



6 **IN THE SUPERIOR COURT OF THE STATE OF ARIZONA**
7 **IN AND FOR THE COUNTY OF MARICOPA**

9 In Re the Matter of:

Case No.: FC2023-052114

10 **LAURA OWENS,**

**ETHICAL RULE 3.3 NOTICE OF
CANDOR**

11
12 Petitioner,

13 -and-

(Assigned: Hon. Julie Ann Mata)

14 **CLAYTON ECHARD,**

15
16 Respondent.

17
18 COMES NOW Cory B. Keith, previous attorney for Petitioner, LAURA OWENS,
19 pursuant to the Arizona Rules of Professional Conduct, Ariz. R.S.Ct. 42, Ethical Rule 3.3(a)
20 and the mandatory obligation to correct the record before the tribunal, hereby states as
21 follows:

22
23 The parties appeared for an in-person Status Conference on February 21, 2024.
24 During the Status Conference and while discussing the previous Injunction Against
25 Harassment proceedings from November 2, 2023,¹ above-mentioned counsel stated, “[Ms.
26 Owens] has not lied in this case. She has not intentionally lied to the Court.” At the time,
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¹ Counsel notes that he did not represent Ms. Owens during this previous Injunction Against Harassment proceeding.

1 counsel believed this statement to be true. Counsel no longer believes this statement to be
2 true for the reasons outlined *infra*.

3 The below questions and answers are from Mr. Echard's March 1, 2024, deposition
4 of Ms. Owens.

5
6 Q. [Mr. Woodnick] I'm going to show you Exhibit 9. Exhibit
7 9 is from Scottsdale Medical Labs. Have you been a
8 patient at Scottsdale Medical Laboratory or Labs?

9 A. [Ms. Owens] Yes.

10 Q. This is an ultrasound dated July 7, 2023?

11 A. Yes.

12 Q. Is that your name on the top and your
13 birth date next to it?

14 A. That is my name and birth date, yes.

15 Q. And this is the ultrasound that you
16 received at SMIL that was presented by Bonnie Slater
17 in the prior proceedings; correct?

18 A. Yes, it was, it was. But this was
19 actually at Planned Parenthood.

20 Q. Okay, I want to make sure I clarify that.

21 Let's start off with the basics.

22 On Exhibit 9, is this your ultrasound?

23 A. Yes.

24 Q. Did you go into a facility, a SMIL

25 facility, because it is ear marked SMIL, to get this

26 I ultrasound?

27 A. I did not.

28 Q. Where did you get this ultrasound?

29 A. Planned Parenthood in Mission Viejo.

30 Q. So I don't know Mission Viejo well, but
31 is what you are suggesting that Scottsdale Medical
32 Imaging has a branch in Mission Viejo, California?

33 A. No.

34 Q. I'm totally confused here, I will give

35 you a chance here to explain how there is a
36 Scottsdale Medical Imaging ultrasound that you claim
37 came from Mission Viejo.

38 A. There is not, this was the -- actually
39 taken in Mission Viejo, this was not taken at SMIL.

40 Q. Why does it say SMIL on it?

41 A. I did change the top of that from Planned
42 Parenthood to SMIL, because I didn't want him to
43 contact the doctor.

44 Q. I'm showing you real clearly Bates stamp

1 20 0183, it's an ultrasound image that you are admitting
21 to having changed information on, is that true?

2 22 A. Just the top left, yes, the location.

3 23 Q. I'm going to ask the question again.

4 24 A. Yes.

5 25 Q. Did you change data on the -- on what has

6 1 been marked as Exhibit 9?

7 2 MR. KEITH: She answered the question,

8 3 Gregg. Objection, form.

9 4 BY MR. WOODNICK:

10 5 Q. Other than changing the word SMIL on

11 6 that exhibit, did you change anything?

12 7 A. No.

13 Owens Dep. 80:6-82:7.

14 6 Q. That's the one that you say that you

15 7 changed and attributed to another medical provider

16 8 located in Scottsdale Arizona, correct?

17 9 A. Correct.

18 10 Q. And that's SMIL, which is an acronym for

19 11 Scottsdale Medical Imaging labs or something like

20 12 that; correct?

21 13 A. Correct, I have gone there before.

22 14 Q. You are a patient of SMIL?

23 15 A. Correct.

24 16 Q. So when I get the subpoena for the

25 17 records release from SMIL, this isn't going to be

26 18 there because they didn't do this test?

27 19 A. Correct.

28 20 Q. Because you just put their name on the

29 21 test?

30 22 A. Correct.

31 23 Q. This test, according to you, was

32 24 originated in California?

33 25 A. Correct.

34 1 Q. And you went in there anonymously?

35 2 A. Correct, and I -- yeah, I added my name

36 3 in the -- in the facility name, correct.

37 4 Q. So we are changing your testimony, so

38 5 it's not -- you originally said you just changed and

39 6 added the word SMIL, but now under oath you are

40 7 saying you added your name to it too; correct?

41 8 A. Correct.

42 9 Q. And your date of birth?

43 10 A. Yeah, I changed the top.

1 Owens Dep. 87:6-88:10.

2
3
4 During the same deposition, Ms. Owens also testified to the following:

5 **Lines 16-23 below are a video clip of the November 2, 2023 hearing.*

6 *16 Could you please repeat that, Ms. Owens,*

7 *17 who is your OB/GYN?*

8 *18 My main OB/GYN is a perinatologist,*

9 *19 Dr. Makhoul.*

10 *20 And what is the last time -- you said the*

11 *21 main OB/GYN. Who else are you seeing, what other*

12 *22 pregnancy-related doctors are you seeing?*

13 *23 Dr. Higley, who I saw last Friday.*

14 *24 BY MR. WOODNICK:*

15 *25 Q. You didn't see Dr. Higley that last*

16 *1 Friday, and before you answer that, you don't have*

17 *2 to, you can plead the Fifth because it will be a*

18 *3 really inconsistent statement with what you told*

19 *4 Judge Gialketsis?*

20 *5 A. I had an appointment with Dr. Higley.*

21 *6 Q. You said, you specifically told Judge,*

22 *7 Gialketsis under oath, that you saw Dr. Higley the*

23 *8 week before.*

24 *9 A. I had an appointment with Dr. Higley.*

25 *10 Q. You did not see Dr. Higley the week*

26 *11 before, did you?*

27 *12 A. I did not go to the appointment.*

28 Owens Dep. 146:16-147:12.

The admissions from Petitioner during her deposition confirm that counsel's above-quoted statement made during the February 21, 2024, Status Conference was factually inaccurate. Specifically, Petitioner admittedly altered her sonogram photo to include her name.² Petitioner also admitted she did not see Dr. Higley the week prior to the November

² Petitioner has addressed modifying this sonogram to alter the name of the facility. See *Petitioner's Response to Respondent's Amended Motion for Relief Based on Fraud* at 13 ¶ 2.

1 2, 2023, injunction hearing. As such, counsel files this notice to retract his statement and to
2 ensure candor to the Court as is required by Ethical Rule 3.3(a) because undersigned counsel
3 is not aware of Petitioner having notified the court of these other factual inaccuracies.

4 **RESPECTFULLY SUBMITTED** this 3rd day of June 2024.

5 **DESERT LEGAL GROUP, PLLC**

6 */s/ Cory Keith*


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Previous Attorney for Petitioner

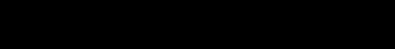
9 **ORIGINAL** of the foregoing e-filed
10 with the clerk this 3rd day of June 2024.

11 **COPY** presumed delivered even date to:
12 The Honorable Julie Ann Mata
13 Maricopa County Superior Court

14 **COPY** emailed even date to:
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