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IN THE
SUPERIOR COURT
STATE OF ARIZONA

**PLAINTIFF'S MOTION OBJECTING TO DEFENDANTS'
REQUEST FOR SANCTIONS**

Sandra Rodriguez

v.

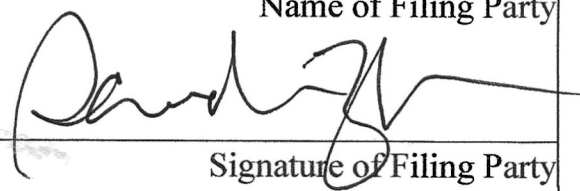
Gardens Gilbert Community Association,
Focus HOA Management, LLC, Harmin Cadis, Brooke Sortor, Anna Schultz

Court of Appeals (Division One)
Case No.: 1 CA-CV 24-0790; 1 CA-CV 25-0040 (Consolidated)
Chief Melina Brill, Judge Pro Tempore,

Maricopa County Superior Court
Case No.: CV2024-005940
Judge Roderick Coffey,

Maricopa County Superior Court
Case No.: CV2024-013806
Judge Melissa Julian,

Sandra Rodriguez
Name of Filing Party


Signature of Filing Party

August 23 2025
Date

1 Sandra Rodriguez
2 4375 E. Betsy Lane
3 Gilbert, Arizona 85296
4 **Phone Number:** 602-688-9720
5 **Email Address:** sandra.rodriguez0339@gmail.com
6 **Representing:** Self Represented, without a Lawyer

7 **IN THE COURT OF APPEALS IN THE STATE OF ARIZONA**
8 **IN AND FOR THE COUNTY OF MARICOPA**

9 SANDRA RODRIGUEZ,

10 **Appellant (Plaintiff),**

11 vs.

12 GARDENS GILBERT COMMUNITY
13 ASSOCIATION, FOCUS HOA
14 MANAGEMENT, LLC, HARMIN CADIS,
15 BROOKE SORTOR, ANNA SCHULTZ
16 **Appellees (Defendants),**

17
18
19
20 AUGUSTUS H. SHAW IV

21 **Appellee's Legal Counsel,**
22

**APPEALS COURT (DIVISION
ONE) Case No.: 1 CA-CV 24-0790; 1
CA-CV 25-0040 (Consolidated)**

**MARICOPA COUNTY SUPERIOR
COURT Case No.: CV2024-005940
(Coffey)**

**MARICOPA COUNTY SUPERIOR
COURT Case No.: CV2024-013806
(Julian)**

23
24 **PLAINTIFF'S MOTION OBJECTING
TO DEFENDANTS' REQUEST FOR
SANCTIONS**

25 **TO THE HONORABLE JUDGE RODERICK COFFEY AND MELISSA JULIAN:**

26 Defendants' request for sanctions is frivolous, retaliatory, and without merit. Plaintiff has
27 already agreed to consolidation, making Defendants' argument moot. Instead of advancing the
28 case, Defendants and their counsel, Augustus H. Shaw, IV, continue to file identical motions
across multiple cases, clogging the legal system and increasing legal costs with baseless,
repetitive filings.

1 This filing is a good faith effort to protect Plaintiff's constitutional rights and prevent
2 further abuse. Defendants' similar motions for sanctions and attorney fees have been rejected and
3 vacated by the Arizona Court of Appeals, which reversed the dismissal of Plaintiff's claims and
4 vacated fees awarded to Defendants, confirming their motions were baseless and abusive.

5 I. STATUS HEARING BEFORE JUDGE COFFEY

6
7 At the January 24, 2025 Status Hearing, Judge Coffey instructed that no further actions
8 were required from either party at that time. However, Defendants filed additional motions and
9 pursued sanctions, violating the Court's directive to refrain from filings until the appeal is
10 completed. As noted in the Minute Entry, Judge Coffey denied Defendants' sanctions request and
11 ordered no further motions until the appeal is resolved, emphasizing that motions can only be
12 filed with prior approval.

13 Defendants' actions violate **A.R.S. § 12-349** and **ARCP 11**, which prohibit frivolous
14 motions made to harass. Under **ARCP Rule 54(b)**, a stay can only be lifted by the Superior Court,
15 and no such order has been issued. Less than two weeks after the **Court of Appeals' decision**
16 rejecting Defendants' motions, Plaintiff's filing is a good faith effort to protect her rights and
17 prevent further abuse.

18 Defendants' failure to seek prior approval under **ARCP 7.1** compounds their misconduct,
19 leaving Plaintiff no choice but to respond. Plaintiff requests the Court strike these filings and deny
20 any sanctions, as they serve only to harass and burden with no legitimate support.

21 II. LEGAL PROTECTIONS FOR INDIGENT LITIGANTS

22 Plaintiff's indigent status has been formally recognized by this Court. Once indigency is
23 established, monetary sanctions or cost-shifting are barred:

- 24 • **Arizona Constitution, Art. 2, § 13** – guarantees equal privileges and immunities;
25 sanctions designed to punish an indigent litigant violate equal protection.
- 26 • **A.R.S. § 12-302** – authorizes courts to waive fees and costs for indigent parties; imposing
27 sanctions or legal costs contradicts this statutory protection.
28

- 1 • **Rule 11(c)(2), Ariz. R. Civ. P.** – sanctions must be limited to what deters misconduct;
2 monetary sanctions against an indigent pro se litigant serve no deterrent purpose.
3
4 • **28 U.S.C. § 1915** – protects indigent litigants in federal and parallel state practice by
5 barring dismissal or cost orders based solely on inability to pay.

6 Arizona courts consistently hold that sanctions require proof of both groundlessness and
7 bad faith. See:

- 8 • ***James v. State*, 215 Ariz. 182 (App. 2007)** – sanctions require specific findings of bad
9 faith or frivolousness.
10 • ***Precision Components v. Harrison*, 179 Ariz. 552 (App. 1994)** – reasonable filings
11 cannot be sanctioned.
12 • ***Ramos v. Nichols*, 252 Ariz. 519 (App. 2022)** – both bad faith and groundlessness must
13 be shown.
14

15 Defendants provide no proof or evidence to support their claims.

16 **III. ETHICAL VIOLATIONS BY DEFENSE COUNSEL**

17
18 Defendants' counsel's conduct also violates the **Arizona Rules of Professional Conduct**
19 **(Rule 42, Ariz. R. Sup. Ct.):**

- 20 • **ER 3.1** – prohibits frivolous filings.
21
22 • **ER 3.2** – requires attorneys to expedite litigation.
23
24 • **ER 4.4(a)** – bars actions serving only to burden or harass.
25
26 • **ER 8.4(d)** – prohibits conduct prejudicial to justice.

27 Pursuing sanctions against an indigent party without legal basis violates these ethical
28 duties.

1 **IV. PLAINTIFF IS READY TO MOVE FORWARD WITH THIS CASE**

2
3 Plaintiff is willing and eager to move this case forward to trial and is patiently awaiting
4 the Court's instructions on consolidation, scheduling trial, or any other next steps the Court
5 deems necessary. However, Plaintiff does ask for assistance in **stopping the abuse**.

6 Defendants and their counsel Shaw have a *history of making frivolous filings* in this case
7 and in others, attempting to twist facts and accuse Plaintiff of causing delays and unnecessary
8 filings. The most recent motions demonstrate that it is Defendants' actions that are causing the
9 friction, not Plaintiff. It is vital that the Court recognizes these abusive, repetitive, and frivolous
10 motions for what they are: *baseless and unnecessary*.

11 **V. DEFENDANTS' FAILURE TO REQUEST PERMISSION**
12
13 **TO FILE MOTIONS**

14 Defendants and their counsel failed to request permission from the Court to file these
15 motions, leaving Plaintiff no choice but to respond. As stated in Judge Coffey's **Minute Entry**
16 of January 24, 2025, no motions should be filed until the appeal is resolved. By disregarding
17 this directive, Defendants have further abused the judicial process. Plaintiff had no option but
18 to defend against these baseless filings.

19 Plaintiff respectfully requests the Court strike these filings and deny any sanctions, as they
20 serve only to harass and burden without legal or factual support, in direct violation of the Court's
21 instructions.

22 **VI. PLAINTIFF WILL NOT RESPOND TO FURTHER**
23 **RETALIATORY FILINGS**

24 Plaintiff will not continue responding to further retaliatory, duplicative, or abusive
25 motions. The Court should take judicial notice of this pattern of misconduct and act to deter
26 further waste of resources.

1 **VII. RELIEF REQUESTED**

2 Plaintiff respectfully requests that the Court strike these filings and deny any requests for
3 sanctions, as they serve only to burden and harass, with no legitimate legal or factual support,
4 in direct violation of the Court's instructions.

5 For the foregoing reasons, Plaintiff respectfully requests that this Court:

- 6
- 7 **1. Deny and strike Defendants' request for sanctions** in its entirety;
 - 8 **2. Order that any request for sanctions, attorney fees, or other costs against Plaintiff**
9 be disregarded and stricken from the record, as Plaintiff is indigent, cannot afford them,
10 and is shielded by law;
 - 11 **3. Admonish Defendants and counsel for ignoring Judge Coffey's January 24, 2025**
12 instruction and multiplying proceedings unnecessarily;
 - 13 **4. Recognize that Plaintiff's filings are made in good faith to protect her**
14 **constitutional rights** and prevent further abuse, as already confirmed by the Court of
15 Appeals;
 - 16 **5. Warn Defendants and their counsel that continued misconduct may subject**
17 **them**—not Plaintiff—to sanctions under Rule 11, A.R.S. § 12-349, 28 U.S.C. § 1927,
18 and attorney disciplinary review.

18 Respectfully submitted this 23rd day of August, 2025.

19 
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21 Sandra Rodriguez

22 **Plaintiff/Appellant**

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1 **V. CERTIFICATE OF SERVICE**

2 On 23th day of August 2025, I served copies of this *PLAINTIFF'S MOTION OBJECTING*
3 *TO DEFENDANTS' REQUEST FOR SANCTIONS* for on all parties of record via U.S.
4 Mail.
5

6
7 **Opposing Party Information**

8 **Appellees:**

- 9 o Gardens Gilbert Community Association
10 o Focus HOA Management, LLC
11 o Harmin Cadis
12 o Brooke Sortor
13 o Anna Schultz
14 • **Address:** 4135 E. Power Road, Suite 133, Mesa, Arizona 85212

15 **Appellees' Legal Counsel:**

- 16 • **Name:** Augustus H. Shaw IV
17 • **Firm:** Shaw & Lines, LLC
18 • **Address:** 4523 E. Broadway Road, Phoenix, Arizona 85040

19 Respectfully submitted this 23th day of August, 2025.

20 

21 Sandra Rodriguez

22 **Plaintiff/Appellant**
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NIA

Today's Date: August 23, 2025

Paul J.
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: August 25, 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 August 25, 2025 (Judicial Officer assigned to your case)
Month Date Year


I mailed/delivered a COPY of the attached document(s) on this date:
August 25, 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