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1 David S. Gingras, #021097
2 **Gingras Law Office, PLLC**
3 4802 E Ray Road, #23-271
4 Phoenix, AZ 85044
5 Tel.: (480) 264-1400
6 Fax: (480) 248-3196
7 David@GingrasLaw.com

8 Attorney for Petitioner
9 Laura Owens

10 **MARICOPA COUNTY SUPERIOR COURT**
11 **STATE OF ARIZONA**

12 **In Re Matter of:**

13 **LAURA OWENS,**

14 **Petitioner,**

15 **And**

16 **CLAYTON ECHARD,**

17 **Respondent.**

Case No: FC2023-052771

**NOTICE OF APPEARANCE AND
NOTICE RE: PENDING MOTION**

(Assigned to Hon. John Doody)

18 Pursuant to Rule 9(d)(1)(A), Ariz. R. Fam. L. P., David S. Gingras, Esq., hereby
19 enters his appearance in this matter as counsel of record for Petitioner Laura Owens.

20 In addition, for the Court's convenience, undersigned counsel wishes to inform the
21 Court he is aware a motion was filed in this matter by counsel for Respondent, Clayton
22 Echard, on March 25, 2024, seeking relief based on "fraud". At that time, Ms. Owens
23 was not represented by counsel; she was *pro se*.

24 Technically, if Mr. Echard's motion had been properly served, Ms. Owens's
25 response would be due 10 business days after filing, plus five calendar days per Rule
26 4(c), Ariz. R. Fam. L.P., making her response due April 15, 2024. However, according to
27 the motion filed by Respondent, that pleading was "served" by emailing a copy to Ms.
28 Owens.

1 Email service of motions is, of course, not valid unless “the recipient consents in
2 writing to that method of service or if the court orders service in that manner, in which
3 event service is complete upon transmission” Rule 43(b)(2)(D), Ariz. R. Fam. L.P.
4 (emphasis added).

5 Here, at the time Mr. Echard’s current motion was filed, Ms. Owens was *pro se*
6 and she did not consent to receive service of pleadings via email. Further, Ms. Owens
7 does not believe the Court ever issued an order permitting Mr. Echard to serve motions
8 via email. Thus, because the certificate of service attached to Mr. Echard’s motion claims
9 service was *only* done via mail, the motion currently remains unserved.

10 Now that Ms. Owens has retained counsel to appear in this matter, if Mr. Echard
11 chooses to do so, he may serve undersigned counsel in any manner allowed under Rule
12 43(b). Alternatively, if the Court would like to issue an order authorizing electronic
13 service, Ms. Owens would have no objection.

14 For now, and for purposes of clarity – because Mr. Echard’s motion has not been
15 served, Ms. Owens does not intend to file a response to that motion unless and until Mr.
16 Echard complies with the requirements of Rule 43, or until such time as the Court issues
17 an order permitting electronic service.

18 DATED April 9, 2024.

19 GINGRAS LAW OFFICE, PLLC

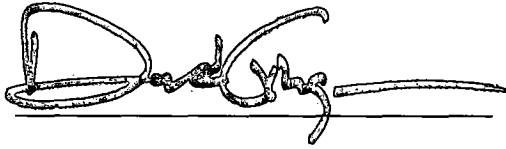
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21 David S. Gingras
22 Attorney for Petitioner
23 Laura Owens
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GINGRAS LAW OFFICE, PLLC
3941 E. CHANDLER BLVD., #106-243
PHOENIX, ARIZONA 85048

1 **Original hand-filed** with the Clerk of Court
2 And a copy sent via U.S. Mail to:

3 Gregg R. Woodnick, Esq.
4 Isabel Ranney, Esq.
5 Woodnick Law, PLLC
6 1747 E. Morten Avenue, Suite 505
7 Phoenix, AZ 85020
8 Attorneys for Respondent

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