

IN THE SUPREME COURT OF THE STATE OF NEVADA

BEAZER HOMES HOLDINGS CORP., A
DELAWARE CORPORATION; DMB
CONSOLIDATED HOLDINGS, LLP;
AND BEAZER HOMES NEVADA, INC.,
A PROPERLY DISSOLVED 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,

WILLIAM R. ROBINSON,
Real Party in Interest.

No. 42536

FILED

MAR 04 2004

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

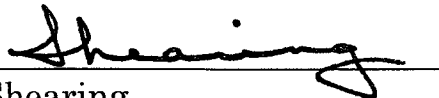
ORDER DENYING PETITION FOR
WRIT OF MANDAMUS OR PROHIBITION


This original petition for a writ of mandamus or prohibition challenges a district court's oral ruling that certified this construction defect case as a class action. We have considered the petition,¹ and we are


¹On January 28, 2004, we ordered the real party in interest, on respondents' behalf, to file an answer to this writ petition within thirty days. As the thirty-day period has expired without the filing of an answer, and given our resolution of the writ petition, we vacate our January 28, 2004 order.

not satisfied that this court's intervention by way of extraordinary relief is warranted at this time.² In particular, the district court has apparently not entered a written class certification order.³ Accordingly, we deny the petition.⁴

It is so ORDERED.


_____, C.J.
Shearing


_____, J.
Becker


_____, J.
Gibbons

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

³See 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") (quotation omitted); 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).

⁴See NRAP 21(b).

cc: Hon. Allan R. Earl, District Judge
Koeller Nebeker Carlson & Haluck, LLP
Jimmerson Hansen
Clark County Clerk