

1 Defendants' Counsel attempted to explain the procedural need to file a Rule
2 26(d)(2) Ariz. R. Civ. P Joint Statement of Discovery Dispute; however, the Plaintiff
3 refused to adjust her position. As such, Defendants provide this Motion solely.
4

5 **I. Defendants' Statement**

6 Pursuant to the Court's Order dated December 19, 2025, "IT IS ORDERED the
7 deposition of Plaintiff shall be scheduled to occur at the office of the Court Reporter or at
8 the State Bar Association office."
9

10 Defendants noticed the deposition of the Plaintiff Sandra Rodriguez for April 16,
11 2026 at Office of the Court Reporter, Legal Video Specialists, LLC, 3111 N. Central Ave.
12 Suite A225 Phoenix, AZ 85012 (attached hereto as **Exhibit A** is the Notice of Deposition).
13

14 Plaintiff, as seen in **Exhibit B** attached hereto, refuses to attend an in-person
15 deposition as required by Rule 30, Ariz. R. Civ. P. and the Court's Order dated December
16 19, 2025. Defendants desire that the Court resolve this dispute by ordering the Plaintiff to
17 attend the properly noticed deposition.
18

19 **II. Plaintiff's Statement**

20 Plaintiff's rationale concerning refusing to attend a deposition may be found in
21 **Exhibit B** attached hereto.
22

23 **III. Rule 7.1 Good Faith Consultation Certificate**

24 Undersigned counsel certifies that the parties engaged in the required good faith
25 consultation but were unable to resolve that dispute.
26
27
28

1 DATED this 25th day of March 2026.

2 SHAW & LINES, LLC

3
4 /s/ Augustus H. Shaw, IV
5 Augustus H. Shaw, IV, Esq.
6 1490 South Price Road, Suite 318
7 Chandler, Arizona 85286
8 ***Attorney for Defendants***

9 ORIGINAL submitted for filing this
10 25th day of March 2026 to:

11 Clerk of the Court
12 Maricopa County Superior Court
13 (Via E-Filing online – Turbo Court)

14 COPY of the foregoing e-mailed and mailed this
15 25th day of March 2026 to:

16 Sandra Rodriguez
17 4735 E. Besty Lane
18 Gilbert, Arizona 85296
19 Plaintiff

20 By: /s/ Diane Fincher

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

Exhibit “A”

1 Pursuant to the Court's December 22, 2025 Minute Entry, "IT IS ORDERED the
2 deposition of Plaintiff shall be scheduled to occur at the office of the Court Reporter or at
3 the State Bar Association office." Accordingly, Defendants hereby present notice of the
4 deposition as ordered by the Court's December 22, 2025 Minute Entry as follows:
5

6
7 **PERSON TO BE EXAMINED:** Sandra Rodriguez
8 **DATE/TIME OF DEPOSITION:** April 16, 2026 (Thursday)
9 10:00 a.m.
10 **PLACE OF DEPOSITION:** Office of the Court Reporter
11 Legal Video Specialists, LLC
12 3111 N. Central Ave. Suite A225
13 Phoenix, AZ 85012

14 DATED this 20th day of March, 2026.

15 **SHAW & LINES, LLC**

16 */s/ Dominick D. Detente*
17 Augustus H. Shaw IV, Esq.
18 Dominick D. Detente, Esq.
19 1490 South Price Road, Suite 318
20 Chandler, Arizona 85286
21 *Attorneys for Defendants*

22 ORIGINAL e-mailed and mailed this
23 20th day of March, 2026 to:

24 Sandra Rodriguez
25 4735 E. Betsy Lane
26 Gilbert, Arizona 85296
27 sandra.rodriguez0339@gmail.com
28 *Plaintiff*

29 Seymore Reporting Services
30 137 E. Elliot Rd., # 2473
31 Gilbert, Arizona 85299
32 office@srsreporting.com
33 *Court Reporters*

1 Legal Video Specialists, LLC
2 3111 N. Central Ave. Suite A225
3 Phoenix, AZ 85012
4 craig@legalvideoaz.com
5 *Videographer*

6 By: /s/ Diane Fincher

7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

Exhibit “B”

Augustus Shaw

From: Augustus Shaw
Sent: Monday, March 23, 2026 11:46 AM
To: 'Sandra Rodriguez'
Cc: Diane Fincher; Dominick Détente
Subject: RE: Plaintiff's Response to Deposition Notice and Defendants' Ongoing Discovery Noncompliance (Rodriguez v. Gardens Gilbert, CV2024-005940)
Attachments: Ruling (Order) Denying Plaintiff's Motion to Compel.pdf; Rule 26(d)(2) Joint Statement of Discovery Dispute Plaintiff's Deposition.docx; Deposition Exhibit AA.pdf; Deposition Exhibit A.pdf
Importance: High

Ms. Rodriguez,

We appear to have a discovery dispute regarding your in-person deposition. Pursuant to the attached Order of the Court, we must comply with the requirements of Ariz. R. Civ. Proc. 26(d).

Attached is a DRAFT joint statement of discovery dispute pursuant to Ariz. R. Civ. Proc. 26(d). Please review and fill out the "Plaintiff's Statement" portion and sign where indicated. We should also have a good faith consultation regarding this matter. I'm free for a meet and confer when you are.

Please let me know and thanks.

Augustus H. Shaw IV†*
Shaw & Lines, LLC
1490 S. Price Rd., Suite 318
Chandler, Arizona 85286
Phone 480-456-1500
e-mail ashaw@shawlines.com
web site www.shawlines.com

†Licensed in Arizona and Nebraska

*President- College of Community Association Lawyers

*Faculty Associate Professor - Arizona State University O'Connor College of Law

CONFIDENTIALITY STATEMENT: THIS E-MAIL MESSAGE AND ANY ACCOMPANYING DOCUMENTS CONTAIN INFORMATION WHICH IS ATTORNEY PRIVILEGED, CONFIDENTIAL AND INTENDED ONLY FOR THE USE OF THE ABOVE-NAMED RECIPIENT. IF THE READER OF THIS MESSAGE IS NOT THE INTENDED RECIPIENT, YOU ARE HEREBY NOTIFIED THAT ANY DISSEMINATION, DISTRIBUTION, PRINTING OR COPYING OF THIS MESSAGE IS STRICTLY PROHIBITED. IF YOU HAVE RECEIVED THIS MESSAGE IN ERROR, PLEASE IMMEDIATELY NOTIFY US BY TELEPHONE OR RETURN THE E-MAIL MESSAGE TO US. THANK YOU.

THIS FIRM MAY ACT AS A DEBT COLLECTOR. ANY INFORMATION OBTAINED WILL BE USED FOR THAT PURPOSE.

From: Sandra Rodriguez <sandra.rodriguez0339@gmail.com>
Sent: Friday, March 20, 2026 11:48 AM
To: Augustus Shaw <ashaw@shawlines.com>
Cc: Diane Fincher <Diane@shawlines.com>
Subject: Plaintiff's Response to Deposition Notice and Defendants' Ongoing Discovery Noncompliance (Rodriguez v. Gardens Gilbert, CV2024-005940)

Dear Shaw,

Plaintiff notifies Defendants that she will not participate in any in-person deposition under the present circumstances due to the documented pattern of harassment and intimidation throughout this litigation. This position is consistent with the Court's duty to ensure that discovery is conducted in a manner that avoids oppression and undue burden. See *Ariz. R. Civ. P. 26(c)*.

Plaintiff further states that she cannot meaningfully participate in any deposition while Defendants remain in ongoing violation of their mandatory disclosure obligations under Rule 26.1, which requires full, complete, and timely disclosure of all relevant information without awaiting further requests. Defendants' continued failure to produce discovery—despite multiple requests—undermines the integrity of the discovery process and deprives Plaintiff of a fair opportunity to prepare her case. See *Allstate Ins. Co. v. O'Toole*, 182 Ariz. 284, 287 (1995).

Plaintiff's previously filed Motion to Compel was rejected on procedural grounds, not on the merits of Defendants' noncompliance. Accordingly, Plaintiff will be seeking leave of Court to file a renewed or supplemental Motion to Compel, properly addressing any procedural deficiencies identified, in order to obtain a ruling on the merits of Defendants' ongoing discovery violations. Defendants' continued refusal to provide discovery—combined with procedural barriers preventing judicial review—constitutes litigation abuse and raises serious concerns regarding the denial of Plaintiff's constitutional right to due process under the Fourteenth Amendment to the United States Constitution and Article 2, Section 4 of the Arizona Constitution, both of which guarantee a meaningful opportunity to be heard. See *Volk v. Brame*, 235 Ariz. 462, 468 (App. 2014).

If Defendants' noncompliance persists and Plaintiff is unable to obtain timely relief at the trial court level, Plaintiff will pursue special action relief with the Arizona Court of Appeals. Arizona courts recognize special action jurisdiction as appropriate where a party lacks an adequate remedy by appeal and is suffering ongoing prejudice from non-appealable orders or procedural barriers. See *King v. Superior Court*, 138 Ariz. 147, 149 (1983).

Additionally, Defendants are on notice that their continued failure to comply with disclosure obligations may warrant sanctions under Rule 37, including evidentiary preclusion, adverse inference, and other appropriate remedies upon proper presentation to the Court. See *Zimmerman v. Shakman*, 204 Ariz. 231, 235 (App. 2003).

Accordingly, Plaintiff will pause participation in deposition proceedings until:

- (1) Defendants fully comply with their Rule 26.1 disclosure obligations; and

- (2) the Court has had an opportunity to consider a properly filed Motion to Compel or related relief.

Plaintiff expressly reserves all rights, including the right to seek sanctions, request protective orders, and pursue appellate or special action remedies as necessary to address Defendants' continued noncompliance and resulting prejudice.

Sincerely,

Sandra Rodriguez

On Fri, Mar 20, 2026, 11:17 AM Diane Fincher <Diane@shawlines.com> wrote:

Good morning,

Attached please find the Notice of Deposition for the above referenced matter.

Thank you.

Diane Fincher

Paralegal

SHAW & LINES, LLC

We've Moved!

1490 S. Price Rd., Suite 318
Chandler, Arizona 85286

Phone 480-456-1500

Fax 480-456-1515

www.shawlines.com

CONFIDENTIALITY STATEMENT: THIS E-MAIL MESSAGE AND ANY ACCOMPANYING DOCUMENTS CONTAIN INFORMATION WHICH IS ATTORNEY PRIVILEGED, CONFIDENTIAL AND INTENDED ONLY FOR THE USE OF THE ABOVE-NAMED RECIPIENT. IF THE READER OF THIS MESSAGE IS NOT THE INTENDED RECIPIENT, YOU ARE HEREBY NOTIFIED THAT ANY DISSEMINATION, DISTRIBUTION, PRINTING OR COPYING OF THIS MESSAGE IS STRICTLY

PROHIBITED. IF YOU HAVE RECEIVED THIS MESSAGE IN ERROR, PLEASE IMMEDIATELY NOTIFY US BY TELEPHONE OR RETURN THE E-MAIL MESSAGE TO US. THANK YOU. This firm may act as a debt collector. Any information obtained will be used for that purpose.