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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  
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 REPLY IN SUPPORT  
OF MOTION REGARDING  
SUPOENAS AND RESPONSE TO  
DEFENDANTS' OPPOSITION**

21 **TO THE HONORABLE JUDGE MCDOWELL:**

22 Rodriguez (*"Plaintiff"*) respectfully submits this Reply in response to Defendants'  
23 *"Response to Plaintiff's Motion for Leave to Request Subpoenas."*

24 Defendants' Response fails to identify any actual violation of the Arizona Rules of Civil  
25 Procedure and instead further demonstrates the ongoing pattern of prejudicial, obstructive, and  
26 vexatious litigation conduct repeatedly raised before this Court. Rather than addressing the  
27 underlying discovery deficiencies and evidentiary issues, Defendants resort to inflammatory  
28 accusations against Plaintiff as an indigent self-represented litigant, including assertions that  
Plaintiff has a *"patent misunderstanding of the Arizona Rules of Civil Procedure,"* accusations

1 that Plaintiff seeks to “*frustrate justice*,” and requests that Plaintiff be prohibited from filing  
2 motions altogether. These statements are unsupported by the record and further demonstrate  
3 continued attempts to prejudice the Court against Plaintiff rather than address the merits of the  
4 underlying discovery disputes and evidentiary issues.

5 Arizona courts have repeatedly recognized that litigation must be conducted fairly and in  
6 good faith and that misleading or prejudicial conduct undermines the integrity of judicial  
7 proceedings. See *State v. Hyde*, 186 Ariz. 252, 277 (1996) (recognizing that misleading  
8 representations undermine the integrity of the judicial process). Arizona law further disfavors  
9 litigation tactics intended to obstruct meaningful access to evidence or impair a party’s ability to  
10 fairly present claims. See *Bryan v. Riddell*, 178 Ariz. 472, 476 (1994) (disclosure rules exist to  
11 prevent gamesmanship and “*hide-the-ball*” tactics).

12 Most notably, Defendants concede the central issue raised in Plaintiff’s Motion by  
13 expressly admitting:

14 “Pursuant to Rule 45 Ariz. R. Civ. P., the Plaintiff does not require leave of the  
15 Court to issue subpoenas.”

16 This admission alone confirms Plaintiff did not violate Rule 45 or any Court order. At  
17 most, Defendants argue the Motion was unnecessary — not improper. Defendants cite no  
18 provision within Rule 45 prohibiting a litigant from seeking clarification or Court guidance  
19 regarding subpoenas, particularly in a case involving ongoing discovery disputes and repeated  
20 obstruction of records requests.

21 Arizona Rule of Civil Procedure 45 expressly authorizes subpoenas for testimony and  
22 records discovery. Rule 45 provides:

23 “A subpoena may command each person to whom it is directed to attend and give  
24 testimony or to produce and permit inspection and copying of designated books,  
25 documents, electronically stored information, or tangible things...”  
26  
27  
28

1 Rule 45 further provides:

2 “A command to produce evidence or to permit inspection may be joined with a  
3 command to appear at trial, hearing, or deposition, or may be issued separately.”  
4

5 Thus, Arizona civil procedure expressly permits litigants to obtain documentary evidence  
6 through subpoenas independent of depositions or hearings. Defendants cite no authority allowing  
7 opposing counsel to obstruct or preemptively restrict a party’s lawful use of subpoenas authorized  
8 under Rule 45.

9 Defendants’ Response also ignores the broader procedural context of this matter. Plaintiff  
10 has repeatedly documented substantial discovery deficiencies through multiple motions to  
11 compel, accompanying exhibits, and email correspondence demonstrating that defense counsel  
12 Augustus H. Shaw IV and co-counsel Dominick Dente repeatedly refused to provide responsive  
13 records while simultaneously representing to the Court that discovery obligations had been  
14 satisfied. Plaintiff further documented Defendants’ refusal to meaningfully participate in meet-  
15 and-confer efforts on March 25, 2026 and April 30, 2026 concerning outstanding discovery  
16 deficiencies and Rule 26.1 compliance obligations.

17 Arizona Rule of Civil Procedure 26.1 imposes a continuing duty to disclose all relevant  
18 information and documents. Arizona courts have repeatedly emphasized that the disclosure rules  
19 exist to eliminate gamesmanship and trial by ambush. *In Zimmerman v. Shakman*, 204 Ariz. 231,  
20 236 (App. 2003), the Court recognized that discovery rules should be interpreted to maximize  
21 fairness and decisions on the merits rather than procedural maneuvering.

22 Here, Defendants simultaneously:

- 23 1. Continue refusing to produce requested records;
- 24 2. Continue opposing motions to compel;
- 25 3. Continue making misleading assertions regarding discovery compliance;
- 26 4. Continue threatening sanctions against Plaintiff for routine litigation conduct; and
- 27 5. Attempt to obstruct Plaintiff’s lawful efforts to obtain evidence through subpoenas  
28 expressly authorized by Rule 45.

1 Defendants' conduct reflects precisely the type of litigation gamesmanship Arizona courts  
2 have repeatedly condemned. Additionally, Judge McDowell previously established firm  
3 discovery directives and obligations in this matter. Until modified by subsequent Court order,  
4 those directives remain operative and binding upon all parties. Defendants cannot selectively  
5 disregard ongoing disclosure obligations while simultaneously seeking sanctions against Plaintiff  
6 for attempting to obtain evidence necessary to prosecute her claims.

7 Plaintiff further notes that neither Rule 45 nor any existing Court order prohibits Plaintiff  
8 from requesting Court clarification concerning subpoenas or from seeking leave out of caution  
9 and procedural transparency. Defendants' repeated efforts to characterize routine motions  
10 practice as sanctionable conduct, combined with repeated attempts to restrict Plaintiff's ability to  
11 file motions or obtain evidence, raise substantial constitutional and due process concerns.

12 Both the Arizona Constitution and the Fourteenth Amendment to the United States  
13 Constitution protect a litigant's right to meaningful access to the courts and a meaningful  
14 opportunity to be heard. See *Mathews v. Eldridge*, 424 U.S. 319, 333 (1976). Discovery  
15 obstruction combined with attempts to restrict Plaintiff's access to evidence, subpoenas, and court  
16 filings materially interferes with Plaintiff's ability to fairly litigate her claims and prepare her case  
17 on the merits.

18 Arizona courts possess inherent authority to sanction parties and counsel who engage in  
19 bad-faith litigation conduct, discovery abuse, or tactics intended to obstruct the fair administration  
20 of justice. See *Chambers v. NASCO, Inc.*, 501 U.S. 32, 44-46 (1991). Arizona law likewise  
21 authorizes sanctions where a party unreasonably expands or delays proceedings. A.R.S. § 12-  
22 349(A)(3). Plaintiff respectfully submits that Defendants' continued refusal to produce records,  
23 repeated failure to participate in meet-and-confer efforts in good faith, subsequent misleading and  
24 prejudicial representations to the Court following those conferences, ongoing discovery  
25 obstruction, inflammatory attacks directed toward Plaintiff as an indigent self-represented  
26 litigant, and continued attempts to prejudice the Court against Plaintiff have unnecessarily  
27 expanded, delayed, and complicated these proceedings while impairing Plaintiff's ability to fairly  
28 litigate her claims on the merits.

1 WHEREFORE, Plaintiff respectfully requests that the Court:

- 2
- 3 1. Deny Defendants' request for sanctions, dismissal, or filing restrictions;
- 4 2. Recognize that Rule 45 expressly authorizes subpoenas for records and testimony;
- 5 3. Permit Plaintiff to pursue subpoenas relevant to her claims and defenses;
- 6 4. Order Defendants to comply with their ongoing disclosure obligations under Rule
- 7 26.1; and
- 8 5. Grant such other and further relief as the Court deems just and proper.
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10 Respectfully submitted,

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12 Sandra Rodriguez

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1 **II. CERTIFICATE OF SERVICE**

2 I served copies of this ***PLAINTIFF'S REPLY IN SUPPORT OF MOTION REGARDING***  
3 ***SUPOENAS AND RESPONSE TO DEFENDANTS' OPPOSITION*** for on all parties of  
4 record via U.S. Mail.  
5

6 **OPPOSING PARTY INFORMATION**

7 **DEFENDANTS:**

- 8
  - 9 o Gardens Gilbert Community Association
  - 10 o Focus HOA Management, LLC
  - 11 o Harmin Cadis
  - 12 o Brooke Sortor
  - 13 o Anna Schultz
  - 14 • **Address:** 4135 E. Power Road, Suite 133, Mesa, Arizona 85212

15 **DEFENDANT'S LEGAL COUNSEL:**

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

20 Respectfully submitted this 11th day of May 2026.

21 

22 Sandra Rodriguez