

1 **BURG SIMPSON ELDREDGE**
2 **HERSH & JARDINE P.C.**

3 8310 South Valley Highway, Suite 270
4 Englewood, CO 80112
5 Phone: (303) 792-5595
6 Fax: (303) 708-0527
7 Craig S. Nuss – 033839
8 Penny J. Manship – 034985
9 pmanship@burgsimpson.com

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

**STIPULATED MOTION FOR
DISMISSAL OF PLAINTIFF'S
CLAIMS, WITHOUT PREJUDICE,
AGAINST DEFENDANT/THIRD-
PARTY PLAINTIFF K.
HOVNANIAN DEVELOPMENTS
OF ARIZONA, INC.**

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”), through
23 its Board of Directors and its attorneys Burg Simpson Eldredge Hersh & Jardine, PC, and
24 Defendant/Third-Party Plaintiff K. Hovnanian Developments of Arizona, Inc., now known
25 as K. Hovnanian Phoenix Division, Inc. (“Defendant” or “K. Hovnanian Developments”),
26 by and through undersigned counsel, hereby stipulate and agree that the claims asserted in
27 the above-captioned action by the Plaintiff against K. Hovnanian Developments shall be
28 dismissed without prejudice, with each party to bear their own attorneys’ fees and costs.
The parties request that the Court grant the accompanying order dismissing Plaintiff’s
claims against this Defendant without prejudice.

This stipulation does not affect any of Plaintiff’s claims against any other Defendants

1 in this action.

2 RESPECTFULLY SUBMITTED this 8th day of March, 2022.

3 BURG | SIMPSON | ELDREDGE | HERSH | JARDINE PC

4 By: /s/ Penny J. Manship

5 Craig S. Nuss, Esq.

6 Penny J. Manship, Esq.

7 8310 South Valley Highway, Suite 270

8 Englewood, CO 80112

9 (303) 792-5595

10 (303) 708-0527 (fax)

11 pmanship@burgsimpson.com

12 *Attorneys for the Plaintiff Gallery Community Association*

13 LORBER, GREENFIELD & POLITO, LLP

14 By: /s/ Amy Wilkens

15 Amy Wilkens, Esq.

16 3930 E. Ray Road, Suite 260

17 Phoenix, AZ 85044

18 (602) 385-4444

19 HDavies@lorberlaw.com

20 *Attorneys for Defendants/Third-Party Plaintiffs K. Hovnanian*

21 *at Gallery, LLC; K. Hovnanian Arizona Operations, LLC; K.*

22 *Hovnanian Developments of Arizona, Inc.; K. Hovnanian*

23 *Companies of Arizona, LLC*

1 The foregoing E-FILED and E-MAILED via
2 TurboCourt electronic mailing system this
3 8th day of March 2022 to:

4 Dennis I. Wilenchik, Esq.
5 Barbara Stansil
6 Wilenchik & Bartness, P.C.
7 2810 North Third Street
8 Phoenix, AZ 85004
9 admin@wb-law.com
10 diw@wb-law.com
11 barbaras@wb-law.com

12 *Attorneys for Defendants/ThirdParty Plaintiffs*
13 *K. Hovnanian at Gallery, LLC; K. Hovnanian*
14 *Arizona Operations, LLC; K. Hovnanian*
15 *Developments of Arizona, Inc.; K. Hovnanian*
16 *Companies of Arizona, LLC*

17 Amy Wilkens, Esq.
18 Lorber, Greenfield & Polito, LLP
19 3930 E. Ray Road, Suite 260
20 Phoenix, AZ 85044
21 hdavies@lorberlaw.com
22 awilkens@lorberlaw.com

23 *Attorneys for Defendants/Third-Party Plaintiffs*
24 *K. Hovnanian at Gallery, LLC; K. Hovnanian*
25 *Arizona Operations, LLC; K. Hovnanian*
26 *Developments of Arizona, Inc.; K. Hovnanian*
27 *Companies of Arizona, LLC*

28 Teresa Hayashi Wales
WELSH LAW GROUP, PLC
11811 North Tatum Boulevard, Suite P125
Phoenix, AZ 85028
minuteentries@welshlawgroup.com
twales@welshlawgroup.com

Attorneys for Chas Roberts Air Conditioning,
Inc.

1 C. Cole Crabtree
2 Amanda R. Hough
3 Jaburg & Wilk, P.C.
4 3200 N. Central Avenue, 20th Floor
5 Phoenix, AZ 85012
6 ccc@jaburgwilk.com
7 aah@jaburgwilk.com
8 *Attorneys for Third-Party Defendant Gothic
9 Landscaping, Inc.*

10 Michael Ryan Williams, Esq. #029703
11 Liberty Mutual Group Field Legal Offices
12 P.O. Box 7218
13 London, KY 40742
14 PhoenixLocal@LibertyMutual.com
15 *Attorneys for Third Party Defendant Custom
16 Leasing, Inc. d/b/a Home Builders Site Services
17 of Arizona, LLC*

18 Michael A. Ludwig, Bar #015481
19 Stephen F. Best, Bar #034976
20 JONES, SKELTON & HOCHULI, P.L.C.
21 40 North Central Avenue, Suite 2700
22 Phoenix, Arizona 85004
23 minuteentries@jshfirm.com
24 mludwig@jshfirm.com
25 sbest@jshfirm.com
26 *Attorneys for Third-Party Defendant LeBlanc
27 Building Co., Inc.*

28 Tom Shorall Jr., #010456
Jason J. Boblick, #026507
Shorall McGoldrick Brinkmann
1232 East Missouri Avenue
Phoenix, AZ 85014-2912
tomshorall@smbattorneys.com
jasonboblick@smbattorneys.com
smb@smbattorneys.com
*Attorneys for Third Party Defendant
Liberty Constructors*

1 Shannon Huff, #025514
2 Mohamad Tokko, #033015
3 Rai & Barone, P.C.
4 3033 North Central Avenue, Suite 500
5 Phoenix, AZ 85012
6 Shannon.Huff@raibarone.com
7 Mohamad.Tokko@raibarone.com
8 *Attorneys for Third Party Defendant Renco*
9 *Roofing*

10 Leonard T. Fink, Esq.
11 David S. Schopick, Esq.
12 SPRINGEL & FINK LLP
13 3033 North Central Ave., Suite 500
14 Phoenix, AZ 85012
15 lfink@springelfink.com
16 dschopick@springelfink.com
17 *Attorneys for Third-Party Defendant, SARGON*
18 *MASONRY CONSTRUCTION, LLC*

19 /s/ Jessica Harmon
20 Jessica Harmon
21
22
23
24
25
26
27
28