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6 **Representing:** Self Represented, without a Lawyer

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

10 SANDRA RODRIGUEZ,

11 **Plaintiff,**

12 vs.

13 GARDENS GILBERT COMMUNITY
14 ASSOCIATION, FOCUS HOA
15 MANAGEMENT, LLC, HARMIN CADIS,
16 BROOKE SORTOR, ANNA SCHULTZ

17 **Defendants,**

18
19
20
21 AUGUSTUS H. SHAW IV
22 **Defendant's Legal Counsel,**
23

**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
Judge David McDowell**

**PLAINTIFF'S MOTION FOR
RECONSIDERATION AND
CLARIFICATION OF BOTH
MINUTE ENTRIES
DATED AUGUST 29, 2025**

24
25 **TO THE HONORABLE JUDGE MCDOWELL:**

26 **I. INTRODUCTION**
27

28 Plaintiff Sandra Rodriguez respectfully moves this Court to reconsider and clarify its rulings entered on August 29, 2025, which (1) rejected Plaintiff's Motion Objecting to

1 **Defendants’ Request for Sanctions as *untimely*, and (2) denied Plaintiff’s Motion for Leave**
2 **to Amend for failure to attach a proposed amended pleading in redlined format.** These rulings,
3 if left uncorrected, are prejudicial, one-sided, and infringe on Plaintiff’s constitutional rights
4 to due process, equal protection, and access to the courts.

5 Additionally, Plaintiff was never formally notified of the reassignment of this case to
6 Judge McDowell. Judge Coffey’s assistant first confirmed reassignment by email, and on
7 **August 27, 2025**, Plaintiff followed up with **Judge McDowell’s assistant, Jailinee Najera**
8 **Rubio**, clarifying her timely filings and the TurboCourt error. Despite this clarification, the
9 Court erroneously deemed Plaintiff’s filings “untimely” and denied her right to be heard.

10 **II. BACKGROUND**

11 **A. Defendants’ Filings**

- 12 • **August 21, 2025** – Defendants filed a **Motion to Consolidate**.
- 13 • **August 22, 2025** – Defendants filed a **Reply/Objection regarding consolidation**.
14 Plaintiff had already attempted to e-file her response via TurboCourt, which was
15 rejected for system error, and promptly refiled a paper copy on August 25, 2025.
16

17 **B. Plaintiff’s Filings in Response**

- 18 • **August 25, 2025** – Plaintiff re-filed paper copy **Response to Consolidation**.
- 19 • **August 26, 2025** – Plaintiff efiled a **Combined Motion for Contempt, Sanctions, and**
20 **Leave to Amend Complaint**.

21 **C. Clarification of Filing Error**

- 22 • **August 23–24, 2025** – Plaintiff attempted to e-file responses through TurboCourt;
23 the system initially accepted but later rejected them.
- 24 • **August 25, 2025** – Plaintiff refiled her Response in person at the Clerk’s Office, well
25 within five (5) days of Defendants’ filings.
- 26 • **August 27, 2025** – Plaintiff emailed Judge McDowell’s assistant, Jailinee Najera
27 Rubio, with copies to Defendants’ counsel, explaining the TurboCourt error and
28 confirming her filings had been timely submitted.

1
2 **D. Legal Time Requirements**

- 3 • Under **Rule 6(a), Ariz. R. Civ. P.**, the time to respond excludes weekends, giving
4 Plaintiff a minimum of ten (10) days.
5 • Plaintiff filed on **August 25 and 26, 2025**, which is **only 3–4 days after Defendants’**
6 **filings**.
7 • These filings were therefore **timely and compliant** with Arizona procedure.

8 **III. ARGUMENT**

9 **A. Plaintiff’s Filings Were Timely**

10
11 The Court’s characterization of Plaintiff’s filings as “*untimely*” is contrary to the record
12 and **Rule 6(a), Ariz. R. Civ. P.** Plaintiff filed within five days of Defendants’ motions and
13 explained the TurboCourt malfunction in writing. The Court’s rejection therefore constitutes a
14 denial of due process.

15 **B. Sanctions Response Was Proper**

16 Plaintiff’s sanctions request was filed August 26, 2025, in direct response to Defendants’
17 duplicative and unnecessary filings of August 21 and 22, 2025. The record demonstrates that
18 Plaintiff acted diligently and her request was timely.

19 **C. Redlined Complaint Is Not Required by Arizona Rules**

20
21 No, Rodriguez is not required under **Arizona Rules of Civil Procedure** to provide a
22 redlined copy of her amended complaint. She is only required to attach the proposed amended
23 complaint itself under **Rule 15**. *While a judge may prefer a redlined version for clarity, that*
24 *preference cannot supersede:*

- 25 1. The plain text of **Rule 15**;
26 2. Arizona case law, which directs that amendments must be freely granted
27 when justice requires; and
28 3. The binding Court of Appeals ruling already approving Plaintiff’s right to
amend.

1 Denying Plaintiff's amendment on this sole basis is an error of law, inconsistent with the
2 appellate ruling, and an abuse of discretion under Arizona precedent.

3 **D. Failure to Provide Notice of Judge Reassignment Violates Rule 42(f)**
4

5 Plaintiff was not formally informed of the reassignment from Judge Coffey to Judge
6 McDowell. Notice only came indirectly through staff email on August 27, 2025. This deprived
7 Plaintiff of her right under **Rule 42(f), Ariz. R. Civ. P.**, to exercise a change of judge and
8 undermined transparency in violation of due process.

9 **E. One-Sided Treatment Prejudices Plaintiff**

10 Defendants have been allowed to file duplicative motions without leave, while Plaintiff's
11 timely responses have been struck. This asymmetry violates Rule 1, Ariz. R. Civ. P., which
12 requires rules to be construed to ensure the "*just, speedy, and inexpensive determination*" of
13 every action.

14 **F. Combined Motions Are Procedurally Proper**
15

16 The Court's refusal to consider Plaintiff's **combined motion** is unsupported by Arizona
17 law.

- 18 • **Rule 7.1(a)(1), Ariz. R. Civ. P.** permits "[a]n application to the court for an order
19 [to] be made by motion" without limiting the motion to a single request.
- 20 • **Rule 8(e)(2), Ariz. R. Civ. P.** allows a party to "*set out two or more statements of a*
21 *claim or defense alternatively or hypothetically,*" confirming that multiple requests
22 for relief may be made in one filing.
- 23 • **Arizona courts have recognized that hybrid or combined motions are not**
24 ***procedurally*** improper so long as each ground is legally supported. See, e.g.,
25 *Portonova v. Wilkinson*, 128 Ariz. 501, 503 (1981) (Arizona courts construe
26 procedural rules liberally to serve substantial justice); *Gonzalez v. Nguyen*, 243 Ariz.
27 531, 533 ¶ 9 (2018) (rules should not be applied in a hypertechnical manner to defeat
28 claims).

1 Accordingly, Plaintiff's motion was consistent with the Rules and caselaw. To strike or
2 deny it on grounds that it sought combined relief was **legal error**, imposes a heightened
3 procedural burden not found in the rules, and unfairly prejudices a self-represented litigant.

4 **IV. RELIEF REQUESTED**

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

- 7 1. **Reconsider and amend** its August 29, 2025 rulings.
- 8 2. **Vacate the rejection of Plaintiff's filings** as untimely and consider them on the
9 merits.
- 10 3. **Grant leave to amend the Complaint** consistent with **Rule 15** and the Court of
11 Appeals ruling.
- 12 4. **Confirm that Plaintiff is not required to provide a redlined pleading under Rule**
13 **15.**
- 14 5. **Provide formal clarification as to the reassignment of this case** and Plaintiff's
15 rights.
- 16 6. Require equal procedural treatment of both parties. **Rule 42(f)**
- 17 7. Grant any further relief this Court deems just and proper.

18 **V. NOTICE OF APPELLATE PRESERVATION**

19 **AND TIMELINE FOR RELIEF**

20
21 Plaintiff respectfully notifies this Court that both **August 29, 2025 minute entries** contain
22 constitutional infirmities that deprive her of **due process, equal protection, and the right to**
23 **petition the courts.** These errors are correctable by this Court without the necessity of appellate
24 intervention.

25 Accordingly, Plaintiff requests that this Court, pursuant to **Rule 60(a), Rule 60(b), and**
26 **Rule 54(b), Ariz. R. Civ. P.,** issue corrective relief or clarification of the prior minute entries
27 within fourteen (14) days of this filing.

- 28 • **Rule 60(a)** authorizes the Court to correct clerical mistakes or errors arising from
oversight or omission in orders or minute entries.

- 1 • **Rule 60(b)** permits relief from orders entered through mistake, inadvertence, or other
2 grounds where correction is necessary to preserve due process.
- 3 • **Rule 54(b)** confirms that non-final orders and interlocutory rulings remain subject to
4 revision at any time before final judgment.

5
6 Together, these provisions grant the Court full authority to revise and clarify its prior
7 rulings to ensure the record accurately reflects Plaintiff's filings and procedural compliance.
8 Prompt corrective action is essential to prevent ongoing prejudice, safeguard Plaintiff's
9 constitutional rights, and preserve the integrity of these proceedings.

10 If no corrective order is entered within fourteen (14) days, Plaintiff will have no choice
11 but to protect her rights through **appellate review**, including but not limited to an appeal under
12 **Arizona Rule of Civil Appellate Procedure 9** and/or a **Petition for Special Action**.

13 This timeline is not intended as an ultimatum but as a necessary safeguard to preserve
14 Plaintiff's constitutional rights, consistent with both the Arizona and United States
15 Constitutions.

16 **VI. LEGAL PRECEDANT**

17 **I. FEDERAL CONSTITUTIONAL AUTHORITY**

- 18 • *Bounds v. Smith*, 430 U.S. 817 (1977) – The right of access to courts is a fundamental
19 constitutional right under the Due Process Clause.
- 20 • *Boddie v. Connecticut*, 401 U.S. 371 (1971) – Due process requires courts to provide
21 meaningful access to litigants, particularly where fundamental rights are implicated.
- 22 • **U.S. Const. amend. XIV** – Protects due process and equal protection in judicial
23 proceedings.

24 **II. ARIZONA CONSTITUTIONAL AUTHORITY**

- 25 • **Ariz. Const. art. 2, § 4** – Guarantees due process of law.
- 26 • **Ariz. Const. art. 2, § 13** – Prohibits denial of equal privileges or immunities.

- **Ariz. Const. art. 2, §§ 5, 11** – Protect the right to petition and access to justice.

III. ARIZONA STATUTORY AND PROCEDURAL LAW

- **Rule 6(a), Ariz. R. Civ. P.** – Sets computation of time for responses, excluding weekends. Plaintiff complied fully.
- **Rule 15(a)(2), Ariz. R. Civ. P.** – Requires amendments be “freely given when justice requires.”
- **Rule 1, Ariz. R. Civ. P.** – Mandates rules be construed to secure “just, speedy, and inexpensive” determinations.
- **Rule 42(f), Ariz. R. Civ. P.** – Provides right to change of judge upon reassignment, requiring timely notice.

IV. ARIZONA CASE LAW

- *Carranza v. Madrigal*, 237 Ariz. 512 (App. 2015) – Amendments must be liberally granted unless undue delay, bad faith, or prejudice exists.
- *Johnson v. Pointe Cmty. Ass’n, Inc.*, 205 Ariz. 485 (App. 2003) – HOAs must apply rules uniformly and fairly, subject to judicial review for arbitrary conduct.
- *Allen v. Superior Court*, 86 Ariz. 205 (1959) – Courts may consolidate but must avoid prejudicing a party’s substantive rights.

V. ARIZONA SUPREME COURT PRECEDANT

- *Owen v. Superior Court*, 133 Ariz. 75 (1982) – Due process requires notice and a meaningful opportunity to be heard before adverse rulings.
- *State v. Meeker*, 143 Ariz. 256 (1984) – Courts must avoid rigid procedural denials that undermine constitutional protections.

1 **VI. ARIZONA COURT OF APPEALS PRECEDANT**

- 2
- 3 • In your own case, the **Arizona Court of Appeals (Division One)** already affirmed
4 Plaintiff's right to amend her complaint and rejected Defendants' duplicative filings
5 (Order, August 12, 2025). This ruling is binding on the Superior Court under the "law
6 of the case" doctrine.

7 Respectfully submitted this 5th day of September, 2025.

8 

9 Sandra Rodriguez

1 **VII. CERTIFICATE OF SERVICE**

2 On 5th day of September 2025, I served copies of this ***PLAINTIFF'S MOTION FOR***
3 ***RECONSIDERATION AND CLARIFICATION OF BOTH MINUTE ENTRIES***
4 ***DATED AUGUST 29, 2025*** for on all parties of record via U.S. Mail.

6
7 **Opposing Party Information**

8 **Appellees:**

- 9 ○ Gardens Gilbert Community Association
- 10 ○ Focus HOA Management, LLC
- 11 ○ Harmin Cadis
- 12 ○ Brooke Sortor
- 13 ○ 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 5th day of September, 2025.

20 

21 Sandra Rodriguez