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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

**EXPEDITED MOTION TO
QUASH DEPOSITION
SUBPOENA TO MARKUS
RISINGER**

State Bar Nos. 24-1692, 24-1826, 24-
2483, 24-2819, 24-3080, and 25-1230

Pursuant to Ariz. R. Civ. P. 7.1(a), incorporated into disciplinary proceedings by Ariz. R. Sup. Ct. 48(b), and Ariz. R. Sup. Ct. 47(h)(3), the State Bar moves to quash the deposition subpoena Respondent had issued for Markus Risinger because: (1) Respondent obtained neither the State Bar's consent to, nor an order from the Presiding Disciplinary Judge ("PDJ") for, the deposition; and (2) the subpoena does not provide a reasonable time for compliance.

A. Respondent Is Not Entitled to Mr. Risinger's Deposition.

Markus Risinger is a third-party witness in this matter. Mr. Risinger was Respondent's opposing counsel in the appeal that forms the basis for certain

alleged ethical violations. *See, e.g.*, Appellee’s Answering Brief (Exhibit 143 to Respondent’s Request for Judicial Notice, filed Mar. 18, 2026).

Under Ariz. R. Civ. P. 30(a)(1)—incorporated into disciplinary proceedings by Ariz. R. Sup. Ct. 48(b), Ariz. R. Sup. Ct. 58(f), and the PDJ’s Initial Case Management and Sealing Order—parties may depose third party fact witnesses *only* if “all parties agree or the court orders.” The State Bar has not agreed to the deposition and Respondent has neither sought nor obtained an order from the PDJ authorizing it. The deposition subpoena, therefore, is unauthorized and should be quashed.

The State Bar does not agree to the deposition of Mr. Risinger because it does not believe a deposition is necessary, and the State Bar has concerns about the manner in which Respondent plans to conduct this deposition. Although this matter has been pending for over seven months, Respondent raises his desire to depose Mr. Risinger with the State Bar this Monday afternoon, stating:

I am attempting to obtain information from Markus Risinger (cc’d here) who, as you may recall, was Clayton Echard’s appellate counsel. This is necessary to address your ER 1.3, 3.1 and 8.4(d) claims as the relate to the appeal being frivolous.

I have asked Mr. Risinger to voluntarily provide the information I need (which is extremely limited). Thus far, he has indicated he is unable to comply with my request in a timely manner due to travel. I am hopeful Mr. Risinger is not intentionally avoiding cooperating with my request, but given the history, I can’t assume that’s the case.

In an abundance of caution, I may need to depose Mr. Risinger if he continues to avoid answering my questions voluntarily. For everyone's convenience, the deposition would be done via Zoom and would be videorecorded. I assume the deposition will take an hour, or possibly less depending on the level of witness candor.

Because I need to plan ahead, please let me know if you are (or are not) available any specific days next week. I am happy to suggest a starting time of *either* 10 AM or 2 PM, any day Monday through Friday. Once you let me know what day works best for you, I will have a subpoena issued for Mr. Risinger so that we can proceed promptly if he declines voluntary cooperation.

Exhibit A. Respondent did not provide to the State Bar his communications with Mr. Risinger or state when he requested such information, nor did Respondent provide the State Bar a reasonable opportunity to respond or to attempt to work with Mr. Risinger regarding the information Respondent was requesting. Instead, less than 48 hours later, Respondent simply requested subpoenas from the Disciplinary Clerk.¹

After the Disciplinary Clerk issued the deposition subpoena for Mr. Risinger, Respondent emailed Mr. Risinger, in part:

Attached are two subpoenas for you. One requires your personal appearance at the trial in January 2027, and the other requires you to appear for a deposition via Zoom next Thursday, October 9, 2026 at 10 AM.

To be clear – this date is a placeholder. We can move it if needed.

If you are not available that day, I will gladly work with you to move the date to a time when you are available. However, if you tell me you are not available on October 9th, you must provide alternative

¹ The State Bar has since confirmed with Mr. Risinger that he is out of town.

days/times when you are available. If you decline to do so, then I will proceed on October 9th.

Also, it is entirely possible that you will NOT need to appear in January. *The answer depends on how truthful and candid you are in your deposition. If you tell the truth, the deposition will be extremely short and will likely eliminate any need for you to testify in January. On the other hand, if you are evasive, this process will take a lot longer and will be more difficult.* I really hope we can avoid that.

...

At the end of the day, *your deposition could be over in 5 minutes if you just tell the truth and acknowledge there is no basis to claim I violated any ethical rule during the appeal.*

On the other hand, if you want to try and support that argument, that's fine. You are just going to have to support it with actual facts, not conclusory statements.

Either way, if you are OK accepting these subpoenas via email, please let me know. Absent an affirmative response, I'll go ahead and complete personal service.

Exhibit B. Respondent's implication that Mr. Risinger would lie under oath is without basis, and his suggestion that he will continue the deposition until Mr. Risinger gives Respondent the testimony he wants is completely inappropriate. For these reasons, the State Bar is not willing to consent to Mr. Risinger's deposition at this time.

B. The Subpoena Does Not Provide a Reasonable Time for Compliance.

Even if Respondent were deemed authorized to depose Mr. Risinger without the consent of the State Bar or an order from the PDJ, the subpoena does not provide a reasonable time for compliance. The subpoena was issued on September

30, 2026 for a deposition seven business days later—October 9, 2026. As noted above, Mr. Risinger is out of town presently. Even if Respondent were to effectuate service today, seven days is not a reasonable time for compliance. Under Ariz. R. Civ. P. 30(b)(1), for example, a notice of deposition to persons that a party is entitled to depose must be served “at least 10 days before the date of the deposition.” Under Ariz. R. Civ. P. 6(a)(2), incorporated into disciplinary proceedings by Ariz. R. Sup. Ct. 47(k) and 48(b), that is 10 *court* days. The State Bar also disputes that Respondent reasonably attempted to coordinate with the State Bar regarding deposition scheduling, as is required under Ariz. R. Sup. Ct. 41(c). Respondent emailed the State Bar Monday afternoon asking that the State Bar provide dates *next week only*, and then unilaterally picked a date and time less than 48 hours later. The State Bar recognizes its obligation to work with Respondent and intends to do so, but in the last 10 days, Respondent has filed two discovery motions and a motion in limine, served two Rule 11 letters on the State Bar, asked the State Bar to sit for a 30(b)(6) deposition, and raised this issue regarding Mr. Risinger’s testimony. The State Bar cannot respond immediately to every request it receives from Respondent.

CONCLUSION

For the foregoing reasons, the State Bar respectfully requests that the PDJ quash the deposition subpoena to Markus Risinger.

DATED this 30th day of September 2026.

STATE BAR OF ARIZONA

/s/ Craig D. Henley

Craig D. 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 30th day of September 2026.

Copy of the foregoing e-mailed
this 30th 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
E-mail: officepdj@courts.az.gov

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

Markus W. Risinger
Woodnick Law, PLLC
1747 E. Morten Avenue, Suite 205
Phoenix, AZ 85020
Email: markus@woodnicklaw.com

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

by: /s/Jackie Brokaw
CDH/jlb

Exhibit A

From: [David Gingras](#)
To: [Jim Lee](#); [Craig Henley](#); [Markus Risinger](#)
Cc: [Lori Palmer](#); [Jackie Brokaw](#); [Delainey Eatman](#)
Subject: RE: PDJ 2026-9010
Date: Monday, September 28, 2026 1:06:12 PM

Jim/Craig,

I am attempting to obtain information from Markus Risinger (cc'd here) who, as you may recall, was Clayton Echard's appellate counsel. This is necessary to address your ER 1.3, 3.1 and 8.4(d) claims as they relate to the appeal being frivolous.

I have asked Mr. Risinger to voluntarily provide the information I need (which is extremely limited). Thus far, he has indicated he is unable to comply with my request in a timely manner due to travel. I am hopeful Mr. Risinger is not intentionally avoiding cooperating with my request, but given the history, I can't assume that's the case.

In an abundance of caution, I may need to depose Mr. Risinger if he continues to avoid answering my questions voluntarily. For everyone's convenience, the deposition would be done via Zoom and would be videorecorded. I assume the deposition will take an hour, or possibly less depending on the level of witness candor.

Because I need to plan ahead, please let me know if you are (or are not) available any specific days next week. I am happy to suggest a starting time of *either* 10 AM or 2 PM, any day Monday through Friday. Once you let me know what day works best for you, I will have a subpoena issued for Mr. Risinger so that we can proceed promptly if he declines voluntary cooperation.

Thanks.

David Gingras, Esq.
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Fax: (480) 248-3196



Beware External Email - Think Before You Act

Links and attachments should not be opened unless expected or verified

Exhibit B

From: [David Gingras](#)
To: [Markus Risinger](#)
Cc: [Jim Lee](#); [Craig Henley](#); [Odalys LeonValdez](#); [Jackie Brokaw](#)
Subject: FW: Gingras matter PDJ 2026-9010
Date: Wednesday, September 30, 2026 10:58:44 AM
Attachments: [image002.png](#)
[image001.png](#)
[ISSUED Depo Subpoena - Risinger PDJ2026-9010.pdf](#)
[ISSUED Trial Subpoena - Risinger PDJ2026-9010.pdf](#)
[148 - PetitionforReview.pdf](#)
[149 - ResponsePetitionforReview.pdf](#)
[142 - Appellants Opening Brief.pdf](#)
[143 - Answering Brief.pdf](#)
[144 - Appellant's Reply.pdf](#)
[145 - Memorandum Decision.pdf](#)
[146 - Motion for Reconsideration.pdf](#)
[147 - Response to Motion for Reconsideration.pdf](#)

Markus,

Bar counsel has not responded to my request to pick dates for your deposition, so I am proceeding without their input.

Attached are two subpoenas for you. One requires your personal appearance at the trial in January 2027, and the other requires you to appear for a deposition via Zoom next Thursday, October 9, 2026 at 10 AM.

To be clear – **this date is a placeholder**. We can move it if needed.

If you are not available that day, I will gladly work with you to move the date to a time when you are available. However, if you tell me you are not available on October 9th, you must provide alternative days/times when you are available. If you decline to do so, then I will proceed on October 9th.

Also, it is entirely possible that you will NOT need to appear in January. The answer depends on how truthful and candid you are in your deposition. If you tell the truth, the deposition will be extremely short and will likely eliminate any need for you to testify in January. On the other hand, if you are evasive, this process will take a lot longer and will be more difficult. I really hope we can avoid that.

On that note, I want you to be fully prepared for your depo, so please review all of the appellate pleadings so you can be prepared to discuss them in detail.

Also, I already explained some of the areas of questioning I need to cover. Here's part of that:

1. If your Answering Brief, you asked for an award of attorney's fees based on a claim: "Owens has maintained unreasonable positions throughout the proceedings." You then represented to the Court of Appeals: "her appeal mostly seeks to misdirect this Court with incomplete, inaccurate, and sometimes even substituted recitations of the record and precedents." But you offered no detail to support that claim. Now's your chance to do that.

Identify every "incomplete, inaccurate" or "substituted recitations of the record and precedents" that you referred to in this statement.

2. In granting your request for fees, the Court of Appeals stated: "Owens's position on appeal is unreasonable. ... Her Rule 26 argument is not grounded in law or fact."

In light of that statement, which was made in response to your request for fees:

- a. List every fact which I asserted in the appeal which was not grounded.
 - b. List every legal argument I asserted in the appeal which was not grounded.
3. On page 39 of your Answering Brief, you represented to the Court of Appeals that Laura had admitted "providing Clayton a seven-year-old sonogram video of twins she obtained online months earlier."

At the time you made that representation, you cited Judge Mata's ruling which stated: "Petitioner provided Respondent with a sonogram that was posted on YouTube seven years ago. Petitioner admitted to this during her deposition."

Although Judge Mata's ruling DOES contain that language, you knew that aspect of Judge Mata's ruling was false, because

Laura did NOT admit to sending the video *in her deposition*; she denied that allegation.

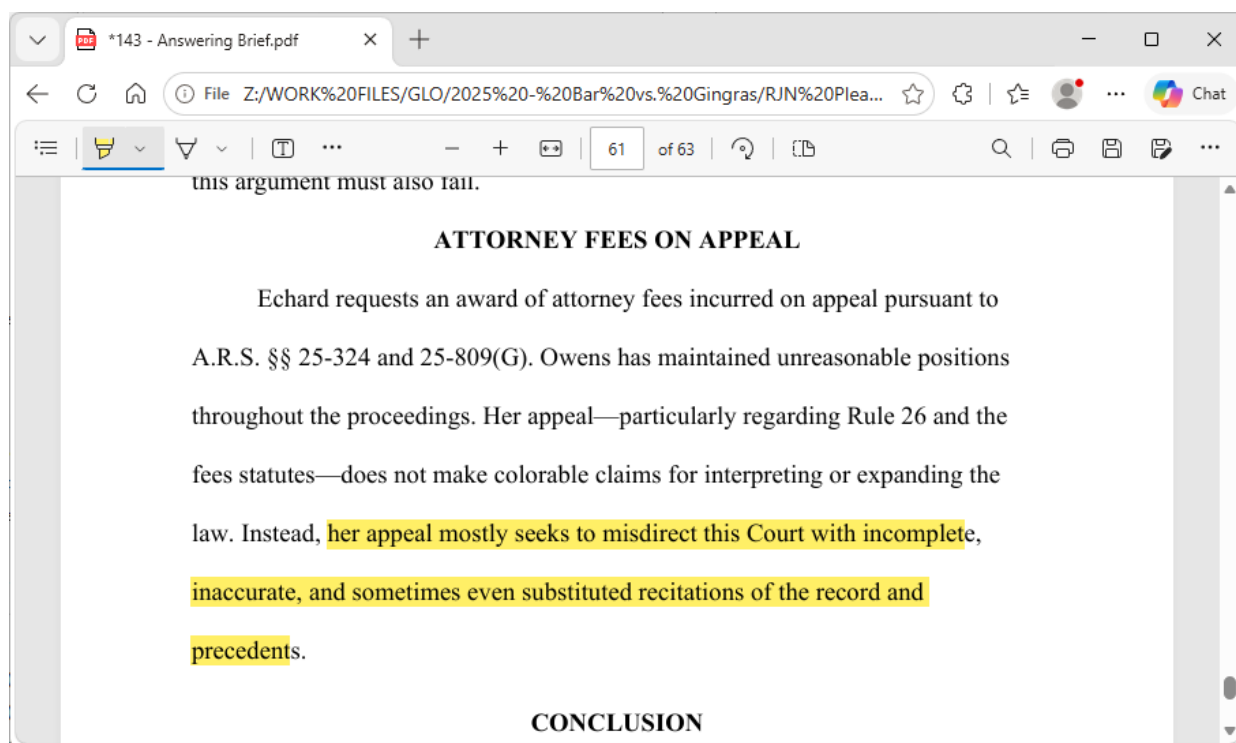
Why did you make a statement to the Court of Appeals that you knew was false?

Why did you take no steps to correct a statement that you knew was false after you made it?

At the end of the day, your deposition could be over in 5 minutes if you just tell the truth and acknowledge there is no basis to claim I violated any ethical rule during the appeal.

On the other hand, if you want to try and support that argument, that's fine. You are just going to have to support it with actual facts, not conclusory statements.

Either way, if you are OK accepting these subpoenas via email, please let me know. Absent an affirmative response, I'll go ahead and complete personal service.



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From: Presiding Disciplinary Judge Office <OfficePDJ@courts.az.gov>

Sent: Wednesday, September 30, 2026 10:07 AM

To: David Gingras <david@gingraslaw.com>

Cc: Jim Lee <Jim.Lee@staff.azbar.org>; Craig.Henley@staff.azbar.org; lro <lro@staff.azbar.org>; Jackie.Brokaw <Jackie.Brokaw@staff.azbar.org>; Odalys.LeonValdez <odalys.leonvaldez@staff.azbar.org>

Subject: RE: Gingras matter PDJ 2026-9010

Attached are the issued subpoenas.
Thank you.

Celina Lopez
Disciplinary Clerk
Supreme Court of Arizona
celopez@courts.az.gov



From: David Gingras <david@gingraslaw.com>
Sent: Wednesday, September 30, 2026 9:41 AM
To: Presiding Disciplinary Judge Office <OfficePDJ@courts.az.gov>
Cc: Jim Lee <Jim.Lee@staff.azbar.org>; Craig.Henley@staff.azbar.org; Iro <Iro@staff.azbar.org>; Jackie Brokaw <Jackie.Brokaw@staff.azbar.org>; Odalys LeonValdez <odalys.leonvaldez@staff.azbar.org>
Subject: RE: Gingras matter PDJ 2026-9010

Ms. Lopez,

Attached are two subpoenas for issuance.

Also, I apologize for requesting a read receipt, but I appear to be having some issues with emails being received, so I need to verify receipt until that issue is resolved.

Thank you.

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Beware External Email - Think Before You Act

Links and attachments should not be opened unless expected or verified