

1 Sandra Rodriguez  
2 4375 E. Betsy Lane  
3 Gilbert, Arizona 85296  
4 **Phone Number:** 602-688-9720  
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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 AUGUSTUS H. SHAW IV

20 **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)**

**OBJECTION TO NOTICE OF  
DEPOSITION (RULE 26(c))**

21 **TO THE HONORABLE JUDGE MCDOWELL:**  
22

23 Defendants noticed Plaintiff's deposition for December 12, 2025, without conferral,  
24 without **Rule 26.1** disclosures, and at the office of Shaw & Lines, a location that is unsafe, hostile,  
25 retaliatory, and directly linked to prior misconduct.

26 **This Notice of Deposition is:**

- 27 • Procedurally defective

- 1 • Unreasonable
- 2
- 3 • Issued in bad faith
- 4 • **In violation of Rule 26(f) and Rule 37(a)(1)**
- 5 • Incompatible with the **Fourteenth Amendment’s Due Process and Equal**
- 6 **Protection guarantees**
- 7
- 8 • Inconsistent with Arizona case law prohibiting oppressive and harmful discovery
- 9 tactics

10 Given the pattern of harassment and retaliation prior to litigation and during litigation —  
11 including the May 2025 events captured on video—Plaintiff formally *declines the deposition as*  
12 *noticed.*

## 13

## 14

## 15 **II. DEFINITIONS OF HARASSMENT UNDER ARIZONA LAW**

### 16 **1. A.R.S. § 12-1809(S)(1):**

17 **“Harassment” means:**

18

19 *“A series of acts over any period of time that is directed at a specific person*  
20 *and that would cause a reasonable person to be seriously alarmed, annoyed*  
21 *or harassed and that in fact seriously alarms, annoys or harasses the*  
22 *person.”*

### 23 **2. A.R.S. § 13-2921:**

24 Harassment includes conduct that:

- 25
- 26 • *“Annoys or harasses,”*
- 27 • *“Serves no legitimate purpose,”* or
- 28 • Is intended to *“alarm, torment, or terrorize.”*

1       **3. ER 4.4, ARIZ. RULES OF PROFESSIONAL CONDUCT:**

2               Lawyers may not use means that “*have no substantial purpose other than to embarrass,*  
3 *delay, or burden.*”

4  
5  
6               **II. SPECIFIC INSTANCES OF HARASSMENT, RETALIATION &**  
7               **DANGER (SUPPORTED BY RECORD)**

8  
9       Plaintiff incorporates:

- 10               • **Addendum A – Supplemental Evidence & Motion** (filed on May 5, 2025)
- 11               • **Affidavit Regarding Video Evidence** (filed on May 5, 2025)

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13  
14       These filings include video evidence showing:

- 15               1. **Refusal to provide legally-required homeowner documents** for emergency mold
- 16               remediation.
- 17               2. **Hostile escalation**, including contacting law enforcement under false pretenses and,
- 18               through Brittany Schultz, implying to responding officers that Plaintiff was armed.
- 19               3. **Attempts to restrain Plaintiff** from leaving the Focus HOA office.
- 20               4. **Retaliatory and discriminatory treatment** once Plaintiff’s address was identified.
- 21               5. **Plaintiff’s calm, lawful behavior** contrasted with Defendants’ aggression and
- 22               obstruction.
- 23               6. **Online bullying and harassment** A documented pattern of online bullying and digital
- 24               harassment—outlined in the Court of Appeals filings—intended to discredit, intimidate,
- 25               and isolate Plaintiff.
- 26  
27  
28

1 This evidence demonstrates a *clear, ongoing pattern of harassment, hostility, coercion, and*  
2 *danger*, satisfying A.R.S. §12-1809, A.R.S. §13-2921, ER 4.4, and Arizona caselaw  
3 (*Schumacher, Blazek, Cain, Dunlap*).

4 Conduct of this nature makes a deposition in the presence—and under the control—of  
5 Shaw & Lines **unsafe, coercive, and impossible to navigate fairly**.

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8 **III. LEGAL BASIS FOR OBJECTION UNDER ARIZONA RULES OF**  
9 **CIVIL PROCEDURE**

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11 **1. Rule 26.1 — No Mandatory Disclosures**

12 Defendants have **not served Rule 26.1(a) disclosures**, preventing meaningful preparation, email  
13 does not qualify as I have never authorized email service.

14  
15 **2. RULE 26(f) & RULE 37(a)(1) — NO GOOD FAITH CONFERRAL**

16 Defendants unilaterally selected a date and location without mandatory consultation.

17  
18 **3. RULE 26(c)(1)(B) — LOCATION IS OPPRESSIVE AND UNSAFE**

19 Shaw & Lines' office is neither neutral nor safe given:

- 20
- Prior misconduct
  - False statements to Superior Court
  - Misrepresentations acknowledged by the **Court of Appeals**
  - Retaliatory litigation behavior
- 21  
22  
23  
24

25  
26 **4. RULE 26(c) — HARASSMENT, OPPRESSION, SAFETY RISKS**

27 Given the documented conduct, a deposition would inflict:

- 28
- Emotional distress

- Physical symptoms
- Retraumatization
- Further personal-injury damages

Arizona law forbids discovery that causes or exacerbates injury (*Cain, Dunlap, Rawlings, Zilisch*).

### 5. RULE 45 — DEPOSITION NOTICE IS “NOT” A SUBPOENA

Plaintiff is *not required* to attend unless:

- Defendants move to compel, and
- The Court orders attendance

Neither has occurred.

## III. FEDERAL CONSTITUTIONAL VIOLATIONS – FOURTEENTH AMENDMENT

### THE FOURTEENTH AMENDMENT GUARANTEES:

- Due process
- Equal protection
- Freedom from arbitrary or retaliatory state action

### DISCOVERY CONDUCTED:

- Under coercive conditions
- By parties engaged in harassment & retaliation
- Without mandatory **Rule 26.1** compliance



- 1       • The Superior Court must protect Plaintiff from further harm

2  
3 **The appellate court also acknowledged:**

- 4       • **Mr. Shaw's central role** in the procedural irregularities.
- 5       • His misconduct's impact on the fairness of proceedings

6  
7 This significantly heightens the urgency of preventing an in-person deposition controlled by  
8 Shaw & Lines.

9  
10  
11 **VI. NOTICE OF NON-ATTENDANCE**

12 Pursuant to:

- 13       • **Rule 26(c)** (automatic stay)
- 14       • **Rule 45** (notice is NOT a subpoena)
- 15       • Arizona caselaw
- 16       • Federal constitutional protections
- 17       • Documented safety risks

18  
19  
20 **Plaintiff will not attend the deposition noticed for December 12, 2025, or any other**  
21 **deposition, unless and until:**

22  
23 For the reasons established throughout this filing—including Defendants' sustained  
24 harassment and retaliation, the sworn video evidence demonstrating danger and discriminatory  
25 treatment, Defendants' ongoing violations of **Rule 26.1** and **Rule 26(f)**, the constitutional due-  
26 process and equal-protection concerns implicated by their conduct, and the clear Arizona  
27 appellate authority prohibiting discovery that is weaponized, coercive, or harmful—*Plaintiff*  
28 *cannot be compelled to sit for any deposition at this time.*

**The law does not permit a deposition to proceed under conditions where:**

- 1 • mandatory disclosures have not been exchanged,
- 2 • good-faith conferral has not occurred,
- 3
- 4 • safety and neutrality cannot be assured,
- 5 • the deposition is noticed by parties engaged in documented retaliation, intimidation,
- 6 and dishonesty,
- 7
- 8 • and the attorney seeking the deposition is himself implicated in the misconduct at
- 9 issue.

10 Given these circumstances, a deposition is *not legally permissible, and no motion to*  
11 *compel should be granted under any circumstance.* Compelling Plaintiff's attendance now  
12 would violate the Arizona Rules of Civil Procedure, binding Arizona Supreme Court and Court  
13 of Appeals precedent, statutory harassment protections, and the Fourteenth Amendment's  
14 requirement of fundamental fairness.

15 *Accordingly, Plaintiff should not be ordered to participate in the December 12, 2025*  
16 *deposition—or any deposition—while these defects, dangers, and violations remain unaddressed.*  
17 Any attempt to compel Plaintiff's deposition under these conditions would constitute an abuse of  
18 process, a violation of Plaintiff's constitutional rights, and an impermissible continuation of  
19 Defendants' pattern of harassment and legal abuse.

## 20

## 21

## 22 VII. CONCLUSION

23 For all the reasons detailed above—including the statutory definitions of harassment under  
24 **A.R.S. §§ 12-1809 and 13-2921**; the sworn video evidence already on file; Defendants' repeated  
25 constitutional, procedural, and ethical violations; their continued refusal to comply with Rule  
26 26.1; their failure to confer under **Rules 26(f) and 37(a)(1)**; and their multi-year pattern of  
27 harassment, retaliation, discrimination, intimidation, and obstruction—*Plaintiff cannot safely,*  
28 *fairly, or lawfully be subjected to any deposition at this time.*

1 The record contains **clear, undisputed evidence** of:

- 2 • pre-litigation retaliation and discriminatory conduct by Gardens Gilbert Community  
3 Association, Focus HOA Management, and their agents;
- 4
- 5 • escalating misconduct during litigation, including misrepresentations to the Superior  
6 Court and the Arizona Court of Appeals;
- 7
- 8 • dangerous, coercive conduct captured on video—including attempts to physically restrain  
9 Plaintiff, false claims to police accusing Plaintiff of being armed, and hostile escalation  
10 designed to intimidate;
- 11
- 12 • continuing discovery abuse, including noncompliance with Rule 26.1, improper service  
13 practices, unilateral scheduling, and the deliberate selection of an unsafe and retaliatory  
14 deposition location; and
- 15 • Attorney Shaw’s central and ongoing role in these events—conduct expressly  
16 acknowledged by the Arizona Court of Appeals when reinstating Plaintiff’s personal-  
17 injury claims.

18 Under controlling Arizona authority—*Schumacher, Blazek, Cain, Dunlap, and State ex*  
19 *rel. Corbin*—courts must prohibit discovery that is retaliatory, coercive, dangerous,  
20 psychologically harmful, or used “*as a weapon.*” Likewise, the **Fourteenth Amendment’s**  
21 guarantees of due process and equal protection forbid compelling a civil litigant to participate in  
22 discovery that is fundamentally unsafe, discriminatory, retaliatory, or contaminated by attorney  
23 misconduct.

24 Accordingly, *no motion to compel deposition should be filed or entertained*, and the Court  
25 should expressly prohibit Defendants from using discovery to continue the very harassment and  
26 abuse forming the basis of Plaintiff’s claims. Arizona law does not permit a deposition to proceed  
27 under conditions that independently satisfy the statutory criteria for an injunction against  
28 harassment.

1           **For these reasons, Plaintiff declines the deposition noticed for December 12, 2025,**  
2 **and provides formal notice of non-attendance.**

3           Given the ongoing safety risks, the established pattern of harassment and retaliation, the  
4 constitutional violations implicated, and the Defendants' refusal to comply with even the most  
5 basic procedural requirements, *there are no circumstances under which a deposition could*  
6 *presently be conducted safely or fairly.* Any attempt to compel Plaintiff's attendance now would  
7 violate Arizona law, federal constitutional protections, fundamental fairness, and the Court's  
8 obligation—recognized by the **Court of Appeals**—to prevent further injury, trauma, and  
9 psychological harm to Plaintiff.

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11           Respectfully submitted this 13th day of November 2025.

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14 Sandra Rodriguez  
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1 **VIII. CERTIFICATE OF SERVICE**

2 I served copies of this **OBJECTION TO NOTICE OF DEPOSITION (RULE 26(c))** for  
3 on all parties of record via U.S. Mail.  
4

5 **OPPOSING PARTY INFORMATION**

6 **DEFENDANTS:**

- 7
  - 8 o Gardens Gilbert Community Association
  - 9 o Focus HOA Management, LLC
  - 10 o Harmin Cadis
  - 11 o Brooke Sortor
  - 12 o Anna Schultz
  - 13 • **Address:** 4135 E. Power Road, Suite 133, Mesa, Arizona 85212

14 **DEFENDANT'S LEGAL COUNSEL:**

- 15
  - 16 • **Name:** Augustus H. Shaw IV
  - 17 • **Firm:** Shaw & Lines, LLC
  - 18 • **Address:** 4523 E. Broadway Road, Phoenix, Arizona 85040

19 Respectfully submitted this 13th day of November 2025..

20 

21 Sandra Rodriguez