

1 Michael A. Ludwig, Bar #015481
2 Stephen F. Best, Bar #034976
3 JONES, SKELTON & HOCHULI, P.L.C.
4 40 North Central Avenue, Suite 2700
5 Phoenix, Arizona 85004
6 Telephone: (602) 263-7342
7 Fax: (602) 200-7844
8 mludwig@jshfirm.com
9 sbest@jshfirm.com
10 minuteentries@jshfirm.com

11 Attorneys for Third-Party Defendant LeBlanc
12 Building Co., Inc.

8
9 **SUPERIOR COURT OF THE STATE OF ARIZONA**
10 **COUNTY OF MARICOPA**

11 GALLERY COMMUNITY ASSOCIATION,
12 an Arizona non-profit corporation,

13 Plaintiff,

14 v.

15 K. HOVNANIAN AT GALLERY, LLC, an
16 Arizona limited liability company; K.
17 HOVNANIAN ARIZONA OPERATIONS,
18 LLC, an Arizona limited liability company; K.
19 HOVNANIAN DEVELOPMENTS OF
20 ARIZONA, INC., an Arizona corporation; K.
21 HOVNANIAN COMPANIES OF ARIZONA,
22 LLC, an Arizona limited liability company;
23 JOHN DOES I-X AND JANE DOES I-X;
24 WHITE CORPORATIONS I-X; BLACK
25 PARTNERSHIPS I-X; AND GRAY
LIMITED LIABILITY COMPANIES I-X,

Defendants.

22 K. HOVNANIAN AT GALLERY, LLC, an
23 Arizona limited liability company; K.
24 HOVNANIAN ARIZONA OPERATIONS,
25 LLC, an Arizona limited liability company; K.
HOVNANIAN DEVELOPMENTS OF
ARIZONA, INC., an Arizona corporation; K.
HOVNANIAN COMPANIES OF ARIZONA,
LLC, an Arizona limited liability company,

NO. CV2020-008714

**THIRD-PARTY DEFENDANT
LEBLANC BUILDING CO., INC.'S
ANSWER TO THIRD-PARTY
COMPLAINT**

(Assigned to the Honorable Michael Kemp)

1 Third-Party Plaintiffs,

2 v.

3 CHAS ROBERTS AIR CONDITIONING,
4 INC., an Arizona corporation; DESERT
5 VISTA, INC., an Arizona corporation;
6 GOTHIC LANDSCAPING, INC., a California
7 corporation; HOME BUILDERS SITE
8 SERVICES OF ARIZONA, LLC, an Arizona
9 limited liability company; LEBLANC
10 BUILDING CO., INC., an Arizona
11 corporation; LIBERTY CONSTRUCTORS,
12 LLC, an Arizona limited liability company
13 DBA LIBERTY ARIZONA; RENCO, LLC,
14 an Arizona limited liability company DBA
15 RENCO ROOFING; R/S SERVICE &
16 SUPPLY, INC., an Arizona corporation;
17 SARGON MASONRY CONSTRUCTION,
18 LLC, an Arizona limited liability company;
19 and DOES 1-50,

20 Third-Party Defendants.

21 Third-Party Defendant LeBlanc Building Co., Inc. (“LeBlanc”), by and through
22 undersigned counsel, for it Answer to Third-Party Plaintiffs’ Third-Party Complaint, admits,
23 denies and alleges as follows:

24 **PARTIES**

25 1. LeBlanc lacks sufficient information to form a belief as to the truth of the
26 allegations contained in Paragraph 1 of Third-Party Plaintiffs’ Third-Party Complaint and
therefore denies same.

2. LeBlanc lacks sufficient information to form a belief as to the truth of the
allegations contained in Paragraph 2 of Third-Party Plaintiffs’ Third-Party Complaint and
therefore denies same.

3. LeBlanc lacks sufficient information to form a belief as to the truth of the
allegations contained in Paragraph 3 of Third-Party Plaintiffs’ Third-Party Complaint and
therefore denies same.

1 4. LeBlanc lacks sufficient information to form a belief as to the truth of the
2 allegations contained in Paragraph 4 of Third-Party Plaintiffs' Third-Party Complaint and
3 therefore denies same.

4 5. LeBlanc lacks sufficient information to form a belief as to the truth of the
5 allegations contained in Paragraph 5 of Third-Party Plaintiffs' Third-Party Complaint and
6 therefore denies same.

7 6. LeBlanc lacks sufficient information to form a belief as to the truth of the
8 allegations contained in Paragraph 6 of Third-Party Plaintiffs' Third-Party Complaint and
9 therefore denies same.

10 7. LeBlanc lacks sufficient information to form a belief as to the truth of the
11 allegations contained in Paragraph 7 of Third-Party Plaintiffs' Third-Party Complaint and
12 therefore denies same.

13 8. LeBlanc lacks sufficient information to form a belief as to the truth of the
14 allegations contained in Paragraph 8 of Third-Party Plaintiffs' Third-Party Complaint and
15 therefore denies same.

16 9. LeBlanc lacks sufficient information to form a belief as to the truth of the
17 allegations contained in Paragraph 9 of Third-Party Plaintiffs' Third-Party Complaint and
18 therefore denies same.

19 10. LeBlanc admits the allegations contained in Paragraph 10 of Third-Party
20 Plaintiffs' Third-Party Complaint.

21 11. LeBlanc lacks sufficient information to form a belief as to the truth of the
22 allegations contained in Paragraph 11 of Third-Party Plaintiffs' Third-Party Complaint and
23 therefore denies same.

24 12. LeBlanc lacks sufficient information to form a belief as to the truth of the
25 allegations contained in Paragraph 12 of Third-Party Plaintiffs' Third-Party Complaint and
26 therefore denies same.

1 design and construction of the subject property, but denies that it violated this duty by
2 performing its work in a negligent manner.

3 44. LeBlanc denies the allegations contained in Paragraph 44 of Third-Party
4 Plaintiffs' Third-Party Complaint as it relates to LeBlanc.

5 45. LeBlanc denies the allegations contained in Paragraph 45 of Third-Party
6 Plaintiffs' Third-Party Complaint as it relates to LeBlanc.

7 46. LeBlanc denies the allegations contained in Paragraph 46 of Third-Party
8 Plaintiffs' Third-Party Complaint as it relates to LeBlanc.

9 **COUNT FIVE**
10 **(Common Law Implied Indemnity)**

11 47. No affirmative response is required for Paragraph 47 of Third-Party
12 Plaintiffs' Complaint, to the extent a response is needed, LeBlanc denies the allegations
13 contained in Paragraph 47 of Third-Party Plaintiffs' Third-Party Complaint.

14 48. LeBlanc lacks sufficient information to form a belief as to the truth of the
15 allegations contained in Paragraph 48 of Third-Party Plaintiffs' Third-Party Complaint and
16 therefore denies same.

17 49. LeBlanc lacks sufficient information to form a belief as to the truth of the
18 allegations contained in Paragraph 49 of Third-Party Plaintiffs' Third-Party Complaint and
19 therefore denies same.

20 **COUNT SIX**
21 **(Contractual Indemnity)**

22 50. No affirmative response is required for Paragraph 50 of Third-Party
23 Plaintiffs' Complaint, to the extent a response is needed, LeBlanc denies the allegations
24 contained in Paragraph 50 of Third-Party Plaintiffs' Third-Party Complaint.

25 51. LeBlanc lacks sufficient information to form a belief as to the truth of the
26 allegations contained in Paragraph 51 of Third-Party Plaintiffs' Third-Party Complaint and
therefore denies same.

1 ORIGINAL of the foregoing electronically filed
2 this 25th day of January 2021.

3 COPY of the foregoing mailed/e-mailed
4 this 25th day of January 2021, to:

5 Craig S. Nuss
6 Penny J. Manship
7 BURG SIMPSON ELDREDGE HERSH &
8 JARDINE PC
9 8310 S. Valley Highway, Suite 270
10 Englewood, CO 80112
11 pmanship@burgsimpson.com
12 azcourt@burgsimpson.com
13 Attorneys for Plaintiff

14 Dennis I. Wilenchik
15 Matthew V. Moosbrugger
16 WILENCHIK & BARTNESS
17 2810 N. Third Street
18 Phoenix, AZ 85004
19 admin@wb-law.com
20 Attorneys for Defendants/
21 Third Party Plaintiffs

22 /s/ Diana Weeks
23 _____
24
25
26