

IN THE SUPREME COURT OF THE STATE OF NEVADA

BEAZER HOMES NEVADA, INC., A
DISSOLVED NEVADA CORPORATION;
BEAZER HOMES HOLDING CORP., A
NEVADA CORPORATION; AND
BEAZER HOMES USA, INC.,
Petitioners,

vs.

THE EIGHTH JUDICIAL DISTRICT
COURT OF THE STATE OF NEVADA,
IN AND FOR THE COUNTY OF
CLARK, AND THE HONORABLE
KENNETH C. CORY, DISTRICT
JUDGE,

Respondents,

and

DANIEL BOLSTER; SHARON
BOLSTER; BRANDON BOLSTER, A
MINOR; ZACH I. BOLSTER, A MINOR;
AND TRENTON R. BOLSTER, A
MINOR,
Real Parties in Interest.

No. 48614

FILED

JAN 11 2007

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

ORDER DENYING PETITION FOR
WRIT OF MANDAMUS OR PROHIBITION

This is an original petition for a writ of mandamus or, in the alternative, prohibition, challenging district court orders denying motions to dismiss and to strike witnesses from real parties' list of expert witnesses in a tort action.

Writs of mandamus and prohibition are available only when no plain, speedy, and adequate legal remedy exists, and whether this court will consider petitions for such extraordinary relief is within our sole discretion.¹ We have previously explained that we will generally decline to consider writ petitions that challenge a district court order denying a motion to dismiss, unless no disputed factual issues exist and dismissal was clearly warranted by statute or rule, or an important issue of law requires clarification.² Likewise, we generally decline to consider writ petitions that challenge discovery orders.³ Moreover, such extraordinary writs are generally available only when our resolution of the legal questions presented would affect all aspects of the underlying case.⁴

¹NRS 34.170; NRS 34.330; Poulos v. District Court, 98 Nev. 453, 455, 652 P.2d 1177, 1178 (1982); Smith v. District Court, 107 Nev. 674, 677, 818 P.2d 849, 851 (1991).

²State of Nevada v. Dist. Ct. (Anzalone), 118 Nev. 140, 147, 42 P.3d 233, 237 (2002).

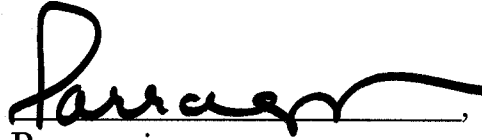
³Hetter v. District Court, 110 Nev. 513, 515, 874 P.2d 762, 763 (1994) (recognizing exceptions to the general rule against considering a writ petition that challenges a discovery order only “to prevent improper discovery in two situations where disclosure would cause irreparable injury: (1) blanket discovery orders without regard to relevance and (2) discovery orders requiring disclosure of privileged information”).

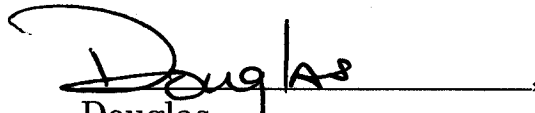
⁴See Moore v. District Court, 96 Nev. 415, 610 P.2d 188 (1980).

We have reviewed this petition, and we are not satisfied that this court's intervention by way of extraordinary relief is warranted.⁵ Accordingly, we deny the petition.⁶

It is so ORDERED.


Gibbons, J.


Parraguirre, J.


Douglas, J.

cc: Hon. Kenneth C. Cory, District Judge
Koeller Nebeker Carlson & Haluck, LLP
Terry L. Wike
Clark County Clerk

⁵We note that, according to the transcript of the July 20, 2006 hearing on petitioner's motions, the district court indicated that it would consider any future motions in limine to address the scope of the expert witnesses' testimonies.

⁶See NRAP 21(b); Smith, 107 Nev. 674, 818 P.2d 849.