

ELECTRONICALLY
FILED
Superior Court of California,
County of San Francisco

10/16/2025
Clerk of the Court
BY: JONATHAN J. WONG
Deputy Clerk

LAURA OWENS,
Petitioner in Pro Per

SUPERIOR COURT OF CALIFORNIA
IN AND FOR THE COUNTY OF SAN FRANCISCO

Case No.: FDV-18-813693

MOTION IN LIMINE

LAURA OWENS,
PETITIONER,

Vs.

MICHAEL MARRACCINI,
RESPONDENT.

Date: October 21 and 22, 2025

Time: 9:00 a.m.

Dept.: 405A

Section I — To Exclude Witness #3 - Gregg R. Woodnick

See Exhibit A

A. Identification and Stated Purpose of Testimony

Mr. Woodnick is thus offered not as a percipient witness but as an “expert” to give personal opinions about Petitioner’s credibility and mental state—topics that are inadmissible under California evidence law.

B. Lack of Personal Knowledge and Relevance

Mr. Woodnick has no personal knowledge of Petitioner’s relationship with Respondent Marraccini. His only involvement with Petitioner arose while he represented other clients in

Arizona. Those unrelated proceedings have no bearing on whether Petitioner continues to harbor a *reasonable apprehension of future abuse* from Respondent as required by Family Code § 6345(a). Testimony lacking firsthand knowledge is inadmissible (Evid. Code § 702) and irrelevant (§ 350).

C. Bias, Hostility, and Retaliatory Motive

The record establishes an extraordinary conflict of interest. According to the court-generated email chain dated August 1, 2022 (Exhibit 4), Petitioner reported to the Maricopa County Superior Court that she had been assaulted and “had strong reasons to believe that both the defendant and his counsel were involved, and that there was a pending FBI investigation.” The court’s judicial assistant forwarded that message to Mr. Woodnick and reminded Petitioner that *ex parte* communication was not permitted. From that moment, Mr. Woodnick became aware that Petitioner had personally accused him of serious misconduct.

Since that disclosure, his actions toward Petitioner have reflected sustained hostility:

- He has described Petitioner publicly as someone who “fabricates abuse allegations” and suffers from “unreasonable fear.”
- On March 7, 2024, while representing a different adverse party, he issued a *Woodnick Law PLLC* press release repeating those phrases and asserting that Petitioner had falsified evidence—statements made months before any evidentiary hearing or ruling in the Arizona matter.
- Petitioner later filed a State Bar of Arizona complaint (File No. 24-0263) documenting that press activity and other unprofessional conduct. Although the Bar closed the file

without formal discipline, the existence of that complaint demonstrates that Mr. Woodnick's professional conduct was formally challenged by this Petitioner.

Having been personally accused of abuse and professionally reported for misconduct, Mr. Woodnick now seeks to testify as an "expert" that Petitioner fabricates abuse allegations. That sequence creates a textbook retaliatory motive under Evidence Code § 780(f)—a desire to vindicate himself by discrediting the complainant. See *People v. Allen* (1978) 77 Cal.App.3d 924, 931 (bias and hostility go directly to credibility). Such bias renders him incapable of neutrality.

Under Family Code § 217(b) the Court may exclude testimony that would cause harassment or intimidation of a protected party, and under Evidence Code § 352 it may exclude evidence whose probative value is outweighed by the danger of undue prejudice. Mr. Woodnick's participation meets both standards.

D. Improper Expert and Character Testimony

Mr. Woodnick's proposed opinions—that Petitioner "fabricates abuse allegations" or acts from "unreasonable fear"—concern credibility and emotional state, not any field of technical expertise. Such opinions are barred by Evid. Code §§ 801–803 and constitute impermissible character evidence under § 1101(a). See *People v. Sergill* (1982) 138 Cal.App.3d 34, 39–40 (expert may not comment on veracity of another witness). Admitting those opinions would usurp the Court's role as fact-finder.

E. Mischaracterization of Arizona Proceedings

Respondent's disclosure asserts that Mr. Woodnick will "corroborate findings in Arizona paternity litigation." This representation is incorrect. The Arizona cases contain *no judicial findings* that Petitioner fabricated abuse allegations or lacked reasonable fear. Any claim to the contrary is a misstatement of the record and should be barred as misleading under Evid. Code §§ 350 and 352. As the Court of Appeal held in *Ritchie v. Konrad* (2004) 115 Cal.App.4th 1275, 1291, a renewal hearing "is not a retrial of the original abuse allegations." Introducing foreign, unadjudicated narratives would violate that rule and frustrate the purpose of the Domestic-Violence Prevention Act.

F. Unfair Prejudice and Confusion

Permitting Mr. Woodnick to testify would transform this renewal hearing into a collateral trial on Arizona disputes, disciplinary filings, and press publications. The minimal probative value of such testimony is far outweighed by the danger of unfair prejudice, confusion of issues, and harassment of the protected party (Evid. Code § 352). The Court should therefore exercise its discretion to exclude him entirely.

G. Procedural Improprieties in Subpoena Issued to Mr. Woodnick

On October 3, 2025, Respondent's counsel, Omar Raul Serrato, issued a purported trial subpoena to Mr. Woodnick commanding his appearance at the San Francisco Superior Court hearing on October 21, 2025. The subpoena is procedurally defective and unenforceable for multiple reasons.

First, the subpoena seeks to compel the attendance of an out-of-state witness residing in Phoenix, Arizona. California subpoenas have no extraterritorial effect and cannot compel the attendance of a non-resident without compliance with the Uniform Interstate Depositions and Discovery Act (*Code Civ. Proc.* §§ 2029.100 et seq.). No such domestication proceedings have been initiated in Arizona, and therefore this subpoena has no legal force outside California.

Second, the form shows no clerk's issuance or court seal, only the handwritten signature of Mr. Serrato. Under *Code Civ. Proc.* §§ 1985–1987 and *Cal. Rules of Court*, rule 1.300(b), a subpoena for trial testimony must be issued either by the court clerk or by an attorney as an officer of the court only for witnesses within California's jurisdiction. Because Mr. Woodnick is out of state, Mr. Serrato lacked authority to issue it.

Third, there is no proof of witness-fee tender or proper service. *Code Civ. Proc.* § 1987(b) requires that statutory witness fees and mileage be paid or tendered at the time of service; the subpoena file contains no such proof. Nor is there any executed proof of service establishing personal service within the jurisdiction.

Fourth, even if procedurally valid, the subpoena seeks testimony that is irrelevant, cumulative, and harassing in a *Family Code* § 6345 renewal hearing. Mr. Woodnick's proposed opinions pertain to unrelated Arizona matters and to Petitioner's supposed credibility—topics far outside the narrow statutory inquiry. Under *Evid. Code* §§ 350 and 352 and *Fam. Code* § 217(b), the

Court should quash or disregard any subpoena that would impose undue burden or intimidation on a protected party.

For these reasons, the October 3, 2025 subpoena issued and signed by Mr. Serrato is jurisdictionally invalid and substantively improper. Petitioner respectfully requests that the Court quash the subpoena under *Code Civ. Proc.* § 1987.1 and preclude any testimony by Gregg R. Woodnick in its entirety.

Section II — To Exclude Witness #4 – John Berryhill (Digital Forensics Expert)

See Exhibit B

A. Identification and Stated Purpose of Testimony

Respondent seeks to call a privately retained “digital-forensics” witness, Mr. Berryhill, to introduce a 2024 report and text messages from 2016–2017—materials never filed in this case and unrelated to the record supporting either the 2018 restraining order or its 2020 renewal. No forensic examination of Petitioner’s filings has ever been ordered by this Court. The proposed testimony is unfounded, irrelevant, and inadmissible.

B. Improper Introduction of New Exhibits Never in the Record

Respondent’s 2025 Executed Exhibit List identifies new exhibits—Item 107 (“Digital Forensics Report by Jon Berryhill dated May 4, 2024”) and Items 114 through 118 (text messages from 2016 and 2017). These materials were never part of the 2018 evidentiary record that established the restraining order, nor of the 2020 renewal record. Introducing them now attempts to reopen and retry matters conclusively determined years ago, contrary to *Family Code* § 6345(a) and *Ritchie v. Konrad* (2004) 115 Cal.App.4th 1275, 1291 (renewal hearing “is not a retrial of the original abuse allegations”). Evidence that was never admitted or considered previously is outside the permissible scope of this proceeding and must be excluded.

C. No Such Documents Exist in the 2018 or 2020 Record

The court files supporting the 2018 order and 2020 renewal in *Owens v. Marraccini* contain no medical letters, no ultrasound records, and no comparable exhibits—let alone anything falsified or misleading. Neither party nor the Court ever referenced or relied upon such materials. Mr.

Berryhill's testimony that Petitioner filed "falsified medical letters and ultrasound images" is therefore baseless. Testimony predicated on documents that never existed in this record is speculative and irrelevant under *Evidence Code* §§ 350 and 702, and its only effect would be to mislead and prejudice the trier of fact, contrary to *Evidence Code* § 352.

D. No Court-Authorized or Neutral Forensic Review

The Court has never ordered any forensic examination of Petitioner's filings or devices and has not appointed any neutral expert under *Evidence Code* § 730. Mr. Berryhill's work was privately commissioned by Respondent's counsel, conducted without notice to Petitioner, and performed outside any judicial supervision. A privately retained analyst cannot be presented as a neutral "forensic review," and admitting his report would mislead the Court into believing that an official determination of fabrication exists when it does not. Testimony lacking neutrality or court authorization fails to satisfy the reliability and fairness standards of *Evidence Code* §§ 702 and 801 and should be excluded.

E. Absence of Methodology or Validation

The "Digital Forensics Report" (exhibit 107) identifies no software, extraction method, imaging log, hash value, or validation procedure. It provides no chain-of-custody documentation, device identifiers, or metadata establishing authenticity. It merely reproduces fragments of text messages without explaining how or from where they were obtained. Expert testimony based on undisclosed or unverified methods fails the reliability requirement of *Sargon Enterprises v. USC* (2012) 55 Cal.4th 747 and does not satisfy the authentication mandate of *Evidence Code* §§ 1400–1402.

F. Irrelevance and Temporal Remoteness

All data Mr. Berryhill reviewed originated from Respondent Marraccini's device and dates from 2016 through 2018—seven to nine years before this hearing. Those communications predate the incidents that led to issuance of the restraining order and have no bearing on Petitioner's present apprehension of future abuse. Evidence so remote in time is inadmissible under *Family Code* § 6345(a) and *Evidence Code* §§ 350 and 352.

G. Improper Credibility and Character Testimony

Mr. Berryhill's stated purpose—"confirming that multiple documents were fabricated or altered"—is a direct attack on Petitioner's credibility. California law forbids expert or lay witnesses from testifying that another witness is dishonest. (*People v. Sergill* (1982) 138 Cal.App.3d 34, 39–40; *Evidence Code* §§ 780(f), 1101(a).) Because credibility is for the Court alone, such opinions are inadmissible.

H. Prejudice and Confusion

Allowing testimony about an unsupervised, partisan "forensic" report and decade-old text messages would convert a limited renewal hearing into a collateral trial on unrelated issues. The probative value of this evidence is nonexistent; the danger of unfair prejudice and confusion is extreme. Under *Evidence Code* § 352 and *Family Code* § 217(b), the Court should exercise its discretion to exclude it entirely.

Section III — To Exclude Witness #5 – Gregory Gillespie

See Exhibit C

A. Identification and Stated Purpose of Testimony

Respondent proposes to call Mr. Gillespie to repeat discredited allegations from Arizona litigation (CV2021-052893) that were resolved entirely on procedural grounds and never adjudicated as true. No court has ever found that Petitioner falsified a pregnancy, submitted a forged ultrasound, or misused protection orders. Such testimony would be irrelevant, misleading, and unduly prejudicial.

B. Irrelevance to Renewal Under Family Code § 6345

A hearing on renewal “is not a retrial of the original abuse allegations; the inquiry is limited to whether the protected party entertains a reasonable apprehension of future abuse.”

— *Ritchie v. Konrad* (2004) 115 Cal.App.4th 1275, 1291.

Allegations concerning a separate Arizona civil case have no bearing on whether Petitioner continues to fear Respondent Marraccini. Under *Evidence Code* § 350, such testimony is irrelevant and inadmissible.

C. No Adjudicated Findings of Fabrication or Fraud

The Arizona record affirmatively shows the absence of any finding that Petitioner falsified a pregnancy, forged documents, or abused the protective-order process.

1. In *Owens v. Gillespie* (CV2021-052893), the defendant's own Second Supplemental Rule 26.1 Disclosure Statement—filed by Gregg Woodnick—merely *alleged* that Petitioner “reportedly fabricated a pregnancy and subsequent abortion” but cited no supporting evidence .
2. Petitioner's Motion for Partial Summary Judgment established that Gillespie “did not suffer a consequent proximate injury,” “did not incur damages,” and “did not suffer severe emotional distress” .
3. The Minute Entry of November 9, 2023 (Hon. Michael D. Gordon) granted both parties' cross-motions for summary judgment, expressly finding “that the damage disclosure made by Defendant/Counterclaimant ... with respect to the fraud are insufficient for both claims” .

Those rulings disposed of Gillespie's fraud and emotional-distress counterclaims solely for lack of proof, not because Petitioner fabricated evidence. No Arizona court has ever entered a finding of perjury, forgery, or false pregnancy.

D. Protective Orders Remain in Effect

Petitioner currently holds an active protective order against Mr. Gillespie (Case No. FN2024-052375) and previously obtained uncontested orders in Case Nos. FN2021-004799 and FN2022-052111. None have been vacated or denied. His testimony that Petitioner “misused” protection orders is contradicted by those undisputed judicial records and should be excluded as false and prejudicial.

E. Misrepresentation and Potential to Mislead the Court

Permitting testimony that Petitioner “faked a pregnancy,” “forged an ultrasound,” or “misused protection orders” would misrepresent the Arizona proceedings and mislead this Court into believing such findings exist. *Evidence Code* § 352 authorizes exclusion of evidence likely to “mislead the jury or cause undue prejudice.” The Court should exercise that discretion here.

F. Lack of Personal Knowledge

Mr. Gillespie lacks personal knowledge of any facts relevant to Petitioner’s present relationship with Respondent Marraccini or to her reasonable apprehension of future abuse. Testimony “must be based on personal knowledge” (*Evid. Code* § 702). His proposed testimony concerns unrelated, closed Arizona matters and is therefore inadmissible.

G. Bias and Retaliatory Motive

Mr. Gillespie remains the opposing party in multiple Arizona protective-order proceedings that Petitioner lawfully obtained. Having been the subject of those orders, he possesses an obvious motive to discredit Petitioner. This retaliatory interest falls squarely within *Evidence Code* § 780(f)* (bias and hostility).* See *People v. Allen* (1978) 77 Cal.App.3d 924, 931.

H. Unfair Prejudice and Confusion

Introducing Arizona allegations of “false pregnancy” or “forged ultrasound” would confuse and prejudice these proceedings by suggesting Petitioner engaged in conduct never proven or adjudicated. Any minimal probative value is vastly outweighed by the danger of undue prejudice and confusion (*Evid. Code* § 352; *Fam. Code* § 217(b)).

Section IV — To Exclude Witness #5 – Terry Boe (Maricopa County Investigator)

See Exhibit D

A. Identification and Stated Purpose of Testimony

Detective Terry Boe is a law-enforcement investigator from Arizona who seeks to testify about an ongoing criminal case in which Petitioner has been indicted but not convicted. The subpoena served on Mr. Boe is procedurally void, and the subject matter of his proposed testimony is inadmissible under the California Evidence Code.

B. Unsigned and Invalid Subpoena

The subpoena form (Judicial Council SUBP-001) attached to Respondent's "Notice of Subpoena Re Terry Boe" contains no signature or date of issuance on the attorney signature line. Under *Code Civ. Proc.* §§ 1985–1987, a subpoena must be signed by the clerk of the court or by an attorney as an officer of the court. An unsigned subpoena is a nullity and creates no duty to appear or produce documents. (*McDonald v. Superior Court* (1994) 22 Cal.App.4th 364, 370.) Because the subpoena was never validly issued, it cannot support any testimony or appearance by Mr. Boe.

C. Out-of-State Witness Beyond California Jurisdiction

Mr. Boe is employed by the Maricopa County Attorney's Office in Arizona and resides outside California. California subpoenas have no extraterritorial effect. Absent domestication under the Uniform Interstate Depositions and Discovery Act (*Code Civ. Proc.* §§ 2029.100 et seq.), this Court lacks jurisdiction to compel an out-of-state witness to appear or testify. No UIDDA petition has been filed or granted. Even if the subpoena were signed, it would be unenforceable.

D. Defective Notice and Service

The “Notice of Subpoena Issuance” dated October 6, 2025 merely announces an intent to issue subpoenas and provides no proof of service on Petitioner or on Mr. Boe. *Code Civ. Proc.* § 1985.3(b) requires written notice identifying the witness, materials sought, and date of compliance. Failure to provide timely, proper notice renders the subpoena defective and subject to quashal under *Code Civ. Proc.* § 1987.1.

E. Indictment and Ongoing Criminal Investigation Are Not Admissible Evidence

Mr. Boe’s proposed testimony concerns an ongoing Arizona criminal case that remains at the indictment stage. An indictment is not evidence of guilt; it is merely an accusation. (*People v. Rhoades* (2019) 8 Cal.5th 393, 435; *People v. Mullens* (2004) 119 Cal.App.4th 648, 658.) Allowing an investigator to describe “findings” from a pending case would violate the presumption of innocence and invite prejudice. California courts bar testimony or exhibits referencing unadjudicated criminal charges because they risk confusing issues and undermining fairness. (*People v. Coleman* (1975) 13 Cal.3d 867, 884.)

F. Improper Opinion on Credibility

Mr. Boe’s stated purpose—“to explain the investigative findings showing a deliberate pattern of deception relevant to credibility”—constitutes an impermissible expert or lay opinion on a party’s veracity. California law forbids witnesses, including law-enforcement officers, from testifying that another witness or party is lying. (*People v. Sergill* (1982) 138 Cal.App.3d 34,

39-40.) Such testimony invades the fact-finder's role and is barred by *Evid. Code* §§ 702 and 801–803, and by § 1101(a) (prohibiting character evidence to prove conduct).

G. Extreme Prejudice and Irrelevance Under Family Code § 6345

The limited inquiry under *Family Code* § 6345 is whether Petitioner “entertains a reasonable apprehension of future abuse.” Criminal allegations from another jurisdiction have no bearing on that question. Introducing testimony about a pending Arizona indictment would mislead and prejudice this Court, transforming a protective-order renewal into a collateral trial on unproven criminal charges. Under *Evid. Code* § 352 and *Fam. Code* § 217(b), the Court should exclude the evidence as unfairly prejudicial, confusing, and harassing.

Section V — To Exclude Witness #6 – Clayton Echard

See Exhibit E

A. Identification and Stated Purpose of Testimony

Respondent proposes to call Mr. Echard to impeach Petitioner's credibility based on a prior Arizona paternity and protective-order matter. That case involved different facts, parties, and legal issues; it contains no finding of false abuse allegations, and it bears no relation to whether Petitioner continues to fear Respondent Marraccini. The testimony should therefore be excluded under *Evidence Code* §§ 350 and 352.

B. Procedural Background and Status of Arizona Orders

On October 6, 2023, Petitioner filed *Owens v. Echard* (Maricopa Cty. FC2023-052771), seeking paternity determination and an Order of Protection. The protective order was issued that same day and, after an evidentiary hearing on October 25, 2023, was affirmed.

Mr. Echard moved to dismiss and quash the order *again* and the Arizona Superior Court denied his motion on June 18, 2024. The order remains in effect and has never been vacated or reversed.

No Arizona ruling has ever found that Petitioner fabricated or falsified abuse allegations, and no court has deemed her fear unreasonable. The continuing validity of the order directly contradicts the witness list's claim that she made "false abuse claims."

C. No “Identical Patterns” and No Relevance to This Proceeding

Respondent’s assertion that Mr. Echard’s case shows “identical behavioral patterns” is factually and legally baseless.

- Petitioner has filed no paternity or protective-order case against Respondent Marraccini.
- The Arizona case concerned a separate relationship, unrelated to this one.
- Petitioner never alleged that Mr. Echard engaged in physical violence, whereas her allegations against Marraccini do.

These facts make clear that the cases are not “identical” and that Mr. Echard’s testimony would mislead the Court.

D. Irrelevance to Renewal Under Family Code § 6345

A renewal hearing “is not a retrial of the original abuse allegations; the inquiry is limited to whether the protected party entertains a reasonable apprehension of future abuse.”

— *Ritchie v. Konrad* (2004) 115 Cal.App.4th 1275, 1291.

Because Mr. Echard’s testimony concerns unrelated Arizona litigation and events that predate Respondent Marraccini’s relationship with Petitioner, it cannot assist the Court in determining current fear and is inadmissible under *Evid. Code* § 350.

E. Lack of Personal Knowledge

Mr. Echard has no firsthand knowledge of Petitioner's relationship with Respondent Marraccini and did not meet him until 2024. His proposed statements therefore fail the personal-knowledge requirement of *Evidence Code* § 702.

F. Bias and Retaliatory Motive

Mr. Echard remains the respondent in an active Arizona protective order and has twice sought unsuccessfully to have it dissolved. That adversarial posture gives him an obvious motive to discredit Petitioner and vindicate himself. Such bias and self-interest fall squarely within *Evidence Code* § 780(f)* (bias, interest, or motive)* and justify exclusion. See *People v. Allen* (1978) 77 Cal.App.3d 924, 931.

G. Improper Character Evidence

Assertions that Petitioner exhibits "identical behavioral patterns," "false claims," or "lack of genuine fear" are inadmissible character evidence under *Evid. Code* § 1101(a).* These opinions on credibility usurp the Court's fact-finding function.

H. Jurisdictional and Procedural Defects in Subpoena to Mr. Echard

The subpoena purporting to compel Mr. Echard's appearance is jurisdictionally void and procedurally defective on its face. The document is unsigned and omits the issuing attorney's required identifying information—no telephone number, email address, or mailing address appear anywhere on the face of the form—in violation of *Code Civ. Proc.* § 1985(c) and *Cal. Rules of Court*, rule 1.300(b). An unsigned subpoena lacking attorney identification and contact information is not a lawful judicial process and cannot compel attendance.

Moreover, Mr. Echard resides in the State of Arizona, outside the jurisdiction of the California courts. A California subpoena has no extraterritorial effect and cannot compel the testimony of a nonresident witness unless the proponent first complies with the Uniform Interstate Depositions and Discovery Act (*Code Civ. Proc.* §§ 2029.100–2029.700). No such application, domestication, or Arizona court issuance has been made. As a result, the subpoena is void for lack of jurisdiction.

The record also contains no proof of personal service and no tender of statutory witness fees or mileage as required by *Code Civ. Proc.* § 1987(b). Even if the subpoena had been properly issued, failure to tender fees renders it unenforceable.

These procedural and jurisdictional defects are compounded by the fact that Mr. Echard's testimony is wholly irrelevant to the limited question under *Family Code* § 6345(a): whether Petitioner continues to harbor a reasonable apprehension of future abuse from Respondent Marraccini. Testimony from an Arizona resident concerning unrelated litigation and events long predating this case would only serve to harass and distract from the statutory inquiry. Under *Evidence Code* §§ 350 and 352, *Family Code* § 217(b), and *Code Civ. Proc.* § 1987.1, the Court should quash the subpoena and exclude any testimony by Clayton Echard in its entirety.

Section VI — To Exclude Witness #7 – Greg Gillespie

See Exhibit F

A. Identification and Stated Purpose of Testimony

The Arizona Superior Court never made any finding that Petitioner fabricated pregnancy or abuse allegations in 2021 with Mr. Greg Gillespie. Those claims were raised only in Mr. Gillespie's pleadings and were disposed of on procedural grounds. Petitioner's three uncontested protective orders—each entered on findings of reasonable cause to believe Mr. Gillespie may commit domestic violence—directly contradict the assertion of "false abuse allegations." Accordingly, the proposed testimony rests on demonstrably inaccurate premises and should be excluded under *Evidence Code* §§ 350 and 352.

B. Irrelevance to Renewal Under Family Code § 6345

A renewal hearing "is not a retrial of the original abuse allegations; the inquiry is limited to whether the protected party entertains a reasonable apprehension of future abuse." — *Ritchie v. Konrad* (2004) 115 Cal.App.4th 1275, 1291.

Allegations concerning a separate Arizona dispute have no bearing on whether Petitioner continues to fear Respondent Marraccini. Under *Evid. Code* § 350, such testimony is irrelevant and inadmissible.

C. Arizona Court Did Not Find False Pregnancy or Abuse

In *Owens v. Gillespie* (Maricopa Cty. CV2021-052893), both parties moved for summary judgment. On November 9, 2023, the Hon. Michael D. Gordon granted both motions, ruling:

“The damage disclosure made by Defendant/Counterclaimant ... with respect to the fraud are insufficient for both claims.”

In short, the Arizona proceedings resolved Mr. Gillespie’s allegations without any finding that Petitioner’s pregnancy or abuse reports were false. His assertion of “false pregnancy and abuse allegations in 2021” has no judicial support and is contradicted by three protective orders issued in Petitioner’s favor.

D. Protective-Order Record Contradicts Witness Description

Petitioner has obtained three Arizona Orders of Protection against Mr. Gillespie: FN2021-004799, FN2022-052111, and FN2024-052375. Each was issued by the Arizona Superior Court upon findings of *reasonable cause to believe Defendant may commit an act of domestic violence*. None were contested, modified, or vacated. One remains in full force and effect.

Respondent’s witness list nonetheless describes Mr. Gillespie as the “victim” and claims Petitioner engaged in “retaliatory misuse of protection orders.” Those assertions directly contradict official judicial determinations. Admitting testimony based on them would mislead the trier of fact and create confusion of issues, warranting exclusion under *Evid. Code* §§ 350 and 352.

E. Lack of Personal Knowledge

Mr. Gillespie did not even meet Respondent until 2024. He lacks personal knowledge of any fact bearing on Petitioner's current apprehension of Respondent Marraccini. Under *Evid. Code* § 702, testimony must be based on firsthand knowledge; his is not.

F. Bias and Retaliatory Motive

Mr. Gillespie's credibility is fatally compromised by his extensive adversarial history with Petitioner. For more than two years, he litigated against her in *Owens v. Gillespie* (Maricopa Cty. CV2021-052893), advancing the same "false pregnancy" and "forged ultrasound" theories that the Arizona court ultimately dismissed for lack of proof. That prolonged and acrimonious litigation, coupled with his repeated attempts to attack Petitioner's character, demonstrates a continuing personal animus.

In addition, Mr. Gillespie has been the subject of three uncontested Arizona protective orders—FN2021-004799, FN2022-052111, and FN2024-052375—each issued upon findings of *reasonable cause to believe Defendant may commit an act of domestic violence*. None was ever challenged, modified, or vacated. One remains in full force and effect.

This history gives Mr. Gillespie a clear and ongoing motive to retaliate against the protected party by attempting to re-litigate discredited allegations in this Court. Such hostility falls squarely within Evidence Code § 780(f) (bias, interest, or motive) and renders his testimony unreliable. See *People v. Allen* (1978) 77 Cal.App.3d 924, 931.

G. Improper Character Evidence and Hearsay

Accusations of a “forged ultrasound,” “false pregnancy,” or “fraudulent pattern” constitute inadmissible character evidence under *Evid. Code* § 1101(a)* and are based on hearsay rather than firsthand observation. They serve only to impugn Petitioner’s character and are properly excluded.

H. Unfair Prejudice and Confusion

Admitting testimony grounded in disproven or irrelevant Arizona allegations would mislead the Court and cause undue prejudice to the protected party. Any minimal probative value is outweighed by the danger of unfair prejudice, confusion of issues, and harassment (*Evid. Code* § 352; *Fam. Code* § 217(b)).

I. Requested Order

Petitioner respectfully requests that the Court:

1. Exclude in its entirety any testimony, declaration, or appearance by Greg Gillespie;
2. Preclude Respondent and counsel from referring to any alleged “false pregnancy,” “forged ultrasound,” or “misuse of protection orders”;
3. Preclude any argument or testimony misrepresenting the Arizona proceedings; and
4. Grant such other relief as the Court deems just and proper to maintain the protective purpose of this *Family Code* § 6345 hearing.

A. Identification and Stated Purpose of Testimony

Respondent seeks to call Ms. Joan O'Neill to repudiate a sworn declaration filed seven years ago and to assert that the 2018 order was obtained by fraud. Such evidence is legally irrelevant to renewal under Family Code § 6345 and must be excluded.

B. Irrelevance to Renewal Under Family Code § 6345

A renewal hearing is not a retrial of the original restraining order. The sole inquiry is whether the protected party continues to harbor a *reasonable apprehension of future abuse* from the respondent.

“A hearing on a request to renew a domestic-violence restraining order is not a retrial of the original abuse allegations; the inquiry is limited to whether the protected party entertains a reasonable apprehension of future abuse.”

— *Ritchie v. Konrad* (2004) 115 Cal.App.4th 1275, 1291.

Because [REDACTED] testimony concerns authorship of a 2018 declaration—not current risk—her evidence is irrelevant (Evid. Code § 350) and must be excluded.

C. Execution of the 2018 Declaration Under Penalty of Perjury

On March 29, 2018, [REDACTED] filed and signed a *Declaration in Support of Petitioner's Request for Restraining Order* in *Owens v. Marraccini* (FDV-18-813693). The declaration bears her handwritten signature and the jurat:

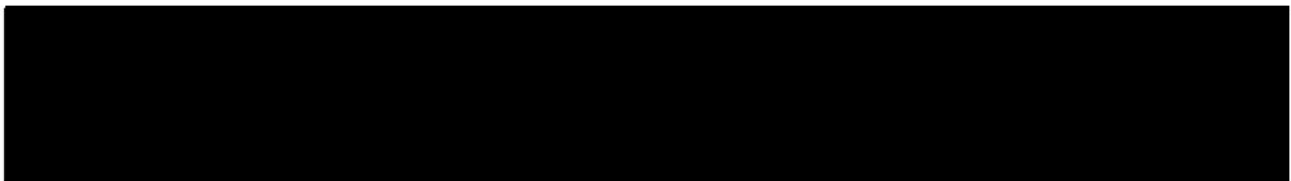
"I declare under penalty of perjury that the foregoing is true and correct."

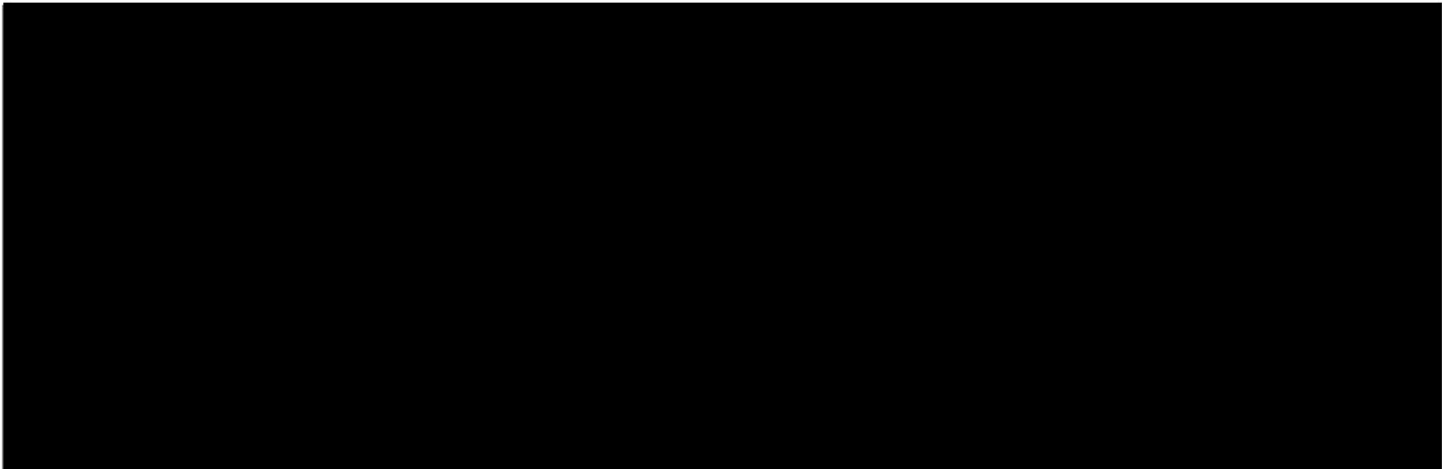


D. Collateral and Cumulative Nature of Proposed Testimony

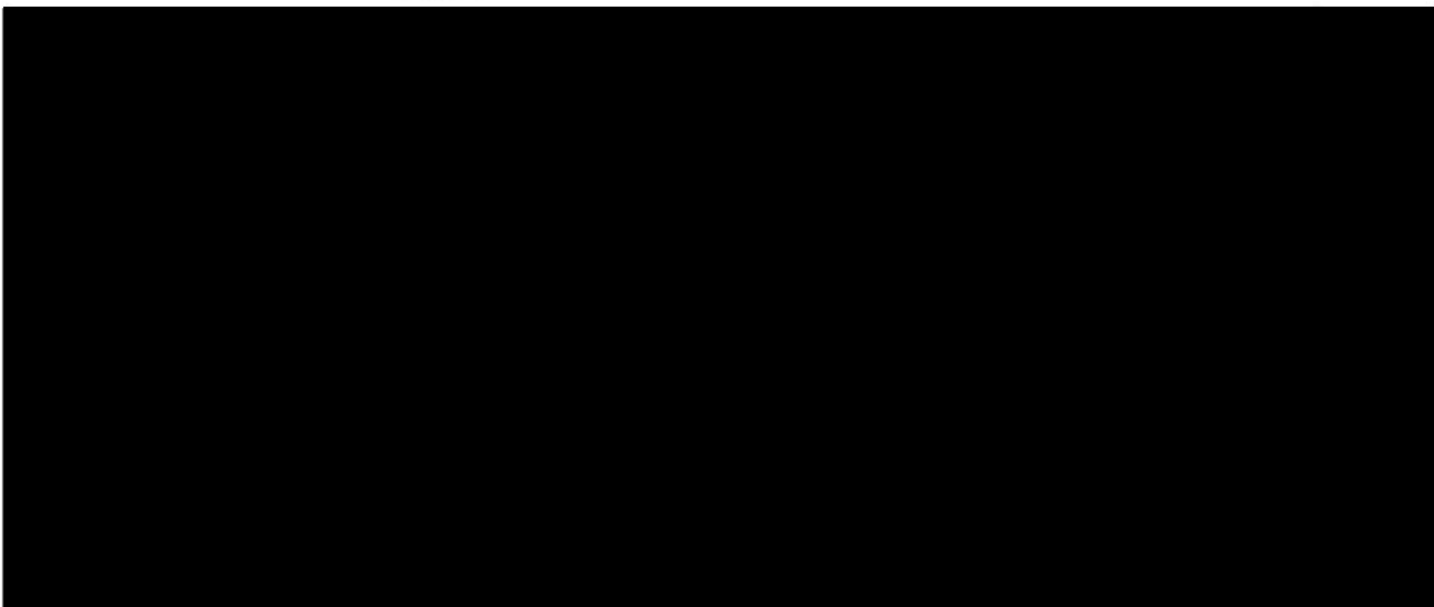


E. Post-Judgment Contact and Resulting Reliability Concerns

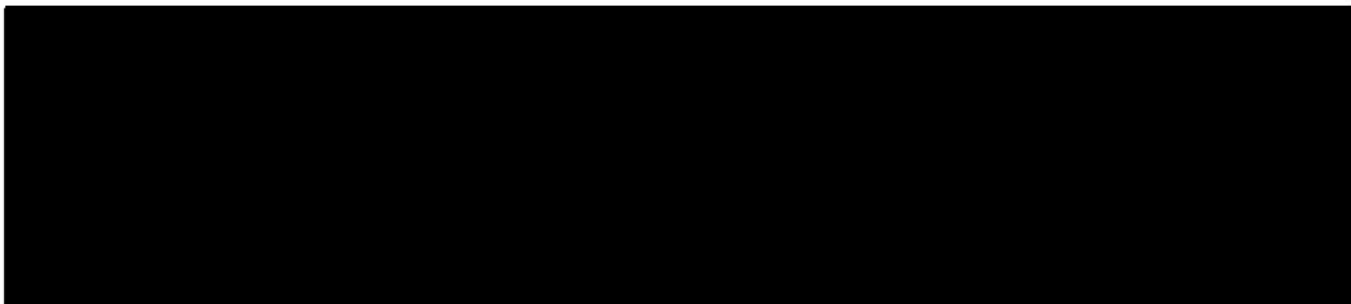




F. Bias and Personal Motive



G. Improper Character Evidence and Hearsay



H. Unfair Prejudice and Confusion



Section VII — To Exclude Irrelevant and Improper Exhibits

- **Exhibit 101 – “Under Advisement Ruling from the Superior Court of Arizona issued by Judge Julie Ann Mata on June 18, 2025”:**

Out-of-state minute entry in unrelated litigation; contains no findings regarding Petitioner’s relationship with Respondent Marraccini or her present apprehension of abuse. Admission would mislead the Court and improperly expand this hearing beyond the scope of *Family Code* § 6345(a). **Exclude under Evid. Code §§ 350 and 352.**

- **Exhibit 102 – “Criminal Indictment from the Superior Court of Arizona filed on May 1, 2025”:**

An indictment is an accusation only and has no evidentiary value. It is unrelated to this renewal and would cause undue prejudice and confusion. **Exclude under Evid. Code § 352; see *People v. Rhoades* (2007) 157 Cal.App.4th 1237, 1246 (indictment is not proof).**

- **Exhibit 103 – “Correspondence from Dr. John Chung Kai Chan, M.D., dated August 13, 2016”:**

Purported medical correspondence predating the restraining order by two years; not part of the 2018 or 2020 court record. The document is remote, unauthenticated, and irrelevant to Petitioner’s current apprehension of abuse. **Exclude under Evid. Code §§ 350, 352, and 1400.**

- **Exhibit 104 – “Correspondence from Dr. Rebecca Yee, M.D., dated August 31, 2016”:**

Like Exhibit 103, this purported letter precedes the original order by nearly two years and was never admitted into evidence. It concerns no conduct by Respondent Marraccini and is irrelevant to renewal. **Exclude under Evid. Code §§ 350, 352.**

• **Exhibit 105 – “San Francisco Police Report, Case No. 180018711, and Photograph of Investigating Officers”:**

Police record from 2018 relating to third-party investigation; not linked to Respondent Marraccini and not part of the domestic-violence record at issue. The photograph is cumulative and lacks authentication. **Exclude under Evid. Code §§ 350, 352, and 1400–1402.**

• **Exhibit 106 – “Image of Laura with redness around her face, particularly her right eye”:**

Undated and unauthenticated photograph offered without foundation. Petitioner’s medical appearance years prior has no probative value on current fear and risks undue prejudice. **Exclude under Evid. Code §§ 350, 352, 702, and 1400.**

• **Exhibit 107 – “Digital Forensics Report completed by Jon Berryhill on May 4, 2024”:**

Privately commissioned, unsupervised report analyzing text messages from Respondent’s device (2016–2018). No court authorization, no chain of custody, no methodology, and no authentication. Not part of any prior DVRO record. **Exclude under Evid. Code §§ 350, 352, 702, 801, 1400–1402; Fam. Code § 6345(a).**

• **Exhibit 109 – “Petition for Order of Protection Against Clayton Ray Echard Filed October 6, 2023”:**

Filing from separate Arizona case with different respondent. Has no relevance to Petitioner's fear of Marraccini and risks collateral litigation. **Exclude under Evid. Code §§ 350, 352;**

Ritchie v. Konrad (2004) 115 Cal.App.4th 1275, 1291.

• **Exhibit 110 – “Subpoena Issued by the Superior Court of Arizona to Michael Marraccini c/o Randy Sue Pollock”:**

This document purports to be an Arizona subpoena for Respondent's appearance. It was never domesticated through any California court as required by the *Uniform Interstate Depositions and Discovery Act* (Code Civ. Proc. §§ 2029.100 et seq.*) and therefore has no legal effect in this jurisdiction. Respondent remained subject to the CLETS-entered restraining order issued by this Court on September 11, 2020 (renewed through July 10, 2025) and could not lawfully appear or testify in any out-of-state proceeding involving Petitioner without prior authorization from this Court. No such permission was ever sought or granted .

Respondent's Arizona counsel, Randy Sue Pollock, confirmed in writing on April 19, 2024 that her client “*will not be testifying.*” Despite that assurance, Respondent nevertheless traveled to Arizona, appeared in the courtroom, and later publicly admitted in his interview with content creator Megan Fox (*YouTube*, “Justice for Clayton,” uploaded June 2024, timestamp 1:36:40) that he “*knew [he] wasn't going to be testifying.*” The inclusion of this unenforceable and non-domesticated subpoena therefore creates a materially misleading impression that Respondent's appearance was judicially compelled when all parties knew he lacked both a valid subpoena and judicial authorization to attend.

The exhibit injects collateral Arizona procedural issues wholly unrelated to whether Petitioner presently harbors a reasonable apprehension of future abuse under *Family Code* § 6345(a). Its admission would mislead the Court, confuse the issues, and cause undue prejudice and harassment of the protected party. Exclude under Evidence Code §§ 350, 352, and 780(b).

In the alternative, if the Court determines to admit Exhibit 110, Petitioner requests that it be received solely for the limited purpose of showing that Respondent's travel to Arizona was voluntary and not compelled by any valid subpoena, as confirmed by his counsel's written statement and his subsequent public admission.

• **Exhibit 111 – “Civil Complaint Against Greg Gillespie Filed by Laura Owens on August 11, 2011”:**

Unrelated civil filing from four years ago involving a different party. Remote, irrelevant, and offered only to attack character. **Exclude under Evid. Code §§ 350, 352, and 1101(a).**

• **Exhibit 112 – “Petitions for Orders of Protection Against Greg Gillespie Filed November 12, 2021 and December 6, 2024”:**

Out-of-state protective orders against a non-party. These Arizona filings are unrelated to Respondent Marraccini and have no bearing on renewal. **Exclude under Evid. Code §§ 350 and 352.**

• **Exhibit 113 – “Positive Pregnancy Test by Laura, August 19, 2016”:**

Unauthenticated photograph or record predating issuance of DVRO by two years; irrelevant to current fear. **Exclude under Evid. Code §§ 350, 352, and 1400.**

-
- Exhibit 114 – “Text Message by Laura Owens Claiming Concerns of a Miscarriage, July 14, 2016”:
 - Exhibit 115 – “Text Message by Laura Owens Claiming Concerns of a Miscarriage and ‘On Her Way to the Hospital,’ July 15, 2016”:
 - Exhibit 117 – “Text Message by Laura Owens Claiming Her Twin Pregnancy Was No Longer Viable and That She Would Take Abortion Pills, July 22, 2016”:
 - Exhibit 118 – “Text Message by Laura Owens Claiming That the Abortion Pills Did Not Work, July 28, 2016”:

All of these messages predate the 2018 restraining order by several years, were never part of the record, and concern matters wholly unrelated to the statutory question of current fear. Each is unauthenticated, remote, and inflammatory. **Exclude under Evid. Code §§ 350, 352, 702, and 1400–1402.**

-
- Exhibit 116 – “Facebook Post of Laura Owens at KGO Celebration for Ronn Owens, July 15, 2016”:

A social-media post with no connection to alleged abuse or current apprehension. Introduction would serve only to harass. **Exclude under Evid. Code §§ 350 and 352; Fam. Code § 217(b).**

-
- Exhibit 119 – “Deposition of Laura Owens in the Echard Paternity Case Regarding Dr. Chan and Oophorectomy”:

Deposition transcript from separate Arizona litigation; hearsay and unrelated to Marraccini. **Exclude under Evid. Code §§ 350, 352, and 1200.**

- **Exhibit 120 – “Equestrian Rider Reports During 2016”:**

Unrelated business or recreational documents from nine years ago; irrelevant to abuse or fear.

Exclude under Evid. Code §§ 350 and 352.

- **Exhibit 121 – “Petition for Order of Protection by Greg Gillespie Against Laura Owens, Filed August 21, 2021”:**

Filing by a third party in another jurisdiction; irrelevant to current proceedings and inadmissible character evidence. **Exclude under Evid. Code §§ 350, 352, and 1101(a).**

- **Exhibit 122 – “Text Message from Laura Owens to Michael Marraccini on July 6, 2016 Stating She ‘Loves and Trusts [You]’”:**

Single text from nine years ago predating issuance of the restraining order; unauthenticated, remote, and irrelevant to current fear. **Exclude under Evid. Code §§ 350, 352, 702, and 1400–1402.**

- **Exhibit 123 – “Text Message from Laura Owens Stating ‘Love you,’ ‘I’m horny baby,’ ‘I wish we could get dinner,’ May 19, 2017”:**

Personal message from 2017, long before issuance of the DVRO; unrelated to current apprehension. **Exclude under Evid. Code §§ 350 and 352.**

- **Exhibit 124 – “Email from Laura’s Attorney, David Gingras, to Respondent, Dated May 8, 2024”:**

Respondent characterizes this email as evidence that Petitioner sought direct communication “in violation of the current restraining order.” That claim is legally and factually incorrect. The restraining order protects Petitioner and restrains Respondent; it imposes no reciprocal prohibition on Petitioner. Even if Petitioner had initiated contact, such contact could not constitute a “violation” of her own protective order.

In any event, the email was authored solely by Petitioner’s counsel, David Gingras, who has confirmed that he misunderstood Petitioner’s instructions and sent the message without her consent. Petitioner never intended or authorized any communication with Respondent, and Mr. Gingras is prepared to so testify. The document is therefore irrelevant, misleading, and prejudicial. Exclude under Evid. Code §§ 350, 352, and 780(b).

• **Exhibit 125 – “Email to Media Tip Line Regarding Clayton Echard Paternity Update, 2023”:**

Media correspondence unrelated to Marraccini or current fear; hearsay and prejudicial. **Exclude under Evid. Code §§ 1200 and 352.**

• **Exhibit 126 – “State’s Notice of Disclosure and Request for Disclosure Filed by the State of Arizona, June 25, 2025”:**

Criminal discovery filing from a separate jurisdiction; irrelevant to this renewal and prejudicial. **Exclude under Evid. Code §§ 350 and 352.**

• **Exhibit 127 – “Text Messages by Laura Regarding Inpatient Psychiatric Therapy”:**

Private health-related communications outside the scope of this proceeding; prejudicial and privileged. **Exclude under Evid. Code §§ 352 and 994 (psychotherapist-patient privilege).**

• **Exhibit 128 – “Declaration of Laura Owens, March 29, 2018”:**

Declaration already contained in the 2018 record; cumulative and redundant. **Exclude as cumulative under Evid. Code § 352.**

• **Exhibit 129 – “Findings After Trial by Judge Mata”:**

Out-of-state ruling from unrelated litigation; not relevant to this renewal. **Exclude under Evid. Code §§ 350 and 352.**

• **Exhibit 130 – “Petition to Court Order Paternity Filed by Laura Owens on August 1, 2023”:**

Filing from Arizona paternity case against a different party; no nexus to Respondent Marraccini or Petitioner’s fear of him. **Exclude under Evid. Code §§ 350 and 352; Fam. Code § 6345(a).**