

BEAZER HOMES USA INC
Form 8-K
May 03, 2007

**SECURITIES AND EXCHANGE COMMISSION
WASHINGTON, D.C. 20549**

FORM 8-K

**CURRENT REPORT
PURSUANT TO SECTION 13 OR 15(d) OF
THE SECURITIES EXCHANGE ACT OF 1934**

Date of Report: **April 30, 2007**

BEAZER HOMES USA, INC.

(Exact name of registrant as specified in its charter)

DELAWARE
(State or other jurisdiction
of incorporation)

001-12822
(Commission
File Number)

54-2086934
(IRS Employer
Identification No.)

**1000 Abernathy Road, Suite 1200
Atlanta Georgia 30328**
(Address of Principal
Executive Offices)

(770) 829-3700
(Registrant's telephone number, including area code)

None
(Former name or former address, if changed since last report)

Check the appropriate box below if the Form 8-K filing is intended to simultaneously satisfy the filing obligation of the registrant under any of the following provisions:

- ☐ Written communications pursuant to Rule 425 under the Securities Act (17 CFR 230.425)
- ☐ Soliciting material pursuant to Rule 14a-12 under the Exchange Act (17 CFR 240.14a-12)
- ☐ Pre-commencement communications pursuant to Rule 14d-2(b) under the Exchange Act (17 CFR 240.14d-2(b))
- ☐ Pre-commencement communications pursuant to Rule 13e-4(c) under the Exchange Act (17 CFR 240.13e-4(c))

Item 7.01. Regulation FD Disclosure.

On May 1, 2007, Beazer Homes USA, Inc. ("Beazer Homes") received notice that the U.S. Securities and Exchange Commission is conducting an informal inquiry to determine whether any person or entity related to Beazer Homes has violated federal securities laws. Beazer Homes intends to cooperate fully with the Securities and Exchange Commission's inquiry.

On April 30, 2007, Beazer Homes also received notice that a putative class action complaint was filed on April 30, 2007 on behalf of a purported class consisting of present and former participants and beneficiaries of the Beazer Homes 401(K) Plan naming Beazer Homes, certain of its current and former officers and directors and the Benefits Administration Committee as defendants. The complaint was filed in the United States District Court, Northern District of Georgia, Atlanta Division. The complaint alleges breach of fiduciary duties, including those set forth in the Employee Retirement Income Security Act ("ERISA") as a result of the investment of retirement monies held by the 401(K) Plan in common stock of Beazer Homes at a time when participants were allegedly not provided timely, accurate and complete information concerning Beazer Homes. At this time, Beazer Homes has found no evidence to support the allegations and intends to vigorously defend this action. Beazer Homes does not intend to file further Current Reports on Form 8-K describing additional similar actions or matters, if any, which are based on allegations substantially similar to those described herein.

SIGNATURES

Pursuant to the requirements of the Securities Exchange Act of 1934, the registrant has duly caused this report to be signed on its behalf by the undersigned hereunto duly authorized.

BEAZER HOMES USA, INC.

Date: May 3, 2007

By: /s/ Ian J. McCarthy
Ian J. McCarthy
President and Chief Executive Officer