

ILENE J. LASHINSKY (AZ #3073)  
United States Trustee  
District of Arizona

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IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE DISTRICT OF ARIZONA

In re: ) Chapter 7  
LAURA OWENS, )  
 ) Case No. 2:25-bk-11801-BKM  
 )  
Debtor. ) **UNITED STATES TRUSTEE'S**  
 ) **OBJECTION TO MOTION FOR**  
 ) **LEAVE TO ENTER LIMITED SCOPE**  
 ) **APPEARANCE**

The United States Trustee (“UST”), by and through the undersigned counsel, files this Objection to Motion for Leave to Enter Limited Scope Appearance (Docket #37) filed by David S. Gingras (“Gingras”) and respectfully submits the following:

## **MEMORANDUM OF POINTS AND AUTHORITIES**

Debtor, Laura Owens ("Debtor"), filed her voluntary Chapter 7 bankruptcy petition in this case on December 8, 2025. *See Docket #1.* Debtor filed her petition *pro se*, and no attorney has entered an appearance on her behalf.

On February 9, 2026, Debtor appeared and testified at a continued meeting of creditors pursuant to Bankruptcy Code, 11 U.S.C. (“Code”), section 341(a) (the “341 Meeting”). The UST briefly examined Debtor under oath at the 341 Meeting. During the

1 examination, it became clear to the UST that a more extensive examination pursuant to  
2 Fed. R. Bankr. P. 2004 (“Rule 2004”) would be necessary. Accordingly, after the 341  
3 Meeting concluded, the UST filed a motion to obtain documents and examine the Debtor  
4 pursuant to Rule 2004 (“Rule 2004 Motion”). *See Docket #34.*

5 The Court granted the UST’s Rule 2004 Motion on February 12, 2026. *See*  
6 *Docket #36.* On the same date, attorney Gingras filed the instant Motion for Leave to  
7 Enter Limited Scope Appearance (“Motion to Appear”). *See Docket #37.* The UST now  
8 objects to that motion for two essential reasons: (1) the Local Rules strictly prohibit the  
9 limited scope appearance that Gingras requests, and (2) Gingras is disqualified from  
10 representing the Debtor based on conflict of interest. The UST has no objection to  
11 Debtor’s retention of counsel. The UST only objects to the limited scope representation  
12 that Gingras proposes.

13 **I. There is No Legal Basis to Disregard Local Rule 9010-1(c)(1)**

14 Local Rule 9010-1(c)(1) states as follows:

15 An attorney who files a debtor’s bankruptcy petition, or who files a notice of  
16 appearance on a debtor’s behalf, must represent the debtor in all matters, other  
17 than adversary proceedings, until the case is closed or the Court enters an order  
approving withdrawal or substitution of counsel.

18 Local Rule 9010-1(c)(1). The 2018 Notes to this Local Rule state that “[t]he Court will  
19 enforce this obligation regardless of any limitation contained in any retention agreement  
20 between the attorney and the debtor.” *Id.*

21 Despite this firmly established rule, Gingras asks this Court to allow him to  
22 “provide *some* legal services to [Debtor] on a *pro bono* basis but not without any pre-  
23

1 established limits.” *See Motion to Appear, Docket #37, at 3 (emphasis in original).* He  
2 seeks permission to represent the Debtor for sixty (60) days with the option to continue  
3 that representation in his sole discretion. *Id.* Significantly, Gingras will not  
4 unconditionally commit to representing the Debtor for a full sixty (60) days. Rather,  
5 Gingras states, “[i]f the amount of work required by additional discovery requests from  
6 the trustee or any creditors becomes excessive, undersigned counsel may terminate his  
7 representation.” *Id.*

8 Local Rule 9010-1(c)(1) was specifically designed to prevent precisely the type of  
9 “limited scope” representation that Gingras is proposing. The reason underlying such a  
10 rule was best explained by the court in *In re Seare*, 493 B.R. 158, 181 (Bankr. D. Nev.  
11 2013):

12 [Lawyers] cannot indiscriminately dismiss clients at their whim, or even if their  
13 clients don't pay on time. Lawyers are professionals that owe fiduciary duties to  
14 their individual clients, and must continue to represent them even if initially rosy  
15 predictions turn sour. AM. BAR ASS'N, SECTION OF LITIG., HANDBOOK ON  
LTD. SCOPE LEGAL ASSISTANCE 91 (2003) (“ABA HANDBOOK”); see  
RESTATEMENT (THIRD) OF LAW GOVERNING LAWYERS § 16 (2000).

16 Moreover, allowing Gingras to enter a limited scope appearance will needlessly  
17 complicate the process of obtaining stipulations, exchanging documents, and  
18 communicating about various aspects of the Debtor's case. For example, it appears that  
19 Gingras' proposed limited scope appearance would not cover issues pertaining to  
20 adversary proceedings. The UST's investigation of the Debtor is for the express purpose  
21 of a potential adversary proceeding under Code section 727, as stated in the UST's Rule  
22 2004 Motion. Would Gingras be responsible for stipulations pertaining to adversary  
23

1 proceeding deadlines? If not, would counsel for the UST be required to communicate  
2 directly with the Debtor with respect to some but not all issues in this case? The  
3 confusion as to what issues Gingras will be handling and for how long he will be  
4 appearing is too burdensome to justify the requested deviation from Local Rule 9010-  
5 1(c)(1).

6 Gingras offers no compelling factual or legal basis to wholly disregard the firmly  
7 established Local Rule prohibiting limited scope appearances. Therefore, the Court  
8 should reject Gingras' request and hold that Gingras must either enter a notice of  
9 appearance subject to Local Rule 9010-1(c)(1) or not appear at all in this case.

10 **II. Gingras Has a Conflict of Interest**

11 Debtor's largest creditor in this case is Clayton Echard ("Echard"). The debt owed  
12 to Echard arises out of a paternity suit filed by Debtor against Echard in state court in  
13 Maricopa County, Arizona ("the Paternity Suit"). During the course of the Paternity Suit,  
14 Debtor testified under oath and filed a sworn affidavit regarding her financial condition  
15 and income.

16 At the Meeting of Creditors in this case, Debtor was questioned about a particular  
17 affidavit filed in the Paternity Suit in which Debtor attested to owning a financial account  
18 with over \$450,000 of funds. In response, Debtor testified that Gingras could explain the  
19 circumstances of that affidavit and offered to allow Gingras to testify at the Meeting of  
20 Creditors.<sup>1</sup>

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21  
22 <sup>1</sup> The UST is in the process of obtaining a transcript of the 341 Meeting.  
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1       In light of the foregoing, Gingras is a potential witness who, according to Debtor's  
2 own sworn testimony, has personal knowledge of highly relevant information concerning  
3 Debtor's sworn statements regarding Debtor's assets and income. Unquestionably, such  
4 information is material to this bankruptcy case and directly bears upon two crucial issues:  
5 (1) whether the Debtor in fact had assets and income that have not been disclosed in this  
6 case, and (2) whether the Debtor made a false oath in this case (or, alternatively, perjured  
7 herself in the Paternity Suit).

8       Rule 3.7 of the Arizona Rules of Professional Conduct, which applies to attorneys  
9 appearing in this Court pursuant to Local Rule 9010-1(a), prohibits a lawyer from acting  
10 as an advocate for a client in a case in which the lawyer is likely to be a necessary  
11 witness.<sup>2</sup> In light of Gingras' knowledge of Debtor's sworn statements pertaining to her  
12 income and assets in connection with the Paternity Suit, Gingras is a potential witness  
13 and, therefore, disqualified from representing the Debtor in this bankruptcy case.

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22       The lawyer may act as an advocate despite being a potential witness only if (1) the testimony relates to an  
23 uncontested issue; (2) the testimony relates to the nature and value of legal services rendered in the case; or (3)  
disqualification of the lawyer would work substantial hardship on the client. *See Rule 3.7 of the Arizona Rules of  
Professional Conduct.*

1 WHEREFORE the UST requests that the Court sustain this objection and deny the  
2 Motion to Appear.

3 RESPECTFULLY SUBMITTED this 17<sup>th</sup> day of February, 2026.

4 ILENE J. LASHINSKY  
5 United States Trustee  
6 District of Arizona

7 /s/ JAG (NY #2520005)  
8

9 JENNIFER A. GIAIMO  
10 Trial Attorney

11 **CERTIFICATE OF SERVICE**

12 This is to certify that on February 17, 2026, a copy of the foregoing pleading was  
13 served on the following:

14 Laura Owens  
15 [REDACTED]  
16 Scottsdale, AZ 85254

17 David S. Gingras, #021097  
18 Gingras Law Office, PLLC  
19 [REDACTED]  
20 Phoenix, AZ 85044  
21 [REDACTED]

22 /s/ Jennifer A. Giaimo  
23

24 JENNIFER A. GIAIMO