OFFICE OF THE PRESIDING DISCIPLINARY JUDGE
FILED
03-10-2026

C.LOPEZ
DISCIPLINARY CLERK

BEFORE THE PRESIDING DISCIPLINARY JUDGE

IN THE MATTER OF A MEMBER OF THE STATE BAR OF ARIZONA, **DAVID S. GINGRAS** Bar No. 021097 Respondent.	**No. PDJ 2026-9010** **RESPONDENT'S MOTION FOR LEAVE TO PERFORM ALTERNATIVE SERVICE**

Respondent David S. Gingras ("Respondent" or "Gingras") respectfully moves the PDJ for an order allowing alternative service of a subpoena on a non-party witness pursuant to Supreme Court Rule 48(b) which incorporates, by reference, Civil Procedure Rule 4.1.

Under Civil Procedure Rule 4.1(d)(1), process is generally served by personal delivery. However, when an individual evades service, "the court may--on motion and without notice to the person to be served--order that service may be accomplished in another manner." Ariz. R. Civ. P. 4.1(k)(1).

Attached hereto as Exhibit A is an affidavit from Gary Steiner, a licensed process server. As explained in Mr. Steiner's affidavit, he has made four attempts to complete personal service on Judge Julie Ann Mata, a witness disclosed by both the State Bar and by Respondent. The subpoena Mr. Steiner has been attempting to service on Judge Mata is attached as Exhibit B.

In short, the State Bar has accused Respondent of publishing false statements about Judge Mata relating to her conduct in a case called *Owens v. Echard*. Respondent is seeking to subpoena Judge Mata to obtain records from her which

bear directly on the truth of the bar's allegations. In addition, after those records are produced, Respondent intends to take Judge Mata's deposition.

According to Mr. Steiner's affidavit, Judge Mata has flatly refused to accept service (even in person). Notably, before personal service was attempted, Respondent also contacted Judge Mata via email and asked her to simply accept service of the subpoena via email. Judge Mata did not respond to that request.

Regardless of her status as a judge, Judge Mata is a witness in this case, and she is also a member of the State Bar. As such she has an ethical duty to comply with requests made in the course of this proceeding. *See* Supreme Court Rule 54(d). Similarly, it is *per se* unethical for any lawyer in the State of Arizona to evade service of process. *See* Supreme Court Rule 54(d)(1).

Furthermore, there is no rule which excludes testimony from any witness, including judges. *See* Ross E. Morris, *Propriety of Judges Acting as Witnesses*, 1950 Wash. U.L.Q. 242 (1950)[1] (explaining, "The general policy of the law is that all persons are subject to compulsory process and that it is the duty of every person to come forward and disclose the truth when called upon … . [I]t seems to be immutably established that <u>a judge is as compellable a witness as any other person</u>.") (emphasis added; *see also See U.S. v. Frankenthal*, 582 F.2d 1102, 1108 (7th Cir. 1978) (agreeing witness testimony by a judge is proper, especially where

[1] Available at:
https://openscholarship.wustl.edu/cgi/viewcontent.cgi?article=3744&context=law_lawreview

the judge "possessed factual knowledge that was highly pertinent to the jury's task, and he was the only possible source of testimony on that knowledge.")

For these reasons, this Court should grant leave to perform service on Judge Mata via email. Good cause exists for this because personal service has proven impracticable due to her refusal to appear for personal service. This is a low standard that is easily met here; "Impracticable does not mean impossible, but rather that service would be extremely difficult or inconvenient." *Bank of New York Mellon v. Dodev*, 246 Ariz. 1, 10, 433 P.3d 549, 558 (Ariz.App. 2018).

A proposed form of order is submitted herewith.

Respectfully submitted March 10, 2026.

David S. Gingras, #021097
Gingras Law Office, PLLC
4802 E. Ray Road, #23-271
Phoenix, AZ 85044
Tel.: (480) 264-1400
Fax: (480) 248-3196
David@GingrasLaw.com
Respondent

CERTIFICATE OF SERVICE

COPY of the foregoing emailed
this 10th day of March 2026 to:
Jim Lee
Jim.Lee@staff.azbar.org
Craig Henley
Craig.Henley@staff.azbar.org
Senior Bar Counsel

Exhibit A

T. Scott Legal Support Services
Gary Steiner ID# MC 7767
(480) 227-7297
Tscottlegal2007@aol.com

BEFORE THE PRESIDING DISCIPLINARY JUDGE

In the Matter of a Member of the State Bar of Arizona, DAVID S. GINGRAS, Bar No. 021907 Respondent.	)	Case No: PDJ 2026-9010 **CERTIFICATE OF ATTEMPTED SERVICE**

1. I, Gary Steiner, swear that I am currently registered as a Private Process Server pursuant to Rule 4(c) of the Arizona Rules of Civil Procedure. I further swear that on March 4, 2026 I received; Cover Letter and a Subpoena Duces Tecum with Exhibit A from the Respondent.
2. I then proceeded to unsuccessfully serve the above described documents on Judge Julie Ann Mata at 18380 N. 40th St., Phoenix, AZ.
3. On March 4, 2026 at approximately 3:45 pm I hit the intercom for the Judge and no one answered. Another Judges assistant (JA) came out of the offices and I asked if anyone was in Mata's division. She told me no one was there today.
4. On March 5, 2026 at approximately 4:30 pm I again hit the intercom for the Judge. I saw on the Calendar on her room 102 that she had a hearing at 4:15 listed. I was told, again, that no one was in the office.
5. On March 6, 2026 at approximately 8:25 am I left a message for the Judge, identifying myself as an Officer of the Court and that I had a Subpoena Duces Tecum to serve the Judge. I did not get a reply the entire day from either the JA or Judge Mata.
6. On March 9, 2026 at approximately 2:25 pm the JA for Judge Mata finally called me and told me the Judge WOULD NOT accept service and to serve the AG's office. I told her it must be

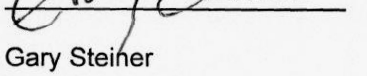
personally served, as she should know, and that I would file a Complaint with the State Bar if the Judge refused to accept service and the JA hung up on me.

7. It is extremely disturbing that a Judge, who admonishes people in their Court for evading service is, herself, evading service. It is not only unethical but raises serious legal questions. I Highly recommend the use of Alternative Service since the Judge has adamantly refused to accept service and has evaded service.

8. This is considered to be personal service.

9. The fee I charged for this service was $60.

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



Gary Steiner

3/10/26

Date

Exhibit B

OFFICE OF THE PRESIDING DISCIPLINARY JUDGE
FILED
03-3-2026

C.LOPEZ
DISCIPLINARY CLERK

BEFORE THE PRESIDING DISCIPLINARY JUDGE

IN THE MATTER OF A MEMBER OF THE STATE BAR OF ARIZONA, **DAVID S. GINGRAS** Bar No. 021097 Respondent.	**PDJ 2026-9010** **SUBPOENA DUCES TECUM**

STATE OF ARIZONA

TO: Julie Ann Mata
Northeast Court-G/102
18380 N 40th St. Phoenix, AZ, 85032
(602) 372–0825

You are hereby directed to appear and attend before Respondent's and/or his Counsel at 4802 E. Ray Road, #23-271, Phoenix, AZ 85044 on March 13, 2026,[1] then and there to testify in the above entitled matter and to bring with you the following: **all documents described in Exhibit A hereto.**

BE WARNED THAT for failure to appear and attend as herein required, you will be deemed to be in contempt and answerable in court as provided by these rules.

By order of the Presiding Disciplinary Judge of the Supreme Court of Arizona.

Issued on March 3, 2026 at Phoenix, Arizona.

Celina Lopez
Disciplinary Clerk
Office of the Presiding Disciplinary Judge
Arizona Supreme Court
1501 W. Washington St. Suite 102
Phoenix, AZ 85007
602-452-3436

[1] If this date does not provide sufficient time to produce the information requested by this subpoena, a reasonable amount of additional time will be provided upon request. If you need to request additional time to respond, please call David Gingras at: (480) 570-6157 or send an email to David@GingrasLaw.com.

YOUR DUTIES IN RESPONDING TO THIS SUBPOENA

If this subpoena asks you to produce and permit inspection and copying of designated books, papers, documents, tangible things, or the inspection of premises, you need not appear to produce the items unless the subpoena states that you must appear for a deposition, hearing or trial. See Rule 45(c)(3) of the Arizona Rules of Civil Procedure.

You have the duty to produce the documents requested as they are kept by you in the usual course of business, or you may organize the documents and label them to correspond with the categories set forth in this subpoena. See Rule 45(c)(4) of the Arizona Rules of Civil Procedure.

YOUR RIGHT TO OBJECT

The party or attorney serving the subpoena has a duty to take reasonable steps to avoid imposing an undue burden or expense on you. The presiding disciplinary judge enforces this duty and may impose sanctions upon the party or attorney serving the subpoena if this duty is breached.

You may object to this subpoena if you feel that you should not be required to respond to the request(s) made. Any objection to this subpoena must be made within five (5) days after it is served upon you, or before the time specified for compliance, by filing a written objection with the Attorney Discipline Probable Cause Committee or the presiding disciplinary judge, as appropriate.

If you object because you claim the information requested is privileged or subject to protection as trial preparation material, you must express the objection clearly, and support each objection with a description of the nature of the documents, communication or item not produced so that the demanding party can contest the claim. See Rule 45(c)(5) of the Arizona Rules of Civil Procedure.

If you object to the subpoena in writing you do not need to comply with the subpoena until you are ordered to do so.

If you are not a party to the litigation, or an officer of a party, the presiding disciplinary judge may issue an order to protect you from any significant expense resulting from the inspection and copying commanded.

You may also file a motion with the presiding disciplinary judge to quash or modify the subpoena if the subpoena:

(i) does not provide a reasonable time for compliance;
(ii) requires a non-party or officer of a party to travel to a county different from the county where the person resides or does business in person; or to travel to a county different from where the subpoena was served; or to travel to a place farther than 40 miles from the place of service; or to travel to a place different from any other convenient

place fixed by an order of the presiding disciplinary judge, except that a subpoena for you to appear and testify at trial can command you to travel from any place within the state;
(iii) requires the disclosure of privileged or protected information and no waiver or exception applies;
(iv) subjects you to an undue burden. See Rules 45(c)(6)(B)(iii) and 45(e) of the Arizona Rules of Civil Procedure.

If this subpoena:

(i) requires disclosure of a trade secret or other confidential research, development, or commercial trade information; or
(ii) requires disclosure of an unretained expert's opinion or information not describing specific events or occurrences in dispute and resulting from the expert's study made not at the request of any party; or
(iii) requires a person who is not a party or an officer of a party to incur substantial travel expense;

the presiding disciplinary judge may either quash or modify the subpoena, or order you to appear or produce documents only upon specified conditions, if the party who served the subpoena shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship and assures that your will be reasonably compensated. See Rule 45(e) of the Arizona Rules of Civil Procedure.

EXHIBIT A
DOCUMENTS TO BE PRODUCED

All requests cover the period from August 1, 2023 to the present, unless otherwise stated.

1. Copies of all correspondence, including emails, text messages, online chats, direct messages, etc., sent to or received from any person, excluding only your spouse (if any), relating to or which mention:

A. Laura Owens
B. Clayton Echard
C. Greg Gilespie
D. Michael Marraccini
E. Gregg Woodnick
F. David Gingras
G. *Owens v. Echard*, Maricopa County Superior Court Case Nos. FC2023-052114 & FC2023-052771 (including any subsequent appeals)
H. Arizona Commission on Judicial Conduct Case No. 2024-265.

NOTE – this request is specifically intended to include internal email correspondence sent to or received from any member of Judge Mata's staff to any person. This request is also intended to include any correspondence sent to or received from either the State Bar of Arizona or the Arizona Commission on Judicial Conduct.

2. Copies of all correspondence, including emails, text messages, online chats, direct messages, etc., which relate to or mention any person or matter identified in Section 1 above, sent to or received from Harry Howe and/or Meredith Howe and/or any other family member of Julie Ann Mata (excluding her spouse, if any).

3. Copies of any documents (excluding pleadings and exhibits filed with the court) you sent to or received from any person, including but not limited to notes, and any other written material, relating to or which mention: *Owens v. Echard*, Maricopa County Superior Court Case Nos. FC2023-052114 & FC2023-052771.

4. Copies of any social media posts and/or online comments made by you related to, or which mention, any of the people or matters identified in Section 1 above.

5. Copies of any social media post, news stories, and/or online comments you reviewed regarding any person identified in Section 1 above

6. Any minute entry orders, ruling or decisions issued by Judge Julie Ann Mata during any time in 2023-24 which contain the words “snake” or “python”.