

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

ADDITIONAL PROCEDURAL
SCHEDULE ORDER

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

FILED SEPTEMBER 16, 2026

On April 14, 2026, the Respondent filed Respondent's Motion to Dismiss and Alternatively Motion for Summary Judgment ("Motion"). On April 27, 2026, the Presiding Disciplinary Judge ("PDJ") issued an Order Re: Motion to Strike suspending the State Bar's response requirement for Mr. Gingras' alternative Motion for Summary Judgment until resolution of Mr. Gingras' Motion to Dismiss. On June 22, 2026, the PDJ issued an order denying Mr. Gingras' Motion to Dismiss and indicating that the alternative request for relief will be addressed separately if need be and included:

Given that this is a matter of first impression and the effect the PDJ's ruling herein provides on the instant case, the PDJ understands that a party (or both) may wish to file a Petition for Special Action with the Court. **Therefore, the PDJ will not issue any additional procedural schedule in this matter at this time. However, if a Petition for Special Action is not filed within the next 30 days, the PDJ will thereafter proceed with issuing a new procedural schedule order in this matter.¹**

¹ On May 27, 2026, the PDJ granted Mr. Gingras' Motion to Vacate Evidentiary hearing and vacated the FCMC set June 18, 2026, and the evidentiary hearing set June 29, 2026-July 2, 2026.

Respondent Gingras filed a Petition for Special Action with the Court (“Petition”) regarding the PDJ’s denial of his Motion to Dismiss. On September 8, 2026, the Arizona Supreme Court issued an Order declining jurisdiction on the Petition.

The PDJ therefore proceeds with issuing this order to provide an additional procedural schedule on this matter. Outside of the adjustments listed herein, the initial ICMC Order dated February 24, 2026, regarding procedural deadlines, and the preparation and presentation of the evidentiary hearing remain in full force and effect.²

IT IS ORDERED directing the **State Bar to file Response** to Mr. Gingras’ Motion for Summary Judgement **no later than October 16, 2026**. Mr. Gingras will have fifteen (15) days after the response is served to file any Reply memorandum and supporting materials.

IT IS FURTHER ORDERED resetting the Evidentiary Hearing on the Complaint filed February 17, 2026, as an **in-person hearing to begin on January 4, 2027, at 9:30 a.m.** before:

**Presiding Disciplinary Judge Lisa A. Vandenberg
State Courts Building, Hearing Room 109
1501 W. Washington
Phoenix, Arizona 85007**

Time allotted: 4 days. Each day beginning at 9:30 a.m., breaking for lunch as needed at least 45 mins., concluding by 4:00 p.m. If Respondent fails to appear timely, the Panel may proceed in his absence and consider a finding that he has waived challenge to the Complaint.

Monday, January 4, 2027

Tuesday, January 5, 2027

² The PDJ notes that a Notice of Scheduled Settlement Conference was filed on March 3, 2026, reflecting the Settlement Conference was scheduled to take place on March 20, 2026. The PDJ assumes that such occurred as scheduled.

Wednesday, January 6, 2027

Thursday, January 7, 2027

The parties shall notify the Disciplinary Clerk in writing of any requested change in the length of the hearing. Additional hearing panel members will be appointed by the Disciplinary Clerk at a later date.

IT IS FURTHER ORDERED setting a **telephonic final case management conference for December 18, 2026, at 9:30 a.m.**

In addition to the directives provided in the Initial Case Management Order issued February 24, 2026,

IT IS ORDERED the Joint Pre-hearing Statement must include each party's anticipated length of their direct and cross of witnesses and the order/schedule of witnesses.

IT IS ORDERED with regard to a witness who the PDJ permits to appear by alternative means, the party calling the witness has the responsibility of providing them with Zoom contact information, ensuring that they have the appropriate operational equipment, are capable of connecting in, and providing the witness with all exhibits (reflecting the Bates identification on each page) that might be used in both direct and cross examination.

IT IS ORDERED with regard to **hearing exhibits,**

Voluminous Exhibits. A written exhibit 40 or more pages in length or if the exhibit is a video or audio recording that is 10 or more minutes in length: The JPS shall reflect (or the other writing reflecting the stipulation) pinpoint references to the relevant portions that the Panel should draw its attention to if admitted.

Video and Audio Recordings. Such exhibits must be submitted via thumb drive for marking as an exhibit/preservation in the record. However, in order for such to be considered by the Panel, the offering party must be prepared to play such on their own devices. The hearing room will have a

HDMI cord to connect into one of the wall mounted monitors. As well, if a document marked as an exhibit contains a hyper-link, the material contained in the hyper-link will not be deemed admitted as part of the exhibit for the record. See Rule 5.2(c)(3)(B), Ariz. R. Civ. Pro.

DATED this 16th day of September, 2026.

Lisa A. VandenBerg
Hon. Lisa A. VandenBerg
Presiding Disciplinary Judge

Copy of the foregoing emailed
this 16th day of September, 2026, to:

David S. Gingras (Respondent)

[REDACTED]

Marc J. Randazza³

[REDACTED]

Respondent's Counsel

James D. Lee (Senior Bar Counsel)

Craig Henley (Senior Bar Counsel)

[REDACTED]

by: CLopez

³ Pursuant to the Notice of Limited Scope Appearance filed 4-14-2026, Counsel Randazza was endorsed regarding the Motion for Summary Judgment.