

EXHIBIT 1

LIST OF ADDITIONAL EXPERT DISCOVERY

Third-Party Defendants, Desert Vista, Inc. and Renco, LLC dba Renco Roofing (“Third-Party Defendants”), by and through counsel, and with the assistance of their retained expert witnesses, have prepared the following list of additional expert discovery that will be necessary *if* the Court permits KHOV to introduce the (3) untimely expert reports produced on February 25, 2022, including: Bert L. Howe & Associates’ Defense Response Report dated February 25, 2022¹; Bert L. Howe & Associates’ Preliminary Defense Cost of Repair dated February 25, 2022²; and Bert L. Howe & Associates’ Subcontractor Allocation Summary dated February 25, 2022³.

As this Court is aware, the May 25, 2021 Scheduling Order required KHov to disclose its final expert reports on or before **July 23, 2021**; and its cost of repair report was due **August 23, 2021**. Emphasis added. *See* May 25, 2022 Scheduling Order. During oral argument, KHov’s counsel admitted the February 25, 2022 expert reports contained new – as opposed to rebuttal or supplemental - expert opinions and conclusions that were not previously disclosed. Accordingly, Desert Vista and Renco’s respective experts prepared the following list of additional expert discovery that will be necessary to perform if the Court permits the untimely new expert reports and opinions. The Experts have also estimated the number of additional hours and costs associated with the additional expert discovery.

1. Review and analyze the Bert L. Howe & Associates’ Defense Response Report dated February 25, 2022, including any supporting documents, cost estimates or proposals, photos, and other supporting expert documents if any have been disclosed.
2. Review and analyze the Bert L. Howe & Associates’ Preliminary Defense Cost of Repair dated February 25, 2022, including any supporting documents, cost estimates or proposals, photos, and other supporting expert documents if any have been disclosed.
3. Review and analyze the Bert L. Howe & Associates’ Subcontractor Allocation Summary dated February 25, 2022, including any supporting documents, cost estimates or proposals, photos, and other supporting expert documents if any have been disclosed.
4. Expert, attorney, and client meeting to discuss the scope of the new opinions, scope of work, and impact on client claims and defenses.
5. Attend site Inspections of the buildings where new allegations, cost of repair, and/or new allocation of fault were produced implicating Desert Vista and/or Renco’s scope of work which includes stucco, decks, and roofs.

¹ Exhibit G to Motion to Preclude filed March 29, 2022.

² Exhibit H

³ Exhibit I

6. Request information, and if necessary, coordinate and strategize with attorney to produce and review relevant written discovery including requests for admissions, requests for production of documents, and non-uniform interrogatories related to the experts' addition of new information, specifically, information and supporting documentation for the significant increase in the cost of repair and new subcontractor allocation, among other details included within the (3) new expert reports and opinions. .

7. Prepare for and/or review KHOV's expert deposition testimony related to the new opinions, repair protocol, cost of repair, and allocation, and how those opinions changed from the original disclosed reports.

8. Expert Fees/Costs
 - a. Renco's Expert, MC Consultants' Fee Schedule for Depositions is \$350 per hour, and it is anticipated an additional 10 hours of depositions for each expert is required equating to **\$3,500** for Renco's expert deposition, plus the cost for attorneys to depose KHov's experts on how their opinions changed.
 - b. Desert Vista's Expert, Harrington Construction Company, Inc.'s Fee Schedule for Depositions is \$550 per hour, and it is anticipated an additional 10 hours of deposition for each expert is required equating to **\$5,500** for the Desert Vista's expert deposition, plus the cost for attorneys to depose KHov's experts on how their opinions changed.

9. Conduct additional work with our clients' experts MC Consultants on behalf of Renco and Harrington Construction on behalf of Desert Vista.

- a. MC Consultants have provided the rough estimate for the additional tasks that would be necessary if KHov's untimely reports are allowed: (\$185/hour)
 - i. Time to review additional reports: 8 hours
 - ii. Time to review photos and supporting documents; 8 hours
 - iii. Time for meeting with counsel to confer and strategize 4 hours
 - iv. Time to reinspect property 32 hours
 - v. Time to reduce responsive opinions & recalculate cost of repair 48 hours
 - vi. Respond to allocation 5 hours
 - vii. Preparation for deposition and discovery 41 hours

TOTAL: 146 hours

X \$185/hour (or \$550
for depositions)

TOTAL \$: \$26,597.21

Costs already incurred by Renco: \$27,956.79

GRAND TOTAL: \$54,554.00

- b. Harrington Construction has provided the rough estimate for the additional tasks that would be necessary if KHov's untimely reports are allowed: (\$225/hour)
 - i. Time to review the opinions, respond thereto in a formal supplemental opinion, conduct additional site inspections, preparation for depositions and discovery, and discussions with counsel to respond and recalculate cost of repair:

TOTAL: approximately 65 hours: (x\$225/hour)= **\$14,625.00**
(plus additional time to prepare for and conduct depositions)

Expert costs already incurred by Desert Vista: **\$32,536.00**

GRAND TOTAL: **\$47,161.00**
(Plus deposition time)