

1 R. Scotlund Vaile  
2 PO Box 727  
3 Kenwood, CA 95452  
4 (707) 833-2350  
5 Petitioner in Proper Person

6 **IN THE SUPREME COURT OF THE STATE OF NEVADA**

**FILED**

7 R. SCOTLUND VAILE,

8 *Petitioner,*

9  
10 vs.

11 THE EIGHTH JUDICIAL DISTRICT  
12 COURT OF THE STATE OF NEVADA, IN  
13 AND FOR THE COUNTY OF CLARK, AND  
14 THE HONORABLE CHERYL B. MOSS,  
15 DISTRICT JUDGE, FAMILY COURT  
16 DIVISION,

17 *Respondents,*

18 *and*

19 CISILIE A. PORSBOLL, F/K/A CISILIE A.  
20 VAILE

21 *Real Party in Interest.*  
22  
23  
24

MAR 05 2009

TRACIE K. LINDEMAN  
CLERK OF SUPREME COURT  
BY *[Signature]*  
DEPUTY CLERK

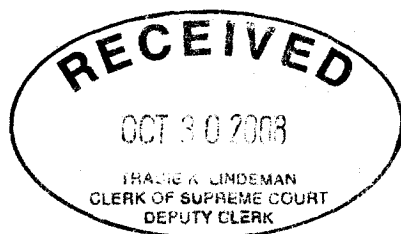
Supreme Court Case No:  
52244

District Court Case No:  
98D230385

**PROPER PERSON  
RECEIVED/ENTERED**

~~OCT 30 2008~~  
TRACIE K. LINDEMAN  
CLERK OF SUPREME COURT

25 **REPLY BRIEF IN SUPPORT OF**  
26 **PETITION FOR WRIT OF MANDAMUS**



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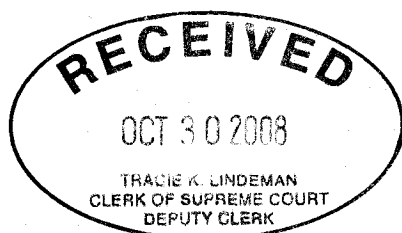
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26 **PETITION FOR WRIT OF MANDAMUS**



## **I. INTRODUCTION**

Although Defendant's Answer to the Petition for Writ of Mandamus ("Ans.") claims to confine its discussion to the one issue before the court, (Ans. 2), the facts presented therein clearly do not. Most of the facts asserted by Defendant's counsel have nothing to do with the matter before the Court. Previously, Mr. Vaile failed to correct seemingly immaterial mis-statements of fact in this case, which led to regrettable results. As such, Mr. Vaile feels obliged to provide a brief review of the background of this case, and to correct inaccurate statements of fact presented by Defendant's counsel as they arise. These corrections may be especially important to avoid prejudice with regard to the pending appeal in this action. Mr. Vaile's argument in rebuttal follows that clarification.

## **II. BACKGROUND HISTORY OF THE CASE**

After several months of mediation with a third party mediator, the parties in this case filed a joint petition for divorce in Nevada in 1998. The entire objective of the joint petition was to part amicably and to allow both parents an equal hand in raising the parties' children. As such, the parties negotiated a separation agreement which was incorporated into the decree of divorce. In addition to custody and support provisions, the parties' separation agreement also included a clause to provide Defendant Porsboll and the parties' two young children to travel to Norway for one year. Defendant's mother, who lived in Norway, was purported ill. After the one-year visit, Defendant Porsboll and the children were to return to the United States where the children were born and raised. There were provisions in the agreement for each party to live near the other in order to have ongoing contact with the children.

At the end of the one-year visit to Norway, Defendant Porsboll refused to honor the agreement and return with the children to the United States. Porsboll

1 hoped to successfully launch a collateral attack on the separation agreement and  
2 divorce decree from Norway. Her hope was to deny retain the children  
3 indefinitely in Norway, and deny access to their father.

4 Mr. Vaile spent several months attempting every conceivable manner to  
5 settle the issues with Defendant, including attending mediation at a private  
6 mediator of Defendant's choosing in Norway. When all efforts failed, Mr. Vaile  
7 filed a Show Cause action in Nevada in February 2000. Mr. Vaile's filing asked  
8 the court to determine why Defendant should not be held in contempt of court for  
9 failing to return the children to the United States in accordance with the parties'  
10 separation agreement and divorce decree, and requested custody. During the  
11 Show Cause hearing, the family court judge asked Mr. Vaile how long the  
12 children had lived "here," to which Mr. Vaile answered, "all their lives." Mr.  
13 Vaile understood the judge to be asking how long the children lived "here in the  
14 US" before the visit to Europe. After hearing the facts regarding Defendant's  
15 withholding the children in Norway, the court bestowed custody and issued a  
16 pick-up order to Mr. Vaile, which he subsequently exercised.

17 Upon return of the children to the United States, Defendant claimed that Mr.  
18 Vaile had committed fraud in securing the custody and pick-up order, committed  
19 kidnapping in the exercise of that order, and also asserted that Mr. Vaile was not a  
20 resident of Nevada when the divorce decree was filed. The lower court held an  
21 evidentiary hearing on the latter issue surrounding Mr. Vaile's residency, and then  
22 held that Mr. Vaile had made all necessary efforts to properly establish his  
23 residency in Nevada. Additionally, the lower court decision stated that "the Court  
24 does not find that Mr. Vaile has intentionally tried to defraud the Court, as the  
25 Court does not find Ms. Vaile intentionally trying to defraud the Court." The  
26 court reiterated that the order issued to Mr. Vaile was a "Pick Up" order and that  
27  
28

1 “the Court issued the Order that Mr. Vaile could retrieve the children.” *Vaile v.*  
2 *Vaile*, ¶¶ 3,7, D230385, Nev. 8th J. Dist. Ct., Oct. 25, 2000.

3 Defendant filed a Petition for Writ of Mandamus with this Court, which  
4 eventually concluded that Mr. Vaile did not properly establish residency prior to  
5 filing for divorce. Although not subject to any evidentiary hearing or even  
6 briefing by the parties below, this Court also held that Mr. Vaile wrongfully  
7 removed the children from Norway. Mr. Vaile believes that this holding was the  
8 result of false assertions of fact by Defendant's counsel on appeal. Although the  
9 opinion repeated most of Defendant's version of facts in its opinion, this Court did  
10 not overturn the lower court's finding that Mr. Vaile did not commit a fraud upon  
11 the court in securing custody of the children.

12 This Court ultimately held that the Nevada court lacked personal jurisdiction  
13 of both parties, and subject matter jurisdiction of the case. In keeping with this  
14 holding, this Court rejected Defendant's request for attorney's fees made via  
15 petition for rehearing. Remarkably, Defendant's counsel returned to the lower  
16 court where he successfully convinced a newly assigned judge that jurisdiction  
17 continued despite this Court's pronouncement to the contrary, and that she was  
18 obligated to reopen the case and assess the same fees against Mr. Vaile that this  
19 Court had previously denied.

20 All was quiet in the state court proceedings for several years while  
21 Defendant turned to the federal court in Nevada in an unsuccessful attempt to  
22 convince that court that Mr. Vaile's previous attorneys, 15 members of his family,  
23 and one friend conspired to commit fraud on the Nevada state court by hiring Las  
24 Vegas counsel to effect the return of the children back from Norway in  
25 accordance with the parties' agreement.<sup>1</sup> During Defendant Porsboll's deposition  
26

27 <sup>1</sup> Interestingly, Defendant's counsel suggests that Mr. Vaile has actually initiated actions in  
28 multiple jurisdictions, (Ans. 4), while it has been Defendant who took action in Nevada  
federal court, California, Virginia, Idaho and Norway.

1 in that litigation, she testified that this Court had thrown out the parties separation  
2 agreement, including the child support provisions, based on its 2002 decision.  
3 All parties were eventually dismissed from that suit except Mr. Vaile.

4 In 2006, during the serious illness of Mr. Vaile's child, Defendant procured  
5 what her counsel claims is a default judgment<sup>2</sup> against Mr. Vaile in the federal  
6 court litigation. Subsequently, the federal court denied Defendant's counsel's  
7 request for attorney's fees and costs in that litigation.<sup>3</sup> On appeal, the Ninth  
8 Circuit threw out a portion of the relief granted in the "default judgment," which  
9 relief was surreptitiously inserted into the default judgment by Defendant's  
10 counsel. Despite Defendant's testimony and this Court's jurisdictional holdings to  
11 the contrary, the default judgment authored by Defendant's counsel held that the  
12 separation agreement and child support provisions survived this Court's 2002  
13 decision and that a child support arrearage should be assessed against Mr. Vaile.  
14 The Ninth Circuit rejected this relief which was without basis and had not been  
15 claimed by Porsboll in the complaint or any subsequent pleading.

16 After Mr. Vaile sued and won partial summary judgment against  
17 Defendant's counsel for libel in Virginia, Defendant's counsel returned to the  
18 Nevada court in November 2007 to ask the same family court judge to reopen this  
19 case yet again. This time, Defendant's object was to convince the judge to award  
20 Defendant a child support arrearage based on the same theory rejected by the  
21 Ninth Circuit. The theory presented by Defendant's counsel was that somehow,  
22 this Court was not really serious when it held that the court did not have personal  
23 jurisdiction of the parties or subject matter jurisdiction of the case,<sup>4</sup> that the child  
24 support provisions in the separation agreement remained binding, and that an  
25

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26 <sup>2</sup> Mr. Willick authored the findings and conclusions of law in that judgment. It is currently  
27 still the subject of appeal.

28 <sup>3</sup> It is confusing that Defendant's counsel refers to these fees on pages 4 and 7 of the  
Answer, laments them, and even implies that they are still owed him by Mr. Vaile,  
("unpaid"), despite the fact that they have been denied by the federal court with finality.

1 arrearage should be assessed against Mr. Vaile. Defendant's counsel further  
2 asserted that the arrearage should be calculated using the MLAW program, which  
3 is the commercial software of his own making. This is where the background  
4 facts intersect those surrounding the current petition.

### 5 **III. MISSTATEMENTS OF FACTS BY DEFENDANT'S COUNSEL**

6 The statement of facts in the Answer provided by Defendant's attorney here  
7 typifies the inflammatory rhetoric that has formed his contribution to the case  
8 since it began. Mr. Willick's object has ever been to convince this Court, and the  
9 lower court as well, that it should ignore the relevant rules and statutes based on  
10 his assertions that Mr. Vaile is an all-around bad guy. Mr. Willick has  
11 demonstrated a willingness to manufacture facts to support his false assertions,  
12 both inside and outside of the courtroom.

13 In April of 2002, this Court made a determination that was largely  
14 unfavorable to Mr. Vaile based on at least two false factual assertions by  
15 Defendant's counsel. The first false assertion was that Mr. Vaile was given a  
16 pick-up order to retrieve his children from Norway solely because he represented  
17 to the lower court that the children had lived in Nevada all their lives. Defendant  
18 testified during deposition in the federal court proceedings that followed that Mr.  
19 Vaile was *never asked* how long the children had lived in Nevada. In fact, when  
20 Defendant herself was asked during her deposition in Las Vegas the exact same  
21 question that Mr. Vaile had been asked by the family court judge years prior, she  
22 answered in precisely the same manner.<sup>5</sup> In effect, Defendant testified that her  
23 counsel made misrepresentations to this Court previously.

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26 <sup>4</sup> Since the jurisdictional questions are threshold issues, this Court may, of course, address  
27 them as a part of this petition. Otherwise, Mr. Vaile will fully brief those issues on full  
appeal.

28 <sup>5</sup> Q. How many years did you live *here*? A. Seven years. (Or all the children's lives at  
that point.)

1 The second false assertion that Defendant's counsel presented to this Court,  
2 which this Court repeated in the factual history of its decision, was that the  
3 Norwegian proceedings began *before* Mr. Vaile initiated proceedings in the  
4 Nevada family court below. This fact appeared to be part of the basis for this  
5 Court to send the children to Norway for custody proceedings. This material  
6 assertion was demonstrated to be false almost a year later. In February 2003,<sup>6</sup>  
7 almost a year after the parties' children were sent to Norway by this Court, the  
8 Norwegian court formally gave Defendant full custody of the children. In that  
9 decision, to which Defendant's counsel refers in the Answer in footnote 1, the  
10 Norwegian court corrected the false assertion previously presented by  
11 Defendant's counsel to this honorable Court. The Norwegian court stated  
12 unequivocally that the Norwegian action began with a complaint dated March 24,  
13 2000. This was more than a month after Mr. Vaile's Show Cause action was filed  
14 in the family court in Nevada. The Norwegian court brought to light the second  
15 false assertion made by Defendant's counsel to this Court.

16 There were several additional false assertions of fact made by Defendant's  
17 counsel to this Court in those proceedings. Furthermore, Mr. Willick's propensity  
18 for falsity has not been limited to statements made within the protection of court  
19 proceedings. When Defendant's counsel made false statements concerning Mr.  
20 Vaile outside the courtroom, a federal district court in Virginia held that  
21 Defendant's counsel's malicious letters to Mr. Vaile's law school in Virginia and  
22 to the American Bar Association were not only false, but defamatory *per se*. It is  
23 unsurprising that one of the issues this Court will consider on appeal is,  
24 Defendant's counsel's continued misrepresentations of fact in the lower court  
25 proceedings.  
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28 <sup>6</sup> In actuality, Mr. Vaile was not served with this decision by the Norwegian courts until November 2003.



1 Steeped in hypocrisy, Mr. Willick denigrates Mr. Vaile for allegations of his  
2 own creation. Mr. Vaile has not lied, kidnapped or worse. In actual fact, he is the  
3 only party who has upheld his agreement, kept his word, and represented the truth  
4 in the course of this litigation.

#### 5 **IV. ARGUMENT**

##### 6 **A. MATERIAL FACTS ARE IN DISPUTE**

7 Factual history aside, one cannot get past the Answer's argument to see  
8 continuing evidence of Defendant's counsel's aversion for the truth.

9 Unbelievably, Defendant's counsel asserts here that "there are no material issues  
10 of fact in dispute" in this case. (Ans. 4, 10). Surely, counsel could not have  
11 missed the controversy surrounding the **fact** that his commercial software  
12 calculates child support penalties differently from the method set out in Nevada  
13 statute and employed by the state. It is inconceivable that counsel could simply  
14 misapprehend the *materiality* of that fact in dispute. Not only is the \$40,000  
15 difference that the faulty methods programmed into the MLAW commercial  
16 software material in this case, it is also similarly material to the thousands of  
17 custodial and non-custodial parents in Nevada whose penalty calculations may  
18 have been calculated incorrectly by the MLAW program. The court's  
19 determination of this fact is not just material, it is central to the issue in dispute.

##### 20 **B. DEFENDANT'S COUNSEL IS WITNESS AND ADVOCATE**

21 Although it is clear that Defendant's counsel is fulfilling the role of both  
22 witness and advocate, he appears to have trouble deciding which role to adopt.  
23 As such, he argues both ways, presenting himself as both the Expert Witness and  
24 the Advocate. Counsel claims that he was actually "responsible for the existence  
25 of the statutory provisions in question," (Ans. 8), but at the same time, that he has  
26 "no personal knowledge of any relevance to the question," (Ans. 7). He claims  
27 that he shared "expertise" in the area, (Ans. 5) but that he was just arguing, not  
28

1 testifying, (Ans. 6, 10). He claims that he demonstrated his knowledge of "the  
2 legal history of the statutory provisions and the mechanics of the necessary  
3 calculations" with the court (Ans. 5), but that he was just explaining the math,  
4 (Ans. 9). He both referenced and included as an exhibit to the Answer what he  
5 appears to believe are the controlling secondary authorities on the topic, authored  
6 by him, (Ans. 6), but implies that he could not have been a witness because his  
7 argument was compelled, (Ans. 10). While Defendant's counsel battles his own  
8 straw man, the issues here are simple.

9 Defendant's Counsel is a necessary witness in this case in at least two  
10 respects. Firstly, Mr. Willick is his client's own expert witness because he claims  
11 to have first-hand experience as to the *intent* of the legislation because he was  
12 "responsible ... for the statutory provisions." (Ans. 8). While any attorney could  
13 argue how a court should interpret legislation, testifying as to the intent and  
14 meaning of that legislation because he was a creator of it moves one into the  
15 realm of witness. In short, he has held himself out as the only authoritative expert  
16 on this history, and therefore, necessary witness.

17 Secondly, Mr. Willick is a witness because he is the creator, vendor and  
18 beneficiary of the commercial software at issue here. This is not simply a matter  
19 of how he calculated penalties against Mr. Vaile in the back office, but how his  
20 commercial software did so in this case and does so across the state. Although  
21 counsel avoids discussion of his role as salesman and developer in the Answer, he  
22 does admit he "created the program in common use to automate the interest and  
23 penalty calculations." (Ans. 5). Of course, he deemphasizes that this is  
24 commercial software whose very viability is now at issue. Only he as the creator  
25 can answer questions as to why certain calculations contrary to the statute were  
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1 implemented into the software. Additionally, he and his firm<sup>7</sup> bear the liability  
2 when evidence reveals that Mr. Willick, as commercial product vendor,  
3 intentionally strayed from the statutory formula simply because he believes his  
4 methods are superior to those in the statute.

5 Neither the role of expert witness nor the role of the software vendor whose  
6 product is being challenged belongs to the role of the advocate. Not only is Mr.  
7 Willick *a* witness, he is the *only* witness for Defendant, demonstrating his  
8 necessity. Mr. Vaile is significantly prejudiced because Defendant's sole witness  
9 of material facts in dispute is not subject to cross-examination or direct  
10 questioning. Defendant's counsel was allowed to ramble incessantly on his  
11 theories without the checks that the proper working of adversarial process puts in  
12 place. This is precisely the reason that the ethical rule should be enforced.

13 **C. THE CONFLICT BETWEEN DEFENDANT AND HER COUNSEL IS EVIDENT**

14 In order to protect his conflicted role, Defendant's counsel goes so far as to  
15 claim that no evidence was heard on the matter because no evidentiary hearing  
16 was held, (Ans. 5), no testifying took place (Ans. 10), and that there was no trial  
17 (Ans. 11). This argument is especially vacuous when one considers that the Clark  
18 County District Attorney also appeared at the July 11, 2008 hearing to provide  
19 testimony on the matter. Surely the DA was not appearing to offer a "compelled  
20 argument" to the court as well. Defendant's counsel's efforts to protect his ability  
21 to advocate for his software and to preserve his reputation as expert on these  
22 matters could not be more transparent.

23  
24 In asserting that no evidence was presented by Defendant on the matter,  
25 counsel's conflict of interest with his client becomes readily evident. No attorney  
26 ethically advocating for a client would fail to present a single shred of evidence in

27 <sup>7</sup> Although Defendant's counsel suggests that any conflict of interest could be avoided by  
28 disqualifying him but leaving his firm in place as counsel of record, the firm, as liable  
product vendor is equally conflicted and certainly similarly interested in protecting the  
boss.

1 favor of his client's position, especially when opposed by overwhelming  
2 evidence, such as that offered by the Nevada Attorney General's office here.  
3 Certainly Mr. Willick recognizes that his mere argument is not sufficient to fulfill  
4 his client's evidentiary burden of **proof**. No cite to authority is necessary for the  
5 proposition that argument is not proof. Mr. Willick's claim that he has presented  
6 no evidence to support his client's position is an admission that he has committed  
7 legal malpractice and disserved his client. Only an attorney who faces significant  
8 liability as the vendor of defective software as well as serious reputational injury  
9 would favor such a position. This conflict supports not only why Mr. Willick  
10 should be disqualified under the ethical rule in question, but also stands as an  
11 independent basis for disqualification.

12 If the conflict of interest is not evident based on this point alone, one might  
13 consider how much effort and what amount of fees Defendant may incur as a  
14 result of her counsel's defense of his software's calculation. When Mr. Vaile's  
15 counsel<sup>8</sup> discovered that Mr. Willick also miscalculated the principal amount<sup>9</sup> on  
16 the same order of magnitude as the current arrearage amount in controversy,  
17 Defendant's counsel simply fixed the error and moved on. Defendant's counsel  
18 dismissed the error as an input error, not a programmatic error. Once Mr. Vaile's  
19 counsel discovered a systematic error in the software itself, Defendant's counsel  
20 refused to correct the errors, and has defended the program like a lioness defends  
21 her cubs. Despite the fact that Mr. Willick appears to complain repeatedly about  
22 the time and fees<sup>10</sup> incurred on working for his client, he is more than willing to  
23 incur fees even *in excess* of the amount in controversy because his software, his

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24 <sup>8</sup> Defendant's counsel continues to complain about the appearance of Greta Muirhead on Mr.  
25 Vaile's behalf as "sanctionable," (Ans. 4-5), despite the bar ethics' committee conclusion to  
26 the contrary. Clearly, he continues to resent the fact that Ms. Muirhead discovered nearly  
\$80,000 in miscalculations and the MLAW program flaws.

27 <sup>9</sup> Defendant's counsel failed to mention these errors in the principal calculation, and instead  
28 falsely claimed in the Answer that the challenges to principal were simply abandoned or  
recanted (Ans. 5, fn18). Mr. Vaile's claims of error were, of course, not abandoned until  
they were *corrected* by Defendant's counsel.

1 liability, and his reputation as self-appointed expert in this area is at stake.  
2 Defendant's counsel's position is clearly at odds with his client's best interest.<sup>11</sup>

3 *Zurich Ins. Co. v. Knotts*,<sup>12</sup> is irrelevant to this case. Even if Kentucky law  
4 applied in Nevada, the facts are inapposite. Neither Mr. Vaile nor his counsel  
5 asked Mr. Willick to testify or present expert evidence. Mr. Vaile did not even  
6 know what software was employed to make the penalty calculations submitted to  
7 the court until Mr. Willick asserted the commercial predominance of his product,  
8 and the correctness of the methods he employs, which are contrary to the state's.  
9 Unlike *Knotts*, where the opposing party attempted to force an attorney into the  
10 role of witness, Mr. Willick propelled himself into the witness roles that he is  
11 now defending. Mr. Willick could have called other knowledgeable witnesses or  
12 simply admitted his error. Instead, he insisted that only his first-hand expertise  
13 should be heard on the matter. In the same manner that he cannot resist  
14 attempting to educate this Court on how the state has it wrong and he has it right,  
15 Mr. Willick chose to present himself as the only witness with knowledge enough  
16 to educate the court below. In so doing, he is advocating for himself, not his  
17 client.

#### 18 **D. NO HARDSHIP ON THE CLIENT EXISTS**

19 Defendant's counsel suggested that this was a simple child support issue  
20 when he complained about Greta Muirhead's representation of Mr. Vaile to the  
21 bar committee by stating that there is "no special ability or knowledge or  
22 expertise that [is] required . . . to take this child support arrears case...." and that  
23 this issue requires qualifications that "a thousand other attorneys in this state"  
24

25 <sup>10</sup> Another example of Defendant's counsel's conflict of interest and ethical violation is the  
26 large amount his firm stands to gain by overcharging Mr. Vaile, and by taking his  
contingency percentage of fees collected.

27 <sup>11</sup> Mr. Vaile believes that this is one of the reasons that Defendant's counsel has prohibited  
28 her from taking part in settlement discussions with Mr. Vaile. If Defendant's current  
counsel is dismissed, Mr. Vaile would entertain mandatory mediation in this case.

<sup>12</sup> 52 S.W.3d 555 (Ky. 2001).

1 could provide.<sup>13</sup> When it no longer suits his purpose, counsel reverses course and  
2 frames this matter as a complex case based on the number of banker's boxes he  
3 has collected, (Ans. 7), the amount of fees that courts have denied him, (Ans. 7),  
4 and the limited pool of attorneys available (Ans. 4). All non-support issues were  
5 decided in other courts, in other cases (such as those against him personally) or  
6 are now finally decided. Not only can the support issues that remain in this case  
7 be litigated with simplicity, they could very probably be settled out of court  
8 entirely if Defendant's counsel's self interest was no longer a factor.

9 In the event that Defendant must seek counsel, given that her household  
10 income and assets far exceed<sup>14</sup> that of Mr. Vaile's, her ability to secure counsel to  
11 litigate any remaining issues will not be a hardship. Although her new counsel  
12 may not be interested in protecting the integrity of the MLAW software program,  
13 the substantive issues in this case can certainly be solved simply.

#### 14 V. CONCLUSION

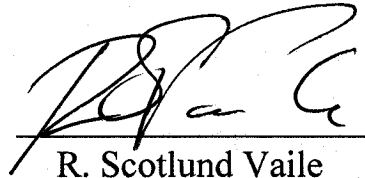
15 Based upon the facts and argument presented above, Petitioner respectfully  
16 requests that the Writ of Mandamus be Issued and that this Honorable Court issue  
17 an order directing the Honorable Cheryl B. Moss to enter orders disqualifying  
18 Marshal Willick and the Willick Law Group from representation of Defendant  
19 Porsboll below and vacating the order awarding \$2,000.00 in attorney's fees and  
20 costs to the Willick Law Group.  
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25 <sup>13</sup> Defendant's counsel would have this Court overlook his own claims on this issue by  
26 dismissing the documents (attached as exhibit C-3 to the original petition) where he made  
27 these very assertions by claiming that "[t]hose documents have nothing to do with  
28 Scotlund's request to disqualify me or this firm." (Ans. 3).

<sup>14</sup> Given that both parties recently submitted financial disclosure forms in this case,  
Defendant's counsel knows of his client's favorable resources. Once again, counsel shows  
a disregard for the truth by claiming that his client is impecunious (Ans. 4, 7).

1 Respectfully submitted this 29<sup>th</sup> day of October, 2008.  
2  
3  
4

A handwritten signature in black ink, appearing to read 'R. Scotlund Vaile', written over a horizontal line.

5 R. Scotlund Vaile  
6 PO Box 727  
7 Kenwood, CA 95452  
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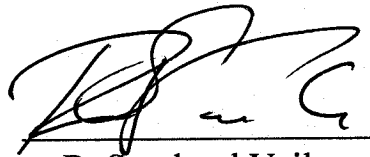
6 **CERTIFICATE OF SERVICE**

7 I hereby certify that service of the foregoing was made on the 29<sup>th</sup> day of  
8 October, 2008 by U.S. Mail addressed as follows:

9 Honorable Cheryl B. Moss  
10 Eighth Judicial District Court  
11 Dept. I  
12 601 North Pecos Road  
13 Las Vegas, NV 89101-2408

14 Marshal S. Willick, Esq.  
15 Willick Law Group  
16 3591 East Bonanza Road  
17 Suite 200  
18 Las Vegas, NV 89110-2101  
19 Attorney for Real Party in Interest

20 There is regular communication between the place of mailing and the places  
21 so addressed.

22   
23

24 R. Scotlund Vaile  
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26 Kenwood, CA 95452  
27 (707) 833-2350  
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