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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,

**PLAINTIFF'S REPLY TO
DEFENDANT'S RESPONSE TO
AMEND FOR PROTECTIVE ORDER**

20
21 Dear Honorable Judge McDowell,

22 Plaintiff submits this Reply to correct misstatements in Defendants' Response, clarify the
23 actual events involving counsel, and show that Defendants' own filing further demonstrates the
24 need for a Protective Order under Rule 26(c) and the Arizona Rules of Protective Order
25 Procedure. These Rules allow protective relief when a party faces harassment, intimidation, or
26 litigation abuse. Defendants' Response misstates the record, omits key facts, contradicts multiple
27 Court orders, and reflects conduct meeting the definitions of vexatious conduct under A.R.S. §
28 12-3201 and "harassment" under Rule 3. The record now shows Defendants misrepresented the
meet-and-confer process, violated Court directives on sanctions, filings, and communications,

1 weaponized sanctions and discovery, sought dismissal to avoid Plaintiff's extensive evidence,
2 and that Plaintiff satisfies the standards for protective relief under Rule 26(c), A.R.S. §§ 12-3201
3 and 13-3602, and the Protective Order Rules.

4 **I. DEFENDANTS' CLAIM THAT PLAINTIFF "*REFUSED TO MEET AND CONFER*"**
5 **IS FALSE AND CONTRADICTED BY THEIR OWN EXHIBIT**

6
7 Defendants' claim that Plaintiff "*refused*" to meet and confer is false and disproven by
8 their own Exhibit A. Counsel placed a single one-ring call, immediately hung up, and then told
9 the Court Plaintiff refused to participate. A one-ring call is not a good-faith consultation—it is a
10 manufactured record.

11 Plaintiff responded within minutes, explaining she had no real chance to answer and
12 reiterating her request for written communication due to harassment concerns, accuracy needs,
13 and her pending Protective Order. Even though the Court encouraged phone contact, Rule 26(i)
14 still governs and allows written communication in contentious cases where safety and
15 documentation are concerns. Written communication fully complies with Rule 26 and the
16 Court's expectations.

17 After Plaintiff's prompt email, Shaw made no attempt to call back or reply, despite her
18 clear willingness to confer. Thus, the only party who failed to confer in good faith was
19 Defendants' counsel. Their contrary assertion is contradicted by their own exhibit and reflects a
20 pattern of mischaracterizing Plaintiff for maintaining reasonable, safety-based boundaries. This
21 misrepresentation also violates the Court's directive against inaccurate or manufactured disputes.

22 **II. DEFENDANTS' RESPONSE ITSELF DEMONSTRATES "*VEXATIOUS***
23 ***CONDUCT*" UNDER A.R.S. § 12-3201**

24 A.R.S. § 12-3201 defines vexatious conduct as filings made to harass, efforts that
25 unreasonably expand proceedings, meritless or unjustified filings, abusive discovery, and
26 repetitive motions. Defendants' Response fits this definition. Their discovery requests—bank
27 records, tax returns, benefit information, medical and psychological records, childcare materials,
28 and identification of children in Plaintiff's home—have no relevance to an HOA dispute and
function only as intimidation and surveillance of an indigent single mother.

1 Their Response does not address Rule 26(c) or the standards for protective relief; instead,
2 it attacks Plaintiff personally, labels her citations to public court records as “insults,” and seeks
3 to restrict her filings or dismiss the case. This is retaliatory, not substantive. The Response also
4 lacks justification because it ignores controlling law and this Court’s orders, including the
5 directive deferring sanctions until an evidentiary hearing. Rather than engage with the issues,
6 Defendants rely on a misrepresented one-ring call and vague accusations.

7 Their repeated sanctions demands and attempts to limit Plaintiff’s filings are themselves
8 efforts to obstruct and chill her access to the courts. Using sanctions and motion practice as
9 weapons is classic vexatious conduct under § 12-3201, made more concerning by Defendants’
10 continued disregard of the Court’s July 18, 2025 order.

11 **III. PATTERN OF LITIGATION ABUSE AND BASIS FOR PROTECTIVE RELIEF**

12 Defendants’ 2025 filings continue and escalate the same pattern this Court observed
13 throughout 2024. Their August 22, 2025 consolidation reply again labels Plaintiff’s actions as a
14 “pattern of harassment” and seeks sanctions instead of addressing the merits. Their September 5
15 and September 10, 2025 Responses repeat accusations of “*frivolous*” and “*repetitive*” filings
16 while ignoring Plaintiff’s concerns about enforcing the appellate mandate and stay order. Each
17 filing attempts to revisit sanctions despite this Court’s July 18, 2025 directive deferring sanctions
18 to an evidentiary hearing, thereby disregarding the order and expanding the proceedings.

19 The October 30, 2025 Good-Faith Certificate misrepresents Plaintiff as refusing to confer
20 and “unilaterally” filing her Rule 16 statement, even though she repeatedly requested written
21 communication for safety and submitted detailed proposals—contrary to the Court’s instruction
22 that counsel accurately describe communications.

23 The November 13, 2025 Notice of Deposition unilaterally schedules an in-person,
24 videotaped deposition at defense counsel’s office and threatens sanctions under Rules 30 and 37.
25 Defendants then use this manufactured record in their November 14 Response to again accuse
26 Plaintiff of refusing to confer and to request fees. Their November 13, 2025 Verified Answer
27 likewise includes an unusually long list of punitive affirmative defenses and multiple statutory
28 fee demands.

1 Viewed together with their 2024 filings, Defendants' 2025 conduct shows a clear
2 strategy: portray Rodriguez as "*the problem*," weaponize sanctions, misuse good-faith
3 certifications, and use discovery to intimidate a self-represented, indigent homeowner. They also
4 repeatedly ignore this Court's July 18, August 29, and September 3, 2025 orders on sanctions,
5 filings, and consolidation. This is not legitimate advocacy; it is litigation abuse that Rule 26(c)
6 and A.R.S. § 12-3201 were designed to prevent.

7 **IV. SANCTIONS AND "*HARASSMENT*" LANGUAGE HAVE BECOME**
8 **DEFENDANTS' DEFAULT STRATEGY**

9 Defendants' filings show sanctions have become their default strategy. In their
10 consolidation reply, they call Plaintiff's conduct her "*modus operandi*," accuse her of false
11 statements, and claim her sanctions requests justify sanctions against her—without clear and
12 convincing evidence—sidestepping the merits and portraying her as harassing. The same pattern
13 appears in their Response to the Combined Motion, where they label her arguments repetitive or
14 meritless and again pivot to fee and sanctions demands as if automatic. Their Response to the
15 Motion for Emergency Relief repeats this theme, alleging a "*pattern*" of frivolous filings and
16 urging substantial sanctions. Even the Verified Answer concludes with multiple statutory fee
17 requests and Rule 11 threats.

18 All of this is occurring despite the Court's July 18, 2025 order deferring sanctions until
19 an evidentiary hearing. Defendants' continued sanctions requests both harass Plaintiff and
20 disregard the Court's authority. Under A.R.S. § 12-3201, repeatedly using motions and sanctions
21 to punish or chill an opposing party constitutes vexatious conduct, and under Rule 26(c) it is the
22 type of harassment warranting protective relief.

23 **V. MISUSE OF "*GOOD-FAITH*" REQUIREMENTS AND DISCOVERY**

24 Defendants misuse the good-faith requirements in Rules 7.1 and 26(i) to discredit
25 Plaintiff rather than resolve disputes, contrary to the Court's July 18 and August 29, 2025
26 directives. Their October 30, 2025 Good-Faith Certificate falsely implies Plaintiff ignored efforts
27 to confer, even though she consistently requested written communication for safety reasons and
28 submitted detailed proposals on scheduling and the appellate mandate. Their November 14, 2025
Response repeats this distortion, claiming she refused a telephonic conference, while Exhibit A

1 shows only a one-ring call followed by Plaintiff’s prompt written reply. The Rules do not require
2 a self-represented litigant to accept unscheduled calls from counsel she has accused of
3 harassment; Defendants’ portrayal turns the good-faith requirement into another tool of
4 harassment.

5 Defendants’ November 13, 2025 deposition notice likewise shows their use of discovery
6 for pressure rather than fact-finding. They unilaterally scheduled an in-person, videotaped
7 deposition at their office, insisted on dual recording, and threatened sanctions under Rules 30
8 and 37 amid ongoing personal attacks and misstatements of Plaintiff’s communications. When
9 Plaintiff requested reasonable protections—a remote format, neutral location, and decorum
10 standards—Defendants dismissed her concerns and labeled her motion frivolous. Plaintiff does
11 not oppose being deposed; she objects to a deposition conducted under intimidating conditions
12 created by months of sanctions threats. Rule 26(c)(1)(B)–(C) authorizes the Court to prevent
13 oppression by modifying the time, place, and manner of discovery, and such conditions are
14 warranted given the contentious history of this case.

15 **VI. DEFENDANTS’ ATTEMPTS TO BRAND PLAINTIFF AS THE “PROBLEM” AND**
16 **MISCHARACTERIZE HER REFERENCES TO PRIOR CASES**

17 Defendants repeatedly push the narrative that Plaintiff is “*the problem*,” a theme that
18 appears in nearly every filing. Their Verified Answer goes beyond responding to allegations and
19 instead portrays Rodriguez as acting in bad faith, asserting defenses like unclean hands, lack of
20 standing, and failure to mitigate. Their consolidation reply ignores her substantive arguments
21 and instead labels her conduct a “*modus operandi*” and “*pattern of harassment*,” again seeking
22 sanctions. When Plaintiff moves to enforce the appellate mandate, protect the January 24, 2025
23 stay order, or stop predatory assessment actions during the stay, Defendants describe her motions
24 as rambling or evasive and use those characterizations to request additional sanctions. Their
25 Response to the Amended Motion for Protective Order even accuses her of defamation or
26 “insults” simply for citing public court records involving similar HOA disputes.

27 Plaintiff’s references to prior cases are not defamatory—they are citations to public
28 judicial records relevant to pattern, motive, and credibility. They show that the conduct here
mirrors a documented history of aggressive litigation tactics against homeowners. Arizona’s

1 protective-order framework permits courts to consider a series of acts that would cause a
2 reasonable person to feel alarmed, annoyed, humiliated, or distressed, and Plaintiff's experiences
3 clearly meet that standard. Her reliance on public records is relevant, privileged, and appropriate
4 for the Court's evaluation.

5 **VII. PLAINTIFF MEETS STANDARD PROTECTIVE RELIEF UNDER RULE 26(c),**
6 **RULES OF PROTECTIVE ORDER PROCEDURE, & RELATED STATUTES**

7 The Arizona Rules of Protective Order Procedure—applicable to A.R.S. §§ 13-3602, 13-
8 3624, 12-1809, and 12-1810—define harassment as conduct that would cause, and does cause,
9 a reasonable person to feel seriously alarmed, annoyed, humiliated, or distressed. Rodriguez has
10 experienced exactly this through repeated litigation abuse: personal attacks, ongoing sanctions
11 threats, invasive and irrelevant discovery, misrepresentations of her communications, and
12 unilateral attempts to force an in-person videotaped deposition despite prior harassment
13 concerns. These actions serve no legitimate purpose beyond punishment and coercion and have
14 caused substantial emotional distress, impairing her ability to care for her children and participate
15 safely in this case.

16 Rule 26(c) likewise authorizes protective orders to prevent annoyance, embarrassment,
17 oppression, or undue burden, including by regulating abusive discovery. Rodriguez has sought
18 protection since at least November 13, 2025, and each delay has allowed the misconduct to
19 escalate. Her experience fits squarely within the harassment standards in A.R.S. § 13-3602 and
20 related statutes, even though the abuse occurs through litigation rather than physical contact. The
21 Protective Order Rules and Rule 26(c) both recognize harassment through misuse of court
22 process, and judicial intervention is now necessary.

23 **VIII. DEFENDANTS' REQUEST FOR DISMISSAL IS MOTIVATED BY THE**
24 **STRENGTH OF PLAINTIFF'S EVIDENCE**

25 Defendants also seek dismissal of Plaintiff's case, a request that must be viewed
26 alongside her extensive Rule 26.1 disclosures—photos, videos, emails, architectural records,
27 HOA documents, safety complaints, financial discrepancies, and audio recordings—which
28 directly support her claims and contradict many of Defendants' assertions. Their push for
dismissal is not due to lack of merit, but because Plaintiff's evidence is substantial and damaging.

1 Meanwhile, Plaintiff and her children no longer feel safe at home. They have faced legal
2 harassment, surveillance-like behavior, and retaliatory false reports timed to her evidentiary
3 disclosures. Defendants continue seeking sanctions against an indigent mother on food stamps
4 and Medicaid, contrary to professional standards prohibiting financially coercive tactics. While
5 Plaintiff would prefer a peaceful resolution, Defendants' conduct leaves judicial intervention as
6 the only means to protect her family and home.

7 **IX. MISREPRESENTATIONS THAT SHOULD BE STRICKEN AND RELIEF**
8 **REQUESTED**

9 Defendants' Response fails to address Plaintiff's legal or factual grounds for protective
10 relief. Instead, it misrepresents the meet-and-confer events, fabricates a narrative of non-
11 cooperation, seeks punitive sanctions despite the Court's July 18, 2025 order deferring sanctions,
12 and continues a pattern of personal attacks, abusive discovery, and bad-faith litigation. It also
13 disregards the Court's August 29, 2025 directive on improper filings and the September 3, 2025
14 consolidation order.

15 Plaintiff respectfully requests that the Court strike Defendants' claims that she refused to
16 confer, their assertion of a good-faith effort when the record shows only a one-ring call and no
17 follow-up, and their implication that written communication violates the Rules. These statements
18 are contradicted by Defendants' own exhibit and conflict with Rule 7.1(d), Rule 11(b), and this
19 Court's explicit orders.

20 **X. CONCLUSION**

21 Viewed in context of the full litigation history, Defendants' Response strengthens—
22 rather than undermines—the need for judicial intervention. Across dozens of filings in 2024 and
23 2025, Defendants have repeated the same pattern: personal attacks, factual misstatements,
24 misuse of “good-faith” requirements, sanctions demands made in defiance of Court orders, and
25 discovery used as pressure rather than fact-finding. Sanctions requests appear in nearly every
26 major filing—including 08/22/25, 09/05/25, 09/10/25, 10/30/25, 11/13/25, 11/14/25, and in their
27 Verified Answer—despite the Court's July 18, 2025 directive deferring sanctions to an
28 evidentiary hearing. This frequency and repetition demonstrate a clear, escalating pattern of

1 vexatious conduct, not isolated mistakes. The cumulative impact has caused Plaintiff significant
2 emotional distress and has severely burdened her ability to litigate her case.

3 **For all these reasons, Plaintiff respectfully requests that the Court:**

- 4
- 5 1. Grant her Amended Motion for Protective Order under Rule 26(c) and the Arizona Rules
6 of Protective Order Procedure.
- 7 2. Strike the portions of Defendants' Response that misrepresent meet-and-confer events.
- 8 3. Find that Defendants and their counsel—not Plaintiff—engaged in vexatious conduct
9 under A.R.S. § 12-3201 through repetitive, sanctions-laden filings, misuse of good-faith
10 rules, and disregard of Court orders.
- 11 4. Order Defendants to cease abusive discovery practices, including invasive requests
12 unrelated to any legitimate issue in this HOA case.
- 13 5. Require all future communications from Shaw & Lines to occur in writing for safety and
14 recordkeeping.
- 15 6. Prohibit further Rule 11 or fee-shift motions without prior leave of Court, consistent with
16 the July 18, 2025 directive.
- 17 7. Recognize that Plaintiff meets the legal standard for protective relief and that delay will
18 cause further harm.
- 19 8. Grant all additional relief necessary to safeguard Plaintiff's safety, well-being, and
20 constitutional access to the courts.
- 21
- 22
- 23
- 24

25 Respectfully submitted,

26 

27 Sandra Rodriguez
28

1 **XI. CERTIFICATE OF SERVICE**

2
3 I served copies of this *Plaintiff's Reply to Defendant's Response to Amend Motion*
4 *for Protective Order* for on all parties of record via U.S. Mail.

5 **OPPOSING PARTY INFORMATION**

6 **DEFENDANTS:**

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

13 **DEFENDANT'S LEGAL COUNSEL:**

- 14 • **Name:** Augustus H. Shaw IV
15 • **Firm:** Shaw & Lines, LLC
16 • **Address:** 1490 S. Price Road, Suite 318 Chandler, Arizona 85286

17
18 Respectfully submitted this 9th day of December 2025..

19 

20
21 Sandra Rodriguez