1 Omar R. Serrato, SBN #295975 2 3 4 Attorney for Respondent, MICHAEL MARRACCINI 5 6 THE SUPERIOR COURT OF THE STATE OF CALIFORNIA COUNTY OF SAN FRANCISCO 7 8 LAURA OWENS, Case No: FDV-18-813693 9 Petitioner 10 **DECLARATION OF OMAR SERRATO IN** SUPPORT OF EX PARTE APPLICATION SEEKING VS. 11 TO SHORTEN TIME FOR DAVID GINGRAS'S MOTION TO INTERVENE, AND RESPONDENT'S 12 MICHAEL MARRACCINI, MOTION TO DISQUALIFY DAVID GINGRAS. 13 Respondent 14 15 16 17 18 19 20 I, Omar R. Serrato, declare: 21 1. I am an attorney licensed in California (SBN 295975) and counsel of record for Respondent Michael Marraccini in this DVRO renewal proceeding. I have personal 22 knowledge of the facts stated below and could competently testify to them if called. 23 24 2. This declaration provides the factual showing of "good cause" and the need for 25 26 expedited relief in support of Respondent's Ex Parte Application for Order Shortening 27 Time to hear (a) Intervenor David S. Gingras's Motion to Intervene (and related

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OCT 01 2025

strike/sanctions/disciplinary-referral requests) and (b) Respondent's Motion to

Disqualify Mr. Gingras. (See Cal. Rules of Court, rules 3.1200–3.1207 [ex parte requirements], 3.1202(c) [declaration showing irreparable harm, immediate danger, or other statutory basis], 3.1300(b) [court may prescribe shorter times]; Code Civ. Proc. §§ 1005(b) [notice may be shortened by court], 128(a)(3) [court's inherent authority to control proceedings].)

- The motions are ready to be heard without additional briefing, and the disqualification motion is not expected to be opposed. Respondent's opposition to David Gingras's motion(s) are included in this filing.
- 4. The underlying case is Petitioner Laura Owens's application to renew a DVRO first issued in 2018, renewed in 2020 through July 10, 2025, and now sought to be made permanent. Respondent requested, and the Court set, a multi-day evidentiary hearing.
- 5. Attorney David S. Gingras is a percipient witness to disputed facts central to the renewal (including the June 10, 2024 Arizona courthouse incident). By his own descriptions, he contacted law enforcement about Respondent on that date; Respondent contends that conduct was improper, and a bar investigation is pending. These circumstances raise Rule 3.7 (lawyer-witness) and Rule 1.7 (current-client) conflict concerns that directly threaten the integrity of the evidentiary hearing if unresolved.
- 6. September 12, 2025 Intervenor Filings and Collateral Disputes. On September 12, 2025, Mr. Gingras—styling himself as an "Intervenor"—filed papers seeking to intervene, to strike Respondent's disqualification motion, to impose sanctions under Code Civ. Proc. § 128.5, and to obtain a disciplinary referral against me. These filings inject attorney-focused collateral disputes that risk derailing trial preparation and delaying the DVRO hearing. I did not receive a 21-day safe-harbor service of any § 128.5/§ 128.7 sanctions motion before those papers were filed.

25

- 7. There is good cause to shorten time so these threshold issues (intervention/strike/sanctions/disciplinary-referral and disqualification) can be decided before the DVRO evidentiary hearing as Gingras's motions are procedurally defective, and the motion to disqualify David Gingras, by Gingras's account, will be unopposed.
 - The hearings are currently scheduled for the same date as the long cause trial of October 21, 2025.
 - They enlarge the case with collateral, attorney-centric disputes and will otherwise upend trial preparation. Deciding them now promotes judicial economy and prevents avoidable continuances.
 - Mr. Gingras is a witness with personal disciplinary exposure on the same facts. Allowing his role to remain unresolved risks Rule 3.7/1.7 complications during the evidentiary hearing itself.
 - No additional briefing is necessary to decide either motion; Respondent's opposition to intervention is already prepared, and the disqualification motion is not expected to be opposed. Shortened time therefore will not prejudice any party and will conserve judicial resources.
- 8. Respondent requests rule on these matters on the pleadings, or in the alternative, that the Court special-set both motions for hearing on the date of the ex parte—Thursday, October 2, 2025, or the earliest available date before the DVRO evidentiary hearing, and that the Court order shortened time for any opposition/reply as the Court deems appropriate so these collateral issues are fully resolved in advance.
- 9. Immediate resolution of Mr. Gingras's attempted intervention and his collateral requests—together with Respondent's disqualification motion—will preserve the integrity of the DVRO evidentiary hearing, avoid last-minute disruption, and promote efficient case management consistent with the Court's authority under Code Civ. Proc. §

| 1 | 128(a)(3) and Cal. Rules of Court 3.1300(b) and 3.1202(c). | | | | |
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| 3 | 3 I declare under penalty of perjury under the laws | I declare under penalty of perjury under the laws of the State of California that the foregoing is | | | |
| 4 | 4 true and correct. | | | | |
| 5 | 5 Executed on September 30, 2025, in San Bernard | lino, California. | | | |
| 6 | | | | | |
| 7 | 7 Dated: September 30, 2025 | Respectfully Submitted, | | | |
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| 9 | 9 | 1917 | | | |
| 10 | 10 | Omar Serrato | | | |
| 11 | 11 Counse | Omar Serrato for Respondent, Michael Marraccini | | | |
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| 1 | Omar R. Serrato, SBN #295975 | | | |
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| 5 | Attorney for Respondent, MICHAEL MARRACCII | NI | | |
| 6 | THE SUPERIOR COURT OF THE STATE OF CALIFORNIA | | | |
| 7 | COUNTY OF SAN FRANCISCO | | | |
| 8 | LAURA OWENS, | | | |
| 9 | Petitioner | Case No: FDV-18-813693 | | |
| 10 | j | DECLARATION OF RACHEL JUAREZ IN | | |
| 11 | vs. | SUPPORT OF OPPOSITION TO DAVID GINGRAS'S MOTION TO INTERVENE, STRIKE, | | |
| 12 | MICHAEL MARRACCINI, | SANCTIONS; AND MOTION FOR DISCIPLINARY | | |
| 13 | Respondent | REFERRAL TO STATE BAR. | | |
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| 19 | | r F | | |
| 20 | I, Rachel Juarez, declare: | | | |
| 21 | I am an attorney licensed to practice law in California. I am not counsel of record in this | | | |
| 22 | matter. In August 2025, I consulted with Respondent's counsel, Omar R. Serrato, on | | | |
| 23 | attorney-ethics and case-management issues related to his representation of Mike | | | |
| 24 | Marraccini in connection with Petitioner Laura Owens's DVRO renewal. I presently | | | |
| 25 | intend to associate in to the case on behalf of Mr. Marraccini so that I can assist Mr. | | | |
| 26 | Serrato as co-counsel for the upcomi | ng trial. I make this declaration based on my | | |
| 27 | personal knowledge. | | | |
| 28 | 111 | | | |

- I participated in a three-way telephone call with attorneys David S. Gingras and Omar R.
 Serrato. According to the records from the cell phone carrier, the call lasted approximately 66 minutes (the "66-minute call"). I have carrier logs reflecting both the date and duration of the call.
- My understanding of the purpose of the call was that it was to discuss this case and, specifically, its possible resolution. I anticipated the call to last considerably less than thirty minutes.
- 4. From the outset of our discussion, Mr. Gingras was speaking rapidly bouncing quickly from topic to topic. It was often difficult to keep Mr. Gingras focused on matters related to this case, and he often steered our discussion towards a series of legal / personal issues that Mr. Gingras himself was going through at the time (and which he was eager to explain to us). Among those issues was an Arizona State bar investigation into alleged misconduct on the part of Mr. Gingras involving Mr. Marraccini (specifically an incident on June 10, 2024, in and around an Arizona courthouse). The other personal issues we discussed are not implicated by these proceedings, and I will therefore forego any detailed discussion of them; I do, however, remember the sum and substance of such topics and would be competent to testify about them if asked to do so.
- 5. At some point during the phone call, we ended up discussing a concern Mr. Serrato and I had been having: the fact that Mr. Gingras was a percipient witness to disputed events underlying Ms. Owens renewal request. Based on my review of the file in this matter, Mr. Gingras is a necessary witness with respect to the disputed events of June 10, 2024 incident that Ms. Owens raises in her request for a renewal. This is, of course, the same June 10, 2024 incident in Arizona referenced above that Mr. Gingras said was presently the subject of the Arizona State Bar investigation (which explains his status as a percipient witness). We briefly discussed whether Mr. Gingras' role as a percipient witness to the June 10, 2024 incident would constitute a conflict of interest in this matter.

- 6. As the conversation continued, Mr. Gingras became increasingly distracted and was bouncing from topic to topic, resulting in the discussion that was moving rapidly between this case and Mr. Gingras' personal issues (one of which, as explained above, is the Arizona State Bar investigation into Mr. Gingras that involves Mr. Marraccini). Every few minutes, Mr. Serrato or I, gently, attempted to bring the discussion back a potential resolution of this matter that would not require the parties to go to a contested hearing.
- 7. As is typical in settlement discussions, Mr. Serrato and I explained to Mr. Gingras, both generically and specifically, why we did not believe a live testimony hearing would benefit either party in this matter. Specifically, we discussed why we did not believe a trial would benefit Ms. Owens.
- 8. At some point during our discussion of the disadvantages to the parties of going to trial, Mr. Gingras interjected that it would, in fact, be to his personal benefit for this matter to reach a point where Mr. Marraccini would provide testimony in this case (as opposed to this matter reaching conclusion without Mr. Marraccini or Ms. Owens providing live testimony). Mr. Gingras, who was speaking very quickly and in a somewhat disjointed manner, went on to explain that he believed it would be helpful to his defense of the pending Arizona State Bar matter for this renewal request to proceed at least up to the point where Mr. Marraccini would provide testimony. Mr. Gingras said specifically that he believed Mr. Marraccini's testimony would be favorable for him in connection with the Arizona State Bar matter and that, accordingly, he had an interest in procuring such testimony in these specific proceedings.
- 9. To the best of my recollection, Mr. Serrato and I both interjected at that point in fact interrupting each other as we each attempted to point out that Mr. Gingras' personal interest in how this matter is resolved is a potential conflict of interest. I specifically recall believing and saying that this situation constituted "the definition of a conflict of interest."
- 10. Mr. Gingras immediately and forcefully disagreed that a conflict existed. He and stated, in substance, that there was no conflict of interest because his interests were the same

- as and aligned with Ms. Owens' interests. He insisted many times that his conduct had been lawful and appropriate.
- 11. My understanding at the time of the call was that Mr. Gingras was counsel of record for Ms. Owens in this matter. At no time during the call did Mr. Gingras say that he had already withdrawn from representing Ms. Owens. Mr. Gingras also did not definitively say he would withdraw. As explained above, Mr. Gingras was not easy to understand during portions of the phone call. His speech was disjointed and often difficult to follow and, at times, he would speak in long monologues. He took all manner of positions and often discussed them with himself. However, the one thing Mr. Gingras steadfastly maintained was that he had no conflict of interest in this matter and that he had not acted inappropriately or unethically. Very little was clear by the time the call ended; however, I left the call convinced that a motion to disqualify was absolutely necessary given the enormity of the conflict of interest at play and Mr. Gingras' absolute denial that any conflict of interest existed. Given the potential of serious prejudice to Mr. Marraccini were Mr. Gingras to not withdraw or withdraw but then substitute back into the case and the relative speed of DVRO matters I believed it was necessary for Mr. Serrato to get a motion to disqualify on file with the Court.
- 12. Though it often delved into personal topics, the call was professional on all sides. At no point did I or Mr. Serrato threaten, coerce, or attempt to intimidate Mr. Gingras in any way. The discussion as it related to this matter focused on potential resolutions of this matter, case management, and avoiding collateral disputes.
- 13. After the call, I learned that Mr. Serrato sought written confirmation of Mr. Gingras's status as counsel in this matter and that Mr. Gingras later indicated in writing he did not intend to continue representing Ms. Owens. (If helpful, I can authenticate the follow-up emails as Exhibit RJ-2.) I did not and do not believe that such writing obviated the need for a motion to disqualify. Indeed, due to the erratic nature of the prior conversation with Mr. Gingras, Mr. Gingras' steadfast insistence that there was no conflict of interest in this matter, my review of public documents including the pleadings and

communications between Mr. Gingras and opposing counsel in other cases – and the nature of my own past experiences with Mr. Gingras, I believe it would have left Mr. Marraccini at risk for his counsel to forgo obtaining a ruling that Mr. Gingras' personal interest in this case (as it relates to the ongoing Arizona State Bar investigation into his conduct) constitutes a conflict of interest in his representation of Ms. Owens in this matter.

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

Executed on September 30, 2025, at ______ Los Angeles , California.

Respectfully Submitted,

Rachel Juarez

EXHIBIT A



Assistant's Direct Line: (602) 340-7386

Sent via email only:

September 16, 2025

Michael J. Marraccini 3040 American River Drive Sacramento, California 95864

Re:

File No:

24-2819

Respondent:

David S. Gingras, Esq.

Dear Michael Marraccini:

The Attorney Discipline Probable Cause Committee of the Supreme Court of Arizona has entered, in the above-referenced matter, a Probable Cause Order.

Thank you for your continued interest in promoting the professional responsibility of the Arizona Bar.

Sincerely,

/s/ James D. Lee

James D. Lee Senior Bar Counsel

JDL/md

EXHIBIT B

Grabbing Fame....Or Just Talking?

- David Gingras (https://gingraslaw.com/author/gingraslaw/) September 18, 2025 -
- Uncategorized (https://gingraslaw.com/category/uncategorized/)

There's a comment under an earlier pos (https://gingraslaw.com/tgif-and-just-stop-the-tea-is-brewing-go-touchgrass/)t with a comment/question:

I can understand how his motion to disqualify you didn't go over well, that can be a hit to the ego of any guy. But if it's for content fodder, why are you contributing to it? Lots of people say you are creating online shtshow to be in [a] Netflix documentary. Is it true?

You can't post images in comments, and while I tried to respond to this person, it wasn't as clear as I wanted.

So let me make this clear – to anyone who thinks I am commenting to "grab attention".....uh, sorry, but NO. Also has nothing to do with ego. The person who filed the motion in question is not a serious person, and has accomplished (as far as I can tell), nothing of any significance in his life. The dude is not someone worthy of my time or attention....unless he picks a fight. But that story is for another day....

Since the AZ Supreme Court denied review, my view has been, and will continue to be – this fight is (mostly) over. I wish everyone would just log off, and move on. I have ZERO personal interest in keeping the conversation going about a case that is over (which I lost). Yes, I still need to deal with my fight with the bar guy....another thing I am involuntarily forced to deal with....but fighting the bar is actually something I am (at least partially) looking forward to. You think I DON'T want to put Mata under oath and ask her some tough questions?

BUT, as much as I want other people to move on, that hasn't happened. And since my vote isn't the only one that matters, if people are still talking about me, then I am going to correct false things when/as needed. I can't and won't waste time responding to every idiot troll who lies about me. The YouTube liars are too irrelevant to think about. But if there's something important, or a recurring narrative that's false, I'll chime in with a correction.

So let me say this - NOPE, I am not talking because I want fame. I am not desperate to get a documentary.

"Oh sure, Gingy, you're just saying that....but we all know the truth."

No, dipstick, you don't.

I often mention receipts, let me share this one — a couple of years ago I was asked to participate in a documentary about celebrity sex tapes. Wait....that sounds....err....what I mean is a production company contacted me and said they were filming a TV series about the rise of celeb sex tapes in the late 1990s and early 2000s. They wanted to interview me for the show.

Most of you 20-and-30-something whipper-snappers don't remember this, but there was a time, in days long, long ago, when every single thing was NOT online. There was a time before social media. There was a time before online porn. And there was a time when nude pics (and god forbid, videos) of celebrities were almost impossible to find.

Then Pamela Anderson happened. Then Paris Hilton. Then....a BUNCH of others

I worked on one such case in 2005 involving Colin Farrell (https://en.wikipedia.org/wiki/Colin Farrell). He's still very famous today, but in 2005 the guy was one of the top stars on the planet. Then he made a sex tape with a Playboy bunny named Nicole Narain (https://www.imdb.com/title/tt6324290/).

The story was pretty juicy. Nicole needed money. She had this private tape w/ Colin (it was literally filmed ON TAPE). To raise some quick cash, she offered the tape to the highest bidder.

The law firm I worked for at that time happened to represent a corporation called ICG (Internet Commerce Group). ICG owned a lot of adult websites. Colin heard ICG was in the market to buy the lape, so he sued them to block the sale. That's where I got involved.

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It was a BIG deal at the time...local and national weeks. They eventually released a DVD docu-th

covered the story. I had a film crew follow me around for out the case (which I still have somewhere, but it's not onli

Then we settled with Colin. The case ended, and I moved on.

It was still an interesting story...at least Interesting enough that someone wanted to make a documentary about it. So in 2023, I flew out to Burbank and filmed an interview that lasted about 7 hours. I haven't watched the show (yet), but based on past experience, I'm guessing my face will appear for MAYBE 45 seconds in the whole 43 minute episode. At least this gave me the motivation to hit the gym and lose that extra chin (it's now GONE!)

[MINOR UPDATE - I just started watching the A&E show, which is 43 minutes long. I've only watched the first 15 minutes so far, but they devoted a LOT of time to my interview and my story about how the case began and what happened. I'm surprised at how much time I am on-camera. With interviews like this, you normally get one or two very short soundbites. Here, they devoted like 30% of the show to me talking.]

For all you Gingy fans, here's a short trailer with a few seconds of me (I don't own the copyright, so meme all you want): https://www.youtube.com/shorts/8M_evSNnBOw (https://www.youtube.com/shorts/8M_evSNnBOw)

Want to know how much I got paid for this? \$0 (they paid for my flight, and they bought lunch). There seems to be an impression that just because you appear in a TV show, that means you got paid big bucks. That is rarely true. In most cases, media won't pay for interviews because....uh....it just looks sleazy and unethical.

So I don't do this stuff for money. Oh, but what about that fame I am so desperate for? That's still a thing, right?

Only a child would think that way. I am 53 years old. Not a kid anymore, I am about to retire. I want to spend the next few years chilling out with family and friends, talking about.....nice things. Perhaps in Florida. Maybe Europe. Maybe Mexico. Haven't decided yet.

I get that for people like Clayton, and maybe a few others, fame is something you are desperate for. I saw that first hand with my friend and client Nik Richie. That kid was NOBODY...and then we made him famous, kind of. Not as famous as Colin Farrell, but famous enough. He even released a memoir telling his story (https://www.amazon.com/Sex-Lies-Dirty-Nik-Richle-ebook/dp/B00C8X3MAM/) (I am featured prominently in the book).

Then Nik grew up. He got married, had kids, turned 40, got divorced, and he learned the most important thing - fame is an illusion. It is not real. Family is real. Friends are real. Having some money is real, but that doesn't need to come from fame. More money is made by the people behind the scenes. So Nik learned to be that guy you don't see. And he made millions from this. He's now the happiest I've ever seen.

I still have a long way to go in the happiness department, but I'm working on it. For now, I'll keep commenting only as needed....but I'm not doing it for fame. I'm doing it to TRY and push back against the lies. That's all. And that will stop the minute you all grow up, shut up, and move on.

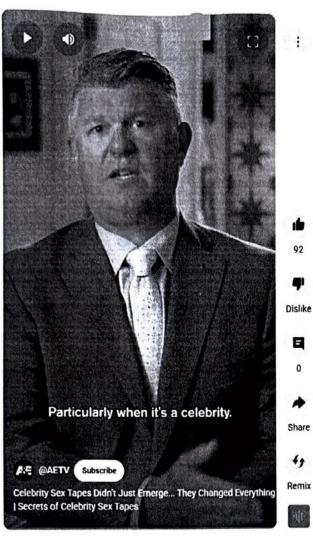
I'll probably be dead by then...



Fost

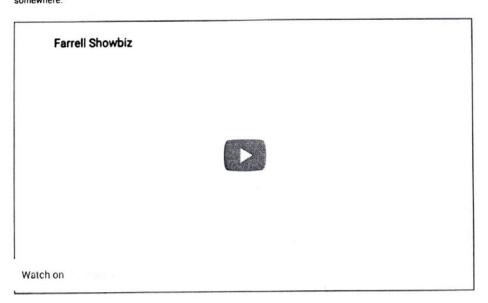
tea-is-brewing-go-touch-grass/#comment-5349)

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(https://www.youtube.com/shorts/8M_evSNnBOw)

The Farrell tape came out so long ago (in 2005), YouTube didn't even exist at the time...which is crazy. Since this was 20 years ago, I don't think much (if any) of the news coverage is still online, although I did find this one thing. I did TONS of interviews about the case back then, but none of those are available...except maybe in a warehouse somewhere.



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TGIF, And Just Stop in The Tea Is Brewing in Go Dolog O "Touch Grass"

□ <u>David Gingras (https://gingraslaw.com/author/gingraslaw/)</u> - □ September 12, 2025 -

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12 Comments (https://gingraslaw.com/tgif-and-just-stop-the-tea-is-brewing-go-touch-grass/#comments)

UPDATE - Friday, 9/12/2025 (4:49 PM) - Docs have been filed. Not going to share them. I rarely (never) handle cases in SF Superior Court, so it's possible this filing could be rejected if I forgot to dot an i or cross a t.

Hopefully it worked. If not, I'll fix and re-submit.

And just FYI — this filing was NOT for, or on behalf of, any client. The filing was on my own behalf. You'll see why.

eFiling Under Court Clerk Review / eServe Complete

Order #

Submitted

9/12/2025 4:49 PM PT by David Gingras

Case

Owens, Laura vs Michael Marraccini

#FDV-18-813693

Court

Superior Court of California, San Francisco County

(San Francisco-McAllister)

Client billing

FDV-18-813693

Court transaction #

77073351

Documents

- Request for Order (Domestic Violence)
- · Motion (Family Law Generic)
- · Declaration of David Gingras In Support of Motion

The court has received your filing. You will receive an email immediately upon completion of the court clerk's review. Although court processing times vary, the court filing date for accepted filings will reflect the date this order was submitted

Friday, 9/12/2025 (1:30 PM) — YES, I intend to file something interesting today. YES, it is possible I may blow that deadline....although the brief is ready to go.

I follow my schedule, not yours.

NO, I am not going to share anything online.

NO, I am not posting pleadings.

You can either get it from the court yourself (once it hits the docket), or you can ask the other lawyer for a copy (I will email him a courtesy copy when it's filed)

I tried to be generous by sharing pleadings in the past. We all know how that worked out - no good deed ever goes unpunished

So for now, that's all you get. But like that crazy Utah Governor guy said today, the better choice is not to obsess over online garbage. Instead, just STOP; "log off, turn off, touch grass, hug a family member, go out and do good in your community....*

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June 10, 2025

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David Gingras (https://gingraslaw.com/)

SEPTEMBER 12, 2025 REPLY (HTTPS://GINGRASLAW.COM/TGIF-AND-JUST-STOP-THE-TEA-IS-BREWINGGO-TOUCH-GRASS/7REPLYTOCOM=5313#RESPOND)

I may regret this, and I reserve the right to immediately turn comments off for abuse....but for now I will leave them open.

Also, I will post a short comment to confirm when my filing is submitted, but again, I will NOT be sharing it here.

UPDATE: 9/12/2025 @ 4:50 PM - Pleadings have been filed and served.



Human Being

SEPTEMBER 13, 2025 REPLY (HTTPS://GINGRASLAW.COM/TGIF-AND-JUST-STOP-THE-TEA-IS-BREWING-GO-TOUCH-GRASS/7REPLYTOCOM=5314#RESPOND)

Hello David!

I noticed that you turned off the comments on the post you just made today, so I'll comment here instead. First, it's impossible to argue with you when you simply do not state what Omar was lying about — so it's just a lot of you talking about things where we cannot learn context. It strikes me as odd that if it IS a bold faced lie, you would just tell us because then we would be able to find no evidence to contradict it. But instead, everyone in JFC will wait for the documents. That's fine. I have a simple question. Several members of the JFC community have ordered transcripts of you defending Laura against Mike in court via Zoom. In that hearing, did you tell the judge that you JUST found out about Laura's criminal charges? Again, we are waiting on the transcript, but I'm curious. If not, I will happily apologize and am welcome to be proven wrong once the transcripts arrive. Again... Just asking. Thanks!

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SEPTEMBER 16, 2026 REPLY (HITPS://GINGRASLAW.COM/TGIF-AND-JUST-STOP-THE-TEA-IS-Practice Areas (https://gingraslaw.gepuningite-ross/h.orasis/ent/pun/fulls/signaslaw.gepuningite-ross/h.orasis/ent/puningite-ross/h.orasis/ent/pun/fulls/signaslaw.gepuningite-ross/h.orasis/ent/pun/fulls/signaslaw.gepuningite-ross/h.orasis/ent/puningite-ross/h.orasis/ent/pun/fulls/signaslaw.gepuningite-ross/h.orasis/ent/pun/fulls/signaslaw.gepuningite-ross/h.orasis/ent/puningite-ross/h.orasis/ent/puningite-ross/h.orasis/ent/puningite-ross/h.orasis/ent/puningite-ross/h.orasis/ent/puningite-ross/h.orasis/ent/puningite-ross/h.orasis/ent/puningite-ross/h.orasis/ent

Two things:

1.) I want to fight Omar in court (well, that's not 100% accurate... I would prefer not to be involved in this fight at all, but Omar gave me no choice). Still, the battle will be fought in court, not online.

2.) Re: this question: "In that hearing, did you tell the judge that you JUST found out about Laura's criminal charges?" Uh, as a general rule, I would NEVER lie to a judge (I sometimes misspeak unintentionally, like everyone else). But I have no idea what you are asking about? That Zoom hearing lasted a matter of minutes. My only significant comment to the judge was that I believed the issues were simple, and didn't require a multi-day hearing. I do not believe I told the judge that I "JUST" found out about Laura's charges....obviously that would not be correct, so I would have no reason to say something like that, especially in a recorded hearing. So all I can say is NO — I have zero recollection of telling the judge that I "JUST" found out about the charges. If the transcript shows that I said that, it's either a mistake in the transcription, or maybe I misspoke (I might have been referring to something else that I just found out about, but not that). Does not seem like a huge deal either way, but if you get the transcript and it appears to show me saying something inaccurate, by all means please let me know so I can review it.

P.S. I have been doing this stuff for 25 years, and there has never been a single proven instance of me lying in court, EVER. I would guess that over the years, a handful of folks have accused me of being non-truthful in some way, but every single one of them was wrong. I do NOT lie. EVER.

Want an example? I've mentioned the "cheerleader" case many times. In that case, the trial judge issued a ruling in which he basically accused me of lying to the court about the law. Here are just a few quotes from the judge's decision, and he is talking about ME here:

- "This contention misrepresents the law, however."
- "Defendants' characterization of the Ninth's Circuit 2012 opinion in Roommates is thus seriously misleading."
- "Thus, defendants' statement in their brief that CDA cases other than the one at bar "were all resolved by dispositive

motion, approximately 99% in favor of the defendant" is misleading."

* "Rather, after the Court denied the Rule 12(b)(6) motion to dismiss, the non-defaulting defendants settled. (Doc. 73). The docket also reflects that defendants' counsel was defense counsel in that case and would be aware of this fact."

All of those quotes (in which the judge basically accused me of lying to the court) come from this decision:

https://storage.courtlistener.com/recap/gov.uscourts.kyed.62639.210.0.pdf
(https://storage.courtlistener.com/recap/gov.uscourts.kyed.62639.210.0.pdf)
Of course, the judge was simply wrong about the law (he also misquoted or misconstrued what I said), which is why I won a unanimous reversal on appeal.



Sparkletoes

SEPTEMBER 13, 2025 REPLY (HTTPS://GINGRASLAW.COM/TGIF-AND-JUST-STOP-THE-TEA-IS-BREWING-GO-TOUCH-GRASS/?REPLYTOCOM=5315#RESPOND)

Hello David,

Since you have moved the court to strike the respondent's Motion to Disqualify, and you say you aren't the petitioner's lawyer, where does that leave the petitioner? It appears that the petitioner still doesn't have a lawyer either way, and this hearing is in just over one month.

And why go for sanctions and bar referral on a case you aren't involved in? I'm confused. I imagine the judge will be confused: here we have a lawyer who says he's not representing her, but then he appears. And he files motions in the case where he is not the lawyer of record. At best, I imagine the judge might strike with leave to amend. And you're back to square one. Then what?

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SEPTEMBER 16, 2026 REPLY (HTTPS://GINGRASLAW.COM/TGJF-AND-JUST-STOP-THE-TEA-IS-Practice Areas (https://gingraslaw.gepuntwelice: 16364) or ABJOY (https://gingraslay.gepu/home/blog/)

I appreciate the questions, and I would like to respond....but I just don't see the value in a public debate. On the contrary, I think it's premature to talk about the underlying issues. If you are DYING to hear my answers, you are welcome to email me privately. Or just ask Omar for his side. He has not been shy about talking publicly, so I'm guessing he will be glad to do so again now.

If you choose to get in touch with me, don't worry. It's not that scary. Use a Protonmail account if you are really concerned, but I treat everyone with as much respect as they treat me, so be nice, and I will extend that same courtesy.



Nathan

SEPTEMBER 15, 2025 REPLY (HTTPS://GINGRASLAW.COM/TGIF-AND-JUST-STOP-THE-TEA-IS-BREWING-GO-TOUCH-GRASS/?REPLYTOCOM=5317#RESPOND)

Since you are seeking sanctions against Omar, have you notified him and given him ten days to modify or retract the offending pleading?



David Gingras (https://gingraslaw.com/)

SEPTEMBER 16, 2025 REPLY (HTTPS://GINGRASLAW.COM/TGIF-AND-JUST-STOP-THE-TEA-IS-BREWING-GO-TOUCH-GRASS/?REPLYTOCOM=5321#RESPOND)

You will see my explanation of this when you see my motion.



Nathan

SEPTEMBER 17, 2025 REPLY (HTTPS://GINGRASLAW.COM/TGIF-AND-JUST-STOP-THE-TEA-IS-BREWING-GO-TOUCH-GRASS/?REPLYTOCOM=5326#RESPOND)

Fair enough.



Andrew

SEPTEMBER 16, 2025 REPLY (HTTPS://GINGRASLAW.COM/TGIF-AND-JUST-STOP-THE-TEA-IS-BREWING-GO-TOUCH-GRASS/?REPLYTOCOM=5319#RESPOND

Hi, David,

if court rejects your filing, will it still hit the docket? and if not, will you make it public then?



David Gingras (https://gingraslaw.com/)

SEPTEMBER 16, 2025 REPLY (HTTPS://GINGRASLAW.COM/TGIF-AND-JUST-STOP-THE-TEA-IS-BREWING-GO-TOUCH-GRASS/?REPLYTOCOM=5324#RESPOND)

I don't see any reason for the court to reject what I filed. If it does, I will think about that when it happens.

Ultimately, the court may not accept my pleading until Oct. 21st (the hearing date). I am NOT a party to the case, nor do I represent a party (which is the whole point of what I filed). Nonparties typically can't just file crap in any case they want. It can only be done in limited

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request is denied, it should still be part of the public record.

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Andrew

BEPTEMBER 16, 2025 REPLY (HTTPS://GINGRASLAW.COM/TGIF-AND-JUST-STOP-THE-TEA-IS-BREWING-GO-TOUCH-GRASS/?REPLYTOCOM=53258RESPOND)

Thanks for your reply. I read other comments here, and you had some great wins in the past. Why are you still in this pedestrian case?



David Gingras (https://gingraslaw.com/)

SEPTEMBER 17, 2025 REPLY (HTTPS://GINGRASLAW.COM/TGIF-AND-JUST-STOP-THE-TEA-IS-BREWING-GQ-TOUGH-GRASS/?REPLYTOGOM=5927#RESPOND)

I am not in this case by choice. Omar opted to drag me in by asking the court to kick me off (even though Omar knew I was already off). So that is a relatively small issue that the judge will have to decide what to do with. Ironically, the outcome is the same either way — Omar wants the judge to "disqualify" me (a request he made ONLY so that he & other JFC folks could make YouTube content laughing about it). But I already told him I was out of the case before he filed that motion. So either way, I'm not going to be acting as a lawyer on the case. The only question is whether the judge is going to punish Omar for filing a motion purely as a harassment tool.

Beyond that, the fact is I am a witness. I saw/heard events which form part of the relief L is asking for.

As a witness, I have no choice – I'm legally/ethically obligated to offer testimony to anyone who asks for it.

And yes, as a witness, Omar can cross examine me. I am not concerned about this and don't see how it could help him. MM traveled to AZ. That really is not disputed. MM released private text messages without a valid subpoena and without a court order. That really is not disputed. So cross examine me all day long about those facts. It won't change the facts.

Also, Mata never specifically ordered MM to appear (this is technically a "fact" I can testify to). What happened is Woodnick used the State Bar of AZ website to issue a "self-service" subpoena. This is a subpoena that ANY AZ lawyer can get, and it is done without a judge ever signing off or approving the subpoena. Here's the page for that (https://www.azbar.org/for-legal-professionals/practice-tools-management/online-subpoenas/). I could technically issue a subpoena that "orders" Donald Trump to appear at my house. Doesn't mean the subpoena would actually be valid.

Woodnick and JFC seem to think that a self-service subpoena issued by a lawyer without any judicial involvement is somehow sufficient to overrule a domestic violence restraining order issued by a judge in another state. That presents a question of law, not fact, but the law is pretty clear – both federal law (VAWA) and AZ law REQUIRE out-of-state DVROs to be given full faith and credit. Did that happen here? Clearly not. Mata just flipped her middle finger at the CA DVRO. I believe that was illegal, and I trust the CA court will agree.

One final thing — AZ has specific rules that deal with "conflicting" protective orders (and again, I do not agree that a self-service subpoena issued in secret by Woodnick is entitled to the same force and effect as a DVRO signed by a judge). But even if Woodnick's subpoena was treated like an order, and/or even if Mata had issued a conflicting order requiring MM to appear (which neve happened), AZ law specifically says those orders do not cancel each other out (as JFC wants to believe). Instead, the

"(a) Effectiveness of Conflicting Orders. When two parties have obtained conflicting protective orders, both orders must be given full force and effect, regardless of whether the orders were issued by courts of limited or general jurisdiction."

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POST COMMENT

About Gingres Lew

Name (required)

David Gingras is a solo Internet and First Amendment attorney based in Phoenix, Arizona.

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Tiny Tuesday Update

David Gingras (https://gingraslaw.com/author/gingraslaw/) - [] September 16, 2025 -

Uncategorized (https://gingraslaw.com/category/uncategorized/) -

O Comments (https://gingraslaw.com/tiny-tuesday-update/#respond)

9/16/25 – So people don't have to ask — the document I filed last week is still "under review" by the court clerk. As I already said, the filing included, among other things, a request to "intervene" in the case per CCP § 387(d)(2). (https://codes.findlaw.com/ca/code-of-clvII-procedure/ccp-sect-387/) This is a procedural request because non-parties generally can't jump in and start filing stuff in a case where they are not a named party. Duh. Try it. Won't work.

I am not a named party here, nor am I counsel for a party. Thus, I need court permission to file anything asking for relief, Which is why I asked for permission to appear. As the rule allows.

Also, my filing last week was supported by a declaration, but my boomer PDF software somehow screwed up and dropped the first page which I didn't catch at the time. To fix that, I filed a Notice of Errata on Monday with the missing page...so that's the two filings you see here.

As of today, they both remain under review by the clerk, and my guess is they will stay that way until the clerk or the court decides whether to allow them to hit the docket. Until that happens, I am not sharing any pleadings.

If Omar wants to share them, he can do that. If he does, I'll explain more about my side. Until then, shhhhhh.

| Order | | | Case | | | Status | | |
|--------|----------------------------|---|-------------------|--|---|--------------------------|-----------------------------|--|
| Number | Submitted | Туре | Number | Name | Court | Metter / Billing Code | Last Updated | Latest Status / Docs |
| 262998 | 9/15/20_ 10:09 AM MT | eFiling & eServe court transaction 77077463 | FDV-18- 813693 | Owens, Laura vs Michael Marraccini | San Francisco County, Superior Court of Celifornia | FDV-18-813693 | 9/15/2025 10:09 AM MT | In Progress under court clerk review |
| 262956 | 9/12/20 4:49 PM MT | of Sing & eServe court transaction 77073351 | FDV-18- 913693 | Owens, Laura vs Michael Marraccini | San Francisco County, Superior Court of California | FDV-18-813693 | 9/12/2025 4:49 PM MT | In Progress under court clerk review |

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About Gingras Law

David Gingras is a solo Internet and First Amendment attorney based in Phoenix, Arizona.

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David Gingras (https://gingraslaw.com/author/gingraslaw/) - U September 8, 2025 -

Uncategorized (https://gingraslaw.com/category/uncategorized/)

Stardate: 9.08.25 — Two weeks ago, I left AZ. My plan: to enjoy some time visiting my mom in Florida for her birthday. On my way out of town, I deleted my Twitter account. It's been a tough year, and a horrible summer. Turning off social media and getting away seemed like a good idea. And for the last couple of weeks, it was

But now I'm back, and I'm struggling with this - should I remain silent, or spill the tea? I can see both sides of the argument.

For one thing, I get TONS of online hate from a certain group. When I don't talk, they have less to say. Don't feed the trolls. Life is better.

On the other hand, I have a lot of things to say, and - admit it - at least some of it is interesting. In the back of my mind, I want to believe the law and the truth still matters to SOME folks, even if it's only a small percentage of you. Since people are going to talk anyway, wouldn't it be better to include MY version? (YES - I know the cult hates my version, but that's only an additional reason to share it).

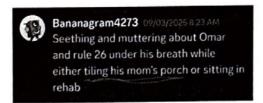
What to do?

For now, let's just say this - I'm mulling it over. I predict some interesting stuff will happen this week. Lies will be exposed. Accusations will be made. Wrongs will begin to be righted. Justice will be sought.

So do I talk about all this, or do I shut up? Maybe next week, the right choice will become clear(er).

Having said that, the bottom line is I still feel the same way - I'd like everyone to just move on. Seriously. But some wishes don't come true, and some fights are unavoidable. The only question is whether you shut your mouth and let the trolls win, or whether you attempt to cap a firehose of lies with your own truth.

What JFC Guessed I Was Doing - Tiling Mom's Porch & Seething



What I Was ACTUALLY Doing - Tiling Mom's Porch...And Seething. No Rehab.

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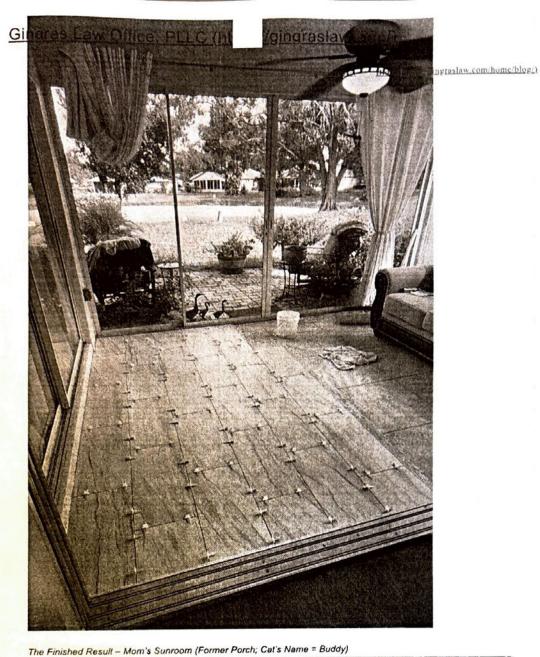
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EXHIBIT C

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Dave

On my desklop, I have an 8-page cease & desist letter with your name on it.

I was going to send this over to you today after drafting the letter yesterday. After sleeping on it, I changed my mind

Instead of sending the typical blow hard demand letter that lawyers always do, I am going to try a different approach. You seem like the kind of guy who probably wouldn't care that much about a legal C&D. To be honest, they bore me, too. So maybe if we approach this differently, it will be more productive

Let me explain the goal - I am trying to help Laura. You and I may not agree on many things, but I am sure you would agree Laura needs some help. Same can be said about Clayton, but he's not my client, Laura is.

Laura's goal is pretty basic. She wants you to leave her alone. If I was in her shoes, I'd feel the same way, Most people would,

But on the other hand, I understand why you don't want to leave her alone . .and that is partly fair, but partly not

Having spent all of 10 business days on this case (which is nothing), I'll predict no matter what I say in a C&D, or how strong of a legal threat I present to you, you're not going to stop talking about Laura....at least not until June 11th when her case is over, I'm a good lawyer, but you and I both know you have a First Amendment right to talk about matters of public interest, and I am the last quy on earth who would try to deprive you of that right.

OK, cool. So Laura is going to have to put up with you a while longer

That being the case; there are things you need to know. I saw your recent video (yesterday?) which was mostly about me. It seems you're interested in learning more about me. So flattering. Why haven't you just called? I mean, if you want to know more about someone, shouldn't you just ask them? (sn't that what real journalists do? I've talked to lots of them, and trust me - they're not shy. They call. A lot.

I get that you never heard about me before this case. That makes sense, Internet law probably isn't something you follow closely. If you did. you'd know exactly who I am. And if you knew my whole story, you would probably have a very different tone.

So let's see if we can change the tone a bit. The goal is not to make you like me. The goal is not to make you fear me. The goal is to help you



23:06 / 46:53

Bachelor Clayton's Accuser's Attorney Criticizes His Lawyers & I Reveal His Threatening E-Mail To Me

♦* Summarize





















EXHIBIT D

← Post



Some thoughts on the last two legal cases I've covered: What The Hales v Preston and Clayton Echard v. Laura Owens. Both bad lawyers who entered the cases late after several YouTube channels had covered the issues in depth and had already come to a conclusion on who was right.

These lawyers, David Gingras and Bruce Matzkin, demanded that all the coverage stop immediately or change to favor their clients who were demonstrably lying about many things.

Both lawyers have tried to paint the YouTubers as opportunists and grifters who aren't deeply convicted of their positions but instead primarily interested in money. We've all heard this before: think Johnny Depp.

They've both threatened lawsuits to stop free speech. They both have engaged in online behavior that can only be described as unprofessional and unbecoming of an officer of the court.

EXHIBIT E

Another Day, Another Lie. FML.

□ <u>David Gingras (https://gingraslaw.com/author/gingraslaw/)</u> - □ September 13, 2025 -

Uncategorized (https://gingraslaw.com/category/uncategorized/)

ARGH - it's a beautiful Saturday morning. Tomorrow is my birthday. The birds are chirping. Life is swell.

But then I see another JFC cult member posting lies about me. My initial thought: "Well, they've lied about 12 billion times, what's one more?"

That's certainly the right attitude, but at the same time, among lots of other character flaws, I just can't stand it when people have the arrogance to go online, post knowingly false lies, and then ask for money.

So, here's a quick shot of truth — a few days ago, a person with a YouTube channel called @LoudLilDucky posted a video where she read the "Motion to Disqualify" that Omar Serrato filed in the San Francisco Owens/Marraccini case. Most people aren't aware of this (yet), but Omar lied to the court in that motion. This is something I addressed in the pleadings I filed yesterday. I'm not going to share those, but I'll offer this — Ornar simply straight-up lied to the court.

I don't tolerate that conduct, EVER. So I wanted to make sure those lies were exposed, and I wanted to make sure Omar was sanctioned for his conduct.

But I am not actually a party to the case (nor am I Laura's attorney on the case). As a non-party, I'm technically not in a position to ask for sanctions (again, this is explained in the stuff I filed). The only people who can ask a court to sanction someone are parties to the case, or their lawyers. But I am neither of those things.

So, to fix that, yesterday I asked the SF court to allow me to "intervene" in the case for the limited purpose of seeking sanctions against Omar. In addition, my motion included evidence showing that Omar blatantly lied to the court. I won't go further into the details right now. You can see for yourself what I said when the motion becomes publicly available.

Based on that, I asked the court to strike Omar's Motion to Disqualify. I asked the court to order him to pay monetary sanctions, and I asked the court to refer Omar to the State Bar of California. His conduct was simply that bad.

Of course JFC doesn't care about the truth. You never have and you never will. So cult members took Omar's motion and ran with it — posting videos where they sat and read all of his lies, gleefully. One of those videos was nearly TWO HOURS LONG, from this LoudLilDucky person (someone I have never spoken to; I have no idea who she is).

It was bad enough that a person would sit and read a document filled with lies without having the courtesy to reach out to me for a comment first. In any other context, a real journalist would not last long in their career if they did this. But it's 2025, and people believe (incorrectly) the Internet is a fact-free and consequence-free zone. And since life is short, I have learned to generally ignore people like this. They always fade away into oblivion before too long.

But LoudLilDucky didn't just spread Omar's lies. She decided to take a photo of me and use that as her thumbnail. We all know why people do this, and that's fine. But it's also illegal. You can't use someone else's copyrighted work without their permission, unless it qualifies as fair use (which this would not).

So, I submitted a copyright complaint to YouTube. This was entirely within my rights to do. Should I have contacted Ducky first and offered her a chance to fix the problem? Sure, that would have been a friendlier option...just like it would have been a friendlier option for Ducky to reach out to me and ask me if the statements in Omar's motion were true before she made a 2 hour video about it.

Ducky did not show me that courtesy, so I just applied the same standard she used. That's fair, no?

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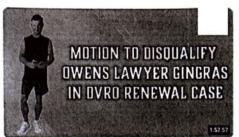
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Well, that brings us to Friday. YouTube approved my copyright strike and it removed Ducky's video. #JusticeForDingus

YouTube has no choice in this area — as a website host, YouTube can be sued for copyright infringement if they allow people like Ducky to post infringing content. That's why when you submit a copyright complaint to YouTube, they take it seriously — because they risk getting sued if they don't.

Apparently Ducky thinks breaking the law is cool when she does it, but not when anyone else does...so she posted a short little video complaining about the strike. She will probably remove this (which is fine – I've made a backup), but here's her whining about what happened: https://www.youtube.com/watch?v=uH86raABXeY (https://www.youtube.com/watch?v=uH86raABXeY)

In this video, Ducky criticizes me for enforcing my copyright, and she implies that I am the bad guy because she "reached out to me" to try and discuss this. Just one problem — I have no record of her ever reaching out to me. Yes, I checked my SPAM folders, and looked everywhere for a DM from her. Nothing was found. So did Ducky just lie about this? I mean, her video never shows the message she claims to have sent, and when she was talking about this, her eyes turned towards the ground and she looked...I dunno....like a person who knew they were lying.

BUT, I prefer to give people the benefit of the doubt. So, to clear this up, I tried posting a friendly comment under Ducky's video asking her to get in touch if she wanted to talk. That happened around 9:30 AM today (Saturday, 9/13).

Well guess what? I checked back a few minutes later and my friendly note was gone. Did Ducky remove it? WTF? I thought you wanted to have a conversation?

Again, I don't think it's fair to accuse people of wrongdoing when there MIGHT be a non-malicious explanation. A guy I respect once told me: "Never attribute to malice that which can be explained by incompetence."

So, being the nice guy that I am, I tried posting my comment a 2nd time.....but this time, I wanted to keep receipts... so I screen recorded the comment posting to her page. And as you can see, the comment clearly did post successfully.

Did it stay posted? Of course not. It's gone. Again. Within minutes.

HMMM. Does that mean Ducky removed it? I think that's a fair assumption. If I have learned anything about JFC over the last 18 months, it's this – you guys HATE being exposed as liars. You DEMAND to have 100% control of the narrative. You ONLY want people to hear your version of the story, and you will do ANYTHING you can (legal or not) to stop me from telling the other side. You also LOVE posting lies about me, and you HATE when I push back.

But hey....MAYBE, just MAYBE Ducky did nothing wrong here. MAYBE there's a glitch in the YouTube comments that caused my note to be deleted.

And maybe unicorns will fly out of my ass.

Anyway, have a great weekend.....

P.S. For the record – anyone who says I am doing this because I WANT attention — you can f__ off. I wish more than anything that you guys would simply get a life, move on, and stop talking about me. But you have refused to do that. If anything, the volume of hate just keeps increasing.

I can't force you to stop talking. But when people like Ducky lie about the facts, I'm going to set the record straight

Want me to stop talking? Simple - I'll stop the minute you guys stop lying

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