

EXHIBIT 10

1 IN THE SUPERIOR COURT OF THE STATE OF ARIZONA
2 IN AND FOR THE COUNTY OF MARICOPA

3 GALLERY COMMUNITY ASSOCIATION, an
4 Arizona non-profit corporation,

5 Plaintiff,

6 vs.

CASE NO. CV2020-008714

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

19 Defendants.

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

Third-Party Plaintiffs,

vs.

21 CHAS ROBERTS AIR CONDITIONING, INC. ;
22 an Arizona corporation; DESERT VISTA, INC.,
23 an Arizona corporation; GOTHIC
24 LANDSCAPING, INC., a California corporation;
25 HOME BUILDERS SITE SERVICES OF
ARIZONA, LLC, an Arizona limited liability
company; LEBLANC BUILDING CO., INC., an
Arizona corporation; LIBERTY
CONSTRUCTORS, LLC, an Arizona limited

1 liability company, dba LIBERTY ARIZONA;
2 RENCO LLC, an Arizona limited liability
3 company, dba RENCO ROOFING; R/S SERVICE
4 & SUPPLY, INC., an Arizona corporation;
5 SARGON MASONRY CONSTRUCTION, LLC,
6 an Arizona limited liability company; and DOES
7 1-50,

8 Third-Party Defendants.

9 VIDEOCONFERENCE DEPOSITION OF

10 CHAD POLIVKA

11 September 2, 2022

12 9:10 a.m.

13 Remote Proceeding
14 Carlsbad, California

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24 Rebecca Roberts
25 Digital Reporter
Commission No. 2328249

1 A. I didn't check any plans. I didn't check the
2 specifications. I simply visited the site and I looked
3 at the material in the as-built condition. I looked at
4 the roof in the as-built condition and the walk decks in
5 the as-built condition.

6 Q. Okay.

7 A. And my opinion is based off those observations.
8 They're in the report.

9 Q. Okay.

10 MS. RAI: Lou, I'll also just interpose an
11 additional objection. But I just wanted you to know, for
12 the record, that we did not request Mr. -- or Chad to look
13 at the -- any -- any fault or causation or fault of any
14 other trades relative to his work in the case, just to
15 respond to the opinions that were expressed by
16 plaintiff and developer's experts.

17 MR. HOROWITZ: Right. Well, I appreciate that
18 explanation. Let me go ahead with my questioning so I
19 can kind of clarify that with -- with Chad directly.

20 BY MR. HOROWITZ:

21 Q. Chad, have -- have you formed or do you intend
22 to testify regarding roles or responsibilities of the
23 general contractor, developer, or any subcontractor in
24 connection with your opinions on the Gallery case?

25 A. No. I -- I don't intend to do that, Lou.

CERTIFICATE OF DIGITAL REPORTER

I, Rebecca Roberts, a Digital Reporter and
Notary Public within and for the State of California,
do hereby certify:

That CHAD POLIVKA, the witness whose
examination is hereinbefore set forth, that said
testimony was accurately captured with annotations
by me during the proceeding.

I further certify that I am not related to any
of the parties to this action by blood or marriage and
that I am in no way interested in the outcome of this
matter.

IN WITNESS THEREOF, I have hereunto set my hand
this 18th day of September, 2022.



Rebecca Roberts
Notary Commission California/2328249
Commission Expires: May 15, 2024

CERTIFICATE OF TRANSCRIPTIONIST

I, Lauren H. Barnhill, Certified Verbatim Reporter, do hereby certify:

That the foregoing is a complete and true transcription of the original digital audio recording of the testimony and proceedings captured in the above-entitled matter. As the transcriptionist, I have reviewed and transcribed the entirety of the original digital audio recording of the proceeding to ensure a verbatim record to the best of my ability.

I further certify that I am neither attorney for nor a relative or employee of any of the parties to the action; further, that I am not a relative or employee of any attorney employed by the parties hereto, nor financially or otherwise interested in the outcome of this matter.

IN WITNESS THEREOF, I have hereunto set my hand this 18th day of September, 2022.

Lauren H. Barnhill

Lauren H. Barnhill, CVR