

1 Sandra Rodriguez
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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 AUGUSTUS H. SHAW IV

19 **Defendant's Legal Counsel,**

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

**MOTION TO EXTEND DEADLINES
AND TEMPORARILY
PAUSE DISCOVERY**

20 **TO THE HONORABLE JUDGE MCDOWELL:**

21 Plaintiff appearing self-represented, respectfully moves this Court to:

- 22
23 1) Extend Plaintiff's **Rule 26.1** disclosure and Amended Complaint deadlines;
24 2) Temporarily pause all discovery under **Rule 26.1(b)(2)**;
25 3) Require Defendants to submit timely and compliant **Rule 26.1** disclosures once
26 discovery begins; and
27 4) Protect Plaintiff's due-process and equal-protection rights under the **Arizona and**
28 **United States Constitutions.**

1 Plaintiff also requests that her concurrently filed **Motion for Protective Order** and
2 **Objection to Notice of Deposition** be held in abeyance until the discovery pause is lifted.

3 This request is necessary because Defendants filed their Verified Answer today,
4 November 13, 2025, which restarts the pleading timeline, affects Plaintiff's right to amend, and
5 resets all related deadlines under the **Arizona Rules of Civil Procedure**.

6 **I. BACKGROUND AND PROCEDURAL STATUS**

- 7 1. **The Arizona Court of Appeals has already authorized Plaintiff to file an Amended**
8 **Civil Complaint**, restoring claims and resetting the litigation posture.
- 9 2. **Under Rule 15(a)(1) Plaintiff may amend as a matter of course**, and under **Rule**
10 **15(a)(3)** Defendants must file a Verified Answer to the Amended Complaint.
- 11 3. **Defendants' late Answer necessarily restarts the pleading clock**, and Plaintiff cannot
12 be compelled to meet prior disclosure or discovery deadlines before filing the Amended
13 Complaint and receiving a proper Verified Answer.
- 14 4. **Plaintiff is concurrently filing a *Motion for Protective Order* and *Objection to Notice***
15 ***of Deposition***, which must be ruled on *after* the pause on discovery is lifted.

16 **II. LEGAL AUTHORITY REQUIRES AN EXTENSION AND A**

17 **DISCOVERY PAUSE**

18 **A. RULE 26.1(b)(2) AUTOMATICALLY PAUSES DISCLOSURES**

19 **Rule 26.1(b)(2)** expressly suspends disclosure deadlines where the sufficiency of the
20 pleadings is unresolved. Because:

- 21 • Defendants just filed a new Verified Answer,
- 22 • Plaintiff is preparing an Amended Complaint, and
- 23 • Defendants must later file a Verified Answer under **Rule 15(a)(3)**,

1 the **Rule 26.1** disclosure deadlines *cannot legally apply* until the pleadings are properly joined.

2 **B. ARIZONA COURTS REQUIRE FAIR TIME TO RESPOND BEFORE DISCOVERY**
3 **PROCEEDS**

4
5 **Arizona Supreme Court** precedent requires courts to structure discovery to avoid unfairness:

- 6 • *Allstate Ins. Co. v. O'Toole*, 182 Ariz. 284 (1995) – courts must avoid prejudice and allow
7 adequate preparation time.
- 8 • *Bryan v. Riddell*, 178 Ariz. 472 (1994) – due process requires meaningful time to prepare
9 before litigation obligations attach.

10
11 Proceeding with discovery before the pleadings are settled would directly violate these
12 requirements.

13
14 **III. FAILURE TO GRANT THIS MOTION VIOLATES DUE PROCESS**
15 **AND EQUAL PROTECTION**

16
17 **A. PROCEDURAL DUE PROCESS REQUIRES A MEANINGFUL OPPORTUNITY TO**
18 **BE HEARD**

19 Both the **Arizona Constitution (art. 2, § 4)** and the **U.S. Constitution (14th**
20 **Amendment)** require that a litigant be given:

- 21 1. Notice;
- 22 2. A meaningful opportunity to respond; and
- 23 3. A fair opportunity to litigate claims on the merits.

24
25
26 Forcing Plaintiff to proceed with discovery **before** her Amended Complaint is filed—
27 and before Defendants file a proper Verified Answer—denies that meaningful opportunity.

1 This violates:

- 2 • *Mathews v. Eldridge*, 424 U.S. 319 (1976)
- 3
- 4 • *Goldberg v. Kelly*, 397 U.S. 254 (1970)

5 **B. Equal Protection Requires Procedural Fairness**

6
7 The **Arizona Supreme Court** has held that litigants must be given equal and fair access
8 to the judicial process:

- 9 • *Seisinger v. Siebel*, 220 Ariz. 85 (2009).

10
11 Allowing Defendants to push forward with discovery while they remain **noncompliant**
12 with **Rule 26.1** and pleading requirements would create structural inequality and undermine equal
13 protection.

14
15 **IV. DEFENDANTS MUST BE ORDERED TO SUBMIT TIMELY,**
16 **COMPLIANT RULE 26.1 DISCLOSURES**

17
18 Defendants are attempting to press forward with discovery despite:

- 19 • Filing a late and incomplete Verified Answer,
- 20
- 21 • Failing to comply with the disclosure requirements of **Rule 26.1**, and
- 22 • Attempting to schedule depositions prematurely.

23
24 To prevent further prejudice and ensure fairness, Plaintiff respectfully requests an order
25 respectfully requests:

26
27 Defendants to submit their **Rule 26.1** disclosures in full and timely compliance with the
28 **Arizona Rules of Civil Procedure** immediately upon the commencement of discovery, and
prohibiting any attempt to conduct discovery until both parties have exchanged *complete* **Rule 26.1** disclosures.

1 This is consistent with **Rule 37** and Arizona’s policy favoring fair, transparent discovery.

2
3 **V. REQUEST FOR RELIEF**

4 Plaintiff respectfully requests that the Court:

- 5
- 6 **1. Extend the deadline for Plaintiff’s Amended Civil Complaint, consistent with the**
7 **Court of Appeals mandate** and the restarted pleading timeline triggered by Defendants’
8 Verified Answer filed November 13, 2025.
 - 9 **2. Extend Plaintiff’s Rule 26.1 disclosure deadline** until after Defendants file a
10 procedurally compliant Verified Answer to the Amended Complaint pursuant to **Rule**
11 **15(a)(3)**.
 - 12 **3. Pause all discovery under Rule 26.1(b)(2)** until the pleadings are fully joined, the
13 Amended Complaint is filed, and Defendants file a complete and compliant Verified
14 Answer.
 - 15 **4. Order Defendants and their legal counsel to cease any further attempts to initiate**
16 **or accelerate discovery**—including depositions, emails, or demands—until they have
17 fully complied with the Arizona Rules of Civil Procedure and the Court’s scheduling
18 directives.
 - 19 **5. Order Defendants and their counsel to submit complete, timely Rule 26.1 disclosures**
20 upon commencement of discovery, and prohibit them from conducting or noticing any
21 discovery until such disclosures are served.
 - 22 **6. Admonish Defendants and their counsel that continued noncompliance with**
23 **Arizona civil procedure**, or continued attempts to circumvent due-process protections,
24 may warrant sanctions under **Rules 11, 16, 26(g), and 37**, and may constitute conduct
25 subject to mandatory reporting under the Arizona Rules of Professional Conduct.
26 *Plaintiff notes that the pattern of premature discovery demands, disregard of Rule 26.1,*
27 *and attempts to force litigation without proper pleadings materially infringes upon*
28 *Plaintiff’s due-process rights and her ability to adjudicate her claims fairly.*

1 **7. Hold in abeyance Plaintiff's concurrently filed:**

- 2
- 3 • **Motion for Protective Order, and**
 - 4 • **Objection to Notice of Deposition,**

5 pending the lifting of the discovery pause and completion of the pleading process.

6

7 **8. Grant any additional relief necessary to protect Plaintiff's procedural due-process**

8 **and equal-protection rights, ensure fairness, and prevent further prejudice arising from**

9 **Defendants' ongoing noncompliance.**

10 **VI. CONCLUSION**

11 The relief requested is necessary to ensure procedural fairness, maintain compliance with

12 the **Arizona Rules of Civil Procedure**, prevent discovery abuses, and safeguard Plaintiff's

13 constitutional rights in this litigation.

14

15 Respectfully submitted this 13th day of November 2025.

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17 Sandra Rodriguez

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VIII. CERTIFICATE OF SERVICE

I served copies of this ***MOTION TO EXTEND DEADLINES AND TEMPORARILY PAUSE DISCOVERY*** 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 13th day of November 2025..



Sandra Rodriguez