

IN THE SUPREME COURT OF THE STATE OF NEVADA

COURT AT ALIANTE HOMEOWNERS  
ASSOCIATION, A NEVADA NON-  
PROFIT CORPORATION, FOR ITSELF  
AND FOR ALL OTHERS SIMILARLY  
SITUATED,

Appellant,

vs.

D.R. HORTON, INC., A DELAWARE  
CORPORATION; AMERICAN ASPHALT  
& GRADING COMPANY, A NEVADA  
CORPORATION; ANSE, INC., AN  
ARIZONA CORPORATION D/B/A  
NEVADA STATE PLASTERING;  
ATRIUM COMPANIES, INC., A  
DELAWARE CORPORATION D/B/A  
ATRIUM DOOR & WINDOW  
DISTRIBUTORS OF NEVADA;  
CAMPBELL CONCRETE, INC., A  
CALIFORNIA CORPORATION A/K/A  
CAMPBELL CONCRETE OF NEVADA,  
INC.; SACRAMENTO INSULATION  
CONTRACTORS, A CALIFORNIA  
CORPORATION D/B/A CENTRAL  
VALLEY INSULATION; OPM, INC., A  
NEVADA CORPORATION D/B/A  
CONSOLIDATED ROOFING; CIRCLE S  
DEVELOPMENT CORPORATION, A  
NEVADA CORPORATION D/B/A DECK  
SYSTEMS OF NEVADA; D.M.J., INC., A  
NEVADA CORPORATION A/K/A  
SOUTHWEST ENGINEERING GROUP;  
HOMEREDY, INC., D/B/A DUPONT  
FLOORING SYSTEMS; EFFICIENT  
ENTERPRISES, INC., A NEVADA  
CORPORATION D/B/A EFFICIENT  
ELECTRIC; FIRESTOP, INC., A  
NEVADA CORPORATION; HARRISON  
DOOR COMPANY, A NEVADA  
CORPORATION; HOWELL & BROS.  
CONSTRUCTION, INC., A

No. 55799

**FILED**

JUL 20 2010

TRACIE K. LINDEMAN  
CLERK OF SUPREME COURT  
BY S. Young  
DEPUTY CLERK

CALIFORNIA CORPORATION;  
ALLARD ENTERPRISES, INC., A  
NEVADA CORPORATION D/B/A IRON  
SPECIALISTS; WHIRLPOOL  
CORPORATION, A DELAWARE  
CORPORATION; QUALITY WOOD  
PRODUCTS, LTD., A NEVADA  
CORPORATION; REYBURN LAWN &  
LANDSCAPE DESIGNERS, INC., A  
NEVADA CORPORATION; RISING  
SUN PLUMBING, LLC, A NEVADA  
CORPORATION; SILVER STATE  
FIREPLACES, INC., A NEVADA  
CORPORATION; NESCO MFG., INC.,  
AN ARIZONA CORPORATION D/B/A  
SPEC CONSTRUCTION; SUMMIT  
DRYWALL & PAINT, LLC, A NEVADA  
CORPORATION; SUNRISE  
MECHANICAL, INC., A NEVADA  
CORPORATION; SUNSTATE  
COMPANIES, INC., A NEVADA  
CORPORATION; VEGAS GENERAL  
CONSTRUCTION CO., A NEVADA  
CORPORATION; CHARMAC, INC., A  
CALIFORNIA CORPORATION D/B/A  
WESTERN SHOWER DOOR, INC.;  
WESTERN STATES CONTRACTING,  
INC., A NEVADA CORPORATION;  
BAZOOKA BUB, INC., A NEVADA  
CORPORATION; LAS VEGAS  
CONCRETE PUMPING, INC., A  
NEVADA CORPORATION D/B/A  
POOLS BY GRUBE, A CALIFORNIA  
CORPORATION; ADVANCED  
RESERVE SOLUTIONS, INC., A  
NEVADA CORPORATION; AND  
GIBSON CONSTRUCTION CO., INC.,  
Respondents.

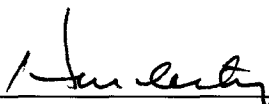
ORDER DISMISSING APPEAL

This is an appeal from a district court order denying class certification and dismissing claims as to the putative class. Eighth Judicial District Court, Clark County; Susan Johnson, Judge.

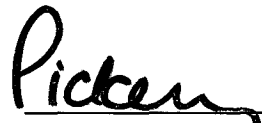
Based on our preliminary review of the docketing statement and the NRAP 3(g) documents, we ordered appellant to show cause why this appeal should not be dismissed for lack of jurisdiction, pointing out that the district court had not entered a final written, appealable judgment. NRAP 3A(b)(1); Lee v. GNLV Corp., 116 Nev. 424, 996 P.2d 416 (2000). The following day, respondents moved to dismiss the appeal, citing the same jurisdictional defect noted in our order to show cause. Appellant filed a timely response to our show cause order, a notice of non-opposition to respondents' motion to dismiss, and a notice of withdrawal of the appeal, in all of which appellant concedes that this court lacks jurisdiction.<sup>1</sup>

As we lack jurisdiction, we grant the motions to dismiss, with each party to bear its own fees and costs. Accordingly, we

ORDER this appeal DISMISSED.

  
\_\_\_\_\_, J.  
Hardesty

  
\_\_\_\_\_, J.  
Douglas

  
\_\_\_\_\_, J.  
Pickering

<sup>1</sup>We construe appellant's June 3, 2010, notice of withdrawal as a motion to voluntarily dismiss this appeal. NRAP 42(b).

cc: Hon. Susan Johnson, District Judge  
James R. Christensen  
Maddox, Isaacson & Cisneros, LLP  
American Asphalt & Grading Company  
Bell and Young, Ltd.  
Bowman and Brooke LLP  
Brady, Vorwerck, Ryder & Caspino  
Bremer Whyte Brown & O'Meara, LLP  
Carraway & Associates  
Hansen Rasmussen, LLC  
Law Offices of Greg W. Marsh, Chtd.  
Leavitt Law Firm  
Lewis Brisbois Bisgaard & Smith, LLP  
Lincoln, Gustafson & Cercos  
Luh & Associates  
Marquis & Aurbach  
McCormick, Barstow, Sheppard, Wayte & Carruth, LLP/Las Vegas  
Olson, Cannon, Gormley & Desruisseaux  
Robinson & Wood  
Selman Breitman, LLP  
Shimon & Smith, P.C.  
Stutz, Artiano, Shinoff & Holtz  
Wolfe & Wyman LLP  
Eighth District Court Clerk