

1 **RAI & BARONE, P.C.**
3033 North Central Avenue, Suite 500
Phoenix, Arizona 85012
2 PH: (602) 476-7100
3 FAX: (602) 476-7101
Shannon Huff, #025514
4 Shannon.Huff@raibarone.com

Attorney for Third-Party Defendant Renco, LLC d/b/a 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.,
an Arizona corporation; K.
17 HOVNANIAN COMPANIES OF
ARIZONA, LLC, an Arizona limited
18 liability company; JOHN DOES I-X AND
19 JANE DOES I-X, WHITE
20 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.
HOVNANIAN ARIZONA
24 OPERATIONS, LLC, an Arizona limited
25 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 FIRST
SUPPLEMENTAL NOTICE OF NON-
PARTIES AT FAULT**

*(Assigned to the Honorable Katherine
Cooper)*

1 HOVNIANIAN 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
MASONRY CONSTRUCTION, LLC, an
15 Arizona limited liability company; and
DOES 1-50.

16
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 its supplemental notice that the following individuals may be wholly
21 and/or partially 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 16. Renco further adds to this notice Nautilus General Contractors. Inc. and MSW
8 Contracting LLC, either or both of whose ineffective repairs may be responsible for some or
9 all of the damage to roofs and decks in this matter.

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

12
13 **DATED** this 20th day of August, 2021.

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

15
16 By: /s/ Shannon Huff
17 Shannon Huff
18 *Attorney for Third-Party Defendant Renco,
LLC d/b/a Renco Roofing*

19 **ORIGINAL** of the foregoing e-filed
20 This 20th day of August, 2021, with:

21 Clerk of the Court
22 **Maricopa County Superior Court**
23 201 W. Jefferson
Phoenix, Arizona 85003

1 **COPY** of the foregoing e-delivered
This 20th day of August, 2021, to:

2 The Honorable Katherine Cooper
3 Maricopa County Superior Court
4 **East Court Building – 711**
5 101 W Jefferson
Phoenix, AZ 85003

6 **COPIES** of the foregoing e-mailed
This 20th day of August, 2021, to:

7 *(See Attached Service List)*

8
9 By: /s/ Tracy L. O'Brien

10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

Service List

Gallery Association v. K. Hovnanian at Gallery, LLC

CV2020-008714

<p>Craig Nuss Penny Manship BURG SIMPSON ELDREDGE HERSH & JARDINE, P.C. 8310 South Valley Highway Suite 270 Englewood, CO 80112</p>	<p><i>Attorneys for Plaintiff</i></p>	<p>pmanship@burgsimpson.com JHarmon@burgsimpson.com azcourt@burgsimpson.com cnuss@burgsimpson.com; gosberg@burgsimpson.com</p>
<p>Dennis Wilenchik Barbara J. Stansil WILENCHIK & BARTNESS 2810 N. Third St. Phoenix, AZ 85004</p>	<p><i>Attorneys for Defendants/Third-Party Plaintiffs</i></p>	<p>diw@wb-law.com barbaras@wb-law.com jennifera@wb-law.com marioc@wb-law.com</p>
<p>Michael Ludwig Stephen Best JONES, SKELTON & HOCHULI, P.L.C. 40 N. Central Ave. Suite 2700 Phoenix, AZ 85004</p>	<p><i>Attorneys for Third-Party Defendant LeBlanc Construction Co., Inc.</i></p>	<p>mludwig@jshfirm.com sbest@jshfirm.com dweeks@jshfirm.com</p>
<p>Teresa Hayashi Wales WELSH LAW GROUP, PLC 11811 North Tatum Blvd. Suite P125 Phoenix, AZ 85028</p>	<p><i>Attorneys for Third-Party Defendant Chas Roberts Air Conditioning, Inc.</i></p>	<p>twales@welshlawgroup.com</p>
<p>Tom Shorall Jason Boblick SHORALL MCGOLDRICK BRINKMAN 1232 E. Missouri Ave. Phoenix, AZ 85014</p>	<p><i>Attorneys for Third-Party Defendants Liberty Constructors</i></p>	<p>tomshorall@smbattorneys.com jasonboblick@smbattorneys.com chrissyverdino@smbattorneys.com</p>
<p>C. Cole Crabtree Amanda Hough JABURG WILK 3200 N. Central Ave. Phoenix, AZ 85012</p>	<p><i>Attorneys for Third-Party Defendant Gothic Landscaping, Inc.</i></p>	<p>ccc@jaburgwilk.com aah@jaburgwilk.com pag@jaburgwilk.com jxl@jaburgwilk.com</p>
<p>Leonard Fink David Schopick SPRINGEL & FINK 9075 W. Diablo Dr.</p>	<p><i>Attorneys for Third-Party Defendants Sargon Masonry Construction, LLC</i></p>	<p>lfink@springelfink.com dschopick@springelfink.com</p>

Suite 302 Las Vegas, NV		
Michael Williams Liberty Mutual Group Field Offices	<i>Attorney for Custom Leasing</i>	Michaelr.williams@libertymutual.com