

Owens v Echard

FC2023-052771

October 6, 2023

Ex Parte Hearing before Commissioner Popham

LO Laura Owens

CP Commissioner Popham

0:05	CP	Alright, good afternoon and welcome. We're on the record, FC2023-052771, in the matter of Lauren Owens versus Clayton Ray Echard. Miss Owens, are you present on the line?
0:18	LO	Yes, I am.
0:20	CP	Ma'am, can I have you state your name for the record, please?
0:23	LO	Yeah, it's Laura Owens.
0:25	CP	Thank you, and if you'll raise your right hand, I'm going to – let me know when it's up. I'm going to have you sworn in.
0:31	LO	It's up.
0:32	CLER K	You do solemnly swear that the testimony you're about to give will be the truth, the whole truth and nothing but the truth, so help you God?
0:38	LO	Yes.
0:39	CP	Alright, thank you, Miss Owens. This is a hearing on your petition for an order of protection. I'm going to ask you some questions about your petition. Before I do, are the statements alleged in this petition true and accurate to the best of your knowledge?
0:52	LO	Yes.

0:54	CP	And the nature of your relationship with the Defendant, Clayton Echard, is what?
1:01	LO	So I'm pregnant by Clayton and so we also had a – you know, a romantic relationship.
1:08	CP	Okay. Do you currently reside together?
1:11	LO	No, we do not.
1:13	CP	Are there currently any orders in place, protective orders in place, involving either one of you?
1:20	LO	I have a protective order against somebody but there's nothing between us.
1:26	CP	Okay. Now, earlier – well, let's see. It's been a couple of weeks. A couple weeks ago, you filed a petition against Mr. Echard involving some of the same circumstances that you've alleged in this petition, and the Court at that time denied your petition. You know what allegations I'm referring to?
1:45	LO	I do, yes, and there have been more, and there's even another one just since I filed it this morning.
1:51	CP	Alright, and I appreciate that. I saw that in your latest petition. The point I want to make is that because the Court has already ruled on those, those other incidents that – and specifically the one with the date associated of June 10th and the other with the date associated with September 21st, we're not going to talk about those issues today. But I do see that your latest petition does have events that are alleged to have occurred with the dates of – and I'm going to quote your language, between 9/22 and 10/5. Then you have another event that has a date associated with it of 10/6/2023 where you refer to "since September 28th".
2:38		So let's talk about those events and that timeframe. What is it that Mr. Echard has done, and when did he do it?
2:45	LO	Yeah, absolutely. So I just want to make sure – so can we talk – did you – I'm sorry. He just – he has just done something and I'm really upset. So you want to talk about, like, when he posted to his followers about – to

		look up my court cases against the man I have the protective order against?
3:12	CP	Yeah, and I can facilitate the – I can facilitate our communication. Let me do this. Did any of the posts refer to you by name?
3:21	LO	They did not, but he said – because I asked to remain anonymous in this whole thing. But he said to look up the posts by his name, and because of that I've been named by, like, everybody online --
3:37	CP	Okay, but did Mr. Echard post anything that referred to you by name?
3:42	LO	No, he did not.
3:44	CP	Did Mr. Echard post your case number in any of his posts?
3:48	LO	He said to look up the case number.
3:51	CP	Alright. And, and, and so he provided --
3:52	LO	And he was [inaudible]
3:54	CP	-- his name, right?
3:57	LO	Yes, and he told people where to search on the Maricopa County website.
4:01	CP	And then what are the statements that were in the posts that referred to you specifically?
4:09	LO	So he said that I had done this, and by this he meant got me pregnant by two other men before, which is true. And after he did that, he has posted many times just facts about the cases. In one of the cases, I have a civil – I have a civil case and it's – they're both against the same men. I have a civil – same man. I have a civil case that I had given discovery material to the man in the civil case, and Clayton was able to get a hold of those and leaked those documents online, which – those did have my name on them. And then Clayton has now posted that the results of the paternity test came back, which they did not. He said he's the father – he's not the father, and again they did – they did not come back. He's posted this, and so then I'm just getting

		harassed like crazy. I just have to go and submit a re-test, so he's really [inaudible] --
5:25	CP	So let me ask you. And here's the line of concern that I'm – and what's directing my questions. Folks that communicate things publicly have a Constitutional right to – that includes a freedom of expression. So long as their communication is not illegal speech, in other words it's not – well, illegal speech can include a number of things, but if the comments are true or – rather, if the comments are not untrue and they're not illegal speech, then they are generally protected free speech. So what is it about these posts that you claim are not protected free speech?
6:18	LO	Well, so in the first one when he said 'the initial cases', I guess I should've explained that a little more. He tried to make it seem like I had faked being pregnant. That was his insinuation, that I had, quote, done this [inaudible] --
6:29	CP	Alright, so how did he insinuate that? And here's – and this is the – let me distinguish between what I'm asking and what you're saying. He – you can't draw the conclusion, alright? So tell me what is he saying without you drawing a conclusion. Because some people may not draw the same conclusion as you. Use his words and tell me what it is that he said that you think is unprotected free speech. Or not – that's not free speech.
7:01	LO	Just that he, he, he said – so he said that on his page and then on Reddit. He went online and he named me and he accused me of faking pregnancies in the past, and he has cussed me out on there. He's harassed me. He, he himself has said that I really should kill myself on Reddit, and -
7:27	CP	And again, did he refer to you by name when he made that statement?
7:30	LO	On Reddit, yes, he did. He referred to me by Laura Owens. Every time he posts on Reddit, he posts my full name.
7:39	CP	Okay. When you use the word 'harass', what is it that you mean?

7:43	LO	Well, I mean like when he's said that I should kill myself and when he's – he said that – he's said online that I have lied about being pregnant when I have, have not, and he has absolutely no proof that I did and I provided all this medical evidence to prove that I was pregnant, and despite that he's just trying to incite people against me who have just been horrendous to me online, including him who has multiple false accounts, fake accounts that leak information that only he would have about me. Like I said, every Reddit post just has my full name. He lists my full name everywhere.
8:23	CP	Other than through legal counsel in court proceedings, should there be any path of communication that's left open between you and Mr. Echard?
8:38	LO	Just the paternity case. No, I guess there's nothing else that needs to be left open.
8:43	CP	Alright. And the North 69th Street address in Scottsdale is your home address?
8:49	LO	Yes, it is, yeah.
8:51	CP	Do you know whether Mr. Echard uses or has access to firearms?
9:00	LO	I do not, no. I don't believe he does.
9:07	CP	I know that you have language here that says – and I'm looking at your proposed form of order. It says "no cyber-harassment or cyber-bullying under real name or pseudonyms". I'm fairly certain I understand what you're asking but can you explain what you're asking the Court to order if I were to grant your petition in terms of cyber-harassment or cyber-bullying?
9:35	LO	Yeah. I guess him not posting on Reddit trying to incite people against me or – he just did this YouTube – I'm sorry, this Instagram post where he's trying to incite people against me by saying that I – that these test results are back when they're not. He's name calling on Reddit and he sent my attorney a message from an email address saying lauraowensliar@gmail.com and so I guess not that. You know, like, just – I just want him to kind of – just stop all of this. I want him to just, you

		know, be a truth teller and stop harassing me, I guess. I'm not explaining it well.
10:30	CP	Okay. I'm going to type some things into your order. Let me tell you, Miss Owens. I'm going to grant your petition. I'm going to issue an order of protection that includes you as a protected person and include your home as a protected address, leaving only – leaving open only the path of communication that Mr. Echard is not to have contact with you except through legal counsel and court proceedings. Then I'm going to work on some language here for a moment that addresses the issue about what's going on online, and then I'm going to read that to you and see if there's anything that you wish to have changed. So give me a moment while I do that and then I'll read to you what I have, okay?
11:21	LO	Okay. I mean, he can – I, I don't mind if he emails because we don't have counsel in the paternity case. Neither one of us does. I just – basically I just want him to not be – character assassination or anything like that.
11:41	CP	Okay, but in this day and age, people have different opinions about what's character assassination and that's what I --
11:47	LO	Yeah.
11:48	CP	I understand what you're saying and I believe that you have a particular idea about what you're saying, but to use that term or cyber-bullying or cyber-harassment, those are amorphous terms that don't have strict boundaries. So I'm going to work to communicate that. But you want to leave open a path where he can email you regarding the paternity case?
12:12	LO	Yeah, just because we don't have counsel.
12:15	CP	Okay.
		Silence
13:32	CP	I have included language in your order that says Defendant shall have no contact with Plaintiff other than as outlined herein and shall not cause others to contact Plaintiff other than as outlined herein. I'll read that to you in just a moment. I've also included language that says Defendant shall not communicate or post untrue or

		harassing comments regarding Plaintiff online, including but not limited to social media, and shall not cause others to communicate or post untrue or harassing comments regarding Plaintiff online or otherwise. I've tried to leave that vague and I've tried to leave it such that it doesn't interfere with individuals' Constitutional rights. With that – and with that understanding, is there anything you would have changed about what I just read to you?
14:30	LO	I think that's absolutely perfect.
14:33	CP	Okay. Then the 'outlined as herein', I'm going to read that to you in just a moment. Let me just make sure I didn't miss a word or anything here.
		Silence
15:06	CP	There's a section of the order of protection that says Defendant shall not contact Plaintiff except as checked, and I've checked the box 'Other'. Then it says through legal counsel and court proceedings and through electronic mail only regarding only matters pertaining to the paternity matter. Anything you want to change about that --
15:28	LO	That's perfect. No, that's perfect. That's, that's perfect.
15:33	CP	Alright. This order of protection, Miss Owens, will not become effective until it's served. It'll be sent to the Sheriff's Office today for service. But after this hearing, I'm going to have my office send you a copy of the order in case you need to involve law enforcement sooner than it may take the Sheriff's Office to serve your order of protection. Understand that while we'll send your order of protection to the Sheriff's Office today, it may not be served today. It may take a day or so. But if you need to use that copy before then, look for the email after the hearing and you'll have the copy available to you to use, okay?
16:13	LO	Okay, perfect. Thank you so much. Thank you so, so much.
16:17	CP	You're welcome. Just a little more information. The order of protection becomes effective when it's served, not before then. Then once it's served, it will remain in

		effect for a period of 2 years unless before then it is dismissed or modified. You could request to dismiss it or modify it, or Mr. Echard could request a hearing contesting it. If he requests a hearing contesting the order of protection, you will have the burden of proof at the hearing to show why the order ought to remain in place as issued, okay?
16:49	LO	Okay. Okay. Okay.
16:51	CP	Anything else for today?
16:53	LO	No. Thank you so much.
16:55	CP	You're very welcome. We're adjourned for today.