

IN THE SUPREME COURT OF THE STATE OF NEVADA

KIMBALL HILL HOMES NEVADA,
INC., A NEVADA CORPORATION,
Petitioner,

vs.

THE EIGHTH JUDICIAL DISTRICT
COURT OF THE STATE OF NEVADA,
IN AND FOR THE COUNTY OF
CLARK, AND THE HONORABLE
ALLAN R. EARL, DISTRICT JUDGE,
Respondents,

and

PALERMO HOMEOWNERS
ASSOCIATION; HARRY P. LEE,
INDIVIDUALLY; ANTHONY WALES,
INDIVIDUALLY; AND THOMAS
OKERLAND, INDIVIDUALLY, FOR
THEMSELVES AND THOSE
SIMILARLY SITUATED,
Real Parties in Interest.

No. 43034

FILED

JUN 25 2004

JANETTE M. BLOCH,
CLERK OF SUPREME COURT
BY *J. Richard*
CHIEF DEPUTY CLERK

ORDER DISMISSING PETITION
FOR WRIT OF MANDAMUS


This original petition for a writ of mandamus challenges a district court's class certification order. On May 19, 2004, petitioner filed in this court a "Notice of Withdrawal of Petition." We construe the notice as a motion to dismiss, and we grant the motion.¹ The parties shall bear


¹NRAP 42(b).

their own costs and attorney fees.

It is so ORDERED.²

 _____, J.
Becker

 _____, J.
Agosti

 _____, J.
Gibbons

cc: Hon. Allan R. Earl, District Judge
Green & Hall
Hardy & Woodman
Quon Bruce Law Firm
Clark County Clerk

²We vacate our March 29, 2004 order directing the real parties in interest to file an answer.