



1 evidentiary issues raised by Plaintiff solely and the statements proffered by Plaintiff as  
2 fact in Plaintiff's MSJ, Statement of Facts in Support of Plaintiff's MSJ and Plaintiff's  
3 Evidentiary Affidavit. Plaintiff's deposition is required to meaningfully respond to the  
4 Plaintiff's MSJ and separate statement of facts.

5  
6 3. Additional questions exist regarding the factual basis and subjectivity of  
7 Plaintiff's MSJ and Evidentiary Affidavit; specifically, whether or not Plaintiff's sworn  
8 testimony used to support the Plaintiff's MSJ was "made on personal knowledge, set out  
9 facts that would be admissible in evidence, and show that the affiant is competent to testify  
10 on the matters stated" therein, as allowed under Rule 56(c)(5).

11 4. Given the extent of Plaintiff's statements, the opportunity for the Defense  
12 to depose and question Plaintiff as to the basis of Plaintiff's assertions, interpretations  
13 and/or understandings of Plaintiff's rights under the governing documents, is particularly  
14 relevant and necessary as to obtain such evidence is "essential to justify its (Defendants')  
15 opposition" to those facts that would preclude summary judgment and meaningfully  
16 respond to the MSJ, with a continuance under Rule 56(d) including whether Plaintiff's  
17 testimony is based on firsthand knowledge or legal inference, whether Plaintiff has  
18 foundation for Plaintiff's claims about the governing documents and board authority, and  
19 whether any supporting documentation exists for Plaintiff's factual representations.

20 5. I believe that Plaintiff's deposition testimony described above is essential to  
21 frame a meaningful and full response to the Plaintiff's MSJ. All of this evidence is either  
22 within the possession, custody, and control of Plaintiff only; the Defendants are not in  
23 possession, custody, or control of any of the information referenced (nor is any other  
24 defending party) of Plaintiff's statements and Evidentiary Affidavit.

25 6. Based on my experience, we will require a minimum of sixty (60) days in  
26 order to conduct and complete the necessary deposition of Plaintiff and other witnesses to  
27 frame a meaningful and complete response to the MSJ. One of the factors weighing on  
28

1 the time frame is the fact that the Plaintiff's deposition will not take place until June 10,  
2 2026.

3 7. I believe that the discovery Defendants' seek to conduct in this case is  
4 absolutely essential to respond to the MSJ since it cannot present evidence essential to  
5 justify its opposition to Plaintiff's untried and unverified statements offered as fact, in  
6 support of the MSJ.

7 8. The additional time and extension requested herein is made in good faith as  
8 is equally warranted, necessary and not made for purposes of unreasonably delaying the  
9 ultimate resolution of this matter.

10 9. Prior to filing the Request for Rule 56(d) relief, I attempted to consult with  
11 Plaintiff, both via email and over the telephone, to obtain Plaintiff's agreement to an  
12 extension of time in order to allow us to conduct discovery. Plaintiff refused to participate  
13 in a consultation, as referenced in Defendants' Good Faith Consultation Certificate  
14 Concerning Defendants' Request for Rule 56(d) Relief and Expediated Hearing.

15 I declare under penalty of perjury that the foregoing is true and correct.

16 Signed on this 29<sup>th</sup> day of May 2026.

17  
18 SHAW & LINES, LLC

19  
20 /s/ Augustus H. Shaw IV, Esq., CCAL

21 Augustus H. Shaw, IV, Esq.  
22 1490 South Price Road, Suite 318  
23 Chandler, Arizona 85286  
24 ***Attorneys for Defendants***

25 ORIGINAL submitted for filing  
26 This 29<sup>th</sup> day of May 2026, with:

27 Clerk of the Court  
28 Maricopa County Superior Court  
Via TurboCourt (online filing)

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COPY of the foregoing served by email and mail  
This 29<sup>th</sup> day of May 2026, to:

Sandra Rodriguez  
4375 East Betsy Lane  
Gilbert, Arizona 85296  
sandra.rodriguez0339@gmail.com  
*Plaintiff, Pro Per*

By: 