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Today's Date: 11/15/2024

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I filed the ORIGINAL of the attached document(s) with the Clerk of the Superior Court in Maricopa County on: November 15, 2024
Month Date Year

I mailed/delivered a COPY of the attached document(s) to the Judicial Officer assigned to my case, Judge (or Commissioner): Coffey, on November 15, 2024 (Judicial Officer assigned to your case)
Month Date Year

I mailed/delivered a COPY of the attached document(s) on this date:
November 15, 2024 To: Gardens Gilbert Community Association et. al
Month Date Year

(You must mail a copy of all documents to the other side and his/her lawyer)

Gardens Gilbert Community Association et. al.
Name of Other Side

Shaw & Lines, LLC/Augustus H. Shaw IV
Name of Other Side's Lawyer

4135 S. Power Road, Ste. 133
Address

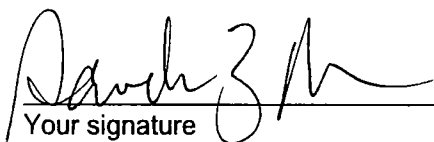
4523 E. Broadway Road
Lawyer's Address

Mesa, Arizona 85212
City, State, Zip

Phoenix, Arizona 85040
City, State, Zip

By signing below, I state to the Court, under penalty of law, that the information stated on these pages is true and correct to the best of my knowledge and belief.

I further state that I have filed/mailed the attached document(s) as shown above. I understand that if I do not file/mail the attached document(s) as shown above, the judge in my case will not read my request/motion.


Your signature

ADDENDUM A:

MOTION TO STRIKE DEFENDANT'S RESPONSE, AND REQUEST FOR DENIAL SANCTIONS DUE TO PROCEDURAL ABUSE, USE OF DISMISSIVE AND HARASSING LANGUAGE

TO THE HONORABLE JUDGE COFFEY:

I, Sandra Rodriguez (“Plaintiff”), acting pro se, respectfully submits this *Motion to Strike Defendants’ Response filed on November 14, 2024*. Defendants’ filing fails to substantively address Plaintiff’s arguments, relies heavily on procedural objections, and contains unprofessional language intended to harass, discredit, and intimidate Plaintiff without legitimate cause. Plaintiff requests that the Court strike Defendants’ response in its entirety, deny Defendants’ requests for sanctions, and consider sanctions against Defendants for procedural abuse and unprofessional conduct.

I. INTRODUCTION

This motion reflects a careful review of filings submitted by both parties between October 3, 2024, and November 13, 2024. While Plaintiff’s filings represent genuine, good-faith efforts to address substantive legal issues, Defendants’ responses focus almost exclusively on procedural dismissals, disregard Plaintiff’s claims, and employ language aimed at undermining Plaintiff’s credibility rather than constructively engaging with her arguments. Defendants’ consistent reliance on derogatory terms such as “ludicrous” and “ridiculous” runs contrary to the Arizona State Bar’s standards on professionalism, especially in cases involving a self-represented litigant.

II. COMPARISON OF PLAINTIFF’S AND DEFENDANTS’ APPROACHES

The following table illustrates the stark contrast between Plaintiff’s approach to substantive legal issues and Defendants’ reliance on procedural technicalities and dismissive language:

<i>Category</i>	Plaintiff’s (Sandra Rodriguez’s) Approach	Defendants’ (Shaw’s) Approach
<i>1. Substantive Engagement</i>	Plaintiff’s motions are focused on real issues, including due process, improper service, and harassment.	Defendants’ response avoids addressing these issues substantively, relying on procedural technicalities to dismiss claims.
<i>2. Tone and Professionalism</i>	Plaintiff’s language is respectful and focused on presenting facts and claims.	Defendants use dismissive terms like “frivolous,” “ludicrous,” and “ridiculous,” which lack professionalism and civility.
<i>3. Focus on Core Issues</i>	Plaintiff raises specific concerns about procedural fairness and retaliatory actions.	Defendants sidestep these issues by focusing on alleged procedural missteps, neglecting Plaintiff’s legitimate grievances.
<i>4. Intent and Good Faith</i>	Plaintiff’s intent is to protect her rights and her family’s well-being in a respectful manner.	Defendants’ filings imply Plaintiff’s actions are vexatious and wasteful, despite her legitimate claims for due process.
<i>5. Requests for Sanctions</i>	Plaintiff requests fair redress based on documented grievances and procedural deficiencies.	Defendants frequently request sanctions to intimidate Plaintiff, rather than addressing the issues presented substantively.

III. DEFENDANTS’ PROCEDURAL ABUSE AND FAILURE TO ENGAGE SUBSTANTIVELY

Defendants’ response heavily concentrates on procedural arguments, overlooking the plaintiff’s central concerns about due process and retaliatory behavior.

- **Procedural Emphasis over Substantive Rebuttal:** Defendants' response consistently avoids engaging with Plaintiff's core issues, including improper service and harassment, focusing instead on procedural technicalities that obstruct Plaintiff's access to a fair hearing.
- **Failure to Address Allegations of Retaliatory Conduct:** Plaintiff has provided evidence and legal precedent supporting her claims of harassment and retaliatory actions by Defendants. Defendants sidestep these allegations, labeling Plaintiff's filings as "frivolous" without addressing the substance of her concerns.

IV. DISMISSIVE AND UNPROFESSIONAL LANGUAGE

Defendants' response contains inflammatory language that undermines the court process and fails to meet Arizona State Bar's professionalism standards:

- **Use of Derogatory Language:** Terms like "ludicrous" and "ridiculous" are used to describe Plaintiff's motions. Such language degrades Plaintiff's efforts and does not advance the legal discourse constructively.
- **Misrepresentation of Plaintiff's Intent:** Defendants repeatedly characterize Plaintiff's filings as "frivolous" and an "abuse of the legal system." These terms misrepresent Plaintiff's genuine pursuit of justice and her right to due process.

V. DEFENDANTS' REQUEST FOR SANCTIONS LACKS MERIT AND SERVES AS A TOOL OF HARASSMENT

Defendants' repeated requests for sanctions are baseless and serve only to intimidate Plaintiff:

- **Lack of Basis for Sanctions:** Defendants' call for sanctions under Rule 11 lacks evidence of any bad faith or improper conduct by Plaintiff. Plaintiff's filings address substantial legal issues and counter Defendants' own procedural shortcomings.
- **Sanctions as a Tool of Intimidation:** Defendants' repetitive requests for sanctions appear intended to discourage Plaintiff from pursuing her claims, a tactic contrary to Rule 11, which is meant to address genuine misconduct.

VI. INTEGRATED EXAMPLES OF PREJUDICIAL STATEMENTS

Including examples of Defendants' dismissive statements is critical in demonstrating the lack of professionalism in their response. These prejudicial statements reflect a strategy to discredit Plaintiff without substantively engaging with her claims:

1. Dismissive Language:

- **Statement:** "The Plaintiff's motions are frivolous, meritless, and an abuse of the legal system."
- **Analysis:** This broad accusation lacks specifics and dismisses Plaintiff's filings without addressing the issues within. Such language unjustly portrays Plaintiff's motions as unworthy of consideration, disregarding her right to due process.

2. Personal Attacks on Plaintiff's Litigation Motives:

- **Statement:** "The Defendants are tired of hiring counsel to respond to Motions to Strike that the Court has stated should rarely be filed."
- **Analysis:** The defendants' statement characterizes the plaintiff's actions as wasteful and vexatious, which is inappropriate in a response that should objectively address her claims. Furthermore, the defendants fail to acknowledge their own repeated submissions of motions lacking substantive merit and their unwillingness to engage in meaningful good faith efforts to prevent litigation, both of which have contributed to unnecessary litigation and expenses.

3. Disparaging Plaintiff's Competence and Credibility:

- **Statement:** "Plaintiff's motions are repetitive and tell the same story, as if they are carbon copies of each other."
- **Analysis:** This language attempts to undermine the plaintiff's credibility by suggesting her filings lack originality and substance, without substantively engaging with her arguments. Such an approach is inappropriate in a response that should objectively address her claims. Moreover, the defendants fail to acknowledge their own actions, including stonewalling and neglecting to address or disprove the plaintiff's allegations with evidence. This behavior has necessitated

the plaintiff's repeated efforts to seek redress, contributing to unnecessary litigation and expenses.

4. Questioning Plaintiff's Compliance with Court Procedures:

- **Statement:** "It is obvious that the Plaintiff must be brought before this Court to explain why she feels the need to ignore the Arizona Rules of Civil Procedure."
- **Analysis:** This statement implies intentional noncompliance by the plaintiff without providing specific evidence, disregarding the possibility of procedural misunderstandings, especially among self-represented litigants, which is common. Such language appears to shift focus onto the plaintiff's actions, potentially diverting attention from the defendants' own conduct. By shining the spotlight on the plaintiff's alleged procedural errors, the defendants are attempting to deflect scrutiny from their own actions, which include unethical and unprofessional behavior. This tactic not only undermines the plaintiff's credibility but also raises concerns about the defendants' adherence to ethical standards and their legal obligations.

5. Use of Demeaning Terms:

- **Statement:** "These requests are ridiculous and should be denied."
- **Analysis:** The term "ridiculous" serves only to disparage Plaintiff's concerns, in violation of Arizona's standards of professionalism. Such language undermines the respectful discourse expected in legal proceedings and detracts from a substantive evaluation of the issues presented. The Arizona Rules of Professional Conduct emphasize maintaining respect and civility in all legal communications.

VII. EVALUTION OF PLAINTIFF SANDRA RODRIGUEZ'S MOTIONS TO STRIKE

Justification for Plaintiff's Right to Submit Motions to Strike

Under Arizona Rule of Civil Procedure 12(f), any party may request the court to strike portions of a pleading deemed redundant, immaterial, impertinent, or scandalous. As a self-represented litigant, Sandra is entitled to use this procedural mechanism to seek a fair, respectful, and substantive examination of her claims without facing undue prejudice.

1. Fair Use of Procedural Rights

- Sandra's motions to strike adhere to the procedural grounds established under Rule 12(f) and do not exceed the rule's scope. She addresses specific language and content that undermine her legal arguments or fail to engage substantively, respecting procedural standards.

2. Elimination of Bias

- While the defendants have labeled Sandra's motions as "frivolous" or "meritless," her filings reflect a methodical attempt to remove language that a reasonable court could view as prejudicial, biased, or irrelevant. The defendants' characterization of her motions as excessive or vexatious indicates potential bias against a self-represented litigant.
- If submitted by an attorney, these motions to strike would not face the same scrutiny or accusations of being frivolous. Sandra's status as a self-represented litigant should not disadvantage her right to seek removal of language or content that impedes a fair hearing.

3. Right to Procedural Fairness and Respect

- **The Arizona judicial system, including Rule 12(f)**, ensures that all parties have equal access to procedural remedies, regardless of their legal representation status. Sandra's motions to strike uphold these principles by addressing language that could be viewed as discriminatory or retaliatory, supporting her right to a fair and respectful process.
- **Her filings reflect a consistent, good-faith effort to navigate complex legal proceedings** to protect her rights and those of her family. Questioning her motives or labeling her filings as vexatious without evidence of process abuse amounts to discriminatory treatment that the court should be mindful of.

Summary Statement Supporting Plaintiff's Motions to Strike

Plaintiff's motions to strike fully comply with Arizona's Rule 12(f) standards, directly targeting content in Defendants' filings that is redundant, impertinent, or inflammatory. Each motion is carefully crafted to highlight specific issues that obstruct a substantive review of her

legitimate claims. However, Defendants' portrayal of Sandra's filings as excessive or frivolous demonstrates a clear bias and ongoing pattern of discrimination—an approach that would likely be absent if an attorney had submitted these motions. As a self-represented litigant, Sandra faces unjust scrutiny and dismissive treatment that unfairly undermines her genuine pursuit of legal rights. This pattern reveals a troubling inequity in the treatment of self-represented individuals, where Sandra's well-founded motions are met with an automatic presumption of meritlessness. This response underscores the obstacles she faces solely because she is navigating her case without formal legal representation.

Sandra's right to procedural fairness and protection from prejudicial language must be upheld, irrespective of her status as a self-represented litigant with limited financial resources. Her motions should be evaluated solely on their legal merit within Arizona's procedural framework. Discriminating against her self-represented status risks overlooking procedural misconduct by the defendants' counsel. This disparity in treatment is particularly concerning given that the defendants' counsel, such as Shaw, has shown disregard for compliance with Arizona's procedural standards and the Arizona Rules of Professional Conduct, which govern attorney behavior.

This underscores the necessity for impartial application of the rules. The defendants' actions have not only obstructed justice but have also influenced judicial perception, potentially leading to bias against Sandra due to her self-represented status. This bias can manifest in various adverse actions, including unfavorable rulings, increased scrutiny of her filings, and a general presumption against the validity of her claims. Such treatment undermines the integrity of the judicial process and violates the principles of fairness and equality before the law.

CONCLUSION

In light of the ongoing procedural abuses, dismissive tone, and lack of substantive engagement reflected in Defendants' response, Plaintiff Sandra Rodriguez respectfully requests that the Court uphold principles of fairness and procedural equity. Defendants have consistently relied on inflammatory, dismissive, and irrelevant language, with a specific focus on procedural technicalities that avoid addressing Plaintiff's substantive claims. Such tactics not only undermine

Plaintiff's legitimate pursuit of justice but also violate Arizona's standards for professionalism and civility in legal proceedings, as outlined by the Arizona Rules of Professional Conduct.

As a self-represented litigant, Sandra's motions have adhered to Arizona Rule of Civil Procedure 12(f) by directly targeting prejudicial and redundant language in Defendants' filings—content that detracts from a substantive review of her claims. Each of Plaintiff's motions to strike was filed in good faith to ensure her right to a fair and respectful hearing. However, Defendants' portrayal of her filings as “frivolous” or “meritless” reflects a persistent bias and inequitable treatment that would likely not be encountered had these motions been submitted by legal counsel. This pattern of discrimination places undue scrutiny on Plaintiff, obstructing her access to justice and infringing on her rights to procedural fairness.

Sandra's commitment and resilience in pursuing her legal rights are especially commendable given her limited resources, lack of formal legal training, and the fact that this is her first engagement with civil litigation. Despite these challenges, Sandra's filings reflect a genuine, responsible attempt to protect the home she worked hard to acquire as a single mother—without assistance—in a high-cost community like Gilbert. Her motives have always been to protect her rights, her investment, and her family's right to live peacefully and safely in their neighborhood. This case is not about taking matters personally but rather about standing up to protect what she has worked so hard to achieve.

Sandra's opposition stems from her encounters with HOA leaders and their third-party property management company, who, with the benefit of legal counsel, have used their positions of power and immunity clauses to dismiss her concerns. The actions taken against Sandra, including financial pressures and discriminatory practices, have threatened to force her out of the very neighborhood she worked to join. Sandra deserves respect and fair treatment rather than being subjected to dismissive and biased characterizations. The right to defend her home and ensure her family's well-being should not be hindered by tactics that undermine her claims simply because she is self-represented.

Therefore, Plaintiff respectfully requests that the Court:

1. **Strike Defendants' Response filed on November 14, 2024**, in its entirety due to procedural abuse and failure to substantively address the issues raised.
2. **Strike all dismissive and harassing language in Defendants' filings** that serves no purpose other than to discredit Plaintiff.
3. **Deny Defendants' request for sanctions**, as it lacks merit and is primarily intended to intimidate Plaintiff.

Finally, Sandra urges the Court to consider the implications of allowing Defendants to perpetuate discriminatory and biased practices in this litigation. Upholding procedural fairness is critical to maintaining the integrity of these proceedings and ensuring that Sandra Rodriguez, as a self-represented litigant, receives the respect and fair treatment due to her as any represented party would receive in pursuit of her legal rights.

Respectfully submitted this 15th day of November, 2024.

A handwritten signature in black ink, appearing to read 'Sandra Rodriguez', with a stylized flourish extending to the right.

Sandra Rodriguez, Pro Se Plaintiff