



IN THE SUPREME COURT OF THE STATE OF NEVADA

JILL O'LEARY,

Petitioner,

vs.

THE SECOND JUDICIAL DISTRICT
COURT OF THE STATE OF NEVADA,
IN AND FOR THE COUNTY OF
WASHOE AND THE HONORABLE
TAMMY RIGGS, DISTRICT JUDGE,

Respondents,

and

VILORIA, OLIPHANT, OSTER & AMAN
L.L.P.; EMILEE N. HAMMOND, ESQ.;
AND FIDELITY INVESTMENTS,
Real Parties in Interest.

No. 92765

ORDER DENYING PETITION FOR WRIT OF MANDAMUS

This petition for a writ of mandamus seeks to compel the district court's compliance with NRS 21.112 by directing the court to adjudicate a December 31, 2025, objection to petitioner's exemption claim in post-judgment enforcement proceedings.¹ Petitioner also asks us to require the district court to determine whether a lawful execution process exists.

Having reviewed the petition and supporting documents, we are not persuaded that our extraordinary and discretionary intervention is warranted. *See* NRS 34.160; *Pan v. Eighth Jud. Dist. Ct.*, 120 Nev. 222, 224, 88 P.3d 840, 841 (2004) (providing that petitioners bear the burden of

¹Although the petition was filed as an emergency, petitioner has not demonstrated that the NRAP 27(e) irreparable harm standard for emergency relief was met. *See* NRAP 21(a)(6). Additionally, petitioner failed to name the judgment creditor as a real party in interest, instead naming the judgment creditor's counsel, which is improper. Finally, requests for a stay should be made by separate motion under NRAP 27.

demonstrating that writ relief is warranted). NRS 21.112(1) requires a judgment debtor to serve a claim of exemption “on the sheriff, the garnishee and the judgment creditor and file [the claim] with the clerk of the court” within 10 days of the notice of writ of execution’s service. Petitioner asserts that she filed a claim of exemption on December 18, 2025, but while she provided a certificate of service indicating that an exemption claim was delivered to the sheriff on that date, she did not provide proof of service on the garnishee and judgment creditor or a file-stamped copy of the exemption claim filed in the court. And although the district court docket entries provided reflect that the judgment creditor’s objection was filed on December 31, 2025, it is unclear from the same docket entries whether the exemption claim itself was properly filed.² On this record, we are unable to conclude that the district court manifestly abused its discretion in assertedly failing to resolve the December 31 objection pursuant to NRS 21.112(6). *See Archon Corp. v. Eighth Jud. Dist. Ct.*, 133 Nev. 816, 819-20, 407 P.3d 702, 706 (2017) (explaining that mandamus is typically available only when an official has refused to comply with a clearly required legal duty or committed a manifest abuse of discretion).

Further, review of the online docket entries suggests that petitioner filed motions related to the claimed retirement account exemptions in February, May, and June that may have been resolved by the district court, but those motions are not addressed in the petition and no documentation as to those motions and the resulting district court orders has been provided, preventing this court from completely understanding the status of the matter

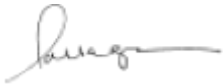
²Exhibit 1 shows “1400 – Claim” potentially docketed on December 18, but Exhibit 2, the case summary, shows that a document filed by petitioner was “withheld” for security reasons on that date, and the online docket entries do not show that an exemption claim was filed in the court on that date.

below.³ See NRAP 21(a)(4). Petitioner has not demonstrated that she pointed the district court to any parts of the execution process she believes are unlawful and asked that court in the first instance to determine whether a lawful execution process exists. Therefore, we

ORDER the petition DENIED.



Pickering, J.



Parraguirre, J.



Bell, J.

cc: Hon. Tammy Riggs, District Judge
Viloria, Oliphant, Oster & Aman L.L.P.
Jill O'Leary
The Second Judicial District Court of the State of Nevada, in and for the
County of Washoe, District Court Clerk

³For example, it appears that petitioner filed a motion for order to release exempt property and vacate restrictions on February 3, 2026, and a motion to release restrictions on exempt retirement accounts on May 5, 2026.