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*Attorney for Plaintiff*

IN THE SUPERIOR COURT OF THE STATE OF ARIZONA  
IN AND FOR THE COUNTY OF MARICOPA

MARTIN SANCHEZ,  
Plaintiff,

-vs-

ARIZONA BARRIO STORIES, an  
Arizona Domestic Nonprofit Corporation;  
GIL BIVENS and JOANN BIVENS,  
husband and wife,  
Defendants.

No. CV2024-027320

**COMPLAINT**

**PARTIES/JURISDICTION/VENUE**

1. Plaintiff Martin Sanchez ("Sanchez") is a resident of Arizona.
2. Defendants Gil Bivens ("Bivens") and Joann Bivens ("Mrs. Bivens")  
(collectively "the Bivens"), are residents of Arizona.
3. Defendant Arizona Barrio Stories ("ABS") is an Arizona Domestic  
Nonprofit Corporation.
4. Personal jurisdiction and subject matter jurisdiction are proper before this  
court. Venue is proper in this court.

5. Pursuant to Rule 26.2(c)(3)(A), Arizona Rules of Civil Procedure, this case should be assigned to Tier 1.

**COUNT ONE**  
**(Breach of Contract)**  
**(As to Bivens)**

6. Plaintiff incorporates all allegations within Paragraphs 1 - 5 as if more fully set forth herein.

7. Prior to October 11, 2020, Sanchez and Bivens (collectively “the Parties”) discussed creating a company that would televise stories. Sanchez and Bivens agreed to jointly form that business. They formed that company, and called it Arizona Barrio Stories.

8. On October 11, 2020, Bivens posted a social media post on the account of Arizona Barrio Studios. In that post, Bivens referred to Sanchez as Bivens' business partner. A copy of that post is attached as Exhibit A.

9. On January 27, 2021, the Parties entered into a written contract (“Contract”), stating the rights and responsibilities of the Parties and of Arizona Barrio Studios. A copy of that Contract is attached as Exhibit B.

10. On January 30, 2021, Bivens posted another social media post in which he called Sanchez his business partner. A copy of that post is attached as Exhibit C.

11. On May 27, 2023, Bivens texted the following message to Sanchez: “Yes you have a 25% vested interest and ownership. As a (sic) owner you are due a financial report. I will get the ball rolling on your request.” A copy of that text is attached as Exhibit D.

1           12. Paragraph 1 of the Contract details that Sanchez would be assigned a 25%  
2 ownership of ABS resulting from his contribution to ABS as an investor. Paragraph 2 of  
3 the Contract details that Sanchez will be paid 25% of ABS's profits, with Mrs. Bivens  
4 disclosing to Sanchez a monthly financial report of ABS's sales performance.

5           13. On August 2, 2023, Sanchez, through counsel Robert Andy Rojas,  
6 demanded an accounting of Arizona Barrio Stories from Bivens. A copy of that letter is  
7 attached as Exhibit E. Bivens has not produced an accounting.

8  
9                           **COUNT ONE**  
10                          **Breach of Contract**  
11                          **(As to Bivens)**

12           14. Sanchez incorporates all allegations within paragraphs 1 – 13 as if more  
13 fully set forth herein.

14           15. The Parties entered into a valid, enforceable contract.

15           16. By failing to produce the appropriate documents, provide an accounting,  
16 and pay Sanchez 25% of ABS's profits, Bivens has breached the Contract with Sanchez.

17           17. That this is an action arising out of an express written contract, and  
18 pursuant to A.R.S. §12-341.01, Plaintiff is entitled to his reasonable attorneys' fees for  
19 the bringing of this action.

20           18. That all conditions precedent and subsequent to the liability of Defendants  
21 Roofing to Plaintiff have been performed or have occurred.

22                           **COUNT TWO**  
23                          **Negligent Misrepresentation**  
24                          **(As to Bivens)**

25           19. Sanchez incorporates all allegations within paragraphs 1 – 18 as if more  
26 fully set forth herein.

1           20.    Bivens supplied false information for the guidance of Sanchez in the  
2 course of Bivens' business, profession or employment.

3           21.    Sanchez justifiably relied upon Bivens' representations.

4           22.    Bivens is liable to Sanchez for negligent misrepresentation.

5           23.    As a result of Bivens' negligent misrepresentation, Bivens has caused  
6 Sanchez damages, the exact amount to be proven at the time of trial.

7           24.    That all conditions precedent and subsequent to the liability of Defendants  
8 Roofing to Plaintiff have been performed or have occurred.

9  
10                           **COUNT THREE**  
11                           **ACCOUNTING**  
12                           **(As to Bivens, ABS)**

13           25.    Sanchez incorporates all allegations within paragraphs 1 -- 13 as if more  
14 fully set forth herein.

15           26.    Due the Contract, Sanchez is entitled to an accounting.

16           27.    That all conditions precedent and subsequent to the liability of Defendants  
17 Roofing to Plaintiff have been performed or have occurred.

18                           **PRAYER FOR RELIEF**

19           WHEREFORE, Plaintiff prays for Judgment against Defendants, as follows:

- 20           1.    25% of ABS' profits from January 27, 2021 and continuing, with interest  
21                   at the statutory rate of 10% per annum from January 27, 2021, until paid;  
22           2.    For all additional consequential and compensatory damages, the exact  
23                   amount to be proven at the time of trial,  
24           3.    Plaintiff's attorneys' fees and taxable costs; and  
25  
26



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Lawyer's Bar Number: 012864, Issuing State: AZ

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**SUPERIOR COURT OF ARIZONA  
IN MARICOPA COUNTY**

Case Number: CV2024-027320

Martin Sanchez

Name of Plaintiff

**SUMMONS**

AND

Gilbert Bivens

Name of Defendant

**WARNING:** This is an official document from the court that affects your rights. Read this carefully.  
If you do not understand it, contact a lawyer for help.

**FROM THE STATE OF ARIZONA TO:** Gilbert Bivens

Name of Defendant

1. **A lawsuit has been filed against you.** A copy of the lawsuit and other court papers are served on you with this "Summons".
2. If you do not want a judgment or order taken against you without your input, you must file an "Answer" or a "Response" in writing with the court and pay the filing fee. If you do not file an "Answer" or "Response" the other party may be given the relief requested in his/her Petition or Complaint. To file your "Answer" or "Response" take, or send, the "Answer" or "Response" to Clerk of the Superior Court, or electronically file your Answer through one of Arizona's approved electronic filing systems at <http://www.azcourts.gov/efilinginformation>. Mail a copy of your "Response" or "Answer" to the other party at the address listed on the top of this Summons. Note: If you do not file electronically you will not have electronic access to the document in this case.

3. If this "Summons" and the other court papers were served on you by a registered process server or the Sheriff, within the State of Arizona, your "Response" or "Answer" must be filed within TWENTY (20) CALENDAR DAYS from the date you were served, not counting the day you were served. If this "Summons" and the other papers were served on you by a registered process server or the Sheriff outside the State of Arizona, your Response must be filed within THIRTY (30) CALENDAR DAYS from the date you were served, not counting the day you were served. Service by a registered process server or the Sheriff is complete when made. Service by Publication is complete thirty (30) days after the date of the first publication.
4. You can get a copy of the court papers filed in this case from the Petitioner at the address at the top of this paper, or from the Clerk of the Superior Court.
5. Requests for reasonable accommodation for persons with disabilities must be made to the office of the judge or commissioner assigned to the case, at least ten (10) judicial days before your scheduled court date.
6. Requests for an interpreter for persons with limited English proficiency must be made to the office of the judge or commissioner assigned to the case at least ten (10) judicial days in advance of your scheduled court date.

SIGNED AND SEALED this Date: *September 27, 2024*

*JEFF FINE*  
Clerk of Superior Court

By: *A. MARQUEZ*  
Deputy Clerk



Requests for an interpreter for persons with limited English proficiency must be made to the division assigned to the case by the party needing the interpreter and/or translator or his/her counsel at least ten (10) judicial days in advance of a scheduled court proceeding.

If you would like legal advice from a lawyer, contact Lawyer Referral Service at 602-257-4434 or <https://maricopabar.org>. Sponsored by the Maricopa County Bar Association.