

IN THE COURT OF APPEALS OF THE STATE OF NEVADA

JASON KERRIGAN,  
Petitioner,

vs.

THE EIGHTH JUDICIAL DISTRICT  
COURT OF THE STATE OF NEVADA,  
IN AND FOR THE COUNTY OF  
CLARK; AND THE HONORABLE BILL  
HENDERSON, DISTRICT JUDGE,

Respondents,

and

JENNA SARAH KERRIGAN,  
Real Party in Interest.

No. 76689

**FILED**

AUG 17 2018

ELIZABETH A. BROWN  
CLERK OF SUPREME COURT  
BY S. Young  
DEPUTY CLERK

*ORDER DENYING PETITION FOR WRIT OF MANDAMUS*

This original petition for a writ of mandamus challenges a district court contempt order concerning the payment of child support. Having reviewed the petition and supporting documentation, we conclude that petitioner has not met his burden of demonstrating that writ relief is warranted. NRS 34.160; *Pan v. Eighth Judicial Dist. Court*, 120 Nev. 222, 228, 88 P.3d 840, 844 (2004) (recognizing that petitioner bears the burden to demonstrate that writ relief is warranted); *Smith v. Eighth Judicial Dist. Court*, 107 Nev. 674, 677, 818 P.2d 849, 851 (1991).

In particular, petitioner argues that the district court failed to make required findings regarding his ability to pay and his willful refusal to do. See *Rodriguez v. Eighth Judicial Dist. Court*, 120 Nev. 798, 809, 102 P.3d 41, 49 (2004). The district court on March 20, 2018, modified child support and ordered petitioner to pay \$2,230 per month. During the June 25, 2018, show cause hearing on petitioner's failure to pay a significant portion of the ordered support, the district court noted that real party in

interest had previously shown that petitioner had received substantial income during the previous years, despite his protestations to the contrary, leading to the current support order. The court concluded that, given the ample income and demonstrated "access to huge sums of money," and the inadequate explanation as to why that money was no longer available, petitioner failed to demonstrate a current inability to pay the ordered child support and that his failure to so pay was willful. Thus, petitioner has not demonstrated that the district court failed to make the required findings, or, we conclude, that those findings were arbitrary or capricious. See *Int'l Game Tech., Inc. v. Second Judicial Dist. Court*, 124 Nev. 193, 197, 179 P.3d 556, 558 (2008). Accordingly, we

ORDER the petition DENIED.<sup>1</sup>



Silver

C.J.



Tao

J.



Gibbons

J.

cc: Hon. Bill Henderson, District Judge, Family Court Division  
Jason Kerrigan  
Joseph W. Houston, II  
Eighth District Court Clerk

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<sup>1</sup>In light of this order, we deny petitioner's emergency motion for stay.