OFFICE OF THE PRESIDING DISCIPLINARY JUDGE
FILED
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C.LOPEZ
DISCIPLINARY CLERK

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** **MOTION TO CHANGE DISCOVERY TIER AND MOTION TO OBTAIN DISCOVERY BEYOND TIER LIMITS**

Pursuant to Ariz. R. Civ. P. 26.2(g)(1) (incorporated by Supreme Court Rule 48(b), Respondent David S. Gingras ("Respondent") moves for an order:

1.) Designating this case subject to the Tier 3 limits of Rule 26.2(f)(3); and

2.) Ordering the State Bar of Arizona to answer discovery in excess of the Tier 1 limits originally set by the Case Management Order filed in this matter on February 24, 2026.

I. This Case Should Be Re-Designated As Tier 3

As the PDJ will recall, during the first case management conference in this case earlier this year, the State Bar represented that this action was "simple" and that the claims required no more than a one-day hearing. Respondent disputed that characterization and asserted this action was *exceptionally* complex as reflected by the sweeping nature of the Bar's allegations set forth in 184-paragraph Complaint involving at least six discrete parts (many of which contain multiple subparts). Despite this, the PDJ's initial Case Management Order stated: "Unless the parties otherwise agree or the PDJ so orders, the Tier 1 limits on discovery set forth in Rule 26.2(f)(1) shall apply."

In a footnote, the PDJ observed: "While Respondent stated a concern [regarding the Tier 1 limits], the PDJ found that an appropriate record had not been made at this time to adjust the presumed Tier 1 limits."

Respondent will now establish the appropriate record to show that this case *does not* meet the requirements for Tier 1 discovery limitations. Instead, this matter must be designated as a Tier 3 case.

As the PDJ knows, Rule 26.2 explains discovery tiers as follows:

(1) Tier 1: Case Characteristics. These are simple cases that can be tried in one or two days. Automobile tort, intentional tort, premises liability, and insurance coverage claims arising from those types of claims are generally Tier 1 cases, absent unusual circumstances. **Cases with minimal documentary evidence and few witnesses are likely Tier 1 cases**. (emphasis added).

(2) Tier 2: Case Characteristics. These are cases of intermediate complexity. They are likely to have more than minimal documentary evidence and more than a few witnesses. They are likely to include, but may not include, expert witnesses. They are likely to involve multiple theories of liability, and may involve counterclaims or cross-claims. Cases that do not easily fit within Tiers 1 and 3 belong here.

(3) Tier 3: Case Characteristics. These are cases that are logistically or legally complex. Class actions, antitrust, multi-party commercial or construction cases, securities cases, environmental torts, construction defect cases, medical malpractice cases, products liability cases, and mass torts are among those cases that generally belong in Tier 3, absent unusual circumstances. **Cases with voluminous documentary evidence, or with numerous pretrial motions raising difficult or novel legal issues, are likely Tier 3 cases**. Cases requiring management of a large number of witnesses or separately represented parties, or which require coordination with related actions pending in other courts, are likely Tier 3 cases. (emphasis added).

The record here shows this is a Tier 3 case for the following reasons:

- **The documentary record is *voluminous* and the case involves multiple witnesses**

As noted on page 3 of Respondent's March 18, 2026 Response to the State Bar's Motion for Judgment on the Pleadings, this case arises from, and implicates, Ms. Owens' conduct in *multiple* other matters (not merely the *Owens v. Echard* paternity case). Those other cases include:

- *Owens v. Gillespie*, FN2021-004799 (an order of protection matter)
- *Owens v. Gillespie*, CV2021-052893 (a civil assault case with fraud counterclaims which spanned three years)
- *Owens v. Gillespie*, FN2022-052111 (an order of protection renewal)
- *Owens v. Echard*, FC2023-052771 (an order of protection matter)
- *Echard v. Owens*, CV2023-053952 (a harassment injunction matter)
- *Owens v. Marraccini*, San Francisco Superior Court Case No. FDV-18-813693 (a domestic violence restraining order "DVRO" matter)

According to the State Bar's Complaint, these multiple other cases were not collateral or irrelevant to the *Owens v. Echard* paternity action. Rather, the State Bar claimed Respondent had a duty[1] to (among other things) carefully review *the entire record* in all these other matters:

> Upon agreeing to represent Owens, Respondent had a duty … to (a) diligently investigate and research both parties' assertions and documentation, (b) carefully review the entire court record in the paternity case and related cases between Owens and Echard, (c) review the file provided to him by Owens' former counsel, (d) review the information and documents provided to him by Echard's counsel, and (e) review other information that came to his attention.

[1] As noted in the Request for Judicial Notice filed on May 7, 2026, Respondent asserts the State Bar misstated the applicable legal rules and duties that applied to Respondent's conduct at the time of the *Owens v. Echard* trial in June 2024. It is not necessary for the PDJ to resolve that issue as part of the current motion.

Amended Complaint ¶ 26 (emphasis added).

As the record in this case reflects, the pleadings relating to just the *Owens v. Echard* paternity case are, by themselves, exceptionally voluminous. Even excluding many non-relevant documents for purposes of brevity, Respondent's Request for Judicial Notice (filed on March 18, 2026) contains multiple dozens of pleadings spanning nearly 2,500 pages. That fact alone demonstrates this case does *not* meet the requirements for a tier 1 designation which is ordinarily limited to: "Cases with minimal documentary evidence and few witnesses …."

In addition, the State Bar has disclosed at least nine potential trial witnesses (not including Respondent). For his part, Respondent has disclosed a similar number of witnesses. Again, the large number of expected witnesses shows this matter does not meet the requirements for a tier 1 designation.

- **This case involves multiple pretrial motions and difficult/novel legal issues**

The large number of documents/witnesses, standing alone, demonstrates this is not a tier 1 case. However, there is also a second, independent basis for that conclusion – the case has already involved multiple pretrial motions raising difficult and novel legal issues, and it is likely additional complicated pre-trial motions will be forthcoming. That fact supports designating this matter as a tier 3 case, which applies to: "Cases with voluminous documentary evidence, or with numerous pretrial motions raising difficult or novel legal issues, are likely Tier 3 cases." (emphasis added).

As the PDJ knows, one substantial issue in this case involves the State Bar's claim that Arizona attorneys have no rights whatsoever under the First Amendment. The Bar has mischaracterized its position as being that lawyers merely have "*limited*" First Amendment rights, but as a practical matter, the Bar's position is, in truth, that lawyers cannot engage in free speech under *any* circumstances, thus entirely stripping all Arizona attorneys of the right to speak freely.

Obviously the PDJ has already resolved that legal issue against Respondent, and unfortunately the Arizona Supreme Court declined discretionary review (which is, of course, not an indication the Court agreed with the PDJ's legal ruling). Still, it is worth noting Respondent intends to continue developing the record as to this claim by showing, among other things, that every statement he made regarding Judge Mata was either factually accurate, or represented a constitutionally protected opinion.

Presumably, because it is seeking to conceal the truth, the State Bar will attempt to prevent Respondent from offering *any* evidence on the matters that were resolved on the pleadings. On that point, while this issue is not yet ripe for decision, it is important to note the Bar's position would be contrary to the rules and also to the events which occurred in *Bates v. State Bar of Arizona*, 433 U.S. 350 (1977).

Specifically, in *Bates*, lawyers were charged with violating an ethical rule that prohibited attorney advertising. The lawyers admitted publishing the disputed advertisement, but argued their conduct was protected by the First Amendment. At the hearing-panel level, the lawyer's First Amendment defense was rejected. This is procedurally the same as what occurred in this case when the PDJ granted the Bar's request for judgment on the pleadings.

Even though the respondents' First Amendment defense in *Bates* was rejected by the hearing panel, the panel still "allowed the parties to develop a record on which such a challenge could be based." *Bates*, 433 U.S. at 356 (emphasis added). Of course, this ultimately led to the United States Supreme Court reversing the lower court's ruling and finding that the Rules of Professional Conduct cannot be enforced in a manner that violates the First Amendment (a position which directly conflicts with the PDJ's holding in this case). The fully-developed evidentiary record in *Bates* was critical to that determination.

This point is mentioned because just as the respondents did in *Bates*, Respondent intends to continue developing the record by offering evidence that shows his statements regarding Judge Mata were completely true, were not made recklessly, and were otherwise entitled to full constitutional protection. Given the Bar's history of evasiveness and obstruction, it is very likely that multiple additional pre-hearing motions will be required to preserve Respondent's evidentiary objections and his record relating to the First Amendment.

Entirely separate from that issue, this case involves other novel legal issues which require discovery beyond the limits of tier 1. Specifically, in ¶¶ 65–99 of the Amended Complaint, the Bar accuses Respondent of misconduct vis-à-vis his efforts to "preclude" a witness named Michael Marraccini from testifying at trial in *Owens v. Echard*. One aspect of the claim is that Ms. Owens previously obtained a

Domestic Violence Restraining Order from a San Francisco court against Mr. Marraccini which required him remain at least 100 yards away from her at all times, with no exceptions. *See* Amended Compl. ¶ 67.

This claim, as pleaded, implicates multiple novel legal issues including:

- Whether Mr. Marraccini violated federal law (and Arizona law) by traveling from California to Arizona for the purpose of intentionally violating the California court's order, thereby justifying Respondent's report of the matter to law enforcement. *See* Respondent's Answer Amended Complaint, filed March 6, 2026 at ¶¶ 65–99.

- Whether it was improper for Respondent to *truthfully* warn Mr. Marraccini (through his California counsel) that a violation of the California DVRO could result in his arrest and prosecution (as the order itself stated).

- Whether Judge Mata had authority to ignore and/or modify a valid court order from California.

- Whether Mr. Echard's counsel, Gregg Woodnick, violated the duty to disclose the substance of Mr. Marraccini's testimony under Family Law Rule 49, thus entitling Respondent to seek to exclude Mr. Marraccini as a witness based simply on non-disclosure.

Again, these complicated and novel legal issues involve just <u>one</u> of the five remaining claims at issue here. To help understand the State Bar's theory and arguments, Respondent served discovery requests asking the Bar to explain its factual and position regarding Mr. Marraccini. As noted below, despite being obligated to voluntarily disclose such information under Rule 26 (which the Bar failed to do), the Bar also refused to answer *any* questions in discovery relating to Mr. Marraccini.

For each of these reasons, the PDJ should find that this case does not meet the requirements for a tier 1 designation, and that, instead, the case meets the requirements for a tier 3 designation.

II. The PDJ Should Order The State Bar to Fully Answer Previously-Served Discovery

On March 26, 2026, Respondent served an initial set of discovery requests, which are attached hereto as Exhibit A. This included interrogatories, document requests, and requests for admissions. Consistent with this Court's initial decision to designate this matter as subject to tier 1 discovery limits, Respondent propounded five interrogatories, asked for two categories of documents, and asked ten Requests to Admit.

Each question was narrowly tailored to seek only relevant information which was proportional to the needs of this case. For example, Respondent's third interrogatory asked the Bar to: "describe with as much specificity as possible, what evidence the state bar has to support each allegation [in the Amended Complaint]: ¶¶ 7, 34, 37, 129, 131, 134, 146, 149, 160, 176, 181."

On April 7, 2026, the State Bar served its responses, copies of which are attached as Exhibit B (Interrogatory Responses). As this document reflects, the Bar refused to answer the vast majority of questions, claiming that the questions (with subparts treated as separate questions) exceeded the limits of tier 1. This includes interrogatory #3 to which the Bar offered no substantive response at all.

Pursuant to Civil Procedure Rule 26.2(g), the PDJ should order the State Bar to fully answer all interrogatories propounded by Respondent. That rule provides:

> (1) *Generally*. To obtain discovery beyond the limits on discovery established in Rule 26.2(f), a party must file …:
>
> (A) a motion for discovery beyond tier limits setting forth why that discovery is necessary and proportional under Rule 26(b)(1), attaching that discovery, or in the case of a request for deposition, describing the anticipated discovery, and attaching a good faith consultation certificate complying with Rule 7.1(h)

Here, Respondent has attached the discovery which the Bar has refused to answer and has attempted in good faith to meet and confer with the Bar, which was not successful. Accordingly, the PDJ should order the Bar to provide full and complete responses, because the disputed interrogatories clearly seek information that is relevant and proportional to the needs of this case.

Respectfully submitted Sept. 17, 2026.

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

CERTIFICATE OF GOOD FAITH

Pursuant to Supreme Court Rule 58(f)(3) and Civil Procedure Rule 26(g)(1)(A), Respondent certifies that he made a good faith effort to resolve this matter with State Bar counsel prior to filing the instant notice and that the Bar refused to agree to any of Respondent's requests.

/s/ David S. Gingras

CERTIFICATE OF SERVICE

Original filed and COPY of the foregoing emailed
this 17th day of September 2026 to:
Jim Lee
[redacted]
Craig Henley
[redacted]
Senior Bar Counsel

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 FIRST SET OF DISCOVERY REQUESTS**

TO: State Bar of Arizona
c/o James Lee, Esq.; Craig Henley, Esq.
[redacted]
Phoenix, AZ 85016-6266

Pursuant to Ariz. Sup. Ct. R. 58(f), Respondent David S. Gingras ("Respondent") propounds the following request for production, admissions and/or interrogatories, each of which is to be answered fully and separately, in writing, under oath and within thirty (30) days. These interrogatories are continuing interrogatories under Ariz. R. Civ. P. 26(g), and all your answers must be supplemented in accordance with Rule 26(g).

INSTRUCTIONS

A. All information is to be divulged which is in the possession, custody or control of each individual or corporate party, their attorneys, insurance claim representatives, investigators, agents, employees or other representatives, including all information reasonably available to them.

B. Where an individual interrogatory calls for an answer, which involves more than one part or sub-part, each part of the answer should be set forth separately so that it is clearly understandable and responsive to the respective sub-part.

C. The terms "writing" or "written" are intended to include but not necessarily be limited to the following: other means of recording upon any tangible thing any form of communications, including letters, words, pictures, sounds or symbols or combinations thereof; and it further includes any oral communication later reduced to a writing or confirmed by a letter.

D. The terms "document" or "documents" are intended to include but not necessarily be limited to the following: files, notes, memoranda, correspondence or letters of any kind, intra-departmental or office communications, written statements or reports, either signed or unsigned, records or taped interviews or statements, maps, plats, photographs, moving or still pictures, diagrams, plans, drawings, specifications, measurements, or other descriptions, agreements, contracts, records, and computer files in any format and printouts thereof. The term "document" shall include both originals and all copies which are not identical with the original or which contain any commentary or notation that does not appear on the original.

E. The term "investigation" means any investigation whether conducted by an employee of any governmental entity or any private person, including representatives of any insurance company or an attorney. It is intended to include any inquiry into the facts underlying the basis of the claims and defenses presented herein, and any communication with any person thought to have knowledge about the facts. However, it is not intended to include any communication to which a privilege is claimed between the answering party and its attorney.

F. If you contend that the answer to any interrogatory is privileged, in whole or in part, or if you object to any interrogatory, in whole or in part, state the reasons for such objection and identify each person having knowledge of the factual basis, if any, on which the privilege is asserted.

G. When an interrogatory requests that you "identify," or state the "identity" of a person, you are requested to provide his or her:

1. Full name;

2. Present or last known address or, if unknown, the last known whereabouts;
3. Phone number;
4. Present employer's name and address;
5. Occupational position or classification.

H. Unless otherwise directed, when an interrogatory asks that you "identify" a document or writing, please state:

1. Its nature (e.g., letter, memorandum, report, etc.);
2. Its title, if any;
3. The date it was prepared;
4. The date it was sent;
5. The date it was received;
6. The identity, as defined above, or person(s) who:
   a. Prepared it;
   b. Participated in any way in its preparation; or
   c. Signed it;
7. A statement of its subject matter; and
8. The identity, as defined above, of the person who has custody of it.

I. In the event that your answer to an interrogatory is "not applicable" or any similar phrase or answer, explain in detail why that interrogatory is not applicable.

J. In the event that your answer to any interrogatory is "don't know" or "unknown," or any similar phrase or answer, explain in detail all efforts made by the named party or its attorneys or representatives to obtain the answer to that interrogatory.

K. These interrogatories should be deemed continuing in nature. It is requested that you update your answers to interrogatories as soon as possible after new information is obtained to reflect any information obtained after the interrogatories are initially answered to include all information up to and including the date of the trial.

L. Where an interrogatory requests that you provide information concerning or explain a witness may testify about, that interrogatory is intended to elicit a summary of the information that any witness may have provided to you of whether they may testify at trial.

M. References in these Interrogatories to "this case" or "this matter" are to the litigation currently pending in this Court under the above-styled caption.

<u>INTERROGATORIES</u>

1.) State the names and contact information of every person the bar has interviewed and/or communicated with (or attempted to communicate with) regarding any aspect of this matter. For each person, state:

a. The name of each person and any known contact information for that person, including phone, email, address, etc.;
b. The name of the bar counsel/investigator who contacted the person;
c. The dates/times of each contact with the person;
d. Details regarding the nature and content of any statements made by each person.

2.) Identify each and every separate <u>statement of fact</u> made by Respondent at any time which the state bar claims is false, or otherwise sufficient to support discipline under any rule or legal theory asserted in this case. As to each separate statement:

a. Provide an exact quote of the specific statement;
b. Explain, in detail, what specifically is false in the statement;
c. Explain how that statement differs from the truth;
d. Identity the specific rule/law that prohibited each statement;
e. Identify everything the bar did to investigate whether or not each specific statement was true/false;
f. Identify each witness the bar intends to call to testify regarding the accuracy of each statement, and provide a fair summary of each witnesses' anticipated testimony.

3.) With respect to the following allegations in the Amended Complaint filed this matter, describe with as much specificity as possible, what evidence the state bar has to support each allegation: ¶¶ 7, 34, 37, 129, 131, 134, 146, 149, 160, 176, 181.

4.) Explain, in as much detail as possible, why the state bar contends Judge Mata had the legal authority to refuse to enforce the San Francisco Superior Court's Domestic Violence Restraining Order (DVRO) issued against Michael Marraccini, and why Judge Mata had the legal authority to instruct law enforcement officers to not enforce the DVRO. In the bar's discussion, please explain what factual/legal grounds supported Judge Mata's decision to *not* enforce the San Francisco Court's DVRO, as specifically required by both federal law (18 U.S.C. § 2265(a)) and Arizona law (A.R.S. § 13–3602(V)). Among other issues, the bar's response must directly answer the following question: "Does the state bar contend an Arizona Superior Court Judge is free to ignore, or modify, a valid DVRO issued by the court of another state? If the answer is yes, explain all factual and legal authority that supports that conclusion with citations to case law, statutes, and/or any other legal authority that supports the bar's position."

5.) The post-trial minute entry order issued by Judge Mata on June 17, 2024 (RJN Ex. 104) contains the following finding regarding Dr. Samantha Deans:

> She [Dr. Deans] further testified that Planned Parenthood is not open on Sundays, when Petitioner testified, she sought care July 2, 2023.

Given that the trial transcript shows Dr. Deans did *not* offer any testimony regarding the business hours of Planned Parenthood (nor did any other witness), why did Judge Mata's post-trial ruling contain that "finding" and how did Judge Mata learn Planned Parenthood is not open on Sundays?

DOCUMENT REQUESTS

1. Produce copies of all correspondence sent to and/or received by the state bar with respect to this matter, EXCLUDING correspondence to/from Respondent.

NOTE: This request is intended to include, but not be limited to, correspondence exchanged with any of the following persons:

- Judge Julie A. Mata
- Any staff member in Judge Mata's chambers
- The Arizona Commission on Judicial Conduct (including any staff/attorneys employed by the CJC).
- Harry Howe
- Gregg Woodnick (and any other lawyers at Woodnick law)
- Clayton Echard
- Michael Marraccini
- Randy Sue Pollock
- Greg Gillespie
- Cory Keith
- Alexis Lindvall
- Planned Parenthood
- County Attorney Rachel Mitchell (including any MCAO staff, attorneys, investigators, etc.)
- Any person who submitted any complaint(s) to the bar regarding Respondent's involvement in *Owens v. Echard*

2. Produce copies of any documents the state bar has which show any statements Respondent made regarding Judge Mata were false.

REQUESTS TO ADMIT

1. Admit that during *Owens v. Echard*, Judge Mata did not follow all Rules of Family Law Procedure and she repeatedly ignored violations of the rules by others, including, but not limited to, the following:

- Judge Mata granted a Motion to Compel filed on March 11, 2024 (RJN Ex. 61) which did not comply with Family Rule 65(a)(1) in that it did not contain "a good faith consultation certificate complying with Rule 9(c)."

RESPONSE: ADMIT________ DENY_________

2. Admit that prior to filing the Motion to Compel, Gregg Woodnick did not meet and confer, or even attempt to meet and confer, with Ms. Owens as required by Family Law Rule 9(c), and because he did not meet and confer with her, he did not attach a good faith consultation certificate to the Motion to Compel as required by Rule 65(a)(1).

RESPONSE: ADMIT________ DENY_________

3. Admit that on February 21, 2024, Judge Mata issued a minute entry order (RJN Ex. 60) which stated the following:

IT IS FURTHER ORDERED setting a discovery & disclosure deadline (30) days prior to trial. Any disclosure beyond that deadline shall be precluded. However,

IT IS FURTHER ORDERED the parties shall complete initial disclosure no later than (45) days from today's date.

RESPONSE: ADMIT________ DENY_________

4. Admit the statement "the parties shall complete *initial disclosure* no later than (45) days from today's date" was a reference to the disclosure obligations imposed by Family Law Rule 49.

RESPONSE: ADMIT________ DENY_________

5. Admit that when Judge Mata ordered the parties to "complete initial disclosure no later than (45) days from today's date", that meant initial disclosures were not due until Monday, April 8, 2024.

RESPONSE: ADMIT________ DENY_________

6. Admit when Mr. Woodnick filed the Motion to Compel on March 11, 2024, Ms. Owens' initial Rule 49 disclosures were not yet due. *See* Family Law Rule 49(b)(1) (providing "*Initial Disclosures.* Unless the parties agree in writing <u>or the court orders otherwise</u>, every party must serve an initial disclosure of information required under sections (d) through (k) not later than 40 days after the filing of the first responsive pleading to a petition." (emphasis added)

RESPONSE: ADMIT________ DENY_________

7. Admit that in the Motion to Compel, Mr. Woodnick asked the court to order Ms. Owens to produce information which Mr. Woodnick had never asked her to produce in formal written discovery, and that the sole legal authority cited by Mr. Woodnick as grounds for the motion is that he believed Ms. Owens was required to produce the requested information under Rule 49.

RESPONSE: ADMIT________ DENY_________

8. Admit that in a paternity establishment action, none of the information Mr. Woodnick asked for in his Motion to Compel was required to be disclosed under Rule 49.

RESPONSE: ADMIT________ DENY_________

9. Admit that on April 30, 2024, Respondent filed an *emergency* motion which requested an immediate telephonic scheduling conference, citing Family Law Rule 76.1(a) which provides, in part: "The court may on its own, and on request of a party must, hold a scheduling conference …." (emphasis added).

RESPONSE: ADMIT________ DENY_________

10. Admit any statement Respondent made about Judge Mata "not caring about the rules" represents an opinion based on fully-disclosed facts which are true; i.e. the true fact that Judge Mata repeatedly ignored the Rules of Family Law Procedure and the true fact that she ignored violations of the rules by others, including Gregg Woodnick.

RESPONSE: ADMIT________ DENY_________

Respectfully submitted March 24, 2026.

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

CERTIFICATE OF SERVICE

COPY of the foregoing emailed
this 24th day of March 2026 to:
Jim Lee
[redacted]
Craig Henley
[redacted]
Senior Bar Counsel

Exhibit B

James D. Lee, Bar No. 011586
Craig D. Henley, Bar No. 018801
Senior Bar Counsel
State Bar of Arizona
[redacted]
Phoenix, Arizona 85016-6266
Telephone: [redacted]
Email: [redacted]

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 OF ARIZONA'S RESPONSES TO RESPONDENT'S FIRST SET OF NON-UNIFORM INTERROGATORIES

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

Pursuant to Rule 33 Ariz. R. Civ. P., as incorporated into disciplinary proceedings by Rule 58(f), Ariz. R. Sup. Ct., the State Bar of Arizona, hereby responds to Respondent's First Set of Non-Uniform Interrogatories and Request for Production of Documents to State Bar of Arizona. These responses are based on information currently known to the State Bar, which reserves the right to supplement the responses in accordance with the Arizona Rules of Civil Procedure and Arizona Rules of the Supreme Court.

NON-UNIFORM INTERROGATORIES

1. State the names and contact information of every person the bar has interviewed and/or communicated with (or attempted to communicate with) regarding any aspect of this matter. For each person, state:

a. The name of each person and any known contact information for that person, including phone, email, address, etc. **The people with personal knowledge with whom the State Bar has communicated were set forth in the State Bar's complaint, amended complaint and disclosure statements.**

b. The name of the bar counsel/investigator who contacted the person. **This non-uniform interrogatory requests information that is part of the State Bar's work product.**

c. The dates/times of each contact with the person. **This non-uniform interrogatory requests information that is part of the State Bar's work product.**

d. Details regarding the nature and content of any statements made by each person. **This non-uniform interrogatory requests information that is part of the State Bar's work product; also, disclosure of the requested information may reveal bar counsel's mental impressions, conclusions, opinions, or legal theories; Respondent**

may interview/depose the people with whom the State Bar has communicated.

2. Identify each and every separate statement of fact made by Respondent at any time which the state bar claims is false, or otherwise sufficient to support discipline under any rule or legal theory asserted in this case. As to each separate statement:

   a. Provide an exact quote of the specific statement. **See pages 21 through 24 of the amended complaint; Paragraph 102: "inviting her father to attend a high-profile trial *in support of a party*, while also privately engaging in prohibited *ex parte* discussions about the case with her father" and "Judge Mata's blatant, pervasive disregard for her ethical duties and her disrespect for Laura's fundamental rights helps explain the judge's numerous (and otherwise heretofore inexplicable) adverse rulings during this action."; Paragraph 103, Exhibit B – "We could ask her to fix this, but that would be a waste of time."; Paragraph 105, Exhibit C – "the judge committing a CRIME - was completely unnecessary"; and Paragraph 106, Exhibit D - "Google is not a valid legal source of evidence . . . . unless your case is assigned to Judge Mata."**

b. Explain, in detail, what specifically is false in the statement; **This interrogatory exceeds the allowable scope of discovery in Tier 1 cases; see Rule 33(a)(2), Ariz. R. Civ. P.**

c. Explain how that statement differs from the truth; **This interrogatory exceeds the allowable scope of discovery in Tier 1 cases; see Rule 33(a)(2), Ariz. R. Civ. P.**

d. Identify the specific rule/law that prohibited each statement; **This interrogatory exceeds the allowable scope of discovery in Tier 1 cases; see Rule 33(a)(2), Ariz. R. Civ. P.**

e. Identify everything the bar did to investigate whether or not each specific statement was true/false; **This interrogatory exceeds the allowable scope of discovery in Tier 1 cases; see Rule 33(a)(2), Ariz. R. Civ. P.**

f. Identify each witness the bar intends to call to testify regarding the accuracy of each statement, and provide a fair summary of each witnesses' anticipated testimony. **This interrogatory exceeds the allowable scope of discovery in Tier 1 cases; see Rule 33(a)(2), Ariz. R. Civ. P.**

3. With respect to the following allegations in the Amended Complaint filed this matter, describe with as much specificity as possible, what evidence the state

bar has to support each allegation: ¶¶ 7, 34, 37, 129, 131, 134, 146, 149, 160, 176, 181. **This interrogatory exceeds the allowable scope of discovery in Tier 1 cases; see Rule 33(a)(2), Ariz. R. Civ. P.**

4. Explain in as much detail as possible, why the state bar contends Judge Mata had the legal authority to refuse to enforce the San Francisco Superior Court's Domestic Violence Restraining Order (DVRO) issued against Michael Marraccini, and why Judge Mata had the legal authority to instruct law enforcement officers to not enforce the DVRO. In the bar's discussion, please explain what factual/legal grounds supported Judge Mata's decision to *not* enforce the San Francisco Court's DVRO, as specifically required by both federal law (18 U.S.C. § 2265(a)) and Arizona law (A.R.S. § 13–3602(V)). Among other issues, the bar's response must directly answer the following question: "Does the state bar contend an Arizona Superior Court Judge is free to ignore, or modify, a valid DVRO issued by the court of another state? If the answer is yes, explain all factual and legal authority that supports that conclusion with citations to case law, statutes, and/or any other legal authority that supports the bar's position." **This interrogatory exceeds the allowable scope of discovery in Tier 1 cases; see Rule 33(a)(2), Ariz. R. Civ. P.**

5. The post-trial minute entry order issued by Judge Mata on June 17, 2024 (RJN Ex. 104) contains the following finding regarding Dr. Samantha Deans:

She [Dr. Deans] further testified that Planned Parenthood is not open on Sundays, when Petitioner testified, she sought care July 2, 2023.

Given that the trial transcript shows Dr. Deans did *not* offer any testimony regarding the business hours of Planned Parenthood (nor did any other witness), why did Judge Mata's post-trial ruling contain that "finding" and how did Judge Mata learn Planned Parenthood is not open on Sundays? **This interrogatory exceeds the allowable scope of discovery in Tier 1 cases; see Rule 33(a)(2), Ariz. R. Civ. P.**

DATED this 7th day of April, 2026.

STATE BAR OF ARIZONA

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

Original emailed
this 7th day of April, 2026, to:

David S. Gingras, Esq.
Gingras Law Office, PLLC
[redacted]
Phoenix, Arizona 85044-6417
Email: [redacted]
Respondent

by: */s/Jackie Brokaw*
JDL:jlb

VERIFICATION

The State Bar of Arizona, by undersigned counsel verifies, certifies and declares, under penalty of perjury, that the foregoing is true and correct to the best of my knowledge.

STATE BAR OF ARIZONA

James D. Lee
James D. Lee
Senior Bar Counsel

Subscribed and sworn to before me, this 7th day of April, 2026.

Lori Palmer
Notary Public

My Commission Expires:
9/12/28

LORI PALMER
Notary Public - Arizona
Maricopa County
Commission # 672530
My Comm. Expires Sep 12, 2028