

1 LORBER, GREENFIELD & POLITO, LLP
Louis W. Horowitz, Esq. [S.B. #020842]
2 3930 E. Ray Road, Suite 260
Phoenix, AZ 85044
3 TEL: (602) 437-4177
FAX: (602) 437-4180
4 lorowitz@lorberlaw.com

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

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

9
10 GALLERY COMMUNITY ASSOCIATION, an
Arizona non-profit corporation,
11
Plaintiff,

12 v.

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

20 Defendants.

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

25 Third-Party Plaintiffs,

26 v.

27 CHAS ROBERTS AIR CONDITIONING, INC.,
28 an Arizona corporation; DESERT VISTA, INC.,

Case No. CV2020-008714

**STIPULATION TO DISMISS THIRD-
PARTY DEFENDANT HOME
BUILDERS SITE SERVICES OF
ARIZONA, LLC ONLY WITH
PREJUDICE**

(Assigned to the Honorable Katherine
Cooper)

LORBER, GREENFIELD & POLITO, LLP
3930 E. Ray Road, Suite 260, Phoenix, AZ 85044
Telephone (602) 437-4177 / Facsimile (602) 437-4180

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

Third-Party Defendants,

10 Defendants/Third-Party Plaintiffs K. Hovnanian at Gallery, LLC and K. Hovnanian
11 Arizona Operations, LLC, (collectively “K. Hovnanian), and Third-Party Defendant Home
12 Builders Site Services of Arizona, LLC by and through undersigned counsel and pursuant to
13 Rule 41, *Arizona Rules of Civil Procedure*, hereby stipulate and agree that K. Hovnanian’s
14 claims against Third Party Defendant Home Builders Site Services of Arizona, LLC, *only*, are
15 dismissed with prejudice, each party to bear its own attorneys’ fees and costs.

16 A proposed form of order is submitted herewith.

17 Dated: September 12, 2022

LORBER, GREENFIELD & POLITO, LLP

18
19 By: /s/Louis Horowitz
20 Louis W. Horowitz, Esq.
21 3930 E. Ray Road, Suite 260
22 Phoenix, AZ 85044
23 *Attorney for Defendants/Third-Party*
24 *Plaintiffs K. Hovnanian at Gallery, LLC and*
25 *K. Hovnanian Arizona Operations, LLC*

LIBERTY MUTUAL GROUP FIELD LEGAL
OFFICES

25 By: /s/Michael Ryan Williams w/approval
26 Michael Ryan Williams
27 P.O. Box 7218
28 London, KY 40742
Attorney for Third-Party Defendant Custom
Leasing, Inc. d/b/a Home Builders Site Services
of Arizona, LLC

LORBER, GREENFIELD & POLITO, LLP
3930 E. Ray Road, Suite 260, Phoenix, AZ 85044
Telephone (602) 437-4177 / Facsimile (602) 437-4180

1 Original of the foregoing e-filed
this 12th day of September, 2022 with:

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

5 COPY of the foregoing emailed this
12th day of September, 2022 to:

6 Craig S. Nuss
7 Penny J. Manship
BURG SIMPSON ELDREDGE
8 HERSH & JARDINE P.C.
8310 South Valley Highway, Suite 270
9 Englewood, CO 80112
cnuss@burgsimpson.com
10 pmanship@burgsimpson.com
Attorneys for the Plaintiff

11 Dennis I. Wilenchik
12 WILENCHIK & BARTNESS, P.C.
2810 North Third Street
13 Phoenix, AZ 85004
admin@wb-law.com
14 diw@wb-law.com
Attorneys for Defendants/Third-Party Plaintiffs
15 *K. Hovnanian at Gallery, LLC and K. Hovnanian Arizona*
Operations, LLC

16 Michael Ryan Williams
17 LIBERTY MUTUAL GROUP FIELD LEGAL OFFICES
P.O. Box 7218
18 London, KY 40742
PhoenixLocal@libertymutual.com
19 *Attorney for Third-Party Defendant Custom*
Leasing, Inc. d/b/a Home Builders Site Services
20 *of Arizona, LLC*

21 Michael A. Ludwig
JONES, SKELTON & HOCHULI, P.L.C.
22 40 North Central Avenue, Suite 2700
Phoenix, Arizona 85004
23 minuteentries@jshfirm.com
mludwig@jshfirm.com
24 *Attorneys for Third-Party Defendant*
LeBlanc Building Co., Inc.

26 ///

27

28 ///

LORBER, GREENFIELD & POLITO, LLP
3930 E. Ray Road, Suite 260, Phoenix, AZ 85044
Telephone (602) 437-4177 / Facsimile (602) 437-4180

1 Tom Shorall Jr.
Jason J. Boblick
2 SHORALL MCGOLDRICK ZERLAUT
1232 East Missouri Avenue
3 Phoenix, AZ 85014-2912
tom@shorallmccgoldrick.com
4 jason@shorallmccgoldrick.com
Attorneys for Third Party Defendant
5 *Liberty Constructors*

6 Rina Rai
Marcus McGillivray
7 RAI DUER, P.C.
3033 North Central Avenue, Suite 500
8 Phoenix, AZ 85012
RRai@raiduer.com
9 MMcGillivray@raiduer.com
Attorneys for Third Party Defendants
10 *Renco Roofing and Desert Vista, Inc.*

11 Leonard T. Fink
David S. Schopick
12 SPRINGEL & FINK LLP
3033 North Central Ave., Suite 500
13 Phoenix, AZ 85012
lfink@springelfink.com
14 dschopick@springelfink.com
Attorneys for Third-Party Defendant
15 *Sargon Masonry Construction, LLC*

16
17 By: /s/Erikka Rico
18
19
20
21
22
23
24
25
26
27
28