

1 The Court denied the motion stating:

2 the issue raised in the Motion is not within the scope of the Complaint that
3 Plaintiff filed, so it is not even part of this lawsuit – it is a completely new
4 issue that is not encompassed by the pleadings. The Court does not
5 adjudicate or resolve disputes that are not set forth in the pleadings. Third,
6 The Court’s role is not to micromanage every aspect of Plaintiff’s
7 relationship with Defendant. The Court cannot and will not intervene every
8 time Plaintiff sends an e-mail to Defendant that does not receive a response
9 as quickly as she thinks she should receive one.

10 Plaintiff’s current Motion is identical to the above discussed motion. The Motion
11 is an attempt to add new causes of action to the Plaintiff’s Complaint without seeking
12 leave to amend the Complaint pursuant to Rule 15, Ariz.R.Civ.P.

13 The alleged causes of action discussed in the Plaintiff’s Motion occurred over a
14 year after the filing of the Plaintiff’s initial Complaint. Moreover, Plaintiff did not consult
15 with the Defendants prior to filing the Motion as is required by the Arizona Rules of Civil
16 Procedure.

17 The Court, in a Minute Entry dated August 29, 2025, recently denied another
18 attempt by the Plaintiff to amend her Complaint. In making its decision, the Court held
19 that the Plaintiff did not meet the requirements of Rule 15, Ariz.R.Civ.P because the
20 Plaintiff did not provide a proposed Amended Complaint with her filing.

21 The same analysis may be applied to the Motion at bar. The Plaintiff attempts to
22 add new allegations to the current Complaint without abiding by the requirements of Rule
23 15, Ariz.R.Civ.P.

24 Moreover, there is no legal or procedural basis to grant the Plaintiff’s Motion and
25 as such, Plaintiff’s Motion should be denied. Also, the Defendants should be awarded their
26 attorney’s fees and costs for being required to respond to the Motion.

27 **II. PLAINTIFF’S REQUESTS FOR INJUNCTIVE RELIEF SHOULD BE**
28 **DENIED.**

29 Pursuant to Rule 65 Ariz. R. Civ. P., requests for preliminary injunctive relief must
30 be supported by an affidavit or verified complaint (verified petition for injunction).
Plaintiff has not filed either of those, which precludes the Court from granting her any
injunctive relief.

1 Even if the Court were to evaluate the Plaintiff's request for injunctive relief, it is
2 clear that the Plaintiff has not demonstrated a strong likelihood of success on the merits,
3 nor has she demonstrated the possibility of irreparable injury. Therefore, the Plaintiff's
4 requests for injunctive relief should not be granted.

5 A party seeking a preliminary injunction must establish (1) a strong likelihood of
6 success on the merits, (2) the possibility of irreparable injury if the requested relief is not
7 granted, (3) a balance of hardships favoring that party, and (4) public policy favoring a
8 grant of the injunction. Shoen v. Shoen, 167 Ariz. 58, 63 (App. 1990). "The scale is not
9 absolute, but sliding." Smith v. Ariz. Citizens Clean Elections Comm'n, 212 Ariz. 407,
10 410 (2006). The moving party may establish either (a) probable success on the merits and
11 the possibility of irreparable harm, or (b) the presence of serious questions and that the
12 balance of hardships tips sharply in the party's favor. *Id.* at 411; see also Ariz. Ass'n of
13 Providers for Persons with Disabilities v. State, 223 Ariz. 6, 12 (App. 2009). These
14 principles generally do not allow the court to grant a preliminary injunction without some
15 showing of a possibility of irreparable injury. Irreparable injury means "harm not
16 remediable by damages if the requested relief is not granted." Shoen v. Shoen, 167 Ariz.
17 58, 63 (App. 1990). "However, even if some damages may be proved and recovered,
18 injunctive relief may be appropriate if those damages are inadequate to address the full
19 harm suffered." IB Prop. Holdings, LLC v. Rancho Del Mar Apartments Ltd. P'ship, 228
20 Ariz. 61, 73 (App. 2011).

21 The Plaintiff's Motion does not demonstrate a strong likelihood of success on the
22 merits nor demonstrates the possibility of irreparable injury. Therefore, the Plaintiff's
23 requests for injunctive relief should be denied.

24 **III. SANCTION SHOULD BE AWARDED AGAINST THE PLAINTIFF.**

25 The Plaintiff's Motion continues her practice of asserting baseless accusations
26 against the Defendants and its counsel. The words of the Motion have been repeated over
27 and over again in numerous motions and pleadings.

28 Obviously, the Plaintiff will not cease her behavior unless this Court awards the
29 Defendants sanctions against the Plaintiff. The Motion is yet another example of the
30 Plaintiff's absolute disregard for the Arizona Rules of Civil Procedure.

1 As such, pursuant Rule 11, Arizona Rules of Civil Procedure, the Defendants ask
2 the Court to award sanctions against the Plaintiff in the amount of the Defendants'
3 attorney's fees and costs to respond to the Plaintiff's inappropriate motions.

4 Finally, in a Minute Entry dated December 12, 2024, the Court held:

5 IT IS FURTHER ORDERED that because Plaintiff has repeatedly requested
6 relief that the Court has previously told her she must seek through filing a
7 separate action, if Plaintiff requests an injunction against harassment or an order
8 of protection in this case again, the Court will likely impose monetary sanctions
9 against her in the amount of at least \$100.00 and she will likely be required to
10 pay the attorneys' fees incurred by Defendants in responding to such requests.

11 The Court has previously evaluated the Plaintiff's behavior and has provided the
12 Plaintiff with fair warnings about the potential of sanctions being awarded. It is now time
13 that the Court award sanctions against the Plaintiff.

14 **IV. CONCLUSION.**

15 The Plaintiff has shown a clear pattern of filing repetitive and frivolous motions
16 before the Court. The Defendants respectfully and strenuously request that the Court
17 intervene and stop the Plaintiff's abuse of the legal system. Sanctions must be assessed
18 against the Plaintiff in order to protect the Defendants from inappropriate and unwarranted
19 motions and pleadings. The Plaintiff's behavior must cease, and the Court is the only
20 bastion of relief.

21 As such, the Defendants requests that the Court deny the Plaintiff's Motion in its
22 entirety and impose sanctions against the Plaintiff pursuant to Rule 11, Arizona Rules of
23 Civil Procedure to include the attorney's fees and costs incurred by the Plaintiff to respond
24 to the original request and this Motion.

25 DATED this 10th day of September, 2025.

26 **SHAW & LINES, LLC**

27 /s/ Augustus H. Shaw, IV
28 Augustus H. Shaw IV, Esq., CCAL
29 4523 E. Broadway Road
30 Phoenix, Arizona 85040
Counsel for Defendants

1 ORIGINAL submitted for electronic filing
2 This 10th day of September, 2025 with:

3 Clerk of the Court
4 Maricopa County Superior Court

5 COPY of the foregoing mailed
6 This 10th day of September, 2025 to:

7 Sandra Rodriquez
8 4735 E Besty Lane
9 Gilbert, AZ 85296

10 By: /s/ Diane Fincher

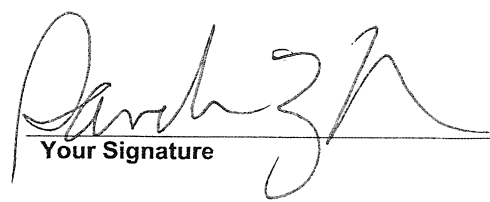
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EXHIBIT A

N/A

Today's Date:

4/11/2025


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: April 11, 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 April 14, 2025
Month Date Year (Judicial Officer assigned to your case)

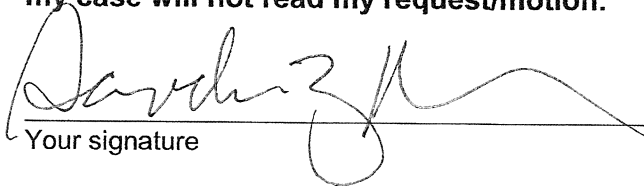
I mailed/delivered a COPY of the attached document(s) on this date:
April 14, 2025 To: Gardens Gilbert Community Association et. al
Month Date Year

(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

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

ADDENDUM A:

MOTION TO COMPEL COMPLIANCE WITH GOVERNING DOCUMENTS, FAIR HOUSING REQUIREMENTS, AND REQUEST FOR EMERGENCY RELIEF

DEAR HONORABLE JUDGE RODERICK COFFEY;

Plaintiff Sandra Rodriguez, appearing *pro se*, respectfully moves this Court to compel Defendants Gardens Gilbert Community Association (“GGCA”), Focus HOA Management, LLC, and their counsel, Augustus H. Shaw IV, to immediately produce all documents and instructions necessary to initiate and complete the architectural modification process for urgent repairs to Plaintiff’s property. Plaintiff further seeks an order enjoining Defendants from ongoing obstruction, retaliation, and discriminatory conduct in violation of state and federal law, the CC&Rs, the Arizona Nonprofit Corporation Act, and the Fair Housing Act.

I. INTRODUCTION

Despite three documented, cordial good faith requests in April 2025, Defendants have failed to provide the basic forms and instructions needed to address critical safety issues on Plaintiff’s property—specifically, the replacement of windows. This obstruction continues a broader pattern of retaliation that began following Plaintiff’s initial complaints in November 2023 and has escalated during the pendency of this civil litigation.

II. FACTUAL BACKGROUND

Plaintiff Sandra Rodriguez is a homeowner and member of the Gardens Gilbert Community Association (GGCA), residing in the community with her minor children. In March 2025, she discovered serious structural and safety issues—namely, deteriorating windows—that

require immediate replacement. Under the CC&Rs and Arizona law, architectural approval is required before proceeding with such repairs.

Between April 2 and April 10, 2025, Plaintiff made multiple written and verbal requests to Focus HOA Management, seeking: (*See Exhibits #1, #2, #3, and #4*)

- The required Architectural Application Form;
- Guidance on submitting the request;
- Information related to additional repairs, including a gate and brick wall noted in Plaintiff's April 3 email.

Jessica, an administrative assistant working at Focus HOA Management, LLC confirmed the form was required and stated she would send it. She confirmed Plaintiff's email address and assured Plaintiff that Community Manager Brooke Sortor—responsible for such matters—would follow up. No form or communication was ever provided. (*See Exhibit #4*)

Despite being copied on all correspondence, neither Ms. Sortor nor any representative of Focus HOA Management, the GGCA Board, Harmin Cadis (Focus HOA's owner), nor their attorney, Augustus H. Shaw IV, responded. Their ongoing refusal to provide this basic documentation obstructs Plaintiff's right to make lawful property repairs, violates their duties under the CC&Rs, Bylaws, Arizona Nonprofit Corporation Act, and the Fair Housing Act, and endangers Plaintiff's family's safety.

This silence continues a broader pattern of discriminatory and retaliatory conduct that began after Plaintiff raised concerns in November 2023 and pursued legal action.

III. LEGAL STANDARD

Under **Arizona Rule of Civil Procedure 26(b)** and **37(a)**, parties have an affirmative duty to respond to discovery and disclose relevant documents within their control. Where a party refuses to cooperate, a **motion to compel** is the appropriate procedural remedy.

Furthermore, under **Rule 7.1(b)(2)**, this Court retains discretion to issue orders necessary to ensure procedural fairness and case integrity—even where a stay is granted pending appeal. The stay entered in this matter was not a blanket stay of all proceedings, but rather limited in scope to issues properly before the Court of Appeals. Plaintiff respectfully submits that the matters raised herein—relating to ongoing discrimination, HOA operational misconduct, and compliance with housing-related statutes and contracts—are not divested by the pending appeal and remain squarely within this Court’s jurisdiction.

IV. ARGUMENT

A. This Court Retains Jurisdiction to Enforce Compliance with HOA Governance and Housing Laws

It is well-settled that the trial court retains jurisdiction to enforce orders and manage procedural matters that are *collateral* to the subject of the appeal. See *State v. O'Connor*, 171 Ariz. 19, 21 (App. 1991). Here, Plaintiff does not seek a ruling on appealable issues, but enforcement of routine HOA governance procedures and immediate relief from ongoing harm. Accordingly, the stay does not bar this Motion.

B. Defendants’ Conduct Violates Plaintiff’s Statutory and Contractual Rights

Defendants’ continued failure to provide architectural modification forms and process information violates the express terms of the CC&Rs, the **Arizona Nonprofit Corporation Act (A.R.S. §§ 10-11601 et seq.)**, and the **Fair Housing Act (42 U.S.C. § 3604)**. These laws prohibit arbitrary treatment, require equal access to community services, and mandate transparent governance. Plaintiff is being unlawfully obstructed and treated differently from other homeowners.

C. Judicial Intervention is Now Required

Having exhausted all reasonable efforts, Plaintiff is left with no option but to request judicial assistance. Defendants' refusal to engage, provide standard forms, or respond to counsel, has placed Plaintiff in a harmful and unlawful state of limbo.

V. LEGAL BASIS FOR RELIEF

A. Governing Documents Require Disclosure and Good-Faith Review

Pursuant to **CC&Rs and Bylaws**, Plaintiff is entitled to:

- Submit modification requests for review;
- Receive timely response from the Design Review Committee;
- Be treated equitably and without undue delay.

B. Statutory Rights to Access Information

Under **A.R.S. § 33-1805 and § 10-11601**, Defendants are legally required to provide records, forms, and policies upon a homeowner's request. The failure to do so constitutes a breach of fiduciary duty and statutory obligations.

C. Retaliation and Discrimination Are Prohibited by Federal Law

Under the **Fair Housing Act (42 U.S.C. § 3617)**, it is unlawful to retaliate, coerce, or intimidate a person for exercising their housing rights, including filing a lawsuit or reporting misconduct. By obstructing Plaintiff's access to information, revoking HOA portal access, and failing to communicate in good faith, Defendants are engaging in conduct that constitutes unlawful retaliation and discrimination.

VII. SUPPLEMENTAL NOTICE OF CONTINUING OBSTRUCTION AND RETALIATION

Plaintiff submits this supplemental notice to inform the Court that the conduct described above is consistent with the broader pattern of retaliation, exclusion, and suppression alleged in this litigation and pending appeal. The continued refusal to act in good faith, coupled with the failure to provide basic forms and records, further supports Plaintiff's claims that she is being singled out for punitive treatment in violation of her civil and constitutional rights.

The Court is urged to take judicial notice of this ongoing harm and to take immediate steps to prevent further retaliation and discrimination, especially as the litigation progresses.

VIII. ADDITIONAL FACTS REGARDING COUNSEL'S ROLE IN THE OBSTRUCTION

1. **Plaintiff further states that Attorney Augustus H. Shaw IV**, legal counsel for the GGCA and its agents, was included in all prior email correspondence and is fully aware of the Plaintiff's attempts to obtain the required architectural forms and process documentation.
2. **Despite being copied on every request**, Attorney Shaw has taken no steps to intervene, clarify, or provide the requested documents, even though, as counsel of record, he is in a position of legal authority to ensure his clients comply with governing documents and applicable law.
3. **His silence and inaction**, when combined with the known pattern of delay and exclusion by Brooke Sortor and Harmin Cadis, constitutes a willful failure to mitigate harm and prevent retaliation. Instead, his continued non-responsiveness evidences active obstruction of Plaintiff's rights under both state law and the U.S. Constitution, and reflects a failure to meet his duties as an officer of the court.
4. **This ongoing inaction appears designed to force Plaintiff into court**, enabling Defendants to falsely portray her as litigious. In reality, Plaintiff has made every reasonable effort to comply with HOA rules and resolve the matter amicably. Defendants, acting in

bad faith, have deliberately withheld required forms and information—violating their governing documents and setting the stage for improper fees or penalties. Their conduct breaches contractual obligations under the CC&Rs and the Arizona Nonprofit Corporation Act, infringes upon Plaintiff’s constitutional rights, and unnecessarily burdens this Court with issues that could have been resolved through simple communication. Plaintiff also reminds the Court that in May 2024, she reported Defendants’ and Attorney Shaw’s obstruction of her access to the HOA portal—further denying her access to essential documents and financial records—with no recourse or corrective action from the Court to date.

IX. VIOLATIONS OF RIGHTS

Defendants’ collective refusal—including that of their counsel—to provide access to required information and forms constitutes:

- A violation of Plaintiff’s **First Amendment rights**, including the right to petition the government and pursue legal redress without fear of retaliation or coercion;
- A violation of the **Fourteenth Amendment’s guarantees of due process and equal protection**, as Plaintiff is being selectively denied access to standard association documents and procedures made available to other homeowners;
- A violation of the **Fair Housing Act, 42 U.S.C. § 3617**, which prohibits retaliation or interference with a person’s exercise of housing rights, including the right to pursue complaints, initiate legal action, or demand fair treatment without intimidation;
- A breach of Plaintiff’s rights under **A.R.S. § 33-1805 and § 10-11601**, which entitle HOA members to access association records and documents necessary for property upkeep and legal compliance.

This conduct—sanctioned through inaction by Attorney Shaw—demonstrates not only a pattern of willful obstruction but also a deliberate attempt to silence Plaintiff and interfere with her property and housing rights.

X. PRAYER FOR RELIEF

Plaintiff respectfully requests this Court to:

1. **COMPEL** Defendants to provide, within 48 hours of order filed:
 - **The Architectural Application Form required** for window replacements;
 - **A written summary of the architectural modification process**, deadlines, and relevant contacts;
 - Identification of the person or office responsible for structural repairs, including the gate and wall and/or recommendation approved by GGCA Board;
 - Any additional architectural or procedural documents required for compliance.
2. **ORDER** that Defendants:
 - **Immediately cease any discriminatory or retaliatory actions** against Plaintiff in response to this lawsuit;
 - **Refrain from further interference with Plaintiff's rights** under the CC&Rs, Bylaws, Fair Housing laws, and Arizona statutes;
 - **Act in good faith and with transparency**, as required under A.R.S. §§ 10-3830(A), 33-1805, and the Association's own governing documents.
 - **Adhere to a firm deadline of no more than 10 business days** to review and approve Plaintiff's architectural submissions, thereby ensuring compliance and preventing further retaliatory delays in Plaintiff's ability to make necessary modifications to her home.
3. **CONFIRM** that:
 - **All directors, officers, agents, and legal representatives of the Gardens Gilbert Community Association**—including Brooke Sortor, Harmin Cadis, and Attorney Augustus H. Shaw IV—are bound by these orders and are required to comply fully with all applicable laws and governing documents.
 - **Failure to comply may subject them to personal liability**, sanctions, or a referral for disciplinary review.

Sandra Rodriguez v. Gardens Gilbert Community Association (GGCA) et. al.

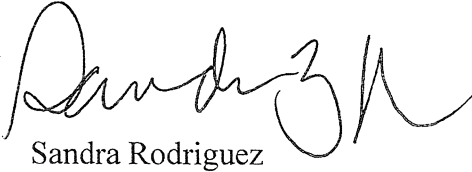
Maricopa Superior Court Case No.: CV2024-005940

Appeals Court of Arizona (District One) Case No.: 1 CA-CV 24-0803

Supreme Court of Arizona Case No.: CV 24-0286-PR

4. **SET A HEARING** for enforcement and review if compliance is not achieved within the Court's specified timeframe.
5. **AWARD** any relief deemed just and equitable, including costs, out-of-pocket expenses, and compensation for delay-related harm. Plaintiff also reserves the right to seek attorneys' fees if counsel is later retained.

Respectfully Submitted on April 11, 2025



Sandra Rodriguez

Sandra Rodriguez v. Gardens Gilbert Community Association et. al.

Maricopa Superior Court Case No.: CV2024-009540

Appeals Court of Arizona (District One) Case No.: 1 CA-CV 25-0040

Arizona Supreme Court: CV 24-0286PR

EXHIBIT #1

Exhibit #1



Sandra Rodriguez <sandra.rodriguez0339@gmail.com>

Replacement Windows

2 messages

Sandra Rodriguez <sandra.rodriguez0339@gmail.com>

Wed, Apr 2, 2025 at 4:04 PM

To: Focus Info <info@focushoa.com>

Cc: Brooke Sortor <Brooke@focushoa.com>, Harman Cadis <harman@focushoa.com>, Augustus Shaw <ashaw@shawlines.com>

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

Dear Gardens Gilbert Community Association and/or Focus HOA Management LLC;

I am replacing two bedroom windows on the East side of my home. Please confirm if there are any specific restrictions or types of windows that the GGCA HOA requires.

Please advise.

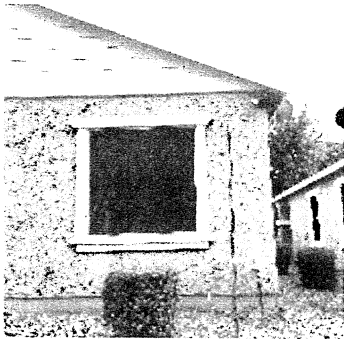
Thank you in advance.

Sandra Rodriguez

2 attachments



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3079K

Sandra Rodriguez <sandra.rodriguez0339@gmail.com>

Wed, Apr 9, 2025 at 5:00 PM

To: Focus Info <info@focushoa.com>

Cc: Brooke Sortor <Brooke@focushoa.com>, Harman Cadis <harman@focushoa.com>, Augustus Shaw <ashaw@shawlines.com>

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

This correspondence is submitted to formally document that no response was received to the prior email. The failure to respond or address the HOA compliance questions raised is noted for the record

[Quoted text hidden]

Sandra Rodriguez v. Gardens Gilbert Community Association et. al.
Maricopa Superior Court Case No.: CV2024-009540
Appeals Court of Arizona (District One) Case No.: 1 CA-CV 25-0040
Arizona Supreme Court: CV 24-0286PR

EXHIBIT #2

Exhibit #2



Sandra Rodriguez <sandra.rodriguez0339@gmail.com>

FU Replacement Windows

4 messages

Sandra Rodriguez <sandra.rodriguez0339@gmail.com>

Thu, Apr 3, 2025 at 4:14 PM

To: Focus Info <info@focushoa.com>

Cc: Brooke Sortor <Brooke@focushoa.com>, Harman Cadis <harman@focushoa.com>, Augustus Shaw <ashaw@shawlines.com>

Dear Gardens Gilbert Community Association and/or Focus HOA Management LLC;

This is a follow-up to previous emails which have gone unacknowledged. Please confirm receipt of this message for documentation purposes.

Following up on my prior email, I am requesting clarification on two items:

1. Window Replacement

Please provide:

- Approved specs (material, frame, tint, etc.)
- Required approvals or permits
- Cost responsibility (HOA vs. homeowner)
- Vendor recommendations or requirements
- Past precedent, if any

2. Patio Gate & Concrete Wall (Common Property)

As this area is HOA-maintained:

- What is the process for requesting repair or replacement?
- Can owners initiate repairs, or is HOA approval required?
- Who bears the cost under the CC&Rs?
- Provide design and uniformity standards, if applicable
- Expected timeline for HOA action

3. Additional Info Requested

- Any guidelines on improvements near or involving common property
- Policies on cost-sharing or HOA-funded repairs
- Relevant architectural standards

Please respond within 7 days and/or no later than by 8 am on Wednesday, April 9, 2025, consistent with **A.R.S. § 33-1804** and duties under the **Arizona Nonprofit Corporation Act**. This is a good faith request to ensure compliance and maintain property standards.

Sincerely,

Sandra Rodriguez

On Wed, Apr 2, 2025, 4:04 PM Sandra Rodriguez <sandra.rodriguez0339@gmail.com> wrote:

Dear Gardens Gilbert Community Association and/or Focus HOA Management LLC;

I am replacing two bedroom windows on the East side of my home. Please confirm if there are any specific

Doc 1.1.1

restrictions or types of windows that the GGCA HOA requires.

Please advise.

Thank you in advance.

Sandra Rodriguez

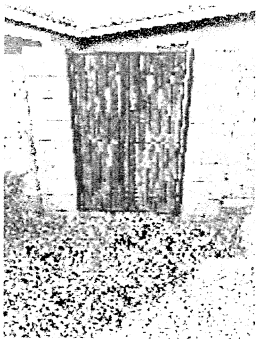
3 attachments



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Sandra Rodriguez <sandra.rodriguez0339@gmail.com>

Tue, Apr 8, 2025 at 2:42 PM

To: Focus Info <info@focushoa.com>

Cc: Brooke Sortor <Brooke@focushoa.com>, Harman Cadis <harman@focushoa.com>, Augustus Shaw <ashaw@shawlines.com>

Dear Gardens Gilbert Community Association and/or Focus HOA Management LLC;

This is to document that it has been six (6) days since my email requesting information on window replacement requirements. The email remains unacknowledged.

Gardens Gilbert Community Association, Focus HOA Management LLC, Harmin Cadis, Brooker Sortor, and legal counsel Augustus H. Shaw IV have failed to respond, in violation of the CC&Rs, the Arizona Nonprofit Corporation Act, and applicable Fair Housing laws.

Refusal to address basic compliance questions demonstrates a lack of good faith and failure to follow proper business practices. Any related violations issued will be deemed moot, as the HOA and its agents have not met their legal

Diana Tolz

obligations to communicate or provide due process.

This documentation will be provided to the court as additional evidence.

Thank you.

Sandra Rodriguez

[Quoted text hidden]

Sandra Rodriguez <sandra.rodriguez0339@gmail.com>

Wed, Apr 9, 2025 at 3:58 PM

Draft To: Focus Info <info@focushoa.com>

Cc: Brooke Sortor <Brooke@focushoa.com>, Harman Cadis <harman@focushoa.com>, Augustus Shaw <ashaw@shawlines.com>

No response was provided for this email. Refusal to acknowledge email and address HOA compliance questions as required by other homeowners

[Quoted text hidden]

Sandra Rodriguez <sandra.rodriguez0339@gmail.com>

Wed, Apr 9, 2025 at 5:00 PM

To: Focus Info <info@focushoa.com>

Cc: Brooke Sortor <Brooke@focushoa.com>, Harman Cadis <harman@focushoa.com>, Augustus Shaw <ashaw@shawlines.com>

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

This correspondence is submitted to formally document that no response was received to the prior email. The failure to respond or address the HOA compliance questions raised is noted for the record.

[Quoted text hidden]

Sandra Rodriguez v. Gardens Gilbert Community Association et. al.
Maricopa Superior Court Case No.: CV2024-009540
Appeals Court of Arizona (District One) Case No.: 1 CA-CV 25-0040
Arizona Supreme Court: CV 24-0286PR

EXHIBIT #3

Legal Demand: Architectural Form & Repair Process – GGCA Noncompliance (CC&Rs §9.2 | A.R.S. §10-11601)

1 message

Sandra Rodriguez <sandra.rodriguez0339@gmail.com>

Thu, Apr 10, 2025 at 10:24 AM

To: Brooke Sortor <Brooke@focushoa.com>, Focus Info <info@focushoa.com>

Cc: Harman Cadis <harman@focushoa.com>, Augustus Shaw <ashaw@shawlines.com>

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

Dear Gardens Gilbert Community Association, Focus HOA Management, LLC, Harmin Cadis, Brooke Sortor, and Augustus H. Shaw IV;

I write in my capacity as a homeowner within the Gardens Gilbert Community Association (“GGCA”) to formally demand the immediate provision of all documents and information necessary for the submission and processing of my architectural modification request, specifically for the replacement of windows at my residence. My prior written requests dated April 2, 2025, and April 3, 2025, remain unanswered.

Pursuant to the *Declaration of Covenants, Conditions and Restrictions* (“CC&Rs”) of the GGCA, I am entitled to a timely and transparent architectural review process. Under **Article IX, Section 9.1**, “no building, fence, wall, structure or improvement shall be commenced, erected or maintained... until the plans and specifications... have been submitted to and approved in writing by the Design Review Committee.” However, as of today, the Association and its agents have refused to provide the applicable architectural application or guidance for compliance with this section.

On the morning of April 10, 2025, at 9:11 AM, I contacted your office and spoke with Jessica, your Administrative Assistant. She confirmed that an architectural request must be submitted to the Board for review and would typically be reviewed within 14–30 days. Yet, despite multiple requests, I have not been provided with a copy of the form nor any procedural roadmap for compliance. This inaction constitutes a violation of the CC&Rs and an unreasonable restraint on my property rights as protected under Arizona law and the Association’s own governing framework.

Furthermore, under **Article IX, Section 9.2** of the CC&Rs, the Design Review Committee is obligated to review and approve or disapprove any submitted plans within thirty (30) days. The failure to facilitate access to the application itself effectively obstructs my statutory and contractual rights. Notably, the *Bylaws of the Association* (see **Article IV, Section 4.2**) reinforce the duty of the Board to uphold the provisions of the CC&Rs and to act in good faith on behalf of all Members.

Regarding the brick wall and gate referenced in my April 3, 2025 correspondence, I was informed by Jessica, the administrative assistant, that Community Manager Brooke Sortor is the designated subject matter expert for the Gardens Gilbert Community Association and is responsible for providing information related to the gate. Jessica assured me that she would relay my request and have Ms. Sortor follow up with me directly. However, as of the date of this letter, I have not received any response from Ms. Sortor or any other representative of Focus HOA Management. Additionally, despite assurances during our phone conversation, I have not been provided with a copy of the required Architectural Request Form.

As a homeowner and member of the Gardens Gilbert Community Association (GGCA), I formally invoke my statutory right to full transparency and access to association records under **A.R.S. § 10-11601**, as adopted by reference in the **Arizona Nonprofit Corporation Act**, which governs GGCA pursuant to its **Articles of Incorporation**. The ongoing failure by the Association and its management to provide the requested documents constitutes not only a breach of fiduciary duty, but also a violation of my right to procedural due process, particularly as it relates to the lawful modification, repair, and maintenance of my property in accordance with the community’s governing documents.

DEMAND FOR RELIEF

If the following are not provided to me by **12:00 PM on Friday, April 11, 2025**, I will seek judicial intervention:

1. A copy of the **Architectural Application Form** required for window replacements;
2. The **complete procedural guidelines** for submitting and obtaining approval of window modifications pursuant to **CC&Rs Article IX, Sections 9.1 and 9.2**;
3. A **clear explanation of the architectural process**, including the applicable submission deadlines, point of contact, and review timeline;

4. A formal response from **Community Manager Brooke Sortor** detailing the steps, point of contact, and responsible party for the **cement wall and gate repair process**, as outlined in my April 3, 2025 email;
5. The name and role of the individual or department assigned to approve or coordinate **structural repairs** in the Gardens Gilbert Community Association, including but not limited to exterior walls, gates, and perimeter structures.

Failure to provide this information will compel me to file a **Motion to Compel Compliance and for Emergency Relief with the Maricopa County Superior Court** in Case No. CV2024-005940, currently before the Hon. Judge Roderick Coffey. If necessary, I will seek appellate intervention to preserve my rights and compel action under both statutory law and the governing documents of the Association. The obstruction of this information continues to deprive me of my rights under *A.R.S. §§ 33-1805, 10-11601*, and the Association's own CC&Rs and Bylaws.

Please treat this correspondence as a formal demand for compliance. I reserve all rights, including but not limited to injunctive relief, damages, and attorneys' fees.

Sincerely,

Sandra Rodriguez

Note: This correspondence will also be delivered to you via U.S. Mail for your records.

Sandra Rodriguez <sandra.rodriguez0339@gmail.com>

Fri, Apr 11, 2025 at 12:00 PM

To: Brooke Sortor <Brooke@focushoa.com>, Focus Info <info@focushoa.com>

Cc: Harman Cadis <harman@focushoa.com>, Augustus Shaw <ashaw@shawlines.com>

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

This correspondence is submitted to formally document that no response was received to the prior email. The failure to respond or address the HOA compliance questions raised is noted for the record.

[Quoted text hidden]

Done 7.1.25

Sandra Rodriguez v. Gardens Gilbert Community Association et. al.
Maricopa Superior Court Case No.: CV2024-009540
Appeals Court of Arizona (District One) Case No.: 1 CA-CV 25-0040
Arizona Supreme Court: CV 24-0286PR

EXHIBIT #4

TRANSCRIPT SUMMARY AND SWORN AFFIDAVIT

(TELEPHONIC COMMUNICATION WITH FOCUS HOA MANAGEMENT, LLC)

Date of Call: April 10, 2025

Time: 9:11 AM – 9:17 AM MST

Participants: Sandra Rodriguez (Homeowner), Jessica (Representative, Focus HOA Management, LLC)

Subject: Property Repairs and Architectural Requirements – 4375 E. Betsy Lane, Gilbert, Arizona 85296

I. TRANSCRIPT SUMMARY

On April 10, 2025, at approximately 9:11 AM, Sandra Rodriguez contacted Focus HOA Management, LLC to inquire about the Gardens Gilbert Community Association’s requirements regarding repairs to her property, specifically the replacement of windows, repainting of the exterior brick wall, and replacement of the patio gate. Ms. Rodriguez clarified that the exterior portions of both the brick wall and patio gate are designated as community property under the Association’s governing documents. The call was answered by Jessica, an administrative assistant at Focus HOA Management, LLC, who recommended that Ms. Rodriguez follow up with Brooke Sortor, the assigned Community Manager, as she is more familiar with the community’s rules and regulations. Ms. Rodriguez provided her email address for future correspondence. *At the end of the call, after Jessica hung up Rodriguez recorded to document she previously emailed Focus HOA Management and the Gardens Gilbert Community Association on April 2 and April 3, 2025, concerning a civil complaint and appeal, but had not received a response.* The call was recorded and concluded at approximately 9:17 AM.

II. ACTION ITEMS

- [] Send the architectural form for the windows to Sandra Rodriguez.
- [] Facilitate contact between Sandra Rodriguez and Brooke Sortor, the Community Manager responsible for overseeing the Gardens Gilbert Community Association, to discuss the HOA's process and requirements—specifically regarding the patio gate and brick fence, as well as the window repairs.

III. OUTLINE

A. Exterior Maintenance Inquiry

- **Sandra Rodriguez inquires about the process** for repainting part of the brick exterior, replacing the old gate, and windows.
- **Jessica (Focus HOA Management, LLC representative)** explains that the process depends on the specific community rules and regulations around windows. She was unclear about gate and brick wall repairs and upkeep.
- **Jessica (Focus HOA Management, LLC representative) mentions** the need to contact the Community Manager, Brooke, for more accurate information.
- **Sandra Rodriguez provides the property address:** 4375 East Betsy Lané, Gilbert, Arizona, 85296.

B. Contact Information Exchange

- **Sandra Rodriguez confirms her name and contact information for follow-up:** Sandra Rodriguez, sandra.rodriguez0339@gmail.com.
- **Jessica (Focus HOA Management, LLC representative) confirms** the email address and mentions the need to contact Brooke for gate-related issues.
- **Jessica (Focus HOA Management, LLC representative) explained the general process for obtaining architectural approval for repairs** and offered to send Ms. Rodriguez the appropriate form for submitting a request related to window repairs.
- **Sandra Rodriguez acknowledges the offer and thanks Jessica** (Focus HOA Management, LLC representative) for her help and time.

C. Recording and Follow-Up Details

- **Following the conclusion of the call, Sandra Rodriguez documented that the call was recorded and served as a follow-up to prior written communications.** She noted that emails had been sent on April 2 and April 3, 2025, to Focus HOA Management, LLC; Brooke Sortor (Community Manager); Harmon Kadis (representative of the Gardens Gilbert Community Association); and Augustus H. Shaw IV (Association Legal Counsel), none of which had received a response.

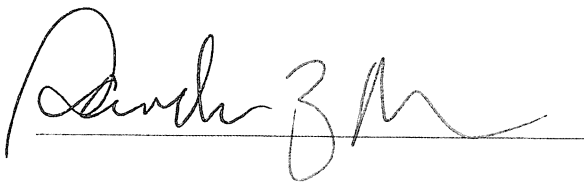
IV. AFFIDAVIT OF SANDRA RODRIGUEZ

I, Sandra Rodriguez, declare under penalty of perjury pursuant to the laws of the State of Arizona as follows:

1. **I am the Plaintiff in the above-captioned matter and the owner of the property located** at 4375 East Betsy Lane, Gilbert, Arizona 85296.
2. **I personally participated in the telephonic communication** with Focus HOA Management, LLC on April 10, 2025, which is summarized in the foregoing transcript titled “*TRANSCRIPT SUMMARY AND SWORN AFFIDAVIT (TELEPHONIC COMMUNICATION WITH FOCUS HOA MANAGEMENT, LLC).*”
3. **The transcript summary provided herein is a true and accurate representation** of the content of that phone call to the best of my knowledge, memory, and ability.
4. **The call was recorded contemporaneously**, and I affirm that the contents of the summary are consistent with the recorded communication.
5. **I am willing and able to provide a copy of the audio recording to the Court**, if so requested, for purposes of authentication, verification, or further evidentiary review.

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

Executed this 11th day of April, 2025, in Maricopa County, Arizona.

A handwritten signature in black ink, appearing to read 'Sandra Rodriguez', is written over a horizontal line.

Sandra Rodriguez

EXHIBIT B

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

CV 2024-005940

04/30/2025

HONORABLE RODRICK COFFEY

CLERK OF THE COURT
A. Walker
Deputy

SANDRA RODRIGUEZ

SANDRA RODRIGUEZ
4375 E BETSY LN
GILBERT AZ 85296

v.

GARDENS GILBERT COMMUNITY
ASSOCIATION, et al.

AUGUSTUS H SHAW IV

JUDGE COFFEY

MINUTE ENTRY

The Court has reviewed Plaintiff's Emergency Motion to Compel Compliance With Governing Docume [sic] Fair Housing Require [sic] & Request Re [sic]. No response to that Motion was filed, but pursuant to the January 24, 2025 Order, no response was required unless the Court ordered Defendant to file one. Defendant is not required to file a response to that Motion.

The Motion is denied for multiple reasons. First, on January 24, 2025, in open court, at Plaintiff's request, the parties stipulated that this case be stayed until Plaintiff's pending appeal is resolved. The appeal has not been resolved yet. While true emergent circumstances might warrant the Court lifting that stay, the situation Plaintiff has described is not an emergency. Second, the issue raised in the Motion is not within the scope of the Complaint that Plaintiff filed, so it is not even part of this lawsuit – it is a completely new issue that is not encompassed by the

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

CV 2024-005940

04/30/2025

pleadings. The Court does not adjudicate or resolve disputes that are not set forth in the pleadings. Third, The Court's role is not to micromanage every aspect of Plaintiff's relationship with Defendant. The Court cannot and will not intervene every time Plaintiff sends an e-mail to Defendant that does not receive a response as quickly as she thinks she should receive one. Fourth, to the extent that Plaintiff wants to request documents from Defendant as part of this lawsuit, after the pending appeal is resolved and the stay is lifted, she may utilize the various forms of discovery that are available under Rules 26-34 of the Arizona Rules of Civil Procedure. The Court will not order parties to produce documents within 48 hours just because Plaintiff wants them that quickly. Like all litigants, Plaintiff must follow the Rules and abide by the time frames that are set forth in the applicable Rules.

For all of those reasons,

IT IS ORDERED denying Plaintiff's Emergency Motion to Compel Compliance With Governing Docume [sic] Fair Housing Require [sic] & Request Re [sic].