

IN THE SUPREME COURT OF THE STATE OF NEVADA

ROBERT GUNDERSON, INDIVIDUALLY;
PHYLLIS GUNDERSON, INDIVIDUALLY;
SHARRON LIBBY, INDIVIDUALLY; JAMES
BLANOINA, INDIVIDUALLY; BARRY
LAYTON, INDIVIDUALLY; TOMI DUREN,
INDIVIDUALLY; LINDA WATERS,
INDIVIDUALLY; JESSICA GRANT,
INDIVIDUALLY; STEVEN CHIMENTO,
INDIVIDUALLY; CHERYL CHIMENTO,
INDIVIDUALLY, FOR THEMSELVES AND
ALL OTHERS SIMILARLY SITUATED;
CLIFFORD COUSER, INDIVIDUALLY;
CHALINA COUSER, INDIVIDUALLY;
PAULA WIGGER, INDIVIDUALLY;
DEANNA DAVIS, INDIVIDUALLY; DICK
JONES, INDIVIDUALLY; ED REARDON,
INDIVIDUALLY; SHERI BRUNETTE,
INDIVIDUALLY; STEVEN IRELAND,
INDIVIDUALLY; MICHELLE CLAPPER,
INDIVIDUALLY; MESSINA KLEIN,
INDIVIDUALLY; ALICIA JACKSON,
INDIVIDUALLY; NANCY JANSEN,
INDIVIDUALLY; JOHN MENICHELLI,
INDIVIDUALLY; THOMAS SHARRAI,
INDIVIDUALLY; SHARON BYRAM,
INDIVIDUALLY; RODERICK COLEMAN,
INDIVIDUALLY; SUZANNE ALLEN,
INDIVIDUALLY; CASEY MCCULLOGH,
INDIVIDUALLY; ELLIE SEYBOLD,
INDIVIDUALLY; ROBERT WEBER,
INDIVIDUALLY; KAREN KELLISON,
INDIVIDUALLY; JUAN LOPEZ,
INDIVIDUALLY; AMELIA BENNETT,
INDIVIDUALLY; HELEN SCUNGIO,
INDIVIDUALLY; SHONNA MAYFIELD,
INDIVIDUALLY; JEFF HELPER,
INDIVIDUALLY; MARY RAMOS,
INDIVIDUALLY; GIUSEPPE GEROSOLINO,
INDIVIDUALLY; GUNTHER PAUL,
INDIVIDUALLY; SHARON EPSEIN,

No. 46639

FILED

FEB 28 2006

ANNE M. CLARK
CLERK OF SUPREME COURT
DEPUTY CLERK

INDIVIDUALLY; KURT VON DE BUSSCHE,
INDIVIDUALLY; WENDY MURATA,
INDIVIDUALLY; VANESSA CASER,
INDIVIDUALLY; WANDA BERKHOLTZ,
INDIVIDUALLY; IRVING HART,
INDIVIDUALLY; TAMMY BREEDER,
INDIVIDUALLY; GREGORY GABA,
INDIVIDUALLY; DENNIS WERRA,
INDIVIDUALLY; ROBERT BRUCE,
INDIVIDUALLY; BONNIE BRUCE,
INDIVIDUALLY; JOANNE PETERSON,
INDIVIDUALLY; PATTI OVERMAN,
INDIVIDUALLY; MIGUEL SANTANA,
INDIVIDUALLY; DESIREE SANTANA,
INDIVIDUALLY; GAGANATH PYARA,
INDIVIDUALLY; SHLOMI SHALOM,
INDIVIDUALLY; AMANUAL ASFAHA,
INDIVIDUALLY; EDIT MOLNAR,
INDIVIDUALLY; AND PATRICIA LAROCK-
BARRETT, INDIVIDUALLY,

Petitioners,

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

D.R. HORTON, INC., A DELAWARE
CORPORATION,

Real Party in Interest,


ORDER DENYING PETITION
FOR WRIT OF MANDAMUS OR PROHIBITION

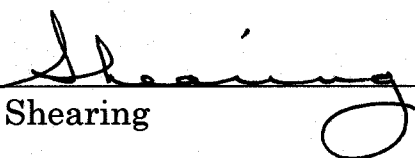
This is an original petition for writ of mandamus, or in the alternative, prohibition, from district court orders appointing a special master to oversee repair efforts during the pre-litigation phase in a

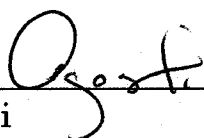
constructional defect case. Petitioners have also filed a motion to stay enforcement of the orders.

We have considered the petition, and we are not persuaded that petitioners have met their burden of demonstrating that our intervention by way of extraordinary relief is warranted.¹ Accordingly, we deny the petition.²

It is so ORDERED.³


_____, C.J.
Rose


_____, Sr. J.
Shearing


_____, Sr. J.
Agosti

cc: Hon. Michael A. Cherry, District Judge
Quon Bruce Christensen Law Firm
Marquis & Aurbach
Clark County Clerk

¹NRAP 21(b); Pan v. Dist. Ct., 120 Nev. 222, 88 P.3d 840 (2004).

²Smith v. District Court, 107 Nev. 674, 818 P.2d 849 (1991).

³In light of this order, we deny as moot petitioners' motion for stay.

The Honorable Miriam Shearing, Senior Justice, and the Honorable Deborah A. Agosti, Senior Justice, participated in the decision of this matter under general orders of assignment entered January 6, 2006.