

1 filed matter, Maricopa County Superior Court Case No. CV2024-013806, *Sandra*
2 *Rodriguez v. Focus HOA Management, LLC, et. al* (filed June 3, 2024).

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4 Both actions involve common questions of law and fact because they arise out of
5 the same incident and allegations. As such, the parties and witnesses are common to both
6 cases. Consolidation would allow the Court to resolve in one instance threshold questions
7 common to both of the cases, benefiting the parties involved (avoid unnecessary costs,
8 delay and duplication of evidence), providing consistent adjudication of these issues, and
9 reducing the burden on the court system.
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11 Moreover, pursuant to the Court of Appeals' recent ruling, these same cases have
12 already been consolidated at the appellate level. In its April 25, 2025 minute entry, the
13 Court of Appeals ordered:
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15 IT IS ORDERED consolidating cases 1 CA-CV 24-0790 and 1 CA-CV 25-
16 0040. Case number 1 CA-CV 24-0790 is designated the primary number,
17 and all future documents filed in this consolidated appeal must use the
18 caption shown on this order.

19 Given that the Court of Appeals has determined consolidation appropriate and
20 necessary, Plaintiff respectfully requests that this Court likewise consolidate these actions
21 for purposes of efficiency, consistency, and judicial economy.

22 **I. Background.**

23 This matter arises out of two lawsuits filed by Plaintiff Sandra Rodriguez against
24 various Defendants connected with her homeowners' association ("HOA") and its
25 management.
26

27 On March 21, 2024, in Case No. CV2024-005940, Plaintiff initiated litigation
28 against the Gardens Gilbert Community Association, Focus HOA, and individuals

1 including Harmin Cadis, Brooke Sortor, and Anna Shultz. Subsequently, on June 3, 2024,
2 Plaintiff filed a second complaint, Case No. CV2024-013806, this time naming Focus
3 HOA, Harmin Cadis, and Brooke Sortor as Defendants. The supporting Statements of
4 Facts and Breach in the first action and the second action are word-for-word identical. In
5 both, Plaintiff alleges that Defendants refused to provide the homeowner with a clear and
6 transparent explanation of their financial practices and infringed on the right to access
7 HOA records; refused to address a community petition to clean up and maintain the
8 community to high standards as the CC&Rs require; demonstrated negligence by failing
9 to keep the community clean and up to the CC&Rs' "high standards"; and took adverse
10 action in retaliation when Plaintiff requested help to address community nuisance and lack
11 of cleanliness.
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15 Thus, through these two complaints, Plaintiff seeks to hold Defendants liable for a
16 series of alleged failures and retaliatory acts connected with the management of her HOA
17 and enforcement of community standards.
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19 **A. The Parties - Who Did (and Can Do) What?**

20 In her complaints, Plaintiff Sandra Rodriguez makes a series of allegations
21 concerning the conduct of her homeowners' association, its management company, and
22 certain individuals associated with those entities.
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24 In Case No. CV2024-005940, filed March 21, 2024, Plaintiff sued the Gardens
25 Gilbert Community Association, Focus HOA, and individuals including Harmin Cadis,
26 Brooke Sortor, and Anna Shultz. Plaintiff alleges that these Defendants, acting through
27 the HOA and its management, mishandled community matters and failed in their
28

1 responsibilities to the homeowners. The complaint does not limit fault to a single party,
2 but rather groups the HOA, its management, and its representatives together as the actors
3 responsible for the claimed misconduct.
4

5 In Case No. CV2024-013806, filed June 3, 2024, Plaintiff again sued Focus HOA,
6 Harmin Cadis, and Brooke Sortor, this time alleging breach of contract, negligence,
7 retaliation, and harassment. Plaintiff again contends that Defendants refused to provide
8 her with a transparent accounting of HOA finances, withheld access to records,
9 disregarded a community petition to maintain neighborhood cleanliness, and failed to
10 uphold the “high standards” of the CC&Rs. Plaintiff further claims that these same
11 Defendants retaliated against her for requesting action on community nuisances and lack
12 of cleanliness.
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15 This Court should also take judicial notice of the Minute Entry issued on July 24,
16 2024 in CV2024-013806, which directly addressed Plaintiff’s duplicative filing. The
17 Court held:
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19 Her Complaint in this case was filed shortly after Judge Rodrick Coffey
20 granted a partial motion to dismiss and ordered these same defendants
21 **dismissed from a nearly identical lawsuit filed under CV2024-005940.**
22 **Both lawsuits allege** that Plaintiff is a homeowner in the Gilbert Gardens
23 Community, which is governed by a recorded Declaration of Covenants,
24 Conditions, and Restrictions (“CC&Rs”). **As in the other pending lawsuit,**
25 Plaintiff alleges that the community’s homeowners’ association (through its
26 agents, including the individually named defendants and the Focus HOA
27 Management, LLC) breached the CC&Rs by failing to maintain the
28 community’s common areas, retaliating against Plaintiff when she
complained about the common areas, refused to provide her with access to
HOA records as required by statute, defamed and intentionally inflicted
emotional distress upon her by harassing her via email and during
association board meetings.

1 In the present case, Plaintiff did not file suit against the association,
2 presumably because her claims remain pending against the association in
3 the related, earlier filed lawsuit. Nevertheless, **she appears to have refiled**
4 **the dismissed claims against the management company and its**
5 **employees in the present lawsuit because of the partial dismissal order.**
6 As noted in the motion, claim preclusion prevents a party from filing
7 multiple lawsuits arising from the same events once a determination on the
8 merits has been entered in a prior case. “Res judicata protects ‘litigants from
9 the burden of relitigating an identical issue’ and promotes ‘judicial economy
10 by preventing needless litigation.’” *Parklane Hosiery Co. v. Shore*, 439 U.S.
11 322, 326 (1979). “This principle provides finality and deters harassment of
12 former litigants.” *Hall v. Lalli*, 194 Ariz. 54, 57, ¶ 6 (1999).
13 **Nothing illustrates the purpose of this doctrine more clearly than a case,**
14 **such as this, which the Plaintiff refiled after being dissatisfied by**
15 **another court’s order dismissing the same claims against the same**
16 **parties.** Plaintiff is not entitled to appeal Judge Coffey’s dismissal of the
17 claims against these defendants by filing a second, nearly identical lawsuit.
18 Any request for reconsideration of the partial dismissal order should be
19 directed to Judge Coffey in the first instance or to the Court of Appeals.
20 (Emphasis added).

21 This ruling underscores why consolidation is necessary: Plaintiff’s duplicative
22 actions arise from the same nucleus of facts, against overlapping parties, and risk
23 inconsistent rulings absent consolidation. Because the facts, parties and issues are the
24 same, Defendants now seek to consolidate these cases.

25 **II. Consolidation Under Rule 42(A).**

26 Arizona Rule of Civil Procedure 42(a) states: “If actions before the court involve a
27 common question of law or fact, the court may: (1) join for hearing or trial any or all
28 matters at issue in the actions; (2) consolidate the actions; or (3) issue any other orders to
avoid unnecessary cost or delay.” Rule 42(a) makes plain that consolidation is a matter of
the Court’s discretion. *Cf. Cypress on Sunland Ass’n v. Orlandi*, 227 Ariz. 288, 295 (App.
2011) (court of appeals reviews orders to consolidate for abuse of discretion). The rule
requires no motion or other application from the parties; courts may order consolidation

1 of cases *sua sponte*. See, *Allen v. Superior Court of Maricopa Cnty.*, 86 Ariz. 205, 209
2 (1959). Consolidation allows the courts to bundle together common questions of law or
3 fact, ensuring that legal questions affecting multiple cases are resolved consistently. See,
4 *Behrens v. O’Melia*, 206 Ariz. 309, 310-311 (App. 2003); see also, *Hancock v. McCarroll*,
5 188 Ariz. 492, 495 (App. 1996) (upholding trial court decision to consolidate on the basis
6 of “sufficient commonality of the questions of law.”).
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9 **III. Consolidation Under Local Rule 3.1.**

10 Under Local Rule 3.1(c)(1), a motion to transfer related cases may be brought by a
11 party who believes that such cases:

- 12 (A) arise from substantially the same transaction or event;
- 13 (B) involve substantially the same parties or property;
- 14 (C) call for determination of substantially the same questions of law; or
- 15 (D) for any other reason would entail substantial duplication of labor if heard by
16 different judges.

17 Consolidation is governed by Local Rule 3.1(c)(2). That rule refers to a motion to
18 consolidate pursuant to Rule 42(a), but unlike Local Rule 3.1(c)(1), it does not refer to a
19 motion by a party. Therefore, Defendants may file this motion. In any case, the Court may
20 consolidate cases *sua sponte*. See, *Allen*, 86 Ariz. at 205, 209.
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22 Local Rule 3.1(c)(2) further dictates that the consolidation motion “be heard by the
23 judge assigned to the earliest-filed case.” Here, Plaintiff filed the first action, *Rodriguez*
24 *v. Gardens Gilbert Community Assoc., et al.*, Case No. CV2024-005940, on March 21,
25 2024. Plaintiff subsequently filed a second identical action, *Rodriguez v. Focus HOA, et*
26 *al.*, Case No. CV2024-013806, on June 3, 2024. Accordingly, Defendants now seeks to
27 consolidate both litigation proceedings for those purposes consistent with the enabling
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1 Rules. Because this is the earliest-filed case, this Motion is to be heard and decided by this
2 Court.

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4 **IV. Conclusion.**

5 For the foregoing reasons, Defendants respectfully request that the Court enter an
6 Order permitting the consolidation of this matter, numbered and captioned above, with the
7 latter-filed Case No. CV2024-013806.
8

9 DATED this 21st day of August, 2025.

10 **SHAW & LINES, LLC**

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15 ORIGINAL submitted for electronic filing
16 This 21st day of August, 2025with:

17 Clerk of the Court
18 Maricopa County Superior Court

19 COPY mailed this 21st day
20 of August, 2025to:

21 Sandra Rodriguez
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24 By: /s/ Diane Fincher
25
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