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David S. Gingras, CSB #218793

Intervenor

ELECTRONICALLY

FILED

*Superior Court of California,
County of San Francisco*

09/15/2025

Clerk of the Court

BY: GABRIEL WRIGHT

Deputy Clerk

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

LAURA OWENS,

Petitioner,

v.

MICHAEL MARRACCINI,

Respondent.

Case No. FDV-18-813693

**DECLARATION OF DAVID S.
GINGRAS IN SUPPORT OF HIS
MOTION TO INTERVENE;
MOTION TO STRIKE;
MOTION FOR SANCTIONS; AND
MOTION FOR DISCIPLINARY
REFERRAL TO STATE BAR**

Judge Assigned: Hon. Carolyn Gold

Hearing Date: October 21, 2025

Time: 8:30 A.M.

Dept: 405A

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.

DECLARATION OF DAVID S. GINGRAS

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

6 4. I previously represented a woman named Laura Owens in a case filed in the
7 Maricopa County Superior Court here in Phoenix, entitled *Owens v. Echard*, Case No.
8 FC2023-052114.

9 5. I was initially hired by Ms. Owens on March 25, 2024. Shortly after being
10 retained, I learned the case gained a large amount of attention on social media. My belief
11 was the case attracted attention in part because a party (Respondent Clayton Echard) was
12 previously the star of a popular reality TV dating show called *The Bachelor*.

13 6. In addition, the case also seemed to attract a large amount of attention due to
14 the unusual allegations it involved. Specifically, Mr. Echard accused Ms. Owens of
15 “faking” a pregnancy and then using that as leverage to force him into an unwanted
16 romantic relationship.

17 7. My work on the *Owens v. Echard* case was primarily limited to presenting
18 legal arguments regarding certain Arizona Rules of Family Law Procedure. However, in
19 addition to that work, I also assisted Laura (*pro bono*) with responding to inquiries about
20 the case from lawyers, journalists, and others.

21 8. One person who inquired about the *Owens v. Echard* case is a lawyer named
22 Omar Serrato. I did not previously know Mr. Serrato, and I first became aware of him on
23 May 23, 2024 when Laura forwarded an email Mr. Serrato sent asking questions about
24 the case.

25 9. After reviewing Mr. Serrato’s questions, on May 24, 2024, I sent him a lengthy
26 email response. I believed my email to Mr. Serrato (which was sent with Laura’s
27 permission) was friendly, professional, and otherwise routine. I simply answered Mr.
28 Serrato’s questions and asked him to let me know if he needed more information.

1 10. I later learned that in addition to his law practice, Mr. Serrato has a YouTube
2 channel called “The Tilted Lawyer” where he publishes videos commenting on various
3 subjects. While I was not aware of this at the time, apparently Mr. Serrato had published
4 a series of videos harshly attacking and criticizing Laura.

5 11. Shortly after I sent the email to Mr. Serrato on May 24, 2024, I was surprised
6 to see a video he posted discussing my email to him. Mr. Serrato’s video was surprising
7 because it was extremely negative, and it contained statements which I believed to be
8 both false and defamatory. Among other things, Mr. Serrato told his viewers about my
9 email to him (without actually showing the contents of the message). Mr. Serrato insulted
10 me, and described my email as “extremely unprofessional”. Although this may be an
11 expression of Mr. Serrato’s opinion, when viewed in context, I believed Mr. Serrato’s
12 video overall presented an intentionally false and misleading discussion of both the issues
13 and of my interactions with him.

14 12. Over the last 20 years, I have handled hundreds of cases in state and federal
15 courts across the country, including many high-profile cases involving major celebrities.
16 As part of that practice, I have dealt with significant media attention and inquiries from
17 members of the public, including both journalists and other lawyers like Mr. Serrato.

18 13. Based on my experience, I know some journalists and commentators act in
19 good faith, trying to present fair and neutral stories for their readers.

20 14. I also know that some journalists and commentators do not act in good faith.
21 Instead, these people generally are not interested in the truth; they are only interested in
22 crafting a self-serving narrative that they believe will be most attractive to whatever
23 audience they are focused on.

24 15. Based on my interactions with Mr. Serrato, and my review of several of his
25 videos, I quickly concluded he was not acting in good faith, and that there was no reason
26 to continue engaging with him regarding Laura’s case. Instead, my impression was that
27 Mr. Serrato was not a serious individual and that he had no regard for truth or honesty.
28 For that reason, I generally declined any further interactions with him.

16. Regarding Laura's request to renew the DVRO in this case, I obviously understood I was a witness to many of the events on which her renewal request is based. For that reason, I submitted a supporting declaration at the time Laura filed her request to renew the order, but I did not appear as her counsel of record.

17. Because I am licensed to practice law in both California and Arizona, I know each state has different rules limiting a lawyer's ability to represent a client in a matter where the lawyer may be a necessary witness.

18. In fact, Arizona's ethical rule on that issue, ER 3.7, expressly forbids lawyers from acting in a dual witness-advocate role PERIOD, without exception, whereas California's version of Rule 3.7 is more lenient. California expressly *permits* lawyers to occupy that dual role as long as the client gives informed consent. For that reason, in prior cases when I have acted as counsel for a party, I have always moved to withdraw from any case where it appeared I may be a necessary witness. Here is just one such example from a case called *Xcentric Ventures, LLC v. Mediolex, Ltd.*:

<https://storage.courtlistener.com/recap/gov.uscourts.azd.671634/gov.uscourts.azd.671634.59.0.pdf>

19. In that case, I was initially counsel of record for the plaintiff. However, it eventually became necessary for me to testify as a witness at trial. For that reason, I moved to withdraw from the case. The court granted that request and held my actions were entirely proper under the ethical rules.

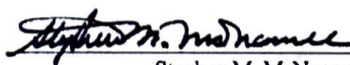
Mediolex Ltd. et al.,
Defendants.

Before the Court is Plaintiff's Counsel David Gingras' Motion to Withdraw with Client Consent. (Doc. 59.) The motion—which satisfies the requirements of Local Rule of Civil Procedure 83.3(b)—explains Mr. Gingras never intended to act as both an advocate and a witness at trial and correctly notes that Ethical Rule 3.7 would therefore not apply.

Accordingly,

IT IS HEREBY ORDERED granting Mr. Gingras' Motion to Withdraw with Client Consent. (Doc. 59.) The Clerk shall terminate David Gingras as an attorney of record for Plaintiff.

DATED this 9th day of April, 2014.



Stephen M. McNamee
Senior United States District Judge

20. I am aware California's version of Professional Conduct Rule 3.7 is far less restrictive than the Arizona equivalent. Specifically, in California a lawyer may ethically represent a client in a matter where the lawyer is also a necessary witness; the only requirement is the client must give informed written consent.

21. In this case, Ms. Owens told me she was willing to provide informed written consent to allow me to represent her while also acting as her counsel. However, under the circumstances I felt the best option was to allow Ms. Owens to file the renewal request on her own, with my support limited to the role of witness.

22. The situation changed after Mr. Marraccini retained Mr. Serrato as his counsel. Prior to this, Ms. Owens did not know whether Mr. Marraccini intended to challenge the DVRO renewal, and thus she did not know whether she was comfortable proceeding *pro se* or whether she felt the need for help from counsel.

23. After Laura learned that Mr. Marraccini had retained Mr. Serrato, she asked me to represent her on a limited basis for the purpose of appearing at the Zoom hearing held in this case on August 15, 2025. Because that hearing was non-substantive and did not involve any witness testimony, I agreed to appear remotely on Laura's behalf at that time.

24. Several days later, on August 18, 2025, I had a lengthy phone conversation with Mr. Serrato. According to my phone records, the call lasted 66 minutes. Also present on the call was a lawyer named Rachel Juarez who has not appeared in this matter, but who I understand is also representing Mr. Marraccini in some unknown capacity.

25. During this discussion, Mr. Serrato and Ms. Juarez told me they believed I should not continue to represent Ms. Owens for various reasons. Among other things, they argued I had a present conflict of interest with Ms. Owens because last year, Mr. Marraccini filed a complaint against me with the State Bar of Arizona which related to the same events at issue in this case. Mr. Serrato expressed his belief that because Mr. Marraccini accused me of misconduct in Arizona, that somehow created a conflict with Ms. Owens in this case which made it impossible for me to represent her.

1 26. I told Mr. Serrato I strongly disagreed with his analysis. Without belaboring
2 the details, I explained to Mr. Serrato that I saw no conflict at all (actual or potential)
3 between myself and Ms. Owens with respect to this case. On the contrary, I saw our
4 interests as entirely aligned and consistent, not in conflict.

5 27. The bottom line is I firmly believe Mr. Marraccini broke the law, he committed
6 a crime, and he violated this Court's order to such an extent that the relief Laura is
7 seeking in this case is factually and legally proper. This is true regardless of any other
8 allegations about Laura's conduct in any other area.

9 28. I did not agree, and do not agree, that Mr. Marraccini's allegations against me
10 (which I perceive as frivolous) have any bearing at all on my ability to represent Laura in
11 this case. In short, Mr. Marraccini has accused me of engaging in "witness tampering"
12 because after I saw him violate this Court's DVRO in Arizona, I contacted law
13 enforcement to report what I believed was the commission of a federal crime.

14 29. By retaliating against me with a bar complaint based on my decision to contact
15 law enforcement, I believe Mr. Marraccini has committed a further federal criminal act in
16 violation of 18 U.S.C. § 1513(e) which provides:

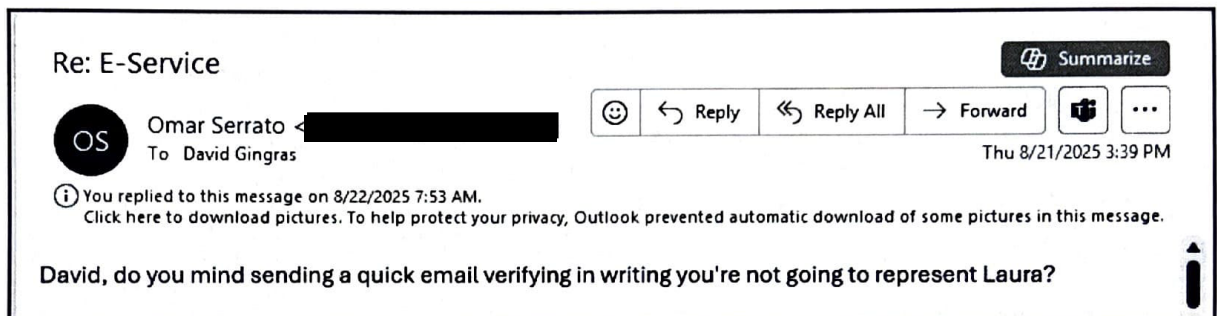
17 (e) Whoever knowingly, with the intent to retaliate, takes any action
18 harmful to any person, including interference with the lawful employment
19 or livelihood of any person, for providing to a law enforcement officer any
20 truthful information relating to the commission or possible commission of
21 any Federal offense, shall be fined under this title or imprisoned not more
22 than 10 years, or both.

<https://www.law.cornell.edu/uscode/text/18/1513>

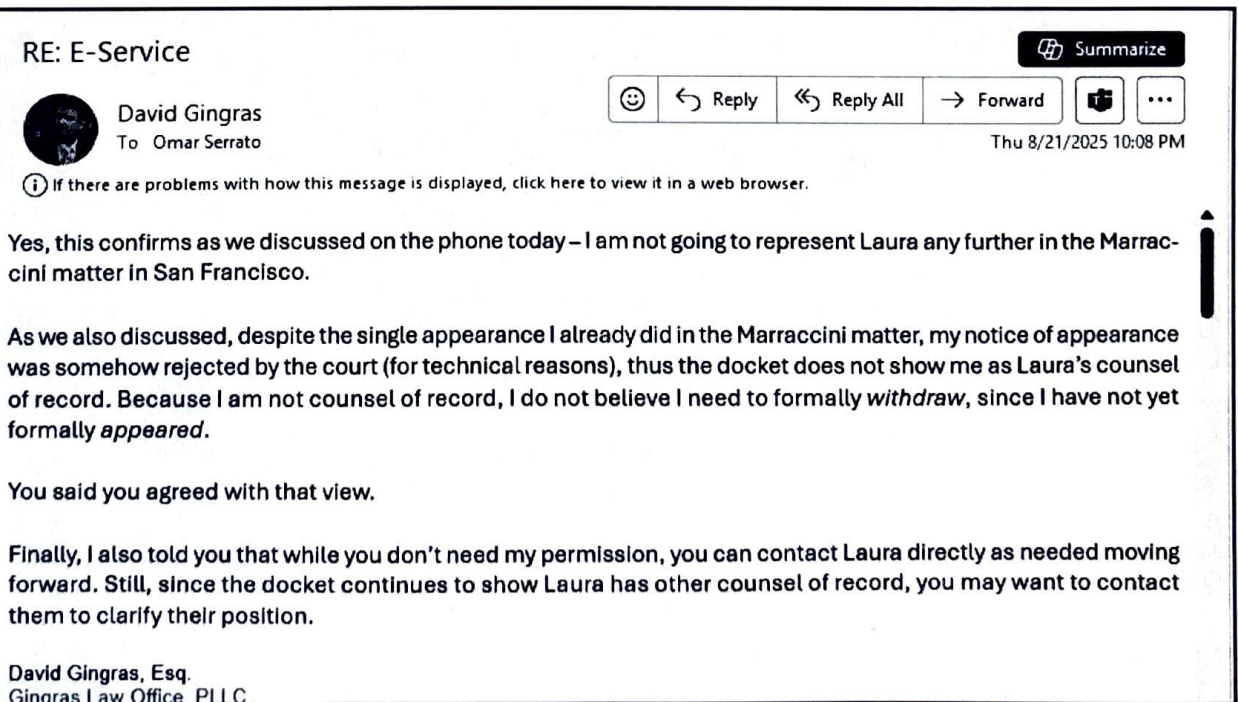
23 30. For that reason, among many others, I firmly rejected Mr. Serrato's argument
24 that it would be unethical or improper for me to continue representing Laura in this
25 matter. Nevertheless, in an abundance of caution and with a goal of *reducing* the
26 contentiousness of this case, after discussing the situation with Laura, I decided I would
27 continue to participate in this matter as a supporting witness, but I would not act as
28 Laura's attorney in any capacity regarding this case.

1 31. I called Mr. Serrato to inform him of this decision on August 16, 2025.
2 According to my phone records, that call lasted 16 minutes. During the call, I told Mr.
3 Serrato that I no longer represented Ms. Owens with respect to this case, and that I would
4 not appear as a lawyer on her behalf at any future hearings. I also told him that I would
5 continue to participate as a witness, but beyond that, Laura would be representing herself,
6 and that he should contact her directly if he had any further questions about the case.

7 32. Following our telephone discussion, on August 21, 2025, Mr. Serrato sent me
8 an email asking me to confirm, in writing, that I no longer represented Laura in this case.
9 Mr. Serrato's message is shown below.



16 33. I immediately responded to Mr. Serrato's request with an email shown below:



1 34. Unfortunately, although I believed I sent the email to Mr. Serrato shown above
2 (dated 8/21/2025), the next morning I saw the email to Mr. Serrato appeared to still be
3 open and unsent on my desktop (although the email does appear in my sent message
4 folder along with all other outgoing emails). Based on this, it was not clear that the
5 message was sent or delivered, so the following morning, I sent a shorter second email
6 (shown below) which again confirmed: "I no longer represent Laura in the Maraccini
7 DVRO matter."

RE: E-Service



David Gingras

To Omar Serrato



Reply



Reply All



Forward



Summarize

Fri 8/22/2025 7:54 AM

Omar,

As we discussed on the phone yesterday, I no longer represent Laura in the Marraccini DVRO matter.

David Gingras, Esq.
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David@GingrasLaw.com

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16
17 35. A few minutes later, on August 22, 2025, I received a reply from Mr. Serrato
18 confirming he received my email verifying that I was no longer representing Laura in the
19 DVRO case.

Re: E-Service



Omar Serrato >

To David Gingras



Reply



Reply All



Forward



Summarize

Fri 8/22/2025 7:58 AM

Thanks David.

On Fri, Aug 22, 2025, 7:53 AM David Gingras <> wrote:

1 36. Based on these events, I was shocked when I learned that on August 25, 2025,
2 Mr. Serrato filed a Motion to Disqualify me from acting as Laura's counsel in this case.
3 One of the many reasons I decided *not* to continue representing Ms. Owens was to *avoid*
4 even the mere appearance of impropriety (even though I believed Mr. Serrato's conflict-
5 of-interest arguments were specious).

6 37. I also did not want to burden this Court with needless motion practice over the
7 propriety of my participation. The simple fact is that regardless of whether I act as
8 Laura's counsel of record, I am still a percipient witness in this case. Thus, even if Laura
9 represents herself without counsel, I can and will tell this Court what I saw, and will
10 testify about the events leading up to this point. For that reason, I did not think remaining
11 as Laura's counsel of record was sufficiently important to justify challenging Mr.
12 Serrato's position, even though I disagreed with it.

13 38. It is clear to me that Mr. Serrato intentionally lied to this Court about the facts
14 and has attempted to actively mislead this Court about the truth. This conclusion is based
15 on, among other things, the extremely careful wording shown below, wherein Mr. Serrato
16 claims that I told him, both verbally and in writing that I "do[] not intend to represent
17 Laura Owens in these proceedings."
18

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

25 39. I believe Mr. Serrato used this line to make it appear that he did not *completely*
26 lie to the Court. After all, he *kind of* mentions the written and verbal discussions between
27 counsel (which is good), but rather than telling the Court what I *actually* said (that I no
28 longer represent Laura in this case), Mr. Serrato changed the quote to make it appear far

1 more uncertain and unequivocal; i.e., Mr. Serrato avowed that I am *continuing to*
2 represent Ms. Owens in this case and that I have somehow refused to clarify that the
3 attorney-client relationship has actually been terminated.

4 40. Based on my past dealings with Mr. Serrato, I have no question that he
5 intentionally gave this Court a false and misleading impression of what occurred, and that
6 he did so for the specific purpose of filing a pleading that contained serious allegations of
7 misconduct on my part which Mr. Serrato knew were entirely false.

8 41. I am also confident that Mr. Serrato did this for one primary purpose – to give
9 his YouTube friends fodder to create additional videos attacking me, exactly as Mr.
10 Serrato has done over and over and over during the past year.

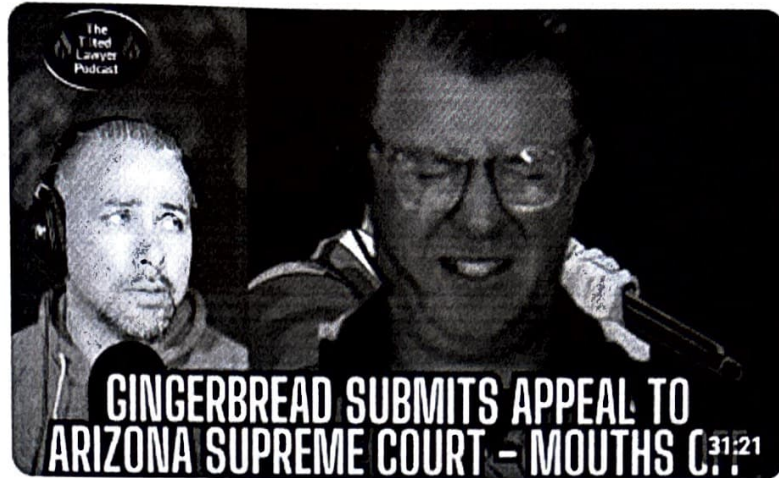
11 42. According to YouTube, Mr. Serrato has posted more than 400 videos on his
12 channel, here: <https://www.youtube.com/@thetiltedlawyer/videos>. Although certainly not
13 all of these videos are focused on myself or Laura, a large number of them are, and
14 virtually every one is insulting, disparaging, and in many cases, defamatory. In many
15 instances, Mr. Serrato insults my unusual French-Canadian surname, referring to me as
16 “Dingus”, “Gingy”, “Gingerbread”, and often “Douchebag” or “Douche canoe”.

17 43. In these monetized videos, Mr. Serrato frequently steals photographs of me
18 from my social media pages and uses them without my permission as part of his video
19 “thumbnails”. Just a few examples are shown below.



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28 **David Gingras Complaint Against
Judge Mata Dismissed: Did He Lie?**

1.3K views • 6 months ago



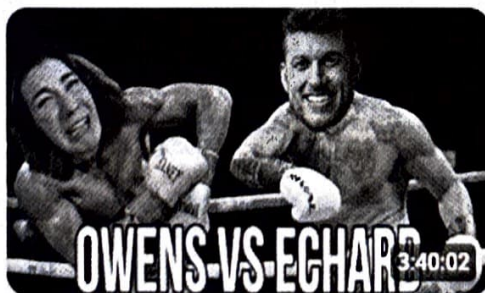
Gingras Doesn't Want t Our Invitation

4.1K views • Streamed 11 months

 The Tilted Lawyer

David Gingras called out the imagi
interested in the Truth, that truth c

44. In addition to personally insulting and attacking me, Mr. Serrato also frequently publishes scathing, exceptionally cruel personal attacks against Laura, often portraying her as being physically assaulted by Mr. Echard. Mr. Serrato also frequently uses cruel, humiliating images of Laura crying, juxtaposed with the smiling faces of his friends taking pleasure in Laura's pain.



Tilted E
The Tilted

Clayton Echard vs Jane Doe The
Gloves Are Off Round 2 Ding Ding

4.8K views • 1 year ago

1 45. In my nearly 25 years of practice, I have worked on a large number of major,
2 important cases in both state and federal court, many of which were extremely
3 contentious. I have litigated cases before the California Court of Appeal, as well as
4 appearing on behalf of *amicus curiae* before the California Supreme Court. I have
5 obtained multiple favorable published decisions from state and federal trial and appellate
6 courts across the country.

7 46. Based on my experience handling a large amount of contentious litigation, I
8 am used to seeing rude, disrespectful, and unprofessional conduct by opposing counsel.
9 This is thankfully rare, but it is something I have dealt with many times over the years.

10 47. Mr. Serrato's conduct, as described above, is markedly different.

11 48. Mr. Serrato's actions are not merely unprofessional; they are cruel, malicious,
12 threatening, and personally vicious to a degree I have never seen from any lawyer, in any
13 case, anywhere in this country.

14
15 Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury under the laws of the
16 United State of America and the State of Arizona that the foregoing is true and correct.

17
18 DATED September 12, 2025.

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20 
21 David S. Gingras
22 Intervenor
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