

1 Plaintiff was put on notice of what possible sanctions could be imposed if
2 Plaintiff failed to appear for her deposition on June 10, 2026. Again, such
3 sanctions can be imposed as an appropriate consequence for Plaintiff's
4 failure to appear – for a second time – at her duly noticed deposition.

5 Pursuant to Rule 37(b)(1) Ariz. R. Civ P., Plaintiff's failure to attend a deposition
6 for the third time "may be treated as contempt of court." More seriously, pursuant to Rule
7 37(b)(2)(A) Ariz. R. Civ P., Plaintiff's behavior could result in:

8 (ii) prohibiting the disobedient party from supporting or opposing
9 designated claims or defenses, or from introducing designated matters in
10 evidence; (iv) staying further proceedings until the order is obeyed; (v)
11 dismissing the action or proceeding in whole or in part; (vi) rendering a
12 default judgment, in whole or in part, against the disobedient party.

13 The Court has consistently warned the Plaintiff of the potential consequences of
14 not attending Plaintiff's Court ordered deposition, including potential dismissal of her
15 Amended Complaint.

16 The Plaintiff's failure to attend her deposition is an unreconcilable impediment to
17 the continuation of the case. The Plaintiff's claims for relief rely heavily on her personal
18 testimony and evidence. Dispositive Motions cannot move forward based on the
19 Plaintiff's failure to attend her deposition. This is why the Court recently granted the
20 Defendants' request for Rule 56(d) Relief.

21 The Plaintiff's failures to attend a deposition and failure to respond to other
22 discovery requests extremely curtails the Defendants' ability to mount an adequate
23 defense. Therefore, pursuant to Rule 37(b)(2)(A)(v) Ariz. R. Civ P., Defendant requests
24 that Plaintiff's Amended Complaint be dismissed for failure to abide by the Court's order
25 to attend a deposition. This remedy is appropriate under Arizona Law. *See Rivers v.*
26
27
28

1 Solley, 217 Ariz. 528, ¶¶ 13-14, 22, 28 (App. 2008) (affirming dismissal as sanction
2 against party who "knowingly and continuously failed to disclose" crucial evidence
3 throughout discovery period); Poleo v. Grandview Equities, Ltd., 143 Ariz. 130, 133-34
4 (App. 1984)(affirming entry of default as sanction in light of "ample indicia of appellant's
5 willful and bad faith failure to produce" documents and responses to interrogatories
6 during discovery).
7
8

9 The Original Complaint was filed over 2 years ago (3/22/24). Plaintiff has filed an
10 inordinate number of motions and pleadings in this case; yet, she refuses to be deposed
11 despite the Court's Orders. Dismissal of her claims pursuant to Rule 37(b)(2)(A)(v) Ariz.
12 R. Civ P. are appropriate.
13

14 In the alternative, the Defendants, pursuant to Rule 37(b)(1) Ariz. R. Civ P.,
15 Defendants request that the Court hold Plaintiff in contempt of Court for Plaintiff's
16 refusal to attend a deposition.
17

18 Finally, pursuant to Rule 37(b)(2)(C) Ariz. R. Civ P., Defendants request that the
19 Court order the Plaintiff to reimburse the Defendants their "reasonable expenses,
20 including attorney's fees, caused by the failure" of the Plaintiff to attend a deposition as
21 ordered by the Court.
22

23 **III. Conclusion.**

24 The Court clearly sent the Plaintiff a message that if she continued to disobey the
25 Court's Orders, she would be sanctioned. Based on the Plaintiff's demonstrated behavior
26 in this case, Plaintiff should be held in contempt of Court and her case dismissed. In the
27
28

1 alternative, the Court should also order the Plaintiff to reimburse the Defendants their
2 reasonable attorney's fees and costs incurred by the Defendants regarding Plaintiff's
3 failure to attend a deposition as ordered by the Court.
4

5 DATED this 11th day of June 2026.

6 SHAW & LINES, LLC
7

8 /s/ Augustus H. Shaw, IV
9 Augustus H. Shaw, IV, Esq.
10 1490 South Price Road, Suite 318
11 Chandler, Arizona 85286
12 ***Attorneys for Defendants***

13 ORIGINAL submitted for filing
14 This 11th day of June 2026, with:

15 Clerk of the Court
16 Maricopa County Superior Court
17 Via TurboCourt (online filing)

18 COPY of the foregoing served by email
19 This 11th day of June 2026, to:
20 Sandra Rodriguez
21 4375 East Betsy Lane
22 Gilbert, Arizona 85296
23 sandra.rodriguez0339@gmail.com

24 *Plaintiff, Pro Per*

25 By: 
26 _____
27
28

EXHIBIT A

IN THE SUPERIOR COURT OF THE STATE OF ARIZONA
IN AND FOR THE COUNTY OF MARICOPA

SANDRA RODRIGUEZ,)
)
Plaintiff,)
)
vs.)
) Case No. CV2024-005940
GARDENS/GILBERT COMMUNITY)
ASSOCIATION, an Arizona)
non-profit corporation; FOCUS)
HOA MANAGEMENT, LLC, an) AFFIDAVIT
Arizona limited liability) OF
company; HARMAN CADIS; BROOKE) NON-APPEARANCE
SORTOR; AND ANNA SCHULTZ,)
)
Defendants.)

I, TAMARA H. HOWARD, a Certified Court Reporter,
being first duly sworn upon my oath, state:

1. That on June 10, 2026, at 9:00 a.m. Affiant was
present at the office of the State Bar of Arizona,
4201 North 24th Street, Phoenix, Arizona, until 9:30 a.m.
for the purpose of taking the scheduled deposition of
Sandra Rodriguez;

2. Augustus H. Shaw IV, Esq., was also present for
the purpose of taking the scheduled deposition of Sandra
Rodriguez;

3. That the deponent failed to appear;

4. That Affiant makes and signs the certificate;

Dated at Phoenix, Arizona, this 11th day of June,
2026.



TAMARA H. HOWARD, RPR
Certified Reporter
Arizona CR No. 50156

SANDRA RODRIGUEZ JUNE 11, 2026

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