

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

**RESPONSE TO MOTIONS TO
QUASH FILED BY:**

HARRY HOWE;

JULIE A. MATA

Respondent David S. Gingras (“Respondent” or “Gingras”) respectfully submits the following Response to two motions: 1.) a Motion to Quash filed by non-party Harry Howe, and 2.) a Motion to Quash filed by non-party Judge Julie A. Mata.

Earlier today, Respondent filed a Motion to Compel which (for the most part) dealt with the same issues raised by the two Motions to Quash. Nevertheless, to ensure a clean record, Respondent submits this separate brief in response to the other motions.

With respect to the Motion to Quash filed by Mr. Howe, Respondent has nothing further to add beyond the points raised in his Motion to Compel. Mr. Howe’s sole argument is relevance. That objection is not well-taken. The subpoena to Mr. Howe seeks information that is clearly relevant. Nothing more is needed for this Court to deny Mr. Howe’s motion.

With respect to Judge Mata’s Motion to Quash, Respondent begins by incorporating the same points raised in his Motion to Compel – i.e., even if judicial privilege applies (which it does not), the privilege has been waived.

Beyond that issue, Respondent will only add a few additional remarks which were excluded from his Motion to Compel due to lack of space:

1.) This Court Never Ruled Judge Mata Is Excused From Producing Her Copies of Information Submitted To The CJC

On page 7 of her motion, Judge Mata raises a concern “Respondent Gingras Continues to Seek CJC Records”, implying this issue was somehow resolved by the Court’s prior ruling. To be clear – Respondent asked this Court to order *the CJC* to produce certain records. This Court denied that request because the Court concluded the CJC’s rules deemed those records “confidential” and thus beyond the reach of a subpoena.

Respondent has already explained – he understands the Court’s decision, and he respectfully disagrees with it. But that ruling said nothing about the separate issue of whether Judge Mata is permitted to withhold copies of correspondence she exchanged with the CJC just because the Court refused to allow Respondent to obtain those records directly from the CJC.

Obviously, if this Court HAD said Respondent could not obtain this information from *ANY* source, he would have honored that request, while also seeking appellate review of it. But this Court never addressed that question. It should do to now – if the Court believes Judge Mata can withhold her copies of correspondence she exchanged with the CJC, the Court should say so clearly, and should explain the factual/legal grounds for that decision.

2.) Respondent Is NOT Trying To “Harass” Judge Mata

For reasons that are (honestly) not at all clear, Judge Mata complains Respondent is attempting to “harass” her by asking her to produce copies of any correspondence she exchanged with the state bar as part of its investigation into this matter. On that point, only a few comments are needed, primarily to ensure the PDJ understands all the facts.

First, on September 17, 2024, approximately three months after Respondent filed a complaint with the CJC regarding Judge Mata’s conduct, she responded by filing a written complaint with the bar about Respondent’s conduct. A copy of that letter (excluding attachments) is included as **Exhibit A**.

In her letter, Judge Mata raised several concerns. SOME of those concerns eventually formed the basis for charges in this matter. For example, Judge Mata accused Respondent of trying to intimidate a witness named Michael Marraccini (an allegation Judge Mata made without first contacting Respondent to ask for his side of the story).

But that is not what is important. What is important is this – in her September 17, 2024 letter to the bar, Judge Mata never accused Respondent of making any false statements about her. As the PDJ can see from the letter, the judge raised several other concerns, but NOT that one. She never accused Respondent of lying.

But the complaint filed by the bar in this case DOES contain that claim. In fact, it appears to be one of the more serious claims the bar is concern with.

Obviously, since Judge Mata did *not* raise “lying” in her initial charge to the bar in September 2024, but the bar added that allegation to the Complaint filed in this case in February 2026, obviously there must have been *some* discussion between the bar and the judge between them during those two dates. That is why Respondent asked Judge Mata to produce correspondence she exchanged with the bar. This information will shed light on why the bar chose to pursue a serious allegation the judge herself never raised. It is thus relevant and/or reasonably calculated to lead to the discovery of admissible evidence.

Judge Mata also suggests Respondent should seek this information from the bar, rather than from her. There is, of course, no rule which mandates a party must seek information from only one specific source when multiple sources are in possession of the same information.

Moreover, there is a simple and practical reason why Respondent asked for this information from Judge Mata via subpoena rather than serving a written discovery request to the bar – because it was much, much faster. A written request for documents made to the bar under Civil Procedure Rule 34 would give the bar 30 days to respond. By comparison, Rule 45 allows for much shorter response times (the only limit being a “reasonable” amount of time; *see* Rule 45(e)(2)(A)(i)).

As the PDJ knows, the time limits allowed for the completion of discovery in this matter are almost impossibly short. Because the rules of this proceeding (which Respondent did not set and cannot control) allow so little time for

discovery, Respondent chose to use the *fastest* method available under the rules, rather than the *slowest*. That is certainly not a valid basis to object to an otherwise proper request.


Finally, Judge Mata raises one last objection that warrants some discussion. One of the items Respondent requested via subpoena was for “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’.” Judge Mata claims she cannot respond to this request because the database in which court orders are maintained “does not have a word search feature.”

What is this request looking for? The answer is - the bar has charged Respondent with making false statements about Judge Mata which include an allegation that she has used “Google research” to decide cases assigned to her, rather than basing decisions on admitted trial evidence. If true, that would demonstrate unethical conduct by Judge Mata in violation of the Code of Judicial Conduct.

That allegation arises from a negative review posted about Judge Mata on March 24, 2024 (before Respondent was retained in *Owens v. Echard*). That negative review (shown on the next page) was written from the perspective of a father who had a change of custody matter assigned to Judge Mata. In the author’s review, he claimed Judge Mata was “clearly biased from the start”, and while the judge was conducting an evidentiary hearing, she “interrupted my testimony to say

that she googled a snake lying next to someone and it ‘means’ they are sizing up their pray [sic].”

The review claims the author had a “ball python” (and that he ex wife had a snake of the same type). The author claims that after telling the parties she had used Google research the dangers of this type of snake, Judge Mata ordered a change of custody which resulted in the author’s “children (one of whom is one the spectrum and doesn’t do change well) being ripped away from their home with no notice or preparation, not even getting to say goodbye to their friends, family, and community.”

 Litigant

Comment #: AZ2744

Rating: 2.0 

Comments:

Clearly biased from the start. I had custody of my children for the past several years, year after year, my ex takes me to court with a new lawyer once the mandatory year is up and she can file. Year after year, she was denied, some judges even saying she brought the same complaints year after year. I could tell as soon as the hearing started Mata had already made up her mind. My ex made a huge deal about my ball python (a snake at about 1 1/2 feet) getting out of his cage and seeking warmth with our 13 year old daughter (it is actually my daughter's snake). (it is also interesting to note, and my attorney brought up, my ex has the same exact species of snake in her home only a little bigger because hers is a female). When I testified that the issue my ex was referring to was over a year prior, the snake was just looking for warmth, and I had bought new cage locks and the snake had not gotten out since, the judge interrupted my testimony to say that she googled a snake lying next to someone and it "means" they are sizing up their pray. That is when I knew I was losing. First of all, A judge should know to check her sources on the internet, but instead interrupts my testimony to talk about an URBAN LEGEND saying my daughter may be in danger with this snake. She also didn't give any means of transitioning our children in her order from one state to another which caused tremendous grief and turmoil for my children when my ex insisted they move the day the order came in, with no notice because they weren't even aware there was a trial and a decision coming. It resulted in my children (one of which is on the spectrum and doesn't do change well) being ripped from their home with no notice or preparation, not even getting to say goodbye to their friends, family and community.

[View Detail](#)

[Send e-mail to this poster](#) 3/24/2024 12:02:34 AM

Respondent republished this review as part of his “Public Warning” page on his website which is attached to the bar’s complaint in this matter. As has been explained to this Court multiple times, this type of speech is protected by the First Amendment *unless* the bar can show, by clear and convincing evidence that the speech was false AND that Respondent knew it was false or that Respondent acted with reckless disregard for the truth.

This is why Respondent served a subpoena asking Judge Mata to produce “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’.” This evidence is intended to seek information that shows whether the author’s negative review of Judge Mata (and thus Respondent’s republication of that review) was true or false.

During the meet and confer process, Respondent explained the reasons for this request to Judge Mata’s counsel. After doing so, Respondent offered to narrow the time frame of the search to any reasonable period around the time the review was posted (March 24, 2024). Respondent further suggested Judge Mata could also respond to this request by either signing a declaration admitting the review was true, or, if she could do so truthfully, she could sign a declaration avowing the statement was false and that she was certain she had never heard any change of custody matters in which a snake/python was discussed.

Unfortunately, Judge Mata’s counsel refused to accept any of those reasonable alternatives, seeking instead to bring the current Motion to Quash.

For the reasons stated above, this Court should deny Judge Mata’s Motion to Quash in its entirety. The judge’s motion is eerily similar to the arguments raised (unsuccessfully) by the President of the United States in *United States v. Nixon*, 418 U.S. 683 (1974).

In that case, President Nixon was guilty of serious criminal wrongdoing. He attempted to conceal his actions by withholding relevant information in response to a lawful subpoena. He raised many of the exact same confidentiality/privilege arguments Judge Mata now raises. He even argued “harassment”.

At the end of the day, the United State Supreme Court unanimously rejected those arguments and agreed – protecting the rule of law was more important than protecting a single person in power, even when that person was the most powerful man on Earth.

This Court should follow the same honorable standard by denying Judge Mata’s motion.

Respectfully submitted March 23, 2026.



David S. Gingras, #021097
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Respondent

CERTIFICATE OF GOOD FAITH

The undersigned certifies that prior to filing the instant motion, he made a good faith attempt to personally meet and confer by phone with opposing counsel in an effort to resolve the issues without court intervention. Those efforts were not successful.

A handwritten signature in blue ink, appearing to read "Dudong", is written over a horizontal line.

CERTIFICATE OF SERVICE

ORIGINAL of the foregoing electronically filed
this 23rd day of March 2026, with:

Office of Presiding Disciplinary Judge
Honorable Lisa Vandenberg
c/o Disciplinary Clerk of the Superior Court
1501 W. Washington, Suite 102
Phoenix, Arizona 85007
officepdj@courts.az.gov

COPY of the foregoing emailed to:

Jim Lee
Jim.Lee@staff.azbar.org
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Senior Bar Counsel

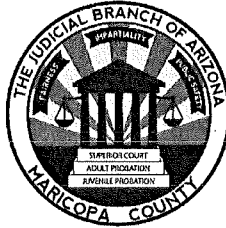
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Exhibit A

**SUPERIOR COURT OF ARIZONA
IN MARICOPA COUNTY**



Judge Julie Mata
Northeast Facility, 102
Phoenix, AZ 85032

Phone (602) 372-0825
Fax (602) 372-0343

September 17, 2024

State Bar of Arizona
4201 N. 24th St., Suite 100
Phoenix, Arizona 85016-6266

Re: David S. Gingras (Arizona State Bar No. 021097)

To Whom it May Concern:

FC2023-052114 was heard on June 10, 2024. The case has substantial media and social media attention. At the case's inception, both parties were not represented. Petitioner, Laura Owens, retained several attorneys during the litigation, but the case was ultimately tried by Mr. Gingras. Respondent, Clayton Echard, was represented by Gregg R. Woodnick. Due to the media attention, and concerns expressed by Petitioner, measures were taken to provide safety to all participants, freedom of the press, and transparency prior to the hearing. Petitioner's request for a Court security escort from counsel's car into the courtroom, while in the hearing, and at the conclusion of the hearing was granted along with measures to ensure any parties with an active Order of Protection ("OOP") or Injunction Against Harassment ("IAH") were kept the appropriate distance from each other.

Prior to the trial commencement, Court Security and Maricopa County Sherriff's Office ("MCSO") advised the Court that counsel for the Petitioner called

911 from the parking lot of the Northeast Facility attempting to have Micheal Marraccini arrested for violation of an OOP that Petitioner had renewed in California. With Court Security and MCSO present, the Court is unsure why 911 would be necessary. Law enforcement was already present. This Court, through security and MCSO, advised the responding police officers, that Micheal Marraccini was responding to a valid subpoena and was not to be detained prior to testimony, if at all.

This Court is unclear why this witness was identified, and an arrest requested. The parties, and some witnesses, have competing OOP and IAH. While the Court is unable to find this is witness tampering, given the totality of the circumstances and pre-trial litigation regarding the subpoena and witness Michael Marraccini, it strongly appears to be an attempt to prevent his testimony by counsel, and/or the Petitioner. Respondent intended to call Michael Marraccini, and Gregory Gillespie to provide evidence of “other crimes, wrongs, or acts to show motive, opportunity, intent, preparation, plan, knowledge, identity, absence of mistake, or lack of mistake pursuant to Rule 404(b).” The Court previously found their testimony to be relevant and admissible.

During the Petitioner’s cross-examination Mr. Gingras appeared to be signaling his client with sweeping arm movements, including making an “X” with his arms, and sweeping his arms along the front of his body. It appeared to be an attempt to prompt certain responses from the Petitioner. Once counsel for the Respondent, stood between Mr. Gingras and the Petitioner, she became agitated and emotional. She asked for a brief recess, which was granted.

The Court issued a ruling, dated June 17, 2024. It docketed June 18, 2024. The Court received an email from Mr. Gingras on June 17, 2024, demanding the following of the Court:

From: David Gingras <david@gingraslaw.com>
Sent: Monday, June 17, 2024 10:09:54 AM
To: SUP DRJ06 <DRJ06@jbazmc.maricopa.gov>; Gregg Woodnick <Gregg@woodnicklaw.com>
Cc: Isabel Ranney <isabel@woodnicklaw.com>; Maribeth Burroughs <maribeth@woodnicklaw.com>; Deandra Arena <deandra@woodnicklaw.com>
Subject: RE: Owens v. Echard (FC2023-052114)--Response Requested

This Message Is From an External Sender

This message came from outside your organization. Please use caution when corresponding outside the county.

Dear Judge Mata's Division,

I am writing to raise a potentially urgent issue that has just come to my attention. In short, Ms. Owens informs me that various individuals have recently posted claims on social media which, if true, may warrant a change of judge for cause pursuant to Family Law Rule 6.1. Before pursuing this further, I wanted to bring this to the Court's attention and request a response from Judge Mata directly to verify whether the allegations are true.

In short, Ms. Owens has informed me of the following:

1. Judge Mata's father was personally present at the trial held in this matter on Monday, June 10th;
2. After the trial, several individuals ("supporters" of Mr. Echard) claim to have discussed the case with Judge Mata's father;
3. According to these individuals, Judge Mata's father claimed the judge shared information with him about this case, and made comments indicating Judge Mata intended to make adverse rulings against Ms. Owens before trial.

Obviously, if these allegations are true, they raise extremely serious concerns.

However, I am fully aware that similar claims have recently been posted on social media in other unrelated cases, and those claims were later shown to be false.

In this instance, Ms. Owens has reason to believe the allegations regarding Judge Mata's father are true. She has obtained a video of a least one person making these claims, and that person claims to have directly communicated with Judge Mata's father about this matter. If this claim is true, Ms. Owens believes this may warrant a change of judge for cause pursuant to Family Law Rule 6.1.

Before proceeding, as unusual as this may be, I am respectfully asking Judge Mata to respond directly and explain whether these allegations are true.

As I mentioned in court last week, I am currently in Europe on a family vacation. We are currently on a cruise ship (the Norwegian Getaway) anchored in Cannes, France. We are leaving this evening for Florence, Italy, and we will be on the ship until early next week when it docks in Athens. We will have extremely limited phone/internet while the ship is at sea. Currently (as of Monday, June 17th), we are +9 hours ahead of Arizona time, but that will increase as we move further east.

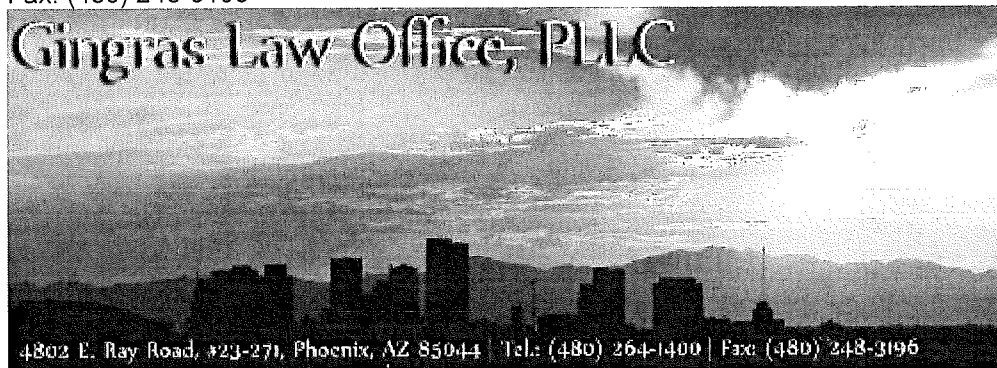
Again, I fully understand the unusual nature of this message, and as noted above, I understand the allegations may be entirely false. However, given the serious nature of the issue, Ms. Owens has asked me to move forward with an immediate Notice of Change of Judge for Cause unless the Court confirms the above allegations are false. I hope this will not be necessary given the significant disruption this may cause, but I am ethically obligated to take all appropriate steps to protect Ms. Owens' rights, and I intend to do so.

For that reason, I respectfully request a response from the Court to the issues raised above by 5 PM (Arizona time) tomorrow, June 18, 2024. For purposes of clarity, the questions I am propounding are as follows:

1. Was Judge Mata's father present (either in court or in any overflow room) for the trial in this matter on June 10th;
2. Did Judge Mata's father speak with Mr. Echard or any of his supporters, including any of his attorneys, at any time;
3. Did Judge Mata share any information of any kind with her father regarding this case prior to June 10, 2024, and if so, what specific information was shared.

Thank you for your prompt attention to this request.

David Gingras, Esq.
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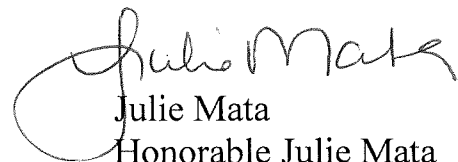
Of note, Mr. Gingras demanded that the Court respond to him by 5:00 p.m. the following day. Litigation by email is inappropriate. The Court responded instructing the parties to file any appropriate motions. Mr. Gingras filed a Notice of Change of Judge for Cause; Memorandum & Affidavit in Support on July 8, 2024. While the Court takes no issue with the Notice, Mr. Gingras was unprofessional and inappropriately disparaging within his pleading. For example:

This shameful conduct not only violated Laura's rights, it raises serious questions regarding Judge Mata's fitness as a Judge of the Superior Court. Any reasonable objective observer in Laura's position would be justified in wondering, "Was my case fairly decided based on the evidence or was Judge Mata simply trying to impress her father – *Look at me Daddy! I'm a real judge now! Just watch me destroy a*

*young woman's life because the other party was on The Bachelor!
Hee hee!"*

I have attached a copy of the pertinent hearing, minute entries, and Motion for your review. I am available to discuss further if you deem it warranted.

Sincerely,

A handwritten signature in black ink that reads "Julie Mata". The signature is written in a cursive style with a large, looping initial "J".

Julie Mata
Honorable Julie Mata
Maricopa County
Superior Court Judge