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ORDER

DISTRICT COURT
CLARK COUNTY, NEVADA

CLASSIC PLUMBING, INC.,)
)
Plaintiffs,)

v.)

IPEX, INC., IPEX USA, LLC, FERGUSON)
ENTERPRISES, INC., STANDARD)
WHOLESALE SUPPLY COMPANY,)
TODD PIPE & SUPPLY - LAS VEGAS,)
INC., DOES I through X; and ROE)
CORPORATIONS I through X, inclusive,)
Defendants.)

QUINTERRO, et al.,)
Plaintiffs,)

v.)

IPEX, INC., et al.,)
Defendants.)

AND ALL RELATED CLAIMS.)
_____)

A493302

Case No.: A493302
Dept. No.: XVI

CONSOLIDATED WITH

Case No.: A510543
Case No.: A517493
Case No.: A518156
Case No.: A523714

**ORDER REGARDING CLASS
PLAINTIFF'S EX PARTE
APPLICATION FOR ORDER TO
SHOW CAUSE ON ORDER
SHORTENING TIME AND
REQUEST FOR EVIDENTIARY
FAIRNESS HEARING**

This matter having come on for hearing on the 20th day of December, 2006, on Plaintiff
Quinterro, et al.'s ("Class Plaintiffs") Ex Parte Application for Order to Show Cause on Order
Shortening Time and Request for Evidentiary Fairness Hearing ("Application") against Del
Webb/Pulte Homes ("Pulte") with Class Plaintiff represented during the hearing by their

1 attorneys, J. Randall Jones, Esq., William L. Coulthard, Esq., and P. Kyle Smith, Esq., of
 2 Harrison, Kemp & Jones, LLP., and Francis Lynch, Esq., Charles "Dee" Hopper, Esq., and
 3 Sergio Salzano, Esq., of Lynch, Hopper & Salzano, LLP ("Class Counsel") and Pulte
 4 represented by its counsel, Robert C. Carlson, Esq., and Megan K. Dorsey, Esq., of Koeller,
 5 Nebeker, Carlson & Haluck, LLP, and after reviewing the Points and Authorities and a
 6 transcript of the proceedings, the Court hereby holds the following:

8 **FINDINGS OF FACT**

9 On October 16, 2006, this Court certified a class action lawsuit on behalf of all
 10 homeowners within Clark County, whose homes contained an allegedly defective brass Kitec
 11 plumbing fitting installed by Classic Plumbing, Inc., Sharp Plumbing, Inc., or Cox & Sons
 12 Plumbing, Inc., between 1996 and the present.

13 On August 22, 2006, notice pursuant to NRS 40.645 was given to Pulte on behalf of the
 14 named class representatives, Stephen and Sheila Inferrera, and all "similarly situated" Pulte
 15 homeowners whose homes contained Kitec fittings.

16 The Court has determined that Sun City Anthem homeowners whose homes contain the
 17 allegedly defective Kitec plumbing fittings, are Class Members represented by Class Counsel.

18 Despite being represented by Class Counsel, on October 20, 2006, Pulte gave notice
 19 unauthorized by this Court to Class Members in Sun City Anthem, set and performed
 20 inspections, and offered to settle Class Member Claims.

21 That Pulte, in lieu of making an election to repair pursuant to Chapter 40, made
 22 monetary offers to settle claims of Anthem Class Members.

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CONCLUSION OF LAW

The Pulte notice letter was sent to Class Members, who were represented by Class Counsel and, as a result, was in violation of the notice provisions of NRCP 23(c), (d) and (e).

IT IS HEREBY ORDERED, ADJUDGED AND DECREED that Pulte, through its attorneys, agents or employees is to refrain from all ex parte communications with Anthem Class Members, putative or otherwise.

IT IS FURTHER ORDERED that Pulte, through its attorneys, is hereby required to provide Class Counsel a list of all past Sun City Anthem Class Member inspections, offers to settle and/or settlements.

IT IS FURTHER ORDERED that an evidentiary fairness hearing is to be set within thirty (30) days to consider the fairness and legality of Pulte's offer to class members and whether sanctions are appropriate.

DATED this 24th day of January, 2007.


DISTRICT COURT JUDGE


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CERTIFICATE OF SERVICE

I hereby certify that I placed a copy of this order in the in the attorney folders in the Clerk's Office or mailed a copy to the following attorneys or parties in proper person:

- J. Randall Jones, Esq., **HARRISON, KEMP, JONES & COULTHARD, LLP**
- Francis Lynch, Esq., **LYNCH, HOPPER & SALZANO, LLP**
- Peter C. Brown, Esq., **BREMER WHYTE BROWN & OMEARA LLP**
- William R. Urga, Esq., **JOLLEY, URGA, WIRTH, WOODBURY & STANDISH**
- Jeffrey H. Ballin, Esq., **LEWIS, BRISBOIS BISGAARD & SMITH, LLP**
- James D. Carraway, Esq., **MURCHINSON & CUMMING, LLP**
- William H. Stoddard, Esq., **ALBRIGHT, STODDARD, WARNICK & ALBRIGHT**
- David R. Clayson, Esq., **BENNION CLAYSON & MARIAS**
- Kenneth M. Marias, Esq., **BENNION CLAYSON & MARIAS**
- Phillip R. Emerson, Esq., **EMERSON & MANKE, PLLC**
- James Pengilly, Esq., **PENGILLY ROBBINS SLATER**
- Charlie H. Luh, Esq., **LUH & ASSOCIATES**
- Nikol V. Walters, Esq., 711 Jones Street, Reno, NV 89503
- W. Chris Wicker, Esq., **WOODBURN & WEDGE**, 6100 Neil Road, #500, Reno, NV 89511


 Lynn Berkheimer
 Judicial Executive Assistant