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January 13, 2025 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 &amp; 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

Sandra Rodriguez v. Gardens Gilbert Community Association (GGCA) et. al.

Maricopa Superior Court Case No.: CV2024-005940

Appeals Court of Arizona (District One) Case No.: 1 CA-CV 24-0803

Supreme Court of Arizona Case No.: CV 24-0286-PR

## **ADDENDUM A:**

### **PLAINTIFF RESPONSE TO COFFEY'S MINUTE ENTRY**

**FILED ON JANUARY 9, 2025**

**DEAR HONORABLE JUDGE RODERICK COFFEY AND NEW PRESIDING JUDGE VIOLA;**

Plaintiff Sandra Rodriguez respectfully submits this motion in response to the Minute Entries filed on January 6, 2025 and January 9, 2025, by Judge Roderick Coffey. Plaintiff also seeks an amendment to the Minute Entry to address inaccuracies and ensure fairness.

#### **I. BACKGROUND AND PROCEDURAL CONTEXT**

The Minute Entry dated December 13, 2024, on page 7 explicitly states:

“As the Court explained above, if Plaintiff files a timely notice of appeal, in the interests of judicial economy, the Court will likely stay the entire case until that appeal is resolved. If a timely notice of appeal is filed, a motion to set a supersedeas bond amount may be filed before January 6, 2025.”

Under *Arizona Rule of Civil Procedure 16(a)*, the Court is obligated to issue specific and clear pretrial orders, including detailed directions for scheduling and settlement conferences. The failure to provide adequate notice regarding the location, format, and procedural requirements of the Settlement Conference constitutes a violation of Rule 16(a). This lack of clarity directly contributed to Plaintiff's confusion and inability to fully participate in the proceedings.

Further, *Arizona Rule of Civil Procedure 5(c)* mandates proper service of notice for all scheduled hearings or conferences. A voicemail from opposing counsel does not meet the legal

standard for service or notice as required by law. Proper notice must be provided through official channels to ensure all parties are informed and have an opportunity to participate meaningfully.

In compliance with the Court's directive, Plaintiff timely filed a Notice of Appeal on December 17, 2024, with the Court, Judge, and Defendants, as documented in the accompanying Certificate of Service.

On the same date, December 17, 2024, Plaintiff also filed an *Affidavit of Inability to Post Bonds* along with a *Motion to Stay* pursuant to *Arizona Rule of Civil Procedure 62(b)* and *Arizona Rule of Appellate Procedure 7(a)*. These provisions allow a party to request a stay of enforcement without the requirement of posting a bond, provided the party demonstrates financial inability to do so. Plaintiff's affidavit was filed in good faith and in accordance with these procedural rules.

## **II. VIOLATION OF DUE PROCESS RIGHTS**

The procedural issues raised also implicate Plaintiff's rights under the *Fourteenth Amendment to the U.S. Constitution*, which guarantees due process. The U.S. Supreme Court has held that procedural due process requires adequate notice and an opportunity to be heard before any action can be taken that affects a party's rights (*Mullane v. Central Hanover Bank & Trust Co.*, 339 U.S. 306, 314 (1950)).

The Court's procedural deficiencies, including the failure to provide clear and timely notice of the Settlement Conference, deprived Plaintiff of the opportunity to meaningfully participate in the proceedings. These shortcomings, coupled with the inaccurate characterization of Plaintiff's actions, have undermined the fairness and integrity of these proceedings and infringed upon Plaintiff's Fourteenth Amendment rights to due process and equal protection under the law (constitutional rights).

### **III. PREJUDICIAL LANGUAGE IN THE JANUARY 9, 2025, MINUTE ENTRY**

The January 9, 2025, Minute Entry inaccurately portrays Plaintiff as a party who fails to comply with procedural guidelines. This characterization is misleading and prejudicial. Plaintiff has made good-faith efforts to adhere to all Court instructions despite her pro se status.

Under *Arizona Rule of Civil Procedure 11(b)*, all parties and the Court are expected to act in good faith. It is unfair to attribute procedural failures to Plaintiff when they resulted from the lack of proper notice and instructions by the Court.

Case law supports the argument that a court must ensure fairness and neutrality in its treatment of pro se litigants (*Haines v. Kerner*, 404 U.S. 519, 520 (1972)). While pro se litigants are held to procedural standards, courts must also ensure that procedural fairness is not compromised by lack of clarity or accessibility.

### **IV. VIOLATION OF DUE PROCESS RIGHTS**

The lack of proper notice and the prejudicial language in the January 9, 2025, Minute Entry infringe upon Plaintiff's Fourteenth Amendment rights to due process. Procedural due process requires adequate notice and an opportunity to be heard (*Mullane v. Central Hanover Bank & Trust Co.*, 339 U.S. 306, 314 (1950)).

In this case, the procedural deficiencies and the misleading characterization of Plaintiff's actions have compromised the fairness of these proceedings.

## V. REQUEST FOR RELIEF

Plaintiff respectfully requests the following relief from the Court:

- 1. Amendment of Prejudicial Language:** Plaintiff requests that the Court amend the January 9, 2025, Minute Entry to remove any language implying that Plaintiff failed and/or fails to follow procedural guidelines, as this mischaracterization is inaccurate and prejudicial.
- 2. Acknowledgment of Timely Filings:** Plaintiff respectfully requests that the Court acknowledge her timely filing of the *Notice of Appeal and Affidavit of Inability to Post Bonds on December 17, 2024*, in compliance with applicable rules and deadlines. These filings should have stayed further proceedings, including the Settlement Conference, until the appeal was resolved.
- 3. Acknowledgment of Procedural Oversight:** Plaintiff further requests that the Court recognize the lack of proper notice and procedural clarity regarding the Settlement Conference as a significant contributing factor to the issues raised. After the *Notice of Appeal* was filed, the Court should have confirmed the date, time, and format of the Settlement Conference—whether by phone or in person. The absence of clear instructions created unnecessary ambiguity and failed to account for the procedural impact of the Notice of Appeal.
- 4. Future Procedural Clarity:** Plaintiff requests that the Court provide detailed and clear instructions for any future proceedings, in accordance with ARCP Rules 5(c) and 16(a), to ensure fairness and compliance.

## VI. SUPPORTING CASE LAW AND LEGAL STANDARDS

- **Mullane v. Central Hanover Bank & Trust Co., 339 U.S. 306 (1950):** Adequate notice is a fundamental requirement under due process.

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- **Haines v. Kerner, 404 U.S. 519 (1972):** Courts must ensure procedural fairness for pro se litigants without extending undue leniency.
- **City of Tucson v. Clear Channel Outdoor, Inc., 218 Ariz. 172, 181, 181 P.3d 219, 228 (2008):** Emphasized the importance of judicial economy and clear instructions in court proceedings.
- **State v. Jessee, 154 Ariz. 16, 19, 739 P.2d 819, 822 (App. 1987):** Reinforces the principle that procedural errors impacting due process rights require remedy.

## VI. CONCLUSION

Plaintiff appreciates the Court's efforts to provide instructions moving forward and remains committed to complying with all procedural requirements in good faith. Plaintiff respectfully submits that an amendment to the January 9, 2025, Minute Entry is necessary to correct the record, protect Plaintiff's rights, and ensure fairness.

Respectfully Submitted on January 13, 2025



Sandra Rodriguez