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CLERK OF THE SUPERIOR COURT
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B. Hurley, Deputy

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 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 Christopher Coury,

**STATEMENT OF FACTS
IN SUPPORT OF MOTION FOR
SUMAMRY JUDGEMENT**

21
22 Rodriguez (*"Plaintiff"*), pursuant to Rule 56(c), Arizona Rules of Civil Procedure,
23 submits this Separate Statement of Facts in support of Plaintiff's Motion for Summary Judgment.
24 The following material facts are supported by admissible evidence, authenticated records, party
25 admissions, public records, photographs, videos, electronically stored information, HOA
26 communications, and documents contained within Exhibit 1 (Physical Evidence USB Drive).
27 Pursuant to Rules 56(c) and 56(g), Plaintiff submits these facts to establish undisputed issues
28 concerning Defendants' authority, notice, governance conduct, architectural delays, remediation
disputes, and records-access practices material to Plaintiff's claims and Defendants' defenses.

- 1 1. Gardens Gilbert Community Association (“GGCA”) is an Arizona nonprofit
2 homeowners’ association organized under Arizona law. (Exhs. 1–3.)
- 3 2. Arizona Corporation Commission records identify Harman Cadis as statutory agent
4 associated with GGCA and Focus HOA Management, LLC (“Focus HOA”). (Exhs.
5 77, 81.)
- 6 3. Anna Schultz served as President and Board member of GGCA during periods
7 relevant to Plaintiff’s claims. (Exhs. 22, 33, 93.)
- 8 4. Focus HOA Management, LLC acted as the HOA management company for GGCA
9 and performed governance administration, maintenance coordination, landscaping
10 oversight, architectural administration, enforcement communications, homeowner
11 communications, and records-management functions on behalf of GGCA. (Exhs. 2,
12 42, 62.)
- 13 5. Brooke Sortor acted as VP of Management Services for Focus HOA Management,
14 LLC and directly handled Plaintiff’s maintenance complaints, governance requests,
15 architectural requests, enforcement matters, and HOA communications. (Exhs. 25,
16 29, 42, 62, 82.)
- 17 6. The governing CC&Rs required GGCA to maintain common areas and landscaping
18 “at a high standard” and prohibited nuisance, unsanitary, offensive, and pet-related
19 nuisance conditions within the community. (Exhs. 1, 6, 7.)
- 20 7. Plaintiff purchased the residence in or about June 2023 and moved into the property
21 on or about July 5, 2023. (See Amended Civil Complaint (filed February 13, 2026)
- 22 8. On July 6, 2023, shortly after moving into the property with her children, Plaintiff
23 appeared in person at Focus HOA Management, LLC requesting assistance after
24 discovering she had not been provided a mailbox key or pool-access key. Plaintiff
25 contends Defendants thereby became aware Plaintiff was a new homeowner, residing
26 with minor children, attempting to obtain ordinary HOA access and governance-
27 related assistance. See Amended Civil Complaint at pp. 19–20 (filed February 13,
28 2026)
9. On July 22, 2023, Defendants distributed via email notice of a GGCA Board meeting
to homeowners and represented the meeting was noticed pursuant to Arizona law.
(Exh. 9)

- 1 10. Defendants represented the July 22, 2023 Board meeting was noticed pursuant to
2 Arizona law, thereby acknowledging GGCA operated under Arizona HOA
3 governance and meeting requirements during periods relevant to Plaintiff's claims.
4 (Exh. 9,77, 81)
- 5 11. On September 14, 2023, Defendants issued Plaintiff an exterior paint violation notice
6 alleging noncompliance with HOA maintenance standards and advising Plaintiff that
7 fines could be imposed for noncompliance. (Exh. 10.)
- 8 12. Defendants represented the July 22, 2023 Board meeting was noticed pursuant to
9 Arizona law, thereby acknowledging GGCA operated under Arizona HOA
10 governance and meeting requirements during periods relevant to Plaintiff's claims.
11 (Exh. 9.)
- 12 13. On September 27, 2023, Plaintiff submitted the first documented maintenance and
13 landscaping complaints to Focus HOA Management, LLC concerning a fallen tree,
14 overgrown vegetation, and neglected landscaping conditions near Plaintiff's
15 residence. The record reflects the area had not been properly maintained, causing
16 vegetation and a fallen tree to obstruct the common-area walkway and Plaintiff's
17 patio exit and creating safety and access concerns. Plaintiff specifically reported that
18 "*landscaping tends to forget to clean up and maintenance that back area.*" Focus
19 HOA Management employee John Alcorn promptly responded the same day,
20 acknowledged the complaint, and confirmed landscapers would address the fallen
21 tree "*at first availability*" and "*make sure they catch the back area in future rounds.*"
22 The submitted photographs depict the fallen tree and overgrown vegetation
23 obstructing the walkway and access area near Plaintiff's property. (Exhs. 12–14.)
- 24 14. On October 2, 2023, Plaintiff contacted Defendants requesting approved paint
25 schemes, architectural forms, compliance clarification, and extension information
26 relating to the paint violation. (Exh. 15.)
- 27 15. On October 3, 2023, Plaintiff submitted an architectural request and requested a nine-
28 month extension concerning exterior paint compliance. (Exh. 16.)
16. On October 4, 2023, Defendants advised Plaintiff that the HOA Board approved
Plaintiff's architectural request (external home paint). (Exh. 16.)
17. The evidentiary record reflects Focus HOA Management, LLC promptly addressed
the September 2023 fallen-tree obstruction after Plaintiff reported the issue,

1 demonstrating Defendants possessed authority and operational ability to respond
2 quickly to maintenance and safety-related conditions when they chose to do so.
3 Plaintiff contends Defendants later failed to exercise similar urgency regarding
4 ongoing sanitation, nuisance, remediation, and mold-related complaints. See Exhs.
5 12–14.

6 18. The evidentiary record reflects Plaintiff acted quickly and cooperated with
7 Defendants concerning the paint-related issue by requesting approved paint schemes,
8 submitting an architectural request, and obtaining Board approval and extension-
9 related communications before later receiving additional violation notices and
10 enforcement-related correspondence concerning the same condition. (Exhs. 15–16.)

11 19. After Plaintiff reported overgrown vegetation, fallen-tree obstruction, and neglected
12 landscaping conditions near Plaintiff's residence, Focus HOA Management, LLC—
13 through Brooke Sortor—later issued violation notices and threatened fines
14 concerning Plaintiff's property paint condition despite Plaintiff previously receiving
15 architectural approval and an extension to complete the work.

16 20. The November 16, 2023 "*Second Notice*" stated the alleged violation was
17 "*originally observed on 9/14/2023,*" imposed a \$50.00 fine, and directed Plaintiff to
18 submit an architectural request despite Plaintiff already possessing approved
19 architectural-related communications and extensions concerning the property. The
20 record further reflects Plaintiff initially worked cooperatively with Focus HOA
21 Management employee John Alcorn, who promptly addressed the fallen-tree
22 complaint and maintenance concerns before subsequent escalation of enforcement-
23 related conduct by defendants. (Exhs. 11–14.)

24 21. On November 27, 2023, Plaintiff continued documenting and reporting community-
25 maintenance, sanitation, and nuisance conditions within HOA-controlled common
26 areas adjacent to Plaintiff's residence, including fallen trees, dog feces accumulation,
27 trash, urine odors, and related conditions Plaintiff contended created health,
28 sanitation, and access concerns. (Exhs. 12–14, 17-32, 34-37, 41, 44-73, 78–80, 100-
103, 105, 108, 450-485, 540–625)

29 22. Between November 27, 2023 - March 2024, Plaintiff submitted photographs, videos,
30 emails, and written complaints documenting repeated pet-waste accumulation,
31 sanitation issues, poor landscaping and community-maintenance conditions, and

1 nuisance conditions throughout GGCA common areas and near Plaintiff's residence
2 while repeatedly requesting HOA enforcement and remediation assistance from
3 Defendants. See Exhs. 17–30, 34–37, 41, 47, 49–72, 78–79, 83, 88–90, 97, 99, 103–
4 105, 108–109, 134, 148–158, 165–168, 177–190, 240–282, 376–485)

5 23. On December 20, 2023, after weeks of Plaintiff's repeated nuisance and sanitation
6 complaints, Defendants distributed a community-wide notice acknowledging "*a*
7 *noticeable lack of responsibility*" concerning pet waste and advising the HOA Board
8 approved additional pet-waste remediation measures within Parcel 2. (Exhs. 37, 48.)

9 24. Plaintiff additionally submitted witness affidavits and supporting exhibits from
10 former landscaping personnel concerning deficiencies (i.e. maintenance,
11 landscaping, payment, and operational issues) involving Focus HOA Management,
12 LLC and GGCA. (Exhs. 255, 262–264.)

13 25. Plaintiff additionally submitted witness affidavits and supporting exhibits from
14 former landscaping personnel concerning maintenance deficiencies, landscaping
15 neglect, operational concerns, and community-condition issues involving Focus
16 HOA Management, LLC and GGCA. (See Exhs. 262–265; Exhs. 540–625)

17 26. Former landscaping personnel, vendors, and former HOA leadership submitted
18 sworn affidavits and supporting exhibits reflecting concerns regarding Focus HOA
19 Management, LLC's maintenance practices, landscaping conditions, governance
20 administration, payment disputes, communication practices, and retaliatory treatment
21 toward individuals who questioned management decisions, financial practices, or
22 HOA operations. The affidavits additionally describe deteriorating landscaping
23 conditions, operational disputes, restricted participation in governance matters, and
24 escalating hostility toward homeowners and vendors raising community concerns,
25 consistent with the conditions and conduct repeatedly documented by Rodriguez
26 throughout GGCA. See Exhs. 262–265.

27 27. On November 27, 2023, Plaintiff submitted written complaints to Defendants
28 reporting unleashed dogs, pet waste accumulation, odors, and chemical spraying in
the air concerns affecting Plaintiff's property and surrounding common areas. (Exh.
17.)

28 28. On November 27, 2023, Plaintiff reported to Focus HOA Management, LLC and
Brooke Sortor that a truck had been spraying chemicals or pesticides near Plaintiff's

1 residence during early morning hours and that Plaintiff and her children experienced
2 breathing difficulties, asthma-related symptoms, and respiratory irritation after the
3 spraying occurred near Plaintiff's bedroom window. Plaintiff requested assistance
4 and asked that the spraying not occur directly outside her residence due to the
5 reported health concerns. (See Exhs. 17, 25-27; 324-330 (doctors notes).

6 29. In response, Brooke Sortor informed Plaintiff that the spraying was "*required by*
7 *Maricopa County*" and represented that the spraying was conducted monthly within
8 the community for mosquito mitigation. (See Exhs. 23-25, 27)

9 30. Plaintiff thereafter contacted Maricopa County Vector Control directly regarding the
10 reported spraying activity and documented information from Vector Control
11 reflecting that mosquito fogging and spraying services are complaint-driven, request-
12 based, and dependent upon mosquito surveillance and abatement activity rather than
13 mandatory countywide spraying requirements imposed on all communities. (See Exh.
14 23-24; Audio Call, Maricopa County Vector Control materials)

15 31. Despite Plaintiff reporting respiratory concerns, breathing difficulties, asthma-related
16 symptoms, and requests to prevent spraying activity near Plaintiff's residence, the
17 evidentiary record does not reflect that Brooke Sortor, Focus HOA Management,
18 LLC, or GGCA investigated Plaintiff's concerns, offered accommodations, identified
19 the specific chemicals being sprayed, or implemented measures to prevent continued
20 spraying activity near Plaintiff's residence. (See Exhs. 17, 22-27; 327-338 (doctors
21 notes)

22 32. On November 27, 2023, Plaintiff submitted photographs and videos depicting
23 unleashed dogs, pet-related nuisance conditions, and surrounding common-area
24 conditions. (Exhs. 18-21.)

25 33. Defendants improperly conditioned nuisance enforcement upon Plaintiff acting as the
26 reporting witness and allowing Plaintiff's identity to be associated with the
27 complaints, despite Plaintiff repeatedly requesting HOA-driven enforcement of
28 nuisance, leash, trespass, and sanitation provisions contained within the governing
documents. See Amended Civil Complaint; Exhs. 25-29 (02/09/26).

34. On November 27, 2023, Plaintiff reported ongoing unleashed-dog, trespass, pet-
waste, odor, and health-related concerns affecting Plaintiff's property and requested
HOA assistance, including community notices reminding residents to leash dogs.

1 Plaintiff attached photographs and surveillance videos documenting the reported
2 conditions. (Exhs. 25–26.)

3 35. Plaintiff contends the governing CC&Rs and HOA enforcement provisions vested
4 nuisance-abatement and enforcement authority with the Association and its managing
5 agents and did not require disclosure of a complaining homeowner’s identity as a
6 prerequisite to enforcement action. See Exhs. 1, 6, 7, 25–29.

7 36. On November 27, 2023, Brooke Sortor responded that a community notice could be
8 sent reminding residents dogs “*must be kept on a leash at all times,*” but further
9 advised Focus HOA would require additional evidence, including photographs
10 depicting both the dog and owner together, before issuing a direct violation notice to
11 the reported homeowner. (Exhs. 25, 27.)

12 37. Between November 27, 2023 and December 6, 2023, Plaintiff submitted additional
13 photographs, surveillance videos, owner-identification information, and follow-up
14 communications requesting HOA enforcement and nuisance-remediation assistance
15 concerning the reported conditions. (Exhs. 26–28.)

16 38. Plaintiff submitted photographs, videos, surveillance footage, emails, witness
17 statements, HOA communications, Animal Control-related evidence, and related
18 exhibits documenting continuing sanitation hazards, pet-waste accumulation,
19 unleashed-dog activity, debris, vandalism, deteriorating common areas, damaged
20 signage, unsafe or neglected landscaping, overgrown vegetation, dead or dehydrated
21 shrubs, wall deterioration, and other nuisance and maintenance-related conditions
22 throughout GGCA common areas during the period relevant to Plaintiff’s claims. The
23 exhibits include, but are not limited to, the following categories of evidence:

- 24 • **Unleashed-dog activity, repeated trespass, pet waste accumulation, odor**
25 **conditions, and ongoing nuisance-related activity within GGCA common**
26 **areas:** Exhs. 17–21, 26, 28, 41, 47, 49–58, 60–61, 64, 68–72, 78–79, 83, 97,
27 99–105, 108, 134, 148–158, 165–168, 177–190, 244–245, 255–260, 270–282,
28 376, 378–485, 647. These exhibits include surveillance footage, photographs,
emails, Animal Control complaints, community complaints, witness
statements, pet-waste evidence, trespassing incidents, unleashed-dog activity,
vandalized signs, and HOA communications documenting persistent nuisance
and sanitation-related conditions throughout the community.

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- **Litter accumulation, sanitation hazards, vandalism, damaged signage, debris, unsafe pool/common-area conditions, fallen branches, and neglected common-area maintenance:** Exhs. 12–14, 80, 88–90, 98, 177–180, 185–186, 256–257, 274, 376, 451, 454–455, 472, 486, 495, 506, 514, 517, 520, 542–553, 556, 567–572, 579–582, 594, 598, 601–603, 607–608, 611–615, 625–629, 648, 651, 663–665, 687–688, 690, 692, 694, 700, 702–704, 714, 716–717. These exhibits depict litter debris, damaged and vandalized signs, fallen tree branches, unsafe or neglected recreational/common areas, unmaintained grounds, and continuing sanitation-related hazards within HOA-controlled common areas.
 - **Overgrown landscaping, dead vegetation, excessive weeds, untrimmed or misshapen shrubs, deteriorating irrigation/landscaping conditions, and prolonged failure to maintain community grounds to required standards:** Exhs. 183, 270, 392–397, 487–493, 497–505, 507–513, 515–516, 518, 521–541, 554–566, 573–578, 583–610, 616–624, 630–646, 649–650, 652–686, 689, 691, 693, 695–699, 701, 705–713, 715. These exhibits include photographs and videos documenting extensive weeds, dead shrubs, fallen branches, overgrown trees, excessive vegetation, deteriorating landscaping conditions, and ongoing neglect of community landscaping and common areas over multiple time periods.
 - **Damaged or deteriorated walls, paint, signage, exterior conditions, and other visibly neglected or unrepaired common-area fixtures and structures:** Exhs. 10–11, 98, 159, 177–179, 256, 274, 451, 454, 482, 489, 494–496, 511, 514, 517, 519–520, 532, 557–561, 565, 568, 574, 582, 584, 594–597, 621–622, 625, 643, 656, 658–659, 688, 716. These exhibits depict damaged walls, deteriorating or mismatched paint, broken and vandalized signs, exterior violations, damaged recreational fixtures, and other unrepaired community structures and common-area conditions.
 - **Community complaints, witness observations, comparative-condition evidence, social-media discussions, surveillance evidence, and communications corroborating ongoing community degradation, selective enforcement, and persistent nuisance conditions:** Exhs. 22, 91–

1 97, 141–147, 174–175, 181–188, 191–229, 233–245, 246–299, 306, 377, 419,
2 437–449. These exhibits include HOA meeting records, resident complaints,
3 witness affidavits, Facebook and Nextdoor.com community discussions,
4 surveillance recordings, communications regarding enforcement disparities,
5 and evidence reflecting ongoing community degradation and Defendants’
6 awareness of the reported conditions

7 **I. HOA GOVERNANCE, OPERATIONAL CONTROL,**
8 **AND AUTHORITY**

9
10 **A. FOCUS HOA MANAGEMENT ACTING AT DIRECTION OF BOARD**

11
12 39. Defendants repeatedly represented that Focus HOA Management acted “at the
13 direction of the Board” concerning nuisance enforcement, sanitation remediation,
14 homeowner complaints, governance matters, and operational decisions within
15 GGCA. (Exhs. 29, 42, 62, 82.)

16 40. On December 6, 2023, Brooke Sortor responded that Focus HOA Management
17 worked “*at the direction of the Board*” concerning HOA operations and nuisance-
18 related issues. (Exh. 29.)

19 41. On December 6, 2023, Brooke Sortor advised Plaintiff that violation notices would
20 not issue unless Plaintiff agreed to act as the reporting witness concerning the alleged
21 nuisance violations. (Exh. 29.)

22 42. On December 6, 2023, Plaintiff requested HOA Board-member contact information,
23 clarification regarding HOA authority and property-boundary responsibilities, and
24 additional governance-related information concerning areas maintained by the
25 Association in connection with ongoing nuisance, sanitation, maintenance, and
26 governance disputes affecting Plaintiff’s residence. (Exhs. 32, 36.)

27 43. On December 6, 2023, Plaintiff requested HOA Board-member contact information,
28 clarification regarding HOA authority and property-boundary responsibilities, and “*a
diagram demonstrating the specific areas that are considered my property and what
is considered HOA property,*” including proof concerning areas represented as HOA-

1 controlled property in connection with ongoing nuisance, sanitation, maintenance,
2 and governance disputes affecting Plaintiff's residence. (Exhs. 32, 36.)

3 44. After multiple requests from Plaintiff seeking escalation and governance information,
4 Brooke Sortor, acting on behalf of GGCA and Focus HOA Management, LLC,
5 identified the HOA Board members by name but refused to provide Board-member
6 contact information, stating such information was "*personal and confidential*," and
7 directed Plaintiff to address governance-related concerns during the January 22, 2024
8 Board meeting. (Exhs. 32)

9 45. In subsequent communications, Brooke Sortor provided portions of the CC&Rs,
10 private-use easement materials, and the Parcel 2 Reserve Study concerning HOA
11 "*areas of responsibility*," but did not provide a lot-specific property-boundary
12 diagram identifying the exact areas Plaintiff contended were HOA-maintained
13 property. (Exhs. 38, 40.)

14 46. Plaintiff thereafter continued requesting clarification, documentation, and
15 confirmation regarding HOA ownership, maintenance obligations, and responsibility
16 for specific common-area locations adjacent to Plaintiff's residence, including areas
17 Brooke Sortor identified as HOA-controlled property. Despite those requests,
18 Defendants refused to provide documentation clearly identifying maintenance
19 responsibility, ownership boundaries, or the specific party responsible for
20 maintaining the reported areas and condition. (Exh. 38.)

21 47. Plaintiff repeatedly requested clarification regarding HOA-property boundaries,
22 HOA authority, maintenance responsibilities, and governance requirements,
23 including a diagram identifying Plaintiff's property versus HOA-controlled property,
24 while attempting to better understand HOA rules and responsibilities as a first-time
25 homeowner within the Association. (Exhs. 32, 36.)

26 48. On December 12, 2023, Plaintiff requested assistance directly from Harman Cadis
27 regarding continuing unleashed-dog activity, pet-waste accumulation, odor
28 conditions, sanitation concerns, and ongoing disputes involving neighboring
residents and HOA enforcement failures. See Exh. 73.

49. In response, Harman Cadis represented to Plaintiff that he was "*not on the Board*"
and "*not the HOA President*," while continuing to redirect Plaintiff back to Brooke
Sortor and other HOA-management channels despite Plaintiff repeatedly reporting

1 hostile communications, lack of responsiveness, poor customer service, and
2 unresolved nuisance conditions involving Sortor. See Exhs. 74, 82.

3 50. Plaintiff thereafter requested clarification concerning Cadis' position, authority, and
4 job title within Focus HOA Management, LLC after receiving inconsistent
5 information regarding management authority, HOA decision-making, and
6 responsibility for addressing Plaintiff's complaints and remediation concerns. See
7 Exh. 76.

8 51. Arizona Corporation Commission records identified Harman Cadis as the statutory
9 agent for Focus HOA Management, LLC and separately as the statutory agent for
10 Gardens Gilbert Community Association ("GGCA"). See Exhs. 77, 81.

11 52. Additional records and communications further identified Cadis as owner, operator,
12 president, and decision-maker for Focus HOA Management, LLC, including
13 LinkedIn and management-related records produced in discovery. See Exhs. 36, 42,
14 53, 75, 77, 81.

15 53. Despite possessing executive, operational, and statutory authority relating to Focus
16 HOA Management, LLC and GGCA, Cadis continued directing Plaintiff's
17 complaints and remediation concerns back to Brooke Sortor and other management
18 channels rather than personally addressing the reported sanitation, nuisance,
19 landscaping, and governance-related issues Plaintiff repeatedly documented. See
20 Exhs. 53, 62, 65, 74, 82-83.

21 54. Plaintiff thereafter continued requesting clarification, documentation, and
22 confirmation regarding HOA ownership, maintenance obligations, and responsibility
23 for specific common-area locations adjacent to Plaintiff's residence, including areas
24 Brooke Sortor identified as HOA-controlled property. Despite those requests,
25 Defendants did not provide documentation clearly identifying maintenance
26 responsibility, ownership boundaries, or the specific party responsible for
27 maintaining the reported areas and conditions. (See Exhs. 38-40)

28 55. Defendants' responsive emails identified Board members by name and directed
Plaintiff to future Board meetings, but did not provide the requested property-
boundary diagram or specific clarification concerning the disputed maintenance and
HOA-responsibility areas. (Exhs. 33, 35.)

1 56. On December 6, 2023, after repeated follow-up communications and nine days after
2 Plaintiff's initial nuisance complaints, Brooke Sortor confirmed community notices
3 concerning pet-related issues '*will be sent.*' (Exh. 37.)

4 57. On December 6, 2023, Brooke Sortor confirmed community notices concerning pet-
5 related issues '*will be sent.*' (Exh. 37.)

6 **B. HARMAN CADIS' OPERATIONAL AUTHORITY AND "MERE**
7 **EMPLOYEE REPRESENTATIONS**

8 58. On December 13, 2023, after Plaintiff requested assistance from Harman Cadis
9 concerning ongoing pet-waste and nuisance issues, Cadis responded that he was "*not*
10 *on the Board*" and "*an employee of Focus HOA Management*" while directing
11 Plaintiff back to Brooke Sortor and the Board despite continuing to participate in
12 HOA governance, homeowner communications, and operational matters affecting
13 GGCA. (Exh. 74.)

14 59. The record includes Defendants' Partial Motion to Dismiss, dated April 10, 2024,
15 describing Harman Cadis as "an employee of Focus HOA Management, LLC." See
16 Exh. 23.

17 60. Exhibit 77 contains Arizona Corporation Commission records identifying Harman
18 Cadis as statutory agent for Focus HOA Management, LLC.

19 61. Exhibit 81 contains Arizona Corporation Commission records identifying Harman
20 Cadis as statutory agent for Gardens Gilbert Community Association ("*GGCA*").

21 62. Defendants attempted to characterize Harman Cadis as merely an "*employee*" of
22 Focus HOA Management, LLC while simultaneously relying on his authority over
23 governance, homeowner communications, enforcement matters, and GGCA
24 operations. See Exh. 23. That characterization conflicts with ACC records, HOA
25 communications, and Defendants' disclosures identifying Cadis as statutory agent,
26 owner/CEO, and operational decisionmaker for Focus HOA Management, LLC and
27 GGCA operations.

28 63. On appeal in Case No. 1 CA-CV 25-0040, Defendants continued asserting that
Harman Cadis and Brooke Sortor were merely "employees" of Focus HOA
Management, LLC and "agents" of GGCA who could not be personally liable for
conduct arising from HOA governance, maintenance, enforcement, and CC&R-

1 related operations. See Arizona Court of Appeals (Div. 1) Appellees' Answering
2 Brief, filed March 26, 2025.

3 64. Defendants further argued that "Focus HOA and its employees Cadis and Sortor are
4 not proper parties and should be dismissed," asserting that agents of a disclosed
5 principal "*cannot be held personally liable*" for actions undertaken on behalf of the
6 Association. See Arizona Court of Appeals (Div. 1) Appellees' Answering Brief,
7 filed March 26, 2025, at pp. 17–19.

8 65. The record reflects Defendants continued relying on agency-liability and "*mere*
9 *employee*" characterizations concerning Cadis and Sortor until Rodriguez
10 successfully challenged those assertions before the Arizona Court of Appeals through
11 HOA records, ACC filings, governance communications, and evidence reflecting
12 Cadis' and Sortor's operational authority, management roles, and direct involvement
13 in GGCA governance and enforcement matters. See Exhs. 23, 74, 77, 81; Exh. 28.

14 66. In March 2025, Rodriguez challenged those assertions on appeal by presenting
15 Arizona Corporation Commission records, HOA communications, governance
16 records, and evidence reflecting Cadis' and Sortor's operational authority,
17 governance involvement, enforcement participation, and direct involvement in
18 homeowner communications, remediation disputes, records-access matters, and
19 HOA operations. See Exhs. 74, 77, 81.

20 67. On August 12, 2025, Arizona Court of Appeals subsequently reversed dismissal of
21 Rodriguez's negligence, gross-negligence, and intentional-tort claims and rejected
22 Defendants' agency-liability arguments to the extent Defendants asserted agency
23 status and contractual provisions categorically shielded Focus HOA Management
24 LLC, Harman Cadis, Brooke Sortor, and Anna Schultz from personal liability for
25 gross negligence or intentional torts. See Exh. 28

26 68. The appellate record reflects Defendants repeatedly relied on agency-law and
27 immunity theories minimizing Cadis' and Sortor's individual roles despite evidence
28 showing Cadis acted as statutory agent, owner/CEO, and operational decisionmaker
for Focus HOA Management, LLC and GGCA-related operations. See Exhs. 23, 74,
77, 81.

1 **C. DEFENDANTS' GOVERNANCE AND OPERATIONAL AUTHORITY**

2 69. On April 10, 2026, Cadis and Sortor were acting within the purview and scope of its
3 legal authority as the managing agent for the Association.

4
5 **II. NOTICE OF SANITATION, NUISANCE, HEALTH, AND**
6 **SAFETY CONDITIONS**

7
8 **A. INITIAL HEALTH, SANITATION, AND PET WASTE COMPLAINTS**

9 70. On December 6, 2023, Brooke Sortor provided Plaintiff HOA parcel and easement-
10 related information concerning areas considered HOA-controlled community
11 property. (Exhs. 38–39.)

12 71. On December 7, 2023, Plaintiff again notified Defendants that the surrounding
13 common areas emitted strong dog-related odors that penetrated Plaintiff's garage and
14 home. (Exh. 41.)

15 72. On December 7, 2023, Plaintiff informed Defendants that Plaintiff and Plaintiff's
16 children experienced allergies, asthma flareups, respiratory symptoms, and health-
17 related impacts associated with the reported nuisance conditions. (Exh. 41.)

18 73. On December 7, 2023, Brooke Sortor acknowledged that Focus HOA Management
19 and Harman Cadis acted as the HOA management company for GGCA and stated
20 Plaintiff's complaints would be presented to the HOA Board. (Exh. 42.)

21 74. On December 7, 2023, Brooke Sortor advised Plaintiff that the Board could not make
22 decisions until the next scheduled Board meeting on January 22, 2024. (Exh. 44.)

23 75. On December 7, 2023, Plaintiff requested clarification whether Plaintiff would need
24 to wait until the January 22, 2024 Board meeting before remediation or corrective
25 action would occur concerning the reported sanitation and health-related conditions.
26 (Exh. 45.)

27 76. On December 7, 2023, Brooke Sortor confirmed Plaintiff would need to wait until
28 the January 22, 2024 Board meeting before the matter could be addressed. (Exh. 46.)

77. On December 8, 2023, Plaintiff escalated the reported nuisance and sanitation
conditions to Harman Cadis and proposed corrective actions, including sanitation
measures, pet-related enforcement, and designated pet areas. (Exh. 49.)

- 1 78. On December 8, 2023, Plaintiff submitted additional surveillance videos and
2 photographs depicting unleashed dogs and dog feces accumulation in common areas
3 adjacent to Plaintiff's residence. (Exhs. 50–59.)
- 4 79. On December 8, 2023, Harman Cadis acknowledged Plaintiff's complaints and
5 advised Plaintiff that Brooke Sortor was communicating with the HOA Board
6 regarding the reported nuisance and pet-related issues. (Exh. 53.)
- 7 80. On December 11, 2023, Plaintiff again reported dog feces accumulation, odors, and
8 sanitation-related conditions occurring near Plaintiff's residence and requested
9 clarification concerning corrective actions and remediation efforts. (Exhs. 60–61.)
- 10 81. On December 11, 2023, Brooke Sortor responded that Focus HOA Management
11 acted solely at the direction of the HOA Board and represented there were no
12 designated pet-relief areas within the community. (Exh. 62.)
- 13 82. On December 11, 2023, Brooke Sortor represented that Focus HOA Management
14 scheduled a "*one-time cleanup*" and would seek quotes for additional pet-waste
15 stations for Board review; Plaintiff contends no further update regarding Board
16 approval, remediation status, or corrective action was provided after that
17 communication until the December 20, 2023 which only address possible pet waste
18 clean-up. (Exhs. 62, 92.)
- 19 83. On December 11, 2023, Plaintiff contacted Harman Cadis requesting additional
20 assistance concerning continuing sanitation and nuisance conditions after Plaintiff
21 documented that pet waste near Plaintiff's residence remained uncleaned despite
22 prior complaints, cleanup discussions, and communications with Brooke Sortor
23 regarding remediation of the reported conditions. (Exh. 68.)

24 **B. DEFENDANTS' RESPONSES AND DELAYED ACTION**

- 25 84. On December 13, 2023, Plaintiff informed Defendants that the reported nuisance
26 conditions caused respiratory symptoms, asthma flareups, and other health-related
27 concerns affecting Plaintiff and Plaintiff's children. (Exhs. 78–79; 327-338 (doctors
28 notes)
85. On December 13, 2023, Brooke Sortor advised Plaintiff that Focus HOA
Management did not possess authority to independently make HOA decisions. (Exh.
82.)

1 86. On December 15, 2023, HOA counsel Augustus H. Shaw IV issued cease-and-desist
2 correspondence to Plaintiff concerning Plaintiff's repeated nuisance, sanitation, and
3 governance complaints. (Exhs. 85–86.)

4 87. On December 16, 2023, Plaintiff submitted written responses disputing the
5 allegations contained within the cease-and-desist communications and continued
6 requesting remediation and governance transparency. (Exhs. 84, 87.)

7 88. On December 20, 2023, twenty-three (23) days after Plaintiff's initial nuisance
8 complaints, fourteen days (14) after Brooke Sortor confirmed community notices
9 "*will be sent,*" and four days (4) after Plaintiff received a December 15, 2023 cease-
10 and-desist letter stating the Board would no longer respond to Plaintiff's pet-waste
11 complaints, Sortor distributed a community-wide notice acknowledging "*a*
12 *noticeable lack of responsibility*" concerning pet waste and advising the HOA Board
13 approved weekly dog-waste cleanup services for Parcel 2. (Exhs. 37, 85, 92.)

14 **C. CORROBORATING HOMEOWNER FEEDBACK, GOVERNANCE AN** 15 **HOA MANAGEMENT CONCERNS**

16 89. Neighbor and homeowner comments submitted by Plaintiff further corroborate
17 Plaintiff's contemporaneous complaints concerning Brooke Sortor's customer-
18 service practices, responsiveness, communication style, and handling of homeowner
19 concerns while acting on behalf of Focus HOA Management, LLC. The submitted
20 Nextdoor.com discussions reflect multiple residents criticizing HOA management
21 responsiveness, expressing frustration regarding unresolved maintenance and
22 community issues, and specifically referencing negative interactions with Brooke
23 Sortor concerning HOA operations, enforcement, homeowner communications, and
24 community concerns. See Exhs. 306; Nextdoor.com Discussion Compilation; 246-
25 299.

26 90. The Nextdoor.com discussions and related exhibits additionally reflect residents
27 discussing ongoing landscaping neglect, sanitation concerns, maintenance
28 deficiencies, governance frustration, selective enforcement concerns, and
dissatisfaction with Focus HOA Management, LLC's handling of homeowner
complaints and community conditions. Several comments further corroborate
Plaintiff's reports that homeowner concerns were ignored, redirected, delayed, or met

1 with hostile or dismissive responses rather than timely remediation or meaningful
2 corrective action. See Exhs. 306; Nextdoor.com Discussion Compilation; 246-299.

3 91. Plaintiff submits neighbor statements, homeowner discussions, social-media
4 exchanges, HOA communications, and related exhibits documenting
5 contemporaneous community awareness of ongoing sanitation hazards, pet-waste
6 accumulation, landscaping neglect, vandalism, nuisance activity, deteriorating
7 common areas, governance disputes, and dissatisfaction with HOA responsiveness
8 during Focus HOA Management, LLC's administration of GGCA. See Exhs. 191-
9 229, 233-239, 246-299.

10 92. The exhibits further reflect that complaints regarding landscaping deficiencies,
11 sanitation conditions, pet-waste accumulation, unleashed-dog activity, community
12 deterioration, governance concerns, and HOA responsiveness were raised by multiple
13 homeowners and residents rather than Plaintiff alone, corroborating Plaintiff's
14 repeated reports and demonstrating continuing community-wide notice of the
15 reported conditions and disputes. See Exh. 246 (neighbor thanking Plaintiff for
16 raising HOA and community concerns); Exhs. 247-248 (community discussions and
17 homeowner comments concerning poor HOA customer service, declining
18 community conditions, lack of financial transparency, dissatisfaction with HOA
19 leadership, and criticism of management practices involving Focus HOA
20 Management, LLC and GGCA leadership); Exh. 253 (resident comments regarding
21 unequal treatment and continuing community problems); Exh. 255 (resident
22 complaints concerning unleashed dogs and failure to clean up pet waste); Exh. 261
23 at 1-3 (neighbor affidavit documenting overgrown landscaping, trash, pet waste,
24 unleashed dogs, and declining maintenance conditions); Exh. 265 at 2-5 (former
25 HOA president affidavit describing governance disputes, homeowner exclusion,
26 deteriorating landscaping conditions, and management-related concerns involving
27 Focus HOA Management, LLC and Harman Cadis); Exh. 306 (extensive
28 neighborhood social-media discussions regarding HOA operations, community
conditions, homeowner disputes, and governance concerns)

93. The submitted discussions and homeowner communications additionally reflect
criticism concerning HOA governance, enforcement practices, landscaping
maintenance, homeowner communications, and dissatisfaction with Focus HOA

1 Management, LLC's handling of community concerns, including comments and
2 exchanges specifically referencing Brooke Sortor's responsiveness, professionalism,
3 communication style, and interactions with homeowners. See Exh. 306.

4 94. The social-media discussions and related exhibits further document escalating
5 hostility, governance conflicts, and disputes concerning Plaintiff's HOA complaints,
6 governance participation, records requests, litigation, and candidacy for the GGCA
7 Board after Plaintiff repeatedly reported maintenance, sanitation, and governance-
8 related concerns to Defendants. See Exhs. 246–299; 306.

9 95. Plaintiff submits these exhibits to demonstrate contemporaneous notice,
10 corroboration of Plaintiff's complaints, homeowner dissatisfaction, recurring
11 governance and communication disputes, and patterns of delayed responses, selective
12 treatment, escalating hostility, and ongoing conflicts involving homeowners who
13 challenged HOA management practices, community conditions, or governance-
14 related conduct within GGCA. See Exhs. 191–229, 233–239, 246–299, 306.

15 **III. FINANCIAL AND CORPORATE RECORDS ACCESS,** 16 **GOVERNANCE OBSTRUCTION, AND HOA TRANSPARENCY**

17 **A. FINANCIAL RECORDS AND GOVERNANCE REQUESTS**

18 96. On December 21, 2023, Plaintiff served written demands requesting HOA financial
19 records, budgets, invoices, maintenance records, governance documents, and
20 litigation expenditures pursuant to A.R.S. § 33-1805. (Exhs. 95–96.)

21 97. On January 4, 2024, HOA counsel Augustus H. Shaw IV, acting on behalf of Gardens
22 Gilbert Community Association and Focus HOA Management, LLC, responded to
23 Plaintiff's requests for HOA financial, governance, maintenance, enforcement, and
24 litigation-related records by refusing to produce owner ledgers, demand letters, liens,
25 foreclosures, delinquency reports, and litigation disclosures under A.R.S. § 33-
26 1805(B); characterizing multiple requests as "*vague and ambiguous*"; requiring
27 additional clarification; and restricting numerous financial and governance-related
28 records, including budgets, balance sheets, income and expense statements, meeting
minutes, and maintenance contracts, to in-person inspection at counsel's Phoenix

1 office during business hours rather than electronic production. Plaintiff contends the
2 requested financial and governance-related records remain unproduced to the present
3 day. (Exhs. 110, 117.)

4 98. On January 4, 2024, internal communications between Brooke Sortor and HOA
5 counsel discussed Plaintiff's complaints, records requests, and communications.
6 (Exhs. 112–114.)

7 **B. BOARD MEETINGS, AGENDA RESTRICTIONS, AND GOVERNANCE**
8 **PARTICIPATION**

9 99. On January 15, 2024, Brooke Sortor distributed a GGCA Board meeting notice
10 concerning the January 22, 2024 Board meeting. (Exh. 141.)

11 100. On January 16, 2024, Plaintiff requested agendas and meeting-related documents
12 concerning the January 22, 2024 Board meeting. (Exh. 142.)

13 101. On January 16, 2024, Brooke Sortor advised Plaintiff that HOA meeting agendas
14 and related meeting documents would not be provided in advance, stating the agenda
15 would instead be available "*on the screen*" at the Board meeting. (Exh. 143.)

16 102. On January 22, 2024, after Brooke Sortor previously advised Plaintiff on
17 December 7, 2023 that Plaintiff would need to wait until the January 22, 2024 Board
18 meeting for the issues to be addressed, Plaintiff attended the GGCA Board meeting
19 and attempted to raise sanitation, maintenance, governance, and financial concerns
20 affecting Plaintiff's residence and surrounding common areas. (Exhs. 46, 144)

21 103. On January 22, 2024, GGCA and Focus HOA Management, LLC conducted a
22 Board of Directors meeting during ongoing disputes concerning unleashed dogs, pet
23 waste, HOA expenditures, governance transparency, and community-maintenance
24 concerns raised by Rodriguez. During and prior to the meeting, Plaintiff requested
25 copies of the meeting agenda, meeting materials, itemized financial breakdowns, and
26 clarification regarding HOA legal expenditures and community-maintenance costs,
27 including pet-waste cleanup expenses. Plaintiff further requested discussion of pet-
28 designation policies and reevaluation of Focus HOA Management, LLC's handling
of community-maintenance responsibilities under the CC&Rs. (See Exhs 142-144)

104. Plaintiff documented that during the January 22, 2024 GGCA Board meeting,
Brooke Sortor and Anna Schultz ignored Plaintiff's questions, talked over Plaintiff,

1 muted Plaintiff's microphone multiple times, restricted Plaintiff's ability to continue
2 speaking regarding governance, election, pet-related, and financial concerns, and
3 ultimately removed Plaintiff from the meeting after Plaintiff continued requesting
4 governance, election, and financial information. Plaintiff further documented that
5 Defendants declined to provide requested agendas, itemized financial breakdowns,
6 meeting materials, and meeting minutes discussed during the meeting. Plaintiff
7 additionally documented concerns regarding escalating legal expenditures,
8 unresolved pet-related nuisance conditions, community-maintenance issues, and
governance transparency. (See Exhibit 144)

9 105. Plaintiff later documented that Defendants continued refusing to provide
10 requested agendas, election procedures, meeting records, governance documents, and
11 HOA financial information following the January 2024 meeting. (Exhs. 144, 151,
12 191–229, 241–282.)

13 106. On January 23, 2024, Defendants continued refusing Plaintiff's requests for
14 agendas, minutes, budgets, and related governance materials. (Exhs. 145–147.)

15 **C. CONTINUED COMPLAINTS, LAW ENFORCEMENT, AND**
16 **ENFORCEMENT ESCALATION**

17 107. Between January 27, 2024 and February 26, 2024, Plaintiff continued reporting
18 unleashed dogs, nuisance conditions, sanitation concerns, trespassing activity, and
19 ongoing leash-law violations to Defendants, Animal Control, and the Town of Gilbert
20 Police Department through emails, photographs, police reports, Animal Control
21 complaints, and surveillance videos. (Exhs. 134, 148–158, 165–168.)

22 108. Gilbert Police Department records reflect that Plaintiff contacted law
23 enforcement on multiple occasions between December 2023 and February 2024
24 regarding ongoing unleashed-dog, nuisance, and related activity occurring near
25 Plaintiff's residence, including complaints involving dogs and owners entering or
26 approaching Plaintiff's property despite posted warnings and repeated HOA
27 complaints. Plaintiff additionally documented that she repeatedly reported the
28 ongoing pet-waste and unleashed-dog issues to Focus HOA Management, LLC,
GGCA, Harman Cadis, Brooke Sortor, and HOA counsel Augustus H. Shaw IV.
HOA counsel thereafter instructed Plaintiff to cease communications with HOA

1 management concerning pet-waste complaints and advised that management would
2 no longer respond to Plaintiff regarding the issue. See Exhs. 85–86, 119, 170–173.

3 109. Between January 2, 2024 and January 11, 2024, Plaintiff additionally submitted
4 multiple complaints to Maricopa County Animal Care & Control concerning
5 continuing leash-law violations, unleashed dogs roaming throughout the community,
6 dogs entering areas near Plaintiff’s residence, and pet owners failing to clean pet
7 waste. Plaintiff submitted photographs, videos, and written statements documenting
8 repeated incidents involving dogs running at large without leashes throughout the
9 Gilbert Gardens community and near Plaintiff’s property. (Exhs. 165–168.)

10 110. On February 5, 2024, as the nuisance issues persisted, Plaintiff sent
11 communications to Focus HOA Management, LLC, Gardens Gilbert Community
12 Association, Harman Cadis, and Defendants’ legal counsel, Augustus H. Shaw IV,
13 attaching surveillance videos and written complaints documenting continued
14 unleashed-dog activity and ongoing nuisance conditions within HOA-controlled
15 common areas while again requesting enforcement action. (Exhs. 153–158.)

16 111. Despite publicly acknowledging ongoing unleashed-dog activity, pet-waste
17 accumulation, nuisance complaints, sanitation concerns, and declining community
18 conditions, Defendants failed to take reasonably consistent corrective or enforcement
19 action regarding similarly situated residents while simultaneously escalating
20 enforcement activity, communication restrictions, governance limitations, records
21 obstruction, and lien-related actions against Plaintiff after Plaintiff engaged in
22 repeated complaints, records requests, election participation, governance inquiries,
23 and reports concerning CC&R violations and community-maintenance conditions.
24 (Exhs. 17, 25, 41, 49, 54, 60, 80, 85–86, 92, 95, 103, 110, 112–147, 148–158, 165–
25 173, 177, 191–229, 241–282, 404–449, 450–722.)

26 **D. COMMUNITY CORROBORATION AND HOA TRANSPARENCY**

27 112. On or about January 30, 2024, Plaintiff sent written correspondence to
28 neighboring resident Bryan James Novotney, Jr. documenting repeated nuisance
conditions involving dog feces, urine odors, unleashed-dog activity, trespassing near
Plaintiff’s residence, and recurring odors Plaintiff stated were entering Plaintiff’s

1 garage, patio area, and home. Plaintiff additionally documented possessing multiple
2 surveillance recordings depicting the neighboring dog running at large without a
3 leash and urinating near Plaintiff's residence and common areas. (See Exh. 150)

4 113. In a written response dated February 2, 2024, neighboring resident Bryan
5 Novotny acknowledged receiving Plaintiff's prior correspondence regarding repeated
6 dog-related nuisance conditions and apologized for the "*negative experience*" and
7 "*inconvenience*" caused to Plaintiff and her family. Novotny further confirmed that
8 his dog had been present at the residence during the same period Plaintiff repeatedly
9 reported unleashed-dog activity, trespassing, pet-waste accumulation, and odor-
10 related complaints to Brooke Sortor, Harman Cadis, Anna Schultz, GGCA, and HOA
11 counsel. (See Exh. 151)

12 114. Novotny additionally represented that he had been "in the process of finding our
13 dog a new home for some time" and confirmed the dog was no longer residing at the
14 property as of January 25, 2024. The correspondence further corroborates the
15 existence of ongoing neighbor disputes, dog-related nuisance activity, and continuing
16 tension between neighboring properties after Plaintiff repeatedly sought HOA
17 intervention and enforcement assistance regarding the reported conditions. (See Exh.
18 151)

19 115. Neighbor correspondence and related exhibits further corroborate that the pet-
20 waste, unleashed-dog, odor, trespassing, and nuisance-related conditions reported by
21 Plaintiff to Brooke Sortor beginning in November 2023, and later to Harman Cadis,
22 Anna Schultz, GGCA, and HOA counsel, involved continuing disputes between
23 neighboring properties that Defendants failed or refused to meaningfully address
24 through HOA enforcement or remediation efforts. The evidentiary record reflects
25 Plaintiff was ultimately required to repeatedly address the nuisance conditions
26 directly with neighboring residents, contributing to escalating disputes, hostility,
27 surveillance-related activity, and ongoing tension between Plaintiff and neighboring
28 occupants. See Exhs. 17-21, 25-27, 41, 47, 49-58, 60-61, 64, 68-72, 73-74, 78-79,
85-87, 119, 150-151, 170-173.

116. On February 14, 2024 Former GGCA Board Member Regina ("*Gina*") Goodell
publicly acknowledged that the property management company could not refuse
homeowners access to Association financial records and advised Rodriguez that

1 homeowners were entitled to request and obtain HOA financial documents through
2 written requests directed to management. (Exh. 281.) Goodell's statements further
3 reflected knowledge within GGCA leadership and affiliated individuals that
4 Rodriguez had been attempting to obtain financial records and that Defendants'
5 refusal and/or restriction of requested financial documents was improper. (See Exh
6 281)

7 117. On February 21, 2024, Anna Schultz published Facebook posts discussing
8 ongoing unleashed-dog, pet-waste, sanitation, and nuisance-related issues within the
9 GGCA community and referenced Town of Gilbert ordinances and A.R.S. § 11-1012
10 concerning leash-law enforcement. The Facebook discussions acknowledged
11 continuing community concerns regarding unleashed dogs, pet waste, nuisance
12 conditions, and enforcement-related issues within the community while additionally
13 reflecting disputes concerning HOA responsibility for addressing the reported
14 conditions. The Master Exhibit Index identifies Exhibit 249 as "Schultz's Deflecting
15 in Facebook Post" concerning the ongoing pet-waste and community-condition
16 complaints. (Exhs. 241, 244-245, 249.)

17 118. The GGCA governing documents prohibit nuisance conditions and require
18 compliance with applicable laws and ordinances. See CC&Rs Article 3, Section 3.03
19 (Nuisance); Section 3.19 (Violation of Statutes, Ordinances and Regulations); and
20 Article 6, Sections 6.01-6.03 concerning maintenance and preservation of
21 community standards and Areas of Association Responsibility.

22 119. The governing CC&Rs, Articles of Incorporation, and Bylaws establish that the
23 Association was created to preserve, maintain, and protect the community and
24 common areas for the benefit of all members, including enforcement of the governing
25 documents and supervision of Association affairs. See CC&Rs Article 7, Sections
26 7.01-7.05; Articles of Incorporation, Article II(c)-(d); and Bylaws, Article 3, Section
27 3.11. (Exhs. 1-3.)

28 120. Despite those governing obligations, Defendants repeatedly asserted or implied
that unleashed-dog and related nuisance enforcement issues were the responsibility
of the Town of Gilbert Police or Animal Control rather than the Association. (Exhs.
62, 241, 244-245.)

- 1 121. On February 26, 2024 GGCA President Anna Schultz, former GGCA Board
2 Member Regina Goodell, and Pauline Bracken publicly acknowledged prior and
3 ongoing pet-related issues within the GGCA community, including concerns
4 regarding dog-related nuisance conditions, barking, odors, liability concerns, and
5 impacts on nearby homeowners. (Exh. 282.) Their statements further demonstrated
6 knowledge among GGCA leadership and affiliated individuals that unleashed-dog
7 and pet-related community concerns had existed for an extended period of time prior
8 to Rodriguez's repeated complaints and reports. (See Exh 282)
- 9 122. Between February 21–23, 2024, Plaintiff documented Facebook discussions
10 involving Anna Schultz, Matthew Schultz (husband of GGCA Board President Anna
11 Schultz), Pauline Bracken, Brandi Howland, Regina Goodell, and other community
12 members concerning unleashed-dog issues, pet waste, HOA governance, community
13 conditions, Board conduct, and HOA financial transparency. (Exhs. 241–260, 270–
14 273, 280–282.)
- 15 123. On February 23, 2024, Plaintiff participated in a Facebook discussion regarding
16 ongoing GGCA community conditions and expressed concerns that GGCA
17 leadership and Focus HOA Management, LLC had not adequately addressed
18 continuing nuisance complaints, unleashed-dog and pet-waste issues, homeowner
19 concerns, and HOA transparency despite prior reports, supporting documentation,
20 and repeated requests for corrective action and records access. Plaintiff's comments
21 remained focused on community sanitation, maintenance, safety, HOA governance,
22 enforcement responsibilities, transparency, homeowner involvement, and improving
23 community conditions rather than personal attacks or threatening language. (Exhs.
24 246, 251–255, 258, 270, 273, 282.)
- 25 124. Multiple community members publicly corroborated Plaintiff's concerns
26 regarding ongoing community degradation, unresolved maintenance conditions,
27 persistent pet-waste and unleashed-dog issues, HOA governance, financial
28 transparency, and Plaintiff's repeated efforts to address those matters through HOA
meetings and official HOA channels. (Exhs. 246–260.)
125. Neighbor Brandi Howland stated Parcel 5 was being treated "*as if it's all renters*"
despite owner occupancy and thanked Plaintiff for attending HOA meetings and

1 *“speaking for those of us who are unable to join,”* while stating Plaintiff “was not
2 heard.” (Exhs. 253, 258.)

3 126. Community member Tanya C. Rogers acknowledged continuing pet-related
4 issues within the GGCA community, stating *“it is ridiculous how many people don’t*
5 *clean up after their pets”* and suggesting additional remediation measures, including
6 a fenced dog-run area. (Exh. 255.)

7 127. 127. During the same discussion thread, Matthew Schultz, husband of GGCA
8 Board President Anna Schultz, acknowledged Plaintiff’s HOA-records requests and
9 ongoing discussions concerning HOA governance, HOA spending, and financial
10 transparency, while Anna Schultz represented through Facebook discussions that
11 GGCA had implemented poop-scooping services, added waste stations, and placed
12 the pet-waste issue on the February HOA agenda following homeowner complaints
13 raised during the January HOA meeting. See Exhs. 249, 254, 258, 260.

14 128. Plaintiff contemporaneously documented during the January 22, 2024 GGCA
15 HOA Board meeting Plaintiff was repeatedly interrupted, ignored, muted, prevented
16 from discussing pet-related nuisance concerns, denied the ability to fully address
17 agenda-related requests, and ultimately removed from the meeting after requesting
18 discussion regarding pet-designation areas, unleashed-dog issues, HOA legal
19 spending, and community-maintenance concerns. Plaintiff further documented that
20 Anna Schultz stated the Board *“cannot do anything of the sort”* concerning Plaintiff’s
21 requested pet-related agenda item before muting Plaintiff’s microphone and ending
22 Plaintiff’s participation in the meeting. (See Exh. 144 at 1–3 (Board Meeting
23 Summary Email dated Jan. 22, 2024).

24 129. Plaintiff submits these exhibits to demonstrate that Defendants’ Anna Schultz
25 later public statements suggesting the HOA addressed pet-related concerns in
26 response to homeowner complaints omitted Plaintiff’s contemporaneously
27 documented reports that Plaintiff was muted, interrupted, denied the opportunity to
28 discuss pet-related nuisance conditions, and ultimately removed from the January
2024 HOA Board meeting while attempting to raise the same sanitation, pet-waste,
and governance concerns later referenced in Defendants’ public social-media
discussions. See Exhs. 144, 249, 254, 258, 260.

1 130. The evidentiary record further reflects substantially similar conduct during the
2 May 20, 2024 GGCA Board meeting, where Plaintiff documented that Brooke Sortor
3 and Anna Schultz again ignored Plaintiff's requests, disabled Plaintiff's microphone
4 and chat functions, refused to acknowledge agenda requests, restricted Plaintiff's
5 ability to question HOA expenditures, and prevented Plaintiff from discussing
6 election concerns, governance issues, and previously submitted homeowner
7 complaints during the public meeting. See Exh. 233 (May 20, 2024 Board Meeting
8 Video Recording); Exh. 234 at 1-2 (Rodriguez follow-up email documenting events
9 occurring during the May 20, 2024 meeting).

10 131. Plaintiff additionally documented that other attendees were permitted to
11 participate while Plaintiff's participation was selectively restricted, including
12 repeated muting of Plaintiff's microphone, disabling Plaintiff's chat function,
13 refusing to recognize Plaintiff after raising her hand to speak, and abruptly ending
14 discussions after Plaintiff questioned HOA expenditures, election procedures,
15 records access, and governance-related matters. (See Exh. 234)

16 132. The May 20, 2024 meeting exhibits further reflect Plaintiff's contemporaneous
17 concerns that governance decisions, election-related matters, expenditure approvals,
18 and other HOA actions were effectively being handled outside meaningful public
19 homeowner participation while homeowner questions, objections, and requests for
20 supporting documentation were restricted, ignored, or deferred. (See Exh. 234 at 1-
21 2; Exh. 233 (video recording))

22 133. Additional homeowners Steven Buttner and Jeana Ragusa corroborated concerns
23 regarding landscaping deterioration, trash accumulation, pet waste, unleashed dogs,
24 and declining community-maintenance conditions, and further stated Plaintiff's
25 maintenance-related concerns were not unreasonable. (Exh. 261)

26 134. Witness affidavits and statements submitted in this matter further corroborated
27 concerns regarding continuing maintenance deficiencies, governance and
28 transparency issues, enforcement inconsistencies, escalating hostility toward
homeowners raising complaints, and operational issues involving GGCA and Focus
HOA Management, LLC. (Exhs. 261-265)

135. Former landscaping manager Susan Sorby stated that Focus HOA Management,
LLC delayed or refused payment for completed work, cancelled vendor contracts,

1 and required execution of a “*document of receipt*” before releasing payment on
2 outstanding invoices. Sorby further described increasingly adversarial interactions
3 involving Harman Cadis and Focus HOA Management, LLC. (Exhs. 262–264.)

4 136. Susan Sorby additionally stated that homeowners and residents who questioned
5 HOA accounting practices, rules, or management decisions received cease-and-desist
6 letters and experienced aggressive treatment from Harman Cadis and Defendants’
7 counsel after raising concerns regarding HOA operations and finances. (Exh. 264.)

8 137. Former Amador Homeowners Association (“*Amador HOA*”) President Dan Vogt
9 stated that after Focus HOA Management, LLC assumed management
10 responsibilities, he observed significant changes in HOA operations, including
11 reduced transparency regarding financial decisions and expenditures, disagreement
12 with increased HOA expenses and vendor-selection decisions, increasingly hostile
13 treatment toward individuals questioning management practices, restricted
14 homeowner participation during meetings, degrading landscaping conditions, and
15 enforcement practices he believed were unusually aggressive. Vogt further stated that
16 portions of the community landscaping later appeared neglected and inconsistent
17 with the maintenance obligations contemplated by the governing documents. (Exh.
18 265.)

19 138. Dan Vogt further stated that after raising governance and financial concerns, he
20 was progressively excluded from HOA communications and governance
21 participation, observed meeting discussions occurring outside formal meetings, and
22 later experienced repeated monitoring and towing-related activity near his residence
23 that he believed was retaliatory following disputes with HOA management. (Exh.
24 265.)

25 139. On February 23, 2024, approximately eighty-eight (88) days after Plaintiff’s
26 initial November 27, 2023 complaints concerning unleashed dogs, pet waste,
27 nuisance conditions, and sanitation issues, Anna Schultz stated during a Facebook
28 discussion that the HOA Board had approved poop-scooping services and additional
waste bins before the January 2024 Board meeting and later “*ratified*” those actions
during the meeting. (Exhs. 17, 48, 249.)

1 **D. RESTRICTIONS ON MEETING PARTICIPATION AND HOA ACCESS**

2 140. Plaintiff attended the January 22, 2024 GGCA Board meeting after Brooke Sortor
3 previously advised Plaintiff the reported pet-related and nuisance concerns would be
4 addressed during the meeting; however, Plaintiff documented that Anna Schultz and
5 Brooke Sortor repeatedly interrupted, muted, restricted, and ultimately terminated
6 Plaintiff's participation while Plaintiff attempted to raise sanitation, pet-related,
7 governance, and financial concerns affecting the community. Plaintiff further
8 documented that requests to discuss additional pet-related remediation measures were
9 shut down during the meeting despite later statements by Anna Schultz that certain
10 pet-waste remediation actions had already been approved and later "*ratified*," which
11 Plaintiff contends occurred outside the public Board-meeting process. (Exhs. 46,
12 144.)

13 141. Plaintiff additionally documented that Defendants declined to provide advance
14 meeting agendas, Board packets, meeting materials, meeting minutes, and requested
15 governance-related records during the same period Plaintiff continued submitting
16 nuisance complaints, HOA-records requests, and governance-related concerns. The
17 exhibits currently show Plaintiff repeatedly requested copies of agendas, financial
18 materials, documents displayed during meetings, and meeting minutes in order to
19 verify matters discussed and actions taken during GGCA Board meetings. (Exhs.
20 110–111, 141–144.)

21 142. During the same period Plaintiff continued submitting complaints, records
22 requests, and governance-related concerns, Plaintiff documented receipt of cease-
23 and-desist correspondence, signage-related violation notices, surveillance-related
24 incidents, and monitoring activity near Plaintiff's residence. (Exhs. 85–86, 117–119,
25 177, 180, 189.)

26 143. Despite Defendants' acknowledged awareness of Plaintiff's continuing nuisance,
27 leash-law, pet-waste, governance, and financial-transparency complaints, Plaintiff
28 continued submitting repeated written requests seeking HOA financial records,
29 assessment breakdowns, meeting materials, agendas, minutes, contracts, and related
30 governance documents. (Exhs. 80, 95–96, 110–111, 123, 126–144.)

31 144. Plaintiff repeatedly clarified and narrowed the requests after Defendants and
32 HOA counsel Augustus H. Shaw IV asserted the requests were '*vague*,' '*ambiguous*,'

1 or *insufficiently specific*. (Exhs. 126–139.) Defendants nevertheless continued
2 conditioning production on additional procedural requirements, limiting access to in-
3 person inspection or pickup, refusing multiple requested categories of records, and
4 directing Plaintiff to rely on the HOA portal despite Plaintiff’s repeated statements
5 that meeting notices, agendas, and governance-related information were not being
6 adequately provided. (Exhs. 110–111, 126–144.)

7 145. On January 16, 2024, after Plaintiff requested advance copies of Board-meeting
8 agenda items, Brooke Sortor stated homeowners would not receive agendas before
9 meetings commenced and represented agendas would only be displayed “*on the*
10 *screen*” during the meeting because agendas could later be changed or updated, while
11 continuing to decline Plaintiff’s requests for copies of agendas, meeting materials,
12 and related governance documents. (Exhs. 141, 143.)

13 146. On January 22, 2024, Plaintiff attended the GGCA Board meeting after
14 previously being instructed to wait until the meeting to address governance and
15 community concerns. During the meeting, Plaintiff documented that requests for
16 agendas, meeting documents, financial breakdowns, and clarification regarding HOA
17 expenditures and legal fees were ignored, restricted, or denied, and Plaintiff further
18 documented being interrupted, muted, and ultimately removed from the meeting after
19 attempting to discuss pet-related remediation, governance concerns, HOA spending,
20 and related agenda items. (Exh. 144.)

21 147. During the January 22, 2024 Board meeting, Plaintiff requested agendas, meeting
22 materials, meeting minutes, and an itemized financial breakdown to understand how
23 the displayed landscaping, legal-fee, and pet-waste remediation totals were
24 calculated; however, Plaintiff documented that Anna Schultz stated the Association
25 could not provide a “*special itemized report*” beyond generalized monthly totals,
26 refusing to provide requested materials and detailed expenditure breakdowns. (Exh.
27 144.)

28 148. Plaintiff further documented that Defendants refused to provide copies of
agendas, documents displayed during the Board meeting, and meeting minutes
despite Plaintiff’s repeated requests before, during, and after the January 22, 2024
meeting. (Exhs. 141–144.)

- 1 149. On February 23, 2024, Plaintiff recorded surveillance video depicting an
2 unidentified Caucasian female with tattoos on her right arm slowly driving a white
3 Dodge Challenger near Plaintiff's residence while appearing to monitor and record
4 Plaintiff's home with a cellular phone during the ongoing HOA disputes. (Exh. 189.)
- 5 150. Plaintiff documented photographs of "No Trespassing," security-camera, and
6 "No Dog Poop" signs placed near Plaintiff's residence following ongoing nuisance,
7 trespassing, and pet-waste complaints. (Exhs. 256, 274.)
- 8 151. On February 26, 2024, Defendants issued Plaintiff a signage-related violation
9 notice concerning Plaintiff's "No Trespassing," surveillance-camera, and pet-related
10 signs after Plaintiff had repeatedly reported ongoing unleashed-dog activity,
11 trespassing, pet-waste accumulation, surveillance-related incidents, governance
12 concerns, and nuisance-related conditions affecting Plaintiff's residence and
13 surrounding common areas. Plaintiff contends the signs were installed after
14 Defendants' prior actions and communications failed to adequately remediate or
15 prevent the continuing nuisance, trespassing, pet-waste, and unleashed-dog issues
16 documented throughout the evidentiary record. (Exhs. 177, 178, 276.)
- 17 152. After Defendants issued the February 26, 2024 signage violation notice, Plaintiff
18 repeatedly requested clarification regarding the HOA's enforcement procedures,
19 appeal process, hearing rights, Board authority, and due-process protections under
20 Arizona law while continuing to dispute ongoing unleashed-dog activity, trespassing,
21 pet-waste accumulation, and nuisance conditions affecting Plaintiff's residence and
22 adjacent common areas. See Exh. 177 (Violation Notice dated Feb. 26, 2024); Exh.
23 180 at 1–2 (Plaintiff documenting lack of communication, retaliation concerns, and
24 requests for rescission of the violation notice); Exh. 181 at 1–2 (formal demand letter
25 asserting due-process concerns under A.R.S. § 33-1803 and the Arizona Nonprofit
26 Corporation Act).
- 27 153. The evidentiary record further reflects that Plaintiff repeatedly requested detailed
28 information concerning the HOA's appeal procedures, executive-session process,
attendee information, Board-member identities, timelines, hearing procedures, and
the standards used to evaluate homeowner appeals. Plaintiff additionally documented
that Defendants *repeatedly provided incomplete, vague, or limited responses* while

1 refusing to provide certain requested governance and procedural information
2 concerning the appeal process. (See Exh. 182)

3 154. Plaintiff additionally documented that while attempting to challenge the signage
4 violation and address continuing nuisance conditions, Defendants continued refusing
5 Plaintiff's requests for HOA agendas, Board packets, and governance-related
6 financial information concerning GGCA operations and expenditures. Brooke Sortor
7 specifically informed Plaintiff that the HOA "*do[es] not have to provide*" agendas
8 or Board packets and that such materials were "not requestable documents" or "*not*
9 *records of the association.*" See Exhs. 184, 186.

10 155. During the same February through April 2024 period Plaintiff was disputing the
11 violation notice, requesting election and financial records, seeking governance
12 information, reporting unleashed-dog and trespassing issues, and requesting HOA
13 enforcement assistance, Plaintiff additionally documented at least forty-six (46)
14 separate surveillance-related incidents occurring near Plaintiff's residence. The
15 submitted surveillance exhibits include repeated recordings identified as "*Truck*
16 *Circling My House,*" "*Driving Back & Forth My Home,*" "*Repeat Offender,*"
17 "*Possible Surveillance,*" "*Circling My Home,*" and "*Trespasser,*" depicting
18 recurring monitoring activity, repeated walk-bys, circling vehicles, photography-
19 related incidents, and continued activity occurring near Plaintiff's residence during
20 escalating disputes involving HOA governance, enforcement, and nuisance
21 complaints. (See Exhs. 437–448, 1472–1571)

22 156. Plaintiff contends the evidentiary record reflects that Defendants enforced
23 signage restrictions against Plaintiff while the underlying unleashed-dog activity,
24 trespassing concerns, pet-waste accumulation, and nuisance-related conditions
25 continued throughout the community despite Plaintiff's repeated complaints,
26 supporting Plaintiff's claims concerning selective enforcement, governance
27 obstruction, retaliation, and failure to adequately remediate the reported nuisance
28 conditions. See Exhs. 177–188.

157. Plaintiff additionally submitted more than two hundred (200) surveillance-related
exhibits between 2023 and 2026 documenting repeated monitoring activity,
trespassing incidents, photography-related incidents, repeated walk-bys, circling
vehicles, "*repeat offenders,*" individuals recording Plaintiff's property, recurring

1 activity near Plaintiff's residence, and continued surveillance-related incidents while
2 Plaintiff pursued HOA complaints, litigation activity, governance participation,
3 records requests, architectural disputes, remediation concerns, and election-related
4 activity. See Exhs. 1376–1920.

5 158. The surveillance-related exhibits include repeated recordings identified as "*Truck*
6 *Circling My House,*" "*Driving Back & Forth My Home,*" "*Circling Plaintiff's*
7 *Home,*" "*Repeat Offender,*" "*Trespasser,*" "*Recording Rodriguez Property,*" and
8 "*Possible Surveillance,*" including multiple incidents occurring on consecutive days
9 and repeated activity involving the same individuals or vehicles. See Exhs. 1491–
10 1500, 1567–1573, 1590–1596, 1608–1616, 1622–1623, 1656–1663, 1673–1676,
11 1681–1691, 1763, 1777, 1835, 1841–1842, 1881–1890, 1920.

12 159. Plaintiff contends the frequency, timing, and escalation of the surveillance-related
13 incidents closely correlated with Plaintiff's protected HOA activity, governance
14 participation, litigation activity, records requests, nuisance reporting, election
15 participation, remediation-related complaints, and repeated challenges to HOA
16 management practices and community conditions. See Exhs. 377, 419, 437–448,
17 1376–1920.

18 160. Plaintiff further documented that the continuing surveillance activity, trespassing
19 incidents, hostile interactions, recurring monitoring of Plaintiff's residence, and
20 escalating disputes surrounding Plaintiff's property created ongoing safety, privacy,
21 and security concerns for Plaintiff and her household, ultimately contributing to
22 Plaintiff and her children relocating from the residence during the continuing mold-
23 remediation, governance, and litigation disputes involving Defendants. See Exhs.
24 308, 311–318, 377, 419, 437–448, 1376–1920.

25 161. On March 22, 2024, Plaintiff notified Focus HOA Management, LLC and Brooke
26 Sortor that Plaintiff had previously volunteered to be placed on the GGCA Board of
27 Directors ballot but was not included on the April 2024 election ballot despite being
28 told Plaintiff would be added. Brooke Sortor responded that Plaintiff's earlier
candidate submission related to the previously canceled February 26, 2024 election
cycle and stated Plaintiff did not submit a new candidate form following a subsequent
"*call for candidates*" allegedly sent on February 15, 2024. Sortor further advised
Plaintiff that Plaintiff could participate as a "*write-in.*" Plaintiff responded that

1 Plaintiff “was never provided that information” and “*was never informed of a second*
2 *round.*” (Exh. 191.)

3 162. On April 1, 2024, Election Buddy confirmed Plaintiff submitted votes in the 2024
4 GGCA Board election. (Exh. 202.)

5 163. On April 4, 2024, Plaintiff documented concerns that GGCA Board leadership
6 excluded Plaintiff from the GGCA Board-election ballot despite Plaintiff’s prior
7 request to be included as a candidate for the Board of Directors. (Exh. 294.)

8 164. Between April 1–6, 2024, Plaintiff documented additional Nextdoor.com
9 discussions concerning Plaintiff’s HOA-records requests, HOA elections, Plaintiff’s
10 civil case, Plaintiff’s credibility, and Plaintiff’s disputes with GGCA and Focus HOA
11 Management involving Anna Schultz, Matthew Schultz, Pauline Bracken, and other
12 community members. (Exhs. 283–299)

13 165. On April 16, 2025, Plaintiff completed the GGCA Annual Meeting absentee
14 ballot and manually added Plaintiff’s own name as a write-in candidate for the GGCA
15 Board of Directors after previously documenting concerns regarding exclusion from
16 the printed election ballot, lack of transparency concerning election procedures, and
17 restrictions affecting Plaintiff’s participation in HOA governance matters. See Exh.
18 201.

19 166. Plaintiff thereafter did not receive confirmation that Plaintiff’s ballot or write-in
20 nomination was counted, accepted, or considered during the GGCA election process,
21 and Plaintiff contends she was excluded from both the 2024 and 2025 GGCA Board
22 elections despite attempting to participate in the nomination and election process. See
23 Exhs. 201, 233–234, 246–260. Between April 22, 2024 and October 4, 2024, Plaintiff
24 repeatedly requested HOA election results, meeting materials, agendas, meeting
25 minutes, election procedures, voting information, governance records, financial
26 information, and related HOA records concerning the 2024 Annual Meeting, Board
27 operations, and HOA governance. Plaintiff requested, among other items, meeting
28 documentation, election timelines, voter statistics, voting procedures, nomination
procedures, dispute-resolution procedures, transparency measures, and Board-
member information related to the 2024 HOA election process. (Exhs. 202–212, 216–
217.)

1 167. In response, Defendants through HOA counsel Augustus H. Shaw IV repeatedly
2 stated that “no quorum was established” and therefore “the 2024 Annual Meeting
3 was not held” (Exhs. 204, 206, 208), asserted that “[t]he remainder of your questions
4 do not involve a request for records” (Exh. 208), and directed Plaintiff to “attend the
5 next regularly scheduled Association meeting and pose the questions to the Board
6 during open member comment” (Exh. 208). Plaintiff documented that requested
7 information “is being withheld by the Gardens Gilbert Community Association,
8 Focus HOA, and Associates” and that Plaintiff “was denied access to information
9 pertaining to the meeting” (Exh. 207), while continuing to request copies of meeting
10 agendas and minutes, including stating: “I would appreciate receiving a copy of the
11 minutes and the agenda from yesterday’s meeting.” (Exhs. 202–212, 216–217.)

12 168. During the same period, Plaintiff documented continuing HOA portal-access issues
13 and inability to locate or access governance-related materials online despite
14 Defendants and Defendants’ counsel repeatedly directing Plaintiff to use the HOA
15 portal and attend HOA Board meetings for additional information. Plaintiff
16 documented that “the referenced information is not available on the website as
17 previously indicated,” that Plaintiff “did not receive notice of the Board of Directors
18 Meeting for June 2024,” and that Plaintiff’s HOA portal access “remains the same
19 disabled” despite “previous notifications, and requests for help.” Plaintiff further
20 documented inability to access HOA documents, meeting information, portal-related
21 functions, and online payment features. (Exhs. 214–225, 235–237.)

22 169. Plaintiff additionally documented that Defendants continued restricting, delaying,
23 conditioning, and inadequately responding to repeated requests for HOA corporate,
24 governance, election, and financial records. Related correspondence reflected that
25 Defendants through counsel required appointments, pick-up procedures, and
26 payment-related processing before providing certain records (i.e. financial corporate
27 records), stated records would only be produced “upon you providing a certified
28 check or money order,” and asserted Plaintiff “refuse[d] to clarify” records requests.
Plaintiff disputed those assertions and documented that “Focus HOA/Gilbert
Gardens is using ambiguous and deceptive methods in an attempt to withhold the
financial documents.” (Exhs. 123–140.)

1 170. The Master Exhibit Index further identifies multiple exhibits concerning election
2 obstruction, refusal of requested information, and restricted governance access,
3 including exhibits identified as “*Sortor Obstructed Rodriguez from being added to*
4 *GGCA Elections Ballot*,” “*Defendants Do Not Provide Requested Information*,”
5 “*Shaw Provides Inadequate Responses To Rodriguez Requests*,” “*Rodriguez*
6 *Communicates Portal Information is Not Available*,” and “*No Agenda Posted In*
7 *Portal*.” (Exhs. 192, 216–217, 223, 225.)

8 171. On May 15, 2024, after Plaintiff documented that the GGCA Board-meeting agenda
9 was not posted within the HOA portal, HOA counsel Augustus H. Shaw IV responded
10 that “[p]ursuant to A.R.S. 33-1804(E)(1), the Board Meeting Agenda will be available at
11 the Board Meeting,” stated that “[n]otice for the Board meeting will be placed on the
12 Association’s portal,” and directed Plaintiff to the HOA portal login despite Plaintiff’s
13 documented concerns regarding unavailable portal information and restricted portal
14 access. Shaw further stated that “[t]he remainder of your request does not fit the
15 requirements of A.R.S. 33-1805” and requested additional clarification regarding
16 Plaintiff’s records requests. (Exhs. 223–225.)

17 172. On May 15, 2024, HOA counsel Augustus H. Shaw IV, acting on behalf of GGCA,
18 Focus HOA Management, LLC, and the individual Defendants, implemented a
19 communication restriction directed specifically at Plaintiff after Plaintiff repeatedly
20 requested HOA election, governance, financial, and corporate records and attempted to
21 participate in HOA governance matters and Board meetings. Shaw instructed that the
22 Association would “no longer accept e-mails from you nor will the Association send e-
23 mails to you” and that Plaintiff’s emails “will not be received,” while directing Plaintiff
24 to communicate only through U.S. Mail and through counsel. Plaintiff contends the
25 communication restrictions were imposed specifically against Plaintiff and materially
26 differed from the ordinary communication methods available to other homeowners within
27 the community, including continued access to HOA email communications, portal
28 communications, Board notices, and governance-related correspondence. (Exh. 228.)

173. Plaintiff further documented that no prior notice had been provided concerning the
restriction. During the same period, Plaintiff documented additional enforcement and
collection-related communications, including lien-related threats associated with
Plaintiff’s HOA account. (Exhs. 144, 164, 214, 225, 229.)

1 174. Plaintiff further contends the removal of HOA portal access mirrored earlier conduct
2 during the January 22, 2024 and May 20, 2024 Board meetings in which Plaintiff
3 documented being denied agendas, meeting materials, financial breakdowns, and
4 meaningful participation in governance-related discussions. (Exhs. 144, 229.)

5 175. On May 15, 2024, Plaintiff documented that the GGCA Board-meeting agenda was
6 not posted within the HOA portal administered by Focus HOA Management, LLC,
7 including Harman Cadis and Brooke Sortor acting on behalf of Gardens Gilbert
8 Community Association. (Exh. 225.)

9 176. On May 20, 2024, Plaintiff attended the GGCA Board meeting and requested
10 clarification concerning the Annual Meeting, election procedures, election-related
11 conflicts of interest, governance transparency, and the location of HOA meeting notices
12 and agendas within the HOA portal after Plaintiff confirmed the information was not
13 located online like the defendants and their legal counsel represented. Plaintiff further
14 documented that Defendants and HOA counsel refused to provide clarification or any
15 other assistance concerning the missing information during and after the meeting. (Exh.
16 224, 234.)

17 177. During the May 20, 2024 Board meeting, Plaintiff documented that Plaintiff was
18 repeatedly prevented from speaking after Plaintiff's microphone was muted, chat access
19 was disabled, and Plaintiff's attempts to participate, ask questions, and discuss previously
20 raised governance, election, and records-related concerns were restricted while other
21 participants were permitted to participate without similar limitations. Plaintiff further
22 documented that Brooke Sortor and Anna Schultz refused to address Plaintiff's prior
23 election and records requests and stated certain election-related information would be
24 handled through HOA legal counsel. (See Exhibit 233 (GGCA Board Meeting Video
25 Recording); Exh. 234)

26 178. On May 31, 2024, Plaintiff documented that Defendants had restricted Plaintiff's
27 access to the GGCA homeowner portal following Plaintiff's repeated election,
28 governance, financial, and HOA corporate-records requests, thereby limiting Plaintiff's
ability to review HOA corporate records, meeting materials, financial information,
notices, calendars, minutes, payments, and homeowner-account features available through
the portal. Plaintiff further documented that no prior notice had been provided concerning
the restriction. (Exhs. 214, 229.)

1 179. Plaintiff further documented that the removal of HOA portal access mirrored earlier
2 conduct during the January 22, 2024 and May 20, 2024 GGCA Board meetings in which
3 Plaintiff documented being denied agendas, meeting materials, financial breakdowns, and
4 meaningful participation in governance-related discussions. (Exhs. 144, 229.)

5 180. Witness affidavits and resident statements submitted by neighboring residents and
6 former HOA-related individuals documented concerns regarding GGCA governance,
7 Focus HOA Management practices, homeowner treatment, nuisance conditions,
8 maintenance issues, enforcement practices, and community-related disputes consistent
9 with Plaintiff's reported complaints and experiences. (Exhs. 261–265.)

10 181. On June 18, 2024, Plaintiff again notified Defendants that Plaintiff's HOA portal
11 access "*remains the same disabled*" and documented continued inability to access HOA
12 documents, records, fees, statements, payments, meeting information, and portal-related
13 functions "*previous notifications, and requests for help.*" Plaintiff further
14 documented inability to review HOA documents available under the Arizona Nonprofit
15 Corporation Act and Arizona Planned Communities Act and contends the continued
16 restriction impaired Plaintiff's ability to review HOA records, receive meeting notice,
17 monitor governance matters, and respond to HOA-related assessments and enforcement
18 actions. (Exhs. 215, 235–236.)

19 182. On August 12, 2024, and again on October 4, 2024, Plaintiff documented that
20 HOA portal access remained disabled months after Plaintiff's election, governance,
21 and HOA corporate-records requests despite repeated requests to restore access.
22 Plaintiff contends the requested HOA portal information and governance-related
23 materials remain inaccessible to Plaintiff to the present day. (Exhs. 216–217, 237.)

24 183. Plaintiff contends Defendants and Defendants' counsel failed and refused to
25 restore Plaintiff's access to the GGCA–Focus HOA Management, LLC HOA portal
26 despite repeated written requests, thereby continuing to restrict Plaintiff's access to
27 HOA financial, corporate, governance, meeting, and homeowner-account records
28 otherwise available through the HOA portal. Plaintiff further documented that,
following the restriction of Plaintiff's HOA portal access and communication
restrictions imposed by Defendants and HOA counsel, Plaintiff stopped receiving
HOA meeting notices, newsletters, and HOA-related communications previously

1 distributed through the HOA portal and email communications. (Exhs. 214–217, 225,
2 228–229, 235–237.)

3 4 **IV. LIEN, COLLECTION, AND ENFORCEMENT ESCALATION**

5 184. On October 1, 2024, Focus HOA Management, LLC issued Plaintiff a “*FINAL*
6 *DELINQUENCY WARNING/LIEN PENDING*” asserting Plaintiff owed \$667.00 and
7 warning that a lien *could* be recorded against Plaintiff’s home within fifteen (15)
8 days. (Exh. 239.)

9 185. Between October 1, 2024 and November 13, 2024, Plaintiff contends Defendants,
10 including GGCA, Focus HOA Management, LLC, Brooke Sortor, Harman Cadis,
11 and HOA counsel Augustus H. Shaw IV, continued restricting Plaintiff’s HOA portal
12 access, limiting Plaintiff’s participation in HOA governance matters, refusing to
13 respond to or address Plaintiff’s disputed charges, and refusing to provide requested
14 corporate, governance, election, and financial records while simultaneously pursuing
15 collection and lien-related actions concerning disputed HOA charges. Plaintiff
16 further contends Defendants proceeded with recording the lien without providing
17 Plaintiff a meaningful opportunity to review requested records, contest the underlying
18 charges, respond to the disputes, or otherwise be heard regarding the lien-related
19 actions despite Plaintiff’s repeated requests for clarification, records, and governance
20 information. (Exhs. 85–86, 110, 191–240, 274–276.)

21 186. On November 13, 2024, Defendants, through Focus HOA Management, LLC and
22 Brooke Sortor, recorded and/or executed a Notice of Claim of Lien against Plaintiff’s
23 property asserting unpaid assessments, fees, collection costs, interest, and attorney
24 fees totaling approximately \$1,065.00. (See Exhibit 226)

25 187. Plaintiff contends the lien was recorded without proper service and after months
26 of unresolved disputes regarding HOA portal access, governance transparency,
27 election-related records requests, meeting access issues, and repeated requests for
28 HOA financial and corporate records. Plaintiff further contends Defendants
continued escalating collection and enforcement activity while simultaneously
restricting Plaintiff’s access to HOA information, governance participation, and
account-related materials. (See 226, 227, 229,236)

1 195. Plaintiff submitted videos, photographs, and related evidence concerning the May
2 2, 2025 office visit and interactions involving Focus HOA personnel Jessica Munn
3 and Brittany Schultz. (Exhs. 311–312.)

4 196. Mesa Police Department CAD records reflect law enforcement was contacted
5 concerning Plaintiff's May 2, 2025 visit to the Focus HOA Management office. (Exh.
6 313.)

7 197. On May 13, 2025, Plaintiff submitted a completed architectural application
8 requesting approval for replacement windows and a patio door associated with
9 reported mold remediation and water intrusion issues affecting Plaintiff's residence.
(Exhs. 317, 322.)

10 198. Plaintiff's architectural application specifically referenced replacement of
11 windows and the patio door "*due to black mold*" affecting the residence. (Exh. 317.)

12 199. On May 14, 2025, Defendants responded immediately denied requesting
13 additional information concerning the proposed replacement windows, including
14 sample photographs and glass-color information. (Exh. 318.)

15 200. On June 18, 2025, Defendants advised Plaintiff the architectural submission for
16 the replacement windows had been approved. (Exh. 322.)

17 **C. DELAY IN APPROVAL AND RESULTING HARM**

18 201. Plaintiff documented that approximately seventy-seven (77) days elapsed
19 between Plaintiff's initial April 2, 2025 requests for architectural assistance and the
20 June 18, 2025 approval of the remediation-related architectural submission. (Exhs.
21 300, 322.)

22 202. Plaintiff contends the delays associated with obtaining architectural forms,
23 approval information, and remediation-related responses interfered with Plaintiff's
24 ability to timely address reported mold and water intrusion conditions affecting the
residence. (Exhs. 300–322.)

25 203. Plaintiff additionally submitted photographs, videos, emails, HOA
26 communications, CAD records, social-media posts, witness statements, governance
27 records, architectural communications, maintenance complaints, financial-record
28 requests, surveillance-related evidence, and electronically stored information
supporting the claims asserted in this matter. (Exhs. 1–448.)

- 1 204. Plaintiff contends the documentary record reflects continuing disputes
2 concerning HOA governance, homeowner treatment, maintenance obligations,
3 nuisance remediation, architectural administration, financial transparency, records
4 access, retaliation, and enforcement-related conduct throughout the period relevant
5 to Plaintiff's claims. (Exhs. 1-448.)
- 6 205. On August 12, 2025 the Arizona Court of Appeals Nos. 1 CA-CV 24-0790 and 1
7 CA-CV 25-0040 reversed dismissal of Plaintiff's negligence, gross negligence, and
8 intentional tort claims and remanded the matter for further proceedings. (Exh. 28.)
- 9 206. On February 13, 2026, Plaintiff filed the Amended Civil Complaint in this matter.
10 (Amended Civil Complaint.)
- 11 207. On May 2, 2025, Plaintiff visited the Focus HOA office seeking architectural
12 forms and assistance concerning unresolved mold and remediation-related issues.
13 (Exhs. 311-315.)
- 14 208. Mesa Police Department records reflect law enforcement was contacted
15 concerning Plaintiff's May 2, 2025 visit to the Focus HOA office. (Exhs. 313, 318.)
- 16 209. Plaintiff later submitted completed architectural applications concerning
17 replacement windows and remediation-related repairs. (Exhs. 317, 320-326.)
- 18 210. Throughout the relevant time period, Defendants exercised authority over
19 governance administration, common-area maintenance, landscaping oversight,
20 architectural administration, enforcement communications, homeowner
21 communications, records management, and HOA-related decision-making. (Exhs. 1-
22 326.)

23 **VI. SURVEILLANCE, ONLINE TARGETING, AND** 24 **DES OIG REPORTING**

25 **A. SURVEILLANCE AND MONITORING CONDUCT**

- 26 211. Plaintiff submitted evidence reflecting repeated surveillance-related concerns
27 involving individuals walking near, remaining outside of, monitoring, or repeatedly
28 driving near Plaintiff's residence during the pendency of HOA disputes, governance
disputes, remediation disputes, and litigation proceedings. (Exhs. 233-245, 248-257,
270-278.)

1 212. Plaintiff submitted surveillance videos, photographs, timestamps, and written
2 communications documenting alleged recurring vehicle activity, pedestrian activity,
3 and monitoring occurring near Plaintiff's residence and surrounding common areas.
4 (Exhs. 233–245, 248–257, 270–278.)

5 213. Plaintiff submitted evidence reflecting concerns that unidentified individuals
6 repeatedly parked near Plaintiff's residence, slowed near Plaintiff's property, or
7 walked near Plaintiff's home during periods Plaintiff continued reporting nuisance,
8 sanitation, governance, mold-remediation, and records-related disputes. (Exhs. 240–
9 245, 248–252, 270–278.)

10 214. Plaintiff submitted evidence reflecting online monitoring and online activity
11 associated with Plaintiff's public complaints, HOA disputes, governance
12 participation, litigation activity, and related reporting concerning GGCA and Focus
13 HOA Management. (Exhs. 258–260, 279–281.)

14 215. Plaintiff alleges Defendants and/or associated individuals monitored Plaintiff's
15 online activity, HOA-related postings, complaints, governance participation, and
16 litigation-related communications during the pendency of this matter. (Amended
17 Civil Complaint; Exhs. 258–260, 279–281.)

18 **B. DES OIG AND FINANCIAL HARDSHIP REPORTING**

19 216. Plaintiff submitted evidence reflecting concerns regarding reports made to the
20 Arizona Department of Economic Security Office of Inspector General ("DES OIG")
21 after Plaintiff disclosed financial hardship, indigency-related information, and
22 requests for fee deferrals associated with this litigation. (Exhs. 282–289.)

23 217. Plaintiff submitted evidence reflecting Plaintiff disputed the accuracy and basis
24 of the DES OIG-related reports and alleged the reports were retaliatory and related
25 to Plaintiff's HOA complaints, litigation activity, governance participation, and
26 requests for records and remediation. (Exhs. 282–289.)

27 **C. CONTINUING MOLD, RELATION, AND HOUSING IMPACTS**

28 218. Plaintiff submitted evidence reflecting continued disputes concerning mold-
related conditions, water intrusion, remediation delays, architectural approvals, and

1 replacement-window requests affecting Plaintiff's residence throughout 2025. (Exhs.
2 230, 232, 300–326.)

3 219. Beginning no later than April 2025, Plaintiff repeatedly requested architectural
4 forms and HOA approval information necessary for replacement windows and
5 remediation-related repairs associated with reported mold and water intrusion
6 conditions. (Exhs. 300–317.)

7 220. Plaintiff submitted evidence reflecting Focus HOA personnel advised Plaintiff
8 that architectural forms would be provided and that management would follow up
9 regarding Plaintiff's requests. (Exhs. 302, 305.)

10 221. Plaintiff submitted evidence reflecting the requested architectural forms were not
11 timely provided following those communications, resulting in additional follow-up
12 communications and Plaintiff's continued requests for remediation-related
13 assistance. (Exhs. 304, 307, 309, 317.)

14 222. On May 2, 2025, Plaintiff visited the Focus HOA office seeking architectural
15 forms and assistance concerning remediation-related issues associated with reported
16 mold and water intrusion conditions. (Exhs. 311–315.)

17 223. Mesa Police Department CAD records reflect law enforcement was contacted
18 concerning Plaintiff's May 2, 2025 visit to the Focus HOA office. (Exhs. 313, 318.)

19 224. Plaintiff submitted evidence reflecting the requested architectural forms were
20 later provided and Plaintiff submitted completed architectural applications
21 concerning replacement windows and remediation-related repairs. (Exhs. 317, 320–
22 326.)

23 225. Plaintiff alleges that, due to reported mold conditions, remediation-related issues,
24 ongoing surveillance concerns, escalating disputes, and litigation-related stressors,
25 Plaintiff vacated the residence in or about January 2026. (Amended Civil Complaint;
26 Exhs. 230, 232, 270–289, 300–326.)

27 226. Plaintiff submitted evidence reflecting continued disputes concerning housing
28 stability, remediation-related costs, insurance issues, temporary relocation concerns,
and ongoing access to the residence following reported mold and water intrusion
conditions. (Exhs. 230, 232, 300–326.)

1 **VII. DISCOVERY, DISCLOSURE, AND LITIGATION CONDUCT**

2 **A. DISCOVERY REQUESTS AND DEFENDANTS' RESPONSES**

3 227. On December 22, 2025, Plaintiff served supplemental discovery requests
4 pursuant to Rules 26.1 and 34 seeking electronically stored information,
5 communications, records, surveillance-related evidence, HOA records, financial
6 records, and materials relevant to Plaintiff's claims and Defendants' asserted
7 defenses. (Exh. 14.)

8 228. Plaintiff's December 22, 2025 correspondence stated Plaintiff had not received
9 prior requested production responses served on December 1, 2025 and requested
10 confirmation of receipt concerning supplemental discovery requests. (Exh. 14.)

11 229. On March 25, 2026, defense counsel transmitted correspondence concerning
12 Defendants' intended partial motion to dismiss and requested a Rule 12(j) meet-and-
13 confer conference by telephone. (Exh. 8.)

14 230. On March 24, 2026, Plaintiff responded that Plaintiff had not received a draft
15 copy of Defendants anticipated dispositive motion or supporting evidence and
16 asserted Defendants continued withholding responsive discovery materials. (Exh. 8.)

17 231. Defendants' post-amendment discovery responses asserted objections based upon
18 overbreadth, burden, duplication, proportionality, Tier 1 and Tier 3 numerical limits,
19 and objections that certain requests exceeded Rule 26.2 discovery limitations. (Exh.
20 16.)

21 232. Defendants additionally stated they would decline to respond to certain requests
22 absent agreement of the parties or further court order. (Exh. 16.)

23 233. Defendants' Second Supplemental Disclosure Statement acknowledged
24 Plaintiff's allegations concerning financial-record disputes, community-maintenance
25 disputes, retaliation allegations, records-access disputes, architectural disputes, mold-
26 related remediation disputes, and alleged law-enforcement involvement. (Exh. 15.)

27 234. Defendants' Partial Motion to Dismiss acknowledged Plaintiff alleged disputes
28 concerning common-area maintenance, architectural approvals, records access,
remediation delays, mold and water intrusion conditions, governance participation,
and alleged false or misleading statements to law enforcement and third parties.
(Defendants' Partial Motion to Dismiss at 2.)

1 **B. DEFENDANTS' ADMISSIONS AND PLEADINGS**

2 235. Defendants' Verified Answer acknowledged the Arizona Court of Appeals
3 reinstated Plaintiff's negligence, gross negligence, and intentional tort claims relating
4 to allegations that Defendants failed to address community cleanup and maintenance
5 conditions in accordance with the governing documents. (Verified Answer at 1–2.)

6 **VIII. GOVERNING DOCUMENTS, DUTIES, AND NOTICE**

7
8 **A. CC&R DUTIES AND HOA OBLIGATIONS**

9 236. The governing CC&Rs, Articles of Incorporation, Bylaws, and HOA policies
10 imposed contractual and operational duties upon GGCA and its management agents
11 to maintain common areas, address nuisance and sanitation conditions, administer
12 architectural review, preserve financial and governance records, and manage the
13 community "at a high standard." (Exhs. 1–3, 40, 63, 67.)

14 237. Section 3.03 of the CC&Rs prohibited nuisance conditions, offensive odors,
15 unsanitary conditions, and conditions interfering with owners' peace, comfort,
16 serenity, and use and enjoyment of property within the community. (Exhs. 1, 6.)

17 238. Section 3.05 of the CC&Rs prohibited pets from creating nuisance or obnoxious
18 conditions and required cleanup of animal waste and damage caused by pets. (Exhs.
19 1, 7.)

20 239. Plaintiff repeatedly notified Defendants beginning no later than November 2023
21 regarding dog feces accumulation, dog urine odors, unleashed dogs, sanitation
22 hazards, landscaping deficiencies, mold concerns, water intrusion concerns, and
23 architectural obstruction. (Exhs. 5–12.)

24 240. Plaintiff repeatedly submitted photographs, videos, surveillance recordings,
25 emails, and written complaints documenting sanitation hazards, nuisance conditions,
26 respiratory impacts, toxic odors, and interference with Plaintiff's use and enjoyment
27 of the property. (Exhs. 8–12, 26–27, 47, 54, 60, 73, 97, 104.)

28 241. Plaintiff informed Defendants that the reported conditions caused asthma
 flareups, respiratory symptoms, allergies, physician-confirmed health concerns, and
 toxic odors affecting Plaintiff and Plaintiff's children. (Exhs. 6–7, 41, 61, 79, 82,
 108.)

- 1 242. Plaintiff repeatedly requested remediation, sanitation enforcement, deodorizing,
2 landscaping cleanup, nuisance abatement, and maintenance assistance concerning the
3 reported conditions. (Exhs. 5–12, 41, 49, 60–62, 68, 73, 83, 87, 97, 108.)
- 4 243. Defendants acknowledged receiving Plaintiff’s complaints, photographs, videos,
5 and evidence concerning nuisance conditions, unleashed dogs, sanitation hazards,
6 landscaping deficiencies, and related health concerns. (Exhs. 17, 26–27, 29, 37, 42,
7 47, 62, 82, 92.)
- 8 244. Brooke Sortor repeatedly acknowledged that Focus HOA Management acted “at
9 the direction of the Board” and exercised authority concerning nuisance complaints,
10 enforcement notices, homeowner communications, governance administration, and
11 architectural review matters. (Exhs. 4, 29, 42, 47, 62, 82.)
- 12 245. Defendants acknowledged operational authority concerning sanitation
13 remediation, vendor approval, maintenance decisions, cleanup services, community
14 notices, architectural review, governance administration, and enforcement activities
15 throughout the period relevant to Plaintiff’s claims. (Exhs. 17, 29, 37, 62, 92.)
- 16 246. Despite repeated notice of alleged health hazards and sanitation concerns,
17 Plaintiff submitted evidence demonstrating continuing pet waste accumulation,
18 recurring unleashed dogs, unresolved odors, and repeated sanitation complaints
19 extending from November 2023 through at least February 2024. (Exhs. 41, 49, 60,
20 68, 73, 83, 87, 97, 99, 108, 148–153.)
- 21 247. Plaintiff submitted evidence demonstrating Defendants delayed remediation
22 efforts, failed to timely enforce nuisance-related restrictions, and repeatedly deferred
23 corrective action to future Board meetings despite alleged ongoing health and safety
24 concerns. (Exhs. 44–46, 62, 68, 82, 108.)
- 25 248. Brooke Sortor confirmed Plaintiff would need to wait until the next Board
26 meeting before the HOA would address Plaintiff’s sanitation and nuisance
27 complaints despite Plaintiff repeatedly reporting ongoing health and respiratory
28 impacts. (Exhs. 44–46.)
249. Plaintiff submitted evidence demonstrating Defendants possessed authority under
the HOA Fine Policy to issue escalating notices, impose fines, perform “*Self Help*”
remediation, undertake cleanup efforts, seek injunctive relief, and immediately
correct conditions materially affecting neighboring owners or residents. (Exh. 63.)

1
2 **B. SELECTIVE ENFORCEMENT AND GOVERNANCE RESTRICTIONS**

3 250. Plaintiff submitted evidence demonstrating Defendants exercised enforcement
4 authority against Plaintiff through compliance notices, fines, architectural
5 enforcement, and maintenance-related directives. (Exhs. 10–11.)

6 251. On September 14, 2023, Defendants issued Plaintiff a compliance violation
7 notice concerning exterior paint maintenance and advised Plaintiff that fines and
8 enforcement action could be imposed for noncompliance. (Exh. 10.)

9 252. Plaintiff thereafter promptly complied with HOA architectural procedures,
10 requested clarification and approved paint schemes, submitted the requested
11 architectural forms, and obtained Board approval. (Exhs. 15–16.)

12 253. Despite approving Plaintiff's architectural request, Defendants later issued
13 additional violation notices and fines relating to the same exterior paint issue. (Exh.
14 11.)

15 254. Plaintiff submitted evidence demonstrating Defendants exercised selective
16 enforcement discretion by aggressively enforcing compliance obligations against
17 Plaintiff while failing to timely enforce nuisance, sanitation, and maintenance-
18 related obligations affecting HOA-controlled common areas. (Exhs. 10–11, 47, 63,
19 73, 83, 87, 97, 108.)

20 255. Plaintiff repeatedly requested HOA financial records, budgets, balance sheets,
21 invoices, litigation expenditures, maintenance records, governance records, meeting
22 minutes, and related documents pursuant to A.R.S. § 33-1805. (Exhs. 16–20, 95–96,
23 110, 123–127, 138–140.)

24 256. Plaintiff submitted evidence demonstrating Defendants did not provide all
25 requested governance, financial, maintenance, litigation, and records-related
26 materials requested by Plaintiff. (Exhs. 16–20, 95–96, 110, 119, 123–127, 138–140.)

27 257. Plaintiff repeatedly clarified and narrowed the requested records, including
28 requests for redacted financial information and electronic copies of documents.
(Exhs. 123–127.)

29 258. Defendants nevertheless continued asserting Plaintiff failed to clarify the
30 requests, imposed restrictive inspection conditions, required certified payment

1 methods, limited access through counsel's office, and refused to produce various
2 requested governance and financial records. (Exhs. 110, 123–127, 138–140.)

3 259. Plaintiff submitted evidence demonstrating Defendants escalated attorney
4 involvement, cease-and-desist communications, litigation threats, communication
5 restrictions, and governance barriers after Plaintiff repeatedly complained regarding
6 sanitation hazards, maintenance deficiencies, financial transparency, and governance
7 issues. (Exhs. 86, 110, 113–114, 118–119.)

8 260. On December 15, 2023, Augustus H. Shaw IV issued correspondence directing
9 Plaintiff to cease communications with HOA management regarding sanitation and
10 pet-waste complaints and advised that neither management nor the Board would
11 continue responding to Plaintiff's communications regarding those issues. (Exh. 86.)

12 261. The cease-and-desist communications further advised Plaintiff that the HOA
13 Board would address the reported sanitation conditions solely "at its discretion."
14 (Exhs. 86, 110.)

15 262. On January 4, 2024, Augustus Shaw further threatened "aggressive legal action"
16 against Plaintiff, including potential claims for libel, slander, tortious interference,
17 harassment, and other claims after Plaintiff continued seeking remediation, records
18 access, governance transparency, and enforcement action. (Exh. 110.)

19 263. Internal communications between Brooke Sortor and Augustus Shaw discussed
20 whether legal action should be initiated against Plaintiff following Plaintiff's
21 governance complaints, records requests, sanitation complaints, and transparency
22 demands. (Exhs. 113–114.)

23 264. In internal communications, Shaw stated "We may sue her tomorrow" and
24 advised management to record Plaintiff's calls while management discussed how
25 long they should wait "if she does not stop her harassment." (Exhs. 113–114.)

26 265. Plaintiff contends the communications and escalation of attorney involvement
27 demonstrate retaliatory, coercive, and intimidation-based conduct occurring after
28 Plaintiff repeatedly sought maintenance remediation, governance transparency,
records access, and enforcement of HOA obligations. (Exhs. 86, 110, 113–114, 118–
119.)

266. Plaintiff submitted evidence demonstrating restrictions on governance
participation, including refusal to provide Board member contact information, refusal

1 to provide agendas before meetings, muting Plaintiff during Board meetings,
2 restricting Plaintiff's HOA portal access, and limiting Plaintiff's ability to access
3 meeting notices, financial records, agendas, and governance materials. (Exhs. 30, 33,
4 62, 118, 127–129, 141, 144, 146, 180–183, 203, 212, 216–219, 229–236.)

5 267. Plaintiff alleges Defendants removed Plaintiff's HOA portal access after Plaintiff
6 requested election records, governance materials, and HOA financial documents
7 despite Plaintiff's account remaining current and paid in full. (Amended Civil
8 Complaint; Exhs. 180–183, 203, 212, 216–219, 229–235.)

9 268. Plaintiff additionally submitted evidence that agendas, notices, meeting minutes,
10 and financial reports were unavailable or uploaded only after Plaintiff requested
11 records and initiated litigation. (Exhs. 146–147, 169–170, 215–217, 225.)

12 **C. ARCHITECTURAL AND MOLD REMEDIATION OBSTRUCTION**

13 269. Plaintiff repeatedly requested architectural forms and approvals concerning mold
14 and water intrusion remediation affecting Plaintiff's residence beginning no later than
15 April 2025. (Exhs. 13–15, 302, 305, 307.)

16 270. Plaintiff alleges Focus HOA personnel confirmed architectural forms would be
17 provided but the forms were not timely supplied, resulting in additional follow-up
18 demands and emergency court filings. (Exhs. 302, 305, 307.)

19 271. Plaintiff alleges Defendants contacted law enforcement after Plaintiff peacefully
20 visited the Focus HOA office seeking architectural forms and assistance relating to
21 unresolved mold and water intrusion issues. (Exh. 24.)

22 272. Plaintiff additionally alleges Defendants contacted DES OIG after obtaining
23 knowledge concerning Plaintiff's indigency status and financial hardship during the
24 pendency of this litigation. (Exhs. 1360–1368.)

25 273. Plaintiff submitted evidence reflecting continued surveillance concerns,
26 including individuals walking near Plaintiff's residence, repeatedly driving near
27 Plaintiff's home, monitoring Plaintiff's activity, and online monitoring associated
28 with Plaintiff's HOA complaints and litigation activity. (Exhs. 377-1920.)

29 274. Plaintiff alleges that due to continuing mold conditions, remediation-related
30 disputes, escalating litigation conduct, surveillance concerns, governance disputes,

1 and ongoing health and safety concerns, Plaintiff vacated the residence in or about
2 January 2026. (Exhs. 230, 232, 270–289, 300–326.)

3
4 **D. COURT OF APPEALS RULING AND DEFENDANTS' ADMISSIONS**

5 275. The Arizona Court of Appeals reversed dismissal of Plaintiff's negligence, gross
6 negligence, and intentional tort claims and held that waiver provisions within the
7 CC&Rs did not bar claims involving gross negligence or intentional misconduct.
(Exh. 28.)

8 276. Defendants' own disclosures and filings acknowledge Plaintiff alleged disputes
9 concerning sanitation conditions, maintenance failures, architectural delays, mold
10 and water intrusion, records access, governance participation, nuisance conditions,
11 law-enforcement involvement, and alleged retaliatory conduct.

12
13 **E. SURVEILLANCE AND MONITORING EVIDENCE**

14 277. Plaintiff submitted evidence reflecting repeated surveillance, monitoring,
15 trespassing, and recording activity directed toward Plaintiff's residence and activities
16 during the dispute period. The Master Exhibit Index identifies surveillance-related
17 video exhibits, including surveillance videos dated December 30, 2023; February 15,
18 2024; February 16, 2024; February 19, 2024; February 23, 2024; February 26, 2024;
19 March 19, 2024; March 24, 2024; September 3, 2025; and additional trespassing-
related recordings. (Exhs. 376, 377, 419, 421, 428, 437–449.)

20 278. Plaintiff submitted surveillance evidence specifically depicting individuals
21 monitoring Plaintiff's residence, recording Plaintiff, taking photographs, trespassing
22 near Plaintiff's residence, and engaging in suspicious activity near Plaintiff's home
23 during the period Plaintiff was reporting HOA governance, nuisance, sanitation, and
maintenance complaints. (Exhs. 376, 377, 419, 421, 428, 437–449.)

24 279. Exhibit 441 is identified as "*Surveillance Suspect Recording (Video)*" dated
25 February 23, 2024, while Exhibit 448 is identified as "*Surveillance Suspect Taking*
26 *Photos (Video)*" dated March 19, 2024, supporting Plaintiff's allegations that
27 individuals were monitoring and photographing Plaintiff and Plaintiff's property.

28 280. Plaintiff additionally submitted evidence that Focus HOA personnel and
associated individuals recorded Plaintiff during HOA-related interactions, including

1 recordings inside the Focus HOA office and recordings made after Plaintiff requested
2 architectural forms relating to mold and remediation concerns. (Exhs. 311–315, 321.)

3 281. Plaintiff contends the surveillance, recording, trespassing, and monitoring
4 activity escalated after Plaintiff repeatedly reported nuisance conditions, requested
5 governance and financial records, challenged HOA conduct, sought election
6 participation, and initiated litigation. (Exhs. 180–229, 233–260, 277–307, 376–449.)

7 **IX. COMMUNITY MAINTENANCE FAILURES – SANITATION,**
8 **LANDSCAPING, SAFETY, AND PROPERTY CONDITIONS**

9 282. Plaintiff submitted extensive photographic and video evidence documenting
10 recurring sanitation failures, dog feces accumulation, litter debris, overgrown
11 vegetation, damaged walls, broken signs, dead shrubs, weeds, fallen branches,
12 neglected landscaping, vandalism, and deteriorating community conditions
13 throughout the HOA-managed common areas. (Exhs. 450–722.)

14 283. Plaintiff submitted at least thirty separate exhibits documenting dog feces
15 accumulation and pet waste throughout the community, including photographs and
16 videos dated between December 11, 2023 and August 10, 2025. (Exhs. 57, 59, 69–
17 72, 104, 450, 452–483, 647.)

18 284. Plaintiff submitted repeated video evidence documenting unleashed dogs,
19 trespassing animals, unleashed defecating dogs, unleashed urinating dogs, and
20 recurring leash-law violations occurring throughout the community over an extended
21 period. (Exhs. 18–21, 50–58, 154–157, 378–447, 473–485.)

22 285. Plaintiff submitted evidence demonstrating recurring litter and debris
23 accumulation throughout the community, including litter near mailboxes, shopping
24 carts left on community grounds, unkept leaves, fallen branches, and debris
25 accumulation in common areas. (Exhs. 455, 472, 546–553, 570–581, 607–614, 626–
629, 651, 667, 687, 690, 692, 702–704, 714, 717–721.)

26 286. Plaintiff submitted extensive evidence of neglected landscaping and vegetation
27 maintenance failures, including overgrown trees, overgrown shrubs, extensive
28 weeds, dead bushes, dead shrubs, overgrown grass, untrimmed plants, misshapen

1 shrubbery, and neglected community landscaping spanning from at least February
2 2024 through October 2025. (Exhs. 487–715.)

3 287. Plaintiff submitted evidence demonstrating damaged and deteriorating
4 community infrastructure, including damaged walls, broken and vandalized signage,
5 damaged basketball and volleyball facilities, mismatched wall paint, damaged
6 irrigation-related conditions, and deteriorating common-area conditions. (Exhs. 451,
7 454, 495, 514, 517, 520, 543, 557–561, 568, 574, 584, 594–597, 601–602, 613, 615,
8 643, 688, 716, 719.)

9 288. Plaintiff submitted evidence demonstrating fallen trees, fallen branches, tree
10 debris left in roadways, and hazardous vegetation conditions affecting the
11 community. (Exhs. 12–14, 392–397, 506, 569, 610, 617, 635, 652, 663–665.)

12 289. Plaintiff submitted evidence reflecting that community degradation and
13 maintenance failures were not isolated to Plaintiff's complaints alone, but were
14 corroborated by community residents and witnesses. (Exhs. 246, 255, 258, 270–273,
15 282, 291, 306.)

16 290. Exhibit 306 specifically identifies "Neighbor Feedback ... Reflecting Aggressive
17 Enforcement and Community Maintenance Failures," supporting Plaintiff's
18 allegations that community residents observed and discussed ongoing maintenance
19 deficiencies and selective enforcement practices.

20 **X. WITNESS AFFIDAVITS SUPPORTING PATTERN,
21 KNOWLEDGE, AND MANAGEMENT FAILURES**

22 291. Plaintiff submitted witness affidavits from community residents, former HOA
23 vendors, former HOA managers, and former HOA leadership supporting Plaintiff's
24 allegations concerning HOA operational failures, management conduct, and
25 community conditions. (Exhs. 261–265.)

26 292. Exhibit 261 consists of a witness affidavit from neighbors Stephen Butner and
27 Jeana Ragusa dated January 30, 2026, supporting Plaintiff's allegations regarding
28 recurring community issues and conditions.

29 293. Exhibits 262–264 consist of affidavits and supporting exhibits from former
30 landscaper manager Susan Sorby concerning her experiences working with Focus

1 HOA Management, LLC and Harman Cadis, including issues relating to landscaping
2 work, payment disputes, and management practices.

3 294. Exhibit 263 includes supporting records reflecting alleged past-due statements
4 and refusal to pay landscaping-related work despite services being performed, which
5 Plaintiff contends supports broader patterns of operational mismanagement and
6 community maintenance failures.

7 295. Exhibit 265 consists of an affidavit from former Amador Homeowners
8 Association President Dan Vogt concerning his experiences working with Harman
9 Cadis and Focus HOA Management, LLC, which Plaintiff contends demonstrates
10 similar operational and management concerns extending beyond Plaintiff's HOA
11 community.

12 296. Plaintiff contends the witness affidavits, corroborating community-member
13 statements, photographic evidence, videos, HOA communications, police reports,
14 code complaints, animal control reports, and maintenance evidence collectively
15 demonstrate Defendants possessed actual notice of the complained-of conditions yet
16 failed to timely remediate, enforce, disclose, or reasonably address the reported
17 hazards and governance concerns. (Exhs. 17–18, 41, 47, 49, 54, 60, 68, 73, 78–79,
18 83, 88–90, 92, 97–99, 104–108, 134, 148–153, 165–173, 230–232, 261–265, 450–
19 722.)

20 **XI. DISCOVERY AND DISCLOSURE RELATED FACTS**

21 297. On December 22, 2025, Plaintiff served Defendants with Plaintiff's Second
22 Request for Production of Documents pursuant to Rules 26.1 and 34, Arizona Rules
23 of Civil Procedure, seeking electronically stored information ("*ESI*"), governance
24 records, financial records, surveillance-related materials, architectural
25 communications, maintenance records, and other documents relevant to Plaintiff's
26 claims and Defendants' asserted defenses. (See Plaintiff's Motion to Compel filed on
27 March 13, 2026; Exhs. 4-8)

28 298. Plaintiff's December 22, 2025 correspondence specifically advised Defendants
that Plaintiff had not yet received responses to prior document requests served
December 1, 2025, and requested confirmation of receipt concerning the

1 supplemental production requests. (See Plaintiff's Motion to Compel filed on March
2 13, 2026; Exh 6)

3 299. Defendants later served Post-Amendment Responses to Plaintiff's Requests for
4 Production, Requests for Admissions, and Interrogatories dated April 13, 2026. (Exh.
5 18.)

6 300. In their Post-Amendment Discovery Responses, Defendants objected to
7 Plaintiff's discovery requests under Rules 33, 34, and 36, asserting that the requests
8 exceeded Tier 3 limits and stating Defendants "*will not respond to such excess
9 requests absent agreement of the parties or order of the Court.*" (Exh. 18.)

10 301. Defendants objected to Plaintiff's discovery requests as "*overly broad,*" "*unduly
11 burdensome,*" "*duplicative,*" "*repetitive,*" and exceeding the discovery limits
12 permitted under Rule 26.2(f)(3), Arizona Rules of Civil Procedure. See Exh. 18 at 1-
13 5 ("*Defendants object to Plaintiff's discovery requests under Ariz. R. Civ. P. 33, 34,
14 and 36 to the extent they exceed the numerical limits and scope permitted for a Tier
15 3 case*"; *requests described as "duplicative, repetitive, unduly burdensome and over-
16 reaching*"). (See Motion for Summary Judgement Exh. 18; Defendant's Post
17 Amendment)

18 302. Defendants further stated that documents and information previously reviewed,
19 disclosed, or produced during prior litigation or pre-litigation records requests would
20 not be reproduced and were instead "*incorporated herein by reference.*" (See Motion
21 for Summary Judgement Exh. 18 ("*such materials will not be reproduced, and are
22 rather incorporated herein by reference*"; "*Many of the documents and records were
23 previously reviewed and produced to Plaintiff responsive to any pre-litigation
24 records request*").

25 303. Defendants additionally stated they would produce responsive materials only to
26 the extent such materials were within Defendants' "*possession, custody, or control,*"
27 and expressly stated that publicly available documents, court filings, recorded
28 documents, or materials obtainable from third parties or Plaintiff herself would not
be produced. (See Motion for Summary Judgement; Exh. 18)

304. **REFUSAL TO PROVIDE REQUESTED RECORD AND ADMISSIBLE
EVIDENCE:** Defendants represented in their post-amendment discovery responses
that responsive records and information had previously been "*reviewed,*"

1 “disclosed,” or “produced” to Plaintiff during prior litigation or pre-litigation
2 records requests and therefore would not be reproduced. However, Defendants did
3 not identify specific prior productions, Bates-numbered disclosures, dates of
4 production, or admissible evidence establishing that the referenced materials had in
5 fact been fully produced to Plaintiff. Instead, Defendants broadly stated that such
6 materials were “*incorporated herein by reference*” while simultaneously objecting
7 to Plaintiff’s requests as duplicative, repetitive, overly broad, and unduly
8 burdensome. (See Motion for Summary Judgement; Exh. 18)

9 305. Plaintiff contemporaneously documented that numerous requested records,
10 communications, financial documents, governance materials, and electronically
11 stored information had not been received despite repeated follow-up requests and
12 continuing disputes regarding incomplete productions and withheld records (See
13 Motion for Summary Judgement; Exh. 18)

14 306. Plaintiff thereafter submitted written meet-and-confer correspondence
15 concerning alleged discovery deficiencies, outstanding disclosures, electronically
16 stored information, surveillance-related evidence, financial records, governance
17 records, and production-related disputes. (Exhs. 4–8.)

18 307. On March 25, 2026, Plaintiff and defense counsel Augustus H. Shaw IV
19 conducted a telephonic meet-and-confer regarding Defendants’ discovery
20 noncompliance, unresolved disclosure disputes, and Plaintiff’s deposition. (Exh. 9.)

21 308. The March 25, 2026 meet-and-confer began at approximately 10:30 a.m. MST
22 and concluded at approximately 10:45 a.m. MST. (See Rodriguez Certificate of Good
23 Faith Consultation filed on April 16, 2026 and May 4, 2026)

24 309. The records reflects Plaintiff’s sworn transcript summary states the March 25,
25 2026 conference addressed Defendants’ alleged failure to provide Requests for
26 Production responses, interrogatory responses, requests for admission responses, and
27 Rule 26.1 disclosures, and further reflected that more than 100 days had passed
28 without production of requested materials.

 310. The records reflect Plaintiff’s transcript summary further states that Defendants
nevertheless sought to proceed with Plaintiff’s deposition despite unresolved
discovery disputes and Plaintiff’s objections concerning outstanding disclosures and
prejudice.

- 1 311. The transcript summary on record additionally reflects defense counsel
2 acknowledged during the March 25, 2026 call that “*We have had our meet and confer*
3 *regarding your discovery requests.*” Despite falsely reporting to the court the Meet
4 and Confer never occurred.
- 5 312. On March 24, 2026, Plaintiff advised defense counsel by email that Plaintiff had
6 not received a draft or copy of Defendants anticipated dispositive motion or
7 supporting evidence and asserted Defendants continued withholding responsive
8 discovery materials. (See Exh. 15)
- 9 313. On March 25, 2026, defense counsel Dominick Détente transmitted
10 correspondence requesting a Rule 12(j) meet-and-confer concerning Defendants’
11 intended Partial Motion to Dismiss. (See Exh. 15)
- 12 314. The record shows on April 14, 2026, Plaintiff again notified Augustus Shaw and
13 Dominick Détente that a recorded Rule 26(d) meet-and-confer had already occurred
14 on March 25, 2026 regarding ongoing discovery disputes and alleged disclosure
15 deficiencies.
- 16 315. The record shows Plaintiff’s April 14, 2026 correspondence further asserted
17 Defendants continued refusing to cure the identified discovery deficiencies despite
18 prior meet-and-confer discussions and court orders concerning Rule 26(d)
19 procedures.
- 20 316. The record shows on April 23, 2026, Augustus Shaw transmitted additional
21 correspondence disputing whether the March 25, 2026 conference satisfied Rule
22 26(d) and asserting Defendants did not believe the parties had met and conferred
23 regarding Plaintiff’s “*current discovery disputes.*”
- 24 317. Plaintiff thereafter proposed additional meet-and-confer dates concerning
25 unresolved discovery deficiencies, deposition disputes, and Rule 26(d) issues.
- 26 318. Plaintiff additionally filed a Statement of Deficiencies in Support of Motion to
27 Compel identifying alleged failures to identify or produce responsive documents,
28 electronically stored information, surveillance-related materials, insurance-related
records, governance records, financial materials, and custodial-search information.
319. Plaintiff’s Statement of Deficiencies further identified alleged failures to produce
insurance policies, surveillance-related evidence, governance communications, and
documents supporting Defendants’ asserted defenses.

1 320. Defendants' Second Supplemental Disclosure Statement acknowledged Plaintiff
2 alleged disputes concerning community maintenance, sanitation conditions,
3 governance access, records access, retaliation, remediation disputes, architectural
4 delays, and community-cleanliness issues. (Exh. 14.)

5 321. Defendants' Verified Partial Motion to Dismiss acknowledged Plaintiff alleged
6 disputes concerning common-area maintenance, architectural approvals, records
7 access, mold and water intrusion remediation delays, law-enforcement involvement,
8 retaliation, and alleged false or misleading statements to third parties and law
9 enforcement. (See Exh 4; Defendants' Verified Partial Motion to Dismiss)

10 322. Defendants' Verified Answer acknowledged the Arizona Court of Appeals
11 reinstated Plaintiff's negligence, gross negligence, and intentional tort claims relating
12 to allegations that Defendants failed to address community cleanup and maintenance
13 conditions in accordance with the governing documents. (See Exh 4; Defendants'
14 Verified Partial Motion to Dismiss)

15 323. Plaintiff seeks Rule 37(c)(1) relief concerning undisclosed materials, witnesses,
16 electronically stored information, surveillance-related evidence, governance records,
17 financial records, and other information not properly disclosed or produced under
18 Rule 26.1.

19 The foregoing facts are supported by admissible evidence, authenticated records, party
20 admissions, HOA communications, public records, photographs, videos, electronically stored
21 information, witness affidavits, and Exhibit 1, and are stated to the best of Plaintiff's knowledge,
22 information, and belief based upon the evidentiary record presently available. Pursuant to Rule
23 56(c), Plaintiff submits these facts to establish the absence of genuine disputes concerning
24 Defendants' authority, notice, governance conduct, records-access practices, enforcement activity,
25 remediation delays, and responses to the reported conditions and complaints.

26 Plaintiff further submits that the exhibits, emails, photographs, videos, recordings,
27 screenshots, social-media posts, HOA communications, business records, and electronically stored
28 information referenced throughout this Statement of Facts are true and correct copies maintained
in Plaintiff's possession, custody, or control, and are supported by contemporaneous
communications, metadata, witness testimony, party admissions, or other indicia of authenticity

1 admissible under the Arizona Rules of Evidence. Alternatively, Plaintiff requests Rule 56(g)
2 findings concerning material facts not genuinely disputed and any further relief authorized under
3 Arizona law.

4 Respectfully submitted,

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7 Sandra Rodriguez

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1 **XII. CERTIFICATE OF SERVICE**

2 I served copies of this **PLAINTIFF'S STATEMENT OF FACTS IN SUPPORT OF**
3 **MOTION FOR SUMMARY JUDGEMENT** for on all parties of record via U.S. Mail.
4

5 **OPPOSING PARTY INFORMATION**

6 **DEFENDANTS:**

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

18 Respectfully submitted this 21st day of May 2026.

19 

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21 Sandra Rodriguez
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