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Attorney for Third-Party Defendant Renco Roofing

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

7 GALLERY ASSOCIATION, an Arizona
8 non-profit corporation,

9 Plaintiff;

10 v.

11 K. HOVNANIAN AT GALLERY, LLC,
12 an Arizona limited liability company; K.
13 HOVNANIAN ARIZONA
14 OPERATIONS, LLC, an Arizona limited
15 liability company; K. HOVNANIAN
16 DEVELOPMENTS OF ARIZONA, INC.,
17 an Arizona corporation; K.
18 HOVNANIAN COMPANIES OF
19 ARIZONA, LLC, an Arizona limited
20 liability company; JOHN DOES I-X AND
JANE DOES I-X, WHITE
COPRORATIONS I-X ; BLACK
PARTNERSHIPS I-X; AND GRAY
LIMITED LIABILITY COMPANIES I-
X,

21 Defendants.

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

NO. CV2020-008714

**THIRD-PARTY DEFENDANT RENCO
LLC d/b/a RENCO ROOFING'S NOTICE
OF NON-PARTIES AT FAULT**

*(Assigned to the Honorable Katherine
Cooper)*

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

3 Third-Party Plaintiffs

4 v.

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

17 Third-Party Defendants.

18 Third-Party Defendant Renco LLC d/b/a Renco Roofing (“Renco”) by and through
19 counsel undersigned and pursuant to Ariz. Rev. Stat. §12-2506(B) and Ariz. R. Civ. Pro.
20 26(b)(5), hereby provides notice that the following individuals may be wholly and/or partially
21 at fault for damages in this matter:

22 1. Any individual or entities who performed repair, maintenance, warranty or other
23 work at the Gallery Condominium Project located in Scottsdale, Arizona, Maricopa County,
24 Arizona (the “Project”), including but not limited to, any personnel, consultants, and/or
25 contractors employed, contracted or otherwise retained by Plaintiff, Third-Party Plaintiffs,

1 prior or current Homeowners, and/or any management company.

2 2. Any individual or entities who performed inspections and testing may be
3 responsible for some of the damages resulting from any damage to the roofs, decks, or
4 surrounding areas resulting in damages in this matter.

5 3. Nautilus General Contractors through its representatives for its repairs at the
6 Project. In addition, the unnamed roofer that performed repairs on or about August 14, 2021.

7 4. The individual homeowners –prior and current - whose improper maintenance,
8 lack of maintenance, alterations, remodeling, or any other actions, including placement of
9 lighting, furniture, turf, carpet, or other items near or on the roofs or decks, which may have
10 altered the design of the home or contributed to the alleged defects.

11 5. Any municipal, county, state and/or other inspector who performed inspections
12 of the Project and approved the work as complete and in compliance with applicable codes
13 and standards.

14 6. Any other trades who did not complete their work, damaged or removed the
15 work completed by Renco or otherwise caused the damage alleged by Plaintiffs.

16 7. Any persons or entities, who damaged, removed or altered Renco’s work while
17 investigating or testing portions of the Project prior to or during, the course of this litigation.

18 8. All architects and design professionals, responsible for the design and
19 development of the plans and specifications on this Project to the extent that any damages
20 alleged to Renco relate to design or specification issues, including but not limited to, structural
21 engineers and all testing companies.

22 9. Any persons or entities that failed to follow the approved plans and
23 specifications causing the damage alleged by Plaintiffs.

24 10. All Plaintiffs’ and/or Third-Party Plaintiffs representatives, employees,
25 occupants, and/or service personnel for the Project who may have caused the damage or

1 contributed to the damage about which Plaintiffs and Third-Party Plaintiffs complain
2 respectively.

3 11. Any and all contractors, experts, laborers or other personnel, who may have been
4 hired by Plaintiffs and/or Third-Party Plaintiffs, who did any destructive or invasive testing at
5 the Project to any time to date, with respect to this litigation or otherwise. If such testing took
6 place, these persons, physical invasions and destruction of the premises likely caused
7 damage(s). Any and all claims for damages made by Plaintiffs and/or Third-Party Plaintiffs
8 will likely involve a request for compensation for damages that will include the damages
9 caused by the contractors, experts, laborers or other personnel that did invasive testing and/or
10 destructive testing, if such testing took place. The full extent of the damages caused by the
11 contractors, experts, laborers or other persons hired by Plaintiffs and/or Third-Party Plaintiffs
12 with respect to the destructive and/or invasive testing is unknown to Renco at this time but
13 will be supplemented as discovery continues.

14 12. Any and all contractors, experts, laborers or other personnel, who may have been
15 hired by Plaintiffs and/or Third-Party Plaintiffs, who performed repairs at the project any time
16 to date, with respect to this litigation or otherwise. If such repairs took place, these persons,
17 physical invasions and destruction of the premises likely caused damage(s). Any and all
18 claims for damages made by Plaintiffs and/or Third-Party Plaintiffs will likely involve a
19 request for compensation for damages that will include the damages caused by the contractors,
20 experts, laborers or other personnel that performed alleged repairs. The full extent of the
21 damages caused by the contractors, experts, laborers or other persons hired by Plaintiffs and/or
22 Third-Party Plaintiffs with respect to the alleged repairs is unknown to Renco at this time but
23 will be supplemented as discovery continues.

24 13. Renco also joins in any Notice of Non-Party at Fault filed by Third-Party
25 Plaintiffs and/or other Third-Party Defendants in this matter, including notices previously

1 filed, and those that may later be filed.

2 14. All material manufacturers, material distributors, and material supply companies
3 that produced construction materials for this Project, to the extent any damages alleged to
4 Renco relate to material defects or specifications.

5 15. All stucco, framing, exterior metal handrail/railing, and sheet metal contractors
6 that performed work at the Project to the extent any damages resulted from their work.

7 Renco reserves the right to identify additional parties or more fully identify noticed
8 entities as non-parties at fault as additional disclosure and discovery is obtained.

9
10 **DATED** this 17th day of August, 2021.

11 **RAI & BARONE, P.C.**

12
13 By: /s/ Shannon Huff
14 Shannon Huff
15 *Attorney for Third-Party Defendant Renco
Roofing*

16 **ORIGINAL** of the foregoing e-filed
17 This 17th day of August, 2021, with:

18 Clerk of the Court
19 **Maricopa County Superior Court**
20 201 W. Jefferson
Phoenix, Arizona 85003

21 **COPY** of the foregoing e-delivered
22 This 17th day of August, 2021, to:

23 The Honorable Katherine Cooper
24 Maricopa County Superior Court
East Court Building – 711
25 101 W Jefferson
Phoenix, AZ 85003

COPIES of the foregoing e-mailed
This 17th day of August, 2021, to:

(See Attached Service List)

By: /s/ Tracy L. O'Brien

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Service List

Gallery Association v. K. Hovnanian at Gallery, LLC

CV2020-008714

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