

Exhibit A

WORK AGREEMENT

Date Issued: 7/21/2016 Project Name: Gallery
Subcontractor: RENCO Roofing Project County: Maricopa
Trade: Roofing

This Work Agreement is entered into as of the last date set forth after the parties' signatures below by and between K. Hovnanian Great Western Building Company, LLC, an Arizona limited liability company ("Contractor") and the Subcontractor identified above.

1. This Work Agreement incorporates by reference that certain Master Subcontract Agreement described above between Contractor and Subcontractor and all terms and provisions set forth therein. In the event of any irreconcilable inconsistency between the terms and provisions of this Work Agreement and the terms and provisions of the Master Subcontract Agreement, the terms and provisions of the Master Subcontract Agreement shall prevail, unless Contractor and Subcontractor specifically indicate their intent herein to supersede any term or provision in the Master Subcontract Agreement by identifying specifically such term or provision being superseded and indicating their intent to supersede such term or provision by separately initialing the paragraph herein in which it appears. This Work Agreement shall apply with respect to all work performed by Subcontractor on the Project described above (the "Project") and is intended to constitute a stand-alone contract, except to the extent otherwise provided in the Master Subcontract Agreement.

2. Unless earlier terminated in accordance with the terms and provisions of the Master Subcontract Agreement, this Work Agreement shall remain in full force and effect until completion of the Work on the Project. All contract pricing will be held through completion of the Work on the Project. Any revisions to the pricing after this Work Agreement will require a 30 day notice, in writing, and Contractor shall be entitled to seek a re-bid from other subcontractors if pricing is changed.

3. The Scope of Work under this Work Agreement shall be as provided in the Master Subcontract Agreement, the scope of which is more fully defined in Exhibit A - Scope of the Work, hereto.

(a) Subcontractor will comply with all conditions of the applicable Storm Water Pollution Prevention Plan (SWPPP), as more fully set forth in Exhibit E to the Master Subcontract Agreement.

(b) Subcontractor will comply with all conditions of the applicable dust control permit and future renewal permits as more fully set forth in Exhibit E to the Master Subcontract Agreement.

4. Pricing under this Work Agreement shall be as provided in: [check one]: Exhibit B - Pricing of the Master Subcontract Agreement or Exhibit B - Pricing hereto.

5. Payment Schedule: Per the Payment Process Procedure Memo and LR3 Calendar for the applicable year. Retained Percentage: None

This Work Agreement is executed under the hands and seals of the parties, effective as of the last date set forth below the parties' signatures below.

As to Subcontractor:
Signature: [Signature]
Printed Name: BARRY KUNYELA
Title: SALES Estimator
Date: 8/25/2016

As to Contractor:
Signature: [Signature]
Printed Name: Lavaughn Wright
Title: Dir of Purchasing
Date: 8/26/16

V# 281241
C# 1800160

Request for Change

Trade Partner: **Renco Roofing**
 Trade Partner #: **281241**
 Community Name/Code: **144400000 - Gallery**
 Phase: **1**
 Material Code & Description: **451062**

Revision: **1**
 Prepared By: **Sam Flores**
 Date: **10/25/2016**
 Option Price Changes: **NO**

New Trade Partner: No
 If YES, Current Trade Partner


Plan	Elevation	Sq. Ft.	Original Pricing			Current Pricing			New Pricing			Variances			
			Pricing	\$/Sq. Ft.	Diff to	Pricing	\$/Sq. Ft.	Diff to	Pricing	\$/Sq. Ft.	Diff to	% to	% to	\$/Sq. Ft.	\$/Sq. Ft.
30-1210		1777	\$ 3,850	2.17	(2,055)	\$3,850	2.17	0	\$1,795	1.01	(2,055)	-53.38%	-53.38%	(\$1.16)	(\$1.16)
31-1211		2175	\$ -	0.00	0	\$0	0.00	0		0.00	0	#DIV/0!	#DIV/0!	\$0.00	\$0.00
32-1212		2141	\$ -	0.00	0	\$0	0.00	0		0.00	0	#DIV/0!	#DIV/0!	\$0.00	\$0.00
			#N/A	#N/A	#N/A	#DIV/0!	#DIV/0!	#N/A	#DIV/0!	#DIV/0!	0	#DIV/0!	#N/A	#DIV/0!	#DIV/0!
			#REF!	#REF!	#REF!	#DIV/0!	#REF!	#REF!	#DIV/0!	#REF!	0	#DIV/0!	#REF!	#DIV/0!	#DIV/0!
			#REF!	#REF!	#REF!	#DIV/0!	#REF!	#REF!	#DIV/0!	#REF!	0	#DIV/0!	#REF!	#DIV/0!	#DIV/0!
			#REF!	#REF!	#REF!	#DIV/0!	#REF!	#REF!	#DIV/0!	#REF!	0	#DIV/0!	#REF!	#DIV/0!	#DIV/0!
			#REF!	#REF!	#REF!	#DIV/0!	#REF!	#REF!	#DIV/0!	#REF!	0	#DIV/0!	#REF!	#DIV/0!	#DIV/0!
			#REF!	#REF!	#REF!	#DIV/0!	#REF!	#REF!	#DIV/0!	#REF!	0	#DIV/0!	#REF!	#DIV/0!	#DIV/0!
			#REF!	#REF!	#REF!	#DIV/0!	#REF!	#REF!	#DIV/0!	#REF!	0	#DIV/0!	#REF!	#DIV/0!	#DIV/0!
			#REF!	#REF!	#REF!	#DIV/0!	#REF!	#REF!	#DIV/0!	#REF!	0	#DIV/0!	#REF!	#DIV/0!	#DIV/0!
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			#REF!	#REF!	#REF!	#DIV/0!	#REF!	#REF!	#DIV/0!	#REF!	0	#DIV/0!	#REF!	#DIV/0!	#DIV/0!
			#REF!	#REF!	#REF!	#DIV/0!	#REF!	#REF!	#DIV/0!	#REF!	0	#DIV/0!	#REF!	#DIV/0!	#DIV/0!
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			#REF!	#REF!	#REF!	#DIV/0!	#REF!	#REF!	#DIV/0!	#REF!	0	#DIV/0!	#REF!	#DIV/0!	#DIV/0!
			#REF!	#REF!	#REF!	#DIV/0!	#REF!	#REF!	#DIV/0!	#REF!	0	#DIV/0!	#REF!	#DIV/0!	#DIV/0!
AVERAGE		2031	#N/A	#N/A	#N/A	\$1,283	#DIV/0!	#N/A	\$598	#DIV/0!	(\$171)	#DIV/0!	#DIV/0!	#DIV/0!	#DIV/0!

Date: 10/25/16 Initials: EF
 Change Complete: X 10/25/16
 Lot Revisions: Yes No
 Set Sales Pricing: NA
 Ran Schedule A: X
 Entered in Log: X

Start Date: 10/25/16 Good Through Date: 10/25/16
 Reason for Change: Remove Plydeck from contract. Stairs will now be metal.

Lots for revision: NA 0001, 0003, 0014, 0018

Initial _____ Date _____

Accepted:  Date: 10/25/16 In El:

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History:							
Date	Reason	Date	Reason	Date	Reason	Date	Reason
10/25/16	Remove Plydeck from contract. Stairs will now be metal.						

Vendor Schedule A

Vendor #: 281241 RENCO Roofing
 Vendor Address: 11201 N 23rd Avenue
 Phoenix AZ 85029
 Payment Terms: Net 30 Days

Phone #: 602 867-9386
 Fax #: 602 867-9887
 E-Mail Address:
 Contact:

Gallery - CM Phase 001
 Vendor 281241
 Eff: Exp:
 Base House and Options
 Notification Items Included
 Custom Option Items Excluded
 Show Details and Totals

Area 140 Community 144400000 Gallery - CM Phase 001

Contract #	Cost Code	Cost Code Description	Plan	Elevation	Item #	Item Description	Option #	Option Description	Contract Cost	Bid Factor	Factor	Divisor	Unit Cost	Tax Y/N	UOM
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Remove Plydeck from contract. Stairs will now be metal.

1800160	423011	Roofing Drw 1 T	1210	+					2,209.00	1.000000					N
1800160	423012	Roofing Drw 2 T	1210	+					946.00	1.000000					N
			1210	+			Base House	Plan/Elev 1210 / +	Total	3,155.00					
1800160	423011	Roofing Drw 1 T	1211	+					2,534.00	1.000000					N
1800160	423012	Roofing Drw 2 T	1211	+					1,086.00	1.000000					N
			1211	+			Base House	Plan/Elev 1211 / +	Total	3,620.00					
1800160	423012	Roofing Drw 2 T	1211	+			STL00429	Roof Deck	4,800.00	1.000000					N
1800160	423011	Roofing Drw 1 T	1212	+					2,506.00	1.000000					N
1800160	423012	Roofing Drw 2 T	1212	+					1,074.00	1.000000					N
			1212	+			Base House	Plan/Elev 1212 / +	Total	3,580.00					
1800160	423012	Roofing Drw 2 T	1212	+			STL00429	Roof Deck	4,865.00	1.000000					N
1800160	451062	Deck, Waterproof Drw 2	1210	+					1,795.00	1.000000					N
			1210	+			Base House	Plan/Elev 1210 / +	Total	1,795.00					
1800160	451062	Deck, Waterproof Drw 2	1211	+					1,430.00	1.000000					N
			1211	+			Base House	Plan/Elev 1211 / +	Total	1,430.00					
1800160	451062	Deck, Waterproof Drw 2	1212	+					2,730.00	1.000000					N
			1212	+			Base House	Plan/Elev 1212 / +	Total	2,730.00					

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Fax #: 602 867-9887

E-Mail Address:
Contact:

Gallery - CM Phase 001
Vendor 281241
Eff: Exp:
Base House and Options
Notification Items Included
Custom Option Items Excluded
Show Details and Totals

Area 140 Community 144400000 Gallery - CM Phase 001

Contract # Cost Code Cost Code Description Plan Elevation Item # Item Description
K. Hovnanian Authorized Signature:  Date: 11/15/16

Option # Option Description
Trade Partner Authorized Signature: 

Contract Cost Bid Factor Factor Divisor Unit Cost Tax Y/N UOM
Date: 11/10/2016

Vendor Schedule A

Vendor #: 281241 RENCO Roofing
 Vendor Address: 11201 N 23rd Avenue
 Phoenix AZ 85029
 Payment Terms: Net 30 Days

Phone #: 602 867-9386
 Fax #: 602 867-9887

E-Mail Address:
 Contact:

Gallery - CM Phase 001
 Vendor 281241
 Eff: Exp:
 Base House and Options
 Notification Items Included
 Custom Option Items Excluded
 Show Details and Totals

Area 140 Community 144400000 Gallery - CM Phase 001

Contract #	Cost Code	Cost Code Description	Plan	Elevation	Item #	Item Description	Option #	Option Description	Contract Cost	Bid Factor	Factor	Divisor	Unit Cost	Tax Y/N	UOM
<i>Original Bid</i>															
1800160	423011	Roofing Drw 1 T	1210	+					2,209.00	1.000000				N	
1800160	423012	Roofing Drw 2 T	1210	+					946.00	1.000000				N	
			1210	+			Base House	Plan/Elev 1210 / + Roofing	Total	3,155.00					
1800160	423011	Roofing Drw 1 T	1211	+					2,534.00	1.000000				N	
1800160	423012	Roofing Drw 2 T	1211	+					1,086.00	1.000000				N	
			1211	+			Base House	Plan/Elev 1211 / + Roofing	Total	3,620.00					
1800160	423012	Roofing Drw 2 T	1211	+			STL00429	Roof Deck	4,800.00	1.000000				N	
1800160	423011	Roofing Drw 1 T	1212	+					2,506.00	1.000000				N	
1800160	423012	Roofing Drw 2 T	1212	+					1,074.00	1.000000				N	
			1212	+			Base House	Plan/Elev 1212 / + Roofing	Total	3,580.00					
1800160	423012	Roofing Drw 2 T	1212	+			STL00429	Roof Deck	4,865.00	1.000000				N	
1800160	451062	Deck, Waterproof Drw 2	1210	+					3,850.00	1.000000				N	
			1210	+			Base House	Plan/Elev 1210 / + Decks, Waterproofing	Total	3,850.00					
1800160	451062	Deck, Waterproof Drw 2	1211	+					1,430.00	1.000000				N	
			1211	+			Base House	Plan/Elev 1211 / + Decks, Waterproofing	Total	1,430.00					
1800160	451062	Deck, Waterproof Drw 2	1212	+					2,730.00	1.000000				N	
			1212	+			Base House	Plan/Elev 1212 / + Decks, Waterproofing	Total	2,730.00					

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Area 140 Community 144400000 Gallery - CM Phase 001

Contract #	Cost Code	Cost Code Description	Plan	Elevation	Item #	Item Description
K. Hovmanian Authorized Signature: 						
					Date:	

Option # Option Description
 Trade Partner Authorized Signature: 

Contract Cost Bid Factor Factor Divisor Unit Cost Tax Y/N UOM
 Date: _____

Exhibit B

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IN THE SUPERIOR COURT OF THE STATE OF ARIZONA

IN AND FOR THE COUNTY OF MARICOPA

GALLERY COMMUNITY ASSOCIATION, an Case No. CV2020-008714
Arizona non-profit corporation,

Plaintiff,

v.

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

~~~~~  
AND RELATED THIRD-PARTY ACTION.  
~~~~~

VIDEOCONFERENCE DEPOSITION OF WEST HARRINGTON,

APPEARING REMOTELY FROM

RANCHO CUCAMONGA, CALIFORNIA

September 6, 2022

9:01 a.m., PDT

Reported by Eve K. Burton, RPR, CRR,
Arizona CR Certificate No. 50261, California CSR No. 12527

Job No. J8562083

1 so that tells me that the last time this document was
2 updated was July 6th. To the extent there have been
3 additional documents since then -- and I don't believe
4 there have been many. I know that there's been a
5 deposition or two. Otherwise, I don't -- I would say that
6 this is probably quite complete.

7 Q. Okay. Have you -- have you been provided with
8 copies of any depositions?

9 A. Yes. I have read the transcript of Plaintiff's
10 primary liability expert, Edward Fronapfel.

11 Q. Okay. The deposition -- have you -- sorry. Let
12 me ask that a different way.

13 So you got a draft version of that, I
14 presume?

15 A. I don't recall if it was a rough or if it was a
16 final. It certainly was a complete transcript, in my mind
17 there, so I believe it was probably a final, but I'm not
18 certain. I did read it, and I certainly didn't have any
19 trouble reading it, and that makes me think it was either
20 a very good rough or it was a final. And I received that
21 on this past Friday, the 2nd, I think.

22 Q. Okay. And you've got a column for dates
23 received, or "Received Date," in your case document index?

24 A. Correct.

25 Q. Okay. Did you generate this index?

1 A. No. It's just maintained by our project
2 coordinators.

3 Q. Okay. This document contains a reference to
4 "Plaintiff demand to Desert Vista dated 12/10/21 and
5 Subcontractor Allocation Summary," Bates number 5, receive
6 date 12/10/21. Do you see that?

7 A. I do.

8 Q. Is that a document that you recall receiving?

9 A. I mean, I don't specifically recall receiving it,
10 but I mean, it's -- I reviewed everything that's in this
11 matrix.

12 Q. Okay. And your staff prepared this matrix?

13 A. Correct.

14 Q. Okay. Just going to tab through this. There are
15 certain documents and photographs I see that were provided
16 after your report in relation to roof repairs or temporary
17 roof repairs. Did any of those have anything to do with
18 your observations --

19 Or let me ask that a different way. Did any
20 of the photographs that you've received for the site after
21 you prepared your report have any impact on your opinions
22 as set forth in your reports in this case?

23 A. No. I reviewed them, but there was nothing about
24 those photographs that necessitated a reconsideration of
25 the opinions that I'd issued in my report.

