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Today's Date: 5/01/2025

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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: May 1, 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 May 1, 2025 (Judicial Officer assigned to your case)
Month Date Year

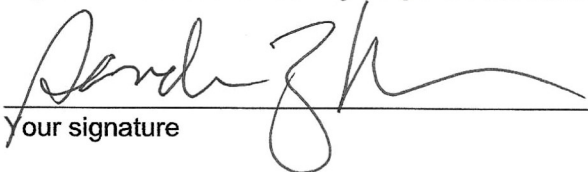
I mailed/delivered a COPY of the attached document(s) on this date:
May 1, 2025 To: Gardens Gilbert Community Association et. al
Month Date Year

(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:

EMERGENCY MOTION TO RECONSIDER APRIL 30, 2025 MINUTE ENTRY DENYING PLAINTIFF'S MOTION TO COMPEL

DEAR HONORABLE JUDGE RODERICK COFFEY;

I, Sandra Rodriguez, the Plaintiff in this matter, respectfully submit this emergency motion requesting that the Court reconsider its April 30, 2025 Minute Entry denying my Motion to Compel, originally filed on April 11, 2025.

The Court's ruling fails to account for critical facts, governing laws, and the Defendants' pattern of misconduct. It improperly minimizes urgent health, safety, and civil rights concerns and displays clear bias and discriminatory treatment against me, an indigent, Latina, pro se litigant. This ruling effectively permits the Defendants' ongoing retaliation, obstruction, and ongoing harm, placing my family at imminent risk.

The relief sought in this emergency motion does not challenge or interfere with the matters currently on appeal but addresses **ongoing, post-appeal harms and urgent health and safety concerns** requiring immediate Court intervention. Therefore, this Court retains jurisdiction and has the authority to grant the requested relief.

1. 1. Arizona Civil Procedure Rules Authorize Granting This Motion

The Arizona Rules of Civil Procedure explicitly empower the Court to grant this motion:

- **Rule 7.1(e) — Authorizes reconsideration when a ruling overlooks material facts, misapplies the law, or results in manifest injustice.**
→ The April 30 ruling overlooked the Defendants' documented obstruction, the urgent

health threats to my family, and the legal rights protected by Arizona and federal law, resulting in injustice.

- **Rule 7.1(h) — Allows expedited or emergency motions when immediate relief is necessary to avoid irreparable harm.**
→ The toxic mold risks in my home, medically documented and confirmed, demand immediate production of the withheld HOA approvals and records to prevent further harm.
- **Rule 37(a) — Permits the Court to compel discovery where a party has failed to provide requested documents or information.**
→ The Defendants continue to withhold HOA architectural forms, financial documents, and maintenance records, justifying an order to compel production.
- **Rule 26(b) — Allows discovery on any nonprivileged matter relevant to the case and proportional to the needs of the litigation.**
→ The requested materials are central to the discrimination, negligence, and retaliation claims in my civil complaint (CV2024-005940).
- **Rule 1 — Directs the Court to apply the rules to secure the just, speedy, and inexpensive determination of every action.**
→ Denial of this motion delays justice, burdens a vulnerable litigant, and increases the health and safety dangers facing myself and my family.

2. Plaintiff's Documented Good-Faith Efforts and Defendants' Obstruction

Before filing my Motion to Compel, as reported to the court I made repeated, good-faith efforts to resolve these issues directly with the Defendants, including:

- **Numerous emails requesting access to HOA architectural forms and approval processes;**
- **Follow Up phone call asking for guidance on how to submit and complete forms;**
- **Direct efforts to clarify requirements — all of which were deliberately stonewalled and ignored.**

These obstructive actions violate:

- **A.R.S. § 33-1803** (requiring HOAs to make records reasonably available to members);
- **A.R.S. § 33-1805** (requiring HOAs to maintain common areas and meet community standards); and
- **A.R.S. § 10-11601** (Arizona corporate records disclosure requirements).

As established in *Cohen v. Maricopa County*, 218 Ariz. 30, 178 P.3d 503 (App. 2008), HOAs are bound by fiduciary and statutory obligations to act in good faith and fairly toward their members. When an HOA fails to respond or cooperate, courts have authority to compel production.

2. Court's Language Shows Bias, Violating State and Federal Rights

In its April 30, 2025 ruling, the Court minimized the severity of my family's urgent health and safety risks and failed to recognize the discrimination we face. As a Latina, low-income, pro se litigant, I am entitled to the same protections under:

- **Arizona Constitution, Article 2, Section 4 (due process and equal protection);**
- **U.S. Constitution, 14th Amendment (prohibiting state actors from denying equal protection or due process);**
- **42 U.S.C. § 1983 (civil action for deprivation of rights under color of law).**

A court's impartiality is central to due process. As held in *Caperton v. A.T. Massey Coal Co.*, 556 U.S. 868 (2009), judicial bias or the appearance of bias violates a party's right to fair proceedings under the **Fourteenth Amendment**.

Here, the Court's dismissive language effectively aligns it with the Defendants' stonewalling and enables further harm, creating the appearance of bias and denial of equal protection.

3. Ongoing, Irreparable Harm Justifies Emergency Relief

The toxic mold contamination in my home has been medically documented as a severe health threat. Courts have long recognized that where immediate and irreparable harm is shown, courts have authority to issue expedited or emergency relief.

Under:

- **Arizona Rule of Civil Procedure 7.1(h)** (allowing motions for expedited consideration where immediate action is necessary to avoid irreparable harm); and
- **Rule 37(a)** (authorizing orders to compel discovery when a party withholds essential documents), **this Court has the legal authority and duty to act.**

Case law affirms that courts must act to prevent irreparable harm when public policy, health, or safety are endangered. See *Maricopa County v. Arizona Dept. of Health Services*, 185 Ariz. 397, 916 P.2d 500 (App. 1996) (recognizing public health and safety as a priority in judicial review).

4. Direct Connection to Pending Civil Suit

The issues raised here are not isolated; they are the core factual and legal disputes already pending in my original civil complaint (CV2024-005940), including:

- **Violations of the Arizona Planned Communities Act (A.R.S. § 33-1801 et seq.);**
- **Violations of the Arizona Civil Rights Act (ACRA) (A.R.S. § 41-1463, prohibiting housing discrimination);**
- **Violations of the federal Fair Housing Act (42 U.S.C. § 3604, prohibiting discrimination and retaliation in housing matters).**

These rights are enforceable through both federal and state courts. In *Trafficante v. Metropolitan Life Insurance Co.*, 409 U.S. 205 (1972), the U.S. Supreme Court confirmed that

private individuals harmed by housing discrimination have standing to seek relief under the **Fair Housing Act**.

5. The Court Must Correct This Error and Protect Legal Rights

I remind the Court that this is not a request for “special treatment.” It is a request to compel the Defendants to follow the law and provide the documents and approvals I am legally entitled to, in order to protect the immediate health and safety of myself and my children.

By denying my motion, the Court allows the Defendants to continue discriminating, retaliating, violating fair housing laws, and leaving my family in imminent danger — all without accountability.

RELIEF REQUESTED

I respectfully request that the Court:

- 1. Reconsider and reverse the April 30, 2025 Minute Entry;**
- 2. Grant Plaintiff's Motion to Compel and order Defendants to immediately produce all requested forms, documents, and records under A.R.S. §§ 33-1803, 33-1805, and applicable corporate and fair housing law;**
- 3. Acknowledge the appearance of judicial bias and take corrective measures to ensure equal treatment and due process;**
- 4. Provide any additional or emergency relief necessary to protect the health, safety, and legal rights of Plaintiff and her minor children.**

NOTICE OF ESCALATION

If the Maricopa County Superior Court does not reconsider its position, I will be forced to escalate this matter — including filing complaints of judicial bias, discrimination, and civil rights

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

violations under 42 U.S.C. § 1983, and appealing to the Arizona Court of Appeals and Arizona Supreme Court, as public policy and constitutional issues are squarely at stake.

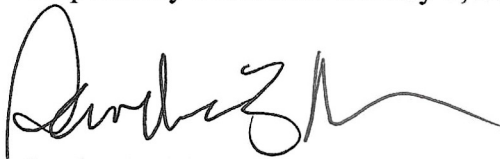
I submit this motion respectfully, in good faith, and out of urgent necessity to protect my family's health, safety, and legal rights. Denying this motion will not only deepen the irreparable harm we are already facing but will deny us the basic protections guaranteed by law to all residents — including low-income, minority, pro se litigants like myself.

I am simply requesting the documents and approvals I am required to submit in order to comply with the Gardens Gilbert Community Association and address the urgent health and safety needs of my children and our home. I did not come to the Court lightly; I turned here only because I was left with no other choice. Despite my repeated, good-faith attempts to engage directly with the Defendants — including an amicable call with the receptionist who assured me the documents would be emailed — I was ultimately met with obstruction by the Community Manager, Brooke Sortor, whose conduct has been central to the original lawsuit.

I respectfully ask this Court to take a compassionate, unbiased, and careful look at this situation, not as an adversarial demand but as a plea for help. This is not a motion filed out of anger or impatience; it is a motion borne from necessity, driven by the Defendants' repeated refusal to provide even the most basic and easily accessible information — refusals that amount to clear harassment, retaliation, and discrimination.

I am asking the Court to intervene now, not only to enforce compliance but to uphold the principles of fairness, decency, and justice that all litigants — no matter their background or resources — are entitled to under the law.

Respectfully Submitted on May 1, 2025



Sandra Rodriguez