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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 2022-9037

**COMPLAINANT'S MOTION TO
INTERVENE AND JOINDER IN
THE STATE BAR OF
ARIZONA'S REQUEST FOR
PROTECTIVE ORDER SEALING
A PORTION OF THE RECORD**

[State Bar File: 21-2455]

Attorney Andrew Ivchenko (Complainant) hereby files a motion to intervene in this case pursuant to Ariz. R. Civ. P. 24(a)(2), and joins in the State Bar of Arizona's ("State Bar") Request to the Presiding Disciplinary Judge of the Supreme Court of Arizona (PDJ) to enter a Protective Order pursuant to Rule 70(g) of the Rules of the Supreme Court, as well as joining in the State Bar's Motion to Limit Discovery, for the reasons stated therein.

Complainant would like to provide the PDJ with additional information in order to aid in her decision. This additional information also supports Complainant's position that the Proposed Protective Order should be modified, and the scope of discovery be limited to that mandated for a Tier 1 case under Rule 26.2(c) and (f), Ariz. R. Civ. P.

The primary allegation in the complaint filed in this matter is that Attorney David S. Gingras ("Respondent") attempted to communicate with parties he knew were represented by counsel, and engaged in other unethical behavior, all constituting violations of Arizona Supreme Court Rule 42, specifically, ER 4.2, ER 4.4 and ER 8.4(a).

Complainant's clients in the underlying litigation were identified only as "John Doe" or "Jane Doe," and the State Bar sought to show that those "unnamed" parties were real clients represented by Complainant after Respondent questioned whether these were actual clients. In response, Complainant voluntarily provided 20 fee agreements relating to a federal lawsuit (from a removed state court case), and one fee agreement each relating to two distinct Arizona state lawsuits, with the understanding that the State Bar seek to limit their disclosure or use, including the identities of the clients and the information in the fee agreements.

It is important for the PDJ to understand that Respondent has been *extremely emotionally involved* here, and is seeking revenge against anyone he blames for the

demise of his client's internet mugshot operation, including Complainant. Respondent's clients, Travis Paul Grant, Kyle David Grant, and Mariel Lizette Grant (the "Grants") were notorious mugshot website operators who scraped booking photos and arrest records from law enforcement agencies throughout the country, and profited therefrom.¹ At their height, the Grants (by their own admission) had collected the booking photos and arrest records of *20 million* people in what was arguably the largest mugshot website operation in the country, causing an enormous amount of harm to people's reputations.

The litigation involving the Grants included three other law firms, including two Arizona firms (Dickinson Wright and the Rosenstein firm) and a Florida firm. In Respondent's telling, Complainant is somehow responsible for all of the cases involving the Grants, as if no other lawyer was involved. Complainant was indeed the "first mover" in the country against the Grants, and represented his wife in that first

¹ The Court should also be aware that Respondent's counsel, Marc J. Randazza, also represented Travis Paul Grant, the front man for the Grant family mugshot operation, in a lawsuit against the State of Florida to invalidate SB 1046 and F.S. § 901.43, Florida's attempt to ban the publication of arrest booking photographs for profit by private parties. *See Case. No. 6:21-cv-1683-WWB-EJK*, United States District Court, Middle District of Florida. Mr. Randazza and his client voluntarily dismissed this complaint on 12/3/2021 (doc 16).

case, which settled quickly. Afterwards, Complainant was lead counsel representing affected parties in three cases, discussed below.

After two years of intensive, acrimonious litigation (including a case in which Respondent and the Grants sued me and my wife in federal court, and we in turn sued all of them in Arizona state court for abuse of process), all of the cases settled (on 12/10/2021). The settlement agreement ended all litigation and resulted in the permanent shuttering of the Grants' mugshot operation, and included mutual releases of all parties, including the attorneys and their spouses.

Complainant provides this background because Respondent did not wish to sign the settlement agreement, supposedly because it would be a conflict of interest with his clients due to the pending bar compliant. (Mr. Randazza is not a party to the settlement agreement, either.) I subsequently dismissed Respondent from the state court lawsuit without prejudice and hoped he would just disappear, regrettably to no avail. Thus, neither Respondent or Mr. Randazza are constrained by the terms of the settlement agreement.

Respondent (and his counsel) have represented numerous internet predators that are capable of destroying someone's online reputation in an instant – Respondent engaged in similar intimidation tactics throughout the litigation in an effort to influence the parties and their attorneys, while ingratiating himself with his clients, who

employed these tactics against innocent people as a matter of course. (*See Exhibit A, Affidavit of Andrew Ivchenko, filed in the Circuit Court of the Eighteenth Judicial Circuit, Seminole County, Florida, Case No. 2021-CA-000960*); Exhibit B, Affidavit of Attorney Steve Scharboneau; both of which are incorporated herein). These underhanded and unethical tactics have been part and parcel of Respondent's modus operandi for years, and most litigants have been too afraid or exhausted to hold him accountable for his behavior. (*See Exhibit A, ¶ 19*).

A protective order, with the terms set forth by the State Bar as a minimum, is appropriate and reasonable because Complainant's clients, who are identified in the fee agreements, are *not* parties to this case and Complainant has an ethical duty pursuant to ER 1.6 to maintain as confidential the information relating to his representation of his clients in the cases underlying this disciplinary proceeding. Furthermore, Complainant is required to "make reasonable efforts to prevent the inadvertent or unauthorized disclosure of, or unauthorized access to, information relating to the representation of a client." *See ER 1.6(e)*. This request is a reasonable effort to protect documents and information related to Complainant's clients.

In a typical case, the proposed order submitted by the State Bar would be sufficient protection. However, because of Respondent's proven conduct in these cases, and the nature of his clients and contacts in the internet space, Complainant is

more than reasonable in his fear that Respondent is attempting to obtain the identities of the clients in order to cause them harm through additional online predation. (*See Exhibit A, ¶¶ 14, 17, 20, 23-24*). Respondent aids and abets his clients in this manner, including by obtaining court records and posting copies of the pleadings and emails from opposing counsel on his Twitter site, at <https://twitter.com/davidsgingras?lang=en>. (*See Exhibit A, ¶ 20*).

By making a groundless accusation against Complainant involving the existence of Complainant's clients, Respondent deflects attention away from his violation of ethical rules and opens the door for full discovery on these issues. Respondent has in essence made a de facto bar complaint against Complainant, which caused the State Bar to request the fee agreements.² If in fact the State Bar were to agree with Respondent, then they could initiate a separate investigation. Respondent went this route not only to conflate the narrow issues in this proceeding, but also to open the door to discovery which he would otherwise not be entitled. Such underhand tactics and ulterior motives are typical of Respondent, and should not be allowed by the PDJ.

² Respondent previously filed a bar complaint against Complainant during the litigation against the Grants, so he is obviously inclined to do so and is familiar with the process. The complaint (File No. 20-1100) was dismissed by the Arizona Bar on May 28, 2020. (*See Exhibit A, ¶ 18*).

Complainant provided the State Bar with the fee agreements relating to the following three cases, which were the only cases against the Grants in which Complainant represented third parties:

- i. *Doe v. Grant, et al.*, Arizona District Court No. 2:20-CV-1142-SMB (originally filed on 5/1/20 in Maricopa County, Arizona, Superior Court Case No. CV2019-015355, and removed to federal court by defendants). Complainant represented 20 anonymous clients. Case was voluntarily dismissed, order of dismissal dated 12/8/20 (doc 31).
- ii. *John Doe v. Grant, et al.*
Maricopa County, Arizona, Superior Court Case No. CV2021-090059 and Arizona Court of Appeals, Division One, Case. No. 1 CA-CV 21-0302, filed 1/6/21.
- iii. *John Doe v. Grant, et al.*
Maricopa County, Arizona, Superior Court Case No. CV2021-090710, filed 2/12/21.

Complainant has provided the State Bar with fee agreements for the 22 plaintiffs in these cases. The plaintiff in Case No. CV2021-090059 was a party in the dismissed federal court case. There were two clients in Case No. CV2021-090710 because the initial plaintiff in that case was a “Jane Doe,” who obtained independent relief from the Grants, and Complainant then amended the complaint and made it a class action limited to Arizona residents only. The new class representative was a male, hence the change to the John Doe designation. The class action was set up to include all Arizona

victims of the Grant mugshot enterprise, estimated to be over 200,000 Arizonans. The case did not reach the class certification stage, as both cases settled before then.

Complainant filed Motions to Proceed Under Pseudonym in each case, but the matter only reached decision in Case No. CV2021-090059. After considering the conduct of Respondent and the Grants, the Court granted the plaintiff's motion. (*See Exhibit C*). Nothing in this order precluded Respondent from requesting the identity of the party, as the Court was simply trying to limit further online harassment by Respondent or the Grants. However, Respondent never made the request. Moreover, Respondent could always have asked the court to do an in-camera review of any fee agreements, but never did so. All of this contradicts Respondent's bizarre "phantom clients" theory, which was only raised by him after the Bar Committee recommended sanctions.

Respondent and the Grants posted the offending content on the Grant website as of October 27, 2021 (*see* Complaint, ¶ 7), and at that time there were two active cases against the Grants in Arizona with Complainant as lead counsel, referenced above. This included MCSC Case No. CV2021-090059, which was on appeal, and MCSC Case No. CV2021-090710. The later was a class action complaint filed by Complainant and co-counsel on July 2, 2021.

Under Rule 70(g) of the Rules of the Supreme Court, “the presiding disciplinary judge may issue an order in any pending matter, sealing a portion of the record and/or state bar file *and taking other measures to assure the confidentiality of the sealed information.* (emphasis added). Under the circumstances, and taking into consideration Respondent’s proven predatory behavior towards opposing parties as described herein, Complainant requests that the fee agreements disclosed by Complainant to the State Bar be sealed and disclosed to Respondent to the extent no more than is necessary to rebut his unwarranted “phantom clients” argument.

Since two state court cases were pending when the Grants and Respondent attempted to solicit Complainant’s clients through their website, then proof of the three clients involved in these two cases alone would be sufficient to rebut Respondent’s argument, and satisfy a required element of the ethical violations in question. Any further disclosure of additional client’s names would be irrelevant, and greatly increase the risk of online retaliation directed towards these clients. Any issue Respondent has relating to other clients or fee agreements can be pursued by him as a separate matter with the State Bar. Complainant owes those clients the confidentiality they expected and deserve after the horrific online abuse they suffered at the hands of the Grants, rather than throwing them back into the abyss one year after they finally obtained relief.

The Complainant moves the PDJ to grant this request, and his motion to intervene.

A proposed Protective Order is attached as Exhibit D.

DATED this 8th day of September, 2022.

ANDREW IVCHENKO PLLC

/s/Andrew Ivchenko
Andrew Ivchenko, Esq.
Complainant

Original filed with the Disciplinary Clerk of
the Office of the Presiding Disciplinary Judge
of the Supreme Court of Arizona
this 8th day of September 2022.

Copy of the foregoing emailed
this 8th day of September, 2022, to:

The Honorable Margaret H. Downie
Presiding Disciplinary Judge
Supreme Court of Arizona
1501 West Washington Street, Suite 102
Phoenix, Arizona 85007
Email: officepdj@courts.az.gov

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Respondent (co-counsel)

Copy of the foregoing sent via regular mail
this 8th day of September, 2022, to:

Lawyer Regulation Records Manager
State Bar of Arizona
4201 North 24th Street, Suite 100
Phoenix, Arizona 85016-6266

/s/Andrew Ivchenko
by: Andrew Ivchenko, Esq.

EXHIBIT A

IN THE CIRCUIT COURT OF THE EIGHTEENTH JUDICIAL CIRCUIT
IN AND FOR SEMINOLE COUNTY, FLORIDA

JOHN DOE,
Plaintiff,
vs.

CASE NO.: 2021-CA-000960

GAINESVILLE CONSOLE DOCTOR LLC,
TRAVIS PAUL GRANT, KYLE DAVID
GRANT, JOHN and JANE DOES I-X; and
XYZ COMPANIES I-X,
Defendants.

**AFFIDAVIT IN SUPPORT OF RESPONSE TO MOTION FOR MORE DEFINITE
STATEMENT AND PLAINTIFF'S MOTION TO WAIVE
APPEARANCE AT FUTURE PROCEEDINGS AND
TO PROCEED UNDER PSEUDONYM**

I, Andrew Ivchenko, hereby state and declare as follows:

1. My name is Andrew Ivchenko. 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 a lawyer based in Phoenix, Arizona. I have been admitted to practice law in the State of Arizona since 2002, and the State of Ohio since 1989.

3. This declaration is made in support of Plaintiff John Doe's Motion to Proceed Under Pseudonym in Seminole County, Florida case no. 2021-CA-000690, *Doe v. Grant et. al.* ("the Florida case").

4. I have come to have personal knowledge of the retaliatory past conduct of the Defendants (the "Florida Defendants") and one of their attorneys in the Florida case, David Gingras ("Mr. Gingras").

Retaliatory Conduct Against Renee Ivchenko

5. I am married to Renee Ivchenko, whom I represented in connection with the removal of her booking photos and arrest information from various mugshot websites after her arrest in April 2018. I was able to remove almost all of her booking photos and arrest information from these predatory sites.

6. After asserting her legal rights against several mugshot website operators, Renee Ivchenko's booking photo and arrest information was posted on a Twitter site on February 19, 2019, operated by an unknown individual with a fake account name (the "Twitter site"), and on a second mugshot website until such time as the site was taken down for unknown reasons a few months later.

7. After repeated requests, the Florida Defendants, including Travis Paul Grant, refused to remove Renee Ivchenko's information from their mugshot websites (the "Websites"). I filed suit against Travis Paul Grant, Kyle David Grant, and Mariel Lizette Grant (the "Grants") on behalf of Renee Ivchenko in Maricopa County, Arizona on May 9, 2019 (Superior Court Case No. CV2019-090493).

8. On or about May 18, 2019, I conducted an internet search of Renee Ivchenko's name, and her booking photo and arrest information no longer appeared on the Grants' Websites. Renee Ivchenko voluntarily dismissed her lawsuit under F.R.C.P. 41(a)(1)(A)(i) on May 31, 2019 after the case was removed to federal court.

9. Additional defamatory statements were made on the Twitter site on September 15, 2019 and September 18, 2019, this time directed against both Renee Ivchenko and me. Based on information and belief, I concluded that the Grants or someone associated with them made these postings. As a result, Renee Ivchenko and I filed suit against the Grants in Maricopa County on December 17, 2019 for defamation and additional causes of action related to the posting of her booking photo and arrest information on the Twitter site in question (Superior Court Case No. CV2019-015355). We were represented in this case by Dickinson Wright PLLC, of Phoenix, Arizona. An amended complaint dropped me as a plaintiff, and added numerous additional John Doe and Jane Doe plaintiffs asserting claims against the Grants under Arizona's new mugshot statute, A.R.S. 44-7902.

10. Case No. CV2019-015355 was removed to Federal court by the Grants and eventually dismissed by the plaintiffs, so that they could join a concurrent State court action in which I was lead counsel. In response, the Grants tried to obtain attorney's fees from Renee Ivchenko, the only named Plaintiff in that case. This motion was denied. *See* Doc 15, Arizona District Court Case No. CV-20-00674 PHX-MTL. In addition, the Grants filed two unnecessary motions (described in Paragraphs 11-12) in that case that targeted Renee Ivchenko by including her booking photo and detailed arrest information, including court documents involving her

arrest, into the motions. This, by all appearances, was done by the Grants and their attorney, Mr. Gingras, simply to ensure that her arrest information and booking photos were made part of the public court record for perpetuity.

11. Despite robust communication between the parties in this action, without ever mentioning or requesting payment pursuant to Rule 41 in connection with the case referenced in Paragraph 8, *supra*, the Grants unnecessarily filed an aggressive, multi-page motion on February 7, 2020 that sought recovery of approximately \$400 in costs in connection with the previously dismissed action. Had the Grants asked, we would have agreed to pay the requested \$400 rather than waste the parties' and the court's resources on that trivial matter. The only purpose that motion served was as a vehicle to intimidate and smear Renee Ivchenko and to create yet another public record containing Renee Ivchenko's arrest information and booking photo.

12. On February 21, 2020, the plaintiffs' attorney, David N. Ferrucci, indicated to Mr. Gingras in writing that Plaintiffs were planning on amending their complaint within the 21-day time-period provided by the rules, which would include dropping a defamation claim. Nonetheless, the Grants filed a summary judgment motion the following day, making aggressive arguments in connection with that defamation claim, and taking that opportunity to once again insert Renee Ivchenko's booking photo and detailed arrest information, including court documents that had no bearing on the case, into the motion. The transparent purpose for doing this was to cause her further embarrassment, knowing full-well that various online reporting services would publish the case and thereby keep her booking photos and arrest information memorialized in perpetuity in yet another online publication.

13. In his affidavit in support of the Grants' motion for attorney's fees, referenced in Paragraph 10, *supra*, Mr. Gingras stated that "Defendants incurred costs in the amount of \$36.00 paid to the City of Scottsdale for the purpose of obtaining evidence (police reports and body camera video) which directly relates to the defense of Mrs. Ivchenko's claims." (See Arizona District Court Case No. CV-20-00674, Doc 15-1, ¶ 17). This request was made even though Renee Ivchenko dropped her defamation claims in the original Complaint by filing an Amended Complaint on February 27, 2020, and there was no remaining cause of action that would plausibly have required the Grants' attorney to obtain this information to defend his clients.

14. The Grants' cyberstalking of Renee Ivchenko continued when they misappropriated her name by establishing the website www.reneeivchenko.com, on which they posted her mugshot. I sent the hosting company (Godaddy) a subpoena to find out who had set up this website, and the response showed that it was Defendant Travis Grant, who set up the site on July 4, 2020. *See Exhibit 1.* It is likely that the Grants were the ones who also obtained a website in my name, www.andrewivchenko.com, on August 17, 2020. The site in my name is devoid of content, but the bottom of the site includes the notation "This will be fun." It is my position that the Grants, as well as Mr. Gingras, are criminally and civilly liable for cyberstalking both me and my wife. For instance, under Florida law a court could find that the creation of the website, www.reneeivchenko.com, with the republishing of the mugshot of Mrs. Ivchenko, constitutes Cyberstalking by Impersonation - To engage in a course of conduct to communicate, or to cause to be communicated, words, images, or language by or through the use of electronic mail or electronic communication, directed at a specific person; causing substantial emotional distress to that person and serving no legitimate purpose. *See Section 784.048(1)(d), Fla. Stat.* The websites created serves no legitimate purpose. The Grants intentionally used the identity of a litigant and an attorney in an effort to further embarrass and/or harass which I interpret as a strategy to seek to apply pressure to not litigate legitimate contested claims.

Retaliatory Conduct Against Other Arizona Plaintiffs

15. I have represented numerous clients in Arizona over the past year against the Grants. I currently represent clients in two State court actions against them, including an appeal that is being supported by the Arizona Attorney General, as well as a class action involving all Arizona residents adversely affected by the activities of the Grants. The primary cause of action being contested in these cases involves Arizona Revised Statute §§ 44-7901, 7902; Mugshot website operators; prohibited acts; exceptions, as well as other causes of action under Arizona common law. The new law defines mugshot website companies as "mugshot website operators" and prohibits their operation for commercial purposes, which the law defines to include "any purpose in which the [mugshot website operator] can reasonably anticipate the receipt of monetary gain from the direct or indirect use of the public record." A.R.S. § 39-121.03(D); A.R.S. § 44-7901(2). The Arizona Mugshot Statute also prescribes hefty minimal damages that mugshot website operators will have to pay to those affected if they do not comply with the law.

The Grants have ignored this law, and continue scraping and posting mugshots of arrestees in Arizona, which are only posted by law enforcement for three days.

16. Many of my clients have had a negative interaction with the legal system, compounded by the actions of mugshot website operators who in the internet age make it almost impossible for them to move on from a difficult time in their lives. These clients fear they will be subjected to further online humiliation and damage to their reputations at the hands of mugshot website operators like the Grants should they pursue their rights in court. Most of my clients previously interacted with the Grants in an effort to have their booking photos and arrest information removed from the Websites. In each instance the Grants refused to remove their booking photos and arrest information from the Websites.

17. From my experiences in dealing with mugshot website operators, they are vindictive people who hold grudges and often monitor the online activity of targeted individuals for further harassment in order to make an example of them. For example, an individual named Zim Rogers, who was the lead class action plaintiff against a mugshot website operator in *Rogers v. Justmugshots*, 2015 Cal. App. Unpub. LEXIS 7177 (Cal. App. 2d Dist. Oct. 7, 2015), had success in court against a mugshot website operator at both the trial and appellate level. However, this did not insulate him from further oppression by this malicious and vindictive community of mugshot website operators, as his booking photos and arrest information was later posted on Twitter, as well as on a second revenge site, by anonymous, unknown parties. Renee Ivchenko's booking photos and arrest information appeared on these same revenge sites. The Twitter site in question only included this information relating to Zim Rogers and Renee Ivchenko, and the only Arizona residents on the second site were these same individuals.

18. Mr. Gingras has used threats and intimidation as a tactic to get my clients to drop their claims against the Grants. He has repeatedly and aggressively threatened me with Rule 11 sanctions, motions for attorney's fees, and civil lawsuits. Mr. Gingras filed a bar complaint against me, which was dismissed by the Arizona Bar on May 28, 2020. This complaint was filed a few weeks after I filed suit against the Grants on behalf of twenty affected plaintiffs. Mr. Gingras and the Grants also proceeded to file suit against me and my wife in the Arizona District Court in January 2021, alleging myriad causes of action including malicious prosecution. This lawsuit was filed only three days after I filed an additional lawsuit against the Grants. It is my opinion that the Grants' case is groundless and will be dismissed on the pleadings, and was filed

simply to exert pressure against me in my ongoing State court actions. I have never seen such hostile behavior from opposing counsel in 32 years of practice, nor was I ever the subject of a bar compliant.

19. Mr. Gingras is known in Arizona for filing frivolous lawsuits against attorneys and parties that have brought suit against his clients, mostly predatory internet operators like the Grants who cause the public immense harm. The best known of these cases involved Xcentric Ventures LLC (which operates the notorious Rip-off Report). *See Xcentric Ventures, LLC v. Borodkin*, 798 F.3d 1201 (9th Cir. 2015). This groundless lawsuit was dismissed by the Court, and yet still appealed by the plaintiffs, to no avail. Mr. Gingras has continued with these tactics against me and my wife, this time on behalf of the Grants, notorious mugshot website operators who in their pleadings in Arizona have admitted that there are “twenty million” people with mugshots on their Websites. Mr. Gingras has repeatedly used the law as a weapon in Arizona to create a chilling effect designed to dissuade others from asserting their legal rights against the Grants and other predators like them.

20. I have observed that once the Grants and Mr. Gingras have identified a party, they will see to it that this person’s name, booking photo, arrest records, criminal justice files, police video, etc., will all be inserted in the pleadings as well as in the case caption, which then allows the case to get reported by various online reporting services, as well as posting the information on the front page of the Grants’ Websites. Mr. Gingras aids and abets his clients in this manner, by obtaining these records and posting copies of the pleadings and emails from opposing counsel on his Twitter site, at <https://twitter.com/davidsgingras?lang=en>. *See Exhibit 2.*

21. On November 20, 2020, I sent Mr. Gingras an e-mail and informed him that I would be coordinating my efforts in the litigation against the Grants with the Rosenstein Law Group, located in Scottsdale, Arizona, and that my clients would be filing individual actions against the Grants. Mr. Gingras responded “Nevertheless, I will remind you that filing groundless lawsuits without probable cause and with malice is both unethical and unlawful, and doing so will expose you and anyone else involved to significant personal liability.”

22. Two of my former clients were represented by the Rosenstein Law Group in lawsuits filed in Arizona against the Grants (Maricopa County Case Nos. CV2020-055202, filed September 24, 2020, and CV2020-055722, filed November 6, 2020).

23. The Grants and Mr. Gingras rely heavily on using “doxing” as an intimidation strategy. Doxing concerns publishing private or identifying information about a particular individual on the internet, typically with malicious intent. The most recent example of this involves an anonymous plaintiff and former client of mine in one of the cases filed against the Grants by the Rosenstein Law Firm. Despite efforts to conceal the client's identity in this matter, the Grants assumed who the Jane Doe plaintiff was. In retaliation, the Grants included her mugshot and criminal justice information on the front page of their Website. *See Paragraph 24, infra.* To further enhance the doxing effect, Mr. Gingras also included hyperlinks to the individual who he simply *assumed* (emphasis added) was the plaintiff and then added her mugshot and criminal justice information in his pleadings and inserted her name in the case caption despite her filing under the name “Jane Doe.” *See Plaintiff's Motion, Exhibit 3, Affidavit of Steve Scharboneau.* This was all done without the Court's permission. Several online reporting services picked up the case and a Google search of the client's name then included the case, along with her booking photo and arrest records memorialized for eternity.

24. On or about October 12, 2020, the client referenced in Paragraph 23, *supra*, had her booking photo and arrest information placed on the front page of the Grants' commercial mugshot website at www.publicpolicerecord.com. The front page included the booking photo and other derogatory commentary pertaining to one of the attorneys in the Rosenstein Law Group, who was part of their litigation team. *See Plaintiff's Motion, Exhibit 3, Affidavit of Steve Scharboneau.* The front page also included the addition of Renee Ivchenko's booking photo, detailed documentation pertaining to her participation in a diversion program, and the actual police video from her arrest, the latter two of which had been obtained by Mr. Gingras. *See Paragraph 13, supra.* These were the only three people that appeared on the www.publicpolicerecord.com front page at that time. It is clear to me from the timeline of events and communications with the parties involved that the reposting of the criminal justice information by the Grants was meant to harass and intimidate me, the other parties and their attorneys and family members, and was retaliatory in nature.

25. On December 5, 2020, I sent Mr. Gingras an e-mail objecting to the targeting of the three individuals referenced in Paragraph 24, *supra*, on the Grants' Websites. On December 6, 2020, Mr. Gingras acknowledged that his clients had published this information, further stating, “I've said this before and I'll say it again – litigation is like war. That's just a fact....

Suing can often cause far more harm to the plaintiff than whatever events they are suing over. Just ask Barbra Streisand. I could draw other comparison [sic], but probably the most accurate one is this: asking the [Grants] not to make public comments about the case (and the participants) is kind of like a rapist telling their victim not to scream during the assault.”

26. The Grants immediately removed Renee Ivchenko’s booking photo and arrest information from the Websites after I first filed suit against them in Arizona on May 9, 2019. See Paragraph 7, *supra*. I subsequently voluntarily dismissed that lawsuit. See Paragraph 8, *supra*. Upon information and belief, the Grants reposted Renee Ivchenko’s arrest information on the www.publicpolicerecord.com front page, coupled with the addition of the court documents and arrest video, only after I informed the Grants’ attorney, Mr. Gingras, that I would be filing individual actions on behalf of plaintiffs. *See Paragraph 21, supra*.

27. After considering this predatory behavior on the part of the Grants and Mr. Gingras, an Arizona Superior Court judge granted my client John Doe’s Motion to Proceed Anonymously. *See Exhibit 3*. Now as Defendants in the Florida case, the Grants may well continue their retaliatory tactics of publicly disparaging litigants and their attorneys. I believe it is important for this Court to know how the Grants and their attorney, Mr. Gingras, have conducted themselves in previous litigation. Mr. Gingras, himself, is more than just a zealous advocate for his clients - he has repeatedly crossed an ethical line and become his clients’ alter ego. I have every reason to believe that these “scorched earth” tactics and doxing, as described herein and demonstrated by the Grants and Mr. Gingras, will be directed against the John Doe Plaintiff in the instant Florida case if given the opportunity. Indeed, it is likely to be even worse.

28. Under penalties of perjury, I declare that I have read the foregoing document and that the facts stated in it are true.

DATED this 6th day of July, 2021.

Respectfully submitted,



Andrew Ivchenko

EXHIBIT 1

Shopper Info for Shopper ID 292607664

Shopper ID: 292607664
Private Label ID: 1695
Login Name: 292607664
First Name: travis
Last Name: grant
Company: Kyle Grant 1 LLC
Address1: 6653 Powers Ave
Address2: Ste 133
City: jacksonville
State/Prov: FL
Postal Code: 32217
Country: US
Phone Work: +1.9043024962
Phone Home:
Mobile:
Fax:
Email: tgrant825@gmail.com
Date Created: 7/24/2020 4:58:39 AM
Last Changed By Date: 7/24/2020 4:58:40 AM
Fraud: Verified by Fraud Dept - Customer OK
Twitter Handle:

Domain List - All for Shopper ID 292607664

Domain Name	Status	Created	Expires	Order ID
RENEEIVCHENKO.COM	Active	7/24/2020	n/a	1722277801

Domain Information for Shopper ID 292607664

Shopper ID: 292607664
Domain Name: RENEEIVCHENKO.COM
Registrar: GoDaddy.com, LLC
Status: Active
Name Servers:
Auto Renew:
Renew Period: 0

Registrant Contact

Name: travis grant
Company: Kyle Grant 1 LLC
Email: tgrant825@gmail.com
Address 1: 6653 Powers Ave
Address 2: Ste 133
City: jacksonville
State/Province: Florida
Postal Code: 32217
Country: United States
Phone: +1.9043024962
Fax:
Modify Time: 7/24/2020 4:58:43 AM

Technical Contact

Name: travis grant
Company: Kyle Grant 1 LLC
Email: tgrant825@gmail.com
Address 1: 6653 Powers Ave
Address 2: Ste 133
City: jacksonville
State/Province: Florida
Postal Code: 32217
Country: United States
Phone: +1.9043024962
Fax:
Modify Time: 7/24/2020 4:58:43 AM

Administrative Contact

Name: travis grant
Company: Kyle Grant 1 LLC
Email: tgrant825@gmail.com
Address 1: 6653 Powers Ave
Address 2: Ste 133
City: jacksonville
State/Province: Florida
Postal Code: 32217
Country: United States
Phone: +1.9043024962
Fax:
Modify Time: 7/24/2020 4:58:43 AM

Billing Contact

Name: travis grant
Company: Kyle Grant 1 LLC
Email: tgrant825@gmail.com
Address 1: 6653 Powers Ave
Address 2: Ste 133
City: jacksonville
State/Province: Florida
Postal Code: 32217
Country: United States
Phone: +1.9043024962
Fax:
Modify Time: 7/24/2020 4:58:43 AM

Notes for Shopper ID 292607664

7/23/2020 to 2/3/2021

Entered Date / By	Note
7/24/2020 4:58:39 AM / Post Purchase Processing / Client IP: GoDaddy Internal	Domain RENEEIVCHENKO.COM privacy set up. DBP service purchased by customer 21930029.
7/24/2020 4:58:39 AM / pci.eCommClient.prod.intranet.gdg / Client IP: GoDaddy Internal	New contact.address.address1: "6653 Powers Ave" New contact.address.address2: "Ste 133" New contact.address.city: "jacksonville" New contact.address.country: "US" New contact.address.postalCode: "32217" New contact.address.state: "FL" New contact.fax: "" New contact.nameFirst: *** New contact.nameLast: *** New contact.organization: "Kyle Grant 1 LLC" New contact.phoneHome: "" New contact.phoneMobile: "" New contact.phoneWork: "+1.9043024962" New contact.phoneWorkExtension: "" New contact.timeZone: "America/Chicago" email Old: ***, New: *** preference.allowedCommunicationTypes Old: "[EMAIL_NOTIFICATION]", New: "[PHONE]" New preference.currency: "USD"
7/24/2020 4:58:39 AM / pci.eCommClient.prod.intranet.gdg / Client IP: GoDaddy Internal	Shopper 292607664 accepted and agreed to the Universal Terms of Service and Privacy Policy
7/24/2020 4:58:39 AM / pci.eCommClient.prod.intranet.gdg / Client IP: GoDaddy Internal	Shopper 292607664 accepted and agreed to the Universal Terms of Service and Privacy Policy
7/24/2020 4:58:00 AM / Auth Platform / Client IP: GoDaddy Internal	Shopper 292607664 lock fraud set to value V
7/24/2020 4:58:00 AM / Auth Platform / Client IP: GoDaddy Internal	Shopper 292607664 lock isLocked set to value 0

Shopper Contact Audit for Shopper ID 292607664

Change Date	Requested By	IP Address	Value Changed	Previous Value	Changed To
7/24/2020 4:58:39 AM	pci.eCommClient.prod.intranet.gdg	GoDaddy Internal IP	city		jacksonville
7/24/2020 4:58:39 AM	pci.eCommClient.prod.intranet.gdg	GoDaddy Internal IP	company		Kyle Grant 1 LLC
7/24/2020 4:58:39 AM	pci.eCommClient.prod.intranet.gdg	GoDaddy Internal IP	country		US
7/24/2020 4:58:39 AM	pci.eCommClient.prod.intranet.gdg	GoDaddy Internal IP	email	292607664	tgrant825@gmail.com
7/24/2020 4:58:39 AM	pci.eCommClient.prod.intranet.gdg	GoDaddy Internal IP	first_name		travis
7/24/2020 4:58:39 AM	pci.eCommClient.prod.intranet.gdg	GoDaddy Internal IP	last_name		grant
7/24/2020 4:58:39 AM	pci.eCommClient.prod.intranet.gdg	GoDaddy Internal IP	phone1		+1.9043024962
7/24/2020 4:58:39 AM	pci.eCommClient.prod.intranet.gdg	GoDaddy Internal IP	state		FL
7/24/2020 4:58:39 AM	pci.eCommClient.prod.intranet.gdg	GoDaddy Internal IP	street1		6653 Powers Ave
7/24/2020 4:58:39 AM	pci.eCommClient.prod.intranet.gdg	GoDaddy Internal IP	street2		Ste 133
7/24/2020 4:58:39 AM	pci.eCommClient.prod.intranet.gdg	GoDaddy Internal IP	zip		32217

EXHIBIT 2



Explore

⚙️ Settings

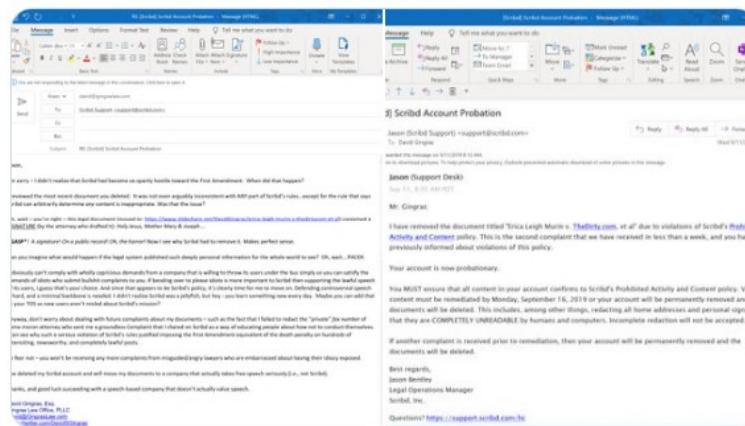
← Tweet



David S. Gingras
@DavidSGingras

Apologies for the dead links but my library of documents on [@Scribd](#) is temporarily off-line after two groundless complaints from lawyers who were embarrassed about having their work scrutinized.

This is the document that Scribd said broke their rules: slideshare.net/DavidGingras/e...



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David S. Gingras
@DavidSGingras

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Internet Lawyer - willing to fight for your right to speak, even when you're 100% wrong. NO - as of April 2018, I do not represent [Thedirty.com](#), so don't ask.



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@Scribd

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What's happening

US national news - LIVE

24 dead and 124 still missing after partial building collapse near Miami



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David S. Gingras
@DavidSGingras

Non-useful clarification -
@Scribd removed my doc for a
TOS violation because THE
PLAINTIFF listed a
DEFENDANT'S (maybe)
address in a pleading (without
my knowledge)...even though
the same address appears on
page 1 Google searches for the
def's name. HUH? #smh

12:31 PM · Sep 11, 2019 · Twitter Web App

1 Like



Re: Scribd Account Probation



Jason (Scribd Support) <support@scribd.com>
To: David Gingras

Click here to download pictures. To help protect your privacy, Outlook prevented automatic download of some pictures in this message.



Jason (Support Desk)
Sep 11, 12:13 PM PDT

David:

While I cannot speak for LinkedIn/Slideshare, Scribd has never allowed the publication of a defendant's home address (attached) – or anybody's personal information – in court records, whether filed or in draft. Policies against exposures of personal information, especially home addresses, are not unusual or unexpected. Regardless of intent, publishing signatures and home addresses are clear violations of our posted, public policies. They are not minor.

Our terms and policies do not mislead. The section of the [Prohibited Activity and Content notice](#) that applies to public records (also attached) has been **in bold** for years. I shouldn't have to tell you that Scribd is not a government entity and that the consistent application of our policies is not a violation of your First Amendment rights. There is nothing capricious about expecting site users to comply with terms.

Good luck.

Best regards,
Jason Bentley
Legal Operations Manager
Scribd, Inc.

Questions? <https://support.scribd.com/hc>

Attachment(s)

[Erica_Leigh_Murin_v_TheDirty_com_et_al.jpg](#)

[Prohibited_Activity_and_Content_-_Scribd_Help_Center.jpg](#)



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1



Chinwell

x

Twitter

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Relevant people

David S. Gingras
@DavidSGingras

I graduated law school in May 2000, so I've been around a little while, but this made me smile today - I gave a client two strategy options: 1.) "slow & cheap" or 2.) "release the hounds".

What's happening

US national news - LIVE
24 dead and 124 still missing after partial building collapse near Miami

Trending in United States
Thanks Biden
35.3K Tweets

Trending in United States
Claire
45.4K Tweets

COVID-19 - LIVE
COVID-19: News and updates from California

UEFA European Championships
Ukraine vs England: Harry Kane makes it 1-0 to the Three Lions

12:46 PM · Jan 24, 2020 · Twitter Web App

2 Retweets 7 Likes

Reply Retweet Like Share

Greetings:

After discussing with my [REDACTED]

RELEASE THE HOUNDS

They've had enough time to re

to re

Cheers

12:46 PM · Jan 24, 2020 · Twitter Web App

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People on Twitter are the first to know

Reply Retweet Like Share

X

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1

VIII. PRE-EMPTIVE SETTLEMENT OFFER

59) The purpose of this Offer is to preempt costly, delaying, and needless litigation in this matter, and to divert funds that would otherwise be paid by Defendants for attorneys to file responsive or dispositive pleadings in this matter.

60) Plaintiff stipulates to settle this matter permanently and forever with each Defendant for the cost of \$10,000 in damages per Defendant, and a permanent cessation by each Defendant from any further publications of ANY KIND regarding Plaintiff.

61) This offer is reasonable because the damages sought are less than the cost of attorneys' fees to file any responsive or dispositive pleading in this matter, and because cessation of publishing information regarding Plaintiff requires minimal time and effort on the part of Defendants, and is fully within the scope of their ordinary business practices, (computer programming).

62) This Settlement Offer shall expire for each Defendant upon the filing of any responsive or dispositive pleading in this matter by such Defendant, and any settlement made pursuant hereto shall become forfeit upon any future publication by any Defendant of any further information regarding Plaintiff.

63) Opposing counsel is hereby notified that **failure to pursue a favorable settlement** for their client, that is less than the cost of filing initial responsive or dispositive pleadings, and instead pursuing needless costly litigation solely for profit, **constitutes attorney malpractice**.

64) Plaintiff consents in advance to This Court extending the time for Defendants to file answers in this matter to allow each Defendant time to pursue pre-litigative settlement of this matter.

Submitted to the Court, This 22nd Day of April, 2020.


s/Piero Bugoni/
28 Mr. Piero A. Bugoni, Plaintiff Pro - Se

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for

z

OK (?)

Relevant people

David S. Gingras @DavidSGingras Internet Lawyer your right to spe 100% wrong. No do not represent don't ask

What's happening

US national news - LIVE

24 dead and 124 still missing after partial building collapse near Miami

Sports - Trending

Chilwell

3,225 Tweets

Trending in United States

Black National Anthem

Trending with just Every voice

COVID-19 - LIVE

COVID-19: News and updates

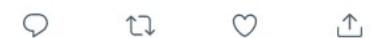


David S. Gingras
@DavidSGingras

Guy doesn't like search results, so he sues Google for \$100M (yawn). Fun part: in addition to seeking crazy relief, Complaint includes a settlement offer of \$10K (?), and says rejecting the offer would be "attorney malpractice". Uh, no.

[slideshare.net/DavidGingras/b](https://www.slideshare.net/DavidGingras/b)

1:57 PM · May 4, 2020 · Twitter Web App



1 Andrew Ivchenko (#021145)
2 **ANDREWIVCHENKOPPLLC**
3 4960 South Gilbert Road, #1-226
4 Chandler, AZ 85249
5 Phone: (480) 250-4514
6 Aivchenkopllc@gmail.com

7 *Attorney for Plaintiffs*

8 **IN THE SUPERIOR COURT FOR THE STATE OF ARIZONA**
9 **IN AND FOR THE COUNTY OF MARICOPA**

10 JOHN DOE I; JOHN DOE II; JOHN DOE
11 III; JOHN DOE IV; JOHN DOE V; JOHN
12 DOE VI; JOHN DOE VII; JANE DOE I;
13 JANE DOE II; JOHN DOE VIII; JOHN
14 DOE IX; JOHN DOE X; JOHN DOE XI;
15 JOHN DOE XII; JOHN DOE XIII; JANE
16 DOE III; JOHN DOE XIV; JANE DOE
17 IV; JOHN DOE XV; and JOHN DOE XVI,

18 Plaintiffs,

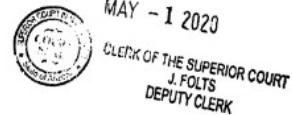
19 vs.

20 TRAVIS PAUL GRANT and MARIEL
21 LIZETTE GRANT, husband and wife;
22 KYLE DAVID GRANT and JANE DOE
23 GRANT, husband and wife; JOHN and
JANE DOES I-X; BLACK
CORPORATIONS I-X; and WHITE
COMPANIES I-X,

Defendants.

Press F11 to exit full screen

COPY



Case No. CV 2020-093006

COMPLAINT

(Violation of A.R.S. 44-7902 / unlawful
appropriation / invasion of privacy)

Jury Trial Demanded



David S. Gingras
@DavidSGingras

Testing Arizona's new
"mugshot act"; ARS § 44-7902
azleg.gov/viewdocument/?...

Complaint:
[slideshare.net/DavidGingras/d.../](http://slideshare.net/DavidGingras/d...)

Motion to Dismiss:
[slideshare.net/DavidGingras/d.../](http://slideshare.net/DavidGingras/d...)

Response:
[slideshare.net/DavidGingras/d.../](http://slideshare.net/DavidGingras/d...)

Reply:
[slideshare.net/DavidGingras/d.../](http://slideshare.net/DavidGingras/d...)

9:04 AM · Jun 10, 2020 · Twitter Web App





Estate Planning, Healthcare, Business Formations, Real Estate and E-Commerce
Gary Burnett Admitted in Nevada and Utah Jeffrey J. Whitehead Admitted in Nevada, New York, Arizona, Colorado

whiteheadburnett.com

June 30, 2017

legal@thedirty.com

Dirty World LLC
c/o Corporate Creations Network, Inc.
3411 Silverside Road, #104 Rodney Bildg,
Wilmington, DE 19810

Re: Request for Removal of Libelous Material
Marc Riedel

Ladies/Gentlemen ("Nik"):

This office represents Marc Riedel who has been libeled by an anonymous poster on your website that violated its terms of use, namely, by the untrue allegation that the user contractor a sexually transmitted disease from Mr. Riedel, as shown by the attached screenshot of your website. **Exhibit 1.** The libelous post refers to Dennis Rodman Disease which according the Urban Dictionary is commonly known as "Sexually Transmitted Disease which stands for the gift that keeps on giving." **Exhibit 2**

Mr. Riedel is national and international businessman including the European Union. As such the website is not protected by virtue of Section 230 of the Communications Decency Act as shown by the recent application of *Delfi AS v Estonia*, Application no 64569/09.

The allegation that Mr. Riedel gave a "loathsome disease" is slander per se under Nevada law. See *Branda v. Sanford*, 97 Nev. 643, 646, 637 P. 2d 1223, 1225 (1981), which does not require any special damages. "A statement is considered slander per se, i.e., actionable without a showing of such special damages only if it falls into one of usually four categories: (1) imputations that plaintiff has committed a crime; (2) imputations that would injure plaintiff's trade, business or office; (3) imputations that the plaintiff has contracted a loathsome disease; and, the category relevant for our purposes, (4) imputations of unchastity in a woman." See *Atkinson v. Equitable Life Assur. Soc'y*, 519 F.2d 1112 (5th Cir. 1975) (Florida law); *Gulf Constr. Co. v. Mott*, 442 S.W.2d 778 (Tex.Civ.App.1969); Restatement (Second) of Torts s 570 (1977).

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David S. Gingras

@DavidSGingras

Internet Lawyer

your right to spe

100% wrong. NO

do not represent

don't ask.



Bad 230 Takes

@BadSec230Tak

A collection of te

takes. DM's are

from being publ

free to @ us!

What's happenin

US national news - LIVE

24 dead and 124 still mi

after partial building co

near Miami

Trending in United States

Thanks Biden

86.6K Tweets

Trending in United States

Claire

46.2K Tweets

COVID-19 - LIVE

COVID-19: News and up

David S. Gingras

@DavidSGingras

@BadSec230Takes "My client is national businessman in places, so no CDA for you"

NOTE - no need to actually read the whole letter; gold-ish tone of logo reveals all you need to know.

[slideshare.net/DavidGingras/d](https://www.slideshare.net/DavidGingras/d)

...

4:02 PM · Jun 10, 2020 · Twitter Web App

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CHARLES J. BUSH
ATTORNEY AT LAW

ATTORNEYS AT LAW
3710 RAWLINS STREET, STE. 1420
DALLAS, TEXAS 75219

REPLY TO:
cbush@bushlawgp.com
www.bushlawgp.com

AMBER A. CHAMBERS
ATTORNEY AT LAW

TELEPHONE: (214) 615-6394
TELECOPIER: (833) 817-6128
a.chambers@bushlawgp.com

August 31, 2019

**VIA: E-Mail, Facsimile and
Certified Mail Return Receipt Requested**

David S. Gingras, Esq.,
Gingras Law Office, PLLC
David@gingraslaw.com
4802 E. Ray Road, #23-271
Phoenix, AZ 85044

Mr. Gingras:

First and foremost, I would like to formally apologize to you as I am aware that you are no longer legal counsel for the dirty.com and that the website was recently sold. As such, I apologize for the inconvenience of you having to read and respond to an email regarding a former client.

However, please be advised that recently I was made aware of an article written in 2016 which may reference myself on the dirty.com. While I am quite well versed in Section 230 of the Communication and Decency Act, the republication of false and libel information by private persons is not protected. Moreover, the recent Supreme Court reversal regarding Hassel v. Bird, has not yet be adopted in Texas, nor does Texas have any recent case law which mirrors that of The Supreme Court of California. While it is my sincerest hope, that we will be able to resolve this matter amicably, if we are unable to do so then my firm will be forced to file a civil complaint in the Northern District of Texas under "Jane Doe".

Once the complaint is filed my firm will be forced to subpoena both you and your previous client thedirty.com/ Dirty World LLC and Nik Richie in order to ascertain any and all information regarding the current and past owners of the website along with the IP address of original poster and republisher.

Again, my sincerest hope is that we are able to resolve this matter amicably by simply having the dirty.com remove the false and defamatory article. If you have any questions, comments or concerns please do not hesitate to contact me at my office or via email.

<https://gossip.thedirty.com/gossip/hollywood/exclusive-does-kylie-jenner-know-how-tyga-makes-money/#post-2133023>

Sincerely,
BUSH & BUSH LAW GROUP, P.C.


Charles J. Bush

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1

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1

5

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Annette Beebe...
Andrés Longto...
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Replies 1 Retweets 1 Likes 5

...
2:06 PM · Jun 10, 2020 · Twitter Web App

1 Quote Tweet 5 Likes

Bad 230 Takes · Jun 10, 2020

Replies 1 Retweets 1 Likes 5

1230 Bad 230 Ta... · Jun 10, 2020

Strike 2.
twitter.com/DavidSGingras/...

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ATTORNEY AT LAW
TELEPHONE: (214) 615-6394
TELECOPIER: (833) 817-6128
a.chambers@bushlawgp.com

REPLY TO:
cbush@bushlawgp.com
www.bushlawgp.com

VIA: E-Mail, Facsimile and
Certified Mail Return Receipt Requested

David S. Gingras, Esq.,
Gingras Law Office, PLLC
David@gingraslaw.com
4802 E. Ray Road, #23-271
Phoenix, AZ 85044

Mr. Gingras:

.@BadSec230Takes Smart Lawyer (from Texas): "I am well versed in Section 230, and it doesn't protect the republication of false and libel [sic] information ..."

Also, $1 + 1 = 17$, because I am also super good at maths and stuff...

slideshare.net/DavidGingras/I

1 Andrew Ivchenko (#021145)
 2 **ANDREW IVCHENKO PLLC**
 3 4960 South Gilbert Road, #1-226
 4 Chandler, AZ 85249
 5 Phone: (480) 250-4514
 6 Avchenkopllc@gmail.com
 7 Attorney for Plaintiff

Clerk of the Superior Court
 *** Electronically Filed ***
 A. Marquez, Deputy
 1/6/2021 11:00:53 AM
 Filing ID 12397422

IN THE SUPERIOR COURT FOR THE STATE OF ARIZONA
 IN AND FOR THE COUNTY OF MARICOPA

JOHN DOE,
 Plaintiff,

vs.

TRAVIS PAUL GRANT and MARIEL
 LIZETTE GRANT, husband and wife; KYLE
 DAVID GRANT and JANE DOE GRANT,
 husband and wife; JOHN and JANE DOES I-
 X; BLACK CORPORATIONS I-X; and
 WHITE COMPANIES I-X,

Defendants.

Case No. CV2021-090059COMPLAINT
(Tier Two)

Jury Trial Demanded

Plaintiff John Doe (hereinafter "Plaintiff"), through his undersigned counsel, for his Complaint against Defendants, alleges the following:

INTRODUCTION

Doe v. Grant - Complaint Case 6 CV2021-090059

Doe v. Grant - Complaint Case 6 CV2021-090059

Recommended



Asia Economic Institute v.
 Xcentric Ventures -...
 David Gingras



Doe v. Grant - Minute
 Entry Order - March 30,...
 David Gingras



Doe v. Grant - Reply ISO
 Motion to Proceed...
 David Gingras



Doe v. Grant - Response
 to Motion to Proceed...
 David Gingras



Doe v. Grant - Motion to
 Proceed Anonymously
 David Gingras



Doe v. Grant - Response
 to Motion to Remand; 2...
 David Gingras



Doe v. Grant - Motion to
 Remand; 20-CV-1142-...
 David Gingras



Demand letter from
 Jeffrey J. Whitehead,...
 David Gingras



Letter re Heidi Freeman
 9.13.2013
 David Gingras



Letter from Charles J.
 Bush - August 31, 2019
 David Gingras

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

CV 2021-090059

03/22/2021

IT IS ORDERED granting Plaintiff's motion in part. The identity of the Plaintiff may be revealed to the defense including to the Defendants themselves but the Defendants and their counsel are precluded from making any reference to the identity of the Plaintiff in public without further permission of the Court. Discovery is also to remain nonpublic and neither one of the parties are to release information that is exchanged in discovery without further order of the Court.

IT IS FURTHER ORDERED taking under advisement the personal jurisdiction issue.

The Court informs the parties that Judge Hopkins will be taking over this calendar in June.

11:17 a.m. Matter concludes.



David S. Gingras
@DavidSGingras

Death of the Streisand Effect?
Court orders my client (and me) cannot make ANY public statement identifying plaintiff who filed suit trying to hide his mugshot and arrest records

Motion:
slideshare.net/DavidGingras/d...

Response:
slideshare.net/DavidGingras/d...

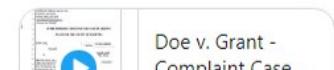
Reply:
slideshare.net/DavidGingras/d...

9:35 AM · Mar 30, 2021 · Twitter Web App

2 Quote Tweets 1 Like



David S. Gingras @... · Mar 30 · Replying to @DavidSGingras
See also, Complaint:



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2



1



California

EXHIBIT 3

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

CV 2021-090059

03/22/2021

HONORABLE TRACEY WESTERHAUSEN

CLERK OF THE COURT

C. Avena
Deputy

JOHN DOE

ANDREW IVCHENKO

v.

TRAVIS PAUL GRANT, et al.

DAVID S GINGRAS

KYLE DAVID GRANT
100 MYRTLE ST # 304
LONGWOOD FL 32750
JUDGE WESTERHAUSEN

MINUTE ENTRY

Courtroom 207 (SEA)

10:32 a.m. This is the time set for Oral Argument (via Court Connect/TEAMS) on pending motions. Plaintiff John Doe is represented by counsel Andrew Ivchenko. Defendant Travis Paul Grant and Mariel Lizette Grant are represented by counsel David S. Gingras. Defendant Travis Paul Grant is present by video.

A record of the proceedings is made digitally in lieu of a court reporter.

Oral argument is presented to the Court on the personal jurisdiction issue.

Based on the argument presented and for the reasons stated on the record,

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

CV 2021-090059

03/22/2021

IT IS ORDERED granting Plaintiff's motion in part. The identity of the Plaintiff may be revealed to the defense including to the Defendants themselves but the Defendants and their counsel are precluded from making any reference to the identity of the Plaintiff in public without further permission of the Court. Discovery is also to remain nonpublic and neither one of the parties are to release information that is exchanged in discovery without further order of the Court.

IT IS FURTHER ORDERED taking under advisement the personal jurisdiction issue.

The Court informs the parties that Judge Hopkins will be taking over this calendar in June.

11:17 a.m. Matter concludes.

EXHIBIT B

1 Craig J. Rosenstein, Esq. (024766)
2 **ROSENSTEIN LAW GROUP, PLLC**
3 8010 E. McDowell Rd., Suite #111
4 Scottsdale, Arizona 85257
5 Telephone: (480) 248-7666
Facsimile: (480) 946-0681
Attorney for Plaintiff

**ARIZONA SUPERIOR COURT
MARICOPA COUNTY**

JOHN DOE,

Plaintiff,

Case No.: CV2020-055722

VS.

TRAVIS PAUL GRANT *et al.*,

Defendants.

**PLAINTIFF'S MOTION TO WAIVE
APPEARANCE AT FUTURE
PROCEEDINGS AND TO
PROCEED UNDER PSEUDONYM**

HON. JAMES SMITH

Plaintiff submits this Motion and hereupon requests that the Court waive his appearance in all further proceedings as practicable and permission to proceed under the pseudonym John Doe for the following reasons.

I. INTRODUCTION

In this lawsuit, Plaintiff contends that Defendants' continuous and ongoing violations of his rights under Arizona statutory and common law have caused and continue to cause him injury. (*See* Complaint and Motion for Preliminary Injunction). As more fully explained below, Plaintiff seeks to remain anonymous and to proceed under pseudonym because of the sensitive nature of the issues involved and to ensure that

1 Defendants do not engage in additional online activities designed to further harm his
2 reputation and emotional well-being. Further, disclosure of Plaintiff's identity in
3 connection with this case would unnecessarily prejudice Plaintiff's case and prevent
4 Plaintiffs, and others in their situation, from asserting and vindicating their rights under
5 Arizona law.

6 This Motion is supported by the following Memorandum of Points and
7 Authorities, the Complaint and Motion for Preliminary Injunction filed in this case, the
8 Declaration of Steven Scharboneau, attached hereto as Exhibit 1.
9

10 **MEMORANDUM OF POINTS AND AUTHORITIES**

11 **II. FACTUAL BACKGROUND**

12 Defendants are notorious mugshot website operators. Defendants operate websites
13 that exploit the "embarrassing and humiliating information" contained in booking photos
14 and other arrest information and do so for purely commercial purposes. As the Sixth
15 Circuit recently held: "**A disclosed booking photo casts a long, damaging shadow over**
16 **the depicted individual.**" *Detroit Free Press Inc. v. United States Dep't of Justice*, 829
17 F.3d 478, 482 (6th Cir. 2016) (emphasis added). As the Sixth Circuit further explained:

18 Booking photos—snapped in the vulnerable and embarrassing moments
19 immediately after an individual is accused, taken into custody, and deprived
20 of most liberties—fit squarely within this realm of embarrassing and
21 humiliating information. More than just vivid symbols of criminal
accusation, booking photos convey guilt to the viewer.

22 *Id.* at 482. (citations and quotations omitted). Defendants' business model is to "scrape"
23 arrest information and booking photos that law enforcement agencies make available to

1 the public (for a brief period of time),¹ and then post this embarrassing and humiliating
2 information on their websites for their own commercial gain.

3 State legislatures, such as Arizona's, recognize that the commercial exploitation of
4 arrest information and booking photos by mugshot website operators such as Defendants
5 causes enormous, continuing and ongoing damage to the individual depicted, creates
6 substantial barriers for those attempting to reintegrate into society from finding
7 employment, housing, and starting a new life, and militates against efforts at criminal
8 justice reform and rehabilitation. It is also widely accepted that the wrongly accused must
9 not be punished for nothing more than being wrongly accused.

10 In response to the reprehensible business model of mugshot website operators,
11 such as Defendants, the Arizona Legislature enacted a “Mugshots Act” that became
12 effective on August 27, 2019 and is codified at A.R.S. §§ 44-7901, *et. seq.* (the “Arizona
13 Mugshot Act”). Arizona’s Mugshot Act prohibits “mugshot website operators” from
14 posting arrest information and booking photos for commercial purposes, which the Act
15 broadly defines to include “any purpose in which the [mugshot website operator] can
16 reasonably anticipate the receipt of monetary gain from the direct or indirect use of the
17 public record.” A.R.S. § 39-121.03(D); A.R.S. § 44-7901(2). There is no question that
18 Defendants’ commercial exploitation of arrest information and booking photos falls
19 squarely within the conduct proscribed by Arizona’s Mugshot Act.

20 In enacting the Arizona Mugshot Act, the Arizona Legislature recognized that the
21 commercial exploitation of one’s arrest information and booking photo causes daily,
22 ongoing and continuing damage. Beyond any prescribed monetary relief which a plaintiff
23

24
25
26 ¹ Because of the harm caused by the commercial exploitation of arrest information by
27 unscrupulous mugshot website operators, such as Defendants, law enforcement agencies and the
State of Arizona do not intend for booking photos and arrest information to be “scraped” and
then used for a commercial purpose.

1 may be entitled to under the Arizona Mugshot Act, the law expressly prohibits such
2 conduct, thereby providing plaintiffs with an injunctive remedy. A.R.S. § 44-7902.

3 Although by this action the Plaintiff seeks a vindication of his rights under the
4 Arizona Mugshot Act (and the Arizona common law), the Plaintiff is reasonably
5 concerned that he will face further online harassment from the Defendants or the owners
6 of similar websites who have a mutual interest in dissuading other victims from pursuing
7 their legal rights against them under Arizona and other states' laws. Defendants have
8 engaged in the exact behavior which Plaintiff rightfully fears several times (*See Exhibit*
9 1). As such, there is a very real threat that if Plaintiff's true identity is disclosed as a
10 result of participation in this lawsuit, Defendants and/or other mugshots website operators
11 will retaliate against him. To make matters worse, predatory mugshot website operators,
12 such as the Defendants, apparently hold grudges and often monitor the online activity of
13 targeted individuals for further harassment in order to make an example of them.

15 Regrettably, many of these predatory sites are based offshore and are beyond
16 service of process or use sophisticated technologies such as VPN encryption to mask
17 their true identities. The result is often an endless nightmare that Plaintiff, who is already
18 adversely affected by the Defendants' unlawful activity, wishes to avoid. Moreover, this
19 is precisely the type of harm the Arizona legislature sought to remedy by passing the
20 Arizona Mugshot Act.

21 Again, the Arizona legislature recognized that the unlawful commercial
22 exploitation of arrest information and booking photos causes daily, continuing and
23 ongoing harm and accordingly mandates the recovery of specific minimal damages. *See*
24 A.R.S. § 44-7902(D) ("A person that violates subsection B of this section is liable for
25 damages for each separate violation in an amount of at least: [1] \$100 per day during the
26 first thirty days of the violation[;] [2] \$200 per day during the subsequent thirty days of

1 the violation[;] [and] [3] \$500 per day for each day thereafter.") As such, and because
2 Defendants have continuously exploited an innumerable amount or individual's criminal
3 justice information since the beginning of the Act's effective date, potential Arizona
4 plaintiffs are entitled to substantial amounts of monetary damages. Moreover, because
5 the Defendants operate at least two separate mugshot websites, the total damages could
6 double.

7 Considering these potentially staggering damage amounts, and that fact that other
8 plaintiffs could join this action, this lawsuit poses an existential threat to Defendants'
9 business practices. Faced with such a threat, Defendants, and perhaps other mugshot
10 website operators, are likely to retaliate in an attempt to both punish Plaintiff for asserting
11 his rights, and to create a chilling effect to dissuade other potential plaintiffs from joining
12 the litigation. Defendants (and other threatened mugshots website operators) will have the
13 motive, the means, and the opportunity to inflict additional, substantial harm to the
14 Plaintiff's reputations, all in contravention of the spirit and purpose of Arizona's
15 Mugshot Act.

16 In short, Defendants' aggressive response toward plaintiffs, attorneys and
17 attorneys' families who engage in litigation against them justifies the concerns of the
18 Plaintiff. As a result, Plaintiff respectfully requests the Court waive his presence during
19 further proceedings and permit him to proceed under pseudonym. Plaintiff further
20 respectfully request that his name and identity be revealed only if and when necessary,
21 pursuant to a good faith basis, on an attorneys'-eyes only basis, and that their identities
22 be prohibited from being revealed to Defendants and third parties.

III. THE PLAINTIFF'S MOTION SHOULD BE GRANTED.

Although there appears to be no reported Arizona cases that directly address the circumstances under which a plaintiff may proceed pseudonymously, there are lessons that can be drawn from the facts and circumstances of several cases. In *Doe v. Arpaio*, 150 P.3d 1258 (Ariz. Ct. App. 2007), for example, the plaintiff Doe was a prison inmate who brought a constitutional challenge against the prison for its refusal to allow her to leave jail to procure a first-trimester abortion. The Court of Appeals addressed the issue in a single sentence: “The trial court allowed plaintiff Jane Doe to proceed pseudonymously. We continue that usage.” *Id.* at 1259 n.1.

The Ninth Circuit has held that “a party may preserve his or her anonymity in judicial proceedings in special circumstances when the party’s need for anonymity outweighs prejudice to the opposing party and the public’s interest in knowing the party’s identity.” *Does I thru XIII v. Advanced Textile Corp.*, 214 F.3d 1058, 1068-69 (9th Cir. 2000) (“conclude[ing] that the district court abused its discretion in denying plaintiffs permission to proceed anonymously”). More specifically, a plaintiff may proceed under a pseudonym when, as here, “identification creates a risk of retaliatory physical or mental harm[.]” *Id.* Indeed, “[w]here it is necessary … to protect a person from harassment, injury, ridicule or personal embarrassment, courts have permitted the use of pseudonyms.” *United States v. Doe*, 655 F.2d 920, 922 (9th Cir. 1980).

Plaintiff is concerned about the risk of further severe online retaliation and permanent damage to his reputation, and the severe emotional distress that comes with it, for challenging the activities of the Defendants, either from them or other mugshot website operators. These individuals prey on vulnerable members of society, and share a common interest in preventing this case from escalating to include additional plaintiffs and possibly defendants. The targeted and severe online harassment experienced by

1 others who have litigated against them, as well as the overt public attacks on attorneys
2 and their families who represent clients who wish to assert their rights against them, it is
3 clear that this threat of severe retaliation is not only likely, but inevitable.

4 "No factors weigh against concealing plaintiffs' identities." 214 F.3d at 1069.
5 There is no prejudice to the Defendants, who publish millions of arrest records and
6 booking photos on the Websites. Plaintiffs is not, at this time, claiming individualized
7 pecuniary loss and therefore his minimum statutorily mandated damages amounts can be
8 determined simply through disclosure of the dates their arrest information appeared on
9 the Websites. As such, other than specific information such as the date when the
10 Defendants scraped someone's arrest data from the law enforcement websites, the actual
11 identity of that individual is irrelevant, at least at this point in the litigation. Anonymity
12 simply does not affect the ability of the Defendants from challenging any of the causes of
13 action outlined in the Complaint, nor the Motion for Preliminary Injunction.

15 The need to protect Plaintiff from retaliation also greatly outweighs the the
16 public's interest in knowing the party's identity. The proceedings in this case will still be
17 open to the public. Moreover, the public has no interest in knowing the identities of
18 Plaintiff. Indeed, it is the public policy of Arizona that the identities of arrestees only be
19 disclosed to the public on a limited basis, only by law enforcement agencies or *bona fide*
20 news agencies, and only for a brief period of time. In short:

22 [B]ased on the extreme nature of the retaliation threatened against
23 plaintiffs coupled with their highly vulnerable status, that plaintiffs
24 reasonably fear severe retaliation, and that this fear outweighs the
25 interests in favor of open judicial proceedings.

26 214 F.3d at 1069 (9th Cir. 2000).

27 There has been an increase across jurisdictions of plaintiff pseudonyms to protect
28 privacy interests in the Internet age. See *Starbucks Corp. v. Superior Court*, 86 Cal. Rptr.

1 3d 482 (Cal. Ct. App. 2008). In that case, the Court noted that “[t]he judicial use of ‘Doe
2 plaintiffs’ to protect legitimate privacy rights has gained wide currency, particularly
3 given the rapidity and ubiquity of disclosures over the World Wide Web.” Defendants
4 represent the underbelly of the Internet, and have weaponized it to tarnish the reputations
5 of one of the most vulnerable populations in society—the millions of Americans who
6 have been arrested, even though many have been found innocent of any crime, or have
7 otherwise had their charges dropped, not filed, expunged, or dismissed.
8

9 Plaintiff’s anonymity in this case is consistent with the landmark ruling in the
10 Sixth Circuit’s *Detroit Free Press* case, which held that “individuals have a non-trivial
11 privacy interest in preventing disclosure of their booking photos.” 829 F.3d at 485. In so
12 holding, Sixth Circuit overruled its decades-old earlier decision on the issue,
13 acknowledging that the internet and social media have worked unpredictable changes in
14 the way photographs are stored and shared. *Id.* at 486. Photographs no longer have a
15 shelf life, and they can be instantaneously disseminated for malevolent purposes. *Id.*

16 No arbiter of fact could be prejudiced in favor of the Plaintiff because it knows
17 them only by the name of Doe. *Doe v. Ayers*, 789 F.3d 944, 946 (9th Cir. 2015). At
18 some point, Plaintiff may need to disclose his identity in order to obtain injunctive relief
19 from the court, which would require them to disclose to the Defendants which records to
20 remove from the Websites. However, at that point the Defendants can be directed
21 through court order to destroy the personal data in their possession, and not to use that
22 information for any other purpose, or to disclose it to any third parties. Moreover,
23 anonymity will prevent third parties from disparaging the Plaintiff, thereby creating a
24 chilling effect discouraging other potential claimants from joining the current litigation,
25 or from bringing an action under the Arizona Mugshot Act against other mugshot website
26 operators who exploit booking photos and arrest information for commercial purposes.
27

1 The Arizona legislature's objective in passing the Arizona Mugshot Act was to put an
2 end to the reprehensible activities of mugshot website operators and providing the
3 Plaintiff with the opportunity to proceed under pseudonyms is consistent with the
4 legislative intent.

5 Plaintiff is not simply making a generalized showing of susceptibility to online
6 abuse, but rather an individualized finding based on harassment and attacks experienced
7 by Plaintiff's counsel and by others who have brought litigation against these precise
8 individuals. (See Exhibit 1). Put simply, Defendants have a proven track record of overtly
9 attacking individuals and the families of individuals who dare to assert their rights against
10 them. Plaintiff reasonably fears severe retaliation, and this fear outweighs the interest in
11 favor of open judicial proceedings. No factors weigh against concealing Plaintiff's
12 identity. Defendants suffer no prejudice by being precluded from knowing the identities
13 of Plaintiff on a need to know basis, after demonstrating a good faith basis.

14 Simply put, sufficient "special circumstances" exist to permit Plaintiff to proceed
15 with this lawsuit under a pseudonym. *Does I thru XIII*, 214 F.3d at 1068.

16 **IV. CONCLUSION**

17 For the foregoing reasons, Plaintiff respectfully request that this Motion be
18 granted. Plaintiff respectfully request that the Court further order that Defendants may
19 discover the true identities of Plaintiff either: 1) by stipulation of the parties; or 2) by
20 demonstrating to the Court a reasonable and limited good faith basis for the disclosure
21 with restrictions. Plaintiff respectfully requests that the Court further order that if
22 disclosure of the true identities of Plaintiff, or any one of them on an individual basis, is
23 permitted, either by stipulation or by an Order of the Court, such disclosure will be made
24 on an attorneys-eyes only basis. For the Court's convenience, a Proposed Form of Order
25 has been filed with this Motion.

1
2
3 **DATED** this 1st day of December, 2020.

4 ROSENSTEIN LAW GROUP, P.L.L.C.
5
6

7 By: Craig J. Rosenstein, Esq.
8 Attorney for Plaintiff
9
10
11
12
13

14 **ORIGINAL** of the foregoing e-filed with
15 the Superior Court and a **COPY** thereof
16 emailed this 1st day of December, 2020 to:
17

18 David S. Gingras, Esq.
19 **GINGRAS LAW OFFICE, PLLC**
20 4802 E. Ray Road, #23-271
21 Phoenix, Arizona 85044
22 *Attorney for Defendants*

23 By: _____
24
25
26
27
28

Exhibit 1

1 Craig J. Rosenstein, Esq. (024766)
2 **ROSENSTEIN LAW GROUP, PLLC**
3 8010 E McDowell Rd., Suite # 111
4 Scottsdale, Arizona 85250
5 Telephone: (480) 248-7666
6 Facsimile: (480) 946-0681
7 Attorney for Plaintiff

8

9 **ARIZONA SUPERIOR COURT**

10

11 **MARICOPA COUNTY**

12 JOHN DOE,

13 Case No. CV2020-055722

14 Plaintiff,

15 vs.

16 TRAVIS PAUL GRANT et al.,

17 Defendants.

18

19 **DECLARATION OF STEVEN
20 SCHARBONEAU IN SUPPORT OF
21 PLAINTIFF'S MOTION TO
22 PROCEED UNDER PSEUDONYM**

23

24 HON. JAMES SMITH

25

26 1. My name is Steven Scharboneau and I am an Arizona attorney, along with
27 other attorneys from the Rosenstein Law Group, PLLC, representing the Plaintiff in the
28 above-captioned case, and make these statements based on my own personal knowledge.

29

30 2. Prior to my involvement in litigation with Defendants, they had published
31 my criminal justice information from an arrest that had occurred in 2004. After sending
32 the Defendants letters requesting that they remove my criminal justice information in
33 mid-2019, they eventually complied with these requests—removing all information
34 resulting from my 2004 arrest.

35

36 3. Upon learning of my involvement in drafting, lobbying and eventually
37 shepherding what is now Arizona Revised Statutes §§ 44-7901, 7902 into law, and
38 following our firm's initial conversation with the attorney for Defendants (David

1 Gingras), on October 2, 2020 notifying him that we represent the clients who had
2 initiated a lawsuit against Defendants in a separate matter from this one, Defendant's
3 retaliated against me by posting my mugshot on the front page of their commercial
4 mugshot website, www.publicpolicerecord.com, and published a harassing, damaging and
5 defamatory story about my family and I.

6 4. Following a hyperbolic and misleading narration of events which took
7 place on the date of my arrest when I was seventeen years-old, Defendants go on to
8 include several other sections, misrepresenting my family and I to the public. For
9 example, one such section includes the following:

10 Stephen Scharboneau came from a broken home. His parents divorced
11 when he was just a toddler. Stephen Scharboneau father was a raging
12 alcoholic and used to beat him. The apple didn't fall from the tree as
13 Stephen was also drinking to intoxication and using marijuana. At the time
14 of his arrest, he could only read at a 6th grade level. His mother was never
15 in his life. He did try to live with her during his teens but it never "worked
16 out"

17 5. Upon information and belief, Defendants posted the aforementioned
18 information the day after our discussion with their attorney, Mr. Gingras.

19 6. It is clear from the timeline of events and communications with the parties
20 involved that the reposting of my criminal justice information by Defendants was meant
21 to harass and intimidate me and was retaliatory in nature.

22 7. Mr. Gingras acknowledged that his clients had published this information
23 and when confronted about it, Mr. Gingras responded in an email to Craig Rosenstein,
24 attorney for Plaintiff, that while he does not condone this behavior, "it kind of makes
25 sense that my clients have responded this way against Steven." Mr. Gingras further
26 stated in his email to Mr. Rosenstein regarding the publication of the aforementioned

1 information that: "a civil suit is very much like a declaration of war, and if you declare
2 war on someone, you shouldn't expect a warm and fuzzy response."

3 8. Our firm represents one other client against Defendants, a case which is in
4 The United States Federal Court, District of Arizona. *See Case 2:20-cv-02045-SPL.*
5 Despite efforts to conceal the client's identity in this matter, Defendants along with Mr.
6 Gingras assumed who the Jane Doe Plaintiff was. In retaliation, Defendants included her
7 mugshot and criminal justice information on the front page of their website,
8 www.publicpolicerecords.com. Furthermore, Mr. Gingras has included hyperlinks to the
9 individual who he assumed is the Plaintiff's mugshot and criminal justice information in
10 his pleadings and used her name in captions despite her filing under Jane Doe.
11

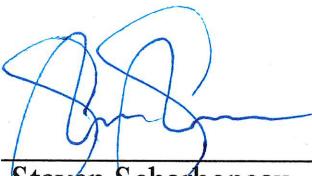
12 9. I am aware of one other attorney who has engaged in civil litigation with
13 Defendants and Defendants have engaged in similar harassing and intimidating conduct
14 with his wife, who was also engaged in litigation with Defendants.

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

16
17 **DATED** this 1st day of December, 2020.

18
19 Respectfully submitted,

20
21 By:



22 Steven Scharboneau
23 Attorney for Plaintiff
24
25
26
27
28

EXHIBIT C

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

CV 2021-090059

03/22/2021

HONORABLE TRACEY WESTERHAUSEN

CLERK OF THE COURT

C. Avena
Deputy

JOHN DOE

ANDREW IVCHENKO

v.

TRAVIS PAUL GRANT, et al.

DAVID S GINGRAS

KYLE DAVID GRANT
100 MYRTLE ST # 304
LONGWOOD FL 32750
JUDGE WESTERHAUSEN

MINUTE ENTRY

Courtroom 207 (SEA)

10:32 a.m. This is the time set for Oral Argument (via Court Connect/TEAMS) on pending motions. Plaintiff John Doe is represented by counsel Andrew Ivchenko. Defendant Travis Paul Grant and Mariel Lizette Grant are represented by counsel David S. Gingras. Defendant Travis Paul Grant is present by video.

A record of the proceedings is made digitally in lieu of a court reporter.

Oral argument is presented to the Court on the personal jurisdiction issue.

Based on the argument presented and for the reasons stated on the record,

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

CV 2021-090059

03/22/2021

IT IS ORDERED granting Plaintiff's motion in part. The identity of the Plaintiff may be revealed to the defense including to the Defendants themselves but the Defendants and their counsel are precluded from making any reference to the identity of the Plaintiff in public without further permission of the Court. Discovery is also to remain nonpublic and neither one of the parties are to release information that is exchanged in discovery without further order of the Court.

IT IS FURTHER ORDERED taking under advisement the personal jurisdiction issue.

The Court informs the parties that Judge Hopkins will be taking over this calendar in June.

11:17 a.m. Matter concludes.

EXHIBIT D

BEFORE THE PRESIDING DISCIPLINARY JUDGE

IN THE MATTER OF A MEMBER OF
THE STATE BAR OF ARIZONA,

DAVID S. GINGRAS,
Bar No. 021097,

Respondent.

PO - _____

PROTECTIVE ORDER

[State Bar File: 21-2455]

The Presiding Disciplinary Judge of the Supreme Court of Arizona having reviewed bar counsel's and complainant's *Request for Protective Order Sealing a Portion of the Record* and considered Respondent's response thereto finds good cause to grant the request. Accordingly:

IT IS ORDERED granting bar counsel's and complainant's *Request for Protective Order*.

IT IS FURTHER ORDERED, pursuant to Rule 70(g), Ariz. R. Sup. Ct., that Respondent, his co-counsel in this proceeding (Marc Randazza) and their staff not disclose to anyone, with the exception of an identified expert witness (who is subject to this protective order), or use the following:

- Attorney Ivchenko's client fee agreements/ER 1.5(b) writings in MCSC Case No. CV2021-090059 and MCSC Case No. CV2021-090710, which he

disclosed to the State Bar, copies of which the State Bar is ordered to deliver to Respondent and his co-counsel;

- the names of Attorney Ivchenko's clients identified in the three (3) fee agreements he disclosed to the State Bar; or
- any information in the client fee agreements that Attorney Ivchenko has disclosed to the State Bar;
- The State Bar is not required to deliver to Respondent and his co-counsel any fee agreements relating to Arizona District Court No. 2:20-CV-1142-SMB (originally filed on 5/1/20 in Maricopa County, Arizona, Superior Court Case No. CV2019-015355).

Pre-complaint orders sealing material do not seal such material post-complaint if the material is sought to be used or referred to in subsequent pleadings or in any hearing. In such circumstance, the parties are reminded a formal request for protective order with specificity must be filed with the material sought to be sealed and submitted for in-camera review.

Sealed material shall be opened and viewed only by an order of the committee, the presiding disciplinary judge, a hearing panel, the board or the court for use by such body and the parties in pending proceedings, and otherwise only upon notice to and an opportunity to be heard by the parties and the witness or other person who

is the subject of the information. A party aggrieved by an order relating to a request for a protective order may seek review by filing a petition for special action with the court.

DATED this _____ day of September, 2022.

**Margaret H. Downie
Presiding Disciplinary Judge**

Original filed this _____ day of September, 2022 with:

Lawyer Regulation Records Manager
State Bar of Arizona
4201 North 24th Street, Suite 100
Phoenix, Arizona 85016-6266

Copy of the foregoing mailed/mailed
this _____ day of September, 2022, to:

Marc J. Randazza, Esq.
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2764 Lake Sahara Drive, Suite 109
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Email: mjr@randazza.com and ecf@randazza.com
Respondent's Counsel

David Gingras, Esq.
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Email: david@gingraslaw.com
Respondent (co-counsel)

Copy of the foregoing hand-delivered
this _____ day of September, 2022, to:

Lawyer Regulation Records Manager
State Bar of Arizona
4201 North 24th Street, Suite 100
Phoenix, Arizona 85016-6266

by: _____