

1 Sandra Rodriguez
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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,**

21 **MARICOPA COUNTY**
22 **SUPERIOR COURT**
23 **Case No.: CV2024-005940**
24 *Judge David McDowell,*

25 **REQUEST HEARING AND LEAVE**
26 **TO FILE MOTION TO COMPEL**

27 (RULES 26(d) AND 37(a), ARIZ. R. CIV. P.)

28 **TO THE HONORABLE JUDGE MCDOWELL:**

29
30 Rodriguez ("*Plaintiff*"), appearing pro se, respectfully requests leave to file a renewed
31 Motion to Compel pursuant to Rule 37(a), Ariz. R. Civ. P., and requests the Court set an *expedited*
32 *hearing* to address Defendants' ongoing discovery violations.

33
34 Plaintiff did not seek Court intervention lightly and had intended to resolve this matter
35 without burdening the Court, in good-faith reliance that Defendants and their counsel, Augustus
36 H. Shaw IV and co-counsel Dominick Dente, would comply with their obligations. However, due
37 to continued hostility, misleading statements, and persistent refusal to provide discovery,
38 Plaintiff's rights are now being materially prejudiced, requiring immediate judicial intervention.

1 Defendants continue to refuse to provide mandatory disclosures required under Rule 26.1,
2 improperly asserting that discovery is “not yet due,” in direct contradiction of Arizona law and
3 this Court’s scheduling order requiring ongoing disclosure. Rule 26.1 imposes a self-executing,
4 affirmative duty to disclose all relevant information without awaiting request. *Allstate Ins. Co. v.*
5 *O’Toole*, 182 Ariz. 284 (1995). Defendants’ refusal to provide disclosures constitutes a clear
6 violation of the Arizona Rules of Civil Procedure and undermines the purpose of Rule 26.1—to
7 eliminate trial by ambush. Defendants’ initial disclosures were due on March 1, 2026, yet as of
8 the end of March, no compliant disclosures have been provided, leaving Plaintiff with limited
9 time to conduct depositions under the Court’s scheduling order. As a direct result of Defendants’
10 delay and noncompliance through counsel Augustus H. Shaw IV.

11 Plaintiff expressly reserves the right to seek an extension of deposition and discovery
12 deadlines for good cause shown pursuant to Ariz. R. Civ. P. 16(b) and the Court’s inherent
13 authority to manage its docket, in order to cure prejudice and ensure a fair opportunity to prepare
14 and present her case.

15 Arizona courts recognize that discovery violations and resulting prejudice warrant
16 appropriate relief, including modification of deadlines. *See Solimeno v. Yonan*, 224 Ariz. 74 (App.
17 2010). Further, due process requires that a party be afforded a meaningful opportunity to be heard,
18 which includes adequate time and access to evidence necessary to litigate claims. *See Volk v.*
19 *Brame*, 235 Ariz. 462, 468 (App. 2014).

20
21 Plaintiff’s prior Motion to Compel was rejected solely on procedural grounds under Rule
22 26(d). However, Defendants’ refusal to participate in good faith rendered compliance with a joint
23 statement impossible, effectively blocking judicial review. Rule 26(d) cannot be used as a
24 procedural shield to avoid disclosure obligations or obstruct access to relief. *Zimmerman v.*
25 *Shakman*, 204 Ariz. 231 (App. 2003).

26 The prejudice to Plaintiff is immediate and substantial. The Court has imposed strict
27 deadlines for depositions and discovery completion, yet Defendants continue to withhold
28 discovery while allowing those deadlines to run. This conduct constitutes **litigation abuse**,
preventing Plaintiff from preparing for depositions, obtaining evidence, and proving her claims.

1 Arizona courts have held that such conduct warrants sanctions where it delays or undermines the
2 litigation process. *Solimeno v. Yonan*, 224 Ariz. 74 (App. 2010).

3 Defendants' conduct further violates Plaintiff's constitutional rights under the *Fourteenth*
4 *Amendment and Article 2, § 4 of the Arizona Constitution*, which guarantee a meaningful
5 opportunity to be heard. Due process requires access to evidence necessary to prepare and present
6 one's case. *Volk v. Brame*, 235 Ariz. 462, 468 (App. 2014). By withholding discovery while
7 deadlines expire, Defendants are creating a fundamentally one-sided process.

8 Under Rule 37, Defendants bear the burden to show their failure to disclose is substantially
9 justified or harmless, which they cannot meet given the ongoing prejudice. Arizona courts
10 authorize sanctions including evidentiary preclusion, striking defenses, and other relief where
11 disclosure obligations are ignored. *Zimmerman*, 204 Ariz. at 235.

12 Given the imminent deadlines, ongoing prejudice, and continued noncompliance, Plaintiff
13 respectfully requests the Court set an expedited hearing to resolve these issues, compel
14 compliance with Rule 26.1 by a date certain, and determine appropriate sanctions.

15
16 **PRAYER FOR RELIEF**

17 Plaintiff respectfully requests that the Court:

18 **1. Grant Leave to File Renewed Motion to Compel**

19 Permit Plaintiff to file a renewed Motion to Compel pursuant to Rule 37(a), Ariz. R.
20 Civ. P., where compliance with Rule 26(d) was rendered impracticable by Defendants'
21 *refusal to participate in good faith*;

22 **2. Set an Expedited Hearing**

23 Set an expedited hearing to address Defendants' ongoing violations of Rule 26.1 and
24 resolve the discovery dispute and adjust Court-imposed deadlines as necessary to cure
25 *resulting prejudice*;

26 **3. Order Immediate Rule 26.1 Compliance**

27 Order Defendants to provide full, complete, and verified disclosures and all responsive
28 discovery by a date certain;

1 **4. Clarify Rule 26(d) Application**

2 Determine and clarify that Rule 26(d) does not bar relief where one party refuses to
3 participate in the joint statement process or otherwise obstructs discovery;

4 **5. Impose Rule 37 Sanctions**

5 Impose appropriate sanctions under Rule 37, including evidentiary preclusion, limitation
6 of defenses, adverse inference, monetary sanctions, or other relief warranted by
7 Defendants' noncompliance;

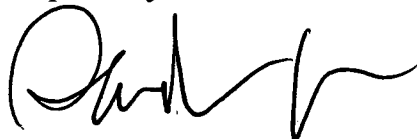
8 **6. Provide Guidance on Protective Relief**

9 Clarify whether Plaintiff must file a Motion for Protective Order under Rule 26(c) to
10 prevent further discovery abuse, including depositions proceeding without full
11 disclosure, or whether the Court will otherwise stay or regulate discovery to prevent
12 ongoing prejudice;

13 **7. Grant Such Other Relief as Just and Proper**

14 Award any further relief the Court deems necessary to ensure fairness, enforce
15 compliance with the Arizona Rules of Civil Procedure, and protect Plaintiff's due
16 process rights.

17 Respectfully submitted this 23rd day of March 2026.

18 

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20 Sandra Rodriguez

1 **V. CERTIFICATE OF SERVICE**

2 I served copies of this **REQUEST FOR HEARING AND LEAVE TO FILE MOTION TO**
3 **COMPEL** for on all parties of record via U.S. Mail.
4

5 **OPPOSING PARTY INFORMATION**

6 **DEFENDANTS:**

- 7 o Gardens Gilbert Community Association
8 o Focus HOA Management, LLC
9 o Harmin Cadis
10 o Brooke Sortor
11 o Anna Schultz
12 • **Address:** 4135 E. Power Road, Suite 133, Mesa, Arizona 85212

13 **DEFENDANT'S LEGAL COUNSEL:**

- 14 • **Name:** Augustus H. Shaw IV
15 • **Firm:** Shaw & Lines, LLC
16 • **Address:** 1490 S. Price Road, Suite 318 Chandler, Arizona 85286
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18 Respectfully submitted this 23rd day of March 2026.

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