

24 NOV 14 AM 8:33

Person Filing: Sandra Rodriguez
Address (if not protected): 4375 E. Betsy Lane
City, State, Zip Code: Gilbert, Arizona 85296
Telephone: 602-688-9720
Email Address: sandra.rodriguez0339@gmail.com
Lawyer's Bar Number: N/A

Representing Self, without a Lawyer or Attorney for Petitioner OR Respondent

SUPERIOR COURT OF ARIZONA IN MARICOPA COUNTY

Sandra Rodriguez
Name of Plaintiff or Petitioner

Case Number: CV2024-005940

Gardens Gilbert Community Association et. al.
Name of Defendant or Respondent

Title: MOTION TO DISMISS DEFENDANT'S RESPONSE
TO PLAINTIFF IMPROPER SERVICE MOTION
FILED ON NOVEMBER 4, 2024

Explain what you want the Court to order. The Judge may grant, deny, or change your request (or "motion"). A ruling will be issued by "minute entry."

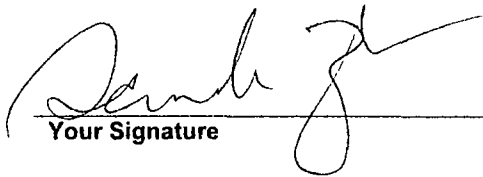
See Addendum A, Exhibit #1, Exhibit #2, and Exhibit #3 (Attached)

See Motion filed by Plaintiff on May 10, 2024 to review Exhibit #1
and Exhibit #2.

N/A

Today's Date:

11/14/24



Your Signature

**This page must be completed and attached
to the LAST page of your Motion/Request**

I filed the ORIGINAL of the attached document(s) with the Clerk of the Superior Court in Maricopa County on: November 14, 2024
Month Date Year

I mailed/delivered a COPY of the attached document(s) to the Judicial Officer assigned to my case, Judge (or Commissioner): Coffey, on November 14, 2024 (Judicial Officer assigned to your case)
Month Date Year

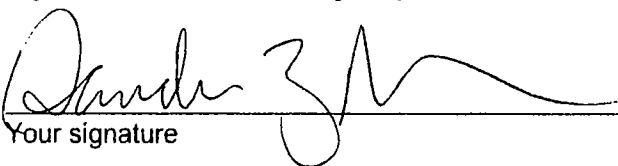
I mailed/delivered a COPY of the attached document(s) on this date:
November 14, 2024 To: Gardens Gilbert Community Association et. al
Month Date Year

(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

ADDENDUM A:

MOTION TO DISMISS DEFENDANT'S RESPONSE PLAINTIFF'S MOTION REGARDING IMPROPER NOTICE

TO THE HONORABLE JUDGE COFFEY:

Comes Now the Plaintiff, Sandra Rodriguez, and respectfully moves this Court to dismiss *Defendants' response to Plaintiff's Motion regarding improper service filed on November 4, 2024*. Defendants, rather than using this opportunity to provide legitimate proof of service in compliance with the Arizona Code of Judicial Administration (ACJA) § 1-506, Defendants have submitted repetitive, misleading, and redundant representations of email exchanges that lack evidentiary support. This response fails to address the fundamental issues raised in my motion and is therefore frivolous, meritless, and deceptive. In support of this Motion, Plaintiff states as follows:

I. INTRODUCTION

1. **Failure to Adhere to ACJA § 1-506:** In my November 4, 2024 Motion, I detailed the Defendants' repeated failure to adhere to ACJA's filing standards, particularly § 1-506, which mandates the use of the AZTurboCourt system for all legal filings by attorneys. This system ensures transparency, timely notice, and procedural accuracy, safeguarding due process rights for all parties. Defendants' continued disregard of this requirement obstructs procedural integrity and accountability.
2. **Misuse of Emails as Evidence:** Defendants have selectively presented portions of my email communications to falsely imply proper notice and compliance. These emails, which I sent in good faith to address ongoing harassment and community concerns, have been mischaracterized by Defendants to suggest service or implied notice. This misrepresentation does not satisfy Arizona's legal standards for service and violates the

ethical obligations of legal counsel. My communications were neither intended nor sufficient to substitute for formal service, and their selective, misleading use by Defendants falls short of Arizona's legal requirements.

This selective presentation also breaches *Rule ER 3.3(a)(1)* of the *Arizona Rules of Professional Conduct*, which requires attorneys to present complete and accurate information to the Court and refrain from any intent to mislead. Defendants' counsel's use of partial and decontextualized emails misrepresents the facts and compromises the integrity of these proceedings.

- 3. Pattern of Retaliation and Procedural Harassment:** Rather than addressing the legitimate concerns I raised, Defendants and their counsel have engaged in a pattern of harassment through frivolous and obstructive filings, actions that hinder rather than advance the legal process. Their selective and misleading presentation of my communications serves only to shield Defendants from accountability, further increasing my legal burden as a self-represented litigant.

Defendants and their legal counsel Mr. Shaw's repeated procedural violations and selective documentation reflect a deliberate pattern of harassment, aimed at creating unnecessary barriers for a self-represented litigant. Their actions—including baseless filings that largely duplicate the Plaintiff's motion, obstructive responses to legitimate requests for transparency, and retaliatory measures—demonstrate an intent to delay, confuse, and complicate these proceedings rather than pursue a fair and lawful resolution.

II. DEFENDANTS' FAILURE TO COMPLY WITH ARIZONA CODE OF JUDICIAL ADMINISTRATION § 1-506

Non-Compliance with ACJA § 1-506 Filing Requirements

As outlined in my November 4, 2024, filing, ACJA § 1-506 requires all Arizona attorneys to file documents through the AZTurboCourt system to ensure all parties receive official, documented notice. Defendants and their counsel have disregarded this mandate, bypassing the

AZTurboCourt system entirely. This non-compliance has denied me timely, verified notice, undermined procedural integrity, and violated Arizona's principles of transparency and accountability.

By failing to follow this required process, Defendants:

- **Deny me the protections AZTurboCourt provides**, including reliable notifications and documentation;
- **Fail to establish an accessible and verified record** as ACJA requires;
- **Cause procedural confusion and delay**, which deprives me of the due process protections Arizona law grants to all parties.

Defendants' disregard for these standards not only leaves them non-compliant but also entitles me to seek a default judgment, the vacation of any prior judgments imposed, and additional punitive damages. These remedies are warranted due to the aggressive, constitutionally invasive, and unjust actions that Defendants and their counsel have taken against me and my family throughout this case.

III. DEFICIENCIES IN LAWFUL SERVICE OF PROCESS

7. **Service Requirements Under Rule 4.1:** *Arizona Rules of Civil Procedure, Rule 4.1* clearly specify that lawful service must be performed through formal methods, such as personal delivery or certified mail with a return receipt, ensuring documented receipt and compliance with procedural norms.
8. **Improper Reliance on Email as Service:** Defendants have inappropriately cited email correspondence to imply proper notice and service. The emails I sent—in good faith, aiming to resolve issues without court intervention—were intended solely to request a shift away from informal, ineffective communication. These emails do not meet Arizona's formal service requirements and cannot substitute for the court-sanctioned methods mandated under Rule 4.1. Furthermore, they do not provide confirmation of electronic receipt, as required for proper service.

9. **Arizona Case Law and Procedural Standards:** Arizona case law, such as *Kline v. Kline* and *Riggs v. Riggs*, emphasizes that proper service is a foundational requirement of due process and jurisdiction. Non-compliance with procedural service standards, such as unauthorized email, fails to satisfy legal requirements and does not confer jurisdiction. Defendants' reliance on unauthorized methods further evidences their intent to evade procedural accountability.

IV. DEFENDANTS' ONGOING HARASSMENT AND LITIGATION MISCONDUCT

10. **Pattern of Misconduct:** Defendants' consistent non-compliance with *ACJA § 1-506* and *Rule 4.1* reflects a deliberate strategy of harassment and procedural misconduct. Instead of pursuing legitimate claims, Defendants have repeatedly employed procedural violations and selective evidence to mislead the Court, obstruct justice, and further bias the proceedings against me. This conduct is particularly prejudicial given my self-represented status, which Defendants appear to exploit by filing a response to my motion on improper service—an issue that no reasonable attorney would dispute. Their actions are calculated to disadvantage and confuse me as a pro se litigant, creating unnecessary barriers to my ability to fairly present my case.
11. **Selective and Misleading Use of Email Communications:** Mr. Shaw's selective presentation of emails in his filings omits critical context, creating a misleading narrative that distorts the nature of our exchanges. Contrary to Defendants' representations, my initial email to Mr. Shaw was a formal request to cease informal email communication due to repeated harassment, ongoing misrepresentation, and unresolved issues, that have been reported to the court including but not limited to:
- **Community safety concerns**, such as unleashed dogs and fecal matter on public property;
 - **Transparency and legitimacy issues concerning the 2024 GGCA Board of Directors elections** (*See Exhibit #2, filed with the court on May 16, 2024.*);
 - **Retaliatory actions following my complaints**, culminating in the removal of my community access on **May 31, 2024**. (*See Exhibit #3*).

12. **Retaliation and Procedural Abuse:** The retaliatory nature of Defendants' actions, including their continued filing of baseless motions and refusal to address documented concerns, underscores their intent to unethically evade accountability. By selectively presenting my communications without full context, Defendants distort the record to distract from their own non-compliance.

V. ADDITIONAL EVIDENCE AND CONTEXT

13. **Exhibit 1:** On April 22, 2024, Sandra Rodriguez formally requested that the Gardens Gilbert Community Association (GGCA) and Focus HOA provide essential documentation regarding the recent Board of Directors election. She sought specific records, including meeting minutes, election timelines, voter statistics, board member information, and voting procedures. Sandra emphasized that these requests were critical to ensuring fair and transparent election practices, aligning with her rights under federal, state, and nonprofit corporation laws.

On April 23, 2024, Mr. Shaw demanded that Sandra withdraw her April 18 motion. In response, Sandra clarified that her filing fully complied with the Arizona Rules of Civil Procedure, specifically Rules 7.1(h) and 7.1(a)(3), and declined to withdraw it. She reaffirmed her commitment to transparency and accountability while expressing a willingness to explore settlement options in an effort to resolve the matter amicably. However, Defendants' lack of response to her election inquiries and subsequent actions appeared to Sandra as an effort to avoid accountability, which later escalated to retaliatory measures against her.

Sandra's communications, including her request for a cease-and-desist on certain types of informal communication, were intended to maintain peace and promote resolution through formal, documented channels during the court proceedings. Her goal was to address the issues cooperatively and ensure fair treatment within the judicial process. (*See Exhibit #1, filed with the court on May 16, 2024.*)

14. **Exhibit 2:** In reference to Defendants' Exhibit A, an email dated May 16, 2024, I would like to clarify for the Court that my email chain from May 15, 2024, provides the full context previously submitted as part of the record. Defendants and their legal counsel Shaw neglected to provide this text leaving out appropriate context further misleading the court. In this email, I, Sandra Rodriguez, documented that the Gilbert Gardens Community Association and its representatives specifically Anna Schultz, and Focus HOA Management, LLC Brooke Sortor and Harmin Cadis failed to disclose critical information I requested regarding the April 2024 Board of Directors election. My inquiry was driven by legitimate concerns about potential conflicts of interest and retaliation connected to ongoing legal proceedings, and I emphasized that my communication was not intended as harassment (*See Exhibit #2, Motion filed on May 16, 2024, for the complete email chain*).

Additionally, instead of providing the requested information, the Association imposed a new policy that prohibited me from communicating with them via email. I viewed this policy as discriminatory and intended to obstruct my access to necessary information. This restriction left me with no choice but to send a cease-and-desist letter to the Association, as referenced by attorney Augustus Shaw. I clarified that this cease-and-desist letter had no connection to issues of proper or improper filings, which are irrelevant to the current case.

In my communication, I reiterated my rights as a member to access this information under federal, state, and Arizona nonprofit corporation regulations, specifically under the **Arizona Nonprofit Corporation Act** (A.R.S. §10-11601 et seq.), which grants members of nonprofit associations the right to inspect and obtain association records, including election-related documents—records that Mr. Shaw and the Defendants refused to provide. I also referenced the **Arizona Fair Housing Act** (A.R.S. §41-1491 et seq.), which prohibits discriminatory practices that may restrict a member's access to information or participation based on lawful inquiries.

3. **Exhibit 3** presents evidence of the retaliatory removal of my HOA portal access on May 31, 2024, following the events detailed in Exhibit #1 and exhibit #2. This removal occurred shortly

after my formal requests for transparency and accountability regarding the Board of Directors election, underscoring a clear pattern of obstruction and retaliation by the Association.

VI. IMPORTANCE OF FULL CONTEXT IN PLAINTIFF'S COMMUNICATION

- 1. Essential Background of Plaintiff's Requests:** Sandra's emails, detailed in Exhibit 1 and Exhibit 2, show her legitimate efforts to obtain transparency around the recent Board of Directors election held by the Gardens Gilbert Community Association (GGCA) and managed by Focus HOA. Her request for documents—including meeting minutes, election timelines, and voting procedures—was made in alignment with her rights under federal, state, and nonprofit laws. This context is vital to understanding her commitment to fair governance, which Mr. Shaw's selective excerpts fail to capture.
- 2. Effort to Maintain Formal and Documented Communication:** Sandra's communications, including her request for a cease-and-desist on informal communications, were intended to keep interactions documented and respectful, aiming to avoid conflict during court proceedings. By providing only brief excerpts of these emails, Mr. Shaw presents an incomplete picture, mischaracterizing Sandra's intentions as obstructive when, in fact, they were aimed at preserving formal, constructive communication.
- 3. Pattern of Retaliation:** Defendants' selective excerpts omit key retaliatory actions taken against Sandra, such as the imposition of a discriminatory email policy and the removal of her HOA portal access on May 31, 2024, shortly after her requests for election transparency. Exhibit 3 details this access restriction, which, when viewed alongside Exhibit 1 and Exhibit 2, illustrates a pattern of obstruction and retaliation. Defendants' response fails to address these actions, which are central to understanding the context and escalation Sandra has faced.
- 4. Plaintiff's Legal Rights:** Sandra's emails reference her rights under the Arizona Nonprofit Corporation Act (A.R.S. §10-11601 et seq.) and the Arizona Fair Housing Act (A.R.S. §41-1491 et seq.), which support her right to association records and prevent discriminatory restrictions on participation. Shaw's selective presentation omits this legal foundation, which underscores Sandra's lawful basis for her requests.

VII. DEFENDANTS' VIOLATION OF PROFESSIONAL AND ETHICAL STANDARDS

Defendants' counsel, Augustus H. Shaw IV, has disregarded the ethical and professional standards set forth by the *Arizona Rules of Professional Conduct*, compromising the integrity and fairness of these proceedings. His repeated actions violate these standards and place an undue burden on the Plaintiff as a self-represented litigant. These issues, previously detailed, are summarized as follows:

- 1. Misleading Use of Communications:** Mr. Shaw selectively presented portions of my emails to imply proper notice and service, omitting crucial context. This violates *Rule ER 3.3(a)(1)* of the *Arizona Rules of Professional Conduct*, which obligates attorneys to provide full, accurate information to the Court and avoid misleading representations.
- 2. Redundant and Frivolous Filings:** Mr. Shaw has submitted motions that largely replicate my own filings, creating unnecessary confusion and delay. This tactic breaches *Rule ER 3.1*, which prohibits actions that serve no purpose other than to harass or burden the opposing party.
- 3. Omission of Key Evidence:** By withholding full context of my communications, Mr. Shaw presented an incomplete record to the Court, violating *Rule ER 3.4*, which requires honesty and transparency in dealings with the Court.
- 4. Misrepresentation of Plaintiff's Statements:** Mr. Shaw mischaracterized my statements in Exhibit 1 of my November 4, 2024, motion, inaccurately claiming I stated all documents were served via U.S. mail. This distortion of facts, in breach of *ER 3.3(a)(1)*, serves to mislead the Court.

Arizona State Bar Code of Conduct further mandates that attorneys, including Mr. Shaw, act in a manner consistent with Rule ER 3.3(a)(1), requiring that all evidence submitted be full, accurate, and not intended to mislead. Mr. Shaw's selective, misleading, and incomplete submissions reflect a pattern intended to obscure facts, create obstacles, and unfairly disadvantage a self-represented party, violating both the letter and spirit of Arizona's ethical standards for attorneys.

VIII. CONCLUSION

Based on the points presented, Defendants' response fails to address the core issues of service compliance, transparency, and procedural integrity. Instead of providing valid proof of service under *Arizona Code of Judicial Administration (ACJA) § 1-506*, Defendants have relied on misleading representations of my communications, omitting necessary context and failing to meet Arizona's legal standards for proper service and notice.

Defendants' and their legal counsel Shaw's actions—including repeated procedural violations, selective documentation, and a pattern of retaliatory and obstructive behavior—demonstrate an intent to complicate proceedings for a self-represented litigant rather than to engage in fair, lawful resolution. Their disregard for procedural requirements has infringed upon my due process rights, undermining both the integrity of the legal process and the ethical obligations of legal counsel as mandated by *Rule ER 3.3(a)(1)* of the *Arizona Rules of Professional Conduct*.

In good faith, I have prepared this document with the goal of clarifying the context and correcting the misleading portrayals in Defendants' filings. The detailed explanations provided here are necessary to address how Defendants' selective presentation of emails and statements has distorted the facts, requiring me to offer a full account to ensure transparency.

Given the Defendants' non-compliance with *Rule 4.1 of the Arizona Rules of Civil Procedure* and ongoing failure to provide verifiable service through AZTurboCourt, Plaintiff respectfully requests that the Court:

1. **Dismiss Defendants' Response filed on November 13, 2024:** On the grounds of non-compliance with *ACJA § 1-506*, failure to provide lawful service, and reliance on misleading and unethical documentation;
2. **Enforce Compliance with Arizona Filing and Ethical Standards:** Order Defendants and their counsel to strictly adhere to Arizona's filing requirements, service protocols, and ethical obligations in all future filings;

3. **Grant Additional Relief:** Award any other relief deemed just and necessary by the Court to prevent further harassment, uphold procedural integrity, and address Defendants' ongoing misconduct.

I, Plaintiff, Sandra Rodriguez appreciate your time and attention to this matter, and for your commitment to ensuring fairness and justice in these proceedings.

Respectfully submitted this 14th day of November, 2024.

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

Sandra Rodriguez, Pro Se Plaintiff

EXHIBIT 3

EXHIBIT #3



Sandra Rodriguez <sandra.rodriguez0339@gmail.com>

Online Portal

1 message

Sandra Rodriguez <sandra.rodriguez0339@gmail.com>

Fri, May 31, 2024 at 6:25 PM

To: Focus Info <info@focushoa.com>, Harman Cadis <harman@focushoa.com>, Brooke Sortor <Brooke@focushoa.com>

Bcc: Sandra Rodriguez <sandra.rodriguez0339@gmail.com>

Hi Gardens Gilbert Community Association,

I trust this letter finds you in good health. As an active member in good standing with our Homeowners Association (HOA), I am writing to express my concern.

As of today, May 31, 2024, I have observed that my access to the online portal for owners has been unexpectedly restricted. This restriction has impeded my ability to review records, make payments, and utilize other essential features to which I am entitled as an HOA member.

I would like to stress that these actions appear to infringe upon my rights as a homeowner. These rights are protected by various laws, rules, and regulations at the Federal level, the State of Arizona, Maricopa County, and the Non-Profit laws of Arizona.

It is important to note that I was not provided with any prior notification about this restriction.

I would also like to bring to your attention that any late payments that may occur will be a direct result of this lack of access. Furthermore, I perceive these actions as retaliatory due to the ongoing litigation.

I look forward to your prompt attention to this matter.

Thank you for your understanding.

Best Regards,

Sandra Rodriguez

Log In
Forgot Password
New User
Contact Us
Privacy Policy

