



1 MEMORANDUM OF POINTS AND AUTHORITIES

2 I. Procedural History

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4 The Court, in its Order dated December 19, 2025, held that “the deposition of  
5 Plaintiff shall be scheduled to occur at the office of the Court Reporter or at the State Bar  
6 Association office.” Defendants noticed the deposition of the Plaintiff for April 16, 2026  
7 at Office of the Court Reporter, Legal Video Specialists, LLC, 3111 N. Central Ave. Suite  
8 A225 Phoenix, AZ 85012. Notice of the Deposition was provided via mail to the  
9 Plaintiff’s address of record on March 20, 2026. A Notice of Deposition was also served  
10 via Turbo Court as part of the Defendants’ Rule 26(D)(2) Statement of Discovery Dispute  
11 Regarding Plaintiff’s Refusal to Attend Deposition on March 25, 2026. A Notice of  
12 Deposition was also e-mailed to the Plaintiff on March 20, 2026. The Plaintiff failed to  
13 attend the deposition (*See* Affidavit of Non-Appearance attached hereto as **Exhibit A**).

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17 On May 4, 2026 the Court held a status conference to address the joint statement  
18 of discovery dispute filed by the parties on March 25, 2026 and to discuss the Plaintiff’s  
19 failure to attend a deposition. In the Court’s Order dated May 4, 2026, the Court ordered  
20 that the “Plaintiff must make herself available to be deposed no later than May 29, 2026.”  
21 The Court also ordered that any deposition “must occur at the Arizona State Bar  
22 Association offices.” The Court also stated, “[T]he Court declines to impose sanctions  
23 (against the Plaintiff) at this time, but further failures or refusals (of the Plaintiff to attend  
24 a deposition) will likely result in sanctions.”

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27 Based on the Court’s May 4<sup>th</sup> Order, on May 8, 2026, Defendants noticed the  
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1 deposition of the Plaintiff Sandra Rodriguez for 2:00pm on May 21, 2026 at the State Bar  
2 of Arizona, Agave Room, 4201 N. 24<sup>th</sup> Street, Suite 100, Phoenix, AZ (*See* Notice of  
3 Deposition enclosed as **Exhibit B**). Plaintiff acknowledges receipt of the Notice of  
4 Deposition by referencing the scheduled deposition in Plaintiff's Response and Objection  
5 to Court's Desposition (sic), Order, Notice of Continuing Prejudice filed on May 8, 2026  
6 (ECR # 2202125). Plaintiff also acknowledges receipt of the Notice of Deposition  
7 objecting to Court's Order in an e-mail dated May 20, 2026 (*See* **Exhibit C**).

10 The Plaintiff failed to attend the deposition (*See* Affidavit of Non-Appearance  
11 attached hereto as **Exhibit D**). Moreover, Plaintiff additionally disregard's the Court's  
12 order to be deposed by May 29, 2026 by stating "[T]he soonest I am available for  
13 deposition is June 10, 2026" (*See* **Exhibit C**).

15 **II. Sanctions are Warranted**

16 Pursuant to Rule 37(b)(1) Ariz. R. Civ P., Plaintiff's failure to twice attend a  
17 deposition after the Court's Order "may be treated as contempt of court." More seriously,  
18 pursuant to Rule 37(b)(2)(A) Ariz. R. Civ P., Plaintiff's behavior could result in:

- 20 (ii) prohibiting the disobedient party from supporting or opposing  
21 designated claims or defenses, or from introducing designated matters in  
22 evidence; (iv) staying further proceedings until the order is obeyed; (v)  
23 dismissing the action or proceeding in whole or in part; (vi) rendering a  
24 default judgment, in whole or in part, against the disobedient party.

25 Plaintiff has demonstrated a complete disregard for the Court's two Orders  
26 regarding her deposition. This behavior severely prejudices the Defendants' ability to  
27 defend themselves as Plaintiff's claims rely heavily on her personal testimony.

1           Moreover, the Court clearly warned the Plaintiff that Plaintiff's "further failures  
2 or refusals (to attend a deposition) will likely result in sanctions."

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4           Therefore, pursuant to Rule 37(b)(2)(A)(v) Ariz. R. Civ P., Defendant requests  
5 that Plaintiff's Amended Complaint be dismissed for failure to abide by the Court's order  
6 to attend a deposition. This remedy is appropriate under Arizona Law. *See Rivers v.*  
7 *Solley*, 217 Ariz. 528, ¶¶ 13-14, 22, 28 (App. 2008) (affirming dismissal as sanction  
8 against party who "knowingly and continuously failed to disclose" crucial evidence  
9 throughout discovery period); *Poleo v. Grandview Equities, Ltd.*, 143 Ariz. 130, 133-34  
10 (App. 1984)(affirming entry of default as sanction in light of "ample indicia of appellant's  
11 willful and bad faith failure to produce" documents and responses to interrogatories  
12 during discovery).

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14           The Original Complaint was filed over 2 years ago (3/22/24). Plaintiff has filed  
15 146 total filings in this case; yet, she refuses to be deposed despite the Court's Orders.  
16 Dismissal of her claims pursuant to Rule 37(b)(2)(A)(v) Ariz. R. Civ P. are appropriate.  
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18           In the alternative, the Defendants, pursuant to Rule 37(b)(2)(A)(iv) Ariz. R. Civ  
19 P., request that the proceedings be stayed until the Plaintiff completes a deposition. This  
20 would include not allowing the Plaintiff to file any pleadings or motions until she sits for  
21 a deposition.  
22

23           Pursuant to Rule 37(b)(1) Ariz. R. Civ P., Defendants request that the Court hold  
24 Plaintiff in contempt of Court for Plaintiff's twice refusal to attend a deposition.  
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26           Finally, pursuant to Rule 37(b)(2)(C) Ariz. R. Civ P., Defendants request that the  
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1 Court order the Plaintiff reimburse the Defendants their “reasonable expenses, including  
2 attorney's fees, caused by the failure” of the Plaintiff to twice attend a deposition as  
3 ordered by the Court.  
4

5 **III. Conclusion.**

6 The Court, in its May 4, 2026 Order, clearly sent the Plaintiff a message that if she  
7 continued to disobey the Court’s Orders, she would be sanctioned. Based on the  
8 Plaintiff’s demonstrated behavior in this case, Plaintiff should be held in contempt of  
9 Court and her case dismissed. In the alternative, the Court should stay this matter until  
10 the Plaintiff completes a deposition. The Court should also order the Plaintiff to  
11 reimburse the Defendants their reasonable attorney’s fees and costs incurred by the  
12 Defendants regarding Plaintiff’s failure to attend a deposition as ordered by the Court.  
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15 DATED this 22<sup>nd</sup> day of May 2026.

16 SHAW & LINES, LLC

17 /s/ Augustus H. Shaw, IV  
18 Augustus H. Shaw, IV, Esq.  
19 1490 South Price Road, Suite 318  
20 Chandler, Arizona 85286  
21 *Attorneys for Defendants*  
22

23  
24 ORIGINAL submitted for filing  
25 This 22<sup>nd</sup> day of May 2026, with:  
26 Clerk of the Court  
27 Maricopa County Superior Court  
28 Via TurboCourt (online filing)

1 COPY of the foregoing served by email  
2 This 22<sup>nd</sup> day of May 2026, to:  
3 Sandra Rodriguez  
4 4375 East Betsy Lane  
5 Gilbert, Arizona 85296  
6 sandra.rodriguez0339@gmail.com

7 *Plaintiff, Pro Per*

8 By:  \_\_\_\_\_

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# **EXHIBIT A**

ARIZONA SUPERIOR COURT

MARICOPA COUNTY

SANDRA RODRIGUEZ, )  
)  
Plaintiff, )  
vs. ) Case No. CV2024-005940  
)  
GARDENS/GILBERT COMMUNITY ) Consolidated with Case  
ASSOCIATION, an Arizona ) No. CV2024-013806  
non-profit corporation, FOCUS )  
HOA MANAGEMENT, LLC, an ) AFFIDAVIT  
Arizona limited liability )  
company; HARMAN CADIS; BROOKE ) OF  
SORTOR; and ANNA SCHULTZ, )  
) NON-APPEARANCE  
Defendants. )  
)

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I, TAMARA H. HOWARD, a certified Court Reporter, first duly sworn upon my oath, state:

1. That on April 16, 2026, at 10:00 a.m. Affiant was present at the office of Legal Video Specialists, LLC, 3111 North Central Avenue, Suite A225, Phoenix, Arizona, until 10:45 a.m. for the purpose of taking the scheduled video-recorded deposition of Sandra Rodriguez;
2. Augustus H. Shaw, IV, Esq., and Mary Onuschak, videographer, were also present for the purpose of taking the scheduled video-recorded deposition Sandra Rodriguez;
3. That the deponent failed to appear;
4. That Affiant makes and signs the certificate;

Dated at Phoenix, Arizona, this 17th day of April, 2026.

  
TAMARA H. HOWARD, RPR

Certified Court Reporter No. 50156



Rosina Seymour, RPR Owner  
Seymour Reporting Services  
Arizona RRF No. R1000

| <b>A</b>   | <b>duly</b> 1:12  | <b>O</b>   | <b>T</b>   |
|--|---|--|--|
| <b>A225</b> 1:14<br><b>Affiant</b> 1:13, 1:19<br><b>AFFIDAVIT</b> 1:7<br><b>ANNA</b> 1:9<br><b>appear</b> 1:18<br><b>April</b> 1:13, 1:20<br><b>Arizona</b> 1:1, 1:6<br>1:8, 1:14, 1:20<br>1:25<br><b>ASSOCIATION</b><br>1:6<br><b>Augustus</b> 1:16<br><b>Avenue</b> 1:14   | <b>E</b>  | <b>oath</b> 1:12<br><b>office</b> 1:13<br><b>Onuschak</b> 1:16<br><b>Owner</b> 1:24  | <b>TAMARA</b> 1:11<br>1:22   |
|  | <b>Esq</b> 1:16   |  | <b>V</b>   |
|  | <b>F</b>  | <b>P</b>   | <b>Video</b> 1:13<br><b>video-recorded</b><br>1:15, 1:17<br><b>videographer</b><br>1:16<br><b>vs</b> 1:5 |
|  | <b>failed</b> 1:18<br><b>first</b> 1:12<br><b>FOCUS</b> 1:7                             | <b>Phoenix</b> 1:14<br>1:20<br><b>Plaintiff</b> 1:4<br><b>present</b> 1:13, 1:16<br><b>purpose</b> 1:14<br>1:16  | <b>1</b>   |
|  | <b>G</b>  | <b>R</b>   | <b>1</b> 1:13<br><b>10:00</b> 1:13<br><b>10:45</b> 1:14<br><b>16</b> 1:13<br><b>17th</b> 1:20            |
| <b>B</b>   | <b>H</b>  | <b>R1000</b> 1:25<br><b>Reporter</b> 1:11<br>1:22<br><b>Reporting</b> 1:24<br><b>Rodriguez</b> 1:3<br>1:15, 1:17<br><b>Rosina</b> 1:24<br><b>RPR</b> 1:22, 1:24<br><b>RRF</b> 1:25   | <b>2</b>   |
| <b>BROOKE</b> 1:8  | <b>HARMAN</b> 1:8<br><b>HOA</b> 1:7<br><b>HOWARD</b> 1:11<br>1:22                       |  | <b>2</b> 1:16<br><b>2026</b> 1:13, 1:20  |
| <b>C</b>   | <b>I</b>  | <b>S</b>   | <b>3</b>   |
| <b>CADIS</b> 1:8<br><b>Case</b> 1:5, 1:6<br><b>Central</b> 1:14<br><b>certificate</b> 1:19<br><b>certified</b> 1:11<br>1:22<br><b>COMMUNITY</b><br>1:6<br><b>company</b> 1:8<br><b>Consolidated</b> 1:6<br><b>corporation</b> 1:7<br><b>COUNTY</b> 1:2<br><b>Court</b> 1:1, 1:11<br>1:22<br><b>CV2024-005940</b><br>1:5<br><b>CV2024-013806</b><br>1:6 | <b>IV</b> 1:16  | <b>Sandra</b> 1:3, 1:15<br>1:17<br><b>scheduled</b> 1:14<br>1:17<br><b>SCHULTZ</b> 1:9<br><b>Services</b> 1:24<br><b>Seymour</b> 1:24<br>1:24<br><b>Shaw</b> 1:16<br><b>signs</b> 1:19<br><b>SORTOR</b> 1:9<br><b>Specialists</b> 1:13<br><b>state</b> 1:12<br><b>Suite</b> 1:14<br><b>SUPERIOR</b> 1:1<br><b>sworn</b> 1:12 | <b>3</b> 1:18<br><b>3111</b> 1:14  |
|  | <b>L</b>  |  | <b>4</b>   |
|  | <b>Legal</b> 1:13<br><b>liability</b> 1:8<br><b>limited</b> 1:8<br><b>LLC</b> 1:7, 1:13 |  | <b>4</b> 1:19  |
|  | <b>M</b>  |  | <b>5</b>   |
|  | <b>MANAGEMENT</b><br>1:7<br><b>MARICOPA</b> 1:2<br><b>Mary</b> 1:16                     |  | <b>50156</b> 1:22  |
| <b>D</b>   | <b>N</b>  |  |  |
| <b>Dated</b> 1:20<br><b>day</b> 1:20<br><b>Defendants</b> 1:10<br><b>deponent</b> 1:18<br><b>deposition</b> 1:15<br>1:17   | <b>NON-APPEAR...</b><br>1:9<br><b>non-profit</b> 1:7<br><b>North</b> 1:14               |  |  |

# **EXHIBIT B**



1 **PERSON TO BE EXAMINED:** Sandra Rodriguez  
2 **DATE/TIME OF DEPOSITION:** May 21, 2026 (Friday)  
3 2:00 p.m.  
4 **PLACE OF DEPOSITION:** State Bar of Arizona  
5 Agave Room  
6 4201 North 24<sup>th</sup> Street, Suite 100  
7 Phoenix, Arizona 85016

8 DATED this 8th day of May 2025.

9 **SHAW & LINES, LLC**

10 /s/ Augustus H. Shaw, IV, Esq.

11 Augustus H. Shaw IV, Esq.

12 1490 South Price Road, Suite 318

13 Chandler, Arizona 85286

14 *Attorneys for Defendant*

15 ORIGINAL e-mailed and mailed this  
16 8th day of May 2026 to:

17 Sandra Rodriguez  
18 4375 East. Besty Lane  
19 Gilbert, Arizona 85296  
20 sandra.rodriguez0339@gmail.com  
21 *Plaintiff*

22 Seymore Reporting Services  
23 137 E. Elliot Rd., # 2473  
24 Gilbert, Arizona 85299  
25 office@srsreporting.com  
26 *Court Reporters*

27 Legal Video Specialists, LLC  
28 3111 N. Central Ave. Suite A225  
Phoenix, AZ 85012  
craig@legalvideoaz.com  
*Videographers*

By: /s/ Diane Fincher

# **EXHIBIT C**

## Augustus Shaw

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**From:** Sandra Rodriguez <sandra.rodriguez0339@gmail.com>  
**Sent:** Wednesday, May 20, 2026 6:30 PM  
**To:** Augustus Shaw  
**Subject:** Unilateral Deposition Scheduling and Ongoing Prejudice

Dear Mr. Shaw,

I object to the continued unilateral scheduling efforts regarding Plaintiff Sandra Rodriguez's deposition without a meaningful good-faith meet and confer concerning scheduling, logistics, unresolved discovery issues, safety concerns, and reasonable availability as contemplated under Rules 1, 26, and 30 of the Rules of Civil Procedure. As reflected in prior filings, issues concerning the proposed use of the Agave Room also remain pending, and Rule 30(b) requires reasonable notice and disclosure of pertinent deposition information, including the anticipated duration and logistics of the deposition.

Proceeding while these issues and discovery concerns remain unresolved substantially prejudices my ability to prepare for deposition and meaningfully participate in the litigation process, including balancing childcare responsibilities and basic living obligations. The soonest I am available for deposition is June 10, 2026, provided proper notice, anticipated duration, and appropriate logistical details are disclosed in advance and the scheduling is reasonably coordinated.

Sincerely,

Sandra Rodriguez

# **EXHIBIT D**

IN THE SUPERIOR COURT OF THE STATE OF ARIZONA  
IN AND FOR THE COUNTY OF MARICOPA

SANDRA RODRIGUEZ, )  
)  
Plaintiff, ) Case No: CV2024-005940  
)  
v. )  
) AFFIDAVIT OF  
GARDENS/GILBERT COMMUNITY ) NONAPPEARANCE  
ASSOCIATION, an Arizona )  
non-profit corporation; FOCUS )  
HOA MANAGEMENT, LLC, LLC, an )  
Arizona limited liability )  
company; HARMAN CADIS; BROOKE )  
SORTOR; AND ANNA SCHULTZ, )  
)  
Defendants. )  
\_\_\_\_\_)

I, Stephanie Winters, RPR, Certified Reporter, No. 50067, being first duly sworn upon my oath, state:


1. That on May 21, 2026, at 2:00 P.M. Affiant was present at The State Bar of Arizona, 4201 N. 24th Street, Phoenix, Arizona, until 2:30 P.M. for the purpose of taking the scheduled deposition of Sandra Rodriguez;

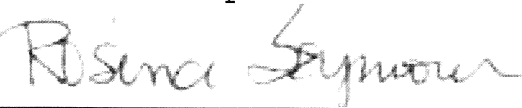
2. That Augustus H. Shaw IV, Esq., was also present for the purpose of taking the scheduled deposition of Sandra Rodriguez;

3. That the deponent failed to appear;

4. That Affiant make and sign this certificate;

DATED at Phoenix, Arizona, the 21st of May, 2026.

  
\_\_\_\_\_  
Stephanie Winters, RPR  
Certified Reporter No. 50067

  
\_\_\_\_\_  
Rosina Seymour, RPR, Owner  
Seymour Reporting Services  
Arizona RRF No. R1000