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

9  
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 AUGUSTUS H. SHAW IV

21 **Defendant's Legal Counsel,**

22 **MARICOPA COUNTY**  
23 **SUPERIOR COURT**  
24 **Case No.: CV2024-005940**  
25 *Judge David McDowell,*

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

**PLAINTIFF'S RESPONSE TO**  
**DEFENDANTS' RULE 16(c) REPORT**  
**AND MOTION**

**TO THE HONORABLE JUDGE MCDOWELL:**

**I. INTRODUCTION**

**Defendants' Rule 16(c) Report** and accompanying **Good-Faith Certificate** (filed October 30, 2025) are procedurally defective, misleading, and unconstitutional. The filings misstate the parties, disregard appellate mandates, and omit critical procedural facts—including *Plaintiff's own properly filed Separate Rule 16(c) Statement and Proposed Scheduling Order*

1 submitted on October 27, 2025. These defects not only undermine the cooperative intent of **Rule**  
2 **16** but also demonstrate bad-faith litigation tactics designed to distort the record, mislead this  
3 Court, and preempt Plaintiff's rights recognized on appeal.

4 The so-called "*Good-Faith Certificate*" fails to meet the requirements of **Rule 7.1(h) and**  
5 **Rule 16(c)**. Defendants claim to have conferred with Plaintiff through a single email dated  
6 October 24, 2025, despite Plaintiff's documented written response on October 29, 2025—  
7 acknowledging and correcting their procedural errors. This omission, coupled with the false  
8 assertion that Plaintiff "*has not served Initial Disclosures,*" when Defendants themselves have  
9 served none, evidences a deliberate pattern of misrepresentation that violates **Rule 11(b) and**  
10 **Ethical Rules 3.3 and 8.4(c)–(d)**.

11 In light of these procedural abuses, Plaintiff Sandra Rodriguez submits this **Response to**  
12 **Defendants' Rule 16(c) Report** and moves to:

- 13 a) Strike the defective filings;
- 14 b) Compel Defendants' compliance with **Rule 26.1(a)**; and
- 15 c) Join Attorney Augustus H. Shaw IV as an individual Defendant based on his  
16 personal participation in fraud upon the court, retaliation, obstruction of justice,  
17 and unethical litigation abuse.

18 The appellate record across CV2024-005940, CV2024-013806, and 1 CA-CV 24-0790  
19 establishes that Attorney Shaw and his clients have repeatedly:

- 20 1. Misrepresented material facts to both the Superior Court and the Arizona  
21 Court of Appeals;
- 22 2. Directed or encouraged retaliatory actions against Plaintiff; and
- 23 3. Weaponized procedural mechanisms to silence a self-represented litigant  
24 and obstruct access to justice.

25 Consistent with **Rule 15(a)(2), Ariz. R. Civ. P.**, and the directive of the Arizona Court of  
26 Appeals' remand, Plaintiff will file her Motion to Amend and Proposed Amended Civil  
27 Complaint—specifying all updated and clarified counts—no later than December 5, 2025, and is  
28 diligently working in good faith to file it sooner.

1  
2  
3 As a self-represented litigant, Plaintiff has complied with this Court's directives, met  
4 every procedural obligation in good faith, and seeks only a reasonable period to complete the  
5 required amendment so that this matter may proceed on the merits, free from continued deception  
6 and procedural manipulation by Defendants and their counsel.

7  
8 **II. MISREPRESENTATION OF PARTIES AND APPELLATE FINDINGS**

9  
10 Defendants falsely assert that:

11 "The current defendants in this matter are: (a) Gardens Gilbert Community Association;  
12 (b) Focus HOA Management, LLC; (c) Harman Cadis; and (d) Brooke Sortor."

13 This statement is *patently false and misleading*. The **Arizona Court of Appeals** has  
14 already recognized that **Anna Schultz**, the HOA Board President, remains a proper and necessary  
15 defendant in this matter. As stated in **Rodriguez's Appellate Opening Brief**:

16  
17 *"The Gardens Gilbert Community Association Board of Director's*  
18 *President Anna Schultz was directly involved in the retaliatory and*  
19 *discriminatory conduct forming the basis of the suit."* (*Appellate Opening*  
20 *Brief, 1 CA-CV 24-0790.*)

21 Equally, **Harman Cadis**, a Focus HOA Management owner and president, remains  
22 properly included as a named defendant based on his direct involvement in communications,  
23 enforcement actions, and retaliatory conduct identified in both the Superior Court and Appellate  
24 records. His individual participation meets the standard for personal liability under *Chalpin v.*  
25 *Snyder*, 220 Ariz. 413 (App. 2008), where agents who personally engage in tortious or fraudulent  
26 conduct may be held individually liable despite acting on behalf of a corporate entity.

27 Moreover, appellate filings establish that **Judge Rodrick J. Coffey's** prior rulings were  
28 *constitutionally defective*, and that he was subsequently removed due to *multiple due-process*  
*violations*. As detailed in **Rodriguez's Appellate Reply Brief**:

1           “Judge Coffey’s minute entry explicitly permitted Appellant to file a  
2           separate lawsuit addressing claims dismissed without prejudice,” and that  
3           dismissal under his authority “constituted an abuse of discretion and  
4           violated Appellant’s right to present her claims fully.”(Appellate Reply  
5           Brief, 1 CA-CV 24-0790.)

6           By deliberately omitting Anna Schultz and attempting to redefine the parties contrary to  
7           the appellate record—and by minimizing the recognized role of Harman Cadis—Defendants are  
8           not merely misstating procedural facts; they are inviting this Court to *contravene the appellate*  
9           *mandate and reopen matters already resolved* by the Court of Appeals once again.

10           Such conduct is procedurally improper, constitutionally suspect, and constitutes an  
11           appealable error under **ARCAP Rule 21(b)** and **Rule 54(b)**, **Ariz. R. Civ. P.**, as it undermines  
12           both the finality of appellate findings and Plaintiff’s *due-process rights* recognized by higher  
13           authority.

### 14 15 16           **III. JUSTIFICATION FOR ALL NAMED DEFENDANTS**

17           The inclusion of all Defendants—Gardens Gilbert Community Association (“GGCA”),  
18           Focus HOA Management, LLC, Harman Cadis, Brooke Sortor, and Anna Schultz—is both  
19           procedurally proper and legally required under the Arizona Court of Appeals’ mandate and the  
20           controlling provisions of the Arizona Rules of Civil Procedure.

#### 21           **A. GARDENS GILBERT COMMUNITY ASSOCIATION (“GGCA”)(HOA)**

22  
23           As the governing homeowner’s association responsible for enforcing the CC&Rs, GGCA  
24           owed Plaintiff duties of fair dealing, non-retaliation, and nondiscrimination under both **A.R.S.**  
25           **§§ 33-1802–1805** and the **Fair Housing Act (42 U.S.C. § 3617)**. The Court of Appeals  
26           confirmed that Plaintiff’s allegations of negligence, retaliation, and discriminatory enforcement  
27           against GGCA were *reversed and remanded for further proceedings (1 CA-CV 24-0790)*. GGCA  
28           remains the principal corporate defendant whose board actions, through its agents, caused the  
          harm alleged.

1 **B. FOCUS HOA MANAGEMENT, LLC**

2 Focus HOA Management served as GGCA’s management agent, acting within and  
3 beyond the scope of its contract. Its personnel—specifically Harman Cadis and Brooke Sortor—  
4 directly participated in the retaliatory conduct and discriminatory enforcement at issue.  
5 Under *Martins v. Woodmar IV Condos HOA*, 189 Ariz. 206 (App. 1997), an HOA’s management  
6 company and its employees may be held jointly and severally liable where they personally  
7 engage in or direct unlawful acts. The appellate record confirms Focus’s participation in both  
8 communications and enforcement decisions underlying this case.

9 **C. HARMIN CADIS (Individual)**

10 As a Focus HOA Management employee acting as Community Manager, Mr. Cadis  
11 exercised discretionary authority on behalf of the HOA and knowingly participated in retaliatory  
12 actions after Plaintiff reported violations of state housing and health laws.  
13 His direct involvement meets the “*personal participation*” standard recognized in *Chalpin v.*  
14 *Snyder*, 220 Ariz. 413 (App. 2008), which permits personal liability for agents who engage in  
15 tortious or fraudulent conduct even when acting under an agency relationship.

16 **D. BROOKE SORTOR (Individual)**

17 Ms. Sortor, another Focus employee, personally engaged in retaliatory and  
18 discriminatory communications against Plaintiff. As shown in Exhibit 6 to the appellate  
19 appendix, she corresponded with Attorney Augustus H. Shaw IV regarding strategies to “*block*”  
20 Plaintiff’s emails and “*try to sue her tomorrow based on her reaction to the letter.*” This  
21 correspondence evidences retaliation under 42 U.S.C. § 3617 and intentional interference with  
22 Plaintiff’s protected rights.

23 **E. ANNA SCHULTZ (Individual / HOA President)**

24 The Arizona Court of Appeals expressly recognized Anna Schultz as a proper and  
25 necessary defendant, holding that:  
26

27 *“The Gardens Gilbert Community Association Board of Director’s*  
28 *President Anna Schultz was directly involved in the retaliatory and*

1 *discriminatory conduct forming the basis of the suit.” (Appellate Opening*  
2 *Brief, 1 CA-CV 24-0790.)*

3 Ms. Schultz’s leadership position and decision-making authority over enforcement  
4 actions render her personally liable under both **A.R.S. § 10-3833** (individual liability for officers  
5 of nonprofit corporations engaging in misconduct) and **A.R.S. § 33-1805** (requiring good-faith,  
6 nondiscriminatory treatment of members).

7 **F. SUMMARY OF LEGAL BASIS FOR INCLUSION**

8  
9 *(Preliminary and Subject to Expansion or Modification Upon Filing of Amended Civil*  
10 *Complaint)*

11 <b>DEFENDANT</b>	12 <b>LEGAL BASIS FOR LIABILITY</b>	13 <b>SUPPORTING</b> 14 <b>AUTHORITY</b>
15 <b>GGCA</b> 16 <b>(Association)</b>	17 Negligence, retaliation, discriminatory 18 enforcement, failure to act in good faith	19 <i>1 CA-CV 24-0790</i> ; A.R.S. §§ 20 33-1802–1805
21 <b>Focus HOA</b> 22 <b>Mgmt., LLC</b>	23 Agency liability; discriminatory and 24 retaliatory participation; procedural 25 misconduct	26 <i>Martins v. Woodmar IV Condos</i> 27 <i>HOA</i> , 189 Ariz. 206 (App. 28 1997)
29 <b>Harman Cadis</b>	30 Individual participation in, or failure to 31 prevent, tortious and retaliatory acts	32 <i>Chalpin v. Snyder</i> , 220 Ariz. 33 413 (App. 2008)
34 <b>Brooke Sortor</b>	35 Direct discrimination, retaliation, and 36 interference (Ex. 6 email)	37 42 U.S.C. § 3617; A.R.S. § 33- 38 1805
39 <b>Anna Schultz</b>	40 Appellate recognition as proper party; 41 board-level decision-making and 42 retaliatory enforcement	43 <i>Appellate Opening Brief, 1 CA-</i> 44 <i>CV 24-0790</i> ; A.R.S. § 10-3833

1 **G. CONCLUSION**

2 Each Defendant remains lawfully and necessarily included in this action based on direct  
3 participation, agency liability, and explicit recognition by the Arizona Court of Appeals. Any  
4 attempt to remove or omit these parties would contradict the appellate mandate, violate **ARCAP**  
5 **21(b)** and **Rule 54(b)**, **Ariz. R. Civ. P.**, and deprive Plaintiff of her constitutional right to a full  
6 and fair adjudication of all preserved claims.

7 Plaintiff further reserves the right, pursuant to **Rule 15(a)(2)**, **Ariz. R. Civ. P.**, to add  
8 additional defendants or expand claims as warranted by the evidence and appellate directives.  
9 These updates will be incorporated into the forthcoming *Amended Civil Complaint*, ensuring that  
10 all responsible parties and causes of action are properly before the Court for resolution on their  
11 merits.

12  
13  
14 **IV. CONTINUED MISCONDUCT AND UNETHICAL STRATEGY**

15 This Court should not overlook that *Defendants and their counsel have lied under oath*  
16 to both the **Arizona Superior Court** and the **Arizona Court of Appeals**, as demonstrated by the  
17 *contradictory statements, falsified procedural timelines, and retaliatory communications*  
18 documented in Rodriguez’s appellate filings.

19  
20 In her **Appellate Reply Brief (1 CA-CV 24-0790)**, Rodriguez established that:

21 *“The Appellees and their legal counsel, Augustus H. Shaw IV,*  
22 *misrepresented the procedural status of CV2024-005940 to justify the*  
23 *dismissal of CV2024-013806.” (Appellate Reply Brief, 1 CA-CV 24-0790).*

24 These deliberate falsehoods were used to *deceive the judiciary* and, as the appellate record  
25 shows, to:

26 *“Strategically emphasize HOA community infractions to obscure their*  
27 *personal liability while exploiting procedural barriers to prevent Appellant*  
28

1                    *from fully defending her claims.” (Appellate Reply Brief, 1 CA-CV 24-*  
2                    *0790).*

3                    The **Arizona Court of Appeals** later confirmed that these cases involved *distinct claims*  
4 *dismissed without prejudice*, thereby proving that Mr. Shaw’s representations were **knowingly**  
5 **false** and calculated to mislead the Court.

6                    Furthermore, **Exhibit #6** to the appellate record contains a **January 4, 2024 email** from  
7 **Attorney Augustus H. Shaw IV** to **Defendant Brooke Sortor**, in which he explicitly encourages  
8 retaliatory conduct against Rodriguez:

9                    *“We can try to sue her tomorrow based on her reaction to the letter. The*  
10 *good news is since you are blocking her emails, the harassment should*  
11 *cease. If she calls you, please record the calls and we’ll evaluate the*  
12 *calls.” (Appellate Appendix, Ex. 6.)*

13                    This communication demonstrates a **deliberate strategy of retaliation and suppression**,  
14 **constituting violations of:**

- 15                    • **42 U.S.C. § 3617** (Fair Housing Act – retaliation and interference with protected rights);  
16                    • **A.R.S. § 33-1805** (HOA transparency and fair-dealing obligations); and  
17                    • **Ethical Rule 8.4(d)** (prohibiting conduct “prejudicial to the administration of justice”).  
18

19                    These actions also violate **Ethical Rule 3.3** (*Candor Toward the Tribunal*) and **ER 8.4(c)**  
20 (*Dishonesty, Fraud, and Misrepresentation*), as they involve intentional deception and abuse of  
21 judicial procedure.  
22

23                    By directing clients to conceal communications, record calls, and “try to sue” the Plaintiff  
24 in retaliation for asserting her rights, Mr. Shaw’s conduct transcends zealous representation — it  
25 constitutes **fraud on the court, retaliation under federal law, and an ethical breach**  
26 **warranting judicial sanction and referral to the State Bar.**  
27  
28



1 own disclosures or engaged in meaningful communication regarding scheduling. Correspondence  
2 had become largely one-sided—further complicated by Defendants’ *prior misrepresentations,*  
3 *instances of perjury, and procedural misconduct* documented in the appellate record.

4 Given that history, Plaintiff acted responsibly and in accordance with Arizona procedure  
5 to *move the case forward, comply with Rule 16(b)–(c), and prevent undue delay.* Her proactive  
6 filing demonstrates good-faith compliance and her commitment to ensuring that this matter  
7 proceeds efficiently despite Defendants’ repeated failures to cooperate.

8 In contrast, Defendants have not yet served or filed their own **Initial Disclosure**  
9 **Statements** as required under **Rule 26.1(a)**. This omission—combined with their inaccurate  
10 claim regarding Plaintiff’s compliance—undermines the accuracy of their filing and calls into  
11 question the fairness and integrity of these proceedings.

12 By submitting a subsequent and defective Rule 16(c) Report—while omitting **Plaintiff’s**  
13 **October 27, 2025 Separate Rule 16(c) Statement** and her **October 29, 2025 follow-up email**—  
14 Defendants disregarded the cooperative intent of **Rule 16**, which requires meaningful  
15 consultation between the parties. Their later filing likewise fails to meet the *good-faith*  
16 *consultation standard under Rule 7.1(h), Ariz. R. Civ. P.,* as Defendants neither acknowledged  
17 nor responded to Plaintiff’s properly served report and correspondence already of record.

18 These procedural failures, coupled with the deliberate omission of Plaintiff’s filing, render  
19 Defendants’ **Rule 16(c) Report** *procedurally improper, constitutionally deficient, and filed in*  
20 *bad faith.*

21 Pursuant to **Rule 11(b)** and **Rule 26.1(g)**, Plaintiff respectfully requests that this Court  
22 *strike Defendants’ Rule 16(c) Report in its entirety and order Defendants to serve compliant*  
23 *Initial Disclosures within ten (10) days.*  
24  
25  
26  
27  
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1 For these reasons, *any reliance on Judge Coffey’s prior orders or findings should be*  
2 *deemed void of preclusive effect*, and the case should proceed under a renewed, constitutionally  
3 sound framework that ensures Plaintiff’s right to a fair trial and equal access to justice.

4  
5  
6 **VII. PLAINTIFF’S RIGHT TO AMEND, JURY TRIAL,**  
7  
8 **AND ACCESS TO COURT**

9 Plaintiff **Sandra Rodriguez** has properly preserved her *right to amend and her right to a*  
10 *jury trial*—both of which are fundamental under Arizona and federal law.

11 **A. RIGHT TO JURY TRIAL**

12  
13 Plaintiff explicitly requested a **jury trial** in her filings of **October 27, 2025**, and also  
14 included a written *“Plaintiff’s Demand for Jury Trial”* that was *served and filed with both her*  
15 *Original and Amended Civil Complaints*.

16 Despite this clear record, Defendants’ **Rule 16(c) Report** incorrectly asserts:

17 *“A trial by jury is demanded. No.”*

18  
19 This statement is *false and misleading*. The right to a jury trial is guaranteed by **Rule**  
20 **38(a), Ariz. R. Civ. P.**, the **Seventh Amendment** to the United States Constitution, and **Article**  
21 **2, § 23** of the Arizona Constitution. It *cannot be waived, modified, or denied by the opposing*  
22 *party*, nor can it be disregarded through procedural omission. Arizona courts have long held that  
23 this right *“must be liberally construed in favor of its preservation”* to ensure transparency and  
24 public trust in judicial outcomes.

25 **B. RIGHT TO AMEND**

26 Plaintiff’s right to amend her complaint remains preserved under **Rule 15(a)(2), Ariz. R.**  
27 **Civ. P.**, and the explicit directive of the **Arizona Court of Appeals** in *Rodriguez v. Gardens*  
28 *Gilbert Community Association et al.*, 1 CA-CV 24-0790.

1 The appellate court's August 12, 2025 decision expressly held that "*the dismissal of*  
2 *Plaintiff's negligence and gross-negligence claims is reversed and remanded for further*  
3 *proceedings,*" thereby restoring those claims and authorizing the filing of an **Amended**  
4 **Complaint** consistent with **Rule 15(a)(2)**, which provides that "*leave shall be freely given when*  
5 *justice so requires.*" (See *Foman v. Davis*, 371 U.S. 178 (1962)).

6 This remand re-opens all negligence-related causes of action for adjudication on their  
7 merits and confirms Plaintiff's continuing right to clarify, expand, and amend her claims as  
8 necessary to fully comply with the appellate mandate and the Arizona Rules of Civil Procedure.

### 9 **C. PROTECTION OF ACCESS TO THE COURTS**

10 Any attempt by Defendants to prevent amendment, restrict discovery, or limit trial rights  
11 before Plaintiff's Amended Complaint is filed would directly violate **Rule 15(a)**, **Rule 38(a)**,  
12 and Arizona's *open-courts doctrine*, codified in **Article 2, § 11 of the Arizona Constitution**.  
13 These provisions ensure that every litigant is entitled to a *fair opportunity to present her claims*  
14 *fully* and to have them heard by an impartial jury.

15 Arizona precedent further reinforces that courts must provide self-represented litigants a  
16 reasonable opportunity to comply with procedure and prepare their cases:

- 17 • *Hernandez v. State*, 203 Ariz. 196 (App. 2002) — "*Procedural rules must be applied in*  
18 *a manner that affords self-represented litigants a fair opportunity to be heard.*"
- 19 • *Buchanan v. Henderson*, 131 Ariz. 201 (App. 1981) — "*Rigid adherence to scheduling*  
20 *or formality may not deprive a party of a reasonable opportunity to prepare and present*  
21 *a case.*"

22 Together, these authorities confirm that *due process*, *open-court access*, and *jury*  
23 *participation* are fundamental guarantees that cannot be curtailed through procedural  
24 gamesmanship, unilateral misrepresentations, or selective omissions from the record.  
25  
26  
27  
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1 **VIII. PATTERN OF RETALIATION AND ETHICAL VIOLATIONS**

2  
3 The record before both this Court and the **Arizona Court of Appeals** demonstrate a  
4 *pattern of retaliation, ethical misconduct, and procedural abuse* by Defendants and their  
5 counsel, **Attorney Augustus H. Shaw IV**. Their actions have gone well beyond zealous  
6 advocacy and instead reflect an intent to harass, delay, and undermine Plaintiff's lawful pursuit  
7 of justice.

8 The appellate record expressly notes:

9 *"Attorney Shaw's simultaneous representation in CV2024-005940 and CV2024-*  
10 *013806 created a conflict of interest that disadvantaged Appellant. Shaw*  
11 *exploited this overlap by advancing contradictory arguments in each case, using*  
12 *procedural tactics to undermine Appellant's claims."* (*Appellate Reply Brief,*  
13 *Court of Appeals.*)

14 The Court of Appeals filings further document that the Defendants engaged in a sustained  
15 campaign of duplicative and fraudulent motion practice:

16 *"At least ten duplicative filings were submitted with minor or superficial changes,*  
17 *designed to inflate legal costs and mislead the court."* (*Appellate Reply Brief,*  
18 *Court of Appeals.*)

19 Such conduct is not only procedurally improper—it is **sanctionable**. It directly violates  
20 the **Arizona Rules of Professional Conduct** and statutory safeguards against litigation abuse,  
21 including:

- 22
- 23 • **ER 1.5** — Prohibiting unreasonable or excessive legal fees;
  - 24 • **ER 3.1** — Prohibiting frivolous filings or claims without merit; and
  - 25 • **A.R.S. § 12-349(A)(3)** — Mandating sanctions for any party or attorney who  
26 *"unreasonably expands or delays the proceeding."*  
27  
28

1 The cumulative effect of these actions has been to *inflate litigation costs, distort the*  
2 *procedural record, and obstruct Plaintiff's access to a fair hearing*, all of which fall squarely  
3 within the definition of *bad faith litigation*.

4 In light of this documented pattern of misconduct—supported by the appellate record and  
5 ethical standards—Plaintiff respectfully requests that this Court take *judicial notice* of these  
6 violations and consider **appropriate sanctions under A.R.S. § 12-349 and Rule 11(b)** to deter  
7 further abuse and restore procedural integrity.

## 8 9 10 **IX. CONSTITUTIONAL AND FEDERAL PROTECTIONS VIOLATED**

11 Defendants' continued conduct has *infringed upon multiple constitutional, statutory, and*  
12 *procedural protections*—each designed to safeguard fairness, equality, and due process within  
13 both the Arizona and federal judicial systems.

14 Specifically, Defendants' actions violate:

- 15 • **U.S. Const. amend. XIV** — *Due Process and Equal Protection Clauses*;
- 16 • **Ariz. Const. art. 2, §§ 4 and 11** — *Guaranteeing due process, open courts,*  
17 *and equal access to justice*;
- 18 • **42 U.S.C. § 3617** — *Prohibiting retaliation and interference under the Fair*  
19 *Housing Act*;
- 20 • **Rules 16(d) and 26.1, Ariz. R. Civ. P.** — *Requiring fair, transparent, and*  
21 *cooperative case management and disclosure*; and
- 22 • **Rule 11(b), Ariz. R. Civ. P.** — *Prohibiting misrepresentations, bad-faith*  
23 *filings, and pleadings for improper purpose*.

24 These violations are not isolated procedural errors but part of a systemic pattern of  
25 retaliation, deception, and obstruction designed to *erode Plaintiff's constitutional right to a fair*  
26 *and impartial proceeding*.  
27  
28



1 This is false. Plaintiff **did respond** on **October 29, 2025**, identifying errors and  
 2 procedural omissions. (See Exhibit A) The Report also repeats false statements such as “*Plaintiff*  
 3 *has served their Initial Disclosure Statement. No.*” while Defendants have served none.

4 Such contradictions demonstrate *bad faith*, violating **Rule 11(b)**, **ER 3.3**, and **ER 8.4(c),(d)**.

6  
 7 **XII. TRIAL SETTING — GOOD CAUSE TO AVOID JANUARY 2026**

8 Plaintiff objects to Defendants’ proposed **January 2026** trial. It provides insufficient  
 9 time to complete amendment, discovery, subpoenas, exhibit preparation, and counsel retention.  
 10 Under **Rule 16(b)(4)**, a schedule “*may be modified for good cause and with the judge’s consent.*”  
 11 See *Pullen v. Pullen*, 223 Ariz. 293 (App. 2009)\* (“*Scheduling must yield to due process.*”).

12 **A. PROPOSED BALANCED SCHEDULE**

EVENT	PROPOSED DEADLINE	PURPOSE / LEGAL BASIS
<b>Motion to Amend &amp; Proposed Complaint</b>	<b>By Dec 5 2025</b>	Comply with <b>Rule 15(a)(2)</b> ; Court of Appeals remand.
<b>Defendants’ Response &amp; Court Ruling</b>	<b>Dec 2025 – Jan 2026</b>	Ensure ruling before new discovery begins.
<b>Updated Rule 26.1 Disclosures</b>	<b>Within 10 days of this filing or 30 days of ruling, No later than November 21, 2025</b>	Required under <b>Rule 26.1(b)</b> .
<b>Fact Discovery Completion</b>	<b>March 31 2026</b>	Allow adequate time for depositions & document exchange.
<b>Expert Disclosures &amp; Depositions</b>	<b>April – May 2026</b>	Meet <b>Rule 37(c)</b> requirements; allow Daubert review.

EVENT	PROPOSED DEADLINE	PURPOSE / LEGAL BASIS
<b>Mediation / Pretrial Conference</b>	<b>May 2026</b>	Permit meaningful ADR after discovery per Rule 1.
<b>Trial (Preferred)</b>	<b>June 2026</b>	Ensures due process and adequate trial preparation.
<b>Alternative Compromise for Trial Date</b>	<b>April 2026</b>	Balances Defendants' request with Plaintiff's needs.

This schedule aligns with **Rules 1, 16(b)(4), 26(d), 26.1(b), 45**, and constitutional fairness principles (**Ariz. Const. art. 2, §§ 4 & 11; U.S. Const. amend. XIV**).

### XIII. REQUEST FOR RELIEF

For the reasons set forth herein, and based on the record in *Rodriguez v. Gardens Gilbert Community Association, et al.*—including *Focus HOA Management, LLC; Harman Cadis; Brooke Sortor*; and *Anna Schultz* (Maricopa County Superior Court Case No. **CV2024-005940**; Arizona Court of Appeals Case No. **1 CA-CV 24-0790**)—**Plaintiff Sandra Rodriguez** respectfully requests that this Court grant the following relief:

1. **Strike Defendants' October 30, 2025 Rule 16(c) Report** and accompanying **Good-Faith Certificate** as unconstitutional, misleading, and non-compliant with **Rules 7.1(h), 11(b), 16(c), and 26.1, Ariz. R. Civ. P.**
2. **Join Attorney Augustus H. Shaw IV (Shaw & Lines LLC) as an individual Defendant**, as his personal participation in fraudulent, retaliatory, and unethical conduct exceeds the permissible scope of legal representation and constitutes *fraud upon the court*.
3. **Affirm that Anna Schultz, President of the Gardens Gilbert Community Association Board, and Harmin Cadis, Focus HOA Management, LLC President and**

1 Owner, remain proper and necessary parties as recognized by the Arizona Court of  
2 Appeals in 1 CA-CV 24-0790, which identified both as directly involved in the retaliatory  
3 and discriminatory conduct forming the basis of this action.

- 4 **4. Acknowledge the removal of Judge Rodrick J. Coffey** as confirmation of prior **due-**  
5 **process violations** and judicial misconduct that tainted prior proceedings.
- 6  
7 **5. Hold all counts in abeyance pending Plaintiff's Amended Civil Complaint**, to be filed  
8 **no later than December 5, 2025** (or earlier if feasible), in compliance with the **Court of**  
9 **Appeals' remand and Rule 15(a)(2)**.
- 10 **6. Permit Plaintiff a reasonable period to finalize her amendment and comply with**  
11 **appellate directives**, recognizing her self-represented good-faith efforts and timely  
12 filings.
- 13 **7. Compel Defendants to serve verified Rule 26.1(a) Initial Disclosures within ten (10)**  
14 **days**, or no later than **November 21, 2025**, consistent with the Court's order.
- 15 **8. Set trial for June 2026**, or alternatively **April 2026**, to ensure adequate time for  
16 amendment, discovery, subpoenaing witnesses, and preparation consistent with **Rules 1,**  
17 **16(b)(4), 26(d), 38(a), and 45, Ariz. R. Civ. P.**, and constitutional due-process  
18 principles.
- 19 **9. Affirm Plaintiff's preserved rights to amendment and jury trial under Rules 15(a)**  
20 **and 38(a), Article 2 §§ 4 & 23 of the Arizona Constitution, and the Seventh**  
21 **Amendment to the U.S. Constitution.**
- 22  
23 **10. Sanction Defendants and their counsel under Rule 11(b), Ariz. R. Civ. P., and A.R.S.**  
24 **§ 12-349**, for deceitful, retaliatory, and bad-faith filings that have unnecessarily expanded  
25 and delayed these proceedings.
- 26 **11. Refer Attorney Augustus H. Shaw IV to the Arizona State Bar** for investigation and  
27 disciplinary review for violations of **ER 1.5** (unreasonable fees), **ER 3.3** (candor toward  
28 the tribunal), and **ER 8.4(c)–(d)** (dishonesty and conduct prejudicial to the administration  
of justice).

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## XV. CONCLUSION

This Court is respectfully urged to prevent Defendants and their counsel from distorting the record, misapplying procedure, or disregarding the directives established by the appellate mandate. The record across *Rodriguez v. Gardens Gilbert Community Association et al.*, including consolidated appellate cases **1 CA-CV 24-0790** and **1 CA-CV 25-0040**, establishes a consistent pattern of misconduct, perjury, and retaliation. Judge Rodrick J. Coffey’s removal further underscores the systemic impropriety that has tainted these proceedings from their inception and the necessity of renewed judicial integrity moving forward.

Rodriguez has demonstrated continuous good-faith compliance with every procedural directive of this Court. She has filed timely, substantive responses, actively participated in discovery planning, and diligently prepared to amend her complaint as ordered. Her conduct satisfies both the letter and spirit of the **Arizona Rules of Civil Procedure**, which emphasize fairness, efficiency, and the just determination of every action.

A January 2026 trial date, as proposed by Defendants, would severely compress essential pretrial stages—*the filing of the Amended Complaint, updated disclosures, discovery, expert review, subpoena issuance, alternative dispute resolution, and counsel retention.*

*Under Rule 16(b)(4), Ariz. R. Civ. P., a scheduling order may be modified  
“for good cause and with the judge’s consent.”*

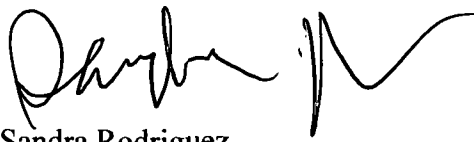
Here, good cause exists because a January trial would deny Plaintiff a meaningful opportunity to complete these steps and would violate the **due-process** guarantees of **Article 2, §§ 4 and 11 of the Arizona Constitution** and the **Fourteenth Amendment**.

By contrast, a **June 2026** trial setting—or, as a reasonable compromise, March to April 2026—would ensure that this matter proceeds on its merits with adequate time for evidence organization, witness preparation, and fair participation by all parties. Such scheduling aligns with the objectives of **Rules 1, 16(b)(4), 26(d), 38(a), and 45**, and preserves Plaintiff’s constitutional right to a fair, public jury trial.

Accordingly, **Plaintiff respectfully urges this Court to:**

- 1 • Uphold constitutional integrity and procedural fairness;
- 2 • Strike Defendants' deceptive filings;
- 3
- 4 • Recognize Plaintiff's documented good-faith compliance; and
- 5 • Allow this case to advance to a jury trial on all preserved and forthcoming claims within
- 6 a constitutionally adequate timeline.
- 7
- 8

9 Respectfully submitted this 31st day of October 2025.

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11  
12 Sandra Rodriguez

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15 **XVI. EXHIBIT**

- 16 1. **Exhibit A** – Plaintiff's Response to Defendant's Joint Status Report Email, dated
- 17 October 29, 2025
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1 **XVII. CERTIFICATE OF SERVICE**

2 On 31st day of October 2025, I served copies of this **PLAINTIFF'S RESPONSE TO**  
3 **DEFENDANTS' RULE 16(c) REPORT AND MOTION** for on all parties of record via U.S.  
4 Mail.

5  
6 **OPPOSING PARTY INFORMATION**

7 **DEFENDANTS:**

- 8
  - 9 ○ Gardens Gilbert Community Association
  - 10 ○ Focus HOA Management, LLC
  - 11 ○ Harmin Cadis
  - 12 ○ Brooke Sortor
  - 13 ○ Anna Schultz

- 14
  - 15 • **Address:** 4135 E. Power Road, Suite 133, Mesa, Arizona 85212

16 **DEFENDANT'S LEGAL COUNSEL:**

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

21 Respectfully submitted this 31st day of October 2025..

22 

23 Sandra Rodriguez

# EXHIBIT A

Sandra Rodriguez <sandra.rodriguez0339@gmail.com>

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## Joint Status Report (Rule 16(c)) for Your Review – Due to Court by Nov. 12, 2025

2 messages

Dominick Détente <Dominick@shawlines.com>

Fri, Oct 24, 2025 at 10:16 AM

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

Cc: Augustus Shaw <ashaw@shawlines.com>, Elizabeth Mundall <elizabeth@shawlines.com>, Diane Fincher <Diane@shawlines.com>, Receptionist <receptionist@shawlines.com>

Ms. Rodriguez,

Per the Court's Minute Entry dated October 22, 2025, the parties must submit a Joint Status Report no later than November 12, 2025.

Attached please find a copy of the DRAFT Joint Status Report prepared for filing, along with a copy of the Court's October 22, 2025, Minute Entry.

Our office has also mailed hard copies of these documents to you today for your records.

To ensure we can meet the Court's deadline, please provide your approval or redlined edits by Thursday, November 6, 2025. If we do not hear from you, we will submit our version with an explanation of the parties' positions consistent with Rule 16(c) and advise the Court that Defendant attempted to confer.

Thank you Ms. Rodriguez,

Dominick

Dominick Detente, Esq.

**SHAW & LINES, LLC**

4523 E. Broadway Rd.

Phoenix, Arizona 85040

480.456.1500

**Confidentiality Statement:** This email and any accompanying files transmitted are confidential and intended solely for the receipt and use of the individual to whom it is addressed. This confidentiality includes the privilege of attorney/client protections. This message and files transmitted herewith are not to be forwarded, copied, distributed or disseminated to any person to whom said privileges do not apply. If you have received this message without being addressed by this sender, please disregard and delete the same, and notify this sender.

2 attachments

 **DRAFT Joint Report (10.24.25).docx**  
43K

 **Clean - m11535653.pdf - RULING ON SEVERAL MOTIONS FOR RELIEF - 10.22.2025.pdf**  
489K

Sandra Rodriguez <sandra.rodriguez0339@gmail.com>

Wed, Oct 29, 2025 at 12:00 PM

To: Dominick Détente <Dominick@shawlines.com>  
Cc: Augustus Shaw <ashaw@shawlines.com>, Elizabeth Mundall <elizabeth@shawlines.com>, Diane Fincher <Diane@shawlines.com>, Receptionist <receptionist@shawlines.com>  
Bcc: Sandra Rodriguez <sandra.rodriguez0339@gmail.com>

Dear Mr. Shaw,

I have reviewed your proposed Joint Report dated October 24, 2025. While I appreciate your efforts to meet the Court's directive, several sections misstate the current procedural posture and omit reference to claims dismissed without prejudice by the Arizona Court of Appeals.

To preserve the accuracy of the record and ensure compliance with Judge McDowell's October 22, 2025 Minute Entry, I will be submitting my own corrected Rule 16(c) Joint Report. This approach maintains procedural compliance while clarifying the scope of claims, pending Rule 15 amendments, and the current discovery posture.

Given the repeated false and misleading statements made under oath throughout the appellate proceedings—and reflected again in portions of your proposed draft—I cannot, in good faith, sign the version you submitted. Accordingly, I will file my own Rule 16(c) statement and proposed scheduling order directly with the Court.

**For transparency, the following corrections should have been incorporated into your version:**

1. **Case Scope:** The discrimination and retaliation claims were dismissed without prejudice and remain subject to amendment under Rule 15(a)(4).
2. **Discovery:** Plaintiff's disclosures were stayed by court order and will be served promptly now that the stay has been lifted per the October 22 Minute Entry.
3. **Procedural Accuracy:** The appellate decision vacated the attorney-fee award and reinstated negligence, gross-negligence, and intentional-tort claims.
4. **Settlement and Scheduling:** Mediation and discovery timelines should align with the reinstated claims and current procedural posture.

**CLARIFICATION REGARDING "Initial Disclosures"**

Your draft states that "Plaintiff has not served their Initial Disclosure Statement." That characterization is misleading. Under **Rule 26.1(a)**, Ariz. R. Civ. P., an Initial Disclosure Statement requires each party to exchange core case information, including:

1. A factual statement of each claim or defense;
2. Names and contact information for persons likely to have discoverable information;
3. Copies or descriptions of documents, photos, or other evidence supporting those claims or defenses;
4. Computation of all categories of damages;
5. Any relevant insurance agreements; and
6. Expert disclosures, if applicable.

However, Judge Coffey's January 2025 Stay Order expressly froze all further filings and discovery pending appeal. As a result, I was legally prohibited from serving new disclosures until the stay was lifted. Judge McDowell's October 22, 2025 Minute Entry clearly states:

*> "IT IS ORDERED lifting the stay order and directing the parties to resume discovery/disclosure to ensure this matter is ready for a final trial."*

Therefore, no party—including the defendants—was permitted to exchange **Rule 26.1** disclosures before October 22, 2025. The reference in your draft omits this critical procedural context.

To date, the defendants have not provided their own Rule 26.1 Disclosure Statement either, despite being equally obligated to do so once the stay was lifted. Both parties are now required to serve updated disclosures consistent with Rule 26.1(a) and the Court's directive to resume discovery.

In addition, I have already submitted numerous supporting exhibits—emails, CC&Rs, billing records, photographs, estimates, and court filings—that satisfy the evidentiary categories of Rule 26.1(a)(4). Those materials will now be incorporated into a formal disclosure statement labeled:

> *"Plaintiff's Rule 26.1 Initial Disclosure Statement (Served Pursuant to October 22, 2025 Minute Entry and Rule 26.1, Ariz. R. Civ. P.)"*

This statement will be served within 14 days and followed by a Notice of Service filed with the Court.

## CONCLUSION

Your assertion that Plaintiff has not served disclosures overlooks both the Court's prior stay and its recent order **reopening discovery**. At this stage, neither party has yet served updated Rule 26.1 disclosures; however, the record will reflect that I am proceeding promptly and in good faith to comply with the Court's directive.

As you know, I have **submitted my own Rule 16(c) Report and Proposed Scheduling Order**, which is attached for your review. Please feel free to report to the Court any areas of alignment or proposed revisions you believe appropriate.

Additionally, I went ahead and **mailed you a physical copy** of these materials for your reference and records. By serving my updated disclosures now and documenting that timeline, I ensure full procedural compliance and eliminate any potential for mischaracterization in future filings.

Respectfully,

Sandra Rodriguez

[Quoted text hidden]

📎 **Plaintiff Separate Rule 16(c) Report & Proposed Scheduling Order (Clerk Copy) 10.27.25.pdf**  
4025K