

DEC 15 2025 12:09 PM

J. MAYNARD Deputy

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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 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 PLAINTIFF'S LIMITED REPLY
20 TO DEFENDANT'S SANCTION
21 REQUEST

*(Protecting Constitutional Rights,
Whistleblower Protections, Equitable
Principles, and Rule 26(c) Motions)*

22 TO THE HONORABLE JUDGE MCDOWELL:

23 Plaintiff Sandra Rodriguez submits this limited reply to oppose yet another improper
24 sanctions request by Defendants, to address their materially deficient Rule 26.1 disclosure, and
25 to protect her constitutional, whistleblower, and equitable rights.

26 I. DEFENDANTS' SANCTIONS REQUEST IS RETALIATORY,
27 INEQUITABLE, AND PROCEDURALLY IMPROPER
28

1 Defendants' latest sanctions request is not an isolated filing but part of a long-standing,
2 well-documented pattern in which Defendants request sanctions in nearly every motion they file.
3 Plaintiff has repeatedly informed the Court—through sworn filings, Rule 26(c) requests, and
4 emergency motions—that Defendants weaponize sanctions as a litigation tactic rather than
5 reserving them for legitimate misconduct. Defendants' filings in this case mirror the same strategy
6 documented in attorney Shaw's historical background and prior cases, where courts have
7 identified him as engaging in aggressive, repetitive, and abusive sanctions practice to intimidate
8 opposing parties. The persistence of these filings, even after Plaintiff has raised safety concerns,
9 Rule 26.1 violations, and ethical misconduct, further demonstrates that Defendants' present
10 request is another example of litigation abuse, not a good-faith motion.

11 This sanctions request is a direct retaliatory response to Plaintiff's Rule 26(c) motions
12 seeking court-ordered protection from harassment, unsafe discovery conditions, improper
13 attorney communications, and coercive litigation tactics. Punishing a litigant for invoking
14 procedural protections violates the First Amendment right to petition the courts and the
15 Fourteenth Amendment right to due process. Arizona precedent—including *Gipson v. Shinnick*,
16 1 CA-CV 24-0750—confirms that sanctions must not rest on mischaracterizations and must be
17 denied when they appear punitive or chilling. Likewise, the Ninth Circuit in *Lake v. Gates*, 23-
18 16022, warns against weaponizing Rule 11 to deter protected filings. Under *Smith v. Olsen*,
19 sanctions cannot be imposed on a party who is complying with court rules while the opposing
20 party engages in repeated abuse. As a court of equity, the Superior Court must reject retaliatory
21 sanctions tactics designed to intimidate a self-represented litigant and undermine the fairness of
22 these proceedings.

23 II. PLAINTIFF'S FILINGS ARE PROTECTED WHISTLEBLOWER 24 ACTIVITY AND CANNOT BE SANCTIONED

25 Plaintiff's filings report unsafe conditions, attorney misconduct, procedural manipulation, and
26 coercive litigation practices. Such filings constitute *protected whistleblower activity* under
27 Arizona public-policy doctrine and federal civil-rights frameworks, which prohibit retaliation
28 against individuals who report unlawful or unsafe conduct or who expose constitutional and
ethical violations. Defendants' repeated attempts to punish Plaintiff for reporting misconduct—

1 by demanding sanctions each time she raises safety, due-process, or ethical issues—constitute
2 unlawful retaliation.

3 Precedent including *Gipson, Jimenez v. Chavez*, and *In re Levy* all reinforce that parties may
4 not be punished for exposing misconduct, asserting due-process rights, or challenging abusive
5 litigation practices. Sanctioning Plaintiff for these protected disclosures would violate the First
6 Amendment, Arizona whistleblower protections, and the Court’s equitable obligation to prevent
7 harassment and retaliation.

8 **III. DEFENDANTS’ RULE 26.1 DISCLOSURE IS MATERIALLY**
9 **DEFICIENT UNDER ARIZONA CIVIL PROCEDURE**
10

11 Although Defendants served a Rule 26.1 disclosure, it is materially deficient and fails to
12 satisfy the plain requirements of Rule 26.1(a). Defendants provided vague, conclusory statements
13 instead of properly disclosing facts, legal theories, witnesses, or documents. Rule 26.1(a)(2)
14 requires disclosure of the facts and legal theories underlying a party’s defenses; Defendants
15 provided none. Rule 26.1(a)(3) requires complete witness information, including names,
16 addresses, phone numbers, and expected testimony; Defendants provided no meaningful contact
17 information and no testimony summaries. Rule 26.1(a)(4) requires disclosure of all relevant
18 documents; instead, Defendants offered generalized statements that documents “may exist,”
19 which is insufficient as a matter of law.

20 Arizona precedent—including *Gipson, Smith*, and *Jimenez*—makes clear that evasive or
21 incomplete disclosures prejudice the opposing party and cannot be used to justify sanctions.
22 Defendants’ failure to comply with their own disclosure obligations underscores the inequity of
23 their demand to sanction Plaintiff while withholding the very information she needs to prepare
24 for discovery. Plaintiff therefore requests that the Court order Defendants to serve a full and
25 compliant Rule 26.1 disclosure.

26 **IV. DEFENDANTS’ LITIGATION CONDUCT WARRANTS**
27 **SCRUTINY UNDER ETHICAL RULES & EQUITABLE DOCTRINE**

28 The record shows that Defendants—not Plaintiff—engage in repeated bad-faith litigation
tactics, including misrepresenting procedural facts, threatening sanctions as a matter of routine,

1 disregarding disclosure obligations, indigency status, and attempting to compel unsafe deposition
2 conditions while protective motions remain pending. This pattern reflects the same conduct
3 condemned in *In re Levy*, where the Arizona Supreme Court held that intimidating, misleading,
4 and uncivil behavior violates ER 3.3, ER 3.4, ER 4.4, and ER 8.4(d). The repetition of sanctions
5 threats in nearly every filing is a hallmark of harassment, designed to overwhelm and silence a
6 self-represented litigant.

7 As a court of equity, the Superior Court must ensure that justice is not undermined by one
8 party's misuse of procedural tools. Equity forbids a party from using misconduct, intimidation,
9 or serial sanctions threats to gain advantage or suppress protected activity. Defendants' tactics—
10 including their latest sanctions request—fit squarely within the category of conduct equity refuses
11 to reward.

12 V. CONSTITUTIONAL & EQUITABLE PRINCIPLES REQUIRE 13 DENIAL OF SANCTIONS

14 Sanctioning a self-represented whistleblower litigant for seeking Rule 26(c) protection or
15 reporting misconduct would unlawfully chill access to the courts and violate Plaintiff's First
16 Amendment rights. It would deny due process, contradict Arizona's strong public-policy
17 protections for those reporting unethical or unsafe conduct, and permit a party with a documented
18 history of litigation abuse to penalize a whistleblower for asserting her rights. The combined
19 guidance of *Gipson*, *Jimenez*, and *Lake v. Gates* establishes that sanctions cannot be used to
20 punish a party for filing legitimate motions, exposing misconduct, or seeking judicial protection
21 from harassment.

22 VI. CLARIFICATION ON PURPOSE JANUARY 2026 HEARING

23 Plaintiff respectfully requests clarification regarding the purpose and scope of the January
24 hearing, as no notice has specified what issues the Court intends to address. It appears the hearing
25 may have been set solely at Defendants' request relating to sanctions, but Plaintiff's pending Rule
26 26(c) motions and Emergency Motion to Stay remain unresolved. For due-process purposes,
27 Plaintiff asks the Court to identify:
28

1. whether the hearing is limited to Defendants' sanctions request,

2. whether Plaintiff's protective-order motions will be heard, and
3. what specific matters the Court intends to discuss during that setting.

VII. REQUEST FOR RELIEF

The record demonstrates a continued pattern of litigation abuse and financial coercion by Defendants and their counsel, including repetitive sanctions demands, deficient disclosures, and retaliatory conduct designed to burden and intimidate Plaintiff. Plaintiff submits this reply to safeguard her constitutional rights, whistleblower protections, and her ability to litigate without coercion or fear of retaliation. Accordingly, Plaintiff respectfully requests that the Court grant the following relief:

1. Deny Defendants' sanctions request in full;
2. Reaffirm Plaintiff's right to seek Rule 26(c) protection without retaliation;
3. Recognize Plaintiff's filings as protected whistleblower activity and equitable petitions for safety;
4. Order Defendants to serve a complete and compliant Rule 26.1 disclosure;
5. Consider sanctions against Defendants under Rule 11 and A.R.S. § 12-349 for repeated abusive sanctions tactics;
6. Clarify the scope and purpose of the January hearing and prioritize rulings on Plaintiff's pending protective-order motions.

Respectfully submitted this 15th day of December 2025.



Sandra Rodriguez

VIII. CERTIFICATE OF SERVICE

I served copies of this *Plaintiff's Limited Reply to Defendant's Continued Sanction Request* for on all parties of record via U.S. Mail.

OPPOSING PARTY INFORMATION

DEFENDANTS:

- o Gardens Gilbert Community Association
- o Focus HOA Management, LLC
- o Harmin Cadis
- o Brooke Sortor
- o Anna Schultz
- o Address: 4135 E. Power Road, Suite 133, Mesa, Arizona 85212

DEFENDANT'S LEGAL COUNSEL:

- o Name: Augustus H. Shaw IV
- o Firm: Shaw & Lines, LLC
- o Address: 1490 S. Price Road, Suite 318 Chandler, Arizona 85286

Respectfully submitted this *KJR* day of December 2025..



Sandra Rodriguez