

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 AUGUSTUS H. SHAW IV  
19 **Defendant's Legal Counsel,**

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

**SPECIAL EMERGENCY REQUEST:  
MOTION TO STRIKE DEFENDANTS'  
RESPONSE FOR BAD FAITH AND  
VIOLATION OF COURT ORDER**

20  
21 **TO THE HONORABLE JUDGE MCDOWELL:**

22  
23 Plaintiff Sandra Rodriguez respectfully moves this Court, pursuant to **Rule 7(b), Rule**  
24 **11(b)(1), Rule 26(c), Rule 26(i), Rule 12(f), ARCAP 25,** and the Court's inherent authority, to  
25 strike Defendants' "*Response to Motion to Extend Deadlines and Temporarily Pause Discovery.*"

26 The Response contains repeated *misrepresentations, violations of a direct court order,*  
27 *coercive litigation tactics, and legally baseless arguments for attorney's fees.*  
28

1 When read in context with Defendants' escalating pattern of litigation misconduct,  
2 retaliation, and misuse of civil rules, their filing demonstrates clear bad faith that renders any in-  
3 person deposition of Plaintiff unsafe, inappropriate, and contrary to both federal and Arizona law.

## 4 I. INTRODUCTION

5 Defendants' Response violates the Court's **November 12, 2025 Minute Entry**, which  
6 expressly:  
7

- 8 1. Prohibited exaggeration or misleading statements regarding prior orders or appellate  
9 rulings,
- 10 2. Required accurate quotations,
- 11 3. Ordered that any good-faith consultation occur by phone or in person,
- 12 4. Confirmed the Court set no deadline for Plaintiff to amend, and
- 13 5. Directed that amendment must proceed by **Rule 15**, not by motion-shaming or threats.  
14

15  
16 Despite these explicit instructions, Defendants submitted a filing that:

- 17 • misstates the Court's orders,
- 18 • misrepresents **Rule 15**,
- 19 • fabricates deadlines the Court never imposed,
- 20 • falsely accuses Plaintiff of refusing to confer,
- 21 • threatens an indigent litigant with baseless attorney's fees, and
- 22 • attempts to obstruct Plaintiff's right to amend and preserve her appellate rights.  
23

24  
25  
26 This conduct warrants striking under **Rule 12(f)** and **ARCAP 25**, and merits protective  
27 intervention under **Rule 26(c)**.  
28

1 **II. DEFENDANTS' RESPONSE VIOLATES THE COURT'S NOVEMBER**  
2 **12, 2025 MINUTE ENTRY**

3  
4 The Court ordered:

5 *"Both parties are cautioned to avoid hyperbole and exaggerating the facts,*  
6 *the law, or the prior orders... If the Court finds that either party is*  
7 *exaggerating the facts, the law, or prior orders... the Court will require the*  
8 *offending party to use direct quotes and attach highlighted pages."*

9 *"The Court has set no deadline by which Ms. Rodriguez must file an*  
10 *amended complaint... she may file a motion to amend pursuant to Rule 15."*

11 *"Good faith consultation MUST be in person or by telephone.*  
12 *Correspondence and email WILL NOT suffice."*

13  
14 **Defendants violated all three directives:**

15 **A. MISREPRESENTING THE COURT'S INSTRUCTIONS ON AMEDNMENT**

16 Defendants falsely claim Plaintiff is *"delaying"* and *"improperly seeking to amend,"*  
17 despite the Minute Entry explicitly granting her the right to file a Rule 15 motion with  
18 *no deadline imposed*. Their characterization is a direct misstatement of the Court's  
19 ruling.

20  
21 **B. FABRICATING A FALSE "REFUSAL TO CONFER"**

22 Plaintiff requested the mandatory phone call.  
23 Defendants ignored the email, never called, and made no attempt to comply.  
24 They then mischaracterized their own silence as Plaintiff's refusal.  
25 This blatantly violates the Court's consultation directive.

1                   **C. DISTORTING THE COURT’S DISCOVERY RULING**

2                   The Minute Entry did *not* bar Plaintiff from seeking a short extension or protective relief.  
3 Defendants intentionally twist the ruling to imply Plaintiff is violating court orders—another  
4 violation of the Court’s prohibition against exaggeration and misleading statements.  
5

6                   **III. PLAINTIFF IS COMPLYING WITH RULE 15 AND PRESERVING**  
7   **HER APPELLATE RIGHTS**

8                   The Court explicitly stated that amendment must proceed through **Rule 15**, imposed *no*  
9 *deadline*, and requires a proposed amended complaint with a redline. Plaintiff is doing exactly  
10 that—acting in good faith and to the best of her ability to follow the Court’s instructions while  
11 preserving the appellate rights tied to her reinstated claims. Defendants’ assertion that amendment  
12 is “*impermissible*” directly contradicts **Rule 15(a)(2)**, which requires leave to be “freely given  
13 when justice requires,” and ignores controlling precedent such as *MacCollum v. Perkinson*, 185  
14 Ariz. 179 (App. 1996), and *Carranza v. Madrigal*, 237 Ariz. 512 (2015). Their effort to block  
15 amendment is obstructive, retaliatory, and unsupported by any rule or authority.

16                   **IV. DEFENDANTS’ RESPONSE MUST BE STRICKEN UNDER ARCAP**  
17   **25 AND RULE 12(f)**

18                   Striking is warranted because Defendants’ Response meets every ground under **ARCAP**  
19 **25**, which authorizes removal of filings that are misleading, baseless, submitted to intimidate or  
20 delay, or that misstate law or prior court orders. It likewise satisfies **Rule 12(f)**, which allows the  
21 Court to strike material that is redundant, immaterial, impertinent, or scandalous. Defendants’  
22 Response invents facts, distorts the Court’s orders, misstates procedural law, and targets an  
23 indigent litigant with harassing and retaliatory accusations. For these reasons, striking the filing  
24 is proper and necessary.

25                   **V. IMPOSING FEES ON AN INDIGENT LITIGANT IS**  
26   **UNCONSTITUTIONAL AND RETALIATORY**

27  
28                   Defendants’ repeated demands for attorney’s fees violate:

- 1 • **Arizona Constitution, Art. 2 § 11** (“*Justice shall be administered freely*”),
- 2 • **Arizona Constitution, Art. 2 § 4** (Due Process),
- 3
- 4 • **14th Amendment Due Process & Equal Protection,**
- 5 • **First Amendment right to petition, and**
- 6
- 7 • **Supreme Court** precedent prohibiting financial barriers that punish or chill
- 8 access to courts (*Boddie v. Connecticut*, 401 U.S. 371 (1971); *M.L.B. v. S.L.J.*,
- 9 519 U.S. 102 (1996)).

10 Arizona courts forbid using attorney’s fees to intimidate indigent litigants. *See Hoggatt v.*  
11 *Melitta*, 193 Ariz. 340 (App. 1998); *State v. Towery*, 186 Ariz. 168 (1996). Defendants’ repeated  
12 fee demands against a fee-waived, self-represented party are improper and reflect ongoing  
13 obstruction and bad faith. Instead of focusing on evidence or the merits, Defendants continue  
14 filing unnecessary, frivolous motions intended to block and intimidate Plaintiff—consistent with  
15 their pattern of conduct since this case began. *Their fee demand is not advocacy—it is coercion.*

16 Defendants’ retaliatory intent is clear from the escalation of hostile conduct immediately  
17 after Plaintiff informed the Court she intends to add Attorney Augustus H. Shaw IV as an  
18 individual defendant. Since that notice, Defendants—represented by Shaw’s own firm—have  
19 increased misrepresentations of court orders, intensified obstructive motion practice, and  
20 attempted to chill Plaintiff’s Rule 15 rights. This timing aligns with classic retaliation recognized  
21 in *Wadley*, *Rawlings*, and *Crawford-El*, where parties increase pressure once personal liability is  
22 threatened. Defendants’ sudden opposition to amendment, baseless fee demands against a fee-  
23 waived litigant, fabricated deadlines, and aggressive push for an unprotected deposition reflect a  
24 coordinated effort to shield Shaw and punish Plaintiff. Such retaliation violates **ER 4.3**, **ER**  
25 **8.4(d)**, **Rule 11(b)(1)**, and **Rule 26(g)** and strongly supports Plaintiff’s request for protective  
26 relief and judicial intervention.

## 27 **VII. CONCLUSION**

28 For all the reasons set forth above, Plaintiff respectfully requests that this Court:

- 1 1. **STRIKE** Defendants' Response in its entirety for violating the Court's November 12,  
2 2025 Minute Entry and for engaging in bad-faith, retaliatory litigation conduct;
- 3 2. **DENY** Defendants' improper, unconstitutional request for attorney's fees against a fee-  
4 waived, indigent litigant;
- 5 3. **AFFIRM** Plaintiff's right under Rule 15 to file an amended civil complaint consistent  
6 with the Court of Appeals' mandate reinstating her tort and related claims; and  
7
- 8 4. **ENTER PROTECTIVE RELIEF** under **Rule 26(c)** to safeguard Plaintiff from further  
9 harassment, retaliation, and misuse of motion practice, and to prevent any deposition or  
10 discovery tactic that would expose her to continued abuse under current conditions.

11 Plaintiff further asks this Court to *provide heightened protections* to ensure she can safely  
12 and fully exercise her constitutional rights. Without stronger judicial protections against  
13 Defendants' ongoing obstruction and retaliation—particularly regarding her right to amend—  
14 Plaintiff will be forced to seek emergency relief from the **Arizona Court of Appeals**, including  
15 a special action. Such relief would be necessary to address ongoing interference with her  
16 **Fourteenth Amendment due-process and equal-protection rights**, and continued attempts to  
17 deny her access to the courts on claims already reinstated by the appellate mandate.

18 To be clear, Plaintiff is diligently focused on preparing her *Initial Rule 26.1 disclosures*  
19 and obtaining help to properly prepare her *Rule 15 amended complaint*, exactly as this Court has  
20 directed. Defendants and Attorney Shaw continue to oppose amendment because they do not  
21 want to be held legally accountable for their conduct. Their repeated distractions,  
22 misrepresentations, and hostile filings appear designed to dissuade Plaintiff from advancing her  
23 case and to avoid a future trial.

24 Plaintiff simply seeks what the Constitution promises: a fair and equal right to access the  
25 courts, free from intimidation, retaliation, or procedural manipulation. She appreciates this  
26 Court's diligence and its prior efforts to protect her rights, and respectfully requests continued  
27 judicial oversight to ensure these rights are not further obstructed.

28 Finally, Plaintiff asks the Court to **reconsider the requirement that all good-faith  
consultations occur in person or by telephone**, as the opposing party has demonstrated an

1 extreme level of hostility toward Plaintiff, which is documented in the video evidence filed in  
2 May 2025. Given the history of retaliation and unsafe conduct, Plaintiff believes such direct  
3 contact places her at risk and requests that the Court permit written communication as a safer,  
4 equally effective means of compliance.

5  
6 Respectfully submitted this 17th day of November 2025.

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8 

9 Sandra Rodriguez  
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12 **IX. EXHIBIT**

- 13  
14 **1. Exhibit A** – Email from Sandra Rodriguez to Opposing Counsel dated November  
15 13, 2025, showing Defendants’ failure to respond or attempt any required contact.  
16 **2. Exhibit B** – Sworn Affidavit of Sandra Rodriguez.  
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1 **VIII. CERTIFICATE OF SERVICE**

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3 I served copies of this ***PLAINTIFF'S MOTION FOR LEAVE TO AMEND***  
4 ***COMPLAINT*** for on all parties of record via U.S. Mail.

5  
6 **OPPOSING PARTY INFORMATION**

7 **DEFENDANTS:**

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

18 Respectfully submitted this 17th day of November 2025..

19 

20  
21 Sandra Rodriguez

# EXHIBIT A



Sandra Rodriguez <sandra.rodriguez0339@gmail.com>

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## Rodriguez v. Gardens Gilbert - Request to Meet and Confer Regarding Recent Filings

2 messages

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Dominick D tente <Dominick@shawlines.com>

Thu, Nov 13, 2025 at 5:15 PM

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

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

Dear Ms. Rodriguez,

We are in receipt of your three recent filings, including the Objection to Notice of Deposition, Motion to Extend Deadlines and Temporarily Pause Discovery, and Motion for Protective Order.

Pursuant to Rule 7.1(h), we would like to consult with you regarding these matters, as we believe that all of the issues raised can be resolved without court intervention. We are available at your convenience for a phone call to respectfully discuss each of these items and work toward a mutually agreeable resolution.

Please let me know a date and time that works for you, and we will make ourselves available. We look forward to speaking with you.

Have a wonderful day,

Dominick Detente, Esq.

**SHAW & LINES, LLC**

4523 E. Broadway Rd.

Phoenix, Arizona 85040

480.456.1500

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*We're Moving!*

Effective December 1, 2025, our new office location will be:

1490 S. Price Rd., Suite 318

Chandler, Arizona 85286

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**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.

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Sandra Rodriguez <sandra.rodriguez0339@gmail.com>

Thu, Nov 13, 2025 at 7:20 PM

To: Dominick D tente <Dominick@shawlines.com>

Cc: Augustus Shaw <ashaw@shawlines.com>

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

Dear Mr. Dentente,

Thank you for your email.

For the record, this request to meet and confer was sent only after I filed my Objection to Notice of Deposition, Motion for Protective Order, and Motion to Extend Deadlines and Temporarily Pause Discovery. Under the **Arizona Rules of Civil Procedure**, the issues raised in these filings—particularly those involving **Rule 26.1** violations, **Rule 26(f)** conferral deficiencies, safety concerns, harassment under **A.R.S. § 12-1809**, and constitutional issues—are not the type of matters that can be resolved informally and therefore are not subject to **Rule 7.1(h)**'s conferral requirement.

Additionally, Defendants did not confer with me before noticing a deposition, as required by **Rule 26(f)** and **Rule 37(a) (1)**. I am noting this only to preserve the procedural history accurately.

To avoid any misunderstanding and to comply with **Rule 408** of the **Arizona Rules of Evidence**, I request that all future communications regarding these motions be provided in writing only. This ensures a clear and complete record and avoids any inadvertent implication of settlement discussions or waiver of rights. Any written communication you choose to provide will be reviewed and addressed through the proper procedural channels.

Thank you,

Sandra Rodriguez

[Quoted text hidden]

# EXHIBIT B

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**

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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,*

**AFFIDAVIT OF SANDRA  
RODRIGUEZ**

20  
21 I, **Sandra Rodriguez**, being first duly sworn, declare under penalty of perjury as follows:

- 22 1. **Since 2023**, I have repeatedly reported safety concerns, discriminatory treatment,  
23 harassment, and improper enforcement actions to *Gardens Gilbert Community*  
24 *Association, Focus HOA Management, LLC, and individual board members Anna Schultz,*  
25 *Brooke Sortor, and Harmin Cadis.* Rather than addressing these issues, the conduct  
26 toward me escalated, resulting in a continuous pattern of retaliation, intimidation, and  
27 attempts to silence or discredit me.
- 28 2. After Defendants hired *Attorney Augustus H. Shaw IV and Shaw & Lines, LLC*, the  
retaliation significantly intensified. Their motion practice, communications, and

1 enforcement actions became increasingly hostile, misleading, and coercive. This  
2 escalation coincides with the period in which I began asserting my rights, documenting  
3 misconduct, and pursuing legal remedies through the courts.

4 3. I have experienced ongoing fear, anxiety, PTSD symptoms, and emotional distress due to  
5 continuous monitoring, surveillance-like behavior around my home, retaliatory HOA  
6 actions, and hostile interactions initiated by Defendants and their agents. The conduct has  
7 made me feel unsafe in my own residence and fearful for my physical and emotional well-  
8 being.

9 4. In this litigation, Defendants—often through Attorney Shaw’s office—have engaged in a  
10 consistent pattern of misleading filings, misstatements of law, distortion of court orders,  
11 threats of improper attorney’s fees, and efforts to block my Rule 15 right to amend my  
12 complaint. Their actions create the appearance of coordinated retaliation to prevent me  
13 from pursuing claims that place their organization and counsel at risk of legal  
14 accountability.

15 5. These actions have also attempted to obstruct my **Fourteenth Amendment due-process**  
16 **and equal-protection rights**, as Defendants repeatedly try to deny me meaningful access  
17 to the courts, to silence my claims reinstated by the Arizona Court of Appeals, and to  
18 impose impossible or unsafe conditions such as in-person confrontations or depositions  
19 after court documented hostility. As a fee-waived, indigent, self-represented litigant, I am  
20 especially vulnerable to these coercive tactics.

21 6. Defendants’ escalating conduct—including misleading statements to the Court, refusal to  
22 comply with required consultations, and continued harassment—has caused me  
23 substantial emotional distress, heightened anxiety, and fear for my safety. Their actions  
24 appear calculated to intimidate me into abandoning my legal claims and to avoid  
25 accountability for the wrongful conduct that has harmed me since 2023.

26 7. Despite these challenges, I am doing my best to comply with all court orders, to prepare  
27 my **Rule 26.1** disclosures, and to obtain assistance in drafting a **Rule 15** red lined amended  
28 complaint. However, Defendants’ retaliatory actions, hostile communications, and

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attempts to misrepresent my efforts significantly interfere with my ability to meaningfully exercise my constitutional rights and to proceed safely through this litigation.

I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge.

Respectfully submitted this 17th day of November 2025.



Sandra Rodriguez