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CLERK OF THE
SUPERIOR COURT
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7 **IN THE SUPERIOR COURT IN THE STATE OF ARIZONA**
8 **IN AND FOR THE COUNTY OF MARICOPA**

9 SANDRA RODRIGUEZ,

10 **Plaintiff,**

11 vs.

12 GARDENS GILBERT COMMUNITY
13 ASSOCIATION, FOCUS HOA
14 MANAGEMENT, LLC, HARMIN CADIS,
15 BROOKE SORTOR, ANNA SCHULTZ

16 **Defendants,**

17 AUGUSTUS H. SHAW IV

18 **Defendant's Legal Counsel,**

MARICOPA COUNTY
SUPERIOR COURT

Case No.: CV2024-005940

Judge David McDowell,

19 **APPEALS COURT (DIVISION**
20 **ONE) Case No.: 1 CA-CV 24-0790; 1**
21 **CA-CV 25-0040 (Consolidated)**

22 **PLAINTIFF'S RESPONSE TO**
23 **DEFENDANTS' RESPONSE TO**
24 **PLAINTIFF EMERGENCY MOTION**

25 **TO THE HONORABLE JUDGE MCDOWELL:**

26 **I. INTRODUCTION**

27 Plaintiff respectfully seeks this Court's permission to submit the present filing because
28 Defendants and their counsel once again advance *recycled and meritless arguments already rejected on appeal*, while disregarding the *ongoing health and safety hazards* at Plaintiff's

1 home: (1) defective and unsafe windows and (2) roof failures resulting in *water intrusion, mold*
2 *contamination, and related health impacts* to Plaintiff and her children. These conditions
3 constitute **irreparable harm** under federal and Arizona law—harm that *cannot be cured by*
4 *monetary damages alone*.

5 In dismissing Plaintiff’s filings as “*repetitive*,” Defendants continue to ignore both the
6 **Arizona Court of Appeals’ August 12, 2025 mandate**—which expressly preserved Plaintiff’s
7 *discrimination and retaliation claims*—and the *present, deteriorating conditions* requiring
8 immediate relief. See Plaintiff’s *original and amended civil complaints* in **Maricopa County**
9 **Superior Court Case Nos. CV2024-005940 and CV2024-013806**, which plead retaliation,
10 discrimination, failure to maintain, and record-access violations, and request *injunctive and non-*
11 *monetary relief* alongside damages.

12 Defendants’ Response is also **procedurally defective**, as it:

- 13 • Fails to comply with **Rule 11, Ariz. R. Civ. P.** (no safe-harbor notice, no separate motion,
14 no leave of court).
- 15 • Is *premature*, filed while Plaintiff’s Motion for Reconsideration remains pending.
- 16 • Is *unsupported*, offering no affidavits, no evidentiary basis, and no proof of proper
17 service.

18 By contrast, Plaintiff’s **Emergency Motion** sets forth un rebutted facts regarding
19 Defendants’ obstruction of her architectural form request, the HOA’s repeated non-responses,
20 and the necessity of immediate equitable intervention.

21 **II. BACKGROUND AND PRESERVED CLAIMS**

22 Plaintiff’s original civil complaints in both Case Nos. CV2024-005940 and CV2024-
23 013806 set forth that, after she sought *maintenance and transparency* from the Gardens Gilbert
24 Community Association (GGCA), Focus HOA Management, LLC, and specifically GGCA
25 Board President Anna Schultz, Focus HOA leadership Harmin Cadis and Brooke Sortor,
26 Defendants engaged in a *continuing pattern of retaliation, discrimination, and related*
27 *misconduct*.
28

1 By withholding basic architectural forms necessary to remedy serious health and safety
2 hazards, and by repeating these tactics across separate incidents, Defendants have engaged in a
3 pattern of retaliation that:

- 4 1. **Targets Plaintiff's protected activity** (seeking maintenance and enforcement of housing
5 rights);
- 6 2. **Inflicts irreparable harm** through ongoing unsafe conditions and health risks; and
7
- 8 3. **Demonstrates bad faith** and disregard for statutory and constitutional obligations.
9

10 This pattern confirms that Defendants' actions are not legitimate governance decisions, but
11 **retaliatory measures intended to punish Plaintiff for asserting her rights**. Such conduct not
12 only violates federal and state fair-housing law but also underscores the urgent need for
13 **injunctive relief** to prevent further harm.

14 **III. LEGAL STANDARDS**

15 **A. PRELIMINARY INJUNCTION – Rule 65, Ariz. R. Civ. P.**

16 In determining whether to grant preliminary injunctive relief, the Court considers four factors:
17

- 18 1. Likelihood of success on the merits;
- 19 2. Irreparable harm if relief is denied;
- 20 3. Balance of hardships between the parties; and
21
- 22 4. Public interest served by the injunction.
23

24 Arizona courts recognize that verification requirements may be satisfied through a
25 contemporaneous declaration, and sworn evidence submitted with a motion may be considered
26 in support of injunctive relief.
27
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1 **HOW RODRIGUEZ SATISFIED THIS REQUIREMENT:**

- 2
- 3 • **Likelihood of success:** Rodriguez’s **original and amended complaints in CV2024-**
- 4 **005940 and CV2024-013806** clearly allege retaliation, discrimination, record-access
- 5 **violations, and failure to maintain, invoking the Fair Housing Act, Arizona Fair**
- 6 **Housing Act, and HOA duties under A.R.S. §§ 33-1805 and 33-1806. The Arizona**
- 7 **Court of Appeals’ August 12, 2025 mandates** preserved these claims, establishing that
- 8 her causes of action have merit.
- 9
- 10 • **Irreparable harm:** In her **Emergency Motion filed September 5, 2025 (CV2024-**
- 11 **005940),** Rodriguez documented **roof defects, water intrusion, and mold**
- 12 **contamination** causing health impacts to her and her children. As also reported in her
- 13 **March–April 2025 filings,** Defendants withheld window **Architectural**
- 14 **Application Forms** for over 73 days, leaving her family in unsafe conditions. When she
- 15 sought the window form in person, Rodriguez was harassed and had the police called on
- 16 her at the direction of Brooke Sortor (video evidence filed to the court), despite merely
- 17 requesting basic information. This pattern of obstruction and intimidation not only
- 18 prolonged hazardous conditions but also demonstrates *ongoing harms that cannot be*
- 19 *remedied by money damages.*
- 20
- 21 • **Balance of hardships:** Rodriguez faces unsafe living conditions, while Defendants need
- 22 only process standard architectural forms and comply with statutory duties. The balance
- 23 overwhelmingly favors Plaintiff.
- 24
- 25 • **Public interest:** Rodriguez’s filings, including **Addendum B (Applicable Laws),**
- 26 establish that enforcing fair housing protections and HOA transparency promotes the
- 27 public interest in preventing retaliation and ensuring safe housing.

28 **B. SANCTIONS – Rule 11, Ariz. R. Civ. P.**

Rule 11 requires strict compliance before sanctions may be imposed:

- The request must be brought by a separate motion;
- A 21-day safe harbor notice must be provided to the opposing party; and

- The motion must identify the specific conduct alleged to violate **Rule 11(b)**.

Failure to comply with these procedural requirements is fatal to any sanctions request. See *Takieh v. O'Meara*, 252 Ariz. 51, 497 P.3d 106 (App. 2021).

HOW RODRIGUEZ SHOWS DEFENDANTS' NON COMPLIANCE: In their *Response to Plaintiff's Motion for Emergency Relief (Sept. 10, 2025)*, Defendants improperly embedded a sanctions request within their response, offered *no separate motion*, and provided *no proof of a safe-harbor notice*. Moreover, they identified no specific conduct that violates Rule 11(b) and submitted *no evidence whatsoever* to substantiate their accusations. Rodriguez has placed this filing into the record, making clear that Defendants' sanctions request is procedurally defective, unsupported by evidence, and must be **stricken in its entirety**.

C. HARASSMENT – Arizona Law

Under A.R.S. § 12-1809(S)(1), “*harassment*” is defined as a pattern of conduct directed at a specific person that would cause a reasonable person to be seriously alarmed, annoyed, or harassed, and that serves no legitimate purpose.

HOW RODRIGUEZ SATISFIES THIS REQUIREMENT: Rodriguez’s filings—including her **Emergency Motion** and supporting exhibits—demonstrate a **sustained and deliberate pattern of harassment** by Defendants that goes far beyond mere administrative delay. The evidence already submitted into the record **clearly exceeds the burden of proof necessary to establish harassment under A.R.S. § 12-1809(S)(1)**, showing repeated, intentional acts of obstruction, intimidation, and retaliation rather than isolated or incidental conduct.

1. **Withholding Architectural Forms:** Defendants deliberately withheld required **Architectural Application Forms** for both windows (exceeding 73 days+) and roof repairs. These delays left Rodriguez and her children living with **water intrusion, mold contamination, and unsafe housing conditions**, creating serious and ongoing health risks.
2. **Escalation to Police Involvement:** In March–April 2025, when Rodriguez lawfully requested the **Architectural Application Form for window replacement**, **Brooke**

1 **Sortor** directed staff to call the police on her for merely seeking basic HOA information.
2 This escalation served **no legitimate purpose** and was intended solely to **intimidate,**
3 **retaliate against, and harass** Rodriguez for exercising her rights. Such conduct falls
4 squarely within the statutory definition of **harassment under A.R.S. § 12-1809(S)(1)** and
5 constitutes **unlawful retaliation prohibited by 42 U.S.C. § 3617 and A.R.S. § 41-**
6 **1491.19.**

7 Acting in coordination with their legal counsel, *Augustus H. Shaw IV*, both *Sortor* (Focus
8 HOA Management, LLC) and *Anna Schultz* (GGCA Board President) subsequently
9 submitted a **fraudulent affidavit to the Arizona Court of Appeals**, falsely claiming that
10 Focus HOA employees Jennifer Munn and Brittany Schultz were not acting as employees
11 when they denied Rodriguez access to the form. In truth, both Munn and B. Schultz were
12 operating in their official capacity as **employees of Focus HOA Management, LLC**
13 while representing the Gardens Gilbert Community Association—a fact confirmed by
14 *video evidence filed with the Maricopa Superior Court.*

15 This combination of **police escalation and false affidavits**, coordinated with counsel,
16 exemplifies a deliberate pattern of **harassment, retaliation, and bad-faith litigation**
17 **tactics** intended to mislead the appellate court, obstruct justice, and punish Rodriguez for
18 asserting her housing rights.

- 19 3. **Weaponization of Legal Counsel:** Defendants, acting through their attorney **Augustus**
20 **H. Shaw IV**, have pursued a calculated strategy of harassment and obstruction, repeatedly
21 filing *frivolous and duplicative motions* that recycle arguments already rejected by the
22 **Arizona Court of Appeals.**

23 In their **Response to Plaintiff’s Motion for Emergency Relief (Sept. 10, 2025)**, Shaw
24 improperly embedded a **Rule 11 sanctions request** without a separate motion, without
25 safe-harbor notice, and without evidentiary support—an approach flatly prohibited by
26 *Takieh v. O’Meara*, 252 Ariz. 51 (App. 2021). Instead of presenting facts, Shaw relied on
27 conclusory accusations that Rodriguez’s filings were “*frivolous*” and “*repetitive*,” offering
28 *no proof of delivery, affidavits, or evidence.*

1 In the **Defendants’ Reply in Support of Motion to Consolidate (Aug. 22, 2025)**,
2 Shaw repeated the same discredited arguments that Plaintiff’s claims were “*barred*” and
3 “*duplicative*,” despite the **Court of Appeals’ August 12, 2025 mandate** expressly
4 preserving Rodriguez’s *discrimination and retaliation claims*. This filing was an attempt
5 to **mislead the Superior Court** into disregarding a binding appellate ruling.

6 In Defendants’ **Answering Brief filed Jan. 23, 2025**, Shaw sought to uphold
7 vacated attorney’s fees and pressed res judicata arguments that the Court of Appeals
8 ultimately rejected. By continuing to demand **fees already vacated on appeal**, Shaw has
9 attempted to impose **excessive and unlawful financial burdens** on Rodriguez, using the
10 threat of costs as a weapon of coercion.

11 These examples establish a **pattern of distortion and manipulation** by
12 Defendants’ counsel—*mischaracterizing Rodriguez’s filings, re-litigating issues*
13 *conclusively resolved on appeal, and seeking sanctions and fees without any procedural*
14 *or substantive basis*. Shaw’s conduct is not aimed at resolving legitimate disputes but at
15 **obstructing Plaintiff’s claims, misleading the Court, and financially and emotionally**
16 **exhausting Rodriguez**—tactics that Rodriguez has already documented and reported to
17 this Court on multiple occasions.

18 Such actions violate the *constitutional guarantees of due process, equal*
19 *protection, and access to the courts*, and reflect *bad-faith litigation tactics* designed to
20 silence a civil rights plaintiff through harassment and financial pressure.

21 **VIOLATIONS OF ARIZONA RULES OF PROFESSIONAL CONDUCT**

22 Shaw’s conduct continues to conflict with the **Arizona Rules of Professional Conduct**
23 **(Rule 42, Ariz. R. Sup. Ct.)**, which govern attorney obligations:

- 24 • **ER 3.1 (Meritorious Claims and Contentions):** Prohibits attorneys from advancing
25 frivolous claims or defenses. Shaw’s repetitive filings and reliance on arguments
26 already rejected by the Court of Appeals violate this rule.
- 27 • **ER 3.3 (Candor Toward the Tribunal):** Requires truthfulness and prohibits making
28 false statements of fact or law or failing to correct false statements. Submitting filings

1 that mischaracterize the appellate mandate and supporting a fraudulent affidavit
2 mislead the tribunal.

- 3 • **ER 4.4(a) (Respect for Rights of Others):** Forbids using means that have no
4 substantial purpose other than to embarrass, delay, or burden a third person. Shaw's
5 strategy of embedding sanctions requests and pursuing vacated fees demonstrates such
6 misuse.
- 7 • **ER 8.4(d) (Misconduct):** Declares it professional misconduct for a lawyer to "engage
8 in conduct that is prejudicial to the administration of justice." Filing motions designed
9 to obstruct and intimidate, rather than advance legitimate claims, falls within this
10 prohibition.

11 **SUPPORTING PRECEDENT**

12 Arizona and federal courts have long condemned the use of litigation tactics as tools of
13 harassment:

- 14 • *Johnson v. Brimlow*, 164 Ariz. 218 (App. 1990) — courts will not tolerate misuse of
15 procedure to harass or delay.
- 16 • *Christiansburg Garment Co. v. EEOC*, 434 U.S. 412 (1978) — courts must guard
17 against awarding attorney's fees in ways that punish civil rights plaintiffs for pursuing
18 legitimate claims.
- 19 • *Cypress on Sunland HOA v. Orlandini*, 227 Ariz. 288 (App. 2011) — submitting false
20 or misleading affidavits constitutes fraud on the court and undermines judicial
21 integrity.

22 By disregarding these rules and precedents, Shaw has transformed his role from an officer of
23 the court into an instrument of harassment, using the legal system itself as a weapon to deny
24 Rodriguez's statutory and constitutional rights.

- 25 4. **Legal and Financial Extortion:** Defendants have turned sanctions and attorney's fees
26 into instruments of harassment by:
27
28

- 1 • Repeatedly requesting sanctions without filing a separate motion or providing the
2 required **safe-harbor notice** under **Rule 11**;
- 3 • Continuing to demand attorney's fees already **vacated by the Court of Appeals'**
4 **August 12, 2025 mandate**;
- 5 • Persisting in requests for **excessive fees despite Rodriguez's documented**
6 **indigency status**, a tactic that magnifies the coercive impact of these filings; and
- 7 • Forcing Rodriguez to expend scarce resources responding to **baseless, duplicative**
8 **motions** intended solely to delay proceedings and increase her financial strain.

9 This pattern of **litigation abuse and financial coercion** rises to the level of **legal and**
10 **financial extortion**, deliberately designed to pressure Rodriguez into abandoning her claims by
11 making the litigation process prohibitively costly, intimidating, and inaccessible.

12 13 **VIOLATIONS OF ARIZONA RULES OF PROFESSIONAL CONDUCT**

14
15 This conduct also violates the **Arizona Rules of Professional Conduct (Rule 42, Ariz.**
16 **R. Sup. Ct.):**

- 17 • **ER 3.1 (Meritorious Claims and Contentions):** prohibits advancing frivolous claims
18 or defenses. Shaw's reliance on arguments already rejected by the Court of Appeals
19 violates this rule.
- 20 • **ER 3.3 (Candor Toward the Tribunal):** requires attorneys to be truthful with courts.
21 Submitting filings that mischaracterize the appellate mandate and supporting a
22 fraudulent affidavit misleads the tribunal.
- 23 • **ER 4.4(a) (Respect for Rights of Others):** forbids using tactics that have no
24 substantial purpose other than to **embarrass, delay, or burden**. Shaw's strategy of
25 embedding sanctions requests and pursuing vacated fees demonstrates such misuse.
- 26 • **ER 8.4(d) (Misconduct):** prohibits conduct **prejudicial to the administration of**
27 **justice**. Filing motions designed to obstruct and intimidate, rather than advance
28 legitimate claims, falls within this prohibition.

1 **SUPPORTING PRECEDENT**

2 Courts have repeatedly condemned these kinds of tactics:

- 3
- 4 • *Johnson v. Brimlow*, 164 Ariz. 218 (App. 1990) — courts will not tolerate misuse of
 - 5 procedure to harass or delay.
 - 6 • *Christiansburg Garment Co. v. EEOC*, 434 U.S. 412 (1978) — warns against
 - 7 awarding attorney’s fees in a way that punishes civil rights plaintiffs.
 - 8 • *Cypress on Sunland HOA v. Orlandini*, 227 Ariz. 288 (App. 2011) — submission of
 - 9 false affidavits constitutes **fraud on the court** and undermines judicial integrity.
- 10

11 **CONCLUSION**

12 Taken together, Defendants’ refusal to provide forms, their escalation to police

13 involvement, submission of false affidavits, misuse of legal counsel, and repeated threats

14 of sanctions and fees serve **no legitimate HOA purpose**. Instead, these acts constitute a

15 **coordinated campaign of harassment under A.R.S. § 12-1809(S)(1)**—a campaign

16 intended to punish Rodriguez for exercising her housing rights and to deprive her of fair

17 access to justice.

18 **D. RETALIATION – Federal and Arizona Fair Housing Law**

19 The **Fair Housing Act**, 42 U.S.C. § 3617, and the **Arizona Fair Housing Act**, A.R.S. §

20 **41-1491.19**, prohibit coercion, intimidation, threats, or interference with any person in the

21 exercise of their housing rights. This includes the use of litigation tactics or abuse of authority

22 designed to deter, punish, or silence protected activity, such as requesting repairs, filing

23 complaints, or pursuing legal claims.

24 **HOW RODRIGUEZ SATISFIES THIS REQUIREMENT:** Plaintiff’s filings,

25 including her **September 5, 2025 Emergency Motion** and **March–April 2025 reports to the**

26 **Court**, demonstrate that she engaged in protected activity by requesting maintenance and

27 transparency, filing complaints, and pursuing judicial relief. Defendants repeatedly responded

28 with **adverse actions**—withholding architectural forms, prolonging unsafe housing conditions,

1 mischaracterizing her requests, and escalating to police involvement. These retaliatory acts
2 establish a direct causal connection to her protected activity and fall squarely within the scope
3 of prohibited retaliation under both federal and Arizona law.

4 **IV. ARGUMENTS**

5 **A. DEFENDANTS' RULE 11 REQUEST IS PROCEDURALLY DEFECTIVE AND** 6 **MUST BE DENIED**

7
8 Defendants did not file a **separate** Rule 11 motion, did not provide **safe-harbor notice**,
9 and did not obtain **leave**. They also fail to identify specific conduct violating Rule 11(b). Their
10 combined, conclusory request should be **stricken**. *Takieh*, 252 Ariz. at 59–60 (strict compliance
11 required). Their own papers show **no proof of compliant service** and no evidentiary support.
12 See Plaintiff's filing referencing service/addresses and the emergency request record.

13 **B. DEFENDANTS RECYLCE ARGUMENTS ALREADY DISCREDITED AND** 14 **DISOBEY THE APPELLATE MANDATE**

15 Defendants reprise the same “*scope/new claim*” and “*no injunction*” arguments they
16 pressed in appellate filings. The **Court of Appeals mandate** preserves Plaintiff's discrimination
17 and retaliation claims and vacated improper fee awards. Persisting in these arguments **defies the**
18 **mandate**, invites duplication, and undermines due process. Plaintiff's records and addenda show
19 preserved claims and statutory predicates (FHA/Arizona FHA; HOA duties).

20 **C. PLAINTIFF SATISFIES RULE 65; IRREPERABLE HARM IS ONGOING** 21 **AND NOT REDRESABLE BY MONEY**

- 22
23 1. **LIKELIHOOD OF SUCCESS:** Plaintiff's complaints in CV2024-005940 and
24 CV2024-013806 allege *retaliatory adverse actions, record-access violations,*
25 *failure to maintain, discriminatory interference, and related tort claims*. These
26 claims are supported by the HOA's governing-document duties, the **Fair Housing**
27 **Act**, the **Arizona Fair Housing Act**, and statutory obligations under A.R.S. §§ 33-
28 **1805 and 33-1806**. The **Arizona Court of Appeals'** August 12, 2025 mandate
preserved Plaintiff's discrimination, retaliation, and negligence-based claims,
underscoring a clear likelihood of success on the merits.

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2. **IRREPERABLE HARM:**

Plaintiff has documented **unsafe windows, roof defects, water intrusion, and mold contamination**, all of which have caused **serious health impacts to Plaintiff and her children**. These conditions also form the basis of **personal injury and tort claims**, including exposure-related illnesses, loss of use and enjoyment of property, and emotional distress. Such harms cannot be undone or adequately compensated by money alone.

Courts consistently recognize that **loss of safe housing, ongoing health exposure, and discrimination-related harms** are irreparable:

- *Gresham v. Windrush Partners, Ltd.*, 730 F.2d 1417 (11th Cir. 1984) – unsafe housing constitutes irreparable harm.
- *United States v. Scott*, 788 F. Supp. 1555 (D. Kan. 1992) – housing-related health risks cannot be cured by damages.
- *Ariz. Ass'n of Providers for Persons with Disabilities v. State*, 223 Ariz. 6 (App. 2009) – irreparable injury exists where public health and safety are at stake.

Plaintiff has expressly sought **non-monetary orders**: to **halt retaliation, compel records and transparency, and set firm architectural approval deadlines** to remedy the ongoing harm.

3. **BALANCE / PUBLIC INTEREST:**

The balance overwhelmingly favors Plaintiff. She and her children remain in unsafe, uninhabitable conditions, while Defendants face only the minimal burden of complying with their statutory and contractual duties.

The public interest lies in enforcing fair-housing protections, deterring retaliation, and ensuring basic safety and transparency in HOA governance. Plaintiff's filings show a clear pattern of administrative obstruction and misuse of legal process, not legitimate policy disputes.

1 **D. THE RECORD PROVES OBSTRUCTION: WINDOW ARCHITECTURAL**
2 **FORM, 73+ Day Delay, and Police Escalation**

3 Defendants cite the prior window form only to distract and mislead. The record—
4 including unanswered emails, repeated requests, refusals, and escalation to police—shows they
5 withheld the window form for over 73 days and now refuse to acknowledge Plaintiff’s August
6 19, 2025 roof submission, despite repeated warnings (April 11, 2025 (windows) and September
7 2, 2025 (roof)) and ongoing water intrusion and mold hazards (*See Exh. A, filed Sept. 5, 2025*).

8 At Brooke Sortor’s direction, staff even called police on Plaintiff during her lawful
9 window request—an intimidation tactic captured on video and filed with this Court. Combined
10 with false affidavits to the Court of Appeals and refusal to act on the roof form, Defendants’
11 pattern demonstrates retaliation, harassment, and bad-faith litigation tactics.

12 This conduct supports liability under **42 U.S.C. § 3617, A.R.S. § 41-1491.19, and A.R.S.**
13 **§ 12-1809(S)(1)** and underscores the need for immediate injunctive relief.

14 **E. DEFENDANTS’ CONDUCT HARMS THE COURT & THE COMMUNITY**

15 Defendants’ duplicative filings *clog the docket*, prolong the case, and waste judicial
16 resources. They also *misuse homeowner funds* to litigate obstruction rather than resolve safety
17 issues—a breach of fiduciary sensibilities underscored by Plaintiff’s demands for transparency
18 and training/non-monetary relief.

19 **F. CONSTITUTIONAL RIGHTS**

20 Defendants’ pattern (withholding forms/records, retaliatory escalation, recycled filings
21 to sidestep the mandate) infringes Plaintiff’s **due process** and **equal protection** rights and **access**
22 **to courts** while she seeks fair-housing compliance. See also Plaintiff’s asserted constitutional
23 violations in the Emergency Motion record.

24 **V. PREMATUREITY OF DEFENDANTS’ REQUEST**

25 Defendants’ filing is also premature and pre-emptive. Plaintiff’s Motion for
26 Reconsideration remains pending, raising judicial error and potential appellate issues. Until the
27
28

1 Court rules on reconsideration, Defendants cannot preemptively cut off Plaintiff's claims with
2 sanctions motions that themselves are procedurally defective.

3 **VI. CONCLUSION AND PRAYER FOR RELIEF**

4
5 Defendants' September 10, 2025 Response should be rejected in full. Their filing relies
6 on recycled arguments already discredited on appeal, including claims that Plaintiff's relief is
7 "*outside the complaint*," that she has not shown irreparable harm, and that her motions are
8 "*frivolous*." These arguments ignore the **Arizona Court of Appeals' August 12, 2025 mandate**,
9 which expressly preserved Plaintiff's discrimination, retaliation, and negligence-based claims.
10 They also disregard unrebutted evidence of continuing health and safety hazards—unsafe
11 windows, roof defects, water intrusion, mold contamination, and resulting personal injuries—
12 which cannot be cured by monetary damages alone.

13 Defendants' sanctions request is also procedurally defective and unsupported. It was
14 improperly embedded in a response brief, filed without a separate motion, without a 21-day safe-
15 harbor notice, and without any factual or evidentiary basis, contrary to **Rule 11, Ariz. R. Civ. P.**
16 and *Takieh v. O'Meara*, 252 Ariz. 51 (App. 2021). Further, Defendants continue to demand
17 attorney's fees already vacated by the Court of Appeals, and to pursue excessive fee claims
18 despite Plaintiff's documented indigency, demonstrating a pattern of harassment, retaliation, and
19 financial coercion rather than legitimate advocacy.

20 Defendants' conduct—including withholding Architectural Application Forms for more
21 than 73 days, escalating to police when Plaintiff lawfully requested a form, submitting false
22 affidavits to the Court of Appeals, and recycling rejected arguments in this Court—constitutes
23 harassment under **A.R.S. § 12-1809(S)(1)** and retaliation prohibited by **42 U.S.C. § 3617** and
24 **A.R.S. § 41-1491.19**. It also violates the **Arizona Rules of Professional Conduct**, which prohibit
25 frivolous claims (**ER 3.1**), misleading the court (**ER 3.3**), harassing or burdening another (**ER**
4.4), and engaging in conduct prejudicial to the administration of justice (**ER 8.4(d)**).

26 For these reasons, Plaintiff respectfully requests that the Court:

- 27
28 1. **DENY** Defendants' Response of September 10, 2025 in its entirety.

- 1 2. **STRIKE** any embedded request for sanctions as procedurally defective, unsupported,
2 and contrary to Rule 11.
- 3 3. **ENFORCE the August 12, 2025 appellate mandate**, confirming Plaintiff's preserved
4 claims for discrimination, retaliation, and negligence.
- 5 4. **GRANT preliminary injunctive relief** under Rule 65 by ordering Defendants to:
6
 - 7 ○ Provide the Architectural Application Form and written processing
8 instructions/contacts within **48 hours**;
 - 9 ○ Acknowledge receipt of Plaintiff's submission(s);
 - 10 ○ Issue a written timetable for decision; and
 - 11 ○ Cease any retaliatory interference, including escalations to police.
- 12 5. **SET a firm decision deadline** of no more than **10 business days** for architectural
13 approvals to prevent further retaliatory delay.
- 14 6. **RECOGNIZE irreparable harm** arising from unsafe housing, water intrusion, mold
15 contamination, and health injuries, and tailor relief accordingly.
- 16 7. **DENY any gatekeeping order** restricting Plaintiff's access to the courts, as such a
17 restraint would infringe her constitutional rights.
- 18 8. **ADMONISH Defendants and counsel** to cease duplicative, obstructionist filings that
19 waste judicial resources and misuse HOA funds.
- 20 9. **RESERVE jurisdiction** to consider further remedies, including sanctions under **A.R.S.**
21 **§ 12-349**, evidentiary hearings, or referrals to the State Bar for professional misconduct.
22

23 Respectfully submitted this 11th day of September, 2025.

24
25
26
27 

28 Sandra Rodriguez

1 **VII. CERTIFICATE OF SERVICE**

2 On 11th day of September 2025, I served copies of this ***PLAINTIFF'S RESPONSE TO***
3 ***DEFENDANTS' RESPONSE TO PLAINTIFF EMERGENCY MOTION*** for on all parties
4 of record via U.S. Mail.
5

6 **Opposing Party Information**

7 **Appellees:**

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

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

14 **Appellees' Legal Counsel:**

- 15 • **Name:** Augustus H. Shaw IV
- 16 • **Firm:** Shaw & Lines, LLC
- 17 • **Address:** 4523 E. Broadway Road, Phoenix, Arizona 85040

18
19 Respectfully submitted this 11th day of September, 2025.

20 

21
22 Sandra Rodriguez