EXHIBIT "1"

Maribeth Burroughs

From: Gregg Woodnick
Sent: Friday, March 29, 2024 9:31 AM
To: David Gingras
Cc: Isabel Ranney; Maribeth Burroughs
Subject: RE: Owens v. Echard; FC2023-052114

David,

1. I did hear Lexi moved to Texas with her husband, also a lawyer (and great guy) who clerked for me moons ago. Billie T. will know what is going on at that office if you are getting a bounce back from the Lexi's email address. I can't imagine that she was not given her file given Laura filed a Bar complaint against her, it was investigated and dismissed. She also has recently filed for a protective order (I was endorsed by the Bar because I got a complaint at the same time as Lexi).

2. Cory went out on his own during his short tenure. He responds quickly but his paralegal is wonderful and super on top of things so you might want to copy her if you are emailing. Isabel Sissel paralegal@desertlegalgroup.com. I am glad you were able to get a hold of him.

3. We object to any extension. It is NOT you. You are just the umpteenth attorney and the umpteenth who thinks they can get this resolved only to be fired or need to withdraw for ethical reasons.

   I appreciate (and am really respecting) your cautious approach not to step in dogshit, but disclosing the date of the alleged miscarriage is not something that requires Laura getting a continuance and we will object to the same. Giving us the picture and timestamp for our forensic technology expert, Byran Neumeister, when there is already admissions of records fraud and a trial in 2 months is also not something that requires delay. And, as we said before, we will address the photo if it is complimented by the alleged verifiable meta data and medical record. Laura claimed she deleted the picture from her iPhone, claimed Sara deleted too, but also claimed she sent it to the tele-med provider. There should be a very clear digital footprint for Neumesiter and a picture of a picture is not going to cut it in light of the history (and her testimony). We also are awaiting the original sonogram she claimed she got anonymously from PPH (which has affirmed it does not offer anonymous appointments and that is has an easily accessible patient portal). This was the sonogram she admitted she doctored and that is the core of our Motion for relief under the OOP cause number.

4. There is already an order about the medical records. We have been through this with her failed motions and whatnot. We need that picture to give to Drs. Dean and Justicia-Line. Again, we are not interested in a picture of a picture. That is where the *arts and crafts* issue comes in and, notwithstanding, Laura invoked Rule 2. When you speak with and they will confirm the fabricated documents and fake pregnancy allegations were happening back in 2014. And...since you saw she blamed Greg Gillespie for the other ultrasounds (that came from her email address and phone number in emails and texts as will be verified by Neumeister) she should be reminded that she did not even know Greg existed back in 2014 when she first claimed to be fake pregnant by Matt and the records were faked.

5. Our paralegal, Maribeth, will be sending you the deposition exhibits under separate cover.

6. Again, this has nothing to do with you – we have been involved in litigation with Laura since 2021 and this case/collateral proceedings since October and her claims and delay tactics are exhausting.

GW

From: David Gingras <david@gingraslaw.com>
Sent: Thursday, March 28, 2024 5:20 PM
To: Gregg Woodnick <Gregg@woodnicklaw.com>
Cc: Isabel Ranney <isabel@woodnicklaw.com>; GRW Office <Office@woodnicklaw.com>
Subject: RE: Owens v. Echard; FC2023-052114

Gregg & Isabel,

Quick follow up on a few things.

1. Per the attached email, I just learned that Laura's first attorney (Alexis Lindvall) is no longer with the Modern Law firm. Unfortunately, her AZ Bar record still shows her working there, but apparently her LinkedIn has been updated to show that she has left AZ and moved to TX (yuck). https://www.linkedin.com/in/lexiwood11/

   Based on this, it sounds like getting a copy of the file from Alexis may be a challenge. As you will note, her firm claims that a copy of the file *was* given to Laura, but Laura says this isn't true. In any case, that issue will need to be resolved one way or another.

2. After not hearing back from Cory, I gave him a call this afternoon and fortunately I was able to reach him (I didn't realize he had also changed firms, apparently in the middle of the case, per a notice he filed). Cory said he's going to need more time to finish gathering Laura's file, but he promised to get this to me ASAP.

3. Since I don't have the information I need (yet), I am going to file a motion asking the court for more time to respond to the motion to compel. If you want to let me know your position, I'm happy to include a line that says I've consulted with you and you do (or do not) oppose the request. It's so clearly appropriate to ask for more time, I know the court is going to grant the request whether it's opposed or not....but just let me know your position so I can include that in the motion.

4. As promised, I have talked to Laura about the fetal sac photos, and she has produced copies of those photos to me (I have them in my possession right now). I am prepared to disclose these to you, along with some additional information (Laura found additional information showing a consult with a healthcare provider at the time the fetal sacs were discharged (or whatever you call it).

   BUT, Laura is concerned about these photos being publicly released, and she has asked me to request that you agree to a protective order as to them.

   NOTE – I have spent several hours today reading through all of the pleadings on the docket, and I see there was a prior motion for a protective order which you opposed and which the court denied. Obviously I wasn't involved with all that, but my guess is that the motion was denied because it was simply too broad or non-specific? Here, I am just asking for you to agree not to publicly disclose photos showing bloody tissue, at least until trial. This is a very narrow request, so I don't think there's a good reason to oppose it. Nevertheless, please let me know your position.

5. I've finished reading Laura's entire depo (which was extremely helpful), but the copy of the transcript provided by Isabel did not include any of the exhibits. I can see on the record that Cory ordered a complete transcript, so maybe I will get that once he hands over the file, but in the mean time, if you have a copy of the exhibits (hopefully numbered according to the transcript), that would be super helpful.

Thanks and more updates will follow shortly, I'm sure....

(19) Lexi Lindvall | LinkedIn

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Lexi Lindvall

Efficient, empathetic, and empowering divorce attorney

I'm happy to share that I'm starting a new position as Associate Attorney at **Armstrong Divorc** **Law, PLLC**! After practicing law in Arizona for five years, it was time to take my talents to the g Texas! So happy and excited to be back in my home state!

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Mar 2024 - Present · 1 mo
Plano, Texas, United States · Hybrid

Associate Attorney
The Law Office of Daniel Hutto · Full-time
Oct 2021 - Oct 2023 · 2 yrs 1 mo
Phoenix, Arizona, United States

Family Law

Associate Attorney
SLOMA LAW GROUP, P.L.L.C. · Full-time
May 2020 - Oct 2021 · 1 yr 6 mos

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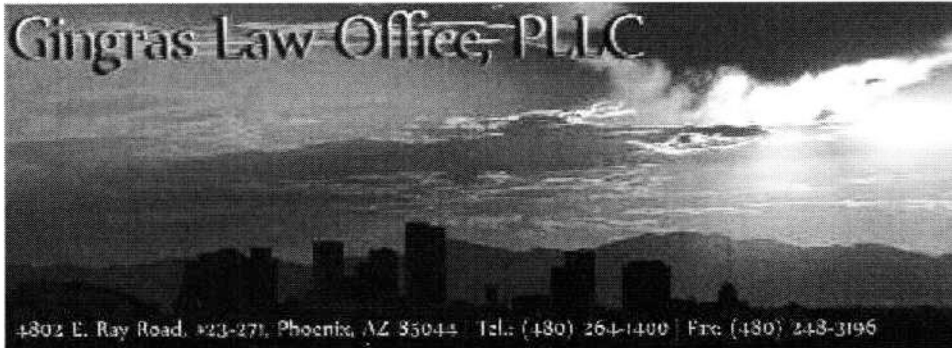

From: David Gingras
Sent: Thursday, March 28, 2024 1:31 PM
To: cory@desertlegalgroup.com; alexis.lindvall@mymodernlaw.com
Cc: Gregg Woodnick <Gregg@woodnicklaw.com>; Isabel Ranney <isabel@woodnicklaw.com>; office@woodnicklaw.com
Subject: RE: Owens v. Echard; FC2023-052114

Cory & Alexis,

It's been over 24 hours, and I have not received a response from either of you to my message below.

I am sorry to be a pest, but as you may know, Mr. Echard's counsel has filed a Motion to Compel in which he argues that discovery was not previously provided by Petitioner. He also claims that he tried to meet and confer with "current counsel" (which I think was a reference to Cory), but that he did not receive any response to those efforts.

The response to the MTC is currently due Monday, April 1st, and in order to fully respond to the motion, I need to receive copies of Laura's files. Because I have not received them from you, I am probably going to file a request for an extension of time, but that still does not make this any less urgent.

Please respond to me by the close of business today to at least acknowledge receipt of this email, and please let me know when I can expect to receive the case files from you. I will also follow up by phone with both of you later today.

Thank you.

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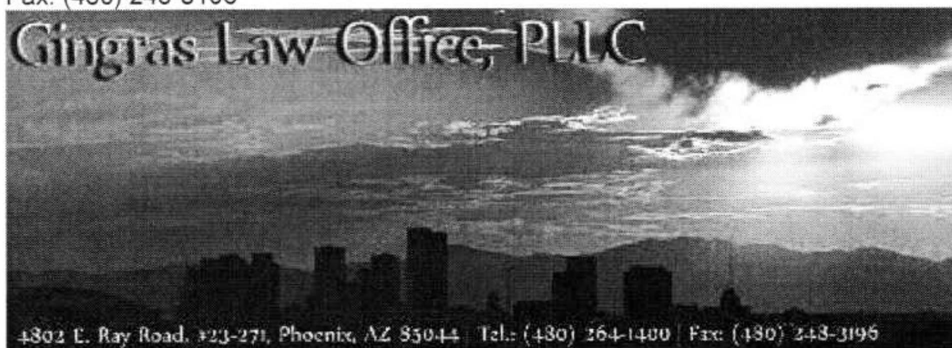

From: David Gingras
Sent: Wednesday, March 27, 2024 12:24 PM
To: cory@desertlegalgroup.com; alexis.lindvall@mymodernlaw.com
Cc: Gregg Woodnick <Gregg@woodnicklaw.com>; Isabel Ranney <isabel@woodnicklaw.com>; office@woodnicklaw.com
Subject: Owens v. Echard; FC2023-052114

Cory & Alexis,

I have just been retained to represent Laura Owens in the paternity matter involving Clayton Echard. I am cc'ing Mr. Echard's counsel on this message just to keep Gregg and Isabel informed of my progress.

A conformed copy of my Notice of Appearance is attached.

Because I have only been involved in this matter for a few days, I am still getting caught up. As part of that effort, I need to request copies of Laura's file from both of your offices.

I have access to all of the pleadings on ECR, so please do NOT send any of those.

Instead, I am mainly looking for two things:

1.) Copies of all case-related correspondence; and
2.) Copies of any Rule 49 disclosures/documents (which, presumably, would have been sent to Mr. Echard's counsel, and thus may already be covered by the first part of my request).

Ideally, if you use Outlook, I'd prefer to just have case-related emails exported to a single PST file.

If you are not using Outlook, I'll just take the emails in whatever form is easiest for you to produce.

If you need me to send you a link to an online folder (because the files are too large to send), please let me know and I'll send you a link privately (obviously Gregg and Isabel shouldn't receive copies of any privileged communications).

Thanks and let me know if you have any questions or need anything else.

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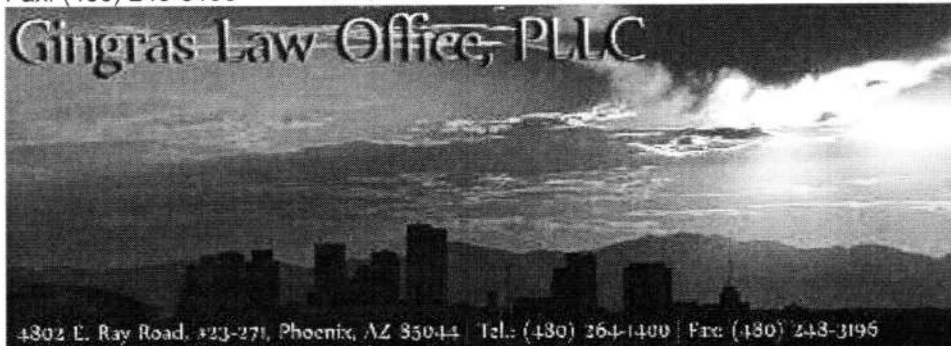

Maribeth Burroughs

From: David Gingras <david@gingraslaw.com>
Sent: Wednesday, March 27, 2024 12:37 PM
To: Gregg Woodnick
Cc: Maribeth Burroughs; Isabel Ranney
Subject: RE: Echard/Owens

Gregg,

Let me speak to Laura about the request for the photo of the "sacs" (hate that word). She told me she had this photo available, and if she does, then I'll immediately provide it to you today. Same with the name of the telehealth provider.

And just to be clear – while I don't mind expediting these issues (it's obviously needed), I don't really intend to commit to a *quid pro quo* as far as getting you to agree to an extension of time to respond to the motion. I don't think that's appropriate at this stage.

If it was absolutely essential, I could easily respond to the motion by Monday....but that isn't the point. The point is that I don't want to file something that isn't helpful to the court because I haven't had enough time to gather information needed to provide a comprehensive explanation of our position.

Also, I don't think (based on what I've seen so far) that a sufficient good faith pre-filing effort was made to resolve the discovery "disputes" (which may not even be real disputes). That is *probably* the fault of Laura's prior counsel (assuming they didn't respond to you), but since I don't even have Laura's files yet, I am not in a position to know if that's the case.

As you saw via separate email a few minutes ago, I just reached out to Laura's prior counsel to ask for her file. Hopefully I will have this information later today. For now, as it relates to the motion to compel, I am just not in a position to even explain my side to the judge unless and until we go through the process of talking about these issues in detail (which is what I am trying to do right now).

So, here's my plan – I don't want to make a deal regarding the motion. Instead, I'm going to do everything I can over the next few days to dig into the issues raised by your motion, and either resolve them (by giving you what you're asking for), or by investigating the issues sufficiently so that I can explain our position to the judge. I don't accept half-assed/incomplete stories, so I have no intention of giving one to the judge.

Since the current response date is Monday, my plan is to either fully resolve the issues before then, or, if that isn't possible, at least I will be in a position to explain to the judge what's going on, and why the motion is either moot, without merit, or just ultimately premature (because there wasn't enough effort made to resolve the issues). I can't tell the judge what our side is until I complete my investigation into the issues.

In other words, let's just keep pushing forward for now, and then let's see where things stand on Monday.

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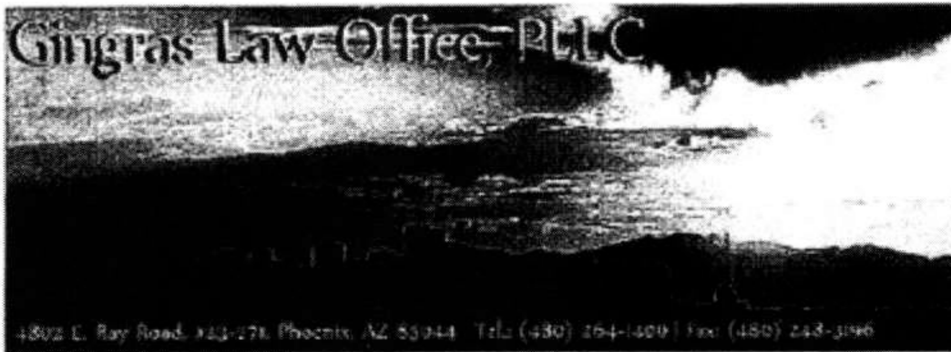

From: Gregg Woodnick <Gregg@woodnicklaw.com>
Sent: Wednesday, March 27, 2024 11:28 AM
To: David Gingras <david@gingraslaw.com>
Cc: Maribeth Burroughs <maribeth@woodnicklaw.com>; Isabel Ranney <isabel@woodnicklaw.com>
Subject: Echard/Owens

David,

We really appreciate your willingness to take this case so far along into litigation. I also appreciate you wanting to focus on a resolution. Having spent Clatyon's legal fees having this exact conversation with a parade of prior attorneys with similar good intentions, please understand we are a bit jaded. Multiple prior lawyers unwittingly presented records to courts that were fabricated by Laura. Those records not only were medical but also included fake letters from law firms. It is really unbelievable.

Put bluntly, Laura has misused court processes in multiple states to perpetuate the most bizarre of cons for relationships. She is either seriously mentally ill or diabolical. Four (4) very established men have documented her faking pregnancies, demanding relationship contracts for abortions, and fabricating medical records. You might want to call attorney in California. While the media seems to think my office orchestrated figuring out this pattern of fraud, it was actually who first dealt with Laura's fake pregnancies and suicide threats back in 2014.

We are looking for a finding that the filing (and subsequent filings) were malignant per Rule 26 etc. We get that Laura may be judgment proof as prior attorneys have discussed, but of course that is not the legal standard and Clayton's ability to collect a fees judgement is not really our focus. Clayton is entitled to the court findings that Judge Mata will make in the three (3) matters now in her lap (paternity, OOP, IAH). The value of that judgment may only be on paper, but TedX Laura, Medium Laura, and Reddit Laura need to be recategorized as FICTION because she will (the minute you are out of the case or sooner as she did with Cory) start spinning more yarn, emailing the media, and sabotaging more of Claytons' professional endorsements with her nonsense. (Note, there is currently an investigation regarding Laura pretending to be a black Howard University reporter (who does not exist) and distributing an article in the middle of this case attempting to cancel Clayton claiming he was involved with use of the "N" word.)

Contrary to Laura's beliefs, we do not control the media circus *she* started. But if Laura wants the reporters to run out of material, she needs to stop feeding it to them. She should go to whatever DBT inpatient program can help her stop living in a perpetual con. She needs to admit to the fraud, dismiss the protective orders against Clayton, Michael and Greg, and have you help her write a public apology. I am not a cast member, but she would also do herself a world of favor if she included in her apology the malignant rape allegation about both Greg Gillespie and myself that she made to Judge Bachus in her public apology.

That said, we know the Title 25 court only can do so much here and the paragraph above is *pie in the sky*. Still, Clayton is exhausted emotionally and financially but he is fully committed to this litigation until we get a judgment that he can show the world.

So....

Motion to Compel: We agree there is an obligation to avoid discovery issues. We did that long before you were on board and filing the MTC was already a last resort. Clayton is not willing to withdraw it at this time because we are 10 months in, Laura faked medical records, and we have a trial date. We also have our experts who need whatever other records Laura claims she has (but with proper verifiable chain of custody, given her propensity to cut and paste).

We would consider a ***brief*** extension for a response (as a professional courtesy to you as this is not your fault) but with some contingencies. Any extension would require Laura to immediately provide the picture she now suddenly claims she has of the fetuses that she testified she deleted and did not have her iphone anymore and that her sister deleted them. That information should be provided today from you. It will be time/date stamped and will put an end to the great mystery of WHEN the *alleged* miscarriage happened. Remember, she stated in court that she did not know. She stated in deposition the same. So how wonderful it will be to know by the date stamp on an image that will also be in her medical records from the telehealth doctor she sent the image to. We are eager to read the records from the doctor who told her not to worry about miscarrying 20 week twin fetuses (which would actually be a fetal death warranting a death certificate under law). She must also immediately provide the name of the telehealth provider so we can obtain the records directly from them, which should include the photo per her sworn testimony.

Laura knows there are no medical records that support her fake pregnancy narrative (as confirmed my the 7+ providers who have no records of ever seeing her notwithstanding her deposition and testimony in two protective order proceedings. I trust you have reviewed the records from Planned Parenthood, Dr. Makhoul's office, and Dr. Higley where they confirm that your client was never a patient there. We will issue another HIPAA records request for the Banner records, but expect them to similarly be lacking in evidentiary value.

We appreciate you have a lot to sift through and you getting a brief extension is reasonable, but we need the telemed provider and the picture that has now magically appeared (contrary to her testimony) today. Once we receive these, we can discuss what length of an extension is reasonable and further discuss resolution options.

Again, please do not take our instance here personally. You may withdraw or be fired before the ink dries here and we need to move this forward. If it resolves sooner, that would be wonderful and welcomed.

Gregg and Isabel

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From: David Gingras <david@gingraslaw.com>
Sent: Wednesday, March 27, 2024 9:53 AM
To: Isabel Ranney <isabel@woodnicklaw.com>; Gregg Woodnick <Gregg@woodnicklaw.com>

Maribeth Burroughs

From: David Gingras <david@gingraslaw.com>
Sent: Thursday, March 28, 2024 5:20 PM
To: Gregg Woodnick
Cc: Isabel Ranney; GRW Office
Subject: RE: Owens v. Echard; FC2023-052114
Attachments: Re: Owens v. Echard; FC2023-052114

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transcript, so maybe I will get that once he hands over the file, but in the mean time, if you have a copy of the exhibits (hopefully numbered according to the transcript), that would be super helpful.

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(19) Lexi Lindvall | LinkedIn

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Lexi Lindvall

Efficient, empathetic, and empowering divorce attorney

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Associate Attorney
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Oct 2021 - Oct 2023 · 2 yrs 1 mo
Phoenix, Arizona, United States

Family Law

Associate Attorney
SLOMA LAW GROUP, P.L.L.C. · Full-time
May 2020 - Oct 2021 · 1 yr 6 mos

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http://gingraslaw.com

David,

I appreciate that your effort to excise Laura from this mess she caused, but we strongly disagree with your analysis on Rule 26 (which is legally distinct from Rule 11 in several important ways). If Laura thinks this will stop her exposure to sanctions, then we welcome your Motion to Strike and will respond accordingly. That said, I am more than happy to coordinate a meet and confer with you but it will have to be tomorrow as I am in mediation with Jared Sandler today.

I sat on the Supreme Court Rules Committee appointed by Justice Bales and specifically was on a sub-committee that addressed Rule 26. I am confident that there are myriad legal and factual issues here and we will <u>not</u> be withdrawing any of our motions as sanctions are more than warranted.

Without diving too deep into the issue, here are a couple of quick comments:

- Laura had notice. If you only look at our Motion to Leave to amend, it contains detailed allegations about Rule 26 on pages 5-6 of the amended answer. The motion for sanctions was not filed until January 3, so she was given written notice of the specific Rule 26 allegations more than 10 days before filing via the motion for leave to amend. There is also several emails and communications with Laura's parade of prior attorneys that meet the same criterion.
- Laura would not have been able to withdraw her Petition. Dismissing the entire petition after a response has been filed requires either agreement of both parties or approval of the court after a motion to dismiss. She filed a motion to dismiss before the motion for sanctions, which the court denied and expressly <u>preserved</u> the claims for attorney fees and sanctions. This is consistent with Rule 46(a)(1)(B) (court may dismiss a petition on such terms and conditions as the court deems proper, *including the resolution of any claims by the responding party*).

We can talk more about this over the phone, but I will save the full legal analysis, including responding to the referenced Rule 11 case law which is neither directly on point nor analogous to Rule 26 (which is intertwined with Title 25 actions and legal distinguishable). I will also briefly point out that Rule 26 permits the Judge to move for sanctions on its own upon a finding of bad faith by Laura.

I am confident that Judge Mata has all the authority she needs to enter sanctions against Laura based on the numerous filings that she signed that were both woefully improper and predicated on fraud.

Laura's efforts would be better spend complying with the *un*controversial rules like Rule 49 disclosure. Our experts are waiting for the miscarriage photos and the simple name of the doctor that she sent the image to per her testimony. Bryan Neumeister is prepared to examine the images as well. You said you had the information, and they are *beyond* overdue per Rule 49. I trust you saw the discussion between Laura, Cory, and the Judge on the issue of the alleged miscarriage in our most recent status conference.

Again, this is not about you – you have been nothing but professional and we appreciate it, but we have had these conversations with her prior attorneys. We have been in front of the Judge. We now have all three proceedings before Judge Mata (or at least the third should be en route after our recent Motion).

I have also attached the unredacted email to Laura's prior attorney in the , which Cory was copied on.

If you'd still like to meet in confer, I can find time tomorrow.

Gregg

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From:	David Gingras
To:	Isabel Ranney; Gregg Woodnick
Cc:	Maribeth Burroughs
Subject:	RE: Owens/Echard
Date:	Monday, April 1, 2024 11:39:42 AM
Attachments:	image002.png

Isabel (although most of these comments are for Gregg, except for the P.S. at the end),

Thanks for the response, and just to make sure my position is 100% clear, I'll give you a few response points:

1. In my view, it is an undisputed fact you never sent a written notice to Ms. Owens telling her that you intended to seek sanctions *unless* she "corrected or withdrew" her petition within 10 court days of the notice. That's the "safe harbor" notice required by the rule, and it was never given. Let's just concede that and move on.
2. Yes, you guys sent *other* types of notices (mostly framed as settlement offers and/or threats), but nothing that ever strictly complied with the 10-day notice and notice of the right to correct/withdraw requirement.
3. *Gallager* (which we all agree is instructive, but not binding) expressly rejected the idea that a settlement demand and/or threat are enough to strictly comply with the rule: "A demand for dismissal and a threat to seek sanctions does not transform a settlement demand into a Rule 11-compliant notice." DUH. That's obvious. The whole point is that you MUST tell the other party that they have the RIGHT to drop the case, and you have to give them 10 days to think about it and accept the safe harbor if they want it. The failure to give a clear notice of that is not harmless....which is why courts enforce this rule so strictly.
4. Yes, Rule 11 and Rule 26 are not identical, but only in ways unrelated to this issue. For the purposes of this discussion, the rules ARE identical. You know that, so stop wasting time by claiming otherwise.
5. As *Gallager* noted (and I'm sure you will not dispute): "Arizona courts look to federal case law construing and interpreting that rule's federal counterpart." See James, Cooke & Hobson, Inc. v. Lake Havasu Plumbing & Fire Protection, 177 Ariz. 316, 318-19, 868 P.2d 329, 331-32 (App. 1994); Smith v. Lucia, 173 Ariz. 290, 297, 842 P.2d 1303, 1310 (App. 1992). So the bazillion+ federal cases which are all unanimous on this point are going to be followed here.
6. Because you failed to give Ms. Owens the 10-day safe harbor notice, that's the end of the Rule 26 discussion. You cannot, as a matter of law, recover sanctions under Rule 26 *as that motion currently stands* (it's also worth noting you not only failed to give Ms. Owens notice of her absolute right to withdraw her petition, you actively opposed her request to dismiss this case which only needlessly increased fees for both sides).
7. Although your current Rule 26 motion cannot be granted (due to your failure to strictly comply with the rule), that does not mean the issue of sanctions is forever off the table.
8. You absolutely could bring a new motion, provided you strictly comply with the Rule; you just haven't done that yet. What that means is if you wanted to ask for *Rule 26* sanctions, you would have to meet and confer with me, and then you would have to give a 10-day written

safe harbor notice. If you did this, Ms. Owens would invoke her right to withdraw the petition, and the case would be terminated. You could not then proceed under Rule 26 (because the rule prohibits sanctions when a party accepts the safe harbor – that's the whole friggin' point here).

9. Assuming Ms. Owens withdrew her petition, you absolutely could still ask for sanctions under other authority (but not Rule 26, because the safe harbor prohibits this). For instance, you could ask for sanctions under ARS 12-349. You could also bring a motion under ARS 25-809(G). I guess you could even invoke the court's "inherent authority", but that doesn't add anything to what ARS 12-349 already says.

The point here is really simple – you didn't follow Rule 26, so you can't get sanctions under that rule. This is 1000000% clear. It is so clear, it is an issue I will absolutely, positively win on appeal if that becomes necessary.

At the same time, all hope is not lost for your side. There are *other* options available to you if you want to seek fees. But you have not made any other motions seeking fees under those other authorities. If you think you have a factual/legal basis to do so, GO FOR IT.

And just keep in mind – Ms. Owens will be bringing her own motion for fees under ARS 25-809(G) once we're done, and she will also bring a separate Rule 26 motion unless you withdraw your pending Rule 26 motion within 10 days.

While I feel like I already said this, it is worth saying again – if you withdraw your Rule 26 motion within the next 10 days, I cannot ask for sanctions in my own Rule 26 motion because you will have availed yourself of the safe harbor.

If I was in your position, I would *seriously* stop and think about that before telling me to GF myself. You can literally avoid about $35,000 in risk simply by admitting you made a mistake, and then doing the right thing. If you decide NOT to take that safe harbor, it's your decision....but a pretty freaking bad one.

P.S. One final comment that I think should be mentioned – Isabel, I know you're a new lawyer and none of my comments/hostility are directed at you. Getting familiar with the practice of law is hard, and it takes time, so please do not feel any concerns about me threatening sanctions towards you or whatever (because I'm not). If we have to go down that road, the dispute will be between myself and Gregg, not you. I will make it clear to the court that none of these arguments are directed at or towards you.

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From: Isabel Ranney <isabel@woodnicklaw.com>
Sent: Monday, April 1, 2024 11:08 AM
To: David Gingras <david@gingraslaw.com>; Gregg Woodnick <Gregg@woodnicklaw.com>
Cc: Maribeth Burroughs <maribeth@woodnicklaw.com>
Subject: RE: Owens/Echard

David,

Gregg and I are both occupied but we will be able to call you later this afternoon once Gregg is out of mediation. He needs to be on the call as he is primary on this case. Also, your request to meet (reasonable) did come over the holiday weekend and I don't think the court expects us to drop other obligations to get on the phone the same day. Still, we will do our best to make it happen this afternoon as Gregg just messaged me that his mediation with Jared Sandler is moving along.

Here is a brief assessment of the case law you cited. Please note, this was gleaned in roughly 20 minutes of research and there is certainly more to follow as this is not comprehensive.

1. Rule 26 differs from ARCP 11 and FRCP 11 because it pertains specifically to Title 25 actions where there are numerous legal authorities for awarding fees and sanctioning litigation misconduct that do not exist in other state civil or federal civil actions. The main cases cited in the emails are Rule 11 cases with limited distinguishing facts and circumstances. Assuming *arguendo* these cases apply analogously to Rule 26, which is not a fait accompli, here are some issues with them.
    a. *Holgate* is a federal case regarding FRCP 11. In *Holgate*, there were three parties seeking Rule 11 sanctions. The first party complied with the notice requirement rather uncontroversially and received a sanctions award. The second, the *Newell Defendants*, filed a motion to join the prior motion for sanctions and served the opposing attorney the day they filed the motion. The court found **the safe harbor period commenced when the Newell defendants simultaneously filed their motion and served the opposition, then filed another motion for sanctions later requesting sanctions against the same party.** The court found he received sufficient notice and affirmed the sanctions, and this posture is very similar to Clayton's

motion for leave to amend (in which he discusses, in writing, the intent to have Laura sanctioned under Rule 26) and the later motion for sanctions more than 10 days after serving the motion for leave to amend. If the motion for leave to amend serves as written notice as the initial motion did in *Holgate* for the Newell defendants, there is no error and Laura received adequate notice. Note that she also moved to dismiss her complaint during that time, so not only did she *know* a sanctions motion was forthcoming, she attempted to withdraw the complaint. The court denied the motion to withdraw the complaint and preserved the fees and sanctions claims as ARFLP 46 allows. Only the last claimant in *Holgate*, called Community Bank, had their sanctions award overturned for improper notice, and that claimant waited ten months after the other parties filed their sanctions motions to take action. By the time they filed, the attorney against whom they sought sanctions had been withdrawn from the case over five months. The court found this was too long because the attorney had no power to counsel his client to withdraw the offending complaint by the time sanctions were requested. The court also rejects the argument that there are alternative sources of authority for sanctions as a cure of the Rule 11 problems because that federal authority requires a finding of bad faith the court expressly did not make.

b. *Barber* is a Ninth Circuit case applying FRCP 11. In that case, the party seeking sanctions filed their motion after the complaint was already dismissed without complying with the notice requirement. The court found failing to comply with the safe harbor provision defeated the motion and declined to treat the award as one given by the court's own motion because the rule does not allow the court to take this action after judgment and there was no evidence in the record that the court would have made a sanction on its own as a "show cause" order because that would only occur in situations akin to contempt of court. The court's inherent authority and statutory authority under federal law also did not provide a basis for sua sponte sanctions because those would both require a finding of bad faith that the court expressly declined to make. Judge Mata has not yet made any findings regarding bad faith, but they are before the court and she has all of the information necessary to make a finding of bad faith.

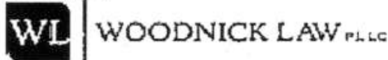
c. *Gallagher* is a trial case and not binding precedent, but the analysis given therein is relevant. *Gallagher* says that the safe harbor provisions of ARCP 11 are construed strictly and failure to comply defeats the motion. It further says that a mere demand to dismiss a case and a threat to seek sanctions does not constitute a compliance Rule 11 notice because it does not give specific notice of the offending conduct or the 10 days in which to "withdraw or appropriately correct the alleged violations" like the rule requires. Laura did have specific notice and more than 10 days to correct after the motion for leave to amend, and she did in fact attempt to correct by moving to dismiss the petition. The court declined to dismiss the petition and specifically preserved the fees and

sanctions issues, which it has the authority to do under Rule 46. The court also rejected an independent allegation of entitlement to sanctions under A.R.S. § 12-350, but it did so mostly because the party seeking sanctions did not address the statutory factors or identify facts in the record supporting a finding of bad faith necessary under that statute. Clayton has articulated claims for fees under the appropriate Title 25 statutes and the relevant factors therein.

We will flesh this out further in the anticipated Response to the Motion. We will call you as soon as we are able to, which should be later this afternoon.

Regards,

Isabel Ranney

ISABEL RANNEY
Attorney


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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: David Gingras <david@gingraslaw.com>
Sent: Monday, April 1, 2024 9:58 AM
To: Gregg Woodnick <Gregg@woodnicklaw.com>
Cc: Isabel Ranney <isabel@woodnicklaw.com>
Subject: RE: Owens/Echard

Gregg,

I know you are not going to concede the Rule 26 issue, so we're obviously going to have to litigate that point. I provided you with substantial caselaw that directly refutes your comments below, and your response cites nothing to contradict this. That's not surprising because we both know your position on this is wrong. It's not just wrong, it's sanctionable.

I'd like to get this issue in front of the judge immediately because it is going to be dispositive. It is also going to save a ton of time/fees for the parties (fees which we will be asking the court to hold you personally responsible for, so it's in your best interest not to drag this out longer than necessary).

In order to not delay this any further, we need to discuss this today. Since both of our positions are pretty firm, I think this should require about 30 seconds of time on the phone. There is no reason you can't step out of the mediation for one minute to speak with me during a break, so please let me know when you'd like to do this (assuming Isabel is not available). If you refuse to talk, that's fine – I'll explain that to the court in my certificate.

I've given you a clear explanation of my position, and I think you have made your position clear as well, so I don't think we have anything further to discuss, but in order to comply with Rule 9, I'd like to speak to either you or Isabel today.

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From: Gregg Woodnick <Gregg@woodnicklaw.com>
Sent: Monday, April 1, 2024 9:34 AM
To: David Gingras <david@gingraslaw.com>
Cc: Isabel Ranney <isabel@woodnicklaw.com>
Subject: Owens/Echard

David,

I appreciate that your effort to excise Laura from this mess she caused, but we strongly disagree with

your analysis on Rule 26 (which is legally distinct from Rule 11 in several important ways). If Laura thinks this will stop her exposure to sanctions, then we welcome your Motion to Strike and will respond accordingly. That said, I am more than happy to coordinate a meet and confer with you but it will have to be tomorrow as I am in mediation with Jared Sandler today.

I sat on the Supreme Court Rules Committee appointed by Justice Bales and specifically was on a sub-committee that addressed Rule 26. I am confident that there are myriad legal and factual issues here and we will not be withdrawing any of our motions as sanctions are more than warranted.

Without diving too deep into the issue, here are a couple of quick comments:

- Laura had notice. If you only look at our Motion to Leave to amend, it contains detailed allegations about Rule 26 on pages 5-6 of the amended answer. The motion for sanctions was not filed until January 3, so she was given written notice of the specific Rule 26 allegations more than 10 days before filing via the motion for leave to amend. There is also several emails and communications with Laura's parade of prior attorneys that meet the same criterion.
- Laura would not have been able to withdraw her Petition. Dismissing the entire petition after a response has been filed requires either agreement of both parties or approval of the court after a motion to dismiss. She filed a motion to dismiss before the motion for sanctions, which the court denied and expressly preserved the claims for attorney fees and sanctions. This is consistent with Rule 46(a)(1)(B) (court may dismiss a petition on such terms and conditions as the court deems proper, *including the resolution of any claims by the responding party*).

We can talk more about this over the phone, but I will save the full legal analysis, including responding to the referenced Rule 11 case law which is neither directly on point nor analogous to Rule 26 (which is intertwined with Title 25 actions and legal distinguishable). I will also briefly point out that Rule 26 permits the Judge to move for sanctions on its own upon a finding of bad faith by Laura.

I am confident that Judge Mata has all the authority she needs to enter sanctions against Laura based on the numerous filings that she signed that were both woefully improper and predicated on fraud.

Laura's efforts would be better spend complying with the *un*controversial rules like Rule 49 disclosure. Our experts are waiting for the miscarriage photos and the simple name of the doctor that she sent the image to per her testimony. Bryan Neumeister is prepared to examine the images as well. You said you had the information, and they are *beyond* overdue per Rule 49. I trust you saw the discussion between Laura, Cory, and the Judge on the issue of the alleged miscarriage in our most recent status conference.

Again, this is not about you – you have been nothing but professional and we appreciate it, but we have had these conversations with her prior attorneys. We have been in front of the Judge. We now have all three proceedings before Judge Mata (or at least the third should be en route after our recent

Motion).

I have also attached the unredacted email to Laura's prior attorney in the which Cory was copied on.

If you'd still like to meet in confer, I can find time tomorrow.

Gregg

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In the response filed by Alexis, I see she raised this issue (properly, but only briefly), and in the reply, there is an argument that the requirement of *Rule 9* were "met and/or were impossible to meet". However, the reply is entirely silent about why the 10-day notice requirement of Rule 26(c)(2)(B) was completely ignored.

In light of this, I would like to schedule a time to meet and confer with you about this issue, per both Rule 9(c) and Rule 26(c)(2)(A). I am available any time on Monday, so please let me know what time I can call.

Here's the problem – under Rule 26, if the required 10-day notice had been given, Laura would have had an absolute right to "withdraw or appropriately correct the alleged violation"; i.e., she would have had an absolute right to withdraw her petition and dismiss the case, subject only to Clayton's right to seek fees under ARS 25-809(G) (which, as of Jan. 3, 2024 would have been minimal). That is the outcome required by the rules.

Obviously, if Clayton did not comply with the 10-day notice requirement of Rule 26, then he cannot seek or receive sanctions under that rule. That makes sense because by failing to comply with the rule, Clayton deprived Laura of exactly what the rule requires – a safe harbor which includes a right to withdraw a claim in order to avoid further litigation expenses.

Under these circumstances, I need to be clear about my plan – absent some other explanation, I intend to file a Motion to Strike your Rule 26 motion based on the apparent failure to comply with the rule. That motion, if filed, would also include a request for sanctions (under Rule 26) and fees (under ARS 25-809(G)) for all fees and costs that Laura has incurred from January 3, 2024 to the present, and all fees that Laura continues to incur while this matter remains pending.

While I am happy to give you a more detailed written explanation if you need one, you should construe this email as your 10-day pre-filing notice per Rule 26(c)(2)(B). Because the old version of Rule 11 used to require an actual draft brief be sent to the opposing party, I will probably also do that (just for redundancy) after we talk on Monday.

And yes -- I understand you may take the position that this issue is either already before the court (since Judge Mata set a hearing on the Motion for Sanctions notwithstanding Alexis's very brief remark), or that Judge Mata has somehow impliedly ruled on the issue by setting the hearing over Laura's objection. If that's your position, we can obviously agree to disagree.

I guess it is also possible that I am missing something – i.e., I know you had one or more hearings before Judge Mata since January, and it is possible this issue may have come up, and she may have made some sort of verbal ruling (not found in any minute entry that I have seen) in which she determined that Rule 26(c)(2)(B) did not apply for some reason. If that is what occurred, I would appreciate whatever details you have about the court's verbal ruling, as this would be subject to revision through alternative means (e.g., a motion under Rule 78(b)).

This is obviously a significant issue, given that by the time this matter reaches trial, the fees incurred by both sides will likely exceed $100K. It is also a clear error of law, which would be an easy matter to reverse on appeal, if the judge were to consider a Motion for Sanctions that was filed in complete disregard for the 10-day notice requirement. Because there is a substantial financial value in this issue, and because the law is so clear on this point, I obviously intend to litigate this specific issue as far as necessary, so we need to have a thorough discussion about it, and soon.

So, please let me know when we can meet and confer about this on Monday. Thanks.

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From:	David Gingras
To:	Gregg Woodnick
Cc:	Isabel Ranney; Maribeth Burroughs
Subject:	RE: Owens v. Echard; Request to Meet and Confer
Date:	Thursday, April 4, 2024 1:30:39 PM

Gregg,

Thank you for the email, and your words are noted. I am obviously a passionate person, and my words sometimes reflect that. I do my best to remain professional with you (I am allowed to be upset when I see something that I think crosses the line).

I don't want to escalate the debate, but as much as you may have concerns about my *words*, I also have concerns about your *conduct*. Lying to me and/or lying to the court are much more serious problems than me tweeting comparisons to an MMA star.

But, you have asked to tone stuff down, and I agree with that view...so I'm not going to push the issue further at the moment, unless given no choice. So give me another choice.

As for the other points you mention, a few comments:

First, I am aware of no court order that would stop Laura from publishing her own medical records. Yes, I am aware there is a minute entry order dated 2/21/24 that says, among other things, "no party shall disclose outside of themselves [odd wording] any medical or other documentation ... *disclosed between the parties*."

I was obviously not present when that order was entered, so I may not have the full context, but my reading of this is if *Laura* discloses medical records to you, you can't share them publicly, and if Clayton shares records with us, we can't share them publicly. That's typical, and it is how I read the court's order. If my reading is correct, it does not prohibit Laura from posting her own medical records, which she did solely to rebut false claims from your side that no such records existed. There is nothing nefarious or improper about this.

If you interpret the order to mean that Laura is somehow *enjoined from publishing her own records* for the purpose of responding to false statements other people are making (including Dave Neal, who Clayton is clearly working directly with), you need to let me know that immediately so I can take the issue up with the judge.

There is clear case law on that issue – a court could *never* issue such an order, which is why I give the minute entry order a narrower reading. Any broader reading would make the order unconstitutional. In fact, the order would be *void ab initio* meaning it could simply be ignored. I know this because I've litigated the identical issue in other cases. *See, e.g., Phoenix Newspapers, Inc. v. Superior Court*, 101 Ariz. 257, 259 (1966) (holding order prohibiting disclosure of details of court hearing violated Arizona constitution and was void; Superior Court has no authority to "foreclose the right of the

people and the press from freely discussing and printing the proceedings held in open court.")

Laura's medical records were filed in a pleading submitted to the court and which is a public record. There is no protective order against this (nor would there be any basis for one), so anyone is free to share that information with the public, which is all I did.

Second, you may not believe this but I want to make sure it's clearly explained – Laura does not want to fight this battle with you guys. She would strongly prefer to stop all the insanity immediately, today.

Now that I've had an entire 10 days to catch up, I can see why people like Dave Neal would not want this – because he is making money by exploiting the situation. It's a dream for him. This case has provided Dave with endless content, and when you are a social media guy like Dave, content is literally the same thing as money. It's too bad that he is likely going to lose a lot of money when Laura sues him, but that's a discussion I will have with him separately.

If Clayton wants the public fighting to stop, GREAT! Let's make that happen. Let's resolve this today. Laura is happy to do that, and if we resolve this, I will never post another word about it and neither will she.

The only thing holding us back right now is Clayton.

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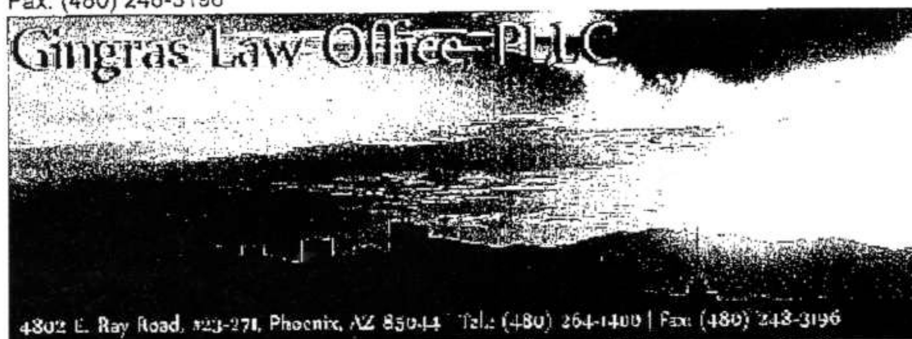

From: Gregg Woodnick <Gregg@woodnicklaw.com>
Sent: Thursday, April 4, 2024 12:56 PM
To: David Gingras <david@gingraslaw.com>
Cc: Isabel Ranney <isabel@woodnicklaw.com>; Maribeth Burroughs <maribeth@woodnicklaw.com>
Subject: RE: Owens v. Echard; Request to Meet and Confer

David,

1. While I appreciate your right to speak on all issues, I am deeply uncomfortable with the tone you are using in emails to my office, on Twitter and in your blog.

2. Comments like ***"I am the Connor McGregor of litigation"*** and ***"I look forward to reading their obituaries,"*** really invoke something extremely unpleasant. Using the term ***"special ed"*** in a derogatory way is also not something I am comfortable with either (as a lawyer and parent).

3. I have never tweeted in my life. There are certainly passionate followers of this case from Bachelor Nation (due to your client bringing the matter to the world's attention). That said, I was forwarded some of the postings over the past few days as well as your recent blog post and I am just not sure why you are engaging with them. We don't. I am also not certain why you are publishing court documents and your client's personal medical records contrary to court order.

4. Laura needs to comply with the order and provide disclosure. The court will probably give us a few weeks to submit China Doll Affidavit or (I am guessing) it may just tell us fees abide trial. That will be up to Judge Mata.

Gregg

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From: David Gingras <david@gingraslaw.com>
Sent: Thursday, April 04, 2024 9:22 AM
To: Gregg Woodnick <Gregg@woodnicklaw.com>
Cc: Isabel Ranney <isabel@woodnicklaw.com>; Maribeth Burroughs <maribeth@woodnicklaw.com>
Subject: RE: Owens v. Echard; Request to Meet and Confer

Gregg,

Prepare to be surprised, but for once I am NOT going to be a jerk. I'm going to show you I can be reasonable (sometimes).

Here's the deal – you keep asking to tone things down. Honestly, I do share that view. Let's see if we

can do that.

Here's what I'm asking – you submitted your order to the court on the MTC, and obviously I'm guessing you plan to apply for fees. I don't want you to do that (right now) because it will cause additional unnecessary work for both sides that I think we can avoid...just through a very minimal compromise.

As a compromise, I offer this proposal:

- Don't apply for fees right now. If you win at trial, you can ask for all the fees you want, including the MTC fees. In fact, you can basically say the MTC ruling entitles you to that part of the fees, even without a finding of frivolous or whatever under 12-349. So basically, I am not asking you to give up anything other than the right to seek fees *now*. You can do that in 60ish days when the case is over.
- In return for you not seeking fees right now, I will agree not to bring a motion asking for relief from the MTC order on the basis of fraud. Like I said, I am not happy about what I have recently learned, but if we can avoid fighting over that new issue now, it would be helpful for both sides.
- Also, in return for you not seeking fees now (subject to your right to seek them later), Laura will go ahead and comply with MTC order today. To be fair, she says most of the stuff you are asking for does not exist, so this is not a huge concession on her part, but at least it is something.

BONUS POINT – in an effort to be *even more reasonable*, I will also throw out something else. Because you've already deposed Laura, and because some of what she discloses may raise new questions, what if we were to schedule a conference call with you, me, and Laura, and you could ask some follow-up questions about anything new that she gives you?

To be clear – Laura hasn't actually authorized me to make that part of the offer, but she has shown herself to be so completely open, honest, and reasonable at every stage. She appears to be an open book (at least since I've been involved). I am sure she would be willing to do a call....provided we limit it to some reasonable amount of time.

And yes, I know phone calls aren't as formal as a depo. So what? That really doesn't matter. Laura is an available witness, so you really don't need to admit her depo testimony at trial (except for impeachment). My point is that even if a phone call doesn't give you admissible testimony, it still gives you helpful information you can use to decide your next steps. If you have questions and Laura points you in the right direction to where you can confirm her answers, that would save you the time and money of a depo (plus I think court reporters are overpaid anyway, so I just don't want to waste those costs).

Think about this and let me know. Tone will remain down.

David Gingras, Esq.

can do that.

Here's what I'm asking – you submitted your order to the court on the MTC, and obviously I'm guessing you plan to apply for fees. I don't want you to do that (right now) because it will cause additional unnecessary work for both sides that I think we can avoid...just through a very minimal compromise.

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Think about this and let me know. Tone will remain down.

David Gingras, Esq.

From:	David Gingras
To:	Gregg Woodnick
Cc:	Isabel Ranney; Maribeth Burroughs
Subject:	RE: Owens v. Echard; Request to Meet and Confer
Date:	Monday, April 8, 2024 3:06:45 PM
Attachments:	image002.png image003.png image004.png

My comments back....in blue:

1. Disclosure: I should not have to keep asking for the missing information which was required pursuant to Rule 49 and the Motion to Compel. You have stated several times in emails that you have the photo your client testified to taking on the day of the miscarriage (which has yet to be provided and it appears you are now saying it occurred in November, contrary to your client's testimony at deposition and statements at the prior status conference). I assume you also have the telemed doctor records and contact information so we can obtain the records with the photo from the source directly. Again, I should not have to keep asking about this, as the Court granted the MTC.

DG Comments: there's obviously been a lot going on, and I don't have unlimited hours in the day. I'm not holding anything back; I'm just trying to prioritize things.

Has the judge actually signed the MTC order you submitted? If she did, I have not seen that. Assuming the order has been entered (or is entered soon), I am obviously going to comply with it, but I still feel we have other things to discuss that may relate to that order.

Among other things, when I first got involved, I did not know (but obviously now know) that Cory Keith gave you a detailed disclosure statement on February 23, 2024. In your MTC filed on March 11, 2024, you told the judge that Laura had given you NO disclosures at all for eight months, and that she had only recently provided "minimal" disclosures. Both things were totally and completely false.

In addition, because you refused to give me sufficient time to review this stuff, I did not know (but now understand) that when you filed the Motion to Compel on March 11, 2024, the ONLY basis you had for the motion was Laura's general disclosure duties under Rule 49 (in other words, this was NOT a situation where you served a specific request to produce or interrogatory that Laura failed to answer) – the only basis for your motion was Rule 49.

But on February 21, 2024, the court issued a minute entry order which provided as follows: "the parties shall complete initial disclosure no later than 45 days from today's date."

45 days from February 21 is *April 6*. Based on this, it is clear you filed a motion to compel on March 11 that sought information that Laura was under no obligation to produce until April 6th. I'm sorry but there is no other way to say this – that is ABSOLUTELY UNBELIEVEABLE MISCONDUCT. Never seen anything like it in all my years of practice.

So look – I don't want to expand the arguments here or make things more contentious, but this is one of the issues we need to talk about. I am very willing to be fair with you, but if you refuse to talk to me while simultaneously demanding that I comply with an order you obtained by lying to the court....well, that is not going to be a productive conversation.

The bottom line is that I am willing to work with you to try and De-escalate this conflict. If you are interested in that, we have plenty to discuss.

On the other hand, if you want to pound your chest and demand that I play by the rules when you have shown a total disregard for the rules, that is not going to be productive.

So, let's try to be productive here. That starts with talking, and, while I should not have to say this, it absolutely 1000% must involve complete and total candor – candor toward me and candor towards the court, in every communication without exception.

2. Lunch: I appreciate the lunch invitation and I would consider the free food AFTER your client complies with her obligation. She has admitted to forging medical records from SMIL and our experts need the original which she testified came from Planned Parenthood. As you have seen, Planned Parenthood indicated they have no records that show your client was there for an ultrasound on the day in question. Our experts (medical and Neumeister/tech) are waiting for the documents and the Motion to Compel was granted. I will eat with you (sushi?) after we have the information for the experts.

DG Comments: not a sushi fan, but I like Kona Grill, so if that's a fair compromise, let do it. I actually tend to not each much during the day (I am getting fat and old), so the whole "lunch" thing was really a metaphor. Would rather meet you for a beer and some nachos. Do you shoot pool? Happy to meet you somewhere for some friendly games of pool. I am not a good golfer, but Top Golf would be OK as well.

Your call on where/when/what.

3. Media: Any issues you have with Reality Steve Carbone or the others who have covered this story (after you client initiated this with the *Sun*), is your issue. It has no bearing on the litigation and it is not something Clayton should be spending legal fees on.

DG Comments: No clue what you're talking about. I have not reached out to Reality Steve (yet). Why is Clayton spending legal fees on media? I am not charging Laura for ANYTHING I'm posting online. That is just me expressing my views about stuff. I don't charge clients for that.

4. Experts: I understand Rule 702 and did not need the explanation. These very qualified experts are awaiting documents (that you ostensibly have) or confirmation that the photos and supplemental medical records Laura specifically testified to having do not exist. At this rate, you might not have their

reports before 60 days but that is only because your client has refused to provide the same. The disclosure you received provided a summary of their anticipated testimony pursuant to Rule 49(j). I will have more data for you as soon as Laura complies with her disclosure obligations which, again, we have been requesting for quite some time.

DG Comments: again, if you would simply speak to me, I think you would instantly realize there are ways to simplify this dispute. In fact, in the spirt of trying to show what can happen when we communicate, let me share some information with you.

As I mentioned before, I have the photos you want to see. I understand you want to give them to your experts because you don't truth the image dates.

Gregg – that is NOT going to be a problem. You are going to LOVE the image dates – because the images are dated July 23, 2023. Still think you need an expert to debunk the dates? I would expect not.

Not that this matters, but I also have text messages between Laura and her sister dated July 23, 2023 – again, arguably helpful for you, but certainly not dispositive of anything. Also, I do have some telehealth info showing Laura seeking medical advice on July 23, 2023. I don't think this is helpful to either party, but it is something I am willing to disclose.

But here's the thing – I am still on the fence about giving you the photos themselves unless you agree to not publicly disclose them prior to trial (if there is a trial). Given the incredibly inappropriate circumstances which resulted in the MTC order being granted, I have still not decided if I want to fight that order further. It really just depends on how reasonable you are.

If you are reasonable with me, I will be reasonable back. But it's hard to reach a conclusion about which side you're on when you won't speak to me.

*3-11-24 - Motion to Compel (r...

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7 of 33

(Exhibit 3) regarding what is believed to be her first (out of 5) feigned pregnancies. Petitioner

25 was asked to comply with her disclosure of the same. **Exhibit 4.**

26

27 13. **Petitioner has willfully and wantonly failed to disclose information**

28 **pursuant to Rule 49.** After the Status Conference before this Court, Petitioner provided

-6-

1 minimal disclosure after evading *any* compliance with Rule 49 for over eight (8) months.

2 Now, Petitioner has testified to attending appointments and speaking with providers who only

3 have access to records that are critical to support the "miscarriage" she allegedly had in

4 September or October but did not reveal to Respondent or the Court until her *Motion for*

5

*Initial Rule 49 Disclosure Statem ×

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3 of 3

24	Petitioner's MomDoc Medical Records
25	Petitioner's Barrow Concussion & Brain Injury Center (Zieman) Visit Summary Continuity of Care Document dated November 29, 2023
26	Petitioner's Banner Health Pregnancy Confirmation
27	Petitioner's Positive Pregnancy Test Results from Banner Health
28	Petitioner's Banner Urgent Care Receipt

2. **Petitioner's Witness List:**

1. **Petitioner**; will testify as to the factual basis underlying the issues in the proceeding as set forth in the pleadings and as disclosed in these proceedings on matters for which she has personal knowledge of and about which they are competent to testify.

2. **Respondent**; will testify as to the factual basis underlying the issues in the proceeding as set forth in the pleadings and as disclosed in these proceedings on matters for which he has personal knowledge of and about which they are competent to testify.

RESPECTFULLY submitted this 23rd day of February 2024.

DESERT LEGAL GROUP, PLLC

/s/ Cory B. Keith

Cory B. Keith
Attorney for Petitioner

COPY emailed even date to:

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From: Gregg Woodnick <Gregg@woodnicklaw.com>
Sent: Monday, April 8, 2024 1:57 PM
To: David Gingras <david@gingraslaw.com>
Cc: Isabel Ranney <isabel@woodnicklaw.com>; Maribeth Burroughs <maribeth@woodnicklaw.com>
Subject: RE: Owens v. Echard; Request to Meet and Confer

David,

1. Disclosure: I should not have to keep asking for the missing information which was required pursuant to Rule 49 and the Motion to Compel. You have stated several times in emails that you have the photo your client testified to taking on the day of the miscarriage (which has yet to be provided and it appears you are now saying it occurred in November, contrary to your client's testimony at deposition and statements at the prior status conference). I assume you also have the telemed doctor records and contact information so we can obtain the records with the photo from the source directly. Again, I should not have to keep asking about this, as the Court granted the MTC.

2. Lunch: I appreciate the lunch invitation and I would consider the free food AFTER your client complies with her obligation. She has admitted to forging medical records from SMIL and our experts need the original which she testified came from Planned Parenthood. As you have seen, Planned Parenthood indicated they have no records that show your client was there for an ultrasound on the day in question. Our experts (medical and Neumeister/tech) are

waiting for the documents and the Motion to Compel was granted. I will eat with you (sushi?) after we have the information for the experts.

3. Media: Any issues you have with Reality Steve Carbone or the others who have covered this story (after you client initiated this with the *Sun*), is your issue. It has no bearing on the litigation and it is not something Clayton should be spending legal fees on.

4. Experts: I understand Rule 702 and did not need the explanation. These very qualified experts are awaiting documents (that you ostensibly have) or confirmation that the photos and supplemental medical records Laura specifically testified to having do not exist. At this rate, you might not have their reports before 60 days but that is only because your client has refused to provide the same. The disclosure you received provided a summary of their anticipated testimony pursuant to Rule 49(j). I will have more data for you as soon as Laura complies with her disclosure obligations which, again, we have been requesting for quite some time.

Gregg

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From: David Gingras <david@gingraslaw.com>
Sent: Friday, April 05, 2024 3:15 PM
To: Gregg Woodnick <Gregg@woodnicklaw.com>
Cc: Isabel Ranney <isabel@woodnicklaw.com>; Maribeth Burroughs <maribeth@woodnicklaw.com>
Subject: RE: Owens v. Echard; Request to Meet and Confer

Greg,

One other quick follow up....which I'd prefer to do in a call, but happy to leave this in email for now...

I just talked to Laura about the expert disclosure thing. I've said this before, but I am *usually* very robotic (and pretty strict) when it comes to following procedural rules. That means if everyone follows the rules strictly, I'm happy, and if people don't, I'm not.

With respect to your experts, I'm guessing you really aren't planning to call them. There just isn't enough time and if there is any value in their testimony (which I can't tell due to lack of detail in the disclosure), that value seems like it would be minimal at best. Plus the *Daubert* problem, etc.

BUT, Laura and I are such reasonable people, we actually think *maybe* it would be OK if you really want to put one OB/GYN on the stand. Obviously I would need (and am entitled to) a lot more disclosure about what this person plans to say, and what their backgrounds are (I obviously need to know if the doc is married to Clayton's brother or whatever).

But assuming no other red flags, I may actually be willing to agree that you can call an OB/GYN...because I'm guessing if that person is truly neutral and knowledgeable, they can offer some valuable information for us.

So that is one of the issues I'd like to discuss, and this really shouldn't be too controversial.

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From: David Gingras
Sent: Friday, April 5, 2024 2:15 PM
To: Gregg Woodnick <Gregg@woodnicklaw.com>
Cc: Isabel Ranney <isabel@woodnicklaw.com>; Maribeth Burroughs <maribeth@woodnicklaw.com>
Subject: RE: Owens v. Echard; Request to Meet and Confer

Gregg,

I appreciate the response. To focus on matters at hand, we need to speak about the status of disclosures (this is one of the items on the list).

I understand that a few days ago, you disclosed the names of some experts, but basically nothing else. Obviously, the incredibly scant details of these disclosures do not come close to what is required under Rule 49(j), and separately from that, I don't need to remind you that if you want to call an expert, you also have to *separately* meet the Rule 702 admissibility standards AND the other requirements of *Daubert*.

If you're not familiar with those requirements, attached is a brief where I explain them in some detail.

I mean, at the end of the day, since you have a total of one hour of trial time, I'm not really sure that I even care about this. When you deduct time for a little opening/closing, and the main witnesses, if you really want to call an expert and use your remaining time (maybe 1-2 minutes per person?) to ask a few questions...I guess you can do that.

But that's only if you disclose everything that's required (which you haven't done) and only if you show compliance with *Daubert* and 702 (also not yet done).

Again, this is why we need to talk. I'll leave you alone for the rest of today, but we need to talk on Monday. If I don't hear from you, I'm going to ask the court to order you to speak with me, so let's try to just work together collaboratively on this.

And one last this re: this comment: "I would certainly accept that apology"

Two things:

1. Yes, I absolutely do apologize if I was unprofessional or unpleasant. That was NOT my intent.
2. You need to respect the fact that Laura has *SEVERE* (and I mean extreme) concerns about your honesty and integrity. At first, I did not share those concerns, but since I've learned about the case, I am starting to see that Laura's concerns may have merit.

If you don't fully appreciate my concerns, I will say one last thing – I am about to send a LONG email to Dave Neal. I assume he's working closely with you, but if not, you should reach out to him and ask him for a copy of the message. Since you don't know me that well, the email may provide some helpful context. That's the main reason I'm sending to him.

And I will tell you the same thing I told Dave – there was good reason to make some public comments to explain Laura's position, but that is now done. I don't plan on speaking much more about the case in public, unless it is necessary to respond to false information someone else has published.

Hope that makes sense.

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From: Gregg Woodnick <Gregg@woodnicklaw.com>
Sent: Friday, April 5, 2024 1:40 PM
To: David Gingras <david@gingraslaw.com>
Cc: Isabel Ranney <isabel@woodnicklaw.com>; Maribeth Burroughs <maribeth@woodnicklaw.com>
Subject: RE: Owens v. Echard; Request to Meet and Confer

David,

I have two disclosed medical experts who would like to see the photographs, Planned Parenthood and the tele-med records about the alleged miscarriage, as it may impact their efforts. Bryan Neumeister is prepared to review the data as well. Please provide the disclosure and *then* we can discuss resolution options.

I appreciate that you say you will tone things down, but that is contrary to your recent blog posts and continued activity on Twitter. I respectfully disagree with you legally but that is what the court is for – not for the zoo-like atmosphere online. With regard to the YouTube and Podcast crowd, remember that was actually created last year when Laura was posting and arguing with Redditor's and sending (ostensibly altered) data to Steve Carbone and others.

As for lunch, I enjoy food. In my 24 years of practice, I have never said no to a lunch or beer invitation, but I am saying "*not now*." Perhaps this will be nothing more than fodder for a future blog post, but I trust you are being sincere. Your statements in emails, over the phone, on your blog, on your Twitter, etc, may have been

the product of passion but they were received as combative and unpleasant. Given your verbiage and your approach online and to my team, I think Judge Mata will side with me on any trepidation issues here. That said, I am quick to forgive, and if your email is meant to be an olive branch apology for the professional allegations and overzealous advocacy, I would certainly accept that apology.

I want to avoid Clayton incurring fees discussing anything further without the disclosure, which I trust you agree is reasonable. We need the experts input and Clayton will make informed decisions with data your client provides.

Gregg

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From: David Gingras <david@gingraslaw.com>
Sent: Friday, April 05, 2024 11:09 AM
To: Gregg Woodnick <Gregg@woodnicklaw.com>
Cc: Isabel Ranney <isabel@woodnicklaw.com>; Maribeth Burroughs <maribeth@woodnicklaw.com>
Subject: RE: Owens v. Echard; Request to Meet and Confer

Gregg,

I just tried calling your office but got no answer. I think it's been over a week since we have spoken by phone.

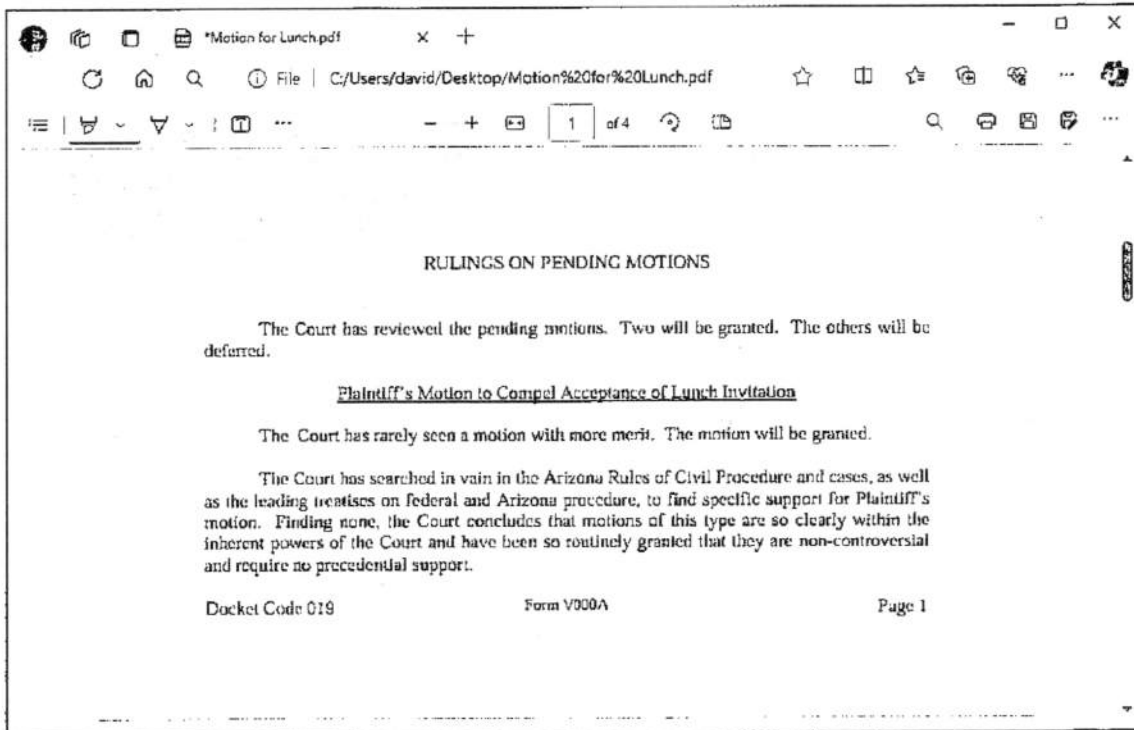
There are TONS of issues that we need to talk about, and email just isn't cutting it. We need to talk. Soon.

Since you and I are about the same age, maybe you saw this back when it happened, but if you didn't see this, I politely ask you to read Judge Gaines' famous order granting "Plaintiff's Motion to Compel *Acceptance of Lunch Invitation*" (attached).

Right now, we don't need to meet for lunch, although I am happy to do that.

Right now, all I am asking is for you to have the courtesy of accepting my calls so we can talk about the case. Tone will be calm, friendly, and professional.

If you won't agree to talk, I guess I will ask Judge Mata to order you to accept an invitation to lunch.



RULINGS ON PENDING MOTIONS

The Court has reviewed the pending motions. Two will be granted. The others will be deferred.

Plaintiff's Motion to Compel Acceptance of Lunch Invitation

The Court has rarely seen a motion with more merit. The motion will be granted.

The Court has searched in vain in the Arizona Rules of Civil Procedure and cases, as well as the leading treatises on federal and Arizona procedure, to find specific support for Plaintiff's motion. Finding none, the Court concludes that motions of this type are so clearly within the inherent powers of the Court and have been so routinely granted that they are non-controversial and require no precedential support.

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From: Gregg Woodnick <Gregg@woodnicklaw.com>
Sent: Thursday, April 4, 2024 12:56 PM
To: David Gingras <david@gingraslaw.com>
Cc: Isabel Ranney <isabel@woodnicklaw.com>; Maribeth Burroughs <maribeth@woodnicklaw.com>
Subject: RE: Owens v. Echard; Request to Meet and Confer

David,

1. While I appreciate your right to speak on all issues, I am deeply uncomfortable with the tone you are using in emails to my office, on Twitter and in your blog.

2. Comments like ***"I am the Connor McGregor of litigation"*** and ***"I look forward to reading their obituaries,"*** really invoke something extremely unpleasant. Using the term "***special ed***" in a derogatory way is also not something I am comfortable with either (as a lawyer and parent).

3. I have never tweeted in my life. There are certainly passionate followers of this case from Bachelor Nation (due to your client bringing the matter to the world's attention). That said, I was forwarded some of the postings over the past few days as well as your recent blog post and I am just not sure why you are engaging with them. We don't. I am also not certain why you are publishing court documents and your client's personal medical records contrary to court order.

4. Laura needs to comply with the order and provide disclosure. The court will probably give us a few weeks to submit China Doll Affidavit or (I am guessing) it may just tell us fees abide trial. That will be up to Judge Mata.

Gregg