



1 Here, the Defendants are not “self-represented litigants.” Moreover, the attorneys  
2 for the Defendants are not parties to this litigation. Therefore, neither the Defendants nor  
3 their attorneys are subject to A.R.S. § 12-3201 and cannot be deemed vexatious litigants.

4 **II. PLAINTIFF’S MOTION ARGUES UNFOUNDED AND BASES**  
5 **ACCUSATIONS OF WRONGDOING BY THE DEFENDANTS’**  
6 **COUNSEL.**

7 Plaintiff’s motion includes baseless and inflammatory allegations of misconduct  
8 allegedly perpetrated by Defendants’ counsel. A great deal of Plaintiff’s arguments is  
9 based on a transcript of a conversation between the Plaintiff and Defendants’ counsel that  
10 the Court has already ruled would not be considered.

11 Plaintiff has failed to present any evidence of wrongdoing or unethical behavior on  
12 behalf of the Defendants or their counsel. Defendants and their counsel categorically deny  
13 any wrongdoing and ask the Court to hold that no wrongdoing or unethical behavior has  
14 occurred.

15 **III. THE REMAINDER OF PLAINTIFF’S MOTION IS A REHASHING OF**  
16 **PLAINTIFF’S DISCOVERY AND DISCLOSURE DISPUTES AND**  
17 **PLAINTIFF’S REQUEST FOR A PROTECTIVE ORDER.**

18 The remainder of Plaintiff’s Motion rehashes her ongoing discovery and disclosure  
19 disputes and her request for a protective order concerning her deposition, which were  
20 discussed in the Hearing on May 4, 2026. The Defendants will discuss each of the  
21 Plaintiff’s requests below.

22 **a. Plaintiff’s Request to Find that Defendants’ Response contains material**  
23 **misrepresentations**

24 Plaintiff has not provided any evidence to suggest that the Defendants made  
25 material misrepresentations. The transcript attached to her Motion has been disregarded  
26 by the Court in the May 4, 2026 Hearing. Without the alleged transcript, the Plaintiff  
27 cannot sustain her allegations.

28 **b. Reject and/or strike Defendants' Response and Objection to Plaintiff's**  
29 **Certificate of Good Faith Consultation to the extent it relies on those**  
30 **misrepresentations.**

1 This request was rendered moot in the May 4, 2026 Hearing as both parties agreed  
2 that the parties met and conferred on all currently discovery and disclosure disputes.

3 **c. Find that Plaintiff fully satisfied Rule 26(d), Ariz. R. Civ. P., and permit**  
4 **Plaintiff's underlying motions to be considered on the merits.**

5 The Court has ordered the Defendants to provide their position to Plaintiff's  
6 discovery and disclosure disputes in a filed Defendants' Statement Concerning Plaintiff's  
7 Rule 26(d)(2) Statement (Depositions and Defendants' Discovery Deficiencies). Thus,  
8 this request is moot.

9 **d. Impose sanctions against the defendants and their Counsel and find that**  
10 **such sanctions are warranted based on bad faith conduct.**

11 If any party should be sanctioned it is the Plaintiff. The Plaintiff filed a Motion to  
12 determine the Defendants and their counsel vexatious litigants referencing a statute  
13 (A.R.S. § 12-3201) that the Plaintiff should know does not apply to the Defendants or their  
14 counsel. Plaintiff has tried to mislead the Court with made-up transcripts and baseless  
15 allegations. The Plaintiff refuses to follow the Court's Orders regarding her deposition  
16 and requires the parties to continue to litigate allegations already litigated (Motions for  
17 Protective Orders, Motions to Compel).

18 Therefore, sanctions should not be imposed against the Defendants or their counsel.

19 **e. Preclude Defendants from relying on any arguments or positions premised**  
20 **on the false assertion that no discovery meet-and-confer occurred.**

21 The Court has ordered the Defendants to provide their position to Plaintiff's  
22 discovery and disclosure disputes in a filed Defendants' Statement Concerning Plaintiff's  
23 Rule 26(d)(2) Statement (Depositions and Defendants' Discovery Deficiencies). Thus,  
24 this request is moot.

25 **f. Grant Plaintiff's Motion for Protective Order pursuant to Rule 26(c), Ariz.**  
26 **R. Civ. P ., including an order that any deposition of Plaintiff proceed**  
27 **remotely/virtually.**

28 The Court is currently considering this request based on the May 4, 2026 Hearing.

29 **G. Address the April 30, 2026 Settlement Conference and extend or vacate**  
30 **the deadline as necessary.**

1 The Court addressed this issue during the May 4, 2026 Hearing.

2  
3 **H. Issue an order referring Defendants' counsel, Augustus H. Shaw IV and**  
4 **Dominick Dente, to the Arizona Supreme Court and/or appropriate**  
5 **disciplinary authority for investigation and review of potential**  
6 **violations of the Arizona Rules of Professional Conduct, including ER**  
7 **3.3 (Candor Toward the Tribunal) and ER 3.4 (Fairness to Opposing**  
8 **Party), based on their conduct in these proceedings.**

9 It is abundantly clear that if the Plaintiff were an attorney, she would be subject to  
10 discipline. As it is, Plaintiff is subject to Rule 11 sanctions for blatantly seeking relief  
11 under a statute that does not apply (A.R.S. § 12-3201).

12 This Court, on several occasions, has admonished the Plaintiff regarding her  
13 behavior and her motions and pleadings. For example, the Court's 11/10/25 Ruling where  
14 the Court stated:

15 Ms. Rodriguez cites *Montano v Scottsdale Baptist Hospital*, 119 Ariz. 448  
16 (1978) for the proposition that procedural motions do not constitute  
17 responsive pleadings. That phrase does not appear anywhere in that case.  
18 Further the words "dismiss", "definite statement", and "sanctions" do not  
19 appear in that case. If Ms. Rodriguez is relying on artificial intelligence to  
20 write her motions or conduct research, she needs to confirm that the cases  
21 actually say what she contends they say.

22 Plaintiff violated the Court's Stay Order (Court's 10/22/25 Ruling on page 7). The  
23 Plaintiff altered the caption of the case to improperly add the Defendants' counsel despite  
24 the Court's order not to do so (Court 12/19/2025 Ruling and the Court's Filing Rejected  
25 Order dated 12/31/25). The most damning admonition was the Court's second warning  
26 concerning the improper use of caselaw concerning her arguments to the Court. The Court  
27 in its Ruling dated April 9, 2026, held that the Plaintiff's citation of *Zimmerman v.*  
28 *Shakman*, 204 Ariz 231 (App. 2003), "does not mention Rule 26(d) and that case pre-  
29 dated the enactment of Rule 26(d) by fourteen years;" meaning, this was an improper  
30 citation. Finally, the Court's several rejections of Plaintiff's Motions to Compel is another  
example of the Plaintiff's refusal to consider the Court's rulings and orders.

1 All of the above show the Plaintiff's unwillingness to follow the Court's orders and  
2 rulings in addition to attempting to mislead the Court through the use of false case law  
3 citations.

4 It is the Plaintiff who should be sanctioned here. Not the Defendant or their counsel.

5 **IV. SANCTION SHOULD BE AWARDED AGAINST THE PLAINTIFF.**

6 As Martin Luther King Jr. famously said, echoing a truth that predates him: "Justice  
7 delayed is justice denied." Defendants respectfully asks: when will this Court hold  
8 Plaintiff accountable for her repeated disregard of the rules and its orders? When will  
9 Defendants receive the justice they are due?

10 Plaintiff's conduct has resulted in the needless expenditure of thousands of dollars  
11 in attorneys' fees and has severely undermined the orderly progress of this litigation.  
12 Without meaningful consequences, this behavior will persist.

13 The Plaintiff, in her Motion, does not provide any relevant or accurate statutory or  
14 caselaw refuting the Defendant's arguments in its Request for Sanctions. The Plaintiff  
15 does not even acknowledge the Court warning regarding sanctions as found in the Court's  
16 Minute Entry dated August 27, 2024, which states:

17 Plaintiff must refrain from filing repetitive motions that ask for essentially  
18 the same relief when the Court has already denied similar requests....  
19 Restating the same or virtually identical arguments over and over again in  
20 serial filings is not going to change the Court's disposition. And, doing so,  
may very well lead to the imposition of monetary sanctions against Plaintiff.

21 Yet Plaintiff persists in filing frivolous, repetitive, and meritless motions, despite  
22 these warnings of this Court.

23  
24 As such, pursuant to Court's Minute Entry dated August 27, 2024 and Rule 11,  
25 Arizona Rules of Civil Procedure, the Defendant respectfully requests the Court to award  
26 sanctions against the Plaintiff in the amount of the Defendant's attorney's fees and costs  
27 to respond to the Plaintiff's inappropriate motions and grant such other relief as the Court  
28 deems just and appropriate.

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2 **V. Conclusion.**

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4 The Court, in its Ruling dated November 10, 2025, placed the Plaintiff on notice  
5 of her requirement to abide by the Arizona Rules of Civil Procedure. The Court warned  
6 the Plaintiff that a “self-represented party is held to the same standards as an attorney and  
7 are to be afforded no additional latitude in abiding the rules.”

8 Here, the Plaintiff has clearly shown a patent disregard for the Arizona Rules of  
9 Civil Procedure and the Court’s Orders and Rulings, which leaves the Defendants with no  
10 way to effectively defend themselves or efficiently litigate this case.

11 Based on the Plaintiff’s demonstrated behavior in this case, Plaintiff should be  
12 prohibited from filing another Motion unless so authorized by the Court and if such an  
13 Order is violated, the Court should dismiss her case in its entirety. Otherwise, the Plaintiff  
14 will continue to file inappropriate motions that frustrate justice.

15 As such, the Defendants request that the Court deny the Plaintiff’s Motion in its  
16 entirety, order the Plaintiff to reimburse the Defendants their reasonable attorney’s fees  
17 and costs incurred by the Defendants to respond to the Motion and order the Plaintiff to  
18 cease filing inappropriate Motions that only serve to frustrate justice and elongate the  
19 litigation.

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

21  
22 SHAW & LINES, LLC

23 

24 Augustus H. Shaw, IV, Esq.  
25 1490 South Price Road, Suite 318  
26 Chandler, Arizona 85286  
*Attorney for Defendants*

27 ORIGINAL submitted for filing this  
28 4<sup>th</sup> day of May 2026 to:

29 Clerk of the Court  
30 Maricopa County Superior Court  
(Via E-Filing online – Turbo Court)

1 COPY of the foregoing e-mailed and mailed this  
2 4<sup>th</sup> day of May 2026 to:

3 Sandra Rodriguez  
4 4375 E. Besty Lane  
5 Gilbert, Arizona 85296  
6 Plaintiff  
7 By: /s/ Diane Fincher

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