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BEFORE THE PRESIDING DISCIPLINARY JUDGE

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

DAVID S. GINGRAS,
Bar No. 021097,

Respondent.

PDJ 2026-9010

**STATE BAR’S MOTION TO
STRIKE RESPONDENT’S
MOTION TO DISMISS AND,
ALTERNATIVELY, MOTION FOR
SUMMARY JUDGMENT**

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

The State Bar of Arizona, by undersigned bar counsel, moves the Presiding Disciplinary Judge (“PDJ”) to strike Respondent’s *Motion to Dismiss and, Alternatively, Motion for Summary Judgment* (“*Motion to Dismiss*”)¹ because that motion creates confusion, as set forth below, and exceeds the 17-page limit for motions pursuant to Rule 7.1(a), Ariz. R. Civ. P.²

¹ Rule 7.1(f), Ariz. R. Civ. P., addressing motions to strike is not directly incorporated into the procedural rules for lawyer discipline cases.

² The State Bar has filed, contemporaneously herewith, a response to Respondent’s *Motion for Leave to Exceed Page Limits*.

First, the two alternative grounds upon which Respondent based his *Motion to Dismiss* (a motion to dismiss based on Rule 7.1³ and a motion to dismiss based on Rule 56) have different response deadlines: 10 days to respond to a motion under Rule 7.1(a); and, 30 days to respond to a motion under Rule 56(c). Based on those differing deadlines for response, Respondent's *Motion to Dismiss* should be stricken, and Respondent ordered to file separate motions.

Also leading to confusion is that fact that Respondent's *Motion to Dismiss* was based in part on A.R.S. § 12-751(A) (Arizona's statute prohibiting strategic lawsuits against the public's exercise of Constitutional rights; anti-SLAPP statute). The PDJ's April 14, 2026 order granting in part the State Bar's *Motion for Partial Judgment on the Pleadings* has rendered Respondent's anti-SLAPP arguments moot, at least to the extent that he argues that the State Bar was precluded from prosecuting him for making unprofessional, disparaging comments about Judge Mata.

Finally, A.R.S. § 12-751(B) states that "[a] party is not required to file a response to a motion filed pursuant to subsection A of this section [one of the grounds upon which the Respondent filed his *Motion to Dismiss*] unless and until the court finds that the moving party has established the *prima facie* proof and orders the party to file a response." Based on this Court's April 14, 2026 order, the State

³ All references to rules are to the Arizona Rules of Civil Procedure, which are incorporated into the Supreme Court's lawyer discipline rules, unless otherwise noted.

Bar asserts that Respondent has not established *prima facie* proof that the State Bar's formal complaint "was substantially motivated by a desire to deter, retaliate against or prevent the lawful exercise of a constitutional right."

Respondent should be required to file separate motions under Rule 7.1 and 56. Filing separate motions would clarify the specific grounds upon which each motion is based, limit confusion resulting from a single motion, and allow the State Bar to fully respond to the grounds asserted for dismissal based on alternative grounds that may be included in each motion.

Requiring the State Bar to now file a response to Respondent's *Motion to Dismiss* would require bar counsel to attempt to decipher Respondent's arguments based on his alternative grounds for dismissal.

Conclusion

Based on the foregoing, the State Bar moves the PDJ to (a) strike Respondent's *Motion to Dismiss and, Alternatively, Motion for Summary Judgment* as confusing; (b) find that the State Bar is not required to respond to Respondent's motion to dismiss based on A.R.S. § 12-751(A); (c) require Respondent to file separate motions for dismissal pursuant to Rules 7.1 and 56, and, as requested in the State Bar's *Response to Respondent's Motion for Leave to Exceed Page Limits*, (d) enter an order granting Respondent's request to exceed the page limit by an amount deemed reasonable and appropriate by the PDJ, and limiting the number of pages

for Respondent's affidavit and exhibits, which would prohibit the inclusion of irrelevant text and exhibits.

DATED this 20th day of April, 2026.

STATE BAR OF ARIZONA

/s/ James D. Lee

James D. Lee
Senior Bar Counsel

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

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

Honorable Lisa A. VandenBerg
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