

IN THE SUPREME COURT OF THE STATE OF NEVADA

MAUREEN HVEGHOLM, AN  
INDIVIDUAL,  
Petitioner,  
vs.

THE SECOND JUDICIAL DISTRICT  
COURT OF THE STATE OF NEVADA,  
IN AND FOR THE COUNTY OF  
WASHOE AND THE HONORABLE  
BARRY L. BRESLOW, DISTRICT  
JUDGE,

Respondents,  
and

SPARKS POLICE OFFICER  
KRISTOPHER POSTMA; SPARKS  
POLICE OFFICER BRANDON SMITH;  
THE CITY OF SPARKS, A POLITICAL  
SUBDIVISION OF THE STATE OF  
NEVADA; AND TIMOTHY EGAN, AN  
INDIVIDUAL,  
Real Parties in Interest.

No. 90024

**FILED**

**AUG 04 2025**

ELIZABETH A. BROWN  
CLERK OF SUPREME COURT  
BY:   
DEPUTY CLERK

*ORDER DENYING PETITION*

This is an original petition for a writ of mandamus and/or prohibition challenging a district court order finding petitioner in contempt of court.

A writ of mandamus is available to compel the performance of a legal duty or to control an arbitrary or capricious exercise of discretion. NRS 34.160; *Int'l Game Tech., Inc. v. Second Jud. Dist. Ct.*, 122 Nev. 132, 142, 127 P.3d 1088, 1096 (2006). A writ of prohibition is available to arrest the proceedings of a district court acting without or in excess of the court's jurisdiction. NRS 34.320; *Smith v. Eighth Jud. Dist. Ct.*, 107 Nev. 674, 677, 818 P.2d 849, 851 (1991). Writ relief is discretionary. *Smith*, 107 Nev. at

677, 818 P.2d at 851. The petitioner bears the burden of demonstrating that extraordinary relief is warranted. *Pan v. Eighth Jud. Dist. Ct.*, 120 Nev. 222, 228, 88 P.3d 840, 844 (2004).

We ordered an answer in this case. But having considered the petition and supporting documents, we conclude that our intervention by extraordinary writ relief is not warranted at this time. *Smith*, 107 Nev. at 677, 818 P.2d at 851. The district court issued an omnibus order holding the petitioner in contempt of court for assertedly failing to comply with an earlier order that instructed the petitioner to amend her complaint to name the City of Sparks as a defendant. While a contempt order may be challenged through a writ petition, *see Pengilly v. Rancho Santa Fe Homeowners Ass'n*, 116 Nev. 646, 649, 5 P.3d 569, 571 (2000), the district court has made a contempt finding but not yet imposed any form of penalty, *see* NRS 22.100, opting instead to hold the issue in abeyance. The district court contemplates further proceedings on a possible penalty and may even revisit its initial contempt finding. As such, the omnibus order does not finally resolve the contempt issue, which renders the petition premature. *See* 4 Am. Jur. 2d Appellate Review § 201 (May 2025 update) (stating that, because “a mere adjudication of contempt of court is not a final order until a sanction or penalty is also imposed,” challenging a contempt order is premature if the district court has not yet imposed a penalty or sanction for that contempt); *see, e.g., Amo Freight LLC v. Eighth Jud. Dist. Ct.*, No. 89839, 2024 WL 5252287 (Nev. Dec. 30, 2024) (Order Denying Petition) (denying a petition as premature where the district court found the petitioners in contempt but the penalty had not yet been fully determined). Accordingly, we do not reach the merits of the petition and instead deny the

petition without prejudice to petitioner's right to file a new writ petition if a contempt penalty is imposed.

It is so ORDERED.

Pickering, J.  
Pickering

Cadish, J.  
Cadish

Lee, J.  
Lee

cc: Hon. Barry L. Breslow, District Judge  
Luke A. Busby  
Sparks City Attorney  
Thorndal Armstrong/Reno  
Wade & Taylor Law Firm, PLLC  
Washoe District Court Clerk