



1 Plaintiff refused to confer on this Motion pursuant to Rule 7.1(h), Ariz. R. Civ. P., as  
2 detailed in the Affidavit of Counsel and Good Faith Consultation Certificate attached hereto and  
3 accompany this request for Rule 56(d) relief.  
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5 **I. The Defendants Requests an Up-To 60 Day Continuance to Respond to**  
6 **Plaintiff’s MSJ to Depose the Plaintiff and Other Witnesses Referenced in**  
7 **the MSJ in Order to Fairly Oppose Plaintiff’s Summary Judgment Motion.**

8 Rule 56(d) Ariz. R. Civ. P. states, in pertinent part, that “[i]f an opposing party...”  
9 shows by affidavit or declaration that, for specified reasons, it “cannot present evidence  
10 essential to justify its opposition,” the court may “defer considering the summary  
11 judgment motion [to] allow time to obtain affidavits or to take discovery before a response  
12 to the motion is required[.]” Rule 56(d)(1) and (5); *see also Gullett ex rel. Gullett v.*  
13 *Kindred Nursing Ctrs. W., L.L.C.*, 241 Ariz. 532, 541 ¶ 29 (Ct. App. 2017).

14 To obtain a continuance under Rule 56(d), the party opposing the motion must  
15 make “(a) a timely application which (b) specifically identifies (c) relevant information,  
16 (d) where there is some basis for believing that the information sought actually exists.”  
17 *Blough v. Holland Realty, Inc.*, 574 F.3d 1084, 1091, n.5 (9th Cir. 2009) (citation omitted);  
18 *see also, Tatum v. City & Cnty. of San Francisco*, 441 F.3d 1090, 1100 (9th Cir. 2006)  
19 (“...identify by affidavit the specific facts that further discovery would reveal, and explain  
20 why those facts would preclude summary judgment.”).

21 In support of Plaintiff’s MSJ, Plaintiff relies on Plaintiff’s own personal statements  
22 and testimony. Plaintiff also provides an Affidavit Authentication Digital USB Evidence  
23 (“Affidavit”). Additionally, Plaintiff states that there are “[N]eighbor, homeowner, and  
24 witness statements further corroborate the continuing sanitation, nuisance, landscaping,  
25 and maintenance deficiencies occurring during Focus HOA Management, LLC’s  
26 administration of GGCA and during Anna Schultz’s tenure as a GGCA Board officer and  
27 President.” *MSJ* Page 15, Line 16. Plaintiff also states “[A]ffidavit statements from Steven  
28

1 Buttner and Jeana Ragusa further corroborate the continuing deterioration and sanitation  
2 conditions throughout GGCA.” Plaintiff, however, does not provide the stated affidavits  
3 or witness declarations or statements.

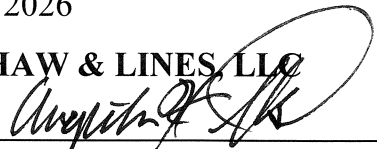
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5 Given the seriousness of the requested relief of Plaintiff’s MSJ and the fact that the  
6 Plaintiff will not be deposed until June 10, 2026 pursuant to the Court’s Ruling and Orders  
7 filed on May 28, 2026, a continuance is not only justified, but also precisely the type of  
8 circumstance in which Arizona courts have held that Rule 56(d) must be applied liberally  
9 to ensure fairness. In *Simon v. Safeway, Inc.*, 217 Ariz. 330, 333, 173 P.3d 1031, 1034 (Ct.  
10 App. 2007), the Court held:

11 However, "[t]he `major objective' of Rule 56(f) (which is now Rule  
12 56(d)) is `to insure that a diligent party is given a reasonable opportunity to  
13 prepare his case.'" *Hunter Contracting Co., Inc. v. Superior Court*, 190 Ariz.  
14 318, 322, 947 P.2d 892, 896 (App.1997), quoting 10A Charles A. Wright,  
15 Arthur R. Miller & Mary Kay Kane, *Federal Practice and Procedure* §  
2741 (2d ed.1983).

16 The Defendants cannot adequately respond to the Plaintiff’s MSJ without first  
17 depositing the Plaintiff, which will not occur until June 10, 2026. Based on the foregoing  
18 reasons and issues presented, the Association requests such additional time to respond to  
19 the Plaintiff’s MSJ as is reasonably necessary, but no less than 60 days, to depose the  
20 Plaintiff and other witnesses referenced in Plaintiff’s MSJ so that the Association may  
21 fully and fairly respond to Plaintiff’s MSJ.

22  
23 DATED this 29<sup>th</sup> day of May, 2026

24 SHAW & LINES, LLC



25 Augustus H. Shaw IV, Esq. CCAL.  
26 1490 South Price Road, Suite 318  
27 Chandler, Arizona 85286  
28 ashaw@shawlines.com  
*Counsel for Defendant*

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

3 Clerk of the Court  
4 Maricopa County Superior Court  
5 Via TurboCourt (online filing)

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

8 Sandra Rodriguez  
9 4375 East Betsy Lane  
10 Gilbert, Arizona 85296  
11 sandra.rodriguez0339@gmail.com

*Plaintiff, Pro Per*

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