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Attorney for Petitioner
Laura Owens

MARICOPA COUNTY SUPERIOR COURT

STATE OF ARIZONA

In Re Matter of:	Case No: FC2023-052114
LAURA OWENS,	**NOTICE OF CHANGE OF JUDGE FOR CAUSE; MEMORANDUM & AFFIDAVIT IN SUPPORT**
Petitioner,	
And	**(Noticed Judge – Hon. Julie A. Mata)**
CLAYTON ECHARD,	**(Presiding Judge – Hon. Ronda Fisk)**
Respondent.	

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Pursuant to Rule 6.1 Ariz. R. Fam. L.P. Petitioner Laura Owens ("Laura" or "Petitioner") submits the following Notice of Change of Judge for Cause, and memorandum and affidavit in support thereof.

As explained below, there is clear and convincing evidence demonstrating the judge currently assigned to this matter – Hon. Julie Ann Mata – is biased, prejudiced, and has engaged in conduct which violates both Laura's right to due process of law under both the United States and Arizona Constitutions, and which separately violated Rules 2.9(A) and 2.9(C) of the Arizona Rules of Judicial Conduct by, *inter alia*: 1.) performing an independent investigation into the facts of this case; 2.) considering (and relying upon) information posted on the Internet about this case; and 3.) engaging in *ex parte* communications regarding this case with her father, [redacted].

This conduct, while sufficient to warrant additional other relief (including, but not limited to, a new trial), establishes grounds to disqualify Judge Mata on the basis of bias and prejudice within the meaning of A.R.S. § 12–409(5). For these reasons, Laura respectfully requests the Family Court Presiding Judge, Hon. Ronda Fisk, review this matter and to find that grounds exist to disqualify Judge Mata, and to promptly reassign this matter to a new judge.

In the event Judge Mata disputes the allegations set forth below, Laura requests that the Family Court Presiding Judge set this matter for an evidentiary hearing pursuant to Family Law Rule 6.1(d)(2), and that upon doing so, the Court approve the issuance of subpoenas *ad testificandum* to Judge Mata and her father, Mr. [redacted]

I. CASE SUMMARY/BACKGROUND

The facts of this matter are set forth in detail in the affidavit of counsel submitted herewith. In short, this case began as a simple paternity establishment action, with one uncommon wrinkle — Respondent Clayton Echard ("Clayton" or "Respondent") is a minor celebrity as a result of his appearance on the reality TV dating program called *The Bachelor*. Clayton did not merely appear as a *contestant* on *The Bachelor*, he was the star of his season, appearing on the show from January to March 2022.

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Laura claims she had a one-night sexual encounter with Clayton in Scottsdale on May 20, 2023, and she learned she was pregnant 11 days later. Laura claims she tested positive for pregnancy on **five separate occasions** before this case was filed: May 31, June 1, June 19, July 25, and August 1. The first test taken on May 31 was an at-home type pregnancy test which was positive. The next day, on June 1, Laura went to a Banner Urgent Care for a professional pregnancy test. The test at Banner was also positive.

After Laura informed Clayton of these positive tests, on June 19, 2023, Clayton invited Laura to his home to discuss the situation. Upon arrival, Clayton surprised Laura with a home pregnancy test he had purchased, and he demanded she take the test immediately in front of him (Laura claims she took the test as Clayton watched, while Clayton claims she went to the bathroom and took the test behind a closed, or partially closed door). In any event, this third test was also positive.

After the parties were unable to reach an agreement on how to deal with the situation, and after two more positive tests, Laura filed this action, on August 1, 2023. Upon filing and through the present, this matter was assigned to Hon. Julie A. Mata.

On August 21, 2023, Clayton filed a *pro se* response denying paternity. In his response, Clayton claimed "only oral sex" occurred between the parties, not sexual intercourse, and he further alleged "this entire petition is made up by [Laura]."

Laura claims that while the matter was pending, she had a blood test done on October 16, 2023 which confirmed, yet again, she was pregnant, but the test results suggested the pregnancy was not viable (i.e., it was likely to end in miscarriage). About a month later, on November 14, 2023, Laura was seen by an OB/GYN facility called MomDoc where it was confirmed she was no longer pregnant.

After learning she was no longer pregnant, Laura filed nothing further in this case, and she took no actions to prosecute the matter any further. Because Laura is not an attorney, she was not familiar with the process for seeking a voluntary dismissal. On December 4, 2023, court administration issued a notice placing this matter on the inactive calendar and scheduling the matter for dismissal on February 2, 2024.

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Shortly before the case was due to be dismissed for inactivity, Clayton retained counsel, Gregg Woodnick, who appeared in this matter for the first time on December 12, 2023. Mr. Woodnick immediately filed several pleadings including a Motion to Amend Clayton's Answer to the petition (filed on December 12, 2023), and a Motion for Rule 26 Sanctions (filed on January 2, 2023). Notably, Mr. Woodnick filed these pleadings without making any attempt to meet and confer with Laura as required by Family Law Rule 9(c), and he moved for Rule 26 sanctions without ever providing written notice to Laura of her right to amend or withdraw her petition as required by Family Law Rule 26(c)(2)(B).

Shortly thereafter, Laura retained counsel, Alexis Lindvall, who appeared on December 22, 2023 and filed a Motion to Dismiss *With Prejudice* on December 28, 2023. Days later, Ms. Lindvall withdrew from this matter, with Laura's consent, on January 2, 2024.

Confusingly, on January 25, 2024, Judge Mata issued an order *granting* Laura's Motion to Dismiss. In that ruling, the court indicated: "Petitioner advises she is no longer pregnant and has filed a Motion to Dismiss. While the Court will grant the Motion, the issue of sanctions and attorney's fees remain." Judge Mata then set an evidentiary hearing on those issues for June 10, 2024.

The undersigned was first retained to represent Laura on March 25, 2024. After appearing in this case, undersigned counsel quickly discovered that Mr. Woodnick filed the Rule 26 Motion for Sanctions (among other pleadings) without first consulting with Laura (or her counsel), and the sanctions motion was filed *without* giving the mandatory 10-day written warning required by providing written notice to Laura of her right to withdraw her petition as required by Family Law Rule 26(c)(2)(B). After counsel discussed these problems, and despite initially refusing to do so, on April 3, 2024, Mr. Woodnick filed a motion to withdraw his Rule 26 Motion for Sanctions. Unfortunately, that request was not timely ruled on by the Court, resulting in the undersigned filing a Motion for Judgment on the Pleadings as to the issue of sanctions on May 10, 2024.

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On May 29, 2029, a minute entry order was issued explaining the Court had intended to *grant* Clayton's request to withdraw his Motion for Sanctions, but "due to a clerical error, the acceptance was not remitted to the parties …" Despite the Motion for Sanctions being withdrawn, and despite no other sanctions or fees motions pending, the case proceeded to trial on June 10, 2024.

On June 17, 2024 (filed June 18, 2024), Judge Mata issued an order finding in favor of Clayton as to substantially all issues in the case, and awarding attorney's fees in an amount to be determined by later application. The post-trial order also purported to find Laura lied about being pregnant in this case, as well as two other matters, and that she may have committed perjury in this case, or elsewhere (the order is not entirely clear). Based on those findings, Judge Mata referred this matter to the Maricopa County Attorney's Office.

Since receiving the post-trial decision, Laura has discovered evidence of extremely serious misconduct by Judge Mata which is more than sufficient to remove her from this case for cause. Laura will also seek, by separate motion, a new trial and a complete reversal of *all* prior rulings issued in this case by Judge Mata due to her misconduct, in addition to other relief.

II. LEGAL STANDARD

Family Law Rule 6.1(a) provides: "**(a) Grounds**. A party seeking a change of judge for cause must establish grounds by affidavit as required by A.R.S. § 12–409." Among other reasons, A.R.S. § 12–409 permits disqualification of a judge by showing: "the party filing the affidavit has cause to believe and does believe that on account of the bias, prejudice, or interest of the judge he cannot obtain a fair and impartial trial."

It is important to note A.R.S. § 12–409 does not contain any express time limits for seeking a change of judge, but Arizona courts have read that statute as containing an implicit limit – a party cannot ask to disqualify a judge under A.R.S. § 12–409 after a trial has begun. *See Del Castillo v. Wells*, 523 P.2d 92, 94 (App.Div. 1 1974) (explaining under A.R.S. § 12–409, "if a judge is allowed to receive evidence which of necessity is to

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be used and weighed in deciding the ultimate issues, it is too late to disqualify him on the ground of bias and prejudice.")

At the same time, the *Del Castillo* court also noted requests to disqualify a judge made under *other authority*, not A.R.S. § 12–409 (such as Civil Procedure Rule 42(f)) are not subject to the same implicit restrictions as requests under § 12–409. Instead, *Del Castillo* explains if a request is made under *other* authority, the outcome is controlled by the text and substance of the specific rule invoked; "Clearly in enacting [Civil Procedure] Rule 42(f) providing for a specific procedure for a change of judge, the Supreme Court 'modified or suspended' the then existing procedure for a change of judge as a matter of right outlined in § 12-409." *Del Castillo*, 523 P.2d at 95. Thus, for example, in a civil matter, a party may waive his or her right to a change of judge as a matter of right if "the judge rules on any contested issue …." Ariz. R. Civ. P. 42.1(d)(2).

Here, Family Law Rule 6.1 does not contain the same waiver language. On the contrary, Rule 6.1 only requires that a party seek a change of judge for cause within 20 days after discovering the basis for the request, and the rule expressly provides "Case events or actions taken before that discovery do not waive a party's right to a change of judge for cause." (emphasis added). This broader rule (which permits a change of judge *after* trial) makes sense given that family law cases are, unlike civil matters, often continuing in nature. Because a family court judge may hold multiple trials and/or evidentiary hearings in the same case over a span of many years, it would make no sense to interpret Rule 6.1 as depriving a party of their right to disqualify a judge for cause simply because that judge held one or more earlier hearings before the grounds for disqualification were discovered. Rather, the text of the rule merely requires a party to raise the issue promptly, even if that occurs after a trial or hearing is completed.

As explained in the concurrently filed affidavit of counsel, the grounds upon which a change of judge are requested in this case are primarily based on misconduct committed by Judge Mata which shows her post-trial ruling (filed June 18, 2024) contained findings that were *not* based on the evidence admitted at trial. Rather, Judge

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Mata made findings based on an improper *ex parte* investigation she conducted which included reviewing information posted on the Internet about this case. Until Judge Mata's post-trial ruling was issued on June 18, 2024 (less than 20 days ago), Laura did not know and could not possibly have known of the judge's misconduct in this regard.

Although this single issue is sufficient to grant the relief requested, there is also evidence showing *other* misconduct committed by Judge Mata, including the fact she engaged in an improper *ex parte* discussion of the facts of this case with her father, [redacted], in violation of Rule 2.9(A) of the Arizona Code of Judicial Conduct. Although Laura (and undersigned counsel) heard rumors about Mr. [redacted] appearing at the trial on June 10th, the specific details of exactly what occurred, and proof to establish these facts, was not fully known until undersigned counsel returned from his pre-planned vacation on June 28, 2024.

For those reasons, this request is timely pursuant to Family Law Rule 6.1(c) because it has been brought within 20 days of discovering the grounds upon which the request is based.

III. DISCUSSION

a. Clear And Convincing Evidence Shows Judge Mata Conducted An Improper *Ex Parte* Investigation Into The Facts

The details of the grounds for disqualification are set forth in the affidavit of counsel submitted herewith. To summarize those grounds, this request is primarily based on the fact there is clear, irrefutable evidence that Judge Mata conducted an *ex parte* investigation into the facts of this case AND, even worse, at least one of her post-trial factual findings on a critically important issue was based *solely* on information posted on the Internet and not based on the evidence admitted at trial.

Because episodes of such brazen and blatant judicial misconduct are thankfully rare, comparable examples in Arizona are difficult to find. However, something very similar occurred in *Reprimand of Judge B. Carlton Terry, Jr*, North Carolina Judicial Standards Commission Inquiry No. 08-234 (April 1, 2009) (a copy of which is submitted

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herewith).[1] That case, like this matter, involved a family court proceeding. In *Terry*, the assigned judge posted comments about the case on Facebook, and he also "used the internet site 'Google' to find information about [a party's] photography business." The judge also visited the website of a party, and copied a poem from that party's website which he recited at trial.

Upon discovering these facts, one of the parties moved to disqualify the judge, asked to vacate the judge's post-trial orders, and to have the case reassigned. Those requests were granted in their entirety, and the North Carolina Judicial Standards Commission later publicly reprimanded the judge for this conduct, finding he committed multiple violations of the Canons of Judicial Conduct, including by "conducting [an] independent *ex parte* online research about a party presently before the Court" and by having *ex parte* discussions about the case. The Commission found the judge's actions were "prejudicial to the administration of justice that brings the judicial office into disrepute."

Exactly the same rules and standards apply here. It is axiomatic that in civil cases in the State of Arizona, juries are *never* permitted to conduct "*trial by Google*":

> Research related to the case, including internet research, is strictly forbidden. Do not do any research or conduct any type of investigation about the case, the facts, the parties, the witnesses, the attorneys, or any person or entity related to the case. Do not look for information on the internet, or from any other source, about the case or about the facts or issues related to the case. In other words, do not try to find out information from any source outside this courtroom. The reason for this is that you must base any decision only on the evidence that is produced here in the courtroom. You must base any decision only on the evidence that is produced here in the courtroom, because the fairness of the trial depends on both parties knowing exactly what evidence you are considering so that they can respond to it or address it in their arguments.

REVISED JURY INSTRUCTIONS (CIVIL), 7TH (PRELIMINARY 9 – Admonition).

[1] Available at: https://www.nccourts.gov/assets/inline-files/Public-Reprimand-08-234-Terry.pdf

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Notwithstanding all their other powers and responsibilities, judges acting as fact finders in a bench trial are subject to exactly the same rule as jurors – a judge may *never* "investigate facts in a matter independently, and shall consider only the evidence presented and any facts that may properly be judicially noticed." Ariz. Sup. Ct. Rule 81, Code of Judicial Conduct Rule 2.9(C) (and comment 6, explaining, "The prohibition against a judge independently investigating the facts in a matter extends to information available in all mediums, including electronic.")

As explained in the affidavit of counsel submitted herewith, there is no question Judge Mata violated this most basic core requirement of fairness. She did so by making a critical factual finding – that "Planned Parenthood is closed on Sunday" – and by falsely attributing that finding to a trial witness (Clayton's medical expert, Dr. Deans) who said no such thing. Rather than basing this finding of the evidence admitted at trial, the only possible source of this information was an independent investigation into the facts of this case by the judge, which included looking at social media and/or other website comments (it is irrelevant exactly which sites Judge Mata viewed or when she viewed them, because *any* such *ex parte* investigation was *per se* a violation of Laura's right to fundamental fairness).

Furthermore, although Judicial Conduct Rule 2.9(C) does allow a judge to base findings on facts which "may properly be judicially noticed", the business hours of Planned Parenthood locations in California in 2023 is *not* a fact subject to judicial notice (nor did Judge Mata claim she took judicial notice of that fact). This exact issue was discussed in ABA Formal Opinion 478 which offered the following hypothetical:

> **Hypothetical #1:** In a proceeding before the judge in a case involving overtime pay, defendant's counsel explains that the plaintiff could not have worked more than 40 hours per week because defendant's restaurant is in an "industrial area" and only open for breaks and lunch during the work-week and not on weekends. The judge is familiar with the area and skeptical of counsel's claims. The judge checks websites like Yelp and Google Maps, which list the restaurant as being open from 7 am to 10 pm,

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> seven days each week. Does this search violate Rule 2.9(C) of the Model Code of Judicial Conduct?
>
> **Analysis #1:** This search violates Rule 2.9(C) of the Model Code of Judicial Conduct because the restaurant's hours of operation are key to whether the plaintiff could prevail on a claim of unpaid overtime. The judge should ask the parties and their counsel to provide admissible evidence as to the restaurant's hours of operation.

ABA Formal Opinion 478, *Independent Factual Research by Judges Via the Internet* (Dec. 8, 2017) (emphasis added).[2]

Again, because such blatant misconduct is rare, there is no directly controlling comparable Arizona precedent on this issue (of course the Code of Judicial Conduct as adopted by the Arizona Supreme Court is controlling here). However, courts in other states have consistently agreed – this type of judicial misconduct is *per se* unlawful and it entitles the movant to automatic relief regardless of whether the error was harmless. *See*, *e.g.*, *Davis v. United States*, 567 A.2d 36, 42 (D.C.Cir. 1989) (reversing conviction and ordering new trial where judge asked a law clerk to perform independent investigation into the facts of the case, and explaining, "under our system of laws, a judge is not an investigator; the investigative function belongs to the parties and their agents. Laudable goals and lofty purposes cannot be attained when the cost is the loss, or even the appearance of loss, of judicial impartiality.") (emphasis added) (citing *Kennedy v. Great Atlantic & Pacific Tea Co*., 551 F.2d 593, 596 (5th Cir. 1977) (reversing conviction and ordering new trial where the trial judge's law clerk personally visited the scene of the slip-and-fall accident, and clerk later testified about the outcome of his investigation; "It was unacceptable that the most damaging evidence against the defendants in this case was brought about by the intervention of a court official in the accumulation of evidence. . . . It was the law clerk's duty as much as that of the trial judge to avoid any contacts outside the record that might affect the outcome of the litigation[]" and further explaining, "the law clerk's 'private view of an accident in litigation' was a prohibited *ex*

[2] Available at: https://www.abajournal.com/images/main_images/FO_478_FINAL_12_07_17.pdf

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parte communication that violated Code of Judicial Conduct); *State v. Dorsey*, 701 N.W.2d 238, 249-50 (Minn. 2005) (reversing conviction and ordering a new trial after judge independently investigated facts of case; noting such conduct constitutes a *per se* violation of due process which requires *automatic* reversal without applying harmless error analysis; "when a defendant has been deprived of an impartial judge, automatic reversal is required …. This deprivation constituted a structural error, which precludes harmless-error analysis ….") (emphasis added) (citing *Arizona v. Fulminante*, 499 U.S. 279, 309 (1991)).

Based on this authority, Judge Mata must be disqualified on the basis of bias and prejudice as reflected by her gross misconduct. There is no question one of the most critical factual findings in this case was the issue of whether "Planned Parenthood is closed on Sunday" (the specific reasons why that fact was critical are explained in greater detail in the affidavit of counsel submitted herewith). In her post trial ruling, Judge Mata made a specific finding that "Planned Parenthood is closed on Sunday", and she attributed that statement to the testimony of Clayton's medical expert, Dr. Samantha Deans. But the trial transcript leaves ZERO question – Dr. Deans never testified to this fact, nor did any other witness. Moreover, on the day of trial, this fact WAS *repeatedly* and broadly published on social media sites and by anonymous third party comments appearing on the personal website of undersigned counsel.

These facts demonstrate that Judge Mata did exactly what the rules expressly prohibit – she conducted her own independent investigation into the facts, and then used the results of that investigation to reach an adverse decision. This is a *profound* violation of Laura's rights, and of the rights of the people of Maricopa County who trust their disputes will settled by impartial jurists according to law; "To be impartial, the fact-finder must base its conclusions on the facts in evidence and must not reach conclusions based on evidence sought or obtained beyond that adduced in court. When the fact-finder violates this principle, the result is structural error requiring automatic reversal." *State v. Foote,* 2020 WL 54282, *4 (Minn.App. 2020) (cleaned up) (quoting *Dorsey*, 701 N.W.2d

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at 249-50)); *see also Tribbitt v. Tribbitt*, 963 A.2d 1128, 1131 (Del. 2008) ("we hold that … the Family Court committed reversible error when it rejected unrefuted testimony by the Husband's expert and substituted for that testimony *the results of its own internet search*.") (emphasis added)).

b. Other Evidence Supports A Finding Of Judicial Bias

The law is clear – a single instance of misconduct by a trial judge is sufficient to establish bias and require disqualification of the judge. As explained above, the evidence proves Judge Mata undertook an independent investigation into the facts, and by doing so, she manifested bias sufficient to require her disqualification.

But the evidence of bias and misconduct is not limited to just the "Planned Parenthood is closed on Sunday" issue. Rather, as explained in the affidavit of counsel submitted herewith, another separate issue also establishes Judge Mata's bias – there is evidence showing the judge shared information about this case with her father, [redacted], and that he not only appeared at the trial as a spectator, he later socialized with Clayton's cult-like supporters, telling them, comically, "*I'm here for the shit show.*"

It is difficult to image a more disrespectful, disreputable, and disgraceful act for any judge to commit than inviting her father to attend a high-profile trial *in support of a party*, while also privately engaging in prohibited *ex parte* discussions about the case with her father. These actions made a mockery of these proceedings. As shown in the video clips submitted herewith, Clayton's supporters *gleefully* celebrated Judge Mata's father's participation in the case, even going so far as to laughingly ask people not to spread information about his participation because, after all, "*We don't need a mistrial here*." For once, those followers were exactly right – the conduct of Judge Mata and her father absolutely warrant a mistrial (or more accurately, a retrial, before a different, unbiased judge).

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

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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!*"

Assuming the published allegations of Judge Mata are true (as documented, on video, by Clayton's own followers), this proves Judge Mata separately violated Rule 2.9(A) of the Code of Judicial Conduct. And Judge Mata's blatant, pervasive disregard for her ethical duties and her disrespect for Laura's fundamental rights helps explain the judge's *numerous* (and otherwise heretofore inexplicable) adverse rulings during this action.

As a general rule, prejudice or bias is "a hostile feeling or spirit of ill-will, or undue friendship or favoritism, towards one of the litigants." *In re Guardianship of Styer*, 24 Ariz. App. 148, 151, 536 P.2d 717 (1975). At the same time, "To prove prejudice or bias, an appellant must point to relevant facts *other than adverse judicial rulings*." *In re Marriage of Kintopp*, 2022 WL 223743, *3 (App.Div. 2 2022) (emphasis added) (citing *Stagecoach Trails MHC v. City of Benson*, 232 Ariz. 562, ¶ 21 (App.Div. 2 2013); *Smith v. Smith*, 115 Ariz. 299, 303, 564 P.2d 1266 (App. 1977) ("bias and prejudice necessary to disqualify a judge must arise from an extra-judicial source.")

In the *vast majority* of disqualification requests when the movant argues judicial bias, they can point to no evidence to support that claim other than adverse rulings. *See Simon v. Maricopa Med. Ctr.*, 225 Ariz. 55, 63 (App.Div. 1 2010) (finding no proof of bias where movant "has alleged no facts supporting his claim the judge was biased except that the judge consistently ruled against him.")

The unique facts and circumstances described above make this case one of the exceedingly rare exceptions in which the trial judge manifested clear prejudice and/or bias *early* in the proceedings, in the form of multiple, unexplained adverse rulings (described in the affidavit of counsel submitted herewith), but unlike 99% of cases, here there is clear *extra-judicial* evidence showing the true reason for those rulings was, in fact, "a hostile feeling or spirit of ill-will, or undue friendship or favoritism, towards one

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of the litigants." The evidence of Judge Mata's misconduct via-a-vis her father, discovered only after the trial, supports a finding of bias which *does* arise from an extra-judicial source, and not merely the adverse rulings themselves, and disqualification may be separately supported on that basis.

IV. CONCLUSION

For the reasons stated above, Laura respectfully requests the Family Court Presiding Judge, Hon. Ronda Fisk, review this matter and find that grounds exist to disqualify Judge Mata, and to promptly reassign this matter to a new judge.

In addition, given the clarity of the evidence and the severity of the misconduct, and the harm caused to the judiciary as a result, Laura further requests that the Presiding Judge refer this matter to the Arizona Commission on Judicial Conduct for further investigation and action as may be appropriate.

DATED July 8, 2024.

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MARICOPA COUNTY SUPERIOR COURT

STATE OF ARIZONA

In Re Matter of: **LAURA OWENS,** **Petitioner,** **And** **CLAYTON ECHARD,** **Respondent.**	Case No: FC2023-052114 **AFFIDAVIT OF DAVID S. GINGRAS IN SUPPORT OF PETITIONER'S NOTICE OF CHANGE OF JUDGE FOR CAUSE** **(Noticed Judge – Hon. Julie A. Mata)** **(Presiding Judge – Hon. Ronda Fisk)**

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AFFIDAVIT OF DAVID S. GINGRAS

I, David S. Gingras hereby swear and affirm under penalty of perjury as follows:

1. My name is David S. Gingras. I am a United States citizen, a resident of the State of Arizona, am over the age of 18 years, and if called to testify in court or other proceeding I could and would give the following testimony which is based upon my own personal knowledge.

2. I am an attorney licensed to practice law in the States of Arizona (since 2004) and California (since 2002). I am an active member in good standing with the State Bars of Arizona and California and I am admitted to practice and in good standing with the United States Court of Appeals for the Sixth, Ninth and Tenth Circuits, the United States District Court for the District of Arizona and the United States District Courts for the Northern, Central, and Eastern Districts of California.

3. This affidavit is submitted pursuant to Rule 6.1(a) of the Arizona Rules of Family Law Procedure and A.R.S. § 12–409.

4. As explained below, I have cause to believe, and on these grounds I do believe, that on account of bias, prejudice, or other interests the judge currently assigned to this matter, Hon. Julie A. Mata, is unable to act fairly and impartially, and is unable to provide Petitioner Laura Owens ("Laura" or "Ms. Owens") with a fair trial, including a fair retrial which Ms. Owens is concurrently requesting.

5. For these reasons, Laura requests that the Family Court Presiding Judge, Hon. Ronda Fisk, find that Judge Mata is disqualified from all further proceedings in this action, and that the case be immediately reassigned to a new judge pursuant to Family Law Rule 6.1(d)(4).

CASE SUMMARY & PROCEDURAL BACKGROUND

6. This case began with a petition to establish paternity filed *pro se* by Laura on August 1, 2023.

7. In her petition, Laura claimed she had sexual relations with Respondent Clayton Echard ("Clayton" or "Mr. Echard") in Scottsdale on or about May 20, 2023, and that she learned she was pregnant eleven days later on or around May 31, 2023.

8. Before filing this establishment action, Laura claims she tested positive for pregnancy on **five separate occasions**: May 31, June 1, June 19, July 25, and August 1. The first test taken on May 31, 2023 was an at-home type pregnancy test which was positive. The next day, on June 1, 2023, Laura went to a Banner Urgent Care facility for a professional medical test. The test at Banner was also positive.

9. After Laura informed Clayton of these positive tests, on June 19, 2023, Clayton invited Laura to his home to discuss the situation. Upon arrival, Clayton surprised Laura with a home pregnancy test that he had purchased, and he demanded she take the test immediately in front of him (Laura claims she took the test as Clayton watched, while Clayton claims she went to the bathroom and took the test behind a closed, or partially closed door). In any event, this third test was also positive.

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10. After two more positive tests, the parties were unable to reach an agreement on how to deal with the situation, so Laura filed this action, *pro se*, on August 1, 2023.

11. On August 21, 2023, Clayton filed a *pro se* response denying paternity. In his response, Clayton claimed "only oral sex" occurred between the parties, not sexual intercourse, and he further alleged "this entire petition is made up by [Laura]."

12. Laura claims that while the matter was pending, she had a blood test done on October 16, 2023 which confirmed, yet again, she was pregnant, but the test results also suggested the pregnancy was not viable (i.e., it was likely to end in miscarriage).

13. On November 14, 2023, Laura was seen by an OB/GYN facility called MomDoc where it was confirmed she was no longer pregnant.

14. After learning she was no longer pregnant, Laura filed nothing further in this case, and she took no actions to prosecute the matter any further.

15. On December 4, 2023, court administration issued a notice placing this matter on the inactive calendar and scheduling the matter for dismissal on February 2, 2024.

16. As noted above, when the case was initially filed, neither party was represented by counsel. Both Clayton and Laura remained *pro se* throughout the proceedings until December 12, 2023, when Clayton's retained counsel, Gregg Woodnick ("Mr. Woodnick") appeared in this case. Mr. Woodnick immediately began filing pleadings including a motion to amend Clayton's Answer to the petition (filed on December 12, 2023), and a Motion for Rule 26 Sanctions (filed on January 2, 2024). Mr. Woodnick filed these pleadings without making any attempt to meet and confer with Laura as required by Family Law Rule 9(c), and he moved for Rule 26 sanctions without ever providing written notice to Laura of her right to withdraw her petition as required by Family Law Rule 26(c)(2)(B).

17. Shortly thereafter, Laura retained counsel, Alexis Lindvall, who appeared on December 22, 2023 and filed a Motion to Dismiss on December 28, 2023. Days later, Ms. Lindvall withdrew from this matter, with Laura's consent, on January 2, 2024.

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18. I was first retained to represent Laura on Monday, March 25, 2024. Prior to this, I did not know Ms. Owens and had not represented her in any other matters. I also did not know Respondent Clayton Echard, and I knew nothing about this matter or any other disputes between Ms. Owens and Mr. Echard.

SUMMARY OF MEDIA/PUBLIC ATTENTION

19. Despite being an otherwise simple and short-lived paternity matter, this case quickly gained local, national, and even international media attention and massive public scrutiny. There appear to be two main reasons for this. First, Clayton is arguably famous as a result of his recent appearance on a nationally-televised reality TV dating program called *The Bachelor*.

20. This media attention is relevant and important to understanding the basis for this Notice, because it appears the trial judge, Julie Mata, allowed the significant media hype and public attention to overwhelm her better judgment, eventually causing her to engage in conduct which violated Laura's right to due process including her right to have this matter heard by a fair and impartial jurist. Because that issue is key to understanding what happened here and the grounds for disqualification raised by Laura, this subject is discussed in some detail below.

21. For anyone who is not familiar with the show, *The Bachelor* is a long-running reality TV dating show that first aired on ABC in 2002. The show involves a single male star (the titular "Bachelor") who is presented with a number of female "contestants" (usually around 25) from which to choose a potential fiancée. In addition to *The Bachelor* (involving a single male lead), the show has several spin-off series including *The Bachelorette* (involving a single female lead), and other reality shows.

22. Over the course of a "season" (which lasts for many weeks), the Bachelor goes on various group and individual dates with the female contestants. At the end of each show, the Bachelor chooses which women to keep and which to send home in a "rose ceremony" where he selects his preferences by asking, "*Will you accept this rose*?" Ideally, a season may end with a marriage proposal to the last woman remaining.

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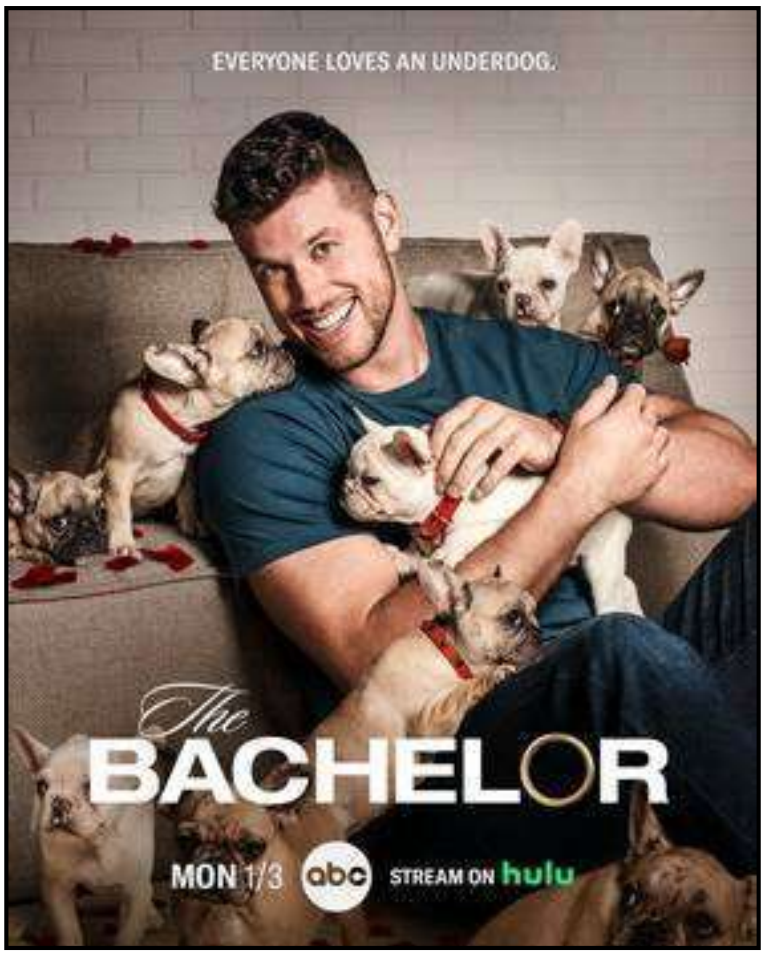
23. Clayton appeared as the "star" of Season 26 of *The Bachelor* which aired on ABC from January 3 to March 15, 2022.[1] As a result of his appearance on this popular show watched by millions of viewers, Clayton gained some degree of nationwide fame, and his role on the show was heavily promoted and advertised by ABC (as is true of all seasons of the show).

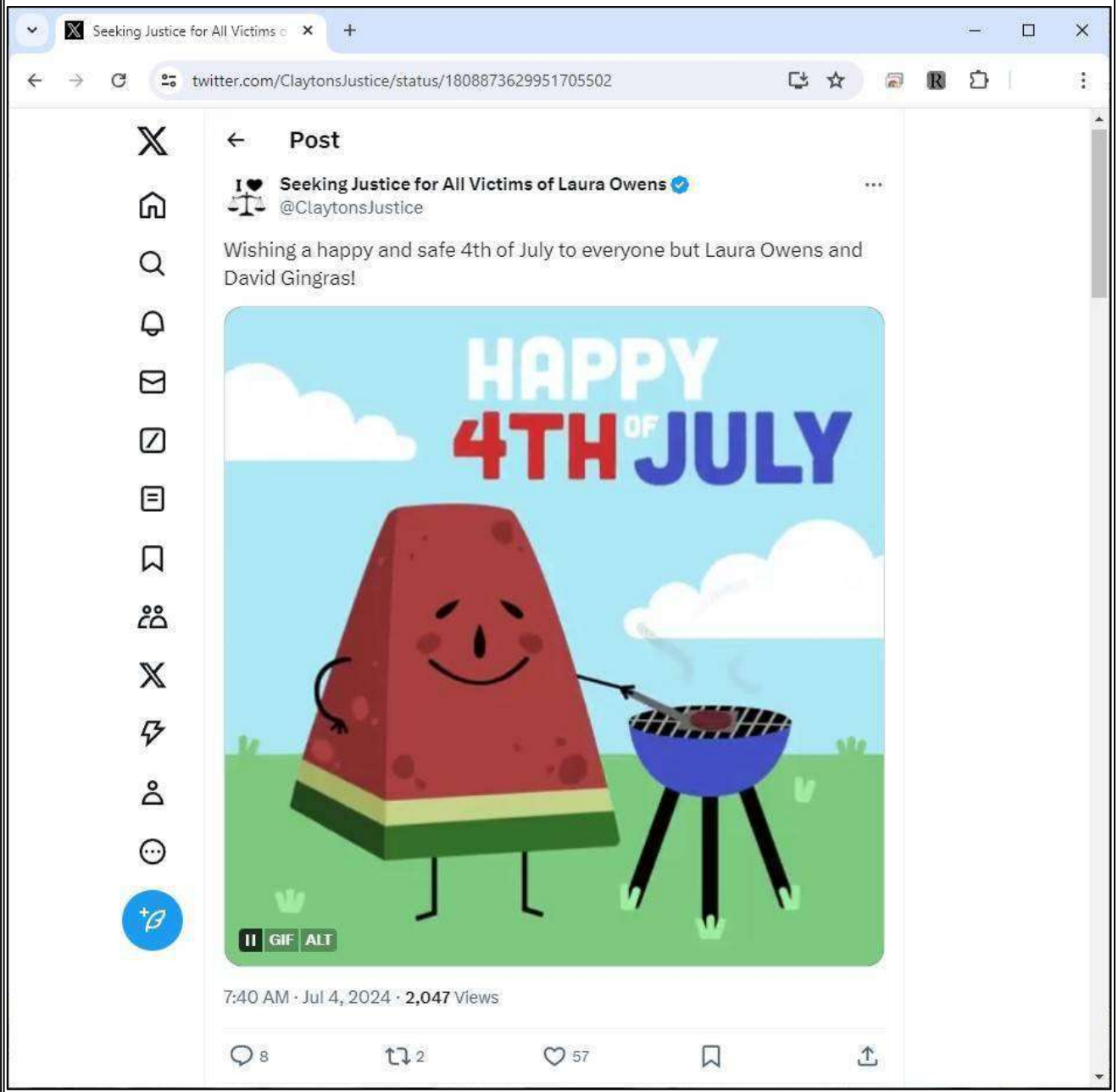


24. This leads to the second aspect of this case which caused it to gain far more media and public attention than normal – as the previous star of a nationally-televised TV show like *The Bachelor*, Clayton has a large and highly-devoted fan base, including many followers on social media. For example, Clayton currently has nearly 300,000 followers on Instagram, *see* https://www.instagram.com/claytonechard/, and more than 60,000 followers on TikTok: https://www.tiktok.com/@clayton.echard.

[1] *See* https://en.wikipedia.org/wiki/The_Bachelor_(American_TV_series)_season_26

25. These facts — Clayton's fame and the huge popularity of *The Bachelor* — coupled with the extremely odd allegations in this case (i.e., that Laura "faked" being pregnant with Clayton) have caused this otherwise simple case to gain a massive amount of public scrutiny and attention from local, national, and international news media.

26. In addition to being widely covered by traditional news outlets, this case has also received massive attention on social media, including sites like Reddit, Twitter, and YouTube, among others. For instance, anonymous "fans" of Clayton have created social media pages focused entirely on this case, including a Twitter account using the hubristic sobriquet "*Justice for Clayton*" or "JFC". The JFC Twitter account has posted **obsessively** about this case nearly **3,500 times**; one example of which is shown below:



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27. In addition to posts on Twitter, anonymous fans of Clayton have created websites devoted solely to this case, and to promoting their belief that Clayton is somehow a "victim" who deserves "justice". One such pro-Clayton fansite is https://justiceforclayton.com/ which contains copies of all, or substantially all, pleadings filed in this case. This site also contains a one-sided narrative which highlights *only* those facts favorable to Clayton's version of events, while carefully avoiding any discussion of facts unfavorable to Clayton's narrative.

28. In addition to social media posts from his fans, Clayton himself has been extremely personally active in publicly promoting this case, giving countless media interviews in which he tells his side of the story. Clayton's attorney, Mr. Woodnick, has also published statements regarding this case, including a press release issued on March 7, 2024 in which Mr. Woodnick accused Laura of fraud, suggesting she "has been accused of fabricating pregnancies and doctoring medical evidence as a means to extort relationships several times, dating back ten (10) years."

29. In an attempt to respond to some of this one-sided narrative, acting at Laura's request and with her written permission, I have occasionally posted comments about this case online, primarily on my personal website: [redacted] and on my Twitter account: [redacted]. The purpose of these comments has been, primarily if not exclusively, to *respond* to information being circulated about this case by Clayton, his lawyers, and/or his fans/supporters.

30. When I post comments on either Twitter or my personal website, members of the public can, and often do, post responses/comments/replies. This point is important, for reasons I will describe further below.

"YouTubers" - DAVE NEAL/MEGAN FOX

31. Before discussing the specific issues and conduct giving rise to Laura's request to disqualify Judge Mata, it is important to understand some of the other participants who will be mentioned further below. Two such participants are individuals named Dave Neal and Megan Fox.

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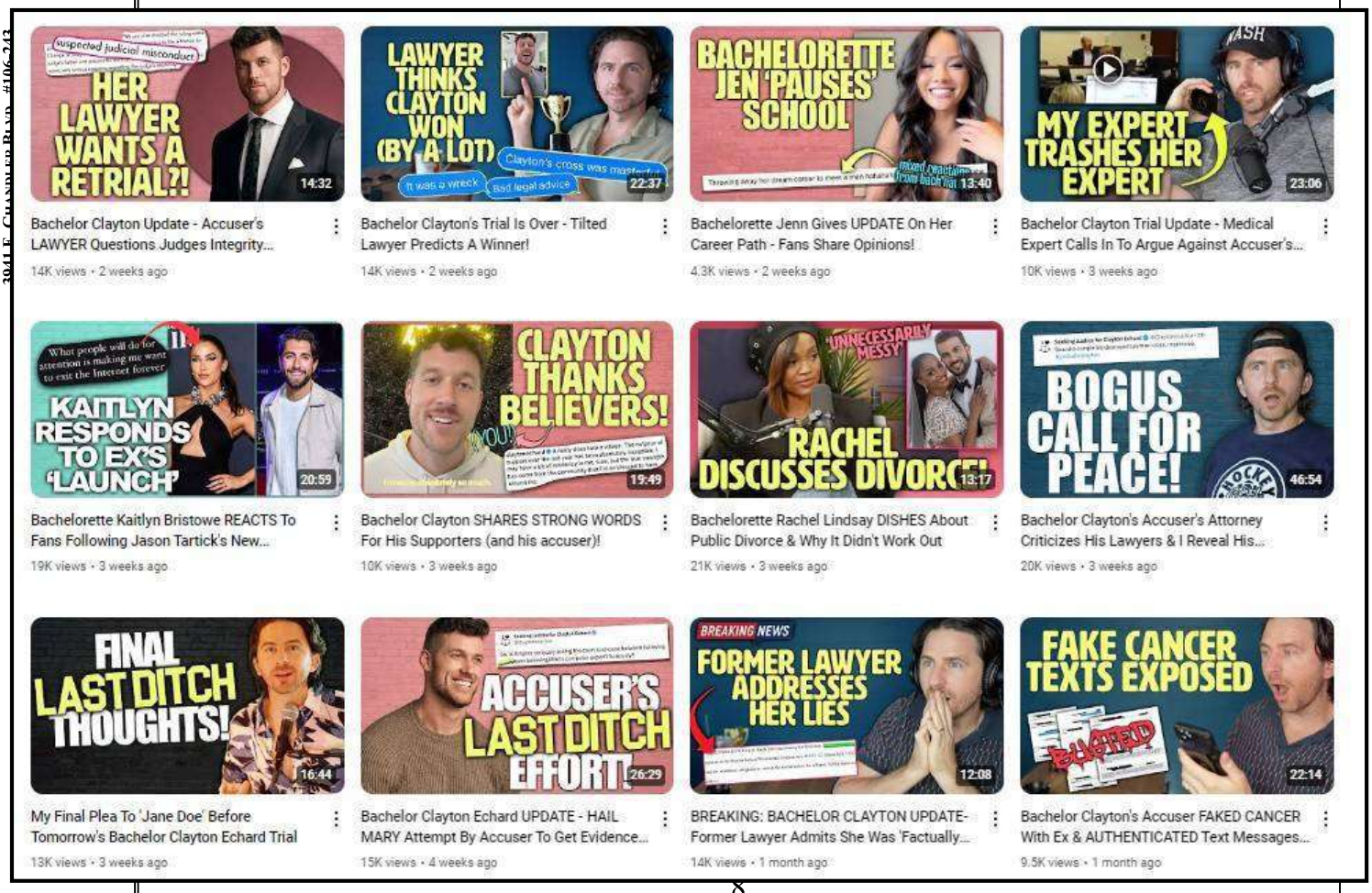
32. I do not personally know either Dave Neal or Megan Fox, but during the course of this proceeding I have become generally familiar with them. According to his YouTube channel, https://www.youtube.com/@DaveNealComedian, Dave Neal is a stand up comedian who lives in Tennessee. Dave also creates and publishes videos on YouTube (nearly every day). Dave's videos often focus on *The Bachelor* and people, like Clayton, who have appeared on that show.

33. Over the last several months, Dave Neal has obsessively published *hundreds* of hours of videos regarding this case (again, often on a daily basis), as reflected on his YouTube channel below. These videos are generally, almost universally, devoted to viciously attacking Laura (and often me), and to proclaiming that Clayton is a "victim" who deserves "justice". Notably, Clayton has personally appeared in several of Dave Neal's videos, and it is clear that Dave Neal is *not* covering this case as a neutral journalist, but rather as a passionate, obsessive, advocate for Clayton.



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34. Another "YouTuber" following this case is an individual using the name "Megan Fox" who I believe is a resident of New York state. I do not personally know Ms. Fox (I believe that name to be a pseudonym), but she has contacted me via email several times during this case, and I understand that she claims to be a "journalist" who publishes stories on an extreme far right-wing news website.

35. Like Dave Neal, Megan Fox also creates and publishes videos on her YouTube channel here: https://www.youtube.com/@MeganFoxWriter. Like Dave Neal, Megan Fox is a passionate supporter of the "JFC" cause, and her videos are overwhelmingly devoted to "exposing" and destroying Laura, while promoting the narrative that Clayton is an innocent victim who deserves "justice".

36. Dave Neal and Megan Fox are mentioned because they are relevant to the issues raised herein. This is so because they attended the trial held in this matter on June 10, 2024, and after the trial, both appeared on video claiming to have, or speaking with others who claimed to have, direct knowledge regarding certain improper conduct committed by Judge Mata during the trial, including the fact that Judge Mata allegedly engaged in improper *ex parte* discussions about this case with her father, [redacted] (who also personally attended the trial and socialized with members of the JFC group). Those points are explained further below.

SUMMARY OF PRE-TRIAL JUDICIAL BIAS

37. Shortly after I became involved in this case in late March 2024, several events occurred which initially caused concern regarding Judge Mata's possible bias and lack of neutrality.

38. Specifically, immediately after Laura retained me to represent her in this matter, I attempted to obtain a copy of her file from her previous counsel.

39. Unfortunately, Laura's prior counsel did not promptly respond to this request. This made it impossible for me to respond to a Motion to Compel filed by Clayton before I was retained (the response to the Motion to Compel was due mere days after I was retained).

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40. Because I could not respond to the Motion to Compel without a complete copy of Laura's file, and because Mr. Woodnick refused to agree to an extension of time, on April 1, 2024, I filed a lengthy and well-supported motion seeking an extension of time to respond to the Motion to Compel. That motion explained the request was primarily based on the fact that I did not have a complete copy of Laura's file because her previous counsel did not promptly provide the file to me.

41. Despite the fact good cause existed for my request for an extension, and despite the fact Mr. Woodnick did not oppose the motion, just days later on April 3, 2024, Judge Mata issued a one-sentence minute entry order (file April 5, 2024) denying my extension request without any explanation.

42. As a lawyer who has practiced exclusively civil litigation for more than 20 years, it is *extremely* unusual (essentially unheard of) in my experience for a judge to deny an unopposed request for a short extension of time regarding a simple discovery matter, when good cause clearly exists for the request, when no prior extension requests had been made, and when the other party would not be prejudiced by the request. In fact, having litigated hundreds of matters in state and federal court over the course of my career, I cannot recall a single prior instance where a similar request was denied.

43. Of course, I am also well-aware that as a matter of law, adverse "[j]udicial rulings alone do not support a finding of bias or partiality without a showing of an extrajudicial source of bias or a deep-seated favoritism." *Stagecoach Trails MHC, L.L.C. v. City of Benson*, 232 Ariz. 562, 568 (App. Div. 2 2013) (citing *State v. Schackart*, 190 Ariz. 238, 257, 947 P.2d 315, 334 (1997)).

44. For that reason, I determined that although Judge Mata's unexplained and apparently baseless denial of my extension request raised concerns about possible bias, the adverse ruling, standing alone, could not support a finding of bias. As such, I took no action at that time.

45. Shortly thereafter, I discovered that in the Motion to Compel, Clayton's counsel, Mr. Woodnick, made multiple statements to the Court which appeared to be

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knowingly false. After I confronted Mr. Woodnick with these concerns, he refused to speak to me by telephone for several weeks. Given the fact I was newly retained and not familiar with the complicated history of this case, Mr. Woodnick's refusal to speak with me made it *much* more difficult to prepare this matter for trial.

46. For that reason, on April 8, 2024, I filed a motion entitled "Motion to Compel Lunch and For Alternative Relief". In that motion, I informed the Court that Mr. Woodnick was refusing to speak to me by phone, despite multiple rules of procedure and professional conduct which required counsel to meet and confer by phone. As a result, I asked the Court to order Mr. Woodnick to speak with me, in addition to other alternative relief.

47. To support that request, my motion cited an earlier ruling from Hon. Pendleton Gaines (deceased) in *Physicians Choice of Ariz., Inc. v. Miller,* Case No. cv2003–020242, in which Judge Penny Gaines granted a virtually identical request, noting, "The Court has rarely seen a motion with more merit. The motion [to compel lunch] will be granted."

48. Unfortunately, as she did with my request for an extension of time to respond to the Motion to Compel, on April 30, 2024 (filed May 1, 2024), Judge Mata issued a single-sentence minute entry order denying my Motion to Compel Lunch. The order denied my request without any analysis or explanation.

49. Later that same day (on April 30, 2024), I learned for the first time that Clayton's counsel intended to use previously undisclosed evidence and witnesses at trial. Due to the untimely and extremely late disclosure, within an hour of this discovery, I filed an *emergency* motion bringing the issue to the Court's attention, and I requested an immediate scheduling conference to discuss the issue further.

50. Despite the fact Rule 76.1 provides the Court "must" order a scheduling conference when requested, on May 22, 2024, Judge Mata issued a minute entry order denying my request for a scheduling conference, again without any explanation or analysis.

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51. Taken together, Judge Mata's single-sentence, zero-explanation denial of these three motions: 1.) the request for an extension of time to respond to the Motion to Compel; 2.) the request for an order requiring Mr. Woodnick to speak with me, and 3.) the request for a scheduling conference, caused me to have serious concerns regarding Judge Mata's possible bias and lack of neutrality. However, I continued to believe that despite the existence of what appeared to be apparent bias and hostility, Judge Mata's adverse rulings alone would not support a finding of bias sufficient to seek her disqualification because of the rule "[a] party challenging a trial judge's impartiality must overcome the presumption that trial judges are 'free of bias and prejudice[]' *Simon v. Maricopa Med. Ctr.*, 225 Ariz. 55, ¶ 29, 234 P.3d 623, 631 (App. 2010), and the corollary standard that adverse "rulings alone do not support a finding of bias or partiality without a showing of an extrajudicial source of bias or a deep-seated favoritism." *Stagecoach Trails*, 232 Ariz. at 568.

SUMMARY OF JUDICIAL MISCONDUCT & BIAS AT TRIAL

52. This matter proceeded to a bench trial before Judge Mata on June 10, 2024.

53. Prior to trial, I learned that Dave Neal and Megan Fox (among other JFC supporters) were planning to attend the trial in support of Clayton. It is my personal belief that courts are publicly-funded fora, trials and legal proceedings belong to the public, and should always remain open to the public. I further believe, as a matter of law, that members of the public have a near-absolute right to observe and report on events which take place in court, so I viewed the public interest in attending and observing the trial as a good thing.

54. However, when I arrived at court on the morning of trial, I was surprised to see dozens if not hundreds of people waiting to watch the trial. Before trial began, Judge Mata spoke to counsel in her chambers and informed us that she had created an "overflow room" for at least 50 observers to watch the trial, and the seating in the courtroom itself was packed with spectators. Judge Mata informed counsel that she had taken certain security precautions due to the large crowd of spectators.

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55. I found Judge Mata's comments about the crowd surprising, because prior to the morning of trial, there was nothing filed in this matter (aside from a small number of media requests for filming) that would suggest such a large crowd was likely to attend. Based on this, it appeared Judge Mata gained some personal knowledge regarding the likely crowd size that was not obtained from, nor shared with, the parties or counsel.

56. Shortly before trial began, I become aware that Mr. Woodnick intended to call a witness named Mike Marraccini. Mr. Marraccini is an ex-boyfriend of Laura's. The pair dated for approximately two years while living in San Francisco in 2016–2017.

57. During the relationship, Laura claimed Mr. Marraccini violently assaulted her, causing a traumatic brain injury that eventually resulted in Laura developing epilepsy. Based on this abuse, Laura sought and obtained a domestic violence restraining order from the San Francisco County Superior Court, a copy of which is attached hereto as **Exhibit A**. That order, later renewed, remains valid and in effect as of today.

58. On June 9, 2024, Clayton posted a video on his Instagram page standing next to Mr. Marraccini (he appears on the right as shown here). In this video (and elsewhere), Clayton suggested Mr. Marraccini intended to appear at the trial in this matter, despite the DRVO issued against him.

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59. On the morning of June 10, 2024, Laura informed me that she saw Mr. Marraccini it the courthouse with Clayton and Mr. Woodnick. Based on this, Laura told me she was too terrified to participate in the trial, and she told me she intended to leave unless the DVRO was enforced. Having no other available option, I immediately contacted court security and asked them to enforce the California court's order by removing Mr. Marraccini from the facility.

60. Superior Court Security officers informed me they did not believe they had authority to enforce the order, and they suggested the only option was to call 911 and ask Phoenix PD to enforce the order. Based on that suggestion, I called 911, explained the situation, and asked for officers to enforce the order.

61. After a few minutes, Phoenix Police responded. They reviewed the California court's order, and I explained to them that pursuant to federal law (the Violence Against Women Act, or "VAWA", 18 U.S.C. § 2265), they were required to enforce the California court's order as-written. I provided the officers with a copy of the specific provisions of VAWA which made interstate enforcement of the order *mandatory*, and I directed their attention to the specific language of the order, shown here, that required the order to be enforced in all 50 states.

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Certificate of Compliance With VAWA

This restraining (protective) order meets all "full faith and credit" requirements of the Violence Against Women Act, 18 U.S.C. § 2265 (1994) (VAWA) upon notice of the restrained person. This court has jurisdiction over the parties and the subject matter; the restrained person has been or will be afforded notice and a timely opportunity to be heard as provided by the laws of this jurisdiction. **This order is valid and entitled to enforcement in each jurisdiction throughout the 50 states of the United States, the District of Columbia, all tribal lands, and all U.S. territories, commonwealths, and possessions and shall be enforced as if it were an order of that jurisdiction.**

62. I also explained that by travelling from California to Arizona for the purpose of violating the order, Mr. Marraccini committed a federal crime pursuant to 18 U.S.C. § 2262, and that Laura desired his arrest and prosecution.

63. Despite this, Phoenix Police indicated they believed they had no choice but to defer to Judge Mata on this issue. As a result, immediately prior to the start of trial, I

asked Judge Mata on the record to enforce the California court's order by removing Mr. Marraccini from the courtroom.

64. As she had done with substantially every other request, Judge Mata denied my request without any explanation. As a result, Laura was forced to sit in court just feet away from Mr. Marraccini which caused her to nearly become overwhelmed by fear, panic, and anxiety.

65. At the conclusion of the trial, I informed Judge Mata, on the record, that I was leaving the country later that evening for a family vacation in Europe to celebrate my mother's 80th birthday. I left Arizona the evening of June 10th, and I remained in Europe until I returned home on June 28th. The majority of this time was spent on a cruise ship in the Mediterranean with my family, and during that time, my Internet access was extremely limited. The ship's WiFi connection was so slow that I was unable to view videos posted on any medium (including Twitter and YouTube) during the cruise.

66. While I was on vacation, Laura contacted me and told me about some extremely disturbing information being shared on social media by Dave Neal and Megan Fox. Specifically, Mr. Neal and Ms. Fox appeared in several live-streamed and other videos in which they claimed Judge Mata's father, [redacted], was present in the overflow room during the trial, and they claimed Mr. [redacted] spoke with several of Clayton's supporters during and after the trial, proclaiming, "I'm here for the shit show." Another individual claimed Judge Mata's father sat "with them" and expressed that he was "here for the circus".

67. Laura assembled excerpts of some of these videos which are available for viewing here: [redacted] A CD containing these videos is also lodged herewith.

68. As unusual as this may be, the mere fact Judge Mata's father attended the trial (if true) is not the primary concern. The concern is that according to comments from Dave Neal, Megan Fox, and others appearing on video with them, Mr. [redacted] stated Judge Mata discussed the facts of this case with him prior to trial. One such specific statement

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was made by a person named "[redacted]" (who speaks between 0:00 and 0:40 in the above video compilation). In her remarks, Ms. [redacted] claims that she spoke with Judge Mata's father at, or immediately after, the trial. Ms. [redacted] stated that Mr. [redacted] was carrying papers with him (which, based on her comments, may have been Laura's Request for Findings of Fact and Conclusions of Law). Ms. [redacted] further claims Mr. [redacted] told her Judge Mata showed her father Laura's Request for Findings of Fact and Conclusions of Law, and she (Judge Mata) told him, "Julie told me just…..Dad, you have GOT to read this…and printed out a copy for him…"

69. In the course of making these remarks, Ms. [redacted] also made statements which appeared to imply that Judge Mata told her father that she intended to rule in favor of Clayton before the case was tried. The discussion of that point is brief and not entirely clear, but my belief is based on Ms. [redacted]'s claim Mr. [redacted] "whipped out papers", that "Julie printed them for him", then she mentions Laura's Request for Findings of Fact and Conclusions of Law, finally asking "Did anyone see those were denied?" prior to trial.

70. What is also extremely disturbing is that in the video compilation, upon hearing remarks regarding Judge Mata and her father, Dave Neal laughingly commented (to paraphrase): "*Hold on...we don't need a mistrial*!" That specific comment from Mr. Neal appears between 0:40 and 1:00 in the above video compilation.

71. I understood those remarks from Dave Neal as a signal to the person speaking that they should *not* disclose further information regarding comments they claim to have received from Judge Mata's father, because her believed they would expose judicial misconduct and bias on Judge Mata's part, requiring a new trial if those facts were exposed.

72. Assuming Judge Mata did, in fact, share information about this case with her father, that conduct would appear to be a *per se* violation of Rule 2.9(A) of the Arizona Code of Judicial Conduct.

73. Despite these allegations, my personal view (based on the past several months) is that Clayton's followers are generally not honest or reliable, and I considered

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the possibility the claims made regarding Judge Mata's father may be fabricated, either in whole or in part.

74. Given how serious the issues were, I did not believe I could ethically make a formal accusation of judicial impropriety without taking some reasonable steps to verify the truth of what happened. *See*, *e.g.*, Arizona Rules of Professional Conduct, ER 8.2(a) (providing, "A lawyer shall not make a statement that the lawyer knows to be false or with reckless disregard as to its truth or falsity concerning the qualifications or integrity of a judge ….") (emphasis added).

75. In an effort to ascertain the truth, while on vacation on the morning of June 17, 2024 (before I received the post-trial decision), I sent an email to Judge Mata's division in which I raised concerns regarding Judge Mata's father and the alleged statements made by Dave Neal and Megan Fox (at that time, I had not yet seen Ms. Derby's remarks). A true and correct copy of this email is attached hereto as **Exhibit B**.

76. In this email, while noting the highly unusual circumstances, I asked Judge Mata to promptly provide a response to the allegations regarding her father. I further explained that if these allegations were true, I believed they may support a change of judge for cause.

77. A few hours later, I received an email response from Judge Mata's division stating: "To the extent that either party wishes to bring a matter to the Court's attention, the Court respectfully asks that you file the appropriate motion." A true and correct copy of this email is attached hereto as **Exhibit C**. Other than this brief response, Judge Mata did not admit or deny the allegations concerning her father.

78. About 14 hours later, on the morning of June 18, 2024, I received the Court's post trial ruling on the merits, a copy of which is attached hereto as **Exhibit D**.

79. After reviewing the June 18, 2024 decision (which found in favor of Clayton as to virtually all issues), Laura and I immediately noticed something truly shocking – **the ruling contained "findings" that were NOT based on any evidence at trial**. Instead, **those findings were clearly copied from posts on social media**.

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80. Specifically, and to cite just one obvious example, on page 10 of the decision, Judge Mata made certain findings that were purportedly based on the trial testimony of Clayton's medical expert witness, Dr. Samantha Deans. Dr. Deans is an OB/GYN who previously worked for Planned Parenthood on the East Coast.

81. As shown below, Judge Mata made a specific factual finding that *according to the trial testimony of Dr. Deans*, "Planned Parenthood is not open on Sundays."

Samantha Deans, MD, MPH

- Dr. Samantha Deans, MD, MPH, reviewed Petitioner's records and provided her analysis of the hCG results. (Ex. B. 39, 41). Additionally, she was the prior Associate Medical Director of Planned Parenthood in Florida, and Pennsylvania.
- She testified that Planned Parenthood does not accept anonymous patients. They do not accept patients using an alias. Patients are required to provide a government issued form of identification. She further testified that Planned Parenthood is not open on Sundays, when Petitioner testified, she sought care July 2, 2023.

82. Without belaboring the details of the entire history of that issue, the question of whether Planned Parenthood was (or was not) "open on Sundays" was relevant and extremely important. This is so because at trial, Laura testified she sought care from a Planned Parenthood location in Southern California on July 2, 2023. As it happens, July 2, 2023 was a Sunday. Therefore, if Planned Parenthood was not open on Sunday in July 2023, absent some other explanation, that would appear to disprove Laura's claim that she sought care there on that day.

83. But here's the problem – **Dr. Deans never testified about this issue at trial, or at any other time**. To prove that point, attached hereto as **Exhibit E** is a true and complete copy of the court report's official trial transcript. As the index reflects, the entirety of Dr. Deans' testimony covers a total of six (6) pages.

SAMANTHA DEANS

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84. As the transcript clearly shows, at no time during her brief testimony did Dr. Deans (or anyone else) ever address the question of whether Planned Parenthood was (or was not) "open on Sundays"; that question was never asked, nor was it answered.

85. If Dr. Deans did not testify that "Planned Parenthood is not open on Sundays", where did Judge Mata's finding on that issue come from? The answer is, once again, absolutely shocking – **Judge Mata copied that finding from posts on social media**.

86. As noted above, during the course of my involvement in this matter, I have published a small number of comments (approximately 15 posts) regarding this case on my personal website, [redacted]. This is a tiny, insignificant fraction of the commentary published by Clayton and his followers. As noted above, the JFC Twitter account has posted nearly 3,500 tweets about this case, and the number of other posts on social media is certainly in the tens or hundreds of thousands, if not millions.

87. As limited as my online involvement in this case has been, I believe Judge Mata conducted her own independent research into the facts of this case, and that this involved her reviewing comments posted on my website or other social media pages. That belief is based on the following facts.

88. First, throughout this case (and repeatedly at trial), Clayton's counsel Gregg Woodnick vociferously complained to Judge Mata about the fact that I was making public statements about this case via my website and Twitter, and Mr. Woodnick specifically provided copies of articles I wrote and posted on [redacted] about this case. I found Mr. Woodnick's complaints in this regard confusing, because the information and comments I posted about this case were not improper in any way, and because Clayton and his supporters (including Mr. Woodnick) had also posted public comments online about this case suggesting that Mr. Woodnick fully understood I had a right to inform the public of Laura's side of the story.

89. Based on what I know now, I believe that by pointing to comments on my website, Mr. Woodnick was not actually concerned about the contents of those posts.

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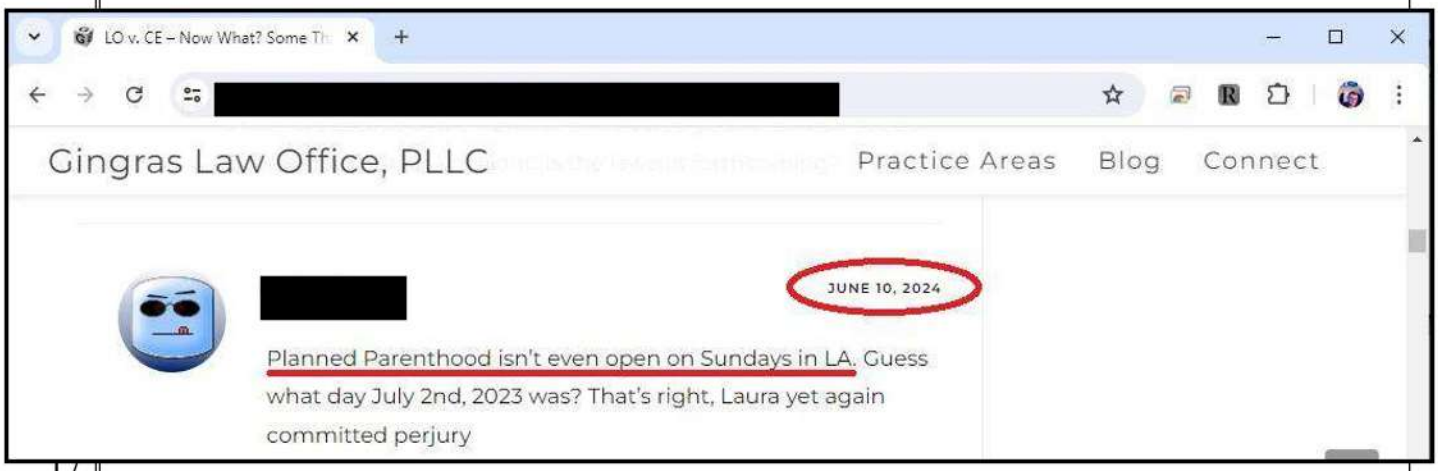
Instead, I believe he was suggesting or hinting to Judge Mata that she should go online and perform an *ex parte* review my site, and I believe that is exactly what she did.

90. That belief is based on the fact that immediately after Laura finished testifying at trial, literally later that same day, anonymous supporters of Clayton began posting comments on my website and also on social media, asserting Laura committed perjury when she claimed to have sought care from Planned Parenthood on July 2, 2023, because that day was a Sunday, and "Planned Parenthood isn't even open on Sundays ...." This specific comment was posted by an anonymous user on my website on June 10, 2024, a week before Judge Mata issue her post-trial decision.



91. Similar comments were also posted by anonymous users on Twitter, one example of which is shown here:

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92. This evidence supports two conclusions. First, Judge Mata's finding that "Planned Parenthood is not open on Sundays" did not come from the trial testimony of Dr. Deans, nor did it come any other witness; indeed the word "Sunday" does not appear anywhere in the transcript. That much is beyond dispute.

93. Second, the evidence shows Judge Mata violated Rule 2.9(c) of the Arizona Code of Judicial Conduct by performing a secret, undisclosed investigation in the facts of this matter, which clearly would have resulted in her seeing comments from Clayton's supporters regarding their beliefs as to Planned Parenthood's hours of operations.

94. The fact that Judge Mata based her post-trial ruling on anything other than the admitted trial evidence demonstrates, beyond a preponderance of the evidence, that grounds exist to disqualify Judge Mata from this matter on the basis of bias and prejudice. The same is true of Judge Mata's decision to have *ex parte* discussions about this case with her father.

95. The legal arguments supporting those conclusions are set forth in a memorandum of law filed concurrently herewith pursuant to Family Law Rule 6.1(d)(2).

96. For the reasons stated above, I have grounds to believe and I do believe, that on account of bias, prejudice, or other interests the judge currently assigned to this matter, Hon. Julie A. Mata, is unable to act fairly and impartially, and she is unable to provide Petitioner Laura Owens with a fair trial, including a fair retrial which Ms. Owens is concurrently requesting.

Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury under the laws of the United State of America and the State of Arizona that the foregoing is true and correct.

EXECUTED ON July 8, 2024.

David S. Gingras

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