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6 **Representing:** Self Represented, without a Lawyer

Clerk of the Superior Court
SUPERIOR COURT
FILED
2025 JUN 01 AM 09:50
T. SEMENAK, DEPUTY CLERK

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,

21
22 **PLAINTIFF'S OPPOSITION**
23 **TO DEFENDANTS' GOOD FAITH**
24 **CONSULTATION CERTIFICATE**
25 **AND AFFIDAVIT OF COUNSEL**
26 **IN SUPPORT OF RULE 56(d) RELIEF**

27 **TO THE HONORABLE JUDGE COURY:**

28 Rodriguez ("*Plaintiff*"), appearing pro per, respectfully submits this Response and Objection to Defendants' Good Faith Consultation Certificate and Affidavit of Counsel in Support of Rule 56(d) Relief. Defendants' filings contain material omissions, mischaracterizations, and factual assertions contradicted by Defendants' own correspondence and documentary evidence. The Court should therefore afford little or no weight to those representations when considering Defendants' Request for Rule 56(d) Relief and Expedited Hearing.

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I. INTRODUCTION

Defendants seek Rule 56(d) relief while simultaneously certifying that Plaintiff refused consultation and prevented a meet-and-confer. The record demonstrates otherwise. Defendants' own emails establish that Plaintiff agreed to participate in a Rule 26(d) conference, provided multiple dates and times, and requested reasonable information necessary to facilitate a meaningful discussion. Defendants nevertheless filed their Rule 56(d) Motion before conducting any consultation.

Most significantly, after filing the Rule 56(d) Motion, Good Faith Consultation Certificate, and supporting Affidavit, counsel Augustus H. Shaw IV admitted: "*I did not receive your below e-mail until after the attached was filed with the Court,*" and further stated, "*Nevertheless, we can still meet and confer and let the Court know the outcome of our conference.*" (See Exh. 3 attached to Plaintiff's Opposition to Defendant's Request for Rule 56(d) Relief and Expedited Hearing) These statements confirm that no consultation occurred before Defendants sought court intervention.

Plaintiff's May 28, 2026, 3:30 p.m. response expressly agreed to participate in a Rule 26(d) conference, provided four available dates and times, and requested a written agenda and clarification of the issues to be discussed. (See Exh. 2 attached to Plaintiff's Opposition to Defendant's Request for Rule 56(d) Relief and Expedited Hearing.) Despite Plaintiff's agreement to confer, Defendants filed their motion without conducting any consultation and without disclosing Plaintiff's response. Defendants' filings therefore mischaracterize the record by portraying Plaintiff as refusing consultation while omitting the material fact that Plaintiff had already agreed to confer. The record demonstrates that the absence of a pre-filing conference resulted from Defendants' decision to file first and confer later—not from any refusal by Plaintiff. (See Exhs. 2-6 attached to Plaintiff's Opposition to Defendant's Request for Rule 56(d) Relief and Expedited Hearing.)

II. DEFENDANTS' GOOD FAITH CONSULTATION CERTIFICATE IS CONTRADICTED BY THE RECORD

In Defendants' Good Faith Consultation Certificate, Defendants state:

"Defendants were unable to meet and confer due to the Plaintiff's refusal to return the Defendants' counsel's phone calls and e-mail." (See Defendant's Good Faith Certificate filed May 29, 2026)

1 Defendants further request that the Court find they complied with Rule 7.1(h) before filing
2 their motion. The record demonstrates otherwise.

3
4 **A. PLAINTIFF TIMELY RESPONDED TO DEFENDANTS' REQUEST**

5 On May 26, 2026, at 3:06 p.m., Shaw emailed Plaintiff stating, "*We are required to meet*
6 *and confer regarding filing the attached. Are you free to chat about the attached today or*
7 *tomorrow?"* (See Exh. 5 attached to Plaintiff's Opposition to Defendant's Request for
8 Rule 56(d) Relief and Expedited Hearing.) Within less than twenty-four hours of that
9 email, Shaw and his office made more than four contact attempts seeking an immediate
10 response. Plaintiff subsequently responded in writing on May 28, 2026, expressly
11 agreeing to participate in a Rule 26(d) conference, providing four available dates and
12 times, and requesting a written agenda, identification of the Rule 56(d) issues, the relief
13 sought, the anticipated conference duration, and confirmation that discussions would
14 remain limited to those issues. (See Exh 1 attached to Plaintiff's Opposition to
15 Defendant's Request for Rule 56(d) Relief and Expedited Hearing)

16 Despite Plaintiff's agreement to confer, Defendants later characterized Plaintiff as refusing
17 consultation. The record demonstrates otherwise. Plaintiff was reviewing Defendants'
18 request, responding in writing, and attempting to schedule a meaningful conference, while
19 Defendants sought an immediate response and ultimately filed their Rule 56(d) Motion
20 before conducting any consultation. These actions undermine Defendants' assertion that
21 Plaintiff prevented the meet-and-confer process from occurring. (See Exhs 1, 3, 5 attached
22 to Plaintiff's Opposition to Defendant's Request for Rule 56(d) Relief and Expedited
23 Hearing.)

24 **B. DEFENDANTS OMITTED PLAINTIFF'S WRITTEN RESPONSE**

25 Neither Defendants' Good Faith Consultation Certificate nor Shaw's Affidavit informs the
26 Court that Plaintiff submitted a written response agreeing to confer. Neither filing informs
27 the Court that Plaintiff proposed multiple conference dates. Neither filing informs the
28 Court that Plaintiff requested an agenda and clarification of the issues to be discussed.
These omissions are material because they directly contradict Defendants' assertion that
Plaintiff refused consultation.

1 consultation, and requesting reasonable clarification regarding the issues to be
2 discussed. (See Exhs. 1 and 3 attached to Plaintiff's Opposition to Defendant's
3 Request for Rule 56(d) Relief and Expedited Hearing)

4
5 The record therefore establishes that any failure to complete a consultation before filing
6 resulted from Defendants' decision to file first—not from any refusal by Plaintiff.

7 **VI. DEFENDANTS' REPRESENTATIONS REGARDING RULE 56(d) RELIEF**
8 **FURTHER UNDERMINE THEIR CREDIBILITY**

9 In Paragraph 5 of his Affidavit, Shaw states: *"All of this evidence is either within the*
10 *possession, custody, and control of Plaintiff only."* That assertion is difficult to reconcile with
11 Defendants' own discovery obligations and prior representations concerning governing
12 documents, HOA records, board records, communications, contracts, meeting minutes,
13 management records, electronically stored information, and documents previously disclosed or
14 produced by Defendants.

15 Likewise, Shaw claims Defendants cannot respond to Plaintiff's Motion for Summary
16 Judgment without first deposing Plaintiff. (See Defendant's Affidavit in Support of Rule 56(d)
17 motion) Yet Defendants have had months to conduct discovery, have already served multiple
18 deposition notices, and continue to maintain their own affirmative defenses, factual allegations,
19 and counterclaims. A party seeking Rule 56(d) relief must demonstrate diligence. Rule 56(d) is
20 not intended to reward a lack of diligence or permit delay resulting from a party's own discovery
21 decisions.

22 **VII. RULE 7.1(h) WAS NOT MEANINGFULLY SATISFIED**

23 Rule 7.1(h) requires a genuine good-faith effort to resolve disputes before seeking court
24 intervention.

25 Although Defendants made contact attempts, the record establishes:

- 26 1. Plaintiff responded;
- 27 2. Plaintiff agreed to confer;
- 28 3. Plaintiff proposed conference dates;
4. Plaintiff requested an agenda;
5. Defendants filed before reviewing Plaintiff's response;

- 1 6. Defendants filed before conducting any consultation; and
- 2 7. Defendants later acknowledged consultation could still occur after filing.

3 These facts demonstrate that Defendants did not complete the consultation process before
4 seeking judicial intervention.

5
6 **VIII. REQUEST FOR RELIEF**

7 WHEREFORE, Plaintiff respectfully requests that the Court:

- 8 1. Disregard or afford little weight to Defendants' Good Faith Consultation Certificate;
- 9 2. Disregard Paragraph 9 of Shaw's Affidavit asserting that Plaintiff refused consultation
10 because the statement is contradicted by the documentary record;
- 11 3. Find that Plaintiff agreed to participate in consultation and did not refuse to confer;
- 12 4. Find that Defendants filed their Rule 56(d) Motion before reviewing Plaintiff's
13 response and before conducting any meaningful consultation;
- 14 5. Consider Defendants' omissions and mischaracterizations when evaluating the
15 credibility and weight of Defendants' Rule 56(d) submissions;
- 16 6. Deny Defendants' Request for Rule 56(d) Relief and Expedited Hearing in its entirety;
17 and
- 18 7. Grant such other and further relief as the Court deems just and proper.

19 Respectfully submitted,

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21 Sandra Rodriguez
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1 **IX. CERTIFICATE OF SERVICE**

2 I served copies of this ***PLAINTIFF'S OPPOSITION TO DEFENDANTS' GOOD FAITH***
3 ***CONSULTATION CERTIFICATE AND AFFIDAVIT OF COUNSEL IN SUPPORT OF***
4 ***RULE 56(d) RELIEF*** for on all parties of record via U.S. Mail.

5 **A. OPPOSING PARTY INFORMATION**

6 **DEFENDANTS:**

- 7
- 8 ○ Gardens Gilbert Community Association
 - 9 ○ Focus HOA Management, LLC
 - 10 ○ Harmin Cadis
 - 11 ○ Brooke Sortor
 - 12 ○ Anna Schultz

- 13
- 14 ○ **Address:** 4135 E. Power Road, Suite 133, Mesa, Arizona 85212

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16 **DEFENDANT'S LEGAL COUNSEL:**

- 17
- 18 • **Name:** Augustus H. Shaw IV
 - 19 • **Firm:** Shaw & Lines, LLC
 - 20 • **Address:** 1490 S. Price Road, Suite 318 Chandler, Arizona 85286

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22 Respectfully submitted this 1st day of June 2026.

23 

24

25 Sandra Rodriguez