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5 *Attorney for Defendants/Third-Party Plaintiffs K. Hovnanian*
at Gallery, LLC, K. Hovnanian Arizona Operations, LLC., and
6 *K. Hovnanian Developments of Arizona, Inc.*

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

9 GALLERY COMMUNITY ASSOCIATION, an
Arizona non-profit corporation,

10 Plaintiff,

11 v.

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

19 Defendants.

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

24 Third-Party Plaintiffs,

25 v.

26 CHAS ROBERTS AIR CONDITIONING, INC.,
27 an Arizona corporation; DESERT VISTA, INC.,
an Arizona corporation; GOTHIC
28 LANDSCAPING, INC., a California corporation;

Case No. CV2020-008714

**NOTICE OF WITHDRAWAL OF
MOTION WITHOUT PREJUDICE**

(Assigned to the Honorable Katherine
Cooper)

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1 HOME BUILDERS SITE SERVICES OF
2 ARIZONA, LLC, an Arizona limited liability
3 company; LEBLANC BUILDING CO., INC., an
4 Arizona corporation; LIBERTY
5 CONSTRUCTORS, LLC, an Arizona limited
6 liability company, dba LIBERTY ARIZONA;
7 RENCO LLC, an Arizona limited liability
8 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,

Defendants/Third-Party Plaintiffs K. Hovnanian at Gallery, LLC, K. Hovnanian Arizona
Operations, LLC, and K. Hovnanian Developments of Arizona, Inc., now known as K.
Hovnanian Phoenix Division, Inc. (collectively the “K. Hovnanian Defendants”), by and
through undersigned counsel, hereby provide notice of their withdrawal of their Motion for
Summary Judgment, filed in this matter on February 19, 2021. K. Hovnanian Defendants
withdraw their Motion without prejudice, pursuant to agreement with Plaintiff, and may
hereafter reassert the same, all or in part.

Dated: March 10, 2022

LORBER, GREENFIELD & POLITO, LLP

By: /s/Amy Wilkens
Amy Wilkens, Esq.
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Plaintiffs K. Hovnanian at Gallery, LLC,
K. Hovnanian Arizona Operations, LLC,, and
K. Hovnanian Developments of Arizona, Inc,*

Original of the foregoing e-filed
this 10th day of March, 2022 with:

Clerk of the Court
Maricopa County Superior Court
101 W. Jefferson
Phoenix, AZ 85003

1 COPY of the foregoing emailed this
10th day of March, 2022 to:

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