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10 *Attorneys for the Plaintiff*

11 **IN THE SUPERIOR COURT OF THE STATE OF ARIZONA**
12 **IN AND FOR THE COUNTY OF MARICOPA**

13 GALLERY COMMUNITY ASSOCIATION,
14 an Arizona non-profit corporation,

15 Plaintiff,

16 v.

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

 Defendants.

 K. HOVNANIAN AT GALLERY, LLC, an
 Arizona limited liability company; K.
 HOVNANIAN ARIZONA OPERATIONS,
 LLC, an Arizona limited liability company; K.
 HOVNANIAN DEVELOPMENTS OF
 ARIZONA, INC., an Arizona corporation; K.

Case No. CV2020-008714

Assigned to Hon. Michael Kemp

JOINT REPORT

1 HOVNANIAN COMPANIES OF ARIZONA,
2 LLC, an Arizona limited liability company;

3 Third-Party Plaintiffs,

4 v.

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

21 Third-Party Defendants.

22 The parties signing below certify that they have conferred in good faith via telephone
23 as required by Rule 7.1(h) about the matters set forth in Rule 16(b)(2) and (c)(3), and that
24 this case is not subject to the mandatory arbitration provisions of Rule 72. With regard to
25 matters upon which the parties could not agree, they have set forth their positions separately
26 in item 13 below. The parties are submitting a Proposed Scheduling Order with this Joint
27 Report. Each date in the Joint Report and in the Proposed Scheduling Order includes a
28 calendar month, day, and year.

Summary of Rule 16(b) Early Meeting:

(A) Anticipated disclosures concerning witnesses, etc: The parties shall comply
with disclosure deadlines as outlined in the attached Scheduling Order.

1 (B) Anticipated disclosure of documents: The parties shall comply with the
2 disclosure of documents as outlines in the attached Scheduling Order. No party anticipates
3 any issues concerning production of electronically stored information.

4 (C) Motions they expect to file: Other than Defendants' previously filed, Motion
5 for Summary Judgment, no other motions are anticipated at this time.
6

7 (D) Any agreements that could aid in the just, speedy, and inexpensive resolution
8 of the case: The parties agree to private mediation pursuant to the deadline in the attached
9 Scheduling Order, and the parties will select a mutually agreeable mediator.

10 (E) The discovery tier to which the case should be assigned under Rule 26.2: The
11 parties agree that the case should be assigned to Tier 3 discovery under Rule 26.2.
12

13 (F) The parties discussed the subjects set forth in Rule 16(c) and are submitting
14 the proposed Scheduling Order attached hereto based upon those discussions.
15

16 1. Brief description of the case: This is a construction defect case related to The
17 Gallery project, an 18-unit complex in Scottsdale, Arizona (the "Project"). The plaintiff is
18 the homeowners association for The Gallery, (hereinafter, the "Association") alleging
19 damage to the Project's units and common elements as a result of Defendants' negligence,
20 breach of implied covenant of good faith and fair dealing, breach of implied warranty of
21 workmanlike and habitability, and breach of contract. Plaintiff alleges that Defendants were
22 the builder-vendor, developer and/or were the declarant of the Gallery project. The
23 Defendants deny the Plaintiff's claims. Defendants/Third-Party Plaintiffs allege claims for
24 breach of express warranty, breach of implied warranty, breach of contract, negligence,
25 common law implied indemnity, contractual indemnity, declaratory relief – re: duty to
26 defend, declaratory relief – re: duty to indemnify, declaratory relief – re: contractual duties,
27
28

1 and contribution against Third-Party Defendants, who were the subcontracts hired by
2 Defendants to perform work on the Project. Third-Party Defendants deny Defendants
3 allegations.

4 This case involves voluminous documentary evidence, a large number of witnesses,
5 and numerous separately represented parties. Plaintiff's claimed damages exceed
6 \$300,000. No claimant is seeking non-monetary relief.
7

8 2. Current case status: Every defendant has been served: Yes

9 Every party who has not been defaulted has filed a responsive pleading: No.
10 Defendants/Third Party Plaintiffs K. Hovnanian at Gallery, LLC, K. Hovnanian Arizona
11 Operations, LLC, K. Hovnanian Developments of Arizona, Inc. and K. Hovnanian
12 Companies of Arizona, LLC filed a Third-Party Complaint against Third Party Defendants
13 on October 6, 2020. Third Party Defendants are Chas Roberts Air Conditioning, Inc., Desert
14 Vista, Inc., Gothic Landscaping, Inc., Home Builders Site Services of Arizona, LLC,
15 LeBlanc Building Co., Inc., Liberty Constructors, LLC (dba Liberty Arizona), Renco, LLC
16 (dba Renco Roofing), R/S Service & Supply, Inc., and Sargon Masonry Construction, LLC.
17 To date, only six (6) of the eight (8) Third Party Defendants have filed a responsive
18 pleading. Third Party Defendants Desert Vista, Inc., Home Builders Site Services of
19 Arizona, LLC, and R/S Service & Supply, Inc. have not filed a responsive pleading. No
20 defaults have been filed by the Third Party Defendants to date.
21
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23

24 3. Amendments: A party anticipates filing an amendment to a pleading that will
25 add a new party to the case: No.
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27 4. Settlement: The parties agree to engage in settlement discussions with a
28 private mediator. The parties will be ready for private mediation by September 30, 2021.

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- 5. This case will be ready for trial by March 2022.
- 6. Jury: A trial by jury is demanded: Yes
- 7. Length of trial: The estimated length of trial is 20 days.
- 8. Summary jury: The parties agree to a summary jury trial: No
- 9. Preference: This case is not entitled to a preference.
- 10. Special requirements: At a pretrial conference or at trial, no party will require disability accommodations or an interpreter.
- 11. Scheduling conference: The parties request a Rule 16(d) scheduling conference: No
- 12. Other Matters: Other matters that the parties wish to bring to the court's attention that may affect management of this case: None
- 13. Items upon which the parties do not agree: _____

RESPECTFULLY SUBMITTED this 20th day of May 2021.

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10 *Hovnanian Developments of Arizona, Inc.; K. Hovnanian*

11 *Companies of Arizona, LLC*

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The foregoing E-FILED and E-MAILED via
Turbo court electronic mailing system this
20th day of May 2021 to:

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