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CLERK OF THE
SUPERIOR COURT
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J. THAMPY, DEPUTY CLERK

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 an Arizona non profit
15 corporation; FOCUS HOA
16 MANAGEMENT, LLC, and Arizona
17 limited liability company; HARMIN
18 CADIS, BROOKE SORTOR, ANNA
19 SCHULTZ

20 **Defendants,**

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

**MOTION TO EXPEDITE
PROTECTIVE ORDER FILED ON
MARCH 25, 2026 AND
CLARIFICATION OF COURT
ORDER DATED APRIL 16, 2026**

21 **TO THE HONORABLE JUDGE MCDOWELL:**

22
23 Rodriguez, appearing pro se, respectfully moves this Court for (1) expedited consideration
24 and ruling on Plaintiff's Motion for Protective Order filed March 25, 2026, and (2) clarification
25 of the Court's April 16, 2026 Minute Entry. This Motion is brought pursuant to Ariz. R. Civ. P.
26 26(c), 26(d), 37, and the Court's inherent authority to manage discovery and prevent abuse.

27 **I. REQUEST FOR CLARIFICATION OF APRIL 16, 2026 ORDER**

28 Rodriguez submits this response to the Court's April 16, 2026 Order and respectfully
requests clarification. Rodriguez is unclear why the Order suggests noncompliance with

1 discovery, as the record reflects that she has timely served and produced her discovery, including
2 responses to requests for admission, interrogatories, and nearly 2,000 exhibits. This evidence was
3 provided to the Court and documented in Plaintiff's Motions to Compel filed March 13, 2026 and
4 April 24, 2026. In contrast, as set forth in those filings, Defendants have not provided comparable
5 discovery or complied with their obligations.

6 Rodriguez is requesting the Defendant's deficiencies as reported in both motions to
7 compel and motion to request leave to file for motion to compel filed on March 20, 2026 clearly
8 demonstrate patterns of continued discovery abuse and obstruction by the Defendants and their
9 legal counsel.

10 Plaintiff further notes that the Court has not ruled on her Motion for Protective Order filed
11 on March 24, 2026, despite the ongoing discovery disputes and repeated filings documenting
12 Defendants' noncompliance. In the event the Court denies or declines to grant the requested relief,
13 Rodriguez respectfully requests entry of a final, signed, and appealable order to preserve her
14 appellate rights in accordance with Ariz. R. Civ. P. 54(c) and the applicable appellate procedures
15 governing final judgments and appealability, including A.R.S. § 12-2101 and ARCAP 9(a). This
16 request is necessary given the continued litigation abuse and the absence of a substantive ruling
17 addressing the issues presented, which impedes Rodriguez's ability to seek timely appellate
18 review.

19 This Court is using procedural issues to refuse to address the continued discovery
20 obstruction, which has been clear and evident to this Court through substantial emails, exhibits,
21 and sworn filings demonstrating Defendants' failure to comply with discovery obligations.

22 Although Rodriguez appreciates the scheduling of the May 4, 2026 conference, Rodriguez
23 respectfully requests that the unresolved issues—previously raised and supported by extensive
24 filings—be added to the agenda, as they were not addressed in the April 16, 2026 Order.

25 **II. DEFICIENCIES IN THE APRIL 16, 2026 ORDER**

26 The April 16, 2026 Minute Entry improperly narrows the dispute to a single issue—
27 Plaintiff's deposition—while failing to address the substantive discovery violations repeatedly
28 raised before the Court.

1 Specifically, the Court:

- 2 1. Limited the matter to “*ONLY the issue of Plaintiff’s deposition*”
- 3 2. Refused to Accept Motion to Compel and Motion to Compel (Amended) due to
- 4 procedural issues
- 5 3. Did not rule on the Motion for Protective Order
- 6 4. Did not address Rule 26.1 disclosure violations
- 7 5. Did not address Defendants’ failure to respond to Requests for Production of
- 8 Records, Interrogatories, or Admissions
- 9 6. Did not address sanctions requested under Rule 37
- 10 7. Did not address Defendants’ obstruction or bad faith conduct

11 Despite at least five separate filings documenting discovery abuse, the Court did not
12 address any substantive violation, but instead implied noncompliance by Rodriguez while
13 Defendants remain in clear violation of their obligations and February 28, 2026 Court Order. This
14 results in an improper and constitutionally impermissible imbalance in which Defendants
15 documented discovery violations are disregarded while Plaintiff faces potential sanctions. Such
16 unequal treatment undermines due process and equal protection under the Fourteenth Amendment
17 to the United States Constitution and Article 2, § 4 of the Arizona Constitution, both of which
18 require fundamental fairness and consistent application of the law. It also reflects violations of
19 the Arizona Rules of Civil Procedure, including Rules 26.1, 33, 34, 36, and 37, which mandate
20 full and timely disclosure and provide remedies for noncompliance.

21 Arizona courts have made clear that these rules must be applied evenhandedly so as not
22 to prejudice a party’s ability to present their case. *See Brown v. Superior Court*, 137 Ariz. 327
23 (1983). By failing to address Defendants’ violations while exposing Plaintiff to sanctions—
24 including threatened sanctions despite Plaintiff’s indigent status—the current posture risks
25 depriving Plaintiff of a meeting her basic needs, meaningful opportunity to be heard, access to
26 courts, thereby impairing her ability to fully litigate her claims in violation of the Due Process
27 Clause of the Fourteenth Amendment and Article 2, § 4 of the Arizona Constitution.
28

1 **IMPROPER IMBALANCE:**

- 2 • Defendants’ discovery violations are disregarded despite a documented record of
- 3 noncompliance
- 4 • Plaintiff faces sanctions despite compliance and no proper service of a deposition
- 5 notice. Under Ariz. R. Civ. P. 5(c), email service is invalid without consent, which
- 6 Plaintiff did not provide.
- 7 • Sanctions are threatened despite Plaintiff’s indigent status
- 8 • Arizona Rules of Civil Procedure are not being applied equally to both parties
- 9 • Plaintiff is prejudiced in her ability to prepare and present her case

10 **III. DISCOVERY ABUSE AND OBSTRUCTION REMAIN UNRESOLVED**

11 Rodriguez has repeatedly shown that Defendants engaged in ongoing discovery abuse,

12 including failure to produce any discovery, expired deadlines with no responses, unverified

13 interrogatories, and no substantive document production. Defendants compounded this by

14 shifting positions—claiming discovery is “*not due*,” “*reset*,” or expressing “*confusion*”—while

15 refusing to provide production dates. These issues were raised in multiple filings, including the

16 Motion to Compel (Mar. 13, 2026), Requests for Leave (Mar. 20 & 23, 2026), Motion for

17 Protective Order and Supplemental Evidence (Mar. 24–25, 2026), and Certificate of Good Faith

18 Consultation (Apr. 15, 2026).

19 Despite this record, the Court declined to address or include these disputes when setting

20 the hearing. This conflicts with Ariz. R. Civ. P. 26.1 and Rule 37(a), which require full disclosure

21 and authorize enforcement. Arizona law prohibits withholding discovery while pursuing

22 dispositive relief. See *Bryan v. Riddel*, *Zimmerman v. Shakman*, and *Brown v. Superior Court*.

23 Excluding these issues undermines full disclosure and prejudices Plaintiff’s ability to present her

24 claims.

25 **IV. DUE PROCESS AND EQUAL PROTECTION VIOLATIONS**

26 The Fourteenth Amendment to the United States Constitution prohibits the deprivation of

27 life, liberty, or property without due process of law and guarantees equal protection under the

28 law. See U.S. Const. amend. XIV, § 1. Due process requires that litigants be afforded a

1 meaningful opportunity to be heard at a meaningful time and in a meaningful manner, fair access
2 to relevant evidence, and adjudication based on a complete and properly developed record. *See*
3 *Mathews v. Eldridge*, 424 U.S. 319, 333 (1976); *Goldberg v. Kelly*, 397 U.S. 254, 267 (1970).
4 These constitutional protections are reinforced under Arizona law, which similarly guarantees
5 due process under Article 2, § 4 of the Arizona Constitution. Arizona courts have recognized that
6 fundamental fairness requires adherence to established procedures and full disclosure obligations,
7 particularly where access to evidence is controlled by an opposing party. *See Brown v. Superior*
8 *Court*, 137 Ariz. 327 (1983). As reflected in both federal and state authority, due process protects
9 against arbitrary or abusive governmental action and requires that judicial proceedings be
10 conducted in a manner that is fundamentally fair and consistent with established procedural rules.

11 Here, Defendants are:

- 12 • Withholding evidence
- 13 • Blocking discovery
- 14 • Seeking litigation advantage

15 While the Court:

- 16 • Has not ruled on discovery violations
- 17 • Has not addressed obstruction
- 18 • Has limited issues to deposition only

19
20 This creates a procedurally unfair environment, depriving Rodriguez of the ability to
21 prepare and present her case.

22 **V. PRO SE LITIGANT PROTECTIONS REQUIRE COURT INTERVENTION**

23
24 Courts are required to ensure fairness to self-represented litigants and provide a
25 meaningful opportunity to be heard. *See Haines v. Kerner*, 404 U.S. 519 (1972); *Erickson v.*
26 *Pardus*, 551 U.S. 89 (2007); *Bounds v. Smith*, 430 U.S. 817 (1977); *Coppola v. Superior Court*,
27 211 Ariz. 265 (App. 2005). These authorities mandate that courts liberally construe pro se filings,
28 prevent procedural disadvantage, and avoid prejudice caused by technical barriers. Here,
Rodriguez has provided extensive evidence, filed multiple motions, and complied with meet-and-

1 confer requirements, yet is being treated as noncompliant while Defendants' violations remain
2 unaddressed.

3 **VI. NEED FOR EXPEDITED PROTECTIVE ORDER**

4
5 Rodriguez respectfully requests an expedited ruling on the Motion for Protective Order
6 because Defendants' discovery violations remain ongoing, critical evidence continues to be
7 withheld, and Defendants are pursuing deposition without first complying with their disclosure
8 obligations, resulting in increasing prejudice. Under Ariz. R. Civ. P. 26(c), the Court has authority
9 to stay depositions, impose appropriate conditions, and protect against undue burden and
10 discovery abuse. Absent a ruling prior to the scheduled conference, the resulting delay will
11 compound prejudice, permit continued discovery misconduct, and undermine fundamental
12 procedural fairness.

13 **VII. REQUEST TO EXPAND MAY 4, 2026 CONFERENCE AGENDA**

14 Rodriguez respectfully requests that the Court include the following issues at the May 4,
15 2026 hearing:

- 16
- 17 • Defendants' failure to provide Rule 26.1 disclosures
 - 18 • Failure to respond to Requests for Production of Records, Interrogatories, and
19 Admissions
 - 20 • Expired discovery deadlines and waiver
 - 21 • Discovery obstruction and bad faith conduct
 - 22 • Request for sanctions under Rule 37
 - 23 • Motion for Protective Order (full merits)
 - 24 • Remote deposition request under Rule 30(b)(4)
 - Due process violations and prejudice

25 **IX. RELIEF REQUESTED**

26 WHEREFORE, Rodriguez respectfully requests that this Court:

- 27
- 28 1. Expedite and rule on Plaintiff's Motion for Protective Order filed March 25, 2026;

2. Clarify the Court's April 16, 2026 Order and address the outstanding discovery violations previously presented;
3. If the Court denies or declines to rule on the Motion for Protective Order, Rodriguez respectfully requests a final signed order to preserve appellate rights.
4. Confirm that the February 10, 2026 USB exhibits submitted to the Court and chambers were received and will be considered, and clarify whether any additional action is required; (*e.g. uploading as mentioned by JA Jailinee*).
5. Include all unresolved discovery issues in the May 4, 2026 discovery conference, including Defendants' failure to comply with Rules 26.1, 33, 34, and 36;
6. Address Defendants' discovery noncompliance and obstruction, including their failure to provide responses, produce documents, and comply with applicable deadlines;
7. Stay, limit, or otherwise condition Plaintiff's deposition until Defendants fully comply with their discovery obligations;
8. Impose appropriate sanctions against Defendants pursuant to Rule 37 and other applicable authority for continued discovery abuse;
9. Issue a final, signed, appealable order if the Court denies or declines to grant the requested relief, to preserve Plaintiff's appellate rights; and
10. Grant any further relief the Court deems just and proper.

V. CONCLUSION

For the foregoing reasons, expedited intervention is necessary to prevent ongoing prejudice and to ensure compliance with the Arizona Rules of Civil Procedure. Despite repeated filings and substantial evidence demonstrating Defendants' discovery violations, those issues remain unaddressed, while the Court's April 16, 2026 Order narrowly focuses on procedural matters and Plaintiff's deposition. Without prompt clarification and a ruling on the pending Motion for Protective Order, Defendants will continue to benefit from their noncompliance, and Rodriguez will be deprived of a fair opportunity to prepare and present her case.

Respectfully submitted this 21st day of April 2026.

Sandra Rodriguez



1 **VIII. CERTIFICATE OF SERVICE**

2 I served copies of this *MOTION TO EXPEDITE PROTECTIVE ORDER FILED ON*
3 *MARCH 25, 2026 AND CLARIFICATION OF COURT ORDER DATED APRIL 16, 2026* for
4 on all parties of record via U.S. Mail.

5 **OPPOSING PARTY INFORMATION**

6 **DEFENDANTS:**

- 7
- 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 Respectfully submitted this 21st day of April 2026.

19 

20
21 Sandra Rodriguez