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3 Gilbert, Arizona 85296  
4 **Phone Number:** 602-688-9720  
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6 **Representing:**  Self Represented, without a Lawyer

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,*

**PLAINTIFF’S REPLY TO  
DEFENDANT’S MOTION FOR  
SANCTION AGAINST PLAINTIFF  
FILED ON JUNE 11, 2026**

21 **TO THE HONORABLE JUDGE COURY:**

22 Rodriguez (*“Plaintiff”*) respectfully submit this Reply to Defendant’s Motion for  
23 Sanctions Against Plaintiff Pursuant to Rule 37(b) Ariz. R. Civ P. for Failure to Abide by Court’s  
24 Order to Attend Deposition. Defendants continue to characterize the June 10, 2026 deposition as  
25 properly noticed despite failing to establish compliance with Rules 5 and 30(b)(1), Arizona Rules  
26 of Civil Procedure. Rule 30(b)(1) requires at least ten days' notice unless the parties stipulate or  
27 the Court orders otherwise. Rodriguez never stipulated to shortened notice, waived Rule 30(b)(1),  
28 or consented to email service. Nor did the Court enter an order expressly shortening the ten-day  
notice period before the deposition notice was allegedly served per Rule 30(b)(1).

1 Even under Defendants' position, the deposition was allegedly noticed by June 1, 2026 for  
2 a June 10, 2026 deposition, which falls short of Rule 30(b)(1)'s ten-day requirement. Rodriguez  
3 repeatedly objected that she had not received proper notice and that Defendants had not presented  
4 evidence establishing compliance with Rules 5 and 30(b)(1).

5 Despite those objections, Defendants presented no deposition notice, certificate of service,  
6 affidavit of service, mailing records, proof of delivery, or other admissible evidence at the June  
7 5, 2026 hearing. Instead, counsel relied upon representations that supporting documentation  
8 would be filed later and stated only, "*I swear to attest that the deposition was mailed from my*  
9 *office.*" Despite the fact he could not provide a specific day and time when Rodriguez was  
10 allegedly noticed as the court record for the June 5, 2026 demonstrates.

11 The Court nevertheless concluded that the deposition had been properly noticed, ordered  
12 Rodriguez to appear for deposition, and warned that failure to do so could result in sanctions,  
13 denial of her Motion for Summary Judgment, dismissal of her claims, leading up to contempt  
14 proceedings, despite the absence of admissible evidence establishing compliance with Rules 5  
15 and 30(b)(1), Arizona Rules of Civil Procedure. The June 5, 2026 Minute Entry does not expressly  
16 waive Rule 30(b)(1)'s ten-day notice requirement or authorize shortened notice. Instead, the Court  
17 found that the deposition had been "*noticed by June 1, 2026*" while simultaneously directing  
18 defense counsel to later file the deposition notices and supporting documentation that had not  
19 been presented during the hearing. Although defense counsel represented during the hearing that  
20 documentation supporting service would be provided, Defendants never produced the evidence  
21 they claimed would establish proper notice and service of the deposition, leaving Rodriguez's  
22 objections unresolved. The Court resolved the disputed notice issue before the evidentiary basis  
23 for that determination was before the Court. These issues are now the subject of appellate review  
24 through Rodriguez's Notice of Appeal filed June 1, 2026, and Emergency Petition for Special  
25 Action.

26 The Court claimed to resolve the disputed factual issue concerning notice without  
27 competent evidence and before the evidentiary showing required by Rules 5 and 30(b)(1) had  
28 been made. See Rule 5, Rule 30(b)(1), Ariz. R. Civ. P.; *Mullane v. Central Hanover Bank & Trust*  
*Co.*, 339 U.S. 306 (1950)



1 Defendants made no such showing. Instead, they generally asserted that Rodriguez's  
2 deposition was necessary to address the evidentiary issues raised by her Motion for Summary  
3 Judgment. They identified no specific unavailable fact, failed to explain why existing discovery  
4 was insufficient, and made no showing of diligence or materiality.

5 Rodriguez advised the Court that her Motion for Summary Judgment relied on extensive  
6 documentary and electronic evidence—not solely her testimony—which had long been available  
7 to Defendants. Rule 56(d) does not authorize speculative discovery or generalized credibility  
8 challenges absent a showing of specific facts essential to oppose summary judgment which is also  
9 pending appellate review.

#### 10 **IV. THE JUNE 5, 2026 ORDER CONTAINS PROCEDURAL DEFECTS**

11 Plaintiff further maintains that the June 5, 2026 Order suffers from several procedural  
12 defects. First, the Court accepted disputed representations concerning service before competent  
13 evidence was presented establishing compliance with Rules 5 and 30(b)(1), Arizona Rules of  
14 Civil Procedure. During the hearing, defense counsel Augustus H. Shaw IV was unable to identify  
15 the specific dates and times the earlier deposition notices were allegedly served and did not  
16 present the deposition notices, certificates of service, affidavits of service, mailing records, proof  
17 of delivery, or other admissible evidence establishing proper service. Instead, counsel relied upon  
18 representations that supporting documentation would be supplied later and offered future  
19 testimony concerning mailing. Despite the absence of such evidence, the Court concluded that  
20 the deposition had been properly noticed and ordered Rodriguez to appear, while simultaneously  
21 directing defense counsel to later file the notice documents that had not been presented at the  
22 hearing.

23 Rodriguez contends that the Court thereby resolved a disputed factual issue in Defendants'  
24 favor before the evidentiary basis for that determination was before the Court. Such a ruling is  
25 inconsistent with the notice requirements of Rules 5 and 30(b)(1), Arizona Rules of Civil  
26 Procedure, and the due-process principles requiring notice and an opportunity to be heard before  
27 substantial rights are affected. See U.S. Const. amend. XIV; Ariz. Const. art. 2, § 4; *Mullane v.*  
28 *Central Hanover Bank & Trust Co.*, 339 U.S. 306, 314 (1950) (notice must be reasonably  
calculated to apprise interested parties of proceedings affecting their rights); *Mathews v. Eldridge*,

1 424 U.S. 319, 333 (1976) (due process requires fundamentally fair procedures); *Allstate Ins. Co.*  
2 *v. O'Toole*, 182 Ariz. 284, 287 (1995) (Arizona courts favor decisions on the merits rather than  
3 procedural defaults). Rodriguez further contends that compelling deposition attendance, while  
4 threatening sanctions, dismissal, denial of summary judgment, and contempt before resolving the  
5 disputed service issue through competent evidence, resulted in substantial prejudice and impaired  
6 her ability to meaningfully challenge the Court's determination.

7 Second, the Court compelled deposition testimony despite unresolved disputes  
8 concerning:

- 9 1. Rule 26.1 disclosures;
- 10 2. discovery deficiencies;
- 11 3. Rule 26(d) proceedings;
- 12 4. motions to compel;
- 13 5. service objections; and
- 14 6. requests for protective relief.

15 Third, the Court compelled the deposition while simultaneously directing defense counsel  
16 to later file the very deposition notice upon which the ruling was based. Fourth, the Court's order  
17 does not expressly waive or shorten the ten-day notice requirement of Rule 30(b)(1). Finally, the  
18 Court threatened severe sanctions, including dismissal, denial of summary judgment, and  
19 contempt, before resolving the disputed notice and service issues raised by Rodriguez.

20 **V. THE DEPOSITION IS DIRECTLY INTERTWINED WITH PENDING APPELLATE**  
21 **PROCEEDINGS**

22 The deposition issue cannot be viewed in isolation. Rodriguez filed a Notice of Appeal on  
23 June 1, 2026 and subsequently filed a Petition for Special Action and Motion to Stay challenging,  
24 among other things:

- 25 1. Partial dismissal of multiple claims
- 26 2. denial of protective relief;
- 27 3. denial of injunctive against harassment relief;
- 28 4. denial of stay relief;

- 1 5. denial of final appealable orders;
- 2 6. denial of Rule 54(b) certification;
- 3 7. Rule 56(d) relief;
- 4 8. the June 10 deposition order;
- 5 9. disputed service issues;
- 6 10. sanctions exposure; and
- 7 11. threatened contempt proceedings.

8 The deposition order is therefore one of the central rulings challenged in the pending  
9 appellate proceedings. Rodriguez recognizes that the filing of a Notice of Appeal or Petition for  
10 Special Action does not automatically divest the Superior Court of all authority. However,  
11 Arizona courts have long recognized that trial-court proceedings should not interfere with,  
12 undermine, or render ineffective matters actively pending before an appellate court. See A.R.S. §  
13 12-2101; ARCAP 7; Rule 1(a), Ariz. R.P. Spec. Act. Rodriguez maintains that the June 10, 2026  
14 deposition order, Rule 56(d) ruling, stay-related issues, service disputes, and threatened sanctions  
15 are directly intertwined with the issues presently before the Arizona Court of Appeals and raised  
16 in the pending Special Action. Accordingly, proceeding with sanctions, contempt proceedings,  
17 dismissal-related relief, or additional deposition-related orders while those issues remain under  
18 appellate review creates a substantial risk of inconsistent rulings, duplicative proceedings,  
19 irreparable prejudice, impairment of meaningful appellate review, and unnecessary expenditure  
20 of judicial and party resources. Rodriguez therefore maintains that preserving the status quo  
21 pending appellate review best protects her rights to due process and meaningful access to the  
22 courts under the Fourteenth Amendment to the United States Constitution and Article 2, Section  
23 4 of the Arizona Constitution, while promoting judicial economy, avoiding inconsistent rulings,  
24 and ensuring the orderly administration of justice.

#### 25 **VI. SANCTIONS AGAINST RODRIGUEZ ARE UNWARRANTED**

26 Plaintiff respectfully submits that sanctions are unwarranted. Throughout this litigation,  
27 Defendants, through counsel Augustus H. Shaw IV, have repeatedly sought sanctions, dismissal,  
28 attorney's fees, filing restrictions, and other adverse relief while relying on procedural orders as  
litigation leverage despite ongoing disputes concerning discovery, disclosure compliance,  
service, Rule 26(d) proceedings, and appellate issues. Rodriguez consistently raised unresolved

1 discovery deficiencies, disputed service, and unilateral deposition scheduling, while Defendants  
2 repeatedly maintained that discovery was complete despite outstanding requests. Her objections  
3 were grounded in the Arizona Rules of Civil Procedure, due process protections, and the  
4 preservation of her appellate rights. Rather than acting in bad faith, Rodriguez sought  
5 clarification, protective relief, judicial intervention, and appellate review of issues she reasonably  
6 believed materially affected her rights. Plaintiff further maintains that many of the issues  
7 underlying the present sanctions request are intertwined with the litigation conduct previously  
8 alleged in her Injunction Against Harassment proceedings and reflect a continuing pattern that  
9 has unnecessarily increased the burden, expense, and complexity of this litigation.

## 10 VII. CONCLUSION

11 For the foregoing reasons, Defendants have failed to establish that sanctions are warranted  
12 under Rule 37(b), Arizona Rules of Civil Procedure. The record demonstrates substantial disputes  
13 concerning compliance with Rules 5, 30(b)(1), and 56(d), unresolved discovery and disclosure  
14 issues, and pending appellate proceedings directly challenging the deposition order and related  
15 rulings. Rodriguez's objections were grounded in the Arizona Rules of Civil Procedure, due  
16 process protections, and the preservation of her constitutional and appellate rights, rather than any  
17 willful refusal to comply with a lawful court order.

18 Accordingly, Plaintiff respectfully requests that the Court deny Defendants' Motion for  
19 Sanctions in its entirety; decline to impose dismissal, contempt, attorney's fees, or any other  
20 adverse relief arising from the challenged deposition; preserve the status quo while the related  
21 appellate proceedings remain pending; and grant such other and further relief as justice requires.

22 Respectfully submitted,

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24 Sandra Rodriguez  
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1 **II. CERTIFICATE OF SERVICE**

2 I served copies of this Plaintiff's Reply to the Defendant's Motion for Sanctions  
3 against Plaintiff filed on June 11, 2026 for on all parties of record via U.S. Mail.  
4

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

15 **DEFENDANT'S LEGAL COUNSEL:**

- 16
- 17 ○ **Name:** Augustus H. Shaw IV
  - 18 ○ **Firm:** Shaw & Lines, LLC
  - 19 ○ **Address:** 1490 S. Price Road, Suite 318 Chandler, Arizona 85286

20  
21  
22 Respectfully submitted this 11th day of June 2026.

23 

24  
25 Sandra Rodriguez