

1 Michael A. Ludwig, Bar #015481
2 JONES, SKELTON & HOCHULI P.L.C.
3 40 N. Central Avenue, Suite 2700
4 Phoenix, Arizona 85004
5 Telephone: (602) 263-7357
6 Fax: (602) 200-7844
7 mludwig@jshfirm.com
8 minuteentries@jshfirm.com

9 Attorneys for Third-Party Defendant LeBlanc
10 Building Co., Inc.

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13 **SUPERIOR COURT OF THE STATE OF ARIZONA**
14 **COUNTY OF MARICOPA**

15 GALLERY ASSOCIATION, an Arizona non-
16 profit corporation,

17 Plaintiff,

18 v.

19 K. HOVNANIAN AT GALLERY, LLC, an
20 Arizona limited liability company; K.
21 HOVNANIAN ARIZONA OPERATIONS,
22 LLC, an Arizona limited liability company; K.
23 HOVNANIAN DEVELOPMENTS OF
24 ARIZONA, INC., an Arizona corporation; K.
25 HOVNANIAN COMPANIES OF ARIZONA,
LLC, an Arizona limited liability company;
JOHN DOES I-X AND JANE DOES I-X;
WHITE CORPORATIONS I-X; BLACK
PARTNERSHIPS I-X; AND GRAY
LIMITED LIABILITY COMPANIES I-X,

Defendants.

NO. CV2020-008714

**THIRD-PARTY DEFENDANT LEBLANC
BUILDING CO., INC.'S STATEMENT OF
FACTS IN SUPPORT OF ITS JOINDER IN
THIRD-PARTY DEFENDANTS DESERT
VISTA, INC. AND RENCO, LLC'S JOINT
MOTION FOR SUMMARY JUDGMENT,
DATED SEPTEMBER 30, 2022**

(Assigned to the Honorable Michael Kemp)

1 K. HOVNANIAN AT GALLERY, LLC, an
2 Arizona limited liability company; K.
3 HOVNANIAN ARIZONA OPERATIONS,
4 LLC, an Arizona limited liability company;
5 K. HOVNANIAN DEVELOPMENTS OF
6 ARIZONA, INC., an Arizona corporation; K.
7 HOVNANIAN COMPANIES OF
8 ARIZONA, LLC, an Arizona limited liability
9 company,

10 Third-Party Plaintiffs,

11 v.

12 CHAS ROBERTS AIR CONDITIONING,
13 INC., an Arizona corporation; DESERT
14 VISTA, INC., an Arizona corporation;
15 GOTHIC LANDSCAPING, INC., a
16 California corporation; HOME BUILDERS
17 SITE SERVICES OF ARIZONA, LLC, an
18 Arizona limited liability company;
19 LEBLANC BUILDING CO., INC., an
20 Arizona corporation; LIBERTY
21 CONSTRUCTORS, LLC, an Arizona limited
22 liability company DBA LIBERTY
23 ARIZONA; RENCO LLC, an Arizona
24 limited liability company dba RENCO
25 ROOFING; R/S SERVICE & SUPPLY,
26 INC., an Arizona corporation; SARGON
MASONRY CONSTRUCTION, LLC, an
Arizona limited liability company; and DOES
1-50,

Third-Party Defendants.

Third-Party Defendant LeBlanc Building Co., Inc. (“LeBlanc”), hereby submit its Separate Statement of Facts in support of its Joinder to Third-Party Defendants Desert Vista, Inc. and Renco, LLC d/b/a Renco Roofing's Joint Motion for Summary Judgment, dated September 30, 2022.

1. On May 6, 2015, LeBlanc signed a Master Subcontractor Agreement with K. Hovnanian Great Western Building Company, LLC and K. Hovnanian Building Company, LLC to provide labor and materials relating to framing. (See **Exhibit A**, Declaration of Mercedes LaPorchia, at **Exhibit 1**, LeBlanc’s Master Subcontract Agreement)

1 2. On October 6, 2020, KHov filed its Third-Party Complaint against LeBlanc
2 and other various subcontractors who were associated with the Project alleging multiple causes of
3 action: (1) Breach of Express Warranty; (2) Breach of Implied Warranty; (3) Breach of Contract;
4 (4) Negligence; (5) Common Law Implied Indemnity; (6) Contractual Indemnity; (7) Declaratory
5 Relief – Re: Duty to Defend; (8) Declaratory Relief – Re: Duty to Indemnify; (9) Declaratory
6 Relief – Re: Contractual Duties; and (10) Contribution. (See Third-Party Complaint, filed on
7 October 6, 2020).

8 3. On January 25, 2021, LeBlanc filed its Answer to KHov’s Third-Party
9 Complaint generally denying liability. (See LeBlanc’s Answer to Third-Party Complaint, filed on
10 January 25, 2021)

11 4. On January 25, 2021, LeBlanc filed its Certificate of Expert Testimony
12 pursuant to A.R.S. § 12-2602 certifying that KHov required expert testimony to prove its claims
13 against LeBlanc. (See Certificate Regarding Expert Witness Opinions, filed on March 18, 2021)

14 5. On February 14, 2022, LeBlanc timely disclosed its expert report which did
15 not include opinions or conclusions as to the cause of the alleged defects or the identity of the
16 responsible party for the defects. (See **Exhibit A**, Declaration of Mercedes LaPorchia, at **Exhibit**
17 **2**, BSC Forensics Expert Report dated February 14, 2022)

18 DATED this 3rd day of October, 2022.

19 JONES, SKELTON & HOCHULI P.L.C.

20 By /s/ Michael A. Ludwig

21 Michael A. Ludwig
22 40 N. Central Avenue, Suite 2700
23 Phoenix, Arizona 85004
24 Attorneys for Third-Party Defendant LeBlanc
25 Building Co., Inc.

24 ORIGINAL of the foregoing electronically filed
this 3rd day of October, 2022.

25 COPY of the foregoing mailed/e-mailed
26 this 3rd day of October, 2022, to:

1 Craig S. Nuss
Penny J. Manship
2 Grace M. Osberg
BURG SIMPSON ELDREDGE HERSH & JARDINE
3 PC
8310 S. Valley Highway, Suite 270
4 Englewood, CO 80112
pmanship@burgsimpson.com
5 jharmon@burgsimpson.com
cnuss@burgsimpson.com
6 gosberg@burgsimpson.com
Attorneys for Plaintiff
7
8 Dennis I. Wilenchik
Barbara Stansil
WILENCHIK & BARTNESS
9 2810 N. Third Street
Phoenix, AZ 85004
10 diw@wb-klaw.com
barbaras@wb-law.com
11 marioc@wb-law.com
tammys@wb-law.com
12 jennifera@wb-law.com
admin@wb-law.com
13 Attorneys for Defendants/
Third Party Plaintiffs
14
15 Louis W. Horowitz
Leslie K. Harrach
Lorber Greenfield & Polito LLP
16 3930 E. Ray Road, #260
Phoenix, AZ 85044
17 lhorowitz@lorberlaw.com
lharrach@lorberlaw.com
18 erico@lorberlaw.com
Co-Counsel for Third-Party Plaintiffs
19
20 Shannon Huff
Marcus McGillivray
RAI DUER HUFF PC
21 3033 N. Central Ave., #500
Phoenix, AZ 85012
22 shuff@rdhfirm.com
mmcgillivray@rdhfirm.com
23 Attorneys for Third-Party Defendants Renco Roofing
24
25 Leonard T. Fink
David S. Schopick
SPRINGEL & FINK
3033 N. Central Ave., #500
26 Phoenix,, AZ 85012
lfink@springelfink.com

1 dschopick@springelfink.com
2 pcalaway@springelfink.com
3 Attorneys for Third Party Defendant Sargon Mason
4 Construction, LLC

5 Tom Shorall, Jr.
6 Jason J. Boblick
7 SHORALL MCGOLDRICK ZERLAUT
8 1232 East Missouri Avenue
9 Phoenix, AZ 85014
10 tom@shorallmccgoldrick.com
11 jason@shorallmccgoldrick.com
12 chrissy@shorallmccgoldrick.com
13 Attorneys for Third-Party Defendant Liberty
14 Constructors

15 /s/ Diana Weeks

16 pmanship@burgsimpson.com; jharmon@burgsimpson.com; cnuss@burgsimpson.com;
17 gosberg@burgsimpson.com; azcourt@burgsimpson.com; diw@wb-law.com; barbaras@wb-
18 law.com; jennifera@wb-law.com; marioc@wb-law.com; tammys@wb-law.com;
19 lhorowitz@lorberlaw.com; lharrach@lorberlaw.com; erico@lorberlaw.com;
20 svoepel@lorberlaw.com; tomshorall@smbattorneys.com; jasonboblick@smbattorneys.com;
21 chrissy@shorallmccgoldrick.com; firm@shorallmccgoldrick.com; lfink@springelfink.com;
22 dschopick@springelfink.com; pcalaway@springelfink.com;
23 michaelr.williams@libertymutual.com; faith.mendez@libertymutual.com