

FL-303

<p>PARTY WITHOUT ATTORNEY OR ATTORNEY</p> <p>NAME: Omar Raul Serrato</p> <p>FIRM NAME: The Eagle Law Firm</p> <p>STREET ADDRESS: [REDACTED]</p> <p>CITY: [REDACTED]</p> <p>TELEPHONE NO.: [REDACTED]</p> <p>E-MAIL ADDRESS: [REDACTED]</p> <p>ATTORNEY FOR (name): Michael Marraccini</p> <p>STATE BAR NUMBER: 295975</p> <p>STATE: CA ZIP CODE: [REDACTED]</p> <p>FAX NO.: [REDACTED]</p> <p>SUPERIOR COURT OF CALIFORNIA, COUNTY OF San Francisco</p> <p>STREET ADDRESS: 400 McAllister St.</p> <p>MAILING ADDRESS:</p> <p>CITY AND ZIP CODE: San Francisco 94102</p> <p>BRANCH NAME: Civic Center Courthouse</p> <p>PETITIONER: Laura Owens</p> <p>RESPONDENT: Michael Marraccini</p> <p>OTHER PARENT/PARTY:</p>	<p>FOR COURT USE ONLY</p> <p>FILED</p> <p>Superior Court of California County of San Francisco</p> <p>OCT 01 2025</p> <p>CLERK OF THE COURT</p> <p>BY: <i>[Signature]</i> Deputy Clerk</p> <p>CASE NUMBER: FDV-18-813693</p>
<p>DECLARATION REGARDING NOTICE AND SERVICE OF REQUEST FOR TEMPORARY EMERGENCY (EX PARTE) ORDERS</p>	

NOTICE: Do not use this form to ask for domestic violence restraining orders. Before completing this form, read your court's local procedures for requesting temporary emergency orders and obtaining the information needed to complete item 2 of this form. Courts may grant temporary emergency orders with or without an emergency hearing. Find local rules at courts.ca.gov/3027.htm.

1. I am (specify) ☒ attorney for ☐ petitioner ☒ respondent ☐ other parent/party
☐ not a party in the case (name and title/relationship to party):
2. I ☒ did ☐ did not give notice (select all that apply):
 - ☒ that there will be an emergency court hearing ☒ that papers will be submitted to the court on the request
 - ☒ for temporary emergency (ex parte) orders
 - ☐ to reschedule a hearing ☐ to reschedule a hearing involving temporary emergency (ex parte) orders

on the date, time, and location indicated below:

Date: October 2nd, 2025	Time: 1:30PM	<input checked="" type="checkbox"/> Dept.: 404	<input type="checkbox"/> Room:
Address of court: <input type="checkbox"/> same as noted above <input type="checkbox"/> other (specify):			

3. **NOTICE** (If you gave notice, complete item 3a. If you did not give notice, complete item 3b or 3c.)
 - a. ☒ I gave notice as described in items (1) through (5) below:
 - (1) I gave notice to (select all that apply)

<input checked="" type="checkbox"/> petitioner.	<input type="checkbox"/> petitioner's attorney.
<input type="checkbox"/> respondent.	<input type="checkbox"/> respondent's attorney.
<input type="checkbox"/> other parent/party.	<input type="checkbox"/> other parent's/party's attorney.
<input type="checkbox"/> child's attorney.	<input checked="" type="checkbox"/> other (specify): David Gingras
 - (2) I gave notice on (date): **09/30/2025** at: **4:15** ☐ a.m. ☒ p.m.

<input type="checkbox"/> personally at (location):	
<input checked="" type="checkbox"/> by telephone using telephone no.: To David Gingras at [REDACTED]	
<input type="checkbox"/> by fax using fax no.:	
<input checked="" type="checkbox"/> by voicemail using voicemail no.: VM left at [REDACTED]	
<input checked="" type="checkbox"/> by electronic means (if permitted) (specify electronic service address of person): laura@lauramichelleowens.com	
<input type="checkbox"/> by overnight mail or other overnight carrier (specify address of delivery):	
 - (3) I gave notice (select one)
 - ☒ by 10 a.m. the court day before this emergency hearing.
 - ☐ after 10 a.m. the court day before this emergency hearing because of the following exceptional circumstances (specify):

PETITIONER: Laura Owens RESPONDENT: Michael Marracini OTHER PARENT/PARTY:	CASE NUMBER: FDV-18-813693
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(4) I notified the person in 3a(1) that the following temporary emergency orders are being requested (*specify*):
Motion To Shorten Time for David Gingras Motion to Intervene and Respondent's Motion to Disqualify David Gingras.
VM left for Laura Owens

(5) The person in 3a(1) responded as follows: ☐ Attachment 3a(5)
David Gingras responded that he understood. VM Left for Laura

(6) I ☒ do ☐ do not believe that the person in 3a(1) will oppose the request for temporary emergency orders.

b. ☐ **Request for waiver of notice.** Due to exceptional circumstances, I did not give notice about the request for temporary emergency orders. I ask that the court waive notice to the other party to help prevent (*specify*)

- (1) ☐ immediate danger or irreparable harm to myself (or my client) or to the children in the case.
(2) ☐ an immediate risk that the children in the case will be removed from the state of California.
(3) ☐ immediate loss or damage to property subject to disposition in the case.
(4) ☐ other exceptional circumstances (*specify*):

Facts showing exceptional circumstances in support of the request to waive notice include (*specify*): ☐ Attachment 3b

c. ☐ **Unable to provide notice.** I did not give notice about the request for temporary emergency orders. I used my best efforts to tell the opposing party when and where this hearing would take place but was unable to do so. The efforts I made to inform the other person were (*specify below*): ☐ Attachment 3c

4. ☒ **SERVICE OF DOCUMENTS**

a. The following documents were served on

- ☒ petitioner ☐ petitioner's attorney ☐ other parent/party ☐ other parent's/party's attorney
☐ respondent ☐ respondent's attorney ☐ child's attorney ☒ other (*specify*): **David Gingras**

before the request was filed with the court:

- (1) ☒ A copy of *Request for Order* (form FL-300) for temporary emergency orders, and *Temporary Emergency (Ex Parte) Orders* (form FL-305).
(2) ☐ A copy of a request to reschedule hearing and *Order on Request to Reschedule Hearing* (form FL-309). Form FL-306 may be used for the request.
(3) ☐ A copy of a request to reschedule hearing involving temporary emergency (ex parte) orders and *Order on Request to Reschedule Hearing* (form FL-309). Form FL-307 may be used for the request.
(4) ☐ Other documents (*specify*):

b. Documents were served on (date): **09/30/2025**

at: **4:30**

☐ a.m. ☒ p.m.

☐ personally at (location):

, California.

☐ by fax on using fax no.:

☒ by electronic means (*if permitted*) (*specify electronic service address of person served*):

☐ by overnight mail or other overnight carrier (*specify address of delivery*):

c. Documents were not served on the opposing party due to the exceptional circumstances specified in

☐ 3b, above. ☐ 3c, above. ☐ Attachment 4c.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Date: **09/30/2025**

Jocelyn Esqueda

(TYPE OR PRINT NAME)



(SIGNATURE)

1 Omar R. Serrato, SBN #295975
2 [REDACTED]
3 [REDACTED]
4 [REDACTED]

FILED
Superior Court of California
County of San Francisco

OCT 01 2025

CLERK OF THE COURT
BY: *[Signature]* Deputy Clerk

5 Attorney for Respondent, MICHAEL MARRACCINI

6 **THE SUPERIOR COURT OF THE STATE OF CALIFORNIA**
7 **COUNTY OF SAN FRANCISCO**

8 LAURA OWENS,

9 Petitioner

10 vs.

11 MICHAEL MARRACCINI,

12 Respondent

) Case No: FDV-18-813693

) DECLARATION OF OMAR SERRATO IN

) SUPPORT OF OPPOSITION TO DAVID

) GINGRAS'S MOTION TO INTERVENE, STRIKE,

) SANCTIONS; AND MOTION FOR DISCIPLINARY

) REFERRAL TO STATE BAR.

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21 I, Omar R. Serrato, declare:

- 22 1. I am an attorney licensed to practice in California (SBN 295975) and counsel of record
23 for Respondent Michael Marraccini. I have personal knowledge of the facts set forth
24 below and am competent to testify thereto.
- 25 2. The purpose of this declaration is to provide factual substantiation and authenticate
26 evidentiary materials supporting Respondent's opposition to David S. Gingras's motions
27 to intervene, strike, seek sanctions, and request disciplinary referral.
- 28 3. Ms. Owens obtained a temporary DVRO in 2018 that was extended by stipulation to July

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1 10, 2020; in 2020 the DVRO was renewed over Respondent's objection through July 10,
2 2025; on July 10, 2025 Ms. Owens sought a second renewal to make the order
3 permanent; Respondent requested and obtained a multi-day evidentiary hearing.

4 4. Attorney David S. Gingras was directly involved in matters affecting Respondent,
5 including the June 10, 2024, courthouse incident in Arizona, which is now a disputed
6 factual issue in this renewal. Based on my review of filings and Gingras's own
7 description, he contacted law enforcement regarding Respondent that day; Respondent
8 contends this was improper. A bar complaint has been filed, and a disciplinary
9 investigation is pending.

10 5. On August 15, 2025, Gingras appeared for Owens, indicating to the judge he believed
11 this hearing would take 15 minutes. I sought a long cause evidentiary hearing, which the
12 Court granted.

13 6. On August 18, 2025, I participated in a 66-minute telephone conference with David S.
14 Gingras and Rachel Juarez (the "66-minute call").

15 7. The purpose of the call was to discuss the case, including potential paths to resolution. It
16 was expected that the call would take 5-10 minutes.

17 8. Although the call began on those topics, it quickly became clear that resolving the case
18 was being overshadowed. Gingras diverted the discussion to matters unrelated to the
19 case, expressing opinions and grievances not pertinent to the issues. These included
20 personal concerns and unrelated matters, without advancing any resolution relevant to
21 our legal proceedings.

22 9. During the call, Gingras stated (in sum and substance) that he wanted Respondent's
23 testimony and that such testimony would aid his defense in a pending Arizona State Bar
24 investigation into Gingras's conduct. When he made that point, startled by the audacity
25 of the statement, I loudly exclaimed, That was a conflict of interest. Gingras was taken
26 aback by the allegation. I had largely allowed him to speak while remaining quiet. He
27 disagreed with my assessment. The request to collect Respondent's testimony for his
28 own defense could potentially compromise privilege or intimidate witnesses, thereby

- 1 prejudicing my client's position in the process.
- 2 10. I explained that Gingras is a percipient witness on contested matters, particularly the
- 3 events surrounding June 10, 2024, and that his stated intent to obtain testimony he
- 4 believes would assist his own disciplinary defense created a problem.
- 5 11. Gingras disputed that any conflict existed. In substance, he said his interests were
- 6 aligned with Petitioner's, that his prior actions were proper, and that client consent
- 7 could address the Rule 3.7 issue. Regarding that representation, at the time, prior to
- 8 researching the issue, I was uncertain whether client consent was a cure-all for a 3.7
- 9 issue, so I remained silent.
- 10 12. At no point during the 66-minute call did Gingras say he had already withdrawn, nor did
- 11 he commit to withdraw going forward. When the call ended, the status of his
- 12 representation was that he would represent Laura Owens.
- 13 13. In fact, we talked about the possibility of continuing the October trial to a later date.
- 14 Gingras has been Counsel for Owens in family law matters since March of 2024,
- 15 regarding the Maricopa County case referenced in the pleadings in this renewal, and we
- 16 had spoken on August 14, 2025, for 18 minutes and 16 seconds, where he indicated to
- 17 me that he was going to represent Owens in these proceedings.
- 18 14. Throughout the "66-minute call," Gingras spoke rapidly and, at times, digressed into
- 19 personal matters, including references to his State Bar exposure and DUI arrests. It was
- 20 difficult to keep him focused on relevant issues. Those digressions reinforced my
- 21 concern that his personal situation had become intertwined with his role in this
- 22 litigation.
- 23 15. Based on that conversation, after consulting with Respondent and Co-counsel Rachel
- 24 Juarez, we determined it was necessary to file the motion to disqualify David Gingras.
- 25 16. On August 21, 2025, the motion had been drafted, and I was preparing to e-serve
- 26 Gingras when I emailed him asking for permission to serve him electronically.
- 27 17. He asked if I had time for a quick call, so I called him. He indicated he would not be
- 28 representing Owens. We spoke for 16 minutes.

1 18. I asked him to confirm that he was not representing Owens in writing, which he
2 provided.

3 19. Ordinarily, if opposing counsel orally represented that he would remain off the case, I
4 would accept that and proceed accordingly. However, this was not an ordinary
5 circumstance. There are undisputed facts, such as Gingras's behavior during the August
6 18, 2025, call, and the conflicts identified under Rules 1.7 and 3.7. These are factual
7 observations. Based on these, I believed relying on an informal assurance that he would
8 stay out of the case would not have been prudent or fair to the Court or my client. The
9 procedural risks included the potential for an 11th-hour continuance or even a mistrial
10 under Cal. Rules of Court 3.1332, which mandated a formal approach.

11 20. There was no formal withdrawal on file when we spoke, and no substitution of attorney
12 had been executed. He represented that he tried to file a substitution of attorney (into
13 the case), which may have been rejected. What I had, at most, was an expression of
14 intent that he did not plan to proceed as counsel. In light of the above factors, and given
15 the approaching evidentiary hearing, I could not responsibly expose my client, or the
16 Court, to the risk of a last-minute re-entry or a rolling dispute over Gingras's role on the
17 eve of trial.

18 21. I further anticipated that once Gingras read Respondent's pleadings, which necessarily
19 characterize disputed facts and contradict portions of his prior sworn declaration, he
20 would be "triggered" by those unflattering characterizations and feel compelled to
21 re-enter the case to defend his own narrative. That concern was not speculative; it was
22 based on (a) his statements during the 66-minute call that he wanted Respondent's
23 testimony to aid his own bar defense, and (b) his demonstrated tendency to personalize
24 disputes and to respond publicly and aggressively when his conduct is criticized.

25 22. We hoped Gingras would bow out gracefully. He did not. In my judgment, leaving the
26 issue to informal assurances invited a "yo-yo" counsel scenario: re-entry when filings
27 displeased him, followed by renewed conflict objections and delay. By filing the motion
28 to disqualify, the court would be on notice that the issue was raised at the earliest

1 possible time, that Owens would have had time to obtain alternate counsel, and avoid a
2 situation where she asks the court to continue the hearing in October to obtain new
3 counsel. We wanted the court to know this issue had been addressed in August, so it
4 would not be a surprise if raised in October.

5 23. For these reasons, out of caution, I filed the Motion to Disqualify. The goal was not to
6 punish Gingras; it was to (a) formalize what he had suggested informally, (b) eliminate
7 the conflict-driven risk of his reappearance as advocate where he is also a witness with
8 personal disciplinary exposure, and (c) preserve the integrity and appearance of fairness
9 at the upcoming evidentiary hearing. In my view, based on what I personally heard and
10 observed, relying on an oral assurance in this setting would have been imprudent and
11 potentially prejudicial to both the Court's management of the case and to my client's
12 rights.

13 24. I therefore sought a definitive ruling so that all participants would know who is (and is
14 not) counsel, witnesses could be prepared without ethical entanglements, and the
15 merits of Petitioner's renewal request could be adjudicated without the collateral
16 distraction of an advocate-witness conflict surfacing mid-hearing. My decision to
17 proceed by motion was made in good faith, after much discussion, driven by the unique
18 facts surrounding Gingras's status, conduct, and conflicts.

19 25. On September 12, 2025, Gingras, not a party, filed papers styled as an "Intervenor,"
20 seeking to intervene, strike my disqualification motion, impose sanctions under CCP
21 §128.5, and obtain a disciplinary referral against me.

22 26. I did not receive a 21-day safe-harbor service of any §128.5/§128.7 sanctions motion
23 before Gingras filed it. No such notice was served on me.

24 27. Because the DVRO evidentiary hearing is imminent and Gingras's motions risked
25 disruption, I requested that the Court shorten time for hearing on his motion so they
26 could be resolved beforehand. An expedited schedule would prevent last-minute
27 motions from overwhelming the court and ensure the integrity of the DVRO hearing. By
28 addressing motions in advance, the court is better equipped to manage its docket

1 efficiently and safeguard against procedural delays.

2 28. The motion to intervene, along with all other relief requested, is deficient on its face
3 and may be dismissed on procedural grounds without exploring the merits of the
4 motion, although our opposition addresses the merits. Shortening time would allow the
5 court to dispose of this side issue quickly, without muddying the waters of the issue at
6 bar, the DVRO renewal.

7 29. I operate a YouTube channel and have done so for several years where I create content
8 offering legal commentary on cases of public intrigue. There are 413 published videos
9 on my channel, 18 of which were related to covering Laura Owens family law cases, and
10 her upcoming Criminal Prosecution. The last of these videos was created on July 10,
11 2025. At that time, I had no professional affiliation with this case.

12 30. I have not created case-related YouTube content since my appearance. I have not
13 published any YouTube content about Owens or Gingras since I appeared as counsel in
14 August 2025. I do not control third-party creators and have not directed or coordinated
15 their content.

16 31. None of my videos contains threats of violence. Phrases like "want the smoke" are
17 common slang used figuratively in legal commentary to mean "do you want the
18 conflict/challenge," not a literal threat of harm. Any thumbnail depicting a caricature of
19 Gingras was satirical/meme-style and intended for comic relief. I have never threatened
20 Gingras or Owens.

21 32. It is my personal experience with Gingras that he often vigorously attacks anyone who
22 opposes him, including Judge Mata (the Maricopa County Judge who heard the Arizona
23 case regarding Owens vs. Echard), and his opposing counsel Greg Woodnick, whom he
24 has gone out of his way to tell me personally that both of them have either broken the
25 law, or lied to the court, or violated rules, and should more or less be in jail.

26 33. I have personally viewed David Gingras created content attacking these individuals on
27 his YouTube channel, although all that content has since been unpublished, likely
28 because he is under investigation by the Arizona state bar. It stands to reason that I

1 would not be insulated from those attacks.

2 34. I personally observed posts on Mr. Gingras's firm blog and social media in which he:

- 3 ○ Boasted that YouTube "approved [his] copyright strike" against a small critic and
- 4 celebrated the takedown with "#JusticeForDingus." (Exhibits 3 and 4.)
- 5 ○ Previewed and teased his sanctions filing publicly and then used his blog to
- 6 accuse me of having "straight-up lied to the court" and to announce he would
- 7 seek sanctions and a State Bar referral against me. (Exhibit 3 and 4)

8 35. I personally viewed public postings indicating that Gingras sent threatening
9 communications or demand letters to content creators Dave Neal and Megan Fox
10 regarding their coverage of Owens's cases, and that he demanded that coverage cease
11 or be altered. I can attach the relevant public posts/videos as **Exhibits C and D**. These
12 are not my communications; I observed them as part of monitoring the public discourse
13 referenced in Gingras's filings.

14 36. The items discussed above demonstrate that Gingras has been actively waging a
15 personal online campaign against critics and against me, and that his motion practice
16 here is consistent with that campaign. Based on these observed actions and consistent
17 behavior patterns, it is my belief he filed this motion to stir controversy for the public
18 that follows this case. He filed this motion not due to legitimate legal concerns. He filed
19 it because he felt personally attacked.

20 37. Gingras's attempt to introduce a Riverside Matter – Tentative Ruling in Villegas v.
21 Villanueva (Riverside Superior Court, Case No. CVRI2204685) as evidence of prior
22 misrepresentations is confusing. The court expressly found no misrepresentation in its
23 ruling on the Riverside Matter. That was a motion to allow the filing of a cross-complaint
24 that was supposed to be filed at the time of answering the original complaint. Opposing
25 counsel accused me of making intentionally false statements because the proposed
26 cross-complaint was signed at the time of the motion for relief. The court rejected that
27 premise, explained why the accusation failed, and granted my motion. If helpful, I can
28 produce the ruling on that matter, as I have a true and correct copy in my possession.

1 38. I have never been found to have made a material misrepresentation of fact in any court.

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3 I declare under penalty of perjury under the laws of the State of California that the foregoing is
4 true and correct.

5 Executed on September 30, 2025, in San Bernardino, California.

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7 Dated: September 30, 2025

Respectfully Submitted,

8
9 *Omar Serrato*

10 _____
11 Omar Serrato
12 Counsel for Respondent, Michael Marraccini
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