

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

CV 2024-005940

06/09/2026

HONORABLE JOHN L. BLANCHARD

CLERK OF THE COURT
N. Johnson
Deputy

SANDRA RODRIGUEZ

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4375 E BETSY LN
GILBERT AZ 85296

v.

GARDENS GILBERT COMMUNITY
ASSOCIATION, et al.

AUGUSTUS H SHAW IV

JUDGE BLANCHARD
JUDGE COURY

**RULING DENYING REQUEST FOR CHANGE OF JUDGE FOR CAUSE - CIVIL
PRESIDING JUDGE**

The Court has reviewed and considered Plaintiff Sandra Rodriguez's *Motion for Change of Judge for Cause and Request for Recusal of Judge Christopher T. Coury*, filed June 5, 2026. The Motion was referred to the Civil Presiding Judge for ruling pursuant to Rule 42.2, Arizona Rules of Civil Procedure.

Rule 42.2 provides that a party seeking a change of judge for cause must establish grounds by affidavit as required by A.R.S. § 12-409. *See* Ariz. R. Civ. P. 42.2(b). A.R.S. § 12-409(B)(5) permits a change of judge where the party filing the affidavit has cause to believe and does believe that, because of the judge's bias, prejudice, or interest, the party cannot obtain a fair and impartial trial. The sufficiency of any "cause to believe" is determined by an objective standard, not by reference to the movant's subjective belief. Ariz. R. Civ. P. 42.2(e)(4).

The Motion is not accompanied by the affidavit required by Rule 42.2 and A.R.S. § 12-409. That failure is sufficient grounds to deny the request.

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

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Even if the Court considers the allegations in the Motion, Plaintiff has not established grounds for disqualification by a preponderance of the evidence.

“A change of judge for cause is not warranted if based merely on speculation, suspicion, apprehension, or imagination.” *Stagecoach Trails MHC, LLC v. City of Benson*, 232 Ariz. 562, 568 ¶ 21 (App. 2013). A party seeking disqualification must set forth a specific basis for the claim of partiality and prove by a preponderance of the evidence that the judge is biased or prejudiced. *State v. Cropper*, 205 Ariz. 181, 185 ¶ 22 (2003). Judicial rulings, case-management decisions, ordinary courtroom administration, and admonishments made during proceedings generally do not support disqualification unless they show an extrajudicial source of bias or a deep-seated antagonism that would make fair judgment impossible. *Liteky v. United States*, 510 U.S. 540, 555–56 (1994); *State v. Henry*, 189 Ariz. 543, 546 (1997); *State v. Curry*, 187 Ariz. 623, 631 (App. 1996).

Plaintiff’s Motion is based primarily on Judge Coury’s rulings and case-management decisions. These include the May 27, 2026 order dismissing certain claims, denying injunctive relief, denying a stay, imposing filing restrictions, and restricting future motion practice. Plaintiff also disagrees with the Court’s handling of Plaintiff’s June 1, 2026 requests for leave to file materials concerning appellate review, the Court’s treatment of Rule 54(b) issues, among other rulings. Plaintiff contends that Judge Coury’s decisions support her view that the Court has treated her unfairly as a self-represented litigant.

Those allegations do not establish bias, prejudice, or interest requiring disqualification. They reflect Plaintiff’s disagreement with the assigned judge’s rulings, procedural management, assessment of the record, and statements made in the course of litigation. Allegations that a judicial officer misapplied the law, entered incorrect rulings, improperly managed filings, incorrectly evaluated Rule 54(b) or Rule 56(d) issues, or should have ruled differently are matters for appellate review, not a basis for a change of judge for cause. This Court does not sit as an appellate tribunal to review or revise another superior court judge’s substantive rulings under Rule 42.2.

Nor do Plaintiff’s references to the Arizona Code of Judicial Conduct alter the analysis. The Motion asserts violations of Rules 1.2, 2.2, 2.3, 2.6, 2.8, and 2.11 based on the same rulings, filing restrictions, hearing management, and alleged impairment of appellate review. Applying the objective standard required by Rule 42.2(e)(4), the Motion does not show that Judge Coury has a personal bias or prejudice against Plaintiff, personal knowledge of disputed extrajudicial facts, an interest in the action, or any other circumstance requiring disqualification. The record described in the Motion shows judicial acts taken in the course of presiding over the case, not an objective basis to conclude Plaintiff cannot receive a fair and impartial proceeding.

SUPERIOR COURT OF ARIZONA
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06/09/2026

Plaintiff also requests a stay of all proceedings, vacating filing restrictions, entry of final signed appealable orders and Rule 54(b) certification, and other relief. Those requests are directed to the merits or management of the underlying case. They are not properly resolved by the presiding judge in deciding a Rule 42.2 request for change of judge for cause.

Good cause appearing,

IT IS ORDERED denying Plaintiff Sandra Rodriguez's Motion for Change of Judge for Cause and Request for Recusal of Judge Christopher T. Coury, filed June 5, 2026.

IT IS FURTHER ORDERED denying all other relief requested from this Court in connection with the Rule 42.2 Motion.