

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,**
20

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

PLAINTIFF'S NOTICE OF RECORD
CLARIFICATION, PRESERVATION OF
OBJECTIONS, AND NOTICE OF
PROCEDURAL AND
CONSTITUTIONAL CONCERNS

21
22 **DEAR HONORABLE JUDGE MCDOWELL;**

23 Plaintiff respectfully submits this notice in response to the Court's Minute Entry dated
24 December 19, 2025, for clarification and preservation of the record.

25
26 **I. CAPTION CLARIFICATION AND RECORD ACCURACY**

27 Plaintiff did not change or alter the Court-approved caption. The Minute Entry does not
28 identify any specific filing or page in which a caption was allegedly altered, and Plaintiff's records
reflect no modification of the caption in any filing. Plaintiff referenced attorney Augustus H.

1 Shaw IV only within the body of filings to disclose his involvement, consistent with factual
2 representations and anticipated allegations to be included in Plaintiff’s forthcoming amended
3 complaint. Plaintiff respectfully requests clarification as to the specific filing the Court believes
4 altered the caption, as Plaintiff is unaware of any such change.

5 **II. RECORD PRESERVATION –**
6 **SUBSTANTATIVE LEGAL ARGUMENTS NOT ADDRESSED**

7 For purposes of preserving the record, Plaintiff notes that several substantive legal
8 arguments raised in her motions—including jurisdictional objections, constitutional due-process
9 concerns, access-to-courts violations, and Defendants’ repeated misuse of sanctions requests—
10 were not substantively addressed in the Court’s December 19, 2025 Minute Entry. Plaintiff does
11 not waive these arguments and expressly preserves them for further review. Plaintiff further
12 preserves her objection to Defendants’ and their counsel’s routine inclusion of sanctions requests
13 in nearly every filing, which operate as a form of harassment, retaliation, and financial coercion
14 against an indigent litigant. Defendants are aware, and the Court has already affirmed, that
15 Plaintiff lives well below the federal poverty level, yet continue to seek monetary sanctions to
16 chill Plaintiff’s constitutional right of access to the courts. These issues are preserved for appellate
17 and other appropriate review.

18 **III. DENIAL OF PROTECTIVE ORDER DESPITE EVIDENTIARY SHOWING**
19 **(Preserved)**

20 Plaintiff preserves her objection to the Court’s denial of the Motion for Protective Order,
21 despite providing clear and convincing evidence and sworn representations demonstrating harm,
22 safety concerns, and the need for protective measures. Plaintiff asserts that the Court’s denial of
23 the protective order, without addressing the merits of the evidence presented, constitutes an abuse
24 of discretion. Plaintiff raises this issue solely to preserve it for appellate review.

25 **IV. PUNITIVE PROCEDURAL TREATMENT OF SELF REPRESENTED**
26 **LITIGANT (Preserved)**

27 Plaintiff preserves her objection to the cumulative procedural rulings reflected in the
28 Court’s December 19, 2025 Minute Entry, which impose punitive procedural barriers and

1 repeatedly elevate technical compliance over meaningful merits-based adjudication. While self-
2 represented litigants are required to make good-faith efforts to comply with procedural rules,
3 courts are constitutionally obligated to ensure that procedural enforcement does not operate to
4 deprive such litigants of meaningful access to the courts or equal protection of the laws.

5 **Here, the Court expressly stated that:**

6 *“To the extent there is any inconsistency between an Order of the Court and*
7 *the Rules of Civil Procedure, the Order of the Court controls,”*

8
9 and further warned that filings could be rejected solely for procedural noncompliance,
10 including lack of a Rule 26(d) conference, page limits, or formatting defects, even where
11 substantive constitutional issues and sworn allegations of harm were raised. (See Court Order,
12 filed 12/19/2025)

13 The *Fourteenth Amendment guarantees litigants a meaningful opportunity to be heard*
14 *on the merits, not merely formal access conditioned on rigid procedural compliance.* *Boddie v.*
15 *Connecticut*, 401 U.S. 371, 377–78 (1971); *Logan v. Zimmerman Brush Co.*, 455 U.S. 422, 429–
16 30 (1982). Courts may not apply procedural rules in a manner that arbitrarily extinguishes
17 substantive or constitutional claims.

18 Governing authority further requires liberal construction of self-represented filings and
19 cautions against procedural forfeiture of substantive rights. *Haines v. Kerner*, 404 U.S. 519, 520–
20 21 (1972); *Erickson v. Pardus*, 551 U.S. 89, 94 (2007). Litigation is not a “game of skill” in which
21 technical missteps override justice on the merits. *Conley v. Gibson*, 355 U.S. 41, 48 (1957).

22 Although many of these decisions arise in criminal or quasi-criminal contexts, the
23 constitutional principles they articulate—meaningful access to justice, proportionality, and non-
24 punitive procedure—apply equally in civil proceedings implicating property rights, personal
25 safety, and access to the courts. See *Griffin v. Illinois*; *Burns v. Ohio*; *Douglas v. California*; *Ake*
26 *v. Oklahoma*. Courts must also guard against facially neutral procedures that operate punitively or
27 discriminatorily. *James v. Strange*; *Fuller v. Oregon*.

28 Plaintiff preserves her position that the rigid procedural enforcement applied here—
particularly the refusal to substantively evaluate sworn allegations of harassment, retaliation, and

1 constitutional injury—constitutes an abuse of discretion and violates due process, equal
2 protection, and access-to-courts principles, and is preserved for appellate and special-action
3 review.

4 **V. SANCTIONS OBJECTION AND REQUEST FOR SANCTIONS AGAINST**
5 **DEFENDANTS**

6 Plaintiff objects to any suggestion that sanctions against her are appropriate. Rodriguez
7 has acted in good faith, sought clarification when necessary, and attempted to raise issues grounded
8 in the Arizona Rules of Civil Procedure and constitutional protections to the best of her ability. No
9 finding of bad faith, willful misconduct, or violation of a clear court order exists, rendering
10 sanctions or the idea of unwarranted.

11 By contrast, Plaintiff respectfully requests sanctions against Defendants pursuant to
12 **A.R.S. § 12-349(1)–(3)**. Defendants have **(1)** asserted claims and defenses without substantial
13 justification by misrepresenting service despite documentary proof, **(2)** unreasonably expanded
14 and delayed proceedings by falsely claiming Plaintiff waived her jury-trial right and by attempting
15 to exclude claims expressly reinstated by the Arizona Court of Appeals, and **(3)** engaged in
16 conduct intended to harass and intimidate, including contacting law enforcement and submitting
17 false reports to the Arizona Department of Economic Security alleging fraud, as documented in
18 the record.

19 Rodriguez timely reported these misrepresentations to the Court, including false
20 statements regarding service, disclosures, and waiver of constitutional rights, which were not
21 substantively addressed. Defendants' continued manipulation of procedure and disregard of Court
22 directives impair Plaintiff's rights to due process, equal protection, and a merits-based
23 adjudication, constituting bad-faith litigation.

24 Rodriguez attempted to obtain procedural clarification through the Judicial Assistant but
25 received no response, necessitating additional filings solely to preserve the record. She has not
26 sought extensions of time, and this action would not have been delayed but for Defendants'
27 misconduct and conduct necessitating appellate intervention. Plaintiff expressly preserves her
28 right to trial by jury under **Article 2, § 23 of the Arizona Constitution**.

1 **VI. RODRIGUEZ’S MOTIONS NOT INTENDED TO INUNDATE THE COURT**

2 Plaintiff respectfully notes that her motions are not intended to inundate the Court with
3 filings. Instead, Rodriguez submits these motions to correct constitutional violations and address
4 inaccurate statements and actions that have misled the Court. These filings are necessary to clarify
5 the record and preserve important legal arguments that might otherwise be overlooked or
6 misunderstood. Furthermore, Rodriguez has diligently attempted to communicate with Jailinee,
7 the Judicial Assistant, to seek clarification and assistance regarding her filings. Despite these
8 efforts, Rodriguez has received no meaningful response to her emails prior to filing, and has been
9 explicitly told that everything needs to be formally filed. This lack of response has forced
10 Rodriguez to file additional motions to preserve her constitutional rights, including filing to
11 amend the complaint and seeking protection under Rule 26(c), after experiencing litigation abuse
12 and harassment. Rodriguez respectfully requests that the Court acknowledge the difficulty in
13 proceeding without timely and adequate communication and address the impact of such
14 procedural barriers on her ability to litigate the case.

15 **VII. ABUSE OF DISCRETION AND CONSTITUTIONAL VIOLATIONS**
16 **(PRESERVED)**

17 Plaintiff respectfully preserves her position that the rulings reflected in the December 19,
18 2025, Minute Entry constitute an abuse of discretion and implicate ongoing violations of
19 Plaintiff’s constitutional rights, including due process, equal protection, and access to the courts.
20 These issues are raised solely to preserve them for appellate review, should a final judgment
21 ultimately be entered in this matter.

22 Plaintiff continues to comply with the Arizona Rules of Civil Procedure, including the
23 requirements related to her Motion for Protective Order filed more than a month ago. Despite
24 repeated requests for expedited consideration, the Court’s delay in ruling allowed Defendants to
25 continue escalating abusive litigation tactics, including contacting law enforcement and
26 submitting false reports to the Arizona Department of Economic Security alleging fraud—conduct
27 tied to discovery requests and constituting abuse of process.

28 Plaintiff preserves her objection that her Motion for Protective Order was supported by
sworn evidence establishing harassment, litigation abuse, and safety concerns meeting the “good

1 *cause*” standard under **A.R.S. § 12-3201** and **Ariz. R. Civ. P. 26(c)**, including conduct intended to
2 intimidate and burden her during litigation. Plaintiff further preserves that the denial of protective
3 relief without substantive consideration of this evidence constitutes reversible error.

4 **VIII. CONCLUSION AND REQUEST FOR RELIEF**

5 Plaintiff respectfully submits this Notice to clarify the record, preserve objections, and
6 document ongoing compliance with the Arizona Rules of Civil Procedure. Plaintiff specifically
7 requests that the Court:
8

- 9 1. Clarify which specific filing was deemed over-length and confirm that, pursuant to Rule
10 7.1, cover pages and certificates of service are excluded from page-limit calculations;
- 11 2. Acknowledge Plaintiff’s timely compliance with Rule 26.1 disclosures and discovery
12 obligations under Rules 33, 34, and 36;
- 13 3. Recognize and preserve Plaintiff’s objections to the denial of her Motion for Protective
14 Order, including the lack of substantive consideration of sworn evidence demonstrating
15 harassment, litigation abuse, and safety concerns;
- 16 4. Preserve Plaintiff’s objections to the December 19, 2025 Minute Entry insofar as it did not
17 address jurisdictional, constitutional, and access-to-courts arguments raised in Plaintiff’s
18 filings;
- 19 5. Reject any basis for sanctions against Plaintiff, who has acted in good faith and without
20 willful noncompliance;
- 21 6. Preserve Plaintiff’s request for sanctions against Defendants pursuant to A.R.S. § 12-349
22 based on misrepresentations, bad-faith litigation conduct, and actions intended to harass or
23 intimidate; and
- 24 7. Ensure continued meaningful access to the Court for Plaintiff as a self-represented litigant,
25 without punitive procedural barriers that foreclose merits-based adjudication.
26

27 Plaintiff further preserves the record that, while the Court cited Rule 26(d) meet-and-confer
28 requirements in denying certain relief, Defendants were not held to the same standard,

1 notwithstanding Plaintiff's documented evidence that opposing counsel likewise failed to comply
2 with Rule 26(d). This issue is raised solely to preserve the record and does not seek
3 reconsideration.

4 Plaintiff provides notice that she intends to file an amended civil complaint on or before
5 January 5, 2026. This Notice is submitted solely to preserve the record and seek clarification—
6 not to relitigate prior rulings—and to protect Plaintiff's appellate and constitutional rights.

7
8
9 Respectfully submitted this 22nd day of December 2025.

10 

11 Sandra Rodriguez
12

13
14 Exhibits

15
16 1. Exh. 1 - Rodriguez email to Judicial
17 Assistant, dated Nov. 26, 2025

18
19 2. Exh 2 - Rodriguez email to Judicial
20 Assistant, dated December
21 9, 2025
22
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1 **XI. CERTIFICATE OF SERVICE**

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3 I served copies of this *PLAINTIFF'S NOTICE OF RECORD CLARIFICATION,*
4 *PRESERVATION OF OBJECTIONS, AND NOTICE OF PROCEDURAL AND*
5 *CONSTITUTIONAL CONCERNS* for on all parties of record via U.S. Mail.

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:** 1490 S. Price Road, Suite 318 Chandler, Arizona 85286

18
19 Respectfully submitted this 22nd day of December 2025..

20 

21 Sandra Rodriguez
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EXHIBIT 1



Sandra Rodriguez <sandra.rodriguez0339@gmail.com>

**MOTION TO AMEND CIVIL COMPLAINT, EXTEND TIME, TEMPORARILY PAUSE
DISCOVERY (Please expedite)**

3 messages

Sandra Rodriguez <sandra.rodriguez0339@gmail.com>

Wed, Nov 26, 2025 at 7:27 AM

To: "Jailinee Najera Rubio (SUP)" <Jailinee.Najera@jbazmc.maricopa.gov>

Cc: Augustus Shaw <ashaw@shawlines.com>

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

Good Morning Jailinee,

I am writing to inform the Court that I have filed the attached Motion to Amend Civil Complaint and Extend Time and Motion to Withdraw Motion to Stay, both submitted via TurboCourt on November 25, 2025.

As previously noted, I had filed a Petition for Special Action with the Court of Appeals, but it was denied. Therefore, I respectfully request Judge McDowell's consideration of my due process and constitutional violations as outlined in my Motion to Amend Civil Complaint.

Given the importance of resolving this matter promptly, I respectfully request an expedited ruling and notice as soon as possible, as I understand the deadline is Monday, December 1st. If the motion is denied, I further request sufficient time to file a petition with the Arizona Supreme Court, as I have a 30-day window to submit my request for their review.

Thank you for your time and attention.

Sincerely,

Sandra Rodriguez

2 attachments**Motion to Amend Civil Complaint and Extend Time.pdf**

7108K

**Motion to Withdraw Motion To Stay Pending Petition for Special Action.pdf**

1666K

Jailinee Najera Rubio (SUP) <Jailinee.Najera@jbazmc.maricopa.gov>

Mon, Dec 1, 2025 at 9:10 AM

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

Cc: Augustus Shaw <ashaw@shawlines.com>, CVJ05 <CVJ05@jbazmc.maricopa.gov>

Good morning,

We have received the motion on efile.

Please keep in mind that any request would need to be written in a motion.

Also, please always copy our division email in case I am out of office that way our staff can get to you promptly.

Thank you,

Jailinee Najera

Courtroom Assistant to the Honorable Judge McDowell

Email Jailinee.Najera@jbazmc.maricopa.gov

Division Email CVJ05@jbazmc.maricopa.gov

TEAMS <https://tinyurl.com/jbazmc-cvj05a>

101 W Jefferson St. 5th Floor - Courtroom 511



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every person, every day, every time.

We will not provide a response to your email if all parties are not listed as recipients of the email. Communicating with the Court without providing a copy to the other party in the case is considered an ex parte communication and is not permitted.

Please do not email or call the division asking for updates on rulings. Parties who have signed up for ECR will receive notice by email once the ruling is completed, everyone else will receive the ruling by mail.

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

Sent: Wednesday, November 26, 2025 7:27 AM

To: Jailinee Najera Rubio (SUP) <Jailinee.Najera@jbazmc.maricopa.gov>

Cc: Augustus Shaw <ashaw@shawlines.com>

Subject: MOTION TO AMEND CIVIL COMPLAINT, EXTEND TIME, TEMPORARILY PAUSE DISCOVERY (Please expedite)

[Quoted text hidden]

Sandra Rodriguez <sandra.rodriguez0339@gmail.com>

Mon, Dec 1, 2025 at 9:27 AM

To: "Jailinee Najera Rubio (SUP)" <Jailinee.Najera@jbazmc.maricopa.gov>

Cc: Augustus Shaw <ashaw@shawlines.com>, CVJ05 <CVJ05@jbazmc.maricopa.gov>

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

Hi Jailinee,

Yes, it has been filed. Thanks for thr clarification on who to attach I will be sure and do ghat moving forward.

Sandra Rodriguez

[Quoted text hidden]

EXHIBIT 2



Sandra Rodriguez <sandra.rodriguez0339@gmail.com>

Motion for Emergency Protective Order (Follow Up)

3 messages

Sandra Rodriguez <sandra.rodriguez0339@gmail.com>

Tue, Dec 9, 2025 at 9:53 AM

To: "Jailinee Najera Rubio (SUP)" <Jailinee.Najera@jbazmc.maricopa.gov>, CVJ05 <CVJ05@jbazmc.maricopa.gov>

Cc: Augustus Shaw <ashaw@shawlines.com>

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

Good Morning Jailinee,

I am following up regarding my *Motion for Protective Order filed November 13, 2025*, and the *Amended Motion filed November 26, 2025*, as I have not received notice of review. Both motions document statutory harassment, safety concerns, and discovery misuse that meet the criteria for protection under Rule 26(c)—which authorizes orders when discovery creates undue burden, danger, intimidation, or violates constitutional rights.

The conduct described in the motions—including documented harassment, coercive discovery tactics, and the inability to safely participate in depositions—squarely satisfies Rule 26(c)'s standards for “annoyance, embarrassment, oppression, or undue burden or expense,” and independently supports protective relief.

I also filed my *Motion to Amend on November 25, 2025*, outlining ongoing due-process and equal-protection violations while discovery proceeds under an outdated pleading. These issues require prompt review to prevent further prejudice.

I am reaching out again in good faith. If unresolved, I may need to seek supervisory relief from the Arizona Supreme Court to protect my constitutional rights. Please let me know the status and whether Judge McDowell is reviewing or has reviewed these filings

Thank you for your time and assistance.

Respectfully,

Sandra Rodriguez

3 attachments**Motion for Protective Order (Clerk Copy) 11.13.25.pdf**

5265K

**1. Motion for Protective Order (Amended) (Clerk Copy) 12.02.25.pdf**

5958K

**1. Motion to Amend Civil Complaint and Extend Time (Clerk Copy) 11.25.25.pdf**

7110K

Jailinee Najera Rubio (SUP) <Jailinee.Najera@jbazmc.maricopa.gov>

Tue, Dec 9, 2025 at 11:10 AM

To: Sandra Rodriguez <sandra.rodriguez0339@gmail.com>, CVJ05 <CVJ05@jbazmc.maricopa.gov>

Cc: Augustus Shaw <ashaw@shawlines.com>

Good morning,

The Judge has 60 days from the date of motion is fully briefed to issue a ruling. He will issue a ruling during that period.

Thank you,

Jailinee Najera

Courtroom Assistant to the Honorable Judge McDowell

Email Jailinee.Najera@jbazmc.maricopa.gov

Division Email CVJ05@jbazmc.maricopa.gov

TEAMS <https://tinyurl.com/jbazmc-cvj05a>

101 W Jefferson St. 5th Floor - Courtroom 511



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Please do not email or call the division asking for updates on rulings. Parties who have signed up for ECR will receive notice by email once the ruling is completed, everyone else will receive the ruling by mail.

From: Sandra Rodriguez <sandra.rodriguez0339@gmail.com>
Sent: Tuesday, December 9, 2025 9:53 AM
To: Jailinee Najera Rubio (SUP) <Jailinee.Najera@jbazmc.maricopa.gov>; CVJ05 <CVJ05@jbazmc.maricopa.gov>
Cc: Augustus Shaw <ashaw@shawlines.com>
Subject: Motion for Emergency Protective Order (Follow Up)

[Quoted text hidden]

Sandra Rodriguez <sandra.rodriguez0339@gmail.com>
To: "Jailinee Najera Rubio (SUP)" <Jailinee.Najera@jbazmc.maricopa.gov>
Cc: CVJ05 <CVJ05@jbazmc.maricopa.gov>, Augustus Shaw <ashaw@shawlines.com>
Bcc: Sandra Rodriguez <sandra.rodriguez0339@gmail.com>

Tue, Dec 9, 2025 at 11:34 AM

Hi Jailinee,

Can you let me know if Judge McDowell was informed of my email prior to the response being sent?"
Thank you.

Sandra Rodriguez

[Quoted text hidden]