

N/A

Today's Date:

11/18/24


Your Signature

**This page must be completed and attached
to the LAST page of your Motion/Request**

I filed the ORIGINAL of the attached document(s) with the Clerk of the Superior Court in Maricopa County on: November 18, 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 18, 2024 (Judicial Officer assigned to your case)
Month Date Year

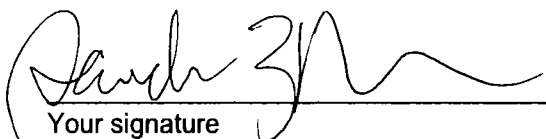
I mailed/delivered a COPY of the attached document(s) on this date:
November 18, 2024 To: Gardens Gilbert Community Association et. al
Month Date Year

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

<u>Gardens Gilbert Community Association et. al.</u> Name of Other Side	<u>Shaw & Lines, LLC/Augustus H. Shaw IV</u> Name of Other Side's Lawyer
<u>4135 S. Power Road, Ste. 133</u> Address	<u>4523 E. Broadway Road</u> Lawyer's Address
<u>Mesa, Arizona 85212</u> City, State, Zip	<u>Phoenix, Arizona 85040</u> 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:

EMERGENCY MOTION: INJUNCTION AGAINST HARASSMENT, ORDER OF PROTECTION, LIEN QUASHING, AND DAMAGES

TO THE HONORABLE JUDGE COFFEY:

I, Sandra Rodriguez (“Plaintiff”), acting pro se, respectfully submits this “*EMERGENCY MOTION: INJUNCTION AGAINST HARASSMENT, ORDER OF PROTECTION, LEIN QUASHING, AND REQUEST FOR DAMAGES, AND PERSONAL INJURY CLAIMS.*” The Plaintiff, acting pro se, respectfully submits this amended motion to address the improper lien placed on Plaintiff’s property located at 4375 E. Betsy Lane, Gilbert, Arizona 85296, as well as ongoing harassment, retaliation, and personal injuries caused by the deliberate and malicious actions of the Defendants: Gardens Gilbert Community Association (GGCA), Focus HOA Management, LLC (Focus HOA), GGCA Board of Directors, including Anna Schultz, and Focus HOA representatives Harmin Cadis and Brooke Sortor, all acting in concert with their legal counsel, Augustus H. Shaw IV. These actions have resulted in significant harm to the Plaintiff and her family and reflect a pattern of abuse of power, bad faith, and legal misconduct.

Let it be noted for the record that this lien and related actions represent yet another deliberate attempt by Defendants to harass and attack Plaintiff for exercising her constitutional and civil rights. These actions are intended to intimidate Plaintiff, retaliate against her litigation efforts, and force her and her family out of their home and neighborhood. The Defendants’ conduct continues to distract from the core issues in this case, causing significant harm to Plaintiff and her children and further violating their rights.

Plaintiff requests the following relief:

1. **An Injunction Against Harassment** under *A.R.S. § 12-1809*.

2. An **Order of Protection** under *A.R.S. § 13-3602*, which allows protective orders to address harassment, threats, or intimidation that pose a risk of harm, ensuring the safety and well-being of those facing ongoing abuse.
3. A **Motion to Quash the Improper Lien** under *A.R.S. § 33-1807*.
4. **Compensatory and Punitive Damages** under applicable federal and state laws.
5. Recognition of **Personal Injury Claims** against Defendants Anna Schultz, Harmin Cadis, and Brooke Sortor for intentional and negligent infliction of harm.
6. A **Stay of Any Collection Efforts** or Actions Pending Litigation Resolution. (*As previously requested in the Motion to Stay filed on October 3, 2024, and the earlier motion filed on September 24, 2024.*)

I. ACKNOWLEDGMENT OF COURT'S RELUCTANCE

Plaintiff acknowledges that courts are typically reluctant to grant Injunctions Against Harassment in disputes involving homeowners' associations (HOAs). However, this case presents exceptional and escalating circumstances of egregious targeted harassment, retaliatory actions, and personal harm that compel judicial intervention. The Defendants' actions, as detailed herein, far exceed the usual scope of HOA disputes, involving an alarming pattern of deliberate misconduct that infringes upon Plaintiff's property rights and constitutional protections.

The Defendants have exhibited a persistent and escalating pattern of volatile behavior, including retaliatory lien filings, harassment, and intentional obstruction. These actions continue to cause significant emotional, financial, and physical harm to Plaintiff and her family while undermining the integrity of community governance. As previously presented to the Court, these are not isolated incidents but a deliberate and calculated effort to intimidate and punish Plaintiff for asserting her legal rights. Such behavior poses an ongoing and serious threat that necessitates immediate judicial intervention to prevent further harm, ensure accountability, and safeguard the principles of fair and lawful governance.

II. STATEMENT OF URGENCY

This motion arises from the Defendants' continued and escalating acts of harassment, retaliation, and misuse of legal processes, which include:

1. **Filing an improper lien against Plaintiff's property as punishment** for asserting her legal rights, despite failing to meet statutory requirements.
2. **Sending baseless cease-and-desist letters, lien, and foreclosure threats** to intimidate me.
3. **Denying access to HOA records and portals** while unlawfully assessing charges and fines.
4. **Creating a hostile and retaliatory environment under the direction of Gardens Gilbert Community Association, Focus HOA Management, LLC, and specific leaders**, including Anna Schultz, Harmin Cadis, and Brooke Sortor, whose deliberate actions have directly caused harm to the Plaintiff and her family.

As detailed in the lien document and receipt (Exhibit #2), it is evident that Brooke Sortor personally signed the lien. Despite the statutory requirement to provide Plaintiff with legally mandated notice and a certified copy of the lien, the Defendants failed to comply. Plaintiff was forced to independently obtain this document through the Maricopa County Recorder's website. The only reason Plaintiff became aware of the lien was due to the Maricopa Recorder's Title Alert automated email updates notifying her of changes in lien status. This blatant disregard for statutory requirements further exemplifies the Defendants' retaliatory and hostile behavior. Immediate court intervention is essential to prevent further irreparable harm to me and my family and to ensure our safety and well-being.

III. LACK OF GOOD FAITH EFFORTS BY DEFENDANTS

The lien placed on Plaintiff's property is invalid, retaliatory, and violates multiple provisions of applicable laws. The Defendants failed to act in good faith as required under *A.R.S. § 33-1804(A)* and violated statutory thresholds and procedural requirements, as detailed below:

1. **Violation of Statutory Thresholds:**

- The lien process was initiated when the alleged debt was only \$469 past due, as documented in *Exhibit #1, filed on September 24, 2024*. This amount is significantly below the statutory threshold of \$1,200 required under A.R.S. § 33-1807(A).
- The lien was officially recorded for an alleged debt of \$1,065, which also fails to meet the \$1,200 statutory minimum mandated for HOA liens.
- At the time of the lien filing, November 13, 2024, the debt was less than six months overdue, far short of the one-year delinquency requirement under A.R.S. § 33-1807(A).

2. Failure to Provide Notice and Documentation:

- Defendants failed to provide the legally required 30-day written notice of delinquency via certified mail and did not supply a certified copy of the lien as required under *A.R.S. § 33-1807(F)*.

3. Denial of Access to HOA Records:

- Defendants have restricted Plaintiff's access to HOA records, in violation of the Arizona Nonprofit Corporation Act (A.R.S. § 10-11601), obstructing Plaintiff's ability to dispute the alleged debt. *Please note, this has been reported to the Court previously.*

4. Filing of an Invalid Lien with the County:

- Filing the lien with the county, despite its failure to meet statutory requirements, constitutes defamation of title and creates a false public record, damaging Plaintiff's property marketability and creditworthiness. *(See Exhibit #2)*

5. Retaliatory Intent:

- The lien was filed shortly after Plaintiff asserted her right to a jury trial and declined participation in a Settlement Conference, citing the egregious actions taken against her. This timing underscores the lien's retaliatory nature, in direct violation of the **Fair Housing Act (42 U.S.C. § 3617)**, which prohibits retaliation, and **A.R.S. § 33-1804(A)**, which mandates that HOAs act in good faith in their dealings with homeowners. *Please note, this has been reported to the Court previously.*

These actions demonstrate not only a failure to comply with Arizona law governing lien thresholds but also an intentional disregard for the procedural safeguards designed to protect homeowners. By proceeding with the lien under these circumstances, Defendants have acted in bad faith and in violation of statutory and legal obligations.

IV. LACK OF GOOD FAITH EFFORTS BY DEFENDANTS

Despite multiple opportunities, Defendants have demonstrated a complete lack of good faith by:

- 1. Litigation Abuse:** Filing baseless motions to delay proceedings and financially burden Plaintiff while refusing to resolve disputes amicably.
- 2. Cease-and-Desist Letters:** Sending legal threats intended solely to silence and intimidate me for exercising my legal rights.
- 3. Retaliatory Actions:** Filing an improper lien, increasing fines, and obstructing access to HOA records essential for my defense.

These coordinated efforts reflect bad faith and abuse of power, underscoring the necessity for judicial intervention.

V. PERSONAL INJURY CLAIMS AGAINST SPECIFIC DEFENDANTS

1. Roles of Named Defendants

The personal injury claims arise from the direct and intentional actions of the following individuals:

- **Anna Schultz:** As a leader of the Gardens Gilbert Community Association, Schultz has authority over enforcing community rules and policies. Her decisions have escalated discriminatory practices and retaliatory actions against me.
- **Harmin Cadis:** Representing Focus HOA Management, LLC, Cadis holds final decision-making authority for HOA operations. His approval and support of retaliatory actions, including the improper lien and denial of access to HOA resources, demonstrate negligence and malicious intent.

- **Brooke Sortor:** As Vice President of Management Services and Community Manager, Sortor implements the decisions of Schultz and Cadis. Her direct involvement in the lien process, communication restrictions, and discriminatory enforcement of HOA policies has caused significant emotional and financial harm to my family.

2. Legal Basis for Personal Injury Claims

I seek recognition of personal injury claims for:

1. Intentional Infliction of Emotional Distress (IIED):

- The Defendants engaged in deliberate and outrageous conduct, including harassment, retaliation, and discrimination, with the intent to cause or with reckless disregard for causing severe emotional distress.
- Their actions, such as filing an unlawful lien, denying access to HOA records, issuing baseless cease-and-desist letters, and fostering a hostile living environment, have directly resulted in significant psychological trauma to me and my family.
- Relevance: The conduct satisfies the elements of IIED as defined in Restatement (Second) of Torts § 46(1) and under Arizona case law, such as *Ford v. Revlon, Inc.*, 734 P.2d 580 (Ariz. 1987), which held defendants liable for intentional acts causing severe emotional distress.

2. Negligent Infliction of Emotional Distress (NIED):

- The Defendants failed to exercise reasonable care in their roles as HOA leaders and representatives, leading to substantial harm to my mental and emotional well-being.
- Their negligence in handling HOA governance, failure to adhere to legal obligations, and retaliatory actions have caused undue stress and harm, exacerbating the emotional toll on my family.
- Relevance: The claim aligns with the elements of NIED established in Arizona case law, including *Keck v. Jackson*, 593 P.2d 668 (Ariz. 1979), which recognized recovery for emotional distress caused by negligent conduct.

3. Defamation of Title (Related Claim):

- By filing an improper lien and creating a false public record, the Defendants knowingly published information that falsely encumbered my property, harming its marketability and causing emotional distress related to financial insecurity.
- Relevance: This constitutes defamation of title, as recognized in *Starr v. Beckman*, 222 P.3d 710 (Ariz. App. 2009).

4. Violation of Federal Housing Protections:

- The retaliatory actions, including harassment and improper lien filings, violate the Fair Housing Act (42 U.S.C. § 3617), which prohibits conduct that interferes with an individual's housing rights through intimidation or coercion.
- These violations amplify the emotional distress experienced by me and my family, adding a layer of federal protection to my claims.

5. Impact on Family Members:

1. The Defendants' conduct has caused emotional harm not only to me but also to my children, who have endured the stress and instability resulting from the harassment and retaliation. The claim for emotional distress damages includes the significant psychological harm inflicted on my children, further demonstrating the extensive and pervasive impact of Defendants' actions.

6. Damages Supporting Personal Injury Claims:

2. Severe anxiety, insomnia, and emotional distress resulting directly from Defendants' actions.

7. Financial strain caused by the improper lien, legal fees, and retaliatory tactics.

3. Psychological harm to my children due to the hostile and destabilizing environment created by Defendants.

Applicable Legal References:

- **A.R.S. § 12-542:** Establishes the two-year statute of limitations for personal injury claims, under which this claim is timely.
- **Restatement (Second) of Torts § 46(1):** Establishes liability for individuals who, through intentional or reckless conduct, cause severe emotional distress to another. This provision serves as the foundation for claims of intentional infliction of emotional distress, holding

individuals accountable for outrageous actions that result in significant psychological harm.

- **Ford v. Revlon, Inc., 734 P.2d 580 (Ariz. 1987):** Established liability for intentional infliction of emotional distress in Arizona.
- **Rowland v. Christian, 443 P.2d 561 (Cal. 1968):** Recognized the duty to exercise reasonable care, supporting claims of negligent infliction of emotional distress.

3. Evidence of Harm

- **Severe anxiety, insomnia, and emotional distress** resulting directly from Defendants' actions.
- **Substantial financial strain** due to the denial of HOA resources and retaliatory legal tactics.

VI. REQUEST FOR RELIEF

1. Injunction Against Harassment under A.R.S. § 12-1809

Defendants coordinated and retaliatory actions constitute harassment under Arizona law, justifying the issuance of an injunction to prevent further misconduct.

2. Order of Protection

Given the targeted actions of Schultz, Cadis, and Sortor, an order of protection is necessary to ensure the safety of my family and me.

3. Quashing of the Improper Lien under A.R.S. § 33-1807

The lien placed on my property is invalid and retaliatory:

- **The alleged debt was initiated when owed \$469** is well below the \$1,200 statutory threshold. *(See Exhibit #1 filed previously by Plaintiff on September 24, 2024)*
- **The debt was less than three months overdue**, far short of the one-year requirement.

- **Defendants failed to provide the statutory notice and certified copy** required under A.R.S. § 33-1807(F).

4. Stay of All Collection Efforts or Actions Pending Litigation Resolution

I request the Court stay all collection efforts, including fines, penalties, and foreclosure attempts, until this case is resolved. This request aligns with the motions filed on September 24, 2024 and October 3, 2024 both which are well beyond the 60-day requirement for judicial response.

List of Motions Awaiting Judicial Response Beyond the 60-Day Deadline

1. Plaintiff's Request to Reconsider/Clarification Settlement Conference or Mediation Order

- **Filed:** September 3, 2024
- **Request:** Plaintiff requested the court to reconsider its mediation order, arguing Defendants' bad faith and escalating retaliatory behavior made mediation inappropriate and necessitated a jury trial.
- **Status:** No response within the 60-day judicial standard, perpetuating the imbalance of power and abuse.

2. Plaintiff's Motion to Strike Defendant's Response for Reconsider/Clarification of Settlement Conference Order, New Evidence

- **Filed:** September 6, 2024
- **Status:** No response received within the procedural timeline, allowing Defendants' obstructive tactics to continue unchecked.

3. Plaintiff's Motion to Strike Defendant's Partial Motion to Dismiss and Related Filings, With Substantiative Opposition, Presentation of New Evidence and Support Allegations.

- **Filed:** September 16, 2024

- **Status:** No court ruling within the required 60 days, prolonging the financial and emotional harm to Plaintiff.

4. Motion to Seal Financial and Medical Records

- **Filed:** September 16, 2024
- **Request:** Plaintiff sought to seal sensitive financial and medical records, including information about minor children, to protect privacy under *Arizona Rule of Civil Procedure 5.4(c)* and federal privacy laws (e.g., HIPAA).
- **Status:** Court failed to act within the required timeframe, leaving private information vulnerable to exposure.

5. Motion to Cease Lien, Retaliatory, Discriminatory, and Harassing Behavior with Request for Court Intervention (Filed 54 Days Ago, Approaching the 60-Day Response Deadline)

- **Filed:** September 24, 2024
- **Request:** Plaintiff requested the court to stay all collection efforts, including fines, penalties, and foreclosure attempts, until the resolution of the litigation. This motion also addressed concerns about the retaliatory nature of the lien placed on Plaintiff's property.
- **Status:** No response within the procedural 60-day deadline under Arizona Rules of Civil Procedure, Rule 56(a).

Under *Rule 56(a) of the Arizona Rules of Civil Procedure*, the court is required to issue rulings on motions within a reasonable time to ensure a fair and efficient resolution of disputes. Additionally, the *Arizona Code of Judicial Conduct, Rule 2.5(A)* mandates that judges perform their duties diligently and avoid unnecessary delays in administering justice.

Furthermore, federal and state due process principles under the *Fourteenth Amendment to the U.S. Constitution and Article 2, Section 4 of the Arizona Constitution*

guarantee timely and fair access to the courts. The failure to address these motions in a reasonable timeframe violates procedural fairness and exacerbates the financial and emotional harm I and my family are experiencing.

I also reference the *Arizona Judicial Branch's Case Processing Standards*, which emphasize the importance of timely judicial rulings to uphold the integrity of the judicial process. In accordance with *Canon 3(B)(8) of the Code of Judicial Conduct*, courts are obligated to resolve matters promptly and without undue delay.

5. Compensatory and Punitive Damages

I seek the following damages for Defendants' malicious and retaliatory conduct:

- **Compensatory Damages:**
 - **\$7,500** for improper fines and fees.
 - **\$30,000 for legal expenses and costs:** Compensation for legal fees incurred as a direct result of Defendants' egregious and retaliatory actions, which have forced me to seek professional representation to defend my rights and pursue justice. This amount does not include additional ongoing costs, for which I also request compensation, with interest accruing at a rate of 9.5%, further compounding the financial burden as litigation continues to be prolonged.
 - **\$75,000 for emotional distress and personal injury:** Includes \$25,000 for myself and \$50,000 collectively for my two children, for the severe emotional and psychological harm inflicted on my family as a direct result of the Defendants' actions.
 - **Punitive Damages: \$50,000** to deter future misconduct and hold Defendants accountable.

6. Recognition of Personal Injury Claims

I respectfully request that the Court recognize my personal injury claims against Schultz, Cadis, and Sortor for intentional and negligent infliction of harm. Their direct actions and decisions, outside the scope of any immunity provided under the Arizona Nonprofit Corporation Act, played a pivotal role in creating a hostile, retaliatory, and harmful environment. Each Defendant acted beyond the protections afforded to nonprofit board members by engaging in deliberate misconduct, including retaliatory behavior, discriminatory practices, and negligence, thereby making them personally liable for the harm inflicted upon me and my family. Their personal involvement underscores their accountability for these actions.

VII. PRAYER FOR RELIEF

Plaintiff respectfully requests that this Court:

- 1. Issue an Injunction Against Harassment** *under A.R.S. § 12-1809.*
- 2. Grant an Order of Protection** for Plaintiff and her family.
- 3. Quash the Improper Lien** *under A.R.S. § 33-1807.*
- 4. Stay All Collection Efforts and Actions** pending litigation resolution.
 - Motions filed on **September 24, 2024**, and **October 3, 2024**, mirror this request regarding this matter remain unresolved, beyond the *60-day* judicial response requirement under *Arizona Rules of Civil Procedure, Rule 56(a)* and the *Arizona Judicial Branch's Case Processing Standards*.
- 5. Address Plaintiff's Outstanding Motions:**
 - Plaintiff respectfully requests the Court promptly review and rule on all pending motions filed in this case, including those detailed in this document and prior filings, to ensure procedural fairness and prevent further harm caused by delayed adjudication.
- 6. Award Compensatory and Punitive Damages** as detailed above.
- 7. Recognize Personal Injury Claims** against Schultz, Cadis, and Sortor for intentional and negligent infliction of harm.
- 8. Provide any other relief** this Court deems just and appropriate.

CONCLUSION

This case serves as yet another clear example of why a settlement conference would have been insufficient to resolve these deeply rooted issues. The actions of the Defendants—the Gardens Gilbert Community Association Board of Directors, their third-party management company, Focus HOA Management, LLC, and their associates—demonstrate a level of corruption and abuse of power that should concern every homeowner in this community.

As I have consistently reported to this Court from the beginning of this case, the Defendants have demonstrated a preference for coercion and intimidation over civil resolution. Their ongoing tactics, including the filing of an improper and retaliatory lien, represent an attempt to extort money without any regard for legal recourse or ethical standards. Rather than seeking peaceful and positive solutions, the Defendants have chosen to weaponize legal processes to punish and intimidate me for exercising my legal and constitutional rights.

The involvement of their legal counsel, Augustus H. Shaw IV, only amplifies these abuses. Shaw's role in enabling these actions not only drains HOA funds to defend their legal indiscretions but also weaponizes the legal system against homeowners like myself. This misuse of power and resources is a clear example of legal extortion, designed to financially and emotionally exhaust residents who dare to challenge their actions.

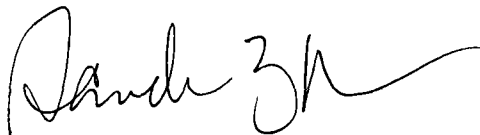
The lien at issue in this motion exemplifies how the Defendants continue to attempt to overpower me and my family, retaliating against us for standing up for our rights. There is substantial evidence, which I will present at trial, to expose the negligence, abuse, and extortion perpetrated by these Defendants and their legal counsel. The overwhelming evidence will not only demonstrate how these actions have harmed me and my family but also highlight the broader harm inflicted on other homeowners in the community.

This Court plays a critical role in protecting individuals like myself who rely on the judicial system to bring justice to situations of blatant abuse of power and authority. I respectfully ask the Court to recognize the severity of this case and the harm inflicted by the Defendants' actions. Their

conduct represents a failure to act in good faith, a disregard for statutory and ethical obligations, and a persistent abuse of power.

By granting the relief requested in this motion, the Court has the opportunity to not only address the injustice in this case but also send a message to others in similar positions of authority that such corrupt and coercive actions will not be tolerated. As I have consistently stated, this case extends far beyond the impact on my family—it is about holding those in positions of power accountable for their actions and ensuring that justice is upheld for the benefit of all members of our community.

Respectfully submitted this 18th day of November, 2024.

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

Sandra Rodriguez, Pro Se Plaintiff

LEGAL PRECEDANTS AND APPLICABLE LAWS

1. **Arizona Planned Communities Act (A.R.S. § 33-1807):**

- Governs HOA lien procedures and specifies the \$1,200 threshold and one-year delinquency requirements.
- Requires written notice via certified mail and a certified copy of the lien before it can be enforced.

2. **Arizona Nonprofit Corporation Act (A.R.S. § 10-11601):**

- Grants HOA members the right to inspect financial records to ensure transparency and accountability.
- **Relevance:** The denial of access to HOA records obstructed Plaintiff's ability to verify charges and challenge improper actions, causing financial and emotional harm.

3. **Arizona Revised Statutes (A.R.S. § 33-420):** Prohibits filing false or fraudulent liens.

4. **Arizona Revised Statutes (A.R.S. § 33-1804(A)):**

- Mandates that HOAs act in good faith and in compliance with governing documents.
- **Relevance:** Defendants' retaliatory and unlawful actions breach this obligation of good faith.

5. **Arizona Revised Statutes (A.R.S. § 44-1522):**

- Arizona Consumer Fraud Act: Prohibits deceptive and unfair practices in any transaction, including HOA operations and financial disputes.
- **Relevance:** The improper charges, denial of access to records, and retaliatory practices constitute deceptive acts under this statute.

6. **Arizona Constitution, Article 2, Section 4:** Guarantees due process, which includes the right to fair and transparent procedures in disputes involving property rights.

7. **Defamation of Title:** Recognized under *Starr v. Beckman*, 222 P.3d 710 (Ariz. App. 2009) for filing baseless property liens.

8. **Fair Housing Act (42 U.S.C. § 3617):**

- Prohibits retaliation and discriminatory practices in housing-related matters, which include harassment and coercive lien filings.

9. **Restatement (Second) of Torts § 46(1)**: Provides the framework for holding individuals liable for intentionally or recklessly causing severe emotional distress.
10. **A.R.S. § 12-542**: Establishes the two-year statute of limitations for personal injury claims, under which this claim is timely.

CASE LAW SUPPORTING DAMAGES

11. **Farr v. Transamerica Occidental Life Insurance Co.**, 145 Ariz. 1 (Ariz. Ct. App. 1988):
 - Allowed recovery for emotional distress caused by financial or property disputes.
 - **Relevance**: Plaintiff experienced financial and emotional harm as a direct result of Defendants' actions.
12. **Ford v. Revlon, Inc.**, 734 P.2d 580 (Ariz. 1987): Established liability for intentional infliction of emotional distress in Arizona.
 - Recognized compensatory and punitive damages for intentional infliction of emotional distress.
 - **Relevance**: Defendants' conduct caused severe emotional distress to Plaintiff and her family.
13. **Rowland v. Christian**, 443 P.2d 561 (Cal. 1968): Recognized the duty to exercise reasonable care, supporting claims of negligent infliction of emotional distress.
14. **Sanzaro v. Ardiente Homeowners Association, LLC**, 513 Fed. Appx. 607 (9th Cir. 2013):
 - Addressed retaliation and discrimination by an HOA under the Fair Housing Act.
 - **Relevance**: Defendants' retaliatory actions, including harassment and the lien filing, violate federal housing laws.
15. **Starr v. Beckman**, 222 P.3d 710 (Ariz. App. 2009):
 - Established that knowingly filing a false lien constitutes defamation of title.
 - **Relevance**: The improper lien directly caused financial and reputational harm to Plaintiff.

EXHIBIT 1

(See Motion filed on September 24, 2024 by Plaintiff, Exhibit #1)

EXHIBIT 2

Exhibit #2

Rodriguez4375-3-1-1--
Yorkm

When recorded Return to:
Gardens Gilbert Community Association; Master Association
c/o Focus HOA Management, LLC
4135 S. Power Rd Ste 133
Mesa, Arizona 85212

Notice of Claim of Lien

1. In accordance with the terms and provisions of the Declaration of Covenants, Conditions, Restrictions for Gardens Gilbert Community Association, Master Association, (the Declaration), recorded in the office of the County Recorder of Maricopa County, Arizona, on June 6, 2023, hereby claims a lien on the real property described in Section 2 below for unpaid and delinquent assessments, late charges and fees in the amount of \$ 1065.00 payable to the Association under the Declaration.

2. The real property upon which the Association claims a lien is legally described as follows:

Unit 86, THE GARDENS PARCEL 2, according to the plat of record in THE OFFICE OF THE County Recorder of Maricopa County, Arizona, recorded in Book 572 of Maps, Page 10.

3. The street address of the Assessed Property is as follows:

4375 E. Betsy Lane
Gilbert AZ 85296

4. The name and address of the purported owner of the Assessed Property is as follows:

Sandra Rodriguez

4375 E. Betsy Lane

Gilbert AZ 85296

5. The lien of the Association for unpaid and delinquent assessments, lien fees, late charges, interest, collection costs and attorney fees is a continuing lien and shall include assessments and other amounts which become payable to the Association in the future. The Association shall not be obligated to release its lien upon the lot until all unpaid and delinquent assessments, lien fees, late charges, interest, collection costs and attorney fees due the Association by the owner of the lot have been paid in full.

Exhibit #2

Dated this Day of November 13, 2024

[Signature]
Agent

State of Arizona)
) ss County of
Maricopa)

The foregoing instrument was acknowledged before me this 13 Day of November, 2024

[Signature]
Notary Public

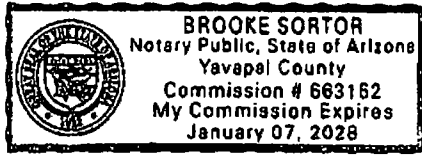


Exhibit #2

Gardens Gilbert Community Association

4135 S Power Rd Suite 133

Mesa, AZ 85212

Sandra Rodriguez
 4375 E BETSY LN
 GILBERT, AZ 85296

Property Address: 4375 E BETSY LN
 Account #: 23975

Date	Code	Amount	Balance	Check#	Memo
	Begin Balance	-65.00			
6/1/2024	Assessment	72.00	7.00		Monthly Assessment
6/1/2024	Assessment	61.00	68.00		Parcel 2 Assessments
6/17/2024	Payment	-68.00	0.00	104	
7/1/2024	Assessment	72.00	72.00		Monthly Assessment
7/1/2024	Assessment	61.00	133.00		Parcel 2 Assessments
7/15/2024	Late Fee	15.00	148.00		Late Fee
7/31/2024	Past Due Statement Fee	10.00	158.00		30 Day Past Due
8/1/2024	Assessment	72.00	230.00		Monthly Assessment
8/1/2024	Assessment	61.00	291.00		Parcel 2 Assessments
8/15/2024	Late Fee	15.00	306.00		Late Fee
8/31/2024	Past Due Statement Fee	30.00	336.00		60 Day Past Due
9/1/2024	Assessment	72.00	408.00		Monthly Assessment
9/1/2024	Assessment	61.00	469.00		Parcel 2 Assessments
9/15/2024	Late Fee	15.00	484.00		Late Fee
9/30/2024	Intent To Lien	50.00	534.00		Intent to Lien Notice
10/1/2024	Assessment	72.00	606.00		Monthly Assessment
10/1/2024	Assessment	61.00	667.00		Parcel 2 Assessments
10/15/2024	Late Fee	15.00	682.00		Late Fee
10/31/2024	Lien	190.00	872.00		Pre Attorney
10/31/2024	Collection Letter	10.00	882.00		Pre Attorney
10/31/2024	Collection Letter	50.00	932.00		Pre Attorney
11/1/2024	Assessment	72.00	1,004.00		Monthly Assessment
11/1/2024	Assessment	61.00	1,065.00		Parcel 2 Assessments

Balance: 1,065.00


Exhibit #2

20240608493
OFFICIAL RECORDS OF
MARICOPA COUNTY RECORDER
STEPHEN RICHER



The foregoing instrument is an
electronically prepared
full, true and correct copy
of the original record in this
office.

Attest: 11/16/2024 06:06:21 PM

By  Recorder

To Verify this purchase visit
<http://recorder.maricopa.gov/recdocdata/verifycert.aspx?id=317785>

Exhibit #2

☑ Payment Submitted!

Confirmation #3886180228

11/16/24, 7:02:38 PM

Payment Information

VISA *** confidential ~

RecordedDocuments-20240608493[certified]-Download	\$6.00
Subtotal	\$6.00
Total Amount	\$6.00

Billing Address

Sandra Rodriguez
4375 E. Betsy Lane
Gilbert, Arizona 85296

sandra.rodriguezU339@gmail.com

[Print Receipt](#)