
CLERK OF THE COURT

1 **NOEO**
J. RANDALL JONES, ESQ. (1927)
2 WILLIAM L. COULTHARD, ESQ. (3927)
P. KYLE SMITH, ESQ. (9692)
3 HARRISON, KEMP, JONES & COULTHARD, LLP
3800 Howard Hughes Parkway, 17th Floor
4 Las Vegas, Nevada 89109
Tel. (702) 385-6000

5 -and-

6 LYNCH, HOPPER & SALZANO, LLP
7 725 South Sixth Street
Las Vegas, Nevada 89101
8 Tel. (702) 868-1115
Class Counsel

10 DISTRICT COURT
11 CLARK COUNTY, NEVADA

15 IN RE KITEC FITTING LITIGATION

Case No.: A493302
Dept. No.: XVI

NOTICE OF ENTRY OF ORDER

17 NOTICE IS HEREBY GIVEN, that the ORDER GRANTING IN PART ADN
18 DENYING IN PART CLASS PLAINTIFFS' MOTION FOR LEAVE TO FILE FIFTH
19 AMENDED COMPLAINT AND MOTION TO REVISE CLASS DEFINITION was entered in
20 the above-captioned matter on the 2nd day of May, 2008. A copy of the ORDER is attached
21 hereto.

22 DATED this 5th day of May, 2008.

23 HARRISON, KEMP, JONES
24 & COULTHARD, LLP

25 */s/ William L. Coulthard*

26 J. RANDALL JONES, ESQ. (1927)
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CERTIFICATE OF SERVICE

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I hereby certify that on the 5th day of May, 2008, the foregoing **NOTICE OF ENTRY OF ORDER** was served on all parties on the E-Service list by Electronic Service.

/s/ Miriam Alvarez

An Employee of Harrison, Kemp Jones & Coulthard

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CLERK OF THE COURT

1 **ORDER**
J. RANDALL JONES, ESQ. (1927)
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7 *Attorneys for Plaintiffs Quintero et al.*

8 DISTRICT COURT
9 CLARK COUNTY, NEVADA

Case No.: A493302
Dept. No.: XVI

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12
13 IN RE KITEC FITTING LITIGATION

**ORDER GRANTING IN PART AND
DENYING IN PART CLASS
PLAINTIFFS' MOTION FOR LEAVE
TO FILE FIFTH AMENDED
COMPLAINT AND MOTION TO
REVISE CLASS DEFINITION**

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17 This matter having come on for hearing on April 16, 2008, on Class Plaintiffs' Motion for
18 Leave to File Fifth Amended Complaint and Motion to Revise Class Definition. The Court having
19 reviewed the pleadings and papers herein, the arguments of counsel, with good cause appearing and
20 there being no just reason for delay,

21 **IT IS HEREBY ORDERED, ADJUDGED AND DECREED** that Class Plaintiffs' Motion
22 for Leave to File Fifth Amended Complaint is hereby **GRANTED IN PART AND DENIED IN**
23 **PART;**

24 **IT IS THEREFORE ORDERED** that Class Plaintiffs shall be allowed to add additional
25 Builder Defendants: Maya LLC dba Avante Homes; Desert Wind Homes of Nevada II, Inc.; D.R.
26 Horton, Inc.; H & H Development, Ltd.; LBM Development, Inc.; S.B.A. Development, Inc.;
27 Wexford Homes, Inc.; William Lyon Homes, Inc.; and Astoria Homes, LLC.
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1 **IT IS FURTHER ORDERED** that Class Plaintiffs shall be allowed to add additional
2 Plumbing Defendants: Lakewood Plumbing; D.R. Bowles; and Pioneer Plumbing.

3 **IT IS FURTHER ORDERED** that Class Plaintiffs shall be allowed to add as new class
4 representatives: Larry Maier; Paul Messingschlager; Leslie Gunnels; John Berbirian; Doug Ellington;
5 Melanie Littlefield; Mike House; and Vincent Marino.

6 **IT IS FURTHER ORDERED** that Class Plaintiffs shall be allowed to add NRS Chapter
7 40 claims as to IPEX USA, LLC.

8 **IT IS FURTHER ORDERED** that Class Plaintiffs shall not be allowed to add NRS Chapter
9 40 claims as to Ipex, Inc.

10 **IT IS FURTHER ORDERED** that pursuant to NRS 40.647(2), the Chapter 40 claims
11 against Ipex USA, LLC only shall be stayed to permit transmittal of Notice of Constructional Defect.
12 Ipex USA LLC only shall be given the opportunity to inspect and opportunity to repair the alleged
13 construction defects pursuant to the Chapter 40 statutory scheme. Inspection and possible repairs
14 shall be coordinated by the Special Master.

15 **IT IS FURTHER ORDERED** that the class definition shall be revised pursuant to NRCP
16 23 to:

17 **Any owner of a residence in Clark County, Nevada with brass Kitec fittings**
18 **installed between 1995 and the present.**

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1 IT IS FURTHER ORDERED that Special Master Floyd Hale shall schedule a hearing
2 within twenty-one (21) days of Notice of Entry of Order to discuss the implementation of a time
3 deadline on the scope of the instant action in light of the upcoming trial date of May 18, 2009.

4 DATED this 30th day of April, 2008.


DISTRICT COURT JUDGE
CJS

7 Submitted by:
8 HARRISON, KEMP, JONES
& COULTHARD, LLP

9
10  4-28-08
11 J. RANDALL JONES, ESQ. (1927)
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Attorneys for Plaintiffs Quinterrro et al.

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16 P:\USER\SWL\CV\EXN\Casefiles\Order.5th amended complaint and class definition revision.wpd