

IN THE SUPREME COURT OF THE STATE OF NEVADA

BEAZER HOMES HOLDINGS CORP., A
DELAWARE CORPORATION; DMB
CONSOLIDATED HOLDINGS, LLP;
AND BEAZER HOMES NEVADA, INC.,
A PROPERLY DISSOLVED NEVADA
CORPORATION,

Petitioners,

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

WILLIAM R. ROBINSON,
Real Party in Interest.

No. 43174

FILED

MAR 28 2005

JANETTE M. BLOOM
CLERK OF SUPREME COURT
BY *J. Richards*
CHIEF DEPUTY CLERK

ORDER GRANTING PETITION
FOR WRIT OF MANDAMUS


This is an original petition for writ of mandamus or prohibition challenging a district court's class certification order.


In granting the homeowners' motion to certify the class of homeowners, the district court abused its discretion in failing to discuss, in its class certification order or in its ruling from the bench,¹ how the availability of construction defect procedures and remedies under NRS Chapter 40 affects the merits of class certification under NRCP 23. We therefore grant the petition and direct the clerk of this court to issue a


¹We note that the earliest date from which this court possesses hearing transcripts in this case is November 12, 2003.


writ of mandamus instructing the district court to decertify the class and render a determination in accordance with this order. In rendering its determination, the district court is instructed to consider, in addition to NRS Chapter 40 issues bearing upon class certification, alternate procedures under NRCP 16, 16.1(f) and/or 19(a)(2)(ii) in the prospective management of the litigation.

It is so ORDERED.

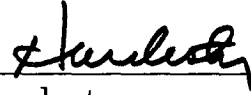

_____, C.J.
Becker


_____, J.
Rose


_____, J.
Maupin


_____, J.
Gibbons


_____, J.
Douglas


_____, J.
Hardesty


_____, J.
Parraguirre

cc: Hon. Allan R. Earl, District Judge
Koeller Nebeker Carlson & Haluck, LLP
Jimmerson Hansen
Clark County Clerk