

1 Teresa Hayashi Wales SBN 022078
2 **WELSH LAW GROUP, PLC**
3 11811 North Tatum Boulevard, Suite P125
4 Phoenix, AZ 85028
5 Telephone: (602) 569-0698
6 Facsimile: (602) 595-0682
7 minuteentries@welshlawgroup.com
8 E-mail: twales@welshlawgroup.com
9 Attorneys for Chas Roberts Air Conditioning, Inc.

6 **IN THE SUPERIOR COURT OF THE STATE OF ARIZONA**
7
8 **IN AND FOR THE COUNTY OF MARICOPA**

9 GALLERY COMMUNITY
10 ASSOCIATION, an Arizona non-profit
11 corporation;

11 Plaintiff,

12 vs.

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

21 Defendants.

22
23 K. HOVNANIAN AT GALLERY, LLC, an
24 Arizona limited liability company; K.
25 HOVNANIAN ARIZONA OPERATIONS,
26 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;

Case No. CV2020-008714

**THIRD PARTY DEFENDANT
CHAS ROBERTS AIR
CONDITIONING, INC.'S
NOTICE OF NON-PARTIES AT
FAULT**

(Assigned to the Hon. Michael
Kemp)

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26

Third-Party Plaintiffs

v.

CHAS ROBERTS AIR CONDITIONING, INC., an Arizona corporation; DESERT VISTA, INC., an Arizona corporation; GOTHIC LANDSCAPING, INC., a California corporation; HOME BUILDERS SITE SERVICES OF ARIZONA, LLC, an Arizona limited liability company; LEBLANC BUILDING CO., INC., an Arizona corporation; LIBERTY CONSTRUCTORS, LLC, an Arizona limited liability company, dba LIBERTY ARIZONA; RENCO LLC, an Arizona limited liability company, dba RENCO ROOFING; R/S SERVICE & SUPPLY, INC., an Arizona corporation; SARGON MASONRY CONSTRUCTION, LLC, an Arizona limited liability company; and DOES 1-50.

Third-Party Defendants.

Third-Party Defendant, Chas Roberts Air Conditioning, Inc. (“Chas Roberts”), by and through counsel undersigned, and pursuant to *A.R.S.* §12-2506(b) and *A.R.C.P.* Rule 26(b)(5), hereby provides notice that the following individuals and/or entities may be wholly or partially at fault for damages in this matter. Discovery is in its beginning stages, and as such, Chas Roberts reserves the right to supplement and amend this Notice as additional information becomes available or is discovered.

1. Any individuals or entities who performed repair, maintenance, warranty or other work at the condominium complex known as The Gallery, located in Scottsdale, Arizona, Maricopa County, State of Arizona (“the Property”), including but not limited to any personnel, consultants, and/or contractors employed, contracted, or otherwise retained by the Gallery Community Association (“Association” or “Plaintiff”), its counsel, Defendants/Third-Party Plaintiffs, their counsel, Third Party Defendants, their counsel, and/or the owners/tenants of individual units within the Property.

1 2. Any individuals or entities who performed repair work at or near any
2 heating, ventilation, and air conditioning (“HVAC”) units and/or components within the
3 Property, including, but not limited to, the company and its employees/representatives,
4 who conducted purported repair work at or near the roof top condenser units, including,
5 but not limited to Go To Services, Inc., 23040 North 11th Ave, Bldg. 2, Ste. 113, Phoenix,
6 Arizona, as well as any other personnel, consultants, and contractors employed,
7 contracted, or otherwise retained by the Association, or Defendants/Third-Party Plaintiffs,
8 to the extent that they damaged and/or modified Chas Roberts’ work at the Property.

9 3. Any owners or former owners of the units within the Property, and any of
10 their tenants or former tenants, to the extent that they, their agents, employees, occupants,
11 and/or service personnel modified, damaged, or failed to maintain Chas Roberts’ work at
12 the Property;

13 4. Any municipal, county, state and/or other inspectors who performed
14 inspections, issued permits, approved work, or accepted work as in compliance with
15 applicable codes and standards at the Project.

16 5. Any and all other trades/subcontractors, not named in this action or
17 dismissed from this action, who did not complete their work, or who damaged or removed
18 the work completed by Chas Roberts, or otherwise caused the damage alleged by Plaintiff
19 and/or Defendants/Third-Party Defendants.

20 6. Any manufacturers or suppliers of materials, who provided defective goods,
21 and/or supplies, in connection with the construction of the Property.

22 7. Any and all persons or entities performing investigation or testing activities
23 on behalf of any party at the Property during the course of the captioned litigation.

24 8. All architects and design professionals responsible for the design and
25 development of the Property to the extent that any damages alleged to be allocated to Chas
26 Roberts relate to design or specification issues, including, but not limited to Energy

WELSH LAW GROUP, PLC

1 Inspectors, LLC. (“Energy Inspectors”), 2570 South Miller Lane, Las Vegas, Nevada.
2 Energy Inspectors was responsible for the drawing of the mechanical plans and
3 specifications for the Property.

4 9. Chas Roberts also joins in any Notice of Non-Party at Fault filed by
5 Defendants and Third-Party Defendants in this matter, including notices previously filed,
6 and those that may later be filed.

7 10. Chas Roberts reserves the right to identify additional parties or more fully
8 identify entities as non-parties at fault as additional disclosure and discovery is exchanged.

9 To the extent that any of these non-parties caused and/or contributed to damages
10 alleged by the Plaintiffs and/or Defendants/Third-Party Plaintiffs, the jury must allocate
11 said damages to the respective non-parties at fault and Chas Roberts cannot be held liable
12 for said damages.

13 DATED this 20th day of January 2022.

14 WELSH LAW GROUP, PLC

15 By /s/Teresa Hayashi Wales

16 Teresa Hayashi Wales

17 *Attorney for Chas Roberts Air Conditioning, Inc.*

18 ORIGINAL filed and a copy of
19 the foregoing e-mailed January
20 20, 2022 to:

21 Dennis I. Wilenchik, Esq.
22 Matthew V. Moosbrugger, Esq.
23 Wilenchik & Bartness, P.C.
24 2810 North Third Street
25 Phoenix, AZ 85004
26 admin@wb-law.com

Amy Wilkens, Esq.
Lorber, Greenfield & Polito, LLP
3930 E. Ray Road, Suite 260

WELSH LAW GROUP, PLC

1 Phoenix, AZ 85044

2 awilkens@lorberlaw.com

3 *Attorneys for Defendants/Third-*
4 *Party Plaintiffs*

5 Copy of foregoing emailed this
6 same date to the Service List:

REPRESENTED PARTY	ATTORNEY NAME & ADDRESS	TELEPHONE FAX AND EMAIL
Plaintiffs	Craig S. Nuss, Esq. Penny J. Manship, Esq. Burg, Simpson, Eldredge, Hersh & Jardine, P.C. 8310 South Valley Highway, Suite 720 Englewood, CO 80112	cnuss@burgsimpson.com pmanship@burgsimpson.com
Defendants/Third-Party Plaintiffs	Dennis I. Wilenchik, Esq. Matthew V. Moosbrugger, Esq. Barbara Stansil, Esq. Wilenchik & Bartness, P.C. 2810 North Third Street Phoenix, AZ 85004 Amy Wilkens, Esq. Lorber, Greenfield & Polito, LLP 3920 E. Ray Road, Suite 260 Phoenix, AZ 85044	diw@wb-law.com barbaras@wb-law.com admin@wb-law.com awilkens@lorberlaw.com erico@lorberlaw.com
Chas Roberts Air Conditioning	Teresa Hayashi Wales, Esq. Welsh Law Group, PLC 11811 N. Tatum Blvd., Suite P125 Phoenix, AZ 85028	twales@welshlawgroup.com agurka@welshlawgroup.com
Gothic Landscaping	C. Cole Crabtree, Esq. Amanda R. Hough, Esq. Jaburg & Wilk, P.C. 3200 N. Central Ave., 20 th floor Phoenix, AZ 85012	ccc@jaburgwilk.com aah@jaburgwilk.com
LeBlanc Building Co.	Michael A. Ludwig, Esq. Stephen F. Best, Esq. Jones, Skelton & Hochuli, PLC 40 North Central Ave., Suite 2700 Phoenix, AZ 85004	mludwig@jshfirm.com sbest@jshfirm.com minuteentries@jshfirm.com
Liberty Constructors	Tom Shorall, Esq. Jason Boblick, Esq. Shorall McGoldrick Brinkman 1232 East Missouri Avenue Phoenix, AZ 85014	tomshorall@smbattorneys.com jasonboblick@smbattorneys.com

WELSH LAW GROUP, PLC

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26

Renco Roofing	Shannon Huff, Esq. Samantha Egan, Esq. Rai & Barone, P.C. 3033 N. Central Avenue, Suite 500 Phoenix, AZ 85012	Shannon.Huff@raibarone.com Samantha.Egan@raibarone.com
Sargon Masonry Construction	Leonard T. Fink, Esq. David S. Schopick, Esq. Springel & Fink LLP 3033 N. Central Ave., Suite 500 Phoenix, AZ 85012	lfink@springelfink.com dschopick@springelfink.com

/s/Amy Gurka