

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

CV 2020-008714

06/10/2022

HONORABLE KATHERINE COOPER

CLERK OF THE COURT
E. Wolf
Deputy

GALLERY COMMUNITY ASSOCIATION

PENNY JANE MANSHIP

v.

K HOVNANIAN AT GALLERY L L C, et al.

AMY WILKENS

R/S SERVICE & SUPPLY INC
NO ADDRESS ON RECORD
STEPHEN BEST
JASON J BOBLICK
LEONARD T FINK
AMANDA R HOUGH
HOME BUILDERS SITE SERVICES OF
ARIZONA L L C
NO ADDRESS ON RECORD
MOHAMAD TOKKO
M. RYAN WILLIAMS
DENNIS I WILENCHIK
TERESA HAYASHI WALES
BARBARA JEAN STANSIL
C COLE CRABTREE
MICHAEL A LUDWIG
THOMAS J SHORALL JR.
SHANNON G HUFF
DAVID S SCHOPICK
JUDGE COOPER

ORAL ARGUMENT HELD/MATTER UNDER ADVISEMENT

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East Court Building – Courtroom 711

9:30 a.m. This is the time set for an Oral Argument regarding Third-Party Defendants Desert Vista, Inc. and Renco, LLC's Joint Objection and Motion to Preclude Defendants/Third-Party Plaintiffs' Untimely and New Expert Reports and Opinions, filed March 29, 2022. The following appear:

- On behalf of Plaintiff Gallery Community Association counsel of record, Penny Jane Manship, appearing virtually via Court Connect.
- On behalf of Defendants/Third-Party Plaintiffs K. Hovnanian At Gallery, LLC, K. Hovnanian Arizona Operations, LLC, and K. Hovnanian Companies of Arizona, LLC; and Third-Party Plaintiff K. Hovnanian Developments of Arizona, Inc. (collectively, "Khov") counsel of record, Amy Wilkens, and co-counsel, Louis Horowitz.
- On behalf of Third-Party Defendants Desert Vista, Inc. and Renco, LLC ("Desert Vista/Renco") counsel, Shannon G. Huff, appearing telephonically for counsel of record, Mohamad Tokko.
- On behalf of Third-Party Defendant Liberty Constructors, LLC counsel of record, Jason J. Boblick, appearing telephonically.

No other parties appear and/or represented by counsel.

A record of the proceeding is made digitally in lieu of a court reporter.

Argument regarding Desert Vista/Renco's Joint Objection and Motion to Preclude Defendants/Third-Party Plaintiffs' Untimely and New Expert Reports and Opinions, filed March 29, 2022, is presented.

Based upon argument presented, and for reasons stated on the record,

IT IS ORDERED that the Khov and Desert Vista/Renco shall jointly prepare a spreadsheet that provides a side-by-side summary of a) Plaintiff's initial and supplemental expert opinions/reports, 2) Khov's initial expert disclosure, 3) Khov's supplemental expert disclosure, and 4) Desert Vista/Renco's expert disclosure. For each disclosure/set of reports, the Court summaries should be limited to the top 8 most material opinions. If the parties do not agree on the material points to be included, they shall designate their respective position in the document.

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IT IS FURTHER ORDERED that Desert Vista/Renco shall prepare a list of anticipated discovery that it believes would be necessary to address Khov's February 2002 expert disclosure and reports.

IT IS FURTHER ORDERED that Khov and Desert Vista/Renco shall prepare a Timeline (using the timeline provided in Khov's Response as a starting point) of the expert disclosures and communications between the parties, including emails, phone calls, and meetings regarding the disclosure of expert opinions.

IT IS FURTHER ORDERED that the above-described supplemental documents ordered by the Court shall be filed no later than **June 24, 2022**. Counsel shall also email a copy IN WORD FORMAT to the Court's Judicial Assistant Avery Vaughn at Avery.Vaughn@jbazmc.maricopa.gov.

IT FURTHER ORDERED that upon receiving all requested statements and/or documents the Court shall take Desert Vista/Renco's Joint Objection and Motion to Preclude Defendants/Third-Party Plaintiffs' Untimely and New Expert Reports and Opinions, filed March 29, 2022, under advisement.

IT IS FURTHER ORDERED affirming the virtual Trial Setting Conference set on **August 12, 2022 at 8:45 a.m. (time allotted: 15 minutes)** in this division.

10:14 a.m. Matter concludes.