

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,

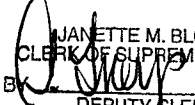
Respondents,
and

BEAZER HOMES NEVADA, INC., A
DISSOLVED NEVADA CORPORATION;
BEAZER HOMES HOLDINGS CORP., A
NEVADA CORPORATION; AND
BEAZER HOMES USA, INC., A
GEORGIA CORPORATION,
Real Parties in Interest.

No. 45777

FILED

AUG 26 2005

JANETTE M. BLOOM
CLERK OF SUPREME COURT
BY  DEPUTY CLERK

ORDER DENYING PETITION FOR WRIT OF MANDAMUS

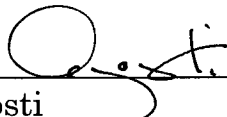
This is an original petition for a writ of mandamus seeking to compel the district court to issue a protective order to prevent potential spoliation of evidence in a construction defect lawsuit.

We have considered this petition, and we are not satisfied that our intervention by way of extraordinary relief is warranted at this time. Accordingly, we deny the petition.¹

It is so ORDERED.²


_____, V.C.J.
Rose


_____, Sr. J.
Shearing


_____, Sr. J.
Agosti

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

¹See NRAP 21(b); Smith v. District Court, 107 Nev. 674, 818 P.2d 849 (1991). In light of this order, we deny as moot petitioner's August 17, 2005 motion for an expedited decision.

²The Honorable Miriam Shearing, Senior Justice, and the Honorable Deborah A. Agosti, Senior Justice, participated in the decision of this matter under a general order of assignment entered on July 14, 2005.