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Attorney for Third-Party Defendant Desert Vista

IN THE SUPERIOR COURT OF THE STATE OF ARIZONA

IN AND FOR THE COUNTY OF MARICOPA

GALLERY ASSOCIATION, an Arizona
non-profit corporation,

Plaintiff;

v.

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.
HOVNANIAN COMPANIES OF
ARIZONA, LLC, an Arizona limited
liability company; JOHN DOES I-X AND
JANE DOES I-X, WHITE
CORPORATIONS I-X ; BLACK
PARTNERSHIPS I-X; AND GRAY
LIMITED 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

NO. CV2020-008714

**THIRD-PARTY DEFENDANT DESERT
VISTA INC.'S NOTICE OF NON-
PARTIES AT FAULT**

*(Assigned to the Honorable Katherine
Cooper)*

1 DEVELOPMENTS OF ARIZONA, INC.,
an Arizona corporation; K.
2 HOVNANIAN COMPANIES OF
ARIZONA, LLC, an Arizona limited
3 liability company;

4 Third-Party Plaintiffs

5 v.

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

17
18 Third-Party Defendants.

19 Third-Party Defendant Desert Vista, Inc. (“Desert Vista”) by and through counsel
20 undersigned and pursuant to Ariz. Rev. Stat. §12-2506(B) and Ariz. R. Civ. Pro. 26(b)(5),
21 hereby provides notice that the following individuals may be wholly and/or partially at fault
22 for damages in this matter:

23 1. Any individual or entities who performed repair, maintenance, warranty or other
24 work at the Gallery Condominium Project located in Scottsdale, Arizona, Maricopa County,
25 Arizona (the “Project”), including but not limited to, any personnel, consultants, and/or

1 contractors employed, contracted or otherwise retained by Plaintiff, Third-Party Plaintiffs,
2 prior or current Homeowners, and/or any management company.

3 2. Any individual or entities who performed inspections and testing may be
4 responsible for some of the damages resulting from any damage to the roofs, decks, or
5 surrounding areas resulting in damages in this matter.

6 3. Nautilus General Contractors through its representatives for its repairs at the
7 Project. In addition, the unnamed roofer that performed repairs on or about August 14, 2021,
8 and on any other subsequent dates related to identified leaks and “emergency inspections.”

9 4. IDG Innovative Development Group, LLC, who upon information and belief
10 served as a subcontractor of Defendants for the Gallery Project.

11 5. Interior Logic Holdings, LLC, who upon information and belief served as a
12 subcontractor of Defendants for the Gallery Project.

13 6. Custom Leasing Inc., who upon information and belief served as a subcontractor
14 of Defendants for the Gallery Project.

15 7. Home Builders Site Services of Arizona, LLC, who was a previously named
16 Third-Party Defendant and is now dismissed from this action, and served as a subcontractor
17 of Defendants for the Gallery Project.

18 8. City of Scottsdale, who was involved in the planning and development of the
19 Gallery Project.

20 9. Artistic Stairs, Ltd., who upon information and belief served as a subcontractor
21 of Defendants for the Gallery Project.

22 10. Paul Johnson Drywall, Inc., who upon information and belief served as a
23 subcontractor of Defendants for the Gallery Project.

24 11. Any and all relevant K. Hovnanian entities or affiliates that were either
25 dismissed from this action and/or were part of the Gallery Project but were not a named party.

1 12. The individual homeowners –prior and current - whose improper maintenance,
2 lack of maintenance, alterations, remodeling, or any other actions, including placement of
3 lighting, furniture, turf, carpet, or other items near or on the roofs or decks, which may have
4 altered the design of the home or contributed to the alleged defects.

5 13. Any municipal, county, state and/or other inspector who performed inspections
6 of the Project and approved the work as complete and in compliance with applicable codes
7 and standards.

8 14. Any other trades who did not complete their work, damaged or removed the
9 work completed by Desert Vista or otherwise caused the damage alleged by Plaintiffs.

10 15. Any persons or entities, who damaged, removed or altered Desert Vista’s work
11 while investigating or testing portions of the Project prior to or during, the course of this
12 litigation.

13 16. All architects and design professionals, responsible for the design and
14 development of the plans and specifications on this Project to the extent that any damages
15 alleged to Desert Vista relate to design or specification issues, including but not limited to,
16 structural engineers and all testing companies.

17 17. Any persons or entities that failed to follow the approved plans and
18 specifications causing the damage alleged by Plaintiffs.

19 18. All Plaintiffs’ and/or Third-Party Plaintiffs representatives, employees,
20 occupants, and/or service personnel for the Project who may have caused the damage or
21 contributed to the damage about which Plaintiffs and Third-Party Plaintiffs complain
22 respectively.

23 19. Any and all contractors, experts, laborers or other personnel, who may have been
24 hired by Plaintiffs and/or Third-Party Plaintiffs, who did any destructive or invasive testing at
25 the Project to any time to date, with respect to this litigation or otherwise. If such testing took

1 place, these persons, physical invasions and destruction of the premises likely caused
2 damage(s). Any and all claims for damages made by Plaintiffs and/or Third-Party Plaintiffs
3 will likely involve a request for compensation for damages that will include the damages
4 caused by the contractors, experts, laborers or other personnel that did invasive testing and/or
5 destructive testing, if such testing took place. The full extent of the damages caused by the
6 contractors, experts, laborers or other persons hired by Plaintiffs and/or Third-Party Plaintiffs
7 with respect to the destructive and/or invasive testing is unknown to Desert Vista at this time
8 but will be supplemented as discovery continues.

9 20. Any and all contractors, experts, laborers or other personnel, who may have been
10 hired by Plaintiffs and/or Third-Party Plaintiffs, who performed repairs at the project any time
11 to date, with respect to this litigation or otherwise. If such repairs took place, these persons,
12 physical invasions and destruction of the premises likely caused damage(s). Any and all
13 claims for damages made by Plaintiffs and/or Third-Party Plaintiffs will likely involve a
14 request for compensation for damages that will include the damages caused by the contractors,
15 experts, laborers or other personnel that performed alleged repairs. The full extent of the
16 damages caused by the contractors, experts, laborers or other persons hired by Plaintiffs and/or
17 Third-Party Plaintiffs with respect to the alleged repairs is unknown to Desert Vista at this
18 time but will be supplemented as discovery continues.

19 21. Desert Vista also joins in any Notice of Non-Party at Fault filed by Third-Party
20 Plaintiffs and/or other Third-Party Defendants in this matter, including notices previously
21 filed, and those that may later be filed.

22 22. All material manufacturers, material distributors, and material supply companies
23 that produced construction materials for this Project, to the extent any damages alleged to
24 Desert Vista relate to material defects or specifications.

25 23. All roofing, framing, exterior metal handrail/railing, and sheet metal contractors

1 that performed work at the Project to the extent any damages resulted from their work.

2 Desert Vista reserves the right to identify additional parties or more fully identify
3 noticed entities as non-parties at fault as additional disclosure and discovery is obtained.
4

5 **DATED** this 24th day of March, 2022.

6 **RAI DUER HUFF P.C.**

7
8 By: /s/ Mohamad Tokko
9 Shannon Huff
10 Mohamad H. Tokko
11 *Attorney for Third-Party Defendant Desert Vista, Inc.*

12 **ORIGINAL** of the foregoing e-filed
13 This 24th day of March, 2022, with:

14 Clerk of the Court
15 **Maricopa County Superior Court**
16 201 W. Jefferson
17 Phoenix, Arizona 85003

18 **COPY** of the foregoing e-delivered
19 This 24th day of March, 2022, to:

20 The Honorable Katherine Cooper
21 Maricopa County Superior Court
22 **East Court Building – 711**
23 101 W Jefferson
24 Phoenix, AZ 85003

25 **COPIES** of the foregoing e-mailed
This 24th day of March, 2022, to:

(See Attached Service List)

By: /s/ Tracy L. O'Brien

Service List

Gallery Community Association v. K. Hovnanian at Gallery, LLC

CV2020-008714

| | | |
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| | | |
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