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Today's Date:

11/4/24

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Your Signature

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I filed the ORIGINAL of the attached document(s) with the Clerk of the Superior Court in Maricopa County on: November 4, 2024
Month Date Year

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Month Date Year

I mailed/delivered a COPY of the attached document(s) on this date:
November 4, 2024 To: Gardens Gilbert Community Association et. al
Month Date Year

(You must mail a copy of all documents to the other side and his/her lawyer)

<u>Gardens Gilbert Community Association et. al.</u> Name of Other Side	<u>Shaw & Lines, LLC/Augustus H. Shaw IV</u> Name of Other Side's Lawyer
<u>4135 S. Power Road, Ste. 133</u> Address	<u>4523 E. Broadway Road</u> Lawyer's Address
<u>Mesa, Arizona 85212</u> City, State, Zip	<u>Phoenix, Arizona 85040</u> City, State, Zip

By signing below, I state to the Court, under penalty of law, that the information stated on these pages is true and correct to the best of my knowledge and belief.

I further state that I have filed/mailed the attached document(s) as shown above. I understand that if I do not file/mail the attached document(s) as shown above, the judge in my case will not read my request/motion.


Your signature

ADDENDUM A:

PLAINTIFF'S MOTION TO STRIKE DEFENDANTS'S RESPONSE FILED ON NOVEMBER 1, 2024, AND REQUEST FOR CASE MANAGEMENT & ORDER OF PROTECTION

TO THE HONORABLE JUDGE COFFEY:

Comes Now, Plaintiff Sandra Rodriguez, and respectfully moves this Honorable Court to strike the Defendants' Response to Plaintiff's Motion to Strike Defendants' General Response and Request for Sanctions, filed on November 1, 2024. The Plaintiff requests that the Court consider additional protective measures due to the egregious circumstances.

1. Evaluation of Previous Motion

The Defendants' motion contravenes the Arizona Rules of Civil Procedure, specifically Rule 7.1(f), which explicitly indicates that motions to strike are highly disfavored and should be granted only under limited circumstances. By repeatedly relying on previously addressed issues that are still pending a judicial response, without introducing any new arguments or evidence, the Defendants exhibits a flagrant disregard for the procedural integrity of this case. This pattern not only undermines the efficiency of the judicial process but also burdens the Plaintiff with unnecessary litigation.

2. Procedural Breaches and Patterns in Defendants' Filings

A. Repetitive and Frivolous Filings

The Plaintiff contends that the Defendants have engaged in a pattern of filing repetitive and baseless motions aimed at intimidation and harassment, characteristic of vexatious litigation. For example, the Defendants filed a motion to strike the Plaintiff's Motion for Expedited Orders

and Injunction of Harassment on July 9, 2024, which lacked any factual basis or legal analysis and failed to engage with the substantive issues raised by the Plaintiff. Instead of addressing the Plaintiff's reports of ongoing harassment and aggressive litigation tactics, as well as breaches of the Fair Housing Act, the Defendants dismissed these serious allegations as baseless, further discrediting Sandra's legitimate claims to the Court.

Such tactics not only delay proceedings but also continue to impose unnecessary legal costs on the Plaintiff, violating Arizona Rule 11, which mandates good faith in all pleadings. In their motion filed on November 1, 2024, the Defendants and their legal counsel, Augustus H. Shaw IV, made statements such as, "The allegations contained in the Plaintiff's Motion to Strike are ludicrous," and suggested that, should the Court plan to entertain the Motion to Strike, a hearing should be scheduled for the Defendants and their counsel to be heard. These remarks are not only aggressive but also condescending, undermining the dignity of both the Plaintiff and the Court. Such statements are improper, unprofessional, and misleading, as they trivialize the seriousness of the Plaintiff's experiences and perpetuate a false narrative regarding her legitimate claims of ongoing abuse, harassment, discrimination, and now legal and financial extortion. This pattern of behavior is consistently demonstrated throughout the civil litigation process, reflecting a disregard for the gravity of the Plaintiff's situation and the ethical principles of justice.

Furthermore, the Defendants' assertions of not being heard are disingenuous, as they have had numerous opportunities to present substantive evidence and arguments in prior motions. Their refusal to engage meaningfully with the relevant issues reflects a blatant disregard for the judicial process and an intention to evade accountability—an argument I have made consistently throughout these proceedings. The Arizona court system emphasizes the importance of good faith and the duty to engage substantively with claims. In *Blankenbaker v. Jonovich*, 203 Ariz. 226 (App. 2002), the court highlighted that parties must act in good faith and meaningfully participate in proceedings, reinforcing the expectation that all litigants provide substantive evidence in support of their positions. Similarly, in *Murphy v. Board of Medical Examiners*, 190 Ariz. 441 (App. 1997), the court addressed the necessity for both parties to engage earnestly with the issues presented, noting that a failure to do so could undermine the integrity of the judicial process.

These precedents highlight the Defendants' obligation to respond appropriately and substantively to the Plaintiff's claims, rather than resorting to intimidation tactics and dismissive remarks. Their behavior not only disrupts the proceedings but also compromises the Plaintiff's rights to a civil process, undermining the fairness and integrity that the judicial system seeks to uphold. By failing to engage meaningfully with these critical issues, the Defendants and their legal counsel continue to perpetuate a cycle of intimidation and exhibit a blatant disregard for the legal process, further eroding the integrity of the judicial system. Additionally, their actions continue to obstruct the Plaintiff's constitutional rights, further emphasizing the need for accountability and adherence to legal standards.

B. Improper Use of Motions to Strike

The Defendants' repeated misuse of motions to strike, deny, or dismiss obstructs the Plaintiff's legitimate filings and substantive arguments. For example, in their Response to the Plaintiff's Motion to Strike dated October 7, 2024, the Defendants frequently employ the language asserting that the Plaintiff's arguments "rehash issues either already settled by the Court or discuss issues concerning the Defendants' Partial Motion to Dismiss." This phrase recurs throughout their motions, highlighting a pattern of evasion rather than offering a meaningful response to the legal points raised by the Plaintiff. Furthermore, the Defendants consistently request that the Court deny or dismiss the Plaintiff's arguments without adequately addressing the substantive issues at hand. Such tactics not only obscure their intention to disguise their request for a "motion to strike," but also reflect a blatant disregard for the procedural integrity of this case.

These actions contradict the court's preference for the sparing use of motions to strike, as established in *Blankenbaker v. Jonovich*, where the court discouraged the misuse of such motions unless absolutely necessary. By failing to engage meaningfully with the Plaintiff's claims, the Defendants burden the judicial process with unnecessary filings and hinder the Plaintiff's ability to present her case effectively. This leaves Rodriguez (the Plaintiff) with no choice but to request a motion to strike in good faith due to the continued falsehoods and misrepresentations made by the Defendants, who allege a lack of legal foundation despite the clear federal and state legal precedents supporting her arguments. This pattern of behavior further prejudices self-represented

litigants, as such arguments would likely not be made against an attorney. Ultimately, these tactics aim to confuse, disrupt, and obstruct the Plaintiff's ability to defend herself effectively in this legal process.

C. Weaponization of Sanction Against the Plaintiff

The Defendants and their legal counsel, Augustus H. Shaw IV, systematically weaponize sanctions against the Plaintiff, specifically targeting her self-represented status and socioeconomic vulnerabilities. This tactic is especially evident in their Response to Plaintiff's Motion to Strike filed on September 27, 2024, where the threats of sanctions are employed as tools of intimidation rather than as legitimate legal arguments. Shaw asserts that the Plaintiff's motion demonstrates an "absolute disregard for the Arizona Rules of Civil Procedure," suggesting that the court should impose sanctions to curb what they label as frivolous behavior. This approach not only aims to silence the Plaintiff but also exploits her financial constraints, further exacerbating her vulnerabilities and highlighting the disparities at play. All the while, the Defendants fail to acknowledge their own abusive and retaliatory conduct.

The Defendants and their legal counsel continue to issue threats of sanctions while having previously attempted to impose similar penalties in their filings, thereby creating a persistent atmosphere of intimidation and legal extortion. For example, in their Response to Motion to Strike dated October 7, 2024, they explicitly invoke the possibility of sanctions as a means of intimidation, stating that "the Plaintiff will not cease her behavior unless this Court awards the Defendants sanctions against the Plaintiff." Such statements generate a chilling effect, discouraging the Plaintiff from exercising her legal rights and pressuring her to withdraw valid claims out of fear of financial repercussions. This ongoing pattern of harassment has been consistently reported to the court since the filing of this civil case in April 2024, yet it remains unaddressed.

This strategy is not an isolated instance; it reflects a consistent pattern of leveraging the threat of sanctions to suppress the Plaintiff's arguments, thereby creating an environment of legal extortion. The reliance on repetitive requests to deny or dismiss the Plaintiff's legitimate claims, without adequately addressing the substantive issues raised, further illustrates their intention to

manipulate the legal process. Their ongoing use of phrases like "rehashes issues already settled" detracts from the critical legal matters at stake and focuses instead on undermining the Plaintiff's credibility.

By continuously imposing such threats, the Defendants not only seeks to maintain an undue advantage in this case but also undermines the principles of fairness and justice that should govern the litigation process. This calculated approach highlights their blatant disregard for the integrity of the judicial system and the rights of the Plaintiff, fostering a hostile environment that threatens her ability to pursue her legal claims effectively.

3. Egregious Aggravating Factors

The Plaintiff asserts her right to seek assistance from this Court in light of the egregious aggravating factors stemming from the Defendants' aggressive legal tactics, including retaliatory actions and continued misuse of the legal process. These include, but are not limited to:

- **Repetitive Filing of Meritless Motions:** The Defendants' have engaged in the continuous filing of frivolous motions, including motions to strike, deny, or dismiss the Plaintiff's responses. These motions merely reiterate previously addressed arguments without introducing any new information or legal basis, demonstrating a lack of substantive engagement with the Plaintiff's claims. Moreover, the Defendants' actions reflect an unwillingness to wait for the judge to make a final determination, undermining the integrity of the judicial process.
- **Ongoing Threats of Sanctions:** The Defendants' have issued continued threats of sanctions that inflict emotional distress on the Plaintiff. This is evident from the persistent reminders of potential repercussions associated with her filings, particularly highlighted in the Defendants' submissions on July 10, 2024. These threats are strategically aimed at silencing the Plaintiff's ongoing claims and deterring her from pursuing her legitimate legal rights.
- **Intentional obfuscation of legal processes, where the Defendants' responses often confuse rather than clarify the legal standing, making it difficult for the Plaintiff to navigate her case effectively.**

- **Financial strain due to excessive legal fees and costs** stemming from defending against these repetitive motions and responding to unjustified requests for sanctions.
- **Harassment through the Legal System:** The Defendants continue to engage in harassment through the legal system, undermining the Plaintiff's peace and safety. This is particularly evident in their repeated allegations of vexatious behavior against the Plaintiff, as outlined in the Defendants' Reply Supporting Application for Attorney Fees filed on June 19, 2024, and in subsequent motions filed with the court. These tactics serve to continue to intimidate the Plaintiff and create an oppressive environment, further obstructing her ability to seek justice.
- **Disregard for Civil and Constitutional Rights:** The Defendants and their legal counsel have persistently undermined the Plaintiff's civil and constitutional rights through tactics designed to discredit her. This ongoing pattern of behavior, perpetuated by both the Defendants and their counsel, raises serious concerns regarding harassment.

In light of these egregious actions, the Plaintiff respectfully requests the Court to intervene, address these ongoing injustices, and protect her rights within the legal process.

4. Lack of Professionalism and Request for Referral to State Bar

The Defendants' motion for sanctions, filed in response to the Plaintiff's request for a referral of Augustus H. Shaw IV to the State Bar of Arizona, represents a punitive attack on the Plaintiff for her efforts to address the injustices she has faced throughout this case. Moreover, the pattern of harassment and retaliation demonstrated by the Defendants and their legal counsel has been thoroughly documented, with substantial evidence presented since the outset of these proceedings. Augustus H. Shaw IV, serving as the Defendants' legal counsel, has a troubling history of threatening and legally extorting homeowners, displaying a blatant disregard for their financial well-being.

This request for sanctions exemplifies the Defendants' tactics aimed at silencing the Plaintiff as she seeks justice and attempts to obtain documents to which she is legally entitled. Not

Furthermore, the Defendants' demand for sanctions reflects a clear double standard. While they seek to impose penalties on the Plaintiff for her alleged misuse of the legal process, they simultaneously continue to file meritless motions that have previously been brought to the Court's attention. This hypocrisy undermines the integrity of the judicial system and highlights their refusal to adhere to the very standards they claim to uphold.

5. Request for Case Management Conference

In light of the ongoing harassment and abuse of the legal process by the Defendants' and their legal counsel, the Plaintiff requests a case management conference with the Court to establish clear guidelines to prevent further abuse and ensure fair engagement in the litigation process.

6. Request for Order of Protection

The Plaintiff acknowledges that previous requests for an order of protection have been denied; however, the increasingly aggressive actions taken against her and her family necessitate this request. The Plaintiff seeks protection from:

- **Litigation extortion aimed at intimidation and coercion**, which has been evident in the Defendants' threats to impose sanctions without just cause.
- **Financial abuse through excessive and frivolous motions**, improper service, repeated delays, and abusive demands for sanctions, fees, and costs. This ongoing pattern of litigation abuse intended to harass and financially exhaust the plaintiff, resulting in substantial financial strain and hardship for her and her family.
- **Harassment and threats directed at her and her family**, including threats of repercussions for her legal actions, as seen in the Defendants' Motion for a More Definitive Statement. This includes obstruction of justice, legal extortion, misuse of litigation, retaliation, and violations of her HOA, civil, and constitutional rights.

Justification for an order of protection includes:

- **Egregious Acts:** The Defendants' actions have escalated to a point where the safety and well-being of the Plaintiff and her family are at risk.

- **Pattern of Abuse:** There is a clear pattern of using the legal system as a weapon against the Plaintiff, causing significant distress.
- **Right to Protection:** The Plaintiff has a fundamental right to seek protection from ongoing harassment and intimidation, especially in light of the Defendants' aggressive tactics.
- **Need for Exception:** Despite previous denials, the unique circumstances and continued escalation of harassment warrant reconsideration.

8. CONCLUSION AND RECOMMENDATIONS

In light of the ongoing harassment and abuse of the legal process by the Defendants and their legal counsel, the Plaintiff respectfully requests that this Honorable Court intervene to address the serious injustices she has faced. The Defendants' motions lack merit and primarily serve to silence, intimidate, and retaliate against the Plaintiff rather than engage with substantive legal issues.

Therefore, the Plaintiff requests the following relief:

1. **Strike the Defendants' motion.**
2. **Schedule a case management conference** to address ongoing abuse of the legal process.
3. **Grant an order of protection to shield the Plaintiff and her family** from ongoing litigation extortion, harassment, and financial abuse. The Defendants' aggressive legal tactics have created a hostile environment that threatens the safety and well-being of the Plaintiff and her family, necessitating immediate court intervention to prevent further harm.
4. **Permit the amendment of the civil complaint** to incorporate new issues of ongoing harassment, ensuring that the Plaintiff can fully articulate the extent of the Defendant's actions and seek appropriate remedies for the continued injustices faced. This amendment is essential for providing a complete and accurate representation of the Plaintiff's experiences and the evolving nature of the harassment she endures.
5. **Impose sanctions against the Defendants' and their legal counsel Shaw** for their continued bad faith actions and abuse of the legal process.
6. **Refer Augustus H. Shaw IV to the Arizona State Bar** for his conduct, specifically for engaging in practices that undermine the integrity of the legal process, including his

consistent use of intimidation tactics, threats of sanctions against the Plaintiff, and attempts to manipulate the judicial system to suppress her legitimate claims.

The Plaintiff seeks these remedies to ensure her rights are protected and to restore integrity to the judicial process, which has been compromised by the Defendants' conduct. The ongoing pattern of intimidation and legal extortion must be addressed to prevent further harm and to uphold the principles of justice that this Court is sworn to protect.

Respectfully submitted this 4th day of November, 2024.

A handwritten signature in black ink, appearing to read 'Sandra Rodriguez', with a stylized flourish extending to the right.

Sandra Rodriguez, Pro Se Plaintiff

LEGAL AUTHORITIES AND CASELAW CITED:

Federal Law:

- **28 U.S.C. § 1927:** Allows courts to impose sanctions on attorneys who unreasonably and vexatiously multiply proceedings.

Arizona State Laws:

- **Arizona Revised Statutes (A.R.S.) § 12-3201:** While this statute provides for the designation of pro se litigants as vexatious, the actions of the Defendants and their attorney illustrate a more concerning application of this concept. Their repeated misuse of legal motions and intimidation tactics constitutes an abuse of the legal process, embodying the very characteristics of vexatious litigation. Such behavior not only undermines the integrity of the judicial system but also infringes upon the Plaintiff's rights, hindering her ability to seek justice and navigate the legal landscape effectively.
- **A.R.S. § 12-341.01:** Allows for the award of attorney fees to the prevailing party in civil actions if the opposing party's claims or defenses are groundless and brought in bad faith.

Arizona Rules of Civil Procedure:

- **Rule 11:** Requires that all pleadings, motions, and other papers be signed by an attorney or the party, certifying that the document is not presented for an improper purpose, such as to harass or cause unnecessary delay.

Arizona Code of Conduct for Attorneys:

- **Rule 3.1 (Meritorious Claims):** Mandates that attorneys refrain from pursuing claims that lack merit and must ensure their filings are grounded in law and fact.
- **Rule 4.4 (Respect for Rights of Third Persons):** Prohibits attorneys from taking actions that have no purpose other than to burden, delay, or embarrass others.
- **Rule 8.4 (Misconduct):** Addresses conduct that reflects adversely on the lawyer's fitness to practice law, including dishonesty, fraud, deceit, or misrepresentation.

Maricopa County Local Rules:

- **Rule 7.1:** Emphasizes the requirements for motions and responses, including the necessity for a memorandum of points and authorities, mirroring Arizona Rule of Civil Procedure 7.1.

Case Law:

- **Blankenbaker v. Jonovich, 203 Ariz. 226 (2002):** Discusses the limited circumstances under which motions to strike may be granted and emphasizes the need for substantive legal arguments.
- **Murphy v. Board of Medical Examiners, 190 Ariz. 441 (App. 1997):** Highlights the court's preference for the sparing use of motions to strike and underscores the importance of addressing substantive issues in legal filings.
- **Baxter v. Harrison, 83 Ariz. 354 (1958):** Provides guidance on the appropriate use of motions to strike and the necessity for motions to be based on valid legal grounds.