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5 *Attorney for Third-Party Defendants Renco, LLC dba Renco Roofing and Desert Vista, Inc.*

6 **IN THE SUPERIOR COURT OF THE STATE OF ARIZONA**

7 **IN AND FOR THE COUNTY OF MARICOPA**

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

10 Plaintiff;

11 v.

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

20 Defendants.

21
22 KHOVNANIAN AT GALLERY, LLC,
an Arizona limited liability company;
23 KHOVNANIAN ARIZONA
OPERATIONS, LLC, an Arizona limited
24 liability company; KHOVNANIAN

NO. CV2020-008714

**DECLARATION IN SUPPORT OF
THIRD-PARTY DEFENDANTS RENCO,
LLC DBA RENCO ROOFING AND
DESERT VISTA, INC.'S JOINT
APPLICATION FOR ATTORNEYS'
FEES, COSTS, & EXPERT FEES**

*(Assigned to the Honorable Katherine
Cooper)*

1 DEVELOPMENTS OF ARIZONA, INC.,
2 an Arizona corporation; KHOVNANIAN
3 COMPANIES OF ARIZONA, LLC, an
4 Arizona limited liability company;

5
6 Third-Party Plaintiffs

7 v.

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

Third-Party Defendants.

18 STATE OF ARIZONA)
19) ss.
20 County of Maricopa)

21 I, Rina Rai, being first duly sworn upon her oath, deposes and states:

22 1. I am an attorney licensed to practice in the State of Arizona and have been so
23 licensed since 1998.

1 2. Along with Mohamad Tokko, I am counsel of record for Third-Party Defendants
2 Renco, LLC dba Renco Roofing and Desert Vista, Inc. (“Renco” and “Desert Vista”
3 respectively) in the above-captioned action.

4 3. This Declaration is being submitted in conjunction with Renco and Desert Vista’s
5 Joint Application for Attorneys’ Fees and Costs pursuant to this Court’s Under Advisement
6 Ruling on February 8, 2023, granting KHov’s Motion for Summary Judgment.

7 4. I have capacity and authority to make this Declaration in Support of Renco and
8 Desert Vista’s Joint Application for Attorneys’ Fees in defending this matter. This declaration
9 is based upon my personal knowledge from having rendered legal services to Renco and Desert
10 Vista and from having reviewed the business records of the law firm. Rai Duer maintains such
11 records in the normal and customary course of business.

12 5. A detailed description of the services performed is set forth in the attached
13 itemized billing index, together with the date of such services, the attorney or paralegal
14 performing such services, and the time expended in performing such services, attached hereto
15 as **Exhibit A** (Renco) and **Exhibit B** (Desert Vista) and incorporated herein by reference.

16 6. The costs incurred by Renco in defense of this action total \$4,660.19, attached
17 hereto as **Exhibit C**. These costs pertain to filing fees and mediation services and are recoverable
18 pursuant to A.R.S. § 12-341.01, among others.

19 7. The costs incurred by Desert Vista in defense of this action total \$4,391.64,
20 attached hereto as **Exhibit C**. These costs pertain to filing fees and mediation services and are
21 recoverable pursuant to A.R.S. § 12-341.01, among others.

22 8. The total amount of attorneys’ fees incurred by Renco in defending this matter
23 through February 17, 2023, are \$115,209.00, **Exhibit A**. The total amount of discretionary costs
24

1 under A.R.S. § 12-341 are \$4,660.19. **The grand total amount requested for Renco is**
2 **\$119,869.19.**

3 9. The total amount of attorneys' fees incurred by Desert Vista in defending this
4 matter through February 17, 2023, are \$86,715.50, **Exhibit B.** The total amount of discretionary
5 costs under A.R.S. § 12-341 are \$4,391.64. **The grand total amount requested for Desert**
6 **Vista is \$91,107.14.**

7 10. Those fees were incurred at the rate of \$195.00 per hour for services performed
8 by partners, \$180.00 per hour for services performed by associates and \$95.00 per hour for
9 services performed by paralegals.

10 11. Those rates are consistent with, or below, the prevailing rate in the community and
11 should be considered reasonable given the knowledge and experience of the attorneys that
12 incurred fees related hereto.

13 12. In addition to myself, associate Mohamad Tokko and Marcus McGillivray
14 provided attorney services to defend the meritless claims and prepare this matter for trial.

15 13. I believe the attorney fees of \$201,924.50 and discretionary costs of \$9,051.83 are
16 reasonable under the circumstances of having to defend this case nearly three years of litigation
17 that ultimately ended in summary judgment, despite multiple attempts to resolve the matter. All
18 of the attorneys' fees and costs were proper, necessary, and reasonable in defending this case.

19 14. The total amount of expert fees incurred by Renco in defending this matter is
20 \$43,140.34, attached hereto as **Exhibit D.**

21 15. The total amount of expert fees incurred by Desert Vista in defending this matter
22 is \$48,714.00, attached hereto as **Exhibit E.**

23 16. I declare under penalty of perjury that the foregoing is true and correct.
24

Service List

Gallery Community Association v. K. Hovnanian at Gallery, LLC

CV2020-008714

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