

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

CLERK OF THE  
SUPERIOR COURT  
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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 SEPERATE**  
**RULE 26(d) STATEMENT**  
*(DEPOSITIONS AND DEFENDANT'S*  
*DISCOVERY DEFICINCIES)*

21 Rodriguez ("*Plaintiff*") submits this Separate Statement pursuant to Rule 26(d) because  
22 Defendants, through counsel Augustus H. Shaw IV, refused to provide their portion of the jointly  
23 required statement despite (1) a verbal agreement during the April 30, 2026 meet-and-confer, (2)  
24 Plaintiff's full compliance, and (3) the Court's April 16, 2026 Order requiring proper Rule 26(d)  
25 participation.

26 **I. RULE 26(d) COMPLIANCE AND DEFENDANTS' REFUSAL**

27 On April 30, 2026, the parties conducted a Rule 26(d) meet-and-confer regarding  
28 deposition and discovery disputes. During the recorded call, defense counsel agreed Plaintiff  
would draft the Joint Statement and he would provide Defendants' portion. Plaintiff sent the

1 draft the same day and set a May 1, 2026 deadline (Exh. 1). Defendants provided no response,  
2 extension request, or participation. This refusal violates the Court's April 16, 2026 Minute Entry  
3 requiring Rule 26(d) compliance and joint statements. Under Rule 30(b)(4), depositions may be  
4 conducted remotely, and under Rules 26(c) and 30(d), the Court may limit or stay oppressive  
5 discovery. Plaintiff agreed on April 30, 2026 to proceed remotely after deficiencies are cured;  
6 Defendants declined. Accordingly, Plaintiff requests that the deposition be stayed or conditioned  
7 until Defendants comply with their disclosure obligations and the Court resolves Plaintiff's  
8 pending motion.

9 Plaintiff contends the deposition is improper due to lack of service, inadequate notice,  
10 failure to disclose during the March 25, 2026 meet-and-confer, and unresolved discovery  
11 deficiencies. Defendants have not provided Rule 26.1 disclosures or produced responsive  
12 documents, making deposition premature and prejudicial under *Brown v. Superior Court and*  
13 *Bryan v. Riddel*.

14 The parties agreed on December 22, 2025 to conduct the deposition remotely, and  
15 reaffirmed that agreement during a recorded meet-and-confer; however, Defendants now insist  
16 on an in-person deposition despite documented safety concerns and pending motions, including  
17 Plaintiff's Motion to Compel and Motion for Protective Order. Under Rules 26(c), 30(b)(4), and  
18 30(d), Plaintiff requests the deposition be stayed or conducted remotely. Rule 30(b)(4) supports  
19 the parties' prior agreement to proceed remotely; Rule 26(c) permits protection from undue  
20 burden and safety risks; and Rule 30(d) allows the Court to control or delay the deposition given  
21 unresolved discovery and pending motions.

### 22 **III. DEFENDANTS' DISCOVERY DEFICIENCIES**

23 Plaintiff asserts Defendants' disclosures create the appearance of compliance while  
24 withholding substantive evidence. Despite repeated requests and meet-and-confer efforts,  
25 Defendants have produced no meaningful documents in response to Requests for Production,  
26 relying instead on a previously produced insurance policy, duplicate CC&Rs/bylaws, and  
27 affidavits in place of underlying records. Their responses consist of boilerplate objections and  
28 unsupported claims that documents do not exist, while maintaining they have "*produced all*  
*discovery.*"

1 Defendants continue to avoid production through shifting positions and have failed to  
2 produce HOA records within their control, including the requested HOA addendum. This record  
3 is subject to disclosure under Rules 26.1 and 34, yet Defendants refused to produce it and  
4 redirected Plaintiff elsewhere. As a result, Defendants have not produced responsive documents,  
5 provided verified responses, or supplied evidence necessary for Plaintiff to prepare her case.

6 **IV. STATUS / NATURE OF DISPUTE**

7  
8 The parties dispute whether Plaintiff's deposition may proceed and whether Defendants  
9 have met their discovery obligations. Plaintiff contends the deposition is improper due to lack of  
10 service, inadequate notice, failure to disclose during meet-and-confer, and unresolved discovery  
11 deficiencies, including failure to produce documents, provide verified responses, and produce  
12 HOA records such as the HOA addendum. Defendants contend discovery is complete and the  
13 deposition may proceed. The parties are at an impasse.

14 Plaintiff complied with Rule 26(d) and the Court's April 16, 2026 Order by meeting and  
15 conferring, preparing the Joint Statements, and providing a deadline; Defendants refused to  
16 participate. With the May 4, 2026 hearing imminent, Plaintiff submits this Separate Statement  
17 and requests the Court accept it, find Defendants failed to participate in good faith, stay or  
18 condition the deposition, compel full compliance with Rules 26.1 and 34, and award appropriate  
19 relief, including sanctions.

20 Respectfully submitted this 4<sup>th</sup> day of May 2026.

21 

22 Sandra Rodriguez

23 **V. EXHIBIT**

- 24
- 25 1. **Exhibit 1** - Email correspondence dated April 30, 2026 and May 1, 2026 between  
26 Plaintiff and defense counsel Augustus H. Shaw IV.
  - 27 2. **Exhibit 2** - Rodriguez Affidavit in support of Separate Rule 26(d) Statement
- 28

1 **VI. CERTIFICATE OF SERVICE**

2 I served copies of this **PLAINTIFF's SEPARATE RULE 26(d) STATEMENT** for on  
3 all parties of record via U.S. Mail.  
4

5 **OPPOSING PARTY INFORMATION**

6 **DEFENDANTS:**

- 7 ○ Gardens Gilbert Community Association
- 8 ○ Focus HOA Management, LLC
- 9 ○ Harmin Cadis
- 10 ○ Brooke Sortor
- 11 ○ Anna Schultz

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

13 **DEFENDANT'S LEGAL COUNSEL:**

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

17 Respectfully submitted this 4<sup>th</sup> day of May 2026.  
18

19 

20 Sandra Rodriguez  
21  
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25  
26  
27  
28

# EXHIBIT 1



Sandra Rodriguez <sandra.rodriguez0339@gmail.com>

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## Refusal to Collaborate: Joint Statement(s) Depositions and Defendant's Discovery Deficiencies

1 message

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Sandra Rodriguez <sandra.rodriguez0339@gmail.com>  
To: Augustus Shaw <ashaw@shawlines.com>  
Bcc: Sandra Rodriguez <sandra.rodriguez0339@gmail.com>

Fri, May 1, 2026 at 4:30 PM

Dear Mr. Shaw,

I am writing to document that, during the April 30, 2026 meet-and-confer, we reached a mutual agreement that both parties would contribute their respective portions to the Joint Statements regarding Depositions and Defendants' Discovery Deficiencies. Despite that agreement, you have refused to provide your portion.

In light of your refusal to collaborate, and given the imminent hearing before Judge McDowell on Monday, May 4, 2026, I will proceed with filing my own separate versions of the Joint Statements. The expedited timeline is necessary due to the Court's schedule and today being the close of business on Friday, May 1, 2026.

Sincerely,

Sandra Rodriguez

On Thu, Apr 30, 2026 at 6:40 PM Sandra Rodriguez <sandra.rodriguez0339@gmail.com> wrote:

Dear Mr. Shaw,

Following our meet and confer on April 30, 2026, I have prepared a draft of the Rule 26(d) Joint Statement addressing Defendants' discovery deficiencies.

The draft reflects the issues discussed during our call, including Defendants' position that discovery is complete and Plaintiff's position that significant deficiencies remain, as well as the ongoing dispute regarding production of responsive documents, including HOA-related records.

Please review the attached draft and provide **your portion only** of the Joint Statement. Please do not revise or alter Plaintiff's section to ensure each party's position is accurately reflected.

As agreed during today's meet and confer, I will finalize and file the Joint Statement once your portion is received. If you do not agree with the draft, you may include your position within your section.

If I do not receive your portion by 12:00 p.m. on May 1, 2026, I will assume non-participation and proceed with filing a separate statement to comply with the Court's order. This is a good-faith effort to cooperate and submit a joint statement.

Thank you,

Sandra Rodriguez

# EXHIBIT 2

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  
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19 SCHULTZ

20 **Defendants,**

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

**AFFIDAVIT OF SANDRA  
RODRIGUEZ IN SUPPORT OF  
PLAINTIFF'S SEPARATE RULE  
26(d) STATEMENT**

21 **TO THE HONORABLE JUDGE MCDOWELL:**

22 I, Sandra Rodriguez, being first duly sworn, declare as follows:

- 23 1. I am the Plaintiff in this matter and make this affidavit based on my personal  
24 knowledge.  
25  
26 2. On April 30, 2026, at approximately 1:00 p.m., I participated in a Rule 26(d) meet-  
27 and-confer with defense counsel, Augustus H. Shaw IV, regarding deposition issues  
28 and Defendants' discovery deficiencies.


- 1 3. During that meet-and-confer, which was recorded, Mr. Shaw agreed that:
- 2 (a) I would prepare the Joint Statement;
- 3 (b) I would complete my portion;
- 4 (c) I would send the draft to him; and
- 5 (d) he would provide Defendants' portion for inclusion.
- 6
- 7 4. I complied with that agreement by preparing the Joint Statement and transmitting it to
- 8 Mr. Shaw on April 30, 2026.
- 9
- 10 5. In that communication, I requested that Mr. Shaw provide Defendants' portion by May
- 11 1, 2026 at 12:00 p.m. due to the upcoming Court hearing scheduled for May 4, 2026.
- 12
- 13 6. A true and correct copy of that correspondence is attached as Exhibit 1.
- 14
- 15 7. Mr. Shaw did not provide any portion of the Joint Statement, did not request an
- 16 extension, and did not otherwise participate.
- 17
- 18 8. As a result of Defendants' refusal, I was unable to submit a joint Rule 26(d) statement
- 19 and was required to file a separate statement to comply with the Court's order.
- 20
- 21 9. The statements contained in Plaintiff's Separate Rule 26(d) Statement regarding:
- 22 (a) the April 30, 2026 meet-and-confer;
- 23 (b) Defendants' refusal to participate;
- 24 (c) the deposition dispute; and
- 25 (d) Defendants' discovery deficiencies
- 26
- 27 10. are true and correct to the best of my knowledge.
- 28
11. Defendants have not produced complete Rule 26.1 disclosures or responsive documents necessary for me to prepare for deposition, including HOA records within their control.

1 12. The parties previously agreed to conduct the deposition remotely on December 22,  
2 2025 via meet and confer; however, Defendants now insist on an in-person deposition  
3 despite that prior agreement and the Court's directive requiring the parties to meet and  
4 confer in good faith to resolve discovery disputes. (See Court Order, April 16, 2026)

5  
6 13. Based on the foregoing, I believe Defendants have failed to participate in good faith  
7 in the Rule 26(d) process and have not complied with their discovery obligations.

8  
9 I declare under penalty of perjury under the laws of the State of Arizona that the foregoing  
10 is true and correct.

11 Respectfully submitted this 4th day of May 2026.

12  
13   
14 Sandra Rodriguez