



Clerk of the Superior Court  
\*\*\* Electronically Filed \*\*\*  
T. Hays, Deputy  
1/4/2024 3:28:02 PM  
Filing ID 17135073

1 **WOODNICK LAW, PLLC**  
2 1747 E. Morten Avenue, Suite 205  
3 Phoenix, Arizona 85020  
4 Telephone: (602) 449-7980  
5 Facsimile: (602) 396-5850  
6 [Office@WoodnickLaw.com](mailto:Office@WoodnickLaw.com)

7 *Gregg R. Woodnick, #020736*  
8 *Isabel Ranney, #038564*  
9 *Attorney for Respondent*

10 **IN THE SUPERIOR COURT OF THE STATE OF ARIZONA**

11 **IN AND FOR THE COUNTY OF MARICOPA**

12 In Re the Matter of:

Case No.: **FC2023-052114**

13 **[REDACTED]**

**RESPONDENT'S  
RESPONSE/OBJECTION TO  
PETITIONER'S EXPEDITED  
MOTION TO QUASH DEPOSITION  
OF PETITIONER**

14 Petitioner,

15 and

(Assigned to The Honorable Julie Mata)

16 **CLAYTON ECHARD,**

17 Respondent,

18  
19 Respondent, **CLAYTON ECHARD**, by and through undersigned counsel, hereby  
20 responds and objects to Petitioner's Expedited Motion to Quash Deposition of Petitioner.  
21 Petitioner's Motion must be denied as she has failed to allege a credible reason that she should  
22 not be subjected to a deposition consistent with Rule 52(e), *Arizona Rules of Family Law*  
23 *Procedure* (ARFLP) As and for his Response/Objection, Respondent states as follows:  
24

- 25 1. Petitioner initiated the underlying action when she filed her Petition to Establish  
26 Paternity, Legal Decision-Making, Parenting Time and Child Support on August 1, 2023.  
27  
28







1 Respondent timely filed his Response denying that Petitioner could be pregnant by him on  
2 August 23, 2023.

3 2. On December 28, 2023, Respondent notified Petitioner that it intended to depose  
4 her by providing Notice pursuant to Rule 57.

5 3. Petitioner and her counsel indicated they were available for a deposition on  
6 January 17, 2024. *See* Petitioner's Expedited Motion to Quash Deposition of Petitioner  
7

8 4. On December 28, 2023, Petitioner, through counsel, filed a Motion to Dismiss,  
9 alleging, among other things, that this Court lacked subject matter jurisdiction because  
10 Petitioner was "no longer pregnant."  
11

12 5. On January 3, 2024, Respondent filed his Response/Objection to Petitioner's  
13 Motion to Dismiss, clarifying that this Court had not been divested of its subject matter  
14 jurisdiction and there were matters that still needed to be adjudicated.  
15

16 6. On January 4, 2024, Petitioner's counsel confirmed that the deposition was still  
17 scheduled for January 17<sup>th</sup> at 1:00 p.m. (**Exhibit 1**). Respondent affirmed, noting that the  
18 deposition would be videotaped.  
19

20 7. **Rule 52(e), ARFLP, governs when this Court may properly quash a**  
21 **deposition.** A deposition must be quashed under 52(e)(2)(A) where it fails to allow a  
22 reasonable time to comply, requires a person who is not a party to travel a far distance (e.g.,  
23 out of county), requires disclosure of privileged information or subjects a person to an undue  
24 burden. A deposition may be quashed under Rule 52(e)(2)(B) if it requires disclosure of trade  
25 secrets, an unretained expert's opinion, requires a nonparty to travel a far distance (e.g., out of  
26 county), or if justice so requires.  
27  
28







1           8.     **Petitioner failed to meet her burden of proving why she should not**  
2 **participate in the properly Noticed Deposition.** The person contesting the deposition bears  
3 the burden of proving why they should not be subjected to it. *Helge v. Druke*, 136 Ariz. 434  
4 (Ariz. App. 1983). Rule 52(e), ARFLP, as detailed above, provides both mandatory and  
5 permissive reasons for why a party should not be subjected to a deposition. Petitioner alleges  
6 none of the above reasons in her Motion to Quash, other than claiming this Court does not have  
7 subject matter jurisdiction over the matter (it does, as explained below and in depth in  
8 Respondent's Response/Objection to Petitioner's Motion to Dismiss).

11           None of the mandatory or permissive considerations set forth in Rule 52(e) for quashing  
12 a deposition exist. Petitioner is a party to this matter (which she initiated in August of 2023).  
13 The deposition is scheduled to take place in two (2) weeks, giving her ample time to comply,  
14 and it is to take place at Respondent's attorney's office, which is within the same county as  
15 Petitioner. Petitioner is merely being asked to appear to be deposed about the matter she  
16 instigated and continues to insist was in good faith. There is simply no legal reason provided  
17 by Petitioner for why she should not be deposed to answer questions about a case that she  
18 initiated.

21           Moreover, justice requires Petitioner be deposed to answer questions, under oath, about  
22 the veracity of the allegations she has made before this Court and the two (2) other judges who  
23 have been exposed to her version of truth. Petitioner scientifically could not have become  
24 pregnant by Respondent, with whom she performed only oral sex. She continued to perpetuate  
25 fraud upon the Court by claiming, under oath, that she was "24 weeks pregnant" and due on  
26 "February 14, 2024," despite at least two (2) fetal DNA tests showing "little to no fetal DNA."







1 Petitioner even went as far as attempting to submit a fabricated sonogram into evidence.  
2 Petitioner's claim that she *was* pregnant by Respondent (despite no verifiable scientific  
3 evidence) but is *no longer pregnant* does not absolve her of disclosure and discovery  
4 obligations.  
5

6       9.     **This Court has subject matter jurisdiction, regardless of whether Petitioner**  
7 **is pregnant or not.** Subject matter jurisdiction attached when Petitioner filed her underlying  
8 Petition to Establish on August 1, 2023. *Fry v. Garcia*, 213 Ariz. 70 (noting subject matter is  
9 established "*at the time of filing of the lawsuit and cannot be ousted by subsequent actions or*  
10 *events.*") Nothing has occurred that would divest this Court of subject matter jurisdiction.  
11 There is (1) no statute that explicitly and clearly divests this Court of jurisdiction, (2)  
12 jurisdiction cannot be ousted by subsequent events, and (3) Arizona law presumes retention of  
13 jurisdiction unless divestiture is clearly and unambiguously found. *See Fry v. Garcia*, 213 Ariz.  
14 70, 72-3 (Ariz. App. 2006). *See also* Respondent's his Response/Objection to Petitioner's  
15 Motion to Dismiss; Respondent's Reply to Petitioner's Response to Expedited Motion to  
16 Extend Dismissal Date on Inactive Calendar and Schedule an Evidentiary Hearing (both filed  
17 January 3, 2024).  
18  
19  
20  
21

22       10.    **Several issues, including non-paternity, Rule 26 sanctions, and attorney's**  
23 **fees remain pending adjudication by this Court.** As explained in Respondent's  
24 Response/Objection to Petitioner's Motion to Dismiss and collateral filings, this case cannot  
25 be dismissed without an adjudication of the outstanding issues. Moreover, Respondent's Notice  
26 of a Deposition on January 17<sup>th</sup>, 2024 is not untimely, as the matter is currently scheduled to  
27 be dismissed on February 2, 2024.  
28







1           11. Respondent is entitled to his reasonable attorney's fees and costs incurred  
2 in responding to this unreasonable filing by Petitioner. Petitioner's claim that she should be  
3 permitted to avoid being deposed because the Court no longer has jurisdiction lacks legal basis  
4 (and Petitioner does not cite to any to support this contention). Petitioner initiated this action,  
5 which triggered her obligations to comply with discovery and disclosure requests. She cannot  
6 be permitted to now evade these requirements (after not providing even an iota of Rule 49  
7 disclosure) because she admits she is not pregnant.  
8

9

10           **WHEREFORE**, Respondent respectfully requests this Court enter the following:

- 11           A. Deny Petitioner's Expedited Motion to Quash in its entirety;  
12  
13           B. Award Respondent his reasonable attorney's fees and costs incurred in this matter  
14 based on Petitioner's unreasonableness pursuant to A.R.S. § 25-324;  
15           C. Any other Order this Court deems appropriate.  
16

17           **RESPECTFULLY SUBMITTED** this 4<sup>th</sup> day of January, 2024.

18   WOODNICK LAW, PLLC

19   

20   \_\_\_\_\_  
21   Gregg R. Woodnick  
  Isabel Ranney  
  Attorneys for Respondent

22   **ORIGINAL** of the foregoing e-filed  
23   this 4<sup>th</sup> day of January, 2024 with:

24   Clerk of Court  
25   Maricopa County Superior Court

26   **COPY** of the foregoing document  
27   delivered/emailed this 4<sup>th</sup> day of January, 2024, to:

28   The Honorable Julie Mata





1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

VERIFICATION

I, **CLAYTON ECHARD**, declare under penalty of perjury that I am the Respondent in the above-captioned matter; that I have read the foregoing *Respondent's Response/Objection to Petitioner's Expedited Motion to Quash Deposition of Petitioner* and I know of the contents thereof; that the foregoing is true and correct according to the best of my own knowledge, information and belief; and as to those things stated upon information and belief, I believe them to be true.

  
Clayton Echard (Jan 4, 2024 14:35 MST)  
**CLAYTON ECHARD**

01/04/2024  
Date







**From:** Isabel Ranney  
**To:** Alexis Lindvall  
**Cc:** Gregg Woodnick  
**Subject:** [REDACTED]  
**Date:** Thursday, January 4, 2024 11:28:00 AM  
**Attachments:** Notice of Depo - 1.17.24.pdf  
image01.png

---

Lexi,

Yes. I have attached a new Notice of Deposition clarifying the deposition on January 17<sup>th</sup>, 2024 at 1:00 p.m. will be video recorded.

Thank you,

Isabel Ranney

**ISABEL RANNEY**

Attorney



1747 E. Morten Ave., #205

Phoenix, Arizona 85020

Phone: 602-449-7980

Fax: 602-396-5850

[www.woodnicklaw.com](http://www.woodnicklaw.com)

Email: [isabel@woodnicklaw.com](mailto:isabel@woodnicklaw.com)

**CONFIDENTIAL/PRIVILEGED INFORMATION:** The information contained in this electronic mail message is Attorney privileged and confidential information intended ONLY for the use of the individual or entity named above. If the reader of this message is not the intended recipient, or the employee or agent responsible to deliver it to the intended recipient, you are hereby notified that any dissemination, distribution, or copying of this communication is strictly prohibited. If you have received this communication in error, please immediately notify us by telephone and return the original message to us at the above address via electronic mail or the U.S. Postal Service. Thank you.

---

**From:** Alexis Lindvall <[REDACTED]>  
**Sent:** Thursday, January 4, 2024 11:25 AM  
**To:** Isabel Ranney <[isabel@woodnicklaw.com](mailto:isabel@woodnicklaw.com)>  
**Cc:** Gregg Woodnick <[Gregg@woodnicklaw.com](mailto:Gregg@woodnicklaw.com)>; Tiff [REDACTED]  
[REDACTED]  
**Subject:** Re: [REDACTED] Echard

I know my withdrawal is pending, but I want to make sure my client is aware of all pending deadlines, etc. Can you please confirm the deposition is currently scheduled for 1 p.m. on January 17th? I know we had this email exchange, but the last notice we have is for 9:00 a.m.







Thank you,

Lexi Lindvall, Esq.  
Attorney | **Modern Law**

[REDACTED]  
Mesa | Peoria | Scottsdale  
[www.mymodernlaw.com](http://www.mymodernlaw.com)

**Modern law is a paperless office and hard copies of documents will not be mailed unless requested.**

This email contains confidential, legal information. If you realize this email was not intended for you, please ignore the content, immediately notify me that you received it, then delete it. Otherwise bad legal stuff could happen.

Please be advised, this communication does not constitute an agreement pursuant to Rule 69, Arizona Rules of Family Law Procedure. Any statement concerning settlement is made pursuant to Rule 408, Arizona Rules of Evidence, and shall be considered protected from use in any future litigation.

On Thu, Dec 28, 2023 at 1:14 PM Isabel Ranney <[isabel@woodnicklaw.com](mailto:isabel@woodnicklaw.com)> wrote:

Lexi,

Of course, just let me know when you are able. I will place it on our calendar for the 17<sup>th</sup> at 1:00 pm, pending your client's confirmation.

Thank you,

Isabel Ranney

**ISABEL RANNEY**

Attorney

**WL** | **WOODNICK LAW** PLLC

1747 E. Morten Ave., #205

Phoenix, Arizona 85020

Phone: 602-449-7980

Fax: 602-396-5850

[www.woodnicklaw.com](http://www.woodnicklaw.com)

Email: [isabel@woodnicklaw.com](mailto:isabel@woodnicklaw.com)

**CONFIDENTIAL/PRIVILEGED INFORMATION:** The information contained in this electronic mail message is Attorney privileged and confidential information intended ONLY for the use of the individual or entity named above. If the reader of this message is not the intended recipient, or the employee or agent responsible to deliver it to the intended recipient, you are hereby notified that any dissemination, distribution, or copying of

