BEFORE THE PRESIDING DISCIPLINARY JUDGE

IN THE MATTER OF A MEMBER OF THE STATE BAR OF ARIZONA, **DAVID S. GINGRAS** **Bar No. 021097** **Respondent.**	**No. PDJ 2026-9010** **AFFIDAVIT OF DAVID S. GINGRAS IN SUPPORT OF RESPONDENT'S MOTION TO DISMISS/SUMMARY JUDGMENT**

I, David S. Gingras hereby swear and affirm under penalty of perjury as follows:

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 Arizona (since 2004) and California (since 2002). 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.

3. On July 8, 2024, I filed an affidavit in *Owens v. Echard* in which I described the basis for allegations of misconduct I made against the trial judge, Julie A. Mata. That affidavit was submitted to this Court as Exhibit 105 to my Request for Judicial Notice ("RJN"). That affidavit is also available online here:

https://www.appeals2.az.gov/APL2NewDocs1/COA/1061/3954173.PDF

4. At the time I submitted that affidavit in July 2024, every statement in it was true and correct to the best of my knowledge.

5. Today I reviewed my July 8, 2024 affidavit and can confirm, once again, that everything in the affidavit remains true with only the following updates:

- In several places, I described the number of followers of certain social media accounts, and the number of posts made by some of those accounts, and by me, regarding the *Owens v. Echard* case. All of the numbers in my affidavit were accurate at the time (in July 2024). In the nearly two years that have passed since then, the number of posts/social media followers have increased significantly.
- In ¶ 67 of the affidavit, I provided a link to a YouTube page where a video could be viewed showing several people making allegations concerning Judge Mata and her father. That link is no longer working, but the same content is available on my website here: https://gingraslaw.com/Howe.mp4 or on YouTube here: https://youtu.be/CikQPcq-RAw

6. I incorporate all of the statements in my July 8, 2024 affidavit by reference here and I reaffirm the accuracy of those statements in all respects except as noted above.

7. On March 18, 2026, I submitted a declaration in this matter which is available here: https://gingraslaw.com/wp-content/uploads/2026/03/Gingras-Decl.-re-Motion-for-Judgment-on-Pleadings-PDJ2026-9010-conformed.pdf

8. Everything in my March 18, 2026 declaration was true and correct to the best of my knowledge at the time I executed the declaration, and those facts remain accurate today. I also incorporate all facts in that declaration by reference here.

9. I am submitting this affidavit in support of my Motion to Dismiss/Motion for Summary Judgment in this matter. Rather than repeating all of the factual history of *Owens v. Echard* (which is exceptionally complicated), I will only address those facts which are relevant to the issues raised in my motion.

FACTS RELEVANT TO CLAIM 1
VIOLATION OF A COURT ORDER

10. I am aware the Complaint in this case accuses me of violating a court order by publishing information the court had ordered to be sealed or otherwise protected. That claim is 100% false as a matter of fact. I did not violate any order at any time.

11. Immediately after Ms. Owens retained me on March 25, 2024, one of the first things I did was to ask her whether the court had issued a protective order. Her response was: "No, I asked for a protective order multiple times, but the judge denied every one of those requests."

12. After Ms. Owens told me the court denied multiple requests for a protective order, I reviewed the docket and confirmed her statements were accurate – I found Ms. Owens made three separate requests for confidentiality/sealing orders, all of which were denied in full.

13. As I discussed in more detail in my March 18, 2026 declaration filed in this case, I also noted that in his pleadings, Mr. Woodnick angrily opposed Ms. Owens' second

request for a protective order, arguing any order prohibiting the parties from making public statements about the case, or sharing information obtained during the case, would be "unconstitutional".

14. In my March 18, 2026 declaration, I included various quotes from Mr. Woodnick's brief opposing Ms. Owens' request for sealing/confidentiality. Those quotes from Mr. Woodnick's argument are worth repeating:

- "Petitioner's requested relief under Rule 53 constitutes an impermissible prior restraint of protected speech. Beyond that, it also represents tremendous overreach in the use of Rule 53 to diminish Respondent's rights as a litigant." RJN Ex. 43 at 1:21–25 (emphasis in original).

- "Apparently, Petitioner feels she is entitled to what is essentially a backdoor Motion to Seal after this Court already **denied** her attempt. RJN Ex. 43 at 1:27–28 (emphasis in original).

- "**The Court must begin with the presumption that prior restraint on protected speech is dubious and subject to the highest scrutiny.** Petitioner does not address, or even attempt to explain, why prohibiting Respondent from speaking about the issues she brought in this action would withstand Constitutional scrutiny." RJN Ex. 43 at 3:10–14 (emphasis in original).

- "Petitioner's demand would trigger a woefully unnecessary and inappropriate procedure overtly designed to thwart disclosure …. **The fact that discovery may annoy or embarrass Petitioner does not mean that sealing and confidentiality are appropriate remedies."** RJN Ex. 43 at 3:19–4:2 (emphasis in original).

- "Not only is Respondent entitled to the information and discovery necessary to defend against her claims, but he also has a fundamental Constitutional right to discuss the nature of those claims (just like any other litigant). Petitioner is requesting an order that would prohibit Respondent from defending his character in public view despite the fact that she made his character a matter of public interest and that she self-identifies as a public figure. The toothpaste cannot be put back in the tube." RJN Ex. 43 at 5:12–21 (first emphasis added; second emphasis in original).

- "**It is premature to designate as confidential documents, recordings, or records that do not exist and have not yet been produced.** To the extent a response to this assertion is warranted, there is nothing to be designated confidential." RJN Ex. 43 at 8:24–27 (emphasis in original).

15. Again, Mr. Woodnick's final statement to the court was clear and unequivocal: "**there is nothing to be designated confidential**."

16. I have been practicing law for around 25 years. During that time, I have personally litigated hundreds of First Amendment cases in both state and federal court.

17. Based on that experience, I know courts typically CAN issue lawful orders preventing parties from disclosing certain types of information obtained in discovery. For example, in my experience it is common for courts to issue protective orders limiting the disclosure of certain types of information such as financial records, proprietary/trade secret information, and personal medical records *of the opposing party*.

18. Although courts routinely order a party not to disclose private/confidential information they received *from the opposing party*, in 25 years of experience I have never seen a judge order a party not to publicly disclose *their own records or similar information*.

19. I am also extremely familiar with the circumstances under which courts can allow or order information to be filed under seal. Based on that experience, I know sealing orders are extremely technical and complicated, and they involve numerous procedural requirements to ensure absolute clarity for the lawyers and litigants.

20. Attached hereto as Exhibit A is a copy of my Third Supplemental Disclosure Statement submitted in this matter. As I explained in this statement, in my practice as a

civil litigator, I have often dealt with both protective orders and sealing orders, so I am very familiar with the standards for both.

21. Based on my knowledge, experience, and training as a civil litigator with decades of experience, I know exactly what a protective order looks like, and I know what a sealing order looks like. In *Owens v. Echard*, the trial court never, at any time, issued either a protective order or a sealing order.

22. I am aware that on February 21, 2024, Judge Mata issued a lengthy minute entry ruling (RJN Ex. 60) which resolved multiple issues. In that document, Judge Mata issued several orders, including an order DENYING Ms. Owens' counsel's request for reconsideration regarding confidentiality.

23. In that same ruling, Judge Mata included an observational comment stating: "LET THE RECORD FURTHER REFLECT that no party shall disclose outside of themselves any medical or other documentation (exhibits, medical records, etc.) disclosed between the parties." RJN Ex. 60.

24. My understanding of that language, based on discussions with Ms. Owens and my review of the file as a whole, is this: although Judge Mata denied Ms. Owens' multiple requests for confidentiality, she nevertheless did not want Mr. Echard's counsel (Gregg Woodnick) abusing those rulings by *gratuitously* sharing Ms. Owens' medical records on social media.

25. That conclusion was based on the fact that Mr. Echard never disclosed any medical records at all, so the comment about the parties not disclosing "outside of themselves any medical or other documentation (exhibits, medical records, etc.) disclosed

between the parties" could only have been meant as a restriction on Mr. Woodnick's ability to share information he obtained from Ms. Owens.

26. Alternatively, "LET THE RECORD REFLECT" may have documented some sort of agreement made between Ms. Owens' prior counsel and Mr. Woodnick. I do not know if that was the case because Mr. Woodnick refused to discuss the matter with me, and Ms. Owens' prior counsel (Cory Keith) was also not helpful after I was retained.

27. Despite the language stating: "no party shall disclose outside of themselves any medical or other documentation", the document (which never said IT IS ORDERED) said nothing about **sealing records** or requiring pleadings to be filed under seal.

28. I am aware there is a specific rule that deals with this exact issue — Family Law Rule 17 (entitled "**Sealing, Redacting, and Unsealing Court Records**.")

29. Rule 17 allows material to be filed under seal, but the rule contains multiple mandatory prerequisites. First, the court must make "written findings of fact and conclusions that the specific sealing or redaction is justified." Ariz. R. Fam. L.P. 17(c). Second, the court must find "there exists an overriding interest that overcomes the right of public access to the record." Ariz. R. Fam. L.P. 17(c)(1).

30. The February 21, 2024 minute entry contained none of the findings required by Family Law Rule 17. For that reason, I did not believe the court required (or even allowed) any information to be filed under seal.

31. In addition, shortly after I was retained, I learned that after the February 21, 2024 minute entry ruling was issued, Mr. Woodnick filed unsealed pleadings to which he attached "medical or other documentation" exchanged between the parties.

32. Specifically, a few weeks after the February 21, 2024 ruling was issued, on March 11, 2024, Mr. Woodnick filed an unsealed pleading (a Motion to Compel) containing "medical or other documentation" exchanged between the parties. *See* RJN Ex. 61; available at: https://www.appeals2.az.gov/APL2NewDocs1/COA/1061/3954116.PDF.

33. Paragraph 49 of the Amended Complaint claims that on April 4, 2024, Mr. Woodnick sent me an email in which he stated: "I am also not certain why you are publishing court documents and your client's personal medical records contrary to court order." That allegation is true – Mr. Woodnick did say that in an email.

34. However, the Complaint fails to explain what happened next – immediately after I received Mr. Woodnick's email on April 4, 2024, I sent him a lengthy response. Mr. Woodnick's email was sent at 12:56 PM, and I replied to him at 1:30 PM – literally 34 minutes later. This email exchange is attached as Exhibit B.

35. In my email, I responded to Mr. Woodnick's comment about "publishing court documents and your client's personal medical records contrary to court order" as follows:

> First, I am aware of no court order that would stop Laura from publishing her own medical records. Yes, I am aware there is a minute entry order dated 2/21/24 that says, among other things, "no party shall disclose outside of themselves [odd wording] any medical or other documentation … *disclosed between the parties*."
>
> I was obviously not present when that order was entered, so I may not have the full context, but my reading of this is if *Laura* discloses medical records to you, you can't share them publicly, and if Clayton shares records with us, we can't share them publicly. That's typical, and it is how I read the court's order. If my reading is correct, it does not prohibit Laura from posting her own medical records, which she did solely to rebut false claims from your side that no such records existed. There is nothing nefarious or improper about this.

> If you interpret the order to mean that Laura is somehow *enjoined from publishing her own records* for the purpose of responding to false statements other people are making (including Dave Neal, who Clayton is clearly working directly with), you need to let me know that immediately so I can take the issue up with the judge.
>
> There is clear case law on that issue – a court could *never* issue such an order, which is why I give the minute entry order a narrower reading. Any broader reading would make the order unconstitutional. In fact, the order would be *void ab initio* meaning it could simply be ignored. I know this because I've litigated the identical issue in other cases. *See, e.g., Phoenix Newspapers, Inc. v. Superior Court*, 101 Ariz. 257, 259 (1966) (holding order prohibiting disclosure of details of court hearing violated Arizona constitution and was void; Superior Court has no authority to "foreclose the right of the people and the press from freely discussing and printing the proceedings held in open court.")
>
> Laura's medical records were filed in a pleading submitted to the court and which is a public record. There is no protective order against this (nor would there be any basis for one), so anyone is free to share that information with the public, which is all I did. (emphasis in original)

36. Mr. Woodnick never responded to my statement: "If you interpret the order to mean that Laura is somehow enjoined from publishing her own records … **you need to let me know that immediately so I can take the issue up with the judge."**

37. I interpreted the lack of any response from Mr. Woodnick as an admission from him that my view was correct – i.e., that the court had *not* issued any order that limited Laura's ability to share her own medical records for the purpose of responding to false statements being published by Mr. Echard and Mr. Woodnick.

38. Because Mr. Woodnick appeared to agree with my interpretation of the order, I saw no reason to seek further clarification from the court. If Mr. Woodnick believed that I had, in fact, violated a court order, he could and should have raised that issue directly with Judge Mata. He never did so.

FACTS RELEVANT TO CLAIM 2
9-1-1 CALL RE: MICHAEL MARRACCINI

39. I understand the bar accuses me of engaging in misconduct involving "witness intimidation" related to a person named Michael Marraccini. That allegation is patently false. It is also based on an intentional and misleading omission of additional details regarding this issue.

40. After I was retained by Ms. Owens on March 25, 2024, I attempted to interview all witnesses disclosed by Mr. Woodnick. One such witness was Michael Marraccini who I understood was an ex-boyfriend of Ms. Owens from San Francisco.

41. Although Family Law Rule 49 required Mr. Woodnick to disclose the names **and addresses** of all witnesses he intended to call, the only contact information provided by Mr. Woodnick for Mr. Marraccini was a lawyer in California named Randy Sue Pollock.

42. In mid-April 2024, I called Ms. Pollock to discuss Mr. Marraccini's testimony. During the initial call, she told me she had never heard of *Owens v. Echard* and she did not believe Mr. Marraccini intended to testify in the case. I asked her to verify this and to please send me an email letting me know either way.

43. On April 19, 2024, I received an email from Ms. Pollock which stated: "Mr. Gingras, My client will not be testifying." I responded and thanked her for letting me know.

44. A few days later, Mr. Woodnick disclosed new evidence (text messages between Ms. Owens and Mr. Marraccini) which made it appear Mr. Marraccini was, in fact, planning to testify at trial, contrary to what Ms. Pollock had just told me days earlier.

45. On May 6, 2024, I called Ms. Pollock to request clarification regarding Mr. Marraccini's position. During that call, I told Ms. Pollock that if Mr. Marraccini wanted to testify, that was fine with me. I also explained that Rule 49 of the Rules of Family Law Procedure required Mr. Woodnick to disclose a description of Mr. Marraccini's testimony (which Mr. Woodnick failed to do). I told Ms. Pollock that if Mr. Marraccini was planning to testify, I was entitled to speak to him beforehand which could be done in either an informal interview or a deposition.

46. In response to those comments, Ms. Pollock became extremely hostile and angry. She specifically told me: "we are not willing to cooperate with you."

47. I responded and told her that cooperation was not optional, if Mr. Marraccini wanted to testify. I told her I had a right to depose any/all witnesses, including Mr. Marraccini, and that he was legally obligated to cooperate if he wanted to testify.

48. Ms. Pollock's response to that was: "Well maybe Mr. Marraccini won't testify, but he will just show up as a spectator at trial."

49. After Ms. Pollock said this, I reminded her that Ms. Owens had a valid domestic violence restraining order (DVRO) against Mr. Marraccini, attached as Exhibit C, issued by the San Francisco County Superior Court. I knew Ms. Pollock was aware of this because she represented Mr. Marraccini in the DVRO case for several years.

50. I further reminded Ms. Pollock that if Mr. Marraccini engaged in interstate travel with the intent to violate the California order, that would constitute a serious federal crime. In making those remarks, my email to Ms. Pollock (attached as Exhibit D) was exceedingly clear:

1.) If Mr. Marraccini intends to testify at trial, then I have an absolute right to know this, and I have a right to interview him. That interview can be done informally in a phone call, or it can be done formally in a deposition. Either way, refusing to cooperate is NOT an available option IF Mr. Marraccini wants to participate as a trial witness.

2.) On the phone, you suggested Mr. Marraccini may just "show up" at trial rather than participating as a subpoenaed witness (i.e., he would simply choose to be there, either as a spectator, or as a non-subpoenaed witness).

If that is his plan, I need to be clear about our position – if Mr. Marraccini shows up as either a spectator or as a non-subpoenaed witness, Laura will ask the Phoenix Police to have Mr. Marraccini immediately arrested for violating the restraining order issued against him (copies attached).

In short, I agree Mr. Marraccini CAN testify at trial without fear of arrest, provided he complies with the rules of procedure. That means, among other things, I have the right to interview him and take his deposition if necessary.

If Mr. Marraccini does not want to comply with the procedural rules, that's 100% OKAY. I am more than happy if he wants to stay home (assuming he hasn't been lawfully summoned). But if he comes within 100 yards of Laura without being compelled to appear by valid subpoena, then he will risk arrest and prosecution for violating the restraining order.

NOTE – Rule ER 3.4(f) of the Arizona Rules of Professional Conduct provides a lawyer shall not: "request a person other than a client to refrain from voluntarily giving relevant information to another party…."

Based on this rule, I assume Mr. Woodnick has not instructed you or Mr. Marraccini to refrain from speaking to me. If that has occurred, it would be a per se violation of the ethical rules.

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).

51. My email to Ms. Pollock could not have been any clearer – I did not say anything that was intended to "intimidate" Mr. Marraccini nor did I attempt to prevent him from testifying. On the contrary, I understood that IF Marraccini had relevant testimony, Mr. Woodnick was entitled to obtain that testimony from him and present it to the court. I had no objection whatsoever to that happening.

52. At the same time, while Mr. Woodnick had the right to obtain relevant testimony, he had a corresponding duty to disclose a summary of that testimony to me before trial (an obligation he violated). Because Mr. Woodnick violated the disclosure rules, I was lawfully entitled to ask the court to exclude Mr. Marraccini as a witness based on non-disclosure pursuant to Family Law Rule 65(b)(1) (which I later did).

53. At no time did I ever suggest that Ms. Owens' DVRO against Mr. Marraccini could serve as an independent legal basis for excluding Mr. Marraccini's testimony. I did not think that was true at the time, and I do not believe that today.

54. Rather, my position was that Mr. Marraccini simply needed to comply with the DVRO *while testifying*. In other words, Mr. Marraccini could have appeared by phone, by Zoom, or Mr. Woodnick could have presented his testimony by deposition. The court also could have simply allowed Ms. Owens to leave the room before Mr. Marraccini took the stand. None of those options were used because Judge Mata refused to allow me to be heard on this issue prior to very start of trial.

55. On the morning of June 10, 2024, Ms. Owens told me she saw Mr. Marraccini violate the DVRO by coming less than 100 yards away from her in the parking lot of the courthouse. She told me she was "absolutely terrified" and that she "didn't know if she could go through with this" ("this" meaning sitting in a room with Mr. Marraccini). Ms. Owens further told me that she felt she "had to leave" the court unless I did everything possible to have law enforcement keep Mr. Marraccini away from her, as the order specifically required.

56. Based on Ms. Owens' request and to prevent her from walking out, I contacted Superior Court security and informed them of the violation of the order by Mr. Marraccini. Security personnel told me they could not enforce court orders, and they said my only option was to call Phoenix Police, which I did.

57. When Phoenix Police arrived, I handed them a copy of the California DVRO, and a copy of 18 U.S.C. § 2262 which is the relevant provision of the Violence Against Women Act (VAWA) which required the California order to be enforced in Arizona. I had that statute with me because I anticipated some confusion over this issue, so I wanted to help the police understand the legal requirements of VAWA.

58. Over my 20+ years as an attorney, I have handled many family court cases, including cases involving restraining orders and harassment injunctions. Based on that experience, I know such orders are taken extremely seriously, and I have personally seen clients arrested and incarcerated for even minor, unintentional violations of protective orders. For instance, in one case I had a client who simply called his office to check messages, and his ex-wife, who had obtained a protective order against him, answered the

phone because she worked for the same company. That client was later arrested and spent six months in jail for unintentionally violating the protective order by making a single phone call to his own workplace (he owned the company).

59. Prior to arriving at court on June 10, 2024, I spent several hours doing legal research into the question of whether an Arizona subpoena could somehow excuse the violation of a California DVRO. I found no legal authority to support that position.

60. Instead, beyond the plain language of VAWA itself, I also reviewed Rule 28 of the Arizona Rules of Protective Order Procedure which provides: "When two parties have obtained conflicting protective orders, both orders must be given full force and effect …." That rule supported my view that even if Mr. Woodnick had served Mr. Marraccini with a valid subpoena to appear (which I was not aware of on June 10, 2024), that subpoena (to the extent it was analogous to a court order) would *not* be sufficient to override the California DVRO. Instead, both the subpoena and the DVRO were required to be given full force and effect.

61. Based on my research, I understood that Mr. Marraccini could appear at trial (because the subpoena constituted legal process requiring him to appear), but at the same time, he was obligated to stay 100 yards away from Ms. Owens.

62. In other words, I saw no valid reason why Mr. Marraccini could not comply with *both* orders – the DVRO and the subpoena.

63. Mr. Marraccini never testified at trial because Mr. Woodnick never called him as a witness.

FACTS RELEVANT TO CLAIM 3 – "ASSHOLES"

64. I am aware ¶¶ 109–112 of the Amended Complaint accuse me of sending a private email in which I referred to certain anonymous individuals as "total fucking assholes" and "total fucking psychotic assholes".

65. Those words are accurate. I used them in a private email I sent to a website called Reddit. The purpose of that email was to notify Reddit that one of Mr. Echard's supporters was infringing my copyrighted material by taking videos I was posting on YouTube and creating derivative works which she then posted on Reddit in violation of 17 U.S.C. § 106.

66. The email mentioned the fact I am a lawyer, and I briefly described *Owens v Echard* to offer some context for the request I was making. However, the sole purpose of the email was to enforce my own legal rights under the Copyright Act. I was not acting on behalf of any client; I was acting solely for myself. As such, I was not engaged in the practice of law.

67. As a general rule, I always try to be polite and professional in my dealings with others. However, under appropriate circumstances, I may use colorful language if I believe it is necessary. In this instance, the language I used was entirely necessary.

68. Also, as a lawyer, I am aware that other attorneys sometimes use similar language for effect. As one classic example, in the 1970s, a lawyer sent a letter to the Cleveland Browns football team complaining that fans were throwing paper airplanes during games. The letter was widely considered to be absurd.

69. That view was shared by general counsel for the Browns who responded with this short but extremely famous response:

CLEVELAND STADIUM, CORP.
CLEVELAND STADIUM · CLEVELAND, OHIO 44114
Phone: [redacted]

November 21, 1974

Dale O. Cox, Esquire
[redacted]
20th Floor
One Cascade Plaza
Akron, Ohio 44308

Dear Mr. Cox:

Attached is a letter that we received on November 19, 1974. I feel that you should be aware that some asshole is signing your name to stupid letters.

Very truly yours,

CLEVELAND STADIUM CORP.

James N. Bailey,
General Counsel

JNB:bjn

cc: Arthur B. Modell

See: https://open.substack.com/pub/lettersofnote/p/very-truly-yours?utm_campaign=post-expanded-share&utm_medium=web

70. My use of colorful epithets in my private email to Reddit constituted an exercise of my rights under the First Amendment. I do not believe attorneys are required to waive their First Amendment rights as a condition of joining the bar, except with respect to narrow areas which have been clearly defined by the U.S. Supreme Court.

FACTS RELEVANT TO CLAIM 4 –
"MERITLESS CLAIMS"/ "FALSE EVIDENCE" / "CHANGING STORY"

71. I am aware in ¶¶ 114–177 of the Complaint, the bar accuses me of a variety of misconduct which can be generally summarized as falling into one or more of these categories:

- Knowingly offering false testimony (from Ms. Owens) to the court;
- *Negligently* offering false statements (from Ms. Owens) by failing to "diligently" verify her story;
- Failing to "address" "false or inconsistent" testimony offered by Ms. Owens.

72. With respect to the claim that I *knowingly* offered false testimony from Ms. Owens, this is 100% categorically untrue, and the state bar has no evidence of any kind to support it. I did not *knowingly* offer any false testimony at any time. That allegation is blatantly false and defamatory.

73. When I first appeared in *Owens v. Echard* in late March 2024, the case had been pending for nearly 8 months and the paternity aspect was effectively over. When I appeared in the case in March 2024, Ms. Owens was no longer pregnant and was not claiming to be pregnant. Therefore, her paternity petition was moot.

74. When I appeared in the case, there were only three issues remaining to resolve: first, Mr. Woodnick's Motion to Compel, RJN Ex. 61, second, his Motion for Rule 26 Sanctions, RJN Ex. 33, and third his Motion for Relief based on Fraud. RJN Ex. 77.

75. The Motion to Compel was resolved just days after I first entered the case because the court *granted* Mr. Woodnick's motion after denying my request for an extension of time to respond. *See* RJN Ex. 72. Although I believed the order granting the Motion to Compel was obtained by fraud on the part of Mr. Woodnick, I nevertheless complied, in full, with that order the same day it was issued.

76. As for the issue of Rule 26 sanctions, Mr. Woodnick withdrew that motion on April 3, 2024, *see* RJN Ex. 68, after I informed him the motion was groundless because he filed it without complying with *any* of the mandatory prerequisites of Rule 26. Mr. Woodnick conceded that issue and chose to withdraw the Rule 26 motion rather than facing sanctions for filing a frivolous pleading.

77. That left only one other thing — the Motion for Relief Based on Fraud which the court later denied. *See* RJN Ex. 103.

78. Given the relatively narrow issues involved, and given Ms. Owens' limited budget, I believe I exercised appropriate diligence at every step of the case.

79. At the time the relationship began, Ms. Owens freely admitted to modifying a sonogram by changing the name of the facility where she claimed it was done from Planned Parenthood to Southwest Medical Imaging. This admission was not news. During her deposition on March 1, 2024, Ms. Owens admitted to altering the sonogram. This happened weeks before I was first retained.

80. Although bar counsel clearly believes the sonogram was of the utmost importance and that I should have spent endless amounts of time and money trying to verify it, this view overlooks a key problem – sonograms are not relevant to a paternity action. In fact, a sonogram cannot be used to establish paternity under any circumstances.

81. The reasons for this are explained in Respondent's First Supplemental Disclosure Statement, a copy of which is attached as Exhibit E.

82. Under Arizona law, paternity in a contested action must generally be established (or disproven) with a DNA test. Under A.R.S. § 25–814(A)(2), paternity may be established if: "**Genetic testing** affirms at least a ninety-five per cent probability of paternity."

83. Sonograms do not reveal any information about a father's DNA. Accordingly, they are not relevant nor admissible in a contested paternity case.

84. Furthermore, at the most basic level, when Respondent was first retained to represent Ms. Owens, the only real pending issue was whether Ms. Owens had *any reasonable* basis to think she *might* be pregnant with Mr. Echard's child at the time the case was commenced. Even if Ms. Owens was never pregnant at all, or if she was pregnant and Mr. Echard was excluded as the father by a DNA test, those circumstances would not warrant sanctions as long as Ms. Owens had *any* reasonable basis to think she could be pregnant with Mr. Echard's child/children.

85. Although a sonogram (if validated) might be relevant to show that Ms. Owens was pregnant with *someone's* child, this evidence was ultimately of minimal importance in the case. The reason for that was (according to Ms. Owens' medical expert),

there was more than enough other evidence of a pregnancy to meet the extremely low threshold necessary to avoid sanctions.

86. Specifically, aside from the sonogram, Ms. Owens had multiple positive pregnancy tests prior to commencing the action against Mr. Echard which (at the time of trial) appeared to be uncontested. I am aware that after the trial ended, new evidence was obtained which may call into question the accuracy of those positive tests, but I was not aware of any such evidence at the time of trial.

87. One of those tests was provided to Ms. Owens by Mr. Echard at his home on June 19, 2024. The test appeared to show a positive result. Mr. Echard later took a photo of the positive result and attached it to an email sent on June 21, 2023 (which was Ms. Owens' trial exhibit A2, attached as Exhibit F).

88. In that email, contrary to representations made by Mr. Woodnick to the court in which he avowed pregnancy was *impossible* because only oral sex occurred, Mr. Echard admitted there was sufficient contact to make pregnancy possible:

---------- Forwarded message ---------
From: **Clayton Echard** <[redacted]>
Date: Wed, Jun 21, 2023 at 11:15 AM
Subject: Something to Consider
To: Laura Owens <[redacted]>

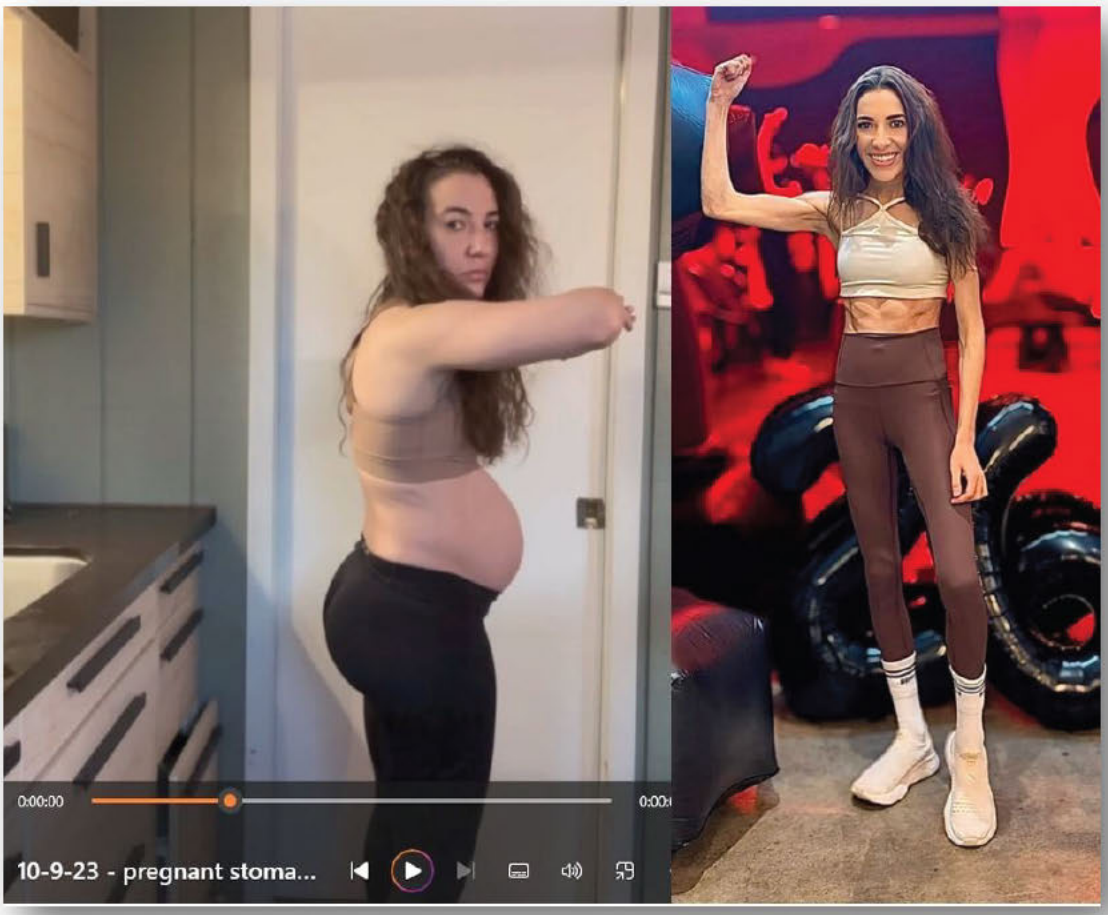
Hey Laura,

I wanted to send over this message because I think it's very important that we are both aware of this possibility that hasn't been discussed yet, but is worth considering.

Even after seeing a positive pregnancy test, I still had doubts in my head. Something was telling me to look deeper into things. So, I did and came up with a theory that could potentially be realistic.

Considering you only performed oral sex on me (and no vaginal penetration occurred), the chances of you being pregnant seem considerably low. Although again, maybe rubbing up against one another allowed a sperm to make its way inside you, but it's a very low probability. Nonetheless, it is one.

89. In addition to Mr. Echard's admission that he personally saw "a positive pregnancy test" and that he had sufficient sexual contact (genital-to-genital rubbing) with Ms. Owens to make pregnancy possible, Ms. Owens also took multiple photos and videos of herself during this time frame which appeared to show substantial weight gain and a swollen abdomen. The side-by-side image shown below shows Ms. Owens on October 9, 2023 (while the case was pending), and then October 2024 (after the case was over).



90. Given that the underlying issue was: "Did Ms. Owens have *any* reason to think she *might* be pregnant?", I believed these facts were more than sufficient to conclusively resolve that issue, regardless of the validity of the sonogram.

91. In fairness, after *Owens v. Echard* ended, the trial judge referred Ms. Owens to the County Attorney's Office for investigation. In May 2025, Ms. Owens was charged by grand jury indictment with perjury, forgery, and tampering with physical evidence (among other things).

92. Based on these events, the state bar presents a conclusory allegation (without any well-pleaded facts to support it), that I must have known Ms. Owens was not truthful about certain aspects of the case. Specifically, in ¶ 134 of the Amended Complaint, the bar claims I learned prior to June 10, 2024 that Ms. Owens lied about going to a Planned Parenthood location in Orange County, California.

93. The allegations in ¶ 134 of the Amended Complaint are 100% categorically false, and the bar has no evidence of any kind to support that defamatory and scurrilous claim.

94. Prior to trial (both in her deposition and in our private conversations), Ms. Owens swore that she went to a Planned Parenthood in Orange County, California.

95. Prior to trial, Ms. Owens never told me that she did *not* go to Planned Parenthood in Orange County. Furthermore, prior to trial Ms. Owens never told me she went to Planned Parenthood in Los Angeles.

96. Unfortunately, I was never able to fully verify this part of her claim despite my best efforts, but I did everything humanly possible to try and verify the accuracy of that story.

97. Among other things, Ms. Owens provided me with her login and password information for a "patient portal" on the Planned Parenthood website. Using that

login/password, I was able to confirm that Ms. Owens did, in fact, have an appointment at a Planned Parenthood location in Orange County in early July 2023. I immediately disclosed that information to Mr. Woodnick. His response was that he already had that information.

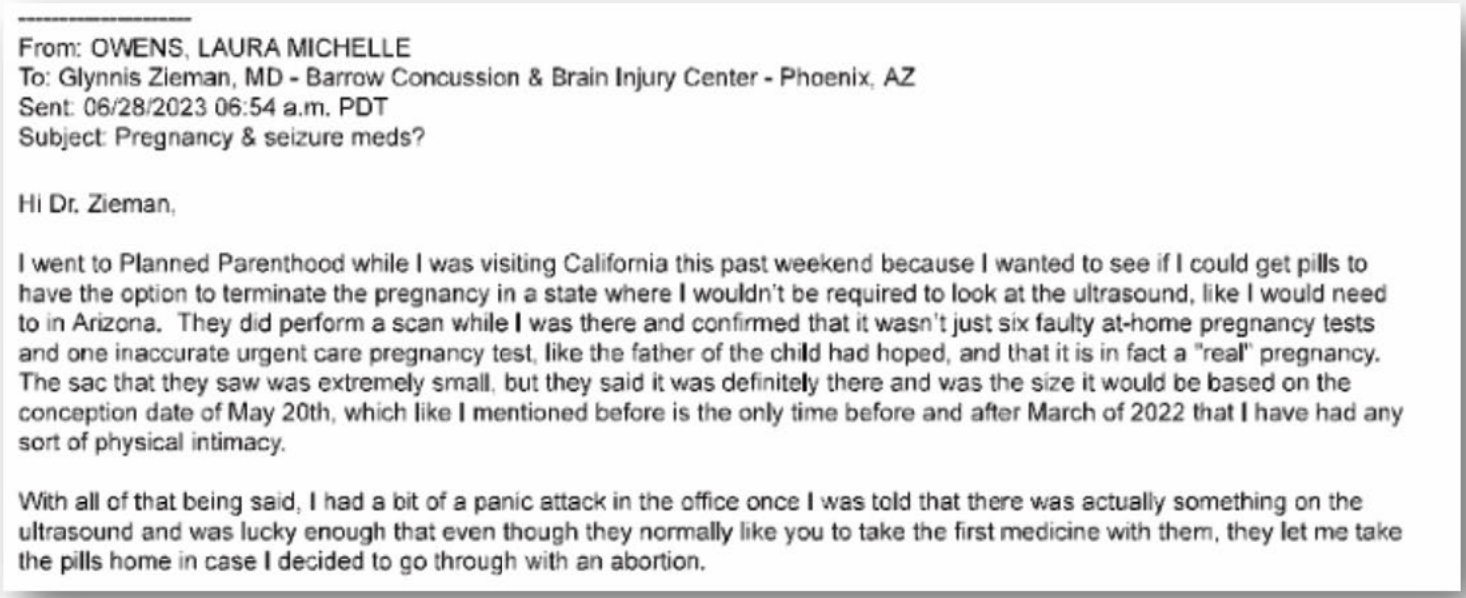
98. Despite this, I was aware (because Mr. Woodnick disclosed this information) that Planned Parenthood had no record of Ms. Owens obtaining a *sonogram* from their Orange County location. When I asked her about this, Ms. Owens stated that she made *two* appointments with Planned Parenthood because she was in southern California on two consecutive weekends for a horse show. Ms. Owens told me that she used her real name for one of the appointments, but that the other appointment was made using a pseudonym.

99. When I asked Ms. Owens to disclose the pseudonym she used, she told me she was unable to remember. She told me her inability to recall the name was due to her taking a lot of prescription drugs at the time for various medical conditions including anxiety and epilepsy.

100. I found that response to be implausible, except for one thing – Ms. Owens' story was corroborated both by her mother (who told me she personally drove Ms. Owens to the Planned Parenthood facility) and also by other evidence.

101. The other evidence included notes contained in other medical records of Ms. Owens, specifically an email Ms. Owens sent to a different doctor (Dr. Zieman; attached as Exhibit G and shown on the next page) on June 28, 2023. In this email, Ms. Owens told Dr. Zieman that she did, in fact, visit Planned Parenthood in California where she had a sonogram performed. This was over a month *before* Ms. Owens filed the case.

Exhibit G



From: OWENS, LAURA MICHELLE
To: Glynnis Zieman, MD - Barrow Concussion & Brain Injury Center - Phoenix, AZ
Sent: 06/28/2023 06:54 a.m. PDT
Subject: Pregnancy & seizure meds?

Hi Dr. Zieman,

I went to Planned Parenthood while I was visiting California this past weekend because I wanted to see if I could get pills to have the option to terminate the pregnancy in a state where I wouldn't be required to look at the ultrasound, like I would need to in Arizona. They did perform a scan while I was there and confirmed that it wasn't just six faulty at-home pregnancy tests and one inaccurate urgent care pregnancy test, like the father of the child had hoped, and that it is in fact a "real" pregnancy. The sac that they saw was extremely small, but they said it was definitely there and was the size it would be based on the conception date of May 20th, which like I mentioned before is the only time before and after March of 2022 that I have had any sort of physical intimacy.

With all of that being said, I had a bit of a panic attack in the office once I was told that there was actually something on the ultrasound and was lucky enough that even though they normally like you to take the first medicine with them, they let me take the pills home in case I decided to go through with an abortion.

102. In light of these facts, although I found certain aspects of Ms. Owens' story to be questionable, and although I certainly would have preferred greater clarity over certain parts of the story, I did not have any basis to conclude that she was not being truthful at the time of trial, nor did I actually believe she was being untruthful at the time.

103. I am aware comment 8 to ER 3.3 states as follows:

> The prohibition against offering false evidence **only applies if the lawyer knows that the evidence is false**. A lawyer's reasonable belief that evidence is false **does not preclude its presentation to the trier of fact.** A lawyer's knowledge that evidence is false, however, can be inferred from the circumstances. See ER 1.0(f). Thus, although a lawyer should resolve doubts about the veracity of testimony or other evidence in favor of the client, the lawyer cannot ignore an obvious falsehood. If a lawyer reasonably believes that evidence has been materially altered or generated with the intent to deceive the court, the lawyer has an obligation to conduct a reasonable inquiry before submitting the evidence to the court. The scope of the inquiry will vary according to the circumstances of each case, but factors to consider may include the probative value of the evidence, the value or importance of the case or issue, the source of the evidence, and what, if any, accessible, reliable, and affordable tools or methods are available to assess the evidence's authenticity or integrity. **If after inquiry the lawyer still does not know that**

the evidence has been materially altered or generated with intent to deceive, the lawyer retains discretion to submit the evidence to the court. (emphasis added).

104. This comment describes exactly the circumstances I faced in *Owens*. After my initial telephone conversation with Mr. Woodnick, he told me he believed Ms. Owens was "mentally ill", that she had a history of falsely accusing others of rape (including him), and that it was literally not safe to be alone in the same room with her. In my 25 years as an attorney, I had never heard such extreme allegations and warnings as what Mr. Woodnick said about Ms. Owens.

105. In an abundance of caution, the first time I met Ms. Owens (on April 10, 2024), I asked her to meet me in a public location with a third-party present. We eventually agreed to meet at a restaurant in Scottsdale. Ms. Owens was accompanied by her mother, Jan Black.

106. We met for several hours and both Ms. Owens and her mother walked me through her story. I found certain aspects of the story to be slightly odd (such as her decision to modify the sonogram). At the same time, I understood it is not uncommon for people to take steps to hide unfavorable or embarrassing information, so I gave her the benefit of the doubt and assumed her decision to change the sonogram was done for some legitimate reason.

107. For example, around the time I met Ms. Owens, one big news story involved a claim the Princess of Wales, Kate Middleton, released a family photo that she had altered or "photoshopped" in some way. *See* https://en.wikipedia.org/wiki/Kategate.

108. Because there could have been *some* legitimate reason for Ms. Owens to want to conceal the actual location where the sonogram was performed, I did not see this as a serious enough concern to decline the representation. That was particularly true given that the sonogram was not a critical piece of evidence in the case (because there was so much *other* evidence that appeared to support Ms. Owens' claim).

109. After my initial meeting with Ms. Owens, I believed her story overall. At the same time, I was concerned someone may later claim she was lying and accuse me of not being "diligent" or careful enough in checking her story.

110. For that reason, shortly after our initial meeting, I did something that I have never done in 20+ years as a lawyer – I asked Ms. Owens for a second meeting with myself and my wife, Jane Gingras.

111. Jane and I have been married since November 2008. During our marriage, Jane has often assisted me with investigating/managing cases and otherwise acting in an administrative capacity.

112. When I asked Ms. Owens if she would agree to a second meeting with my wife, she immediately agreed. Jane and I then had a second meeting in Scottsdale with Ms. Owens and her mother. I specifically told Jane the purpose of the meeting was to have her listen to Ms. Owens' story and tell me if she believed it. I specifically asked her to tell me if she thought Ms. Owens was lying.

113. After the meeting ended, Jane's response was unequivocal – she had exactly the same view I did. Certain parts of the story seemed a little unusual, but overall Jane believed Ms. Owens was telling the truth about her pregnancy claim.

114. During the roughly 10-week period between the time Ms. Owens first retained me and the trial on June 10, 2024, I did absolutely everything I could possibly think of to fact-check every aspect of her story.

115. Among other things, I urged her to retain a medical expert to review her records to determine whether she had any legitimate basis to believe she was pregnant. Ms. Owens immediately agreed to that request, and she paid $3,500 to a retired OB/GYN who previously worked for St. Joseph's Hospital in Phoenix where he was the head of the OB/GYN department. After reviewing the evidence, that medical expert told me the odds of Ms. Owens being pregnant were "higher than 99%".

116. When I assembled a package of information for our medical expert to review, I specifically chose to include the altered sonogram (with a clear statement disclosing the fact that Laura has admitted to altering it). I did this because I considered the fact that Laura altered the sonogram to be bad for our position, and I did not want Mr. Woodnick to claim I had deceived the expert by failing to give him all relevant information, including both good information *and* bad information. I felt complete candor required this.

117. As part of my investigation, I considered taking other steps such as sending a subpoena to Planned Parenthood to obtain security camera footage from the lobby of the location where Ms. Owens claimed she went. I eventually determined this was not likely to lead to helpful information, because it would have required obtaining a *California* subpoena (which we did not have the time or budget to do), and also because I believed Planned Parenthood would probably succeed with an objection to the subpoena in order to protect the privacy of their other patients.

118. I also considered sending a subpoena to Ms. Owens' cell phone provider to see if we could prove her phone was in the vicinity of a Planned Parenthood office on the date she claimed to have been there. I ultimately determined this would not be appropriate based on Ms. Owens' limited financial resources and given the low probative value of such information (i.e., the fact Ms. Owens' phone was *near* a Planned Parenthood location would not have conclusively proved she went there, or that she had a sonogram there).

119. To my knowledge, there was literally nothing more I could have done to diligently verify Ms. Owens' story prior to the June 10, 2024 trial.

120. I further note that Ms. Owens gave Mr. Woodnick multiple signed medical HIPAA releases allowing him to contact any doctor he wanted so that he could do whatever he felt was necessary to verify (or disprove) Ms. Owens' story. To my knowledge, Mr. Woodnick did everything possible to diligently investigate Ms. Owens' story, and he never obtained conclusive proof she was *not* pregnant, just as I was never able to obtain conclusive proof she *was* pregnant.

121. While I certainly agree I had an obligation to exercise *reasonable* care in verifying Ms. Owens' story, I fully complied with that duty at every step. I also believed that because Mr. Woodnick was the one accusing Ms. Owens of fraud, it was his burden to investigate and prove that allegation in the first instance.

FACTS RELEVANT TO CLAIM 5 – MERITLESS APPEAL

122. I understand ¶¶ 178–184 accuse me of violating various rules by bringing a non-meritorious appeal.

123. I literally do not understand the basis for this claim. The appeal involved a wholly novel and unresolved question of law regarding Family Law Rule 26. The relevant part of Rule 26 (the "safe harbor" provision) was amended by the Arizona Supreme Court in 2018 (effective January 1, 2019). Since the rule was amended, it had not been interpreted by *any* published authority making this an issue of first impression.

124. The legal and factual issues were apparently misunderstood by the Court of Appeals which resolved the case without oral argument. In doing so, the Court of Appeals appeared to ignore any/all legal authority that supported the arguments I made. Rather than reviewing the cases I cited and explaining why my view of them was wrong, the Court of Appeals simply ignored those cases; it never mentioned them in any way.

125. The Court also claimed my arguments were not "grounded in fact". That position ignored my repeated statements throughout the case that none of the disputed facts were relevant because the appeal turned on a simple issue of law, not fact. I explained that as clearly as I could in my Petition for Review to the Arizona Supreme Court:

> The first dispositive issue is purely a question of law—did the trial court apply the wrong legal standard when it ordered Laura to pay $150,000 in sanctions for filing a pleading that violated Rule 26 without following any of the procedural requirements of Rule 26? Resolving this question of law involves no factual disputes. Even if every adverse finding of fact against Laura is true, the lower courts still erred as a matter of law because they misapplied Rule 26.

Petition for Review at 4; RJN Ex. 148 (emphasis added).

126. To my knowledge, the bar has disclosed no evidence, and no legal authority, that shows any argument I made or any position I took in the appeal was frivolous. I understand the Court of Appeals rejected my arguments. I believe that outcome was legally

and factually incorrect. I believe the Court of Appeals took the odd facts of *Owens* as justification to reach a legally incorrect outcome, just because the Court felt Ms. Owens deserved punishment, regardless of what the law required.

FACTS RELEVANT TO CLAIM 6 –
STATEMENTS REGARDING JUDGE MATA

127. I am aware the Complaint accuses me of acting unprofessionally by making several statements regarding Judge Mata. As I understand it, those statements were:

"First Instance" — As alleged in ¶ 102 of the Complaint, I filed a *Notice of Change of Judge For Cause* which contained a paragraph that accused Judge Mata of engaging in *ex parte* communications with her father regarding the *Owens* case. The paragraph also describes Judge Mata's conduct as "shameful", among other things.

"Second Instance" — As alleged in ¶ 103 of the Complaint, I posted a comment on social media claiming Judge Mata "screwed up" the form of final judgment.

"Third Instance" — As alleged in ¶ 105 of the Complaint, I posted a comment on social media accusing Judge Mata of committing a crime.

"Fourth Instance" — As alleged in ¶ 106 of the Complaint, I posted a lengthy statement on my website criticizing Judge Mata. The Complaint only identifies one specific part of that story in which I stated: "Google is not a valid source of evidence … unless your case is assigned to Judge Mata."

"Fifth Instance" — As alleged in ¶ 107 of the Complaint, I made a statement indicating Judge Mata "does not care about the rules".

128. Based on various pleadings filed in this case, I understand the bar claims that I merely "believed" these statements to be true, while, in fact, every statement was false. That is not correct. My position is NOT that I merely "believed" my statements were true.

129. My position is that every statement I made about Judge Mata fell into one of two categories: first, many of my statements were factually true in all respects. For instance, I said Judge Mata's father attended the trial in *Owens*. That is factually 100% true. I said witnesses claimed Judge Mata's father told them he had been discussing the *Owens* case with his daughter, and at least one spectator claimed Judge Mata's father said: "I am here for the circus." Those statements are 100% factually true, as confirmed by video recorded witness statements. I said Judge Mata made a false statement in her post-trial ruling (RJN Ex. 103) when she claimed: "She [Dr. Deans] further testified that Planned Parenthood is not open on Sundays, when Petitioner testified, she sought care July 2, 2023." My statement was 100% factually accurate – as the trial transcript shows, Dr. Deans did not testify Planned Parenthood is closed on Sundays, nor did any other trial witness give that testimony.

130. In short, all of the material allegations I made against Judge Mata were not *believed* to be true; they were in fact *literally true* in every respect.

131. That leads to the second category of statements I made – opinions based on fully disclosed facts.

132. For example, the "Second Instance" of an allegedly false statement involved my claim that Judge Mata "screwed up" the final form of judgment in *Owens*. That statement is both factually true (she did screw it up), and my comments about it were based

on fully disclosed facts which the bar does not claim are false. The details of the specific facts and reasons underlying that issue are explained in my Fourth Supplemental Disclosure Statement, attached hereto as Exhibit H.

133. As I explained in my disclosure statement, my comment about Judge Mata "screwing up" the form of judgment was based on a fully disclosed and undisputed fact – that after I began the appeal in *Owens*, the Court of Appeals issued an order on February 3, 2025 which found: "the trial court's order entered June 17, 2024, was improperly certified as appealable under Rule 78(b) …." RJN Ex. 125 at p. 6.

134. As I further explained in my Fourth Supplemental Disclosure Statement, this was not the first time the Court of Appeals found Judge Mata had improperly applied the certification requirements of Rule 78. Specifically, in *In Re Marriage of Lundsten*, FN2022-090875, Judge Mata improperly certified a judgment as final, resulting in the Court of Appeals concluding that she failed to comply with the rules, resulting in the appeal being dismissed.

135. My statement about Judge Mata "screwing up" the judgment in *Owens* was both factually true, as confirmed by the Court of Appeals, and it represented an expression of my opinion based on fully disclosed facts which were also true.

136. My statement accusing Judge Mata of "committing a crime" was also an expression of opinion based on fully disclosed undisputed facts. Specifically, the crime I accused Judge Mata of committing was a violation of 18 U.S.C. § 242 which provides in part:

> Whoever, under color of any law, statute, ordinance, regulation, or custom, willfully subjects any person in any State, Territory, Commonwealth, Possession, or District to the deprivation of any rights, privileges, or immunities secured or protected by the Constitution or laws of the United States, or to different punishments, pains, or penalties, on account of such person being an alien, or by reason of his color, or race, than are prescribed for the punishment of citizens, shall be fined under this title or imprisoned not more than one year, or both … (emphasis added).

137. I have been extremely clear – when Judge Mata refused to honor the California DVRO Ms. Owens obtained against Mr. Marraccini, I believe she committed a federal crime. 18 U.S.C. § 2262 specifically required *all* law enforcement officials in Arizona to enforce the California court's order. The same was required by the Full Faith and Credit Clause of the U.S. Constitution. When Judge Mata refused to enforce the order and instructed Phoenix Police not to enforce the order, she willfully deprived Ms. Owens of a right secured by the Constitution and by the laws of the United States (the right to have the order enforced). I firmly believe that conduct was criminal.

138. In addition, I also believe Judge Mata committed a separate crime by violating 18 U.S.C. § 1512(e) which provides:

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

139. I believe Judge Mata violated this law by filing a groundless bar complaint against me based on my decision to contact law enforcement to report the *possible* commission of a federal offense by Mr. Marraccini. That belief is based on the fact that,

among other things, Judge Mata made no attempt whatsoever to investigate the circumstances that caused me to contact law enforcement. She never asked me for my side of the story before she accused me of wrongdoing; she simply submitted a complaint to the bar more than 3 months after the trial in *Owens*. I do not believe there is any other reasonable interpretation except to say Judge Mata is intentionally and unlawfully retaliating against me in violation of 18 U.S.C. § 1512(e).

140. Regarding the "Fourth Instance", my statement: "Google is not a valid source of evidence … unless your case is assigned to Judge Mata" was based on fully disclosed facts as set forth in that article. The fact was a review posted by an unknown third party on a judicial review website called TheRobingRoom.com as shown below.

Litigant
Comment #: AZ2744
Rating:2.0
Comments:
Clearly biased from the start. I had custody of my children for the past several years, year after year, my ex takes me to court with a new lawyer once the mandatory year is up and she can file. Year after year, she was denied, some judges even saying she brought the same complaints year after year. I could tell as soon as the hearing started Mata had already made up her mind. My ex made a huge deal about my ball python (a snake at about 1 1/2 feet) getting out of his cage and seeking warmth with our 13 year old daughter (it is actually my daughter's snake). (it is also interesting to note, and my attorney brought up, my ex has the same exact species of snake in her home only a little bigger because hers is a female). When I testified that the issue my ex was referring to was over a year prior, the snake was just looking for warmth, and I had bought new cage locks and the snake had not gotten out since, the judge interrupted my testimony to say that she googled a snake lying next to someone and it "means" they are sizing up their pray. That is when I knew I was losing. First of all, A judge should know to check her sources on the internet, but instead interrupts my testimony to talk about an URBAN LEGEND saying my daughter may be in danger with this snake. She also didn't give any means of transitioning our children in her order from one state to another which caused tremendous grief and turmoil for my children when my ex insisted they move the day the order came in, with no notice because they weren't even aware there was a trial and a decision coming. It resulted in my children (one of which is on the spectrum and doesn't do change well) being ripped from their home with no notice or preparation, not even getting to say goodbye to their friends, family and community.

View Detail Send e-mail to this poster 3/24/2024 12:02:34 AM

141. In this review, the author states he had a hearing before Judge Mata, and she was "Clearly biased from the start." The author indicated during the hearing, his ex-wife "made a huge deal about my ball python (a snake at about 1 ½ feet) …."

142. The author then states during the hearing, Judge Mata interrupted his "testimony to say that she googled a snake lying next to someone and it 'means' they are sizing up their pray [sic]." After making that comment, the author stated Judge Mata ordered a change of custody which resulted in his children "being ripped from their home with no notice or preparation, not even getting to say goodbye to their friends, family and community."

143. The bar does not dispute the review in question was posted on TheRobingRoom.com on March 24, 2024 (before I was even retained to represent Ms. Owens). The bar has also disclosed no evidence whatsoever to dispute the accuracy of the author's story.

144. After reading this undisputed story, I recognized it was consistent with my dealings with Judge Mata. Based on that, I expressed my belief this was just another instance of Judge Mata engaging in unlawful conduct by performing internet research (in violation of the Code of Judicial Conduct). That caused me to express my opinion: "Google is not a valid source of evidence … unless your case is assigned to Judge Mata". That statement represents nothing more than my opinion based on fully disclosed undisputed facts (the "facts" being the allegations in the review).

145. The fifth and final statement I made was that, in my opinion, Judge Mata "does not care about the rules." That statement was an expression of my opinion based on

multiple fully disclosed and undisputed facts, primarily the fact it is undisputed Judge Mata repeated ignored the Rules of Family Law Procedure during the *Owens* case. The instances of Judge Mata ignoring the rules are too numerous to list, but a few examples include:

- Judge Mata set a hearing on Mr. Woodnick's Motion for Rule 26 Sanctions despite the fact the motion showed Mr. Woodnick did not comply with any of the procedural requirements of Rule 26;
- Judge Mata granted a Motion to Compel despite the fact the motion asked for information which Mr. Woodnick never requested in discovery and which was not subject to the compulsory disclosure requirements of Rule 49. In addition, the Motion to Compel failed to include a good faith consultation certificate as required by Family Law Rule 65.
- Judge Mata also granted Mr. Woodnick's Motion to Compel despite the fact the court (in the February 21, 2024 minute entry order; RJN Ex. 60) allowed "(45) days from today's date" for initial disclosures to be completed. In other words, Mr. Woodnick claimed Ms. Owens failed to comply with her disclosure obligations in a motion filed *before* those disclosure were due.
- Judge Mata refused to hold a telephonic status conference to discuss emergency issues despite this being required by Rule 76.1(a).

146. It is an undisputed fact Judge Mata *repeatedly* ignored mandatory procedural rules during the *Owens* case. Judge Mata also ignored federal law and Arizona law which required her to enforce the California DVRO. She also ignored the Code of Judicial Conduct by making a factual finding that was based on extra-judicial evidence.

147. As such, my statement that Judge Mata "doesn't care about the rules" was an accurate expression of my opinion based on fully disclosed, undisputed true facts.

148. The final issue I need to discuss is the bar's claim I acted with "reckless disregard for the truth" when making the above comments. This statement is both false, and extremely offensive because it represents intentional deception by bar counsel.

149. At no time did I make any statements with reckless disregard for the truth. As a lawyer with decades of experience handling countless First Amendment cases, I know the term "reckless disregard" comes from *New York Times v. Sullivan*, 376 U.S. 254 (1964).

150. In the 60+ years since *Sullivan*, the term "reckless disregard for the truth" has obtained a very clear and specific meaning; "The actual malice standard is reached when there is clear and convincing evidence that defendant published either knowing that the article was false and defamatory or that it published with 'reckless disregard of whether it was false or not.' *Dombey v. Phoenix Newspapers, Inc*., 150 Ariz. 476, 487 (Ariz. 1986).

151. In the absence of evidence showing a speaker *knew* his statements were false, "reckless disregard" can be shown if "sufficient evidence to permit the conclusion that the defendant in fact entertained serious doubts as to the truth of his publication. Publishing with such doubts shows reckless disregard for truth or falsity and demonstrates actual malice." *Dombey*, 150 Ariz. at 487 (quoting *St. Amant v. Thompson*, 390 U.S. 727, 731-32, 88 S.Ct. 1323, 1325-26, 20 L.Ed.2d 262 (1968)).

152. I understand in cases such as *Standing Committee v. Yagman*, 55 F.3d 1430 (9th Cir. 1995), courts have modified the *Sullivan* test slightly by changing it from a *subjective* test (i.e., what did the speaker actually know or believe) to an objective one;

"[discipline] proceedings are governed by an objective standard, pursuant to which the court must determine 'what the reasonable attorney, considered in light of all his professional functions, would do in the same or similar circumstances.' The inquiry focuses on whether the attorney *had a reasonable factual basis* for making the statements, considering their nature and the context in which they were made." *Yagman*, 55 F.3d at 1437 (emphasis added).

153. While adopting a slightly less protective standard than *Sullivan*, the Ninth Circuit in *Yagman* fully agreed: "attorneys may be sanctioned for impugning the integrity of a judge or the court only if their statements are false; truth is an absolute defense." *Id*. at 1438. Thus, the "reckless disregard" standard *cannot* be used to punish *true* statements, because a statement that is true *cannot*, by definition, be made with reckless disregard for the truth.

154. Here, I clearly had a reasonable basis for every factual statement I made regarding Judge Mata. Moreover, the bar has offered no evidence of any kind to show that anything I said was factually untrue.

155. In addition, although the bar claims I acted "recklessly" that is absolutely not true. On the contrary, I did everything I possibly could to verify the factual accuracy of every statement I made about Judge Mata, and I did that *before* accusing her of misconduct.

156. Specifically, shortly after the June 10 trial ended, but before Judge Mata issued her post-trial ruling, Ms. Owens contacted me and told me multiple people were posting statements on social media claiming Judge Mata's father attended the trial and that he told people he had been discussing the case with his daughter.

157. At the time, I did not know whether those allegations were true. To investigate the accuracy of those allegations, on June 17, 2024, I sent an email to Judge Mata's division explaining the situation and asking the judge to let me know whether these allegations were true. A copy of that email is attached as Exhibit I.

158. Judge Mata refused to answer any of my questions, and just hours later, she issued the post-trial decision against Ms. Owens. I interpreted both of those things (the judge's refusal to respond to my questions, and her rushed issuance of the post-trial ruling just hours after I contacted the court) to be admissions the claims about her discussing the case with her father were true. If the claims were not true, I would have expected Judge Mata to simply say so, but she never did.

159. The bar has disclosed additional evidence showing some of my statements regarding Judge Mata were true. Specifically, the bar recently disclosed a document which purports to be a list of questions and answers from Judge Mata's father, Harry Howe. A copy of this document is attached as Exhibit J.

160. In this document, bar counsel asked Mr. Howe questions including whether he attended the trial in *Owens* (his response: "yes"). Mr. Howe was also asked if his daughter "invited" him to attend. His initial response was "no", but then he explained the judge told him "she had an interesting hearing approaching …. She said it had received a lot of publicity, that … if I wanted, I could watch it on a live stream, or come to the Court":

Did Judge Mata invite you to attend the June 10, 2024 hearing?

No. The day prior to the hearing, she had told me that she had an interesting hearing approaching that was a paternity matter. She said it had received a lot of publicity, that they were having to engage additional security, and that if I wanted, I could watch it on a live stream, or come to the Court. In the past, if I was at the Northeast Judicial courthouse, generally for filing documents, I would stick my head into her courtroom. She told me that if I came to the court, I may not get into the courtroom.

161. Mr. Howe also admitted discussing the *Owens* case with his daughter, although he claimed "I never discussed anything substantively or evidentiary about the case with Judge Mata." The response to the very next question: "what did you discuss with Judge Mata?" was left blank, implying Mr. Howe refused to answer that question. I interpret Mr. Howe's refusal to answer the question as an admission that a truthful response would be adverse to the bar's position.

162. As for the issue of Judge Mata including a false finding in the post-trial ruling regarding the business hours of Planned Parenthood, when I first saw that finding, I could not recall whether it was accurate or not. Although I personally attended the trial in *Owens*, I did not memorize the testimony of each witness and thus I couldn't remember whether Dr. Deans gave that testimony or not. I actually remember thinking Dr. Deans *might* have said Planned Parenthood was closed on Sunday; I just couldn't recall that detail.

163. To exercise as much caution as possible, I told Ms. Owens we needed to immediately order a copy of the trial transcript to see what Dr. Deans actually said. I told Ms. Owens without the transcript, I was not comfortable accusing Judge Mata of misconduct because my memory just was not clear enough.

164. Ms. Owens agreed to pay nearly $2,000 for an expedited copy of the trial transcript. As that transcript clearly shows, Dr. Deans never said anything about the business hours of Planned Parenthood, nor did any other witness. The transcript conclusively proves Judge Mata made a false statement in her post trial ruling by claiming Dr. Deans said something that she never said. This also conclusively shows the finding

must have come from evidence not admitted in court, since no other witness mentioned Planned Parenthood's business hours.

165. Even after seeing the transcript, I was still not comfortable accusing Judge Mata of acting improperly because I was very concerned about a separate possibility – I was not involved in the *Owens* case for the first eight months, and I was not familiar with every single thing that happened before I was retained.

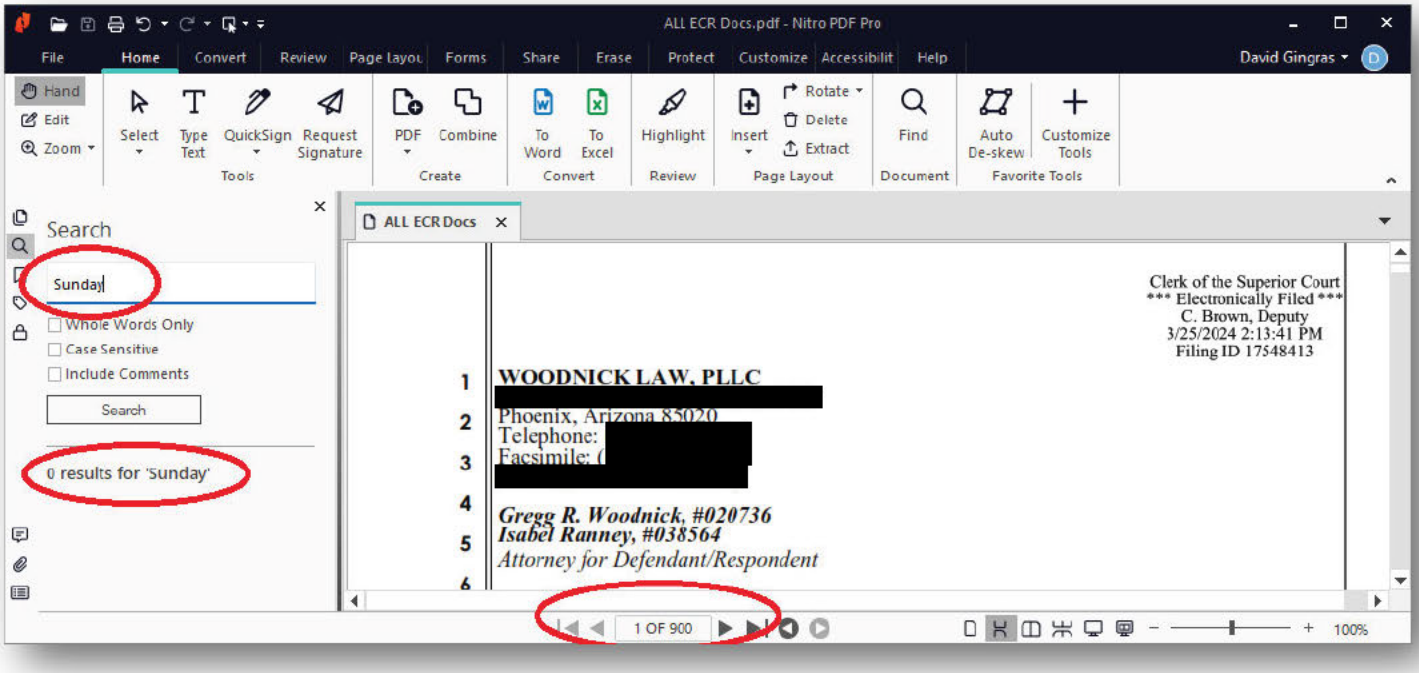
166. For that reason, I was extremely concerned that maybe the business hours of Planned Parenthood were discussed in some other pleading before I got involved in the case.

167. To eliminate that possibility, I asked both Ms. Owens and my wife Jane to review *every single pleading* filed in *Owens* from the start of the case until June 10, 2024 looking to see if the issue of Planned Parenthood's business hours was ever discussed.

168. Both women reported they could not find any reference to Planned Parenthood's hours in any pleading filed in the case up to that date.

169. While I believed I could trust Ms. Owens and my wife, I also personally reviewed every single pleading in the case, and I confirmed that at no time was the issue of Planned Parenthood's business hours discussed.

170. As part of that review, I also downloaded every pleading from ECR, and I assembled them into a single, word-searchable PDF file (which at that time was only 900 pages). As reflected in the screenshot below, a word-search of that file returned zero results for "Sunday". That proved the topic of Planned Parenthood being closed on Sunday was never discussed in any pleading filed between August 1, 2023 and June 10, 2024.



171. Based on these facts, there was literally nothing else I could do to ensure my allegations against Judge Mata were *not* made recklessly. On the contrary, I had a reasonable factual basis for every statement I made, and nothing I have seen over the last 18+ months has changed that view. If anything, Judge Mata's conduct, and the actions of the Commission on Judicial Conduct, have only confirmed the truth of my allegations.

172. I believe the State Bar of Arizona knows that I told the truth about Judge Mata, but the bar is seeking to punish me purely as a form of illegal retaliation. I believe the bar's conduct is unlawful, and that the First Amendment protects my right to engage in truthful, honest criticism of any public official, including Judge Mata.

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

EXECUTED ON April 14, 2026.

David S. Gingras

Exhibit A

BEFORE THE PRESIDING DISCIPLINARY JUDGE

IN THE MATTER OF A MEMBER OF THE STATE BAR OF ARIZONA, **DAVID S. GINGRAS** Bar No. 021097 Respondent.	**No. PDJ 2026-9010** **RESPONDENT'S THIRD SUPPLEMENTAL DISCLOSURE STATEMENT**

Pursuant to Supreme Court Rule 58(e) Respondent David S. Gingras ("Respondent" or "Gingras") provides the following *supplemental* disclosures.

6.) <u>Respondent's Factual And Legal Bases</u>

In addition to other matters, Respondent discloses the following information in response to the following argument raised by bar counsel in the bar's Reply regarding its Motion for Partial Judgment on the Pleadings, filed March 23, 2026:

> As to Respondent's second claim, ***incredibly***, Respondent (an Arizona attorney of almost 22 years) suggests that the plain and unambiguous language of the order is simply too vague to be understood as it did not contain the words "IT IS ORDERED" or use language specifically "sealing" the prohibited documents. (emphasis in original).

This argument appears to reflect a deep, fundamental misunderstanding of the procedural and legal requirements for either an order requiring information to be filed under seal and/or a protective order restricting the sharing of information. That misunderstanding appears to have caused counsel to take a patently frivolous position (i.e., that Judge Mata's "LET THE RECORD REFLECT" comment

constituted a valid sealing or protective order when, in fact, it did not). The bar's position on this issue is wrong as a matter of law.

As a lawyer with many years of litigation experience, Respondent is very familiar with the rules for both sealing and protecting information, and has dealt with those issues multiple times. As just one example, attached hereto as Exhibit A is a Motion For Leave to File Under Seal Respondent filed in *Fuciarelli v. Brown*, Maricopa County Superior Court Case No. CV2018-010348.

In this motion, Respondent asked the Court to allow him to file certain information under seal. That information included emails between Respondent and his former client which were otherwise privileged and protected by ER 1.6. Respondent concluded it was necessary to disclose those emails to respond to false allegations made by Respondent's former client.[1]

As the motion explained, ER 1.6(d)(4) allowed Respondent to disclose even privileged information in order to respond to allegations made by Respondent's former client. However, comment 19 to ER 1.6 indicated that such disclosure should be made subject to a protective order.

For that reason, Respondent moved for an order allowing him to submit this information under seal. Respondent noted the applicable rule (Maricopa County Local Rule 2.19(c)) allowed filing under seal "provided the court makes and enters written findings that the specific sealing or redaction is justified by identified

[1] It is also worth noting – in that case, Respondent formed a belief that his client had lied, or intended to lie, about the facts of the case. Upon reaching that conclusion, Respondent withdrew from the case without client consent.

compelling interests that outweigh the public interest in access to the court record." This is exactly the same standard set forth in Family Law Rule 17.

Based on Respondent's motion, the Superior Court issued an order granting his request for leave to file under seal. In that order, attached as Exhibit B, the Court made each of the findings required to support filing under seal.

Based on this experience, and his experience seeking and obtaining similar sealing orders in other cases, when he first appeared in *Owens v. Echard*, Respondent understood precisely what was required (legally and procedurally) for information to be filed under seal. At the very minimum, as Family Law Rule 17 explains, the court must make specific written findings (as occurred in *Fuciarelli v. Brown*) that support the sealing of specific information.

Here, after reviewing the file in *Owens v. Echard*, Respondent concluded that the court had *not* issued any orders allowing or requiring information to be filed under seal. Again, the controlling rule for that issue is Family Law Rule 17, and at no time did Judge Mata ever issue any sealing order that complied, in any way, with that rule. That, and the fact Mr. Woodnick angrily opposed Ms. Owens' request to seal the record, caused Respondent to conclude there was no legal basis for any information to be filed under seal.

In addition, to obtain an order allowing information to be filed under seal, there must be a valid basis to support a finding that "the specific sealing or redaction is justified by identified compelling interests that outweigh the public interest in access to the court record." Here, the state bar has accused Respondent

of improperly sharing information which the bar claims should have been sealed, but the information in question was *not* of such a nature that sealing would have been warranted (even if the court had ordered it, which did not happen).

For example, in ¶ 52 of the original Complaint, the bar noted Respondent posted a tweet "which included a portion of one of Owens' medical reports". The "medical report" in question was simply a note that reflected Ms. Owens' weight at the time – 133 lbs.

Today's Physical Exam

Vitals: BP: 118/80 **PR:** 92 **RR:**16 **T:** 97.0F **WT:** 133 lbs **HT:** 65"**BMI:**22

Appearance: Well developed. Well nourished. Well groomed. In good apparent health.

Skin: Good Hydration. Normal tone/turgor. Normal to inspection. No Lesions. No actinic changes.

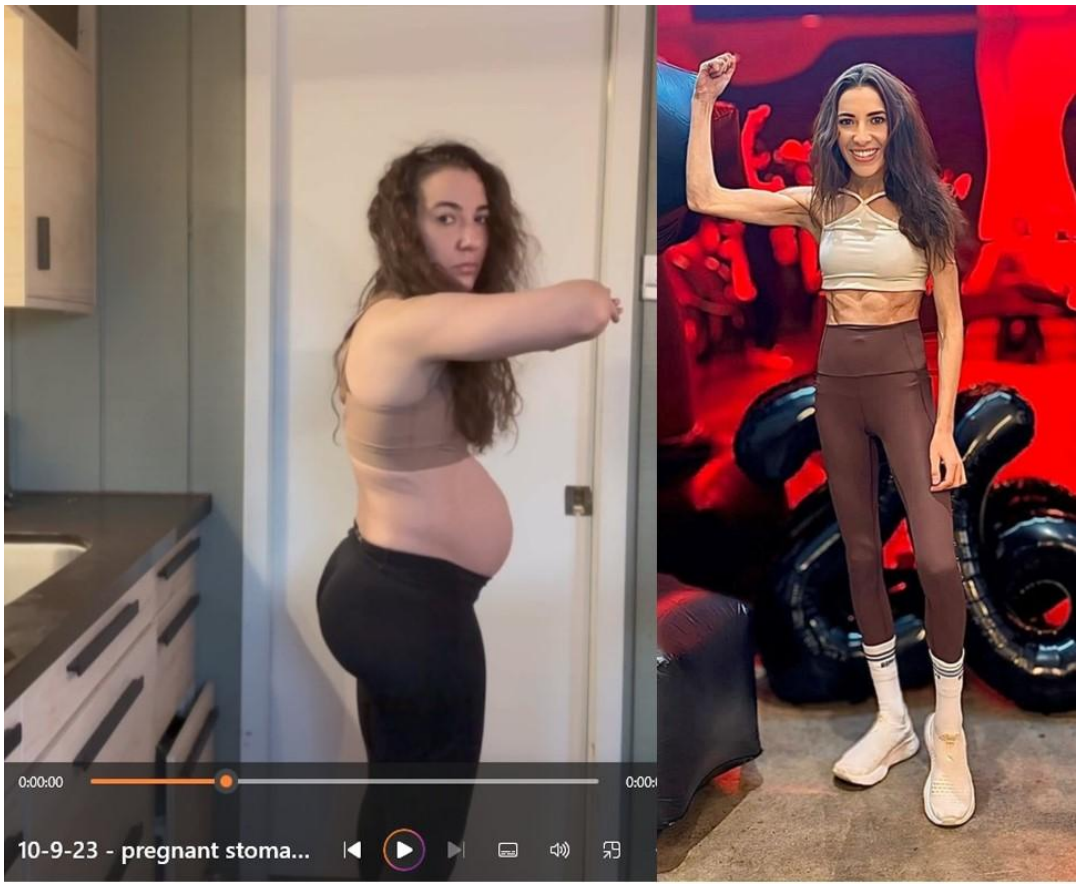
HEENT: Symmetrical pupils. Sclera WNL. No Strabismus. Teeth & gingiva WNL.

Neck: Normal ROM. No Adenopathy. Thyroid WNL. Normal to inspection. No kyph

Respondent publicly shared this information with Ms. Owens' express consent for the purpose of responding to a blatantly false allegation made by Mr. Woodnick in which he claimed Ms. Owens wore a fake prosthetic "**moon-bump**" to a court appearance. That specific false statement was made by Mr. Woodnick in his Motion for Rule 26 Sanctions filed in *Owens v. Echard* on January 3, 2024. *See* RJN Ex. 33 at 4:14:

> Respondent obtained an Injunction of Harassment against Petitioner based on the receipt of 500+ harassing messages in (CV2023-05392). During the proceedings, on November 2, 2023, Petitioner wore a fake stomach ("moon bump") to appear pregnant and claimed, with no scientific support, that she was 24 weeks pregnant with Respondent's twins and due on February 14, 2024 *See* Respondent's Response/Objection to Petitioner's Motion to Dismiss

As Respondent has explained (and as is reflected in materials contained in Ms. Owens' file which was produced to the bar long ago), Ms. Owens took videos of herself at the time of the alleged pregnancy. These videos (created in September/October 2023) show Ms. Owens as substantially heavier than she was just one year later as reflected in the photo on the right below:



In the video still image shown above on the left, Ms. Owens weighed around 133 lbs., as corroborated by the medical record Respondent tweeted. One year later, Ms. Owens had lost 50 lbs. (she currently weighs 83 lbs., as shown in the image on the right taken in October 2024).

In this situation – where Mr. Woodnick was making false public allegations against Ms. Owens (accusing her of wearing a fake "moon bump" to court), Ms. Owens had every right to *respond* to those claims by sharing her own medical records which proved Mr. Woodnick was lying. The court could not (and did not) issue any order restricting Ms. Owens' right to speak out in her own defense. If it had done so, that would have been an unlawful prior restraint on her speech (as Mr. Woodnick successfully argued).

This is why the court could not (and did not) make the required written findings that "the specific sealing or redaction is justified by identified compelling interests that outweigh the public interest in access to the court record." The fact that Mr. Woodnick wanted to lie and *not* have his false statements challenged by Ms. Owens is not a "compelling interest" that would outweigh the public's right to hear the truth.

These issues aside, Respondent also has substantial experience dealing with confidential information disclosed subject to a protective order. Attached as Exhibit C is a protective order issued in a case Respondent is involved with called *New American Funding, LLC v. Cordless Media, LLC*, CV2023-019389.

Respondent will testify that in 20+ years of litigation experience, he has worked on numerous matters involving protective orders. In Respondent's experience, when a court issues a protective order (either by stipulation or on motion), the form of order used in the vast majority of cases is similar to, or identical to, the order shown in Exhibit C.

This standard form protective order is EXTREMELY clear – it allows parties to mark information as "CONFIDENTIAL", in which case the order will restrict the adverse party from disclosing that information in a manner prohibited by the order. Notably, Mr. Woodnick never designated any information as confidential at any time.

The order also explains that even if information is marked "CONFIDENTIAL" subject to the protective order, that does not mean a party is automatically entitled to (or required to) file that information under seal. Instead, the order explains any party who believes grounds exist to file information under seal must "comply in all respects with Arizona Rule of Civil Procedure 5.4" (which has superseded the old Maricopa County Local Rule).

9. Any Party who intends to file Confidential Information with the Court must seek permission of the other Parties before such filing. The Parties agree to work together to determine whether such Material must be filed under seal or in the public record. Nothing in this order shall be construed as automatically permitting a Party to file under seal. The Party seeking leave of Court to file information under seal shall follow the procedures outlined in, and comply in all respects with, Arizona Rule of Civil Procedure 5.4.

These points explain why Respondent did not believe Judge Mata's "LET THE RECORD REFLECT" constituted either a sealing order or a protective order. Bearing in mind – Ms. Owens wanted a protective order. If the court had issued one, this would have greatly benefited Ms. Owens. But no such order was ever issued, and the bar's misunderstanding of these matters does not change that fact.

Respectfully submitted March 27, 2026.

David S. Gingras, #021097
Gingras Law Office, PLLC
[redacted]
Phoenix, AZ 85044
Tel.: [redacted]
[redacted]
Respondent

CERTIFICATE OF SERVICE

COPY of the foregoing emailed
this 27th day of March 2026 to:
Jim Lee
[redacted]
Craig Henley
[redacted]
Senior Bar Counsel

Exhibit A

David S. Gingras, #021097
Gingras Law Office, PLLC
[redacted]
Phoenix, AZ 85044
Tel.: [redacted]
Fax: [redacted]
[redacted]

Attorney for Defendants
Richard & Belinda Brown

MARICOPA COUNTY SUPERIOR COURT

STATE OF ARIZONA

KEVIN ANTONIO FUCIARELLI, Plaintiff, v. RICHARD ("RICK") BROWN and BELINDA G. BROWN, et al., Defendants.	Case No. CV2018-010348 **NON-PARTY DAVID GINGRAS'S MOTION FOR LEAVE TO FILE UNDER SEAL** (Assigned to Hon. Rosa Mroz)

Pursuant to Maricopa County Local Rule 2.19, Non-party David S. Gingras (formerly counsel to Defendants Richard and Belinda Brown) respectfully moves this Court for an order permitting him to file, under seal, a brief and supporting declarations submitted in response to Defendants' Motion to Compel filed in this matter on November 12, 2019.

This motion is based on the fact that Defendants' Motion to Compel makes serious allegations of misconduct against the undersigned; to wit: Defendants accuse undersigned counsel of secretly working with Plaintiff to "destroy evidence" in exchange for money. To help the Court understand the true facts, it is necessary for undersigned counsel to provide the Court with copies of emails exchanged between undersigned counsel and the Browns which will clearly demonstrate what *actually* occurred here.

These emails would ordinarily be protected by attorney/client privilege and disclosure of such records, without client consent, would normally be prohibited by ER 1.6 of the Arizona Rules of Professional Conduct. However, due to the specific nature of the misconduct alleged, disclosure (even without client consent) is expressly permitted by ER 1.6(d)(4). This rule allows a lawyer to disclose otherwise confidential information to the extent the lawyer believes is necessary: "(4) to establish a claim or defense on behalf of the lawyer in a controversy between the lawyer and the client … or to respond to allegations in any proceeding concerning the lawyer's representation of the client … ." (emphasis added). That is precisely the situation here.

Although the undersigned reasonably believes the disclosure of this information is necessary to respond to the Browns' allegations and is thus authorized by ER 1.6(d)(4), it is important to note that comment 19 to ER 1.6 advises, in relevant part:

> In any case, a disclosure adverse to the client's interest [permitted under this rule] should be no greater than the lawyer reasonably believes necessary to accomplish the purpose. If the disclosure will be made in connection with a judicial proceeding, the disclosure should be made in a manner that limits access to the information to the tribunal or other persons having a need to know it and appropriate protective orders or other arrangements should be sought by the lawyer to the fullest extent practicable. (emphasis added)

Here, the information to be disclosed in support of the undersigned's response is likely adverse to the Browns' interests and, but-for the allegations of misconduct raised by the Browns, this information would remain both privileged and confidential under ER 1.6. Accordingly, to comply with the advisory comment 19 to ER 1.6, this Court should permit the undersigned to file his response, and supporting declarations, under seal, thereby limiting access to this information to only the Court and to Plaintiff's counsel, as the comment to the rule strongly urges.

To that end, Maricopa County Local Rule 2.19(c) permits the Court to order the sealing or redaction of any files or records, "provided the court makes and enters written

findings that the specific sealing or redaction is justified by identified compelling interests that outweigh the public interest in access to the court record." Among other things, Local Rule 2.19(c) advises the Court to consider whether:

(1) there exists a compelling interest that overcomes the right of public access to the record;

(2) the compelling interest supports sealing or redacting the record;

(3) a substantial probability exists that the compelling interest will be prejudiced if the record is not sealed or redacted;

(4) the proposed sealing or redaction is narrowly tailored; and

(5) no less restrictive means exist to achieve the compelling interest.

Here, because the undersigned no longer represents Mr. or Mrs. Brown, he is not in a position to advocate the existence of any compelling basis to seal the undersigned's response to Defendants' Motion to Compel other than to note the response (and supporting declaration) will include copies of emails which would otherwise be confidential and privileged. Undersigned counsel has concluded it is necessary for the Court to review these emails in order to fully understand the facts of what did, and did not, occur here.

Nevertheless, these emails are being disclosed without express client consent (because such consent is not required under ER 1.6(d)(4)), and the information contained in this disclosure may be considered adverse to the Browns' interests. Thus, to comply with comment 19 to ER 1.6, the undersigned respectfully requests leave to file his response brief, and supporting declarations, under seal, to be accessed only by the Court and the parties to this action.

DATED November 21, 2019.

GINGRAS LAW OFFICE, PLLC

David S. Gingras

ORIGINAL filed this 21st day of November 2019
and a **COPY** of the foregoing delivered to:

Robert D. Mitchell, Esq.
Sarah K. Deutsch, Esq.
Fletcher R. Carpenter, Esq.
Tiffany & Bosco, P.A.
[redacted]
Phoenix, AZ 85016-4229
Attorneys for Plaintiff

Richard Brown
Belinda Brown
[redacted]
Newmarket, QLD 4051
Australia
Via email only: [redacted]
Defendants Pro Se

Exhibit B

Clerk of the Superior Court
*** Electronically Filed ***
D. Charbagi, Deputy
12/19/2019 8:00:00 AM
Filing ID 11196729

MARICOPA COUNTY SUPERIOR COURT

STATE OF ARIZONA

KEVIN ANTONIO FUCIARELLI, Plaintiff, v. RICHARD ("RICK") BROWN and BELINDA G. BROWN, et al., Defendants.	Case No. CV2018-010348 **FINDINGS AND ORDER GRANTING LEAVE TO FILE UNDER SEAL** (Assigned to Hon. Rosa Mroz)

The Court has considered Non-Party David Gingras's Motion for Leave to File Under Seal filed on November 21, 2019. Neither Plaintiff nor Defendants filed a Response, which the Court deems as a consent to the granting of the Motion. Ariz. R. Civ. P. 7.1(b).

The Court has considered the factors set forth in Maricopa County Local Rule 2.19 including whether:

(1) there exists a compelling interest that overcomes the right of public access to the record;

(2) the compelling interest supports sealing or redacting the record;

(3) a substantial probability exists that the compelling interest will be prejudiced if the record is not sealed or redacted;

(4) the proposed sealing or redaction is narrowly tailored; and

(5) no less restrictive means exist to achieve the compelling interest.

In light of those factors, the Court finds as follows:

On November 12, 2019, Defendants Richard and Belinda Brown filed a Motion to Compel in this matter which sought an order directing their former counsel, non-party David S. Gingras, to produce various documents and records. In their motion, the Defendants accuse Mr. Gingras of certain acts of misconduct, and they argue this misconduct supports their request for the records identified in their motion.

Mr. Gingras has moved this Court for an order permitting him to file his response to Defendants' motion, including one or more supporting declarations, under seal. In his motion, Gingras asserts that his response will rely on, and include copies of, various emails exchanged with his former clients, the Browns. Mr. Gingras further asserts that this disclosure may contain information that is adverse to the Browns, and such emails would otherwise be subject to attorney/client privilege and that the Browns have not consented to the release of these emails.

Gingras further notes that although lawyers may not normally disclose any client-related information without consent pursuant to ER 1.6 of the Arizona Rules of Professional Conduct, subsection (d)(4) of that rule expressly permits such disclosure without client consent to the extent the lawyer reasonably believes such disclosure is necessary "(4) to establish a claim or defense on behalf of the lawyer in a controversy between the lawyer and the client … or to respond to allegations in any proceeding concerning the lawyer's representation of the client … ." (emphasis added).

Comment 19 to ER 1.6 further provides that even when disclosure is otherwise permitted under ER 1.6(d)(4), if the disclosure is to be made to a tribunal, "the disclosure should be made in a manner that limits access to the information to the tribunal or other persons having a need to know it and appropriate protective orders or other arrangements should be sought by the lawyer to the fullest extent practicable."

Under the circumstances, the Court finds a compelling interest exists which overcomes the public's right to access the information contained in Mr. Gingras's proposed response brief and supporting declarations. Specifically, to the extent these

documents contain emails which are otherwise confidential and protected by attorney/client privilege, the unrestricted disclosure of this information may be prejudicial to the Browns, particularly in light of the fact that the disclosure is occurring without the consent of the Browns, the information involved is represented as being adverse, or potentially adverse, to the Browns' interests, and the Browns are currently defending themselves without counsel. For those reasons, the unrestricted disclosure of potentially unfavorable information may otherwise interfere with the Browns' right to a fair process in this matter, and would undermine the purpose of both the protection established by ER 1.6 and by the attorney/client privilege.

The Court further finds that Mr. Gingras' request to seal is narrowly tailored in that it only seeks to limit the disclosure of records containing privileged and/or confidential information, and that no less restrictive means exist to achieve the compelling interest of safeguarding the Browns' rights under A.R.S. § 12–2234 and ER 1.6, while simultaneously protecting Mr. Gingras's right to respond to the allegations made against him by the Browns.

For the foregoing reasons,

IT IS ORDERED granting Mr. Gingras's Motion for Leave to File Under Seal. Mr. Gingras may file his response to Defendants' Motion to Compel, including any supporting declarations, under seal. Access to such filings will remain restricted to the Court, the parties, and their counsel, pending further orders of the Court and/or pending a Motion to Unseal filed pursuant to Maricopa County Local Rule 2.20.

DONE IN OPEN COURT THIS ___ day of November 2019.

Hon. Rosa Mroz
Judge of the Superior Court

eSignature Page 1 of 1

Filing ID: 11196729 Case Number: CV2018-010348
Original Filing ID: 11116858

Granted with Modifications

/S/ Rosa Mroz Date: 12/17/2019
Judicial Officer of Superior Court

ENDORSEMENT PAGE

CASE NUMBER: CV2018-010348 SIGNATURE DATE: 12/17/2019

E-FILING ID #: 11196729 FILED DATE: 12/19/2019 8:00:00 AM

ROBERT D MITCHELL

BELINDA G BROWN
[redacted]
QLD 4051 AUSTRALIA

RICHARD P BROWN
NO ADDRESS ON RECORD

Exhibit C

Clerk of the Superior Court
*** Electronically Filed ***
T. DeRaddo, Deputy
12/10/2024 8:00:00 AM
Filing ID 18980579

KIRA N. BARRETT (SBN: 029778)
J. WILLIAM VANDEHEI (SBN: 035832)
CLYDE & CO US LLP
[redacted]
Phoenix, AZ 85004
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Attorneys for Defendant/Counterclaimant Planck, LLC d/b/a Patch Media

IN THE SUPERIOR COURT OF THE STATE OF ARIZONA

IN AND FOR THE COUNTY OF MARICOPA

NEW AMERICAN FUNDING, LLC, a Delaware limited liability company,

Plaintiff,

v.

CORDLESS MEDIA, LLC, an Arizona limited liability company; PLANCK, LLC, d/b/a PATCH MEDIA, a Delaware limited liability company; and DOES 1 through 100,

Defendants.

PLANCK, LLC, d/b/a PATCH MEDIA, a Delaware limited liability company,

Counterclaimant,

v.

NEW AMERICAN FUNDING, LLC, a Delaware limited liability company,

Counterdefendant.

Case No. CV2023-019389

PROTECTIVE ORDER

(Hon. M. Scott McCoy)

The Court, having reviewed the Parties' Stipulation for Entry of a Protective Order, recognizes that some of the documents and information ("Materials" as defined herein) produced through discovery in the above-captioned matter ("Proceeding") may contain

confidential business records and financial information of the Parties as is contemplated by Arizona Rule of Civil Procedure 26(c)(1)(G).

The Parties therefore have agreed to be bound by the terms of this Stipulated Protective Order ("Order") in this Proceeding to facilitate the document production and disclosure, and to protect the respective interests of the Parties in their Confidential Information (as defined herein).

Accordingly, the Court finds that good cause has been shown and orders as follows:

IT IS ORDERED, granting the Parties' Motion. This Order shall remain in effect unless modified pursuant to the terms contained in this Order.

IT IS FURTHER ORDERED, that the following Definitions shall apply in this Order:

A. The term "Confidential Information" will mean and include information contained or disclosed in any Materials, including documents (as defined in Arizona Rule of Evidence 1001), portions of documents, answers to written discovery, trial testimony, deposition testimony, and transcripts of trial and deposition testimony (including data, summaries, and compilations derived therefrom), that the Designating Party (as defined herein) reasonably believes to fall within the following definition:

a. "Trade Secret," as set forth in the Uniform Trade Secrets Act, meaning information, including a formula, pattern, compilation, program, device, method, technique or process that:

   i. Derives independent economic value, actual or potential, from not being generally known to, and not being readily ascertainable by proper means by, other persons who can obtain economic value from its disclosure or use; and

   ii. Is the subject of efforts that are reasonable under the circumstances to maintain its secrecy.

b. Research, development, or commercial information that is of a highly competitively sensitive nature and that a reasonably prudent businessperson in

the applicable field would not release to or share with the public in the ordinary course of business, and the release of which would likely cause proprietary, competitive, or economic harm.

c. Personal information protected from disclosure under state or federal law, or where disclosure of that information would be highly offensive to a reasonable person and is not of legitimate public concern.

B. The term "Counsel" will mean outside counsel of record, and other attorneys, paralegals, secretaries, and support staff employed by the law firms Clyde & Co US, LLP, Kimura London & White, LLP, Arrowood Helbert, PLLC, Randazza Legal Group, PLLC, and Gingras Law Office, PLLC.

C. The term "Materials" will mean and include, but is not limited to, documents (as defined in Arizona Rule of Evidence 1001), correspondence, memoranda, financial information, emails, invoices, appointment books, records, things, and other items capable of containing Confidential Information.

D. The term "Designating Party" will mean and include any party to this Proceeding who designates any Materials as containing Confidential Information.

IT IS FURTHER ORDERED, that the following provisions shall apply in this Proceeding:

1. Any Party to this Proceeding that believes any Materials produced or disclosed should be subject to this Protective Order may designate the same as "CONFIDENTIAL" or "ATTORNEYS' EYES ONLY". A party may designate information as "CONFIDENTIAL" or "ATTORNEYS' EYES ONLY" if, in the good faith belief of such Party or its Counsel, the Materials contain Confidential Information, the unrestricted disclosure of which could be harmful to the business or operations of such Party.

2. The receipt of Materials designated "CONFIDENTIAL" or "ATTORNEYS' EYES ONLY" is not a concession, admission, or representation by the receiving Party that such Materials, or any information contained therein, is in fact Confidential Information under applicable law.

3. Except as otherwise provided in this Order, all Materials designated as "CONFIDENTIAL" or "ATTORNEYS' EYES ONLY"—including all copies, excerpts, and/or summaries thereof, as well as all items containing information derived therefrom—shall be used solely for purposes of litigating this Proceeding and shall not be used for any other purposes including, without limitation, any business, commercial, or competitive purpose. All Materials marked under this Order shall be carefully maintained in secure facilities and access to such information, document, thing, and/or material shall be permitted only to persons properly having access thereto under the terms of this Order.

a. The file rooms and electronic databases secured by appropriate passwords used by Counsel in the ordinary course of business are considered "secure facilities" under this provision.

4. The designation of Materials as containing Confidential Information pursuant to this Order shall be accomplished by employing the legend "CONFIDENTIAL" or "ATTORNEYS' EYES ONLY" as follows:

a. in the case of documents, the legend shall be placed on or attached to each page of the document before its production in a manner that does not interfere with the legibility of any information thereon (or in the case of Materials produced in this matter before the effective date of this Order, within five (5) business days of the Court's entry of this Order);

b. in the case of electronically stored information, the legend shall be placed on each page of the document in a manner that does not interfere with the legibility of any information thereon, provided, however, that documents produced in native format may be appropriately designated in the data upon production;

c. in the case of things, the legend shall be placed on or attached to the things;

d. in the case of answers to interrogatories, the legend shall be placed on the designated pages of the interrogatory answers;

/ / /

e. in the case of depositions taken on an expedited basis, the Designating Party shall notify all other Parties, in writing, within three (3) calendar days of the receipt of the deposition transcript of the specific page and line numbers to be designated "CONFIDENTIAL" or "ATTORNEYS' EYES ONLY"; and

f. in the case of all other depositions, the Designating Party shall notify all other Parties, in writing, within thirty (30) calendar days of the receipt of the deposition transcript of the specific page and line numbers to be designated "CONFIDENTIAL" or "ATTORNEYS' EYES ONLY".

5. Whenever a deposition taken on behalf of any Party involves Materials containing Confidential Information pursuant to this Order:

a. the Parties shall direct the reporter attending such deposition to place the following legend in bold type on the covers of the deposition transcripts: "NOTICE: This deposition contains testimony and/or exhibits designated CONFIDENTIAL or ATTORNEYS' EYES ONLY subject to an Agreed Protective Order";

b. a statement designating any portion of the deposition CONFIDENTIAL or ATTORNEYS' EYES ONLY shall be made, on the record, in advance of any discussion of, reference to, or other use of Confidential Information during the deposition;

c. the Designating Party will have the right to exclude from attendance any person who is not entitled to access Confidential Information pursuant to this Order, during such time as the Confidential Information is to be discussed, referenced, or otherwise used;

d. the introduction or other use of items designated "CONFIDENTIAL" or "ATTORNEYS' EYES ONLY" pursuant to this Order shall not be deemed to waive the continued designation and treatment of such items as "CONFIDENTIAL" or "ATTORNEYS' EYES ONLY";

e. the Parties to this Proceeding shall, to the extent greatest extent possible, avoid filing an original deposition transcript, or any copy thereof, that includes testimony and/or exhibits designated "CONFIDENTIAL" or "ATTORNEYS' EYES ONLY" unless such filing can be accomplished under seal, identified as being subject to this Order, and protected from being opened except by order of this Court; and

f. all properly designated portions of deposition transcripts (including exhibits) shall be treated as "CONFIDENTIAL" or "ATTORNEYS' EYES ONLY", and access thereto shall be limited to those persons set forth in Paragraphs 7 and 8 until the expiration of the designation periods prescribed above in Paragraph 4, subsections (e) and (f).

6. Subject to Paragraph 12, all Materials designated "CONFIDENTIAL" or "ATTORNEYS' EYES ONLY" must not be disclosed by the receiving party to anyone other than those persons designated in Paragraphs 7 and 8 and must be handled in the manner set forth below, and in any event, must not be used for any purpose other than in connection with this Proceeding, unless and until such designation is removed either by agreement of the Parties, or by order of the Court.

a. Nothing in this Order, however, prevents a Party from using its own Confidential Information and Materials in the ordinary course of its operations, business, or endeavors.

7. Information and/or Materials designated "CONFIDENTIAL" may be viewed only by the following individuals:

a. the Parties' Counsel of record;

b. representatives of the Parties directly involved in litigating this Proceeding, including inside counsel, directors, officers, and employees of the Parties, but solely for the purpose of assisting Counsel in this Proceeding;

/ / /

c. independent consultants and expert witnesses on the condition that, before receiving any Confidential Information, the consultant(s) and/or expert(s) execute a copy of the Agreement attached hereto as Exhibit A.

   i. Counsel for the Party retaining such consultant(s) and/or expert(s) must retain executed copies of such exhibits.

d. the Court and any Court staff and administrative personnel;

e. any court reporter and/or and videographer employed in this Proceeding and acting in that capacity;

f. any person indicated on the face of the document to be its author or co-author, or any person identified on the face of the document as one to whom a copy of such document was sent before its production in this Proceeding;

g. the Parties' insurance carrier(s) and their claims representatives;

h. upon execution of the Agreement attached hereto as Exhibit A, witnesses disclosed in the Proceeding who are believed to have relevant knowledge about the confidential subject matter provided that, if such witness is a current or former employee of the Producing Party, then the opposing party must first seek the Producing Party's agreement before disclosing Confidential Information or Materials to such witness;

i. any mediator engaged in this Proceeding;

j. vendors involved in copying, organizing, converting, storing, or retrieving Confidential Information or Materials; and

k. stenographic and clerical employees associated with any of the individuals identified above.

8. The designation "ATTORNEYS' EYES ONLY" shall be limited to information that a Party alleges to be trade secret, confidential business information, or other information protected by a legal privilege (but all parties reserve the right to seek production of this information as merely confidential or public in this lawsuit). Information and/or

Materials designated "ATTORNEYS' EYES ONLY" may be viewed by the individuals identified in Paragraph 7, above, with the exception that such Materials shall not be disclosed, summarized, described, revealed, or otherwise made available, in whole or in part, to the following individuals:

a. representatives of the Parties directly involved in litigating this Proceeding, including inside counsel, directors, officers, and employees of the Parties; and

b. consultants and/or expert witnesses who are employed, contracted, or otherwise associated with any of the Parties.

9. Any Party who intends to file Confidential Information with the Court must seek permission of the other Parties before such filing. The Parties agree to work together to determine whether such Material must be filed under seal or in the public record. Nothing in this order shall be construed as automatically permitting a Party to file under seal. The Party seeking leave of Court to file information under seal shall follow the procedures outlined in, and comply in all respects with, Arizona Rule of Civil Procedure 5.4.

a. Once a Party receives approval to file under seal, such Party will place the portion of their filing containing Confidential Information in a sealed envelope on which the following legend shall prominently appear:

New American Funding, LLC v. Cordless Media, LLC, et al.

Case No. CV2023-019389

CONFIDENTIAL – This envelope contains confidential materials subject to a Protective Order. It shall not be opened, nor the contents displayed or revealed except by the Order of this Court.

10. The Parties agree that no portion of the trial in this Proceeding shall be conducted under seal. The Parties, however, reserve the right to address the use of any Materials designated as "CONFIDENTIAL" or "ATTORNEYS' EYES ONLY" with the Court during pre-trial conferences.

/ / /

11. At any stage of these proceedings, any Party may object to a designation of Materials as "CONFIDENTIAL" or "ATTORNEYS' EYES ONLY" by notifying, in writing, Counsel for the Designating Party of the objected-to Materials and the grounds for the objection. If the dispute is not resolved consensually between the Parties within fourteen (14) days of receipt of such a notice of objections, the objecting Party may move the Court for a ruling on the objection. In the event any Party files a motion challenging the designation or redaction of information, the Materials shall be submitted to the Court, under seal, for an in-camera inspection. The burden shall rest with the Designating Party to demonstrate that the designation is proper. The Materials at issue must be treated as "CONFIDENTIAL" or "ATTORNEYS' EYES ONLY", until the Court has ruled on the objection, or the matter has been otherwise resolved.

12. At any stage of this Proceeding, any Party may request that it be permitted to disclose Materials designated as "CONFIDENTIAL" or "ATTORNEYS' EYES ONLY" to individuals not permitted by this Order to view such Materials. The Party must notify, in writing, Counsel for the Designating Party of the identity of the relevant Materials and the individuals to whom the Party wishes to disclose the Materials. If the request is not resolved consensually between the Parties within fourteen (14) days of receipt of such a request, the requesting Party may move the Court for a ruling allowing such disclosure. In the event any Party files a motion requesting such disclosure, the Materials shall be submitted to the Court, under seal, for an in-camera inspection. The Materials at issue must be treated as "CONFIDENTIAL" or "ATTORNEYS' EYES ONLY" until the Court has ruled on the request, or the matter has been otherwise resolved.

13. Counsel for each Party, and each person receiving Confidential Information, must take reasonable precautions to prevent the unauthorized or inadvertent disclosure of such information. If Confidential Information is disclosed to any person other than a person authorized by this Order, the Party responsible for the unauthorized disclosure must immediately bring all pertinent facts relating to the unauthorized disclosure to the attention of the other Parties and, without prejudice to any rights and remedies of the other Parties,

make every effort to prevent further disclosure by the person(s) receiving the unauthorized disclosure.

14. No Party will be responsible to another Party for disclosure of Confidential Information under this Order if the information in question is not labeled or otherwise identified as such in accordance with this Order.

15. If a Party produces any Confidential Information without labeling, marking, and/or otherwise designating it as such in accordance with this Order, the Party may give written notice to the receiving Parties that the Materials produced are "CONFIDENTIAL" or "ATTORNEYS' EYES ONLY", and should be treated as such in accordance with this Order. The receiving Parties must treat the Materials as "CONFIDENTIAL" or "ATTORNEYS' EYES ONLY" upon receipt of such notice. If a receiving Party has disclosed the Materials before receiving the designation, such Party must notify the Designating Party in writing of each such disclosure. Counsel for the Parties will agree on a mutually acceptable manner of labeling or marking the inadvertently produced Materials as "CONFIDENTIAL - SUBJECT TO PROTECTIVE ORDER."

16. Nothing within this Order will prejudice the right of any Party to object to the production of any discovery material on the grounds that such material is protected as privileged and/or attorney work product.

17. Nothing within this Order will prejudice the right of any Party to oppose production of any information and/or materials for lack of relevance or any other ground except the mere presence of Confidential Information.

18. Nothing in this Order will bar Counsel from rendering advice to their clients with respect to this litigation and, in the course thereof, relying upon any information designated as "CONFIDENTIAL" or "ATTORNEYS' EYES ONLY", provided that the contents of the information may be disclosed only in accordance with this Order.

19. Nothing in this Order shall prohibit Counsel from disclosing Confidential Material to any person who was an author, addressee, or carbon copy recipient of such document. Regardless of any designation under this Order, if a document or testimony

makes reference to the actual or alleged conduct or statements of a person who is a potential witness, Counsel may discuss such conduct or statements with such witness without revealing any portion of the document or testimony other than that which specifically refers to such conduct or statement, and such discussion shall not constitute disclosure in violation of this Order.

20. The existence of this Order must not be used by any Party as a basis for discovery that is otherwise improper under the Arizona Rules of Civil Procedure. Nor shall the existence of this Order be used as a basis to prevent another party from seeking greater protection than the protection provided by this Order.

21. On good cause shown, the Court may amend or modify any of the tenets of this Order as necessary to further the ends of justice or to resolve any problems which may arise stemming from or relating to this Order.

22. Information designated "CONFIDENTIAL" or "ATTORNEYS' EYES ONLY" pursuant to this Order also may be disclosed if:

a. the Designating Party consents to such disclosure;

b. the Court, after notice to all affected persons, allows such disclosure; or

c. the Party to whom Confidential Information has been produced thereafter becomes obligated to disclose the information in response to a lawful subpoena, provided that the Subpoenaed Party gives prompt notice to Counsel for the Designating Party and permits Counsel for that Party sufficient time to intervene and seek judicial protection from the enforcement of this subpoena and/or entry of an appropriate protective order in the action in which the subpoena was issued.

23. Nothing in this Order shall limit any Party's use of its own documents or shall prevent any Party from disclosing its own Confidential Information to any person. Such disclosures shall not affect any designation made pursuant to the terms of this Order so long as the disclosure is made in a manner reasonably calculated to maintain the confidentiality of the information.

24. Within thirty (30) days of the final termination of this Proceeding, including any and all appeals, all Parties and persons bound by this Order shall either return all Confidential Information, including any copies, excerpts, and summaries of that information to the Designating Party or certify, in writing and under oath, that all such information in their possession has been destroyed.

a. Notwithstanding the foregoing, Counsel may retain a copy of its litigation file, which may include pleadings, deposition transcripts, deposition exhibits, trial transcripts, trial exhibits, correspondence, legal research memoranda, summaries, compilations, memoranda, attorney notes and work-product, and other types of materials ordinarily considered to be part of an attorney's litigation file, including those items containing Confidential Information.

b. The Parties' insurance carrier(s) similarly may retain a copy of its claim file, which may include pleadings, deposition transcripts, deposition exhibits, trial transcripts, trial exhibits, correspondence, legal research memoranda, summaries, compilations, memoranda, attorney notes and work-product, and other types of materials ordinarily considered to be part of an insurer's claim file, including those items containing Confidential Information.

25. The restrictions and obligations set forth within this Order will not apply to any information that:

a. the Parties agree should not be designated Confidential Information;

b. the Parties agree, or the Court rules, is already public knowledge; or

c. the Parties agree, or the Court rules, has become public knowledge other than as a result of a disclosure in violation of this Order.

26. Transmission by e-mail or facsimile is acceptable for all notification purposes within this Order.

27. After termination of this Proceeding, the provisions of this Order shall continue to be binding, except with respect to those documents and information that became a matter of public record. This Court shall retain and have continuing jurisdiction over the

Parties and recipients of Confidential Information and Materials as may be necessary to enforce the provisions of this Order.

DATED _____, 2024.

Honorable M. Scott McCoy
Judge of the Superior Court

EXHIBIT A

SUPERIOR COURT OF THE STATE OF ARIZONA

MARICOPA COUNTY

NEW AMERICAN FUNDING, LLC, a Delaware limited liability company, Plaintiff, v. PLANCK, LLC, d/b/a PATCH MEDIA, a limited liability company, and CORDLESS MEDIA, LLC, a Delaware limited liability company, Defendants.	**Case No. CV2023-019389** **AGREEMENT TO BE BOUND BY PROTECTIVE ORDER** *(Assigned to Hon. M. Scott McCoy)*
PLANCK, LLC, d/b/a PATCH MEDIA, a Delaware limited liability company, Counterclaimant. v. NEW AMERICAN FUNDING, LLC, a Delaware limited liability company, Counterdefendant.	

I, _____, declare and say that:

1. I am employed as _____ by _____.

2. I have read the Protective Order (the "Order") entered in this Proceeding and have received a copy thereof.

3. I agree and stipulate that I will use any and all Confidential Information and/or Materials, as defined in the Order, given to me only in a manner authorized by the Order, and only to assist Counsel in the litigation of this matter.

4. I agree and stipulate that I will not disclose or discuss such Confidential

Information and/or Materials with anyone other than the persons described in the Order.

5. I warrant and acknowledge that, by signing this agreement, I am subjecting myself to the jurisdiction of the Superior Court for the State of Arizona with respect to the enforcement of the Order.

6. I warrant and acknowledge that any disclosure or use of Confidential Information and/or Materials in a manner contrary to the provisions of the Order will subject me to sanctions, including but not limited to contempt of court.

7. I will return all Confidential Information and/or Materials to the attorney who provided said items to me upon that attorney's request, and I shall not retain any copies of said items or any information contained within therein.

I declare under penalty of perjury that the foregoing is true and correct.

DATED _____.

_____

Signature

eSignature Page 1 of 1

Filing ID: 18980579 Case Number: CV2023-019389
Original Filing ID: 18953564

Granted as Submitted

/S/ M. Scott McCoy Date: 12/9/2024
Judicial Officer of Superior Court

ENDORSEMENT PAGE

CASE NUMBER: CV2023-019389 SIGNATURE DATE: 12/9/2024

E-FILING ID #: 18980579 FILED DATE: 12/10/2024 8:00:00 AM

DAVID S GINGRAS

J WILLIAM VANDEHEI

JAMES ARROWOOD

Exhibit B

David Gingras

From: David Gingras
Sent: Thursday, April 4, 2024 1:30 PM
To: Gregg Woodnick
Cc: Isabel Ranney; Maribeth Burroughs
Subject: RE: Owens v. Echard; Request to Meet and Confer

Gregg,

Thank you for the email, and your words are noted. I am obviously a passionate person, and my words sometimes reflect that. I do my best to remain professional with you (I am allowed to be upset when I see something that I think crosses the line).

I don't want to escalate the debate, but as much as you may have concerns about my *words*, I also have concerns about your *conduct*. Lying to me and/or lying to the court are much more serious problems than me tweeting comparisons to an MMA star.

But, you have asked to tone stuff down, and I agree with that view…so I'm not going to push the issue further at the moment, unless given no choice. So give me another choice.

As for the other points you mention, a few comments:

First, I am aware of no court order that would stop Laura from publishing her own medical records. Yes, I am aware there is a minute entry order dated 2/21/24 that says, among other things, "no party shall disclose outside of themselves [odd wording] any medical or other documentation … *disclosed between the parties*."

I was obviously not present when that order was entered, so I may not have the full context, but my reading of this is if *Laura* discloses medical records to you, you can't share them publicly, and if Clayton shares records with us, we can't share them publicly. That's typical, and it is how I read the court's order. If my reading is correct, it does not prohibit Laura from posting her own medical records, which she did solely to rebut false claims from your side that no such records existed. There is nothing nefarious or improper about this.

If you interpret the order to mean that Laura is somehow *enjoined from publishing her own records* for the purpose of responding to false statements other people are making (including Dave Neal, who Clayton is clearly working directly with), you need to let me know that immediately so I can take the issue up with the judge.

There is clear case law on that issue – a court could *never* issue such an order, which is why I give the minute entry order a narrower reading. Any broader reading would make the order unconstitutional. In fact, the order would be *void ab initio* meaning it could simply be ignored. I know this because I've litigated the identical issue in other cases. *See, e.g., Phoenix Newspapers, Inc. v. Superior Court*, 101 Ariz. 257, 259 (1966) (holding order prohibiting disclosure of details of court hearing violated Arizona constitution and was void; Superior Court has no authority to "foreclose the right of the people and the press from freely discussing and printing the proceedings held in open court.")

Laura's medical records were filed in a pleading submitted to the court and which is a public record. There is no protective order against this (nor would there be any basis for one), so anyone is free to share that information with the public, which is all I did.

Second, you may not believe this but I want to make sure it's clearly explained – Laura does not want to fight this battle with you guys. She would strongly prefer to stop all the insanity immediately, today.

Now that I've had an entire 10 days to catch up, I can see why people like Dave Neal would not want this – because he is making money by exploiting the situation. It's a dream for him. This case has provided Dave with endless content, and when you are a social media guy like Dave, content is literally the same thing as money. It's too bad that he is likely going to lose a lot of money when Laura sues him, but that's a discussion I will have with him separately.

If Clayton wants the public fighting to stop, GREAT! Let's make that happen. Let's resolve this today. Laura is happy to do that, and if we resolve this, I will never post another word about it and neither will she.

The only thing holding us back right now is Clayton.

David Gingras, Esq.
Gingras Law Office, PLLC
[redacted]
Tel.: [redacted]
Fax: [redacted]

From: Gregg Woodnick [redacted]
Sent: Thursday, April 4, 2024 12:56 PM
To: David Gingras [redacted]
Cc: Isabel Ranney [redacted]; Maribeth Burroughs [redacted]
Subject: RE: Owens v. Echard; Request to Meet and Confer

David,

1. While I appreciate your right to speak on all issues, I am deeply uncomfortable with the tone you are using in emails to my office, on Twitter and in your blog.

2. Comments like ***"I am the Connor McGregor of litigation"*** and "***I look forward to reading their obituaries***," really invoke something extremely unpleasant. Using the term "***special ed***" in a derogatory way is also not something I am comfortable with either (as a lawyer and parent).

3. I have never tweeted in my life. There are certainly passionate followers of this case from Bachelor Nation (due to your client bringing the matter to the world's attention). That said, I was forwarded some of the postings over the past few days as well as your recent blog post and I am just not sure why you are engaging with them. We don't. I am also not certain why you are publishing court documents and your client's personal medical records contrary to court order.

4. Laura needs to comply with the order and provide disclosure. The court will probably give us a few weeks to submit China Doll Affidavit or (I am guessing) it may just tell us fees abide trial. That will be up to Judge Mata.

Gregg

WOODNICK LAW, PLLC
[redacted]
Phoenix, AZ 85020
Phone: [redacted]
Fax: [redacted]
[redacted]
Email: [redacted]

From: David Gingras [redacted]
Sent: Thursday, April 04, 2024 9:22 AM
To: Gregg Woodnick [redacted]
Cc: Isabel Ranney [redacted]; Maribeth Burroughs [redacted]
Subject: RE: Owens v. Echard; Request to Meet and Confer

Gregg,

Prepare to be surprised, but for once I am NOT going to be a jerk. I'm going to show you I can be reasonable (sometimes).

Here's the deal – you keep asking to tone things down. Honestly, I do share that view. Let's see if we can do that.

Here's what I'm asking – you submitted your order to the court on the MTC, and obviously I'm guessing you plan to apply for fees. I don't want you to do that (right now) because it will cause additional unnecessary work for both sides that I think we can avoid…just through a very minimal compromise.

As a compromise, I offer this proposal:

- Don't apply for fees right now. If you win at trial, you can ask for all the fees you want, including the MTC fees. In fact, you can basically say the MTC ruling entitles you to that part of the fees, even without a finding of frivolous or whatever under 12-349. So basically, I am not asking you to give up anything other than the right to seek fees *now*. You can do that in 60ish days when the case is over.
- In return for you not seeking fees right now, I will agree not to bring a motion asking for relief from the MTC order on the basis of fraud. Like I said, I am not happy about what I have recently learned, but if we can avoid fighting over that new issue now, it would be helpful for both sides.
- Also, in return for you not seeking fees now (subject to your right to seek them later), Laura will go ahead and comply with MTC order today. To be fair, she says most of the stuff you are asking for does not exist, so this is not a huge concession on her part, but at least it is something.

BONUS POINT – in an effort to be *even more reasonable*, I will also throw out something else. Because you've already deposed Laura, and because some of what she discloses may raise new questions, what if we were to schedule a conference call with you, me, and Laura, and you could ask some follow-up questions about anything new that she gives you?

Exhibit C

DV-110 Temporary Restraining Order

Clerk stamps date here when form is filed.

FILED
San Francisco County Superior Court
JAN 10 2018
CLERK OF THE COURT
BY: C. Ayala Deputy Clerk

Person in (1) must complete items (1), (2), and (3) only.

(1) Name of Protected Person: LAURA OWENS

Your lawyer in this case *(if you have one)*:
Name: IN PRO PER State Bar No.:
Firm Name:

Address *(If you have a lawyer for this case, give your lawyer's information. If you do not have a lawyer and want to keep your home address private, give a different mailing address instead. You do not have to give your telephone, fax, or e-mail.)*
Address: [redacted]
City: SAN FRANCISCO State: CA Zip: 94123
Telephone: Fax:
E-mail Address:

Fill in court name and street address:
Superior Court of California, County of
San Francisco
400 McAllister Street
San Francisco, CA 94102
Unified Family Court

(2) Name of Restrained Person: MICHAEL MAKKACCINI

Court fills in case number when form is filed.
Case Number: FDV-18-813693

Description of restrained person:

Sex: ☒ M ☐ F Height: 6'4 Weight: 220 Hair Color: LIGHT BROWN Eye Color: GREEN
Race: WHITE Age: 30 Date of Birth: [redacted]
Address *(if known)*: [redacted]
City: SAN FRANCISCO State: CA Zip: 94123
Relationship to protected person: EX-BOYFRIEND

(3) ☒ Additional Protected Persons

In addition to the person named in (1), the following persons are protected by temporary orders as indicated in items (6) and (7) *(family or household members)*:

Full name	Relationship to person in (1)	Sex	Age
RONN OWENS DENIED	FATHER	M	72
JAN OWENS DENIED	MOTHER	F	61
SARAH OWENS	SISTER	F	29

☐ *Check here if there are additional protected persons. List them on an attached sheet of paper and write, "DV-110, Additional Protected Persons" as a title.*

The court will complete the rest of this form.

(4) Court Hearing

This order expires at the end of the hearing stated below:

Hearing Date: 1/26/18 Time: 9:00 ☒ a.m. ☐ p.m.

This is a Court Order.

Case Number:

5 ☑ **Criminal Protective Order**

a. ☐ A criminal protective order on form CR-160, *Criminal Protective Order—Domestic Violence,* is in effect.
Case Number: _____ County: _____ Expiration Date: _____

b. ☑ No information has been provided to the judge about a criminal protective order.

To the person in 2

The court has granted the temporary orders checked below. If you do not obey these orders, you can be arrested and charged with a crime. You may be sent to jail for up to one year, pay a fine of up to $1,000, or both.

6 **Personal Conduct Orders** ☐ **Not requested** ☐ **Denied until the hearing** ☑ **Granted as follows:**

a. You must **not** do the following things to the person in (1) and ☐ persons in (3):
- ☑ Harass, attack, strike, threaten, assault *(sexually or otherwise)*, hit, follow, stalk, molest, destroy personal property, disturb the peace, keep under surveillance, impersonate *(on the Internet, electronically or otherwise)*, or block movements
- ☑ Contact, either directly or indirectly, in any way, including but not limited to, by telephone, mail, e-mail or other electronic means
- ☑ Take any action, directly or through others, to obtain the addresses or locations of the persons in (1) *and* (3). *(If this item is not checked, the court has found good cause not to make this order.)*

b. Peaceful written contact through a lawyer or process server or another person for service of Form DV-120 *(Response to Request for Domestic Violence Restraining Order)* or other legal papers related to a court case is allowed and does not violate this order.

c. ☐ Exceptions: Brief and peaceful contact with the person in (1), and peaceful contact with children in (3), as required for court-ordered visitation of children, is allowed unless a criminal protective order says otherwise.

7 **Stay-Away Order** ☐ **Not requested** ☐ **Denied until the hearing** ☑ **Granted as follows:**

a. You **must** stay at least *(specify):* 100 yards away from *(check all that apply):*
- ☑ The person in (1)
- ☑ Home of person in (1)
- ☑ The job or workplace of person in (1)
- ☑ Vehicle of person in (1)
- ☐ School of person in (1)
- ☑ ~~The persons in (3)~~
- ☐ The child(ren)'s school or child care
- ☐ Other *(specify):* _____

b. ☐ Exceptions: Brief and peaceful contact with the person in (1), and peaceful contact with children in (3), as required for court-ordered visitation of children, is allowed unless a criminal protective order says otherwise.

8 **Move-Out Order** ☑ **Not requested** ☐ **Denied until the hearing** ☐ **Granted as follows:**

You must take only personal clothing and belongings needed until the hearing and move out immediately from *(address):* _____

This is a Court Order.

Case Number:

(9) No Guns or Other Firearms or Ammunition

a. You cannot own, possess, have, buy or try to buy, receive or try to receive, or in any other way get guns, other firearms, or ammunition.

b. You must:

- Sell to, or store with, a licensed gun dealer, or turn in to a law enforcement agency, any guns or other firearms within your immediate possession or control. Do so within 24 hours of being served with this order.
- Within 48 hours of receiving this order, file with the court a receipt that proves guns have been turned in, stored, or sold. (You may use Form DV-800, *Proof of Firearms Turned In, Sold, or Stored,* for the receipt.) Bring a court filed copy to the hearing.

c. ☐ The court has received information that you own or possess a firearm.

(10) Record Unlawful Communications

☐ **Not requested** ☐ **Denied until the hearing** ☐ **Granted as follows:** N/A

The person in (1) can record communications made by you that violate the judge's orders.

(11) Care of Animals ☐ Not requested ☐ Denied until the hearing ☑ Granted as follows:

The person in (1) is given the sole possession, care, and control of the animals listed below. The person in (2) must stay at least 100 yards away from and not take, sell, transfer, encumber, conceal, molest, attack, strike, threaten, harm, or otherwise dispose of the following animals:

'Buttons', poodle

(12) Child Custody and Visitation ☑ Not requested ☐ Denied until the hearing ☐ Granted as follows:

Child custody and visitation are ordered on the attached form DV-140, *Child Custody and Visitation Order* or *(specify other form)*: _____. The parent with temporary custody of the child must not remove the child from California unless the court allows it after a noticed hearing (Fam. Code, § 3063).

(13) Child Support

Not ordered now but may be ordered after a noticed hearing.

(14) Property Control ☑ Not requested ☐ Denied until the hearing ☐ Granted as follows:

Until the hearing, ***only*** the person in (1) can use, control, and possess the following property:

(15) Debt Payment ☑ Not requested ☐ Denied until the hearing ☐ Granted as follows:

The person in (2) must make these payments until this order ends:

Pay to: _____ For: _____ Amount: $ _____ Due date: _____

Pay to: _____ For: _____ Amount: $ _____ Due date: _____

(16) Property Restraint ☑ Not requested ☐ Denied until the hearing ☐ Granted as follows:

If the people in (1) and (2) are married to each other or are registered domestic partners, ☐ the person in (1) ☐ the person in (2) must not transfer, borrow against, sell, hide, or get rid of or destroy any property, including animals, except in the usual course of business or for necessities of life. In addition, each person must notify the other of any new or big expenses and explain them to the court. *(The person in (2) cannot contact the person in (1) if the court has made a "no contact" order.)*

Peaceful written contact through a lawyer or a process server or other person for service of legal papers related to a court case is allowed and does not violate this order.

This is a Court Order.

Case Number:

(17) Spousal Support

Not ordered now but may be ordered after a noticed hearing.

(18) Rights to Mobile Device and Wireless Phone Account

a. Property control of mobile device and wireless phone account

☑ Not requested ☐ Denied until the hearing ☐ Granted as follows:

Until the hearing, only the person in (1) can use, control, and possess the following property:

Mobile device *(describe)* _____ and account *(phone number)*: _____

Mobile device *(describe)* _____ and account *(phone number)*: _____

Mobile device *(describe)* _____ and account *(phone number)*: _____

☐ *Check here if you need more space. Attach a sheet of paper and write "DV-110 Rights to Mobile Device and Wireless Phone Account" as a title.*

b. Debt Payment ☑ Not requested ☐ Denied until the hearing ☐ Granted as follows:

The person in (2) must make these payments until this order ends:

Pay to *(wireless service provider)*: _____ Amount: $_____ Due date: _____

c. Transfer of Wireless Phone Account

Not ordered now but may be ordered after a noticed hearing.

(19) Insurance

☐ The person in (1) ☐ the person in (2) is ordered NOT to cash, borrow against, cancel, transfer, dispose of, or change the beneficiaries of any insurance or coverage held for the benefit of the parties, or their child(ren), if any, for whom support may be ordered, or both.

(20) Lawyer's Fees and Costs

Not ordered now but may be ordered after a noticed hearing.

(21) Payments for Costs and Services

Not ordered now but may be ordered after a noticed hearing.

(22) Batterer Intervention Program

Not ordered now but may be ordered after a noticed hearing.

(23) Other Orders

☑ **Not requested** ☐ **Denied until the hearing** ☐ **Granted as follows:**

_____

_____

_____

_____

_____

_____

☐ *Check here if there are additional orders. List them on an attached sheet of paper and write "DV-110, Other Orders" as a title.*

(24) No Fee to Serve (Notify) Restrained Person

If the sheriff serves this order, he or she will do so for free.

Date: 1/10/18

_____

Judge (or Judicial Officer)

MONICA F. WILEY

This is a Court Order.

Case Number:

Warnings and Notices to the Restrained Person in (2)

If You Do Not Obey This Order, You Can Be Arrested And Charged With a Crime.

- If you do not obey this order, you can go to jail or prison and/or pay a fine.
- It is a felony to take or hide a child in violation of this order.
- If you travel to another state or to tribal lands or make the protected person do so, with the intention of disobeying this order, you can be charged with a federal crime.

You Cannot Have Guns, Firearms, And/Or Ammunition.

You cannot own, have, possess, buy or try to buy, receive or try to receive, or otherwise get guns, other firearms, and/or ammunition while the order is in effect. If you do, you can go to jail and pay a $1,000 fine. You must sell to or store with a licensed gun dealer or turn in to a law enforcement agency any guns or other firearms that you have or control. The judge will ask you for proof that you did so. If you do not obey this order, you can be charged with a crime. Federal law says you cannot have guns or ammunition while the order is in effect.

Service of Order by Mail

If the judge makes a restraining order at the hearing, which has the same orders as in this form, you will get a copy of that order by mail at your last known address, which is written in (2). If this address is incorrect, or to find out if the orders were made permanent, contact the court.

Child Custody, Visitation, and Support

- **Child custody and visitation:** If you do not go to the hearing, the judge can make custody and visitation orders for your children without hearing from you.
- **Child support:** The judge can order child support based on the income of both parents. The judge can also have that support taken directly from a parent's paycheck. Child support can be a lot of money, and usually you have to pay until the child is age 18. File and serve a *Financial Statement (Simplified)* (form FL-155) or an *Income and Expense Declaration* (form FL-150) if you want the judge to have information about your finances. Otherwise, the court may make support orders without hearing from you.
- **Spousal support:** File and serve an *Income and Expense Declaration* (form FL-150) so the judge will have information about your finances. Otherwise, the court may make support orders without hearing from you.

Instructions for Law Enforcement

This order is effective when made. It is enforceable by any law enforcement agency that has received the order, is shown a copy of the order, or has verified its existence on the California Law Enforcement Telecommunications System (CLETS). If the law enforcement agency has not received proof of service on the restrained person, and the restrained person was not present at the court hearing, the agency shall advise the restrained person of the terms of the order and then shall enforce it. Violations of this order are subject to criminal penalties.

Arrest Required if Order Is Violated

If an officer has probable cause to believe that the restrained person had notice of the order and has disobeyed the order, the officer must arrest the restrained person. (Pen. Code, §§ 836(c)(1), 13701(b).) A violation of the order may be a violation of Penal Code section 166 or 273.6.

This is a Court Order.

If the Protected Person Contacts the Restrained Person

Even if the protected person invites or consents to contact with the restrained person, the orders remain in effect and must be enforced. The protected person cannot be arrested for inviting or consenting to contact with the restrained person. The orders can be changed only by another court order. (Pen. Code, §13710(b).)

Conflicting Orders–Priorities for Enforcement

If more than one restraining order has been issued protecting the protected person from the restrained person, the orders must be enforced according to the following priorities (see Pen. Code, § 136.2, and Fam. Code, §§ 6383(h), 6405(b)):

1. *EPO:* If one of the orders is an *Emergency Protective Order* (form EPO-001), and it is more restrictive than other restraining or protective orders, it has precedence in enforcement over all other orders.
2. *No-Contact Order:* If there is no EPO, a no-contact order that is included in a restraining or protective order has precedence in enforcement over any other restraining or protective order.
3. *Criminal Order:* If none of the orders includes a no-contact order, a domestic violence protective order issued in a criminal case takes precedence in enforcement over any conflicting civil court order. Any nonconflicting terms of the civil restraining order remain in effect and enforceable.
4. *Family, Juvenile, or Civil Order:* If more than one family, juvenile, or other civil restraining or protective order has been issued, the one that was issued last must be enforced.

Child Custody and Visitation

- The custody and visitation orders are on form DV-140, items (3) and (4). They are sometimes also written on additional pages or referenced in DV-140 or other orders that are not part of the restraining order.
- **Forms DV-100 and DV-105 are not orders. Do not enforce them.**

Certificate of Compliance With VAWA

This temporary protective order meets all "full faith and credit" requirements of the Violence Against Women Act, 18 U.S.C. § 2265 (1994) (VAWA), upon notice of the restrained person. This court has jurisdiction over the parties and the subject matter; the restrained person has been or will be afforded notice and a timely opportunity to be heard as provided by the laws of this jurisdiction. **This order is valid and entitled to enforcement in each jurisdiction throughout the 50 states of the United States, the District of Columbia, all tribal lands, and all U.S. territories, commonwealths, and possessions and shall be enforced as if it were an order of that jurisdiction.**

(Clerk will fill out this part.)

—Clerk's Certificate—

Clerk's Certificate
[seal]

I certify that this *Temporary Restraining Order* is a true and correct copy of the original on file in the court.

Date: _____ Clerk, by _____, Deputy

This is a Court Order.

DV-730 Order to Renew Domestic Violence Restraining Order

Clerk stamps date here when form is filed.

FILED
San Francisco County Superior Court
SEP 11 2020
CLERK OF THE COURT
BY: _____ Deputy Clerk

Fill in court name and street address:

Superior Court of California, County of
SAN FRANCISCO
SAN FRANCISCO SUPERIOR COURT
400 McAllister Street

San Francisco CA 94102

Fill in case number:

Case Number:
FDV-18-813693

(1) Name of Protected Person:

Laura Owens

Your lawyer in this case *(if you have one)*:
Name: In Pro Per State Bar No.: _____
Firm Name: _____

Address *(If you have a lawyer for this case, give your lawyer's information. If you do not have a lawyer and want to keep your home address private, give a different mailing address instead. You do not have to give your telephone, fax, or e-mail.)*:
Address: [redacted]
City: San Francisco State: CA Zip: 94123
Telephone: _____ Fax: _____
E-Mail Address: _____

(2) Name of Restrained Person:

Michael Marraccini

Description of restrained person:

Sex: [x] M [ ] F Height: 6'4 Weight: 220 Hair Color: brown Eye Color: green
Race: White Age: 33 Date of Birth: [redacted]
Mailing Address *(if known)*: _____
City: _____ State: _____ Zip: _____
Relationship to protected person: _____

(3) Hearing

There was a hearing on *(date)*: 9/11/2020 at *(time)*: 9:00 [x] a.m. [ ] p.m. Dept. 403 Room: 403
These people were at the hearing:

a. [x] The person in (1) c. [ ] The lawyer for the person in (1) *(name)*: _____
b. [x] The person in (2) d. [ ] The lawyer for the person in (2) *(name)*: _____

(4) Renewal and Expiration

The request to renew the attached restraining order, issued on *(date)*: July 9, 2018 is:

a. [x] GRANTED. The attached restraining order is renewed and will now be in effect for:
[x] 5 years [ ] permanently *(the renewed restraining order must be attached to this form.)*

The attached order will expire on:
(date): July 10, 2025 *(time)*: 12:00 noon [ ] a.m. [ ] p.m. or [ ] midnight

(Child custody, visitation, and support orders may have been modified and may be different from those issued on the attached restraining order).

b. [ ] DENIED. The attached restraining order expires as stated in that order.

Number of pages attached: 9

Date: September 11, 2020

Judicial Officer
Hon. Sharon Reardon

This is a Court Order.

Exhibit D

David Gingras

From: David Gingras
Sent: Monday, May 6, 2024 1:48 PM
To: Randy Sue Pollock
Subject: RE: Owens trial
Attachments: Granted RO renewal against Mike 202.pdf; 2018.1.10_THE_TEMPORARY_RO.pdf

Ms. Pollock,

I am writing to document our discussion just now and to explain my position. Per the email below, we spoke about your client Mike Marraccini about two weeks ago. At that time, I told you I just wanted to speak with Mike and hear his side of the story. I also explained that IF Mike was going to be a witness in the Arizona paternity matter, I could (and would) be willing to subpoena him for a deposition, if he was unwilling to have a simple phone conversation.

In response to that discussion, you sent me the email below stating that Mr. Marraccini was NOT going to testify at the trial in June.

Since then, counsel for Mr. Echard has indicated Mr. Marraccini WILL be testifying in person at trial in June. This is, of course, inconsistent with what you said below.

To clarify the situation, I called you again today to ask if it was possible for me to speak with Mr. Marraccini. Your response was (to paraphrase): "No, we are not willing to cooperate with you."

In light of that response I want to make two things clear:

1.) If Mr. Marraccini intends to testify at trial, then I have an absolute right to know this, and I have a right to interview him. That interview can be done informally in a phone call, or it can be done formally in a deposition. Either way, refusing to cooperate is NOT an available option IF Mr. Marraccini wants to participate as a trial witness.

2.) On the phone, you suggested Mr. Marraccini may just "show up" at trial rather than participating as a subpoenaed witness (i.e., he would simply choose to be there, either as a spectator, or as a non-subpoenaed witness).

    If that is his plan, I need to be clear about our position – if Mr. Marraccini shows up as *either* a spectator or as a non-subpoenaed witness, Laura will ask the Phoenix Police to have Mr. Marraccini immediately arrested for violating the restraining order issued against him (copies attached).

In short, I agree Mr. Marraccini CAN testify at trial without fear of arrest, *provided* he complies with the rules of procedure. That means, among other things, I have the right to interview him and take his deposition if necessary.

If Mr. Marraccini does not want to comply with the procedural rules, that's 100% OKAY. I am more than happy if he wants to stay home (assuming he hasn't been lawfully summoned). But if he comes within 100 yards of Laura without being compelled to appear by valid subpoena, then he will risk arrest and prosecution for violating the restraining order.

NOTE – Rule ER 3.4(f) of the Arizona Rules of Professional Conduct provides a lawyer shall not: "request a person other than a client to refrain from voluntarily giving relevant information to another party...."

Based on this rule, I *assume* Mr. Woodnick has not instructed you or Mr. Marraccini to refrain from speaking to me. If that has occurred, it would be a *per se* violation of the ethical rules.

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).

If you have any questions, please let me know.

DV-730 **Order to Renew Domestic Violence Restraining Order**

Clerk stamps date here wh
FIL
San Francisco Count
SEP 11 2
CLERK OF THE
BY:

(1) Name of Protected Person:
Laura Owens
Your lawyer in this case *(if you have one)*:
Name: In Pro Per State Bar No.:
Firm Name:
Address *(If you have a lawyer for this case, give your lawyer's information. If you do not have a lawyer and want to keep your home address private, give a different mailing address instead. You do not have to give your telephone, fax, or e-mail.)*:
Address: [redacted]
City: San Francisco State: CA Zip: 94123
Telephone: Fax:
E-Mail Address:

Fill in court name and street
Superior Court of Calif
SAN FRANCISCO
SAN FRANCISCO SU
400 McAllister
San Francisco C

(2) Name of Restrained Person:
Michael Marraccini
Description of restrained person:
Sex: [x] M [ ] F Height: 6'4 Weight: 220 Hair Color: brown Eye Col
Race: White Age: 33 Date of
Mailing Address *(if known)*:
City: State: Zi
Relationship to protected person:

Fill in case number:
Case Number:
FDV-18-813693

(3) Hearing
There was a hearing on *(date)*: 9/11/2020 at *(time)*: 9:00 [x] a.m. [ ] p.m. Dept. 40
These people were at the hearing:
a. [x] The person in (1) c. [ ] The lawyer for the person in (1) *(name)*:
b. [x] The person in (2) d. [ ] The lawyer for the person in (2) *(name)*:

(4) Renewal and Expiration
The request to renew the attached restraining order, issued on *(date)*: July 9, 2018
a. [x] GRANTED. The attached restraining order is renewed and will now be in effect for:
[x] 5 years [ ] permanently *(the renewed restraining order must be attached to thi*

The attached order will expire on:
(date): July 10, 2025 *(time)*: 12:00 noon [ ] a.m. [ ] p.m. or

David Gingras, Esq.
Gingras Law Office, PLLC
[redacted]
Tel.: [redacted]
Fax: [redacted]

From: Randy Sue Pollock [redacted]
Sent: Friday, April 19, 2024 7:15 PM
To: David Gingras [redacted]
Subject: Owens trial

Mr. Gingras,
My client will not be testifying.

Randy Sue Pollock

RANDY SUE POLLOCK
Law Office of Randy Sue Pollock
[redacted]
Oakland, CA 94610
T [redacted]
F [redacted]
C [redacted]
[redacted]

Exhibit E

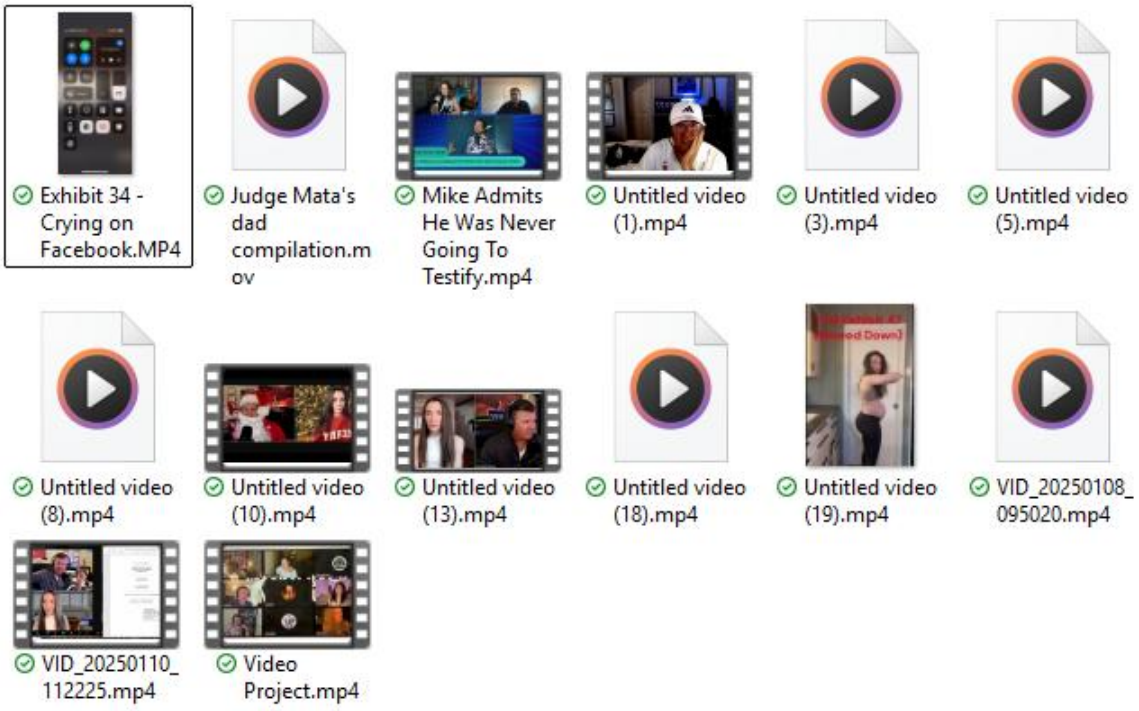
BEFORE THE PRESIDING DISCIPLINARY JUDGE

IN THE MATTER OF A MEMBER OF THE STATE BAR OF ARIZONA, **DAVID S. GINGRAS** Bar No. 021097 Respondent.	**No. PDJ 2026-9010** **RESPONDENT'S FIRST SUPPLEMENTAL DISCLOSURE STATEMENT**

Pursuant to Supreme Court Rule 58(e) Respondent David S. Gingras ("Respondent" or "Gingras") respectfully provides the following *supplemental* disclosures.

3.) <u>Persons Who Have Given Statements</u>

Enclosed is a thumb drive which contains 14 video recordings including statements made by Respondent, Ms. Owens, and others relating to the *Owens v. Echard* litigation. These videos may also be downloaded here: Videos for Jim Lee



6.) Respondent's Factual And Legal Bases

Based on Respondent's review of the Complaint in this matter, it is clear there is some significant confusion regarding the events that occurred in the *Owens v. Echard* case. There is also confusion regarding some of the legal/factual grounds that explain Respondent's actions. As bar counsel knows, the underlying case was *exceptionally* complicated, and some of the legal issues involved were either matters of first impression in Arizona or were so subtle that they were easy to misunderstand.

For those reasons, Respondent offers the comments below in the hopes that they may help the State Bar gain a clearer understanding of what happened in the case, and why Responent's conduct was not improper at any stage.

I. The Planned Parenthood Sonogram Was Irrelevant/Immaterial

The most often-repeated headline about *Owens v. Echard* is this: "Laura Owens lied about getting a fake sonogram from Planned Parenthood!" After hearing that one statement, everyone thinks the same thing – *Laura Owens committed perjury*.

That conclusion is 100% wrong (at least assuming Laura did, in fact, lie about the sonogram). Understanding why Laura did not commit perjury requires a full understanding of both perjury law and paternity law.

Let's begin with a simple thought experiment – assume Laura Owens was never pregnant at all. Assume Laura knew she was not pregnant, so she created a 100% fake sonogram to use as evidence in court.

Assume Laura asked Chat GPT to create a fake sonogram with her name on it. Assume Chat GPT produced an extremely crude and obviously fake image exactly like the one shown here. Assume that ANYONE looking at this cartoonish image would know it is not a real sonogram.

Now assume Laura files a statutory *Petition to Establish Paternity* against Clayton Echard. Again, for the purposes of this example – *assume Laura is NOT pregnant*.

Now ask yourself – if Laura was NOT pregnant, and if she filed a paternity action against Clayton Echard, would the fake, Chat GPT-generated sonogram be admissible for the purpose of proving paternity? The answer is 100% clear – of course the fake sonogram would *not* be admissible. A similar question – if the ONLY evidence provided to the court was the fake Chat GPT sonogram, would that evidence be sufficient to cause the court to find Clayton Echard was the father of the cartoon baby shown in the sonogram?

This point is not debatable in any way. Fake or real, high quality or cartoonish, sonograms are 100% irrelevant to the issue of paternity. Because sonograms are not relevant, they are not admissible and thus completely immaterial to any issue in a contested paternity action.

NOTE – Arizona law (A.R.S. § 25-812(A)(1)) allows a man to *voluntarily* accept paternity of a child, even if the man is not the biological father of the child. Of course, this option is not available in a case like *Owens v. Echard* where no child exists. A man cannot accept paternity of a child that does not exist.

The bottom line is absent a voluntary admission of paternity (which is legally impossible in a case where no child exists), the only way a court can resolve the issue of paternity is by applying the rebuttable "presumptions" set forth in A.R.S. § 25–814. For instance, if a man and woman are "married at any time in the ten months immediately preceding the birth," paternity of the husband is presumed (but since people may cheat on their spouses, that presumption is rebuttable). A.R.S. § 25–814(A)(1)). Obviously Laura and Clayton were never married, so this presumption was inapplicable. Similarly, a man is presumed to be the father if he signs a birth certificate of a child born out of wedlock. *See* A.R.S. § 25–814(A)(3). Clayton never signed any birth certificate (because no child was ever born), so this option was also inapplicable.

The only potentially applicable presumption would be the one in A.R.S. § 25–814(A)(2). Under that section, paternity may be presumed IF: "[g]enetic testing affirms at least a ninety-five per cent probability of paternity."

A sonogram is not a form of genetic testing. Sonograms do not contain any information regarding the child's DNA. As such, a sonogram cannot be used to prove the presumption of A.R.S. § 25–814(A)(2). It just can't. Not ever, not under any circumstances. Sonograms ≠ DNA.

For that reason, this much is clear – it is legally impossible for a sonogram to change the outcome of a paternity case. That is doubly true when the case does not involve an actual child. If no child exists, a fake sonogram which appeared to show a child could *never* have any impact on the outcome of the case. The outcome of a "no child" case is controlled by a single fact—*there is no child for which paternity can be established*.

By the same token, consider the *opposite* hypothetical – assume that Laura was pregnant with Clayton's child. If Laura actually was pregnant with Clayton's child, would a fake Chat GPT-generated sonogram change that fact? In other words, if Laura WAS pregnant with Clayton's child, and if she filed a petition to establish paternity, and then for some reason Laura showed Clayton a fake Chat GPT-generated sonogram, would that mean Clayton was *not the father*?

I understand these though experiments may make your head hurt at first. But when you stop and think about it, you will realize – I am entirely correct. Sonograms do not have any bearing on paternity. EVER. Not under ANY CIRCUMSTANCES. A fake sonogram cannot be used to "win" a paternity case in which no real child exists. Similarly, a *real* sonogram would not be admissible to establish (or rebut) paternity even in a case where a child was actually born.

Once you understand and accept this idea, a couple of points become crystal clear. First, Laura Owens did not commit perjury, even assuming she lied about the Planned Parenthood sonogram. This conclusion is based on the legal definition of perjury which requires: "A false sworn statement in regard to a **material issue**, believing it to be false." A.R.S. § 13–2702 (emphasis added).

What constitutes a "material issue"? That term is defined by A.R.S. § 13–2701(1) as follows: "'Material' means that which *could have affected the course or outcome* of any proceeding or transaction." (emphasis added).

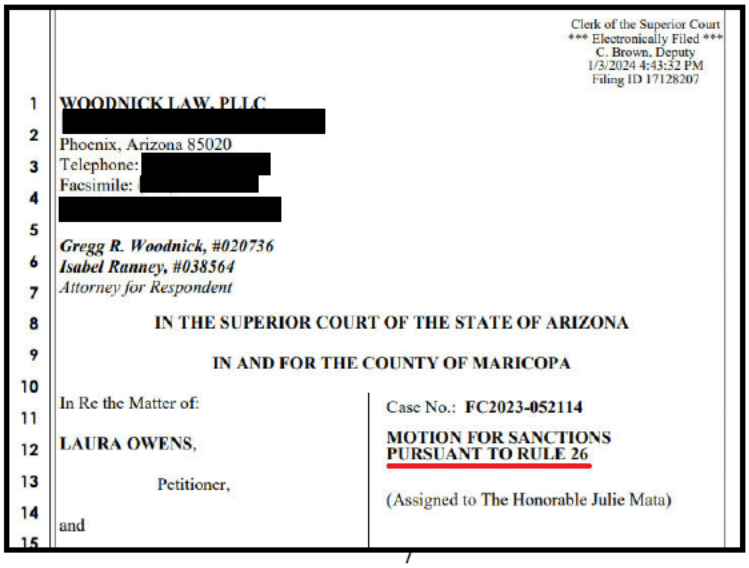
As explained above, sonograms cannot affect the course or outcome of a contested paternity action in which no child exists. If Laura Owens was never pregnant, she could have provided the court with 10,000 fake sonograms. None would change the fact she was not pregnant. No number of fake sonograms can cause a baby to appear in the womb of a woman who is not pregnant.

For that reason, although it is clearly difficult for many people to understand or accept (including many judges, and including the County Attorney), the fact remains – by legal definition, Laura Owens did not commit perjury, even if she lied about the sonogram from Planned Parenthood. In fact, for the same reason, even assuming Laura knew she was never pregnant at all, she did not commit perjury by lying about her *belief* that she was pregnant. This is so because in a case where no baby exists, paternity cannot be established (or rebutted) by a woman's testimony about her beliefs that she IS pregnant (even if she knows she is not).

At the end of the day, the only thing that matters in a contested paternity case is: is the alleged father a 95% or greater DNA match to the child? If the answer is no, nothing else matters. And of course, if there is no child (because the woman lied about being pregnant), then nothing else can change the fact that the father is NOT a 95% or greater DNA match.

Now, to be sure – even though a sonogram is not relevant or material to the issue of paternity, it might be relevant to *other* things. In this instance, it appears Laura used the sonogram primarily to prove she *believed* she was pregnant, and therefore she had a good-faith basis to bring the paternity action in the first place. Assuming Laura lied about the sonogram as a way of avoiding sanctions, I would admit the sonogram WAS material to that issue.

But there's a problem – at the time I was retained, there was only one pending motion for sanctions. This was the motion filed by Mr. Woodnick on January 3, 2024 (three months before I was involved in the case). That motion accused Laura of violating Family Law Rule 26, and it asked for sanctions based ONLY on Rule 26; no other legal grounds were cited in the motion.



Clerk of the Superior Court
*** Electronically Filed ***
C. Brown, Deputy
1/3/2024 4:43:52 PM
Filing ID 17128207

WOODNICK LAW, PLLC
[redacted]
Phoenix, Arizona 85020
Telephone: [redacted]
Facsimile: [redacted]
[redacted]

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

IN THE SUPERIOR COURT OF THE STATE OF ARIZONA

IN AND FOR THE COUNTY OF MARICOPA

In Re the Matter of:

LAURA OWENS,

Petitioner,

and

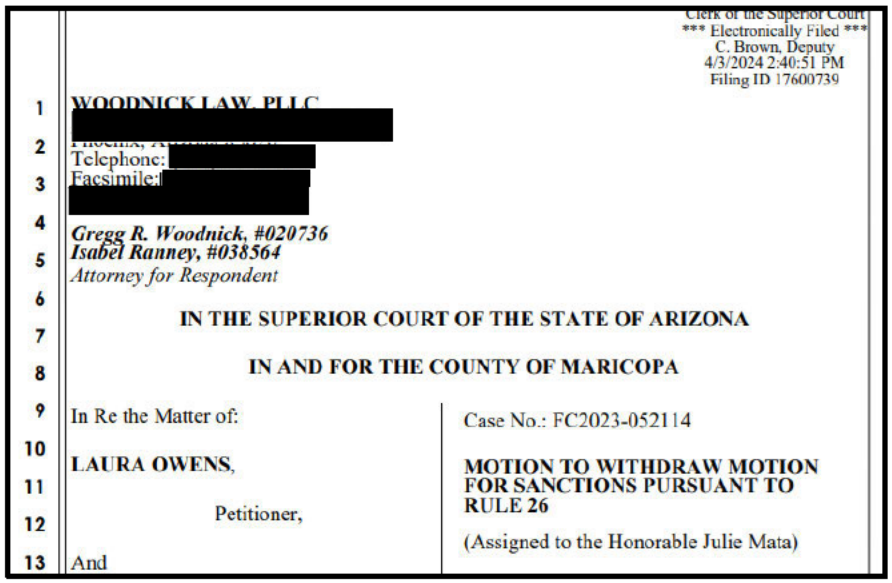
Case No.: **FC2023-052114**

MOTION FOR SANCTIONS PURSUANT TO RULE 26

(Assigned to The Honorable Julie Mata)

As the Bar knows, Mr. Woodnick filed this motion without complying with ANY of the technical requirements of the rule. He failed to give Laura a written warning (required by the rule), and he failed to give her 10 business days within which to correct the issue.

When I discovered this, I advised Mr. Woodnick that I intended to seek sanctions against him under Rule 26 unless he withdrew the motion within 10 days. Rather than challenging my position or explaining why I was wrong, Mr. Woodnick withdrew the Rule 26 motion on April 3, 2024. At that time, there were no other pending sanctions motion (nor were any such motions ever filed).



Clerk of the Superior Court
*** Electronically Filed ***
C. Brown, Deputy
4/3/2024 2:40:51 PM
Filing ID 17600739

WOODNICK LAW, PLLC
[redacted]
Telephone: [redacted]
Facsimile: [redacted]

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

IN THE SUPERIOR COURT OF THE STATE OF ARIZONA

IN AND FOR THE COUNTY OF MARICOPA

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

Because of this, even if Laura lied about the sonogram as a way of trying to avoid sanctions for violating Rule 26, that testimony was, of course, wholly irrelevant and immaterial because the motion was legally meritless and was withdrawn. Gregg Woodnick ignored the rules and filed a motion that *could not have succeeded*, regardless of whether Laura lied.

None of this is to say that I endorse dishonesty. I do not and I never would allow a client to give false or misleading evidence to a court. But the simple truth is this – the outcome of the paternity case was conclusively decided on December 28, 2023 (months before I became involved). On that date, Laura told the court she was no longer pregnant, and she asked the court to dismiss her petition with prejudice. At that point, no number of fake sonograms could have altered the outcome of the paternity issue. A woman who is not pregnant cannot "win" a paternity case, and as of December 28, 2023, Laura Owens told the court she was not pregnant.

Look – I understand that aspect of the case is extremely hard for people to accept. But these are the facts. Perjury cannot happen if a person lies about a fact that is *immaterial*. Sonograms are never material to a contested paternity action in which no child exists, so lies about sonograms can't affect the outcome of such a case in any way.

II. The Appeal Was Not Frivolous

With respect to the bar's arguments that I violated ER 1.3, 3.1 and 8.4 by raising arguments in the appeal which were frivolous, I want to be clear – those arguments are, themselves, frivolous. All of the legal arguments I presented in the appeal were correct statements of the law. The Court of Appeals did not understand the legal issues, or the court simply chose to ignore the law because the facts of the case were offensive (a point I do not dispute).

This conclusion is supported by both the *extensive* legal authority cited in my appellate briefing (which the Court of Appeals simply ignored and never discussed in any way). It is also supported by the fact that the Court of Appeals clearly and directly misstated the law, as explained in the Motion for Reconsideration filed on April 11, 2025.

Specifically, the Court of Appeals cited a case called *State v. Emanuel*, 159 Ariz. 464 (App. 1989) for the premise that when a party argues a judge violated their Due Process rights by considering evidence outside of court (an allegation I made), reversal is not required unless "the conduct demonstrates an extrajudicial source of bias or deep seated favoritism."

That statement is a direct misstatement of *State v. Emanuel*. That case (like *Owens v. Echard*) involved an allegation that a trial judge conducted his own investigation in the case of a case before sentencing the defendant. On appeal, the defendant argued the judge violated her due process rights. The Court of Appeal *agreed*, based solely on the fact the trial judge considered facts obtained by the judge outside of court: "Where a trial judge personally investigates a defendant's background, ex parte, prior to sentencing, must he recuse himself from sentencing? We hold that he must." *Emanuel*, 159 Ariz. at 465. At no point does *Emanuel* say a party must also prove an "extrajudicial source of bias or deep seated favoritism." The case says when a judge considers facts outside of court, that act, by itself, violates the Due Process Clause and requires *automatic* recusal of the judge and reversal of any affected rulings.

In *Owens v. Echard*, the Court of Appeals simply misread *Emanuel* or chose to ignore it. As a published decision by the Court of Appeals, *Emanuel* was valid, controlling law which strongly supported my position. I cannot be punished for violating ER 1.3, 3.1 and 8.4 because a judge ignored the law.

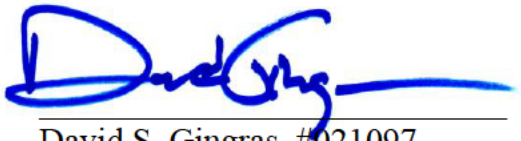
Furthermore, with respect to the safe harbor arguments I raised in *Owens v. Echard*, those arguments were legally correct (based on the extensive authority I cited which the Court of Appeals ignored). That position is further supported by the fact I recently raised substantially the same arguments in a different case, which the court agreed were correct. *See Larosiere v. Wilson*, 2026 WL 83975, *2 (M.D.Fla. Jan. 12, 2026) (refusing to award sanctions under *other authority* when moving party alleged a violation of Rule 11, but failed to comply with the procedural requirements of Rule 11's safe harbor procedure) (citing *Nesbeth v. MasterCard Worldwide,* No. 09-62042-CIV, at *6 (S.D. Fla. Sept. 28, 2010) ("Although a party's filing of a Complaint may form the basis for sanctions pursuant to Rule 11 of the Federal Rules of Civil Procedure, such conduct does not provide this Court with an avenue through which to award sanctions pursuant to 28 U.S.C. § 1927.")

8. **Mitigation Evidence**

Attached hereto are four (4) recent arbitration awards authored by Respondent; *Hislop v. Lerner & Rowe Law Group*, AZ Bar File No. FA-24-0001; *Nathanson Law Firm v. Schomburg*, AZ Bar File No. FA-24-0065; *Miner v. Pirozzi*, MCSC Case No. 2018-091208; *Morrison v. Malcolm*, MCSC Case No.

CV2022-095060. Respondent offers these decisions as evidence of his volunteer work (for the State Bar's Fee Arbitration program), and for his extensive efforts to provide service to the legal community and to the public.

Respectfully submitted March 2, 2026.



David S. Gingras, #021097
Gingras Law Office, PLLC
[redacted]
Phoenix, AZ 85044
Tel.: [redacted]
Fax: [redacted]
[redacted]
Respondent

Exhibit F

---------- Forwarded message ---------
From: **Clayton Echard** <[redacted]
Date: Wed, Jun 21, 2023 at 11:15 AM
Subject: Something to Consider
To: Laura Owens [redacted]>

Hey Laura,

I wanted to send over this message because I think it's very important that we are both aware of this possibility that hasn't been discussed yet, but is worth considering.

Even after seeing a positive pregnancy test, I still had doubts in my head. Something was telling me to look deeper into things. So, I did and came up with a theory that could potentially be realistic.

Considering you only performed oral sex on me (and no vaginal penetration occurred), the chances of you being pregnant seem considerably low. Although again, maybe rubbing up against one another allowed a sperm to make its way inside you, but it's a very low probability. Nonetheless, it is one.

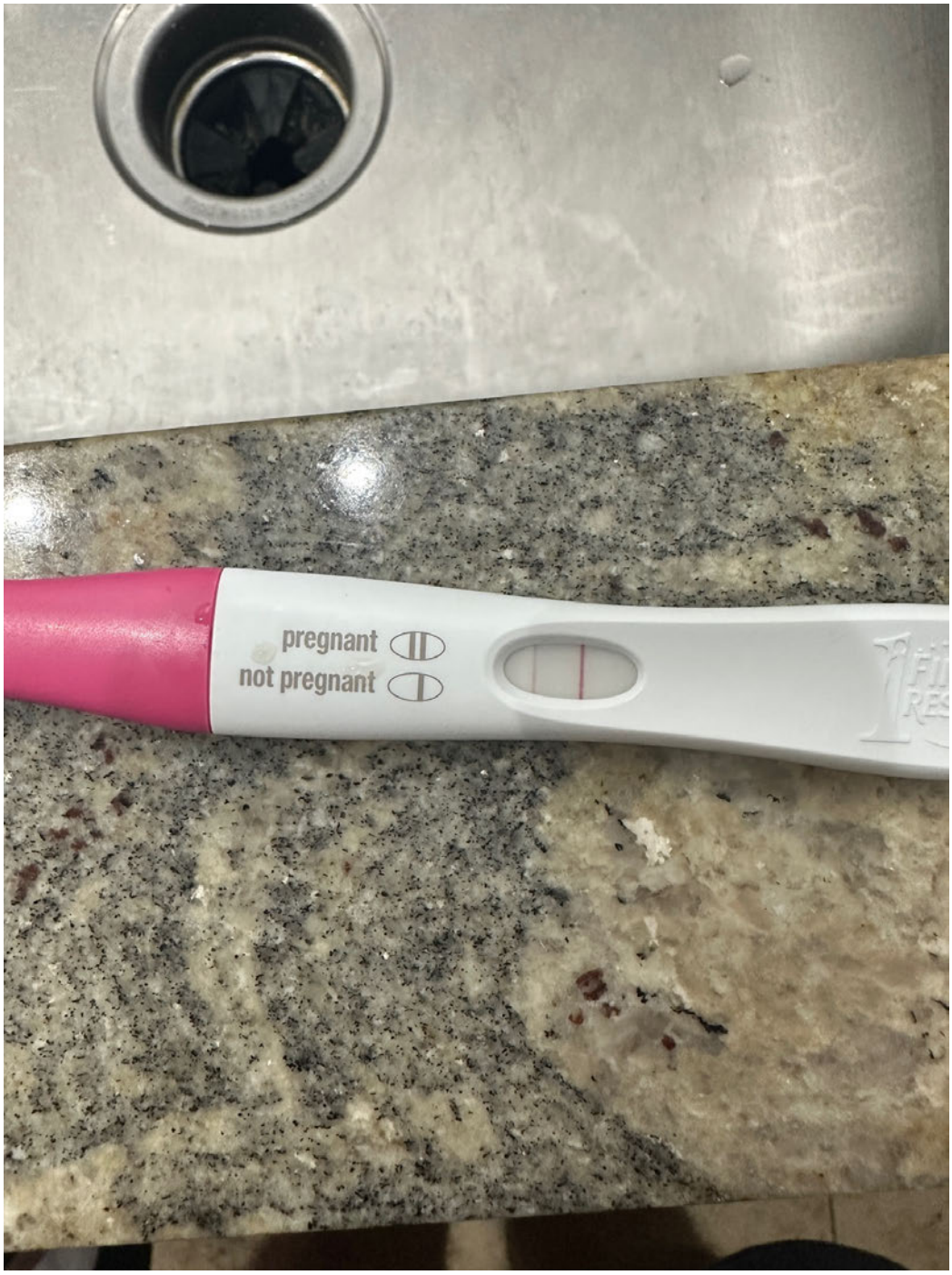
What I found upon researching online though, that is worth noting, is the effect of anticonvulsant medication on HCG levels. There is a direct correlation between false positive pregnancy tests and Antiepileptic drugs, as you can see here at the following URL:

https://www.sciencedirect.com/science/article/pii/S1028455920302205#:~:text=In%20addition%2C%20antiepileptic%20drug%20use,microsomal%20enzyme%20systems%20%5B8%5D.

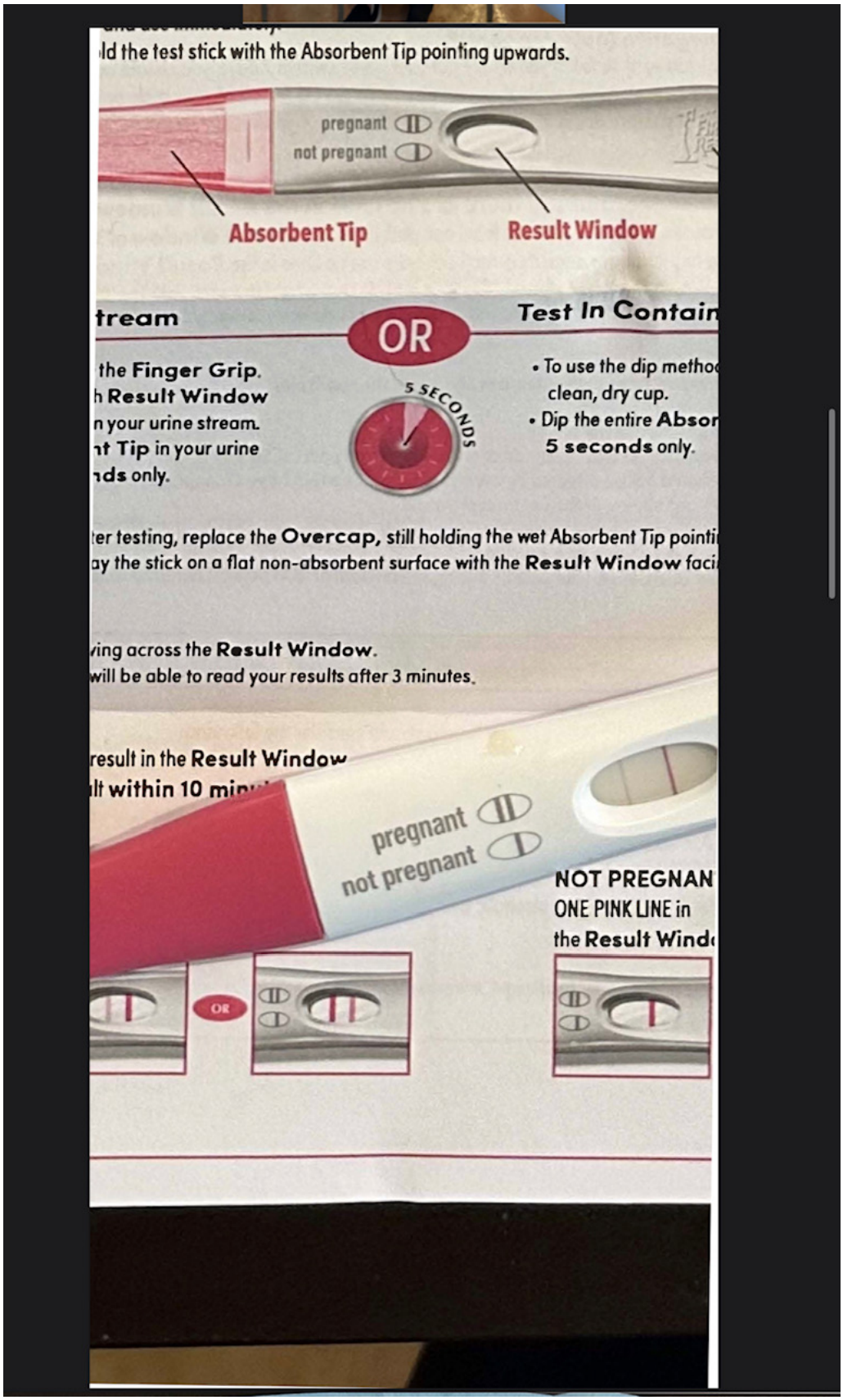
You have mentioned multiple times that you have epilepsy and take medication for it, so, there is a chance the medication itself is responsible for the positive pregnancy test.

Also, something else I found interesting was that the test you first sent me on Day 11 and the test you took on Day 21 with me looked identical, as far as the test line goes. The test line should become darker as the days go on with a pregnant woman, as the HCG levels continue to rise, due to the impact of the child inside the womb. I have attached both photos for reference.

Day 21



Day 11


ld the test stick with the Absorbent Tip pointing upwards.
pregnant
not pregnant
Absorbent Tip
Result Window
tream
OR
Test In Contain
the Finger Grip.
h Result Window
n your urine stream.
nt Tip in your urine
nds only.
5 SECONDS
• To use the dip metho
clean, dry cup.
• Dip the entire Absor
5 seconds only.
ter testing, replace the Overcap, still holding the wet Absorbent Tip pointi
ay the stick on a flat non-absorbent surface with the Result Window faci
ving across the Result Window.
will be able to read your results after 3 minutes.
result in the Result Window
lt within 10 min
pregnant
not pregnant
NOT PREGNAN
ONE PINK LINE in
the Result Wind
OR

I say all this to say it’s a possibility you are not in fact pregnant. This is why it’s important for us to do the Paternity test because there is no question if that comes back positive, it is mine. DNA is either yours or it isn’t.

I was somewhat shocked to find out anticonvulsant medication can cause false positives, but yet you haven’t even mentioned that as a possibility. So, I wanted to bring it to light. It is possible, therefore, the child can’t be proven to be mine until a paternity test is done. Also, a pregnancy cannot be confirmed until an ultrasound is done. So, I believe both measures should be taken and will be awaiting both from you. But until then, I have decided to cease communication, as your threats from last night show me you are not willing to have a rational and cordial conversation. So, we’re better off keeping communication to a minimum.

Thank you,

Clayton Echard

Gmail Laura Owens <laura@lauramichelleowens.com>

Something to Consider

Clayton Echard [redacted]
To: Laura Owens [redacted]

Hey Laura,

I wanted to send over this message because I think it's very important that we are both aware of this possibility that hasn't been discussed yet, but is worth considering.

Even after seeing a positive pregnancy test, I still had doubts in my head. Something was telling me to look deeper into things. So, I did and came up with a theory that could potentially be realistic.

Considering you only performed oral sex on me (and no vaginal penetration occurred), the chances of you being pregnant seem considerably low. Although again, maybe rubbing up against one anc low probability. Nonetheless, it is one.

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https://www.sciencedirect.com/science/article/pii/S1028455920302205#:~:text=In%20addition%2C%20antiepileptic%20drug%20use,microsomal%20enzyme%20systems%20%5B8%5D.

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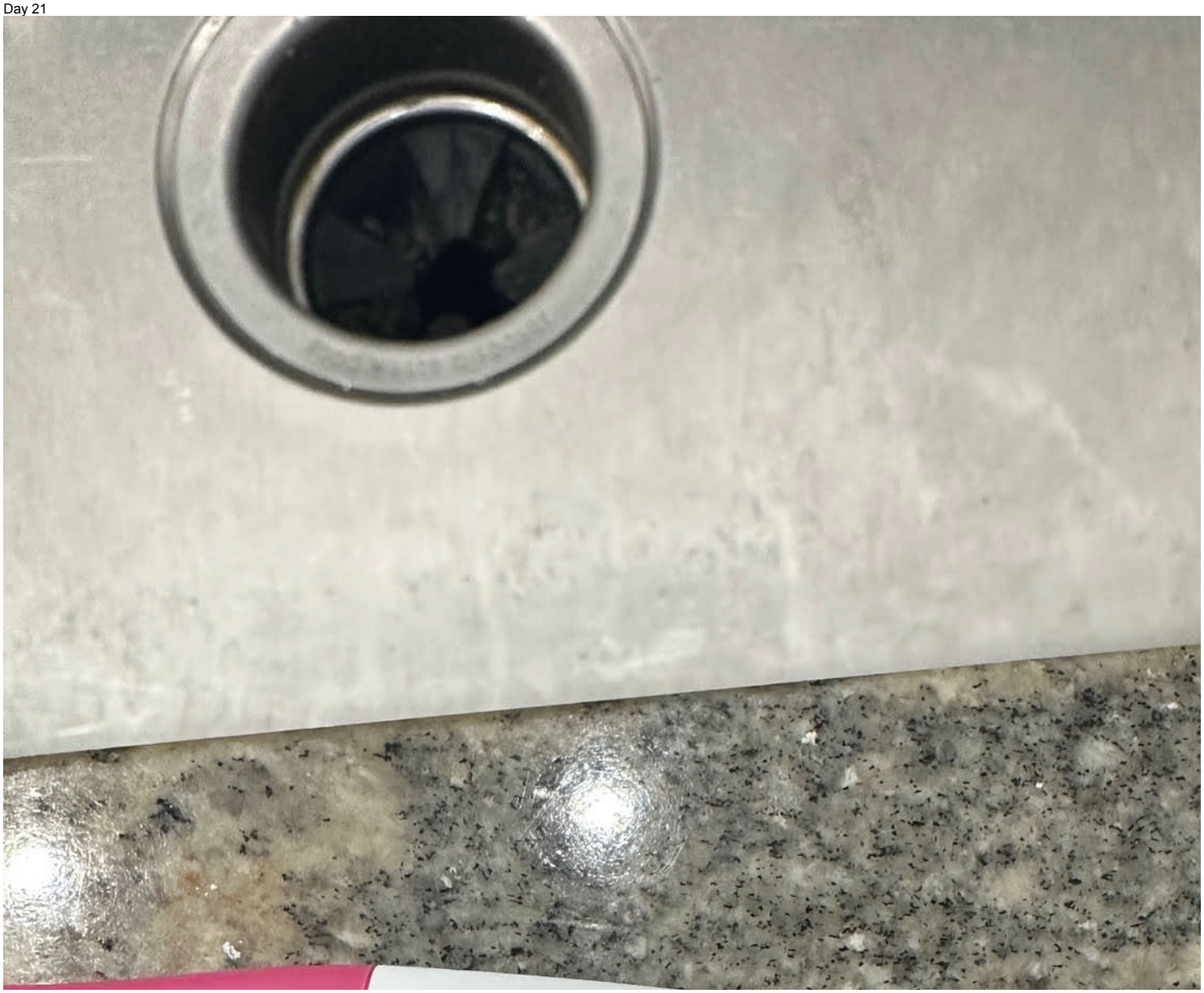
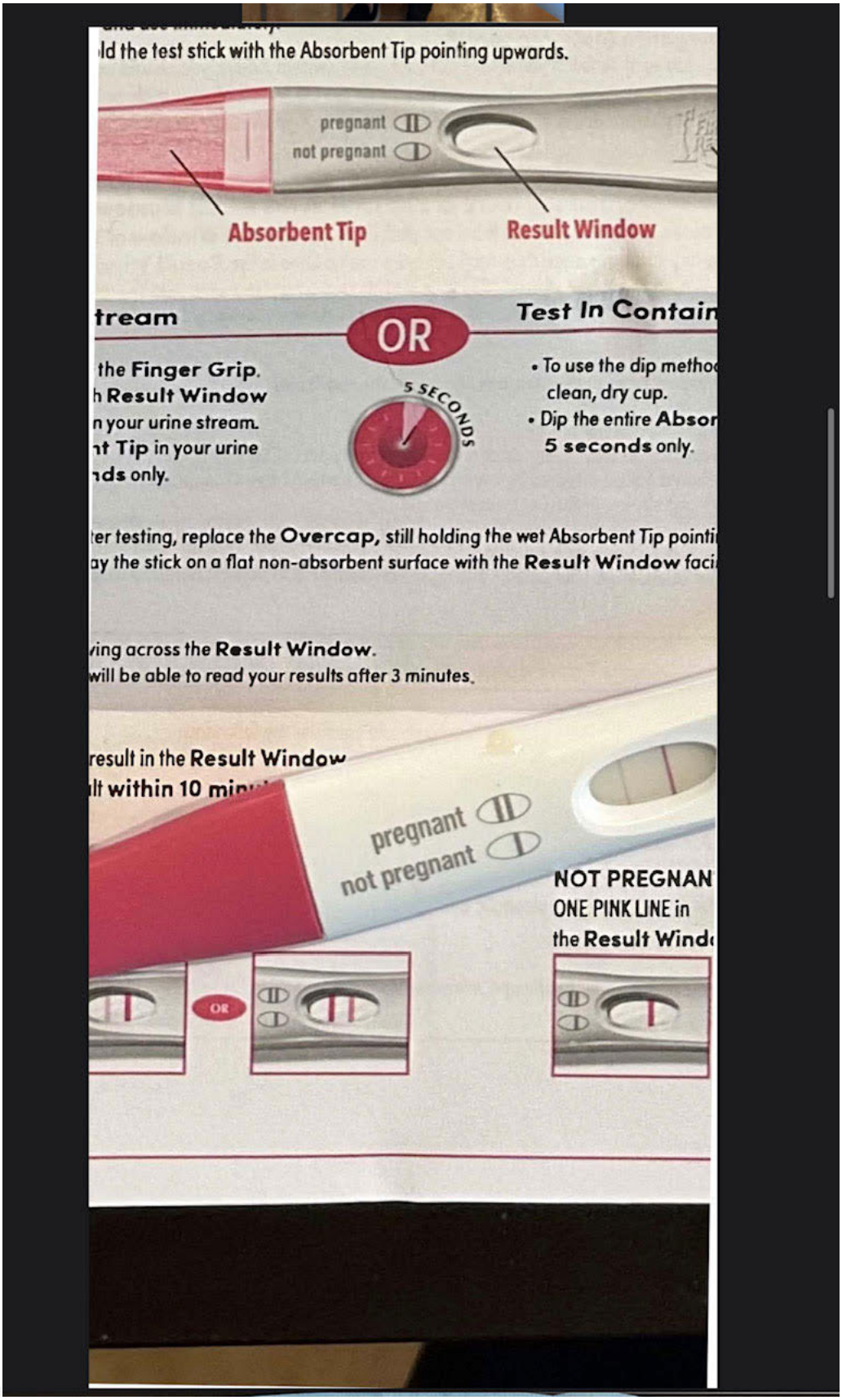



pregnant
not pregnant



Day 11

I say all this to say it's a possibility you are not in fact pregnant. This is why it's important for us to do the Paternity test because there is no question if that comes back positive, it is mine. DNA is eith

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willing to have a rational and cordial conversation. So, we're better off keeping communication to a minimum.

Thank you,

Clayton Echard

Exhibit G

Barrow Concussion & Brain Injury Center
222 W Thomas Rd
Suite 304
Phoenix, AZ 85013-
Facility Phone: (602) 406-4323

NAME: **OWENS, LAURA**
MRN: 9489886(AMB)
Acct #: 48379035
Pt Loc: CL BR CB IC; Exam 1

DOB: 5/14/1990 Age: 33 years Sex:F
Date of Service: 5/30/2023
Physician: Zieman,Glynnis MD

Coding Query, Diagnosis Clarification, Phone Msg

DOCUMENT NAME:	PhoneMsg
RECEIVED DATE/TIME:	6/28/2023 08:46 MST
RESULT STATUS:	Auth (Verified)
PERFORM INFORMATION:	Zieman,Glynnis MD (6/28/2023 08:46 MST)
SIGN INFORMATION:	

From: Zieman, Glynnis MD
To: OWENS, LAURA MICHELLE
Sent: 06/28/2023 08:46:28 MST
Subject: RE: Pregnancy & seizure meds?

Hi Laura,
I apologize that you haven't heard to schedule that appointment with the epilepsy clinic yet. I definitely understand the urgency and just emailed them requesting an update on the status. I hope to hear back (or, better yet, for you to hear) from them soon to get you in ASAP.
Please keep me posted.
Dr. Zieman

From: OWENS, LAURA MICHELLE
To: Glynnis Zieman, MD - Barrow Concussion & Brain Injury Center - Phoenix, AZ
Sent: 06/28/2023 06:54 a.m. PDT
Subject: Pregnancy & seizure meds?

Hi Dr. Zieman,

I went to Planned Parenthood while I was visiting California this past weekend because I wanted to see if I could get pills to have the option to terminate the pregnancy in a state where I wouldn't be required to look at the ultrasound, like I would need to in Arizona. They did perform a scan while I was there and confirmed that it wasn't just six faulty at-home pregnancy tests and one inaccurate urgent care pregnancy test, like the father of the child had hoped, and that it is in fact a "real" pregnancy. The sac that they saw was extremely small, but they said it was definitely there and was the size it would be based on the conception date of May 20th, which like I mentioned before is the only time before and after March of 2022 that I have had any sort of physical intimacy.

With all of that being said, I had a bit of a panic attack in the office once I was told that there was actually something on the ultrasound and was lucky enough that even though they normally like you to take the first medicine with them, they let me take the pills home in case I decided to go through with an abortion.

I haven't yet heard from the other neurologist's office that you referred me to and wanted to ask you how much time you think I have to consider what I am going to do with the pregnancy before I need to make changes with my epilepsy medicine? I haven't had any breakthrough seizures and have only experienced the symptoms that seem to be the norm for pregnant

Barrow Concussion & Brain Injury Center
222 W Thomas Rd
Suite 304
Phoenix, AZ 85013-
Facility Phone: (602) 406-4323

NAME: **OWENS, LAURA**
MRN: 9489886(AMB)
Acct #: 48379035
Pt Loc: CL BR CB IC; Exam 1

DOB: 5/14/1990 Age: 33 years Sex:F
Date of Service: 5/30/2023
Physician: Zieman,Glynnis MD

Coding Query, Diagnosis Clarification, Phone Msg

women. However, I don't want that to change and impact either me or the baby going forward.

I really appreciate your being so kind in your other messages to me in regards to the pregnancy. I have wanted to be a mom for my whole life and know I will be great at it. However, the circumstances under which this occurred were very unexpected and the father of the baby is being really uncommunicative, which is making me feel really confused and anxious about what to do since I want whatever choice to be one that is made together.

Thanks so much for your help and any info you have on how much time I have left to make a decision before I would need to change my dose.

All the best,

Laura

Exhibit H

BEFORE THE PRESIDING DISCIPLINARY JUDGE

IN THE MATTER OF A MEMBER OF THE STATE BAR OF ARIZONA, **DAVID S. GINGRAS** Bar No. 021097 Respondent.	**No. PDJ 2026-9010** **RESPONDENT'S FOURTH SUPPLEMENTAL DISCLOSURE STATEMENT**

Pursuant to Supreme Court Rule 58(e) Respondent David S. Gingras ("Respondent" or "Gingras") provides the following *supplemental* disclosures.

6.) <u>Respondent's Factual And Legal Bases</u>

In addition to other matters, Respondent discloses the following information in response to the allegation in ¶¶ 103–104 of the Amended Complaint which accuse Respondent of acting unethically by saying Judge Mata "screwed up" the final judgment in *Owens*.

Bar counsel has asserted this statement is somehow false because Judge Mata did not make any sort of substantive error in the final judgment. Specifically, the Complaint suggests what occurred was: "Judge Mata's inadvertent reference to an incorrect Family Law rule regarding the final judgment language in her June 18, 2024 Under Advisement Ruling regarding the June 10, 2024 hearing (she referenced Rule 78(b) of the Arizona Rules of Family Law Procedure instead of Rule 78(c)."

The bar's characterization of what occurred is not accurate. The "screw up" Respondent was referring to had nothing to do with the judge citing the incorrect rule; i.e., Family Law Rule 78(b) rather than 78(c).

The specific error is shown below:

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

FC 2023-052114 06/17/2024

2702 and A.R.S § 13-2809. Accordingly, the Maricopa County Attorney's Office will be endorsed on this Order.

The Court must decide the amount of attorney's fees and costs to be awarded but finds there is no just reason to delay making a final order.

IT IS THEREFORE ORDERED pursuant to Rule 78(b), Arizona Rules of Family Law Procedure, that this is a final judgment, and it shall be entered by the Clerk. The time for appeal begins upon entry of this judgment by the Clerk. For more information on appeals, see Rule 8 and other Arizona Rules of Civil Appellate Procedure.

IT IS FURTHER ORDERED denying any affirmative relief sought before the date of this Order that is not expressly granted above.

Done in open Court on: 06/17/2024

Julie Mata

HONORABLE Julie Mata

The error involves a question of appellate jurisdiction over a non-final order. As a matter of law, and as a general rule, the Court of Appeals only has jurisdiction over "final orders". A.R.S. § 12–2101(A)(1). By definition, a "final order" can only be entered when a case is completely resolved as to all claims, between all parties, and including all issues, leaving nothing else pending.

Both the Rules of Civil Procedure (Rule 54) and the Rules of Family Law Procedure (Rule 78) contain the same restrictions – when a judgment is, in fact, final, it is "not appealable unless the judgment recites that no further matters

remain pending and that the judgment is entered under Rule 78(c).” This is known as a “finality certification”.

But for a judgment or order to qualify for a finality certification under Rule 78(c), the certification must be accurate. In other words, the court must certify that “no further matters remain pending” AND there must *actually be* no further matters pending for the court to decide.

If there ARE still other claims/issues/matters pending, a court cannot issue a finality certification under Rule 78(c), but the court CAN enter what is known as a “partial final judgment/order” under Rule 78(b). In that case, “the court may direct the entry of an appealable judgment as to one or more, but fewer than all, claims or parties only if the court expressly determines there is no just reason for delay and recites that the judgment is entered under Rule 78(b).” (emphasis added).

Under Rule 78(b), if a court *attempts* to enter a partial final judgment with claims/issues still pending, but the order fails to include an express finding that “no just reason exists for delay”, that order is treated as non-final and therefore non-appealable. Rule 78(b) further expressly states: “For purposes of this section, a claim for attorney fees is considered a separate claim from the related judgment regarding the merits of the action.”

In *Owens*, Judge Mata’s June 17, 2024 “final” order purported to enter a partial final judgment pursuant to Family Law Rule 78(b). However, the order failed to include the mandatory finding of “no just reason for delay” required by

that rule. And contrary to the bar's belief, because the case involved a pending fee claim that was not resolved in the June 17, 2024 order, the judgment could not have been certified as final under Rule 78(c) (because, by definition, pending issues remained unresolved).

Respondent was fully aware of this error, and the impact it would have on the appellate proceedings. For that reason, the Notice of Appeal and Ms. Owens' Opening Brief (RJN Ex. 142) specifically advised the Court of Appeals of this problem, by noting: "this Court has jurisdiction pursuant to A.R.S. §§ 12-2101(A)(1), 12-2101(A)(3), 12-2101(A)(5)(a), and, if needed, *Barassi v. Matison*, 130 Ariz. 418, 636 P.2d 1200 (Ariz. 1981) and *Maldonado v. Ashton Co*., 2024 WL 1364107, *4 (App. March 29, 2024).

The reference to *Barassi* was intended to inform the Court of Appeals that the "final" judgment purportedly entered by Judge Mata on June 17, 2024 was, in fact, not final, because it did not contain the correct language required by Rule 78(b) (and it could not have qualified for certification under Rule 78(c)). Despite this, in *Barassi*, the Arizona Supreme Court adopted a "no harm, no foul" approach to "premature" appeals from non-final judgments; "we hold that a premature appeal from a minute entry order in which no appellee was prejudiced and in which a subsequent final judgment was entered over which jurisdiction may be exercised need not be dismissed." *Barassi*, 130 Ariz. at 422. Respondent hoped that by citing *Barassi*, any delay in the appellate proceeding caused by Judge Mata's error would be avoided.

Unfortunately, the Court of Appeal disagreed, resulting in the court issuing an order which stated:

> It appearing that the trial court's order entered June 17, 2024, was improperly certified as appealable under Rule 78(b), Ariz. R. Fam. Law. P., see In re Hernandez v. Athey, 256 Ariz. 530 (App. 2023), and that no final, appealable order has been entered in this case,
>
> ORDERED: This appeal is suspended and jurisdiction is revested in the superior court to and including February 24, 2025, to enter a final, appealable order including Rule 78(c) language.

RJN Ex. 125 (emphasis added).

Unfortunately, this is not the first time Judge Mata committed the same error. She committed essentially the same mistake in *In Re Marriage of Lundsten*, FN2022-090875. In that case (unlike in *Owens*) Judge Mata attempted to issue a partial final judgment which *did* contain the language required by Family Law Rule 78(b) (allowing a partial final judgment based on finding "no just cause for delay").

The Court of Appeal determined Judge Mata's attempt to enter a partial final judgment under Rule 78(b) was improper because: "Rule 78(b) certification is appropriate only where the judgment disposes of a separate claim or all claims against just one party." That was not the case in *Lundsten*, resulting in the dismissal of the appeal. A copy of the unpublished appellate ruling from the Court of Appeals (Division 2), No. 2 CA-CV 2024-0162-FC in *Lundsten* is attached as Exhibit A.

As both *Owens* and *Lundsten* show, Judge Mata has made substantive procedural errors based on her failure to comply with mandatory Rules of Family Law Procedure when entering final and partial final judgments. Those errors resulted in needless harm to the public in both *Owens* and *Lundsten*.

Respondent's reference to these matters, calling them a "screw up" represented his fair and honest opinion based on fully disclosed facts which are true. As explained above, this was not an "inadvertent reference to an incorrect Family Law rule". The June 17, 2024 *Owens* judgment did not qualify for certification under Rule 78(c) because multiple other issues remained pending, including a claim for fees

Similarly, the attempt to enter a partial final judgment was not proper under Rule 78(b) because the judgment did not contain the mandatory language required by that rule, and because, as the Court of Appeals held in *Lundsten*, "Rule 78(b) certification is appropriate only where the judgment disposes of a separate claim or all claims against just one party." Mr Echard's fee claim was a separate claim which precluded entry of a partial final judgment under Rule 78(b), making Judge Mata's error in this regard a significant "screw up", not merely an inadvertent reference to the wrong rule.

Submitted April 9, 2026.

David S. Gingras

CERTIFICATE OF SERVICE

COPY of the foregoing emailed
April 9, 2026 to:
Jim Lee
[redacted]
Craig Henley
[redacted]
Senior Bar Counsel

Exhibit A

IN THE

ARIZONA COURT OF APPEALS

DIVISION TWO

IN RE THE MARRIAGE OF

MARISSA LUNDSTEN,
Petitioner/Appellee,

and

MICHAEL LUNDSTEN,
Respondent/Appellant.

No. 2 CA-CV 2024-0162-FC
Filed November 14, 2024

Appeal from the Superior Court in Maricopa County
No. FN2022090875
The Honorable Julie Ann Mata, Judge

APPEAL DISMISSED

COUNSEL

Stanley D. Murray, Scottsdale
Counsel for Respondent/Appellant

DECISION ORDER

Judge Brearcliffe authored the decision order of the Court, in which Presiding Judge Sklar and Vice Chief Judge Eppich concurred.

B R E A R C L I F F E, Judge:

¶1 Michael Lundsten appeals from the decree of dissolution entered in this matter with regard to the division of marital assets and discovery sanctions, the award of attorney fees against him, and the denial of his motion to set aside the decree. Marissa Lundsten failed to file an answering brief in the matter. Because the decree and the other appealed orders in this matter were improperly certified as final appealable orders under Rule 78(b), Ariz. R. Fam. Law P., we dismiss the appeal.

Factual and Procedural Background

¶2 According to the decree of dissolution, Marissa and Michael Lundsten were married on April 12, 1999, and Marissa filed a petition for dissolution in March 2022. Trial was held on March 7, 2024, and, by its decree of dissolution, the court dissolved the marriage and, among other things, divided the parties cash assets and personal property equally, and allocated marital and separate debts.

¶3 In its property disposition, the trial court found that, although the marital home "is the separate property" of Michael, Marissa had a "community interest" in the property because "community funds were used" to pay the mortgage between 2015 and 2021. The court determined that "[a]n appraisal is necessary to determine the value of the home at the time the home was gifted" to Michael "and on the date the [marital] Community ended."

¶4 Accordingly, thereafter, in a section of the decree entitled "Additional Orders," the trial court ordered "an appraisal of the home [to] take place no later than 5:00 p.m. March 14, 2024. At that time, the parties may submit documentation regarding a *Saba* or *Drahos* calculation with proposed Orders."[1] The court further stated that it "must decide the

[1]*See generally Saba v. Khoury*, 253 Ariz. 587 (2022); *Drahos v. Rens*, 149 Ariz. 248 (App. 1985).

amount of attorney's fees and costs to be awarded." Despite both of these pending determinations, the court found that there was "no just reason to delay making a final order" and ordered entry of the decree as a "final judgment/decree" "pursuant to Rule 78(b), [Ariz. R. Fam. Law P.]."

¶5 Thereafter in May 2024, the trial court granted attorney fees to Marissa against Michael, and also denied Michael's motion to set aside the decree. As it had with the decree, in its order denying the motion to set aside the decree, the court ordered that "although other claims remain pending, there is no just reason for delay" and it ordered entry of the denial of the motion to set aside as final "pursuant to Rule 78(b)." Michael then filed an amended notice of appeal encompassing each of the three orders: the order of entry of the decree, the order denying the motion to set aside the decree, and the order awarding fees to Marissa. However, an order awarding the parties' respective interests in the family home following the ordered appraisal has not been entered; at least, it is not in the record before us.

¶6 Rule 78(b) is analogous to Rule 54(b), Ariz. R. Civ. P. Both rules provide that the trial court may direct entry of final judgment in an action presenting more than one claim only upon an express determination that no just reason for delay exists. *Compare* Ariz. R. Fam. Law P. 78(b), *with* Ariz. R. Civ. P. 54(b). Therefore, cases interpreting Rule 54(b) are applicable to Rule 78(b). *See* Ariz. R. Fam. Law P. 1 committee cmt. (stating when language in a family law rule is "substantially the same" as "other statewide rules, the case law interpreting that language will apply"). Whether the trial court appropriately certified a judgment as final and appealable under Rule 78(b) is a question we review *de novo*. *See Robinson v. Kay*, 225 Ariz. 191, ¶ 4 (App. 2010).

¶7 Like Civil Rule 54(b), Rule 78(b) provides an exception to the public policy against deciding cases in a piecemeal fashion. *See id.* (quoting *Musa v. Adrian*, 130 Ariz. 311, 312 (1981)). Rule 78(b) states that the trial court may—"[w]hen more than one claim for relief is presented in an action, whether as a claim, counterclaim, third-party claim, or petition to modify or enforce a judgment"—enter an appealable final judgment as to "one or more, but fewer than all, claims or parties only if" it expressly finds there is "no just reason for delay and recites that the judgment is entered under Rule 78(b)." In other words, the court may certify a judgment as final and appealable when the judgment disposes of one or more, but not all, claims in the action.

¶8 In *Bollermann v. Nowlis*, our supreme court held that a post-decree order resolving all issues except the request for attorneys' fees was "not final for purposes of appeal" without "Rule 78(B) language determining there is no just reason for delay and directing entry of final judgment." 234 Ariz. 340, ¶ 8 (2014). Viewed in isolation, the court's language could arguably imply that a ruling can be made final simply by the inclusion of Rule 78(b) language, even though other issues remain unresolved. *See also Natale v. Natale*, 234 Ariz. 507, ¶ 11 (App. 2014) ("[T]he family court must 'resolve all issues raised in a post-decree petition before the filing of an appeal,' in the absence of a Family Rule 78(B) certification of finality for appeal." (citation omitted)); *In re Marriage of Kassa*, 231 Ariz. 592, ¶ 6 (App. 2013) (holding that an order resolving contempt, spousal maintenance, and arrearages, but not resolving child support and attorneys' fees, was not final and appealable absent a Rule 78(b) determination).

¶9 However, the inclusion of Rule 78(b) language alone does not make a judgment final and appealable; "the certification also must be substantively warranted." *Sw. Gas Corp. v. Irwin*, 229 Ariz. 198, ¶ 12 (App. 2012). Rule 78(b) certification is appropriate only where the judgment disposes of a separate claim or all claims against just one party. *See Robinson*, 225 Ariz. 191, ¶ 4. A separate claim is one in which "no appellate court would have to decide the same issues more than once even if there are subsequent appeals." *Cont'l Cas. v. Superior Court*, 130 Ariz. 189, 191 (1981) (quoting *Curtiss-Wright Corp. v. Gen. Elec. Co.*, 446 U.S. 1, 8 (1980)).

¶10 Rule 78(b), like "[Civil] Rule 54(b)[,] is intended to promote judicial economy, and is a 'compromise between the policy against interlocutory appeals and the desirability, *in a few cases*, of an immediate appeal to prevent an injustice.'" *Madrid v. Avalon Care Ctr.-Chandler, L.L.C.*, 236 Ariz. 221, ¶ 8 (App. 2014) (citation omitted) (quoting *Sw. Gas Corp.*, 229 Ariz. 198, ¶ 10). In dissolution cases, property allocation is a discrete issue. *See* A.R.S. § 25-318(A). When equitably distributing property, "A.R.S. § 25-318 requires the court to consider certain enumerated factors, including debts or obligations relating to the property, excessive or abnormal expenditures, destruction, concealment or fraudulent disposition." *Dole v. Blair*, 248 Ariz. 629, ¶ 10 (App. 2020). And the court "may consider non-enumerated factors, including the source of funds and 'other equitable factors as they may bear on the outcome' of equitable allocation." *Id.* (quoting *Toth v. Toth*, 190 Ariz. 218, 222 (1997)). "Regardless," whatever the factors considered, "the court must divide any community property at dissolution." *Id.* Piecemeal property determinations resolving

the apportionment of some property, but leaving other property to be apportioned later, would result in multiple appeals in the same dissolution action. Such a policy does not promote judicial economy.

¶11 The decree in this matter left unresolved the value of the marital home and the allocation of the parties' respective interests in it. The court did not finally resolve the disposition of the parties' property in the decree, and, therefore, neither the decree nor the later orders were appropriately final resolutions of claims despite the Rule 78(b) finality designations.[2]

Disposition

¶12 For the foregoing reasons, the appeal is dismissed.

[2]The trial court's award of fees did not include Rule 78(b) finality language.

Exhibit I

David Gingras

From: David Gingras
Sent: Monday, June 17, 2024 10:10 AM
To: SUP DRJ06; Gregg Woodnick
Cc: Isabel Ranney; Maribeth Burroughs; Deandra Arena
Subject: RE: Owens v. Echard (FC2023-052114)--Response Requested

Importance: High

Dear Judge Mata's Division,

I am writing to raise a potentially urgent issue that has just come to my attention. In short, Ms. Owens informs me that various individuals have recently posted claims on social media which, if true, may warrant a change of judge for cause pursuant to Family Law Rule 6.1. Before pursing this further, I wanted to bring this to the Court's attention and request a response from Judge Mata directly to verify whether the allegations are true.

In short, Ms. Owens has informed me of the following:

1.) Judge Mata's father was personally present at the trial held in this matter on Monday, June 10th;
2.) After the trial, several individuals ("supporters" of Mr. Echard) claim to have discussed the case with Judge Mata's father;
3.) According to these individuals, Judge Mata's father claimed the judge shared information with him about this case, and made comments indicating Judge Mata intended to make adverse rulings against Ms. Owens before trial.

Obviously, if these allegations are true, they raise extremely serious concerns.

However, I am fully aware that similar claims have recently been posted on social media in other unrelated cases, and those claims were later shown to be false.

In this instance, Ms. Owens has reason to believe the allegations regarding Judge Mata's father are true. She has obtained a video of a least one person making these claims, and that person claims to have directly communicated with Judge Mata's father about this matter. If this claim is true, Ms. Owens believes this may warrant a change of judge for cause pursuant to Family Law Rule 6.1.

Before proceeding, as unusual as this may be, I am respectfully asking Judge Mata to respond directly and explain whether these allegations are true.

As I mentioned in court last week, I am currently in Europe on a family vacation. We are currently on a cruise ship (the Norwegian Getaway) anchored in Cannes, France. We are leaving this evening for Florence, Italy, and we will be on the ship until early next week when it docks in Athens. We will have extremely limited phone/internet while the ship is at sea. Currently (as of Monday, June 17th), we are +9 hours ahead of Arizona time, but that will increase as we move further east.

Again, I fully understand the unusual nature of this message, and as noted above, I understand the allegations may be entirely false. However, given the serious nature of the issue, Ms. Owens has asked me to move forward with an immediate Notice of Change of Judge for Cause unless the Court confirms the above allegations are false. I hope this will not be necessary given the significant disruption this may cause, but I am ethically obligated to take all appropriate steps to protect Ms. Owens' rights, and I intend to do so.

For that reason, I respectfully request a response from the Court to the issues raised above by 5 PM (Arizona time) tomorrow, June 18, 2024. For purposes of clarity, the questions I am propounding are as follows:

1. Was Judge Mata's father present (either in court or in any overflow room) for the trial in this matter on June 10th;
2. Did Judge Mata's father speak with Mr. Echard or any of his supporters, including any of his attorneys, at any time;
3. Did Judge Mata share any information of any kind with her father regarding this case prior to June 10, 2024, and if so, what specific information was shared.

Thank you for your prompt attention to this request.

David Gingras, Esq.
Gingras Law Office, PLLC
[redacted]
Tel.: [redacted]
Fax:

Exhibit J

Questions for Harry Howe, Judge Mata's father:

Did you attend the hearing on June 10, 2024, in *Laura Owens v. Clayton Echard*, Maricopa County Superior Court No. FC2023-052114?

Yes.

If so, did you attend that June 10, 2024 hearing to support either Laura Owens or Clayton Echard?

No. I had no real understanding of who these people were.

If so, who were you at the hearing to support?

Did Judge Mata invite you to attend the June 10, 2024 hearing?

No. The day prior to the hearing, she had told me that she had an interesting hearing approaching that was a paternity matter. She said it had received a lot of publicity, that they were having to engage additional security, and that if I wanted, I could watch it on a live stream, or come to the Court. In the past, if I was at the Northeast Judicial courthouse, generally for filing documents, I would stick my head into her courtroom. She told me that if I came to the court, I may not get into the courtroom.

If so, how and when did that invitation occur?

At any time, did you discuss the *Laura Owens v. Clayton Echard* case with Judge Mata?

I never discussed anything substantively or evidentiary about the case with Judge Mata. Immediately after the hearing, she texted me and asked if I was at the courthouse. I responded that I was, and she sent a staff member to get me. I went back to her offices, where she introduced me to two sheriff's deputies. Her court staff was also there. I told them that the overflow room had a certain "party atmosphere," and that a woman whose name was "Dani" had insisted on giving me a copy of a pretrial statement. I don't know if it was a joint pretrial statement, or unilateral, but I looked at it briefly and later threw it away.

If so, what did you discuss with Judge Mata?

If you discussed the *Laura Owens v. Clayton Echard* case with Judge Mata, did any discussion with her occur prior to July 9, 2024?

The discussion set forth above occurred immediately following the hearing in Judge Mata's outer office. Sometime later, no doubt prior to July 9, she told me that Mr. Gingras was making some allegations against me, but we never at any point discussed anything substantive or evidentiary about the case.

If so, what did you discuss with Judge Mata prior to July 9, 2024?

Following the June 10, 2024 hearing, did you discuss with social media content creators in the courthouse parking lot the *Laura Owens v. Clayton Echard* case or Laura Owens or Clayton Echard's claims in the case?

No. As I was leaving the courthouse, I observed that there was a canopy with quite a few people beneath and around it. There was also what appeared to be a catering truck. I walked a wide angle around the canopy walking toward my truck. As I was approaching my vehicle, which was parked a good distance from the canopy, a lady with a hat on came up to me and called me by name. I did not know her and had never spoken to her. It was not the lady who had given me the pretrial statement. She asked me if I was going to come up to the canopy where a blogger was broadcasting. I told her that I was not, and that I was heading for home. With that, I got into my truck and left.

If so, what did you tell the social media content creators?