

IN THE SUPREME COURT OF THE STATE OF NEVADA

ANSE, INC. D/B/A NEVADA STATE
PLASTERING ASSOCIATION; DEL
WEBB COMMUNITIES, INC.; MS
CONCRETE CO., INC.; PRATTE
DEVELOPMENT CO., INC.; AND
DEAN ROOFING, INC.,

Petitioner,

v.

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

GLENN HAYWARD; FRED W.
SCHAEFER; DONALD T. BARSKY;
JAMES F. SEARCY; SHELDON
FACTOR; JOHN P. FRIAR; NORMAN
YORK; BERNARD BRONSTEIN; AND
D.J. ADDONIZIO, INDIVIDUALLY
AND ON BEHALF OF ALL OTHERS
SIMILARLY SITUATED,

Real Parties in Interest.

No. 51049

**ANSWER OF REAL
PARTIES IN INTEREST
TO DEL WEBB'S JOINDER
TO ANSE, INC. D/B/A
NEVADA STATE
PLASTERING'S PETITION
FOR WRIT OF MANDAMUS**

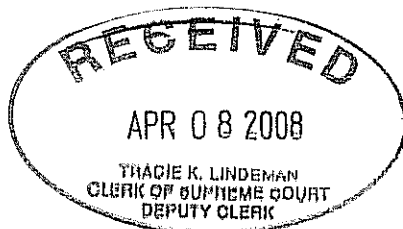
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3 ANSE, INC. D/B/A NEVADA STATE
4 PLASTERING ASSOCIATION; DEL
5 WEBB COMMUNITIES, INC.; MS
6 CONCRETE CO., INC.; PRATTE
7 DEVELOPMENT CO., INC.; AND
8 DEAN ROOFING, INC.,

9
10 Petitioner,

11 v.

12 THE EIGHTH JUDICIAL DISTRICT
13 COURT OF THE STATE OF NEVADA
14 IN AND FOR THE COUNTY OF
15 CLARK; AND THE HONORABLE
16 ALLAN R. EARL, DISTRICT JUDGE,

17 Respondents,

18 and

19 GLENN HAYWARD; FRED W.
20 SCHAEFER; DONALD T. BARSKY;
21 JAMES F. SEARCY; SHELDON
22 FACTOR; JOHN P. FRIAR; NORMAN
23 YORK; BERNARD BRONSTEIN; AND
24 D.J. ADDONIZIO, INDIVIDUALLY
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26 SIMILARLY SITUATED,

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INTRODUCTION 1

ARGUMENT..... 1

PANKOPF HAS NO RELEVANCE WHATSOEVER
TO THE ISSUE NOW BEFORE THIS COURT 1

CONCLUSION 2

TABLE OF AUTHORITIES

Cases

Pankopf v. Peterson,
 124 Nev. Adv. Op. No. 4, 175 P.3d 910 (2008)..... i, 1, 2

Westpark Owners' Ass'n v. Eighth Judicial Dist. Ct.,
 123 Nev. Adv. Op. No. 37, 167 P.3d 421 (2007)..... 1

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1 halt construction during excavation. At issue in *Pankopf* was a vacant lot, the
2 question being “whether NRS Chapter 40 applies to the design of a new residence
3 *when the residence has not been built.*”⁴ The obvious answer is “No,” and this Court
4 so held in *Pankopf*. Equally obvious is the lack of any relevance between *Pankopf*
5 and the question presented here: *i.e.*, whether subsequent purchasers of new residences
6 are “claimants” under Chapter 40.⁵

7 CONCLUSION

8 For these reasons, and the reasons previously stated, the petition should be
9 denied.

10 Dated this 7th day of April 2008.

11 WOLF, RIFKIN, SHAPIRO, SCHULMAN & RABKIN LLP

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26 ⁴ 175 P.3d at 913 (emphasis added).

27 ⁵ The weakness of Del Webb’s argument reflects the apparent true purpose of Del
28 Webb’s last-minute joinder: to rescue the third-party defendants from the standing
argument presented in the Answer filed by real parties in interest.

1 **CERTIFICATE OF SERVICE**

2 I hereby certify that on the 7th day of April 2008 I served the foregoing
3 ANSWER OF REAL PARTIES IN INTEREST TO DEL WEBB'S JOINDER TO
4 ANSE, INC. D/B/A NEVADA STATE PLASTERING'S PETITION FOR WRIT OF
5 MANDAMUS, by facsimile transmission as follows:

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