

1 Sandra Rodriguez
2 4375 E. Betsy Lane
3 Gilbert, Arizona 85296
4 **Phone Number:** 602-688-9720
5 **Email Address:** sandra.rodriguez0339@gmail.com
6 **Representing:** Self Represented, without a Lawyer

CLERK OF THE
SUPERIOR COURT
FILED
2026 JUN 01 AM 09:50
T. SEMENAK, DEPUTY CLERK

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,**

**MARICOPA COUNTY
SUPERIOR COURT**
Case No.: CV2024-005940
Judge Christopher Coury,

**PLAINTIFF'S OPPOSITION
TO DEFENDANTS' REQUEST
FOR RULE 56(d) RELIEF AND
EXPEDITED HEARING**

21 **TO THE HONORABLE JUDGE COURY:**

22 Rodriguez (*"Plaintiff"*) respectfully opposes Defendants' Request for Rule 56(d) Relief
23 and Expedited Hearing and requests that the Court deny both requests in their entirety.

24 **I. DEFENDANTS FAIL TO SATISFY THE REQUIREMENTS OF RULE 56(d)**

25 Rule 56(d), Ariz. R. Civ. P., provides relief only when a party demonstrates that, despite
26 diligent efforts, it cannot present facts essential to oppose summary judgment. It is not intended
27 to reward delay, excuse a lack of diligence, authorize speculative discovery, or postpone
28

1 adjudication where the relevant information has long been available. See Orme School v. Reeves,
2 166 Ariz. 301 (1990); Tilley v. Delci, 220 Ariz. 233, 238-39 (App. 2009).

3 Defendants have not identified any specific unavailable fact essential to opposing
4 Plaintiff's Motion for Summary Judgment, nor have they demonstrated diligence in attempting to
5 obtain such information. Instead, Defendants broadly seek additional time to depose Plaintiff and
6 unspecified witnesses referenced in Plaintiff's filings while failing to identify what particular facts
7 are unavailable, why those facts are essential, or what efforts were undertaken to obtain them.
8 Such generalized assertions are insufficient under Rule 56(d).

9 Moreover, Defendants have possessed the identities and contact information of numerous
10 relevant witnesses since at least February 2026, yet have not demonstrated any meaningful efforts
11 to interview, contact, obtain declarations from, or otherwise secure information from those
12 witnesses during the months preceding Plaintiff's Motion for Summary Judgment. Rule 56(d)
13 relief is not warranted where the information sought could have been obtained through reasonable
14 diligence during the discovery period but was not pursued. Under these circumstances,
15 Defendants' request reflects a desire for additional time to conduct discovery that could have been
16 pursued earlier rather than a genuine inability to obtain essential facts despite diligent efforts.

17 **II. DEFENDANTS POSSESSED PLAINTIFF'S EVIDENCE FOR MONTHS**

18 Defendants contend they require additional time because Plaintiff relies upon affidavits,
19 witness statements, documentary evidence, and physical evidence. The record demonstrates
20 otherwise. Plaintiff's evidence has not been newly disclosed. Plaintiff filed her Amended Civil
21 Complaint on February 13, 2026, together with a Master Exhibit Index identifying approximately
22 1,924 exhibits supporting her claims. Plaintiff subsequently filed and served a Supplemental USB
23 Physical Evidence submission on March 13, 2026, pursuant to Court authorization, containing
24 the electronic evidence referenced throughout Plaintiff's pleadings, disclosures, affidavits, and
25 supporting filings.

26 Accordingly:

- 27 1. From February 13, 2026 through June 1, 2026, Defendants have had
28 approximately 108 days to review Plaintiff's Amended Complaint, factual
allegations, exhibits, and legal claims.

2. From March 13, 2026 through June 1, 2026, Defendants have had approximately 80 days to review Plaintiff's Supplemental USB Physical Evidence and supporting materials.
3. Plaintiff filed her Motion for Summary Judgment on May 21, 2026.
4. Defendants filed their Request for Rule 56(d) Relief and Expedited Hearing on May 29, 2026, only eight (8) days after the filing of Plaintiff's MSJ.
5. Rule 56(c), Ariz. R. Civ. P., affords Defendants thirty (30) days to respond, leaving approximately twenty-two (22) days remaining when Defendants sought emergency relief.

Given these timelines, Defendants cannot reasonably claim surprise, lack of notice, inability to investigate the facts, or insufficient opportunity to evaluate Plaintiff's evidence. The evidence underlying Plaintiff's claims has been available to Defendants for months—not days. Moreover, Defendants sought emergency Rule 56(d) relief while still possessing the majority of the response period expressly afforded by Rule 56(c). The existence of substantial time remaining under the rule substantially undermines Defendants' claim of urgency.

III. DEFENDANTS SEEK ADDITIONAL DISCOVERY WHILE CONTINUING TO WITHHOLD DISCOVERY

Defendants seek a sixty-day continuance under Rule 56(d), Ariz. R. Civ. P., to conduct additional discovery from Plaintiff while continuing to withhold discovery, disclosures, and evidence uniquely within their possession, custody, and control.

The record reflects a continuing pattern of noncompliance, delay, and shifting explanations regarding Defendants' discovery obligations. Plaintiff repeatedly notified both Defendants and the Court that responsive discovery remained outstanding despite numerous requests, deficiency notices, meet-and-confer efforts, and motions to compel dating back to at least December 2025 and continuing through March and April 2026.

Those outstanding requests included, among other things:

1. Requests for Admission;
2. Requests for Production;
3. Uniform Interrogatories;
4. Non-Uniform Interrogatories;
5. Rule 26.1 disclosure materials;

- 1 6. Electronically Stored Information ("*ESI*");
- 2 7. Internal communications;
- 3 8. Governance, board, and other corporate records;
- 4 9. Financial records;
- 5 10. Maintenance and vendor records; and
- 6 11. Other documents supporting Defendants' defenses, disclosures, and counterclaims.

7 Despite repeated requests, Plaintiff documented Defendants continually failed to provide
8 complete responses, verified interrogatory answers, admissions, ESI, supporting documents, and
9 records uniquely within Defendants' possession. Plaintiff further repeatedly advised Defendants
10 that their disclosure statements failed to identify or produce documents, electronically stored
11 information, tangible evidence, or other materials supporting their asserted defenses and
12 counterclaims.

13 In response, Defendants expressly represented:

14 *"there are no new documents, electronically stored information, or tangible*
15 *items to disclose at this time beyond materials already produced or referenced*
16 *in prior disclosures."* (See MSJ; Exhibit 6)

17 Defendants later changed positions and asserted discovery responses were not yet due
18 because Plaintiff allegedly had not perfected service of the USB exhibits accompanying the
19 Amended Complaint. Defendants now take yet another position, claiming they cannot adequately
20 respond to Plaintiff's Motion for Summary Judgment without first obtaining additional discovery
21 from Plaintiff and deposing Plaintiff. (See MSJ; Exhibit 7)

22 The record demonstrates otherwise. When Plaintiff sought discovery through Requests for
23 Production, Requests for Admission, Uniform Interrogatories, Non-Uniform Interrogatories, and
24 related discovery requests, Defendants failed to provide the requested records, admissions,
25 interrogatory responses, and supporting evidence. Instead of producing responsive discovery,
26 defense counsel largely re-sent documents already in Plaintiff's possession and already part of the
27 court record.

28 As reflected in Plaintiff's Motion for Summary Judgment Exhibits 9 through 13,
Defendants purported "*production*" consisted primarily of duplicate governing documents,
litigation affidavits, and an insurance policy rather than the discovery materials actually requested
by Plaintiff. (See MSJ Exhs. 9-13.) Specifically, Defendants did not produce complete responses

1 to Plaintiff's Requests for Production, Requests for Admission, Uniform and Non-Uniform
2 Interrogatories, electronically stored information, communications, governance records, financial
3 records, maintenance records, and other evidence within Defendants' possession, custody, or
4 control.

5 Indeed, the materials reflected in MSJ Exhibits 9 through 13 appear to constitute the
6 entirety of Defendants claimed discovery production despite Plaintiff's repeated discovery
7 requests, deficiency notices, meet-and-confer efforts, and multiple motions seeking compliance.
(See MSJ Exhs. 9-13; Plaintiff's Motion to Compel filed March 13, 2026, Exhs. 4-8, 10-13.)
8 Those filings demonstrate that Plaintiff repeatedly identified specific discovery deficiencies and
9 sought records, admissions, interrogatory responses, electronically stored information,
10 communications, governance records, financial records, maintenance records, and other evidence
11 uniquely within Defendants' possession, custody, and control. Despite those repeated requests,
12 Defendants continued to withhold responsive discovery while simultaneously asserting that
13 additional discovery from Plaintiff is necessary.

14 None of these materials constituted complete responses to Plaintiff's Requests for
15 Production, Requests for Admission, Uniform Interrogatories, Non-Uniform Interrogatories,
16 requests for governance records, financial records, maintenance records, communications, or
electronically stored information directed to the Defendants.

17 Moreover, Defendants never produced complete discovery responses from Focus HOA
18 Management, LLC, Anna Schultz, Harman Cadis, Brooke Sortor, or other identified witnesses
19 despite repeated requests and motions to compel compliance. Instead, Defendants repeatedly
20 changed their justification for nonproduction—from Tier 1 limitations, confusion, and alleged
21 service defects, to claims that no additional evidence existed, that discovery had already been
22 produced, and now that additional discovery from Plaintiff is needed to oppose summary
23 judgment. (See Plaintiffs Motion to Compel, dated March 13, 2026) (See MSJ; Exhibit 15)

24 At the same time, Plaintiff provided Defendants with extensive evidence supporting her
25 claims. Plaintiff filed her Amended Complaint on February 13, 2026, together with a Master
26 Exhibit Index identifying approximately 1,924 exhibits. Plaintiff thereafter served Rule 26.1
27 disclosures, supplemental disclosures, affidavits, documentary evidence, and the Court-
28 authorized Supplemental USB Physical Evidence on March 13, 2026. Defendants have therefore
had approximately 108 days to evaluate Plaintiff's claims and supporting evidence and
approximately 80 days to review Plaintiff's electronic exhibits and physical evidence.

1 Accordingly, the record demonstrates that Defendants:

- 2 • Possessed Plaintiff's evidence for months;
- 3 • Possessed Plaintiff's Rule 26.1 disclosures and Master Exhibit Index;
- 4 • Received Plaintiff's Supplemental USB Physical Evidence;
- 5 • Were repeatedly notified of discovery deficiencies;
- 6 • Were the subject of multiple motions to compel;
- 7 • Repeatedly changed their justification for nonproduction;
- 8 • Failed to produce complete individual discovery responses;
- 9 • Failed to produce all requested records; and
- 10 • Failed to demonstrate diligence in obtaining the information they now claim is essential.

11 Rule 56(d) is intended to protect a diligent litigant who genuinely lacks access to facts
12 necessary to oppose summary judgment. It is not intended to reward a party that has had months
13 of access to the opposing party's evidence while simultaneously withholding its own discovery,
14 delaying compliance with Rules 26.1, 33, 34, 36, and 37, Ariz. R. Civ. P., and asserting shifting
15 reasons for nonproduction. See *Orme School v. Reeves*, 166 Ariz. (1990) (Rule 56 procedures are
16 designed to determine whether genuine issues of material fact exist); *Tilley v. Delci*, 220 Ariz.
17 (App. 2009) (Rule 56(d) relief requires a specific showing of why additional discovery is
18 necessary and unavailable despite diligence). Under these circumstances, Defendants have failed
19 to establish diligence, good faith, or entitlement to Rule 56(d) relief, and their request should be
20 denied

21 This conduct has substantially prejudiced Plaintiff's ability to fairly litigate this matter.
22 Defendants now seek Rule 56(d) relief based on an alleged need for additional discovery while
23 Plaintiff has been deprived of access to evidence necessary to evaluate, challenge, and respond to
24 Defendants' defenses, affirmative defenses, and factual contentions. Having failed to produce
25 discovery repeatedly requested by Plaintiff for months, Defendants cannot reasonably claim
26 entitlement to additional time and discovery from Plaintiff while continuing to withhold
27 information exclusively within their own possession. This history undermines Defendants'
28 assertion that additional discovery from Plaintiff is required and instead demonstrates a
continuing failure by Defendants to satisfy their own disclosure and discovery obligations,

1 resulting in ongoing prejudice to Plaintiff and further supporting denial of Defendants' Rule 56(d)
2 request.

3 4 **IV. DEFENDANTS' CLAIM PLAINTIFF REFUSED MEET AND CONFER**

5 Defendants' assertion that Plaintiff refused to meet and confer is not supported by the
6 documentary record. On May 26, 2026, at 3:06 p.m., Mr. Shaw emailed Plaintiff a proposed Rule
7 56(d) Motion and requested a discussion "*today or tomorrow.*" (See Exh 6) After that email,
8 Plaintiff received more than four contact attempts within less than twenty-four hours and
9 subsequently requested 48-72 hours to review and respond. (See Exh 1)

10 On May 28, 2026, at 3:30 p.m., Plaintiff expressly agreed to participate in a Rule 26(d)
11 conference, provided four available dates and times, and requested a written agenda identifying
12 the Rule 56(d) issues, relief sought, and scope of the discussion. (See Exh 1)

13 Rather than responding to Plaintiff's proposed dates, availability, or requests for
14 clarification, Defendants proceeded the following day with filing their Rule 56(d) Motion and
15 related documents through AZTurboCourt at approximately 11:34 a.m., 11:36 a.m., and 11:38
16 a.m. on May 29, 2026. Shortly thereafter Mr. Shaw stated: "*I did not receive your below e-mail
17 until after the attached was filed with the Court; nevertheless, we can still meet and confer...*"
18 (See Exh 3)

19 Regardless of when counsel received Plaintiff's email, the record establishes that
20 Plaintiff's response was sent on May 28, 2026, at 3:30 p.m.—approximately twenty hours before
21 Defendants filed their Rule 56(d) Motion. Defendants therefore proceeded with filing before any
22 meet-and-confer occurred, before responding to Plaintiff's proposed dates, and before addressing
23 Plaintiff's requests for clarification regarding the issues to be discussed. (See Exh 1 and 3)

24 On May 29, 2026, at 3:24 p.m., Plaintiff again advised that she had not refused to meet
25 and confer, had already provided availability, and remained willing to participate upon receipt of
26 the requested information. Plaintiff further noted that Defendants had not responded to the
27 proposed dates, identified the specific Rule 56(d) issues, or provided the requested agenda. (See
28 Exh 4)

The correspondence reflects that Plaintiff agreed to confer and provided availability, while
Defendants elected to seek court intervention first and discuss the matter afterward. Mr. Shaw's
May 29 email further confirms that the proposed conference was limited to Defendants' request
for additional time to respond to Plaintiff's Motion for Summary Judgment and file a cross-

1 motion. It did not address Plaintiff's concerns regarding outstanding discovery disputes,
2 disclosure deficiencies, notice and service issues, or Defendants' third unilaterally scheduled
3 deposition notice. (See Exh 3)

4 This is also not the first dispute concerning Defendants' characterization of meet-and-
5 confer efforts. Plaintiff previously submitted evidence that a March 25, 2026 Rule 26(d)
6 conference occurred regarding discovery disputes, including a recorded conference and written
7 memorialization of the discussion. (See Exh Plaintiff's Reply to Defendant's Response to Declare
8 Defendant's and their legal counsel Vexatious Litigants, May 6, 2026)

9 Although Rule 56(d) does not require a meet-and-confer, Defendants' claim that Plaintiff
10 refused to confer is inconsistent with the record. Plaintiff agreed to participate, provided
11 availability, and requested reasonable clarification. The record instead reflects that Defendants
12 filed their Rule 56(d) Motion before any conference occurred and before responding to Plaintiff's
13 requests. See *Orme School v. Reeves*, 166 Ariz. 301 (1990); *Tilley v. Delci*, 220 Ariz. 233 (App.
14 2009).

15 **V. DEFENDANTS HAVE NOT IDENTIFIED SPECIFIC FACTS ESSENTIAL**
16 **TO OPPOSING SUMMARY JUDGMENT**

17 Defendants argue they must depose Plaintiff because Plaintiff relies upon her own
18 testimony and references statements from other witnesses. However, Rule 56(d) requires more
19 than a desire to depose an opposing party.

20 The requesting party must identify:

21 Specific facts sought;

- 22 1. Why those facts are unavailable;
- 23 2. How those facts are expected to defeat summary judgment; and
- 24 3. Why those facts could not have been obtained earlier through diligence.

25 See *Blough v. Holland Realty, Inc.*, 574 F.3d 1084 (9th Cir. 2009), a case cited by
26 Defendants themselves.

27 Defendants have not identified any specific fact unavailable to them. Instead, they seek
28 broad authority to depose Plaintiff and unspecified witnesses in hopes of discovering evidence
that may assist their position. Such a request is precisely the type of fishing expedition Rule 56(d)
does not authorize.

1 **VI. THE REQUEST APPEARS DIRECTED TOWARD TESTING OR**
2 **CREATING FACTUAL DISPUTES REGARDING EVIDENCE ALREADY**
3 **DISCLOSED**

4 Defendants repeatedly state they seek to depose Plaintiff in order to challenge Plaintiff's
5 testimony and statements. Yet Plaintiff's factual allegations, Rule 26.1 disclosures, affidavit,
6 documentary evidence, supporting exhibits, Amended Complaint, Motion for Summary
7 Judgment, and Supplemental USB Physical Evidence have already been disclosed and available
8 for review for months.

9 Arizona courts have repeatedly recognized that summary judgment procedures are
10 intended to identify genuine factual disputes, not manufacture them. See *Wright v. Hills*, 161 Ariz.
11 583 (App. 1989); *Perdue v. La Rue*, 246 Ariz. 621 (App. 2019).

12 While Plaintiff those cases reflect the broader principle that summary judgment
13 proceedings exist to determine whether genuine disputes actually exist—not to create them
14 through contradictory testimony or litigation tactics after the relevant evidence has already been
15 disclosed.

16 Here, Defendants have possessed Plaintiff's evidence for months and seek a deposition
17 after extensive disclosure of Plaintiff's claims, evidence, affidavits, and exhibits. Rule 56(d) was
18 not intended to provide a mechanism for manufacturing factual disputes, conducting exploratory
19 discovery, or delaying adjudication of a properly supported motion where the evidence has long
20 been available.

21 **VII. DEFENDANTS' REQUEST FOR AN EXPEDITED HEARING**

22 Defendants seek an expedited hearing while simultaneously requesting up to sixty (60)
23 additional days to delay responding to Plaintiff's Motion for Summary Judgment. No emergency
24 exists. Plaintiff filed the MSJ on May 21, 2026, and Defendants sought Rule 56(d) relief on May
25 29, 2026, only eight (8) days later. Under Rule 56(c), Ariz. R. Civ. P., Defendants have *thirty (30)*
26 *days to respond and still had approximately twenty-two (22) days remaining*, with a response due
27 on or about June 22, 2026.

28 Defendants have also possessed Plaintiff's evidence for months, including the Amended
Complaint and approximately 1,924 exhibits filed on February 13, 2026, and the Supplemental
USB Physical Evidence filed on March 13, 2026. Despite having approximately 108 days to
review Plaintiff's claims and 80 days to review the electronic evidence, Defendants have failed to

1 demonstrate diligence, identify specific unavailable facts essential to opposing summary
2 judgment, or show any irreparable prejudice requiring immediate court intervention. Accordingly,
3 Defendants' request for expedited consideration is inconsistent with their simultaneous request
4 for substantial delay, unsupported by the record, and contrary to the purpose of Rule 56(d).
5 Defendants have failed to establish any basis for expedited or emergency relief.

6
7 **VIII. DEFENDANTS' CONDUCT CAUSE SUBSTANTIAL**
8 **PREJUDICE TO PLAINTIFF**

9 Defendants' continued failure to provide complete discovery, disclosures, and evidence
10 uniquely within their possession, custody, and control has substantially prejudiced Plaintiff's
11 ability to fairly litigate this action. For months, Plaintiff has sought records, admissions,
12 interrogatory responses, electronically stored information, communications, governance records,
13 financial records, maintenance records, and other materials necessary to evaluate Defendants'
14 defenses, challenge Defendants' factual assertions, and prepare dispositive motions. Despite
15 repeated requests, deficiency notices, meet-and-confer efforts, and motions to compel,
16 Defendants have failed to provide substantial categories of responsive information while
17 simultaneously seeking additional discovery from Plaintiff.

18 This prejudice is compounded by Defendants' repeatedly shifting positions regarding their
19 discovery obligations. Throughout this litigation, Defendants have alternatively claimed that
20 discovery was limited by the case's Tier 1 designation, that discovery responses were not required
21 because Plaintiff allegedly failed to perfect service of USB exhibits, that they were "confused"
22 regarding Plaintiff's requests and obligations, that no additional evidence existed, that all required
23 discovery had already been provided, and now that additional discovery from Plaintiff is
24 necessary before they can oppose summary judgment. These inconsistent positions cannot be
25 reconciled with one another and undermine Defendants' claim that, despite diligent efforts, they
26 lack access to facts essential to respond to Plaintiff's Motion for Summary Judgment. These
27 inconsistent positions have delayed resolution of discovery disputes, increased litigation costs,
28 and deprived Plaintiff of access to evidence necessary to test Defendants' claims and defenses.

Arizona courts recognize that the purpose of Rule 26.1 is to eliminate surprise, promote
full disclosure, and provide parties a meaningful opportunity to prepare their claims and defenses.
See *Bryan v. Riddell*, 178 Ariz. 472, 476, 875 P.2d 131, 135 (1994). Likewise, Arizona courts
have recognized that disclosure violations may substantially prejudice an opposing party's ability

1 to litigate the merits of a case. See *Zimmerman v. Shakman*, 204 Ariz. (App. 2003); *Allstate Ins.*
2 *Co. v. O'Toole*, 182 Ariz. (1995).

3 Federal courts similarly recognize that discovery may not be used as both a sword and a
4 shield. A party may not seek additional discovery from its opponent while withholding
5 information uniquely within its own possession and then claim prejudice from the absence of
6 information it failed to disclose. See *Roadway Express, Inc. v. Piper*, 447 U.S. 752, 763-64
7 (1980); *Chambers v. NASCO, Inc.*, 501 U.S. (1991). Nor should Rule 56(d) relief be granted
8 where the requesting party's inability to present facts is attributable to its own lack of diligence.
9 See *Tilley v. Delci*, 220 Ariz. (App. 2009); *Marquez v. Ortega*, 231 Ariz. (App. 2013).

10 Moreover, the Due Process Clauses of the United States and Arizona Constitution's
11 guarantee a meaningful opportunity to be heard and to present evidence. See Fourteenth
12 Amendment to the United States Constitution; Arizona Constitution Article 2, Section 4. By
13 withholding discovery while simultaneously seeking additional discovery from Plaintiff,
14 Defendants have created an inherently one-sided process that impairs Plaintiff's ability to obtain,
15 evaluate, and present evidence necessary to fully litigate the merits of this case.

16 Under these circumstances, granting Defendants additional time and discovery would
17 further reward the very conduct that has caused the prejudice. The record demonstrates that any
18 inability by Defendants to oppose summary judgment results from their own lack of diligence,
19 not from any absence of access to Plaintiff's evidence. Accordingly, the prejudice to Plaintiff
20 weighs strongly against granting Defendants' request for Rule 56(d) relief.

21 IX. CONCLUSION

22 WHEREFORE, Plaintiff respectfully requests that this Court:

- 23 1. Deny Defendants' Request for Rule 56(d) Relief;
- 24 2. Deny Defendants' Request for an Expedited Hearing;
- 25 3. Require Defendants to respond to Plaintiff's Motion for Summary Judgment within
26 the time prescribed by Rule 56, Ariz. R. Civ. P.;
- 27 4. Stay or vacate Defendants' third unilaterally scheduled deposition pending resolution
28 of Plaintiff's Motion for Protective Order, Motion for Temporary Restraining Order
and Injunction Against Harassment, and Motion to Stay;

- 1 5. Consider appropriate sanctions under Rules 11, 26, and 37, Ariz. R. Civ. P., and the
- 2 Court's inherent authority for Defendants' factual representations concerning
- 3 discovery, meet-and-confer efforts, and the procedural record that are contradicted by
- 4 the documentary evidence;
- 5 6. Preclude Defendants from relying on unsupported factual assertions not supported by
- 6 admissible evidence; and
- 7 7. Grant such further protective or other relief as the Court deems just and proper.

8 Respectfully submitted,

9 

10 Sandra Rodriguez

1 **V. CERTIFICATE OF SERVICE**

2 I served copies of this **PLAINTIFF'S OPPOSITION TO DEFENDANTS' REQUEST**
3 **FOR RULE 56(d) RELIEF AND EXPEDITED HEARING** (Pursuant to Rules 1, 26(c),
4 30(b)(4), 37, 54(b), and 65, Arizona Rules of Civil Procedure; A.R.S. § 12-1809; and the
5 Fourteenth Amendment to the United States Constitution) for on all parties of record via U.S.
6 Mail.

7 **A. OPPOSING PARTY INFORMATION**

8 **DEFENDANTS:**

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

- 15
- 16 ○ **Address:** 4135 E. Power Road, Suite 133, Mesa, Arizona 85212

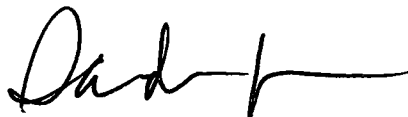
17

18 **DEFENDANT'S LEGAL COUNSEL:**

- 19
- 20 • **Name:** Augustus H. Shaw IV
 - 21 • **Firm:** Shaw & Lines, LLC
 - 22 • **Address:** 1490 S. Price Road, Suite 318 Chandler, Arizona 85286

23

24 Respectfully submitted this 1st day of June 2026.

25 

26 Sandra Rodriguez

EXHIBIT 1



Sandra Rodriguez <sandra.rodriguez0339@gmail.com>

Response: Defendants' Request For Rule 56(D) Relief And For Expediated Hearing.

2 messages

Sandra Rodriguez <sandra.rodriguez0339@gmail.com>
To: Augustus Shaw <ashaw@shawlines.com>

Thu, May 28, 2026 at 3:30 PM

Dear Counsel Shaw,

I am in receipt of your email regarding Defendants' Request for Rule 56(D) Relief and for Expedited Hearing. Plaintiff is willing to reasonably comply with Rule 26(d); however, given the history of disputes concerning discovery compliance, procedural obstruction, and inaccurate representations regarding prior meet-and-confer efforts, Plaintiff requests a written agenda identifying the specific Rule 56(d) issues to be discussed, the relief sought, and confirmation that the conference will not exceed twenty (20) minutes. Plaintiff further requests confirmation that the discussion will remain limited to the identified issues and conducted in good faith for purposes of meaningful resolution rather than procedural positioning or unnecessary expansion of proceedings.

I am available Tuesday, June 2, 2026, at 1:00 p.m. or 3:00 p.m. Arizona time, or Thursday, June 4, 2026 at 3pm or 5pm. Plaintiff reserves all objections, rights, and remedies concerning pending discovery disputes, disclosure deficiencies, protective-order requests, and due-process concerns. Participation shall not be construed as waiver of any objection, agreement, or representation not expressly confirmed in writing.

I am also writing to document that your continued demands for immediate responses are inappropriate and unwelcome, particularly after these concerns were previously reported. Following your May 26, 2026, 3:06 p.m. email, I received more than 4 contact attempts in less than 24 hours without reasonable time to respond. Please allow 48–72 hours for responses to calls and/or emails. Continued pressure for immediate responses, despite notice in the recent past that such conduct is unwelcome, is unnecessary and inconsistent with ARPOP provisions regarding repeated unwanted contact serving no legitimate purpose other than pressure or intimidation.

Plaintiff may memorialize the conference in follow-up correspondence to avoid future disputes regarding the substance of the discussion. Arizona courts and persuasive federal authorities recognize the Court's inherent authority to sanction bad-faith litigation conduct, including misuse of discovery and meet-and-confer procedures. See *Chambers v. NASCO, Inc.*, 501 U.S. 32 (1991); *Fink v. Gomez*, 239 F.3d 989 (9th Cir. 2001); *Roadway Express, Inc. v. Piper*, 447 U.S. 752 (1980). Any materially false or misleading representations regarding the conference may result in requests for sanctions, remedial relief, or appellate or special-action review.

Sincerely,

Sandra Rodriguez

On Tue, May 26, 2026, 3:06 PM Augustus Shaw <ashaw@shawlines.com> wrote:

Ms. Rodriguez,

Attached please find the Defendants' Request For Rule 56(D) Relief And For Expediated Hearing concerning Plaintiff's Motion for Summary Judgment. We are required to meet and confer regarding filing the attached.

Are you free to chat about the attached today or tomorrow?

Please let me know and thanks!

Augustus H. Shaw IV†*

Shaw & Lines, LLC

1490 S. Price Rd., Suite 318
Chandler, Arizona 85286

Phone 480-456-1500

e-mail ashaw@shawlines.com

web site www.shawlines.com

†Licensed in Arizona and Nebraska

*President- College of Community Association Lawyers

*Faculty Associate Professor - Arizona State University O'Connor College of Law

CONFIDENTIALITY STATEMENT: THIS E-MAIL MESSAGE AND ANY ACCOMPANYING DOCUMENTS CONTAIN INFORMATION WHICH IS ATTORNEY PRIVILEGED, CONFIDENTIAL AND INTENDED ONLY FOR THE USE OF THE ABOVE-NAMED RECIPIENT. IF THE READER OF THIS MESSAGE IS NOT THE INTENDED RECIPIENT, YOU ARE HEREBY NOTIFIED THAT ANY DISSEMINATION, DISTRIBUTION, PRINTING OR COPYING OF THIS MESSAGE IS STRICTLY PROHIBITED. IF YOU HAVE RECEIVED THIS MESSAGE IN ERROR, PLEASE IMMEDIATELY NOTIFY US BY TELEPHONE OR RETURN THE E-MAIL MESSAGE TO US. THANK YOU.

THIS FIRM MAY ACT AS A DEBT COLLECTOR. ANY INFORMATION OBTAINED WILL BE USED FOR THAT PURPOSE. IF YOU WOULD LIKE TO OPT-OUT OF RECEIVING EMAILS FROM SHAW & LINES, LLC, PLEASE REPLY TO THIS EMAIL WITH THE WORD "STOP".

Augustus Shaw <ashaw@shawlines.com>

Fri, May 29, 2026 at 12:22 PM

To: Sandra Rodriguez <sandra.rodriguez0339@gmail.com>

Cc: Diane Fincher <Diane@shawlines.com>, Elizabeth Mundall <elizabeth@shawlines.com>

Ms. Rodriguez,

I did not receive your below e-mail until after the attached was filed with the Court; nevertheless, we can still meet and confer and let the Court know the outcome of our conference.

Our meet and confer will discuss the Defendant's request that you (the Plaintiff) stipulate to allow the Defendants to respond to

Plaintiff's Motion for Summary Judgment and file a cross motion for summary judgment by **July 20, 2026** in order to depose the Plaintiff.

You could simply respond to this e-mail with your approval to allow the Response to the MSJ and cross MSJ to be filed on July 20, 2026 or we can meet and confer. The meeting would last 20 minutes tops. I could meet on Thursday, June 4, 2026 at 3pm.

Please respond to all and let me know your thoughts.

[Quoted text hidden]

4 attachments



Good Faith Certificate - Rule 56d.pdf

507K



Affidavit in Support of Rule 56d Motion.pdf

323K



Rule 56d Motion.pdf

345K



Notice of Deposition to Plaintiff - 5.28.26.pdf

157K

EXHIBIT 2



Sandra Rodriguez <sandra.rodriguez0339@gmail.com>

Response: Defendants' Request For Rule 56(D) Relief And For Expediated Hearing.

3 messages

Sandra Rodriguez <sandra.rodriguez0339@gmail.com>
To: Augustus Shaw <ashaw@shawlines.com>

Thu, May 28, 2026 at 3:30 PM

Dear Counsel Shaw,

I am in receipt of your email regarding Defendants' Request for Rule 56(D) Relief and for Expedited Hearing. Plaintiff is willing to reasonably comply with Rule 26(d); however, given the history of disputes concerning discovery compliance, procedural obstruction, and inaccurate representations regarding prior meet-and-confer efforts, Plaintiff requests a written agenda identifying the specific Rule 56(d) issues to be discussed, the relief sought, and confirmation that the conference will not exceed twenty (20) minutes. Plaintiff further requests confirmation that the discussion will remain limited to the identified issues and conducted in good faith for purposes of meaningful resolution rather than procedural positioning or unnecessary expansion of proceedings.

I am available Tuesday, June 2, 2026, at 1:00 p.m. or 3:00 p.m. Arizona time, or Thursday, June 4, 2026 at 3pm or 5pm. Plaintiff reserves all objections, rights, and remedies concerning pending discovery disputes, disclosure deficiencies, protective-order requests, and due-process concerns. Participation shall not be construed as waiver of any objection, agreement, or representation not expressly confirmed in writing.

I am also writing to document that your continued demands for immediate responses are inappropriate and unwelcome, particularly after these concerns were previously reported. Following your May 26, 2026, 3:06 p.m. email, I received more than 4 contact attempts in less than 24 hours without reasonable time to respond. Please allow 48–72 hours for responses to calls and/or emails. Continued pressure for immediate responses, despite notice in the recent past that such conduct is unwelcome, is unnecessary and inconsistent with ARPOP provisions regarding repeated unwanted contact serving no legitimate purpose other than pressure or intimidation.

Plaintiff may memorialize the conference in follow-up correspondence to avoid future disputes regarding the substance of the discussion. Arizona courts and persuasive federal authorities recognize the Court's inherent authority to sanction bad-faith litigation conduct, including misuse of discovery and meet-and-confer procedures. See *Chambers v. NASCO, Inc.*, 501 U.S. 32 (1991); *Fink v. Gomez*, 239 F.3d 989 (9th Cir. 2001); *Roadway Express, Inc. v. Piper*, 447 U.S. 752 (1980). Any materially false or misleading representations regarding the conference may result in requests for sanctions, remedial relief, or appellate or special-action review.

Sincerely,

Sandra Rodriguez

On Tue, May 26, 2026, 3:06 PM Augustus Shaw <ashaw@shawlines.com> wrote:

Ms. Rodriguez,

Attached please find the Defendants' Request For Rule 56(D) Relief And For Expediated Hearing concerning Plaintiff's Motion for Summary Judgment. We are required to meet and confer regarding filing the attached.

Are you free to chat about the attached today or tomorrow?

Please let me know and thanks!

Augustus H. Shaw IV†*

Shaw & Lines, LLC

1490 S. Price Rd., Suite 318
Chandler, Arizona 85286

Phone 480-456-1500

e-mail ashaw@shawlines.com

web site www.shawlines.com

†Licensed in Arizona and Nebraska

*President- College of Community Association Lawyers

*Faculty Associate Professor - Arizona State University O'Connor College of Law

CONFIDENTIALITY STATEMENT: THIS E-MAIL MESSAGE AND ANY ACCOMPANYING DOCUMENTS CONTAIN INFORMATION WHICH IS ATTORNEY PRIVILEGED, CONFIDENTIAL AND INTENDED ONLY FOR THE USE OF THE ABOVE-NAMED RECIPIENT. IF THE READER OF THIS MESSAGE IS NOT THE INTENDED RECIPIENT, YOU ARE HEREBY NOTIFIED THAT ANY DISSEMINATION, DISTRIBUTION, PRINTING OR COPYING OF THIS MESSAGE IS STRICTLY PROHIBITED. IF YOU HAVE RECEIVED THIS MESSAGE IN ERROR, PLEASE IMMEDIATELY NOTIFY US BY TELEPHONE OR RETURN THE E-MAIL MESSAGE TO US. THANK YOU.

THIS FIRM MAY ACT AS A DEBT COLLECTOR. ANY INFORMATION OBTAINED WILL BE USED FOR THAT PURPOSE. IF YOU WOULD LIKE TO OPT-OUT OF RECEIVING EMAILS FROM SHAW & LINES, LLC, PLEASE REPLY TO THIS EMAIL WITH THE WORD "STOP".

Augustus Shaw <ashaw@shawlines.com>

Fri, May 29, 2026 at 12:22 PM

To: Sandra Rodriguez <sandra.rodriguez0339@gmail.com>

Cc: Diane Fincher <Diane@shawlines.com>, Elizabeth Mundall <elizabeth@shawlines.com>

Ms. Rodriguez,

I did not receive your below e-mail until after the attached was filed with the Court; nevertheless, we can still meet and confer and let the Court know the outcome of our conference.

Our meet and confer will discuss the Defendant's request that you (the Plaintiff) stipulate to allow the Defendants to respond to

Plaintiff's Motion for Summary Judgment and file a cross motion for summary judgment by **July 20, 2026** in order to depose the Plaintiff.

You could simply respond to this e-mail with your approval to allow the Response to the MSJ and cross MSJ to be filed on July 20, 2026 or we can meet and confer. The meeting would last 20 minutes tops. I could meet on Thursday, June 4, 2026 at 3pm.

Please respond to all and let me know your thoughts.

[Quoted text hidden]

4 attachments



Good Faith Certificate - Rule 56d.pdf
507K



Affidavit in Support of Rule 56d Motion.pdf
323K



Rule 56d Motion.pdf
345K



Notice of Deposition to Plaintiff - 5.28.26.pdf
157K

Sandra Rodriguez <sandra.rodriguez0339@gmail.com>
To: Augustus Shaw <ashaw@shawlines.com>
Bcc: Sandra Rodriguez <sandra.rodriguez0339@gmail.com>

Fri, May 29, 2026 at 3:23 PM

Dear Shaw,

I am writing to document that Defendants through your direction Augustus H. Shaw IV filed their Rule 56(d) Motion before allowing Plaintiff a meaningful opportunity to respond or participate in the meet-and-confer process you requested. As your May 29, 2026 email acknowledges, the motion was filed before you received Plaintiff's response. Filing first and offering to confer afterward defeats the purpose of a good-faith meet-and-confer and deprived Plaintiff of any meaningful opportunity to discuss the requested relief, narrow disputes, or present objections before court intervention was sought.

The timing of Defendants' filing limited Plaintiff's opportunity to provide input regarding the requested relief before the motion was submitted to the Court. Additionally, none of the proposed meet-and-confer discussions identified in your correspondence concerned Defendants' third unilaterally scheduled deposition notice. Plaintiff continues to maintain that questions remain regarding compliance with the notice and service requirements of Rules 5 and 30(b)(1), Arizona Rules of Civil Procedure. Those issues were neither addressed nor proposed for discussion during the requested conference. Accordingly, Defendants filed their Rule 56(d) request while separate disputes concerning the notice, service, and unilateral scheduling of the deposition remain unresolved.

Sincerely,

Sandra Rodriguez
[Quoted text hidden]



Diane Fincher Email filing Rule 56b documents- Rodriguez v. Gardens Gilbert - CV2024-005940
05.29.26.pdf
165K

EXHIBIT 3



Sandra Rodriguez <sandra.rodriguez0339@gmail.com>

Response: Defendants' Request For Rule 56(D) Relief And For Expediated Hearing.

Augustus Shaw <ashaw@shawlines.com>

Fri, May 29, 2026 at 12:22 PM

To: Sandra Rodriguez <sandra.rodriguez0339@gmail.com>

Cc: Diane Fincher <Diane@shawlines.com>, Elizabeth Mundall <elizabeth@shawlines.com>

Ms. Rodriguez,

I did not receive your below e-mail until after the attached was filed with the Court; nevertheless, we can still meet and confer and let the Court know the outcome of our conference.

Our meet and confer will discuss the Defendant's request that you (the Plaintiff) stipulate to allow the Defendants to respond to Plaintiff's Motion for Summary Judgment and file a cross motion for summary judgment by **July 20, 2026** in order to depose the Plaintiff.

You could simply respond to this e-mail with your approval to allow the Response to the MSJ and cross MSJ to be filed on July 20, 2026 or we can meet and confer. The meeting would last 20 minutes tops. I could meet on Thursday, June 4, 2026 at 3pm.

Please respond to all and let me know your thoughts.

[Quoted text hidden]

4 attachments



Good Faith Certificate - Rule 56d.pdf
507K



Affidavit in Support of Rule 56d Motion.pdf
323K



Rule 56d Motion.pdf
345K



Notice of Deposition to Plaintiff - 5.28.26.pdf
157K

EXHIBIT 4



Sandra Rodriguez <sandra.rodriguez0339@gmail.com>

Rodriguez Second Response: Defendants' Request For Rule 56(D) Relief And For Expediated Hearing Additional Request

1 message

Sandra Rodriguez <sandra.rodriguez0339@gmail.com>
To: Augustus Shaw <ashaw@shawlines.com>

Fri, May 29, 2026 at 3:24 PM

Dear Counsel Shaw,

Your most recent email does not respond to the requests contained in my May 28, 2026 email. (See attached) Rather than addressing my requests for a written agenda, identification of the specific Rule 56(d) issues to be discussed, the relief sought, confirmation of the conference scope, and the dates and times I provided, you initiated a new email chain without acknowledging or responding to those requests.

To be clear, Plaintiff did not refuse to meet and confer. Plaintiff expressly agreed to participate, requested reasonable clarification necessary for a meaningful Rule 26(d) conference, and provided availability on June 2, 2026, at 1:00 p.m. or 3:00 p.m. Arizona time, and June 4, 2026, at 3:00 p.m. or 5:00 p.m. Arizona time.

Your subsequent communication did not address the requested information, identify the specific Rule 56(d) issues, identify the relief sought, or respond to the proposed dates and times. As a result, Plaintiff renews her request for:

- A written agenda identifying the Rule 56(d) issues to be discussed;
- Identification of the relief sought;
- Confirmation of the expected duration of the conference; and
- Confirmation that the discussion will be limited to those identified Rule 56(d) issues.
- Upon receipt of this information, Plaintiff remains willing to reasonably comply with Rule 26(d) and participate in a good-faith meet-and-confer on the dates previously provided.

This is Plaintiff's second written response regarding Defendants' Rule 56(d) request. Plaintiff has provided availability and requested reasonable clarification necessary for a meaningful conference.

Any continued failure to respond to these requests will be documented and added to the record as evidence of Defendants' lack of cooperation and bad-faith meet-and-confer efforts. Plaintiff reserves all rights and remedies.

Sincerely,

Sandra Rodriguez

On Thu, May 28, 2026, 1:51 PM Augustus Shaw <ashaw@shawlines.com> wrote:

Ms. Rodriguez,

Attached please find the Defendants' Request For Rule 56(D) Relief And For Expediated Hearing concerning Plaintiff's Motion for Summary Judgment. We are required to meet and confer regarding filing the attached.

Are you free to chat about the attached today?

Please let me know and thanks!

Augustus H. Shaw IV†*

Shaw & Lines, LLC

1490 S. Price Rd., Suite 318
Chandler, Arizona 85286

Phone 480-456-1500

e-mail ashaw@shawlines.com

web site www.shawlines.com

†Licensed in Arizona and Nebraska

*President- College of Community Association Lawyers

*Faculty Associate Professor - Arizona State University O'Connor College of Law

CONFIDENTIALITY STATEMENT: THIS E-MAIL MESSAGE AND ANY ACCOMPANYING DOCUMENTS CONTAIN INFORMATION WHICH IS ATTORNEY PRIVILEGED, CONFIDENTIAL AND INTENDED ONLY FOR THE USE OF THE ABOVE-NAMED RECIPIENT. IF THE READER OF THIS MESSAGE IS NOT THE INTENDED RECIPIENT, YOU ARE HEREBY NOTIFIED THAT ANY DISSEMINATION, DISTRIBUTION, PRINTING OR COPYING OF THIS MESSAGE IS STRICTLY PROHIBITED. IF YOU HAVE RECEIVED THIS MESSAGE IN ERROR, PLEASE IMMEDIATELY NOTIFY US BY TELEPHONE OR RETURN THE E-MAIL MESSAGE TO US. THANK YOU.

THIS FIRM MAY ACT AS A DEBT COLLECTOR. ANY INFORMATION OBTAINED WILL BE USED FOR THAT PURPOSE. IF YOU WOULD LIKE TO OPT-OUT OF RECEIVING EMAILS FROM SHAW & LINES, LLC, PLEASE REPLY TO THIS EMAIL WITH THE WORD "STOP".

 **Gmail - Response_ Defendants' Request For Rule 56(D) Relief And For Expediated Hearing.PDF**
113K

EXHIBIT 5



Sandra Rodriguez <sandra.rodriguez0339@gmail.com>

Defendants' Request For Rule 56(D) Relief And For Expediated Hearing.

Augustus Shaw <ashaw@shawlines.com>
To: Sandra Rodriguez <sandra.rodriguez0339@gmail.com>
Cc: Diane Fincher <Diane@shawlines.com>

Tue, May 26, 2026 at 3:06 PM

Ms. Rodriguez,

Attached please find the Defendants' Request For Rule 56(D) Relief And For Expediated Hearing concerning Plaintiff's Motion for Summary Judgment. We are required to meet and confer regarding filing the attached.

Are you free to chat about the attached today or tomorrow?

Please let me know and thanks!

Augustus H. Shaw IV †*

Shaw & Lines, LLC

1490 S. Price Rd., Suite 318
Chandler, Arizona 85286

Phone 480-456-1500

e-mail ashaw@shawlines.com

web site www.shawlines.com

†Licensed in Arizona and Nebraska

*President- College of Community Association Lawyers

*Faculty Associate Professor - Arizona State University O'Connor College of Law

CONFIDENTIALITY STATEMENT: THIS E-MAIL MESSAGE AND ANY ACCOMPANYING DOCUMENTS CONTAIN INFORMATION WHICH IS ATTORNEY PRIVILEGED, CONFIDENTIAL AND INTENDED ONLY FOR THE USE OF THE ABOVE-NAMED RECIPIENT. IF THE READER OF THIS MESSAGE IS NOT THE INTENDED RECIPIENT, YOU ARE HEREBY NOTIFIED THAT ANY DISSEMINATION, DISTRIBUTION, PRINTING OR COPYING OF THIS MESSAGE IS STRICTLY PROHIBITED. IF YOU HAVE RECEIVED THIS MESSAGE IN ERROR, PLEASE IMMEDIATELY NOTIFY US BY TELEPHONE OR RETURN THE E-MAIL MESSAGE TO US. THANK YOU.

THIS FIRM MAY ACT AS A DEBT COLLECTOR. ANY INFORMATION OBTAINED WILL BE USED FOR THAT PURPOSE. IF YOU WOULD LIKE TO OPT-OUT OF RECEIVING EMAILS FROM SHAW & LINES, LLC, PLEASE REPLY TO THIS EMAIL WITH THE WORD "STOP".

2 attachments



Rule 56(d) Motion.docx

41K



Affidavit in Support of Rule 56(d) Motion.docx

40K