



1 how “any part of a filing or submission (by the Defendant) is prohibited, or not authorized,  
2 by a specific statute, rule, or court order” as is required by Rule 7.1(f), Arizona Rules of  
3 Civil Procedure.

4 Moreover, Plaintiff’s Motion completely ignores the warning of the Court found in  
5 the Court’s Minute Entry dated August 27, 2024, which states:

6 “[A] motion to strike may be filed only if it is expressly authorized by statute  
7 or other rule, or if it seeks to strike any part of a filing or submission on the  
8 ground that it is prohibited, or not authorized, by a specific statute, rule, or  
9 court order.” Rule 7.1(f), Arizona Rules of Civil Procedure. Motions to  
10 strike are highly disfavored, especially by this Division. Such motions are  
11 not granted unless it clearly appears that a filing or the portion thereof to be  
12 stricken has no possible relation to the subject of the litigation and the  
13 moving party demonstrates prejudice as a result of its retention. *Blankenbaker v. Jonovich*, 203 Ariz. 226, 230 52 P.3d 795, 799 (App.  
14 2002). From this Division’s perspective, motions to strike are the most over-  
15 used and least effective filings by civil litigators. They are not and should  
16 not be used as a substitute for a substantive response to a motion.

17 Therefore, based on Rule 7.1(f), Arizona Rules of Civil Procedure as further  
18 explained by the Court in its Minute Entry dated August 27, 2024, the Plaintiff’s Motion  
19 should be denied.

20 **II. SANCTION SHOULD BE AWARDED AGAINST THE PLAINTIFF.**

21 The Plaintiff, in her Motion, does not provide any relevant or accurate statutory or  
22 caselaw refuting the Defendant’s arguments in its Request for Sanctions. The Plaintiff  
23 does not even acknowledge the Court warning regarding sanctions as found in the Court’s  
24 Minute Entry dated August 27, 2024, which states:

25 Plaintiff must refrain from filing repetitive motions that ask for essentially  
26 the same relief when the Court has already denied similar requests....  
27 Restating the same or virtually identical arguments over and over again in  
28 serial filings is not going to change the Court’s disposition. And, doing so,  
29 may very well lead to the imposition of monetary sanctions against Plaintiff.

30 The Plaintiff continues to file baseless Motions to Strike. The Plaintiff will not  
cease her behavior unless this Court awards the Defendant sanctions against the Plaintiff.

As such, pursuant to Court’s Minute Entry dated August 27, 2024 and Rule 11,  
Arizona Rules of Civil Procedure, the Defendant asks the Court to award sanctions against

1 the Plaintiff in the amount of the Defendant's attorney's fees and costs to respond to the  
2 Plaintiff's inappropriate motions.

3 **III. CONCLUSION.**

4 Based on the Court's own Minute Entry in this case, Rule 7.1(f), Arizona Rules of  
5 Civil Procedure and relevant Arizona case law, Plaintiff's Motion should be denied. Also,  
6 the Defendant should be awarded their attorney's fees and costs incurred in responding to  
7 the Motion, either as a Sanction or pursuant to any other relief available to the Court.

8 DATED this 26<sup>th</sup> day of November, 2024.

9 **SHAW & LINES, LLC**

10 /s/ Augustus H. Shaw, IV  
11 Augustus H. Shaw IV, Esq., CCAL  
12 4523 E. Broadway Road  
13 Phoenix, Arizona 85040  
*Counsel for Defendant*

14 ORIGINAL submitted for electronic filing  
15 This 26<sup>th</sup> day of November 2024 with:

16 Clerk of the Court  
17 Maricopa County Superior Court

18 COPY of the foregoing mailed  
19 This 26<sup>th</sup> day of November 2024 to:

20 Sandra Rodriguez  
21 4735 E Besty Lane  
22 Gilbert, AZ 85296

23 By: /s/ Diane Fincher

24  
25  
26  
27  
28  
29  
30