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1 Sandra Rodriguez
2 4375 E. Betsy Lane
3 Gilbert, Arizona 85296
4 **Phone Number:** 602-688-9720
5 **Email Address:** sandra.rodriguez0339@gmail.com
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, FOCUS HOA
15 MANAGEMENT, LLC, HARMIN CADIS,
16 BROOKE SORTOR, ANNA SCHULTZ

17 **Defendants,**

18 AUGUSTUS H. SHAW IV

19 **Defendant's Legal Counsel,**

MARICOPA COUNTY
SUPERIOR COURT
Case No.: CV2024-005940
Judge David McDowell,

***CONSOLIDATED RESPONSE TO
DEFENDANTS' RESPONSE TO
MOTION TO COMPEL AND MOTION
TO AMEND CIVIL COMPLAINT***

20
21 **DEAR HONORABLE JUDGE MCDOWELL;**

22 Plaintiff Sandra Rodriguez respectfully submits this consolidated response to *Defendants'*
23 *Motion to Compel, Cross-Motion for Sanctions, and Defendants' Motion to Deny Plaintiff's*
24 *Motion to Amend Civil Complaint.* In this response, Plaintiff highlights her good faith efforts to
25 comply with the Arizona Rules of Civil Procedure and requests additional time to ensure that she
26 is not unfairly disadvantaged in this litigation, as is her right under both **Arizona Civil Procedure**
27 **and the U.S. Constitution.**

1 **I. RESPONSE TO DEFENDANTS' MOTION TO COMPEL**

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3 Defendants argue that Plaintiff's Motion to Compel should be denied. However, as
4 discussed previously, Plaintiff has acted in good faith to comply with the Arizona Rules of Civil
5 Procedure. The meet-and-confer requirement in Rule 7.2(a) of the Arizona Rules of Civil
6 Procedure is not absolute and can be bypassed when procedural gamesmanship or harassment
7 prevents meaningful resolution. Given the abusive discovery tactics employed by Defendants—
8 particularly the invasive requests for financial records, SNAP, and Medicaid information—
9 Plaintiff was justified in requesting judicial intervention without further delay. These tactics were
10 not meant to resolve discovery disputes but to harass and intimidate Plaintiff, especially
11 considering her indigent status.

12 **A. PLAINTIFF RIGHT TO REQUEST ADDITIONAL TIME**

13 Under Rule 6(b) of the Arizona Rules of Civil Procedure, the Court may grant additional
14 time when a party shows good cause. Plaintiff's request for additional time to comply with
15 discovery and amend her complaint is reasonable and necessary to ensure that her constitutional
16 rights are not violated by undue delays, harassment, or obstruction of her ability to pursue her
17 claims. Further, Rule 15(a)(1) gives Plaintiff the right to amend her complaint, and additional
18 time is critical to ensure that Plaintiff's constitutional rights are preserved and she can adequately
19 address all claims.

20 **B. GOOD FAITH EFFORTS TO COMPLY**

21 Plaintiff has made every good faith effort to comply with the rules, including:

- 22 1. Timely filing disclosures and motions.
- 23 2. Engaging in discovery to the best of her ability, despite being obstructed by
- 24 Defendants' abusive requests.
- 25 3. Communicating promptly with Defendants and the Court about the challenges she
- 26 faces due to her pro se status.
- 27
- 28

1 Plaintiff's good faith efforts should be acknowledged, as they reflect her desire to proceed
2 fairly and adequately through the litigation process, even though obstacles outside her control
3 (such as harassing discovery practices and lack of financial resources) have made compliance
4 difficult.

5 C. THE RIGHT TO REDRESS ALL CLAIMS

6 As guaranteed by the U.S. Constitution, Arizona law, and the Arizona Rules of Civil
7 Procedure, Plaintiff is entitled to fair access to the courts and a meaningful opportunity to present
8 her claims. The 14th Amendment and Arizona Constitution, Article 2, §4 provide protections for
9 due process and equal protection, ensuring that no party is denied a fair chance to litigate their
10 case.

11 In *Sanders v. United States*, 509 U.S. 604 (1993), the Court held that a litigant's right to
12 seek redress for wrongful conduct cannot be impeded by undue procedural burdens. Plaintiff's
13 right to a fair trial and the right to amend her complaint to assert all claims should not be
14 obstructed.

15 II. RESPONSE TO DEFENDANTS' MOTION TO AMEND CIVIL 16 COMPLAINT

17 Defendants object to Plaintiff's *Motion to Amend Civil Complaint*, citing the failure to
18 attach a proposed amended complaint. However, Plaintiff is working in good faith to amend the
19 complaint and requests **reasonable time** to finalize and submit the **proposed amendment**.
20

21 A. Plaintiff's Request for Additional Time to Amend Her Complaint

22 Under Rule 15(a) of the Arizona Rules of Civil Procedure, leave to amend a complaint
23 should be freely granted when justice so requires. The failure to attach a proposed amended
24 complaint at this time was an oversight, and Plaintiff respectfully requests additional time to
25 ensure her complaint is fully and properly amended to reflect all claims, especially those related
26 to constitutional violations and retaliation.
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