

1 Sandra Rodriguez
2 4375 E. Betsy Lane
3 Gilbert, Arizona 85296
4 **Phone Number:** 602-688-9720
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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 SANDRA RODRIGUEZ,
10
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 REPLY
TO DEFENDANT'S RESPONSE
TO DECLARE DEFENDANTS AND
THEIR LEGAL COUNSELS SHAW
AND DENTE VEXATIOUS
LITIGANTS AND REQUEST FOR
SANCTIONS**

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24 **TO THE HONORABLE JUDGE MCDOWELL:**

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26 Plaintiff respectfully submits this Reply in further support of her Motion to Declare
27 Defendants and their counsel vexatious litigants and for sanctions pursuant to A.R.S. §§ 12-349
28 and 12-3201, the Court's inherent authority, and applicable Arizona and federal law.

1 The record demonstrates a sustained pattern of conduct that unreasonably expands
2 litigation, obstructs adjudication on the merits, abuses discovery, and burdens both Plaintiff and
3 the Court through procedural manipulation and misrepresentations.

4 **I. DEFENDANTS MISSTATE THE LAW REGARDING VEXATIOUS CONDUCT**

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6 Defendants incorrectly argue that vexatious litigant findings and sanctions cannot apply
7 to represented parties or counsel because A.R.S. § 12-3201 references “*pro se litigants.*” That
8 argument misstates Arizona law. While subsection (A) authorizes filing restrictions against pro
9 se litigants, subsection (E) broadly defines vexatious conduct to include unreasonably delaying
10 proceedings, abuse of discovery, unsupported claims, and repetitive filings. Arizona law does not
11 exempt represented parties or counsel from sanctions or vexatious litigant findings arising from
12 litigation abuse. Arizona courts retain statutory authority under A.R.S. § 12-349(A)(3) and
13 inherent authority to sanction attorneys and litigants who obstruct discovery, misrepresent the
14 record or unnecessarily prolong litigation. *See Bryan v. Riddel; Chambers v. NASCO; Fink v.*
Gomez; State v. Hyde; Wells Fargo Credit Corp. v. Smith; and Linder v. Brown & Herrick.

15 The conduct before this Court reflects litigation behavior previously associated with
16 Defendant’s counsel Augustus H. Shaw IV. Public disciplinary records in State Bar of Arizona
17 File No. 05-2176 reflect an Order of Informal Reprimand involving abusive and unprofessional
18 communications, conduct prejudicial to the administration of justice, and tactics causing
19 “*significant additional litigation.*” (See Exh. 2) Additional judicial findings described similar
20 conduct as “*abusive litigation practices run amok.*” These materials demonstrate knowledge,
21 absence of mistake, and a continuing pattern consistent with the conduct presently before the
22 Court.

23 **II. DEFENDANTS’ CONDUCT SATISFIES THE LEGAL STANDARD FOR**
24 **VEXATIOUS LITIGATION**

25 Arizona law authorizes sanctions where a party or counsel unreasonably expands or delays
26 proceedings. A.R.S. § 12-349(A)(3). Arizona courts likewise recognize vexatious conduct where
27 litigants abuse discovery, misrepresent the record, disregard procedural obligations, and force
28 unnecessary judicial intervention.

1 Following the Court’s February 23, 2026 Tier 3 Order, Defendants delayed nearly two
2 months—and only after Rodriguez repeatedly followed up by email, notified the Court, and filed
3 her March 13, 2026 Motion to Compel—before serving deficient disclosure and discovery
4 responses on April 13–14, 2026. Defendants simultaneously reasserted arguments substantially
5 similar to those previously addressed by the Arizona Court of Appeals.

6 Defendants also submitted contradictory filings regarding Rule 26(d) meet-and-confer
7 efforts by claiming “no discovery meet-and-confer occurred” despite the March 25, 2026
8 recorded conference addressing Requests for Production, Requests for Admission,
9 interrogatories, disclosure deficiencies, and disputed deadlines.

10 On April 30, 2026, Defendants claimed Plaintiff had “*received all appropriate discovery*”
11 despite notice of ongoing deficiencies, asserted settlement negotiations occurred despite Plaintiff
12 disputing that assertion, and refused to provide their portions of the Rule 26(d) Joint Statement or
13 comply with Rule 2.7 and the Court-ordered settlement conference process.

14 Defendants additionally continued relying on Tier 1-style limitations despite the Court’s
15 Tier 3 Order, attempted to proceed with Plaintiff’s deposition while withholding discovery, and
16 attempted to establish disputed procedural facts—including alleged service of deposition
17 notices—through unsupported attorney representations rather than admissible evidence or
18 competent proof of service.

19 This conduct reflects a continuing pattern of procedural obstruction, shifting legal
20 positions, discovery abuse, and misrepresentation of the procedural record that unnecessarily
21 expanded these proceedings and forced repeated judicial intervention.

22 **III. DEFENDANTS FAILED TO COMPLY WITH COURT ORDERS AND**
23 **DISCOVERY RULES**
24

25 On February 2, 2026, the Court lifted the discovery stay, designated the case Tier 3,
26 ordered Rule 26.1 disclosures by March 1, 2026, and required certification of settlement
27 conference readiness by April 30, 2026 following meaningful discovery compliance. On April
28 16, 2026, the Court again ordered the parties to conduct a Rule 26(d) meet-and-confer “*AGAIN*
by April 30, 2026” and warned that “*sanctions will be imposed*” for noncompliance.

1 Unlike Defendants, Plaintiff repeatedly attempted to comply by initiating the April 30,
2 2026 meet-and-confer, preparing draft Rule 26(d) joint statements, circulating drafts to defense
3 counsel, requesting revisions, and inviting Defendants to include their positions regarding
4 discovery disputes and settlement unreadiness. Plaintiff specifically advised the filing should
5 proceed as a Joint Statement because Defendants did not meet the requirements to proceed with
6 settlement conference.

7 Despite these good-faith efforts, Defendants refused to provide their portions of the Rule
8 26(d) Joint Statement or meaningfully participate in the Court-ordered process. Shaw instead
9 stated: *"Therefore, I cannot participate in the attached Plaintiff's Certification of ADR*
10 *Unreadiness and Rule 26(d) Joint Statement..."* and later advised: *"I'm going home for the*
11 *evening."*

12 Defendants further claimed discovery obligations had "reset" after the Tier 3 Order while
13 simultaneously attempting to proceed with Plaintiff's deposition despite withholding Rule 26.1
14 and Rule 34 disclosures. Defendants also attempted to establish disputed procedural facts,
15 including alleged service of deposition notices, through unsupported attorney representations
16 rather than admissible evidence or competent proof of service.

17 By contrast, Plaintiff repeatedly attempted to comply with Court directives, cure Rule
18 26(d) concerns, and accurately inform the Court regarding unresolved discovery deficiencies and
19 settlement unreadiness. Defendants violated the Court's February 2 and April 16, 2026 Orders,
20 Rules 26.1, 26(d), 26(g), 34, and Rule 37 through repeated procedural obstruction, shifting
21 positions, unsupported factual assertions, and refusal to participate in Court-ordered filings.

22 **IV. DEFENDANTS MISREPRESENTED THE RECORD**

23 Defendants falsely deny that discovery-related meet-and-confers occurred despite the
24 record proving otherwise. A recorded telephonic meet-and-confer occurred on March 25, 2026
25 regarding discovery disputes, including Defendants' claim that discovery deadlines had "reset"
26 and Defendants' attempt to proceed with deposition despite unresolved deficiencies. During the
27 call, Defendants acknowledged the conference addressed discovery disputes and satisfied Rule
28 26(d). Although Plaintiff, as an indigent litigant, could not afford transcript certification costs, the
transcript nevertheless corroborates that the call occurred and that Defendants participated in it.

1 On April 14, 2026, Plaintiff memorialized the March 25 conference in writing. Defendants
2 did not dispute the call, yet later falsely asserted that no discovery meet-and-confer occurred
3 despite their own participation and prior acknowledgments on the record. During the April 30,
4 2026 meet-and-confer, Defendants again advanced positions contradicted by the record by
5 claiming Plaintiff had “*received all appropriate discovery*” despite ongoing deficiencies and
6 repeatedly reproducing documents already filed by Plaintiff, including CC&Rs and bylaws.
7 Defendants also attempted to rely on affidavits, unsupported attorney representations, and
8 testimonial assertions instead of admissible documentary evidence and responsive production
9 required under Rules 26.1, 26(g), 34, and 37. Defendants further asserted settlement negotiations
10 occurred despite Plaintiff disputing that assertion and Defendants’ own knowledge that no mutual
11 negotiations occurred. Defendants continued relying on Tier 1-style limitations despite the
12 Court’s February 23, 2026 Tier 3 Order while simultaneously acknowledging unresolved disputes
13 and attempting to portray Plaintiff as noncompliant. The record reflects repeated shifting
14 procedural positions and contradictory statements on March 25, April 14, April 30, and May 4,
15 2026. Arizona courts recognize that misrepresentations to the Court undermine the integrity of
16 the judicial process. *See State v. Hyde*, 186 Ariz. 252 (1996).

17 VI. DEFENDANTS RELY ON ASSERTIONS INSTEAD OF EVIDENCE

18 Defendants repeatedly attempt to substitute testimony and unsupported assertions for
19 documentary evidence. Defendants claimed Plaintiff was properly served with deposition notice
20 yet failed to produce competent proof of service, authenticated mailing records, affidavits, or
21 admissible evidence establishing service occurred. Instead, during the May 4, 2026 hearing,
22 defense counsel relied on unsworn attorney representations regarding what a third party allegedly
23 “*could*” testify to, asserting his paralegal could provide an affidavit regarding service. Such
24 statements are not evidence and implicate Arizona Rule of Evidence 801(c) to the extent they rely
25 on out-of-court statements offered for their truth. Rather than presenting admissible evidence or
26 an actual affidavit subject to review, Defendants relied on unsupported attorney argument while
27 simultaneously seeking sanctions against Plaintiff for alleged noncompliance.

28 This conduct violates Rules 5(c)(2)(C), 26.1, 34, and 37(c) of the Arizona Rules of Civil
Procedure. Arizona law is clear that unsupported assertions are not evidence. *See Orme School v.*
Reeves, 166 Ariz. 301 (1990). Defendants repeatedly attempt to rely on testimony and attorney

1 representations in place of required documentary disclosures and production obligations,
2 preventing verification and obstructing Plaintiff's ability to prepare her case.

3 **VIII. DEFENDANTS' CONDUCT IS PART OF A BROADER PATTERN**

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5 The conduct at issue is not isolated to this case. As previously presented to the Court,
6 public disciplinary records involving Defendant's counsel Augustus H. Shaw IV reflect an Order
7 of Informal Reprimand involving abusive communications, improper litigation conduct, conduct
8 prejudicial to the administration of justice, and tactics causing "*significant additional litigation.*"
9 Additional judicial findings described similar conduct as "*abusive litigation practices run amok,*"
10 including threatening communications, excessive litigation tactics, and improper pressure against
11 opposing parties. These materials are not offered for improper character purposes, but to
12 demonstrate knowledge, absence of mistake, and a continuing pattern of litigation conduct
consistent with the behavior presently before the Court.

13 **IX. DEFENDANTS' CONDUCT VIOLATES FUNDAMENTAL FAIRNESS**

14 **AND DUE PROCESS**

15
16 Due process requires "*an opportunity to be heard at a meaningful time and in a*
17 *meaningful manner.*" *Mathews v. Eldridge*, 424 U.S. 319 (1976). Defendants interfere with that
18 right by withholding discovery, demanding deposition while discovery remains incomplete,
19 relying on unsupported assertions, improperly serving filings, and forcing unnecessary motion
20 practice. Arizona law recognizes that discovery exists to prevent unfair surprise and allow
21 meaningful preparation. *See Bryan v. Riddel*, 178 Ariz. 472 (1994); *Zimmerman v. Shakman*, 204
22 Ariz. 231 (App. 2003). Federal courts likewise recognize that litigation conduct abusing the
23 judicial process warrants sanctions. *See Chambers v. NASCO, Inc.*, 501 U.S. 32 (1991); *Fink v.*
24 *Gomez*, 239 F.3d 989 (9th Cir. 2001).

25 **X. CONCLUSION**

26 The record demonstrates a continuing pattern of litigation conduct by Defendants and their
27 counsel that delayed discovery, obstructed adjudication on the merits, and forced repeated judicial
28 intervention. Despite Court orders requiring Rule 26.1 compliance, Rule 26(d) participation, and
good-faith discovery efforts, Defendants continued withholding disclosures, advancing

1 contradictory procedural positions, misrepresenting the procedural history, and relying on
2 unsupported factual assertions.

3
4 Arizona courts favor resolving cases on the merits rather than through procedural
5 gamesmanship. On February 2, 2026, the Court recognized that rejecting Plaintiff's filing on
6 procedural grounds would "only prolong the matter." Following remand from the Arizona Court
7 of Appeals, Defendants continued relying on procedural technicalities while attempting to
8 proceed with settlement conference and deposition despite unresolved discovery deficiencies and
9 noncompliance with Court-ordered disclosures.

10 Plaintiff's requests for judicial intervention are not moot. Rodriguez's allegations are
11 supported by emails, filings, transcripts, and other evidence already before the Court
12 demonstrating discovery obstruction, shifting procedural positions, unsupported factual
13 assertions, and continued litigation harassment. Defendants continue denying material
14 misrepresentations while relying on attorney argument rather than admissible evidence or proof
15 of compliance. The record further reflects a continuing pattern of litigation conduct associated
16 with Defendant's counsel contributing to a hostile litigation environment toward Plaintiff as a
17 self-represented litigant.

18 Rodriguez is not rehashing discovery disputes, but reporting continuing litigation abuse
19 and prejudice caused by ongoing procedural gamesmanship and refusal to comply with disclosure
20 obligations. Arizona law and this Court's inherent authority authorize sanctions where parties or
21 counsel abuse discovery, disregard court orders, or undermine the integrity of the judicial process.
22 Plaintiff therefore requests sanctions, full discovery compliance, preclusion of unsupported
23 assertions or undisclosed evidence, and all further relief necessary to ensure this matter proceeds
24 fairly on the merits.

25 Respectfully submitted,

26 

27
28 Sandra Rodriguez

V. EXHIBITS

- 1. Exhibit 1 – Declaration of Plaintiff Sandra Rodriguez in Support of Plaintiff’s Reply to Defendants’ Response to Motion to Declare Defendants and Counsel Vexatious Litigants and Request for Sanctions.**

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1 **VI. CERTIFICATE OF SERVICE**

2 I served copies of this *PLAINTIFF'S REPLY TO DEFENDANT'S RESPONSE TO*
3 *DECLAIRE DEFENDANTS AND THEIR LEGAL COUNSELS SHAW AND DENTE*
4 *VEXATIOUS LITIGANTS AND REQUEST FOR SANCTIONS* for on all parties of record
5 via U.S. Mail.
6

7 **OPPOSING PARTY INFORMATION**

8 **DEFENDANTS:**

- 9
- 10 o Gardens Gilbert Community Association
 - 11 o Focus HOA Management, LLC
 - 12 o Harmin Cadis
 - 13 o Brooke Sortor
 - 14 o Anna Schultz
- 15 • **Address:** 4135 E. Power Road, Suite 133, Mesa, Arizona 85212

16 **DEFENDANT'S LEGAL COUNSEL:**

- 17
- 18 • **Name:** Augustus H. Shaw IV
 - 19 • **Firm:** Shaw & Lines, LLC
 - 20 • **Address:** 1490 S. Price Road, Suite 318 Chandler, Arizona 85286

21 Respectfully submitted this 6th day of March 2026.

22 

23 Sandra Rodriguez

EXHIBIT 1

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

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10 SANDRA RODRIGUEZ,

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13 GARDENS GILBERT COMMUNITY
14 ASSOCIATION an Arizona nonprofit
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,

**AFFIDAVIT OF SANDRA
RODRIGUEZ IN SUPPORT OF
PLAINTIFF'S REPLY TO
DEFENDANT'S RESPONSE TO
MOTION TO DECLARE
DEFENDANTS AND THEIR LEGAL
COUNSELS VEXATIOUS
LITIGANTS**

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23 **TO THE HONORABLE JUDGE MCDOWELL:**

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

- 25
26 1. I am the Plaintiff in this matter and have personal knowledge of the facts stated herein.
27 2. I submit this Declaration in support of Plaintiff's Reply regarding Defendants' and
28 counsel's litigation conduct, discovery noncompliance, and Rule 26(d) disputes.

- 1 3. On March 25, 2026, at approximately 10:30 a.m., I participated in a recorded
2 telephonic meet-and-confer with defense counsel Augustus H. Shaw IV regarding
3 discovery disputes, including Requests for Production, Requests for Admission,
4 interrogatories, disclosure deficiencies, disputed discovery deadlines, and Defendants'
5 attempt to proceed with deposition despite unresolved discovery issues.
6
- 7 4. During that March 25, 2026 conference, defense counsel acknowledged that the
8 parties were conducting a meet-and-confer regarding discovery disputes and
9 acknowledged the discussion satisfied Rule 26(d).
10
- 11 5. On April 14, 2026, I memorialized the March 25, 2026 meet-and-confer in writing and
12 provided written notice that the recorded conference addressed unresolved discovery
13 deficiencies.
14
- 15 6. On April 30, 2026, I initiated and participated in another Rule 26(d) meet-and-confer
16 with defense counsel regarding unresolved discovery disputes, settlement conference
17 unreadiness, and preparation of a joint Rule 26(d) filing as ordered by the Court.
18
- 19 7. Following the April 30, 2026 conference, I prepared draft joint statements, circulated
20 drafts to defense counsel, requested revisions, and repeatedly invited Defendants to
21 include their positions and proposed edits for filing with the Court.
22
- 23 8. Despite my repeated requests, Defendants refused to provide their portions of the Rule
24 26(d) Joint Statement and refused meaningful participation in the Court-ordered
25 process.
26
- 27 9. Defendants repeatedly claimed I had "received all appropriate discovery" despite
28 unresolved discovery deficiencies and despite repeatedly reproducing documents
already filed in the record.

1 10. Defendants also attempted to proceed with deposition while withholding Rule 26.1
2 disclosures and responsive discovery materials.

3 11. I did not receive competent proof of service regarding the disputed deposition notice
4 referenced by Defendants.
5

6 12. I am indigent and could not afford the transcript certification costs associated with
7 formally certifying the March 25, 2026 transcript.

8 13. The factual statements contained in Plaintiff's Reply and attached exhibits are true and
9 correct to the best of my knowledge and are supported by emails, filings, transcripts,
10 court orders, and documents already filed with the Court.
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12 Respectfully submitted this 6th day of May 2026.

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15 Sandra Rodriguez
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