

10-6-2026

Craig D. Henley, Bar No. 018801
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.

PDJ 2026-9010

**STATE BAR'S RESPONSE TO
RESPONDENT'S SECOND MOTION
TO OBTAIN DISCOVERY BEYOND
TIER LIMITS**

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

The State Bar opposes Respondent's *Second Motion to Obtain Discovery Beyond Tier Limits*. To the extent Respondent urges the Presiding Disciplinary Judge ("PDJ") to increase the tier limits generally, those issues have been fully briefed in connection with Respondent's first *Motion to Change Discovery Tier*, filed September 17, 2026. Respondent's *Second Motion* does not raise any new arguments under Ariz. R. Civ. P. 26.2(c) or 26(b)(1), so the determination regarding the appropriate discovery tier should be addressed and resolved in connection with Respondent's first *Motion*.

To the extent Respondent's *Second Motion* can be construed as a request to order the State Bar to respond to his "simple" interrogatories, irrespective of the discovery tier, there are several reasons to deny Respondent's request.

As an initial matter, much of Respondent's argument about the alleged need for these discovery responses relates to the alleged violation of Rule 42, Ariz. R. Sup. Ct., ER 3.6, *see Mot.* at 3-5. That claim has since been dismissed. *See Order Dismissing Certain Allegations*, filed Sept. 25, 2026.

To the extent Respondent contends that he needs the discovery responses to understand the State Bar's allegations that Respondent knowingly presented false testimony and/or evidence, and failed to diligently investigate the facts, the State Bar notes that, in addition to the State Bar having provided over 60 paragraphs of allegations in its Amended Complaint on these issues (§§ 114-76), the State Bar will soon be filing its response to Respondent's Motion for Summary Judgment, which will provide further details, analysis, and citations to evidence supporting this claim.

The State Bar has disclosed all witnesses and evidence it may present in support of its claims and will continue to supplement as appropriate.

What Respondent seeks is for the State Bar to provide a detailed recitation of every conceivable point the State Bar may make at trial. Respondent is not entitled to that. *See, e.g., Ritchie Risk-Linked Strategies Trading (Ireland), Ltd. v. Coventry First LLC*, 273 F.R.D. 367, 369 (S.D.N.Y. 2010) (finding that interrogatories

seeking “every fact, every piece of evidence, every witness, and every application of law to fact” were overly broad and unduly burdensome, and that the plaintiffs “should not be ‘required to parse through documents that have already been produced to defendants, which defendants are in a position to review themselves, in order to explain the obvious.’” (citation omitted)); *Lawrence v. First Kansas Bank & Trust Co.*, 169 F.R.D. 657, 660-64 (D. Kan. 1996) (explaining why interrogatories seeking “all” facts and “all” documents supporting certain allegations in pleadings are excessive and sustaining the objections to such requests).

The State Bar also disputes that Respondent’s proposed discovery contains just seven interrogatories. *See, e.g., Ritchie Risk-Linked Strategies Trading (Ireland), Ltd.*, 273 F.R.D. at 369 (finding that many of the interrogatories “which contained multiple subparts requesting that Plaintiffs identify all factual, evidentiary, and legal bases for their contentions in th[e] lawsuit ... amount essentially to discrete questions in and of themselves”); *Ulibarri v. City & County of Denver*, No. 07-cv-1814-WDM-MJW, 2008 WL 4861925, at *1 (D. Colo. Nov. 10, 2008) (finding that interrogatory requests that included “requests for identification of witnesses and documents” were “distinct subparts”).

To the extent Respondent seeks an advanced ruling on whether his proposed interrogatories are objectionable, such a request is improper. Under Ariz. R. Civ. P. 33(b)(1), incorporated into disciplinary proceedings by Ariz. R. Sup. Ct. 48(b) and

58(f), the State Bar will have until 30 days after service to state the grounds for any objections to the interrogatories. Given these timeframes, Respondent's delay in seeking increased discovery is another reason to deny his *Second Motion*. As the State Bar noted in its response to Respondent's first *Motion*, the State Bar's draft of the joint pretrial statement is due to Respondent on November 25, 2026.

For all the foregoing reasons, Respondent's *Second Motion to Obtain Discovery Beyond Tier Limits* should be denied.

DATED this 6th day of October 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 6th day of September 2026.

Copy of the foregoing emailed
this 6th 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
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
Email: LRO@staff.azbar.org

by: /s/Melissa Duarte
CDH/md