

CORRECTED: Clerk of
Court Clerical Error

Clerk of the Superior Court
*** Electronically Filed ***
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SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

CV 2024-005940

05/04/2026

HONORABLE DAVID MCDOWELL

CLERK OF THE COURT
A. Patel
Deputy

SANDRA RODRIGUEZ

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4375 E BETSY LN
GILBERT AZ 85296

v.

GARDENS GILBERT COMMUNITY
ASSOCIATION, et al.

AUGUSTUS H SHAW IV

JUDGE MCDOWELL

RULING ON JOINT STATEMENT OF DISCOVERY DISPUTE

On May 4, 2026 the Court held a status conference to address the joint statement of discovery dispute filed by the parties on March 25, 2026.

The Court previously ordered Plaintiff to attend her deposition. Plaintiff argued she should be allowed to attend her deposition virtually because she feels harassed by defense counsel and because she believes defense counsel is abusing the discovery process. Plaintiff argued her March 25, 2026 *Motion for Protective Order* demonstrates the need for a virtual deposition. It does not and Plaintiff did not demonstrate the need for a virtual deposition during the May 4, 2026 conference. Other than stating she had “safety concerns” and stating that Mr. Shaw was “reprimanded” by the bar for litigation tactics, she provided nothing to support that statement and provided no examples of behavior causing safety concerns. The majority of Plaintiff’s *Motion for Protective Order* is spent arguing that Defendant’s failure to serve its disclosure and discovery responses excuses Plaintiff’s failure to attend her deposition. None of the exhibits attached to Plaintiff’s *Motion* substantiate her safety concerns.

IT IS ORDERED Plaintiff must make herself available to be deposed no later than **May 29, 2026**.

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IT IS ORDERED the deposition must occur at the Arizona State Bar Association offices, or if it cannot make an office available, at the office of the Court Reporter. If Plaintiff wants to bring an individual with her to the deposition she is permitted to do so BUT the person accompanying her CANNOT be anyone that she may call as a witness in this case. The Court invites the parties to video record the deposition through a certified videographer to have an official record of each party's behavior. The Court understands it can be costly to video record a deposition and cost could be a reason the parties decline the Court's invitation.

The Court does not believe a deposition by video conference would be productive in this case because the parties tend to talk over each other. When this occurs by video it makes it even more difficult to create a transcript and for the Court Reporter to control the proceedings particularly when the delay accompanying video conferences is considered. Video conference depositions also make it difficult to determine whether the deponent is testifying based upon memory or reading documents.

Defendants requested a sanction against Plaintiff as a result of her failure to attend the deposition set for April 16, 2026 and for failing to respond to communications seeking to confirm her attendance. The Court declines to impose sanctions at this time, but further failures or refusals will likely result in sanctions.

Both parties requested an extension of the deposition deadlines. Defendants sent a notice of deposition prior to the deadline. No one argued that Plaintiff did so.

IT IS ORDERED the deadline to depose Plaintiff is extended to **June 10, 2026**.

The Court will address Plaintiff's request to extend her deadline to depose Defendants when it addresses her statement of discovery dispute concerning Defendants' failure to respond to discovery.