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9 *Attorneys for Defendants/Third-Party Plaintiffs K. Hovnanian*
10 *at Gallery, LLC and K. Hovnanian Arizona Operations, LLC*

11 **IN THE SUPERIOR COURT OF THE STATE OF ARIZONA**
12 **IN AND FOR THE COUNTY OF MARICOPA**

13
14 GALLERY COMMUNITY ASSOCIATION, an
Arizona non-profit corporation,
15
16 Plaintiff,

17 v.

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

24 Defendants.

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

Case No. CV2020-008714

**DEFENDANTS'/THIRD-PARTY
PLAINTIFFS' CONTROVERTING
STATEMENT OF FACTS IN
RESPONSE AND OPPOSITION TO
THIRD-PARTY DEFENDANT
LEBLANC'S JOINDER IN THIRD-
PARTY DEFENDANTS DESERT
VISTA, INC. AND RENCO LLC dba
RENCO ROOFING'S JOINT
MOTION FOR SUMMARY
JUDGMENT**

(Assigned to the Honorable Katherine
Cooper)

1 LLC, an Arizona limited liability company;
2
3 Third-Party Plaintiffs,
4
5 v.
6 CHAS ROBERTS AIR CONDITIONING, INC.,
7 an Arizona corporation; DESERT VISTA, INC.,
8 an Arizona corporation; GOTHIC
9 LANDSCAPING, INC., a California corporation;
10 HOME BUILDERS SITE SERVICES OF
11 ARIZONA, LLC, an Arizona limited liability
12 company; LEBLANC BUILDING CO., INC., an
13 Arizona corporation; LIBERTY
14 CONSTRUCTORS, LLC, an Arizona limited
15 liability company, dba LIBERTY ARIZONA;
16 RENCO LLC, an Arizona limited liability
17 company, dba RENCO ROOFING; R/S SERVICE
18 & SUPPLY, INC., an Arizona corporation;
19 SARGON MASONRY CONSTRUCTION, LLC,
20 an Arizona limited liability company; and DOES
21 1-50.
22
23 Third-Party Defendants,
24

25 Defendants/Third-Party Plaintiffs K Hovnanian at Gallery, LLC and K. Hovnanian
26 Arizona Operations, LLC (“Defendants/KHov”), hereby submits its Controverting Statement of
27 Facts to LeBlanc Building Co., Inc’s (“LeBlanc”) Separate Statement of Facts in Support of their
28 Joinder in Third-Party Defendant Desert Vista, Inc. and Renco, LLC dba Renco Roofing’s Joint
Motion for Summary Judgment, dated October 3, 2022.

CONTROVERTING STATEMENT OF FACTS

1. The statement set forth in Paragraph 1 of Movant’s Separate Statement of Facts is not contested. LeBlanc, however, omits reference to its Work Agreement specific to the project. See Exhibit A hereto, Work Agreement KHov 1461-1492.
2. The Statement made in Paragraph 2 of Movant’s Separate Statement of Facts is not contested.
3. The Statement made in Paragraph 3 of Movant's Separate Statement of Facts is not contested.
4. The Statement made in Paragraph 4 of Movant's Separate Statement of Facts is not contested.

1 a. Not disputed that LeBlanc disclosed its expert report. However, LeBlanc expert
2 Evan J. Marshall of BSC Forensics did provide opinions regarding causation of
3 defects and parties' responsibility. Mr. Marshall opined in his report about whether
4 certain defects were attributable to LeBlanc's scope of work and his conclusions
5 that those items did not arise from LeBlanc's workmanship. LeBlanc's Exhibit 2 at
pp. 14, 16, 20 / LEBLANC 002700, 2702, 2706. For some conditions he opined the
conditions were the responsibility of subcontractors who installed roofing, flashing,
and stucco. *Id.*

6 Dated: November 7, 2022

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19 Original of the foregoing e-filed
this 7th day of November, 2022 with:

20 Clerk of the Court
Maricopa County Superior Court
21 101 W. Jefferson
Phoenix, AZ 85003

22
23 COPY of the foregoing emailed this
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