

JUN 05 2026

2:43pm

D. Avila, Deputy

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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,*

**(PLEASE EXPEDITE)**

**MOTION FOR CHANGE OF JUDGE  
FOR CAUSE AND REQUEST FOR  
RECUSAL OF JUDGE  
CHRISTOPHER T. COURY**

*(PURSUANT RULE 42.2 ARIZ R. CIV. P.)*

21  
22 **TO THE HONORABLE JUDGE COURY:**

23 Rodriguez ("*Plaintiff*") respectfully moves for the recusal of the Honorable Christopher  
24 T. Coury pursuant to Rule 2.11 of the Arizona Code of Judicial Conduct, the Due Process Clause  
25 of the Fourteenth Amendment, Article 2, Sections 4 and 11 of the Arizona Constitution, and  
26 Arizona law requiring a fair and impartial tribunal.

1 This motion is based on a pattern of rulings, filing restrictions, and conduct that, viewed  
2 collectively, would cause a reasonable person to question the Court's impartiality and  
3 commitment to preserving Plaintiff's constitutional and appellate rights. Plaintiff, an indigent self-  
4 represented litigant, has repeatedly sought to preserve appellate rights concerning the dismissal  
5 of Counts 5, 6, 7, and 11, denial of injunctive relief, denial of a protective order, denial of a stay,  
6 discovery rulings, and monetary sanctions. Plaintiff filed a Notice of Appeal on June 1, 2026 and  
7 requested final signed appealable orders and Rule 54(b) certification to preserve appellate review.

8 Plaintiff respectfully submits that the Court's refusal to enter final appealable orders  
9 concerning the partial dismissal and denial of Plaintiff's Injunction Against Harassment request,  
10 while directing Plaintiff to pursue a special action, coupled with filing restrictions, ongoing  
11 litigation, and escalating sanctions culminating in contempt threats, has substantially burdened  
12 Plaintiff's ability to obtain meaningful appellate review. Because Arizona law generally requires  
13 a final appealable order before appellate review may proceed, see Rule 54(b), Ariz. R. Civ. P.,  
14 and A.R.S. § 12-2101, the cumulative effect of these actions creates an appearance of partiality  
15 and raises concerns regarding due process, access to the courts, and Plaintiff's appellate rights.

## 16 **II. FACTUAL BASIS FOR RECUSAL**

### 17 **A. MAY 27, 2026 ORDER DISMISSING CLAIMS AND RESTRICTING ACCESS** 18 **TO THE COURT**

19 On May 27, 2026, the Court entered an order dismissing Counts 5, 6, 7, and 11 of  
20 Plaintiff's Amended Complaint, denying Plaintiff's requests for injunctive relief, denying  
21 Plaintiff's Motion to Stay, imposing monetary sanctions, and restricting future filings.

22 The Court specifically ordered:

23  
24 *"Both parties are prohibited from filing any new motions, absent an emergency,*  
25 *until the Court rules on Plaintiff's Motion for Summary Judgment."*

26 The Court further ordered:

27  
28 *"Before any motion is filed in the future, a party shall file a request for leave to*  
*file a motion that shall not exceed 2 pages in length."*

1           These restrictions were imposed despite the existence of active appellate issues and  
2 despite Plaintiff's need to seek relief relating to appellate rights, appealable orders, and  
3 preservation of jurisdictional issues. Plaintiff contends these restrictions significantly burdened  
4 her ability to access the Court and preserve appellate remedies.

5           **B. PLAINTIFF'S JUNE 1, 2026 REQUESTS FOR LEAVE TO PRESERVE**  
6 **APPELLATE RIGHTS**

7           The filing restrictions imposed by the Court, Plaintiff was required to seek permission  
8 merely to request relief necessary to preserve appellate rights. On June 1, 2026, Plaintiff filed a  
9 Motion for Leave to File Motion for Entry Final Signed Appealable Orders and Rule 54(b)  
10 Certification. In that filing, Plaintiff specifically requested final signed appealable orders  
11 concerning:

- 12           1. Counts 5, 6, 7, and 11;
- 13           2. Denial of Plaintiff's Temporary Restraining Order;
- 14           3. Denial of Plaintiff's Motion for Protective Order;
- 15           4. Denial of Plaintiff's Motion to Stay;
- 16           5. Denial of requests for injunctive and equitable relief; and
- 17           6. Monetary sanctions leading up to case dismissal and contempt of court charges  
18           imposed against Plaintiff.

19           Plaintiff expressly advised the Court that the request was made solely to preserve appellate  
20 rights under A.R.S. § 12-2101, Rule 54(b), and the Arizona Rules of Civil Appellate Procedure.  
21 On June 1, 2026, Plaintiff filed a Motion for Leave to File Motion to Stay Pending Appellate  
22 Review, explaining that appellate rights could be impaired if proceedings continued before the  
23 Court of Appeals determined jurisdiction and reviewed the challenged rulings.

24           Despite these requests, Plaintiff contends that the Court has continued to take the position  
25 that no final appealable order is necessary, thereby impairing Plaintiff's ability to secure  
26 meaningful appellate review.

1                   **C. IMPAIRMENT OF PLAINTIFF’S RIGHT TO MEANINGFUL APPELLATE**  
2 **REVIEW**

3                   Plaintiff filed a Notice of Appeal on June 1, 2026 and requested final signed appealable  
4 orders and Rule 54(b) certification. The Due Process and Equal Protection Clauses of the  
5 Fourteenth Amendment protect meaningful access to the courts and prohibit barriers that  
6 substantially impair the exercise of legal remedies. See *Boddie v. Connecticut*, 401 U.S. 371  
7 (1971); *Logan v. Zimmerman Brush Co.*, 455 U.S. 422 (1982). Arizona law similarly protects the  
8 right to appellate review. A.R.S. § 12-2101.

9                   Plaintiff respectfully submits that the absence of final signed appealable orders, combined  
10 with ongoing litigation, filing restrictions, discovery obligations, and sanctions exposure, impairs  
11 Plaintiff’s ability to obtain meaningful appellate review. The Arizona Court of Appeals cannot  
12 effectively determine the scope of its jurisdiction where uncertainty remains regarding finality,  
13 appealability, and Rule 54(b) certification.

14                   This concern was heightened during the June 5, 2026 hearing when the Court denied  
15 requests intended to preserve appellate review while simultaneously escalating sanctions,  
16 dismissal, and contempt proceedings despite unresolved service disputes and pending appellate  
17 issues. Plaintiff respectfully submits that requiring continued participation in discovery under  
18 threat of sanctions and contempt while litigating matters directly intertwined with the Notice of  
19 Appeal creates a substantial risk of prejudice and burdens Plaintiff’s ability to exercise rights  
20 protected by A.R.S. § 12-2101, the Arizona Rules of Civil Appellate Procedure, the Arizona  
21 Constitution, and the Fourteenth Amendment.

22                   **D. APPEARANCE OF BIAS AND UNEQUAL TREATMENT**

23                   Plaintiff further contends that the Court has repeatedly characterized Plaintiff’s filings and  
24 litigation conduct in a manner that reflects hostility toward Plaintiff as a self-represented litigant.

25                   For example, the Court stated:

26  
27                   *"The docket in this case consists of nearly 300 filings. That is abusive to the*  
28                   *judicial system."*

1 The Court thereafter imposed filing restrictions requiring leave of court before future  
2 motions could be filed. Plaintiff respectfully contends that these statements and restrictions,  
3 combined with the Court's refusal to facilitate appellate review and its repeated dismissal of  
4 Plaintiff's concerns regarding due process and procedural rights, create the appearance that  
5 Plaintiff is not being afforded the same access and consideration that would be provided to  
6 represented parties. Although adverse rulings alone do not establish bias, the cumulative pattern  
7 of conduct would cause a reasonable observer to question whether Plaintiff can receive a fair and  
8 impartial hearing going forward.

### 9 **III. VIOLATIONS OF THE ARIZONA CODE OF JUDICIAL CONDUCT**

#### 10 **A. RULE 1.2 – PROMOTING CONFIDENCE IN THE JUDICIARY**

11 Rule 1.2 requires judges to act in a manner that promotes public confidence in the  
12 independence, integrity, and impartiality of the judiciary. Plaintiff contends that restricting filings  
13 while simultaneously refusing to enter final appealable orders creates the appearance that  
14 appellate rights are being obstructed rather than protected.

#### 15 **B. RULE 2.2 – IMPARTIALITY AND FAIRNESS**

16 Rule 2.2 requires judges to uphold and apply the law fairly and impartially. Plaintiff  
17 contends that the Court has failed to adequately safeguard Plaintiff's rights under Rule 54(b),  
18 A.R.S. § 12-2101, and the Arizona Rules of Civil Appellate Procedure despite repeated requests  
19 seeking only to preserve appellate rights.  
20

#### 21 **C. RULE 2.3 – BIAS, PREJUDICE, AND HARASSMENT**

22 Rule 2.3 prohibits conduct manifesting bias, prejudice, or harassment. Plaintiff is an  
23 indigent, self-represented litigant who has been granted fee-deferral status. Plaintiff respectfully  
24 contends that the Court's treatment of Plaintiff, viewed as a whole, creates an appearance of  
25 prejudice and unequal treatment.  
26  
27  
28

1                   **D. RULE 2.6 – RIGHT TO BE HEARD**

2                   Rule 2.6(A) requires courts to accord litigants the right to be heard according to law.  
3 Plaintiff contends that restricting filings and refusing to provide appealable orders necessary for  
4 review substantially impairs Plaintiff's ability to be heard by the Arizona Court of Appeals.

5                   **E. RULE 2.8 – DECORUM, DEMEANOR, AND COURTESY**

6                   Rule 2.8(B) requires judges to be patient, dignified, and courteous to litigants. Plaintiff  
7 respectfully submits that the Court's comments regarding Plaintiff's filings, repeated dismissal of  
8 Plaintiff's concerns regarding appellate rights, filing restrictions, and repeated characterization of  
9 Plaintiff's attempts to object or preserve issues for the record as interruptions created an  
10 intimidating and discouraging environment inconsistent with the decorum required by Rule 2.8.  
11 Viewed collectively, these actions contribute to the appearance that Plaintiff's concerns were not  
12 receiving fair and impartial consideration.

13                   **F. ADDITIONAL FACTS DEMONSTRATING PREJUDICE TO PLAINTIFF  
14 AND THE APPEARANCE OF PARTIALITY**

15                   The events occurring during the June 5, 2026 Rule 56(d) hearing further contributed to the  
16 appearance that Plaintiff is not receiving the same procedural protections afforded to Defendants  
17 and that Plaintiff's objections are being discounted without requiring the evidentiary support  
18 ordinarily required by the Arizona Rules of Civil Procedure.

19                   Throughout the hearing, Plaintiff repeatedly disputed Defendants' assertions that she had  
20 been properly served with notice of the June 10, 2026 deposition and specifically advised the Court  
21 that Defendants had not produced admissible evidence establishing proper service. Plaintiff stated:

22                   *"I never received notice. They have not provided evidence or any kind of proof of*  
23                   *notice."*

24                   After the Court directed Defendants to email Plaintiff a copy of the deposition notice during  
25 the June 5, 2026 hearing, Plaintiff advised the Court:

26                   *"Today's notice would not comply with the rule. The rule requires a 10 day notice."*  
27  
28

1 Plaintiff further objected that service by email was not authorized because Plaintiff had not  
2 consented to electronic service. Under Rule 5(c)(2)(D), Arizona Rules of Civil Procedure,  
3 electronic service is permitted only as authorized by the Rules, and Plaintiff expressly advised the  
4 Court that she had not consented to service by email. Plaintiff respectfully submitted that  
5 transmitting the notice by email during the hearing could not cure the alleged service deficiencies  
6 or satisfy the notice requirements applicable to the June 10, 2026 deposition.

7 Despite Plaintiff's objections, Defendants did not produce a notice of deposition, affidavit  
8 of service, certificate of service, mailing receipt, proof of delivery, or other documentary evidence  
9 during the hearing establishing that Plaintiff had been properly served. Instead, defense counsel  
10 represented that notice had been mailed and later stated:

11 *"I swear to attest that the deposition was mailed from my office."*

12  
13 The Court acknowledged that supporting documentation was not before the Court and  
14 directed defense counsel to supplement the record at a later time. Nevertheless, before any  
15 supplemental documentation was produced, the Court found that:

16 *"the plaintiff's deposition for June 10, 2026 was noticed by June 1."*

17  
18 The Court then ordered Plaintiff to appear for deposition and warned that failure to do so  
19 could result in:

20 *"the denial of the motion for summary judgment filed by plaintiff, and or the*  
21 *dismissal of plaintiff's complaint, and or being held in contempt of court."*

22 Plaintiff respectfully submits that these findings were made despite the absence of  
23 documentary evidence establishing service during the hearing and despite Plaintiff's repeated  
24 objections that service remained disputed. Rodriguez further advised the Court that she had never  
25 authorized service by email and continued to dispute the sufficiency of service. Plaintiff stated:

26 *"I did not authorize email service, and I still do not authorize email service."*  
27  
28

1 Despite these objections, the Court proceeded to enforce the deposition deadline, threaten  
2 sanctions, and accept Defendants' representations regarding service before any supporting  
3 evidence was produced.

4 **G. RULE 56(d) RELIEF WAS GRANTED DESPITE DEFENDANTS' FAILURE**  
5 **TO SATISFY RULE 56(d)**

6  
7 The June 5, 2026 hearing also involved Defendants' request for Rule 56(d) relief seeking  
8 additional time to respond to Plaintiff's Motion for Summary Judgment. Rule 56(d), Arizona  
9 Rules of Civil Procedure, requires a party seeking relief to identify specific facts essential to  
10 justify its opposition and explain why those facts cannot presently be presented.

11 During the hearing, Defendants argued generally that Plaintiff's deposition was necessary  
12 because Plaintiff submitted declarations and evidence in support of her Motion for Summary  
13 Judgment and because Defendants wished to challenge Plaintiff's allegations concerning damages  
14 and harm.

15 However, Defendants did not identify specific facts expected to be obtained through  
16 Plaintiff's deposition, did not identify particular material facts that could not presently be  
17 addressed, and did not explain why evidence already within Defendants' possession was  
18 insufficient to formulate a response.

19 Plaintiff specifically advised the Court that her Motion for Summary Judgment was  
20 supported by substantial documentary evidence, including emails, photographs, video recordings,  
21 surveillance footage, affidavits, HOA records, Arizona Corporation Commission records, and  
22 other documentary evidence. Plaintiff stated:

23 *"This is not solely based off of my testimony."*

24 Plaintiff further argued that Defendants had failed to identify any specific facts expected  
25 to be obtained through deposition testimony and had not demonstrated why they could not comply  
26 with the deadlines established by Rule 56. Despite these deficiencies, the Court granted  
27 Defendants' Rule 56(d) request and extended their deadline to respond to Plaintiff's Motion for  
28 Summary Judgment until August 7, 2026.

1 Plaintiff respectfully submits that granting Rule 56(d) relief under these circumstances,  
2 while simultaneously escalating punitive measures that culminated in threats of dismissal  
3 sanctions, and contempt proceedings based upon a disputed deposition notice for which no  
4 documentary proof of service was presented during the hearing, creates the appearance that  
5 Defendants' unsupported representations are being afforded greater weight than Plaintiff's  
6 procedural objections, evidentiary concerns, and requests for enforcement of the Arizona Rules  
7 of Civil Procedure.

8 **H. ESCALATION OF SANCTIONS, CONTEMPT WARNINGS, AND**  
9 **IMPAIRMENT OF APPELLATE RIGHTS**

10 Plaintiff respectfully submits that the Court's conduct raises concerns under Rules 1.2, 2.2,  
11 2.6, 2.8, and 2.11 of the Arizona Code of Judicial Conduct. Collectively, the Court's filing  
12 restrictions, refusal to enter final appealable orders, denial of requests intended to preserve  
13 appellate rights, and treatment of Plaintiff's procedural objections create the appearance that  
14 Plaintiff is not receiving the impartial consideration required by the Code.

15 **A. JUNE 5, 2026 HEARING**

16 The June 5, 2026 Rule 56(d) hearing further contributed to the appearance of partiality.  
17 Plaintiff repeatedly disputed service of the June 10 deposition and advised the Court that  
18 Defendants had not produced documentary proof of service, stating:

19 *"I never received notice. They have not provided evidence or any kind of proof of*  
20 *notice."*

21  
22 Plaintiff further advised:

23 *"Today's notice would not comply with the rule. The rule requires a 10 day notice."*  
24

25 Defendants did not produce a notice of deposition, affidavit of service, certificate of  
26 service, or other documentary proof during the hearing. Instead, defense counsel represented that  
27 notice had been mailed and stated:

28 *"I swear to attest that the deposition was mailed from my office."*

1 Although the Court acknowledged that supporting documentation was not before it and  
2 would be supplemented later, the Court nevertheless found that:

3 *"the plaintiff's deposition for June 10, 2026 was noticed by June 1."*  
4

5 The Court then ordered Plaintiff to appear and stated that failure to do so could result in:

6 *"the denial of the motion for summary judgment filed by plaintiff, and or the*  
7 *dismissal of plaintiff's complaint, and or being held in contempt of court."*  
8

9 Plaintiff also advised the Court that she had not authorized email service. Despite these  
10 objections, the Court enforced the deposition deadline and accepted Defendants' representations  
11 regarding service before documentary support was produced.  
12

### 13 **B. RULE 56(d) RELIEF**

14 During the same hearing, Defendants sought Rule 56(d) relief but did not identify specific  
15 facts expected to be obtained through Plaintiff's deposition or explain why they could not respond  
16 using evidence already in their possession. Plaintiff advised the Court that her Motion for  
17 Summary Judgment relied on substantial documentary evidence, including emails, photographs,  
18 videos, affidavits, HOA records, and Arizona Corporation Commission records, and stated:

19 *"This is not solely based off of my testimony."*  
20

21 Despite these objections, the Court granted Defendants until August 7, 2026 to respond.  
22 Plaintiff respectfully submits that granting Rule 56(d) relief while simultaneously escalating  
23 sanctions, dismissal, and contempt proceedings based on disputed service allegations creates the  
24 appearance that Defendants' representations were afforded greater weight than Plaintiff's  
25 procedural and evidentiary objections.

### 26 **C. ESCALATION OF SANCTIONS AND APPELLATE IMPAIRMENT**

27 At the outset of the hearing, Plaintiff attempted to object to defense counsel's statements  
28 and was told:

1                   *"sanctions will now be imposed on you if you interrupt again."*

2                   The Court later advised that failure to appear for deposition could result in dismissal and  
3 contempt sanctions. The Court also denied Plaintiff's request for Rule 54(b) certification and  
4 declined to enter final signed appealable orders concerning the partial dismissal, denial of  
5 injunctive relief, denial of a stay, denial of a protective order, and denial of an Injunction Against  
6 Harassment.

7                   These rulings occurred after Plaintiff filed a Notice of Appeal and sought final appealable  
8 orders to preserve appellate rights. Plaintiff therefore remains subject to ongoing litigation,  
9 deposition obligations, sanctions exposure, and filing restrictions while appellate jurisdiction and  
10 review remain unresolved.

11                   **D. RULE 2.11 – DISQUALIFICATION**

12                   Rule 2.11(A) requires recusal whenever a judge's impartiality might reasonably be  
13 questioned. Plaintiff respectfully submits that the dismissal of substantial claims, filing  
14 restrictions, denial of requests intended to preserve appellate rights, refusal to enter final  
15 appealable orders, disputed discovery rulings, Rule 56(d) relief, and escalating sanctions and  
16 contempt proceedings would cause a reasonable person to question the Court's impartiality.  
17 Accordingly, recusal is necessary to preserve confidence in the fairness, integrity, and impartiality  
18 of these proceedings.

19                   **IV. CONSTITUTIONAL VIOLATIONS**

20                   Plaintiff further submits that the Court's actions implicate the Due Process and Equal  
21 Protection Clauses of the Fourteenth Amendment, the constitutional right of access to the courts,  
22 Article 2, Section 4 of the Arizona Constitution, and Article 2, Section 11 of the Arizona  
23 Constitution.

24                   Meaningful access to appellate review is a fundamental component of due process. See  
25 *Boddie v. Connecticut*, 401 U.S. 371 (1971); *Logan v. Zimmerman Brush Co.*, 455 U.S. 422  
26 (1982). Plaintiff respectfully submits that meaningful appellate review is substantially impaired  
27 when finality and appealability remain unresolved, final appealable orders are withheld, litigation  
28

1 continues, filing restrictions are imposed, and a litigant remains subject to discovery obligations,  
2 sanctions, and potential contempt proceedings while appellate rights are being pursued.

3 **V. REQUEST FOR RELIEF**

4  
5 WHEREFORE, Plaintiff respectfully requests that this Court:

- 6 1. Recuse the Honorable Christopher T. Coury from all further proceedings in this  
7 matter;
- 8 2. Reassign this case to a different judicial officer;
- 9 3. Vacate the filing restrictions imposed in the May 27, 2026 Order pending  
10 reassignment;
- 11 4. Stay all pending proceedings until the recusal issue is resolved;
- 12 5. Enter final signed appealable orders and Rule 54(b) certification concerning the  
13 May 27, 2026 rulings to preserve Plaintiff's appellate rights; and
- 14 6. Grant such other and further relief as the Court deems just and proper.

15 Respectfully submitted,

16 

17 Sandra Rodriguez  
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1 **VI. CERTIFICATE OF SERVICE**

2 I served copies of this **MOTION FOR CHANGE OF JUDGE FOR CAUSE AND**  
3 **REQUEST FOR RECUSAL OF JUDGE CHRISTOPHER T. COURY (PURSUANT TO**  
4 **RULE 42.2 ARIZ R. CIV. P.)** for on all parties of record via U.S. Mail.

5 **A. OPPOSING PARTY INFORMATION**

6 **DEFENDANTS:**

- 7
- 8 ○ Gardens Gilbert Community Association
  - 9 ○ Focus HOA Management, LLC
  - 10
  - 11 ○ Harmin Cadis
  - 12 ○ Brooke Sortor
  - 13 ○ Anna Schultz

- 14
- 15 • **Address:** 4135 E. Power Road, Suite 133, Mesa, Arizona 85212

16 **DEFENDANT'S LEGAL COUNSEL:**

- 17
- 18 • **Name:** Augustus H. Shaw IV
  - 19 • **Firm:** Shaw & Lines, LLC
  - 20
  - 21 • **Address:** 1490 S. Price Road, Suite 318 Chandler, Arizona 85286

22 Respectfully submitted this 5th day of June 2026.

23 

24 Sandra Rodriguez