

1 Matthew E. Kelley (037353)  
2 kelley@ballardspahr.com  
3 BALLARD SPAHR LLP  
4 1 East Washington Street, Suite 2300  
5 Phoenix, AZ 85004-2555  
6 Telephone: 602.798.5400  
7 Facsimile: 602.798.5595  
8 *Attorneys for Defendant Robert Andrejev*

9  
10 ARIZONA SUPERIOR COURT

11 MARICOPA COUNTY

12 LAURA OWENS,

13 Plaintiff,

14 vs.

15 ROBERT ANDREJEV,

16 Defendant.

NO. CV2026-002304

**DEFENDANT’S RESPONSE IN  
OPPOSITION TO PLAINTIFF’S  
MOTION FOR FEES/COSTS**

(Assigned to the Hon. Lindsey Coates)

17  
18 Defendant Robert Andrejev respects this Court’s Order affirming and expanding the  
19 Injunction Against Harassment in this case, and he has complied with its terms and will  
20 continue to do so. This Court’s adverse ruling against Mr. Andrejev does not automatically  
21 entitle Plaintiff Laura Owens to an award of her reasonable attorneys’ fees and costs,  
22 however. *See* Ariz. R. Protective Order P. 39. Mr. Andrejev respectfully submits that this  
23 Court should deny Plaintiffs Motion for Fees/Costs (“Mot. for Fees”) because such an  
24 award would be inequitable and contravene the Rule.

25 Under Arizona Rule of Protective Order Procedure 39, a court may require a party  
26 to pay reasonable attorneys’ fees and costs in the action, considering “(1) the merits of the  
27 claim or the defense asserted by the unsuccessful party; (2) whether the award will pose an  
28 extreme hardship on the unsuccessful party; and (3) whether the award may deter others

1 from making valid claims.” Ariz. R. Protective Order P. 39(b).

2 For each of these three considerations, Plaintiff’s Motion for Fees should be denied.  
3 First, Mr. Andrejev’s defenses, though unsuccessful, were not meritless. They were based  
4 on several good-faith arguments, including a First Amendment defense. Second, a fee  
5 award would be an extreme hardship for Mr. Andrejev, who is disabled and lives on a fixed  
6 income. Third, an award in this matter would discourage others from challenging  
7 injunctions when they have a reasonable basis to contest an injunction that would abridge  
8 their First Amendment rights. Finally, it would be inequitable to require Mr. Andrejev to  
9 reimburse fees for time spent making false allegations of criminal conduct against him.  
10 Accordingly, for these reasons, this Court should deny the Motion for Fees or, at a bare  
11 minimum, substantially reduce the amount requested by Plaintiff.

12 **Argument**

13 **I. A FEE AWARD WOULD PENALIZE MR. ANDREJEV FOR**  
14 **RAISING GOOD-FAITH DEFENSES.**

15 This Court should deny Ms. Owens’ request for attorneys’ fees and costs because  
16 Mr. Andrejev’s defenses, though ultimately unsuccessful, were not without merit.  
17 Contrary to Ms. Owens’ arguments, Mr. Andrejev’s defenses involved issues for which no  
18 binding appellate authority exists to support Plaintiff’s interpretation of the law and were  
19 presented in good faith.

20 Mr. Andrejev’s defenses included the argument that although his online statements  
21 were about Ms. Owens, they were not directed at her as a matter of law because he did not  
22 send them to Ms. Owens or any of her friends or relatives. *See* Mot. to Quash at 5-6 (citing  
23 *LaFaro v. Cahill*, 203 Ariz. 482, 485-86 ¶ 13 (App. 2002), for the proposition that  
24 comments overheard by, but not spoken to, plaintiff are not harassing under A.R.S. § 12-  
25 1809(T)(1)(a)); Reply in Support of Mot. to Quash at 4-5 (same). This was anything but  
26 the “clear misstatement of the law” that Ms. Owens claims, Mot. for Fees at 3, because  
27 Arizona’s appellate courts have never decided this issue. Indeed, the only binding authority  
28 Ms. Owens cites in arguing that *LaFaro* does not apply to online speech specifically says

1 the Court of Appeals was *not* overturning *LaFaro*. See *Raber v. Wagner*, 571 P.3d 902,  
2 906 ¶ 13 (App. 2025) (“[W]e take no issue with our previous decisions that have vacated  
3 protective orders on the ground that a defendant’s communications were directed toward  
4 third parties rather than directly at the victims.”) (quoted in Plaintiff’s Resp. to Mot. to  
5 Quash at 14).

6 As Mr. Andrejev has pointed out, Ms. Owens has not cited any case, binding or  
7 otherwise, that holds online statements not specifically sent to the plaintiff or their  
8 associates qualify as “directed” at the plaintiff under the statute. To the contrary, all of the  
9 cases Ms. Owens has cited involved online or social media comments that the defendants  
10 either directed specifically to the plaintiff or to the plaintiff’s relatives, coworkers or  
11 business associates. See Reply in Support of Mot. to Quash at 4-5. Ms. Owens testified  
12 that Mr. Andrejev had *not* sent any of his statements directly to her or anyone she knew;  
13 rather, she testified that she was unaware of Mr. Andrejev’s YouTube postings until she  
14 affirmatively sought them out.

15 This Court determined, applying the law to the facts, that Mr. Andrejev’s statements  
16 did meet the statutory requirement to be directed at Ms. Owens. But that determination  
17 does not mean that Mr. Andrejev should be penalized for raising good-faith arguments on  
18 this unsettled question. As the Arizona Supreme Court recently explained in the context  
19 of a fee application under A.R.S. § 12-349 for “groundless” claims, “a claim may lack  
20 winning merit without being sufficiently devoid of rational support to render it groundless.”  
21 *Ariz. Republican Party v. Richer*, 257 Ariz. 237, 243 ¶ 15 (2024). The Supreme Court  
22 warned of the “real and present danger to the rule of law” if fee awards are granted too  
23 easily: “By sanctioning parties and their lawyers for bringing debatable, long-shot  
24 complaints courts risk chilling legal advocacy and citizens raising ‘questions’ under the  
25 guise of defending the rule of law.” *Id.* at 251 ¶ 49.

26 Ms. Owens’ contention that the *only* reason she opposed the Motion to Quash “was  
27 to ensure this Court was not misled” by the reference to “fabrications” in that Motion cuts  
28

1 against Plaintiff's request for fees. Mot. for Fees at 3. If she had not appeared at the  
2 hearing, the Injunction would have been dismissed as a matter of law. *See* Ariz. R.  
3 Protective Order P. 38(f)(2). So, if Ms. Owens would have allowed the Injunction to be  
4 dismissed had Mr. Andrejev not raised the issue of the errors in her Petition, then why was  
5 the Injunction necessary in the first instance? Arguing that Mr. Andrejev should be, in  
6 effect, sanctioned for raising good-faith arguments in exercising his statutory right to  
7 challenge the Injunction is contrary to the statute's due-process considerations that include  
8 the right to a hearing. To the extent any advocacy on behalf of Mr. Andrejev could be  
9 characterized as an overstatement, Ms. Owens' response went a step further by falsely  
10 accusing Mr. Andrejev of committing perjury. *See* Reply in Support of Mot. to Quash at  
11 2-3.

12 In sum, the first consideration under Rule 39(b) militates *against* a fee award  
13 because Mr. Andrejev's arguments were made in good faith on a matter of constitutional  
14 law in connection with a hearing to which, as matter of fundamental due process, he was  
15 statutorily entitled.

16 **II. A FEE AWARD WOULD IMPOSE AN EXTREME HARDSHIP ON**  
17 **MR. ANDREJEV, [REDACTED]**

18 Requiring Mr. Andrejev to pay a fee award in this matter, particularly the nearly  
19 \$8,500 Ms. Owens seeks, would impose an extreme and unfair hardship. As demonstrated  
20 in his attached Declaration, Mr. Andrejev [REDACTED].

21 The specifics regarding Mr. Andrejev's [REDACTED] and other  
22 financial information are set forth in his Declaration and its exhibits. *See* Andrejev Decl.  
23 ¶¶ 3-5 & Exs. A & B.<sup>1</sup> As those materials show, the \$8,476.70 fee award Ms. Owens seeks  
24 [REDACTED] Mr. Andrejev's monthly income.

25 As Ms. Owens notes, Mot. for Fees at 4, Mr. Andrejev created a page on  
26 GiveSendGo to collect donations for his legal expenses in this matter. To date, there have

27 <sup>1</sup> The exhibits and an unredacted version of the Declaration are being lodged for filing  
28 under seal with an accompanying Motion to Seal to protect Mr. Andrejev's financial  
privacy.

1 been \$3,215 in donations via GiveSendGo. Andrejev Decl. ¶ 6. The award Ms. Owens  
2 requests therefore is more than 2.5 times the amount Mr. Andrejev has raised to defray his  
3 legal expenses. And if the Court denies Plaintiff’s Motion for Fees, as it should, the  
4 relatively small amount of funds raised will not be squandered but rather used to pay Mr.  
5 Andrejev’s fees owed to his counsel in connection with his legal challenge to the  
6 injunction.

7 Because imposing a fee award would be an extreme hardship, the second Rule 39  
8 factor tips decisively against Ms. Owens. Mr. Andrejev respectfully requests that this  
9 Court deny the fee award. In the alternative, Mr. Andrejev respectfully requests that if this  
10 Court determines that a fee award is appropriate, that it be limited to \$3,215 to reflect the  
11 amount of donations pledged toward Mr. Andrejev’s legal expenses.

12 **III. AWARDING FEES TO PLAINTIFF IN THIS MATTER WOULD**  
13 **DETER OTHERS FROM RAISING VALID DEFENSES TO**  
14 **INJUNCTIONS AGAINST HARASSMENT LIKE THIS ONE.**

15 This Court should deny the Motion for Fees for the further reason that a fee award  
16 would deter others from challenging injunctions based on speech about third-party public  
17 figures – or even making statements about issues of public concern in the first place.<sup>2</sup>

18 As the Court knows, this is not a typical injunction against harassment case. It  
19 occurs against the backdrop of the highly publicized and controversial prosecution of Ms.  
20 Owens for allegedly perjuring herself, falsifying evidence and committing other felonies  
21 in pursuing paternity claims against men including Clayton Echard, a former contestant on  
22 the reality television show “The Bachelor.” Ms. Owens’ counsel also has made repeated  
23 statements about this matter online. *See, e.g.,* David Gingras, *The IAH Judgment – Owens*  
24 *v. Andrejev*, Gingras Law Office, PLLC (Feb. 26, 2026), <https://gingraslaw.com/the-iah-judgment-owens-v-andrejev/>. Thus, this case has far more potential to discourage others  
25 from exercising their rights than most others.

26 \_\_\_\_\_  
27 <sup>2</sup> Ms. Owens does not address this consideration in her Motion except to say that “[a]ny  
28 award of fees will always have a deterrent effect on any party taking or challenging a  
position.” Mot. for Fees at 2. But Plaintiff’s minimal attention to this third factor misses  
the point entirely, as this section of the Response explains.

1 The U.S. Supreme Court, in a recent case cited in both parties’ briefs, explained  
2 why courts must be cautious not to chill the “uninhibited, robust, and wide-open debate  
3 that the First Amendment is intended to protect” in punishing unprotected speech such as  
4 true threats or harassment. *Counterman v. Colorado*, 600 U.S. 66, 78 (2023) (citation  
5 omitted). As the Supreme Court observed:

6 Prohibitions on speech have the potential to chill, or deter, speech outside  
7 their boundaries. A speaker may be unsure about the side of a line on which  
8 his speech falls. Or he may worry that the legal system will err, and count  
9 speech that is permissible as instead not. . . Or he may simply be concerned  
10 about the expense of becoming entangled in the legal system. The result is  
11 “self-censorship” of speech that could not be proscribed—a “cautious and  
12 restrictive exercise” of First Amendment freedoms.  
13 *Id.* at 75 (citations omitted). The Arizona Supreme Court, too, has noted in the defamation  
14 context that courts must tread carefully to avoid chilling “important, even if repugnant,”  
15 speech about issues of public concern. *Rogers v. Mroz*, 252 Ariz. 335, 344 ¶ 41 (2022)  
16 (“[I]n public debate we must tolerate insulting, and even outrageous, speech in order to  
17 provide adequate breathing space to the freedoms protected by the First Amendment.”)  
18 (cleaned up).

19 Although this Court has determined that Mr. Andrejev’s speech was not protected  
20 by the First Amendment, a fee award here would discourage others from challenging  
21 injunctions based on their speech that, while offensive, is nevertheless constitutionally  
22 protected. This chilling effect would be especially acute for injunctions against harassment  
23 based on speech posted online regarding controversial figures in the public eye such as Ms.  
24 Owens and would chill that type of speech even when it does not constitute proscribed  
25 harassment.

26 Because a fee award here would discourage people from exercising both their First  
27 Amendment rights and their statutory right to challenge injunctions against harassment, the  
28 third element of Rule 39(b) counsels *against* awarding Ms. Owens any fees in this case.

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DATED this 13th day of March, 2026.

Respectfully submitted,

BALLARD SPAHR LLP

By: /s/ Matthew E. Kelley  
Matthew E. Kelley  
1 East Washington Street, Suite 2300  
Phoenix, AZ 85004-2555

*Attorneys for Defendant Robert Andrejev*

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**Certificate of Service**

I hereby certify that on this 13th day of March, 2026, the foregoing document was sent for personal delivery to the following:

Commissioner Lindsey Coates  
East Court Building  
Room 514  
101 West Jefferson Street  
Phoenix, AZ 85003  
[SEC02@jbazmc.maricopa.gov](mailto:SEC02@jbazmc.maricopa.gov)

I certify that on this 13th day of March, 2026, the foregoing document was filed with the Clerk of Superior Court, Maricopa County, and served via email on the following:

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

*Attorney for Plaintiff*

/s/ Christina M. Kinsey