

IN THE COURT OF APPEALS OF THE STATE OF NEVADA

HEIDI MARIE KRAFT,
Petitioner,

vs.

THE ELEVENTH JUDICIAL DISTRICT
COURT OF THE STATE OF NEVADA,
IN AND FOR THE COUNTY OF
LANDER AND THE HONORABLE JIM
C. SHIRLEY, DISTRICT JUDGE,

Respondents,

and

MARTIN JOSEPH KRAFT, JR.,
Real Party in Interest.

No. 90463-COA

FILED

OCT - 8 2025

ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY *Elaine*
DEPUTY CLERK

*ORDER DENYING PETITION
FOR A WRIT OF MANDAMUS*

Heidi Marie Kraft brings this original petition for a writ of mandamus seeking clarification of several district court orders stemming from proceedings concerning a decree of separate maintenance. In her petition, Heidi contends that the decree of separate maintenance entered into by the parties provided that she was allowed to use funds in a health savings account (HSA) belonging to the real party in interest, Martin Joseph Kraft, Jr., and that Martin was to pay her medical expenses. However, Heidi asserts that the district court issued orders erroneously alleviating Martin's obligation to provide her with medical insurance and improperly concluding that she was not permitted to use HSA funds to pay for her medical expenses.

Heidi contends that the district court, in reaching the aforementioned decisions, did not address how she was supposed to manage her medical expenses and should have required Martin to provide her with payments to offset any losses she incurred as a result of those decisions.

She further contends that the district court effectively modified the decree of separate maintenance without providing an adequate basis for so doing.

A writ of mandamus is available to compel the performance of an act that the law requires as a duty resulting from an office, trust, or station or to control an arbitrary or capricious exercise of discretion. *See* NRS 34.160; *Int'l Game Tech., Inc. v. Second Jud. Dist. Ct.*, 124 Nev. 193, 197, 179 P.3d 556, 558 (2008). Mandamus is an extraordinary remedy, and it is within the discretion of this court to determine if a petition will be considered. *Smith v. Eighth Jud. Dist. Ct.*, 107 Nev. 674, 677, 818 P.2d 849, 851 (1991). The petitioner bears the burden to show that extraordinary relief is warranted. *Pan v. Eighth Jud. Dist. Ct.*, 120 Nev. 222, 224, 228, 88 P.3d 840, 841, 844 (2004). “Where a district court is entrusted with discretion on an issue, the petitioner’s burden to demonstrate a clear legal right to a particular course of action by that court is substantial” and this court “can issue traditional mandamus only where the lower court has manifestly abused that discretion or acted arbitrarily or capriciously.” *Walker v. Second Jud. Dist. Ct.*, 136 Nev. 678, 680, 476 P.3d 1194, 1196 (2020) (emphasis omitted).

Based on our review of Heidi’s petition and the documents before us, we conclude she has not demonstrated that our extraordinary intervention is warranted. We note that, in proceedings concerning a decree of separate maintenance, a district court “may change, modify or revoke its orders and decrees from time to time.” NRS 125.210(4); *see also Nev. Pub. Emps. Ret. Bd. v. Smith*, 129 Nev. 618, 627, 310 P.3d 560, 566 (2013) (noting that a statute’s use of the word “may” is generally permissive). The record before this court indicates that the district court, in consideration of several post-decree motions and after review of testimony provided at evidentiary

hearings, found Heidi could no longer be covered by Martin's employer-sponsored medical insurance plan but directed Martin to provide Heidi with funds to help her pay for her own medical insurance coverage. The court also concluded that the evidence presented to it demonstrated that Heidi was ineligible to use the HSA funds based on federal tax law. In light of the foregoing, we conclude Heidi fails to demonstrate the district court manifestly abused its discretion or acted arbitrarily or capriciously in reaching these decisions. *See Walker*, 136 Nev. at 680, 476 P.3d at 1196. Accordingly, we deny the petition for a writ of mandamus. *See* NRAP 21(b)(1).

It is so ORDERED.


_____, C.J.
Bulla


_____, J.
Gibbons


_____, J.
Westbrook

cc: Hon. Jim C. Shirley, District Judge
Heidi Marie Kraft
Miller Law, Inc.
Clerk of the Court/Court Administrator