

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

CV 2024-005940

06/03/2026

HONORABLE CHRISTOPHER COURY

CLERK OF THE COURT
S. Ortega
Deputy

SANDRA RODRIGUEZ

SANDRA RODRIGUEZ
4375 E BETSY LN
GILBERT AZ 85296

v.

GARDENS GILBERT COMMUNITY
ASSOCIATION, et al.

AUGUSTUS H SHAW IV

JUDGE COURY

**ORDER GRANTING LEAVE TO FILE MOTION FOR STAY
AND
ORDER DENYING CONTINUANCE OF JUNE 5, 2026 HEARING**

The Court has reviewed and considered Plaintiff's *Motion for Leave to File Motion to Stay Pending Appellate Review*, filed June 1, 2026, and the *Motion to Reschedule Hearing Set for Friday, June 5, 2026 at 9:00 a.m.*, also dated June 1, 2026. The Court also has considered Plaintiff's *Notice of Appeal*, filed June 1, 2026, the *Affidavit of Inability to Post Supersedeas Bond*, also filed June 1, 2026, and the *Designation of Record on Appeal*, filed June 1, 2026.

THE COURT FINDS as follows:

1. It is in the interests of justice to afford Plaintiff leave to promptly file her motion to stay the case to permit the Court to expeditiously rule on the merits of whether to stay the case. This is particularly true insofar as the docket in this case now consists of over **315 filings**, even though discovery remains in its early stages.

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2. The request of counsel for Defendants is curious. Counsel for Defendants filed a Rule 56(d) motion, which by rule, is required to be heard within 7 days. The Court has complied with the Rules and scheduled a virtual hearing for June 5 at 9:00 a.m. MST – a date and time that falls within this 7-day window. Counsel for Defendants now asks that this hearing be rescheduled to a date and time *outside* of the window permitted by rule because he is a speaker at a conference in Florida on Friday June 5. However, the supporting documentation identifies that he is speaking between 8:30 a.m. and 9:30 a.m. *Eastern Daylight Time*, which is 5:30 a.m. to 6:30 a.m. in Phoenix. Rule 56(d)(4), *Arizona Rules of Civil Procedure*, provides that the Court “*must hold an expedited hearing, in person or by telephone, within 7 days after a request is filed . . .*” (Emphasis added.) This Rule goes on to allow a later hearing “if *the Court’s calendar* does not allow a hearing within 7 days.” (Emphasis added.) In light of the language used in Rule 56(d)(4), and under these circumstances in which counsel for Defendants may appear telephonically, or by video, for this hearing on June 5 – and because this hearing does not conflict with his speaking obligations at his conference – a continuance to June 9 is not warranted. The June 5 hearing will proceed as scheduled.
3. No event scheduled in this case will be stayed unless and until a stay is entered either by this Court or by the Arizona Court of Appeals. Rephrased, Plaintiff and Defendants shall proceed as though the June 5 hearing and Plaintiff’s June 10 deposition have not been stayed unless and until a court of competent jurisdiction *actually enters* a stay.

Good cause appearing,

IT IS ORDERED granting Plaintiff leave to file her motion to stay and to request language in this Court’s June 1, 2026 Order pursuant to Rule 54(b), *Arizona Rules of Civil Procedure*.

IT IS FURTHER ORDERED denying Defendants’ *Motion to Reschedule Hearing Set for Friday, June 5, 2026 at 9:00 a.m.*, dated June 1, 2026. The virtual / telephonic hearing set for **June 5, 2026 at 9:00 a.m. MST** is affirmed. Contact information for that hearing is as follows:

(Video) <https://tinyurl.com/jbazmc-cvj23>

(Phone) 1-917-781-4590, Phone Conference ID: 269 483 919#.

IT IS FURTHER ORDERED directing both parties to appear for the June 5 virtual hearing and for Plaintiff’s June 10 deposition unless and until a stay is actually granted, if one is granted at all. Sanctions may be imposed pursuant to non-appearance.

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IT IS FURTHER ORDERED directing Plaintiff to notify the Court if she files an appellate Petition for Special Action and request for appellate stay, and of any ruling thereof.