

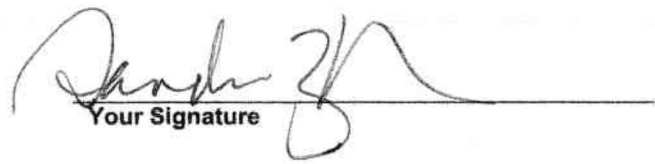


SUPERIOR COURT OF ARIZONA  
IN MARICOPA COUNTY

N/A

Today's Date:

1/13/2025

  
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: January 13, 2025  
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 January 13, 2025  
Month Date Year (Judicial Officer assigned to your case)


I mailed/delivered a COPY of the attached document(s) on this date:  
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

## **ADDENDUM A:**

### **PLAINTIFF RESPONSE TO JUDGE VIOLA'S MINUTE ENTRY FILED ON JANUARY 9, 2025 DENYING COFFEY RECUSAL**

**DEAR HONORABLE JUDGE RODERICK COFFEY AND JUDGE DANIELLE J. VIOLA:**

#### **I. INTRODUCTION**

Plaintiff Sandra Rodriguez respectfully submits this motion in response to the Minute Entries filed on January 9, 2025 by Judge Danielle J. Viola. I respectfully request the recusal of Judge Roderick Coffey from this case, CV2024-005940. While I acknowledge and appreciate the Court's detailed explanations in its most recent rulings, dated January 6 and January 9, 2025, this request is not rooted in emotion but is instead grounded in a clear and substantiated pattern of judicial bias, procedural errors, and infringements upon my due process rights. Specifically, the improper handling of judgments, failure to resolve all claims as required under Arizona Rule of Civil Procedure 54(c), and the denial of my Fourteenth Amendment rights necessitate this action. This motion is submitted in good faith to ensure the impartial administration of justice.

#### **II. PROCEDURAL AND DUE PROCESS VIOLATIONS**

##### **A. Improper Service of Judgment (Rule 54(c)):**

- The August 30, 2024 judgment was improperly served violating Rule 54(c) and Rule 58(c) of the Arizona Rules of Civil Procedure. I did not receive proper notice and only learned of the judgment on October 2, 2024, through a collection letter from Defendants' counsel. This failure deprived me of my opportunity to appeal within the

statutory deadline and directly infringed upon my due process rights under the Fourteenth Amendment and Article 2, Section 4 of the Arizona Constitution.

**B. Lack of Finality and Clarity in the Judgment (Rule 54(c)):**

- The August 30, 2024 judgment fails to meet Rule 54(c)'s requirement for finality and specificity. It contains vague language that does not specify the amounts awarded to each party or the basis for the awards. This ambiguity has caused confusion and hindered my ability to challenge the judgment effectively.

**C. Fragmented Rulings:**

- The Court's May 23, 2024 ruling dismissed claims against individual defendants Anna Schultz, Brooke Sortor, and Harman Cadis without addressing their personal liability for retaliatory actions. This fragmented the case, forcing me to initiate a separate lawsuit, CV2024-013806, resulting in unnecessary financial and emotional burdens.

**D. Judicial Inaction on Critical Motions:**

- The Court has consistently failed to rule on motions within the statutory deadlines under Arizona Rule of Civil Procedure 56(a). Examples include:
  - September 24, 2024: Motion to address retaliatory and harassing behavior (unresolved for over 56 days).
  - September 16, 2024: Motion to seal financial and medical records (ignored despite timely filing).

Moreover, the Court has abused its discretion by failing to address key components of these motions, particularly those that sought relief from housing discrimination, harassment, and retaliation. The Arizona Fair Housing Act (A.R.S. § 41-1491.01 et seq.) and the Federal Fair Housing Act (42 U.S.C. § 3601 et seq.) protect individuals from such acts, yet the Court has failed to provide timely and substantive rulings to safeguard these rights. Instead of addressing the

substantive claims and providing protective measures, the Court has either delayed or selectively ruled on motions, leaving critical issues unresolved and perpetuating harm to my family and me.

These ongoing procedural deficiencies and discretionary abuses not only undermine my ability to seek justice but also violate the principles of fairness and impartiality fundamental to the judicial process. Such failures create a clear and undeniable conflict that necessitates Judge Coffey's recusal to ensure that this case is adjudicated with fairness, neutrality, and adherence to the law.

### **III. PATTERN OF JUDICIAL BIAS**

#### **A. Favoritism Toward Opposing Counsel:**

1. Judge Coffey's rulings demonstrate a pattern of favoritism towards Defendants' counsel, Augustus Shaw IV. For example, the Court routinely dismissed my motions addressing harassment and improper service while granting motions favorable to Defendants, such as dismissals and fee awards.

#### **B. Excessive Financial Judgment Ignoring Poverty Status:**

- Despite my demonstrated financial hardship and fee waiver, the Court imposed an \$11,025.75 plus 9.5% interest judgment for attorney's fees and costs. This excessive burden disregarded my inability to meet basic needs and amplified the adverse impacts on my family.

#### **C. Ignoring Retaliation and Harassment Claims:**

Substantial evidence of harassment, including improper liens, restricted access to HOA resources, and threats of foreclosure, was presented. The Plaintiff has consistently filed motions to address these issues, yet the Court denied protective relief and allowed Defendants to continue their discriminatory, harassing, and retaliatory behavior.

**For example:**

- **Improper Liens and Threats of Foreclosure:** In the December 12, 2024 minute entry, Defendants filed an improper lien against the Plaintiff's property, despite the alleged debt failing to meet the statutory thresholds under A.R.S. § 33-1807. The lien was based on excessive and unsubstantiated charges, with no clear breakdown provided by Defendants. This action directly violated the Plaintiff's rights and exacerbated the financial burden on an already vulnerable family.
- **Restricted Access to HOA Resources:** On multiple occasions, including the May 23, 2024 minute entry, the Plaintiff raised concerns about being denied access to the HOA portal and essential resources. Despite the evidence provided, including email correspondence and motion filings, the Court allowed the Defendants' continued refusal to grant access, effectively isolating the Plaintiff from the ability to defend against the charges being levied.
- **Punitive Court Actions Against Plaintiff:** The Court's response to Plaintiff's motions has been punitive in nature. In the June 17, 2024 minute entry, Plaintiff's motion for an expedited order and injunction against harassment was denied. The Court further imposed language suggesting that repeated motions asking for essentially the same relief could lead to sanctions, despite the fact that these motions were made in good faith to address ongoing harassment by Defendants. This language discouraged Plaintiff from seeking further relief and effectively permitted Defendants' unlawful actions to continue unchecked.

In addition to these examples, Defendant's repeated use of procedural maneuvers to dismiss claims and delay proceedings has been a pattern of abuse. For example, the Defendant's motions to dismiss were based on procedural technicalities without addressing the underlying merits of the Plaintiff's claims, as seen in the August 27, 2024 ruling where the Court dismissed claims without due consideration of the retaliatory nature of Defendants' actions.

#### **IV. SYSTEMIC DISPARITIES AND PREJUDICE AGAINST PRO SE LITIGANTS**

##### **A. Higher Standard Applied to Pro Se Litigants:**

- As a self-represented litigant, I have faced systemic barriers that have impeded my ability to effectively litigate this case. Specifically, procedural dismissals of my motions have occurred, while the Defendants' late filings and improper service have been overlooked.
- **Example of Procedural Dismissals:** On May 23, 2024, the Court granted Defendants' motion to dismiss certain claims without providing me an opportunity to fully present my case. Despite my attempts to file responses and motions in a timely manner, the Court did not extend the same leniency or consideration to me as a pro se litigant, as reflected in the June 17, 2024 minute entry, where my motion for expedited orders was denied without substantive review, citing procedural deficiencies that were not clearly explained.
- **Example of Defendants' Late Filings and Improper Service:** The Defendants submitted a verified answer on December 17, 2024, which was accepted and acted upon by the Court despite being filed outside the proper timeframe required under the Arizona Rules of Civil Procedure. I filed a motion to strike their late submission, citing the clear procedural violations, yet the Court failed to address this issue. Instead, in its rulings on January 6 and January 9, 2025, the Court dismissed my motion without giving due consideration to the underlying concerns of fairness and adherence to procedural rules. This disregard for timeliness and equity further demonstrates a pattern of inconsistent application of procedural standards, favoring the Defendants while placing me, a pro se litigant, at a significant disadvantage.

##### **B. Lack of Clear Hearing Instructions:**

- The Court failed to provide clear instructions regarding hearing, causing significant difficulty in my ability to attend and participate in the legal process.

- **Example of Missing Hearing Details:** On December 12, 2024, the Court scheduled a hearing for January 6, 2025, but failed to provide clear instructions regarding how to attend, including the time, location, or access details for a virtual hearing. Additionally, the Court did not confirm whether the hearing would proceed in light of my filed Notice of Appeal, further adding to the confusion. This lack of clarity created significant uncertainty and hindered my ability to adequately prepare and participate in the hearing, as noted in the December 13, 2024 minute entry.

Furthermore, the Defendants were granted the opportunity to meet privately with Judge Coffey during this hearing, without ensuring that I had an equal opportunity to present my case or access the same resources. This omission constitutes a direct conflict of interest, providing the Defendants with an unfair advantage in their private discussions with the Court while denying me, as a pro se litigant, the same level of access.

This failure to provide equal access to judicial proceedings violates my right to due process under the Fourteenth Amendment and undermines the fundamental principles of fairness and equality enshrined in the judicial system. By prioritizing the Defendants' access while neglecting to address procedural equity, the Court has further disadvantaged me and compromised the integrity of these proceedings.

- **Further Instances of Insufficient Instructions:** The Court's failure to provide clear instructions for the January 6, 2025, hearing caused significant confusion and left me unable to adequately prepare or participate. Judge Coffey did not address the procedural deficiencies and inaccuracies surrounding the hearing, including the omission of essential details such as the time, location, or virtual access requirements/instructions, as evidenced in the minute entries. This failure deprived me of the opportunity to meaningfully engage in the proceedings and inaccurately portrayed me as failing to comply with court rules and procedures.

This misrepresentation undermines my good-faith efforts to adhere to all procedural requirements, misleads the record, and ultimately skews the outcome of the case by obscuring the Court's own procedural failures. Such actions infringe upon my **right to due process**, creating substantial prejudice against me as a pro se litigant and further exacerbating the disparities and challenges I have faced throughout this matter. It is also important to note that this is not an isolated incident but part of a broader pattern of procedural inadequacies that have severely impacted my ability to receive fair treatment in this case

## **V. GRATITUDE AND CLARIFICATION OF INTENT**

I would like to thank the Court for the detailed explanations provided in its prior rulings. However, I must emphasize that this request is not driven by emotion but is firmly grounded in a logical and factual assessment of the case. The improper handling of judgments, the failure to comply with Rule 54(c), and the ongoing denial of my due process rights are just a few of the many disparities that have arisen throughout this case. These cumulative issues have left me with no alternative but to seek the recusal of Judge Coffey to safeguard my constitutional rights and ensure a fair and impartial trial.

## **VI. REQUEST FOR RELIEF**

### **1. Immediate Reassignment of Case:**

- Assign this case to Judge Danielle Viola or another impartial judge to ensure a fair and unbiased proceeding. An impartial adjudicator is critical to restoring trust in the judicial process and safeguarding my rights as a pro se litigant.

### **2. Emergency Reconsideration of January 9, 2025 Ruling:**

- The denial of my motion for recusal has further compounded existing violations of my due process rights. Without immediate corrective action, I

will be forced to escalate this matter to the Arizona Supreme Court, as portions of this case are already under review.

- The involvement of a high-profile attorney, Augustus H. Shaw IV, alongside ongoing consumer infractions, escalating housing discrimination, harassment, and acts of legal and financial extortion committed against me, underscores the urgent need for impartiality and fairness. The demonstrated lack of neutrality by the Maricopa Superior Court has left me with no choice but to explore all available remedies to protect my constitutional rights.
- While my intent is good-faith compromise to protect myself and my family's rights, the Maricopa County Superior Court has, thus far, not provided the protection expected under the law. Instead, this case has been marked by civil and constitutional violations, deeply concerning for myself and my children, who reached out to the Court for help. Instead of protection, we have faced abuse, belittlement, and the undermining of our rights. I remain open to the Court's proposals for resolving and correcting these adverse actions.

**3. Corrective Measures for Procedural Violations:**

- Address improper service of judgments, fragmented rulings, and unresolved claims to restore procedural fairness and compliance with Rule 54(c). Ensuring proper service and comprehensive adjudication of all claims is essential to maintain the integrity of this case.

**VII. CONCLUSION**

This motion is not a matter of emotion or personal grievance; it is a logical and necessary step to protect my constitutional and civil rights as a homeowner, minority, and pro se litigant. The ongoing violations of due process and procedural fairness, coupled with the Court's demonstrated failure to ensure neutrality and equal access to justice, have left me with no alternative but to seek recusal and reassignment of this case.

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

I urge the Court to take immediate and corrective action to restore fairness, protect the rights of all parties, and maintain public confidence in the judiciary. These measures are not just necessary for my case but are essential to uphold the principles of justice and equality that the legal system is built upon. Failure to act will compel me to seek relief through higher judicial authority, as the integrity of this case—and my family’s well-being—depends on a just and impartial resolution.

Respectfully Submitted on January 13, 2025



Sandra Rodriguez

**Attachment:**

**Exhibit #1 - AFFIDAVIT IN SUPPORT OF MOTION FOR RECUSAL OF JUDGE RODERICK COFFEY**

Sandra Rodriguez v. Gardens Gilbert Community Association, Focus HOA Management, LLC

And Associates Anna Schultz, Harmin Cadis, and Brooke Sortor

**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

# EXHIBIT 1

## **EXHIBIT #1:**

### **AFFIDAVIT IN SUPPORT OF MOTION FOR RECUSAL OF JUDGE RODERICK COFFEY**

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

I, **Sandra Rodriguez**, being first duly sworn, depose and state as follows:

#### **1. Introduction**

- I am the Plaintiff in the above-referenced matter and submit this affidavit in support of my motion for the recusal of Judge Roderick Coffey, pursuant to Arizona Rule of Civil Procedure 42.2.

#### **2. Failure to Provide Adequate Instructions for Hearings**

- On or about **January 6, 2025**, a hearing was scheduled without providing clear or adequate instructions on how I, as a pro se litigant, could participate. The Court failed to include necessary details, such as the time, location, or method of attendance (in-person, virtual, or telephonic) along with specific instructions on how to attend meeting.
- **This serves as yet another example** of how my **civil due process rights have been violated** during these proceedings. The repeated procedural oversights and lack of equitable treatment continue to undermine my ability to seek justice and receive fair consideration in this case.

#### **3. Conflict of Interest and Procedural Missteps**

- The lack of clear guidance for attending the January 6, 2025, hearing allowed the Defendants an opportunity to meet privately with Judge Coffey without ensuring my equal access or participation. This created a conflict of interest, as it afforded Defendants an undue advantage while I was excluded.

- In Judge Danielle Viola's minute entry dated January 9, 2025, the procedural handling of this matter was acknowledged; however, it failed to address several critical deficiencies. While I appreciate the instructions she provided, the minute entry did not consider or comprehensively investigate all my complaints and requests on record, many of which were filed via motions and contained pertinent information essential to this case. Specifically, Judge Viola limited her review to my original motion requesting recusal, filed on December 23, 2024, and did not extend the inquiry to address broader procedural and due process violations that have significantly impacted my rights.
- For example, Judge Viola's review did not consider my concerns regarding the Court's repeated failures to address critical procedural deficiencies, nor did it acknowledge the omission of rulings on motions essential to protecting me from housing discrimination, harassment, and retaliation. Specifically, my motions filed on September 16, 2024, and September 24, 2024, which raised these urgent issues, were not addressed. This selective and incomplete approach leaves systemic procedural deficiencies unresolved, perpetuating the inequities I have faced as a pro se litigant. Furthermore, this lack of comprehensive review continues to infringe upon my right to due process under the Fourteenth Amendment and undermines my ability to seek justice effectively.
- While I respect and value the effort Judge Viola has made in responding to one motion, a comprehensive investigative approach is required to ensure complete compliance with procedural and constitutional safeguards. Failing to address the totality of these issues perpetuates the inequities and challenges I have faced throughout this case as a pro se litigant

#### **4. Prejudicial Portrayal and Misleading Record**

- Judge Coffey's January 9, 2025, minute entry inaccurately portrayed me as a litigant who fails to comply with court rules and procedures. This portrayal is not only false but prejudicial, as it disregards my repeated good-faith efforts to adhere to all procedural requirements despite my pro se status.

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

- The Court's mischaracterization misleads the record, shifts responsibility for procedural deficiencies onto me, and undermines my credibility, ultimately altering the outcome of the case.

**5. Ongoing Prejudice Against a Pro Se Litigant**

- As a self-represented litigant, I have faced systemic barriers, including the dismissal of valid motions and a lack of equitable treatment compared to represented parties. For example, the Court has overlooked late filings and procedural violations by the Defendants while holding me to a much higher standard.

**6. Request for Relief**

- I respectfully request that Judge Coffey be recused from this matter to ensure a fair and impartial resolution.
- If recusal is not granted, I request that Judge Danielle Viola or another impartial judge be assigned to oversee this case to protect my constitutional and procedural rights.

I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge.



Respectfully Submitted on January 13, 2025

Sandra Rodriguez