

IN THE SUPREME COURT OF THE STATE OF NEVADA

PARDEE CONSTRUCTION COMPANY
OF NEVADA,

Petitioner,

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

GREG CARLISLE, INDIVIDUALLY;
ANTONIO GAMBARDELLA,
INDIVIDUALLY; ANGELICA M.
GROSS, INDIVIDUALLY; FRANK W.
LOWE, INDIVIDUALLY; STEVEN
MEROLLE, INDIVIDUALLY; JAMES
MCCALL, INDIVIDUALLY; DEBORAH
MCCALL, INDIVIDUALLY; JENNIFER
TOGNACELLI VOEGELE,
INDIVIDUALLY; AND JOHN L.
WILLIS, INDIVIDUALLY,
Real Parties in Interest.

No. 42362

FILED

FEB 20 2004

JANE TREV BLOOM
CLERK OF SUPREME COURT
BY *J. Rihard*
CHIEF DEPUTY CLERK

ORDER DENYING PETITION FOR
WRIT OF MANDAMUS OR PROHIBITION


This petition for a writ of mandamus or prohibition challenges a district court's class certification ruling. We have considered the petition and answer, and we are not satisfied that this court's intervention by way of extraordinary relief is warranted at this time.¹ In particular, the district court has apparently not entered a written class certification

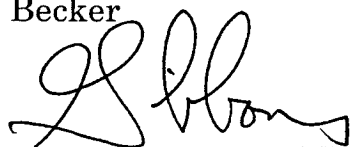
¹See Smith v. District Court, 107 Nev. 674, 818 P.2d 849 (1991).

order² and the entire matter may become moot, as the district court intends to reassess in the near future the propriety of certification. Accordingly, we deny the petition.³ The motion for stay and motions for leave to file amicus briefs are denied as moot.⁴

It is so ORDERED.

 _____, C.J.
Shearing

 _____, J.
Becker

 _____, J.
Gibbons

²See Rust v. Clark Cty. School District, 103 Nev. 686, 689, 747 P.2d 1380, 1382 (1987) (observing that a “district court’s oral pronouncement from the bench” is “ineffective for any purpose”); accord Tiedman v. Tiedman, 255 N.W.2d 632, 634 (Mich. 1977) (stating that it is “well established that courts speak through their judgments and decrees, not their oral statements”); Evans v. Perkey, 647 S.W.2d 636, 641 (Tenn. Ct. App. 1982) (stating that “no oral pronouncement is of any effect unless and until made a part of a written judgment duly entered”); Front Royal v. Front Royal & Warren Co. IPC, 449 S.E.2d 794, 797 (Va. 1994) (stating that a court of record speaks only through written orders).

³See NRAP 21(b). We trust that the district court will not treat this construction defect case as a class action, including issuing class action notices, in the absence of a prior, written class certification order.

⁴The Clerk of this Court shall return, un-filed, the received amicus briefs to their respective counsel.

cc: Hon. Allan R. Earl, District Judge
Beckley Singleton, Chtd./Las Vegas
Koeller Nebeker Carlson & Haluck, LLP
Hardy & Woodman
Quon Bruce Law Firm
Bradley Drendel & Jeanney
Wadhams & Akridge
Winkler Chartered
Clark County Clerk