

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,**

**MARICOPA COUNTY
SUPERIOR COURT**

Case No.: CV2024-005940
Judge David McDowell,

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

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

22 **TO THE HONORABLE JUDGE MCDOWELL:**

23
24 **I. INTRODUCTION**

25
26 Plaintiff Sandra Rodriguez, appearing *pro se*, respectfully submits this Motion in response
27 to Defendants' **"Revised Rule 16(c) Report"** filed November 7, 2025.

28 At this stage, Plaintiff's **primary objective** is to ensure that the **proper procedural steps
and scheduling dates** are clearly and accurately established so this matter may proceed to a fair,

1 orderly, and timely trial, as guaranteed by the **Arizona Rules of Civil Procedure, Article 2, §§**
2 **4 and 13 of the Arizona Constitution**, and the **Fifth and Fourteenth Amendments** to the
3 United States Constitution.

4 Plaintiff is actively preparing her **Rule 26.1 Initial Disclosure Statement and Amended**
5 **Civil Complaint** in good faith, and seeks only that the Court ensure procedural compliance,
6 fairness, and clarity before discovery proceeds. Establishing proper case-management timelines
7 will allow both parties to meet their obligations while preserving Plaintiff's right to a fair and
8 efficient trial based on the facts and evidence.

9 Plaintiff respectfully requests that this Court *clarify the procedural framework, establish*
10 *compliant case-management deadlines, and move this matter forward to trial* in accordance with
11 the appellate mandate and the principles of fairness, due process, and judicial integrity.

12 **II. REQUIRED PRECONDITIONS TO DISCOVERY**

13
14 The Court of Appeals has reinstated all defendants and confirmed that Plaintiff's
15 substantive claims are properly before this Court. To move this case forward in accordance with
16 that mandate, Defendants must now file a complete and verified Answer for all reinstated parties.
17 Their prompt compliance will ensure clarity in the pleadings, preserve the integrity of the
18 appellate directive, and allow discovery and trial preparation to proceed under the **Arizona Rules**
19 **of Civil Procedure**.

20 **A. WHY DISCOVERY CANNOT BEGIN YET (Ariz. R. Civ. P. 26.1(b)(1))**

21 Under **Rule 26.1(b)(1)**, discovery obligations commence only after a valid responsive
22 pleading has been filed. The Court of Appeals has reinstated all defendants and confirmed that
23 Plaintiff's substantive claims are properly before this Court. To comply with that mandate and
24 ensure orderly case progression, Defendants must now file a complete and verified Answer for
25 all reinstated parties—including those originally named in **CV2024-013806**, where no verified
26 response was ever submitted.

27 The previously filed "*Verified Answer*" dated December 17, 2024, does not satisfy the
28 requirements of **Rules 7(a), 8(b), 8(c), 10(b), and 11(a)**. It consists of blanket denials, omits

1 specific paragraph-by-paragraph responses, includes unsupported affirmative defenses, and was
2 not properly signed or verified by all parties.

3 **RESULT:**

- 4 • The case is **not yet at issue**;
- 5 • The **Rule 26.1 disclosure period has *not begun***; and
- 6 • **Discovery cannot lawfully proceed** until a compliant Answer is filed or ordered by this
7 Court.

8
9 **B. PENDING PROCEDURAL ITEMS REQUIRING COURT ACTION**

10 *(Listed for the record to ensure all procedural matters are properly addressed.)*

11 No.	12 FILING	13 DATE FILED	14 PURPOSE	15 ACTION NEED
16 1	17 Clarification & Supplemental Motion Re Rule 26.1	18 Nov 3 2025	19 Requests ruling that the Dec 17 Answer is non-compliant; clarifies that Rule 26.1 deadlines are tolled	20 Court must determine whether Answer is valid and whether deadlines are suspended
21 2	22 Notice of Intent to Apply for Entry of Default	23 Nov 3 2025	24 Rule 55(a) notice that Defendants failed to file a compliant Answer	25 Court/Clerk must determine default eligibility if no compliant Answer is filed

26 **C. REQUIRED DEFENDANT FILINGS STILL OUTSTANDING**

- 27 • **Rule 7(a): Proper Answer – Not filed.**
- 28 • **Rule 8(b)(1)-(2): Paragraph-by-paragraph admissions/denials – Not satisfied.**
- **Rule 8(c): Fact-supported affirmative defenses – Not satisfied.**

- 1 • **Rule 11(a):** Signature and verification by each defendant – **Missing for Focus HOA,**
- 2 **Cadis, Sortor, and Schultz.**
- 3 • **Rule 12(a):** Timeliness – **Questionable; default pending.**
- 4

5 **D. STEPS REQUIRED BEFORE DISCOVERY CAN PROCEED**

- 6 1. Court rulings on pending **Rule 26.1 Clarification** and **Rule 55(a) Default** motions.
- 7 2. Defendants must file a **compliant, verified Answer** under Rules 7–11.
- 8 3. **Rule 26.1(b)(1)** 40-day disclosure period begins **only after** that Answer is filed.
- 9 4. Exchange full **Rule 26.1(a)** disclosures (witnesses, documents, damages, insurance,
- 10 etc.).
- 11 5. Conduct a **good-faith meet-and-confer** and submit a **joint Rule 16(c)** report.
- 12 6. Hold a **Rule 16(c) scheduling conference**.
- 13 7. Commence discovery **only after** these steps are complete.

14 **E. LEGAL SUPPORT FOR STAYING DISCOVERY**

- 15 • **Rule 26.1(b)(1), Ariz. R. Civ. P.** – 40 days after first valid responsive pleading.
- 16
- 17 • *Montano v. Scottsdale Baptist Hosp.*, 119 Ariz. 448 (1978) – Preliminary motions are
- 18 not responsive pleadings.
- 19 • *O’Meara v. Williams* (Ariz. App. 2021) – General denials violate Rule 8(b)(2).
- 20
- 21 • *Cullen v. Auto-Owners Ins. Co.*, 218 Ariz. 417 (App. 2008) – Affirmative defenses
- 22 must be factually supported.
- 23
- 24
- 25
- 26
- 27
- 28

1 **III. REQUEST FOR RELIEF**

2
3 Plaintiff respectfully asks this Court to:

- 4 1. **Adopt Plaintiff's *October 27, 2025 Rule 16(c) Scheduling Plan*** as the operative
5 case-management order, or alternatively, set this matter for trial pursuant to **Rules**
6 **16(e) and 38(a)**. Plaintiff does not object to reasonable extensions of proposed
7 deadlines, provided that all dates are recalibrated to begin only after Defendants file
8 a compliant, verified Answer consistent with **Rules 7(a), 8(b), 10(b), and 11(a)**.
- 9 2. **Order Defendants to file a compliant Answer for all reinstated parties**—Focus
10 HOA Management, LLC, Harmin Cadis, Brooke Sortor, and Anna Schultz—in their
11 individual capacities.
- 12 3. **Affirm Plaintiff's rights under Ariz. Const. art. 2 §§ 4 & 13 and U.S. Const.**
13 **amends. V & XIV** to ensure a fair, impartial, and timely trial.
- 14 4. **Take judicial notice that Defendants were served and should have received**
15 **copies of all filings no later than Friday, November 7, 2025.** If Defendants fail to
16 file a procedurally compliant, verified Answer within ten (10) days of service,
17 Plaintiff will proceed with the next procedural step and file a Notice of Intent to Enter
18 Default Judgment under **Rule 55(a)**, with subsequent motion for entry of judgment
19 pursuant to **Rule 55(b)**. For clarity and fairness, Plaintiff agrees that the ten-day clock
20 may begin Monday, November 10, 2025.

21 **IV. CONCLUSION**

22 The **Court of Appeals** has confirmed the validity of Plaintiff's claims and reinstated all
23 proper defendants, returning this matter to the Superior Court for further proceedings. To comply
24 with that mandate and ensure orderly progress, Defendants must now file a complete and verified
25 Answer for all reinstated parties in accordance with the **Arizona Rules of Civil Procedure**.

26 Until the pending motions are resolved, a procedurally compliant Answer is filed, and
27 **Rule 26.1** disclosure requirements are properly triggered, this case remains not yet at issue, and
28 discovery cannot proceed. Prompt compliance will allow both parties to move forward toward
fair and efficient resolution on the merits.

1 Plaintiff respectfully requests that the Court issue any necessary orders to facilitate
2 compliance, clarify procedural status, and move this matter forward toward trial in accordance
3 with the appellate mandate and the Rules of Civil Procedure.

4 Respectfully submitted this 7th day of November 2025.

5 

6 Sandra Rodriguez
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

V. CERTIFICATE OF SERVICE

On 7th day of November 2025, I served copies of this *PLAINTIFF'S MOTION IN RESPONSE TO DEFENDANTS' REVISED RULE 16(c) REPORT* for on all parties of record via U.S. Mail.

OPPOSING PARTY INFORMATION

DEFENDANTS:

- Gardens Gilbert Community Association
- Focus HOA Management, LLC
- Harmin Cadis
- Brooke Sortor
- Anna Schultz
- **Address:** 4135 E. Power Road, Suite 133, Mesa, Arizona 85212

DEFENDANT'S LEGAL COUNSEL:

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

Respectfully submitted this 7th day of November 2025..



Sandra Rodriguez