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Clerk of the Superior Court
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5 [REDACTED]
6 Attorneys for Petitioner

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:

Case No. FC2023-052114

11 [REDACTED]
12 Petitioner,
13 and
14 CLAYTON ECHARD,
15 Respondent.
16

PETITIONER'S RESPONSE TO
MOTION FOR SANCTIONS
PURSUANT TO RULE 26

(Assigned: Hon. Julie Mata)

17
18 Petitioner, [REDACTED] (hereinafter "Petitioner"), by and through undersigned
19 counsel, hereby files this Response to Respondent's Motion for Sanctions Pursuant to Rule
20 26, *Arizona Rules of Family Law Procedure*, ("ARFLP") (hereinafter "the Motion").
21 Petitioner asks the Court to deny the Motion. Alternatively, Petitioner asks that the Court
22 issue an order that attorney fees and sanctions abide trial. As a precursor, counsel notes that
23 this Motion is not ripe for litigation as the pleadings and history of this case demonstrate that
24 discovery, and requested protections of the discovery, are still ongoing.
25
26

27 //

28 //

1 **I. LAW AND ARGUMENT**

2 Rule 26(b), *ARFLP* states that the attorney or party signing or filing a motion certify
3 that to the best of the person's knowledge, information, and belief formed after reasonable
4 inquiry the following:

- 5
- 6 (1) it is not being presented for any improper purpose, such as to harass, cause
7 unnecessary delay, or needlessly increase the cost of litigation;
 - 8 (2) the claims, defenses, and other legal contentions are warranted by existing
9 law or by a non-frivolous argument for extending, modifying, or reversing
10 existing law or for establishing new law;
 - 11 (3) the factual contentions have evidentiary support or, if specifically so
12 identified, will likely have evidentiary support after a reasonable
13 opportunity for further investigation or discovery; and
 - 14 (4) the denials of factual contentions are warranted on the evidence or, if
15 specifically so identified, are reasonably based on belief or a lack of
16 information.

17 1. *Since Respondent's Motion does not Comply with the Requirements Outlined by*
18 *Rule 26, it Should be Denied.*

19 Rule 26(c), *ARFLP* allows the Court to impose appropriate sanctions, including an
20 order to pay to the other party the amount of the reasonable costs or attorney fees, when a
21 party files a Petition or Motion in violation of the Rule. Rule 26 further sets forth that prior
22 to filing a Motion for Sanctions:

- 23 A. “[the party seeking sanctions must] attempt to resolve the matter by good faith
24 consultation as provided in Rule 9(c); and
25 B. if the matter is not satisfactorily resolved by consultation, provide the
26 opposing party with written notice of the specific conduct that allegedly
27 violates section (b). If the opposing party does not withdraw or appropriately
28 correct the alleged violation(s) within 10 days after the written notice is served,
the moving party may file a motion under subpart (c)(3).”

//

1 Additionally, to comply with Rule 26, *ARFLP*, the Motion must:

- 2 A. be made separately from any other motion;
- 3 B. describe the specific conduct that allegedly violates section (b);
- 4 C. be accompanied by a Rule 9(c) good faith consultation certificate; and
- 5 D. *attach a copy of the written notice provided to the opposing party under subpart (c)(2)(B).*

6 Counsel for Respondent certified that he met and conferred with Petitioner on August
7 16, 2023, and with Petitioner's previous counsel, Alexis Lindvall, on December 27, 2023.
8 However, Respondent's Motion did not include evidence demonstrating that Petitioner, or
9 Petitioner's previous counsel were provided *written notice* of specific conduct alleged to
10 have violated Rule 26(b), *ARFLP*. Written notice is required under subpart (c)(2)(B) of Rule
11 26, *ARFLP*. Without such written notice, Petitioner was not afforded time to cure any alleged
12 deficiencies prior the filing of Respondent's Motion.
13

14

15 *2. Petitioner's Initial Pleading and Subsequent Motions do not Violate Rule 26.*

16 Petitioner and Respondent engaged in sexual intercourse on May 20, 2023.
17 Thereafter, Petitioner became pregnant. Petitioner believed Respondent to be the father of
18 the unborn child (now known to have been twins). It is uncontroverted that Respondent
19 purchased a pregnancy test, asked Petitioner to submit to the pregnancy test in his presence,
20 and that the pregnancy test came back positive. Petitioner subsequently filed her Petition to
21 Establish Paternity. Respondent now claims he and Petitioner never engaged in sexual
22 intercourse and therefore could not have been the biological father.
23

24

25 Despite Respondent's assertions to the contrary, the petitioner filed her Petition to
26 Establish to initiate establishing Respondent's paternity rights. Petitioner did not file to
27 harass Respondent and certainly did not attempt to delay any proceedings.
28

1 Respondent's assertions that Petitioner's claims are not supported by evidence are
2 disingenuous at best. The petitioner's claims and pleadings have evidentiary support.
3 Respondent's actions have limited Petitioner's ability to provide supporting evidence.
4 Petitioner should not be required to provide evidence pertaining to her privileged medical
5 records without accepting that the evidence will be immediately shared with the public and
6 Petitioner will be further harassed and embarrassed online. In fact, the petitioner has
7 attempted to procure witnesses to testify to the merit of her claims. Unfortunately, these
8 witnesses fear coming forward without confidentiality as they do not want to be subjected
9 to the same embarrassment and harassment as Petitioner. The issue of confidentiality and
10 protective orders relating to discovery are pending. As such, Respondent's claim is meritless
11 and premature.
12
13

14
15 *3. Respondent's Motion is Filed in Bad Faith and Petitioner Should be Awarded her*
16 *Reasonable Attorney Fees for Filing her Response.*

17 Respondent filed the Motion in bad faith and the Court should award Petitioner her
18 attorney fees for having to file a response. Respondent is leaking information to the media
19 causing a constant public barrage of Petitioner online, and then is attacking her by filing
20 frivolous requests for sanctions because Petitioner cannot send her privileged medical
21 records to prove her allegations without the cover of confidentiality or a protective order.
22 All the while, Respondent is causing Petitioner to incur additional attorney fees while
23 Respondent continues to crowd-source his attorney fees through GoFundMe. *See Exhibit A.*
24

25 This case is no longer about a child—this has turned into Respondent abusing the
26 Family Court as his own publicity stunt. Respondent is using this case to attempt to increase
27 his popularity by using his followers and his public image to control the narrative. This intent
28

1 is clear when evaluating the tone and constant stream of degrading statements being made
2 in Respondent's pleadings and his attorney's emails (which are coincidentally almost all
3 referenced as exhibits in Respondent's public pleadings). This is further supported by each
4 of Respondent's pleadings being made public online before many of them even appear on
5 the Electronic Court Record after being processed by the Clerk of Court. Petitioner, who
6 originally filed the Petition to encourage the person she believed to be the father of her
7 child(ren) to be an active and involved father, has now been made out to be a crazed woman
8 who fabricated a pregnancy for her own publicity when this narrative is far from the truth.
9

10 **II. CONCLUSION**

11
12 The Court should deny Respondent's Motion for Sanctions and should allow
13 Petitioner to file a China Doll affidavit requesting reimbursement of her attorney fees for
14 having to file a response. Respondent failed to comply with Rule 26(c)(3)(d) while filing a
15 request for sanctions claiming that Petitioner should be sanctioned for failing to comply with
16 Rule 26.
17

18 **RESPECTFULLY** submitted this 23rd day of January 2024.

19 **THE VALLEY LAW GROUP, PLLC**

20 */s/ Cory Keith*

21 _____
22 Cory B. Keith
23 *Attorney for Petitioner*

24 //

25 //

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28

1 **ORIGINAL** of the foregoing e-filed
2 this 23rd day of January 2024, with:

3 Clerk of the Superior Court
4 Maricopa County Superior Court

5 **COPY** presumed delivered even date to:
6 The Honorable Julie Mata

7 **COPY** emailed even date to:
8 Gregg Woodnick
9 Woodnick Law, PLLC
10 1747 E. Morten Ave. Ste 205
11 Phoenix, Arizona 85020


11 *Attorney for Respondent*

12 By: ILS

EXHIBIT A

EXHIBIT A

10:39

86



gofundme



Clayton Echard Legal Fund

\$9,514 raised of \$14,000 goal • 393 donations

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Dave Neal is organizing this fundraiser on behalf of Clayton Echard.

Clayton Echard is facing several legal battles within the Arizona court system and could use a hand in hiring a lawyer to properly represent him in court. I have spoken personally with Clayton and while he never wanted to ask for a handout, it is evident that he can use the help

AA

gofundme.com



Clayton Echard Legal Fund is a 501(c)(3) nonprofit organization. All contributions are tax-deductible to the extent allowed by law. For more information, please visit our website at gofundme.com/claytonechard



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Clayton Echard is facing several legal battles within the Arizona court system and could use a hand in hiring a lawyer to properly represent him in court. I have spoken personally with Clayton and while he never wanted to ask for a handout, it is evident that he can use the help of friends and family that want a fair legal battle.

Clayton is the sole beneficiary of this fund. The funds will go directly to his account from here. Thanks for all the generosity!

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☆ See top



11 people just donated



Anonymous

\$10 • [Recent donation](#)



\$500 • [Top donation](#)

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11 people just donated



Anonymous

\$10 • [Recent donation](#)



██████████
\$500 • [Top donation](#)



██████████
\$150 • [First donation](#)

See all

Organizer and beneficiary



Dave Neal

Organizer

Los Angeles, CA

Contact



Clayton Echard

Beneficiary

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Words of support (38)

Please donate to share words of support.



Giver Receiver

\$5 • 2 d

I am just curious... who stops at 2 bj's? Like how did it not progress to penetration? I have never gotten a bj never mind 2 and not want/give more. Please explain this. It has really driven me crazy. Are you now waiting for marriage or something?! PLEASE ANSWER ;-)



GreggWoodnick FanClub

\$10 • 18 d

YOU ARE THE LAWYER AMERICA NEEDED!
Get em! We love you!



ArtsandCrafts Fund

\$10 • 18 d

Greg R Woodnickk for life!!!!!! BEST LAWYER EVER!

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YOU ARE THE LAWYER AMERICA NEEDED!

Get em! We love you!



ArtsandCrafts Fund

\$10 • 18 d

Greg R Woodnickk for life!!!!!! BEST LAWYER EVER!



\$20 • 18 d

Clayton, I'm glad you are fighting. Hope you are doing okay.



Anonymous .

\$15 • 24 d

I hope you can continue to fight for your rightly deserved justice. In no world should anyone get a chance to just walk away from ruining lives while facing no real lasting consequences. I'm sorry for judginq you when this all first came

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Anonymous .

\$15 • 24 d

I hope you can continue to fight for your rightly deserved justice. In no world should anyone get a chance to just walk away from ruining lives while facing no real lasting consequences. I'm sorry for judging you when this all first came out, like many others I judged you before I knew all of the situation.



[Redacted] \$20 • 1 mo

Everyone deserves to have professional council.



Tonsil Twins

\$139 • 3 mos

We got ya!



[Redacted] \$50 • 3 mos

Clayton deserves a break and is a good man. You don't know me but much love, and thanks Dave for creating this fund. I will continue to help as needed. You both are not alone.

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10:40

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\$139 • 3 mos

We got ya!



[REDACTED]

\$50 • 3 mos

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The Pit Provides

\$10 • 3 mos

I believe in you, Ultimate Viking! Let's gooooo!!



Annoyed Judge And STILL NO.

\$20 • 3 mos

You're wasting my time, [REDACTED]

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10:40



Annoyed Judge And STILL NO.

\$20 • 3 mos

You're wasting my time, [REDACTED]



theBachelor Subreddit

\$5 • 3 mos

We all love and support you, Clayton! You were the best bachelor ever and anyway, no one should have their name dragged through the mud like this! XO!



[REDACTED]
\$20 • 3 mos

Hang in there, Clayton. Keep dancing



[REDACTED]
\$10 • 3 mos

Wishing you all the best, Clayton!



[REDACTED]
\$50 • 3 mos

We support you, Clayton!

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10:40

85



██████████
\$30 • 3 mos

I support Clayton in fighting against the harassment he has endured. I am donating from a country that does not have free speech and I fully support Dave Neal who has also become a victim in all of this. Every podcaster should be alarmed at this... [Read more](#)



ulooksexcinur courtglasses
\$5 • 3 mos

tbh the whole fit was a snack



Who's your Daddy?
\$10 • 3 mos

This is crazier than a Lifetime movie! Hope that truth prevails!



Blowie Bebes
\$25 • 3 mos

Clayton for the win. Shut ██████████
down.



The Pit

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Blowie Bebes

\$25 • 3 mos

Clayton for the win. Shut [REDACTED] down.



The Pit

\$5 • 3 mos

Good job, Clayton



[REDACTED]
\$20 • 3 mos

You got this Clayton! They'll never find me!

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October 24th, 2023 • [Other](#)

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[Redacted Name]

\$30 • 3 mos

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