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BEFORE THE PRESIDING DISCIPLINARY JUDGE

In the Matter of a Member of
the State Bar of Arizona,

DAVID S. GINGRAS,
Bar No. 021097,

Respondent.

PDJ 2026-9010

**STATE BAR’S RESPONSE TO
RESPONDENT’S MOTION FOR
LEAVE TO EXCEED PAGE
LIMITS**

[State Bar Nos. 24-1692, 24-1826, 24-
2483, 24-2819, 24-3080 and 25-1230]

The State Bar of Arizona, by undersigned bar counsel, moves the Presiding Disciplinary Judge (“PDJ”) to deny Respondent’s request that he be allowed to file a *Motion to Dismiss and, Alternatively, Motion for Summary Judgment* (“*Motion to Dismiss*”) that exceeds the page limitation for motions by over 2-1/2 times that authorized by Rule 7.1(a)(3).¹

Respondent’s *Motion to Dismiss* (and the affidavit and exhibits thereto) is lengthy in part because it addresses some matters that are irrelevant to determining

¹ All references to rules are to the Arizona Rules of Civil Procedure, which are incorporated into the Supreme Court’s lawyer discipline rules, unless otherwise noted.

whether dismissal is appropriate. For example, Respondent raises claims under A.R.S. § 12-751(A), which are moot based on the PDJ's April 14, 2026 order granting in part the State Bar's *Motion for Partial Judgment on the Pleadings* (the State Bar has filed, contemporaneously herewith, a *Motion to Strike Respondent's Motion to Dismiss* on that and other grounds). Respondent's *Motion to Dismiss* included nearly six pages addressing the allegation that he made unprofessional, disparaging remarks about Judge Mata and three pages of "Additional Issues." He also submitted 28 pages of disclosure statements as exhibits to his affidavit in support of his *Motion to Dismiss*, which are not, themselves, proof of the factual assertions in his motion. Furthermore, the *Motion to Dismiss* included assertions of fact that remain disputed (*see Coleman v. City of Mesa*, 230 Ariz. 352, 363, ¶ 46 (2012) ("In adjudicating a Rule 12(b)(6) motion to dismiss, . . . a court does not resolve factual disputes between the parties on an undeveloped record.")).

Requiring Respondent to file separate motions under Rules 7.1 and 56 would likely limit, to some extent, Respondent's need to exceed the 17-page limit for motions.

Conclusion

Based on the foregoing, the State Bar moves the PDJ to (a) deny Respondent's motion to exceed the page limit for motions (at least to the extent his *Motion to Dismiss and, Alternatively, Motion for Summary Judgment* exceeded the

17-page limit by 29 pages), (b) enter an order granting Respondent's request to exceed the page limit by an amount deemed reasonable and appropriate by the PDJ, and (c) enter an order limiting the number of pages for Respondent's affidavit and exhibits, which would prohibit the inclusion of irrelevant text and exhibits.

DATED this 20th day of April, 2026.

STATE BAR OF ARIZONA

/s/ James D. Lee
James D. Lee
Senior Bar Counsel

Original filed with the Disciplinary Clerk of
the Office of the Presiding Disciplinary Judge
of the Supreme Court of Arizona
this 20th day of April, 2026.

Copy of the foregoing emailed
this 20th day of April, 2026, to:

Honorable Lisa A. VandenBerg
Presiding Disciplinary Judge
Supreme Court of Arizona

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