

IN THE SUPREME COURT OF THE STATE OF NEVADA

ANSE, INC., D/B/A NEVADA STATE
PLASTERING,
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

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

FILED

MAR 06 2008

TRACIE K. LINDEMAN
CLERK OF SUPREME COURT
BY S. Young
DEPUTY CLERK

ORDER DIRECTING ANSWER AND SETTING ORAL ARGUMENT

This original petition for a writ of mandamus challenges a district court order denying partial summary judgment.

According to petitioner, the underlying constructional defect action concerns over 1000 residences in the Sun City Summerlin community in Las Vegas, Nevada. Petitioner moved the district court for summary judgment with respect to approximately 700 of those residences, arguing that they did not constitute "new residences" under NRS 40.615

for constructional defect purposes.¹ Petitioner thus contended that it was entitled to summary judgment with respect to the claims brought by the owners of those residences. This district court ultimately denied the motion. This petition followed.

Having reviewed the petition, it appears that petitioner has set forth issues of arguable merit and that petitioner may have no plain, speedy, and adequate remedy in the ordinary course of law. Therefore, real parties in interest, on behalf of respondents, shall have 20 days from the date of this order within which to file and serve an answer, including authorities, against issuance of the requested writ. Petitioner shall then have five days to file and serve any reply. Service shall be accomplished via facsimile or personal service.² No extensions of time to this schedule will be granted.

Further, based on our preliminary review of the documents received thus far, we have determined that oral argument would be of assistance in resolving the issues that this matter presents. Accordingly, we direct the clerk of this court to schedule this matter for oral argument

¹See also Westpark Owners' Ass'n v. Dist. Ct., 123 Nev. ___, 167 P.3d 421 (2007).

²Likewise, for this matter, we suspend the provisions of NRAP 25(1)(a), which provide that a document is timely filed if, on or before its due date, it is mailed to this court or dispatched for delivery within three calendar days by a third party commercial carrier or deposited in the Supreme Court drop box. See NRAP 2. Accordingly, all documents shall be filed personally or by facsimile transmission with the clerk of this court in Carson City.

before the Southern Nevada Panel on the next available argument calendar. Argument shall be limited to thirty minutes.

It is so ORDERED.

Harlester, A.C.J.

cc: Hon. Allan R. Earl, District Judge
Helm & Associates
Wolf, Rifkin, Shapiro & Schulman, LLP