

IN THE SUPREME COURT OF THE STATE OF NEVADA

BEAZER HOMES HOLDING CORP., A
DELAWARE CORPORATION; AND
BEAZER HOMES NEVADA, INC., A
NEVADA CORPORATION

Petitioners,

vs.

THE EIGHTH JUDICIAL DISTRICT
COURT OF THE STATE OF NEVADA,
IN AND FOR THE COUNTY OF
CLARK, AND THE HONORABLE
ALLAN R. EARL, DISTRICT JUDGE,
Respondents,

and

DARWIN SHUETTE, INDIVIDUALLY;
MARC FLOYD, INDIVIDUALLY; AND
DIANA TODD, INDIVIDUALLY,
Real Parties in Interest.

No. 40300

FILED

MAR 13 2003

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


ORDER DENYING PETITION
FOR WRIT OF MANDAMUS OR PROHIBITION


This original petition for a writ of mandamus or prohibition challenges a district court order that denied petitioners' motion to decertify the underlying class action. We have reviewed the petition and are not convinced that our intervention by way of extraordinary relief is warranted. In particular, it appears that petitioners have a plain, speedy

and adequate remedy in the form of an appeal from any adverse final judgment.¹ Consequently, we deny the petition.²

It is so ORDERED.


_____, J.
Rose


_____, J.
Maupin


_____, J.
Gibbons

cc: Hon. Allan R. Earl, District Judge
Dorsey & Hallman
Koeller Nebeker Carlson & Haluck, LLP
Robert C. Maddox & Associates
Clark County Clerk

¹See NRS 34.170 (mandamus); NRS 34.330 (prohibition); Karow v. Mitchell, 110 Nev. 958, 962, 878 P.2d 978, 981 (1994) (stating that the availability of appellate review forecloses the issuance of a writ of mandamus or prohibition).

²We deny as moot real parties in interest's motion to supplement the record.