OFFICE OF THE PRESIDING DISCIPLINARY JUDGE
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K.STEVENSON
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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** **COMPLAINT** [State Bar Nos. 24-1692, 24-1826, 24-2483, 24-2819, 24-3080 and 25-1230]

Complaint is made against Respondent as follows:

INTRODUCTION

1. Respondent represented Laura Owens in Maricopa County Superior Court regarding a motion for sanctions filed against her in a paternity case she had filed.

2. After being hired by Owens, Respondent became aware, based on his investigation and research, that she had made contradictory statements about her actions and had altered at least one medical record.

3. Despite being aware that Owens had given contradictory versions of events and altered at least one medical record, Respondent failed to withdraw as counsel for Owens or, alternatively, failed to diligently investigate and research relevant facts, pursued claims that were without merit, prepared an affidavit for Owens to sign that included false information, failed to take steps to address false statements that Owens made during her deposition and two hearings, and presented Owens' false testimony to the Court.

4. During the period of representation, Respondent failed to comply with a court order directing him not to disclose outside of counsel for the parties "any medical or other documentation (exhibits, medical records, etc.) disclosed between the parties."

5. During the period of representation, Respondent took steps to prevent Michael Marraccini, a potentially adverse witness, from appearing and testifying at a hearing held on June 10, 2024.

6. During the period of representation, Respondent made public, disparaging remarks on social media about members of the public and Maricopa County Superior Court Judge Julie Mata, who presided over the paternity case filed by Owens.

7. During the period of representation, Respondent filed and pursued a non-meritorious appeal.

GENERAL ALLEGATIONS

8. At all times relevant, Respondent was licensed to practice law in Arizona, having been admitted to practice in Arizona on October 21, 2004.

COUNT ONE
(File Nos. 24-1692, 24-1826, 24-2483, 24-2819, 24-3080 and 25-1230)

9. On August 1, 2023, Laura Owens filed, *pro se*, a *Petition for Court Order for Paternity and Legal Decision-Making, Parenting Time, and Child Support* ("*Petition for Court Order for Paternity*") against Clayton Echard (*In re Matter of Owens and Echard*, Maricopa County Superior Court No. FC2023-052114; hereafter, "the paternity case").

10. The *Petition for Court Order for Paternity* alleged that Owens had become pregnant by Echard.

11. On September 14, 2023 (prior to Respondent's involvement in the paternity case), Owens filed, *pro se*, an *Expedited (!) Motion to Seal Court Record*, asking the court to seal the entire record in the paternity case.

12. Owens attached to that *Expedited (!) Motion to Seal Court Record* copies of several email messages from Echard to Owens in which he sought evidence that she was pregnant.

13. Echard asserted in email messages that Owens (a) was not pregnant by him, (b) had never undergone an ultrasound, (c) had offered illogical excuses to

delay testing, and (d) had provided him with a sonogram that had been created from an image on the internet.

14. Among the email messages attached to the *Expedited (!) Motion to Seal Court Record* was a July 25, 2023 email message from Echard to Owens, which reflected that Echard believed that Owens had provided him with a false sonogram.

15. The *Expedited (!) Motion to Seal Court Record* indicated that Owens had failed to provide Echard with evidence that she was pregnant by Echard.

16. Owens' September 14, 2023 *Expedited (!) Motion to Seal Court Record* and other documents in the court record, including Echard's email messages to Owens, placed Respondent on notice that he needed to be diligent in (a) ensuring that Owens was truthful about her health, alleged pregnancy, medical records and events, and (b) determining whether any legitimate evidence existed reflecting that Owens was pregnant and that Echard was the father.

17. Respondent had a duty to diligently investigate and research everything that Owens told him or provided to him.

18. Respondent failed to diligently investigate and/or research Owens' allegations to determine whether her statements to him, opposing counsel and the court were truthful or that the sonogram provided to him and used during a court hearing on June 10, 2024, was an image created by an ultrasound performed on Owens.

19. On January 3, 2024, Echard's counsel filed a *Motion for Sanctions Pursuant to Rule 26* [of the Arizona Rules of Family Law Procedure], in which he requested that Owens be sanctioned for filing the *Petition for Court Order for Paternity* and later documents for an improper purpose and without medical evidence to support her claim that she was pregnant.

20. Echard's January 3, 2024 *Motion for Sanctions Pursuant to Rule 26* placed Respondent on notice that Echard had claimed that Owens was not pregnant, which created a duty on his part to ensure that his investigation and research thoroughly addressed everything that Owens told him or provided to him.

21. On February 21, 2024, Judge Mata issued a minute entry order scheduling a hearing in the paternity case on June 10, 2024, to address the issue of sanctions and attorney's fees related to the paternity case filed by Owens.

22. On March 11, 2024, Echard's counsel filed a *Motion to Compel*, which stated in part that Owens had testified at her deposition that she had altered a sonogram, falsely claiming it came from Southwest Medical Imaging.

23. Based on the March 11, 2024 *Motion to Compel*, Respondent was once again placed on notice that he needed to be diligent in (a) ensuring that Owens was truthful about her health, alleged pregnancy, medical records and events, and (b) determining whether any legitimate evidence existed reflecting that Owens was pregnant and that Echard was the father.

24. During or about March 2024, Owens hired Respondent to represent her regarding the *Motion for Sanctions Pursuant to Rule 26*.

25. On March 25, 2024, Respondent filed a notice of appearance on Owens' behalf in the paternity case.

26. Upon agreeing to represent Owens, Respondent had a duty in preparing her defense to the *Motion for Sanctions Pursuant to Rule 26* and represent her at the June 10, 2024 hearing to (a) diligently investigate and research both parties' assertions and documentation, (b) carefully review the entire court record in the paternity case and related cases between Owens and Echard, (c) review the file provided to him by Owens' former counsel, (d) review the information and documents provided to him by Echard's counsel, and (e) review other information that came to his attention.

27. On March 26, 2024, Echard's counsel filed a *Motion for Relief from Judgement [sic] Based on Fraud* (hereafter *Motion for Relief from Judgement*) in *In the Matter of Owens and Echard*, Maricopa County Superior Court No. FC2023-052771, an order of protection case.

28. That March 26, 2024 *Motion for Relief from Judgement* stated in part:

> On October 6, 2023[,] and October 25, 2023, Plaintiff [Owens] committed fraud when she filed her underlying Petition for Order of Protection and then testified before Judge Doody under the fraudulent pretense that she was pregnant with Defendant [Echard]'s "twins" and that Defendant [Echard] was "cyberbullying her" by posting her "medical records" online." To be clear, **Plaintiff [Owens] was never**

> **<u>pregnant by Defendant [Echard]</u>** as they did not have penetrative sexual intercourse.

(Bold typeface and underlines in original).

29. That *Motion for Relief from Judgement* further stated that Owens had admitted during her deposition that she had modified the medical records, which the Court relied upon to grant an order of protection.

30. That *Motion for Relief from Judgement* noted that Owens had "provided <u>no verifiable medical evidence</u> to support her alleged twin pregnancy and ha[d] admitted that the ultrasound at the <u>core</u> of this Court's basis for granting the Protection Order was *de facto* fraudulent." (Underlines and italics in original).

31. That *Motion for Relief from Judgement* contained additional information relevant to the paternity case.

32. That *Motion for Relief from Judgement* again placed Respondent on notice that he needed to be diligent in (a) ensuring that Owens was truthful about her health, alleged pregnancy, medical records and events, and (b) determining whether any legitimate evidence existed reflecting that Owens was pregnant and that Echard was the father; those issues were relevant to the *Motion for Sanctions Pursuant to Rule 26*.

33. On April 9, 2024, Respondent filed a *Notice of Appearance and Notice re: Pending Motion* on Owens' behalf in the order of protection case (FC2023-052771).

34. On April 22 and May 9, 2024, Respondent provided Echard's counsel with supplemental disclosure statements that failed to adequately address Owens' changing version of events.

35. On June 10, 2024, Judge Mata presided over a hearing to address Echard's request for sanctions and attorney's fees.

36. During that June 10, 2024 hearing, Owens provided false testimony about matters pertaining to her alleged pregnancy.

37. Respondent failed to correct or clarify Owens' false testimony during direct examination or redirect examination.

38. On June 18, 2024, Judge Mata entered an *Under Advisement Ruling* regarding the June 10, 2024 hearing, in which she found that (i) Owens failed to "meet the burden of clear and convincing evidence that [Echard] was the father of [Owen]'s alleged pregnancy"; (ii) Owens "acted unreasonably when she initiated litigation without basis or merit"; (iii) the *Petition for Court Order for Paternity* was "premature at best"; (iv) Owens "repetitively failed to comply with [Family Law Rule] 49 [regarding disclosure], even on Order of this Court"[1] (Judge Mata did *not* find that Respondent had failed to comply with the disclosure or discovery rules or

[1] The *Under Advisement Ruling* did not specify the disclosure violations, other than to state that Owens presented new information about an ultrasound at the hearing and testified on the day of the hearing that she anonymously sought care at a Planned Parenthood location in Los Angeles, which had never been disclosed.

the Court's April 4, 2024 order compelling disclosure); (v) Owens "acknowledged [that] she altered hCG test results,[2] [and] an ultrasound and sonogram[3]"; (vi) "the petition was not filed in good faith, the petition was not grounded in fact or based on law, the petition was filed for an improper purpose, such as to harass the other party, to cause an unnecessary delay or to increase the cost of litigation to the other party"; (vii) Owens "provided false testimony as to the viability of the pregnancy" in the paternity case, the order of protection case, and an injunction against harassment case filed by Echard; and (vii) Owens "knowingly presented a false claim, [and] knowingly violated a court order compelling disclosure or discovery such that an award of attorney fees and costs is appropriate under A.R.S. § 25-415."

39. On August 16, 2024, Judge Mata issued an *Order re: Application for Attorneys' Fees and Costs*, directing Owens to pay a total of $149,219.76 in attorneys' fees and costs to Echard within 180 days.

Respondent Violated Judge Mata's February 21, 2024 Order

40. All allegations set forth above are incorporated herein as if set forth in full.

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[2] An hCG (human chorionic gonadotropin) test is a medical procedure used to detect pregnancy.

[3] An "ultrasound" is the medical imaging technique; a "sonogram" is the image produced by an ultrasound.

41. On February 21, 2024, Judge Mata issued a minute entry order in the paternity case regarding the status conference held on that date, which stated in part:

> **IT IS FURTHER ORDERED** denying counsel for Petitioner [Laura Owens]'s oral motion to reconsider regarding the ruling concerning Petitioner's Motion for Confidentiality.
>
> . . . .
>
> Further discussion is held regarding discovery and disclosure.
>
> Counsel for Petitioner [Owens] addresses the Court with an oral request to have the Court order his client provide medical records pertaining to the pregnancy only.
>
> **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** that the records be disclosed dating back to August 2020.

(Capitalization and bold typeface in original).

42. On April 1, 2024, Respondent filed a *Motion for Extension of Time to Respond to Respondent [Echard]'s [March 11, 2024] Motion to Compel* (hereafter *Motion for Extension of Time to Respond*), to which he attached a declaration that he signed.

43. Respondent included the following in his April 1, 2024 *Motion for Extension of Time to Respond*: (a) a reproduction of a portion of Owens' "Lab Results History" report dated June 1, 2023; (b) a portion of an "Unable to Process Request" notice from Banner Health regarding Owens; and (c) a portion of a receipt from Banner Urgent Care regarding Owens dated June 1, 2023.

44. Respondent included the following in his April 1, 2024 declaration: (a) a reproduction of a portion of Owens' "Lab Results History" report dated June 1, 2023; (b) a portion of a receipt from Banner Urgent Care regarding Owens dated June 1, 2023; (c) a portion of an "Unable to Process Request" notice from Banner Health regarding Owens; and (d) copies of messages between Owens and Dr. Joshua Makhoul.

45. Respondent knowingly violated Judge Mata's order by disclosing information and documents related to Owens' medical records in his *Motion for Extension of Time to Respond* and declaration.

46. Respondent failed to file a motion to seal either his April 1, 2024 *Motion for Extension of Time* or his declaration, despite Judge Mata's February 21, 2024 minute entry order.

47. On April 4, 2024, Respondent posted the following on his law office blog:

> . . . [O]n October 16, 2023, Laura had a blood test done at a lab. Wanna guess what the results showed? PREGNANT. But don't take my word for it, the report can be viewed right here.

(The underlined text was a link to Owens' October 17, 2023 Sonora Quest Laboratories' medical report).

48. Respondent knowingly violated Judge Mata's February 21, 2024 order by including a link on his blog that led to Owens' October 17, 2023 Sonora Quest Laboratories' medical report.

49. Also on April 4, 2024, Gregg Woodnick, Echard's counsel, sent an email message to Respondent, which stated in part: "I am also not certain why you are publishing court documents and your client's personal medical records contrary to court order. Laura [Owens] needs to comply with the order and provide disclosure."

50. That email message from Attorney Woodnick placed Respondent on notice that he needed to take some action to seal Owens' medical information and documents.

51. Despite notice from Echard's counsel regarding his violation of Judge Mata's February 21, 2024 order, Respondent failed to file a motion to seal Owens' medical information and documents that he had disclosed in his April 1, 2024 *Motion for Extension of Time to Respond* and attached declaration.

52. On or about April 19, 2024, Respondent posted the following on his law office blog (and/or other social media), which included a portion of one of Owens' medical reports:

> Guess what Laura's weight was on November 14th? It's right there in the records (which Clayton's lawyer has), so you can read the number for yourself.

Today's Physical Exam

Vitals: BP: 118/80 **PR:** 92 **RR:**16 **T:** 97.0F **WT:** 133 lbs **HT:** 65"**BMI:**22

Appearance: Well developed. Well nourished. ~~Well groomed.~~ In good apparent health.

Skin: Good Hydration. Normal tone/turgor. Normal to inspection. No Lesions. No actinic changes.

HEENT: Symmetrical pupils. Sclera WNL. No Strabismus. Teeth & gingiva WNL.

Neck: Normal ROM. No Adenopathy. Thyroid WNL. Normal to inspection. No kyph

53. On April 26, 2024 (a Friday), at approximately 5:52 p.m., Respondent filed *Petitioner's Response to Respondent's Amended Motion for Relief Based on Fraud* (hereafter "April 26, 2024 *Response*").

54. Respondent's filing of the April 26, 2024 *Response* did not, at the time he filed it, become a matter of public record.

55. That April 26, 2024 *Response* included a summary of portions of Dr. Deans and Dr. Justicia-Linde's expert report, which they had prepared for Echard (*e.g.*, pages 8 through 11, under the heading "Ms. Owens Was Pregnant," discussed Dr. Deans and Dr. Justicia-Linde's expert report, and a quotation taken from Drs. Deans and Justicia-Linde's expert report appeared near the bottom of page 10).

56. Attached to that April 26, 2024 *Response* was a copy of Dr. Deans and Dr. Justicia-Linde's expert report and Dr. Deans' curriculum vitae.

57. That April 26, 2024 *Response* discussed the report provided by Owens' medical expert, Dr. Michael Medchill; attached to that April 26, 2024 *Response* was a copy of Dr. Medchill's expert report and curriculum vitae.

58. Also attached to that April 26, 2024 *Response* were copies of Owens' medical records and other documents relevant to Echard's claims (*e.g.*, Owens' affidavit dated April 16, 2024, included information from Owens' medical records and portions of her medical reports/records).

59. At approximately noon on Saturday, April 27, 2024, Respondent posted on his publicly accessible personal X (formerly Twitter) account, his law firm website and/or other social media a link to, among other things, his April 26, 2024 *Response*, which included portions of Owens' medical information and documents.

60. Respondent knowingly violated Judge Mata's February 21, 2024 minute entry order by posting Owens' medical information and documents on his X account or other social media.

61. On April 29, 2024, the Maricopa County Superior Court Clerk's Office docketed Respondent's April 26, 2024 *Response*, at which time that document became a public record available to the public through the Clerk's Office.

62. Neither Dr. Samantha Deans nor Dr. Faye Justicia-Linde consented to the publication of their expert report because it contained a review of Owens' private medical records, which was intended solely for the attorneys and the Court's review.

63. At no time did Respondent file a motion to seal (a) Owens' medical information or documents or (b) his April 26, 2024 *Response*, despite Judge Mata's February 21, 2024 minute entry order.

Ethical Violations Related to Respondent's Violation
of Judge Mata's February 21, 2024 Order

64. By engaging in the conduct set forth above, Respondent violated ER 3.4(c) by knowingly violating Judge Mata's February 21, 2024 order and court rules; ER 3.6(a) by making extrajudicial statements that he knew or reasonably should have known would be disseminated by means of public communication and that would have a substantial likelihood of materially prejudicing the paternity case; ER 4.4(a) by using means that had no substantial purpose other than to embarrass, delay, or burden any other person; and, Rule 54(c), Ariz. R. Sup. Ct., by knowingly violating Judge Mata's February 21, 2024 order.

Respondent's Efforts to Preclude Michael Marraccini from Testifying on June 10, 2024

65. All allegations set forth above are incorporated herein as if set forth in full.

66. Laura Owens obtained a Domestic Violence Restraining Order (DVRO) against Michael Marraccini in California, which was renewed and extended to September 11, 2025.

67. That DVRO required Marraccini to remain at least 100 yards away from Owens.

68. During the course of the paternity case, Echard's counsel disclosed to Respondent that he intended to call Marraccini as a witness.

69. A few weeks later, just before the disclosure/discovery deadline, Echard's counsel informed Respondent that, contrary to information he (Respondent) had been given by Marraccini's California attorney, Marraccini would appear and testify at the hearing.

70. Neither Echard's counsel nor Marraccini nor Respondent filed a motion in the San Francisco County (California) Superior Court to modify the terms of the DVRO to allow Marraccini to testify in Arizona.

71. On April 30, 2024, Respondent filed a *Motion in Limine* asking the Court to preclude Marraccini from testifying because (a) his testimony would elicit improper Rule 404(b) evidence and (b) Echard's counsel had allegedly failed to comply with the disclosure rules regarding the nature of Marraccini's testimony; Respondent did *not* reference the existence of the DVRO in that *Motion in Limine*.

72. Also on April 30, 2024, Respondent filed an *Emergency Motion to Strike and Request for Immediate Telephonic Scheduling Conference* (hereafter "*Emergency Motion to Strike*"), which included a request for an immediate scheduling conference to address whether Echard's counsel would be permitted to call three newly-disclosed witnesses (one of whom was Marraccini) at the June 10, 2024 hearing.

73. On or about May 7, 2024, Echard's attorney subpoenaed Marraccini to testify as a Rule 404(b) witness at the hearing scheduled for June 10, 2024.

74. Marraccini was aware of the paternity case, and agreed to voluntarily appear and testify in Arizona at the June 10, 2024 hearing.

75. In an email message from Respondent to Echard's counsel on May 8, 2024, Respondent stated:

> This goes without saying, but to the extent I suggested [that] Mike [Marraccini] would be arrested if he comes to court in AZ, that suggestion is completely and totally withdrawn. I only said that because I didn't want Mike to show up without giving me the chance to at least interview him (as I would with *any* normal witness). As long as Mike agrees to have a reasonable call to answer to [sic] some questions, I'll stipulate and agree [that] his appearance in AZ is NOT a violation of anything[,] and will not expose him to arrest or other legal consequences.

(Italics and parenthetical in original).

76. Marraccini did not make himself available for Respondent to interview.

77. On May 21, 2024, Judge Mata issued a minute entry order denying Respondent's *Motion in Limine*.

78. On June 3, 2024, to preserve the issue of the propriety of Marraccini testifying at the June 10, 2024 hearing, Respondent filed a *Pretrial Statement* that addressed that issue.

79. In that *Pretrial Statement*, Respondent explained that it would be a crime for Marraccini to violate the California DVRO, and that any violation of the order by Marraccini would subject him to arrest.

80. That *Pretrial Statement* also stated that "[the] issue has been reported to Court security by undersigned counsel [Respondent][,] who has requested that Mr. Marraccini be arrested if he violates the DVRO, as the law requires."

81. Also on June 3, 2024, Respondent called security personnel at the Maricopa County Superior Court and spoke with Officer Gibbs, informing him that Owens had a valid DVRO from California and that she was concerned that he intended to violate the order by appearing at trial.

82. Also on June 3, 2024, Respondent sent an email message to Officer Gibbs, to which he attached a copy of the California DVRO.

83. Respondent's June 3, 2024 email message to Officer Gibbs stated that "court approval for [Marraccini] to appear [at trial] has not been granted, and the DVRO contains no exceptions for in-person contact like this."

84. Judge Mata had previously denied Respondent's April 30, 2024 *Motion in Limine* (to prevent Marraccini from testifying), but had not yet ruled on his objection to Marraccini's testimony, which he set forth in a *Petitioner's Pretrial Statement* filed on June 3, 2024.

85. Respondent also claimed in his June 3, 2024 email message to Officer Gibbs that if Marraccini appeared in court, he would clearly violate the DVRO.

86. Respondent additionally claimed in his June 3, 2024 email message to Officer Gibbs that "[d]ue to the short time before trial, [he] cannot raise this issue with Judge Mata before next week."

87. On June 4, 2024, Echard's counsel sent an email message to Officer Gibbs and Judge Mata's court stating that a "valid subpoena" had been issued for Marraccini's appearance; Respondent was "copied" on that email message.

88. Echard's counsel suggested in that June 4, 2024 email message to Officer Gibbs that Respondent's act of requesting law enforcement to enforce Owens' DVRO qualified as an attempt to intimidate a witness, as set forth in A.R.S. § 13-2802.

89. Sometime prior to the June 10, 2024 hearing, Respondent sent an email message to Marraccini's California attorney, informing her that, because of the DVRO, Marraccini would be arrested if he attended the June 10, 2024 trial.

90. On the morning of June 10, 2024, when Owens saw Marraccini in the parking lot, Respondent contacted Court security personnel, but he was informed that they were unable to help.

91. Shortly thereafter, Respondent called 9-1-1 from the courthouse parking lot to report Owens' concerns about Marraccini's ostensible violation of the DVRO.

92. Prior to commencement of the June 10, 2024 hearing, Court security personnel and/or the Maricopa County Sheriff's Office (MCSO) informed the Court that Respondent had called 9-1-1 from the parking lot of the Northeast Justice Court building and attempted to have Marraccini arrested for violation of the DVRO.

93. Judge Mata or a member of her staff, through Court Security personnel and/or MCSO, informed the responding police officers that Marraccini was responding to a valid subpoena and was not to be detained prior to his testimony.

94. On June 10, 2024, Court security personnel escorted Respondent and Owens from the parking lot to the courtroom prior to the hearing.

95. At the June 10, 2024 hearing, Judge Mata allowed Respondent to argue on the record (before any witness was called) his objection to Marraccini testifying.

96. Respondent argued nondisclosure as a basis for precluding Marraccini's testimony, as well as the existence of the DVRO, stating:

> The second issue, Your Honor, deals with this California court restraining order. I think you have a copy of it. It's one of our trial exhibits. We have a court record from the State of California that prohibits Mr. Marraccini from being within a hundred yards of Ms. Owens. He's in violation of it right now. There is no exception for court appearances. She [Owens] is so terrified that she may not be able to sit here during this trial. Under the full faith and credit clause of the U.S. Constitution and also under federal law, this Court is required to enforce that order as it is written. You can't change it, you can't modify it, you can't disregard it. And[,] yet here we are.

97. Judge Mata affirmed her prior ruling allowing Marraccini to testify.

98. Marraccini was sworn to testify in court on June 10, 2024, but never testified.

Violations based on Respondent's Efforts to Preclude
Michael Marraccini from Testifying on June 10, 2024

99. Based on the conduct set forth above, Respondent violated ER 3.4(a) and ER 8.4(a) by unlawfully attempting to obstruct Clayton Echard's access to Marraccini's testimony, ER 4.4(a) by using means that had no substantial purpose other than to embarrass, delay or burden Echard or his counsel, and ER 8.4(d) by engaging in conduct prejudicial to the administration of justice.

Respondent's Disparaging Comments about
Maricopa County Superior Court Judge Julie Mata

100. All allegations set forth above are incorporated herein as if set forth in full.

101. Respondent knowingly made unprofessional, disparaging and inappropriate comments about Judge Mata's qualifications and/or integrity in documents filed with the court and in posts he made on social media account(s).

First Instance
(Judge Mata's Father's Attendance at the June 10, 2024 Hearing)

102. On July 8, 2024 (20 days after Judge Mata entered her *Under Advisement Ruling* regarding the June 10, 2024 hearing), Respondent filed a *Notice of Change of Judge for Cause; Memorandum & Affidavit in Support* (hereafter "*Notice of Change of Judge for Cause*"), which was unprofessional and

inappropriately disparaging of Judge Mata. For example, Respondent stated the following in the *Notice*:

> It is difficult to image [sic] a more disrespectful, disreputable, and disgraceful act for any judge to commit than inviting her father to attend a high-profile trial *in support of a party*, while also privately engaging in prohibited *ex parte* discussions about the case with her father.[4] <u>These actions made a mockery of these proceedings</u>. As shown in the video clips submitted herewith, Clayton's supporters *gleefully* celebrated Judge Mata's father's participation in the case, even going so far as to laughingly ask people not to spread information about his participation because, after all, "*We don't need a mistrial here*." For once, those followers were exactly right – the conduct of Judge Mata and her father absolutely warrant a mistrial (or more accurately, a retrial, before a different, unbiased judge).
>
> This shameful conduct [by Judge Mata] not only violated Laura [Owens]'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!*"
>
> Assuming the published allegations of Judge Mata are true (as documented, on video, by Clayton [Echard]'s own followers), this proves Judge Mata separately violated Rule 2.9(A) of the Code of Judicial Conduct. And Judge Mata's blatant, pervasive disregard for her ethical duties and her disrespect for Laura's fundamental rights helps explain the judge's numerous (and otherwise heretofore inexplicable) adverse rulings during this action.

(Italics, underline and parentheticals in original).

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[4] According to internet reports, Judge Mata's father attended the June 10, 2024 hearing over which Judge Mata presided, and was present in the overflow courtroom where the hearing was live-streamed.

Second Instance
("[S]crewed up" Form of Final Judgment)

103. Sometime prior to September 3, 2024 (which was during the pendency of Owens' appeal from Judge Mata's *Under Advisement Ruling* dated June 18, 2024), Respondent posted the following on his law firm's or personal blog, X (formerly Twitter) account and/or other social media:

104. Respondent's comment (above) pertained to Judge Mata's inadvertent reference to an incorrect Family Law rule regarding the final judgment language in her June 18, 2024 *Under Advisement Ruling* regarding the June 10, 2024 hearing (she referenced Rule 78(b) of the Arizona Rules of Family Law Procedure instead of Rule 78(c); she corrected that inadvertent error on February 18, 2025, after the Arizona Court of Appeals remanded the matter to superior court).

Third Instance
(Commission of Crime)

105. Sometime prior to September 3, 2024 (during the pendency of Owens' appeal), Respondent posted the following on his law firm's or personal blog, X

(formerly Twitter) account and/or other social media:

(Respondent's reference to Judge Mata committing a crime pertained to her alleged failure to enforce the DVRO against Marraccini by allowing him to attend the June 10, 2024 hearing and be within 100 yards of Owens).

Fourth Instance
(Internet Posting of "Public Warning – Judge Julie A. Mata")

106. On December 16, 2024, Respondent posted the following on his law office blog/website, which stated that "Google is not a valid legal source of evidence . . . . unless your case is assigned to Judge Mata":

Public Warning – Judge Julie A. Mata

David Gingras - December 16, 2024 - Uncategorized

Do you have a family law case in Maricopa County Superior Court? Is your case currently assigned to Judge Julie Ann Mata?

If so, please read this EXTREMELY important message.

If your family law case is currently assigned to Judge Mata, **you should immediately ask for your case to be reassigned to a new judge**. With only limited restrictions, the Arizona Rules of Family Law Procedure allow you to have a new judge assigned with virtually no questions asked. But you can lose this valuable right if you wait too long....so PLEASE, do yourself a favor — if your case is assigned to Judge Mata, you should consider immediately asking for a new judge.

Here's why — Judge Julie Mata has recently been accused of using ***Internet research*** to decide cases assigned to her. This is absolutely illegal and unethical, and it can lead to heartbreaking results for your family and loved ones.

In fact, in one recent complaint posted on TheRobingRoom.com, the author claims Judge Mata took his children away based on bogus information the judge found in a Google search. This is absolutely heartbreaking. And it's illegal.

Folks — it is BLATANTLY unlawful for a judge to decide your case based on something they found in an Internet search. This is a clear violation of both the United States Constitution and Rule 2.9 of the Arizona Code of Judicial Conduct. The law only permits a judge to decide your case based on admissible facts and evidence submitted in court.

Search

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David Gingras on LO v. CE – Into the Void

Google is not a valid legal source of evidence....unless your case is assigned to Judge Mata.

In fact, the Arizona Judicial Conduct Commission is currently investigating a complaint which accuses Judge Mata of making factual findings in a high profile case based solely on social media posts made after a hearing. You can read more about these serious allegations of misconduct against Judge Mata here and here. When the complaint against Judge Mata is resolved, we will report the outcome here.

So what can you do to protect your family and your rights? Simple — all you need to do is file a short document with the court to ask for a new judge. You DO NOT need to give any reasons or offer any proof to support your request. As long as you submit this form in a timely manner, you have the absolute right to one change of judge automatically.

David Gingras on LO v. CE – Into the Void

MAY 2025

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. . . .

UPDATE: 12/19/2024 [. . .]

. . . .

In addition, after Mr. Gingras reported Judge Mata's apparent misconduct to the Arizona Commission on Judicial Misconduct, the judge appeared to engage in one or more acts of retaliation against Mr. Gingras by, among other things, filing a frivolous bar complaint against him. Those separate retaliatory acts by Judge Mata have also been reported to the Commission on Judicial Conduct as an apparent violation of the Commission's rules which expressly forbid any acts of retaliation by a judge in response to a complaint.

Fifth Instance
(Judge Mata Does Not Care About the Rules)

107. On December 10, 2024, Respondent recorded a podcast in which he stated the following:

> At 27:25 minutes – "If Judge Mata was a person who cared about the rules, . . . she would have sanctioned [Echard's counsel] Woodnick for making a false statement about the law, and she could have referred him to the State Bar like she did with me."

Violations related to Respondent's Disparaging Comments about Judge Mata

108. Based on the conduct set forth above, Respondent violated ER 4.4(a) by using means that have no substantial purpose other than to embarrass or burden Judge Julie Mata, ER 8.2(a) by making a statement with reckless disregard as to its truth or falsity concerning Judge Mata's qualifications or integrity, ER 8.4(d) by engaging in conduct prejudicial to the administration of justice, and Rules 41(b)(3) and (7), Ariz. R. Sup. Ct., by failing to maintain the respect due to the court and Judge Mata and engaging in unprofessional conduct (including by making public statements about Judge Mata's qualifications or integrity that were objectively false or made with reckless disregard as to their truth or falsity).

Disparaging Comments about Members of the Public

109. All allegations set forth above are incorporated herein as if set forth in full.

110. On November 21, 2024, Respondent sent an email message to Laura Owens and copyright@reddit.com, in which he identified himself as a lawyer in Phoenix, Arizona representing Owens in her case against Echard.

111. That November 21, 2024 email message, which Respondent made available to Reddit employees when he sent it to copyright@reddit.com, stated in part:

> Clayton [Echard]'s fans are, generally speaking, *total fucking psychotic assholes*. . . .
>
> . . . .
>
> Clayton's fans, being the total fucking assholes that they are, have come up with a new plan . . ..

(Italics in original).

112. On December 4, 2024, Respondent filed a *Request for Subpoenas to Identify Infringers pursuant to 17 U.S.C. § 512(h); and Supporting Declaration* (hereafter "*Request for Subpoenas*"); Respondent included a copy of his November 21, 2024 email message as Exhibit A to that *Request for Subpoenas*.

Violation related to Respondent's Disparaging Comments
About Members of the Public

113. By engaging in the conduct set forth above, Respondent violated Rule 41(b)(7), Ariz. R. Sup. Ct., by engaging in unprofessional conduct.

Respondent's Meritless Claims, False Information in an Affidavit, and Presentation of Owens' False Testimony/Changing Version of Events

114. All allegations set forth above are incorporated herein as if set forth in full.

115. Echard's counsel deposed Laura Owens on March 1, 2024 (approximately three weeks before Owens hired Respondent).

116. During Owens' deposition, she testified that she had (a) an ultrasound performed at Planned Parenthood on July 7, 2023, in Mission Viejo, California; (b)

altered the California Planned Parenthood sonogram to say "SMIL" (Southwest Medical Imaging) instead of Planned Parenthood; (c) had gone to Planned Parenthood anonymously; (d) added her name to the sonogram; (e) not changed the date on the sonogram from July 2, 2023, to July 7, 2023; and (f) altered the sonogram at home using Adobe Acrobat.

117. On March 11, 2024, Echard's counsel filed a *Motion to Compel* the production of, among other things, the original records from "Planned Parenthood – Mission Viejo Health Center."

118. On March 25, 2024, Respondent sent an email message to Echard's counsel stating he would take a "trust but verify" approach with Owens, and that he would actively investigate every detail of what she had said, looking for information that contradicted her statements.

119. On March 27, 2024, Echard's counsel sent an email message to Respondent, stating that (a) Owens' prior counsel had presented records to the court (including medical records and letters from law firms) that were fabricated by Owens, (b) Owens had "misused court processes in multiple states to perpetuate the most bizarre of cons for relationships," and (c) four men had documented Owens faking pregnancies and fabricating medical records.

120. That March 27, 2024 letter from Echard's counsel placed Respondent on notice that he needed to be diligent in (a) ensuring that Owens was truthful about

her health, alleged pregnancy, medical records and events, and (b) determining whether any legitimate evidence existed reflecting that Owens was pregnant and that Echard was the father.

121. On April 4, 2024, Judge Mata signed an order granting Echard's *Motion to Compel*, directing Respondent to provide Echard with the following, among other things, by 5:00 p.m., April 19, 2024: "All medical records for Petitioner [Owens] from Planned Parenthood Mission Viejo from on or about July 7, 2023."

122. That April 4, 2024 order placed Respondent on notice that he had to diligently search for all of Owens' medical records at Planned Parenthood Mission Viejo from on or about July 7, 2023.

123. On April 10, 2024, Respondent reviewed Judge Mata's April 4, 2024 order and sent an email message to Owens regarding that order.

124. When Respondent asked Owens for information about the Planned Parenthood sonogram, she provided him with her username and password for her Planned Parenthood patient portal.

125. On April 15, 2024, at 1:55 p.m., Respondent logged in to Owens' Planned Parenthood patient portal.

126. When Respondent logged in to Owens' Planned Parenthood patient portal on April 15, 2024, records reflected that Owens had scheduled an appointment

at Planned Parenthood in California under her real name (apparently in late June 2023).

127. Owens' Planned Parenthood patient portal also reflected an appointment scheduled for July 2, 2023, at a Planned Parenthood location in Costa Mesa, California (located in Orange County).

128. Owens' Planned Parenthood portal did *not* reflect an appointment at a Planned Parenthood location in Los Angeles.

129. Although Respondent had checked Owens' Planned Parenthood portal on April 15, 2024, and knew it did not have records reflecting that Owens attended an appointment or had an ultrasound performed at the Mission Viejo location, he never took any steps to correct Owens' false deposition or June 10, 2024 hearing testimony that her ultrasound was performed in Mission Viejo or, additionally, in the case of the hearing, Los Angeles.

130. At some point in time, Respondent became aware that Echard's counsel had unsuccessfully sought copies of medical records pertaining to Owens from Planned Parenthood in Mission Viejo, California.

131. Upon learning that Echard's counsel had not obtained records from Planned Parenthood in Mission Viejo, Respondent was on notice that he needed to be more diligent and more closely scrutinize what Owens had told him.

132. Respondent was aware that Echard had alleged in his *Motion to Compel* that he (Echard or his counsel) had received confirmation from "nearly all providers" that Owens was never a patient of theirs.

133. That *Motion to Compel* placed Respondent on notice that he needed to be diligent in (a) ensuring that Owens was truthful about her health, alleged pregnancy, medical records and events and (b) determining whether any legitimate evidence existed reflecting that Owens was pregnant and that Echard was the father.

134. Respondent learned prior to the June 10, 2024 hearing that Owens had not gone to a Planned Parenthood office in Mission Viejo, California.

135. Prior to the June 10, 2024 hearing, Owens told Respondent that she had made appointments with Planned Parenthood in southern California on two consecutive weekends: June 23 to 25, 2023, and June 30 to July 2, 2023.

136. Owens admitted to Respondent that she had altered the sonogram prior to the date she hired him.

137. On April 15, 2024, Respondent sent a draft affidavit to Owens to review and sign, after which she informed him by email about some possible changes, including the following: "[M]aybe don't include the ultrasound since I tampered with the top? I don't want [Dr. Medchill, Owens' expert witness] to question me and my credibility based on that."

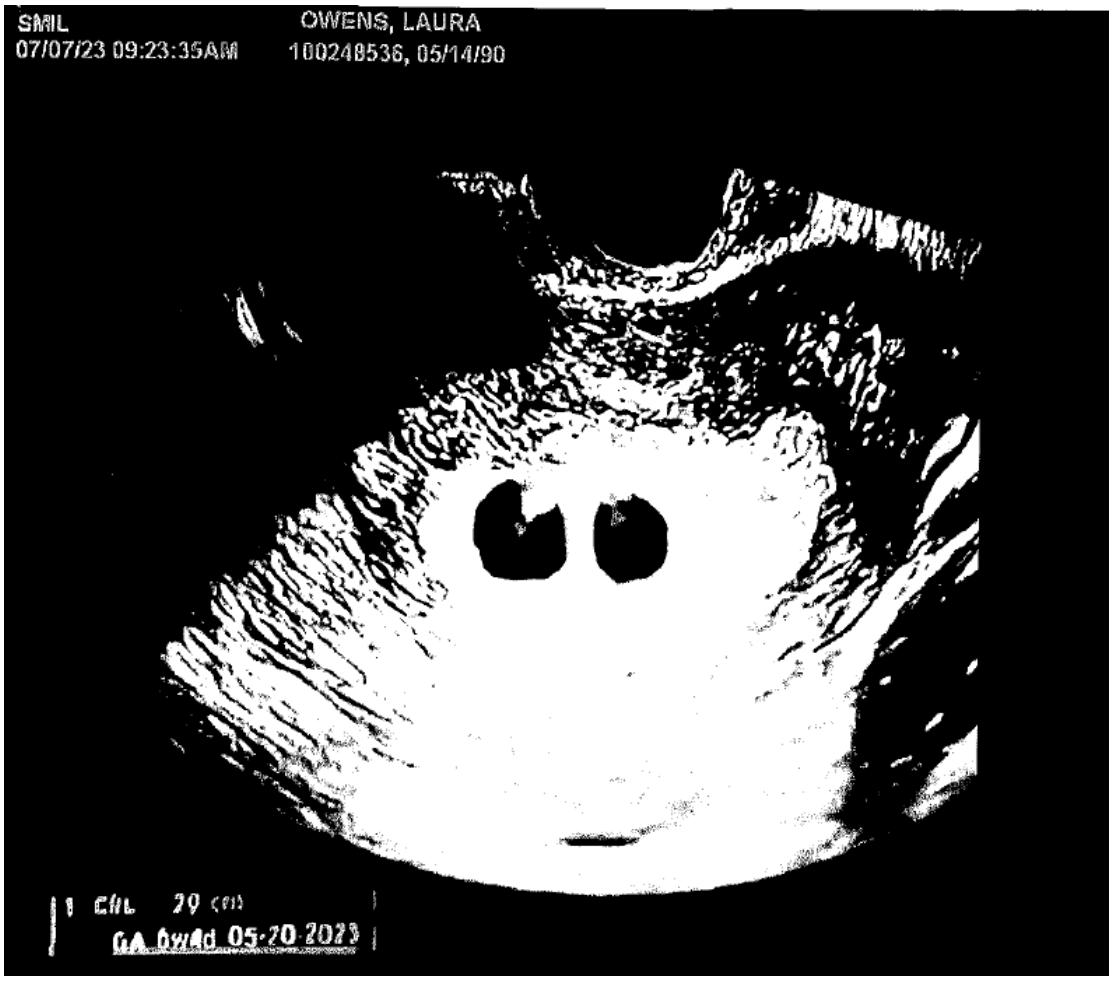
138. On April 16, 2024, Respondent discussed with Owens the draft affidavit he had sent to her on April 15, 2024.

139. Later on April 16, 2024, Owens executed the affidavit that Respondent had drafted, and which was attached to the April 26, 2024 *Response [to Respondent Echard's Amended Motion for Relief Based on Fraud*].

140. Owens' affidavit included an image of the altered sonogram and stated, in part:

> 28. On July 2, 2023, while traveling in southern California, I made an appointment with Planned Parenthood for the purpose of obtaining pills to medically terminate the pregnancy. . . .
>
> 29. My mother drove me to the Planned Parenthood location on July 2, 2023, but she did not come into the facility with me. . . .
>
> 30. I took a photo of the sonogram screen with my phone, but I did not want Clayton [Echard] to know where I had gone for the appointment. To conceal that information, I modified the image to change the facility name from Planned Parenthood to SMIL (Scottsdale Medical Imaging), and I also changed the date from July 2, 2023[,] to July 7, 2023. A copy of the modified sonogram image is shown below.

(Parenthetical in original).



> 31. Other than changing the top part of the image to alter the facility name and date, ***I did not change any other part of the image.***
> . . .

(Bold typeface and italics added).

141. Respondent subsequently learned that Owens had allegedly gone to Planned Parenthood in late June 2023, but took no steps to correct that false statement in her April 16, 2024 affidavit.

142. The sonogram that Owens claimed was from Planned Parenthood (shown above) includes her real name even though that sonogram was not a sonogram that resulted from an ultrasound that had been performed on Owens;

Owens stated in her affidavit under penalty of perjury, however, that she had not changed anything on the sonogram other than the name of facility and date.

143. During Owens' March 1, 2024 deposition, she testified that she went to Planned Parenthood anonymously, and that she later added her name to the sonogram; Respondent read Owens' March 1, 2024 deposition transcript on April 8, 2024.

144. Respondent became aware that Owens had falsely testified during her March 1, 2024 deposition that she obtained the ultrasound on July 7, 2023.

145. Owens told Respondent that she went to Planned Parenthood *anonymously* and then later, at the June 10, 2024 hearing, testified she went to Planned Parenthood using a *fake name*.

146. Based on Respondent's review of the transcript of Owens' March 1, 2024 deposition, he knew that Owens either (a) testified falsely at her deposition by stating she had gone to Planned Parenthood anonymously, and subsequently changed the name of the facility and added her name to the sonogram, but did not change the date on it or (b) signed a false affidavit, which he filed, that stated she altered only the facility name and date.

147. Respondent failed to take steps to address Owens' false testimony during her deposition or to address her false affidavit.

148. Respondent never obtained from Owens the original, unaltered sonogram that she allegedly obtained from Planned Parenthood in California.

149. Respondent failed to verify with Planned Parenthood whether it treats people anonymously, or people using fake names.

150. On April 18, 2024, Respondent sent an email message to Owens stating that he had told Echard's counsel that she went to Planned Parenthood on July 2, 2023, but that he had located an email message from her to Dr. Zieman dated June 28, 2023, stating that she had gone to Planned Parenthood the previous weekend.

151. On June 3, 2024, Cory Keith, the attorney who represented Owens immediately prior to Respondent's representation of her, filed a notice in the paternity case captioned as "*Ethical Rule 3.3 Notice of Candor*" (hereafter "*Notice of Candor*").

152. In that *Notice of Candor*, Attorney Keith stated that he told the Court the following at a status conference on February 21, 2024: "[Owens] has not lied in this case. She has not intentionally lied to the Court."

153. Attorney Keith stated in that *Notice of Candor* that at the time he made those statements, he believed them to be true.

154. Attorney Keith further stated in that *Notice of Candor* that based on Owens' March 1, 2024 deposition testimony, he no longer believed the statements he made on February 21, 2024, were true.

155. Attorney Keith summarized Owens' deposition testimony in that *Notice of Candor*.

156. Attorney Keith included evidence in that *Notice of Candor* establishing that Owens had testified falsely before Maricopa County Superior Court Commissioner Cynthia Gialketsis several months earlier in *Echard v. Owens*, No. CV2023-053952, an injunction against harassment proceeding.

157. Respondent failed to take steps to address Owens' false statement to Judge Gialketsis during the November 2, 2023 hearing on the petition for injunction against harassment.

158. Attorney Keith also noted in that *Notice of Candor* that Owens testified before Judge Gialketsis, among other things, that she had been seen by Dr. Higley "last Friday" (14:40 minutes into hearing), but stated during her March 1, 2024 deposition that she had an appointment with Dr. Higley, but did *not* attend the appointment.

159. At some point in time prior to the June 10, 2024 hearing, Owens admitted to Respondent that she incorrectly testified before Judge Gialketsis that she had just been seen by Dr. Higley "Last Friday," but in reality, had only made an appointment to see him.

160. Although Respondent was aware of the content of the *Notice of Candor*, he failed to diligently investigate and research Owens' statements to him, which he

presented to the Court.

161. Prior to June 10, 2024, Respondent reviewed (a) transcripts and video recordings of prior hearings, (b) Owens and Echard's deposition transcripts (taken before Owens hired Respondent), (c) the file maintained by Owens' second attorney (including documents he had prepared and filed), (d) the report prepared by Echard's expert witness, (e) disclosures made by Echard's counsel, (f) the medical records provided by Owens, and (g) possibly other records and information related to issues in the paternity case and related cases.

162. Based on the information that Respondent acquired during his representation of Owens, he was aware that Owens had (a) testified falsely before Judge Gialketsis, (b) made false statements during her deposition, (c) altered a sonogram (which he offered into evidence during the June 10, 2024 hearing), and/or (d) signed an affidavit that included false information, which was filed with the Court.

163. Respondent knew that Owens had not been truthful about facts material to the paternity case, but did not withdraw from the case or take sufficient steps to address Owens' false statements and the altered sonogram.

164. During that June 10, 2024 hearing, Owens testified on direct examination that she obtained a sonogram at Planned Parenthood in "California."

165. Owens testified on direct examination that she went to Planned Parenthood "under a fake name," which was contrary to her deposition testimony (that she went anonymously).

166. Respondent asked Owens on direct examination if she "change[d] the name at the top of the sonogram." Owens responded, "of the location, yes."

167. Owens testified on direct examination that the Planned Parenthood sonogram was obtained at "the end of June [2023]."

168. Owens admitted during cross-examination that she had stated during her deposition that the ultrasound had been performed in Mission Viejo on July 7, 2023.

169. Owens also testified during cross-examination that she had been staying in Mission Viejo during or about late June or early July 2023.

170. Owens further testified during cross-examination that she had changed the date on the sonogram from July 2, 2023, to July 7, 2023, and that the July 2, 2023 date was the correct date; that testimony conflicted with her deposition testimony when she stated she had not changed the date on the Planned Parenthood sonogram and her testimony during direct examination that the ultrasound was conducted in late June 2023.

171. During cross-examination, Echard's counsel reminded Owens that during direct examination by Respondent, she testified that she went to Planned

Parenthood under a fake name.

172. During cross-examination, Echard's counsel informed Owens that the Planned Parenthood office for Orange and San Bernado Counties (California) had submitted a letter noting that she had scheduled an appointment for July 2, 2023, but that the appointment was cancelled and that the ultrasound image she relied upon, which she claimed to have obtained from Planned Parenthood in Mission Viejo, was not consistent with ultrasound images from the Planned Parenthood offices in Orange and San Bernadino Counties.

173. Thereafter during cross-examination, Owens testified for the first time that her appointment was actually with Planned Parenthood in Los Angeles.

174. When asked during cross-examination when she went to Planned Parenthood in Los Angeles, Owens stated, "Exactly when I said I went. . . . July 2"; that testimony conflicted with her deposition testimony when she stated she had not changed the July 7, 2023 date on the Planned Parenthood sonogram and her testimony during direct examination that the ultrasound was conducted at the end of June 2023.

175. There was testimony presented during the June 10, 2024 hearing that Planned Parenthood requires patients to provide identification, and does not allow anyone to obtain services anonymously.

176. Respondent did not take any steps during direct or redirect examination to address Owens' false or inconsistent testimony (*e.g.*, the discrepancy between the date she testified to (i) during direct examination for the ultrasound (the end of June 2023); (ii) the date she stated during cross-examination (July 2 and 7, 2023); and the date she testified to during her deposition (July 7, 2023)).

Violations Related to Respondent's Pursuit of Meritless Claims, False Information in an Affidavit, and Presentation of Owens' False Testimony/Changing Version of Events

177. Based on the conduct set forth above, Respondent violated ER 1.3 by failing to act with reasonable diligence in representing Owens, ER 3.1 by asserting or controverting issues when he did not have a good faith basis in law and fact for doing so that was not frivolous, ER 3.3(a) and (b) by knowingly failing to take reasonable remedial measures when he knew that Owens intended to engage in, was engaging in or had engaged in criminal or fraudulent conduct related to the paternity case, ER 3.4(c) by knowingly disobeying an obligation under rules of the court, ER 8.4(c) by engaging in conduct involving dishonesty, fraud, deceit, or misrepresentation, ER 8.4(d) by engaging in conduct prejudicial to the administration of justice, and Rule 54(c), Ariz. R. Sup. Ct., by knowingly violating any rule or order of the court.

Non-Meritorious Appeal

178. All allegations set forth above are incorporated herein as if set forth in

full.

179. On September 5, 2024, Respondent filed a *Notice of Appeal* regarding the *Order re: Application for Attorneys' Fees and Costs* (*Owens v. Echard*, Arizona Court of Appeals No. 2 CA-CV 2024-0315).

180. On September 9, 2024, Respondent filed an *Amended Notice of Appeal* on Owens' behalf.

181. On November 14, 2024, Respondent filed an opening brief with Division Two of the Arizona Court of Appeals, which included non-meritorious arguments: (a) Respondent falsely asserted that Judge Mata ordered sanctions under Rule 26; (b) Respondent set forth scenarios that were not based on the facts, so they did not have any bearing on the propriety of the fees awarded; (c) Respondent failed to meaningfully challenge Judge Mata's findings of fact; and (d) Respondent's position on appeal was unreasonable, in part because his Rule 26 argument was not grounded in law or fact, and his assertion that Judge Mata was biased and committed structural error failed to meaningfully address her rulings and ignored applicable law.

182. On March 28, 2025, Division Two of the Arizona Court of Appeals issued a memorandum decision denying Owens' appeal.

183. The Court of Appeals' memorandum decision stated in part:

> . . . [W]e note that a significant portion of Owens' appellate argument relies on her incorrect assertion that the trial court ordered sanctions

under Rule 26. The court expressly awarded "attorney fees and costs" under A.R.S. §§ 25-324 and 25-415. . . .

. . . .

. . . [N]one of these scenarios posited by Owens have any bearing on the propriety of the fees awarded in this case, as that determination must be based not on conjecture, but on what actually occurred. . . .

. . . .

. . . The [superior] court also concluded that § 25-324(B) applied because Owens had "provided false testimony as to the viability of the pregnancy" and had sent Echard a letter prior to her deposition that "indicat[ed] her intention to sue him for 1.4 million dollars in collateral allegations unless he agreed to dismiss this action that she initiated."

On appeal, Owens does not meaningfully challenge these [superior court] findings but, instead, argues § 25-324 does not apply in paternity cases. . . .

. . . .

. . . Section 25-415(A)(3) states that "[t]he court shall sanction a litigant for costs and reasonable attorney fees incurred by an adverse party if the court finds that the litigant . . . [v]iolated a court order compelling disclosure or discovery."[5] Here, the court made such a finding; thus, it was required to sanction Owens for the costs and reasonable attorney fees Echard had incurred. Owens does not meaningfully challenge that finding. . . .

> [5] Section 25-415(A)(3) provides two exceptions: if "the court finds that the failure to obey the order was substantially justified or that other circumstances make an award of expenses unjust," it is not required to impose sanctions. The trial court made no such findings here.

. . . Owens's position on appeal is unreasonable. *See Magee*, 206 Ariz. 589, n.1. Her Rule 26 argument is not grounded in law or fact. Likewise, her assertion that the trial judge was biased and committed structural error does not meaningfully address the trial court's rulings

> below and also ignores the applicable jurisprudence. We therefore award Echard his reasonable attorney fees and costs on appeal . . . .

(Some brackets in original).

Violations Related to the Non-Meritorious Appeal

184. By engaging in the conduct set forth above, Respondent violated ER 1.3 by failing to act with reasonable diligence in representing Owens, ER 3.1 by asserting or controverting issues on appeal when he did not have a good faith basis in law and fact for doing so that was not frivolous, and ER 8.4(d) by engaging in conduct prejudicial to the administration of justice.

DATED this 17th day of February, 2026.

STATE BAR OF ARIZONA

/s/ James D. Lee
James D. Lee
Craig Henley
Senior Bar Counsel

Original filed with the Disciplinary Clerk of
the Office of the Presiding Disciplinary Judge
of the Supreme Court of Arizona
this 17th day of February, 2026.

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

FILED
09/15/2025
/s/HMcCullough

BEFORE THE ATTORNEY DISCIPLINE PROBABLE CAUSE COMMITTEE OF THE SUPREME COURT OF ARIZONA

IN THE MATTER OF A MEMBER OF THE STATE BAR OF ARIZONA, **DAVID S. GINGRAS** **Bar No. 021097** Respondent.	**No. 24-1692** **PROBABLE CAUSE ORDER**

The Attorney Discipline Probable Cause Committee of the Supreme Court of Arizona ("Committee") reviewed this matter on September 12, 2025, pursuant to Rules 50 and 55, Ariz. R. Sup. Ct., for consideration of the State Bar's Report of Investigation and Recommendation.

By a vote of 7-0-2[1], the Committee finds probable cause exists to file a complaint against Respondent in File No. 24-1692.

IT IS THEREFORE ORDERED pursuant to Rule 55(c) and 58(a), Ariz. R. Sup. Ct., authorizing the State Bar counsel to prepare and file a complaint with the Disciplinary Clerk.

Parties may not file motions for reconsideration of this Order.

DATED this 15th day of September, 2025.

Judge Cynthia Bailey,
Chair, Attorney Discipline Probable Cause Committee of the Supreme Court

[1] Committee member Kent Volkmer and Kileen Lindgren did not participate in this matter.

Original filed this 15th day
of September, 2025, with:

Lawyer Regulation Records Manager
State Bar of Arizona
4201 North 24th Street, Suite 100
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Copy emailed this 16th day
of September, 2025, to:

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Respondent

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

FILED
09/15/2025
/s/HMcCullough

BEFORE THE ATTORNEY DISCIPLINE PROBABLE CAUSE COMMITTEE OF THE SUPREME COURT OF ARIZONA

IN THE MATTER OF A MEMBER OF THE STATE BAR OF ARIZONA, **DAVID S. GINGRAS** **Bar No. 021097** Respondent.	**No.** 24-1826 **PROBABLE CAUSE ORDER**

The Attorney Discipline Probable Cause Committee of the Supreme Court of Arizona ("Committee") reviewed this matter on September 12, 2025, pursuant to Rules 50 and 55, Ariz. R. Sup. Ct., for consideration of the State Bar's Report of Investigation and Recommendation.

By a vote of 7-0-2[1], the Committee finds probable cause exists to file a complaint against Respondent in File No. 24-1826.

IT IS THEREFORE ORDERED pursuant to Rule 55(c) and 58(a), Ariz. R. Sup. Ct., authorizing the State Bar counsel to prepare and file a complaint with the Disciplinary Clerk.

Parties may not file motions for reconsideration of this Order.

DATED this 15th day of September, 2025.

Cindy Bailey

_____
Judge Cynthia Bailey,
Chair, Attorney Discipline Probable Cause Committee of the Supreme Court

[1] Committee member Kent Volkmer and Kileen Lindgren did not participate in this matter.

Original filed this 15th day of
September, 2025, with:

Lawyer Regulation Records Manager
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By:*/s/Melissa Duarte*
JDL/md

FILED
09/15/2025
/s/HMcCullough

BEFORE THE ATTORNEY DISCIPLINE PROBABLE CAUSE COMMITTEE OF THE SUPREME COURT OF ARIZONA

IN THE MATTER OF A MEMBER OF THE STATE BAR OF ARIZONA, **DAVID S. GINGRAS** **Bar No. 021097** Respondent.	**No.** 24-2483 **PROBABLE CAUSE ORDER**

The Attorney Discipline Probable Cause Committee of the Supreme Court of Arizona ("Committee") reviewed this matter on September 12, 2025, pursuant to Rules 50 and 55, Ariz. R. Sup. Ct., for consideration of the State Bar's Report of Investigation and Recommendation.

By a vote of 7-0-2[1], the Committee finds probable cause exists to file a complaint against Respondent in File No. 24-2483.

IT IS THEREFORE ORDERED pursuant to Rule 55(c) and 58(a), Ariz. R. Sup. Ct., authorizing the State Bar counsel to prepare and file a complaint with the Disciplinary Clerk.

Parties may not file motions for reconsideration of this Order.

DATED this 15th day of September, 2025.

Cindy Bailey

_____
Judge Cynthia Bailey,
Chair, Attorney Discipline Probable Cause Committee of the Supreme Court

[1] Committee member Kent Volkmer and Kileen Lindgren did not participate in this matter.

Original filed this 15th day of
September, 2025, with:

Lawyer Regulation Records Manager
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Copy emailed this 16th day
of September, 2025, to:

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

FILED
09/15/2025
/s/HMcCullough

BEFORE THE ATTORNEY DISCIPLINE PROBABLE CAUSE COMMITTEE OF THE SUPREME COURT OF ARIZONA

IN THE MATTER OF A MEMBER OF THE STATE BAR OF ARIZONA, **DAVID S. GINGRAS** **Bar No. 021097** Respondent.	**No.** 24-2819 **PROBABLE CAUSE ORDER**

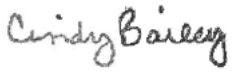
The Attorney Discipline Probable Cause Committee of the Supreme Court of Arizona ("Committee") reviewed this matter on September 12, 2025, pursuant to Rules 50 and 55, Ariz. R. Sup. Ct., for consideration of the State Bar's Report of Investigation and Recommendation.

By a vote of 7-0-2[1], the Committee finds probable cause exists to file a complaint against Respondent in File No. 24-2819.

IT IS THEREFORE ORDERED pursuant to Rule 55(c) and 58(a), Ariz. R. Sup. Ct., authorizing the State Bar counsel to prepare and file a complaint with the Disciplinary Clerk.

Parties may not file motions for reconsideration of this Order.

DATED this 15th day of September, 2025.



Judge Cynthia Bailey,
Chair, Attorney Discipline Probable Cause Committee of the Supreme Court

[1] Committee member Kent Volkmer and Kileen Lindgren did not participate in this matter.

Original filed this 15th day
of September, 2025, with:

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

Copy emailed this 16th day
of September, 2025, to:

David S. Gingras
Gingras Law Office, PLLC
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Respondent

Attorney Discipline Probable Cause Committee
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By:*/s/Melissa Duarte*
JDL/md

FILED
09/15/2025
/s/HMcCullough

BEFORE THE ATTORNEY DISCIPLINE PROBABLE CAUSE COMMITTEE OF THE SUPREME COURT OF ARIZONA

IN THE MATTER OF A MEMBER OF THE STATE BAR OF ARIZONA, **DAVID S. GINGRAS** **Bar No. 021097** Respondent.	**No.** 24-3080 **PROBABLE CAUSE ORDER**

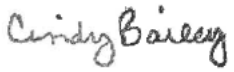
The Attorney Discipline Probable Cause Committee of the Supreme Court of Arizona ("Committee") reviewed this matter on September 12, 2025, pursuant to Rules 50 and 55, Ariz. R. Sup. Ct., for consideration of the State Bar's Report of Investigation and Recommendation.

By a vote of 7-0-2[1], the Committee finds probable cause exists to file a complaint against Respondent in File No. 24-3080.

IT IS THEREFORE ORDERED pursuant to Rule 55(c) and 58(a), Ariz. R. Sup. Ct., authorizing the State Bar counsel to prepare and file a complaint with the Disciplinary Clerk.

Parties may not file motions for reconsideration of this Order.

DATED this 15th day of September, 2025.



Judge Cynthia Bailey,
Chair, Attorney Discipline Probable Cause Committee of the Supreme Court

[1] Committee member Kent Volkmer and Kileen Lindgren did not participate in this matter.

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Respondent

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

FILED
09/15/2025
/s/HMcCullough

BEFORE THE ATTORNEY DISCIPLINE PROBABLE CAUSE COMMITTEE OF THE SUPREME COURT OF ARIZONA

IN THE MATTER OF A MEMBER OF THE STATE BAR OF ARIZONA, **DAVID S. GINGRAS** **Bar No. 021097** Respondent.	**No.** 25-1230 **PROBABLE CAUSE ORDER**

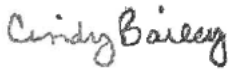
The Attorney Discipline Probable Cause Committee of the Supreme Court of Arizona ("Committee") reviewed this matter on September 12, 2025, pursuant to Rules 50 and 55, Ariz. R. Sup. Ct., for consideration of the State Bar's Report of Investigation and Recommendation.

By a vote of 7-0-2[1], the Committee finds probable cause exists to file a complaint against Respondent in File No. 25-1230.

IT IS THEREFORE ORDERED pursuant to Rule 55(c) and 58(a), Ariz. R. Sup. Ct., authorizing the State Bar counsel to prepare and file a complaint with the Disciplinary Clerk.

Parties may not file motions for reconsideration of this Order.

DATED this 15th day of September, 2025.



Judge Cynthia Bailey,
Chair, Attorney Discipline Probable Cause Committee of the Supreme Court

[1] Committee member Kent Volkmer and Kileen Lindgren did not participate in this matter.

Original filed this 15th day of
September, 2025, with:

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Respondent

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By:*/s/Melissa Duarte*
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