

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****STATEMENT OF UNDISPUTED
MATERIAL FACTS**

Pursuant to Ariz. R. Civ. P. 56(c)(3), Respondent David S. Gingras submits the following statement of undisputed material facts. As used below, references to “Gingras Aff.” mean the Affidavit of David S. Gingras submitted herewith, and “RJN” mean the Request for Judicial Notice filed in this matter on March 18, 2026.

1. On August 1, 2023, Laura Owens filed a *pro se* Petition to Establish paternity in *Owens v. Echard*. **SOURCE: RJN Ex. 1**
2. On August 21, 2023, Clayton Echard filed a *pro se* response to Ms. Owens’ petition in which he denied paternity. **SOURCE: RJN Ex. 9**
3. On September 14, 2023, Ms. Owens filed a *pro se* Motion to Seal Court Record. **SOURCE: RJN Ex. 17**
4. On October 20, 2023, the Court issued an order denying Ms. Owens’ Motion to Seal Court Record. **SOURCE: RJN Ex. 20**
5. On December 4, 2023, court administration issued an order setting the case for dismissal due to inactivity. **SOURCE: RJN Ex. 22**
6. On December 12, 2023, attorney Gregg R. Woodnick filed a Notice of Appearance in *Owens v. Echard* on behalf of Mr. Echard along with several other

pleadings including a Motion for Leave to Amend Response to Petition. **SOURCE: RJN Ex. 25 & 26.**

7. On December 23, 2023, Ms. Owens (through other counsel) moved to dismiss her petition with prejudice claiming she was no longer pregnant. **SOURCE: RJN Ex. 28.**

8. On January 3, 2024, Mr. Woodnick filed a Motion for Sanctions pursuant to Rule 26 of the Rules of Family Law Procedure which claimed Ms. Owens had “faked” her pregnancy. **SOURCE: RJN Ex. 33.**

9. On January 17, 2024, Ms. Owens (through other counsel) filed a Motion for Confidentiality and Preliminary Protective Order. **SOURCE: RJN Ex. 39.**

10. On January 19, 2024, Mr. Woodnick filed a Response/Objection to Petitioner’s Motion for Confidentiality And Preliminary Protective Order. **SOURCE: RJN Ex. 43.**

11. On February 2, 2024, the Court issued an order setting a hearing for February 27, 2024 on Mr. Woodnick’s motion for sanctions and request for fees. **SOURCE: RJN Ex. 51.**

12. On February 21, 2024, the Court issued an order denying Ms. Owens’ Motion for Confidentiality And Preliminary Protective Order. **SOURCE: RJN Ex. 59.**

13. On February 21, 2024, the Court issued a lengthy minute entry order which contained various rulings/statements including the following:

IT IS FURTHER ORDERED denying counsel for Petitioner’s oral motion to reconsider regarding the ruling concerning Petitioner’s Motion for Confidentiality. ...

LET THE RECORD FURTHER REFLECT that no party shall disclose outside of themselves any medical or other documentation (exhibits, medical records, etc.) disclosed between the parties. ...

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

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

SOURCE: RJN Ex. 60.

14. Respondent was first retained to represent Laura Owens in *Owens v. Echard* on March 25, 2024, and he entered his appearance in the case that same day.

SOURCE: RJN Ex. 66.

15. Immediately after Respondent was retained to represent Ms. Owens, he asked her if the court had issued a protective order. Ms. Owens' response was: "No, I asked for a protective order multiple times, but the judge denied every one of those requests." **SOURCE: Gingras Aff. ¶ 11.**

16. After Ms. Owens told Respondent that no protective order had been entered, he reviewed the docket and verified that statement was correct. **SOURCE: Gingras Aff. ¶ 12.**

17. In his pleading opposing Ms. Owens' request for a protective order, Mr. Woodnick argued such an order would constitute "an impermissible prior restraint of protected speech. Beyond that, it also represents tremendous overreach in the use of Rule 53 to diminish Respondent's rights as a litigant." Mr. Woodnick further argued, "Petitioner is requesting an order that would prohibit Respondent from defending his

character in public view despite the fact that she made his character a matter of public interest and that she self-identifies as a public figure. The toothpaste cannot be put back in the tube.” Mr. Woodnick further argued: “**It is premature to designate as confidential documents, recordings, or records that do not exist and have not yet been produced.** To the extent a response to this assertion is warranted, there is nothing to be designated confidential.” **SOURCE: Gingras Aff. ¶ 14; RJN Ex. 43 at 8:24–27.**

18. The February 21, 2024 order issued by Judge Mata did not contain “written findings of fact and conclusions that the specific sealing or redaction is justified” nor did the order contain any finding that “there exists an overriding interest that overcomes the right of public access to the record.” Ariz. R. Fam. L.P. 17(c)(1). **SOURCE: RJN Ex. 60.**

19. On April 4, 2024, Mr. Woodnick sent Respondent an email stating “I am also not certain why you are publishing court documents and your client’s personal medical records contrary to court order.” **SOURCE: Amended Complaint ¶ 49; Respondent’s Answer ¶ 49; Gingras Aff. ¶ 33.**

20. 34 minutes after Mr. Woodnick’s email was sent on April 4, 2024, Respondent sent a reply explaining, among other things, that he was “aware of no court order that would stop Laura from publishing her own medical records.” Respondent explained his position to Mr. Woodnick and further stated: “If you interpret the order to mean that Laura is somehow enjoined from publishing her own records for the purpose of responding to false statements other people are making ... you need to let me know that immediately so I can take the issue up with the judge.” **SOURCE: Gingras Aff. ¶ 35.**

21. Mr. Woodnick never responded to that message. **SOURCE: Gingras Aff. ¶ 36.**

22. In mid-April 2024, Respondent spoke with a lawyer named Randy Sue Pollock who was disclosed by Mr. Woodnick as the contact person for Michael Maraccini. **SOURCE: Gingras Aff. ¶ 42.**

23. Ms. Pollock told Respondent over the phone, and later confirmed in writing, that Mr. Marraccini would not appear as a trial witness in *Owens v. Echard*. **SOURCE: Gingras Aff. ¶ 43.**

24. A short time later, Mr. Woodnick disclosed new evidence that made it appear Mr. Marraccini was planning to testify at trial. **SOURCE: Gingras Aff. ¶ 44.**

25. In response to that new disclosure, on May 6, 2024, Respondent called Randy Sue Pollock to request clarification regarding Mr. Marraccini's position. During that call, Respondent told Ms. Pollock that if Mr. Marraccini wanted to testify, that was absolutely fine. **SOURCE: Gingras Aff. ¶ 45.**

26. During the May 6th phone call, Respondent asked Ms. Pollock to agree to produce Mr. Marraccini for either an informal interview or a deposition. **SOURCE: Gingras Aff. ¶ 45.**

27. In response, Ms. Pollock told Respondent: "we are not willing to cooperate with you." Ms. Pollock further informed Respondent that rather than complying with the disclosure and discovery rules, Mr. Marraccini may simply "show up" at trial as a spectator, not as a witness. **SOURCE: Gingras Aff. ¶ 48.**

28. At the time of trial on June 10, 2024, Ms. Owens had a valid domestic violence restraining order (DVRO) against Mr. Marraccini issued by the San Francisco County Superior Court which required him to stay at least 100 yards away from Ms. Owens at all times with no exceptions. **SOURCE: Gingras Aff. ¶ 48.**

29. In response to Ms. Pollock’s statement that Mr. Marraccini might just “show up” at the trial without appearing in response to a lawful subpoena, Respondent informed Ms. Pollock if Mr. Marraccini engaged in interstate travel with the intent to violate the California order, that would constitute a serious federal crime. **SOURCE: Gingras Aff. ¶ 50.**

30. The DVRO itself contained exactly the same warning. **SOURCE: Gingras Aff. Ex C.**

31. Respondent also told Ms. Pollock that if Mr. Marraccini wanted to testify at trial, he could do so as long as he complied with the procedural rules and with the law. **SOURCE: Gingras Aff. ¶ 50.**

32. On the morning of trial, June 10, 2024, Ms. Owens informed Respondent that Mr. Marraccini violated the California DVRO by coming less than 100 yards away from her outside the court in Phoenix. **SOURCE: Gingras Aff. ¶ 55.**

33. After seeing Mr. Marraccini violate the court order, Ms. Owens told Respondent she was “absolutely terrified” and that she may walk out and refuse to appear at trial unless Respondent did everything possible to have law enforcement keep Mr. Marraccini away from her, as the order specifically required. **SOURCE: Gingras Aff. ¶ 55.**

34. In response to Ms. Owens’ request, Respondent contacted Superior Court security and informed them of the violation of the order by Mr. Marraccini. Security personnel told Respondent they could not enforce court orders, and they said the only option was to call Phoenix Police, which Respondent did. **SOURCE: Gingras Aff. ¶ 56.**

35. When Phoenix Police arrived, Respondent handed them a copy of the California DVRO, and a copy of 18 U.S.C. § 2262 which is the relevant provision of the Violence Against Women Act (VAWA) which required the California order to be enforced in Arizona. **SOURCE: Gingras Aff. ¶ 57.**

36. Prior to June 10, 2024, Respondent spent several hours doing legal research into the question of whether an Arizona subpoena could somehow excuse the violation of a California DVRO. Respondent found no legal authority to support that position. **SOURCE: Gingras Aff. ¶ 59.**

37. Mr. Marraccini never testified at trial because Mr. Woodnick never called him as a witness. **SOURCE: Gingras Aff. ¶ 63.**

38. ¶¶ 109–112 of the Amended Complaint accuse Respondent of sending a private email in which referred to certain anonymous individuals as “total fucking assholes” and “total fucking psychotic assholes”. **SOURCE: Amended Complaint ¶¶ 109–112.**

39. The email in question was sent by Respondent on his own behalf for the purpose of enforcing his own legal rights. **SOURCE: Gingras Aff. ¶ 65.**

40. The Amended Complaint accuses Respondent of knowingly and/or negligently offering false testimony from Ms. Owens. **SOURCE: Amended Complaint ¶¶ 114–177.**

41. As to the claim Respondent knowingly offered false testimony or evidence, that allegation is false and is not supported by any evidence at all. **SOURCE: Gingras Aff. ¶¶ 71–121.**

42. As to the claim Respondent negligently offered false testimony or evidence, that allegation is false and is not supported by any evidence at all. **SOURCE: Gingras Aff. ¶¶ 71–121.**

43. ¶¶ 178–184 of the Amended Complaint accuse Respondent of violating various rules by bringing a non-meritorious appeal. **SOURCE: Amended Complaint ¶¶ 114–177.**

44. The appeal involved a matter of first impression relating to a revision of Family Law Rule 26 which occurred in 2018, with the change effective January 1, 2019. **SOURCE: Gingras Aff. ¶ 123.**

45. Since Family Law Rule 26 was amended in 2019 to add a new “safe harbor” provision, that aspect of the law was not interpreted by any published authority. **SOURCE: Gingras Aff. ¶ 123.**

46. The state bar has not disclosed any evidence or legal authority to show that any argument Respondent made in the appeal was frivolous, either factually or legally. **SOURCE: Gingras Aff. ¶ 126.**

47. The Amended Complaint accuses Respondent of making five different false statements which impugn Judge Mata’s integrity or which were otherwise “unprofessional”. **SOURCE: Gingras Aff. ¶ 127; Amended Complaint ¶¶ 102–107.**

48. Every statement Respondent made regarding Judge Mata was either factually true, or represented an expression of Respondent’s opinion based on fully disclosed facts which the bar has not claimed are false. **SOURCE: Gingras Aff. ¶¶ 127–146.**

49. Prior to making any statements regarding Judge Mata’s integrity, Respondent took responsible steps to verify the accuracy of those statements. Among other things, Respondent contacted Judge Mata, informed her of certain allegations being made by third parties, and asked her to explain if those allegations were true. **SOURCE: Gingras Aff. ¶ 156.**

50. Judge Mata never responded to Respondent’s inquiry and has never denied the accuracy of the allegations. **SOURCE: Gingras Aff. ¶ 157.**

51. The state bar has disclosed information showing that certain statements Respondent made regarding Judge Mata were true. That includes the allegation that Judge Mata “invited” her father to watch the *Owens* trial and that she discussed the case with her father. **SOURCE: Gingras Aff. ¶¶ 158–160.**

52. Respondent also accused Judge Mata of violating the Code of Judicial Conduct by making a factual finding that was not based on admitted trial evidence, but which was based on extra judicial evidence from an unknown source. That statement is factually true. **SOURCE: Gingras Aff. ¶¶ 161–168.**

53. Prior to accusing Judge Mata of violating the Code of Judicial Conduct by considering extra judicial evidence, Respondent undertook extensive research to determine whether that statement had a reasonable basis. The steps taken include ordering an expedited copy of the trial transcript (which confirmed that Judge Mata falsely attributed testimony to Dr. Deans regarding the business hours of Planned Parenthood).

SOURCE: Gingras Aff. ¶¶ 158–160.

54. Respondent further asked his wife and Ms. Owens to separately review every pleading from the docket in *Owens* to determine if the issue of Planned Parenthood’s business hours was discussed in some earlier pleading. Both Ms. Owens and Respondent’s wife concluded that Planned Parenthood’s business hours were not discussed in any pleadings filed in *Owens* prior to June 10, 2024. **SOURCE: Gingras Aff. ¶¶ 158–160.**

55. In addition to asking his wife and Ms. Owens to review every pleading from the case, Respondent personally reviewed every pleading filed between August 1, 2023 and June 10, 2024. That review confirmed that Planned Parenthood’s business hours were not discussed in any pleadings filed in *Owens* prior to June 10, 2024. **SOURCE: Gingras Aff. ¶¶ 158–160.**

Submitted April 14, 2026.

/s/ Marc J. Randazza

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CERTIFICATE OF SERVICE

Original electronically filed via email to officepdj@courts.az.gov on April 14, 2026 with:

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