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Today's Date: 11/20/24

[Handwritten Signature]
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 20, 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 20, 2024 (Judicial Officer assigned to your case)
Month Date Year

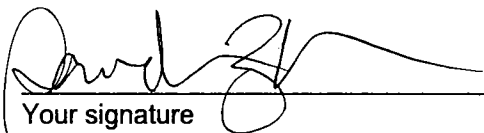
I mailed/delivered a COPY of the attached document(s) on this date:
NOVEMBER 20, 2024 To: Gardens Gilbert Community Association et. al
Month Date Year

(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 RULE 60(b) MOTION TO QUASH JUDGMENT DUE TO PROCEDURAL ERRORS AND PRESENTATION OF NEW EVIDENCE

TO THE HONORABLE JUDGE COFFEY:

Comes Now, Sandra Rodriguez, Plaintiff, and respectfully submits this Motion pursuant to *Rule 60(b)* of the Arizona Rules of Civil Procedure, requesting that this Court quash the judgment entered on August 30, 2024. Plaintiff asserts that the judgment should be set aside due to Superior Court procedural errors, improper service by Defendants' counsel, new evidence submitted on November 4, 2024, and the substantial prejudice caused to Plaintiff and her family.

FACTUAL BACKGROUND

1. On August 30, 2024, this Court entered judgment in favor of Defendants Focus HOA Management, LLC (Focus HOA), Anna Schultz, Harmin Cadis, and Brooke Sortor.
2. The judgment improperly included attorney's fees and costs awarded to Defendants without adequately considering Plaintiff's financial situation, despite the Court's prior approval of Plaintiff's financial hardship waiver. This disregard for Plaintiff's demonstrated inability to pay has exacerbated her financial distress, leaving her to vulnerable having to continue to face further retribution and litigation tactics that amount to financial coercion and abuse.
3. The judgment was improperly served via TurboCourt, which Plaintiff does not actively use, and no mailed copy of the judgment or minute entry was provided to Plaintiff as required under *ARCP Rule 58(c)*.
4. The minute entry fails to specify the amounts awarded for attorney's fees, costs, or damages. According to *ARCP Rule 54(a)*, a judgment must clearly detail the relief granted, including specific monetary amounts, to provide clarity and finality. This omission created confusion and uncertainty, leaving Plaintiff unable to fully understand her obligations or rights to appeal.

5. Plaintiff first became aware of the judgment on October 2, 2024, when she received a letter from Defendants' counsel threatening garnishment and demanding immediate payment of the judgment amount.
6. Plaintiff promptly filed a Notice of Appeal on October 7, 2024, but the appeal was dismissed as untimely due to the procedural deficiencies described above.
7. Plaintiff has since submitted a Motion for Reconsideration to the Arizona Court of Appeals, seeking relief from the dismissal, and provides this information to the Superior Court for full transparency.
8. On November 4, 2024, Plaintiff submitted new evidence to this Court that directly impacts the judgment and demonstrates procedural and substantive errors by Defendants and their counsel.

LEGAL BASIS FOR RELIEF

1. Procedural Errors and Improper Service (Rule 60(b)(4))

- The judgment is void under *Rule 60(b)(4)* due to procedural errors that violated Plaintiff's due process rights:
 - **Failure of Proper Notice (ARCP Rule 58(c)):**
 - The Superior Court judgment and minute entry on August 30, 2024 were improperly served solely via TurboCourt, which Plaintiff does not actively use, and no mailed or emailed notice were provided.
 - This failure deprived Plaintiff of the notice required to file a timely appeal under *ARCAP Rule 9(a)*.
 - **Improper Service by Superior Court and Defendants' Counsel:**
 - Defendants' counsel failed to meet legal service requirements by not ensuring Plaintiff received actual notice of filings, as referenced in motion filed by plaintiff on November 4, 2024.
 - These failures violated *ARCP Rule 5* and Plaintiff's Fourteenth Amendment due process rights, Arizona Rules of Civil Procedure, and Arizona Code of Judicial Administration (ACJA).

2. Newly Discovered Evidence (Rule 60(b)(2))

- On November 4, 2024, Plaintiff submitted evidence demonstrating:
 - Procedural violations by Defendants' counsel, including improper service and attempts to obscure critical information.
 - Harassment, financial retribution, and discriminatory conduct by Defendants, directly undermining the fairness of the judgment.
 - Material inaccuracies in Defendants' claims regarding the Defendants' actions and financial management.

This evidence was not available to Plaintiff at the time of judgment due to Defendants' failure to serve her properly.

3. Substantial Justice and Prejudice (Rule 60(b)(6))

- The judgment's approval of attorney's fees and costs has caused *significant prejudice and harm* to Plaintiff and her family:
 - Plaintiff, a single mother with limited financial resources, was not provided an opportunity to present her financial situation before the judgment was entered.
 - The judgment disproportionately burdens Plaintiff, jeopardizing her ability to provide a stable home and meet her family's basic needs, while exacerbating the financial distress and personal harm caused by the Defendants' actions and the aggressive tactics employed by their legal counsel.
 - The approval of this judgment further emboldened Defendants' retaliatory conduct and undermines Plaintiff's ability to defend her rights.

As recognized in *Griffith Energy, LLC v. Arizona Dep't of Revenue*, 242 Ariz. 325 (2017) and *Geyler v. Gulf Oil Corp.*, 144 Ariz. 323 (1985), substantial justice requires that judgments arising from procedural deficiencies or extraordinary circumstances be set aside to prevent injustice.

REQUEST FOR RELIEF

WHEREFORE, Plaintiff respectfully requests that this Court:

1. **Quash the Judgment** entered on August 30, 2024, due to procedural errors, improper service, and denial of due process;
2. **Vacate All Orders and Judgments** stemming from the August 30, 2024, judgment, including the award of attorney's fees and costs to Defendants;
3. **If the request to quash the judgment and all related orders is denied**, Plaintiff respectfully requests that this Court grant a hearing to allow her to present the new evidence submitted on November 4, 2024, which highlights procedural violations and material inaccuracies in Defendants' claims;
4. **Reconsider the Financial Impact** of the judgment on Plaintiff, including the disproportionate harm caused to her and her family due to the award of attorney's fees and costs;
5. **Grant a Default Judgment** in favor of Plaintiff as previously requested in her earlier motion, along with an award of compensatory and punitive damages to remedy the infringement on Plaintiff's due process rights and the significant harm caused by the Defendants and their counsel;
6. **Award Additional Damages** to compensate Plaintiff for the emotional distress, financial burden, and retribution endured, including the wrongful lien placed on Plaintiff's home following this judgment, which was facilitated by the Defendants' emboldened conduct and the Court's failure to address the harassment in a timely manner;
7. **Order Defendants and Their Counsel** to comply with all service requirements as mandated by *ARCP Rule 5* and *Rule 58(c)* to prevent further procedural deficiencies.
8. **Grant Any Additional Relief** this Court deems just and equitable to ensure substantial justice is served and to prevent further harm to Plaintiff and her family.

CONCLUSION

The procedural errors in this case, coupled with the infringement on Plaintiff's due process rights, the harassment endured by Plaintiff and her family, and the Defendants' emboldened retaliatory actions, warrant the relief requested. Plaintiff respectfully urges this Court to quash the judgment, vacate the related orders, and award damages to rectify the harm caused.

Respectfully submitted this 20th day of November, 2024.

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

Sandra Rodriguez, Pro Se Plaintiff

LEGAL PRECEDANTS AND APPLICABLE LAWS

Arizona-Specific Cases

1. **Hilgeman v. American Mortgage Security, Inc., 196 Ariz. 215 (App. 2000)**
 - Proper service is essential to a valid judgment. Without it, a judgment is void.
 - **Application:** The improper service in Plaintiff's case renders the judgment void under Rule 60(b)(4).
2. **Dobrick v. Brown, 236 Ariz. 276 (App. 2014)**
 - Proper notice under Rule 58(c) is critical to protect appeal rights.
 - **Application:** The failure to notify Plaintiff by mail or email directly undermines the fairness of the proceedings.
3. **Santiago v. Tucson Unified School District, 234 Ariz. 475 (App. 2014)**
 - Notice must be clear and provided through proper procedural channels.
 - **Application:** Defendants' failure to serve Plaintiff properly denied her the clear and adequate notice required.
4. **Griffith Energy, LLC v. Arizona Department of Revenue, 242 Ariz. 325 (2017)**
 - Procedural defaults should be excused when extraordinary circumstances cause prejudice.
 - **Application:** Procedural errors in Plaintiff's case justify relief to prevent further injustice.
5. **Bode v. Tona, 255 Ariz. 548 (App. 2023)**
 - Compliance with service rules is especially important for self-represented litigants.
 - **Application:** Improper service of motions and judgment violated Plaintiff's right to fair proceedings.

Key Federal Cases

6. **Mullane v. Central Hanover Bank & Trust Co., 339 U.S. 306 (1950)**
 - Due process requires notice that is "reasonably calculated" to inform affected parties.

- **Application:** The failure to provide proper notice violated Plaintiff's due process rights.

7. Peralta v. Heights Medical Center, Inc., 485 U.S. 80 (1988)

- A judgment entered without proper notice is void due to due process violations.
- **Application:** Lack of proper service in Plaintiff's case supports voiding the judgment under Rule 60(b)(4).

8. Mennonite Board of Missions v. Adams, 462 U.S. 791 (1983)

- Meaningful notice is essential when property interests, like liens, are involved.
- **Application:** Defendants' improper service and lien on Plaintiff's home violated this principle.