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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

**STIPULATION FOR SECOND
EXTENSION OF DEADLINE FOR
PLAINTIFF'S AMENDED
RESPONSE TO THE
DEFENDANTS'/THIRD-PARTY
PLAINTIFFS' MOTION FOR
SUMMARY JUDGEMENT**

Assigned to Hon. Katherine Cooper

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 Plaintiff, Gallery Community Association (the “Association” or “Plaintiff”), and
23 Defendants/Third-Party Plaintiffs K. Hovnanian at Gallery, LLC, K Hovnanian Arizona
24 Operations, LLC, K. Hovnanian Developments of Arizona, Inc., and K. Hovnanian
25 Companies of Arizona, LLC (collectively “Defendants”), by and through undersigned
26 counsel, hereby submit the following stipulation to extend the deadline for the Plaintiff to
27 file an amended response to Defendants’ Motion for Summary Judgment.

28 1. Pursuant to the Court’s April 27, 2021, Minute Entry, the original deadline to
file Plaintiff’s Amended Response to the Motion for Summary Judgment was September
24, 2021.

2. On July 21, 2021, Plaintiff served Defendants with written discovery requests
and on August 10, 2021, requested availability to schedule Ariz.R.Civ.P. Rule 30(b)(6)

1 depositions for each Defendant entity before September 24, 2021.

2 3. Defendants' Responses to Plaintiff's Discovery were originally due August
3 25, 2021. On August 24, 2021, Defendants requested a one-week extension to September
4 1, 2021, which was granted.

5 4. Subsequently, on August 31, 2021, because Defendants were imminently
6 associating in co-counsel on this case, Defendants requested additional time for their
7 Responses to Plaintiff's Discovery to September 15, 2021, which was also granted.

8 5. On September 3, 2021, Holly Davies, Esq. and Amy Wilkins, Esq. of Lorber,
9 Greenfield & Polito, LLP associated-in as co-counsel for Defendants and agreed to provide
10 dates in October 2021 for the Ariz.R.Civ.P. Rule 30(b)(6) depositions requested by Plaintiff.

11 6. As such, the parties stipulated, and the court ordered in its September 10, 2021
12 Order, to extend the deadline for Plaintiff to file its Amended Response to the Motion for
13 Summary Judgment to October 26, 2021.

14 7. Subsequently, Defendants' co-counsel, Ms. Davies provided dates of October
15 25 and 26 for the two persons most knowledgeable for Defendants, which were agreeable
16 to Plaintiff's counsel as long as additional time was provided for the amended response.
17 Then on September 27, 2021, Ms. Davies, informed Plaintiff's counsel that one of the
18 persons most knowledgeable would not be available on October 26th due to other business
19 matters. The Parties have agreed to November 19, 2021, for the second deposition date.

20 8. Because Plaintiff is unable to obtain the necessary discovery in order to file
21 the Amended Response to the Motion for Summary Judgment by the October 26, 2021,
22 deadline, the parties agreed, and hereby stipulate, to extend the deadline to November 30,
23 2021.

24 A proposed order is filed contemporaneously herewith and attached hereto.

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26 RESPECTFULLY SUBMITTED this 4th day of October, 2021.

27 BURG | SIMPSON | ELDREDGE | HERSH | JARDINE PC
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1 The foregoing E-FILED and E-MAILED via
2 TurboCourt electronic mailing system this
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