

SUPERIOR COURT OF ARIZONA  
MARICOPA COUNTY

CV 2024-005940

04/09/2026

HONORABLE DAVID MCDOWELL

CLERK OF THE COURT  
A. Patel  
Deputy

SANDRA RODRIGUEZ

SANDRA RODRIGUEZ  
4375 E BETSY LN  
GILBERT AZ 85296

v.

GARDENS GILBERT COMMUNITY  
ASSOCIATION, et al.

AUGUSTUS H SHAW IV

FOCUS H O A  
NO ADDRESS ON RECORD  
ANNA SCHULTZ  
NO ADDRESS ON RECORD  
JUDGE MCDOWELL

**RULING ON REQUEST TO FILE MOTION TO COMPEL**

On March 13, 2026, Ms. Rodriguez filed an eight-page *Motion to Compel* with 204 pages of exhibits. On March 23, 2026 Ms. Rodriguez filed a five-page *Request for Hearing and Leave to File Motion to Compel*. The Court previously rejected the Motion to Compel for failure to follow the requirements of Ariz.R.Civ.Proc. 26(d), but because that motion is related to the motion for leave, it will be referenced again.

The Court previously indicated the parties must comply with Rule 26(d) related to any discovery disputes. Without complying with Rule 26(d). Ms. Rodriguez filed a motion to compel and then ten days later attempted to correct that error by seeking leave to file the previously filed motion. While Ms. Rodriguez states she made multiple good faith efforts to resolve the dispute – other than this conclusory statement she provides no dates, times, or explanation of what efforts were made. No good faith certificate was attached to the motion to compel or the motion for leave (unless it is within one of the 204 attached pages, but it is not described in the list of exhibits).

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None of the 204 pages of exhibits are referenced in the Motion. While they are listed on the final pages of the motion, nothing in the motion indicates what point each exhibit is intended to illustrate and nothing explains why they are attached. It is not the role of the Court to perform the party's work by searching the submitted material to attempt to discover facts which support the claims made in the motion. That is the responsibility of the party making the motion. *Mast v. Standard Oil Co.*, 140 Ariz. 1, 2 (1984). The Court will not review exhibits which are not referenced anywhere in the motion and the reference must be specific and explain why the exhibit is relevant to the point for which it is attached.

Plaintiff cites *Zimmerman v. Shakman*, 204 Ariz 231 (App. 2003) for the proposition that Rule 26(d) cannot be used as a shield to avoid disclosure obligations. That case does not mention Rule 26(d) and that case pre-dated the enactment of Rule 26(d) by fourteen years.

Neither of Plaintiff's motions are sworn and is not supported by an affidavit or declaration attesting to the accuracy of the contents (unless the declaration or affidavit is included in the 204 pages of attachments to the motion to compel and was not referenced in the list on exhibits on the final pages of the motion).

Self-represented parties are held to the same standard as an attorney which includes compliance with all of the Civil Rules.

**IT IS ORDERED** affirming the rejection of Plaintiff's March 13, 2026 Motion to Compel.

**IT IS ORDERED** denying Plaintiff's March 23, 2026 request to file a motion to compel.