

IN THE SUPREME COURT OF THE STATE OF NEVADA

COLLEEN FULLER, INDIVIDUALLY,  
AND ON BEHALF OF ALL OTHERS  
SIMILARLY SITUATED,

Petitioner,

vs.

THE EIGHTH JUDICIAL DISTRICT  
COURT OF THE STATE OF NEVADA,  
IN AND FOR THE COUNTY OF  
CLARK, AND THE HONORABLE  
MICHAEL CHERRY, DISTRICT  
JUDGE,

Respondents,

and

BEAZER HOMES NEVADA, INC., A  
DISSOLVED NEVADA CORPORATION;  
BEAZER HOMES HOLDINGS CORP., A  
NEVADA CORPORATION; AND  
BEAZER HOMES USA, A GEORGIA  
CORPORATION,

Real Parties in Interest.

No. 45185

**FILED**

APR 17 2006

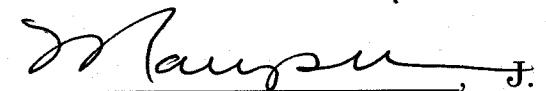
JANETTE M. BLOOM  
CLERK OF SUPREME COURT  
BY *J. Richards*  
CHIEF DEPUTY CLERK

ORDER DENYING PETITION  
FOR WRIT OF MANDAMUS OR PROHIBITION

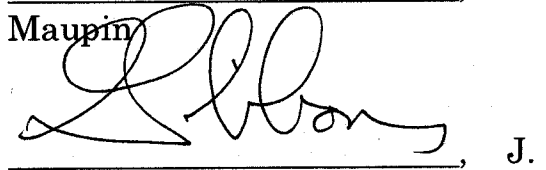
This original petition for writs of mandamus and prohibition challenges a district court order denying petitioner's motion for class action certification, a district court order denying reconsideration of that order, and the district court's denial of petitioner's request for an evidentiary hearing at which evidence in support of class action certification would have been presented in the underlying constructional defect case.

In Shuette v. Beazer Homes Holdings Corp.,<sup>1</sup> this court recently concluded that, “as a practical matter, single-family residence constructional defect cases will rarely be appropriate for class action treatment.”<sup>2</sup> Here, petitioner challenges the district court’s refusal to certify the proposed class in the underlying case, which is a single-family residence constructional defect case. Specifically, petitioner seeks a writ of prohibition requiring the district court to desist from requiring petitioner’s counsel to sign up a minimum number of class members as a condition for class action certification and a writ of mandamus directing the district court to grant petitioner an evidentiary hearing at which petitioner would attempt to demonstrate that petitioner has satisfied the numerosity requirement for class action certification. In light of this court’s decision in Shuette, however, it appears that our intervention by way of extraordinary relief is not warranted.<sup>3</sup> Accordingly, we

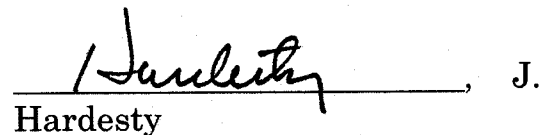
ORDER the petition DENIED.

 J.

Maupin

 J.

Gibbons

 J.

Hardesty

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<sup>1</sup>121 Nev. \_\_\_, 124 P.3d 530 (2005).

<sup>2</sup>Id. at \_\_\_, 124 P.3d at 542.

<sup>3</sup>Smith v. District Court, 107 Nev. 674, 818 P.2d 849 (1991).

cc: Hon. Michael A. Cherry, District Judge  
Terry L. Wike  
Koeller Nebeker Carlson & Haluck, LLP  
Clark County Clerk