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Clerk of the Superior Court
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7 **IN THE SUPERIOR COURT OF THE STATE OF ARIZONA**
8 **IN AND FOR THE COUNTY OF MARICOPA**

9 SANDRA RODRIGUEZ,

10 Plaintiff,

11 v.

12 FOCUS HOA MANAGEMENT, LLC,
13 LLC, an Arizona limited liability company;
14 HARMAN CADIS; BROOKE SORTOR;
15 AND ANNA SCHULTZ,
16 GARDENS/GILBERT COMMUNITY
ASSOCIATION, an Arizona non-profit
corporation,

17 Defendants.

Case No. CV2024-005940

**DEFENDANTS' RESPONSE TO
PLAINTIFF'S MOTIONS TO STRIKE
DEFENDANTS' RESPONSE FILED
ON OCTOBER 21, 2024 AND
REQUEST FOR CASE
MANAGEMENT AND ORDER OF
PROTECTION**

AND

**DEFENDANTS'
REQUEST FOR SANCTIONS**

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22 Defendant Gardens/Gilbert Community Association (hereafter, "Gardens"), Focus
23 HOA Management, LLC (hereafter, "Focus HOA"); Harman Cadis, an employee of Focus
24 HOA Management, LLC (hereafter, "Cadis") and Brooke Sortor, an employee of Focus
25 HOA Management, LLC (hereafter, "Sortor and together with Gardens, Focus HOA and
26 Cadis collectively referred to herein as "Defendants"), by and through undersigned
27 counsel, hereby provides this Response to Plaintiff's Motions To Strike Defendants'
28 Response Filed On October 21, 2024 and Request For Case Management and Order of
29 Protection (hereafter, the "Motion to Strike").
30

1 **MEMORANDUM OF POINTS AND AUTHORITIES**

2 **I. The Motion to Strike Should be denied.**

3 Since the Court’s Minute Entry dated August 27, 2024, the Plaintiff has filed at
4 least 9 Motions to Strike, despite the Court’s clear admonishment of Motions to Strike.
5 Plaintiff’s Motions to Strike all tell the same story. They are carbon copies of each other
6 and to be frank, the Defendants are tired of hiring counsel to respond to Motions to Strike
7 that the Court has stated should rarely be filed. (*See* Minute Entry dated August 27, 2024).

8 It is the position of the Defendants that this Motion to Strike, along with the
9 approximately 8 other Motions to Strike filed by the Plaintiff should be denied. The
10 Defendants’ arguments for denial have been argued in great detail before this Court in
11 several previous motions. At this point, all the Defendants can do is request that the Court
12 deny this Motion to Strike and hope for relief.

13 **II. Plaintiff’s Request for a Case Management Conference Should be**
14 **Granted.**

15 It is obvious that the Plaintiff must be brought before this Court to explain why
16 she feels the need to ignore the Arizona Rules of Civil Procedure and the Court’s own
17 Minute Entry dated August 27, 2024 by continually filing frivolous Motions to Strike.
18 As such, the Defendants welcome any hearing or conference the Court would like to hold.

19 **III. Plaintiff’s Request for an Order of Protection Should be Denied.**

20 This Court, in its Minute Entry dated August 27, 2024, denied several identical
21 requests by the Plaintiff for an injunction against harassment and for a protective order;
22 which the Plaintiff acknowledges in her Motion to Strike.

23 The Plaintiff, however, continues to assert the same allegations she asserted prior
24 to the August 27, 2024 Minute Entry. The Defendants are not harassing the Plaintiff. The
25 Defendants are simply responding to the mountain of Motions to Strike and other
26 frivolous motions filed by the Plaintiff.

27 There are no grounds for an injunction against harassment or any other protective
28 order and as such, the Defendants request that the Court deny the Plaintiff’s requests.

1 **IV Plaintiff’s Request to Amend the Complaint Should be Denied**

2 The Plaintiff does not properly plead her request to amend her Complaint nor does
3 she provide a potential Amended Complaint for review. Plaintiff utterly fails to comply
4 with Rule 15 Ariz. R. Civ. P. and as such, her request to amend her Complaint should be
5 denied.

6 **V. Plaintiff’s Other Requests Should be Denied.**

7 The Plaintiff’s Motion to Strike also requests sanctions against the Defendants and
8 their counsel and goes so far as to ask the Court to refer Defendant’s counsel to the State
9 Bar of Arizona. These requests are ridiculous and as such should be denied.

10 The allegations contained in the Plaintiff’s Motion to Strike are ludicrous. As such,
11 the Defendants’ hereby request that the Court deny the Plaintiff’s Motion to Strike or, if
12 the Court plans to entertain the Motion to Strike, scheduling a Hearing so that the
13 Defendants and their counsel can be heard.

14 **VI. Sanction Should Be Awarded Against The Plaintiff.**

15 Obviously, the Plaintiff will not cease the filing of frivolous Motions to Strike
16 unless this Court awards the Defendants sanctions against the Plaintiff.

17 As such, pursuant to Court’s Minute Entry dated August 27, 2024 and Rule 11,
18 Arizona Rules of Civil Procedure, the Defendants ask the Court to award sanctions
19 against the Plaintiff in the amount of the Defendants’ attorney’s fees and costs to respond
20 to the Plaintiff’s inappropriate motions.

21 **VII. CONCLUSION.**

22 The Plaintiff has shown a clear pattern of filing repetitive and frivolous motions
23 before the Court. The Defendant respectfully and strenuously requests that the Court
24 intervene and stop the Plaintiff’s abuse of the legal system. Sanctions must be assessed
25 against the Plaintiff in order to protect the Defendants from inappropriate and
26 unwarranted motions and pleadings. The Plaintiff’s behavior must cease and the Court is
27 the only bastion of relief.

28 As such, the Defendants request that the Court deny the Plaintiff’s Motion to
29 Strike and impose sanctions against the Plaintiff pursuant to the Court’s Minute Entry
30 dated August 27, 2024 and Rule 11, Arizona Rules of Civil Procedure to include the

1 attorney's fees and costs incurred by the Defendants. The Defendants further request an
2 award of attorney's fees and costs incurred in responding to the Motion to Strike.

3 DATED this 14th day of November, 2024.

4 **SHAW & LINES, LLC**

5
6 /s/ Augustus H. Shaw, IV
7 Augustus H. Shaw IV, Esq., CCAL
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10 *Counsel for Defendants*

11 ORIGINAL submitted for electronic filing
12 This 14th day of November 2024 with:

13 Clerk of the Court
14 Maricopa County Superior Court

15 COPY mailed to
16 This 14th day of November 202:

17 Sandra Rodriguez
18 4735 E Besty Lane
19 Gilbert, AZ 85296

20 By: 