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Attorneys for the Plaintiff

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

GALLERY COMMUNITY ASSOCIATION,
an Arizona non-profit corporation,

Plaintiff,

v.

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.
HOVNANIAN COMPANIES OF ARIZONA,
LLC, an Arizona limited liability company;
JOHN DOES I-X AND JANE DOES I-X,
WHITE CORPORATIONS I-X; BLACK
PARTNERSHIPS I-X; AND GRAY LIMITED
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 W. Kemp

SCHEDULING ORDER
(Tier 3 Case)

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 Upon consideration of the parties' Joint Report, the court orders as follows:

- 23 1. The parties will exchange initial disclosure statements no later than June 4,
24 2021.
- 25 2. The plaintiff will disclose areas of expert testimony no later than June 23,
26 2021. The defendants shall disclose areas of expert testimony by July 23, 2021.

27 The plaintiff will disclose its expert witnesses and their reports as follows:
28

1 Plaintiff's liability expert witnesses and reports: June 23, 2021

2 Plaintiff's cost of repair expert witnesses and reports: July 23, 2021

3 The parties agree that the defendants shall be required to disclose their expert
4 witnesses and their reports as follows:

5 Defendants' liability expert witnesses and reports: July 23, 2021

6 Defendants' cost of repair expert witnesses and reports: August 23, 2021

7
8 Third-party defendants shall have until October 29, 2021 to disclose expert
9 witnesses and reports.

10 All parties shall disclose rebuttal expert opinions by November 19, 2021.

11
12 3. Lay (non-expert) witness disclosure: the parties shall disclose all lay
13 witnesses by November 1, 2021.

14 4. Final supplemental disclosure: Each party shall provide final supplemental
15 disclosure by December 31, 2021. This order does not replace the parties' obligation to
16 seasonably disclosure Rule 26.1 information on an on-going basis and as it becomes
17 available.
18

19 No party shall use any lay witness, expert witness, expert opinion, or exhibit at trial
20 not disclosed in a timely manner, except upon order of the court for good cause shown or
21 upon a written or an on-the-record agreement of the parties.
22

23 5. Discovery deadlines: The parties will propound all discovery undertaken
24 pursuant to Rules 33 through 36 by November 30, 2021. The parties will complete the
25 depositions of the parties and lay witnesses by January 31, 2022 and will complete the
26 depositions of expert witnesses by January 31, 2022. The parties will complete all other
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1 discovery by January 31, 2022. (“Complete discovery” includes conclusion of all
2 depositions and submission of full and final responses to written discovery.)

3 6. Private mediation: The parties shall cooperate in mediation using a private
4 mediator agreed to by the parties. The parties shall complete the mediation by September
5 30, 2021.

6
7 All attorneys and their clients, all self-represented parties, and any non-attorney
8 representatives who have full and complete authority to settle this case shall personally
9 appear and participate in good faith in this mediation, even if no settlement is expected.
10 However, if a non-attorney representative requests a telephonic appearance and the
11 mediator grants the request prior to the mediation date, a non-attorney representative may
12 appear telephonically.
13

14 7. Dispositive motions: The parties shall file all dispositive motions by
15 February 28, 2022.

16
17 8. Trial setting conference: On March 30, 2022, at 9:15 a.m. the court will
18 conduct a telephonic trial setting conference. Attorneys and self-represented parties shall
19 have their calendars available for the conference.

20 The plaintiff will initiate the conference call by arranging for the presence of all
21 other counsel and self-represented parties, and by calling this division at 602-372-0608 at
22 the scheduled time.
23

24 9. Firm dates. No stipulation of the parties that alters a filing deadline or a
25 hearing date contained in this scheduling order will be effective without an order of this
26 court approving the stipulation. Dates set forth in this order that govern court filings or
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28

1 hearings are firm dates, and may be modified only with this court's consent and for good
2 cause. This court ordinarily will not consider a lack of preparation as good cause.

3 10. Further orders: The court further orders as follows: N/A

4 DATED this _____ day of _____ 2021.
5
6

7 _____
8 Honorable Michael W. Kemp
9 Maricopa County Superior Court
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eSignature Page 1 of 1

Filing ID: 12936785 Case Number: CV2020-008714
Original Filing ID: 12919364

Granted with Modifications



/S/ Michael Kemp Date: 5/25/2021
Judicial Officer of Superior Court

ENDORSEMENT PAGE

CASE NUMBER: CV2020-008714

SIGNATURE DATE: 5/25/2021

E-FILING ID #: 12936785

FILED DATE: 5/27/2021 8:00:00 AM

AMANDA R HOUGH

R/S SERVICE & SUPPLY INC
NO ADDRESS ON RECORD

DENNIS I WILENCHIK

JASON J BOBLICK

LEONARD T FINK

PENNY JANE MANSHIP

SAMANTHA EGAN

STEPHEN BEST

TERESA HAYASHI WALES

DESERT VISTA INC
NO ADDRESS ON RECORD

HOME BUILDERS SITE SERVICES OF ARIZONA L L
C
NO ADDRESS ON RECORD