

[Handwritten scribble]

N/A

[Handwritten scribble]

Today's Date: 1/17/2025

[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: January 17, 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 21, 2025 (Judicial Officer assigned to your case)
Month Date Year


I mailed/delivered a COPY of the attached document(s) on this date:
January 21, 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 & 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:

MOTION TO CANCEL AND RESET JANUARY 24, 2025, HEARING, REQUEST TO STAY PROCEEDINGS, NOTICE OF PROCEDURAL AND CONSTITUTIONAL VIOLATIONS, AND REQUEST FOR RECUSAL

DEAR HONORABLE JUDGE RODERICK COFFEY:

Plaintiff Sandra Rodriguez submits this motion requesting that the Court cancel and reset the hearing currently scheduled for January 24, 2025. This request is based on procedural deficiencies, Defendants' repeated bad faith actions, significant constitutional violations, and the necessity for Judge Roderick Coffey's recusal due to concerns over impartiality and fairness. Plaintiff further requests a stay of proceedings pending resolution of a **Writ of Mandamus** filed with the Arizona Supreme Court and additional time to secure legal counsel due to the escalating complexity of this case.

II. PROCEDURAL AND LEGAL ISSUES JUSTIFYING THE REQUEST

1. **Defendants' Refusal to Engage in Good Faith Communication:** Plaintiff made multiple good faith attempts to confirm the court-ordered January 24, 2025, hearing with Defendants and their counsel, Augustus H. Shaw IV, including:
 - o Sending an initial email on January 13, 2025.
 - o Making a follow-up phone call to Shaw & Lines, LLC at 480-456-1500 on January 15, 2025.
 - o Sending a second follow-up email to Defendants Gardens Gilbert Community Association, Focus HOA Management, LLC, Anna Schultz, Brooke Sortor, and Harmin Cadis.

Despite these diligent efforts, Defendants and their counsel have refused to respond or cooperate to coordinate and confirm the hearing. This lack of communication is part of an ongoing pattern of bad faith conduct, where Defendants and their counsel routinely ignore and obstruct Plaintiff's efforts to move the case forward. Such actions are in direct violation of Arizona Rule of Civil Procedure 1, which requires parties to conduct litigation in a manner that is fair, just, and efficient. (See Exhibit #1 and #2)

2. Pattern of Obstruction and Bad Faith: Defendants' behavior throughout this case has demonstrated a consistent refusal to engage in good faith, including:

- Repeated failure to comply with court orders, such as the December 13, 2024, Minute Entry, which prohibited filings without prior approval until January 6, 2025.
- Filing a late verified response and lack of proper service for 12 motions, which the Court has allowed without imposing consequences, creating an unequal procedural environment that disadvantages Plaintiff.
- Ignoring Plaintiff's communications and procedural attempts to address issues, further delaying resolution and escalating the burden on Plaintiff.

Defendants' continued pattern of obstruction demonstrates their intent to prejudice Plaintiff and disrupt the fair administration of justice.

3. Necessity for Recusal of Judge Roderick Coffey: Plaintiff has previously requested the recusal of Judge Roderick Coffey due to demonstrated bias and procedural inequities. The necessity for recusal is further underscored by:

- Disparate treatment, where Plaintiff has been threatened with sanctions for filing motions deemed "repetitive," while Defendants' repeated procedural violations have gone unaddressed.
- The Court's failure to address substantive allegations of constitutional and procedural violations raised by Plaintiff, creating an appearance of bias and undermining public confidence in the fairness of the proceedings, in violation of *Arizona Code of Judicial Conduct Rule 2.11(A)*.

Plaintiff reiterates her request for recusal to ensure an impartial forum and to restore faith in the judicial process.

4. **Necessity of a Stay Pending Writ of Mandamus:** Plaintiff filed on Friday, January 17, 2025 a Writ of Mandamus with the Arizona Supreme Court to address systemic violations, including:
 - o Procedural due process violations under the Fourteenth Amendment.
 - o The necessity of judicial oversight in light of Defendants' and their counsel's ongoing misconduct and the Court's failure to enforce procedural rules equitably.

Under *Arizona Rule of Civil Procedure 62(d)*, a stay is appropriate to preserve the status quo and prevent further prejudice to Plaintiff while appellate matters are resolved.

5. **Request for Time to Secure Legal Representation:** As a self-represented litigant facing escalating complexity and power imbalances, Plaintiff requires additional time to secure legal counsel. The Court has discretion under **Rule 6(b) of the Arizona Rules of Civil Procedure** to extend deadlines and reschedule hearings for good cause, which is evident in this case.

III. LEGAL SUPPORT AND CASE LAW

1. **Bad Faith Litigation Conduct:**

- o Arizona Rule of Civil Procedure 1 mandates good faith and fair dealing in litigation. Defendants' refusal to cooperate is a violation of this principle.
- o In *Beaudry v. Inslee*, 146 Ariz. 276, 278 (Ct. App. 1985), the court emphasized the importance of meaningful participation by all parties to ensure fairness in litigation.

2. **Authority to Stay Proceedings Pending Appeal:**

- o **Arizona Rule of Civil Procedure 62(d)** grants courts discretion to stay proceedings pending appellate review. In *Cullum v. Cullum*, 215 Ariz. 352, 355 (Ct.

App. 2007), the court recognized the necessity of preserving the status quo to prevent irreparable harm.

3. Judicial Recusal and Impartiality:

- **Arizona Code of Judicial Conduct Rule 2.11(A)** requires recusal where a judge's impartiality might reasonably be questioned.
- In *Caperton v. A.T. Massey Coal Co.*, 556 U.S. 868, 876 (2009), the U.S. Supreme Court held that judicial bias or the appearance of bias undermines public confidence in the judiciary.

4. Due Process and Equal Protection Violations:

- The **Fourteenth Amendment** guarantees due process and equal protection. The Court's failure to address procedural inequities and constitutional violations raised by Plaintiff deprives her of these protections, as held in *Mathews v. Eldridge*, 424 U.S. 319, 333 (1976).

IV. REQUEST FOR RELIEF

For the reasons outlined above, Plaintiff respectfully requests the following relief:

1. **Cancel and Reset the January 24, 2025, Hearing:** Due to Defendants' refusal to engage in good faith communication and Plaintiff's need for additional time to secure legal representation.
2. **Stay Proceedings Pending Resolution of the Writ of Mandamus:** To allow the Arizona Supreme Court to provide guidance on critical procedural and constitutional issues.
3. **Recusal of Judge Roderick Coffey:** To ensure an impartial and fair forum for the resolution of this case.
4. **Grant Time to Secure Legal Counsel:** Permit Plaintiff sufficient time to retain legal representation to address the complexities 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

V. CONCLUSION

Defendants' continued bad faith conduct and the Court's failure to address systemic procedural and constitutional violations necessitate immediate judicial intervention. Canceling and resetting the January 24, 2025, hearing, staying proceedings, and granting Plaintiff's request for recusal and additional time to secure counsel are essential to ensuring fairness, justice, and public confidence in these proceedings.

Respectfully submitted this 17th day of January 2025.



Sandra Rodriguez

ATTACHMENTS:

1. **Exhibit #1:** Good Faith Affidavit Regarding Attempts to Contact Defendants and Their Counsel.
2. **Exhibit #2:** Documentation (Email) of Plaintiff's Written Communications with Defendants and their Legal Counsel, Augustus H. Shaw IV.

CERTIFICATE OF SERVICE

I hereby certify that on January 21, 2025, a true and correct copy of the foregoing *Plaintiff's Good Faith Certificate* was served via U.S. Mail to the following parties and their legal counsel at the addresses on record:

- Gardens Gilbert Community Association
- Focus HOA Management, LLC
- Harmin Cadis
- Brooke Sortor
- Anna Schultz / Appellees
- Augustus H. Shaw IV / Appellees' Legal Counsel

Please refer to the additional attached Certificate of Service and for further details.

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:

**GOOD FAITH AFFIDAVIT REGARDING ATTEMPTS TO CONTACT
DEFENDANTS AND THEIR COUNSEL**

DEAR HONORABLE JUDGE RODERICK COFFEY:

I, Sandra Rodriguez, being duly sworn, declare under penalty of perjury that the following statements are true and correct:

1. Efforts to Contact Defendants and Their Counsel:

- On Monday, January 13, 2025, I sent an email to Augustus H. Shaw IV, counsel for Defendants Gardens Gilbert Community Association, Focus HOA Management, LLC, Anna Schultz, Brooke Sortor, and Harmin Cadis, to confirm the court-ordered conference scheduled for January 24, 2025.
- On Wednesday, January 15, 2025, I followed up with a phone call to Shaw & Lines, LLC, at 480-456-1500, attempting to confirm the conference.
- On the same day, I sent a follow-up email to Mr. Shaw, including all Defendants and their representatives, reiterating my request for confirmation of the January 24, 2025, conference. (See Exhibit #2)

2. Lack of Response:

- Despite my repeated efforts, I have received no response from Defendants or their counsel, Augustus H. Shaw IV, regarding the confirmation or coordination of the scheduled conference.

3. Pattern of Non-Cooperation:

- This lack of response is consistent with Defendants' and their counsel's ongoing refusal to engage in good faith communications throughout this case, including ignoring or obstructing prior attempts.

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

4. Good Faith Compliance:

- I have made every reasonable effort to contact Defendants and their counsel in good faith to comply with the Court's order and coordinate the scheduled conference.

I submit this affidavit to demonstrate my good faith efforts to communicate with Defendants and their counsel and to respectfully request the Court's consideration in light of these circumstances.

Respectfully submitted this 17th day of January 2025.

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

Sandra Rodriguez

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 2

(Exhibit #2)



Sandra Rodriguez <sandra.rodriguez0339@gmail.com>

Documentation of Unsuccessful Coordination Efforts for Court-Ordered Conference (Third Attempt)

1 message

Sandra Rodriguez <sandra.rodriguez0339@gmail.com>

Fri, Jan 17, 2025 at 1:28 PM

To: Augustus Shaw <ashaw@shawlines.com>, Anna Schultz <anna6890@yahoo.com>, Brooke Sortor

<Brooke@focushoa.com>, Harman Cadis <harman@focushoa.com>

Bcc: Sandra Rodriguez <sandra.rodriguez0339@gmail.com>

Dear Augustus H. Shaw IV (Defendant's Legal Counsel), Gardens Gilbert Community Association, Focus HOA Management, LLC, Anna Schultz, Harmin Cadis, and Brooke Sortor;

I am writing to confirm that the Gardens Gilbert Community Association, Focus HOA Management, LLC, and their representatives—Anna Schultz, Harmin Cadis, and Brooke Sortor—along with you, Augustus H. Shaw IV, as their legal counsel, and your firm, Shaw & Lines, LLC, have failed to engage in good faith efforts to coordinate the court-ordered conference as directed by the Maricopa County Superior Court, presided over by Judge Roderick Coffey.

In compliance with the Court's order, I have made multiple attempts to coordinate this conference. Specifically:

1. On **Wednesday, January 15, 2025**, I left a voicemail at your firm's main office number, 480-456-1500.
2. Prior to this, I sent email communications that included you and all Defendants, attempting to establish a mutually acceptable time for the conference.

This email constitutes my **third documented attempt** to engage with you and the Defendants in good faith regarding the scheduling and confirmation of the court-ordered conference. Despite my efforts, I have received no response from you or your firm.

Given this lack of response and cooperation, no further communication will be made regarding this matter. I will present these documented efforts to the Court as evidence of the Defendants' and their legal counsel's refusal to comply with the Court's directives.

Additionally, due to this non-cooperation, the **Cease and Desist Order** is hereby re-instated, effective immediately, against the Defendants and their legal counsel, Augustus H. Shaw IV, of Shaw & Lines, LLC.

Sincerely,

Sandra Rodriguez

On Mon, Jan 13, 2025 at 5:58 PM Sandra Rodriguez <sandra.rodriguez0339@gmail.com> wrote:

Dear Augustus H. Shaw IV (Defendant's Legal Counsel), Gardens Gilbert Community Association, Focus HOA Management, LLC; Anna Schultz, Harmin Cadis, and Brooke Sortor;

I hope this message finds you well. As per the court's order dated January 9, 2025, a telephonic status conference is scheduled for January 24, 2025, at 3:00 p.m., before the Honorable Judge Rodrick J. Coffey.

As the plaintiff, I am responsible for organizing the conference call. To ensure a smooth process, I kindly request your confirmation of attendance and the availability of all necessary parties on your end.

Please respond to this email and confirm no later than by 3:00 PM January 17, 2025, so we can coordinate and ensure all parties are connected on a single conference line promptly at the scheduled time. The call will be placed to the court at (602) 372-1783.

If you have any questions or need further details, please do not hesitate to contact me at your earliest convenience.

Kindly note that failure to respond by the indicated date will be interpreted as an inability to attend, and I will inform the court of this on Tuesday, January 21, 2025, as Monday is a holiday.

The Cease and Desist communication request will be lifted only for purposes of coordinating this meeting. Refusal to respond or engage meaningfully will be reported to the court.

Thank you for your cooperation, and I look forward to your confirmation.

Best regards,

Sandra Rodriguez

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 3

EXHIBIT #3:

**GOOD FAITH AFFIDAVIT OF NOTICE REGARDING MOTION
TO CANCEL AND RESET HEARING**

DEAR HONORABLE JUDGE RODERICK COFFEY:

I, Sandra Rodriguez, the Plaintiff in the above-captioned matter, submit this Good Faith Certificate/Affidavit to document my compliance with Arizona Rules of Civil Procedure and my good faith effort to inform the Court and all parties involved regarding my intent to file a motion requesting the cancellation and resetting of the hearing currently scheduled for January 24, 2025.

1. On January 17, 2025, at 1:06 PM, I called the office of Judge Roderick Coffey at 602-372-1783. Although the call was not answered, I left a detailed voicemail informing the Judge Coffey's assistant of my intent to file a motion with the Court by the close of business on the same day, January 17, 2025, at 5:00 PM.
2. In the voicemail, I briefly outlined that the motion would request the cancellation and rescheduling of the January 24, 2025, hearing for the following reasons:
 - o **Defendants' Refusal to Engage in Good Faith Communication**
 - o **Pattern of Obstruction and Procedural Violations**
 - o **Constitutional Violations**
 - o **Judicial Bias and Necessity for Recusal**
 - o **Pending Writ of Mandamus.**
 - o **Need for Time to Secure Legal Counsel**
3. This communication was made in **good faith** to comply with Court procedures, ensure proper notification to the Court, and uphold the requirements of the Arizona Rules of Civil Procedure to inform all parties involved.

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 certify under penalty of perjury that the foregoing is true and correct.

Respectfully submitted this 17th day of January 2025.

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

Sandra Rodriguez