy
5/7/2024 12:35:32 PM
Filing ID 17777469

WOODNICK LAW, PLLC
[redacted]

Gregg R. Woodnick, # [redacted]
Isabel Ranney, [redacted]
Attorney for Respondent/Defendant

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

RESPONSE/OBJECTION TO PETITIONER'S MOTION IN LIMINE

(Assigned to the Honorable Julie Mata)

Defendant/Respondent, **CLAYTON ECHARD**, by and through counsel undersigned, hereby files his Response and objects to Plaintiff/Petitioner, **LAURA OWENS**, Motion *In Limine*, filed April 30, 2024.

Laura has already filed the following, upon information and belief, to hinder or otherwise prevent a fair, equitable, and transparent resolution on the merits of this case: *Motion to Dismiss* (denied), *Motion to Quash Deposition of Petitioner* (denied), *Motion for Confidentiality and Preliminary Protective Order* (denied), *Motion for Extension of Time to Respond to Respondent's Motion to Compel* (denied), and *Motion for Lunch* (denied). She

now seeks to preclude the testimony of the three (3) prior victims/witnesses *she testified about* at her deposition, one (1) of whom she requested this Court take judicial notice about *and* two (2) of whom she has suggested have somehow tampered with her records (relevant to her fraud on this court) spanning 8 years.

Rule 404(b) does not prohibit testimony about Laura's related pregnancy schemes. Instead, the rule **expressly permits** the anticipated testimony to show "*proof of motive, opportunity, intent, preparation, plan, knowledge, or absence of mistake or accident.*" [Rule 404(b)(2)].

As and for his Response/Objection, Clayton states as follows:

1. **Rule 404(b)(2) expressly permits the testimony of the three (3) prior victim/witnesses.** Contrary to Laura's assertion, evidence of "other wrongs" is expressly permitted for specific circumstances under Rule 404(b)(2) and *every* permitted reason for the testimony applies here.[1] To be clear, Rule 404 only prohibits evidence of other acts being used to prove the character of a person to show action in conformity therewith. Clayton will produce copious direct evidence of Laura's actions, statements, etc. and does not need to fill some factual void with propensity evidence. The testimony of the witnesses Laura seeks to exclude will show motive, opportunity, intent, preparation, plan, knowledge, and absence of mistake. It will also be used to rebut anticipated testimony from Laura herself about her

[1] Suggesting this case has *any* analog to the Harvey Weinstein trial in New York is yet another folly and overt attempt to distract from Laura's egregious conduct and behavior in the instant case. That was a criminal sexual assault jury trial in another state. This is an Arizona Title 25 paternity matter, with different rules, and where there is no risk of confusing the jury because the Court serves as the trier of fact.

truthfulness and credibility as contemplated in Rule 608(b)(1) & (b)(2) (i.e., if Laura testifies that she sincerely believed she was pregnant by Clayton and feigns ignorance about the numerous problems with the *curated* information she gave to her expert about her alleged pregnancy, the testimony of these witnesses will be entirely admissible and extremely probative).

Each witness listed, like Clayton, is anticipated to testify to their experiences of what they believe to be fabricated pregnancy claims from Laura Owens that arose from her effort to coerce them to commit to a relationship with her. They are anticipated to testify about her alleged motivation, which includes her alleged preparation and knowledge of fake medical records and repeated threats of self-harm if these men did not agree to *stay* with her if she aborted/miscarried the alleged fetuses. With Clayton, these harassing behaviors were already previewed before Judge Gialketsis, who issued and affirmed an injunction against harassment against Owens following over 500 texts and emails that served no legitimate purpose.

With witness Greg Gillespie, this Court already took judicial notice (per Laura's request) of the lawsuit Laura filed against him alleging he got her pregnant with twins (which she now denies), and then when it was clear he was not interested in her, she got an OOP against him and later sued him civilly. With the other two (2) witnesses, they are expected to testify to their belief that they had similar relationship demands with alleged pregnancy claims, that Laura similarly feigned miscarriages and abortions, and that Laura fabricated medical evidence to support her pregnancy ruse out of California.

If this entire case seems extraordinary to the Court, it is. That is the exact reason why these witnesses need to testify and can do so consistent with 404(b)(2). This is not about

improper character evidence, it is about showing Laura Owens had the motive, intent, knowledge, etc. necessary to fabricate pregnancies as expressly allowed by our Rules of Evidence.

The reasons for the witnesses testimony include:

- Laura's *motive* with the witnesses was to create pregnancy narratives and later "terminations" (abortions, miscarriage, cancers/oophorectomies) in effort to secure relationships after being rejected;
- Laura has the *opportunity* and *intent* to fabricate medical records to support her fictious pregnancy and later pregnancy "termination;" (In this case, she has admitted to tampering with an exhibit already used in court proceedings but the anticipated testimony will show this is not the first record she has tampered with);
- Laura *prepares* and *plans* to effectuate her pregnancy narrative, including notifying her victims *days* after a sexual encounter[2] to plant the seed that she may be pregnant by (allegedly) creating medical records and photos to support her story (with the plan and preparation also including pirating sonograms and correspondence from providers and reusing the "twins" allegory, which appears to have originated with witness Marraccini);
- Laura has *knowledge* that she was and is *not* pregnant as her fabrication of records would not be necessary if she had actual medical documentation (she only provides

[2] Even here, where Clayton maintains there was not intercourse.

positive hCG tests).[3] Laura also has *knowledge* that the medical records she submits in court proceedings and provides to her victims are not authentic. (Notably, Clayton would never have known the ultrasound Laura sent to him was *modified* if Laura had not been ordered to attend her deposition or cooperate with a HIPAA release).

- There is an *absence of mistake or accident* as the anticipated testimonies will address identical efforts of fabricated sonograms, claims of "twins" and failure to seek regular obstetric/gynecological care, and alleged abortions that result in the "loss" of one, but not both, fetuses (in both the Gillespie and Maraccini matters).[4]

2. **The disclosure of the three (3) prior witnesses and their expected testimony was provided under Rule 49(i).** First, the deadline for disclosure and discovery in this case is thirty (30) days before trial. That date is May 10, 2024 and has yet to pass (in any event, the identities and contact information for the three (3) prior victims was provided to Laura on March 29, 2024).[5] Therefore, any claim of "*untimeliness*" is confounding.

Second, Rule 49(i) was complied with. Rule 49(i) requires each party to "disclose the names, addresses, and telephone numbers of any witness whom the disclosing party expects to call at trial, along with a statement fairly describing the substance of each witness's

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[3] Note, hcG tests are *not* proof of pregnancy. As will be explored at trial, a pregnancy must be verified by ultrasound – which Laura does not have because the one ultrasound she will admit to was falsely (per Laura's deposition) attributed to SMIL and it has been confirmed to not have originated at *any* of the Planned Parenthoods Laura has claimed she went to.

[4] The absence of mistake is also with prior actions and exemplified in Laura's testimony she was **actively being seen by** doctors Higley and Makhoul for a "high risk" twin pregnancy, who have since confirmed she was never seen by them for pregnancy. It is also shown in what now appears to be a story that she miscarried (again Echard denies they ever had sex) on July 23, 2023 but somehow her stomach was growing throughout court hearings in October/November when she testified to being "24 weeks" along before Judge Gialketsis and Judge Doody).

[5] *See* Respondent's 2nd Supplemental Disclosure Statement.

expected testimony." All of this was timely provided to Laura as early as the 2nd Supplemental Disclosure statement, provided March 29, 2024.

As conceded in Laura's *Motion in Limine,* statements describing the substance of each witness's expected testimony have been provided. Laura's claim that she is so in the dark about what her prior victims will testify about that there is a risk of a "*trial by ambush*" is paradoxical. They are each claiming to be victimized by her fake pregnancy con.

Moreover, **Laura has had four (4) legal conflicts with her prior victims, which all involved pregnancy claims.** She has had approximately thirteen (13) attorneys involved in her cases in Arizona, and an unknown number from California. She has published Medium articles, sent "*medical evidence*" to journalists, and even had a TEDx talk about one of the men. She continues to, through her attorney, Tweet and engage in a dialog with public commentators, which includes her counsel bizarrely publishing the entire 2018 deposition of witness Michael Marraccini (her lawyer Tweeted and blogged about an unredacted deposition transcript from a California case).[6] *See* **Exhibit 1.** Now, only after she *again* claimed to be pregnant by yet another man (after non-intercourse) and then went to the media when he rejected her, these men have found one another. Each of their testimonies are independent, relevant for non-propensity purposes, and admissible under Rule 404(b)(2).

Specifically, and despite it not yet being May 10, 2024:

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[6] *See* Laura's granted Request for Judicial Notice of Greg Gillespie's case (CV2021-052893), where Laura alleged that she was pregnant with Greg's "twins" (which she now denies) days after intercourse, that he had coerced her into having an abortion, and that she had taken the abortion pills incorrectly several times. Laura initiated this litigation and then repeatedly stated in emails that she would abandon the litigation if Greg agreed to date her, which he was not interested in. This litigation ended with neither party being awarded costs for their respective emotional damage claims.

Mr. Marraccini's testimony is important to show her motive, intent, plan, preparation, knowledge and absence of mistake. There was extensive litigation in San Francisco regarding these parties. Owens claimed to Marraccini that she was pregnant with his "twins," that she miscarried, that she needed to take abortion pills/have a D&C because she had a "*severe allergic reaction*" to the abortion drug and that only one of the fetuses was terminated. Laura also allegedly told him she had ovarian cancer and that she had to have an ovary removed, fabricated medical records to support this, claimed that she might have cervical cancer, and that she might have "Asherman's Syndrome" and "Crohn's disease."

Laura, after seemingly realizing that Marraccini provided relevant information in the instant litigation, has since claimed that the medical records Marraccini provided (disclosed to Laura), were fabricated. Ostensibly, Marraccini was distressed by Laura (via counsel) posting the 2018 deposition and blogging about him being a liar and "*100% false*" which led him to surrender his laptop to a San Francisco based computer forensic expect (Jon Berryhill; Berryhill Computer Forensics). **Exhibit 2.** Mr. Berryhill analyzed thousands of pages of text messages and "medical records" communicated between Laura and Mr. Marraccini and determined all text messages/medical records from Laura's phone number came from Laura. Meaning, Laura appears to be continuing to commit perjury by filing affidavits that disclaim texts and "medical records" that *she* sent. It is no wonder she does not want Marraccini addressing her intent, motive, knowledge, absence of mistake, and preparation, despite his testimony being admissible under the Rules.

As for **Mr. Gillespie,** this Court has already taken judicial notice of his Court case and Laura is therefore very aware of his anticipated testimony, which is expected to be about

Laura's motive, intent, plan, preparation, knowledge and absence of mistake. As provided in the supplemental disclosure statement, Gillespie will likely testify as to "*his personal knowledge of Petitioner's false allegation that she was pregnant with his twins, the allegation that he doctored ultrasound images that Petitioner shared with the media, and the communications he had with Petitioner regarding the alleged pregnancy.*" He is anticipated to testify about his belief that Laura was never pregnant by him, that she told him she was pregnant by him with "twins" days after intercourse, that she only showed him hCG tests, she claimed she erred in the abortion medication process resulting in the loss of one of the "twin" fetuses, and that Laura sent him fabricated sonograms. At least one of these sonograms (there were two to three in the Gillespie case) appears to have been taken directly from a blog of a woman who was *actually* pregnant twins and tragically lost one due to Vanishing Twin Syndrome.[7]

Mr. MM[8] is also expected to testify about Laura's motive, intent, plan, preparation, knowledge, and absence of mistake based on his personal knowledge and experiences of Laura claiming to be pregnant by him. Per Clayton's supplemental disclosure, he is expected to testify about "*his prior interactions with Petitioner, including his personal knowledge about her alleged fabricated pregnancy back in 2014....*" in San Francisco. This also is consistent with ***proof of motive, opportunity, intent, preparation, plan, knowledge, or***

[7] Witness, as disclosed, indicated that one of the Owens' sonograms was from her lost pregnancy as reported (and image copied) from a medical journal article and blog about Vanishing Twin Syndrome.

[8] This witness' name is not being used in a public filing, as he, upon information and belief, is unhappy with the publicity Laura and her counsel have stirred up, which included him being publicly doxxed by Laura (through counsel) over Twitter and his blog.

absence of mistake or accident. Notably, the existence of MM only came to light after *Laura* testified about him during her deposition.

3. **Oral Argument is an unnecessary delay tactic.** This is a bench trial and all proffered testimony is admissible under Rule 404(b)(2) for non-propensity purposes. Of course, for counsel, the larger issue will be time management at trial, but the testimony regarding *proof of motive, opportunity, intent, preparation, plan, knowledge, or absence of mistake or accident* should take only a handful of minutes per witness, and the tangible evidence to support their testimonies will be available for this Court's review. In any event, Laura (via her counsel's blog) has <u>*already*</u> determined that if the Court finds in Clayton's favor it will be a *mistake* as there is not "*any chance in hell the judge will say Laura had no reason to think she was pregnant when the case is filed.*"[9] This statement, standing alone, supports admitting the evidence Laura seeks to preclude because that evidence will directly impeach the proffered "reasonableness" and "sincerity" of her beliefs with substantial proof of knowledge and lack of mistake. *See* **Exhibit 3 (Pages 33-37, Laura's Counsel's public comment on April 30, 2024).**[10] There is no cause under Rule 404 to preclude these three (3) witnesses testimony or otherwise engage in proceedings designed to further delay trial.

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[9] Laura appears to be convinced that the standard is whether Laura "reasonably believed" she was pregnant by Clayton when she filed her petition in August.

[10] (Laura's counsel stating in response to "Paul" "it *is always possible the judge could still rule in Clayton's favor. I don't see any basis for this, but judges are human being and sometimes they make mistakes [...] I don't think I see no way the judge could sanction Laura for filing the case in bad faith, and I see no way she could be sanctioned for failing to withdraw the case sooner*). Notably, this is <u>after</u> counsel received the records from Planned Parenthood that showed Laura had *not* been seen there on any date for any ultrasound pertaining to this alleged pregnancy, contrary to Laura's testimony in court proceedings, deposition, and statements in her "affidavit" for her medical expert.

WHEREFORE, Clayton respectfully requests the Court:

A. Deny Laura's *Motion in Limine*;

B. Order such further relief as the Court deems just.

RESPECTFULLY SUBMITTED this 7th day of May, 2024.

WOODNICK LAW, PLLC

Gregg R. Woodnick
Isabel Ranney
Attorneys for Respondent/Defendant

ORIGINAL of the foregoing e-filed this 7th day of May, 2024 with:

Clerk of the Court
Maricopa County Superior Court

COPY of the foregoing document delivered this same day to:

The Honorable Julie Mata
Maricopa County Superior Court

COPY of the foregoing document emailed this same day to:

David Gringas
Gringas Law Office, PLLC
[redacted]
Attorney for Petitioner/Plaintiff

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 *Response/Objection to Petitioner's Motion in Limine* 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 (May 7, 2024 12:07 PDT)

CLAYTON ECHARD

May 7, 2024

Date

EXHIBIT F

Let's Talk About Lies – Part 2

David Gingras - May 2, 2024 - Internet Law / Lawsuits

A while ago, I wrote a post with bullet points that Laura's critics have passed off as truth. The third point on that list was:

> *3.) Clayton says Laura has "done this to other men"*

I'm going to skip Point 2 for now, and let's talk about Point 3 — "Laura has done this to other men". Sounds bad, right? But is it true? Let's talk about that....

One of the "other men" frequently discussed is a guy name Michael Marraccini (she calls him "Mike", so I'll use that for now). If you have followed the story, you will know the Cult claims Laura faked being pregnant with Mike, and every time that story is repeated, it's spoken about as if this is a statement of true facts. LAURA LIED ABOUT MIKE'S BABY! But is it true?

Before I get into the details, there is something VERY important you need to understand. Have you ever seen a TV show or a movie about a court case, and one of the lawyers jumps up and shouts: "*Objection! Foundation!*" Do you know what this means?

I'll explain. When a lawyer objects to foundation (or lack of foundation), that's our

shorthand way of saying we don't believe the witness has been shown to have something called "*personal knowledge*". OKAY, what's so special about personal knowledge?

This is Law School 101 stuff, but basically the Rules of Evidence say a witness can ONLY testify about things IF that person first shows they have "personal knowledge" of the subject matter they want to discuss. This comes straight from Rule 602 of the Rules of Evidence (that link is for the AZ rules, but the federal rules are identical).

> ***Rule 602. Need for Personal Knowledge***
>
> *A witness may testify to a matter only if evidence is introduced sufficient to support a finding that* ***the witness has personal knowledge of the matter****. Evidence to prove personal knowledge may consist of the witness's own testimony. This rule does not apply to a witness's expert testimony under Rule 703.*

That text is pretty dry, so let me paraphrase — witnesses aren't allowed to blow smoke out of their ass. If a witness wants to say something is true, they first have to answer ONE question: ***how do you know that***?

Here's an example of how this works in practice. Let's say you are involved in a case and you want to prove it snowed in Hawaii on December 25, 2023. So, you call a witness to the stand and ask them: "Witness, did it snow in Hawaii on December 25, 2023?"

If this happened in court, your opposing counsel would immediately object. Why? Lack of foundation.

This is how a lawyer tells the judge you haven't met the requirements of Rule 602 because you have not shown the witness has personal knowledge of this issue. You haven't explained, *how this person knows that?*

But this problem is easily fixed. Just like this (before asking anything about the weather): "Mr. Witness, were you physically present in the State of Hawaii on

December 25, 2023, and were you in a position to SEE the weather conditions on that date?"

Assuming the witness says yes, you *then* ask if they saw any snow in Hawaii on that date. With that simple intro, you satisfied the requirements of Rule 602 by proving the witness was in a position to see the weather in Hawaii. You answered the question: h*ow do you know* what the weather was like in Hawaii? This quick little bit of foundation shows the witness has personal knowledge of the weather conditions in Hawaii on the date in question.

I know that's boring and technical, but trust me – IT MATTERS. Again, this is basic Law School 101 level stuff, but if a witness can't show they have personal knowledge of a THING, that witness will NOT be allowed to testify about that THING. PERIOD. I have literally won entire cases based on that one simple rule.

As the example shows, establishing personal knowledge is usually not a big deal. If you want to ask a witness about Topic X, before you dive into that topic, you just need to lay some foundation showing the witness HAS personal knowledge of Topic X. It's easy (assuming the witness knows what they are talking about), but most non-lawyers would *never* think about this.

OK, with that boring intro behind us, let's get back to the story of Mike Marraccini, and why his deposition transcript is so completely devastating for the anti-Laura crew. The full transcript is at the end of this post, but I'll give you a summary.

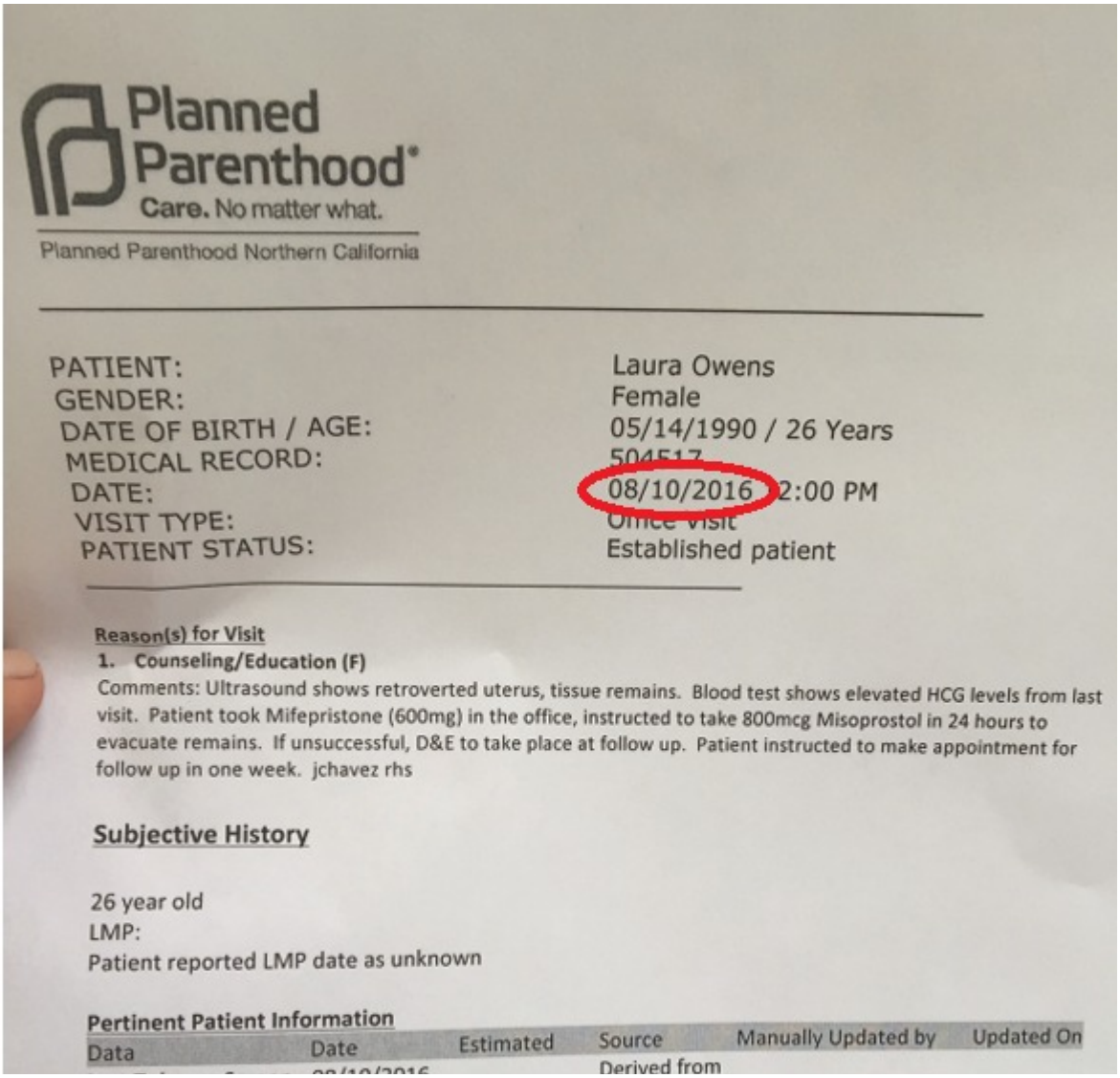
Mike and Laura met through an online dating app in early 2016 (he talks about this on page 27 of his depo, and he's not 100% sure of the date, or which app...but neither of those points are important). At that time, both Mike and Laura were living in San Francisco. Laura has told me she and Mike dated for "a couple years", but the exact start and end dates aren't clear from the records I've seen. For now, just assume this relationship lasted for at least a year, probably a while longer (basically from early 2016 through late 2017).

In mid-2016 Laura got pregnant. This was a medically-confirmed pregnancy with multiple records to support it, including HCG tests and an ultrasound. At the time, Laura and Mike were both in their mid-20s. They both felt they were too

young to have kids, so they decided abortion was the best option.

Laura went to Planned Parenthood in July 2016 where she was given Mifepristone (a pill to medically terminate the pregnancy). Unfortunately, the first pill didn't work (not unusual), and Laura continued to test positive for pregnancy. This resulted in her going back to Planned Parenthood a few weeks later (with Mike). Again, plenty of records exist to support all of this.

According to Laura, this was NOT an issue of her "getting pregnant twice" (and certainly not faking pregnancy twice). She got pregnant with Mike ONCE, and it took a couple of doctor's visits to terminate the pregnancy. Mike participated in all this, and was fully aware that Laura WAS pregnant, and they jointly made the decision to terminate it. Here's a Planned Parenthood record showing the follow-up trip, and Laura also discusses this at length in a declaration I'm adding to the end of this post. Importantly, Laura's declaration was written back in 2018, LONG before this whole mess with Clayton ever happened.



Planned Parenthood®
Care. No matter what.
Planned Parenthood Northern California

PATIENT:	Laura Owens
GENDER:	Female
DATE OF BIRTH / AGE:	05/14/1990 / 26 Years
MEDICAL RECORD:	504517
DATE:	08/10/2016 2:00 PM
VISIT TYPE:	Office Visit
PATIENT STATUS:	Established patient

Reason(s) for Visit
1. **Counseling/Education (F)**
Comments: Ultrasound shows retroverted uterus, tissue remains. Blood test shows elevated HCG levels from last visit. Patient took Mifepristone (600mg) in the office, instructed to take 800mcg Misoprostol in 24 hours to evacuate remains. If unsuccessful, D&E to take place at follow up. Patient instructed to make appointment for follow up in one week. jchavez rhs

Subjective History

26 year old
LMP:
Patient reported LMP date as unknown

Pertinent Patient Information

Data	Date	Estimated	Source	Manually Updated by	Updated On
			Derived from		

Last Tobacco Screen 08/10/2016 EHR

Pregnancy Symptoms
Patient had aspiration abortion 08/02/2016. Also attempted medical abortion twice and says the results were more like spotting than consistent bleeding (failed abortion).

Counseling
Patient maintains that she does not desire pregnancy.

Pertinent History
No hx of ectopic/tubal pregnancy – recheck if symptoms worsen.

Unlike Clayton, the pregnancy and abortion was NOT the end of Laura's relationship with Mike. They continued dating for many more months, and yes Laura will admit she struggled with some emotional issues during that time. That's hardly unusual, especially when you understand how Mike treated her.

During their relationship, Laura was extremely generous with Mike. She paid to take him to Dubai. She bought him expensive gifts including a $10,000 watch. She claims Mike even called her his "sugar mama".

On December 30, 2016, Laura paid for a trip to Iceland with Mike. According to Laura's declaration (at the end of this post): "The [Iceland] trip cost at least $15,000, and I emptied my childhood savings account to pay for it."

Laura & Mike in Iceland

While Laura and Mike may have looked like a happy couple on the outside, according to Laura, Mike had a very dark and abusive side. In her declaration filed in California back in 2018, Laura described the verbal abuse she received from Mike on the flight back from Iceland. This abuse was witnessed by a fellow passenger (a complete stranger) who later confirmed Laura's version of what occurred:

21. During the flight from San Francisco to Reykjavik, Iceland, Mr. Marraccini berated me nonstop for hours. He criticized me for nearly everything I said or did. If I turned my head to look at him when he said something, he'd criticize me for turning too quickly, telling me that my reflexes were "unnaturally fast" and that there was something wrong with me. He criticized my career and told me I was bad at my job and was worthless. He told me I was "ugly" and that nobody else would ever want to date me. When I would try to kiss him and cheer him up, he'd tell me I was "gross" and a bad kisser. He said I was bad in bed. Then he said he wanted to have a threesome since sex with me was so boring. He suggested a threesome with my sister or with a black man. He said it would turn him on to watch someone else have sex with me. I told him no and that I felt uncomfortable. He seemed to enjoy putting me down. His criticisms went on for hours, and I cried on and off throughout the entire flight.

After Iceland, according to Laura, things went from bad to worse. According to her sworn declaration filed in court in California, Mike began physically assaulting her, including "strangling" her during sex and verbally abusing her.

Laura eventually ended the relationship with Mike in late 2017. She claims he began stalking her as a result. Fearful for her safety, in January 2018, Laura applied for a restraining order against Mike. Here's a complete copy of the file from that case.

Now having said all this, you may be asking yourself — "Hang on, so Laura claims Mike was an abusive boyfriend. So what? You haven't explained why any of this 'guarantees' a win for Laura." And that's right, I haven't explained it yet, so I'll do that right now.

At the start of this post, I explained the concept (and the rule) which requires proof a witness has personal knowledge of something before they are allowed to testify about anything. Remember that?

Now, keeping the concept of "personal knowledge" in mind, go back and read through Mike's deposition. Show me a SINGLE example of him offering any explanation to show how he has personal knowledge of Laura faking being pregnant. YOU CAN'T, BECAUSE IT IS NOT THERE. And FYI – personal knowledge means PERSONAL knowledge. Hearing something from a 3rd party is hearsay, not personal knowledge.

Look specifically at his discussion of the pregnancy between pages 45-47 of the depo transcript. As you read this, try to ask yourself: "OKAY, the witness is saying he doesn't ***think*** Laura was pregnant, *BUT HOW DOES HE KNOW THAT? How does he personally know she was not pregnant*?" Remember, a witness can't say it snowed in Hawaii on Christmas 2023 unless they first prove they were in Hawaii on that date, so again, ask yourself what proof does Marraccini offer to show he peesonally KNEW Laura lied about being pregnant?

Mike is very clear about how he knows that — HE DOES NOT KNOW THAT. He offers nothing but pure speculation. None of this even comes close to clearing the hurdle of personal knowledge. In fact, he even says (repeatedly) he believes

she probably WAS pregnant, “the first time”. But he apparently forgot the “first time” was, in fact, **the ONLY time.** Maybe he has memory or mental issues, but the records on this are clear — Laura was only pregnant ONCE with Mike, but she had to go back a couple of times after the pills didn’t work the first time. That’s probably why Mike thinks it was two pregnancies. It wasn’t. It was just one, and in his own words, Mike admits he thought she probably was pregnant. OOPS.

Folks, it doesn’t get much clearer than that. Mike doesn’t have personal knowledge of ANYTHING regarding Laura “faking” a pregnancy. If he tried to say that at trial in our case, I’d object to a lack of foundation and, separately, that he’s just speculating about this. If Mike suddenly develops a shocking new level of clarity about this, I hope he can explain why he answered differently in his deposition SIX YEARS AGO.

NOTE – Laura informs me Mike’s story about her father somehow “admitting” Laura lied about being pregnant is also 100% false. I haven’t met Laura’s dad (yet), but I’ll go ahead and verify his side of things as soon as I can. But if the evidence stays this way moving forward, Laura’s critics are going to have a very, very hard time avoiding liability for defamation.

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YOU MIGHT ALSO LIKE

A CDA Expert's Response To A Novice's Anti-CDA Article

March 6, 2019

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June 10, 2024

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July 18, 2024

THIS POST HAS 119 COMMENTS

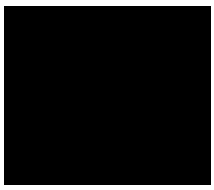
Not Ugly MAY 2, 2024

Mike is way too good looking for her horse face. That's all. Also, he never abused her, he just didn't want to date her because she ugly.

[redacted]

MAY 2, 2024

Please don't insult her appearance. First of all, she's really not unattractive. You're just saying that to be mean. Second, it does nothing to help Clayton's case. I find all the filings and discussion interesting, which is why I read here. I don't believe Laura was pregnant either (just my speculative personal opinion based on publicly available filings), but it takes a tremendously low amount of self-restraint to still be a decent human being and not hurl unnecessary insults at her (specifically on a blog she is most likely reading). Going out of your way to hurt her will not help you. You can do better than this.



[redacted]

MAY 2, 2024

I'm embarrassed for you, David. You took on the case of someone that nobody believes, claimed that you would drop her as a client if you found out she lied, and yet you keep digging yourself into an even deeper hole. You know that she lied. In fact, you say 'so what if she lied'. You keep finding the most minute technicalities in the legal filings to attempt to have things thrown out to procure a win for yourself, as if there's any honor to be had in winning that way. You KNOW that she lied. But now you're in too deep, and you keep lining your pockets while draining Clayton's AND Laura's. You don't care about the truth, you care about winning. And that is the dirtiest, scummiest thing that a defense attorney can do. Do you have no shame? You KNOW this woman was not pregnant and that she attempted to extort Clayton. I hope that one day you feel guilt and shame that is palpable, that it all presses down heavily on your conscience. You will never be seen as a hero in this; only an slimy, immoral embarrassment to the justice system. Shame on you for not giving your client what she actually needs, which is to stop indulging in this ridiculous fantasy that she, and she alone, created. She needs help, not for someone to encourage her to

continue a losing battle.
How long will you allow your integrity to be overshadowed by your refusal to accept that you were wrong?

[redacted]

[redacted]

MAY 9, 2024

Today Thursday May 9th it sure seems like (in my opinion) that you & your client are headed upstream without a paddle!
The many years of habitual non truth from Laura is coming out.
Hopefully, this lawsuit will finally open your clients eyes, as well as her family & get her some much needed long term committed help!

[redacted]

[redacted]

MAY 10, 2024

Agree. His recent threats to Mike of arrest if appearing at trial is his latest low. Then, realizing it was in writing to another lawyer and "withdrawing" in correspondence to Woodneck. I hope AZ Bar Review is eying this blog, his hostility, threats and unprofessionalism and DO SOMETHING.

[redacted]

[redacted]

MAY 2, 2024

David, I keep forgetting to ask: to win the biggest defamation case in AZ history, wouldn't Laura have to prove very high financial damages? What are the ways Laura is experiencing financial loss as a result of the defamation you are alleging? Thanks for your correspondence!

David Gingras

MAY 3, 2024

Beth,

I appreciate the question, and I know you probably think Laura would have to prove “high financial damages”. That is actually NOT how defamation works. This area is complicated enough to fill multiple textbooks with all the rules, exceptions, and examples, so let me just give you a very short summary (and this is coming from a guy who has litigated hundreds of defamation cases).

In this situation, if Laura wanted to sue Clayton (or any of the bloggers/vloggers accusing her of faking her pregnancy), she actually does not have to prove ANY financial loss at all. The speech in question is SO offensive and so inherently harmful to Laura’s reputation that it’s what we call “defamation *per se*“. In a case like that, you CAN recover actual economic losses, but a jury is also allowed to award money for other things including emotional distress, harm to reputation (past and future), and here’s the key thing — the jury can also award punitive damages (damages that only serve to punish the defendant).

If you don’t practice in this area, you may not realize it, but if you attack someone the way Clayton and his followers have attacked Laura, the sky is basically the limit when it comes to damages. A jury could EASILY say that Clayton’s attacks were so vicious and so malicious that Laura should recover $10 million in emotional distress, $10 million in reputational harm, and $100 million (or more) in punitive damages. So yes, a judgment of $120 million (or more) is EASILY within the realm of possibility here.

And don’t just take my word for it. Just a few months ago, former New York Mayor Rudy Giuliani was sued for defamation after he said two ladies in Georgia did stuff to rig the election there. His claims were false, and he repeated them over and over and over (just like Clayton’s fan). The two ladies sued Rudy for defamation, and a jury awarded them $148 million in damages: https://www.nbcnews.com/politics/politics-news/rudy-giuliani-hit-148m-verdict-defaming-two-georgia-election-workers-rcna129807

This just goes to show how online defamation is no laughing matter. Assuming Laura wins this case at trial, my expectation is

that she will sue Clayton (and many others), and I'm guessing $120 million will be on the low end of what I expect a jury will award.
And one other important thing to note — unlike most other kinds of debts, defamation damage awards CANNOT be discharged in bankruptcy. That means if Laura sued Clayton for defamation and won, he would not be able to avoid paying her by filing bankruptcy.
Yes, it is always possible a jury could give a smaller award, but if they come back with something in the tens of millions, the defendants will be stuck paying that judgment for the rest of their lives.
Of course, truth is a defense....so maybe if Clayton has clear and convincing proof that everything he said is true, then he'll be fine. But if I was in his shoes, I would NOT take that kind of risk.

[redacted]

MAY 3, 2024

How would Laura prove that what is being said is "not true" if she has produced none of the documents to prove they are false? what is your opinion on her editing the sonogram on Fiverrr?

David Gingras

MAY 3, 2024

I don't get why people think Laura has "no documents" to back up her story? Actually, that's wrong — I DO know why people think that; it's because certain folks have published false statements over and over and over claiming that Laura has no documents. This is just only making Laura's defamation claim stronger, because it shows how powerful a lie can be. People literally think they're hearing the truth, when actually it's just lies.
As for Fiverr, I don't know what that's all about? As I've said before, I am NOT watching any videos about this case at the moment (I just don't have time; I DO have other clients). If you can explain what the story is with Fiverr, I'm happy to look into it, but I assume it's

just more lies from the liars who keep on lying.

[redacted]

[redacted]

MAY 3, 2024

How can you explain how Clayton is less credible if she has admitted to lying in court. & You yourself have said she isn't credible? Why would anyone believe Laura? She also has 4 victims, two of them who have identical stories, what would they have to gain from this?

[redacted]

[redacted]

MAY 3, 2024

Question regarding the explanation of the defamation. Wouldn't there be a concern of jury NOT agreeing.... Simply just seeing that obviously public is currently not on her side..... What would make one think that could change in a defamation case related to the same issues? And if that was a concern, could you do it without a jury? I was confused about this correct case not having a jury and if there was a reason why

David Gingras

MAY 3, 2024

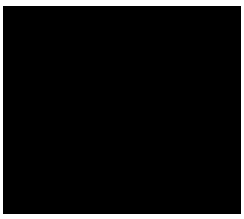
I am not sure if I understand the question? In any case involving a jury, there is ALWAYS a chance the jury may not agree with your position. That's the exact reason we have juries — so a group of people can look at disputes and decide what they think happened. This is also why Clayton's paternity case is actually in the wrong court. A family judge has no jurisdiction to decide civil claims like defamation. This is an argument Laura's first lawyer raised, properly, and it is an issue I will continue to raise in this case. Clayton is acting like this is a civil defamation case where Laura is the defendant. That would be FINE, except the family court has no

jurisdiction to rule on civil claims, especially when both parties have a constitutional right to a jury trial. This is an issue I'll be submitting further briefing on when the time comes.

[redacted]

MAY 7, 2024

The discovery would be so broad in your lawsuit it would cripple Laura's chances at success. The prior victims will all parade their evidence of similar deceit patterns, the jury will hear about every single thing she fabricated in her attempted to secure a relationship, man after man. Emotional damages? She will never agree to open that door, the entire history of her psychology/psychiatry records will be fair game. Her parents and family will crumble under the terrible pressure of subpoenas and testimony.. one subpoena for her historical pharmaceutical records and one subpoena to hear health insurance carrier will reveal all the mental health treatment she's sought and what for.
The defamation you keep saying you will sue for is a well founded belief based on evidence. – evidence which will be fully admissible in any defamation case brought..
A jury could award her damages, but it's far more likely that they will conclude Laura is a liar who perpetuated fraud against multiple men, and that media and public had a well founded belief to call her a liars, say she's tampered and presented false records to perpetuate her scheme.
If I were her, I wouldn't take that chance.



[redacted]

MAY 2, 2024

So David, I can't testify that the mailman delivered the mail if I didn't see them? Even if there was no mail in the mailbox this morning but there was mail in box when I got home, and a mail truck parked on my street? Serious question.

David Gingras MAY 3, 2024

You're actually correct. If you didn't personally see the mailman put stuff into your box, you lack personal knowledge of how your mail arrived. But to be fair, this rule DOES allow for SOME flexibility. If you went to bed and the street was dry, and then you woke up in the morning and saw the street was wet, most judges will allow you to say "It rained last night" even if you never personally saw the rain falling. But on the other hand, the more important an issue is to a case, the less flexibility is given on the issue of personal knowledge.

I'm not kidding when I say this issue is so important, I've won entire cases based on just a single witness lacking personal knowledge.

The bottom line here is that if one of Laura's ex-boyfriends claims "she faked being pregnant", that person MUST explain HOW THEY KNOW THAT. Clayton is TRYING to claim he knows she was never pregnant because "I didn't actually stick it in," but that's an incredibly weak argument. Our expert with 30+ years of experience will testify that when a penis, sperm, and a vagina are in close proximity, a woman can get pregnant even without actual penetration (I will bet you anything Clayton's own experts will agree with that statement).

[redacted] MAY 3, 2024

Isn't "it's possible" kinda a weak argument regarding your expert's testimony? Does this concern you, especially considering your statement that "the more important an issue is to a case, the less flexibility is given" above? Not trying to be an A hole, just curious.

[redacted]

[redacted]

MAY 6, 2024

Well yes, and I read some of what your expert will attest to. Lets see, it was a girl named Mary or Maria or something who he aided in giving “virgin birth” to on or around Christmas, possibly in an emergency situation in a stable. I am not sure I got that 100%, but I haven’t brushed up on my readings in Matthew and Luke. Yes, I have heard of the aggressive sperm that survive the hostile environments two get to the egg. The olympic ones that run, jump, and even pole vault.

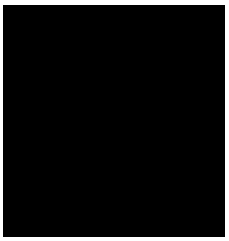
[redacted]

[redacted]

MAY 6, 2024

This is a true and a known thing “when a penis, sperm, and a vagina are in close proximity, a woman can get pregnant even without actual penetration” The risk of getting pregnant in this way is VERY LOW because sperm can only live for a short time outside the body (don’t know exact percentage) what makes it even less likely is Laura suffers PCOS.
From NHS UK website ‘PCOS is one of the most common causes of female infertility. Many women discover they have PCOS when they’re having difficulty getting pregnant.
During each menstrual cycle, the ovaries release an egg (ovum) into the uterus (womb). This process is called ovulation and usually occurs once a month.
But women with PCOS do not ovulate or ovulate infrequently, which means they have irregular or absent periods and find it difficult to get pregnant which makes it EXTREMELY unlikely.’ So if you take no penetration issue and add PCOS infertility issue add them together =
VERY LOW EXTREMELY UNLIKELY
It should be very easy to show original ultrasound from Planned Parenthood if all laura took a screenshot then I would assume the actual Planned Parenthood should have an original in their

medical files or at least a written record which staff member performed ultrasound, who took Laura's vitals like how many embryos there were, how far along she was and also that she didn't not to take abortion pills.



[redacted]

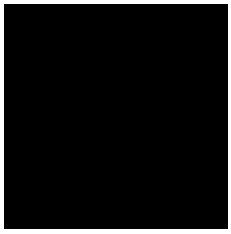
MAY 2, 2024

When are you going to address her lying a little having ovarian cancer?

David Gingras

MAY 3, 2024

This is being addressed in a brief that will be filed with the court today (Friday, May 3, 2024). I will tweet a link when it's filed.
Here's a link to the brief just filed:
https://twitter.com/DavidSGingras/status/1786513916513989067



[redacted]

MAY 2, 2024

I am confused, Lauras critics are going to face defamation? So you can't question, have an opinion, or be a critic of this apparently very entitled person without facing a lawsuit? Hmmm, never knew someone was so special.

David Gingras

MAY 2, 2024

You can absolutely have an opinion. That is 100% protected by the First Amendment. Knowingly spreading false information is not protected, and that is what a LOT of people have done while talking about this case. It's fine though. They will have their day in court and I'm sure "I saw it all on Reddit" will be a strong defense

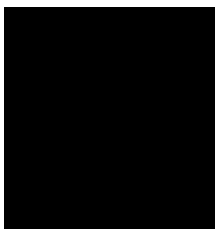
with the jury.

[redacted] MAY 3, 2024

Now now Gingras, don't be a hypocrite, you defended Dirty.com. Your words "It was clear to me Dr. Phil did not understand the legal situation (under the law, website owners like Nik are not liable for what people post on their sites, just like Mark Zuckerberg is not liable for what you post on Facebook). And although the law was 100% on our side, Dr. Phil didn't see it that way." So you should know that social media platforms are private companies and are not bound by the First Amendment. They have their own First Amendment rights. This means they can moderate the content people post on their websites without violating those users' First Amendment rights. It also means that the government cannot tell social media sites how to moderate content. WITH THAT BEING SAID, No one is posting false information, Gingras. The journalists and other professional forums have put in the work and time to narrow down every lie your client has made by her statement photoshopped documents and lies on top of lies to show that you and your client are liars.

[redacted] [redacted], 2024

THIS!!! love how he hasn't answered to any of the comments PROVING she is lying



[redacted] MAY 3, 2024

Says a lot when you pick and choose which exhibits to show. Show the rest if you're so confident.

David Gingras

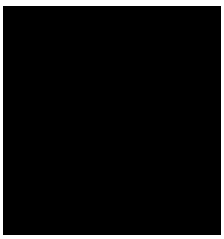
MAY 3, 2024

???

David Gingras

MAY 3, 2024

I'm not sure what your point is here. I've never threatened to go after any social media companies. I've spent more than 15+ years defending the law (the Communications Decency Act) that protects online platforms, so I know better than anyone, you can't sue YouTube because of false statements in a user-created video. But you CAN sue the content creators themselves. If you post something false, you're responsible for what you said, and it's not a really strong defense to say "Well, a bunch of people on Reddit said this is true, so I thought it was OK to trust them."



[redacted]

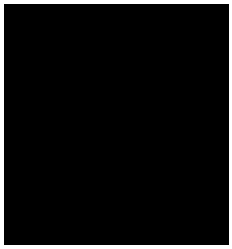
MAY 3, 2024

Name one false information that has been spread that you choose to follow? I will start simply, are you going after Megan Fox, Legal Vices, or Mike Gravlin? Will you go after an actual attorney, real journalist or just random online followers who have an opinion? I only say this because Gravlin laughed your client off online like an insect flicked to the side.. Show some balls and go after them all! Gravlin made your client look so dumb it changed this case. Are you afraid to face off with him? "Who's your daddy" videos brought most the interest to this case. Why are you not after him?

David Gingras

MAY 3, 2024

I have no idea who Gravlin is? Never heard of this person.



[redacted]

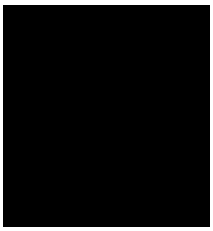
MAY 7, 2024

I feel like the comments he replies to are comments by him. I wouldn't be surprised if he is posing as others, who ask questions that allow him to provide the commentary he chooses to provide. He doesn't reply to any of the comments that question the irreconcilable "evidence". She was never pregnant. They never had penetrative sexual intercourse. Does she forget she sent an email to him begging him to date her, and have sex, and she said if they do have sex then he will know she is not lying because he will see how tight she is?? If they actually had sex, WHY WOULD SHE BEG FOR HIM TO HAVE SEX SO HE WOULD KNOW??! I hope Clayton gives his device to the forensic person that was hired to extract info from Mike's laptop. What I really would like to see is all the men she scammed collectively SUE her! They will be able to get more information in discovery than a family court case would allow. Open the flood gates! Let every man submit everything they have. Also, can someone answer why a woman that is financially well, with parents that have money and access, not have a regular gyno/obgyn doctor to go to to get a pregnancy test. I think it's because she can forge planned parenthood documents more easily. I went to my gyno/obgyn office for both of my pregnancies. At this point, the longer she tries to stretch this, the more she looks like a psychopath. I just really hope this blows up in her face hardcore.
The journalists have always said it is their opinion that she is lying about everything.

David Gingras

MAY 9, 2024

When I post anything, it's always under my own name. I would never post as another person, and have not done so. That's totally unethical, and I'm not unethical.

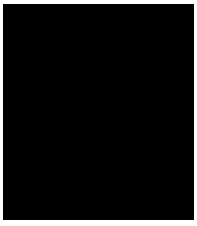


[redacted]

MAY 2, 2024

You're taking her word (a known, documented, pathological liar) over contradicting testimony by someone with several corroborating witnesses. And you are the only one that believes her (if you really even do). Her documentation in this case is glaringly forged, like all the others.

Clayton is her fourth known victim, whom she diabolically and fraudulently sues after being romantically rejected. You're enabling this abusive (and criminal) behavior. I believe you're her fifth lawyer on this particular case, because all the others swiftly quit when they got up to speed on the case and surely realized she was perpetrating a scam. You must like the attention that comes with this high profile case, and have no scruples as to whether or not it's ethical to continue to empower a sadistic malefactor destroying those that spurned her attention. The moral choice would be to withdraw, like all the others before you, and counsel her to seek additional psychiatric treatment.

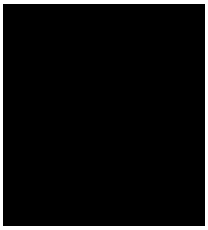


[redacted]

MAY 3, 2024

Dude.... The FAT Lady has sung!! You are NOT helping Laura in any way, shape or form by pretending an attorney is where her money is best spent at this late stage in the game. It's very sad to me that you continue to gaslight everyone into believing you believe the "inconsistencies" after years and years of the same behavior. This is the very definition of insanity- continuing the same behavior over and over and expecting a different outcome. I'll give you the benefit of the doubt for arguments sake today and pretend everything you've presented is true, and in both cases true or false, common sense needs to enter this scenario and understand she needs a mental health provider, not an attorney !!! This is becoming

too uncomfortable for me as a bystander watching this ten car pile up in real time. It's wrong and it's very sad watching you take advantage of this case. At this juncture you are looking worse than your client. Stop, get her some real help, then you'll be the hero this case deserves. I fear if everyone continues to perpetuate this behavior, good or bad, we will all be witnessing a tragedy we will have to live with. This is not okay! Do the right thing and get real help before you're the cause of a bigger tragedy than pregnancies, abortions and break ups. I will pray for your client, you and all the victims in this case.



[redacted]

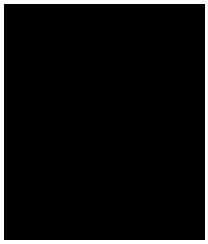
MAY 3, 2024

Your threats of "dEfAmAtiOn" are lame, at best. Your client is a pathological liar who will soon be held accountable for altering medical documents and theft of ultrasound pictures from a grieving mother's blog. What a disgusting human- both of you.

[redacted]

MAY 3, 2024

Who told her she was having male and female twins? Which provider at which appointment?
And once again, as long as we're talking lies, why did she lie about having ovarian cancer and an oophorectomy?



[redacted]

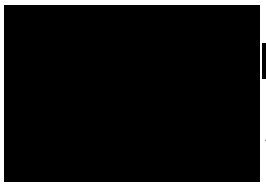
MAY 3, 2024

i'm sure it will come out that she doctored the oophorectomy and ovarian cancer documents just like she did the sonograms.

David Gingras

MAY 3, 2024

Let’s see if you’re right. Laura just filed an affidavit, under penalty of perjury, saying she had nothing to do with that stuff. If she’s wrong, maybe you will finally get to see her thrown in jail. If she’s lying, I’d be the first one to say lock her up. But for now, I’m going to continue trusting her until someone proves she’s lying (and I don’t mean lying about the sonogram edit – she already admitted that mistake).



[redacted]

MAY 3, 2024

You have already admitted in your filings with the court that Laura Owens has previously committed perjury by falsifying documents. Is it really a stretch she will do it again? Clearly the threat of perjury doesn’t mean anything to Laura Owens.
You admitted she lied, why are you not saying lock her up?

[redacted]

MAY 5, 2024

Thisssss!!!

[redacted]

MAY 3, 2024

Get your head out of your behind, David. Watch the videos. She wore a fake bump to a trial in late October, video posted today. You are being intentionally obtuse when claiming you are too busy to watch videos from the case. Stop draining her pockets and Clayton’s and do your job correctly. Judge Mata is watching all of the prior proceedings, shouldn’t you be doing the same to put up a proper defense? All you care about is winning on a technicality. Slimy, slimy, slimy.

[redacted]

[redacted]

MAY 3, 2024

So you know that she lied, but you're ok with it because she admitted it was a lie?

[redacted]

[redacted]

MAY 4, 2024

Laura just filed an affidavit, under penalty of perjury, which MEANS NOTHING, she has lied in every court proceeding she has been a party to. So will the next filing be all the lies she is admitting to? That's right everyone is lying but Laura. Hope your wife knows Laura will be claiming she is pregnant with your baby next..

[redacted]

[redacted]

MAY 5, 2024

What is your opinion of the woman who is coming forward as a witness (under penalty of perjury) that Laura stole her ultrasound and UNLIKE LAURA... she actually has PROOF from the MD's she saw that she was seen by them.

[redacted]

[redacted]

MAY 5, 2024

What is your opinion of the woman who is going to be writing a letter to the judge under penalty of perjury that the ultrasound Laura submitted to the presss was hers? Would that not be considered fraud if she knowingly stole that picture and passed it off to the public & press as hers? And if the meta data leads to her casita, what would that mean? Genuinely asking

[redacted]

[redacted]

MAY 7, 2024

[redacted]

She's admitted to the 'mistake' of editing the ultrasound – but the 'real' ultrasound hasn't neither been produced nor authenticated, right? Or are you going to disclose that by Friday? Will it accompany a record custodian affidavit authenticating the records as being Laura's from a particular date?

[redacted]

[redacted]

MAY 7, 2024

About that affidavit... can we get a comment on the forensic report?

David Gingras

MAY 9, 2024

It's 2,500 pages dropped 3 days before the close of discovery. We are in the process of asking the court to exclude this (because disclosure rules don't permit sandbagging), or alternatively we will have to ask for more time to conduct our own review of these new messages to determine if they are genuine. This is a process and we all need to follow the rules.

[redacted]

[redacted]

MAY 8, 2024

Looks like I was right! 🙂

[redacted]

[redacted]

MAY 3, 2024

david, what is your opinion of Ron Owens admitting laura makes up stories and lies? that is documented in the text messages from Mike and Mr Owens & Laura and Laura admitted it herself. Also, mike said in his testimony that he never called her his "sugar mama" .

David Gingras

MAY 3, 2024

I haven't spoken to Mr. Owens yet (I did meet Laura and her mom). Mr. Owens is apparently quite ill with Parkinsons, so I'm trying not to drag him into this if I can avoid it. Laura swears her dad NEVER said anything such thing about her making up stories. Based on what I've seen of this family, I'd find that VERY hard to believe. Laura and her mom are very close, and I understand that's true of the whole family. Laura's haters are trying to paint these people in a false light. Since you've never met any of them, I'd just ask you to reserve judgment until you hear the facts for yourselves.

[redacted]

[redacted]

MAY 5, 2024

"Laura swears" isn't a great argument from a documented liar and person who has many "misstatements." This was testified by Mike AND Greg under penalty of perjury. Who would believe her?

David Gingras

MAY 5, 2024

But that's just the thing — it was NOT testified to by ANYONE under penalty of perjury....EXCEPT for Laura. Mike NEVER said he had actual knowledge of Laura faking anything. That is a lie that has been spread by Laura's haters.
Don't take my word for it. READ MIKE'S DEPOSITION. I know the embedded version isn't that easy to read, so here a direct link where you can download it:
https://gingraslaw.com/Marraccini Depo.pdf

[redacted]

[redacted]

MAY 5, 2024

[redacted]

Wouldn't this literally follow under the word misstatement which you use? What people say "he has knowledge that she faked pregnancy" vs. what was said in deposition "I believe a pregnancy was fake." Please explain the difference between a lie and misstatement.

[redacted]

[redacted]

MAY 5, 2024

But Clayton and Greg did... majority rules

[redacted]

[redacted]

MAY 6, 2024

Why are you only sharing Mike's deposition? Why don't you share Laura's depositions, if you believe her and believe that she's so honest?

David Gingras

MAY 9, 2024

If this is appropriate, I'll post it. Lots of more important things to deal with right now.

[redacted]

[redacted]

MAY 3, 2024

Seems like you only want to tango with an audience rather than real lawyers. Where are you lawsuits against Mike Gravlin, Legal Vices, or Negan Fox? Not even a message to cease! Are you afraid to go after the big dogs?

David Gingras

MAY 3, 2024

I'm dealing with one issue at a time. It doesn't make sense to sue before our trial is over. Once that's done, the next phase will begin. And for the record — Laura is NOT interested in pursing people just for commenting about the case in good faith. She's not going after people based on anything posted here. The concern is to go after the big folks who actively spread false information for money. Those are the folks we'll be talking to down the road.

[redacted]

[redacted]

MAY 3, 2024

Which provider told her she was having male and female twins, and when did that occur?

[redacted]

[redacted]

MAY 5, 2024

She would be foolish to do that and I imagine that case will go as far as the one did with Dave Neal... her dropping the case bc she has NO leg to stand on.. he hasn't even mentioned her name! So funny you're so pressed by him

---

[redacted]

[redacted]

MAY 3, 2024

Additionally, where did her initial twin ultrasound come from (not the 21 week ultrasound) now that Planned Parenthood has confirmed it did not come from them?

[redacted]

[redacted]

MAY 3, 2024

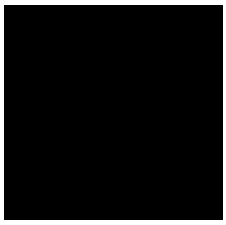
If you have even an ounce of morality, watch this. Tell us how she could possibly appear this pregnant in late October. She also

testifies under oath that she is pregnant at that point. Stop ignoring the truth. There are so many people against you because they know the truth. You are just ignoring it.
https://www.youtube.com/watch?v=m3kECGOLcfs

[redacted]

MAY 3, 2024

I don't know how this video can possibly be explained with the July miscarriage date. She stated she was pregnant in the above video and appeared with a large belly. Based on information provided by the petitioners counsel, she was not pregnant here because she had received lab tests days prior indicative of very low HCG levels and had passed tissue nearly three months prior, also indicative of a miscarriage.
It's very frustrating to see how malleable the court system can be when you have money, time, and a subscription to Adobe Acrobat.



[redacted]

MAY 3, 2024

Would you be able to give an example specifically related to this case?
Laura has had multiple medical documents now found to be doctored as well as emails, ECT and she claims all of these were modified or created by others. So what would her foundation be? If she didn't SEE someone else doing that or WATCH them hack and send....how can it be accept as fact?
And similarly just curious....when it comes to she said he said how is anything accept as truth? I just feel like on both sides there is a lot of "Laura claims.....". Or "Clayton claims.....". Does the judge just get to decide which claim is true?

[redacted]

MAY 3, 2024

[redacted]

If an individual provides a signed affidavit to a court, and it's proven that the individual knowingly made false statements on said affidavit, does the person that signed that affidavit face any legal consequences?

[redacted]

[redacted]

MAY 4, 2024

You keep saying sonogram "edit". However, you never explain where the sonogram came from? If you say Planned Parenthood then you are not on top of your case. So where??? Planned Parenthood Mission Viejo does not provide imaging. Where is the darn answer? Where???

David Gingras

MAY 4, 2024

This is a completely reasonable question, and the answer is a both technical and a little complicated. It's Saturday evening and we have some plans for Cinco de Mayo, so I'll have to answer this tomorrow. But I DO have an answer, and I appreciate reasonable questions like this.

[redacted]

[redacted]

MAY 4, 2024

Now I have never seen an episode of the bachelor and this would have never come across my sights if your client did not take this to the press. I am awed you call it a "Clayton cult" when it is very simple questions like this that haven't been answered. Also could Laura be found culpable for not getting prenatal care for the precious twins at any point in her 5-7 month pregnancy before claiming she miscarried in January. Well publicly that is when she first claimed it. It is not a cult if your client has credibility issues as

you yourself state. Your strong defensive stance to sue the world (or anyone that just reports the facts at present) that questions this makes you look like an ass. This isn't about money, it should just be about truth. I'm fairly certain that is all anyone wants. Even if your client really thought she was pregnant at filing time, why show up in October for court claiming 100% pregnant with belly. I'm in shock that you don't get the public's disbelief. Nobody wants this to be the case, but all signs are pointing one way. It's not a cult, it's a desire for truth. Forgiveness will go a million miles if she lied. I'm sure the court case will sum it up, but a simple sonogram shouldn't be technical and complicated. I'll wait though.

[redacted]

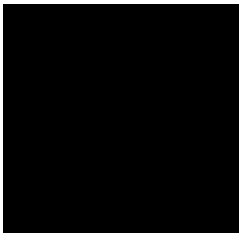
MAY 5, 2024

I would be very interested in this comment from you. I hope it really comes today!

[redacted]

MAY 6, 2024

Hi David, So assuming the sonogram from Planned Parenthood is real like you mention above, will your expert be testifying to the presence of two fetal sacs in the photo? If not, how will you show that the provider of the ultrasound is the source who informed Laura she was pregnant with twins. Additionally, will this info. be disclosed before the deadline?



[redacted]

MAY 7, 2024

Soooooooo are you saying... even if Laura is completely a liar, knowingly committing fraud from the beginning, she still cannot be sanctioned based upon Clayton failing to give a safe harbor notice?

She was well on notice from the onset of his response that she knew or should have known her claims are false and frivolous. A lot of times , even in strict procedure, court's don't always need 'the magic words' to rule appropriately.

David Gingras

MAY 9, 2024

I have a motion on this exact issue that will be filed tomorrow.

[redacted]

[redacted]

MAY 15, 2024

I thought I was going to get a technical and complicated answer to this reasonable question?

[redacted]

[redacted]

MAY 4, 2024

Hello! I have what I feel to be a well thought out question, so I hope you will take the time to answer. It's really just out of genuine curiosity...

You have said that when it comes down to the bottom of this, really all you have to do is prove that Laura in good faith believed she was pregnant. I'm just curious if the same concept would be applied in a defamation case? You have mentioned that you could Sue some of these different reporters for defamation because they are "knowingly spreading lies". Similar to what you said, couldn't these reporters state that the information they shared was in good faith because of the information that they had? Meaning that they truly believed that was the truth based on the information they had? I only ask because at least information I've seen them share, does have "proof" with it. Now. The proof might not be completely accurate but it's what they believe to be accurate.

I guess to give an unrated example to help me understand, it

would be like when people get on social media or the news and say that the president has dementia... Could they be sued for defamation? There technically isn't any medical record proof that he has dementia, but people are stating this opinion based on the observations and things they've seen, and they do support it with their "facts"?

I guess defamation as a whole really confuses me, and seems to be something that takes away people's rights to share opinions. It's a confusing argument for me in general because oftentimes the people who are spreading information, whether it be defamatory or not are being pretty mean haha. But everyone has the right to be mean I guess.

David Gingras MAY 5, 2024

Becca,

To restate the issue, you asked a question that compared the issue of sanctions (a form of legal/financial punishment Clayton is requesting) with the possibility that Laura may sue some of her critics for defamation. The basic point you were trying to make is (to paraphrase) — aren't those two things inconsistent? Specifically, I have argued (and plan to argue at trial) the judge cannot punish Laura as long as she had SOME reason to think she MIGHT be pregnant. In other words, even if Laura made a mistake and even if she was never pregnant, she couldn't be punished for making a good faith mistake.

Your question was, in essence, whether (or why) that same rule shouldn't apply to people commenting about the case. Put another way, you are asking whether the law would protect people who said they *think* Laura faked being pregnant, if it turns out that Laura wasn't faking anything? Aren't those people allowed to make a good faith mistake when commenting about the case, just as I have argued that Laura is allowed to make a good faith mistake when claiming she was pregnant (bearing in mind —

Laura has NEVER said she wasn't pregnant, so she won't admit the case against Clayton was groundless).

I think this is an EXCELLENT question. Among other things, because you are RIGHT — it probably does look a bit inconsistent for me to say that Laura is allowed to make mistakes, but her critics are not.

I will do my best to explain my views on this, keeping in mind these legal topics are VERY complicated, and it would probably take 100 pages of briefing to explain EVERY aspect of this area of law.

Here's the best response I can give you in a reasonably short format:

First, YOU are correct....SORT OF. But the rules for court sanctions and the rules for defamation are very different....largely because damages caused by bad legal proceedings are normally a lot smaller than the harm caused by publishing false statements that harm a person's reputation. Harm from bogus legal proceedings are usually minor, while harm to a person's reputation can be life-changing and often nearly impossible to repair.

When it comes to punishing people for filing bogus court cases (as Clayton is trying to do to Laura), the law is VERY clear — people ARE allowed to make mistakes. This actually happens all the time. Sometimes the mistake is accidental, and sometimes it's intentional. But either way, the standard for what a person needs to do in order bring a court case against someone else is VERY, VERY low — if you sue someone, all you need is SOME basis to think your claims are valid. 100% certainty is never, ever required. So as long as Laura believed she MIGHT be pregnant, the court CANNOT sanction her. That's just the way the rules work.

In a paternity case (like this) a woman is allowed to bring a case simply because she hooked up with a guy, and she just "felt" pregnant. There is NO requirement that she have any sort of test first. There is NO requirement that her pregnancy be "confirmed" or "validated". A one night stand and a single missed period is all you need (Laura had that, PLUS five positive pregnancy tests, including one given to her by Clayton which she took directly in

front of him).

But let's ignore those facts. What if Laura KNOWINGLY lied? Can she be punished then? The answer is kind of surprising — MAYBE YES, AND MAYBE NO.

Here's why – because of the way our rules of procedure are set up, people ARE allowed to file cases they know are 100% false/fraudulent (I know that's shocking, but bear with me). People are allowed to LIE in their papers. They can even commit perjury (in certain situations). I know this because I have personally seen it happen in other cases. It's even happened to ME (as I explained in my prior post about the time when I was sued for paternity).

YES, we have rules that say a court can punish someone who lies in their pleadings, but there's a pretty strict process that must be followed BEFORE any punishment can happen. The idea is that if a person makes a mistake and lies in court, the law wants to give them a way of admitting fault and fixing the problem without facing life-altering consequences. So, the rules basically say if a person lies in their case, you have to give them a written warning FIRST, and you have to give them an opportunity to fix their mistake by withdrawing their claims. If you want to punish someone for bringing a fake/fraudulent case, you MUST do both of those things FIRST. If you don't, the law literally says the bad guy CANNOT be punished....PERIOD.

And in this case, it is undisputed Clayton's lawyer never gave Laura the correct type of warning (the rules are VERY specific, and they must be followed EXACTLY). But Clayton's lawyer didn't follow the rules (he has basically admitted this). That means Clayton CANNOT get sanctions against Laura, even if she lied (which she absolutely denies).

Now, let me address your question about defamation. If Laura is allowed to bring a court case that turns out to be groundless (either because she made a good faith mistake, OR because she knowingly lied but Clayton's lawyer failed to follow the necessary steps to get sanctions), shouldn't the same kind of loose standards apply to people who talk about this case? If a person said they

believed Laura lied, and it turns out we win the case by proving she did not lie, shouldn't that person still be protected against getting sued for defamation?

The answer is (like almost everything in law): MAYBE/IT DEPENDS. Defamation is a VERY complicated area of law, but the main thing to know is that YES, the First Amendment DOES give you very strong protection against getting sued. If you say something that is completely true, it is almostimpossible to get sued (but again, there are exceptions to this).

Generally speaking, there are two main types of defamation cases: 1.) private figure defamation, and 2.) public figure defamation. If you publish something false about a PRIVATE figure (someone who is not a celebrity or politician), the plaintiff usually only has to show that you acted "negligently". That means you failed to do something that a reasonable person would have done. This is a VERY low standard, and it basically means if you publish something false about a private person, you will probably end up losing UNLESS you can prove you DID act reasonably (again, SUPER complicated, but relying on something you read on a blog or social media MIGHT be reasonable in some cases, but not reasonable in others). That's basically a decision the jury would have to make.

Now if the plaintiff is a public figure (usually a celebrity or politician), or if the speech involves a matter of public concern, the rules are different. In those cases, the plaintiff will have to prove the defendant had something called "actual malice". That term has a special legal meaning that is probably different from what you think. Actual malice means the defendant either knew his/her statements were false, or they acted with "reckless disregard for the truth" (reckless disregard is something higher/worse than simple negligence). Reckless disregard typically means the defendant intentionally ignore information that would have proven their statements were false (basically sticking your head in the sand and refusing to look at evidence that supported the plaintiff).

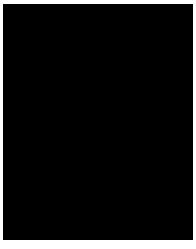
Based on these standards, I think it is fair to say that for MOST

people commenting on this case, they don't have to worry about getting sued for defamation. You ABSOLUTELY are allowed to have an opinion (opinions are never grounds for a defamation case). You can even say you THINK one party is right and the other is wrong. What you cannot do is make factual statements such as: "Laura lied about being pregnant" or "Laura did this to other men in the past." Those are not statements of opinion. Those are statements of fact, and the CAN support a defamation claim IF Laura proves she didn't fake being pregnant, and IF the speaker has the correct mental state (either negligence or actual malice, depending on what a future judge thinks should apply here).
The bottom line is that when it comes to free speech, people typically CAN make a good faith mistake and not risk liability for defamation. But people who spread false statements of fact because they want to earn money from advertising revenue are not engaging in protected speech. They are committing intentional defamation, and it's seriously no joke. These attacks have been devastating to Laura, which is why I'm confident that if we win the trial in June, many of her detractors are going to have a lot to answer for.

[redacted]

MAY 5, 2024

Just to clarify, at some point Laura knew she was lying about being pregnant currently or at least knew she was no longer pregnant but because nobody told her (an adult) that she had to admit to this, she can't be held responsible?



[redacted]

MAY 4, 2024

Dave- there are two questions I have not seen addressed in the filings or your posts:
1) when did Laura learn she was having twins?

2) is she claiming the October sonogram is fake?

David Gingras MAY 5, 2024

Laura says she was told by Planned Parenthood that she was pregnant with twins. This was the ultrasound that she later admitted to editing to change the name of the facility.
I don't know what you mean by the "October sonogram". To my knowledge, there is no "October sonogram". It's possible you're talking about one or more fake sonograms that someone else created and then sent to certain online media people. Laura has denied having anything to do with those, and so far, I haven't seen any evidence to the contrary.

[redacted] MAY 5, 2024

Have you seen the original ultrasound?

[redacted] MAY 5, 2024

Who told her it was a boy and a girl?

[redacted] MAY 5, 2024

Then what video ultrasound did she testify about? And why didn't your expert rely on that?

[redacted] MAY 6, 2024

Thank you for your info...You make it too easy to find proof against

her claims. So for real now, are you defending Laura or Cayton?

Are you the daddy next??

MAY 6, 2024

Will you be representing Laura Owens if the owner of the “sonogram” decides to sue her for falsely claiming that the ‘vanishing twins’ sonogram was hers?

David Gingras

MAY 9, 2024

That isn’t a valid legal claim, so I don’t expect anyone will sue over it.

Are you the daddy next??

MAY 10, 2024

Computer and Internet Fraud The act of defrauding could include altering or deleting records, accessing financial or other information, or obtaining something of value. Isn’t a valid legal claim? Laura stole a medical record for her benefit several valid lawsuits are available through the Health Insurance Portability and Accountability Act.

JIM

MAY 7, 2024

Ok that makes perfect sense now. Do you know who planted the ultrasound in Laura’s public drop box, then hacked into her email to send an email containing the fake ultrasound to various online personalities, with the exact same email trackers that she uses? Have you filed charges against that suspect? Seems like it could be considered stolen identity.

[redacted]

[redacted]

MAY 7, 2024

So you haven't seen the email Laura sent to a podcaster linking that same ultrasound?
Strange, because that was in the filing.

David Gingras

MAY 9, 2024

Hard to know what you are referring to, but my understanding is that someone sent an email pretending to be Laura that said "Here is my 100000% real ultrasound" and Laura has always maintained that email is a fake.

[redacted]

[redacted]

MAY 11, 2024

What will happen if it's found that it was sent from her? Just like the forensic team found the texts were sent from Laura to MM??

[redacted]

[redacted]

MAY 5, 2024

Still waiting for that explanation on the Planned Parenthood (but not Planned Parenthood) ultrasound...
Also still waiting for an answer on when she was told she was having boy/girl twins and by which provider. I feel like these are reasonable questions.

[redacted]

[redacted]

MAY 5, 2024

Hi, David. Why no answer for Planned Parenthood denying the ultrasound came from them? Thought we were getting one today.

[redacted]

[redacted]

MAY 6, 2024

You and me both. Lord knows what the potential answer could be. Someone physically placed a sonogram in her hand. Who was it, and where was it at? This should be the easiest thing in the world.

[redacted]

[redacted]

[redacted]2024

Well it appears Laura is trying to possibly settle. That might be why we can't get this basic question answered. However, if a full confession is provided, unconditional forgiveness should follow! Everyone has only asked for this gal to get help. I'll be the first to say, we are praying for self help only and the truth! However, maybe this is not the deal and it's a smokescreen????♂️ Who knows

[redacted]

[redacted]

MAY 6, 2024

"This is a completely reasonable question, and the answer is a both technical and a little complicated."
SO technical and so complicated that it clearly doesn't exist!

[redacted]

MAY 6, 2024

What would you do if the metadata for the 21 week sonogram and 2016 fake ovarian cancer messages came back as linked to Laura? Aka she lied yet on affadavit. Would you drop or continue to represent her?

[redacted]

[redacted]

MAY 7, 2024

He won’t answer because he can’t. The only answer is that she lied.

[redacted]

MAY 7, 2024

Hi David, I have been patiently waiting for the truth to come out. All the way back from when laura went public, she posted to reddit, left links to her drop box & patient portals, and went to the tabloids etc. I was 100% on her side. But David, please put my mind at ease and tell me I’m mistaken, in Laura’s ppo “trial” against Clayton, she told the judge that the sonogram was 100% real & that Clayton was the only other person in the world that had access to that, also the picture of her showing her stomach, she told the judge that only She & Clayton had those picture & the only explanation for them being online was that Clayton leaked them.
And, as it should, it now only swayed the judge, but quite rightly given those facts, it angered him, which he repeated in his order granting the PPO. Now forget all of the other cult stuff, I know for a fact, because I was supporting laura, that those pictures were available to anyone on reddit, & I can’t get my head around why she lied. The truth is the truth, as of then she didn’t need to lie, so I guess I’m asking why, and if you have spoken to her, at least about that. Thank you for your updates & transparency. Take care

[redacted]

MAY 7, 2024

Not only swayed the judge, but quite rightly given those facts, it angered him, which he reiterated while granting the PPO
Apologies Typo & grammer

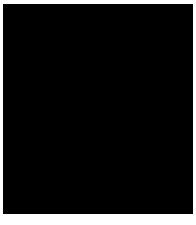
[redacted]

MAY 7, 2024

Please read what Paul just said. Most of us were on Laura's side when it all started. She was responsible for telling us this horrible story that was happening to her. Clayton was one of the most hated bachelors. To have the public change and support him tells a lot in itself. Even If you really believe every other thing she said was true, I see no way to explain why she would lie to a Judge in Court. She claimed the picture she was holding was of their SON!! She sent it to Clayton and the media. Why wasn't it in her medical records? If you do the honest thing and drop her I hope you encourage her family to get her help. Someone who sues every man who denies them is leading a very sad life. I am extremely worried for her and disappointed her family is too afraid to help. If you want the exact date and timestamp of court video I would be happy to send it to you. (take a look at the picture she is holding in the horrible Halloween costume. That's the one)

MAY 8, 2024

Someone's gotten awfully quiet in the past few days. Seems very out of character for you, David. Hopefully you're taking time to decide if this is truly the hill you want your reputation to die on. Representing Laura (and *very* publicly doubling down on supporting her blatant lies) will give you notoriety and attention, to be sure, but it is NOT the kind you should want. No one is laughing *with* you. Laura is doing bad things for herself, for you, or these men, for women at large. I mean, she certifiably lied about having CANCER. She is not a good person. She is not worth throwing away your reputation for. She is not worth lying for. She needs help and you need to drop her as a client. This has gone too far.



MAY 8, 2024

For the record I don't think you should drop her as a client,

especially if you can help her. I think Lexi stumbled across something maybe you didn't, yet or was privy to a conversation you hadn't had. But she obviously needs to be represented. The question for me is to what end. If no middle ground can be reached, like my previous question to solicited then, what are realistic next steps. Imo I don't think this is really about money. I think Clayton wants a judgement or the ability to say "I told you I did nothing wrong" And I think Laura probably wants the same. So if you apply some logic, weigh the numbers, like you do, is there not a compromise there.

Example, Laura says I really taught I was pregnant, but the evidence seems to suggest that maybe I wasn't, when I taught, I could and should of handled it better, for that I apologise and am willing to do some reflection & if necessary some treatment. I apologise to judge xyz etc & Clayton.

Clayton says, I crossed the line with you the night we met, it was very unprofessional and the way I treated you in the following days was wrong. My videos were unclassy & I definitely could have done better. We were/ are both still very young and should move on from this. We both drop protection orders, we both don't seek fees, we both either or not obtain the right to speak publicly on this matter without fear of any lawsuits. The agreement can be sealed for 10 year or whatever and everyone moves on. If other stipulations are required in private and are agreed to speak on publicly then so be it. If I was weighing this, despite the egos involved I would be saying, it's either this or spin the dice at trial. It could be a lot worse. Everyone gets a little of what they want, from weighing, I'd say 4/7 Clayton 3/7 Laura. Is that even in the Realm of possibility David. Again thank you for your imput, time & willingness to engage. God Bless????

[redacted]

MAY 8, 2024

David, better make sure you get your malpractice insurance in

order. Your client will certainly be attempting to sue you and report you, as she has done with many of her lawyers in the past. If it were me, I'd drop her and move on

[redacted]

[redacted]

MAY 10, 2024

David, why are you responding to some questions but none about Planned Parenthood denying that the ultrasound came from them? You said you'd address that days ago.

[redacted]

[redacted]

MAY 10, 2024

How about you take this down now, because you promised to take down anything that Mike wants you to?

David Gingras

MAY 11, 2024

He has not asked, so....

[redacted]

[redacted]

MAY 11, 2024

Why have you continued to ignore the PP Ultrasound questions? They deny ever even seeing her or doing any ultrasounds... seems like her arts and crafts are unraveling

[redacted]

[redacted]

MAY 11, 2024

Very lame excuse.
No reasonable person would read the message from Mike to you and think that he doesn't WANT this blog taken down.

David Gingras

MAY 12, 2024

The guy hasn't asked.

[redacted]

[redacted]

MAY 13, 2024

Your obsession with "technicalities" and thinking you are smarter than everyone else by picking and choosing how things can be construed is childish and comical. You are obsessed with your own brain and thinking you know better than everyone else. If you claim to be so intelligent, you would reasonably infer that if someone asked something to be removed from Twitter they want it removed from your "blog" as well. But technically "hE DiDn'T ASk". You are a complete joke of an attorney.

[redacted]

[redacted]

MAY 10, 2024

TAKE THIS DOWN!!!

[redacted]

[redacted]

MAY 10, 2024

Both you and your client like letting your mouth write checks that your butts can't cash. You're both about to get yours and we will all enjoy watching her get what she deserves.

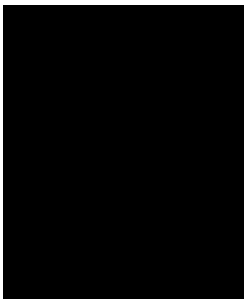
[redacted]

[redacted]

MAY 11, 2024

David, I just want to reiterate that I fully supported laura 100% NO

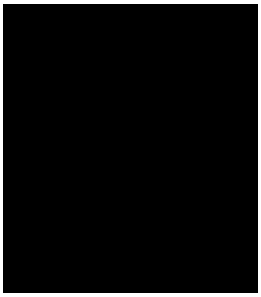
questions asked. I am waiting on the decision from the judge to fully make up my mind. The biggest thing that disturbs me is the fact that Laura with the support of at least 99% of people online allegedly lied to the judge in the OOP hearing. She said that only Clayton & her had those 2 photos. 1. The picture of her showing her stomach, in bra. 2. The Sonogram picture. I knew that not to be true because I had them at that time as well as everyone supporting her online. They were published on Reddit & in her Dropbox, which she gave us all access to. She didn't need to lie. She either had enough for the order or she didn't. In granting the order the judge said he was doing so because Clayton leaked those photos. I can't get my head around that David, maybe you could help. Have a great weekend



[redacted]

MAY 11, 2024

Just checking in to see if you've said anything about Planned Parenthood denying that the ultrasound came from them. You still haven't, which proves in no uncertain terms to me, and to everyone else, that you do NOT, in fact, care about the truth. Not one bit.



[redacted]

MAY 11, 2024

lol, did your crazy-ass lying client reject your newest blog post? I am ~shocked~!!!!

[redacted]

MAY 13, 2024

Dave, what is your opinion on your case for defamation at this juncture? Do you still believe that Laura will win $120million and own all of the houses and land of myriad podcasters?

[redacted]

[redacted]

MAY 13, 2024

Hi, David, remember when your client lied under oath about having an ultrasound at Planned Parenthood? Or is your brain too fried from your crippling alcohol addiction?

David Gingras

MAY 14, 2024

When the arguments drop to this level of mudslinging, it suggests the other side has nothing better to say. If you did, you would focus on that. Thank you for the lift.

[redacted]

[redacted]

MAY 15, 2024

When a question has been avoided this thoroughly for this length of time, it suggests it doesn't have an answer. If it did, you would just say it. Thank you for further proving your client is a liar.

[redacted]

[redacted]

MAY 15, 2024

The longer you avoid answering where the ultrasound came from (since we know it wasn't Planned Parenthood), the worse you make Laura look. Just say where she got it, it's not hard...

Comments are closed.

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OCTOBER 2024

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« Jul

About Gingras Law

David Gingras is a solo Internet and First Amendment attorney based in Phoenix, Arizona.

ABOUT CONNECT

EXHIBIT G

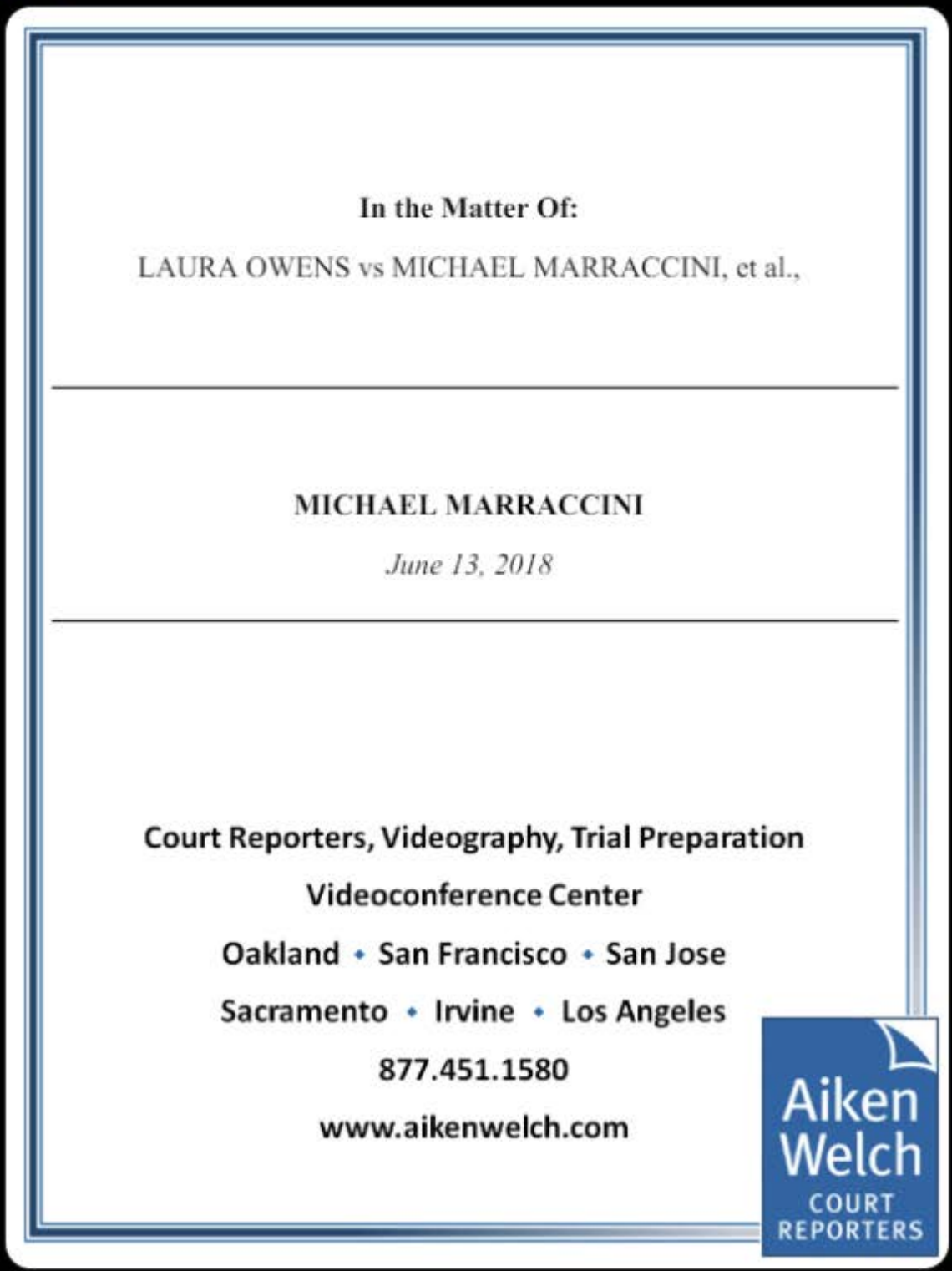
← Post

David S. Gingras
@DavidSGingras

This is going to require a full blog post to explain, but certain bloggers are already publishing more lies about Laura, so I'll just share this without full context.

I'll explain later why, IMHO, this guarantees a win for Laura.

gingraslaw.com/MarraccinDepo...



3:43 PM · May 2, 2024 · **9,508** Views

EXHIBIT H

the case for you? Can you explain?

1 15 1.4K

David S. Gingras @DavidSGingras · May 2

Oh, sorry - you're confused. When I said guaranteed win, I wasn't talking about the paternity case. I was talking about Laura's defamation case against people who published lies about her.

This stuff IS admissible in that case, and it WILL guarantee Laura wins (IMHO).

7 1.4K

Show replies

· May 2

If there's ever a remake of "Gaslight," I hope you audition for the lead.

13 560

· May 10

This isn't going to age well. Lmao

1 36

· May 7

David, I'm not sure if it's because of where I live 🇮🇪, but I can never open your attachments. Thanks again

55

· May 2

What, in your opinion, is a "win" for Laura?

9 531

· May 2

EXHIBIT I

1 238

· May 2

Bro, here's the thing. They keep coming with receipts, proof, timeline and screenshots. You keep posting vague things and claiming they are bombshells that guarantee a win. Put up or shut up.

2 18 1K

David S. Gingras @DavidSGingras · May 2

The whole transcript is there. Read it.

3 1.1K

@lokey1138509 · May 2

What's the TLDR please

1 377

· May 2

TLDR Laura Owens is mentally and emotionally abusive to Mike. The flight to Iceland with the napkin incident was Laura constantly asking Mike to forgive her for lying about being pregnant and getting an abortion.

1 203

· May 2

She dated Greg before Mike. She had a seizure when w/ Greg+told him she'd had them since a car accident? Yet later claimed she developed seizures due to Mike's abusing her? Kind of sounds like a lie?

1 3 221

· May 2

Since you called her a liar, do you think she'll sue

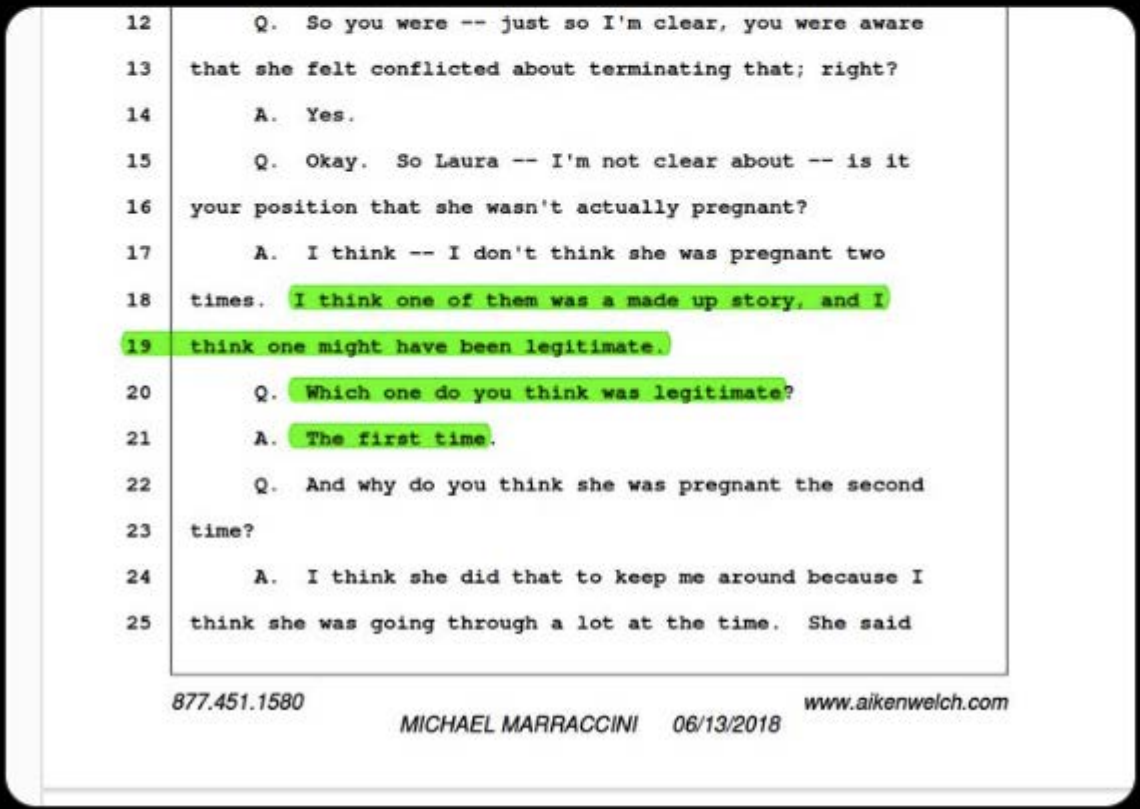
EXHIBIT J

David S. Gingras
@DavidSGingras

One theme in Owens v. Echard is Laura "lied" about being pregnant with other men. Laura says that's 100% false, and several bloggers claim she's lying.

I'm about to provide some receipts you haven't seen which may change your mind about who to believe.

Coming later today.



Q. So you were -- just so I'm clear, you were aware that she felt conflicted about terminating that; right?
A. Yes.
Q. Okay. So Laura -- I'm not clear about -- is it your position that she wasn't actually pregnant?
A. I think -- I don't think she was pregnant two times. I think one of them was a made up story, and I think one might have been legitimate.
Q. Which one do you think was legitimate?
A. The first time.
Q. And why do you think she was pregnant the second time?
A. I think she did that to keep me around because I think she was going through a lot at the time. She said

877.451.1580 www.aikenwelch.com
MICHAEL MARRACCINI 06/13/2018

3:10 PM · May 2, 2024 · **6,737** Views

EXHIBIT K

12

David S. Gingras @DavidSGingras · May 2

And by the way, Mike Marraccini is one of the alleged ex-boyfriends who certain bloggers have cited as "PROOF" Laura faked pregnancies in the past, but here he is under oath saying he DID believe she was pregnant (and BTW, she was never pregnant twice with him).
#JusticeForLaura

11 4.5K

· May 2

This doesn't make her look any better, I don't think you're doing her any favors here. Which is fine by me. #JusticeForLaurasVictims

3 1 22 1.4K

David S. Gingras @DavidSGingras · May 2

This is literally her ex testifying, under oath, he believed she WAS pregnant. Explain to me how that's not good for Laura?

I'm sorry if the truth doesn't fit your narrative. But it's still the truth.

9 1.3K

Show replies

· May 2

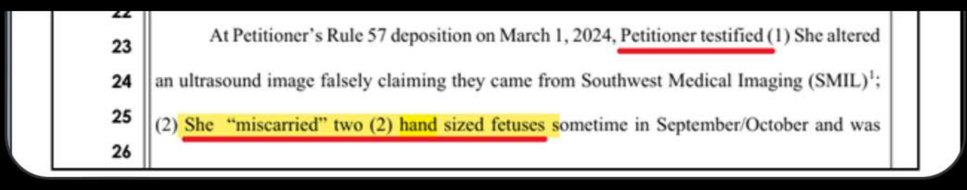
He also thought she had an ovary removed due to her arts and crafts. Just because he believed 1 of her lies doesn't help your case.

13 379

· May 2

He then said that later he thought about it and

EXHIBIT L



At Petitioner's Rule 57 deposition on March 1, 2024, Petitioner testified (1) She altered an ultrasound image falsely claiming they came from Southwest Medical Imaging (SMIL)[1]; (2) She "miscarried" two (2) hand sized fetuses sometime in September/October and was

33 4 12K

David S. Gingras @DavidSGingras · May 23

Someone asked me for a list of lawyers I've personally sent to jail.

Here's my response:
gingraslaw.com/lawyers-ive-pe...

8 1 7.6K

David S. Gingras @DavidSGingras · May 23

Some comments about this week's ruling in Owens v. Echard:
gingraslaw.com/owens-v-echard...

6 1 6.2K

David S. Gingras @DavidSGingras · May 23

Also FYI - I previously had pre-publication screening on for blog comments (due to spam). I removed that and allowed comments w/o any moderation.

This worked OK, but I older comments were mostly low value, so I'm now trying a 3-week time limit (comments close after 3 weeks).

2 5.6K

David S. Gingras @DavidSGingras · May 22

Sorry....initial link somehow didn't include the .pdf extension.

This link will work:
gingraslaw.com/JMOLReply-FILE...

5 5K

EXHIBIT M

David S. Gingras @DavidSGingras · Jun 18

Many people don't know this, but to preserve or present objections at trial, a lawyer is always allowed to interrupt a witness (verbally or with a gesture). It's called "quieting the witness".

This practice is not just allowed & proper, it is required to preserve objections.

§ 34.02 TIME OF OBJECTION; QUIETING THE WITNESS

Objections to evidence must be made immediately after the question that calls for an inadmissible answer. If the witness begins to answer the question after the objection and before the court has ruled, counsel should gesture to the witness to stop and should immediately interrupt the witness by stating respectfully but loudly that an objection has been made.

Witnesses sometimes need repeated reminding that they cannot answer a question to which an objection has been made unless the court overrules the objection. If a prosecution witness appears stubborn on the subject, a request should be made to the judge to admonish the witness to that effect. A motion for a mistrial may be appropriate if the witness has made an inadmissible disclosure and its prejudicial impact is considerable. See § 34.11 *infra*.

EXHIBIT N

David S. Gingras
@DavidSGingras

Follow

FYI - I am aware of the new MM evidence, and will be addressing it in due course.

While that's happening, here's an odd flashback to LO and MM doing a podcast together. Shared with permission.

dropbox.com/scl/fi/in5spcv...

EXHIBIT O

3 26 469

18h

When you've gone through everything that Mike has been through with your client, then perhaps you'll be less smug.

1 14 955

David S. Gingras @DavidSGing... · 15h

Those are words. Not details. Give me details. Otherwise, not helpful. She flew the kid to Iceland and Dubai. It doesn't seem like he suffered that much?

8 1K

Show replies

StoryStore @ThisStoryStore Ad

Marshall Hayworth, a dedicated single dad, hired a summer babysitter, setting off a chain of events that would change his life. Here's the full story.

Post your reply

EXHIBIT P

2 63

More replies

· 19h

So glad it was so easy for you. Are you being deliberately obtuse about Mike's story, or do you lack empathy?

1 7 762

David S. Gingras @DavidSGing... · 16h

Mike dated Laura for 2 years (almost). The pregnancy part of this was like minimal, if anything. That is what I don't understand. Even if she wasn't pregnant, this has basically zero impact on any part of their lives? Makes no sense to me at all.

7 772

Show replies

· 1d

She wrote the media, claimed rape, got his speaking gigs pulled, tried to have his real Estate license revoked, tried to have girls he didn't know served papers

Post your reply

EXHIBIT Q

5 64

More replies

[redacted] · 9h

Isn't he the one who can't get jobs due to her spurious allegations of abuse? That Laura Owens wants to have a friendly chat although she is "afraid" to be in the same courtroom? The one who was dragged into this against his will and had his picture posted BY YOU on the internet?

1 10 257

David S. Gingras @DavidSGingras · 1h

I was not personally present for ANY of the events between Mike & Laura (neither were you). As such, my view is I have NO IDEA what happened between them. The fact you claim to have that knowledge is really troubling, because you weren't there, so how do you know who is right?

4 1 186

Show replies

Post your reply

EXHIBIT R

From: David Gingras <[redacted]
Sent: Wednesday, May 08, 2024 3:35 PM
To: Gregg Woodnick <[redacted]
Cc: Isabel Ranney [redacted]; Maribeth Burroughs <[redacted]>
Subject: RE: Owens v. Echard

Gregg,

Just to follow up – I'm in the process of looking for a computer person in San Fran to look at Mike's laptop. Laura wants to move forward with that review, and while I'm not confident it will change anything, I do think it may help her remove doubts about what the laptop shows. That alone could be worth the effort.

As discussed, I'd also appreciate you setting up a call w/ Marraccini if you can. I guess there's also a technical issue with that – Mike is (to my knowledge) represented by Randy Sue Pollock, and I don't have her consent to talk with him. So if Mike is open to having a call (which I hope he is), I'd just need to make sure I have consent from his counsel to speak with him.

One last thing – after talking with Laura about this, she said she has lots of questions for Mike. I told her my preference is to have her send me any specific questions, and I'll see if Mike wants to answer them. She also said she's willing to speak directly with him, but that may not be appropriate in light of the restraining order. On the other hand, if Mike has a strong preference in favor of directly speaking with Laura, maybe we can make that happen (I'm licensed in CA and can probably do some sort of stipulation with Randy to modify the CA order to allow this, just to be safe).

P.S. This goes without saying, but to the extent I suggested Mike would be arrested if he comes to court in AZ, that suggestion is completely and totally withdrawn. I only said that because I didn't want Mike to show up without giving me the chance to at least interview him (as I would with *any* normal witness). As long as Mike agrees to have a reasonable call to answer to some questions, I'll stipulate and agree his appearance in AZ is NOT a violation of anything and will not expose him to arrest or any other legal consequences.

David Gingras, Esq.

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[redacted]