

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 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,

**PLAINTIFF'S RESPONSE TO
DEFENDANTS' RULE 26(D)(2)
STATEMENT OF DISCOVERY
DISPUTE REGARDING
PLAINTIFF'S REFUSAL TO
ATTEND DEPOSITION**

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

23
24 Rodriguez ("*Plaintiff*"), appearing pro per, respectfully submits this Response to
25 Defendants' Rule 26(d)(2) Statement of Discovery Dispute on March 31, 2026, following service
26 of Defendants' filing by mail on March 30, 2026. Defendants' Motion is premised on a material
27 misrepresentation—that Plaintiff "*refused*" to attend her deposition. The record, including
28 Defendants' own Exhibit B, establishes the opposite. Plaintiff did not refuse deposition; she

1 expressly conditioned participation on Defendants' compliance with their ongoing discovery
2 obligations and this Court's orders.

3 4 **I. DEFENDANTS' MOTION MISCHARACTERIZES PLAINTIFF'S POSITION**

5 Defendants assert that Plaintiff "*refuses to attend*" deposition (p. 2). This is false.
6 Defendants' own Exhibit B demonstrates that Plaintiff did not refuse deposition, but instead set
7 conditions based on Defendants' ongoing discovery violations and failure to comply with court-
8 ordered obligations.

8 Specifically, Plaintiff stated:

- 9
- 10 • "*will not participate in an in-person deposition under the present*
11 *circumstances...*" (See Exh 1);
 - 12 • "*cannot meaningfully participate ... while Defendants remain in ongoing*
13 *violation of their mandatory disclosure obligations under Rule 26.1, which*
14 *requires a full, complete, and timely disclosure of all relevant information...*" (See
15 Exh 1),

15 directly referencing Defendants' continued noncompliance with court-ordered discovery;
16 and that she "*will pause participation ... until: (1) Defendants fully comply with their Rule 26.1*
17 *disclosure obligations [and] (2) the Court has had the opportunity to consider a properly filed*
18 *Motion to Compel or related relief...*" (See Exh 1), including Plaintiff's Motion for Protective
19 Order and Supplemental Evidence filed March 24–25, 2026. This language confirms that Plaintiff
20 did not refuse deposition, but instead required discovery compliance first and addressed only the
21 timing and conditions under which the deposition would proceed—not her willingness to
22 participate.

23 **II. DEFENDANTS FILED THEIR MOTION DESPITE EXPRESS** 24 **CLARIFICATION**

25 During the March 25, 2026 meet-and-confer at 10:30 a.m., Plaintiff expressly clarified to
26 defense counsel Augustus H. Shaw IV that she was not refusing to attend her deposition and that
27 her position was that Defendants must first comply with their discovery obligations. Despite this
28 clear and direct clarification, Defendants proceeded to file a motion representing to the Court that
Plaintiff "*refused*" deposition. This is not a misunderstanding, but a knowing mischaracterization
of Plaintiff's position, which was consistently stated both in writing and during the meet-and-

1 confer. Plaintiff has an audio recording of the March 25, 2026 call and will provide it to the Court
2 upon request.

3 **III. DEFENDANTS' MISREPRESENTATION UNDERMINES THE INTEGRITY**
4 **OF THESE PROCEEDINGS**

5 Defendants' filing omits critical qualifying language from their own exhibit and advances
6 a narrative that is directly contradicted by the record. Arizona law prohibits such
7 mischaracterization and shifting litigation positions. *See Zimmerman v. Shakman*, 204 Ariz. 231,
8 235 (App. 2003); *Bryan v. Riddel*, 178 Ariz. (1994). By reframing Plaintiff's conditional delay as
9 a refusal, Defendants attempt to manufacture noncompliance where none exists while continuing
10 to withhold required discovery.

11 **IV. PLAINTIFF'S POSITION IS LEGALLY PROPER**

12 Plaintiff's position is fully consistent with Arizona law. Rule 26.1 imposes mandatory
13 disclosure obligations that must be satisfied before meaningful discovery can proceed, while Rule
14 26(c) authorizes protective conditions to prevent unfair prejudice. Rule 30(b)(4) expressly permits
15 depositions by remote means, and Rule 37(b) prohibits a party from seeking to enforce discovery
16 while simultaneously violating court-ordered obligations. Here, Defendants had already agreed
17 to proceed with a remote deposition but reversed course only after Plaintiff challenged their
18 ongoing failure to provide discovery and produce records as required by the Court's February 23,
19 2026 Order. Arizona law requires discovery to proceed in a fair and reciprocal manner; a party
20 cannot compel a deposition while withholding required disclosures or ignoring court orders. *See*
21 *Brown v. Superior Court*, 137 Ariz. (1983).

22 **V. DEFENDANTS' CONDUCT CREATES DUE PROCESS VIOLATIONS**

23 Defendants' conduct—specifically, withholding court-ordered discovery, attempting to
24 compel Plaintiff's deposition without first complying with their disclosure obligations, and
25 misrepresenting Plaintiff's position as a refusal—collectively deprives Plaintiff of a meaningful
26 opportunity to prepare and be heard. Such actions violate fundamental due process protections
27 under the Fourteenth Amendment to the United States Constitution and Article 2, Section 4 of the
28 Arizona Constitution. As reflected in Defendants' own Exhibit B, Defendants' "continued failure
to produce discovery... undermines ... Plaintiff's right to a fair opportunity to prepare her case."
(p. 10).

1 **VI. PLAINTIFF ACTED IN GOOD FAITH**

2 Plaintiff acted in good faith throughout the discovery process by participating in the meet-
3 and-confer, providing detailed written responses, identifying specific deficiencies in Defendants'
4 discovery, and clearly outlining the conditions under which she is willing to proceed with
5 deposition. These actions demonstrate compliance with Arizona civil procedure and a continued
6 willingness to participate in discovery—not a refusal.

7 **VII. RELIEF REQUESTED**

8 Plaintiff respectfully requests that the Court:

- 9 1. Deny Defendants' Motion
10 2. Find Plaintiff did **not refuse deposition**
11 3. Order full compliance with Rule 26.1 and prior Court orders before deposition
12 proceeds
13 4. Require deposition by remote means under Rule 30(b)(4) as Defendant's originally
14 previously agreed.
15 5. Consider sanctions under Rule 37(b) and (c) for:
16 o Discovery violations
17 o Misrepresentation to the Court

18 **CONCLUSION**

19 The record— including Defendants' own Exhibit B and the March 25, 2026 meet-and-
20 confer—confirms that Plaintiff did not refuse to attend her deposition. Plaintiff consistently stated
21 that she is willing to proceed once Defendants comply with their disclosure obligations and this
22 Court's orders. Defendants' characterization of Plaintiff's position as a refusal is a material
23 misrepresentation that is directly contradicted by the evidence and their own communications.
24 Because Defendants seek relief based on a false premise while continuing to withhold required
25 discovery, their Motion should be denied in its entirety.

26 Respectfully submitted this 31st day of March 2026.

27 

28 Sandra Rodriguez

1 **VI. CERTIFICATE OF SERVICE**

2 I served copies of this ***PLAINTIFF'S RESPONSE TO DEFENDANTS' RULE 26(D)(2)***
3 ***STATEMENT OF DISCOVERY DISPUTE REGARDING PLAINTIFF'S REFUSAL TO***
4 ***ATTEND DEPOSITION*** for on all parties of record via U.S. Mail.

5
6 **OPPOSING PARTY INFORMATION**

7 **DEFENDANTS:**

- 8
 - o Gardens Gilbert Community Association
 - o Focus HOA Management, LLC
 - o Harmin Cadis
 - o Brooke Sortor
 - o Anna Schultz

12
 - **Address:** 4135 E. Power Road, Suite 133, Mesa, Arizona 85212

13
14 **DEFENDANT'S LEGAL COUNSEL:**

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

16
17
18
19 Respectfully submitted this 31st day of March 2026.

20 

21
22 Sandra Rodriguez

EXHIBIT 1

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