

1 Sandra Rodriguez  
2 4375 E. Betsy Lane  
3 Gilbert, Arizona 85296  
4 **Phone Number:** 602-688-9720  
5 **Email Address:** sandra.rodriguez0339@gmail.com  
6 **Representing:**  Self Represented, without a Lawyer

7 **IN THE SUPERIOR COURT IN THE STATE OF ARIZONA**  
8 **IN AND FOR THE COUNTY OF MARICOPA**

9  
10 SANDRA RODRIGUEZ,

11 **Plaintiff,**

12 vs.

13 GARDENS GILBERT COMMUNITY  
14 ASSOCIATION an Arizona non-profit  
15 corporation; FOCUS HOA  
16 MANAGEMENT, LLC, and Arizona  
17 limited liability company; HARMIN  
18 CADIS, BROOKE SORTOR, ANNA  
19 SCHULTZ

20 **Defendants,**

**MARICOPA COUNTY  
SUPERIOR COURT**  
Case No.: CV2024-005940  
*Judge Christopher Coury,*

**PLAINTIFF'S RESPONSE TO  
DEFENDANT'S MOTION FOR  
SANCTIONS AGAINST RODRIGUEZ  
AND REQUEST FOR DISMISSAL**

21 **TO THE HONORABLE JUDGE COURY:**

22 Rodriguez ("*Plaintiff*"), appearing self-represented, respectfully submits this Response in  
23 Opposition to Defendants' Motion for Sanctions filed May 22, 2026. Defendants seek the  
24 extraordinary sanction of dismissal while substantial discovery disputes, unresolved Rule 26  
25 controversies, disputed Rule 5 service issues, continuing disclosure deficiencies, and ongoing  
26 procedural disputes remain active throughout this litigation. Defendants' Motion materially  
27 mischaracterizes the procedural history, omits Defendants' continuing discovery deficiencies and  
28 sanctions-related litigation conduct, and seeks dispositive relief despite the Arizona Court of

1 Appeals previously reinstating Plaintiff's negligence, gross negligence, and intentional tort  
2 claims. Defendants' Motion should therefore be denied.

3 Throughout this litigation, Plaintiff repeatedly attempted to cooperate, confer, provide  
4 evidence, participate in discovery, and resolve disputes without unnecessary Court intervention,  
5 while Defendants and their counsel repeatedly:

- 6 1. withheld or delayed discovery;
- 7 2. refused meaningful Rule 26(d) collaboration;
- 8 3. pursued unilateral deposition scheduling;
- 9 4. asserted shifting procedural positions;
- 10 5. escalated sanctions-related motion practice while discovery disputes remained  
11 unresolved;
- 12 6. sought dismissal while continuing to litigate disclosure deficiencies; and
- 13 7. pursued repeated fee-shifting and procedural-restriction requests.

14 The procedural history reflects extensive sanctions-related litigation directed toward  
15 Plaintiff, a self-represented litigant who repeatedly asserted indigency, unresolved discovery  
16 deficiencies, disputed service issues, and continuing procedural prejudice throughout the  
17 litigation.

18 The record reflects approximately:

19 Category	20 Approximate Frequency
21 Substantive defense filings	65-85+
22 Sanctions / restrictive requests	40-50+
23 Explicit Rule 11 / Rule 37 requests	10+
24 Requests for dismissal or strike relief	20+
25 Attorney-fee requests	15+
26 Discovery/deposition enforcement filings	Extensive recurring filings

27 The Court itself repeatedly acknowledged the unusually contentious and procedurally  
28 burdensome nature of this litigation. In the February 2, 2026 Minute Entry, Judge McDowell  
noted that despite the age of the case, "discovery really has not begun in earnest." The Court also  
recognized continuing disputes concerning disclosures, amendments, scheduling, and procedural

1 filings despite extensive motion practice. The Court later referenced repeated filings and  
2 responses between the parties and entered orders limiting unnecessary responsive filings absent  
3 Court direction.

4  
5 The filings collectively reflect repeated requests for:

- 6 • Rule 11 sanctions;
- 7 • Rule 37 sanctions;
- 8 • dismissal sanctions;
- 9 • contempt findings;
- 10 • attorney's fees under A.R.S. §§ 12-341.01 and 12-349;
- 11 • vexatious-litigant designation under A.R.S. § 12-3201;
- 12 • filing restrictions;
- 13 • strike relief;
- 14 • deposition-enforcement remedies;
- 15 • discovery-enforcement remedies;
- 16 • anti-amendment rulings; and
- 17 • appellate-related procedural challenges.

18 Across multiple filings, Defendants repeatedly characterized Rodriguez as "vexatious,"  
19 "frivolous," "scurrilous," "repetitive," "baseless," "improper," "ridiculous," "ludicrous," and  
20 "harassing."

21 The Court rejected Defendants' claims of prejudice arising from amendment, specifically finding:

22 *"the Court cannot find the parties are prejudiced by this amendment coming nearly*  
23 *two years after the case was filed."*

24 Judge McDowell further explained:

25 *"Those challenges may be more appropriately brought in a motion for summary judgment*  
26 *when the time is right, but have no sway when the issue before the Court is a motion to*  
27 *amend."*

1           Significantly, the Court permitted the Amended Complaint to proceed because “*there are*  
2 *sufficient factual allegations and some of the stated ‘Counts’ are recognized legal theories.*”  
3 Those findings materially undermine Defendants’ repeated characterization of Plaintiff’s claims  
4 as wholly frivolous.

5           The Arizona Court of Appeals later reinstated Plaintiff’s negligence, gross negligence,  
6 and intentional tort claims following partial reversal of prior dismissal rulings. That reinstatement  
7 further undermines any assertion that Plaintiff’s litigation conduct alone justifies dismissal of  
8 claims already deemed viable to proceed on remand.

9           The Court also lifted the discovery stay and entered a Tier 3 scheduling order establishing  
10 continuing Rule 26.1 disclosures, supplementation deadlines, expert disclosures, deposition  
11 deadlines, discovery deadlines, and dispositive-motion deadlines extending through mid-2026.  
12 Those directives are inconsistent with Defendants’ assertion that dismissal sanctions were  
13 warranted while discovery remained ongoing and unresolved.

## 14           **II. PLAINTIFF DID NOT WILLFULLY VIOLATE A COURT ORDER**

15           Defendants materially mischaracterize Plaintiff as categorically refusing to comply with  
16 the Court’s deposition order. The May 4, 2026 Minute Entry required Plaintiff to make herself  
17 available for deposition no later than May 29, 2026, but subsequent proceedings extended the  
18 deposition completion period through June 10, 2026. Plaintiff therefore remained within the  
19 operative scheduling timeframe.

20           Plaintiff did not refuse deposition. Rather, Plaintiff raised ongoing concerns regarding:

- 21           • unresolved Rule 26 disputes;
- 22           • continuing discovery deficiencies;
- 23           • deposition timing;
- 24           • remote-versus-in-person procedures;
- 25           • unresolved prejudice; and
- 26           • procedural safeguards.

27           The present record therefore reflects an ongoing dispute concerning discovery sequencing,  
28 unresolved disclosures, and deposition logistics—not unequivocal refusal sufficient to justify  
dismissal sanctions under Rule 37.

1                   **III. DEFENDANTS FAILED TO ESTABLISH CONCLUSIVE RULE 5 SERVICE**  
2                   **COMPLIANCE**

3                   Defendants repeatedly assert Plaintiff was properly served with the deposition notice;  
4 however, Defendants’ Exhibit B does not conclusively establish service compliance sufficient to  
5 support extraordinary Rule 37 dismissal sanctions.

6                   Plaintiff asserts the evidentiary record presently submitted does not conclusively establish  
7 valid service compliance under Arizona Rule of Civil Procedure 5(c). Rule 5(c) requires proof  
8 demonstrating the method of service, the date of service, and the person effectuating service.  
9 Likewise, Rule 30(b)(1) requires reasonable written notice before sanctions may be sought for  
10 alleged noncompliance.

11                   Defendants’ Exhibit B appears to contain only a copy of the deposition notice itself rather  
12 than competent evidentiary proof establishing:

- 13                   1. mailing compliance;
- 14                   2. actual delivery;
- 15                   3. proper service methodology;
- 16                   4. or admissible proof sufficient to support dismissal sanctions.

17                   At the May 4, 2026 hearing, defense counsel reportedly represented only that the mailed  
18 notice “*was not returned.*” However, absence of returned mail does not independently establish  
19 conclusive Rule 5 compliance. The procedural record additionally reflects continuing disputes  
20 concerning electronic service, mail service, compliance with Rule 5(c)(2)(C), and the overall  
21 sufficiency of Defendants’ proof of service. These disputes are legally significant because Rule  
22 37 sanctions premised upon alleged noncompliance are substantially weakened where the validity  
23 of the service methodology itself remained actively disputed throughout the proceedings.

24                   Under *Mullane v. Central Hanover Bank & Trust Co.*, 339 U.S. 306 (1950), due process  
25 requires notice reasonably calculated to apprise interested parties of proceedings affecting their  
26 rights.

27                   **IV. DEFENDANTS CONTINUE TO OBSTRUCT DISCOVERY**

28                   Defendants seek dismissal and sanctions while substantial discovery and disclosure  
disputes remain unresolved. The procedural record reflects continuing disputes concerning Rule  
26.1 disclosures, Requests for Production, Requests for Admission, Uniform and Non-Uniform  
Interrogatories, governance records, financial records, ESI and metadata, remediation records,  
surveillance materials, vendor records, and individualized disclosures for the separately named

1 Defendants. Plaintiff has consistently maintained that discovery remained incomplete and  
 2 materially deficient throughout the relevant period in which Defendants simultaneously pursued  
 3 escalating sanctions, deposition-enforcement requests, dismissal relief, fee-shifting requests, and  
 4 other restrictive procedural remedies.

5 Plaintiff's Motion for Summary Judgment, Rule 26(d) filings, Motions to Compel, and  
 6 related discovery correspondence specifically allege that Defendants failed to provide meaningful  
 7 interrogatory responses, authenticated business records, Bates-numbered productions, metadata,  
 8 governance communications, financial documentation, ESI-related materials, and individualized  
 9 responses and disclosures from all named Defendants. Plaintiff further contends that unresolved  
 10 discovery deficiencies directly impacted Plaintiff's ability to evaluate claims, prepare for  
 11 deposition, assess settlement readiness, conduct motion practice, and adequately prepare the case  
 for adjudication on the merits.

12 Accordingly, Plaintiff contends Defendants' request for dismissal sanctions is  
 13 procedurally disproportionate because Defendants continued litigating unresolved discovery  
 14 disputes while simultaneously asserting that Plaintiff alone was responsible for discovery delays  
 15 and procedural complications. The broader procedural record reflects continuing discovery  
 16 violations and competing positions concerning disclosure adequacy, production completeness,  
 17 supplementation obligations under Rule 26 compliance.

18 The record further reflects the following unresolved discovery deficiencies:

Rodriguez Request	Defendants' Response / Pattern	Alleged Deficiency	Rule Implicated
<b>RFP No. 1 – Board Members &amp; Records</b>	“Overly broad... not proportional... no documents”	Failure to produce underlying records	Rules 26.1(a), 34(b)(2)
<b>RFP Nos. 2–7 – Relationships</b>	“Irrelevant... fishing expedition...”	Failure to conduct reasonable inquiry	Rules 26(g), 26.1(a)
<b>RFP Nos. 8–10 – Conflict Disclosures</b>	“Documents do not exist”	No verification or search explanation	Rules 34(b)(2)(C), 33(b)(5)
<b>Financial Records</b>	Blanket objections / no production	Failure to produce core financial records	Rules 26.1(a)(9), 34
<b>Vendor Contracts</b>	“Previously produced”	No Bates references provided	Rule 34(b)(2)(E)
<b>Communications re Plaintiff</b>	Blanket “privilege” objections	No privilege log produced	Rule 26(b)(6)

Rodriguez Request	Defendants' Response / Pattern	Alleged Deficiency	Rule Implicated
<b>Government Reports</b>	Not produced despite admissions	Failure to produce responsive records	Rules 26.1(a), 34
<b>Surveillance Records</b>	No substantive response	Failure to produce objective evidence	Rules 26.1, 34
<b>Attorney Billing</b>	"Privilege / work product"	Billing amounts not categorically privileged	<i>Samaritan Foundation v. Goodfarb</i>
<b>Third-Party Communications</b>	Blanket privilege objections	Potential waiver issues	Rule 26(b)(6)

The record additionally reflects continuing disputes concerning Requests for Admission and interrogatory responses. Plaintiff contends Defendants provided collective responses rather than individualized responses from each Defendant, failed to provide verified interrogatory responses as required under the Arizona Rules of Civil Procedure, asserted evasive denials without complete factual support, provided incomplete factual bases for denials, and relied upon generalized objections in place of substantive responses and disclosures.

Plaintiff further contends Defendants failed to provide:

1. privilege logs sufficient to evaluate withholding claims;
2. verified responses;
3. individualized defendant disclosures;
4. metadata and ESI production;
5. complete governance and financial documentation;
6. and properly authenticated business records.

The Court itself acknowledged discovery remained incomplete. On May 6, 2026, ADR proceedings were vacated while discovery remained ongoing. Likewise, following the February 2, 2026 Tier 3 designation, the Court acknowledged discovery had "*not begun in earnest.*" Those findings materially undermine Defendants' attempt to portray Plaintiff as the sole source of discovery delay.

**V. RULE 37 DISMISSAL IS AN EXTRAORDINARY SANCTION AND IS NOT WARRANTED**

1 Arizona courts strongly disfavor dismissal absent willfulness, substantial prejudice,  
2 proportionality, and meaningful due process protections. Under *Rivers v. Solley and Poleo v.*  
3 *Grandview Equities*, dismissal is reserved for extreme circumstances involving deliberate  
4 obstruction and substantial prejudice.

5 The present record reflects unresolved Rule 26 disputes, continuing disclosure  
6 controversies, disputed service issues, Rule 30 disagreements, acknowledged meet-and-confer  
7 communications, discovery delays affecting deposition chronology, and competing narratives  
8 concerning compliance. These circumstances materially undermine Defendants' request for  
9 dismissal under Rule 37. The current procedural posture reflects active and ongoing disputes  
10 concerning disclosure adequacy, discovery coordination, deposition procedures, and service  
11 compliance—not the type of unequivocal willful obstruction ordinarily required to justify  
12 terminating claims.

13 The Arizona Court of Appeals' reinstatement of Plaintiff's negligence, gross negligence,  
14 and intentional tort claims further undermines any assertion that Plaintiff's litigation conduct  
15 alone justifies dismissal of claims already determined sufficiently viable to proceed on remand.  
16 See Arizona Court of Appeals Mandate dated August 12, 2025; Verified Answer filed November  
17 13, 2025 acknowledging reinstatement of those claims. The procedural record instead reflects  
18 continuing disputes concerning Rule 26 disclosure obligations, Requests for Production,  
19 disclosure sufficiency, deposition coordination, and Rule 26 compliance, together with Plaintiff's  
20 allegations that Defendants repeatedly pursued dismissal-related relief and procedural termination  
21 while continuing to withhold responsive records and litigate unresolved discovery obligations  
22 required under the Arizona Rules of Civil Procedure.

23 Arizona law strongly favors adjudication on the merits rather than procedural termination  
24 of potentially viable claims. See *Orme School v. Reeves*, 166 Ariz. 301, 309 (1990) (summary  
25 disposition inappropriate where material factual disputes remain); *Bryan v. Riddel*, 178 Ariz. 472,  
26 476–77 (1994) (Arizona discovery rules are intended to promote disclosure and resolution on the  
27 merits rather than gamesmanship); *Rivers v. Solley*, 217 Ariz. 528, 530–31 (App. 2008) (dismissal  
28 reserved for extreme circumstances involving willful misconduct and substantial prejudice).  
Arizona courts additionally recognize that Rule 26.1 imposes continuing disclosure obligations  
intended to prevent concealment of material information and trial by ambush. See *Allstate Ins.*  
*Co. v. O'Toole*, 182 Ariz. 284, 287–88 (1995).

1 Plaintiff respectfully contends the current procedural posture reflects ongoing litigation  
2 abuse concerning discovery compliance, disclosure adequacy, production of records, and  
3 procedural coordination—not a clear record of deliberate refusal to participate in the litigation  
4 process. Plaintiff further contends Defendants’ continuing efforts to pursue dismissal while  
5 substantial discovery disputes remain unresolved raise concerns regarding proportionality,  
6 procedural fairness, and whether dispositive relief is being sought before completion of the  
7 disclosure and production obligations required under Rules 26.1, 33, 34, and 37 of the Arizona  
8 Rules of Civil Procedure. Arizona law strongly favors adjudication on the merits whenever  
9 reasonably possible. See *Bryan v. Riddel*, *Orme School v. Reeves*, and related Arizona authority  
10 emphasizing substantive resolution over procedural termination. Under the present  
11 circumstances, where substantial discovery disputes and competing procedural narratives remain  
12 unresolved throughout the record, dismissal would constitute a disproportionate remedy  
13 unsupported by the current procedural posture of this litigation.

#### 14 **VI. DUE PROCESS, PROPORTIONALITY, AND PROTECTIVE RELIEF**

15 Heightened due process concerns apply where dismissal or sanctions would impair claims  
16 previously reinstated on appeal, including the constitutional requirements of meaningful notice,  
17 opportunity to be heard, and procedural fairness under the Fourteenth Amendment and Article 2,  
18 Section 4 of the Arizona Constitution. Under *Mathews v. Eldridge*, 424 U.S. 319 (1976), courts  
19 evaluate the private interests affected, risk of erroneous deprivation, procedural safeguards, and  
20 governmental interests involved. Here, substantial discovery disputes, disclosure controversies,  
21 and disputed service issues remain unresolved while Plaintiff’s negligence, gross negligence, and  
22 intentional tort claims survived appellate review.

23 The record further reflects an increasingly contentious litigation environment involving  
24 repeated sanctions requests, dismissal efforts, procedural-restriction requests, disputed Rule 26  
25 compliance, and ongoing discovery violations. Plaintiff respectfully contends sanctions are  
26 inappropriate where Plaintiff is self-represented, indigent, and litigating under substantial  
27 socioeconomic hardship, including inability to meet basic living needs and circumstances  
28 affecting access to public assistance benefits, which Plaintiff contends Defendants’ escalating  
litigation conduct has further exacerbated. Federal and Arizona law require proportionality, due  
process, and meaningful access to the courts before imposing severe sanctions. See U.S. Const.  
amend. XIV; Ariz. Const. art. 2, § 4; *Mathews v. Eldridge*, 424 U.S. 319 (1976); *Rivers v. Solley*,

1 217 Ariz. 528 (App. 2008); *Bryan v. Riddell*, 178 Ariz. 472 (1994); *Allstate Ins. Co. v. O'Toole*,  
2 182 Ariz. 284 (1995); and Ariz. R. Civ. P. 1, 26, and 37. Plaintiff respectfully contends that  
3 imposing sanctions while substantial discovery disputes, unresolved disclosure deficiencies,  
4 disputed service issues, and continuing procedural controversies remain active would be  
5 inconsistent with due process, proportionality, and Arizona's strong preference for adjudication  
6 on the merits.

7 Arizona courts strongly favor adjudication on the merits and disfavor dismissal absent  
8 clear willful misconduct and substantial prejudice. See *Rivers v. Solley*, 217 Ariz. 528 (App.  
9 2008); *Wayne Cook Enters., Inc. v. Fain Props. Ltd. P'ship*, 196 Ariz. 146 (App. 1999). Federal  
10 courts likewise recognize that dispositive sanctions implicate due process protections and require  
11 careful scrutiny. See *Malone v. U.S. Postal Serv.*, 833 F.2d 128 (9th Cir. 1987). Courts further  
12 recognize that sanctions should not effectively deprive court affirmed indigent litigants of  
13 meaningful access to the courts. See *Boddie v. Connecticut*, 401 U.S. 371 (1971). Under these  
14 circumstances, Plaintiff respectfully contends sanctions, dismissal, fee-shifting, or monetary  
15 penalties would create substantial unfairness and prejudice inconsistent with due process  
16 principles and Arizona's strong preference for adjudication on the merits.

## 17 **VII. CUMULATIVE PROCEDURAL CONDUCT SUPPORTS PROTECTIVE RELIEF**

18 Plaintiff further respectfully contends that the cumulative procedural conduct at issue in  
19 this litigation bears significant similarities to prior litigation-related conduct involving defense  
20 counsel Augustus H. Shaw IV that previously resulted in formal State Bar disciplinary action.  
21 Specifically, in *In the Matter of Augustus H. Shaw IV*, State Bar of Arizona File No. 05-2176,  
22 the State Bar Probable Cause Panel entered an "*Order of Informal Reprimand, Probation (EEP)*  
23 *and Costs*" in August 2006 after finding probable cause to believe Shaw violated Rule 42, Ariz.  
24 R.S.Ct., including ER 3.1, ER 4.4, and ER 8.4(d), involving litigation conduct directed toward a  
25 pro se litigant, abusive and unprofessional communications, unnecessary expansion of litigation,  
26 and conduct prejudicial to the administration of justice. (See Exh. 3)

27 Plaintiff respectfully contends the present litigation reflects materially similar patterns,  
28 including repeated sanctions requests, dismissal efforts, Rule 37 escalation, fee-shifting motions,  
procedural-restriction requests, disputed representations concerning meet-and-confer efforts, and  
continued attempts to obtain dispositive relief while substantial discovery disputes remain  
unresolved. Plaintiff further contends this conduct has unnecessarily expanded the proceedings,

1 increased procedural hostility, complicated discovery coordination, and impaired Plaintiff's  
2 ability to meaningfully participate in the litigation process.

3 Plaintiff does not raise the foregoing disciplinary history for improper character purposes,  
4 but respectfully submits the Court may consider the broader procedural context, disputed  
5 discovery conduct, and continuing escalation patterns when evaluating Plaintiff's request for  
6 protective relief under Rules 26(c) and 30(b)(4), including whether additional safeguards, remote  
7 deposition procedures, structured discovery conditions, or heightened case-management  
8 oversight are necessary to ensure fairness, proportionality, orderly proceedings, and meaningful  
9 participation throughout the remainder of the litigation.

### 10 **VIII. CONCLUSION**

11 The cumulative procedural history reflects ongoing litigation conflict, unresolved  
12 discovery disputes, disputed service issues, competing procedural narratives, and continuing Rule  
13 26 controversies—not the type of unequivocal willful obstruction ordinarily required to justify  
14 dismissal sanctions under Arizona Rule of Civil Procedure 37.

15 WHEREFORE, Plaintiff respectfully requests that this Court:

- 16 1. Deny Defendants' Motion for Sanctions in its entirety, including requests for dismissal,  
17 contempt findings, attorney's fees, costs, filing restrictions, and monetary sanctions;
- 18 2. Order substantial completion of outstanding Rule 26.1 disclosures and written discovery  
19 before any compelled deposition proceeds, including supplementation of Requests for  
20 Production, Requests for Admission, interrogatories, governance records, financial  
21 records, ESI, metadata, communications, and individualized disclosures;
- 22 3. Consider Defendants' continuing discovery disputes, unresolved Rule 26 controversies,  
23 inconsistent procedural positions, escalating sanctions-related motion practice, dismissal  
24 efforts, fee-shifting requests, and procedural-restriction requests when evaluating  
25 proportionality and procedural fairness under Rule 37;
- 26 4. Award Plaintiff appropriate remedial relief and sanctions under Rules 26(g), 37, A.R.S. §  
27 12-349, and the Court's inherent authority based on alleged discovery obstruction,  
28 incomplete disclosures, escalating sanctions-related conduct, and litigation tactics that  
Plaintiff contends unnecessarily expanded the proceedings and contributed to a hostile  
and contentious litigation environment;

- 1 5. Grant protective relief under Rules 26(c) and 30(b)(4), including ordering any future  
2 deposition proceed remotely by secure videoconference or under safeguards the Court  
3 deems appropriate to ensure fairness, proportionality, and meaningful participation while  
4 discovery disputes remain unresolved;
- 5 6. Deny sanctions, dispositive relief, attorney's fees, and monetary penalties against Plaintiff  
6 where substantial discovery disputes, Rule 26 controversies, disputed service issues, and  
7 competing procedural narratives remain active;
- 8 7. Consider Plaintiff's documented indigency and financial hardship, including allegations  
9 referenced in Plaintiff's Motion for Summary Judgment concerning circumstances  
10 affecting Plaintiff's access to public assistance benefits, when evaluating proportionality,  
11 fairness, and sanctions-related relief;
- 12 8. Request that the Court consider appropriate case-management review or investigation  
13 concerning the accuracy and consistency of Defendants' filings, sworn statements,  
14 discovery certifications, and representations made throughout the litigation regarding  
15 Rule 26 compliance, meet-and-confer efforts, disclosure adequacy, service issues, and  
16 discovery coordination, particularly where Plaintiff contends the record reflects  
17 inconsistent procedural positions and disputed representations affecting the Court's  
18 evaluation of sanctions, proportionality, and procedural fairness;
- 19 9. Preserve Plaintiff's rights concerning appellate review, special-action relief, and  
20 interlocutory review arising from unresolved discovery disputes, protective-order rulings,  
21 and ongoing procedural controversies; and
- 22 10. Grant such other and further relief as the Court deems just and proper under the  
23 circumstances.

22 Respectfully submitted,

23 

25 Sandra Rodriguez

**XI. EXHIBIT**

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1. **Exhibit 1** – Email correspondence and documented meet-and-confer efforts reflecting Plaintiff Sandra Rodriguez’s repeated good-faith attempts to obtain Defendants’ portion of the jointly required Notice of Pending Motions and Hearings pursuant to the Court’s Case Reassignment Order, including three separate requests to Defendant’s counsel Augustus H. Shaw IV seeking confirmation, authorization, and cooperation for a joint filing, and counsel’s refusal to authorize inclusion or meaningfully cooperate, thereby preventing completion of a joint submission.

2. **Exhibit 2** – Email correspondence dated May 12, 2026 through May 21, 2026 between Plaintiff Sandra Rodriguez and defense counsel Augustus H. Shaw IV regarding the Court-ordered Joint Notice of Pending Motions and Hearings, including Plaintiff’s repeated requests for cooperation, clarification, and Defendants’ litigation position, counsel’s instructions prohibiting filing without “express authorization,” and Plaintiff’s documentation of Defendants’ refusal to meaningfully collaborate or participate in the joint filing process.

3. **Exhibit 3** – State Bar of Arizona disciplinary records in *In the Matter of Augustus H. Shaw IV*, State Bar File No. 05-2176, including the August 2006 “Order of Informal Reprimand, Probation (EEP) and Costs,” reflecting findings by the State Bar Probable Cause Panel of probable cause to believe Respondent violated Rule 42, Ariz. R. Sup. Ct., including ER 3.1, ER 4.4, and ER 8.4(d), arising from litigation-related conduct involving a self-represented litigant, abusive communications, and conduct found prejudicial to the administration of justice.

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**X. CERTIFICATE OF SERVICE**

I served copies of this ***PLAINTIFF'S RESPONSE TO DEFENDANT'S MOTION FOR SANCTIONS AGAINST RODRIGUEZ AND REQUEST FOR DISMISSAL*** for on all parties of record via U.S. Mail.

**OPPOSING PARTY INFORMATION**

**DEFENDANTS:**

- o Gardens Gilbert Community Association
- o Focus HOA Management, LLC
- o Harmin Cadis
- o Brooke Sortor
- o Anna Schultz
- **Address:** 4135 E. Power Road, Suite 133, Mesa, Arizona 85212

**DEFENDANT'S LEGAL COUNSEL:**

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

Respectfully submitted this 20<sup>th</sup> day of May 2026.



Sandra Rodriguez

# EXHIBIT 1

SUPERIOR COURT OF ARIZONA  
MARICOPA COUNTY

CV 2024-005940

05/04/2026

HONORABLE DAVID MCDOWELL

CLERK OF THE COURT  
A. Patel  
Deputy

SANDRA RODRIGUEZ

SANDRA RODRIGUEZ  
4375 E BETSY LN  
GILBERT AZ 85296

v.

GARDENS GILBERT COMMUNITY  
ASSOCIATION, et al.

AUGUSTUS H SHAW IV

JUDGE MCDOWELL

**RULING ON JOINT STATEMENT OF DISCOVERY DISPUTE**

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

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

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

SUPERIOR COURT OF ARIZONA  
MARICOPA COUNTY

CV 2024-005940

05/04/2026

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

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

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

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

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

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

# EXHIBIT 2



Sandra Rodriguez <sandra.rodriguez0339@gmail.com>

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## Refusal to Collaborate in Completing Joint Statement Pending Motions and Hearings.

1 message

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Sandra Rodriguez <sandra.rodriguez0339@gmail.com>  
To: Augustus Shaw <ashaw@shawlines.com>  
Bcc: Sandra Rodriguez <sandra.rodriguez0339@gmail.com>

Thu, May 21, 2026 at 2:00 PM

Dear Mr. Shaw,

I have repeatedly requested clarification regarding Defendants' position and your portion of the Joint Statement, yet you continue to refuse to provide the necessary information or meaningfully collaborate as ordered by the Court. Instead, you provided a form for me to sign without confirming my position, working jointly to complete the filing, addressing my questions, or participating in the process in good faith.

This email confirms my third attempt to obtain the necessary information and coordinate completion of the Joint Statement. Despite my clear notice that I intended to timely file the form and my repeated efforts to work cooperatively, you have continued to withhold even the basic information necessary to complete a joint submission.

Your conduct is inconsistent with both the Court's express order and the Arizona Rules of Civil Procedure governing cooperation, candor, and good-faith participation in litigation. The Court specifically ordered the parties to jointly file a notice identifying outstanding motions and hearings requiring rescheduling. Your refusal to provide Defendants' position, coordinate the filing, or meaningfully participate frustrates compliance with that order.

Further, Arizona Rule of Civil Procedure 1 requires the Rules to be construed and administered to secure the "just, speedy, and inexpensive determination" of every action, which necessarily requires cooperation between counsel and parties. Your refusal to collaborate and insistence on unilateral completion of the form undermines that obligation. Your conduct also conflicts with Rule 26(d), which requires good-faith participation and cooperation regarding joint filings and litigation procedures, as well as Rule 26(g), which imposes duties of reasonable inquiry and proper litigation conduct.

Rather than engaging in the required cooperative process, you have unilaterally prepared portions of the filing while expecting me to sign the document without clarification, discussion, or agreement regarding its contents. This continued refusal to meaningfully confer and collaborate demonstrates a lack of good faith and unnecessarily impedes compliance with the Court's order.

Because of your continued refusal to cooperate, answer questions, or work jointly to comply with the Court's directive, I will file a separate notice and attach this correspondence to document my repeated good-faith efforts to coordinate the filing and Defendants' continued refusal to meaningfully participate.

Sincerely,

Sandra Rodriguez

On Fri, May 15, 2026 at 1:25 PM Augustus Shaw <ashaw@shawlines.com> wrote:

Ms. Rodriguez:

As requested, attached please find a Proposed Joint Notice of Pending Motions and Hearings. **All of the attachments and this message will also be mailed.**

Please feel free to revise the attached and return to me for review. Please do not file the attached without my clients' express authorization.

Pursuant to the Case Reassignment – Civil Presiding Judge Order, the Joint Notice of Pending Motions and Hearings must be filed by May 21, 2026.

I look forward to hearing from you.

Augustus H. Shaw IV†\*

Shaw & Lines, LLC

1490 S. Price Rd., Suite 318  
Chandler, Arizona 85286

Phone 480-456-1500

e-mail [ashaw@shawlines.com](mailto:ashaw@shawlines.com)

web site [www.shawlines.com](http://www.shawlines.com)

†Licensed in Arizona and Nebraska

\*President- College of Community Association Lawyers

\*Faculty Associate Professor - Arizona State University O'Connor College of Law

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CONFIDENTIALITY STATEMENT: THIS E-MAIL MESSAGE AND ANY ACCOMPANYING DOCUMENTS CONTAIN INFORMATION WHICH IS ATTORNEY PRIVILEGED, CONFIDENTIAL AND INTENDED ONLY FOR THE USE OF THE ABOVE-NAMED RECIPIENT. IF THE READER OF THIS MESSAGE IS NOT THE INTENDED RECIPIENT, YOU ARE HEREBY NOTIFIED THAT ANY DISSEMINATION, DISTRIBUTION, PRINTING OR COPYING OF THIS MESSAGE IS STRICTLY PROHIBITED. IF YOU HAVE RECEIVED THIS MESSAGE IN ERROR, PLEASE IMMEDIATELY NOTIFY US BY TELEPHONE OR RETURN THE E-MAIL MESSAGE TO US. THANK YOU.

**THIS FIRM MAY ACT AS A DEBT COLLECTOR. ANY INFORMATION OBTAINED WILL BE USED FOR THAT PURPOSE. IF YOU WOULD LIKE TO OPT-OUT OF RECEIVING EMAILS FROM SHAW & LINES, LLC, PLEASE REPLY TO THIS EMAIL WITH THE WORD "STOP".**

**From:** Sandra Rodriguez <[sandra.rodriguez0339@gmail.com](mailto:sandra.rodriguez0339@gmail.com)>

**Sent:** Friday, May 15, 2026 10:53 AM

**To:** Augustus Shaw <[ashaw@shawlines.com](mailto:ashaw@shawlines.com)>

**Subject:** Rodriguez Response: Court's Case Reassignment – Civil Presiding Judge Order (attached), Please find a Proposed Joint Notice of Pending Motions and Hearings.

Dear Shaw,

Pursuant to the Court's May 11, 2026 Case Reassignment Order directing the parties to "jointly file within 10 days" a notice identifying outstanding motions and hearings, Plaintiff is making a good-faith effort to collaborate and comply with the Court's Order.

Please provide Defendants' portion of the Joint Notice no later than 12:00 p.m. on Tuesday May 19, 2026, so I may incorporate my own position, sign, and timely file the notice no later than by the Court's deadline on May 21, 2026.

If Defendants refuse or fail to provide their portion, Plaintiff will file a separate notice advising the Court of Defendants' refusal to cooperate and inability to complete the joint filing despite Plaintiff's good-faith efforts to comply with the Court's Order.

Sincerely,

Sandra Rodriguez

On Tue, May 12, 2026 at 1:51 PM Augustus Shaw <ashaw@shawlines.com> wrote:

Ms. Rodriguez:

Pursuant to the Court's Case Reassignment – Civil Presiding Judge Order (attached), attached please find a Proposed Joint Notice of Pending Motions and Hearings. **All of the attachments and this message will also be mailed.**

Please feel free to revise the attached and return to me for review. Please do not file the attached without my clients' express authorization.

Pursuant to the Case Reassignment – Civil Presiding Judge Order, the Joint Notice of Pending Motions and Hearings must be filed by May 21, 2026.

I look forward to hearing from you.

Augustus H. Shaw IV†\*

Shaw & Lines, LLC

1490 S. Price Rd., Suite 318  
Chandler, Arizona 85286

Phone 480-456-1500

e-mail ashaw@shawlines.com

web site [www.shawlines.com](http://www.shawlines.com)

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**THIS FIRM MAY ACT AS A DEBT COLLECTOR. ANY INFORMATION OBTAINED WILL BE USED FOR THAT PURPOSE. IF YOU WOULD LIKE TO OPT-OUT OF RECEIVING EMAILS FROM SHAW & LINES, LLC, PLEASE REPLY TO THIS EMAIL WITH THE WORD "STOP".**



**CASE REASSIGNMENT - CIVIL PRESIDING JUDGE 05.11.26.pdf**

13K

# EXHIBIT 3



Phone: 602-340-7244

August 22, 2006

Stacy K. Mobbs  
23650 North 36th Drive  
Glendale, AZ 85310

Re: File No. 05-2175  
Augustus H. Shaw, IV, Respondent

Dear Ms. Mobbs:

This is to inform you that your complaint has been resolved by the Probable Cause Panelist of the State Bar under the authority of Rules 54(b)2 and 4, Ariz.R.S.Ct.

The Panelist has issued an **Order of Informal Reprimand**, a copy of which is enclosed. An Order of Informal Reprimand is an admonition that is a permanent part of the attorney's record with the State Bar.

The lawyer may choose not to accept the Order of Informal Reprimand and, instead, demand a formal hearing. I will let you know if the lawyer takes this action.

Thank you for bringing this matter to our attention.

Sincerely,

Ariel I. Worth  
Staff Bar Counsel

AIW/sg  
Enclosure

**BEFORE THE PROBABLE CAUSE PANELIST  
OF THE STATE BAR OF ARIZONA**

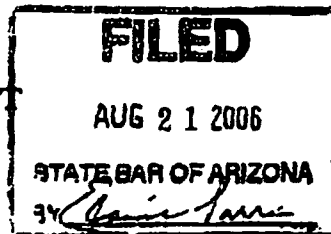
**IN THE MATTER OF A MEMBER  
OF THE STATE BAR OF ARIZONA,**

**AUGUSTUS H. SHAW, IV,  
Bar No. 021593**

**Respondent.**

No. 05-2176  
(Stacy K. Mobbs)

**ORDER OF INFORMAL  
REPRIMAND, PROBATION  
(EEP) AND COSTS**



The undersigned Probable Cause Panelist of the State Bar, having reviewed this matter pursuant to Rule 54(b), Ariz.R.S.Ct., finds that probable cause exists to believe that Respondent has violated Rule 42, Ariz.R.S.Ct., to wit:

Respondent violated Rule 42, Ariz.R.S.Ct., ER 3.1 when he filed a motion to enforce the Rules of Professional Conduct against a non-lawyer pro per litigant. Furthermore, Respondent's written communications to the pro per litigant directing her to cease contacting Respondent's client were abusive and unprofessional in violation of Rule 42, Ariz.R.S.Ct., ER 4.4. Respondent's refusal to accept a settlement agreement reached between the opposing pro per litigant and an agent of his client, and Respondent's subsequent improperly presented challenge of that settlement in court, caused significant additional litigation and thus was prejudicial to the administration of justice, in violation of Rule 42, Ariz.R.S.Ct., ER 8.4(d).

**IT IS THEREFORE ORDERED that:**

(1) Pursuant to Rules 54(b) and 60(a)4, Ariz.R.S.Ct., Respondent is informally reprimanded for such conduct.

(2) Pursuant to Rules 54(b) and 60(a)5, Ariz.R.S.Ct., Respondent is hereby placed on probation for a period of one year under the following terms and conditions:

(a) Respondent shall attend a one-day Ethics Enhancement Program. Respondent must contact the Program Coordinator, at (602) 340-7241, within 20 days from the date this order is mailed;

(b) Respondent shall have a practice monitor. Respondent shall contact the Law Office Management Assistance Program (LOMAP) director (602) 340-7313 within 20 days from the date this order is mailed to initiate the selection of a practice monitor and preparation of a probation contract. Respondent shall enter into a probation contract and comply with all terms contained therein;

(c) Respondent shall obtain and view the following CLE self-study materials from the State Bar of Arizona's CLE department (602) 340-7325, within 20 days from the date this order is mailed: "Recovering Attorney's Fees in Arizona"; "Ethics for Trial Lawyers", and "Pretrial Motions" Respondent shall provide bar counsel with handwritten notes demonstrating that Respondent has viewed the above-referenced CLE materials;

11-05-2006 11:05

(d) If Respondent fails to comply with the foregoing conditions within 20 days from the date this order is mailed this order will then be vacated and an Order of Probable Cause shall be entered pursuant to Rule 54(b)5, Ariz.R.S.Ct.

(3) Pursuant to Rule 54(b)(5), Ariz.R.S.Ct., within 10 days of service of this order, Respondent has the right to demand that a formal proceeding be instituted, whereupon this order will be vacated and an Order of Probable Cause will be issued directing bar counsel to prepare and file a formal Complaint concerning this matter pursuant to Rule 57(a), Ariz.R.S.Ct. Respondent must lodge any demand for formal proceedings with assigned bar counsel.

(4) Pursuant to Rules 48(k)3 and 60(a)4, this order will be entered in the Respondent's permanent record at the State Bar and, pursuant to Rule 70(a)2, is not confidential. It may also be considered by a hearing officer, the Disciplinary Commission or the Supreme Court in recommending or imposing discipline in a subsequent disciplinary proceeding against Respondent.

**IT IS FURTHER ORDERED**, pursuant to Rule 60(b), Ariz.R.S.Ct., that Respondent shall pay the costs and expenses of these proceedings, as set forth in the attached Statement of Costs and Expenses, within thirty (30) days of receipt of this order.

**IT IS FURTHER ORDERED** that Respondent shall be responsible for the enrollment charge of \$400.00 for attending the Ethics Enhancement Program, and all charges associated with the CLE self-study materials.

DATED this 16<sup>th</sup> day of August, 2006.

Steven P. Sherick  
Probable Cause Panelist  
State Bar of Arizona  
Steven P. Sherick

Copy was mailed by regular first class mail and by certified mail this 22<sup>nd</sup> day of August, 2006, to:

Augustus H. Shaw  
The Shaw Law Firm  
7551 S. Willow Drive - Suite 101  
Tempe, AZ 85283-0001  
Respondent

7005 2570 0002 0669 1807

Copy was hand-delivered this 22<sup>nd</sup> day of August, 2006, to:

Cathy McNeelege, EEP Program Coordinator  
State Bar of Arizona  
4201 N. 24<sup>th</sup> St., Suite 200  
Phoenix, Arizona 85016-6288

Lawyer Regulation Records Manager  
State Bar of Arizona  
4201 N. 24<sup>th</sup> St., Suite 200  
Phoenix, Arizona 85016-6288

by: S. Gilligraham  
AW:sg

**Statement of Costs and Expenses**

In the Matter of a Member of the State Bar of Arizona,  
Augustus H. Shaw, Bar No. 021593, Respondent

File No(s). 05-2176

**Administrative Expenses**

The Board of Governors of the State Bar of Arizona has adopted a schedule of administrative expenses to be assessed in disciplinary proceedings. The administrative expenses were determined to be a reasonable amount for those expenses incurred by the State Bar of Arizona in the processing of a disciplinary matter. An additional fee of 20% of the administrative expenses is also assessed for each separate matter over and above five (5) matters due to the extra expense incurred for the investigation of numerous charges.

Factors considered in the administrative expense are time expended by staff bar counsel, paralegal, secretaries, typists, file clerks and messenger, and normal postage charges, telephone costs, office supplies and all similar factors generally attributed to office overhead. As a matter of course, administrative costs will increase based on the length of time it takes a matter to proceed through the adjudication process.

*General Administrative Expenses for above-numbered proceedings* = \$300.00

Additional costs incurred by the State Bar of Arizona in the processing of this disciplinary matter, and not included in administrative expenses, are itemized below.

**Staff Investigator/Miscellaneous Charges**

Total for staff investigator charges \$0.00

**TOTAL COSTS AND EXPENSES INCURRED** **\$300.00**

  
Sandra E. Montoya  
Lawyer Regulation Records Manager

8-15-06  
Date