

CLERK OF THE
SUPERIOR COURT

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1 Sandra Rodriguez
2 4375 E. Betsy Lane
3 Gilbert, Arizona 85296
4 **Phone Number:** 602-688-9720
5 **Email Address:** sandra.rodriguez0339@gmail.com
6 **Representing:** Self Represented, without a Lawyer

7 **IN THE SUPERIOR COURT IN THE STATE OF ARIZONA**
8 **IN AND FOR THE COUNTY OF MARICOPA**

9
10 SANDRA RODRIGUEZ,
11 **Plaintiff,**

12 vs.

13 GARDENS GILBERT COMMUNITY
14 ASSOCIATION, FOCUS HOA
15 MANAGEMENT, LLC, HARMIN CADIS,
16 BROOKE SORTOR, ANNA SCHULTZ
17 **Defendants,**

18
19
20
21
22
23 AUGUSTUS H. SHAW IV
24 **Defendant's Legal Counsel,**

**MARICOPA COUNTY
SUPERIOR COURT**
Case No.: CV2024-005940
Judge David McDowell,

**APPEALS COURT (DIVISION
ONE) Case No.: 1 CA-CV 24-0790; 1
CA-CV 25-0040 (Consolidated)**

**CLARIFICATION AND
SUPPLEMENTAL MOTION
REGARDING RULE 26.1 TIMING,
SCHEDULING DEADLINES, AND
MOTION TO STRIKE OR CLARIFY
DEFENDANTS' VERIFIED ANSWER
FILED DECEMBER 17, 2024**

1 **TO THE HONORABLE JUDGE MCDOWELL:**

2
3 Plaintiff Sandra Rodriguez, appearing pro se, respectfully submits this combined
4 *Clarification and Supplemental Motion Regarding Motion Rule 26.1 Timing, Scheduling*
5 *Deadlines, and Motion to Strike or Clarify Defendant's Verified Answer Filed on*
6 *December 17, 2024* to ensure procedural compliance, protect her constitutional and statutory
7 rights, and request the Court's direction regarding the Defendants' improper filings and
8 premature attempts to initiate discovery.

9 Despite the extensive motion practice by the Gardens Gilbert Community Association
10 ("GGCA"), Focus HOA Management, LLC, Harmin Cadis, Brooke Sortor, and Anna Schultz,
11 and their counsel Augustus H. Shaw IV, no proper responsive pleading under **Rule 7(a)** was
12 filed until the so-called *Verified Answer* dated December 17, 2024, entered prior to Judge
13 Roderick Coffey's stay order dated January 24, 2025. That Answer fails to comply with **Rules**
14 **8, 10, and 11**, and therefore does not constitute a valid responsive pleading capable of triggering
15 **Rule 26.1(b)(1)** disclosure deadlines.

16 As a result, this case remains *not at issue*, the **Rule 26.1** clock has *not properly begun*,
17 and all discovery and scheduling deadlines should be suspended or reset.

18 **I. BACKGROUND AND PROCEDURAL STATUS**

- 19 1. On **October 27, 2025**, Plaintiff filed her **Separate Rule 16(c) Report and Proposed**
20 **Scheduling Order**, in full compliance with the Arizona Rules of Civil Procedure,
21 anticipating that Defendants would file compliant Answers.
- 22 2. Before that, Defendants filed numerous procedural motions—including partial motions
23 to dismiss, motions for more definite statement, sanctions, vexatious-litigant motions,
24 and repeated replies—but **no Answer** addressing Plaintiff's factual and legal allegations
25 as required by **Rule 8(b)**.
- 26 3. On **December 17, 2024**, Defendants filed a document titled "*Verified Answer*." That
27 document:
28

- 1 • **Fails to respond paragraph-by-paragraph** to the Complaint as mandated by **Rule**
2 **8(b)(1)(A)** (“*A party must state in short and plain terms its defenses to each claim*
3 *and admit or deny the allegations asserted against it by paragraph.*”).
- 4 • Includes only **general denials** such as “*Defendants deny all allegations not*
5 *specifically admitted herein,*” without addressing the Complaint’s numbered sections
6 or facts.
- 7 • Presents a list of **affirmative defenses** without factual support—contrary to **Rule 8(c)**
8 and *Cullen v. Auto-Owners Ins. Co.*, 218 Ariz. 417 (App. 2008), which requires that
9 defenses be stated “*simply, concisely, and directly*” with factual grounding.
- 10 • Contains **no jurisdictional statement** under **Rule 8(a)(1)**, failing to acknowledge or
11 dispute this Court’s authority.
- 12 • Uses the term “*Verified,*” yet the verification was *executed only by one individual*
13 *purporting to represent the Gardens Gilbert Community Association, while no*
14 *authorized representative of Focus HOA Management, LLC or the individually*
15 *named Defendants signed or verified the pleading.* As a result, the verification
16 applies only to one party and *fails to satisfy Rule 11(a)*, which requires that a verified
17 pleading be signed and sworn to by each party or by a person with personal
18 knowledge of the facts. This partial and unauthorized verification renders the
19 pleading **procedurally defective** under **Rule 11(a)** and A.R.S. § 41-311(11).

20
21 4. These defects render the pleading *procedurally noncompliant* under **Rules 8, 10, and 11,**
22 and thus incapable of operating as a valid responsive pleading. If accepted, it would
23 deprive Plaintiff of fair notice, clarity, and the opportunity for meaningful discovery—
24 all rights protected by the **Arizona Rules of Civil Procedure, Arizona Constitution,**
25 **Art. 2, § 4,** and the **Fourteenth Amendment’s guarantee of due process and equal**
26 **protection.**
27
28

1 **II. LEGAL BASIS FOR RELIEF**

2 **A. RULE 26.1(b)(1) TIMING AND DISCLOSURE**

3
4 Under **Rule 26.1(b)(1)**, parties must exchange disclosures “*within 40 days after the filing*
5 *of the first responsive pleading.*” Because the December 17 filing fails to qualify as a responsive
6 pleading under **Rule 7(a)**, the 40-day disclosure period has *not lawfully commenced*.

7 **B. RULE 8(b)–(c) VIOLATIONS**

8
9 Defendants’ *Verified Answer* filed on **December 17, 2024**, fails to comply with the
10 requirements of **Rules 8(b) and 8(c)**, **Ariz. R. Civ. P.**, and therefore does not constitute a valid
11 responsive pleading within the meaning of **Rule 7(a)**.

12 Under **Rule 8(b)(1)(A)**, a defendant “*must state in short and plain terms its defenses to*
13 *each claim and admit or deny the allegations asserted against it by paragraph.*” Rather than
14 responding directly to the specific allegations in Plaintiff’s Complaint, Defendants rely on the
15 blanket statement:

16 “*Defendants deny all allegations not specifically admitted herein.*”

17
18 Such a general denial is *impermissibly evasive* and fails to “*fairly respond to the*
19 *substance of the allegation*” as required by **Rule 8(b)(2)**. The **Arizona Court of Appeals** has
20 made clear that general denials of this nature are insufficient to meet the rule’s purpose of
21 providing notice and clarity. In *O’Meara v. Williams* (Ariz. App. 2021), the court held:

22 “*A general denial that fails to fairly respond to the substance of the*
23 *allegation does not satisfy Rule 8(b)(2).*”

24 Defendants’ Answer also asserts multiple **affirmative defenses** without factual support
25 or explanation, in violation of **Rule 8(c)**, which requires each defense to be stated simply and
26 directly, showing how it applies to the specific claims alleged. These vague and conclusory
27 defenses frustrate the notice-pleading purpose of Rule 8, prevent the narrowing of factual issues
28 necessary for fair discovery, and undermine the procedural fairness guaranteed by **Rule 1**, which

1 directs that the rules be construed “*to secure the just, speedy, and inexpensive determination of*
2 *every action.*”

3 **C. RULE 10(b) AND RULE 11 DEFICIENCIES**

4
5 Although the *Verified Answer* contains numbered sections, it does not comply with **Rule**
6 **10(b)**, which requires that each defense be “*stated in numbered paragraphs, each limited as far*
7 *as practicable to a single set of circumstances.*” Defendants’ responses are drafted in broad,
8 repetitive form and do not clearly correspond to each paragraph of the Complaint. This lack of
9 structure prevents both the Court and Plaintiff from determining which specific allegations are
10 admitted, denied, or contested, defeating the organizational purpose of **Rule 10(b)** and impeding
proper issue framing for discovery and trial.

11 The *Verified Answer* is also procedurally defective under **Rule 11(a)**, which mandates
12 that:

13
14 *“Every pleading, motion, and other paper must be signed by at least one*
15 *attorney of record in the attorney’s name—or by a party personally if the*
16 *party is unrepresented. If a pleading is verified, it must be verified by a*
17 *party, or by a person with knowledge of the facts.”*

18 Here, **only one individual signed the verification**, and that signature was made solely
19 on behalf of the **Gardens Gilbert Community Association (GGCA)**. *No person signed or*
20 *verified the pleading on behalf of Focus HOA Management, LLC or any of the individually*
21 *named Defendants.* There is no evidence that those Defendants authorized, adopted, or ratified
22 the verification, nor was the pleading executed by a representative of each party as required by
23 **Rule 11(a)**.

24 This omission violates **Rule 11(a)** because each unrepresented party or entity asserting
25 factual defenses must personally sign or verify the pleading to establish its authenticity and
26 compliance. Without verification or signature from the other Defendants, the Answer is ***not a***
27 ***valid collective pleading*** and is ***procedurally defective*** as to all non-signing parties.

28 Because the purported “*Verified Answer*” applies only to the Gardens Gilbert
Community Association, it *fails to serve as a valid responsive pleading* under **Rule 7(a)** for

1 Focus HOA Management, LLC or the individual defendants. The absence of proper verification
2 and signature renders the Answer **partially invalid** and non-compliant with **Rules 10(b)** and
3 **11(a)**.

4 Accordingly, the *Verified Answer* filed on **December 17, 2024**, fails to meet the basic
5 pleading standards required under **Rules 8(b)–(c), 10(b), and 11(a)**. It is not a fully compliant
6 responsive pleading capable of placing this case at issue, and these deficiencies warrant the
7 Court’s intervention to *strike or order clarification* before any discovery or scheduling proceeds
8 under **Rules 26.1 or 16(c)**.

9 **D. RULE 16(c) AND RULE 12(a) CONTEXT**

10 Because no proper Answer has been filed, the case remains not at issue under **Rule 16(c)**.
11 The Defendants’ failure to file a valid Answer within the twenty-day limit of **Rule 12(a)** also
12 makes the current pleading untimely and procedurally suspect.

13 **III. CONSTITUTIONAL AND DUE-PROCESS CONSIDERATIONS**

14 Permitting a procedurally defective Answer to stand would violate Plaintiff’s **due-**
15 **process rights** by:

- 16 1. Denying fair notice of Defendants’ specific factual disputes;
- 17 2. Allowing discovery to proceed on an undefined record; and
- 18 3. Undermining equal access to the courts under the **Fourteenth Amendment** and **Arizona**
19 **Constitution, Art. 2, § 13** (equal privileges and immunities).

20 Plaintiff has complied with every procedural and disclosure requirement; the Defendants
21 must be held to the same standard to preserve the integrity of these proceedings.

22 **IV. REQUEST FOR RELIEF**

23 Plaintiff respectfully requests that this Court issue clarification and appropriate relief
24 under the **Arizona Rules of Civil Procedure** and consistent with the directives of the **Arizona**
25 **Court of Appeals**, as follows:

1 **1. Strike or, in the alternative, Order Clarification of Defendants’ Verified Answer**
2 **(Filed December 17, 2024)** for failure to comply with **Rules 8, 10, and 11**, Ariz. R. Civ.
3 P., as it does not constitute a proper responsive pleading.

- 4 • While the pleading contains numbered paragraphs, many responses are vague,
5 evasive, or generalized and do not clearly admit or deny the specific factual
6 allegations as required by **Rule 8(b)(1)(A)**, which mandates that a party “*must state*
7 *in short and plain terms its defenses to each claim and admit or deny the allegations*
8 *asserted against it.*”
- 9 • Several paragraphs merely offer blanket statements such as “*Defendants deny the*
10 *allegations contained herein*” or “*lack sufficient information to form a belief,*”
11 without addressing the actual facts alleged—rendering the responses non-compliant
12 with **Rule 8(b)(2)**, which requires a fair and direct response to the substance of each
13 allegation.
- 14 • The pleading asserts affirmative defenses in conclusory fashion, without factual
15 basis, contrary to Rule 8(c) and Arizona precedent (*Cullen v. Auto-Owners Ins. Co.*,
16 218 Ariz. 417 (App. 2008)).
- 17 • Although the Answer includes numbered sections, it fails to provide substantive
18 content corresponding to Plaintiff’s allegations, thus violating the intent of **Rule**
19 **10(b)**, which requires clarity and organization sufficient for the opposing party and
20 the Court to understand the issues in dispute.
- 21 • The verification was signed only by one individual for the Gardens Gilbert
22 Community Association, with no signatures from Focus HOA Management, LLC or
23 the individual defendants, making it partially unverified and non-compliant with
24 **Rule 11(a) and A.R.S. § 41-311(11)**.

25
26 **2. Direct Defendants to file a Compliant and Amended Answer** within a specific time
27 set by the Court that:

- 28 ○ Responds to each paragraph of the Complaint;

- States concise, factual bases for all affirmative defenses under **Rule 8(c)**; and
- Includes a proper verification signed by *each party with personal knowledge*, rather than by *counsel or a single representative*.

3. **Clarify that the December 17, 2024 filing does not trigger the Rule 26.1(b)(1) disclosure timeline**, as the case remains *not at issue* until a compliant responsive pleading is filed and Plaintiff's Amended Complaint is properly before the Court.
4. **Acknowledge that the Court has previously affirmed Plaintiff's right to amend her Complaint pursuant to Rule 15(a)(2) and the directive of the Arizona Court of Appeals**, and note that Plaintiff intended to file her **Amended Civil Complaint on or before December 5, 2025**.

Because Defendants have not yet filed a **compliant responsive pleading** under **Rules 7(a) and 8(b)**, Plaintiff respectfully requests that the Court *issue a temporary stay* of all current deadlines until Defendants submit a *proper Verified Answer* that complies with the **Arizona Rules of Civil Procedure**. Once a compliant Answer is filed and accepted, Plaintiff will proceed to file her **Amended Civil Complaint** as approved by the Court.

This request is made in good faith under **Rule 6(b)(1)** (extensions for good cause) and consistent with the liberal amendment and procedural fairness standards of **Rule 15(a)(2)**, which provides that "*the court should freely give leave when justice so requires.*" Granting this stay and extension will ensure procedural accuracy, prevent prejudice, and maintain alignment with the Rules' intent to secure the *just, speedy, and inexpensive determination of every action* under **Rule 1**.

5. **Reset and extend all deadlines related to Rule 26.1 disclosures, discovery, and scheduling to begin forty (40) days after the filing of a compliant responsive pleading to Plaintiff's forthcoming Amended Complaint, consistent with Rule 26.1(b)(1) and Rule 16(c)**.
6. **Clarify the current procedural posture of the case in light of the pending appellate remand and ongoing amendment process, and provide specific direction on the next**

1 procedural steps necessary to ensure full due process, procedural fairness, and
2 compliance with the **Arizona Rules of Civil Procedure** for all parties.

- 3
4 7. **Affirm Plaintiff's constitutional and procedural rights** under the **Arizona**
5 **Constitution (Art. 2, §§ 4 and 13)** and the **Fourteenth Amendment to the U.S.**
6 **Constitution**, guaranteeing due process and equal protection, and ensure that discovery,
7 disclosures, and trial scheduling proceed only after proper pleadings are on file and all
8 parties have been afforded equal procedural treatment under the law.

9 10 **V. CONCLUSION**

11 Plaintiff submits this motion to ensure that this matter proceeds in strict compliance with
12 the **Arizona Rules of Civil Procedure** and consistent with the **due process and equal protection**
13 **guarantees** of both the **Arizona Constitution** and the **Fourteenth Amendment** to the U.S.
14 **Constitution.**

15 The record shows that Defendants and their counsel have repeatedly engaged in
16 procedural manipulation to obscure the lack of a proper, collective response to Plaintiff's
17 Complaint. The so-called *Verified Answer* filed on December 17, 2024—just before the stay
18 issued by Judge Coffey—fails to meet the requirements of **Rules 8, 10, and 11**, containing vague
19 denials and unsupported defenses. It was signed only by one individual claiming to represent the
20 Gardens Gilbert Community Association, with no verification or adoption by **Focus HOA**
21 **Management, LLC** or the individual Defendants, rendering it *partially unverified and non-*
22 *compliant*. These defects undermine the fairness, accuracy, and transparency required under the
23 **Arizona Rules of Civil Procedure**. By advancing this defective pleading while attempting to
24 initiate discovery, Defendants have again sought to *mislead the Court and distort the procedural*
25 *posture* of this case. Their conduct violates both the letter and the intent of the Arizona civil
26 procedure framework, which requires parties to act in good faith, to provide clarity and candor in
27 pleadings (**Rules 8 and 11**), and to participate in discovery only after a case is properly at issue
28 (**Rule 26.1(b)(1)**).

29 Plaintiff has acted diligently and in good faith—filing compliant pleadings, serving
30 disclosures, and following the directives of both the **Superior Court** and the **Arizona Court of**

1 **Appeals.** In contrast, Defendants' filings continue to delay resolution on the merits, to waste
2 judicial resources, and to erode procedural fairness.

3
4 In sum, this motion seeks to preserve the lawful and orderly administration of justice, to
5 restore procedural clarity, and to ensure that these proceedings move forward based on truth,
6 compliance, and respect for the governing rules rather than on confusion or misrepresentation.
7

8 Respectfully submitted this 3rd day of November 2025.

9 

10
11 Sandra Rodriguez

12
13 1. Exhibit A - Defendant's Verified Answer filed,
14 December 17, 2024.
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1 **VI. CERTIFICATE OF SERVICE**

2 On 3rd day of November 2025, I served copies of this **CLARIFICATION AND**
3 **SUPPLEMENTAL MOTION REGARDING RULE 26.1 TIMING, SCHEDULING**
4 **DEADLINES, AND MOTION TO STRIKE OR CLARIFY DEFENDANTS' VERIFIED**
5 **ANSWER FILED DECEMBER 17, 2024** for on all parties of record via U.S. Mail.
6

7 **OPPOSING PARTY INFORMATION**

8 **DEFENDANTS:**

- 9
- 10 o Gardens Gilbert Community Association
 - 11 o Focus HOA Management, LLC
 - 12 o Harmin Cadis
 - 13 o Brooke Sortor
 - 14 o Anna Schultz
- 15 • **Address:** 4135 E. Power Road, Suite 133, Mesa, Arizona 85212

16 **DEFENDANT'S LEGAL COUNSEL:**

- 17
- 18 • **Name:** Augustus H. Shaw IV
 - 19 • **Firm:** Shaw & Lines, LLC
 - 20 • **Address:** 4523 E. Broadway Road, Phoenix, Arizona 85040

21 Respectfully submitted this 3rd day of November 2025..

22 

23 Sandra Rodriguez

EXHIBIT A

1 **SHAW & LINES, LLC**
2 4523 E. Broadway Road
3 Phoenix, AZ 85040
4 Phone (480) 456-1500
5 www.shawlines.com
6 Augustus H. Shaw IV, SBN 021593
7 Attorneys for Defendant

8 **IN THE SUPERIOR COURT OF THE STATE OF ARIZONA**
9 **IN AND FOR THE COUNTY OF MARICOPA**

10 **SANDRA RODRIGUEZ,**
11 Plaintiff,

12 vs.

13 **GARDENS/GILBERT COMMUNITY**
14 **ASSOCIATION, an Arizona non-profit**
15 **corporation,**
16 Defendants.

Case No. CV2024-005940

VERIFIED ANSWER
DEFENDANT GARDENS/GILBERT
COMMUNITY ASSOCIATION

Assigned the Honorable Judge Coffey

17 Plaintiff Sandra Rodriguez (hereafter, the “Plaintiff”) filed a Complaint on March
18 21, 2024 and an Amended Complaint on June 17, 2024. The Court, in its Minute Entry
19 dated December 13, 2024, denied the Plaintiff’s request to amend her Complaint.

20 The Court awarded a formal written Final Judgment dismissing Defendants Anna
21 Schultz, Focus HOA Management, LLC, Harman Cadis and Brooke Sortor, signed by the
22 Court on August 26, 2024 and filed [entered] by the clerk on August 30, 2024.

23 Therefore, Defendant Gardens/Gilbert Community Association (hereafter, the
24 “Defendant”) hereby answers Plaintiff’s Complaint filed on March 21, 2024 (hereinafter
25 “Complaint”) allegations as numbered therein, *in seriatim*, as follows:
26

1 Therefore, the Defendant denies ¶ 7 of the Applicable Law and Supporting
2 Claim Section of the Complaint.

3
4 **INJURIES**

- 5 1. Defendant denies ¶ 1 of the Injuries Section of the Complaint.
6 2. Defendant denies ¶ 2 of the Injuries Section of the Complaint.
7 3. Defendant denies ¶ 3 of the Injuries Section of the Complaint.
8 4. Defendant denies ¶ 4 of the Injuries Section of the Complaint.
9 5. Defendant denies ¶ 5 of the Injuries Section of the Complaint.
10 6. Defendant denies ¶ 6 of the Injuries Section of the Complaint.

11
12 **ADDENDUM A – STATEMENT OF FACTS AND BREACH**

13
14 Responding to Addendum A – Statement of Facts and Breach of the Complaint,
15 the Defendant denies all allegations found in Addendum A.

16
17 **ADDENDUM B – APPLICABLE LAWS SUPPORTING CLAIMS**

18 Responding to Addendum B – Applicable Laws Supporting Claims Section of the
19 Complaint, the Defendant denies all allegations found in Addendum B.

20
21 **ADDENDUM C – INJURIES**

22 Responding to Addendum C – Injuries Section of the Complaint, the Defendant
23 denies all allegations found in Addendum C.

24
25 **ADDENDUM D – DEMAND FOR RELIEF**

26 Responding to Addendum D – Demand for Relief Section of the Complaint, the
27 Defendant denies all allegations found in Addendum D.

1 **ADDENDUM E – CHRONOLOGY OF EVENTS**

2 Responding to Addendum E – Chronology of Events Section of the Complaint, the
3
4 Defendant denies all allegations found in Addendum E.

5 **ADDENDUM F – FINANCIAL DOCUMENTS REQUEST**

6 Responding to Addendum F – Financial Documents Request Section of the
7
8 Complaint, the Defendant denies all allegations found in Addendum F.

9 **ADDENDUM G – EXHIBITS LIST**

10 Responding to Addendum G – Exhibits List Section of the Complaint, the
11
12 Defendant denies all allegations found in Addendum G.

13 **PLAINTIFF’S DEMAND FOR RELIEF**

14 Responding to Plaintiff’s Demand For Relief Section, including subparagraphs (1)
15
16 through (5), including Addendum D, Defendant denies that Plaintiff is entitled to any relief
17 requested therein.

18 **AFFIRMATIVE DEFENSES**

19 1. Defendant alleges that Plaintiff has failed to state a claim, or claims, upon
20
21 which relief may be granted.

22 2. Defendant alleges that there is no legal or common law right of action for
23
24 the claim of “selective enforcement,” upon which monetary relief may be granted.

25 3. Defendant alleges a lack or want of a legal duty owed.

26 4. Some or all of Plaintiff’s claims may be barred by the following legal and
27
28 equitable defenses, including but not limited to: lack of standing; statutes of limitations;

1 unclean hands, laches; bad faith and/or lack of good faith and fair dealing; waiver by
2 operation of law and/or contract; accord, satisfaction, and/or estoppel.

3
4 5. Defendant affirmatively alleges compliance with the governing documents,
5 no discriminatory or arbitrary enforcement, lack of damages, good faith, and comparative
6 compliance.

7
8 6. Defendant affirmatively alleges that Plaintiff is barred under the doctrine of
9 equitable estoppel, contributory negligence, and/or comparative fault for Plaintiff's failure
10 to exercise reasonable care and diligence with respect to the duties owed to himself and/or
11 failure to mitigate his damages or losses, if any.

12
13 7. Defendant affirmatively alleges that Plaintiff's damages, if any, are a result
14 of or caused by factors, persons, or entities other than Defendant, including other parties,
15 third-parties, and/or nonparties at fault. Accordingly, Defendant reserves the right to aver
16 and prove the apportionment and/or degrees of fault, if any, among the named parties
17 herein and/or any nonparties pursuant to governing Arizona law and procedure.

18
19 8. Defendant affirmatively alleges that Plaintiff failed to join indispensable
20 parties and/or failed to bring and/or join Plaintiff's claims against the real party(ies) in
21 interest.

22
23 9. Defendant affirmatively alleges that Plaintiff has suffered no distinct and
24 palpable injury to pursue all or some of Plaintiff's alleged claims for relief.

25
26 10. Defendant affirmatively alleges that Plaintiff is not entitled to any recovery
27 from Defendant because the damages alleged, if any, are speculative.

1 11. Defendant affirmatively alleges that all or some of Plaintiff's allegations
2 relate to actions outside the scope of the director's/officer's scope of authority as an officer
3 or director.
4

5 12. Defendant affirmatively alleges lack of personal jurisdiction over all or
6 some necessary parties for purposes of entering relief that may prejudice or affect
7 adjudication of all or some claims for relief sought by Plaintiffs, and failure to join
8 indispensable parties and real parties in interest.
9

10 13. As and for its additional affirmative defenses, Defendant alleges all other
11 matters constituting a defense (affirmative or otherwise) that Defendant may subsequently
12 discover, including all defenses set forth in Rules 8 and 12, Ariz. R. Civ. P., and as may
13 apply in law and/or equity.
14

15 WHEREFORE, having answered Plaintiff's Complaint herein fully, Defendant
16 prays that Plaintiff take nothing by the Complaint, and that Defendant be awarded
17 judgment of dismissal in this action, and further awarded its attorneys' fees and costs of
18 suit incurred in this matter, which arises out of contract, and pursuant to any applicable
19 provisions of the contract and/or A.R.S. §§ 12-341.01, 12-341, 12-349, 12-350 and Rule
20 11, Ariz. R. Civ. P.
21

22
23 DATED this 17th day of December, 2024.

24 **SHAW & LINES, LLC**

25 /s/ Augustus H. Shaw, IV
26 Augustus H. Shaw IV, Esq., CCAL
27 4523 E. Broadway Road
28 Phoenix, Arizona 85040
Counsel for Defendant

1 ORIGINAL submitted for electronic filing
2 This 7th day of December 2024 with:

3 Clerk of the Court
4 Maricopa County Superior Court

5 COPY of the foregoing mailed
6 This 7th day of December 2024 to:

7 Sandra Rodriquez
8 4735 E Besty Lane
9 Gilbert, AZ 85296

10 By: /s/ Diane Fincher

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