

EXHIBIT 2

Mohamad Tokko

From: Shannon Huff
Sent: Friday, March 18, 2022 12:14 PM
To: Mohamad Tokko
Subject: RE: Gallery v. K. Hov.

-----Original Message-----

From: Holly Davies
Sent: Wednesday, October 27, 2021 9:49 AM
To: PManship@burgsimpson.com
Cc: barbaras@wb-law.com;Theresa H. Wales;Cole Crabtree;aah@jaburgwilk.com;Michael A. Ludwig;SBest@JSHFIRM.COM;Thomas J. Shorall;Jason J Boblick;shannon.huff@raibarone.com;Mohamad.Tokko@raibarone.com;lfink@springelfink.com;David S. Schopick;CNuss@burgsimpson.c
Subject: RE: Gallery v. K. Hov.

Penny –

The Scheduling Order does not let you amend/supplement your expert reports. You would need to seek leave from the Court to do so. This was not done. You are allowed to supplement your claims under the PDA. Further, if the claims were addressed in the prior Notice, they would have been addressed in SBSA's report and there would be no need for a supplemental report.

I will consult with my client and experts on the additional information you requested below and get back to you with that information.

Thanks
Holly

From: Penny J. Manship <PManship@burgsimpson.com>
Sent: Wednesday, October 27, 2021 9:29 AM
To: Holly P. Davies <HDavies@lorberlaw.com>
Cc: Barbara Stansil <barbaras@wb-law.com>; Teresa Wales <TWales@welshlawgroup.com>; C. Cole Crabtree <ccc@jaburgwilk.com>; aah@jaburgwilk.com; MLudwig@JSHFIRM.com; Stephen Best <SBest@JSHFIRM.COM>; tomshorall@smbattorneys.com; Jason Boblick <jasonboblick@smbattorneys.com>; Shannon Huff <shannon.huff@raibarone.com>; 'Mohamad.Tokko@raibarone.com' <mohamad.tokko@raibarone.com>; lfink@springelfink.com; dschopick@springelfink.com; Craig S. Nuss <CNuss@burgsimpson.com>; Jessica Harmon <JHarmon@burgsimpson.com>; Amy M. Wilkens <AWilkens@lorberlaw.com>; Grace McGregor Osberg <gosberg@burgsimpson.com>
Subject: RE: Gallery v. K. Hov.

Holly,

The issues referenced in the supplemental report are not "additional alleged construction defects" under section 12-1363(J) of the purchaser dwelling act, and/or the time for requesting an inspection and/or offering a repair have expired.

The "Pool Cabana Ceiling Damage" issue was noted in the Association's initial notice ("Pool canopy drywall cracking") and K Hov performed a repair to this area which did not resolve the issue. See attached: Association's claim letter

dated July 3, 2019 and K Hov's offer to repair dated February 5, 2020. The Association does not have the obligation to allow an inspection under section 12-1363(J) for K Hov's inappropriate/ineffective repair made during the initial claim process.

With respect to the leak at unit 3112 near the AC unit, this is also in an area that was repaired by K Hov as part of its offer to repair dated February 5, 2020.

Regarding the leaks at units 3104 and 3106, these were reported to all counsel in the case on July 26, 2021. Please see the attached email. Even if these roof leaks constitute "additional alleged construction defects," which we dispute, the 60-day time period, within which K Hovnanian could have made an offer to repair these issues pursuant to subsections (J) and (C), has expired.

Finally, the interior door trim damage at units 3106 and 3123 was inspected by K Hov's experts at the inspections and testing that took place on August 13th and 23rd. Therefore, as discussed above, the 60-day time period expired as to those issues as well.

Without waiving the Association's objections as to 1) its obligation to provide access for inspection of the items included in SBSA's Supplemental Report under section 12-1363(J) and 2) the right of K Hov or any other parties to perform repairs under section 12-1363(J) and (C), we will provide access once you provide us with the following specifics so that we can properly coordinate access with the unit owners:

- Identify the exact unit numbers that you wish to inspect
- Identify whether or not you require interior access to each unit
- Identify whether or not you require roof access to each unit
- Provide three or more potential dates/times for the inspections

Thank you.

Penny J. Manship
BURGSIMPSON

Telephone: (888) 895-2080

Cell Phone: (818) 395-3999

From: Holly P. Davies <HDavies@lorberlaw.com>

Sent: Tuesday, October 26, 2021 9:41 AM

To: Penny J. Manship <PManship@burgsimpson.com>

Cc: Barbara Stansil <barbaras@wb-law.com>; Teresa Wales <TWales@welshlawgroup.com>; C. Cole Crabtree <ccc@jaburgwilk.com>; aah@jaburgwilk.com; MLudwig@JSHFIRM.com; Stephen Best <SBest@JSHFIRM.COM>; tomshorall@smbattorneys.com; Jason Boblick <jasonboblick@smbattorneys.com>; Shannon Huff <shannon.huff@raibarone.com>; 'Mohamad.Tokko@raibarone.com' <mohamad.tokko@raibarone.com>; lfink@springelfink.com; dschopick@springelfink.com; Craig S. Nuss <CNuss@burgsimpson.com>; Jessica Harmon <JHarmon@burgsimpson.com>; Amy M. Wilkens <AWilkens@lorberlaw.com>

Subject: RE: Gallery v. K. Hov.

Penny –

Pursuant to A.R.S. 12-1363(J), K. Hov. requests access to the project to inspect the new alleged defects set forth in the supplemental report of SBSA dated October 14, 2021.

Please confirm we can have access to the property.

Thanks
Holly



Holly Davies | Partner | Lorber, Greenfield & Polito, LLP | www.lorberlaw.com
Phone: 602.385.4444 / Cell: 520.334.9182 / Email: hdavies@lorberlaw.com

Arizona | California | Colorado | Nevada | New Mexico | Oregon | Washington