

James D. Lee, Bar No. 011586
Senior Bar Counsel
State Bar of Arizona
4201 North 24th Street, Suite 100
Phoenix, Arizona 85016-6266
Telephone (602) 340-7386
Email: LRO@staff.azbar.org

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.

PO 2026-069

**REQUEST FOR PROTECTIVE
ORDER SEALING THE RECORD**

[State Bar File: 26-0934]

The State Bar of Arizona, through undersigned counsel, hereby forwards to the Presiding Disciplinary Judge of the Supreme Court of Arizona (PDJ), Complainant's Request for Protective Order, pursuant to Rule 70(g) of the Rules of the Supreme Court.

Complainant Andrew Ivchenko requests that the following document be sealed from the public, but not from Respondent, because it is a confidential settlement agreement:

- December 10, 2021 "Confidential Settlement Agreement and Release," which was submitted with the initial charge of misconduct (and subsequently submitted with other communications to the State Bar).

The complainant's request for Protective Order is attached as Exhibit A.

The State Bar agrees with Complainant's request.

A proposed Protective Order is attached as Exhibit B.

DATED this 2nd day of September, 2026.

STATE BAR OF ARIZONA

/s/ James D. Lee

James D. Lee

Senior Bar Counsel

Original filed with the Disciplinary Clerk of
the Office of the Presiding Disciplinary Judge
of the Supreme Court of Arizona
this 2nd day of September, 2026.

Copy of the foregoing emailed
this 2nd day of September, 2026, to:

Honorable Lisa A. VandenBerg
Presiding Disciplinary Judge
Supreme Court of Arizona
1501 West Washington Street, Suite 102
Phoenix, Arizona 85007
Email: officepdj@courts.az.gov

David S. Gingras, Esq.
Gingras Law Office, PLLC
4802 East Ray Road, Suite 23-271
Phoenix, Arizona 85044-6417
Email: david@gingraslaw.com
Respondent

Lawyer Regulation Records Manager
State Bar of Arizona
4201 North 24th Street, Suite 100
Phoenix, Arizona 85016-6266
LRO@staff.azbar.org

by: /s/ *Melissa Duarte*
JDL/md

EXHIBIT A

August 10, 2026

James D. Lee, Esq.

Senior Bar Counsel
State Bar of Arizona
4201 N. 24th Street, Suite 100
Phoenix, Arizona 85016

Re: State Bar File No. 26-0934
Respondent: David S. Gingras, Esq.

Dear Mr. Lee:

I write in response to your August 7, 2026 correspondence. Having reviewed the concerns and questions raised therein, and having reexamined the materials previously submitted, I am substantially narrowing my prior request so that the document-handling issues do not impede the State Bar's screening investigation of the underlying conduct.

For ease of reference, I first respond to the four questions set forth in your letter and then address your anticipated recommendations.

1. Responses to Questions Raised in August 7, 2026 Letter

(1) Exhibit A / Paragraph 10

No court order was obtained before I submitted Exhibit A, the December 10, 2021 Confidential Settlement Agreement and Release, to the State Bar.

Exhibit A was submitted to the State Bar solely as evidence relevant to my charge of misconduct and not for public dissemination. I am not asking the State Bar, in this disciplinary matter, to adjudicate the contractual implications, if any, of my submission of the Agreement to disciplinary authorities.

Mr. Gingras represented the Grants in the litigation and settlement negotiations culminating in the Agreement and, in that capacity, already possessed a copy of the Agreement. Accordingly, I do not request that Exhibit A be withheld from Mr. Gingras. My request is limited to keeping Exhibit A outside the public State Bar file.

(2) Mr. Gingras's Posting of the Charge of Misconduct He Filed Against Me

Upon consideration of your letter, I am not pressing a request premised on the proposition that Mr. Gingras was categorically prohibited from posting the charge of misconduct he filed against me. Accordingly, I no longer request that the charge itself be sealed from Mr. Gingras or from the public.

(3) Arrest-Video-Related Materials, Links, Screenshots, and Related Exhibits

My prior request as to arrest-video-related materials was driven by concern that the State Bar's public file not become an additional vehicle for dissemination of sensitive material. Having re-reviewed the exhibits, I am no longer requesting nonpublic

treatment for documents that merely identify, describe, or refer to the videos, including the YouTube-removal exhibits and the timeline summary.

I do not ask the State Bar, in connection with this document-handling issue, to resolve whether particular footage that was not publicly released could nonetheless have been obtained through a public-records request.

For clarity, Exhibit C-1 reflects that the identified Renee Ivchenko videos were reported for harassment or bullying and are shown as removed, whereas Exhibit C-2 reflects YouTube's subsequent termination of Mr. Gingras's channel for severe or repeated violations of its sex-and-nudity policy.

(4) Publicly Available Materials and the Basis of the Complaint

I understand your point that some of the materials at issue appear to be publicly available. I also want to clarify that my complaint does not depend upon the proposition that Mr. Gingras was categorically prohibited from publishing each individual item because it was nonpublic. I recognize that some of the underlying source material was publicly available. My concern is with the overall course of conduct—including its selection, aggregation, presentation, repetition, targeting, timing, post-removal modification, and purpose—which I believe remains relevant to the professional-conduct issues raised in my complaint, including ER 4.4(a).

2. Narrowed Request Concerning Public Access

In light of the concerns and questions set forth in your August 7 letter, I am substantially narrowing my prior request. I do not ask the State Bar to delay its investigation in order to resolve broader public-access issues at this time.

Accordingly, except as to Exhibit A, I no longer request that the State Bar seek continued public sealing of the April 8, 2026 charge materials, the related April and May correspondence, Exhibits B-1 and B-2, Exhibits C-1 and C-2, Exhibit D, or Exhibit 1.

My present sealing request is limited to Exhibit A.

3. Response to Anticipated Recommendations

I agree with Recommendations (1) through (3) and (5) through (10).

As to Recommendation (4), I respectfully request only that Exhibit A remain sealed from the public State Bar file. I do not request that Exhibit A be withheld from Mr. Gingras, because he represented the Grants in connection with the Agreement and already possessed the Agreement in that capacity.

4. Screening Investigation

I hope these clarifications, together with the substantial narrowing of my prior request, resolve the document-handling issues identified in your August 7 letter and permit the State Bar to proceed with its screening investigation of the underlying conduct.

My agreement concerning public treatment of the exhibits identified above should not be understood as withdrawing the substantive allegations concerning the purpose,

timing, targeting, repetition, presentation, and escalation of Mr. Gingras's conduct. If the State Bar requires any additional information for purposes of the screening investigation, I will provide it promptly.

Respectfully,

/s/ Andrew Ivchenko

Andrew Ivchenko, Esq.

EXHIBIT B

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 No: 26-0934]

The Presiding Disciplinary Judge of the Supreme Court of Arizona, having reviewed Complainant's Request for Protective Order, and there being no objection by the State Bar, accordingly:

IT IS ORDERED granting Complainant's request for Protective Order.

IT IS FURTHER ORDERED that the following document be sealed and kept confidential from the public pursuant to Rule 70(g), Ariz. R. Sup. Ct.: December 10, 2021 "Confidential Settlement Agreement and Release," which was submitted with the initial charge of misconduct (and subsequently submitted with other communications to the State Bar).

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, 2026.

**Honorable Lisa A. VandenBerg,
Presiding Disciplinary Judge**

Original filed this ____ day
of September, 2026 with:

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

Copy of the foregoing emailed
this ____ day of September, 2026, to:

David S. Gingras, Esq.
Gingras Law Office, PLLC
4802 East Ray Road, Suite 23-271
Phoenix, Arizona 85044-6417
Email: david@gingraslaw.com
Respondent

James D. Lee, Senior Bar Counsel
State Bar of Arizona
4201 North 24th Street, Suite 100
Phoenix, Arizona 85016-6266
LRO@staff.azbar.org

by: _____