

IN THE SUPREME COURT OF THE STATE OF NEVADA

BAILEY & DUTTON, A NEVADA  
GENERAL PARTNERSHIP; BAILEY &  
MCGAH, A NEVADA GENERAL  
PARTNERSHIP; BAILEY, INC., A  
NEVADA CORPORATION; DUTTON  
ENTERPRISES, LTD., A NEVADA  
CORPORATION; S & V, INC., A  
NEVADA CORPORATION; AND  
PACHECO COMPANY, INC., A  
CALIFORNIA CORPORATION,  
Appellants,

vs.

LINDA JUSTUS, AN INDIVIDUAL;  
EMETERIO FLOREZ, JR., AN  
INDIVIDUAL; ELIZABETH FLOREZ,  
AN INDIVIDUAL; WILLIAM  
HARTMAN, AN INDIVIDUAL; LOUIS J.  
SAVAGLIO, AN INDIVIDUAL; AND  
MICHAEL J. MUJADIN, AN  
INDIVIDUAL,  
Respondents.

No. 42744

FILED

NOV 02 2004

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

ORDER DISMISSING APPEAL


This is an appeal from an interlocutory order in a construction defect action that (1) enjoins the parties' counsel from engaging in mass-communication campaigns with putative class members; and (2) instructs the special master to "draft a Corrective Notice to be sent to the entire putative class clarifying misperceptions or confusion which may have been created by communication from the defendants and their counsel." Second Judicial District Court, Washoe County; Janet J. Berry, Judge.


Presently before the court is respondents' motion to dismiss for lack of jurisdiction. Appellants have filed an opposition.

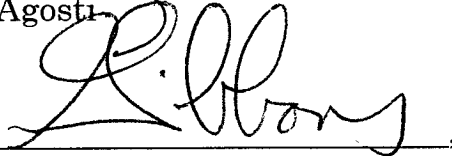
There is no right to appeal absent a statute or court rule authorizing appeal.<sup>1</sup> No such authorization exists for an appeal from an order requiring a special master to draft a corrective notice in a case subject to class certification.<sup>2</sup> And although an order granting a preliminary injunction is appealable,<sup>3</sup> appellants' counsel indicated during the district court's February 2, 2004 status conference that the preliminary injunction is not being challenged.

Consequently, as this court lacks jurisdiction over this appeal, we grant respondents' motion, and we

ORDER this appeal DISMISSED.<sup>4</sup>

  
\_\_\_\_\_, J.  
Becker

  
\_\_\_\_\_, J.  
Agosti

  
\_\_\_\_\_, J.  
Gibbons

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<sup>1</sup>See Taylor Constr. Co. v. Hilton Hotels, 100 Nev. 207, 678 P.2d 1152 (1984).

<sup>2</sup>See NRAP 3A(b).

<sup>3</sup>NRAP 3A(b)(2).

<sup>4</sup>Respondents' motion for leave to file a reply is denied as moot. Respondents' request for sanctions is denied.

cc: Hon. Janet J. Berry, District Judge  
Patrick O. King, Settlement Judge  
Koeller Nebeker Carlson & Haluck, LLP  
Law Offices of James Shields Beasley  
Robert C. Maddox & Associates  
Washoe District Court Clerk