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Today's Date: 11/4/24

[Handwritten Signature]
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 4, 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 4, 2024 (Judicial Officer assigned to your case)
Month Date Year


I mailed/delivered a COPY of the attached document(s) on this date:
November 4, 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:

MOTION TO REPORT IMPROPER SERVICE AND REQUEST FOR DEFAULT JUDGEMENT AND SANCTIONS FOR DECEPTIVE AND UNETHICAL CONDUCT AND CONTINUED OBSTRUCTION OF JUSTICE

TO THE HONORABLE JUDGE COFFEY:

Plaintiff, Sandra Rodriguez, respectfully submits this motion to report improper service by Defendant's counsel, Augustus H. Shaw IV, in violation of the Arizona Rules of Civil Procedure and the Arizona Code of Judicial Administration (ACJA). Plaintiff further requests that the Court quash any judgments issued in favor of Defendants Focus HOA Management, LLC (Focus HOA), Harmin Cadis, Brooke Sortor, and Gardens Gilbert Community Association (GGCA) – Board of Directors President, Anna Schultz, as these judgments were based on improper service. Plaintiff respectfully requests that the judgments entered in case numbers CV2024-005940 and CV2024-013806 be quashed due to improper service. The failure to provide proper service hindered Plaintiff's ability to fully defend herself, resulting in prejudicial minute entries and an unjust outcome.

Plaintiff further requests that the Court conduct a thorough investigation into potential financial misconduct and documented grievances involving Defendants Gardens Gilbert Community Association (GGCA), Focus HOA, Harmin Cadis, Brooke Sortor, Anna Schultz, in collaboration with their counsel, Augustus H. Shaw IV.

II. FACTUAL BACKGROUND

- 1. Plaintiff Sandra Rodriguez is the plaintiff** in this civil action.

2. **Defendant's counsel, Mr. Augustus H. Shaw IV**, has repeatedly failed to comply with procedural standards of service, consistently engaging in improper and deceptive practices that obstruct Plaintiff's right to due process. Mr. Shaw's ongoing actions—including selective service omissions, delayed filings, and misleading certifications of electronic service—have directly hindered Plaintiff's ability to review, prepare, and respond effectively within court-mandated timelines. These tactics have created a significant procedural disadvantage, undermined the fairness of the proceedings and infringed upon Plaintiff's fundamental right to a fair and just legal process.
3. **Rule 5(b)(2)(E) of the Arizona Rules of Civil Procedure** requires that service by electronic means, including email, is valid only if the receiving party has expressly agreed to electronic service in writing (which Plaintiff has neither authorized nor agreed to) or if otherwise ordered by the Court. Defendant's counsel's repeated failures to adhere to this rule, along with his improper and incomplete service practices, constitute clear procedural violations that infringe on Plaintiff's civil and constitutional rights, ultimately impeding her access to justice.

III. LEGAL STANDARD FOR DEFAULT JUDGMENT

In Arizona, **Rule 55 of the Arizona Rules of Civil Procedure** governs default judgments. Typically, a default judgment is granted when a party fails to respond or appear as required. The defendant's counsel engaged in consistent and intentional improper service practices, this justifies a request for a default judgment and sanctions. Here, Plaintiff documents repeated procedural violations, harm to her case, and intentional, egregious conduct by Defendant's counsel that underscores the necessity of default judgment and sanctions. (See Exhibit # 1)

IV. HISTORICAL EVIDENCE OF DEFENDANT'S COUNSEL'S IMPROPER SERVICE AND MISCONDUCT

Plaintiff wishes to stress that the improper service practices presented here are part of an established history of deceptive conduct by Defendant's counsel, Mr. Shaw, dating back to the early stages of this case. This historical evidence demonstrates a calculated approach to procedural abuse:

- **Repeated Procedural Violations:** Mr. Shaw has continuously filed motions and other documents without providing Plaintiff with complete and proper service. For example, on Mr. Shaw has filed a motion but failed to provide an electronic copy, instead delivering only a physical version, directly violating Rule 5(b)(2)(E). These service failures are part of a historical pattern, establishing a clear and deliberate strategy to circumvent Plaintiff's rights to timely and complete responses. *(See Exhibit #1)*
- **Prejudice to Plaintiff's Case:** Defendant's counsel's historical and ongoing service inconsistencies have obstructed Plaintiff's ability to respond to filings within required timelines, damaging her standing and ability to present her case fully. By withholding electronic service and failing to properly notify Plaintiff, Defendant's counsel has created an environment in which Plaintiff is persistently disadvantaged.
- **Intentional and Egregious Conduct:** Mr. Shaw's persistent disregard for proper service procedures indicates a deliberate, unethical approach designed to mislead and impede Plaintiff. The Arizona Rule of Professional Conduct (ER 8.4) prohibits lawyers from engaging in deceitful practices, and Defendant's counsel's actions demonstrate a longstanding breach of both procedural and ethical standards.

Given the documented history of misconduct and Mr. Shaw's continued pattern of withholding and delaying proper service, Plaintiff asserts that this conduct constitutes a severe breach that warrants a default judgment and sanctions.

V. LEGAL BASIS FOR MANDATORY ELECTRONIC FILING AND SERVICE

In Arizona, the *Arizona Code of Judicial Administration (ACJA) Section 1-901* governs electronic filing ("eFiling") requirements for legal documents, including motions. Under ACJA Section 1-901, attorneys are mandated to file and serve documents electronically with the Superior Court unless a specific exception applies. This requirement ensures that parties in a case, including the Plaintiff, receive timely access to filings, enabling them to respond within procedural deadlines.

Defendant's counsel, Augustus H. Shaw IV, repeatedly failed to adhere to these eFiling requirements as outlined in ACJA Section 1-901. Despite mandatory electronic filing standards,

Defendant's counsel neglected to provide Plaintiff, Sandra Rodriguez, with electronic copies of crucial motions and other filings. This omission constitutes improper service, directly violating the ACJA's electronic filing rules and infringing upon Plaintiff's right to due process by withholding critical information and obstructing her ability to respond effectively.

VI. REQUEST FOR RELIEF

Plaintiff respectfully requests the Court to:

1. **Acknowledge the repeated violations of Rule 5(b)(2)(E)** of the Arizona Rules of Civil Procedure, Rule 55, and ACJA Section 1-901 by Defendant's counsel, Augustus H. Shaw IV, as documented through historical evidence of improper service practices.
2. **Quash any judgments** previously ordered in favor of Focus HOA, Harmin Cadis, and Brooke Sortor, Anna Schultz as these judgments were rendered based on improper and incomplete service.
3. **Grant a default judgment in favor of Plaintiff** as a necessary remedy for the ongoing, intentional procedural and ethical violations that obstruct justice and infringe on Plaintiff's civil and constitutional rights.
4. **Request for Investigation:** Appoint a neutral investigator or forensic auditor to conduct a thorough audit of the finances of Gardens Gilbert Community Association and Focus HOA due to reported grievances and suspected financial misconduct. This investigator should be empowered to review all relevant financial records, including bank statements, ledgers, contracts, and other documentation related to financial transactions.
5. **Compliance Reporting:** Require Gardens Gilbert Community Association and Focus HOA to submit regular financial compliance reports to the Court, outlining their financial transactions, management practices, and actions taken in response to grievances.
6. **Injunction Against Destruction of Evidence:** Issue an injunction preventing the destruction or alteration of financial records and any relevant documents while investigations are ongoing.
7. **Final Judgment and Entry of Judgment:** Issue a final judgment and entry of judgment in favor of Plaintiff to conclude the matter, given the repeated procedural violations.

8. **Statement of Costs:** Order Defendant's counsel to reimburse Plaintiff for costs incurred due to improper service,
9. **Alternatively, if a default judgment is not granted, impose sanctions** on Mr. Shaw for his continued misconduct to protect Plaintiff's rights and ensure compliance with ethical and procedural standards.

VII. CONCLUSION

For the reasons stated above, Plaintiff Sandra Rodriguez respectfully requests that the Court address this established pattern of improper service, quash any prior judgments entered in favor of Defendants Focus HOA Management, LLC, Harmin Cadis, Brooke Sortor, or Anna Schultz and initiate a thorough investigation into potential financial misconduct by Gardens Gilbert Community Association and Focus HOA. Plaintiff further seeks an award of additional compensation, including punitive damages for both the original civil complaint and the ongoing harm sustained throughout the litigation process, as well as sanctions and a default judgment against Defendant's and their legal counsel Shaw. Plaintiff respectfully calls on the Court to ensure that these proceedings adhere to the highest standards of justice, fairness, and the safeguarding of civil and constitutional rights.

Respectfully submitted this 4th day of November, 2024.

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

Sandra Rodriguez, Pro Se Plaintiff

LEGAL PRECEDANTS

Federal Law and Constitutional Provisions

- **14th Amendment of the U.S. Constitution (Due Process Clause):** The Fourteenth Amendment protects individuals from being deprived of life, liberty, or property without due process of law. Inadequate service of process constitutes a violation of due process rights if it prevents a party from participating fully in legal proceedings.
- **Federal Rules of Civil Procedure, Rule 4 – Service of Process:** Rule 4 underscores the necessity of proper service to ensure that all parties are informed and able to participate in litigation.

Arizona State Statutes and Rules

1. **Arizona Rules of Civil Procedure, Rule 5(b)(2)(E):** This rule governs electronic service, stating that electronic service is valid only if the receiving party has agreed to it in writing or if ordered by the Court. Plaintiff's assertion that electronic service was not properly provided could support a violation of this rule.
2. **Arizona Rules of Civil Procedure, Rule 55 – Default Judgment:** Rule 55 outlines the process for default judgments, generally used when a party fails to respond or appear. Repeated improper service justify a request for default judgment as Plaintiff was deprived of an opportunity to respond adequately.
3. **Arizona Code of Judicial Administration (ACJA), Section 1-901**
This section mandates electronic filing in the Superior Court. Violations of these requirements constitute improper service if the opposing party fails to receive timely electronic copies of filings.
4. **Arizona Rules of Professional Conduct, ER 8.4 – Misconduct**
ER 8.4 prohibits lawyers from engaging in conduct involving dishonesty, fraud, deceit, or misrepresentation. Defendant's counsel knowingly misrepresented service compliance, it constitutes a violation of this ethical standard.

Relevant Arizona Caselaw

1. **Kline v. Kline, 221 Ariz. 564 (App. 2009):** This case addresses the importance of due process in Arizona's civil proceedings. Proper adherence to service requirements is essential to ensure that all parties are afforded their due process rights.
2. **Riggs v. Riggs, 129 Ariz. 16 (1981):** This case highlights the consequences of improper service and the Court's authority to quash judgments based on improper service or other due process violations.
3. **Arizona State Board of Education v. Arizona Education Association, 195 Ariz. 265 (1999):** This case establishes that failure to follow procedural rules, particularly regarding service and notice, can result in adverse judgments or sanctions against the violating party.

Maricopa County Court Procedures and Precedents

1. **Maricopa County Superior Court eFiling Guidelines:** These guidelines require strict adherence to electronic filing rules to ensure procedural fairness. Non-compliance with eFiling rules result in improper service and potentially invalidate actions taken in the case.
2. **Maricopa County Local Rules – Local Rule 1.12:** This rule addresses sanctions for failure to follow procedural requirements, including service of process. It grants the Court authority to impose sanctions on parties that engage in conduct that undermines procedural integrity.

Sandra Rodrigues v. Gardens Gilbert Community Association et. al.

Case Number: CV2024-005940

EXHIBIT 1

Exhibit 1: List of Improperly Served Documents

In support of this motion, Plaintiff has attached Exhibit A, a comprehensive list of documents that Defendant's counsel, Augustus H. Shaw IV, failed to properly serve to Plaintiff, Sandra Rodrigues. Each document listed was marked as certified for electronic service, yet no electronic copy was actually provided to Plaintiff, constituting a direct violation of the Arizona Rules of Civil Procedure and the electronic filing requirements under the Arizona Code of Judicial Administration (ACJA) Section 1-901. Instead, these documents were deceptively mailed alongside other filings, potentially in an attempt to obscure the lack of proper service and prevent timely review and response by Plaintiff.

Document Title	Date Filed	Description of Improper Service	Consequences and Impact on Plaintiff
Defendants' Reply in Support of Partial Motion to Dismiss Plaintiff's Complaint	April 17, 2024	Certified electronically, with no electronic copy served; physical copy mailed only.	Delayed access, hindering ability to respond effectively.
Defendants' Motion To Strike Plaintiff's Response to Defendant's Reply To Motion To Retain Members	April 23, 2024	Electronically certified with no corresponding electronic service; only mailed in physical form.	Missed timely opportunity to review, affecting ability to defend position.
Reply to Response to Rebuttal (sic) Defendants' Motion to Strike Plaintiff's Motion to Retain Focus HOA and Associates	May 3, 2024	Certified as electronically filed, but only a physical copy was served.	Restricted preparation time for arguments, limiting Plaintiff's ability to rebut.
Defendants' Response to Plaintiff's Motion For Expedited Orders AND Injunction of Harassment	May 20, 2024	Electronic service not provided; physical copy only, despite electronic filing certification.	Delayed access impacted timely response to injunction matters.
Defendants' Response to Plaintiff's Motion to Strike Defendant's Motion(s) AND Response for False Allegations	May 20, 2024	Certified as electronically filed, but no electronic copy provided; only a	Limited response time for rebuttal, impacting Plaintiff's defense.

Document Title	Date Filed	Description of Improper Service	Consequences and Impact on Plaintiff
of Plaintiff's Harassment and Misuse of Legal System		physical copy was served.	
Motion and Application for Award of Attorney Fees	June 6, 2024	Certified as electronically filed but never served electronically; only mailed in physical form.	Inadequate notice of fees request, affecting Plaintiff's opportunity to review.
Notice of Lodging Proposed Form of Final Judgment	June 6, 2024	Certified for electronic service, but no electronic copy received; only mailed in physical form.	Missed opportunity to address judgment details before filing.
Affidavit of Augustus H. Shaw IV, In Support of Application for Award of Attorney Fees	June 6, 2024	No electronic copy provided, contrary to certification; mailed only in physical format.	Limited ability to review and verify statements made in affidavit.
Statement of Costs	June 6, 2024	Certified electronically but not served electronically; only a physical copy provided via mail.	Unfair surprise regarding costs filed without notice, impacting financial preparation.
Response To Cease Lien, Retaliatory, Discrimination, & Harassing Behavior Request for Court Intervention, and Defendants' Request for Sanctions	October 3, 2024	Certified as electronically filed but only a physical copy was mailed, no electronic copy provided.	Hindered ability to respond to allegations and request for court intervention.
Final Judgment as to Defendants Anna Schultz, Focus HOA Management, LLC, Harman Cadis, and Brooke Sortor	Date Unspecified	Only a physical copy was provided via U.S. mail; electronic service omitted.	Lack of timely notice regarding judgment details, affecting Plaintiff's response.

Note: All of the documents listed above were certified as electronically filed but were, in fact, not served electronically to Plaintiff. Instead, they were deceptively mailed alongside other motions, likely to obscure the omission and prevent Plaintiff from recognizing the improper service. This failure to provide electronic service constitutes improper service, directly impeding Plaintiff's ability to respond, compromising the fairness of the legal process, and infringing upon her civil and constitutional rights to due process and fair treatment in the court.

Declaration by Plaintiff: I, Sandra Rodriguez, declare under penalty of perjury that the information in Exhibit A is accurate to the best of my knowledge, based on a careful audit of the records. I did not receive electronic service of the documents listed, as described above. This failure to provide proper electronic service on these critical filings caused undue delays, severely limited my ability to respond, and substantially impaired my ability to effectively pursue my case. This declaration is submitted in good faith to accurately represent the impact of these service failures on my case.

Respectfully submitted this 4th 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