

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

4 **Gregg R. Woodnick, #020736**
5 **Kaci Y. Bowman, #023542**
6 *Attorneys for Defendant*

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

9
10 In Re the Matter of:

11 **LAURA OWENS,**

12 Plaintiff,

13 And

14 **GREGORY GILLESPIE,**

15 Defendant.
16
17

Case No.: CV2021-052893

MOTION TO DISMISS

(Assigned to the Hon. Alison Bachus)

18
19 Defendant GREGORY GILLESPIE, by and through undersigned counsel, hereby
20 respectfully moves to dismiss Plaintiff's Complaint pursuant to Rule 12(b)(6), *Arizona Rules of*
21 *Civil Procedure*, as Plaintiff has failed to state a claim upon which relief can be granted. As
22 and for his Motion, Mr. Gillespie states and alleges as follows:
23

24 1. Upon information and belief, Plaintiff is **not** pregnant, and all claims being
25 alleged against Mr. Gillespie must fail as a result.

26 2. Plaintiff filed her Complaint on August 11, 2021 alleging that she became
27 pregnant with Mr. Gillespie's child on their second date.
28

1 3. Prior to filing her Complaint, Plaintiff provided sonographic images to Mr.
2 Gillespie on August 6 and August 8 of 2021. However, a reverse Google Images search
3 revealed that the images were identical to a sonogram found on a blog post from 2015.
4

5 4. Upon information and belief, Plaintiff altered the images by adding her name,
6 date of birth, alleged location of the sonogram, and altered the appearance of the image to
7 distinguish it from the one located on the aforementioned blog post.
8

9 5. To further this fictitious pregnancy, Plaintiff sent Mr. Gillespie a fabricated email
10 exchange dated August 19, 2021 and August 22, 2021 between herself and California attorneys
11 Alison E. Cordova and Joe Cotchett of Cotchett, Pitre and McCarthy, LLP. Toni Stevens,
12 believed to be a legal assistant at the firm, is also cc'd on the email dated August 19, 2021.
13

14 6. In the fraudulent email dated August 19, 2021, Associate, Alison E. Cordova,
15 allegedly emailed Plaintiff, in pertinent part, the following (with the subject line of RE: SENT
16 ON BEHALF OF JOE COTCHETT RE: LAURA OWENS PREGNANCY):
17

18 *“Everything you told us about – pregnancy test and ultrasounds – aligned with*
19 *the timing you provided us. There were no past pregnancies on your record and*
20 *the three obstetricians you saw felt that pregnancy was very consistent with*
21 *intercourse that took place between June 30 and July 1st. [...] It must feel like*
22 *you have the weight of the world on you, but I have no doubt that the jury will*
sympathize with your situation. The next step is to fill out the attached retention
agreement”

23 7. Subsequently, Joe Cotchett allegedly emailed Plaintiff, in pertinent part, the
24 following on August 22, 2021 (with the subject line of SENT ON BEHALF OF JOE
25 COTCHETT RE: LAURA OWENS PREGNANCY:
26

27 *“I’m ready to get started on this the second you give me the go ahead [...] I’m*
28 *always here for you (and the whole Owens family!) whenever you need me and if*
you want me to go after this guy, I will make this case a top priority (shhh...)

1 *because I really feel for you right now. Allison sent me over the retention*
2 *agreement and medial files [...] This may be very needy and we could make this*
3 *a public interest story with the snap of a finger.”*

4 8. In response, Plaintiff allegedly emailed Joe Cotchett back on August 22, 2021
5 stating, in pertinent part, as follows:

6 *“I think the best call is to pursue alternative service and try to get him twice:*
7 *once by posting on his house door and the other by calling his company and*
8 *finding a co-worker to serve him. I think you’re right that you would be better at*
9 *making those phone calls than me. I texted you the co-workers who we could ask*
 to serve.”

10 9. Plaintiff’s alleged email exchange with Alison E. Cordova and Joe Cotchett was
11 emailed to Mr. Gillespie on August 22, 2021 (with the subject line, Urgent: copy of
12 conversation with Joe Cotchett & contract) along with a manufactured/fabricated Contingent
13 Fee Agreement between Plaintiff and Cotchett, Pitre, and McCarthy, LLP, dated August 23,
14 2021.

15 10. Upon information and belief, neither Alison E. Cordova nor Toni Stevens is
16 currently employed at the firm, nor were they employed at the firm as of August 19 and August
17 22 of 2021.

18 11. Believing that there was fraud in Plaintiff’s underlying Complaint, undersigned
19 counsel reached out to the purported attorneys in California who appear to completely disavow
20 any connection to this cause as an email dated August 24, 2021 **SENT ON BEHALF OF**
21 **JOSEPH W. COTCHETT** indicated the firm does not represent Plaintiff in this matter. All
22 subsequent emails from undersigned counsel requesting to speak with Joseph Cotchett about
23 the seemingly fraudulent emails purportedly authored by Joseph Cotchett and lawyers that
24 have not worked at the firm for quite some time, went without any substantive response.
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27
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1 12. In addition to fabricating documents, Plaintiff has refused to take a non-
2 invasive prenatal paternity test, despite undersigned counsel informing her on August 27,
3 2021 that they had scheduled the test for her.
4

5 13. In response, Plaintiff stated she was “willing to take a paternity test to prove that
6 the child’s is Greg’s [sic]” but that it would be possible that she would **not** be pregnant, as
7 “I’m unsure what the purpose is because if the pregnancy is not viable, that proves that his
8 coercion did result in the end of the pregnancy.” Essentially, Plaintiff has fabricated the
9 abortion coercion allegation to explain why a paternity test would show that she is not
10 pregnant. Additionally, as of filing, Plaintiff has not taken a paternity test despite Mr.
11 Gillespie’s repeated offers to pay for the test.
12

13 14. Upon information and belief, Plaintiff’s allegations of abortion coercion,
14 intentional infliction of emotional distress and domestic violence are, quite simply, blatant
15 fabrications that underly her real intention – to force Mr. Gillespie into a relationship with her.
16
17

18 15. In an email with undersigned counsel on August 23, 2021, Plaintiff stated “he
19 can contact me at [REDACTED] if he **rethinks his decision regarding a relationship** and if
20 he would like to be a part of pregnancy decisions going forward” (emphasis added).
21

22 16. Furthermore, if Plaintiff were actually pregnant, this should be an establishment
23 action pursuant to A.R.S. § 25-806, not actions for domestic violence, abortion coercion, and
24 intentional infliction of emotional distress.
25

26 17. Finally, if this Complaint is not dismissed for failure to state a claim upon which
27 relief can be granted, Mr. Gillespie will immediately be filing counterclaims for fraud pursuant
28 to A.R.S. § 12-543(3), intentional infliction of emotional distress pursuant to A.R.S. § 12-

1 542(1) a request for attorney's fees and costs pursuant to A.R.S. §§ 12-341, 12-349, and Rule
2 11, *Arizona Rules of Civil Procedure*, and a subsequent claim for wrongful prosecution of a
3 civil action when he ultimately prevails over Plaintiff regarding her claims.
4

5 **WHEREFORE**, Defendant hereby respectfully requests the following:

6 A. That this Court dismiss Plaintiff's Complaint in its entirety with prejudice;
7

8 B. That this Court award Defendant his attorneys' fees and costs pursuant to A.R.S. §§
9 12-341, 12-349, and Rule 11, *Arizona Rules of Civil Procedure*; and

10 C. That this Court grant such other and further relief as deemed appropriate.
11

12 **RESPECTFULLY SUBMITTED** this 24th day of September 2021.

13 **WOODNICK LAW, PLLC**

14 

15 _____
16 Gregg R. Woodnick
17 Kaci Y. Bowman
18 *Attorneys for Defendant*

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1 **ORIGINAL** of the foregoing e-filed
2 This 24th day of September 2021, with:

3 Clerk of Court
4 Maricopa County Superior Court
5 Central Court Building
6 201 W. Jefferson Street
7 Phoenix, Arizona 85003

8 Honorable Alison Bachus
9 Maricopa County Superior Court

10 **COPY** of the foregoing document
11 e-mailed the same day to:

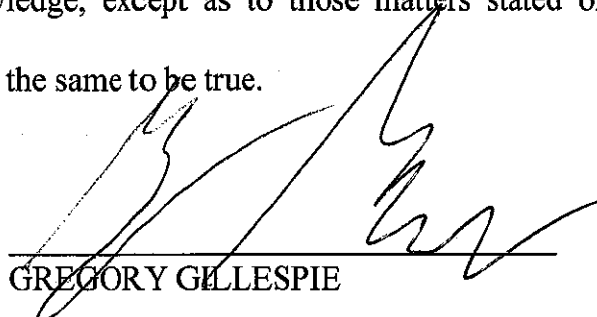
12 Laura Owens
13 [REDACTED]
14 Scottsdale, AZ 85254
15 [REDACTED]@gmail.com
16 *Plaintiff Pro Per*

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By: /s/Sara Seeburg

VERIFICATION

I, GREGORY GILLESPIE, being first duly sworn upon his oath, deposes and says:

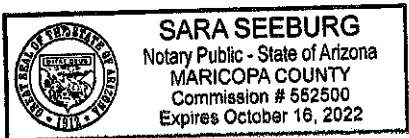
That I am the Defendant in the foregoing cause of action; that as such, I am authorized to make this Verification; that I have read the foregoing *Motion to Dismiss* and know the contents thereof to be true of my own knowledge, except as to those matters stated on information and belief, and as to such, I believe the same to be true.

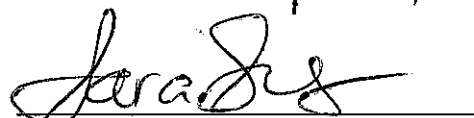


GREGORY GILLESPIE

STATE OF ARIZONA)
)ss.
COUNTY OF MARICOPA)

SUBSCRIBED AND SWORN to before me this date: Sept 24,
2021, by GREGORY GILLESPIE.





Notary Public
1747 E. McAllen # 205
Street Address
Phoenix AZ 85020
City, State, Zip Code

Seal/My Commission Expires:
10-16-22

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