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5 *Attorney for Plaintiff*

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

8 Case No: CV2021-052893

9 Laura Owens,

10 Plaintiff,

11 vs.

12 Gregory Gillespie,

13 Defendant.

14 **PLAINTIFF'S CONTROVERTING**
15 **STATEMENT IN RESPONSE TO**
16 **DEFENDANT'S SEPARATE**
17 **STATEMENT OF FACTS**

18 **-AND-**

19 **PLAINTIFF'S STATEMENT OF**
20 **ADDITIONAL FACTS**

21 Pursuant to Arizona Rules of Civil Procedure 56(c)(3)(B), Plaintiff, by and through
22 undersigned counsel, submits this Opposing Statement of Facts in Opposition to
23 Defendants' Motion for Partial Summary Judgment.

24 **I. CONTROVERTING STATEMENT**

25 1. Objection, no facts under Rule 56 are presented to respond to. Plaintiff
26 does not dispute that the Motion concerns the claim brought by Plaintiff.

27 2. Objection, no facts under Rule 56 are presented to respond to. The
28 Complaint and disclosure statement (Defendant's Separate Statement of Facts
29 ("DSSOF"), Exhibit A) set forth accurately the basic facts on which Plaintiff bases her
30 claim as well as documentation contained in those documents.





1 3. Objection, no facts under Rule 56 are presented to respond to and
2 Defendant's motion does not challenge the sufficiency of the Complaint. Plaintiff does
3 not dispute that the Motion concerns the claim brought by Plaintiff.

4 4. Undisputed.

5 5. Objection, no facts under Rule 56 are presented to respond to and
6 Defendant's motion does not challenge the sufficiency of the Complaint, which this Court
7 already ruled on in its December 15, 2021 Minute-Entry Order. Subject to that objection,
8 undisputed.

9 6. Disputed. Plaintiff's disclosure statement incorporates by reference the
10 pleadings and the exhibits attached to pleadings and the documents disclosed by other
11 parties. In a Tier 1 mandatory arbitration case, re-distributing the same documents already
12 disclosed by the opposing party is overly burdensome.

13 7. Undisputed.

14 8. Undisputed.

15 9. Objection, Defendant never provided any specific defense that the
16 emotional distress did not manifest in physical symptoms in the answer, any Rule 26.1
17 disclosure statement, or otherwise. Ms. Owens suffered from skin rashes and heartburn
18 as set out in her affidavit below. Ex. A, Affidavit of Laura Owens, ¶ 5 and Ex. 1 attached
19 thereto.

20 10. Undisputed that Plaintiff is not seeking damages for expenses for any
21 treatment she may have received due to Mr. Gillespie's actions.

22 11. Objection, Defendant never provided any specific defense that the
23 emotional distress did not manifest in physical symptoms in the answer, disclosure
24 statement, or otherwise. Answer; Ex. B, Defendant's Second Supplemental Disclosure
25 Statement. Subject to that objection, Disputed. Ms. Owens suffered from skin rashes and
26 heartburn as a result of the trauma caused by Mr. Gillespie and as set out in her affidavit



1 attached hereto. Ex. A, ¶ 5 and Ex. 1 attached thereto. She is seeking damages due to the
2 trauma she suffered. DSSOF Ex. A, at 5.

3 12. Disputed. Plaintiff seeks an award of \$40,000 due to the trauma she
4 suffered from the intentional infliction of emotional distress caused by Mr. Gillespie. *Id.*

5 13. Disputed. The computation of damages is \$40,000 for the trauma she
6 suffered as well as costs. *Id.*

7 14. Disputed. Plaintiff incorporated into her disclosure statement the numerous
8 disclosures made by Defendants, pleadings filed by the parties with exhibits attached
9 thereto, etc. *Id.*, at 5-6.

10 15. Disputed. Plaintiff incorporated into her disclosure statement the numerous
11 disclosures made by Defendants, pleadings filed by the parties with exhibits attached
12 thereto, etc. *Id.*

13 **II. PLAINTIFF'S STATEMENT OF ADDITIONAL FACTS**

14 1. Ms. Owens is a popular self-help podcaster and victim's advocate who
15 speaks regularly on the topic of coerced abortions. Ex. A, ¶ 2.

16 2. Ms. Owens was ready to have a child when she got pregnant with Mr.
17 Gillespie's child. *Id.*

18 3. However, she felt a connection with Mr. Gillespie and because he promised
19 to follow through with a relationship with her if she had an abortion, she went through the
20 process. *Id.*

21 4. Ms. Owens knew that it was possible that her credibility as a victim's rights
22 advocate could be tarnished but believed she could have a successful long-term
23 relationship with Mr. Gillespie. *Id.*

24 5. Ms. Owens followed through with the abortion based on the false promises
25 by Defendant that they would have a relationship. *Id.*, ¶ 3; Ex. C, Text Messages between
26 the Parties.



1 6. However, after Ms. Owens went through with the abortion, Mr. Gillespie
2 blocked her on all forms of social media and the phone. Ex. A, ¶ 3; Ex. D, Text Messages
3 between the Parties; Complaint, at 17.

4 7. Mr. Gillespie never intended to follow through with the promise of a
5 relationship with Ms. Owens. Ex. A., ¶ 3.

6 8. Mr. Gillespie then threatened to withhold child support for Ms. Owens if
7 she went through with the pregnancy, demanded she “take the fucking pills,” and
8 threatened to call the police on her. Ex. A, ¶ 4; Exhibit E, Text Messages between the
9 Parties.

10 9. Mr. Gillespie also claimed that Ms. Owens was holding him hostage “for a
11 bastard.” Ex. A, ¶ 4; Exhibit F, Text Messages between the Parties.

12 10. Plaintiff suffered severe anxiety from the emotional distress intentionally
13 caused by Defendant. Ex. A, ¶ 5; Ex. G, Text Messages between the Parties.

14 11. Ms. Owens had physical symptoms of skin rashes and heartburn due to the
15 trauma she suffered. Ex. A, ¶ 5 and Ex. 1 attached thereto.

16 12. There is not a day that goes by that Ms. Owens does not regret the decision
17 that was coerced by Mr. Gillespie. *Id.*, ¶ 6.

18 13. Ms. Owens has trouble focusing at work due to Mr. Gillespie’s actions. *Id.*

19 14. Ms. Owens has cried due to guilt and embarrassment, lost sleep, and suffers
20 from significant mood swings. *Id.*

21 15. Ms. Owens is in fear for her safety and has obtained multiple orders for
22 protection against Mr. Gillespie. *Id.*, ¶ 7.

23 16. Ms. Owens now splits time in Arizona and California. *Id.*

24 17. Plaintiff accidentally served two Initial Disclosure Statements (one dated
25 November 23, 2022 and another dated April 17, 2023, which incorporated documents
26 attached to them, documents disclosed by other parties, and documents filed in and with

1 pleadings, among other documents. DSSOF, Ex. A; Ex. H.

2 18. Defendant never disclosed the defense that Ms. Owens had to prove
3 physical symptoms of severe emotional distress. Ex. B, at 2.

4
5 RESPECTFULLY SUBMITTED this 6th day of September, 2023.

6 **FORTIFY LEGAL SERVICES**

7 */s/ Kyle O'Dwyer*

8 Kyle O'Dwyer

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12 *Attorney for Plaintiff*



13 Filed this 6th day of September 2023
14 with Maricopa County Clerk of Court and
15 served this 6th day of September 2023
16 by TurboCourt on the following:

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24 With COPY to the following by email:

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By: Kyle O'Dwyer