

SUPERIOR COURT OF ARIZONA
IN MARICOPA COUNTY



Judge Julie Mata
Northeast Facility, 102
Phoenix, AZ 85032

Phone (602) 372-0825
Fax (602) 372-0343

September 17, 2024

State Bar of Arizona
4201 N. 24th St., Suite 100
Phoenix, Arizona 85016-6266

Re: David S. Gingras (Arizona State Bar No. 021097)

To Whom it May Concern:

FC2023-052114 was heard on June 10, 2024. The case has substantial media and social media attention. At the case's inception, both parties were not represented. Petitioner, Laura Owens, retained several attorneys during the litigation, but the case was ultimately tried by Mr. Gingras. Respondent, Clayton Echard, was represented by Gregg R. Woodnick. Due to the media attention, and concerns expressed by Petitioner, measures were taken to provide safety to all participants, freedom of the press, and transparency prior to the hearing. **Petitioner's request for a Court security escort from counsel's car into the courtroom, while in the hearing, and at the conclusion of the hearing was granted along with measures to ensure any parties with an active Order of Protection ("OOP") or Injunction Against Harassment ("IAH") were kept the appropriate distance from each other.**

Prior to the trial commencement, Court Security and Maricopa County Sheriff's Office ("MCSO") advised the Court that counsel for the Petitioner called

911 from the parking lot of the Northeast Facility attempting to have Micheal Marraccini arrested for violation of an OOP that Petitioner had renewed in California. With Court Security and MCSO present, the Court is unsure why 911 would be necessary. Law enforcement was already present. This Court, through security and MCSO, advised the responding police officers, that Micheal Marraccini was responding to a valid subpoena and was not to be detained prior to testimony, if at all.

This Court is unclear why this witness was identified, and an arrest requested. The parties, and some witnesses, have competing OOP and IAH. While the Court is unable to find this is witness tampering, given the totality of the circumstances and pre-trial litigation regarding the subpoena and witness Michael Marraccini, it strongly appears to be an attempt to prevent his testimony by counsel, and/or the Petitioner. Respondent intended to call Michael Marraccini, and Gregory Gillespie to provide evidence of “other crimes, wrongs, or acts to show motive, opportunity, intent, preparation, plan, knowledge, identity, absence of mistake, or lack of mistake pursuant to Rule 404(b).” The Court previously found their testimony to be relevant and admissible.

During the Petitioner’s cross-examination Mr. Gingras appeared to be signaling his client with sweeping arm movements, including making an “X” with his arms, and sweeping his arms along the front of his body. It appeared to be an attempt to prompt certain responses from the Petitioner. Once counsel for the Respondent, stood between Mr. Gingras and the Petitioner, she became agitated and emotional. She asked for a brief recess, which was granted.

The Court issued a ruling, dated June 17, 2024. It docketed June 18, 2024. The Court received an email from Mr. Gingras on June 17, 2024, demanding the following of the Court:

From: David Gingras <david@gingraslaw.com>

Sent: Monday, June 17, 2024 10:09:54 AM

To: SUP DRJ06 <DRJ06@jbazmc.maricopa.gov>; Gregg Woodnick <Gregg@woodnicklaw.com>

Cc: Isabel Ranney <isabel@woodnicklaw.com>; Maribeth Burroughs <maribeth@woodnicklaw.com>; Deandra Arena <deandra@woodnicklaw.com>

Subject: RE: Owens v. Echard (FC2023-052114)--Response Requested

Dear Judge Mata's Division,

I am writing to raise a potentially urgent issue that has just come to my attention. In short, Ms. Owens informs me that various individuals have recently posted claims on social media which, if true, may warrant a change of judge for cause pursuant to Family Law Rule 6.1. Before pursuing this further, I wanted to bring this to the Court's attention and request a response from Judge Mata directly to verify whether the allegations are true.

In short, Ms. Owens has informed me of the following:

1. Judge Mata's father was personally present at the trial held in this matter on Monday, June 10th;
2. After the trial, several individuals ("supporters" of Mr. Echard) claim to have discussed the case with Judge Mata's father;
3. According to these individuals, Judge Mata's father claimed the judge shared information with him about this case, and made comments indicating Judge Mata intended to make adverse rulings against Ms. Owens before trial.

Obviously, if these allegations are true, they raise extremely serious concerns.

However, I am fully aware that similar claims have recently been posted on social media in other unrelated cases, and those claims were later shown to be false.

In this instance, Ms. Owens has reason to believe the allegations regarding Judge Mata's father are true. She has obtained a video of a least one person making these claims, and that person claims to have directly communicated with Judge Mata's father about this matter. If this claim is true, Ms. Owens believes this may warrant a change of judge for cause pursuant to Family Law Rule 6.1.

Before proceeding, as unusual as this may be, I am respectfully asking Judge Mata to respond directly and explain whether these allegations are true.

As I mentioned in court last week, I am currently in Europe on a family vacation. We are currently on a cruise ship (the Norwegian Getaway) anchored in Cannes, France. We are leaving this evening for Florence, Italy, and we will be on the ship until early next week when it docks in Athens. We will have extremely limited phone/internet while the ship is at sea. Currently (as of Monday, June 17th), we are +9 hours ahead of Arizona time, but that will increase as we move further east.

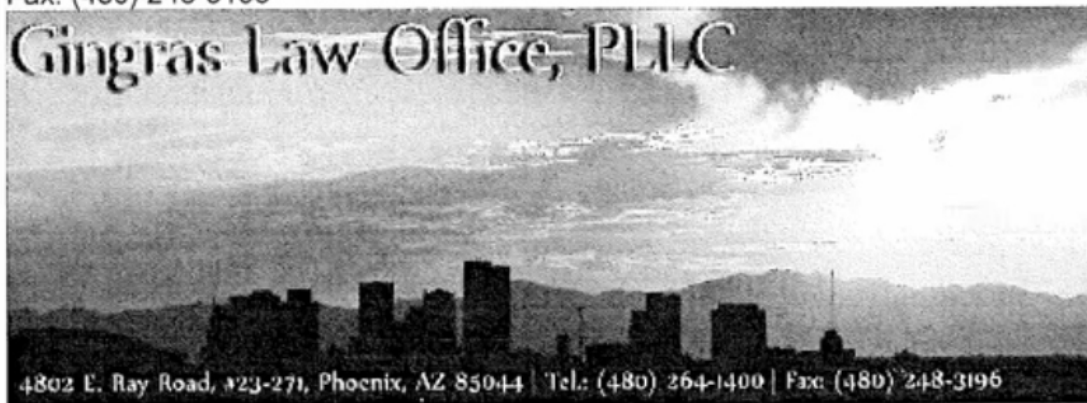
Again, I fully understand the unusual nature of this message, and as noted above, I understand the allegations may be entirely false. However, given the serious nature of the issue, Ms. Owens has asked me to move forward with an immediate Notice of Change of Judge for Cause unless the Court confirms the above allegations are false. I hope this will not be necessary given the significant disruption this may cause, but I am ethically obligated to take all appropriate steps to protect Ms. Owens' rights, and I intend to do so.

For that reason, I respectfully request a response from the Court to the issues raised above by 5 PM (Arizona time) tomorrow, June 18, 2024. For purposes of clarity, the questions I am propounding are as follows:

1. Was Judge Mata's father present (either in court or in any overflow room) for the trial in this matter on June 10th;
2. Did Judge Mata's father speak with Mr. Echard or any of his supporters, including any of his attorneys, at any time;
3. Did Judge Mata share any information of any kind with her father regarding this case prior to June 10, 2024, and if so, what specific information was shared.

Thank you for your prompt attention to this request.

David Gingras, Esq.
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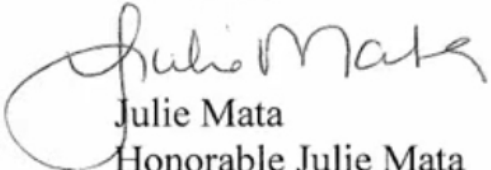
Of note, Mr. Gingras demanded that the Court respond to him by 5:00 p.m. the following day. Litigation by email is inappropriate. The Court responded instructing the parties to file any appropriate motions. Mr. Gingras filed a Notice of Change of Judge for Cause; Memorandum & Affidavit in Support on July 8, 2024. While the Court takes no issue with the Notice, Mr. Gingras was unprofessional and inappropriately disparaging within his pleading. For example:

This shameful conduct not only violated Laura's rights, it raises serious questions regarding Judge Mata's fitness as a Judge of the Superior Court. Any reasonable objective observer in Laura's position would be justified in wondering, "Was my case fairly decided based on the evidence or was Judge Mata simply trying to impress her father – *Look at me Daddy! I'm a real judge now! Just watch me destroy a*

*young woman's life because the other party was on The Bachelor!
Hee hee!"*

I have attached a copy of the pertinent hearing, minute entries, and Motion for your review. I am available to discuss further if you deem it warranted.

Sincerely,

A handwritten signature in black ink that reads "Julie Mata". The signature is written in a cursive style with a large, looping initial "J".

Julie Mata
Honorable Julie Mata
Maricopa County
Superior Court Judge

RE: Owens trial



David Gingras
To Randy Sue Pollock
Bcc Laura Owens



Mon 5/6/2024 1:48 PM



Ms. Pollock,

I am writing to document our discussion just now and to explain my position. Per the email below, we spoke about your client Mike Marraccini about two weeks ago. At that time, I told you I just wanted to speak with Mike and hear his side of the story. I also explained that IF Mike was going to be a witness in the Arizona paternity matter, I could (and would) be willing to subpoena him for a deposition, if he was unwilling to have a simple phone conversation.

In response to that discussion, you sent me the email below stating that Mr. Marraccini was NOT going to testify at the trial in June.

Since then, counsel for Mr. Echard has indicated Mr. Marraccini WILL be testifying in person at trial in June. This is, of course, inconsistent with what you said below.

To clarify the situation, I called you again today to ask if it was possible for me to speak with Mr. Marraccini. Your response was (to paraphrase): "No, we are not willing to cooperate with you."

In light of that response I want to make two things clear:

- 1.) If Mr. Marraccini intends to testify at trial, then I have an absolute right to know this, and I have a right to interview him. That interview can be done informally in a phone call, or it can be done formally in a deposition. Either way, refusing to cooperate is NOT an available option IF Mr. Marraccini wants to participate as a trial witness.
- 2.) On the phone, you suggested Mr. Marraccini may just "show up" at trial rather than participating as a subpoenaed witness (i.e., he would simply choose to be there, either as a spectator, or as a non-subpoenaed witness).

If that is his plan, I need to be clear about our position – if Mr. Marraccini shows up as *either* a spectator or as a non-subpoenaed witness, Laura will ask the Phoenix Police to have Mr. Marraccini immediately arrested for