

EXHIBIT 12

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

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

9 GALLERY COMMUNITY ASSOCIATION, an
Arizona non-profit corporation,

Case No. CV2020-008714

10 Plaintiff,

11 v.

**DEFENDANTS’/THIRD-PARTY
PLAINTIFFS’ THIRD
SUPPLEMENTAL DISCLOSURE
STATEMENT**

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

(Assigned to the Honorable Katherine
Cooper)

19 Defendants.

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

24 Third-Party Plaintiffs,

25 v.

26 CHAS ROBERTS AIR CONDITIONING, INC.,
27 an Arizona corporation; DESERT VISTA, INC.,
an Arizona corporation; GOTHIC
28 LANDSCAPING, INC., a California corporation;

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

Third-Party Defendants,

Defendants/Third-Party Plaintiffs K. Hovnanian at Gallery, LLC, K. Hovnanian Arizona
Operations, and K. Hovnanian Developments of Arizona, Inc., (“K. Hovnanian”), by counsel
undersigned, submits its **Third** Supplemental Disclosure Statement under Rule 26.1, Ariz. R.
Civ. P.

K. Hovnanian expressly reserves the right to amend or supplement this disclosure as
additional information is developed through the course of discovery, continuing investigation
and litigation. Thus, the content of this disclosure is provisional and subject to supplementation,
amendment, explanation, change or amplification. (**Supplemental information appears in
bold**).

VII. EXPERT WITNESSES

Defendants anticipate calling the following individuals to provide expert testimony:

Terry Ingo
Bert. L Howe and Associates, Inc.
c/o Dennis I. Wilenchik, Barbara J. Stansil
2810 N Third Street
Phoenix, AZ 85004

and

c/o Amy Wilkens, Esq
3930 E. Ray Road, Suite 260
Phoenix, AZ 85044

Curt Peterson,
Peterson Geotechnical Group
c/o Dennis I. Wilenchik, Barbara J. Stansil
2810 N. Third Street
Phoenix, AZ 85004

1 and

2 c/o Amy Wilkens, Esq
3 3930 E. Ray Road, Suite 260
4 Phoenix, AZ 85044

5 These experts will be called to rebut testimony by any expert employed by Plaintiffs
6 and/or Third-Party Defendants regarding alleged construction defects and alleged costs of
7 repairs and or replacement to the extent any exist. It is anticipated that these experts will testify
8 regarding their qualifications, review of construction and repair records, site inspections and
9 conditions and Plaintiffs' expert reports and expert deposition testimony regarding their
10 estimated cost of repairs. They are also expected to testify consistent with their expert reports
11 produced herewith. This section will be supplemented as additional information becomes
12 available.

13 **VIII. THE EXISTENCE, LOCATION, CUSTODIAN AND GENERAL DESCRIPTION**
14 **OF ANY TANGIBLE EVIDENCE OR RELEVANT DOCUMENTATION THAT**
15 **DEFENDANT PLANS TO USE AT TRIAL AND RELEVANT INSURANCE**
16 **AGREEMENTS THE EXISTENCE, LOCATION, CUSTODIAN, AND GENERAL**
17 **DESCRIPTION OF ANY TANGIBLE EVIDENCE, DOCUMENTS, OR**
18 **ELECTRONICALLY STORED INFORMATION THAT THE DISCLOSING**
19 **PARTY PLANS TO USE AT TRIAL, INCLUDING ANY MATERIAL TO BE**
20 **USED FOR IMPEACHMENT**

21 All documents listed on the Exhibit List attached as Exhibit "A" to this disclosure,
22 including documents disclosed herewith. K. Hovnanian is in the process of gathering any
23 additional relevant documents and will produce the same in this matter. K. Hovnanian reserves
24 the right to amend and/or supplement this section in accord.

25 Dated: February 25, 2022

LORBER, GREENFIELD & POLITO, LLP

26 By: /s/Amy Wilkens
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Plaintiffs K. Hovnanian at Gallery, LLC,
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1 COPY of the foregoing emailed this
25th day of February, 2022 to:

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47 *Gothic Landscaping, Inc.*

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22
23 By: /s/Erikka Rico

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**EXHIBIT A TO K HOVNANIAN'S DISCLOSURE STATEMENT
(Cumulative)**

Beginning Bates	End Bates	Description
KHOV00000001	KHOV00000001	2015-09-08 Final Walk Map
KHOV00000002	KHOV00000045	2016-05-10 Gallery CCRS recorded
KHOV00000046	KHOV00000051	2018-08-23 K Hov Gallery-Sign off
KHOV00000052	KHOV00000066	2007-01-01 Home Builders Ltd Warranty_PWC form No 117 Revised 01_2007
KHOV00000067	KHOV00000108	2008-03-11 Gothic Landscape Inc Master Subcontract Agreement
KHOV00000109	KHOV00000150	2008-03-19 Chas Roberts Master Subcontract Agreement
KHOV00000151	KHOV00000195	2008-04-08 Home Builder Services Master Subcontract Agreement
KHOV00000196	KHOV00000234	2008-04-15 Aztec Lighting Master Subcontract Agreement
KHOV00000235	KHOV00000269	2008-04-15 RS Service and Supply Master Subcontract Agreement with attachments
KHOV00000270	KHOV00000302	2008-04-15 RS Service and Supply Master Subcontract Agreement
KHOV00000303	KHOV00000335	2008-04-24 ProTex Master Subcontract Agreement
KHOV00000336	KHOV00000373	2009-01-05 ProTex Master Subcontract Agreement
KHOV00000374	KHOV00000413	2009-08-31 X O Windows Master Subcontract Agreement
KHOV00000414	KHOV00000467	2010-03-03 Desert Vista, Inc Master Subcontract Agreement
KHOV00000468	KHOV00000523	2013-08-13 Liberty Constructors Inc Master Subcontract Agreement
KHOV00000524	KHOV00000560	2015-03-18 Proex GeoTech Report
KHOV00000561	KHOV00000612	2015-06-08 LeBlanc Building Co Master Subcontract Agreement with Work Agreement
KHOV00000613	KHOV00000628	2016-03-08 Felten Group Index to Structural Calculations Building A
KHOV00000629	KHOV00000644	2016-03-08 Felten Group Index to Structural Calculations Building B
KHOV00000645	KHOV00000660	2016-03-08 Felten Group Index to Structural Calculations Building C
KHOV00000661	KHOV00000676	2016-03-08 Felten Group Index to Structural Calculations Building D
KHOV00000677	KHOV00000727	2016-03-08 Felten Group Index to Structural Calculations Unit 30-1210 Rev. 05-26-17
KHOV00000728	KHOV00000783	2016-03-08 Felten Group Index to Structural Calculations Unit 31-1211 Rev. 05-26-17
KHOV00000784	KHOV00000842	2016-03-08 Felten Group Index to Structural Calculations Unit 32-1212 Rev. 05-26-17

**EXHIBIT A TO K HOVNANIAN'S DISCLOSURE STATEMENT
(Cumulative)**

Beginning Bates	End Bates	Description
KHOV00000843	KHOV00000843	2016-03-15 The Gallery Certificate of Special Inspection_ Soils_ Double SIC
KHOV00000844	KHOV00000874	2016-06-08 Felton Group_ Gallery Structural Set
KHOV00000875	KHOV00000928	2016-06-24 Renco Roofing Master Subcontract Agreement
KHOV00000929	KHOV00000946	2016-07-21 Chas Roberts Air Cond Work Agreement with attachments
KHOV00000947	KHOV00000948	2016-07-21 Desert Vista Inc Work Agreement
KHOV00000949	KHOV00000952	2016-07-21 Gothic Landscape Inc Work Agreement
KHOV00000953	KHOV00000954	2016-07-21 Home Builders Site Services Work Agreement Grading
KHOV00000955	KHOV00000961	2016-07-21 Liberty Arizona Work Agreement - Concrete Foundation & Flatwork
KHOV00000962	KHOV00000968	2016-07-21 Renco Roofing Work Agreement
KHOV00000969	KHOV00000970	2016-07-21 Sargon Masonry Construction Master Subcontract Agreement_ Fence
KHOV00000971	KHOV00000973	2016-07-21 Sargon Masonry Construction Work Agreement_ Block Wall
KHOV00000974	KHOV00000982	2016-07-21 Sargon Masonry Costruction Work Agreement_ Stone Veneer
KHOV00000983	KHOV00001040	2016-08-02 Gallery Arch Set
KHOV00001041	KHOV00001168	2016-08-24 City Approved_ Building Set
KHOV00001169	KHOV00001296	2016-08-24 City Approved_ Fire Set
KHOV00001297	KHOV00001330	2016-08-24 City Approved_ Planning Applicant Set
KHOV00001331	KHOV00001458	2016-08-24 City Approved_ Planning Set
KHOV00001459	KHOV00001460	2016-08-25 R_ S Service and Supply Inc Work Agreement_ Wrought Iron
KHOV00001461	KHOV00001492	2016-08-26 LeBlanc Building Co Inc Work Agreement_ Framing
KHOV00001493	KHOV00001498	2016-10-26 Gallery - HOA Orientation
KHOV00001499	KHOV00001507	2016-10-27 Gallery Improvement Plan
KHOV00001508	KHOV00001510	2016-10-27 Sargon Masonry Construction Work Agreement_ Metal Stairs
KHOV00001511	KHOV00001511	2016-12-01 Gallery Community Assoc Key Fob Acceptance
KHOV00001512	KHOV00001569	2017-06-01 Gallery Architectural
KHOV00001570	KHOV00001570	2018-01-05 Letter_ Scottsdale_ R. Noriega to Rhino Contracting Notice of Warrantee Compliance
KHOV00001571	KHOV00001574	2018-10-12 FINAL WALK PHOTOS.docx
KHOV00001575	KHOV00001575	2018-10-18 Sidewalk_ pavers photo.jpg
KHOV00001576	KHOV00001620	2019-07-03 BurgSimpson Notice of Claim

**EXHIBIT A TO K HOVNIANIAN'S DISCLOSURE STATEMENT
(Cumulative)**

Beginning Bates	End Bates	Description
KHOV00001621	KHOV00001652	2019-08-20 Standard Specifications_ Gallery
KHOV00001653	KHOV00001655	2019-09-09 Tender Letter K Hov to Chas Roberts AC Inc.
KHOV00001656	KHOV00001658	2019-09-09 Tender Letter K Hov to Desert Vista Inc
KHOV00001659	KHOV00001661	2019-09-09 Tender Letter K Hov to Gothic Grounds Management, Inc.
KHOV00001662	KHOV00001664	2019-09-09 Tender Letter K Hov to Home Builders Site Services of AZ LLC
KHOV00001665	KHOV00001667	2019-09-09 Tender Letter K Hov to Leblanc Building Co Inc.
KHOV00001668	KHOV00001670	2019-09-09 Tender Letter K Hov to Liberty Constructors LLC
KHOV00001671	KHOV00001673	2019-09-09 Tender Letter K Hov to Renco
KHOV00001674	KHOV00001676	2019-09-09 Tender Letter K Hov to Sargon Masonry Construction LLC
KHOV00001677	KHOV00001679	2019-09-10 Tender Letter K Hov to Gothic Landscaping
KHOV00001680	KHOV00001682	2020-04-27 Sargon Masonry Repair Invoices
KHOV00001683	KHOV00001700	2021-08-10 Civil and Geotechnical Engineering Evaluation
<u>KHOV00001701</u>	<u>KHOV00001721</u>	<u>2021-08-11 Defense Response Report</u>
<u>KHOV00001922</u>	<u>KHOV00001925</u>	<u>Go To Services Invoices</u>
<u>KHOV00001926</u>	<u>KHOV00001948</u>	<u>BHA Defense Response Report</u>
<u>KHOV00001949</u>	<u>KHOV00001961</u>	<u>BHA Preliminary Defense Cost of Repair</u>
<u>KHOV00001962</u>	<u>KHOV00001964</u>	<u>BHA Allocation Summary</u>