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14                                   **IN THE SUPERIOR COURT OF THE STATE OF ARIZONA**  
15                                   **IN AND FOR THE COUNTY OF MARICOPA**

16                  GALLERY COMMUNITY ASSOCIATION,  
17                  an Arizona non-profit corporation,

18                                  Plaintiff,

19                                  v.

20                  K. HOVNANIAN AT GALLERY, LLC, an  
21                  Arizona limited liability company; K.  
22                  HOVNANIAN ARIZONA OPERATIONS,  
23                  LLC, an Arizona limited liability company; K.  
24                  HOVNANIAN DEVELOPMENTS OF  
25                  ARIZONA, INC., an Arizona corporation; K.  
26                  HOVNANIAN COMPANIES OF ARIZONA,  
27                  LLC, an Arizona limited liability company;  
28                  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.

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                                K. HOVNANIAN AT GALLERY, LLC, an  
                                Arizona limited liability company; K.  
                                HOVNANIAN ARIZONA OPERATIONS,  
                                LLC, an Arizona limited liability company; K.  
                                HOVNANIAN DEVELOPMENTS OF

Case No. CV2020-008714

Assigned to Hon. Katherine Cooper

**JOINT STATUS REPORT**

1 ARIZONA, INC., an Arizona corporation; K.  
2 HOVNANIAN COMPANIES OF ARIZONA,  
3 LLC, an Arizona limited liability company;

4 Third-Party Plaintiffs,

5 v.

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

22 Third-Party Defendants.

23 Pursuant to the Court’s July 1, 2022 Trial Setting Conference Reset Order, the  
24 parties signing below certify that they have conferred about the matters set forth in Rule  
25 16(e), and hereby submit the following Joint Status Report. With regard to matters upon  
26 which the parties could not agree, they have set forth their positions separately in item 8  
27 below.

28 1. **Brief description of the case:** This is a construction defect case related to  
The Gallery project, an 18-unit complex in Scottsdale, Arizona (the “Project”). The  
plaintiff is the homeowners association for The Gallery, (hereinafter, the “Association”)  
alleging damage to the Project’s units and common elements as a result of Defendants’  
negligence, breach of implied covenant of good faith and fair dealing, breach of implied  
warranty of workmanlike and habitability, and breach of contract. Plaintiff alleges that

1 Defendants were the builder-vendor, developer and/or were the declarant of the Gallery  
2 project. The Defendants deny the Plaintiff's claims. Defendants/Third-Party Plaintiffs  
3 allege claims for breach of express warranty, breach of implied warranty, breach of  
4 contract, negligence, common law implied indemnity, contractual indemnity, declaratory  
5 relief – re: duty to defend, declaratory relief – re: duty to indemnify, declaratory relief –  
6 re: contractual duties, and contribution against Third-Party Defendants, who were the  
7 subcontracts hired by Defendants to perform work on the Project. Third-Party Defendants  
8 deny Defendants' allegations. No party is seeking non-monetary relief.

9       2.       **Statement of the Status of Discovery and other Pertinent Matters:**

10       3.       **List of Pending Motions or Other Matters:**

- 11       a. Defendants K. Hovnanian at Gallery, LLC's and K. Hovnanian Arizona  
12       Operations, LLC's (collectively the "K. Hovnanian" or "Defendants")  
13       Motion for Summary Judgment regarding Plaintiff's causes of action –  
14       filed on September 30, 2022; Response briefs due on November 4, 2022.
- 15       b. K. Hovnanian's Motion for Summary Judgment regarding claims of  
16       unsupported defects – filed on September 30, 2002; Response briefs due  
17       on November 4, 2022.
- 18       c. Third-Party Defendants Desert Vista, Inc. and Renco, LLC d/b/a Renco  
19       Roofing's Joint Motion for Summary Judgment – filed on September 30,  
20       2022; Response briefs due on November 4, 2022.
- 21       d. Third-Party Defendant Liberty Constructors' Motion for Summary  
22       Judgment – file on September 30, 2022; Response briefs due on  
23       November 4, 2022.

24       4.       **Status of Alternative Dispute Resolution:** The parties participated in  
25 private mediation on July 11, 2022. No resolution was reached between the remaining  
26 parties.

27       5.       **The Parties Anticipate the Case will be Ready for Trial by:** March 2023.

28       6.       **Length of trial:** The estimated length of trial is 15 days.

1           7.     **Other Matters:** Other matters that the parties wish to bring to the court's  
2 attention that may affect management of this case: None

3           8.     **Items upon which the parties do not agree:** None

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5           RESPECTFULLY SUBMITTED this 6th day of October, 2022.

6                           BURG | SIMPSON | ELDREDGE | HERSH | JARDINE PC

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