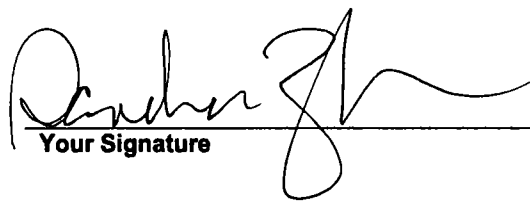


Today's Date:

12/02/2024


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: December 2, 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 December 2, 2024 (Judicial Officer assigned to your case)
Month Date Year

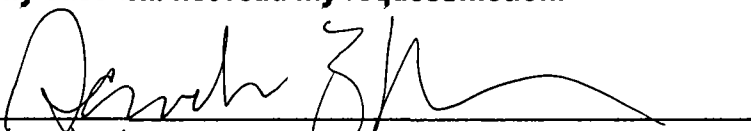
I mailed/delivered a COPY of the attached document(s) on this date:
December 2, 2024 To: Gardens Gilbert Community Association et. al
Month Date Year

(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:

PLAINTIFF'S RULE 60(b) MOTION TO QUASH JUDGMENT DUE TO PROCEDURAL ERRORS AND PRESENTATION OF NEW EVIDENCE (AMENDMENT)

TO THE HONORABLE JUDGE COFFEY:

Comes Now, Sandra Rodriguez, Plaintiff, and respectfully submits this Motion pursuant to *Rule 60(b)* of the Arizona Rules of Civil Procedure, requesting that this Court quash the judgment entered on August 30, 2024. Plaintiff asserts that the judgment should be set aside due to Superior Court procedural errors, improper service by Defendants' counsel, new evidence submitted on November 4, 2024, and the substantial prejudice caused to Plaintiff and her family.

FACTUAL BACKGROUND

1. On August 30, 2024, this Court entered judgment in favor of Defendants Focus HOA Management, LLC (Focus HOA), Anna Schultz, Harmin Cadis, and Brooke Sortor.
2. The judgment improperly included attorney's fees and costs awarded to the Defendants without adequately considering the Plaintiff's financial circumstances, despite the Court's prior approval of her financial hardship waiver. This failure to account for the Plaintiff's demonstrated inability to pay and her current financial status, which places her well below the poverty level, has further exacerbated her financial distress. As a result, she remains vulnerable to ongoing retribution and abusive litigation tactics. These actions constitute financial coercion and abuse, including but not limited to the imposition of liens on her home and direct harassment, such as Defendants sending individuals to surveil her residence.
3. The judgment was improperly served via eCR (electronic filing system), which Plaintiff does not actively use, and no mailed copy of the judgment or minute entry was provided to Plaintiff as required under *ARCP Rule 58(c)*.

4. The minute entry fails to specify the amounts awarded for attorney's fees, costs, or damages. Under ARCP Rule 54(a), a judgment must clearly detail the relief granted, including specific monetary amounts, to ensure clarity and finality. This omission has created confusion and uncertainty, leaving the Plaintiff unable to fully understand her obligations or rights to appeal. Moreover, the lack of specificity leaves Sandra vulnerable to financial abuse, enabling the Defendants to exploit the omission by potentially charging her more than what was actually ordered.
5. Plaintiff first became aware of the judgment on October 2, 2024, when she received a letter from Defendants' counsel threatening garnishment and demanding immediate payment of the judgment amount.
6. On October 7, 2024, the Plaintiff promptly filed a Notice of Appeal; however, the appeal was denied as untimely. This denial was based on the procedural deficiencies outlined above, with the claim that the matter fell outside the court's jurisdiction. These procedural issues directly infringed upon the Plaintiff's due process rights, as previously detailed. Consequently, the Court's dismissal on jurisdictional grounds has further compounded the violation of Plaintiff's fundamental rights
7. Plaintiff has since submitted a Motion for Reconsideration to the Arizona Court of Appeals, seeking relief from the dismissal which was also denied, and provides this information to the Superior Court for full transparency.
8. On November 4, 2024, Plaintiff submitted new evidence to this Court that directly impacts the judgment and exposes both procedural and substantive errors committed by the Defendants and their counsel. Specifically, the evidence demonstrates that Rodriguez was not properly served, with Defendants failing to adhere to the service requirements for 12 motions. This failure to provide proper service constitutes a significant procedural violation, undermining the fairness and integrity of the judgment. Moreover, it calls into question the validity of the partial dismissal previously approved by this Court, further highlighting the prejudicial impact of these errors on the Plaintiff's rights.

LEGAL BASIS FOR RELIEF

1. Procedural Errors and Improper Service (Rule 60(b)(4))

- The judgment is void under *Rule 60(b)(4)* due to procedural errors that violated Plaintiff's due process rights:
 - **Failure of Proper Notice (ARCP Rule 58(c)):**
 - The Superior Court judgment and minute entry on August 30, 2024 were improperly served solely via eCR, which Plaintiff does not actively use, and no mailed or emailed notice were provided.
 - This failure deprived Plaintiff of the notice required to file a timely appeal under *ARCAP Rule 9(a)*.
 - **Improper Service by Superior Court and Defendants' Counsel:**
 - Defendants' counsel failed to meet legal service requirements by not ensuring Plaintiff received actual notice of filings, as referenced in motion filed by plaintiff on November 4, 2024.
 - These failures violated *ARCP Rule 5* and Plaintiff's Fourteenth Amendment due process rights, Arizona Rules of Civil Procedure, and Arizona Code of Judicial Administration (ACJA).

2. Newly Discovered Evidence (Rule 60(b)(2))

- On November 4, 2024, Plaintiff submitted evidence demonstrating:
 - Procedural violations by Defendants' counsel, including improper service and attempts to obscure critical information.
 - Harassment, financial retribution, and discriminatory conduct by Defendants, directly undermining the fairness of the judgment.
 - Material inaccuracies in Defendants' claims regarding the Defendants' actions and financial management.

This evidence was not available to Plaintiff at the time of judgment due to Defendants' failure to serve her properly.

3. Substantial Justice and Prejudice (Rule 60(b)(6))

- The judgment's approval of attorney's fees and costs has caused *significant prejudice and harm* to Plaintiff and her family:
 - **Discrimination and Implicit Bias:** Plaintiff, a Mexican-American single mother with limited financial resources, was subjected to discriminatory practices and implicit bias in the Court's decision. The judgment failed to adequately consider Plaintiff's financial hardship and unique vulnerabilities, reflecting a systemic bias that disproportionately affects minority litigants. This bias undermined the principles of fairness and equal protection under the law.
 - **Lack of Opportunity to Be Heard:** Plaintiff was not afforded an opportunity to present her financial circumstances before the judgment was entered, violating principles of fairness and due process.
 - **Disproportionate Burden:** The judgment imposes an undue financial burden on Plaintiff, jeopardizing her ability to maintain a stable home and provide for her family's basic needs. This burden exacerbates the financial distress and personal harm inflicted by the Defendants' actions and the aggressive tactics employed by their legal counsel Shaw.
 - **Emboldening Retaliatory Conduct:** By approving the judgment, the Court has inadvertently emboldened Defendants' retaliatory behavior, undermining Plaintiff's ability to effectively defend her rights and perpetuating a cycle of financial coercion.
 - **Failure to Account for Financial Hardship:** The judgment disregards Plaintiff's demonstrated inability to pay and her current financial status, which places her well below the poverty level. This neglect has intensified her financial distress and left her vulnerable to ongoing retribution and abusive litigation practices.
 - **Acts of Financial Coercion and Harassment:** The Defendants have exploited the judgment to perpetrate financial coercion and abuse, including but not limited to imposing unjustified liens on Plaintiff's home, inflating HOA assessments and fees, and orchestrating direct harassment. These actions include sending individuals to

surveil Plaintiff's residence, creating an environment of intimidation and fear. Such tactics exacerbate Plaintiff's financial distress and personal harm, further compounding the discriminatory and retaliatory conduct directed against her.

As recognized in *Griffith Energy, LLC v. Arizona Dep't of Revenue*, 242 Ariz. 325 (2017) and *Geyler v. Gulf Oil Corp.*, 144 Ariz. 323 (1985), substantial justice requires that judgments arising from procedural deficiencies or extraordinary circumstances be set aside to prevent injustice.

REQUEST FOR RELIEF

WHEREFORE, Plaintiff respectfully requests that this Court:

1. **Quash the Judgment** entered on August 30, 2024, due to procedural errors, improper service, and denial of due process;
2. **Vacate All Orders and Judgments** stemming from the August 30, 2024, judgment, including the award of attorney's fees and costs to Defendants;
3. **If the request to quash the judgment and all related orders is denied**, Plaintiff respectfully requests that this Court grant a hearing to allow her to present the new evidence submitted on November 4, 2024, which highlights procedural violations and material inaccuracies in Defendants' claims;
4. **Reconsider the Financial Impact** of the judgment on Plaintiff, including the disproportionate harm caused to her and her family due to the award of attorney's fees and costs;
5. **Grant a Default Judgment** in favor of Plaintiff as previously requested in her earlier motion, along with an award of compensatory and punitive damages to remedy the infringement on Plaintiff's due process rights and the significant harm caused by the Defendants and their counsel;
6. **Rescind Partial Dismissal:** Rescind the partial dismissal due to procedural deficiencies, due process violations, and other legal errors that prejudiced Plaintiff's case.
7. **Award Additional Damages** to compensate Plaintiff for the emotional distress, financial burden, and retribution endured, including the wrongful lien placed on Plaintiff's home

following this judgment, which was facilitated by the Defendants' emboldened conduct and the Court's failure to address the harassment in a timely manner;

8. **Order Defendants and Their Counsel** to comply with all service requirements as mandated by *ARCP Rule 5* and *Rule 58(c)* to prevent further procedural deficiencies.
9. **Grant Any Additional Relief** this Court deems just and equitable to ensure substantial justice is served and to prevent further harm to Plaintiff and her family.

CONCLUSION

The procedural errors and substantial violations of Plaintiff's due process rights, coupled with the discriminatory and retaliatory actions of the Defendants, necessitate immediate judicial intervention. The failure to properly serve Plaintiff—by both the Court and Defendant's legal counsel, Augustus H. Shaw IV—the lack of specificity and clarity in the judgment, and the implicit bias demonstrated against Plaintiff as a Mexican-American single mother have resulted in profound prejudice and injustice. These failures have emboldened the Defendants to engage in financial coercion, harassment, and other abusive legal tactics, further compounding Plaintiff's financial and emotional distress.

Plaintiff respectfully urges this Court to quash the judgment entered on August 30, 2024, vacate all related orders, rescind partial dismissal, and award compensatory and punitive damages to address the significant harm inflicted. The relief sought is critical to rectifying the injustices endured by Plaintiff, restoring fairness and confidence in the judicial process, and ensuring that substantial justice is served.

Respectfully submitted this 2nd day of December, 2024.



Sandra Rodriguez, Pro Se Plaintiff

LEGAL PRECEDANTS AND APPLICABLE LAWS

Arizona-Specific Cases

1. **Hilgeman v. American Mortgage Security, Inc., 196 Ariz. 215 (App. 2000)**
 - Proper service is essential to a valid judgment. Without it, a judgment is void.
 - **Application:** The improper service in Plaintiff's case renders the judgment void under Rule 60(b)(4).
2. **Dobrick v. Brown, 236 Ariz. 276 (App. 2014)**
 - Proper notice under Rule 58(c) is critical to protect appeal rights.
 - **Application:** The failure to notify Plaintiff by mail or email directly undermines the fairness of the proceedings.
3. **Santiago v. Tucson Unified School District, 234 Ariz. 475 (App. 2014)**
 - Notice must be clear and provided through proper procedural channels.
 - **Application:** Defendants' failure to serve Plaintiff properly denied her the clear and adequate notice required.
4. **Griffith Energy, LLC v. Arizona Department of Revenue, 242 Ariz. 325 (2017)**
 - Procedural defaults should be excused when extraordinary circumstances cause prejudice.
 - **Application:** Procedural errors in Plaintiff's case justify relief to prevent further injustice.
5. **Bode v. Tona, 255 Ariz. 548 (App. 2023)**
 - Compliance with service rules is especially important for self-represented litigants.
 - **Application:** Improper service of motions and judgment violated Plaintiff's right to fair proceedings.

Key Federal Cases

6. **Mullane v. Central Hanover Bank & Trust Co., 339 U.S. 306 (1950)**
 - Due process requires notice that is "reasonably calculated" to inform affected parties.

- **Application:** The failure to provide proper notice violated Plaintiff's due process rights.

7. Peralta v. Heights Medical Center, Inc., 485 U.S. 80 (1988)

- A judgment entered without proper notice is void due to due process violations.
- **Application:** Lack of proper service in Plaintiff's case supports voiding the judgment under Rule 60(b)(4):

8. Mennonite Board of Missions v. Adams, 462 U.S. 791 (1983)

- Meaningful notice is essential when property interests, like liens, are involved.
- **Application:** Defendants' improper service and lien on Plaintiff's home violated this principle.