

SUPREME COURT OF NEVADA
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To: Wolf, Rifkin, Shapiro & Schulman, LLP **Fax:** (702) 341-5300

Attn: Barry T. Mitidiere

From: SUPREME COURT CLERK'S OFFICE/rm **Date:** 04/01/08

Re: 51049 Order **Pages:** ___ including cover page

cc:

Urgent
 Per your request
 Please Reply
 For Review

Notes:

IN THE SUPREME COURT OF THE STATE OF NEVADA

ANSE, INC., D/B/A NEVADA STATE
PLASTERING; AND DEL WEBB
COMMUNITIES, INC.,
Petitioners,

No. 51049

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

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.

FILED

APR 01 2008

TRACIE K. LINDEMAN
CLERK OF THE SUPREME COURT
BY *[Signature]*
DEPUTY CLERK

ORDER GRANTING MOTIONS FOR LEAVE TO FILE AMICUS
CURIAE BRIEFS AND MOTION FOR LEAVE TO FILE JOINDER

This original petition for a writ of mandamus challenges a district court order denying partial summary judgment in a constructional defect action. Currently before this court are four motions: (1) a motion from the Nevada Justice Association for leave to file an amicus curiae brief; (2) an opposed motion from Monarch Estates Homeowners Association, Southpark Condominium Association, and Marquesa Homeowners Association for leave to file an amicus curiae brief; (3) an opposed motion from Safe Homes Nevada, Inc., for leave to file an amicus curiae brief; and (4) an opposed motion from Del Webb Communities, Inc., a party to the underlying district court action, to file a joinder to the writ petition.

With respect to the motions for leave to file amicus briefs, based on our consideration of the motions and oppositions and our cursory review of the proposed briefs, we conclude that they may assist us in resolving this petition.¹ Accordingly, we grant the motions, and we direct the clerk of this court to file Nevada Justice Association's amicus brief, its appendix to its brief, and Monarch, Southpark, and Marquesa's amicus brief, each of which was provisionally received in this court on March 26, 2008. We further direct the clerk of this court to file Safe Homes Nevada's amicus brief, provisionally received in this court on March 28, 2008.

With respect to Del Webb's motion to file a joinder, we conclude that Del Webb's joinder is appropriate in this case. Accordingly, we direct the clerk of this court to file Del Webb's proposed joinder, provisionally received on March 26, 2008. Real parties in interest shall file and serve, either personally or by facsimile transmission,² any answer to Del Webb's joinder by Tuesday, April 8, 2008.

It is so ORDERED.

L. Hardesty J.
Hardesty

Parraguirre J.
Parraguirre

Douglas J.
Douglas

¹See NRAP 29; Ryan v. Commodity Futures Trading Com'n, 125 F.3d 1062, 1063 (7th Cir. 1997); Miller-Wohl Co. v. Com'r of Labor and Industry, 694 F.2d 203, 204 (9th Cir. 1982).

²See NRAP 2.

cc: Hon. Allan R. Earl, District Judge
Helm & Associates
Koeller Nebeker Carlson & Haluck, LLP
Lewis & Roca, LLP/Las Vegas
Sterling Law, LLC
Wolf, Rifkin, Shapiro & Schulman, LLP
Cisneros & Thompson Chtd.
Feinberg Grant Mayfield Kaneda & Litt, LLP
Robert C. Maddox & Associates/Reno
Eighth District Court Clerk

IN THE SUPREME COURT OF THE STATE OF NEVADA

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

No. 51049

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

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.

FILED


APR 01 2008

TRACEY K. LINDEMAN
CLERK OF SUPREME COURT
BY  DEPUTY CLERK

ORDER MODIFYING CAPTION

On March 26, 2008, MS Concrete Co., Inc., Pratte Development Co., Inc., and Dean Roofing, Inc., filed a joinder in petitioner ANSE, Inc.'s petition for a writ of mandamus. Accordingly, the clerk of this court shall modify the caption in this matter consistent with the caption appearing on this order.

It is so ORDERED.

 C.J.

cc: Helm & Associates
Koeller Nebeker Carlson & Haluck, LLP
Lewis & Roca, LLP/Las Vegas
Sterling Law, LLC
Wolf, Rifkin, Shapiro & Schulman, LLP
Cisneros & Thompson, Chtd.
Feinberg Grant Mayfield Kaneda & Litt, LLP
Robert C. Maddox & Associates/Reno