

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Divorce - Joint Petition**COURT MINUTES****May 21, 2003**

98D230385

In the Matter of the Joint Petition for Divorce of:
Robert S Vaile and Cisilie A Vaile, Petitioners.

May 21, 2003**2:30 PM****Motion****HEARD BY:** Moss, Cheryl B**COURTROOM:** Courtroom 13**PARTIES:**

Cisilie Vaile, Petitioner, not present

Marshal Willick, Attorney, Attorney, not present

Kaia Vaile, Subject Minor, not present

Kamilla Vaile, Subject Minor, not present

Robert Vaile, Petitioner, not present

Pro Se

COURT CLERK:

JOURNAL ENTRIES

INTERIM CONDITIONS:**FUTURE HEARINGS:***Canceled: March 27, 2008 10:00 AM Motion to Set Aside**Canceled: March 27, 2008 10:00 AM Motion to Dismiss**Canceled: March 27, 2008 10:00 AM Opposition & Countermotion**Canceled: July 03, 2008 9:30 AM Motion**Canceled: July 03, 2008 9:30 AM Opposition & Countermotion**Canceled: July 11, 2008 8:30 AM Motion**Canceled: July 11, 2008 8:31 AM Opposition & Countermotion**Canceled: July 11, 2008 8:30 AM Return Hearing**Canceled: August 27, 2008 9:00 AM Motion for Order to Show Cause*

Canceled: September 08, 2008 9:30 AM Motion to Strike

Canceled: October 07, 2008 10:00 AM Motion to Reconsider

April 29, 2009 10:30 AM Motion for Attorney Fees
Moss, Cheryl B
Courtroom 13

Canceled: May 05, 2009 10:00 AM Motion for Attorney Fees

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Divorce - Joint Petition**COURT MINUTES****June 04, 2003**

98D230385

In the Matter of the Joint Petition for Divorce of:
Robert S Vaile and Cisilie A Vaile, Petitioners.

June 04, 2003**1:30 PM****Motion****HEARD BY:** Moss, Cheryl B**COURTROOM:** Courtroom 13**PARTIES:**

Cisilie Vaile, Petitioner, not present
Kaia Vaile, Subject Minor, not present
Kamilla Vaile, Subject Minor, not present
R Vaile, Petitioner, present

Marshal Willick, Attorney, present

Pro Se

COURT CLERK:

JOURNAL ENTRIES

- Plaintiff appeared telephonically, sworn and testified. Defendant's Supplemental Exhibit FILED IN OPEN COURT. COURT FINDS, there is no venue argument. Pursuant to International Law and the Hague Convention this Court is the Hague Court and has jurisdiction to award fees. There is to be no double billing with the Texas Order.

COURT FURTHER FINDS, the Texas Order remains enforceable, but will keep the Orders separate. Based on the pleadings and oral arguments, COURT ORDERED, \$116,732.09 in Attorney's Fees and Costs are GRANTED and Reduced to Judgment, bearing interest at the legal rate.

Mr. Willick advised this Court that he has filed a Tort Action in Federal Court on behalf of the Defendant and if awarded the fees in this Court, will lodge a copy of the Order in Federal Court. Mr. Willick requested this Court sign an Order to release information, that request is DENIED, as the information would be used for the Tort Action in Federal Court, therefore, a Federal Court Judge should sign the Order.

COURT FURTHER ORDERED and DIRECTED Mr. Willick to lodge a copy of this Court's Order in Federal Court and Notice this Court.

Mr. Willick is to prepare the order from today's hearing, Plaintiff is to review as to form and content. CASE CLOSED.

INTERIM CONDITIONS:

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Canceled: March 27, 2008 10:00 AM Motion to Dismiss

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Moss, Cheryl B

Courtroom 13

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**DISTRICT COURT
CLARK COUNTY, NEVADA**

Divorce - Joint Petition**COURT MINUTES****January 15, 2008**

98D230385

In the Matter of the Joint Petition for Divorce of:
Robert S Vaile and Cisilie A Vaile, Petitioners.

January 15, 2008**9:00 AM**

**Motion to Reduce Arrears
to Judgment**

**Deft's Motion to
Reduce Arrears to
Judgment, to Establish
a sum Certain due ea.
month in/child
Support, and for Atty's
Fees**

HEARD BY: Moss, Cheryl B**COURTROOM:** Courtroom 13**PARTIES:**

Cisilie Vaile, Petitioner, not present
Kaia Vaile, Subject Minor, not present
Kamilla Vaile, Subject Minor, not present
Robert Vaile, Petitioner, not present

Marshal Willick, Attorney, present

Pro Se

COURT CLERK: Valerie Riggs

JOURNAL ENTRIES

- Discussion by Counsel.

There being no Opposition and no appearances, COURT ORDERED, Plaintiff is DEFAULTED. Court will ADOPT all legal and factual requests. Defendant's CHILD SUPPORT is SET at \$1,300.00 per month for the minor children. Defendant's CHILD SUPPORT ARREARS are SET at \$226,569.23, Reduced to Judgment. Defendant is AWARDED \$5,100.00 in Attorney's Fees, Reduced to Judgment. Order SIGNED IN OPEN COURT.

COURT FURTHER ORDERED, Defendant shall file an Affidavit of Financial Condition forthwith.

INTERIM CONDITIONS:

PRINT DATE:	04/22/2009	Page 20 of 72	Minutes Date:	March 29, 2000
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FUTURE HEARINGS:

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Courtroom 13

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**DISTRICT COURT
CLARK COUNTY, NEVADA****Divorce - Joint Petition****COURT MINUTES****March 03, 2008**

98D230385

**In the Matter of the Joint Petition for Divorce of:
Robert S Vaile and Cisilie A Vaile, Petitioners.****March 03, 2008****9:30 AM****Motion to Dismiss****HEARD BY:** Moss, Cheryl B**COURTROOM:** Courtroom 13**PARTIES:**

Cisilie Vaile, Petitioner, not present

Marshal Willick, Attorney, Attorney, not
present

Kaia Vaile, Subject Minor, not present

Kamilla Vaile, Subject Minor, not present

Robert Vaile, Petitioner, not present

Pro Se

COURT CLERK:**JOURNAL ENTRIES****INTERIM CONDITIONS:****FUTURE HEARINGS:***Canceled: March 27, 2008 10:00 AM Motion to Set Aside**Canceled: March 27, 2008 10:00 AM Motion to Dismiss**Canceled: March 27, 2008 10:00 AM Opposition & Countermotion**Canceled: July 03, 2008 9:30 AM Motion**Canceled: July 03, 2008 9:30 AM Opposition & Countermotion**Canceled: July 11, 2008 8:30 AM Motion**Canceled: July 11, 2008 8:31 AM Opposition & Countermotion**Canceled: July 11, 2008 8:30 AM Return Hearing**Canceled: August 27, 2008 9:00 AM Motion for Order to Show Cause*

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**DISTRICT COURT
CLARK COUNTY, NEVADA****Divorce - Joint Petition****COURT MINUTES****March 03, 2008**

98D230385

**In the Matter of the Joint Petition for Divorce of:
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Marshal Willick, Attorney, Attorney, not
present

Kaia Vaile, Subject Minor, not present

Kamilla Vaile, Subject Minor, not present

Robert Vaile, Petitioner, not present

Pro Se

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**DISTRICT COURT
CLARK COUNTY, NEVADA**

Divorce - Joint Petition**COURT MINUTES****March 03, 2008**

98D230385

In the Matter of the Joint Petition for Divorce of:
Robert S Vaile and Cisilie A Vaile, Petitioners.

March 03, 2008**9:30 AM****Opposition &
Counter-motion****HEARD BY:** Moss, Cheryl B**COURTROOM:** Courtroom 13**PARTIES:**

Cisilie Vaile, Petitioner, not present

Marshal Willick, Attorney, Attorney, not
present

Kaia Vaile, Subject Minor, not present

Kamilla Vaile, Subject Minor, not present

Robert Vaile, Petitioner, not present

Pro Se

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PRINT DATE:	04/22/2009	Page 26 of 72	Minutes Date:	March 29, 2000
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Divorce - Joint Petition**COURT MINUTES****March 03, 2008**

98D230385

In the Matter of the Joint Petition for Divorce of:
Robert S Vaile and Cisilie A Vaile, Petitioners.

March 03, 2008**9:30 AM****All Pending Motions****HEARD BY:** Moss, Cheryl B**COURTROOM:** Courtroom 13**PARTIES:**

Cisilie Vaile, Petitioner, not present
Kaia Vaile, Subject Minor, not present
Kamilla Vaile, Subject Minor, not present
R Vaile, Petitioner, present

Marshal Willick, Attorney, present

Pro Se

COURT CLERK: Valerie Riggs

JOURNAL ENTRIES

- PLTF'S MOTION TO DISMISS DEFENDANT'S PENDING MOTION AND PROHIBITION ON SUBSEQUENT FILINGS AND TO DECLARE THIS CASE CLOSED BASED ON FINAL JUDGMENT BY THE NEVADA SUPREME COURT, LACK OF SUBJECT MATTER JURISDICTION, LACK OF PERSONAL JURISDICTION, INSUFFICIENCY OF PROCESS, AND/OR INSUFFICIENCY OF SERVICE OF PROCESS AND RES JUDICATEA, AND TO ISSUE SANCTIONS, OR, IN THE ALTERNATIVE, MOTION TO STAY CASE...PLTF'S MOTION TO SET ASIDE ORDER, RECONSIDER, REOPEN DISCOVERY, STAY ENFORCEMENT...DEFT'S OPPOSITION AND COUNTERMOTION FOR DISMISSAL UNDER EDCR 2.23 AND THE FUGITIVE DISENTITLEMENT DOCTRINE, FOR FEES AND SANCTIONS UNDER EDCR 7.60, AND FOR GOAD ORDER RESTRICTING FUTURE FILINGS

Atty Crane, Bar# 9536, also present with Atty Willick for Defendant.

Plaintiff present by telephone. Plaintiff sworn and testified.

Arguments.

Court finds Nevada has personal jurisdiction over Plaintiff for filing the Joint Petition.

COURT ORDERED the following:

1. Plaintiff's Motion to Dismiss is DENIED.
2. Plaintiff's Motion to Set Aside the Order of 1-15-08 is GRANTED.
3. Plaintiff's Motion to Reopen Discovery is DENIED.
4. Defendant's request for a Goad Order is DENIED.
5. Plaintiff's Order for CHILD SUPPORT and ARREARS STANDS unless Norway modifies it.
6. Defendant is AWARDED \$10,000.00 in Attorney's Fees, Reduced to Judgment.

Atty Willick shall prepare the Order from today's hearing.

INTERIM CONDITIONS:

FUTURE HEARINGS:

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98D230385

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Divorce - Joint Petition**COURT MINUTES****June 11, 2008**

98D230385

In the Matter of the Joint Petition for Divorce of:
Robert S Vaile and Cisilie A Vaile, Petitioners.

June 11, 2008**9:00 AM****Motion to Reconsider****HEARD BY:** Moss, Cheryl B**COURTROOM:** Courtroom 13**PARTIES:**

Cisilie Vaile, Petitioner, not present

Marshal Willick, Attorney, Attorney, not present

Kaia Vaile, Subject Minor, not present

Kamilla Vaile, Subject Minor, not present

Robert Vaile, Petitioner, not present

Pro Se

COURT CLERK:

JOURNAL ENTRIES

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**DISTRICT COURT
CLARK COUNTY, NEVADA**

Divorce - Joint Petition**COURT MINUTES****June 11, 2008**

98D230385

In the Matter of the Joint Petition for Divorce of:
Robert S Vaile and Cisilie A Vaile, Petitioners.

June 11, 2008**9:00 AM****Opposition &
Counter-motion****HEARD BY:** Moss, Cheryl B**COURTROOM:** Courtroom 13**PARTIES:**

Cisilie Vaile, Petitioner, not present

Marshal Willick, Attorney, Attorney, not
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Kaia Vaile, Subject Minor, not present

Kamilla Vaile, Subject Minor, not present

Robert Vaile, Petitioner, not present

Pro Se

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PRINT DATE:	04/22/2009	Page 33 of 72	Minutes Date:	March 29, 2000
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98D230385

Moss, Cheryl B
Courtroom 13

Canceled: May 05, 2009 10:00 AM Motion for Attorney Fees

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Divorce - Joint Petition**COURT MINUTES****June 11, 2008**

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In the Matter of the Joint Petition for Divorce of:
Robert S Vaile and Cisilie A Vaile, Petitioners.

June 11, 2008**9:00 AM****Motion****HEARD BY:** Moss, Cheryl B**COURTROOM:** Courtroom 13**PARTIES:**

Cisilie Vaile, Petitioner, not present

Marshal Willick, Attorney, Attorney, not present

Kaia Vaile, Subject Minor, not present

Kamilla Vaile, Subject Minor, not present

Robert Vaile, Petitioner, not present

Pro Se

COURT CLERK:

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**DISTRICT COURT
CLARK COUNTY, NEVADA**

Divorce - Joint Petition**COURT MINUTES****June 11, 2008**

98D230385

In the Matter of the Joint Petition for Divorce of:
Robert S Vaile and Cisilie A Vaile, Petitioners.

June 11, 2008**9:00 AM****Opposition &
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Cisilie Vaile, Petitioner, not present

Marshal Willick, Attorney, Attorney, not
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Kaia Vaile, Subject Minor, not present

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Pro Se

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**DISTRICT COURT
CLARK COUNTY, NEVADA**

Divorce - Joint Petition**COURT MINUTES****June 11, 2008**

98D230385

In the Matter of the Joint Petition for Divorce of:
Robert S Vaile and Cisilie A Vaile, Petitioners.

June 11, 2008**9:00 AM****All Pending Motions****HEARD BY:** Moss, Cheryl B**COURTROOM:** Courtroom 13**PARTIES:**

Cisilie Vaile, Petitioner, not present
Kaia Vaile, Subject Minor, not present
Kamilla Vaile, Subject Minor, not present
Robert Vaile, Petitioner, not present

Marshal Willick, Attorney, present

Pro Se

COURT CLERK: Valerie Riggs

JOURNAL ENTRIES

- EX PARTE MOTION FOR ORDER ALLOWING EXAMINATION OF JUDGMENT DEBTOR...ROBERT VAILE'S MOTION FOR RECONSIDERATION, AMEND ORDER, NEW HEARING, OBJECTIONS, STATY ENFORCEMENT OF 3-3-08 ORDER...DEFT'S OPPOSITION AND COUNTERMOTION FOR RECONSIDERATION AND TO AMEND ORDER POSTING OF BOND AND ATTY FEES

Atty Greta Muirhead, Bar#3957, appeared in an Unbundled capacity for Plaintiff.

Arguments by Counsel concerning Plaintiff's Ex Parte Motion to Recuse.

COURT ORDERED, based on the Virginia proceedings where this Court is listed in the Interrogatories as a potential witness and the fact that Plaintiff's unbundled Counsel is this Court's only Judicial opponent in this year's election, this Court has no objective or subjective bias, therefore, there is no basis to recuse, Plaintiff's Motion is DENIED.

Further arguments by Counsel concerning jurisdiction and child support.

COURT FINDS:

1. Colorable personal jurisdiction pursuant to 130.201.
2. Plaintiff's submission to personal jurisdiction with this Court to create and establish an initial custody order.
3. Both of Plaintiff's pleadings had child support formulas.
4. The 9th Circuit Court Appeals Decision is recognized.

COURT ORDERED the following:

1. Any Proper Person appearances by Plaintiff SHALL be in person, there SHALL be no more telephonic appearances pursuant to Barry vs Lindner.
2. Plaintiff is DIRECTED and REQUIRED to file an Affidavit of Financial Condition forthwith pursuant to EDCR 5.32.
3. Plaintiff's CHILD SUPPORT shall remain at \$1,300.00 per month based on the Child Support attachment to the 1998 Decree of Divorce. Court finds it is an enforceable provision and Plaintiff has two (2) years past performance. That neither Party filed or exchanged copies of their tax returns 30 days prior to July 1 of each year. Page 13-16 of the Child Support Provision STANDS, as nobody challenged it. The District Attorney to enforce \$1,300.00 per month.
4. A GOAD Order is GRANTED IN PART to Plaintiff, if he files any Motion, it is to be pre-approved through chambers first, filed, then ROC and served to Defendant, with no bond required.
5. The CHILD SUPPORT ARREARS Judgment STANDS, but can be modified pursuant to NRCP 6a.
6. Plaintiff DOES OWE the CHILD SUPPORT for the two (2) years that he had the children pursuant to the Nevada Supreme Court ruling.
7. Counsels requests for Attorney's Fees are DEFERRED to the next hearing. Both Counsel to submit their Billing Statements.
8. Plaintiff to brief Loadstar.
9. Court will notify the District Attorney's Office to appear at the next hearing to testify as to penalties and interest on CHILD SUPPORT ARREARS.
10. An ORDER TO SHOW CAUSE is ISSUED to Plaintiff for failure to follow the Court Order for the Examination of Judgment Debtor. Atty Muirhead will accept service for Plaintiff. Plaintiff is REQUIRED to APPEAR IN PERSON.

11. Defendant's request for a BENCH WARRANT is DEFERRED.
12. Paragraph 15 of the 3-20-08 Order STANDS, as it is just a recitation of the Statute.
13. Plaintiff's willful knowing and non-payment of CHILD SUPPORT is DEFERRED.
14. Court will acknowledge credit for any CHILD SUPPORT payment that Plaintiff has made, with proof of payments.
15. Return hearing date SET.
16. Plaintiff's Motion and Deft's Opposition and Countermotion scheduled for 7-3-08 is CONTINUED to 7-11-08 at 8:00 a.m.

Atty Willick shall prepare the Order from today's hearing, Atty Muirhead to sign as to form and content.

7-11-08 8:00 AM RETURN: CHILD SUPPORT PENALTIES/INTEREST

7-11-08 8:00 AM ROBERT VAILE'S MOTION FOR SANCTIONS

7-11-08 8:00 AM CISILE VAILE'S OPPOSITION AND COUNTERMOTION FOR A BOND, FEES, SANCTIONS

INTERIM CONDITIONS:

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PRINT DATE:	04/22/2009	Page 41 of 72	Minutes Date:	March 29, 2000
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**DISTRICT COURT
CLARK COUNTY, NEVADA****Divorce - Joint Petition****COURT MINUTES****July 11, 2008**

98D230385

In the Matter of the Joint Petition for Divorce of:
Robert S Vaile and Cisilie A Vaile, Petitioners.**July 11, 2008****8:00 AM****Return Hearing****See All Pending
Motions 7/11/08****HEARD BY:** Moss, Cheryl B**COURTROOM:** Courtroom 13**PARTIES:**

Cisilie Vaile, Petitioner, not present

Marshal Willick, Attorney, Attorney, not
present

Kaia Vaile, Subject Minor, not present

Kamilla Vaile, Subject Minor, not present

Robert Vaile, Petitioner, not present

Pro Se

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**DISTRICT COURT
CLARK COUNTY, NEVADA****Divorce - Joint Petition****COURT MINUTES****July 11, 2008**

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Marshal Willick, Attorney, Attorney, not
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Kaia Vaile, Subject Minor, not present

Kamilla Vaile, Subject Minor, not present

Robert Vaile, Petitioner, not present

Pro Se

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**DISTRICT COURT
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Divorce - Joint Petition**COURT MINUTES****July 11, 2008**

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July 11, 2008**8:00 AM****Opposition &
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Marshal Willick, Attorney, Attorney, not present

Kaia Vaile, Subject Minor, not present

Kamilla Vaile, Subject Minor, not present

Robert Vaile, Petitioner, not present

Pro Se

COURT CLERK:

JOURNAL ENTRIES

INTERIM CONDITIONS:**FUTURE HEARINGS:***Canceled: July 11, 2008 8:30 AM Motion**Canceled: July 11, 2008 8:31 AM Opposition & Countermotion**Canceled: July 11, 2008 8:30 AM Return Hearing**Canceled: August 27, 2008 9:00 AM Motion for Order to Show Cause**Canceled: September 08, 2008 9:30 AM Motion to Strike**Canceled: October 07, 2008 10:00 AM Motion to Reconsider*

April 29, 2009 10:30 AM Motion for Attorney Fees
Moss, Cheryl B
Courtroom 13

Canceled: May 05, 2009 10:00 AM Motion for Attorney Fees

98D230385

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Divorce - Joint Petition**COURT MINUTES****July 11, 2008**

98D230385

In the Matter of the Joint Petition for Divorce of:
Robert S Vaile and Cisilie A Vaile, Petitioners.

July 11, 2008**8:00 AM****Motion to Strike****See All Pending
Motions 7/11/08****HEARD BY:** Moss, Cheryl B**COURTROOM:** Courtroom 13**PARTIES:**

Cisilie Vaile, Petitioner, not present

Marshal Willick, Attorney, Attorney, not
present

Kaia Vaile, Subject Minor, not present

Kamilla Vaile, Subject Minor, not present

Robert Vaile, Petitioner, not present

Pro Se

COURT CLERK:

JOURNAL ENTRIES

INTERIM CONDITIONS:**FUTURE HEARINGS:***Canceled: July 11, 2008 8:30 AM Motion**Canceled: July 11, 2008 8:31 AM Opposition & Countermotion**Canceled: July 11, 2008 8:30 AM Return Hearing**Canceled: August 27, 2008 9:00 AM Motion for Order to Show Cause**Canceled: September 08, 2008 9:30 AM Motion to Strike**Canceled: October 07, 2008 10:00 AM Motion to Reconsider*

April 29, 2009 10:30 AM Motion for Attorney Fees
Moss, Cheryl B
Courtroom 13

Canceled: May 05, 2009 10:00 AM Motion for Attorney Fees

98D230385

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Divorce - Joint Petition**COURT MINUTES****July 11, 2008**

98D230385

In the Matter of the Joint Petition for Divorce of:
Robert S Vaile and Cisilie A Vaile, Petitioners.

July 11, 2008**8:00 AM****All Pending Motions****HEARD BY:** Moss, Cheryl B**COURTROOM:** Courtroom 13**PARTIES:**

Cisilie Vaile, Petitioner, present

Richard Crane, Attorney, present

Kaia Vaile, Subject Minor, not present

Kamilla Vaile, Subject Minor, not present

R Vaile, Petitioner, present

Pro Se

COURT CLERK:

JOURNAL ENTRIES

- Courtroom clerk, Connie Kalski, present.

RETURN HEARING: CHILD SUPPORT PENALTIES AND INTEREST...PETITIONER ROBERT VAILE'S MOTION FOR SANCTIONS... PETITIONER CISILIE'S OPPOSITION AND COUNTERMOTION FOR A BOND, FEES, SANCTIONS...PETITIONER CISILIE'S MOTION TO STRIKE PETITIONER R.S. VAILE'S EXPARTE REQUEST TO CONTINUE JULY 11, 2008 HEARING AS A FUGITIVE DOCUMENT AND REQUEST FOR SANCTIONS AND FOR ATTORNEY'S FEES

Deputy District Attorneys Mr. Robert Teuton, Esq and Mr. Edward Ewart, Esq, present on behalf of the State of Nevada child welfare program. Mr. Leonard Fowler, case manager from Mr. Willick's office present. Ms. Muirhead stated she was present today in an unbundled capacity. Mr. Willick objected and stated Ms. Muirhead has filed many pleadings in this case and for all intense and purposes is counsel of record.

Ms. Muirhead objected to proceeding forward on the sanctions issues but was ready to proceed on the interest and penalties.

Petitioner Robert Scotlund Vaile's Supplemental Brief FILED IN OPEN COURT. Petitioner Robert Scotlund Vaile's Opposition to Petitioner Cisile's Motion to Strike Petitioner Robert Vaile's Exparte

Request to Continue July 11, 2008 Hearing as a Fugitive Document and Request for Sanctions and Attorney's fees and Petitioner Robert Vaile's Countermotion for Sanctions and Attorney's fees against the Willick Law Group FILED IN OPEN COURT

Arguments by counsel regarding the process of calculating interest on child support arrears. Statements by Deputy District Attorney, Ed Ewart. Further argument.

Court noted a hearing for contempt is reasonable. Mr. Willick's office is to prepare an Order to Show Cause and submit it to the Court for signature. Hearing set. COURT ORDERED, the issue of calculation will be taken under advisement by the Court. This Court will issue a written decision on the matter. Regarding the fees, sanction, and contempt issues, counsel shall prepare briefs and submit them to the Court as stated below. Ms. Muirhead's brief is due by August 1, 2008 by 5:00 p.m.; Mr. Willick's Response is due by August 15, 2008 by 5:00 p.m. The District Attorney and the Attorney General may prepare briefs if they believe it to be necessary. If they choose to prepare briefs, they shall be due by August 29, 2008 by 5:00 p.m. All counsel and all briefs shall provide copies to each other as well as sending courtesy copies to the Court. Matters set for a hearing regarding the Order to Show Cause why Plaintiff should not be held in contempt for failure to pay support. Evidentiary Hearing also set. Defendant lives in the Netherlands and shall be allowed to be present by telephone next court date. Mr. Willick's office shall notify her. There shall be no order necessary for today's hearing.

COURT FURTHER ORDERED, there shall be a hearing set to address the Order from the 6/11/08 hearing.

CLERK'S NOTE: The Court took the file to chambers for review and decision. 7/11/08 ck

INTERIM CONDITIONS:

FUTURE HEARINGS:

Canceled: July 11, 2008 8:30 AM Motion

Canceled: July 11, 2008 8:31 AM Opposition & Countermotion

Canceled: July 11, 2008 8:30 AM Return Hearing

Canceled: August 27, 2008 9:00 AM Motion for Order to Show Cause

Canceled: September 08, 2008 9:30 AM Motion to Strike

Canceled: October 07, 2008 10:00 AM Motion to Reconsider

April 29, 2009 10:30 AM Motion for Attorney Fees
Moss, Cheryl B
Courtroom 13

Canceled: May 05, 2009 10:00 AM Motion for Attorney Fees

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Divorce - Joint Petition**COURT MINUTES****July 21, 2008**

98D230385

In the Matter of the Joint Petition for Divorce of:
Robert S Vaile and Cisilie A Vaile, Petitioners.

July 21, 2008**8:00 AM****Hearing****HEARD BY:** Moss, Cheryl B**COURTROOM:** Courtroom 13**PARTIES:**

Cisilie Vaile, Petitioner, not present

Marshal Willick, Attorney, Attorney, not present

Kaia Vaile, Subject Minor, not present

Kamilla Vaile, Subject Minor, not present

Robert Vaile, Petitioner, not present

Pro Se

COURT CLERK: Donna McGinnis

JOURNAL ENTRIES

- Colloquy between Court and counsel. Both counsel submitted an Order for the 6/11/08 hearing. Today's hearing is for the Court's clarification of the actual Order. With the Court's direction counsel was able to resolve the issues. Clarification's as stated on video record. New Order to be submitted for Court's signature.

1. Pltf was not present as he resides in California but was represented by Greta Muirhead in an unbundled capacity.

2. Denied.

3. Deferred.

4. Denied.

5. Granted in part. No more future filings in proper person unless approved by Chambers.

6. If Pltf doesn't appear on June 11th and provide good reason a warrant for his arrest may be issued by the Court at the July 11th hearing. Deft's request for a Bench Warrant is Deferred.

7. Pltf shall file an AFC before July 11, 2008.
8. Stands.
9. \$1,300.00 - DA to enforce.
10. Deft's counsel shall file an updated billing statement.
11. OK
12. OK
13. Fine.
14. Statement is redundant. Leave in.

It is further ordered request for stay in child support should be denied.

Pltf's request for child support credit when he had custody of the children from May 2000 until April 2002 is DENIED..

Ms. Muirhead granted permission to file a Motion to Remove Mr. Willick. Courtesy Copy served on Mr. Crane in open Court. Matter to be heard on Wednesday 7/24/08 at 1:15 p.m.

Counsel's request for clarification of March 3, 2008 Order is SET for Hearing on August 15, 2008 at 8:00 a.m. at which time the March 3rd Order is going to be reconsidered.

INTERIM CONDITIONS:

FUTURE HEARINGS:

Canceled: August 27, 2008 9:00 AM Motion for Order to Show Cause

Canceled: September 08, 2008 9:30 AM Motion to Strike

Canceled: October 07, 2008 10:00 AM Motion to Reconsider

April 29, 2009 10:30 AM Motion for Attorney Fees
Moss, Cheryl B
Courtroom 13

Canceled: May 05, 2009 10:00 AM Motion for Attorney Fees

98D230385

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Divorce - Joint Petition**COURT MINUTES****July 24, 2008**

98D230385

In the Matter of the Joint Petition for Divorce of:
Robert S Vaile and Cisilie A Vaile, Petitioners.

July 24, 2008**1:15 PM****Motion****HEARD BY:** Moss, Cheryl B**COURTROOM:** Courtroom 13**PARTIES:**

Cisilie Vaile, Petitioner, not present

Marshal Willick, Attorney, Attorney, not present

Kaia Vaile, Subject Minor, not present

Kamilla Vaile, Subject Minor, not present

Robert Vaile, Petitioner, not present

Pro Se

COURT CLERK: Rae Packer

JOURNAL ENTRIES

INTERIM CONDITIONS:**FUTURE HEARINGS:***Canceled: August 27, 2008 9:00 AM Motion for Order to Show Cause**Canceled: September 08, 2008 9:30 AM Motion to Strike**Canceled: October 07, 2008 10:00 AM Motion to Reconsider*

April 29, 2009 10:30 AM Motion for Attorney Fees

Moss, Cheryl B

Courtroom 13

Canceled: May 05, 2009 10:00 AM Motion for Attorney Fees

**DISTRICT COURT
CLARK COUNTY, NEVADA****Divorce - Joint Petition****COURT MINUTES****July 24, 2008**

98D230385

In the Matter of the Joint Petition for Divorce of:
Robert S Vaile and Cisilie A Vaile, Petitioners.

July 24, 2008**1:15 PM****Opposition &
Counter-motion****HEARD BY:** Moss, Cheryl B**COURTROOM:** Courtroom 13**PARTIES:**

Cisilie Vaile, Petitioner, not present

Marshal Willick, Attorney, Attorney, not
present

Kaia Vaile, Subject Minor, not present

Kamilla Vaile, Subject Minor, not present

Robert Vaile, Petitioner, not present

Pro Se

COURT CLERK: Rae Packer**JOURNAL ENTRIES****INTERIM CONDITIONS:****FUTURE HEARINGS:***Canceled: August 27, 2008 9:00 AM Motion for Order to Show Cause**Canceled: September 08, 2008 9:30 AM Motion to Strike**Canceled: October 07, 2008 10:00 AM Motion to Reconsider*

April 29, 2009 10:30 AM Motion for Attorney Fees

Moss, Cheryl B

Courtroom 13

Canceled: May 05, 2009 10:00 AM Motion for Attorney Fees

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Divorce - Joint Petition**COURT MINUTES****July 24, 2008**

98D230385

In the Matter of the Joint Petition for Divorce of:
Robert S Vaile and Cisilie A Vaile, Petitioners.

July 24, 2008**1:15 PM****All Pending Motions****HEARD BY:** Moss, Cheryl B**COURTROOM:** Courtroom 13**PARTIES:**

Cisilie Vaile, Petitioner, not present

Marshal Willick, Attorney, Attorney, not present

Kaia Vaile, Subject Minor, not present

Kamilla Vaile, Subject Minor, not present

Robert Vaile, Petitioner, not present

Pro Se

COURT CLERK: Rae Packer

JOURNAL ENTRIES

- PLTF'S MOTION TO DISQUALIFY MARSHAL WILICK AND THE WILICK LAW GROUP AS ATTORNEY'S OF RECORD...DEFT'S OPPOSITION AND COUNTERMOTION FOR DISQUALIFICATION OF GRETA MUIRHEAD AS ATTORNEY OF RECORD, FEES AND SANCTIONS

Atty Marshal Willick, Bar #2515, also present. Argument on issues. Atty Crane made an Oral Request for a bond to cover ATTORNEY FEES awarded to The Willick Law Group from Plaintiff.

COURT FINDS, Bar proceedings are completely confidential and anything pertaining to those proceedings is to be stricken from the record. Atty Muirhead attached Bar proceeding documents to her pleadings; therefore, those documents are to be stricken.

COURT FURTHER FINDS, there are no rules as to how many times an attorney may appear UNBUNDLED; therefore, Atty Muirhead is recognized as appearing in this capacity.

COURT FURTHER FINDS, this Court does not need to have information on the Virginia case to resolve issues in the Nevada case.

COURT FURTHER FINDS, Atty Willick's statements on the record as to the Marshal Law Program had to do only with the design and function of the software and is completely irrelevant to the Court's decision as to interpretation of the Statute at issue. There was no testimony provided. Further, The Willick Law Group has been counsel of record on this case for a substantial amount of time.

COURT ORDERED:

1. Exhibit 4 of Atty Muirhead's original Motion, a letter dated 06/16/08 to the State Bar of Nevada from Willick Law Group RE: Bar Complaint Concerning Greta G. Muirhead, Bar #3957, shall be STRICKEN from the record. This document has not been read by the Court.
2. Exhibit 1 of Atty Muirhead's Reply to Deft's Opposition, a copy of a letter dated 07/08/08 to Atty Willick from the State Bar of Nevada referencing Grievance File #08-100-1012/Greta Muirhead, shall be STRICKEN from the record.
3. Exhibit 2 of Atty Muirhead's Reply to Deft's Opposition, a copy of a letter dated 07/07/08 to Phillip J. Pattee, Assistance Bar Counsel, State Bar of Nevada, referencing Grievance File #08-100-1012/Marshal Willick, shall be STRICKEN from the record.
4. Pltf's Motion to Disqualify Marshal Willick and The Willick Law Group is DENIED.
5. Deft's Opposition and Countermotion for Disqualification of Greta Muirhead is DENIED. This shall be CERTIFIED as the FINAL ORDER. Atty Willick may choose to take the issue to disqualify Atty Muirhead to the Supreme court.
6. Under 18.010, The Willick Law Group is entitled to fees as the prevailing party and is, therefore, awarded \$2,000.00 ATTORNEY FEES. Said amount is REDUCED TO JUDGEMENT. Atty Crane's request for a BOND is DENIED.
7. Plaintiff is to file the new FINANCIAL DISCLOSURE FORM forthwith.
8. The Request for Sanctions under NRCP 11 and EDCR 7.60 is DEFERRED.
9. Atty Muirhead's request for fees is DEFERRED. She may submit a copy of her billing statement for time in Court at her stated rate of \$300.00 per hour for consideration.

Atty Crane shall prepare an Order from these proceedings and submit same to Atty Muirhead for approval as to form and content.

INTERIM CONDITIONS:

PRINT DATE:	04/22/2009	Page 60 of 72	Minutes Date:	March 29, 2000
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FUTURE HEARINGS:

Canceled: August 27, 2008 9:00 AM Motion for Order to Show Cause

Canceled: September 08, 2008 9:30 AM Motion to Strike

Canceled: October 07, 2008 10:00 AM Motion to Reconsider

April 29, 2009 10:30 AM Motion for Attorney Fees
Moss, Cheryl B
Courtroom 13

Canceled: May 05, 2009 10:00 AM Motion for Attorney Fees

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Divorce - Joint Petition**COURT MINUTES****August 15, 2008**

98D230385

In the Matter of the Joint Petition for Divorce of:
Robert S Vaile and Cisilie A Vaile, Petitioners.

August 15, 2008**8:00 AM****Hearing****HEARD BY:** Moss, Cheryl B**COURTROOM:** Courtroom 13**PARTIES:**

Cisilie Vaile, Petitioner, not present

Marshal Willick, Attorney, present

Kaia Vaile, Subject Minor, not present

Kamilla Vaile, Subject Minor, not present

Robert Vaile, Petitioner, not present

Pro Se

COURT CLERK: Connie Kalski

JOURNAL ENTRIES

- Discussion regarding the new financial disclosure form. COURT ORDERED, if an updated affidavit of financial condition has been filed, it is unnecessary to file the new financial disclosure form. If the AFC on file is not current or one has not been filed, the parties will need to file the new Financial Disclosure forms.

Ms. Muirhead advised the plaintiff has filed a writ of mandamus to disqualify Mr. Willick as counsel for Defendant. COURT ORDERED, the plaintiff is not present and the matter will not be ruled upon today. All future hearing dates STAND.

INTERIM CONDITIONS:**FUTURE HEARINGS:***Canceled: August 27, 2008 9:00 AM Motion for Order to Show Cause**Canceled: September 08, 2008 9:30 AM Motion to Strike**Canceled: October 07, 2008 10:00 AM Motion to Reconsider*

April 29, 2009 10:30 AM Motion for Attorney Fees
Moss, Cheryl B
Courtroom 13

Canceled: May 05, 2009 10:00 AM Motion for Attorney Fees

**DISTRICT COURT
CLARK COUNTY, NEVADA****Divorce - Joint Petition****COURT MINUTES****September 18, 2008**

98D230385

**In the Matter of the Joint Petition for Divorce of:
Robert S Vaile and Cisilie A Vaile, Petitioners.****September 18,
2008****8:30 AM****Order to Show Cause****HEARD BY:** Moss, Cheryl B**COURTROOM:** Courtroom 13**PARTIES:**

Cisilie Vaile, Petitioner, not present

Marshal Willick, Attorney, Attorney, not
present

Kaia Vaile, Subject Minor, not present

Kamilla Vaile, Subject Minor, not present

Robert Vaile, Petitioner, not present

Pro Se

COURT CLERK:**JOURNAL ENTRIES****INTERIM CONDITIONS:****FUTURE HEARINGS:***Canceled: October 07, 2008 10:00 AM Motion to Reconsider*April 29, 2009 10:30 AM Motion for Attorney Fees
Moss, Cheryl B
Courtroom 13*Canceled: May 05, 2009 10:00 AM Motion for Attorney Fees*

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Divorce - Joint Petition**COURT MINUTES****September 18, 2008**

98D230385

In the Matter of the Joint Petition for Divorce of:
Robert S Vaile and Cisilie A Vaile, Petitioners.

**September 18,
2008****8:30 AM****Order to Show Cause****HEARD BY:** Moss, Cheryl B**COURTROOM:** Courtroom 13**PARTIES:**

Cisilie Vaile, Petitioner, not present

Marshal Willick, Attorney, Attorney, not
present

Kaia Vaile, Subject Minor, not present

Kamilla Vaile, Subject Minor, not present

Robert Vaile, Petitioner, not present

Pro Se

COURT CLERK:

JOURNAL ENTRIES

INTERIM CONDITIONS:**FUTURE HEARINGS:***Canceled: October 07, 2008 10:00 AM Motion to Reconsider*

April 29, 2009 10:30 AM Motion for Attorney Fees
Moss, Cheryl B
Courtroom 13

Canceled: May 05, 2009 10:00 AM Motion for Attorney Fees

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Divorce - Joint Petition**COURT MINUTES****September 18, 2008**

98D230385

In the Matter of the Joint Petition for Divorce of:
Robert S Vaile and Cisilie A Vaile, Petitioners.

**September 18,
2008****8:30 AM****Motion to Reconsider****HEARD BY:** Moss, Cheryl B**COURTROOM:** Courtroom 13**PARTIES:**

Cisilie Vaile, Petitioner, not present

Marshal Willick, Attorney, Attorney, not
present

Kaia Vaile, Subject Minor, not present

Kamilla Vaile, Subject Minor, not present

Robert Vaile, Petitioner, not present

Pro Se

COURT CLERK:

JOURNAL ENTRIES

INTERIM CONDITIONS:**FUTURE HEARINGS:***Canceled: October 07, 2008 10:00 AM Motion to Reconsider*

April 29, 2009 10:30 AM Motion for Attorney Fees
Moss, Cheryl B
Courtroom 13

Canceled: May 05, 2009 10:00 AM Motion for Attorney Fees

**DISTRICT COURT
CLARK COUNTY, NEVADA****Divorce - Joint Petition****COURT MINUTES****September 18, 2008**

98D230385

**In the Matter of the Joint Petition for Divorce of:
Robert S Vaile and Cisilie A Vaile, Petitioners.****September 18,
2008****8:30 AM****Motion for Order to Show
Cause****HEARD BY:** Moss, Cheryl B**COURTROOM:** Courtroom 13**PARTIES:**

Cisilie Vaile, Petitioner, not present

Marshal Willick, Attorney, Attorney, not
present

Kaia Vaile, Subject Minor, not present

Kamilla Vaile, Subject Minor, not present

Robert Vaile, Petitioner, not present

Pro Se

COURT CLERK:**JOURNAL ENTRIES****INTERIM CONDITIONS:****FUTURE HEARINGS:***Canceled: October 07, 2008 10:00 AM Motion to Reconsider*April 29, 2009 10:30 AM Motion for Attorney Fees
Moss, Cheryl B
Courtroom 13*Canceled: May 05, 2009 10:00 AM Motion for Attorney Fees*

**DISTRICT COURT
CLARK COUNTY, NEVADA****Divorce - Joint Petition****COURT MINUTES****September 18, 2008**

98D230385

In the Matter of the Joint Petition for Divorce of:
Robert S Vaile and Cisilie A Vaile, Petitioners.**September 18,
2008****8:30 AM****All Pending Motions****HEARD BY:** Moss, Cheryl B**COURTROOM:** Courtroom 13**PARTIES:**

Cisilie Vaile, Petitioner, present

Marshal Willick, Attorney, present

Kaia Vaile, Subject Minor, not present

Kamilla Vaile, Subject Minor, not present

Robert Vaile, Petitioner, not present

Pro Se

COURT CLERK: Valerie Riggs**JOURNAL ENTRIES**

- DEFT'S MOTION FOR ORDER TO SHOW CAUSE WHY ROBERT SCOTLUND VAILE SHOULD NOT BE HELD IN CONTEMPT FOR FAILURE TO COMPLY WITH THE ORDERS OF THE COURT, AND FOR ATTORNEY'S FEES...RS VAILE'S MOTIONFOR RECONSIDERATION AND/OR SET ASIDE RULING OF 7/24/08, ATTORNEY'S FEES, SANCTIONS...ORDER TO SHOW CAUSE: PLAINTIFF & DEFENDANT...ORDER TO SHOW CAUSE: DEFT'S ORDER TO SHOW CAUSE

Plaintiff sworn and testified.

Arguments by Plaintiff and Atty Marshall Willick.

Court noted, Plaintiff filed an Appeal to the Supreme Court electronically 9-14-08.

COURT ORDERED the following:

1. Plaintiff's Oral Motion to Stay the Evidentiary Hearing based on his current wife filing Bankruptcy is DENIED.

2. Plaintiff has no Objection to proceeding with the Evidentiary Hearing while the Appeal is pending.
3. As of 7-1-08, Plaintiff's PRINCIPLE ARREARS are SET at \$117,539.96, plus INTEREST of \$44,970.26, for a TOTAL of \$162,510.22, REDUCED to JUDGMENT.
4. Penalties are STAYED pending the Appeal to the Supreme Court.
5. Plaintiff's current CHILD SUPPORT remains at \$1,300.00 per month, plus \$130.00 per month toward ARREARS, for a TOTAL of \$1430.00 per month.
6. This Court does not have jurisdiction to modify prospective CHILD SUPPORT.
7. Plaintiff's Motion for Reconsideration is GRANTED, strike findings and reverse Order to strike.
8. The Orders to Show Cause and Plaintiff's Motion for Renewed Sanctions are taken UNDER ADVISEMENT with the Evidentiary Hearing.

Clerk's Note: Minutes amended 9-29-08.vr

INTERIM CONDITIONS:

FUTURE HEARINGS:

Canceled: October 07, 2008 10:00 AM Motion to Reconsider

April 29, 2009 10:30 AM Motion for Attorney Fees
Moss, Cheryl B
Courtroom 13

Canceled: May 05, 2009 10:00 AM Motion for Attorney Fees

**DISTRICT COURT
CLARK COUNTY, NEVADA****Divorce - Joint Petition****COURT MINUTES****September 18, 2008**

98D230385

**In the Matter of the Joint Petition for Divorce of:
Robert S Vaile and Cisilie A Vaile, Petitioners.****September 18,
2008****1:30 PM****Evidentiary Hearing****HEARD BY:** Moss, Cheryl B**COURTROOM:** Courtroom 13**PARTIES:**

Cisilie Vaile, Petitioner, not present

Marshal Willick, Attorney, present

Kaia Vaile, Subject Minor, not present

Kamilla Vaile, Subject Minor, not present

R Vaile, Petitioner, present

Pro Se

COURT CLERK: Valerie Riggs**JOURNAL ENTRIES**

- Plaintiff sworn and testified.

Testimony and exhibits presented (see worksheets).

COURT ORDERED, matter UNDER ADVISEMENT. Court will issue a written Decision encompassing the morning Motions, Orders to Show Cause and the Evidentiary Hearing.**INTERIM CONDITIONS:****FUTURE HEARINGS:***Canceled: October 07, 2008 10:00 AM Motion to Reconsider*April 29, 2009 10:30 AM Motion for Attorney Fees
Moss, Cheryl B
Courtroom 13*Canceled: May 05, 2009 10:00 AM Motion for Attorney Fees*

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Divorce - Joint Petition**COURT MINUTES****April 20, 2009**

98D230385

In the Matter of the Joint Petition for Divorce of:
Robert S Vaile and Cisilie A Vaile, Petitioners.

April 20, 2009**10:00 AM****Minute Order****HEARD BY:** Moss, Cheryl B**COURTROOM:** Courtroom 13**PARTIES:**

Cisilie Vaile, Petitioner, not present

Marshal Willick, Attorney, Attorney, not present

Kaia Vaile, Subject Minor, not present

Kamilla Vaile, Subject Minor, not present

Robert Vaile, Petitioner, not present

Pro Se

COURT CLERK: Valerie Riggs

JOURNAL ENTRIES

- Due to Odyssey Case Management System's restriction to only accept 8,000 characters, please refer to this Court's Decision filed on April 17, 2009.

INTERIM CONDITIONS:**FUTURE HEARINGS:**

April 29, 2009 10:30 AM Motion for Attorney Fees
Moss, Cheryl B
Courtroom 13

Canceled: May 05, 2009 10:00 AM Motion for Attorney Fees

Exhibit List

Case: 98D230385 Party: Sort Order: Status Case Style: In the Matter of the Joint Petition for Divorce of:
Robert S Vaile and Cisilie A Vaile, Petitioners.

Exhibit ID	On Behalf Of	Status/Date	Return/Destroy Date	Type and Description	Exhibit Flag	Source	In Custody Of	Location
0001	Petitioner	Admitted 10/11/2000		E-MAILS BETWEEN PLTF & ATTY JAMES SMITH		Vaile, Robert S	Family Domestic 10/11/2000	Evidence Vault
Comment: ExhibitID : 35073								
0002	Petitioner	Admitted 10/11/2000		AGREEMENT		Vaile, Robert S	Family Domestic 10/11/2000	Evidence Vault
Comment: ExhibitID : 35074								
0003	Petitioner	Admitted 10/11/2000		COPY/DRIVER'S LICENSE & RECEIPT		Vaile, Robert S	Family Domestic 10/11/2000	Evidence Vault
Comment: ExhibitID : 35075								
0004	Petitioner	Admitted 10/11/2000		NEVADA VOTER REGISTRATION CARD		Vaile, Robert S	Family Domestic 10/11/2000	Evidence Vault
Comment: ExhibitID : 35076								
0005	Petitioner	Admitted 10/11/2000		NOTICE OF PROGRAM COMPLETION-EDCR 5.07		Vaile, Robert S	Family Domestic 10/11/2000	Evidence Vault
Comment: ExhibitID : 35077								
0006	Petitioner	Admitted 10/11/2000		AFFIDAVIT OF RESIDENT WITNESS		Vaile, Robert S	Family Domestic 10/11/2000	Evidence Vault
Comment: ExhibitID : 35078								
0007	Petitioner	Admitted 10/11/2000		COMPLAINT FOR DIVORCE		Vaile, Robert S	Family Domestic 10/11/2000	Evidence Vault
Comment: ExhibitID : 35079								

Exhibit List

Case: 98D230385 Party: Sort Order: Status Case Style: In the Matter of the Joint Petition for Divorce of:
Robert S Vaile and Cisilie A Vaile, Petitioners.

Exhibit ID	On Behalf Of	Status/Date	Return/Destroy Date	Type and Description	Exhibit Flag	Source	In Custody Of	Location
0008	Petitioner	Admitted 10/11/2000		ANSWER IN PROPER PERSON		Vaile, Robert S	Family Domestic 10/11/2000	Evidence Vault
Comment: ExhibitID : 35080								
0009	Petitioner	Admitted 10/11/2000		REQUEST FOR MEDIATION, NORWAY COURT		Vaile, Robert S	Family Domestic 10/11/2000	Evidence Vault
Comment: ExhibitID : 35081								
0010	Petitioner	Admitted 10/11/2000		WEDDING ANNOUNCEMENT		Vaile, Robert S	Family Domestic 10/11/2000	Evidence Vault
Comment: ExhibitID : 35082								
0011	Petitioner	Admitted 10/11/2000		VERIFICATION TO MOTION		Vaile, Robert S	Family Domestic 10/11/2000	Evidence Vault
Comment: ExhibitID : 35083								
0012	Petitioner	Admitted 10/11/2000		GEN. FORM OF UNDERTAKING, LONDON, ENG.		Vaile, Cisilie A	Family Domestic 10/11/2000	Evidence Vault
Comment: ExhibitID : 35084								
0013	Petitioner	Admitted 10/11/2000		COURT ORDER/LONDON, ENGLAND/7-9-98		Vaile, Cisilie A	Family Domestic 10/11/2000	Evidence Vault
Comment: ExhibitID : 35085								
0014	Petitioner	Admitted 10/11/2000		COPY/UNITED AIRLINES BOARD PASS/7-22		Vaile, Cisilie A	Family Domestic 10/11/2000	Evidence Vault
Comment: ExhibitID : 35086								

Exhibit List

Case: 98D230385 Party: Sort Order: Status Case Style: In the Matter of the Joint Petition for Divorce of:
Robert S Vaile and Cisilie A Vaile, Petitioners.

Exhibit ID	On Behalf Of	Status/Date	Return/Destroy Date	Type and Description	Exhibit Flag	Source	In Custody Of	Location
0015	Petitioner	Admitted 10/11/2000		COPY/RESIDENCE CERTIFICATE-NORWAY		Vaile, Cisilie A	Family Domestic 10/11/2000	Evidence Vault
Comment: ExhibitID : 35087								
0016	Petitioner	Admitted 10/11/2000		1st DRAFT AGMT RE: DEFT/GIRLS IN NORWAY		Vaile, Cisilie A	Family Domestic 10/11/2000	Evidence Vault
Comment: ExhibitID : 35088								
0017	Petitioner	Admitted 10/11/2000		COPY/LTR-SENTRUM FAMILY COUNSEL/NORWAY		Vaile, Cisilie A	Family Domestic 10/11/2000	Evidence Vault
Comment: ExhibitID : 35089								
0018	Petitioner	Admitted 10/11/2000		COPY/MEDIATION CERT.-NORWAY/1-17-2000		Vaile, Cisilie A	Family Domestic 10/11/2000	Evidence Vault
Comment: ExhibitID : 35090								
0019	Petitioner	Admitted 10/11/2000		COMPLAINT/PET. FOR INTERIM DEC.-NORWAY		Vaile, Cisilie A	Family Domestic 10/11/2000	Evidence Vault
Comment: ExhibitID : 35091								
0020	Petitioner	Admitted 10/11/2000		COPY/NORWAY ORDER FOR RESPONSE/4-17-2000		Vaile, Cisilie A	Family Domestic 10/11/2000	Evidence Vault
Comment: ExhibitID : 35092								
0021	Petitioner	Admitted 10/11/2000		PLEADING TO OSLO MUNICIPAL COURT/4-28-00		Vaile, Cisilie A	Family Domestic 10/11/2000	Evidence Vault
Comment: ExhibitID : 35093								

Exhibit List

Case: 98D230385 Party: Sort Order: Status Case Style: In the Matter of the Joint Petition for Divorce of:
Robert S Vaile and Cisilie A Vaile, Petitioners.

Exhibit ID	On Behalf Of	Status/Date	Return/Destroy Date	Type and Description	Exhibit Flag	Source	In Custody Of	Location
0022	Petitioner	Admitted 10/11/2000		COPY/RESPONSE TO OSLO MUNI COURT/5-18-00		Vaile, Cisilie A	Family Domestic 10/11/2000	Evidence Vault
Comment: ExhibitID : 35094								
0023	Petitioner	Admitted 10/11/2000		8th JUD. DIST. COURT UCCJA DECLARATION		Vaile, Cisilie A	Family Domestic 10/11/2000	Evidence Vault
Comment: ExhibitID : 35095								

Certification of Copy

State of Nevada }
County of Clark } SS:

I, Edward A. Friedland, the Clerk of the Court of the Eighth Judicial District Court, Clark County, State of Nevada, does hereby certify that the foregoing is a true, full and correct copy of the hereinafter stated original document(s):

SECOND AMENDED NOTICE OF APPEAL; SECOND AMENDED CASE APPEAL STATEMENT; DISTRICT COURT DOCKET ENTRIES; ORDER FOR HEARING HELD JULY 24, 2008; NOTICE OF ENTRY OF ORDER FOR HEARING HELD JULY 24, 2008; FINDINGS OF FACT, CONCLUSIONS OF LAW, FINAL DECISION AND ORDER; NOTICE OF ENTRY OF FINDINGS OF FACT, CONCLUSIONS OF LAW, FINAL DECISION AND ORDER; ORDER FOR HEARING HELD JUNE 11, 2008; NOTICE OF ENTRY OF ORDER; ORDER AMENDING THE ORDER OF JANUARY 15, 2008; NOTICE OF ENTRY OF ORDER; DISTRICT COURT MINUTES; EXHIBITS LIST

ROBERT SCOTLUND VAILE,

Plaintiff(s),

vs.

CISILIE A. PORSBOLL fna
CISILIE A. VAILE,

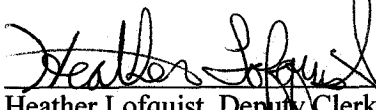
Defendant(s),

)
)
) Case No: D230385
) Dept No: I
)
)
)
)
)
)
)

now on file and of record in this office.

IN WITNESS THEREOF, I have hereunto
Set my hand and Affixed the seal of the
Court at my office, Las Vegas, Nevada
This 22 day of April 2009.

Edward A. Friedland, Clerk of the Court


Heather Lofquist, Deputy Clerk

**SUPREME COURT OF THE STATE OF NEVADA
OFFICE OF THE CLERK**

ROBERT SCOTLUND VAILE,
Appellant,
vs.
CISILIE A. PORSBOLL F/K/A CISILIE A. VAILE,
Respondent.

Supreme Court No. 53687

District Court Case No. D230385

RECEIPT FOR DOCUMENTS

TO: Robert Scotlund Vaile
Willick Law Group and Marshal S. Willick
Edward A. Friedland , District Court Clerk

You are hereby notified that the Clerk of the Supreme Court has received and/or filed the following:

04/29/09 Filing Fee due.

04/29/09 Filed Certified Copy of proper person Notice of Appeal.
(Pilot program civil appeals order and documents mailed to proper person appellant.)

DATE: April 29, 2009

Tracie Lindeman, Clerk of Court

1 NOAS

2 R. Scotlund Vaile

3 PO Box 727

4 Kenwood, CA 95452

(707) 833-2350

Plaintiff in Proper Person

FILED

2009 APR 10 P 2:43

E. J. Smith

5 **IN THE EIGHTH JUDICIAL DISTRICT COURT OF THE**
6 **STATE OF NEVADA IN AND FOR**
7 **THE COUNTY OF CLARK**

8 No. 53687

9 R. SCOTLUND VAILE,

Plaintiff,

10 vs.

11 CISILIE A. PORSBOLL,

12 fka CISILIE A. VAILE,

13 Defendant.

CASE NO: 98 D230385

DEPT. NO: I

FILED

APR 24 2009

TRACIE K. LINDEMAN
CLERK OF SUPREME COURT
BY *H. Ingber*
DEPUTY CLERK

14 **SECOND AMENDED NOTICE OF APPEAL**

15 Plaintiff R. Scotlund Vaile hereby amends his notice of appeal to the
16 Supreme Court of Nevada from the following judgments:

- 17 1. *Order for Hearing Held July 24, 2008*, dated February 26, 2009 and
18 noticed as to entry of order on March 2, 2009.
- 19 2. *Findings of Fact, Conclusions of Law, Final Decision and Order*, dated
20 and noticed as to entry of order on October 9, 2008.
- 21 3. *Order for Hearing Held June 11, 2008* filed August 15, 2008 and noticed
22 as to entry of order on September 11, 2008
- 23 4. *Order Amending the Order of January 15, 2008*, filed on March 20, 2008.

24 Dated this 31st day of March, 2009.

R. Scotlund Vaile

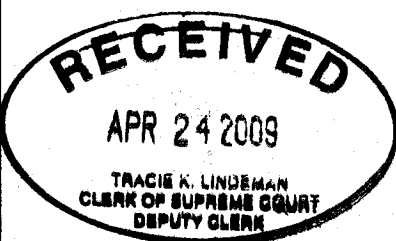
R. Scotlund Vaile

PO Box 727

Kenwood, CA 95452

(707) 833-2350

Plaintiff in Proper Person



1 **ASTA**

2 **R. Scotlund Vaile**

3 **PO Box 727**

4 **Kenwood, CA 95452**

5 **(707) 833-2350**

6 **Plaintiff in Proper Person**

FILED

2009 APR 10 P 2:43

E. J. Smith
CLERK OF THE COURT

7 **IN THE EIGHTH JUDICIAL DISTRICT COURT OF THE**
8 **STATE OF NEVADA IN AND FOR**
9 **THE COUNTY OF CLARK**

10 **R. SCOTLUND VAILE,**

11 **Plaintiff,**

12 **vs.**

13 **CISILIE A. PORSBOLL,**

14 **fka CISILIE A. VAILE,**

15 **Defendant.**

CASE NO: 98 D230385

DEPT. NO: I

16 **SECOND AMENDED CASE APPEAL STATEMENT**

17 1. Appellant: R Scotlund Vaile

18 2. Judge Issuing Order: Cheryl B. Moss, Dept. I

19 3. Parties to District Court proceedings: Appellant and Cisilie A. Porsboll,
20 Respondent

21 4. Parties involved in this case on appeal: Appellant and Cisilie A. Porsboll,
22 Respondent

23 5. Counsel on Appeal:

24 Counsel for Appellant R. Scotlund Vaile: none, Proper Person

25 PO Box 727

26 Kenwood, CA 95452

27 707-833-2350

1 6. Counsel for Respondent Cisilie A. Porsboll:

2 Marshal S. Willick

3 Willick Law Group

4 3591 East Bonanza Road, Suite 200

5 Las Vegas, NV 89110-2101

6 702-438-4100

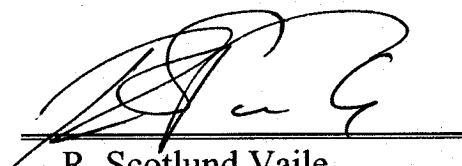
7 7. With regard to all filings and hearings since November 9, 2007, Appellant
8 appeared in Proper Person for some hearings, and was represented by
9 retained counsel Greta Muirhead in an unbundled capacity for other
10 hearings.

11 8. Appellant is proceeding in Proper Person on appeal

12 9. Appellant has not requested permission to proceed in *forma pauperis*

13 10. Proceedings commenced in the district court as a result of the filing of a
14 complaint for divorce, on or about July 14, 1998. The case was reopened
15 with Respondent's motion titled *Motion to Reduce Arrears in Child*
16 *Support to Judgment, to Establish a Sum Certain Due Each Month in Child*
17 *Support, and for Attorney's Fees and Costs* dated November 9, 2007, which
18 was heard January 15, 2008. The matter was reconsidered in hearings
19 dated March 3, 2008, June 11, 2008, July 11, 2008, July 24, 2008, August
20 15, 2008, and September 18, 2008. Temporary orders from two of these
21 hearings, the Order from the July 24, 2008 hearing, and the final Order
22 issued on October 9, 2008 are the subject of this appeal.

23 Dated this 31st day of March, 2009.

24 
25 R. Scotlund Vaile
26 PO Box 727
27 Kenwood, CA 95452
28 (707) 833-2350
Plaintiff in Proper Person

CASE SUMMARY**CASE No. 98D230385****In the Matter of the Joint Petition for Divorce of:
Robert S Vaile and Cisilie A Vaile, Petitioners.**§
§
§
§Location: **Department I**
Judicial Officer: **Moss, Cheryl B**
Filed on: **08/07/1998****CASE INFORMATION****Statistical Closures**03/20/2008 Decision with Hearing
01/15/2008 Decision with Hearing**Bonds**Conversion #98D230385_00264652 \$250
12/5/2000 Posted
Counts:Conversion #98D230385_00258742 \$10000
10/6/2000 Posted
Counts:Case Type: **Divorce - Joint Petition**Case Status: **04/01/2008 Reopened**03/20/2008 Closed
01/24/2008 Reopened
01/15/2008 Closed
11/14/2007 Reopened
07/24/2003 Closed
04/21/2003 Reopened
04/16/2002 Closed
10/17/2000 Reopened
10/12/2000 Closed
09/21/2000 Reopened
04/19/2000 Closed
02/18/2000 Reopened
08/07/1998 Open**DATE****CASE ASSIGNMENT****Current Case Assignment**Case Number 98D230385
Court Department I
Date Assigned 12/05/2000
Judicial Officer Moss, Cheryl B**PARTY INFORMATION****Petitioner** Vaile, Cisilie A
NORWAY
NV, NV N/AWillick, Marshal S. 702-438-4100
Retained
Crane, Richard L. 702-438-4100
Retained
Willick, Marshal S. 702-438-4100
RetainedVaile, Robert S
P.O. Box 727
Kentwood, CA 95452**Pro Se** 707-833-2350
MUIRHEAD, GRETA G. 7024346004
Retained**Subject Minor** Vaile, Kaia L

Vaile, Kamilla J

Conversion Financial Conversion 98D230385
Extended Removed: 03/23/2007
Connection Type Converted From Blackstone**DATE****EVENTS & ORDERS OF THE COURT****DISPOSITIONS**

CASE SUMMARY**CASE NO. 98D230385**08/21/1998
10:47 AM**Divorce Granted** (Judicial Officer: Steel, Cynthia Dianne)

Converted Disposition:

Description : DECREE OF DIVORCE
 Debtor : Vaile, Cisilie A
 Creditor : Vaile, R S
 Amount Awarded : \$0.00
 Attorney Fees : \$0.00
 Costs : \$0.00
 Interest Amount : \$0.00
 Total : \$0.00

01/15/2008

Judgment (Judicial Officer: Moss, Cheryl B)

Judgment (\$226,569.23, In Full)

Judgment (\$5,100.00, In Full)

02/27/2009

Judgment (Judicial Officer: Moss, Cheryl B)

Judgment (\$2,000.00, In Full, Attorney Fees)

03/29/2000

Motion (9:30 AM) (Judicial Officer: Steel, Cynthia Dianne)

Events: 02/18/2000 Motion

*PLTF'S MOTION FOR ORDER DIRECTING DEFT TO APPEAR AND SHOW CAUSE RE:
 CONTEMPT*

09/29/2000

Motion (9:00 AM) (Judicial Officer: Steel, Cynthia Dianne)

Events: 09/26/2000 Motion

DEFT'S MOTION FOR RETURN OF CHILDREN

10/02/2000

Telephone Conference (3:00 PM) (Judicial Officer: Steel, Cynthia Dianne)*TELEPHONE CONFERENCE*

10/11/2000

Hearing (3:00 PM) (Judicial Officer: Steel, Cynthia Dianne)

Events: 10/02/2000 Hearing

HEARING: JURISDICTIONAL

10/13/2000

CANCELED Motion

Events: 09/21/2000 Motion

Vacated

10/17/2000

Return Hearing (3:00 PM) (Judicial Officer: Steel, Cynthia Dianne)

Events: 10/11/2000 Return

RETURN: MARATHON MEDIATION/JURISDICION ISSUES

04/16/2002

Converted From Blackstone (8:30 AM) (Judicial Officer: Moss, Cheryl B)*MINUTE ORDER ON HEARING REGARDING SUPREME COURT DECISION*

05/15/2003

Motion (9:00 AM) (Judicial Officer: Moss, Cheryl B)

Events: 05/01/2003 Motion

PETER M. ANGULO'S EMERGENCY MOTION TO WITHDRAW AS COUNSEL

05/21/2003

Motion (2:30 PM) (Judicial Officer: Moss, Cheryl B)

Events: 04/21/2003 Motion

DEFT'S MOTION FOR ATTORNEY'S FEES AND COSTS, CERTAIN ANCILLARY RELIEF

06/04/2003

Motion (1:30 PM) (Judicial Officer: Moss, Cheryl B)*DEFT'S MOTION FOR ATTORNEY'S FEES AND COSTS, CERTAIN ANCILLARY RELIEF*

01/15/2008

Motion to Reduce Arrears to Judgment (9:00 AM) (Judicial Officer: Moss, Cheryl B)

Events: 11/14/2007 Motion

*Deft's Motion to Reduce Arrears to Judgment, to Establish a sum Certain Due ea. month
 in /child Support, and for Atty's Fees*

03/03/2008

Motion to Set Aside (9:30 AM) (Judicial Officer: Moss, Cheryl B)

Events: 01/23/2008 Motion

Pltf's Motion to Set Aside Order, Reconsider, Reopen Discovery, Stay Enforcement

03/27/2008 Reset by Court to 03/03/2008

03/03/2008

Motion to Dismiss (9:30 AM) (Judicial Officer: Moss, Cheryl B)

Events: 01/28/2008 Notice of Motion

*Pltf's Motion to Dismiss Defendant's Pending Motion and Prohibition on Subsequent Filings
 and to Declare this Case Closed Based on Final Judgment by the Nevada Supreme Court,*

CASE SUMMARY

CASE No. 98D230385

Lack of Subject Matter Jurisdiction, Lack of Personal Jurisdiction, Insufficiency of Process, and/or Insufficiency of Service of Process and Res Judicata, and to Issue Sanctions, or, in the Alternative, Motion to Stay Case.

03/27/2008 Reset by Court to 03/03/2008

03/03/2008 **Opposition & Countermotion (9:30 AM)** (Judicial Officer: Moss, Cheryl B)

Events: 02/11/2008 Opposition and Countermotion

Deft's Opposition and Countermotion for Dismissal Under EDCR 2.23 and the Fugitive Disentitlement Doctrine, for Fees and Sanctions Under EDCR 7.60, and for a Goad Order Retricting Future Filings

03/27/2008 Reset by Court to 03/03/2008

03/03/2008 **All Pending Motions (9:30 AM)** (Judicial Officer: Moss, Cheryl B)

06/11/2008 **Motion to Reconsider (9:00 AM)** (Judicial Officer: Moss, Cheryl B)

Events: 03/31/2008 Motion

Robert Vaile's Motion for Reconsideration, Amend Order, New Hearing, Objections, Stay Enforcement of 3-3-08 Order

06/11/2008 **Opposition & Countermotion (9:00 AM)** (Judicial Officer: Moss, Cheryl B)

Events: 03/31/2008 Motion

Deft's opposition and countermotion for reconsideration and to amend order posting of bond and atty fees

06/11/2008 **Motion (9:00 AM)** (Judicial Officer: Moss, Cheryl B)

Events: 05/10/2008 Order

Ex Parte Motion for Order Allowing Examination of Judgment Debtor

06/11/2008 **Opposition & Countermotion (9:00 AM)** (Judicial Officer: Moss, Cheryl B)

Events: 06/05/2008 Notice of Hearing

Pltf's Opposition to Ex-Parte Motion for Order Allowing Examination of Judgment Debtor

06/11/2008 **All Pending Motions (9:00 AM)** (Judicial Officer: Moss, Cheryl B)

07/11/2008 **Motion (8:00 AM)** (Judicial Officer: Moss, Cheryl B)

Events: 05/05/2008 Motion

Robert Vaile's Motion for Sanctions

07/03/2008 Reset by Court to 07/11/2008

07/11/2008 Reset by Court to 07/11/2008

07/11/2008 **Opposition & Countermotion (8:00 AM)** (Judicial Officer: Moss, Cheryl B)

Events: 05/05/2008 Opposition and Countermotion

Cisiie Vaile's Opposition and Countermotion for a Bond, Fees, Sanctions

07/03/2008 Reset by Court to 07/11/2008

07/11/2008 Reset by Court to 07/11/2008

07/11/2008 **Return Hearing (8:00 AM)** (Judicial Officer: Moss, Cheryl B)

Child Support Penalties and Interest

07/11/2008 Reset by Court to 07/11/2008

07/11/2008 **Motion to Strike (8:00 AM)** (Judicial Officer: Moss, Cheryl B)

Events: 07/09/2008 Notice of Motion

Deft's Motion to Strike Plaintiff's Ex-Parte Request to Continue July 11, 2008 Hearing as a Fugitive Document and Request for Sanctions and for Attorney's Fees

09/08/2008 Reset by Court to 07/11/2008

07/11/2008 **All Pending Motions (8:00 AM)** (Judicial Officer: Moss, Cheryl B)

07/21/2008 **Hearing (8:00 AM)** (Judicial Officer: Moss, Cheryl B)

Argument: Competing Orders (6/11/08)

07/24/2008 **Motion (1:15 PM)** (Judicial Officer: Moss, Cheryl B)

Events: 07/21/2008 Motion

Robert Scotlund Vaile's Motion to Disqualify Marshal Willick and The Willick Law Group as Attorney's of Record

07/24/2008 **Opposition & Countermotion (1:15 PM)** (Judicial Officer: Moss, Cheryl B)

Events: 07/22/2008 Opposition and Countermotion

Deft's Opposition & Countermotion for Disqualification of Great Muirhead as Attorney of Record, Fees and Sanctions

07/24/2008 **All Pending Motions (1:15 PM)** (Judicial Officer: Moss, Cheryl B)

MINUTES

CASE SUMMARY**CASE NO. 98D230385****SCHEDULED HEARINGS**

08/15/2008 **Hearing (8:00 AM)** (Judicial Officer: Moss, Cheryl B)
Clarification of March 3, 2008 Order

09/18/2008 **Order to Show Cause (8:30 AM)** (Judicial Officer: Moss, Cheryl B)
Events: 08/01/2008 Order to Show Cause
Plaintiff & Defendant

09/18/2008 **Motion for Order to Show Cause (8:30 AM)** (Judicial Officer: Moss, Cheryl B)
Events: 07/23/2008 Motion
Deft's Motion for Order to Show Cause Why Robert Scotlund Vaile Should Not be Held in Contempt for Failure to Comply with the Orders of the Court, and for Attorney's Fees
08/27/2008 *Reset by Court to 09/18/2008*

09/18/2008 **Order to Show Cause (8:30 AM)** (Judicial Officer: Moss, Cheryl B)
Events: 07/23/2008 Order to Show Cause
Deft's Order to Show Cause

09/18/2008 **Motion to Reconsider (8:30 AM)** (Judicial Officer: Moss, Cheryl B)
Events: 08/04/2008 Motion
RS Vaile's Motion for Reconsideration and/or Set Aside Ruling of 7/24/08, Attorney's Fees, Sanctions
10/07/2008 *Reset by Court to 09/18/2008*

09/18/2008 **All Pending Motions (8:30 AM)** (Judicial Officer: Moss, Cheryl B)

09/18/2008 **Evidentiary Hearing (1:30 PM)** (Judicial Officer: Moss, Cheryl B)
Fees and Sanctions

04/20/2009 **Minute Order (10:00 AM)** (Judicial Officer: Moss, Cheryl B)
Re: Decision

04/29/2009 **Motion for Attorney Fees (10:30 AM)** (Judicial Officer: Moss, Cheryl B)
Events: 03/03/2009 Motion
Cisilie Vaile's Motion to Reduce to Judgment Additional Attorney's Fees Awarded and Issue a Payment Schedule for All Attorney's Fees Awarded to Date, for a Lump Sum Payment for Child Support Arrearages, and Attorney's Fees and Costs
05/05/2009 *Reset by Court to 04/29/2009*

08/07/1998 **Complaint**
COMPLAINT FOR DECREE OF DIVORCE Fee \$137.00 SCH/PER Date: Blackstone OC:

08/07/1998 **Answer**
Filed by: Petitioner Vaile, Cisilie A
ANSWER IN PROPER PERSON SCH/PER Date: 08/07/1998 Blackstone OC:

08/07/1998 **Request**
Filed by: Petitioner Vaile, Robert S
REQUEST FOR SUMMARY DISPOSITION OF AN UNCONTESTED DIVORCE SCH/PER Date: Blackstone OC:

08/07/1998 **Notice of Seminar Completion EDCR 5.07**
NOTICE OF PROGRAM COMPLETION - EDCR 5.07 SCH/PER Date: Blackstone OC:

08/07/1998 **Affidavit**
Filed by: Petitioner Vaile, Robert S
AFFIDAVIT OF RESIDENT WITNESS SCH/PER Date: Blackstone OC:

08/21/1998 **Judgment**
Filed by: Petitioner Vaile, Robert S
DECREE OF DIVORCE SCH/PER Date: 08/24/1998 Blackstone OC:

08/26/1998 **Notice**
NOTICE OF ENTRY OF DECREE OF DIVORCE SCH/PER Date: Blackstone OC:

02/18/2000 **Motion**
PLTF'S MOTION FOR ORDER DIRECTING DEFT TO APPEAR AND SHOW CAUSE RE: CONTEMPT SCH/PER Date: 03/29/2000 Blackstone OC: GR

02/18/2000 **Request**
Filed by: Petitioner Vaile, Robert S
PLAINTIFF'S MOTION FOR AN ORDER DIRECTING DEFENDANT TO APPEAR AND SHOWCAUSE WHY DEFENDANT SHOULD NOT BE HELD IN CONTEMPT OF COURT FOR FAILING TO RETURN THE MINOR CHILDREN TO NEVADA - THE IMMEDIATE

CASE SUMMARY

CASE No. 98D230385

RETURN OF THE MINOR CHILDREN TO NEVADA - FOR AN ORDER AWARDING
PLAINTIFF PRIMARY PHYSICAL CUSTODY OF THE MINOR CHILDREN - ATTORNEYS
FEES AND COSTS SCH/PER Date: Blackstone OC:

03/28/2000	Verification Filed by: Petitioner Vaile, Robert S VERIFICATION OF SERVICE SCH/PER Date: Blackstone OC:
04/04/2000	Response Filed by: Petitioner Vaile, Cisilie A RESPONSE TO PLAINTIFFS MOTION SCH/PER Date: Blackstone OC:
04/12/2000	Order ORDER SCH/PER Date: 03/29/2000 Blackstone OC: HG
04/19/2000	Notice NOTICE OF ENTRY OF ORDER SCH/PER Date: 04/19/2000 Blackstone OC: GR
09/21/2000	Motion DEFT'S MOTION FOR RETURN OF CHILDREN (VS 9-26-00 MC) SCH/PER Date: 10/13/2000 Blackstone OC: VC
09/21/2000	Ex Parte EX PARTE APPLICATION FOR ORDER SHORTENING TIME SCH/PER Date: Blackstone OC:
09/25/2000	Notice NOTICE OF EXHIBIT TO MOTION FOR RETURN OF CHILDREN IN THE VAULT (VIDEO TAPE) SCH/PER Date: 09/21/2000 Blackstone OC:
09/25/2000	Supplemental Filed by: Petitioner Vaile, Robert S SUPPLEMENTAL EXHIBITS SCH/PER Date: Blackstone OC:
09/26/2000	Motion DEFT'S MOTION FOR RETURN OF CHILDREN SCH/PER Date: 09/29/2000 Blackstone OC: GR
09/26/2000	Order ORDER SHORTENING TIME SCH/PER Date: Blackstone OC:
09/26/2000	Notice NOTICE OF ENTRY OF ORDER SCH/PER Date: 09/26/2000 Blackstone OC:
09/28/2000	Declaration Under Uniform Child Custody Jurisdiction Act Filed by: Petitioner Vaile, Cisilie A DECLARATION UNDER UNIFORM CHILD CUSTODY JURISDICTION ACT SCH/PER Date: Blackstone OC:
09/29/2000	Order ORDER FROM HEARING SCH/PER Date: 09/29/2000 Blackstone OC: HG
09/29/2000	Order ORDER SCH/PER Date: 09/29/2000 Blackstone OC: HG
10/02/2000	Telephone Conference TELEPHONE CONFERENCE SCH/PER Date: 10/02/2000 Blackstone OC: MH
10/02/2000	Hearing HEARING: JURISDICTIONAL SCH/PER Date: 10/11/2000 Blackstone OC: RM
10/03/2000	Notice NOTICE OF ENTRY OF ORDER SCH/PER Date: 10/03/2000 Blackstone OC:
10/03/2000	Notice NOTICE OF ENTRY OF ORDER FROM HEARING SCH/PER Date: 10/03/2000 Blackstone OC:
10/03/2000	Certificate Filed by: Petitioner Vaile, Cisilie A CERTIFICATE OF SERVICE SCH/PER Date: 10/02/2000 Blackstone OC: TP
10/05/2000	Supplemental Filed by: Petitioner Vaile, Cisilie A SUPPLEMENTAL TO MOTION FOR IMMEDIATE RETURN OF INTERNATIONALLY ABDUCTED CHILDREN AND MOTION TO SET ASIDE FRAUDULENTLY OBTAINED DIVORCE OR IN THE ALTERNATIVE SET ASIDE ORDERS ENTERED ON APRIL 12 2000

CASE SUMMARY

CASE No. 98D230385

AND REHEAR THE MATTER AND FOR ATTORNEYS FEES AND COSTS SCH/PER Date:
Blackstone OC:

10/06/2000	Notice <i>NOTICE OF POSTING CASH BOND SCH/PER Date: 10/06/2000 Blackstone OC:</i>
10/09/2000	Receipt Filed by: Petitioner Vaile, Cisilie A <i>RECEIPT SCH/PER Date: 10/05/2000 Blackstone OC:</i>
10/09/2000	Opposition Filed by: Petitioner Vaile, Robert S <i>OPPOSITION TO DEFENDANTS MOTION TO SET ASIDE DECREE OF DIVORCE SCH/PER Date: Blackstone OC:</i>
10/10/2000	Memorandum Filed by: Petitioner Vaile, Cisilie A <i>EVIDENTIARY HEARING TRIAL MEMORANDUM SCH/PER Date: Blackstone OC:</i>
10/10/2000	Certificate Filed by: Petitioner Vaile, Cisilie A <i>CERTIFICATE OF SERVICE SCH/PER Date: 10/10/2000 Blackstone OC: TP</i>
10/10/2000	Reply Filed by: Petitioner Vaile, Cisilie A <i>REPLY TO PLAINTIFFS OPPOSITION TO DEFENDANTS MOTION TO SET ASIDE DECREE OF DIVORCE SCH/PER Date: Blackstone OC:</i>
10/10/2000	Document Filed Filed by: Petitioner Vaile, Robert S <i>COURTESY COPY OF REQUESTED AUTHORITIES SCH/PER Date: Blackstone OC:</i>
10/10/2000	Order <i>STIPULATION AND ORDER SCH/PER Date: 10/10/2000 Blackstone OC: SO</i>
10/10/2000	Affidavit Filed by: Petitioner Vaile, Cisilie A <i>DOMESTIC RELATIONS AFFIDAVIT OF FINANCIAL CONDITION SCH/PER Date: Blackstone OC:</i>
10/11/2000	Order <i>ORDER FOR FAMILY MEDIATION CENTER SERVICES SCH/PER Date: Blackstone OC:</i>
10/11/2000	Return <i>RETURN: MARATHON MEDIATION/JURISDICTION ISSUES SCH/PER Date: 10/17/2000 Blackstone OC: MH</i>
10/12/2000	Notice <i>NOTICE OF ENTRY OF ORDER SCH/PER Date: 10/12/2000 Blackstone OC: GR</i>
10/13/2000	Memorandum Filed by: Petitioner Vaile, Robert S <i>PLAINTIFFS POST HEARING MEMORANDUM SCH/PER Date: Blackstone OC:</i>
10/13/2000	Memorandum Filed by: Petitioner Vaile, Cisilie A <i>POST EVIDENTIARY HEARING TRIAL MEMO SCH/PER Date: Blackstone OC:</i>
10/18/2000	Order <i>ORDER EXONERATING BOND SCH/PER Date: 10/11/2000 Blackstone OC: HG</i>
10/25/2000	Order <i>ORDER SCH/PER Date: 10/17/2000 Blackstone OC: HG</i>
10/25/2000	Receipt <i>RECEIPT OF PASSPORTS SCH/PER Date: 10/25/2000 Blackstone OC:</i>
10/26/2000	Notice <i>NOTICE OF ENTRY OF ORDER SCH/PER Date: 10/26/2000 Blackstone OC:</i>
11/03/2000	Document Filed Filed by: Petitioner Vaile, Cisilie A <i>INTERNATIONAL INFORMATION SCH/PER Date: Blackstone OC:</i>
11/16/2000	Document Filed Filed by: Petitioner Vaile, Cisilie A

CASE SUMMARY

CASE No. 98D230385

	<i>DIRECTIONS FROM CENTRAL AUTHORITY SCH/PER Date: Blackstone OC:</i>
11/17/2000	Errata Filed by: Petitioner Vaile, Robert S <i>ERRATA TO DIRECTIONS FROM CENTRAL AUTHORITY SCH/PER Date: Blackstone OC:</i>
11/22/2000	Notice of Appeal <i>NOTICE OF APPEAL SCH/PER Date: 11/22/2000 Blackstone OC: AP</i>
12/04/2000	Substitution of Attorney Filed by: Petitioner Vaile, Robert S <i>SUBSTITUTION OF ATTORNEY SCH/PER Date: Blackstone OC:</i>
12/05/2000	Case Appeal Statement Filed by: Petitioner Vaile, Robert S <i>CASE APPEAL STATEMENT SCH/PER Date: Blackstone OC:</i>
12/18/2000	Notice <i>NOTICE OF EXHIBIT(S) IN THE VAULT SCH/PER Date: 10/11/2000 Blackstone OC:</i>
01/02/2001	Reporter's Transcript <i>ESTIMATE OF THE COST OF THE TRANSCRIPT SCH/PER Date: Blackstone OC:</i>
01/26/2001	Reporter's Transcript <i>REPORTER'S TRANSCRIPT OF MARCH 29 2000 SCH/PER Date: Blackstone OC:</i>
01/26/2001	Reporter's Transcript <i>FINAL BILLING FOR TRANSCRIPT SCH/PER Date: Blackstone OC:</i>
01/30/2001	Reporter's Transcript <i>REPORTER'S TRANSCRIPT OF OCTOBER 11 2000 SCH/PER Date: Blackstone OC:</i>
01/30/2001	Reporter's Transcript <i>FINAL BILLING FOR TRANSCRIPT SCH/PER Date: Blackstone OC:</i>
02/06/2001	Receipt of Copy Filed by: Petitioner Vaile, Cisilie A <i>RECEIPT OF COPY SCH/PER Date: 02/02/2001 Blackstone OC:</i>
02/06/2001	Certificate Filed by: Petitioner Vaile, Cisilie A <i>CERTIFICATE OF SERVICE SCH/PER Date: 02/05/2001 Blackstone OC:</i>
02/15/2001	Certificate Filed by: Petitioner Vaile, Cisilie A <i>CERTIFICATE OF SERVICE SCH/PER Date: 02/14/2001 Blackstone OC:</i>
02/23/2001	Certificate Filed by: Petitioner Vaile, Cisilie A <i>CERTIFICATE OF SERVICE SCH/PER Date: 02/23/2001 Blackstone OC:</i>
02/23/2001	Certificate Filed by: Petitioner Vaile, Cisilie A <i>CERTIFICATE OF SERVICE SCH/PER Date: 02/23/2001 Blackstone OC: SV</i>
03/08/2001	Certificate Filed by: Petitioner Vaile, Cisilie A <i>CERTIFICATE OF SERVICE SCH/PER Date: 03/08/2001 Blackstone OC: SV</i>
04/16/2002	Hearing <i>MINUTE ORDER ON HEARING REGARDING SUPREME COURT DECISION SCH/PER Date: 04/16/2002 Blackstone OC:</i>
04/16/2002	Notice <i>NOTICE OF ENTRY OF ORDER PURSUANT TO WRIT OF MANDAMUS SCH/PER Date: 04/16/2002 Blackstone OC:</i>
04/16/2002	Order <i>ORDER PURSUANT TO WRIT OF MANDAMUS SCH/PER Date: Blackstone OC:</i>
04/16/2002	Receipt of Copy <i>RECEIPT OF COPY OF PASSPORTS SCH/PER Date: 04/16/2002 Blackstone OC:</i>
04/24/2002	Reporter's Transcript <i>REPORTER'S PARTIAL TRANSCRIPT RE PLAINTIFFS MOTION FOR ORDER DIRECTING DEFENDANT TO APPEAR AND SHOW CAUSE RE CONTEMPT SCH/PER Date: Blackstone OC:</i>

CASE SUMMARY















CASE NO. 98D230385

04/24/2002	Document Filed <i>ESTIMATE OF THE COST OF THE TRANSCRIPT SCH/PER Date: Blackstone OC:</i>
04/21/2003	Motion <i>DEFT'S MOTION FOR ATTORNEY'S FEES AND COSTS, CERTAIN ANCILLARY RELIEF SCH/PER Date: 06/04/2003 Blackstone OC: GP</i>
04/21/2003	Family Court Motion Opposition Fee Information Sheet Filed by: Petitioner Vaile, Cisilie A <i>FAMILY COURT MOTION OPPOSITION FEE INFORMATION SHEET SCH/PER Date: Blackstone OC:</i>
04/29/2003	Certificate of Mailing Filed by: Petitioner Vaile, Cisilie A <i>CERTIFICATE OF MAILING SCH/PER Date: 04/21/2003 Blackstone OC: TP</i>
05/01/2003	Motion <i>PETER M. ANGULO'S EMERGENCY MOTION TO WITHDRAW AS COUNSEL SCH/PER Date: 05/15/2003 Blackstone OC: GR</i>
05/01/2003	Errata Filed by: Petitioner Vaile, Cisilie A <i>ERRATA TO CERTIFICATE OF MAILING FILED APRIL 29 2003 SCH/PER Date: Blackstone OC:</i>
05/01/2003	Notice <i>NOTICE OF NON OPPOSITION TO MOTION SCH/PER Date: 05/01/2003 Blackstone OC:</i>
05/05/2003	Receipt of Copy Filed by: Petitioner Vaile, Robert S <i>RECEIPT OF COPY SCH/PER Date: 05/02/2003 Blackstone OC:</i>
05/08/2003	Receipt of Copy Filed by: Petitioner Vaile, Robert S <i>RECEIPT OF COPY SCH/PER Date: 05/05/2003 Blackstone OC:</i>
05/23/2003	Supplemental Filed by: Petitioner Vaile, Cisilie A <i>SUPPLEMENTAL EXHIBIT SCH/PER Date: Blackstone OC:</i>
05/28/2003	Converted from Blackstone <i>PLAINTIFF R SCOTLUND VAILES SPECIAL APPEARANCE AND PROPER OF OPPOSITIONTO MOTION FOR ATTORNEY FEES AND COSTS AND CERTAIN ANCILLARY RELIEF AND REQUEST FOR SANCTIONS SCH/PER Date: Blackstone OC:</i>
06/02/2003	Order <i>ORDER SCH/PER Date: 05/15/2003 Blackstone OC: HG</i>
06/04/2003	Supplemental Filed by: Petitioner Vaile, Cisilie A <i>SUPPLEMENTAL EXHIBIT SCH/PER Date: Blackstone OC:</i>
06/09/2003	Notice <i>NOTICE OF ENTRY OF ORDER SCH/PER Date: 06/09/2003 Blackstone OC:</i>
06/16/2003	Converted from Blackstone <i>REOPENED DOMESTIC CASE WITH FEE SCH/PER Date: Blackstone OC:</i>
06/16/2003	Family Court Motion Opposition Fee Information Sheet Filed by: Petitioner Vaile, Robert S <i>FAMILY COURT MOTION OPPOSITION FEE INFORMATION SHEET SCH/PER Date: Blackstone OC:</i>
07/24/2003	Order <i>ORDER FROM JUNE 4, 2003 HEARING SCH/PER Date: 06/04/2003 Blackstone OC: HG</i>
07/25/2003	Notice <i>NOTICE OF ENTRY OF ORDER FROM JUNE 4 2003 HEARING SCH/PER Date: 07/25/2003 Blackstone OC:</i>
10/15/2003	Notice <i>NOTICE OF COMPLIANCE WITH COURTS ORDER OF JUNE 4, 2003 SCH/PER Date: 10/15/2003 Blackstone OC:</i>
11/06/2003	Supplemental Filed by: Petitioner Vaile, Cisilie A

CASE SUMMARY

CASE NO. 98D230385


SUPPLEMENT TO FILE SCH/PER Date: Blackstone OC:


11/04/2005	Order <i>PETITION AND ORDER TO DESTROY OR DISPOSE OF EXHIBITS SCH/PER Date: 11/04/2005 Blackstone OC:</i>
11/04/2005	Certificate of Mailing <i>CERTIFICATE OF DISPOSAL OF EXHIBITS SCH/PER Date: 11/04/2005 Blackstone OC:</i>
03/06/2007	Notice of Change of Address Filed by: Petitioner Vaile, Cisilie A <i>NOTICE OF CHANGE OF ADDRESS SCH/PER Date: 03/06/2007 Blackstone OC:</i>
11/14/2007	 Motion Filed by: Petitioner Vaile, Cisilie A For: Petitioner Vaile, Robert S
11/14/2007	 Family Court Motion Opposition Fee Information Sheet Filed by: Petitioner Vaile, Cisilie A
11/15/2007	 Certificate Filed by: Petitioner Vaile, Cisilie A <i>of Service by Mail</i>
12/04/2007	 Motion Filed by: Petitioner Vaile, Robert S For: Petitioner Vaile, Cisilie A <i>to Dismiss Defendants Pending Motion and Prohibition on Subsequent Filings</i>
12/04/2007	 Certificate Filed by: Petitioner Vaile, Cisilie A <i>of Service</i>
12/14/2007	 Certificate Filed by: Petitioner Vaile, Cisilie A <i>of Service by Mail</i>
12/14/2007	 Request Filed by: Petitioner Vaile, Cisilie A <i>for Submission of Motion without Oral Argument Pursuant to Edcr 2.23</i>
12/19/2007	 Family Court Motion Opposition Fee Information Sheet Filed by: Petitioner Vaile, Cisilie A
12/19/2007	 Opposition Filed by: Petitioner Vaile, Cisilie A <i>To Plaintiff's Motion To Dismiss Defendant's Pending Moton</i>
01/10/2008	 Response Filed by: Petitioner Vaile, Robert S <i>Memorandum in Suppory of Motion to Dismisss Defendant's Pending Motion and Prohibition on Subsequent filing</i>
01/15/2008	 Order
01/15/2008	 Notice of Entry of Order
01/15/2008	 Supplemental Filed by: Petitioner Vaile, Robert S <i>Exhibits to Motion to Dismiss and Issue Sanctions and Motion for Clarification</i>
01/16/2008	 Supplemental Filed by: Petitioner Vaile, Cisilie A <i>Supplement to Defendant's Motion to Reduce Arrears in Child Support to Judgment, to Establish</i>
01/22/2008	Certificate


CASE SUMMARY


CASE NO. 98D230385


Filed by: Petitioner Vaile, Robert S
of Service


01/22/2008  Certificate
Filed by: Petitioner Vaile, Robert S
Of Service


01/23/2008  Motion
Filed by: Petitioner Vaile, Robert S
For: Petitioner Vaile, Cisilie A


01/25/2008  Ex Parte
Filed by: Petitioner Vaile, Robert S
Motion for Order Shortening Time


01/28/2008  Notice of Motion
Filed by: Petitioner Vaile, Cisilie A


01/29/2008  Certificate
Filed by: Petitioner Vaile, Robert S
of Service


01/29/2008  Family Court Motion Opposition Fee Information Sheet
Filed by: Petitioner Vaile, Robert S
R. Scotlund Vaile


02/11/2008  Opposition and Countermotion
Filed by: Petitioner Vaile, Cisilie A
Party 2: Petitioner Vaile, Robert S


02/11/2008  Family Court Motion Opposition Fee Information Sheet
Filed by: Petitioner Vaile, Cisilie A


02/14/2008  Notice of Entry of Order


02/14/2008  Receipt of Copy
Filed by: Petitioner Vaile, Robert S
Party 2: Petitioner Vaile, Cisilie A


02/14/2008  Order Shortening Time
Filed by: Petitioner Vaile, Robert S


02/19/2008  Reply
Filed by: Petitioner Vaile, Robert S
in Support of Motion to Set Aside Order of January 15 2008 and to Reconsider


02/26/2008  Certificate
Filed by: Petitioner Vaile, Robert S
Of Service

03/06/2008  Supplemental
Filed by: Petitioner Vaile, Cisilie A
Supplement To Defendant's Motion To Reduce Arrears In Child Support To Judgment

03/20/2008  Order
Amending The Order Of January 15, 2008

03/25/2008  Notice of Entry of Order
















03/31/2008  Motion
Filed by: Petitioner Vaile, Robert S
For: Petitioner Vaile, Cisilie A

04/08/2008  Motion
Filed by: Petitioner Vaile, Robert S

CASE SUMMARY

















CASE NO. 98D230385

For: Petitioner Vaile, Cisilie A
Ex Parte Motion For Order Shortening Time

04/08/2008	 Certificate of Mailing Filed by: Petitioner Vaile, Robert S For: Petitioner Vaile, Cisilie A <i>Motion For Reconsideration</i>
04/14/2008	 Family Court Motion Opposition Fee Information Sheet Filed by: Petitioner Vaile, Robert S <i>Cisilie A. Vaile</i>
04/14/2008	 Opposition Filed by: Petitioner Vaile, Cisilie A <i>To Plaintiff's Motion For Reconsideration And To Amend Order Or Alternatively</i>
04/22/2008	 Reply Filed by: Petitioner Vaile, Robert S <i>Memorandum in Support of Motion for Reconsideration and to Amend Order</i>
05/02/2008	 Motion Filed by: Petitioner Vaile, Cisilie A For: Petitioner Vaile, Robert S <i>Ex Parte Motion for Order Allowing Examination of Judgment Debtor</i>
05/05/2008	 Family Court Motion Opposition Fee Information Sheet Filed by: Petitioner Vaile, Cisilie A <i>Cisilie A. Vaile</i>
05/05/2008	 Motion Filed by: Petitioner Vaile, Robert S For: Petitioner Vaile, Cisilie A
05/05/2008	 Opposition and Countermotion Filed by: Petitioner Vaile, Cisilie A Party 2: Petitioner Vaile, Robert S
05/08/2008	 Writ of Execution Filed by: Petitioner Vaile, Robert S
05/10/2008	 Order <i>For Examination Of Judgment Debtor</i>
05/12/2008	 Certificate Filed by: Petitioner Vaile, Robert S <i>Of Service</i>
05/15/2008	 Certificate Filed by: Petitioner Vaile, Cisilie A <i>Of Service By Mail</i>
05/20/2008	 Reply Filed by: Petitioner Vaile, Robert S <i>Memorandum in Support of Plaintiff's Renewed Motion for Sanctions and Opposition to Countermotions</i>
05/29/2008	 Certificate Filed by: Petitioner Vaile, Robert S <i>of Service</i>
06/05/2008	 Opposition Filed by: Petitioner Vaile, Robert S <i>To Ex-Parte Motion For Order Allowing Examination Of Judgment Debtor And Supplement To Motion</i>

CASE SUMMARY

CASE NO. 98D230385

06/05/2008	 Motion Filed by: Petitioner Vaile, Robert S For: Petitioner Vaile, Cisilie A <i>Ex-Parte Motion To Rescuse</i>
06/05/2008	 Family Court Motion Opposition Fee Information Sheet Filed by: Petitioner Vaile, Robert S <i>R. S. Vaile</i>
06/05/2008	Notice of Hearing <i>on Opposition</i>
06/05/2008	 Notice of Hearing <i>on Opposition</i>
06/09/2008	 Supplemental Filed by: Petitioner Vaile, Cisilie A <i>to Defendant's Opposition to Plaintiff's Motion for Reconsideration and to Amend Order or Alternatively, for a New Hearing and Request to Enter Objections and Motion to Stay Enforcement of the March 3, 2008 Order and Countermotion for GOAD Order or Posting of Bond and Attorney's Fees and Costs</i>
06/23/2008	 Supplemental Filed by: Petitioner Vaile, Cisilie A <i>Third Supplement to Defendant's Oppositions to Plaintiff's Motion for</i>
07/01/2008	 Order to Show Cause Filed by: Petitioner Vaile, Cisilie A
07/07/2008	 Request Filed by: Petitioner Vaile, Robert S <i>Ex Parte Request to Continue July 11 2008 Hearing</i>
07/08/2008	 Family Court Motion Opposition Fee Information Sheet Filed by: Petitioner Vaile, Cisilie A
07/08/2008	 Supplemental Filed by: Petitioner Vaile, Cisilie A <i>Authorities</i>
07/08/2008	 Motion Filed by: Petitioner Vaile, Cisilie A For: Petitioner Vaile, Robert S <i>to Strike Plaintiffs Ex Parte Request to Continue July 11, 2008 Hearing as</i>
07/09/2008	 Notice of Motion Filed by: Petitioner Vaile, Cisilie A
07/09/2008	 Certificate Filed by: Petitioner Vaile, Cisilie A <i>Of Service</i>
07/09/2008	 Application Filed by: Petitioner Vaile, Cisilie A <i>Ex Parte Application For Order Shortening Time</i>
07/09/2008	 Order Shortening Time Filed by: Petitioner Vaile, Cisilie A
07/09/2008	 Brief Filed by: Petitioner Vaile, Cisilie A <i>Friend Of The Court Brief</i>
07/09/2008	 Affidavit of Financial Condition Filed by: Petitioner Vaile, Robert S

CASE SUMMARY

CASE NO. 98D230385

R S Vaile

07/11/2008

 Opposition

Filed by: Petitioner Vaile, Robert S

*To Defendant's Motion To Strike Plaintiff's Ex-Parte Request To Continue July 11, 2008
Hearing As A Fugitive Document And Request For Sanctions*

07/11/2008

 Brief

Filed by: Petitioner Vaile, Robert S

Plaintiff's Supplemental Brief

07/21/2008

 Motion

Filed by: Petitioner Vaile, Robert S

For: Petitioner Vaile, Cisilie A

07/21/2008

 Family Court Motion Opposition Fee Information Sheet

Filed by: Petitioner Vaile, Robert S

07/21/2008

 Order Shortening Time

Filed by: Petitioner Vaile, Robert S


07/21/2008

 Application

Filed by: Petitioner Vaile, Robert S

*for an Order Shortening Time on Motion to Disqualify Marshall Willick and The Willick Law
Group as Attorney of Record Pursuant to Rules of Professional Conduct 3.7*

07/22/2008

 Opposition and Countermotion

Filed by: Petitioner Vaile, Cisilie A

Party 2: Petitioner Vaile, Robert S

07/22/2008

 Family Court Motion Opposition Fee Information Sheet

Filed by: Petitioner Vaile, Cisilie A

Cisilie Vaile

07/23/2008

 Motion

Filed by: Petitioner Vaile, Cisilie A


For: Petitioner Vaile, Robert S

07/23/2008

Order to Show Cause

Filed by: Petitioner Vaile, Cisilie A


07/23/2008

 Application

Filed by: Petitioner Vaile, Cisilie A


Ex Parte Application for Order Shortening Time

07/23/2008

 Family Court Motion Opposition Fee Information Sheet

Filed by: Petitioner Vaile, Cisilie A

07/23/2008

 Order to Show Cause

Filed by: Petitioner Vaile, Cisilie A

07/23/2008

 Errata

Filed by: Petitioner Vaile, Robert S

To Ex Parte Motion To Recuse


07/23/2008

 Reply

Filed by: Petitioner Vaile, Cisilie A

To Defendant's Opposition To Disqualify Marshal Willick And The Willick Law Group


07/24/2008

 Stricken Document

Filed by: Petitioner Vaile, Robert S

7/24/08 per Judge Moss

07/24/2008



















 Stricken Document

Filed by: Petitioner Vaile, Robert S

07/24/08 Stricken per Judge Moss




















CASE SUMMARY

CASE NO. 98D230385

07/24/2008	 Receipt of Copy Filed by: Petitioner Vaile, Cisilie A Party 2: Petitioner Vaile, Cisilie A
07/30/2008	 Supplemental Filed by: Petitioner Vaile, Cisilie A <i>Fourth Supplement</i>
08/01/2008	 Brief Filed by: Petitioner Vaile, Robert S <i>Plaintiff's Supplemental Brief Re: Child Support Principal, Penalties, And Attorney Fees</i>
08/01/2008	 Order to Show Cause Filed by: Petitioner Vaile, Cisilie A
08/04/2008	 Motion Filed by: Petitioner Vaile, Robert S For: Petitioner Vaile, Cisilie A
08/04/2008	 Application Filed by: Petitioner Vaile, Robert S <i>for Order Shortening Time</i>
08/04/2008	 Family Court Motion Opposition Fee Information Sheet Filed by: Petitioner Vaile, Robert S
08/08/2008	 Receipt of Copy Filed by: Petitioner Vaile, Robert S Party 2: Petitioner Vaile, Cisilie A <i>Reply To Defendant's Opposition To Disqualify Marshal Willick</i>
08/08/2008	 Certificate Filed by: Petitioner Vaile, Robert S <i>Of Service - Plaintiff's Supplemental Brief</i>
08/14/2008	 Opposition Filed by: Petitioner Vaile, Cisilie A <i>to Plaintiff's Motion to Reconsider and/or Set Aside Ruling of 7/24/08</i>
08/14/2008	 Family Court Motion Opposition Fee Information Sheet Filed by: Petitioner Vaile, Cisilie A
08/14/2008	 Certificate Filed by: Petitioner Vaile, Cisilie A <i>of Service - Defendant's Opposition to Plaintiff's Motion to Reconsider and/or Set Aside Ruling of 7/24/08</i>
08/14/2008	 Supplemental Filed by: Petitioner Vaile, Cisilie A <i>Defendant's Supplemental Brief on Child Support Principal, Penalties, and Attorney's Fees</i>
08/15/2008	 Order Shortening Time Filed by: Petitioner Vaile, Robert S
08/15/2008	 Order <i>For Hearing Held June 11, 2008</i>
09/05/2008	 Supplemental Filed by: Petitioner Vaile, Cisilie A <i>Friend of the Court Brief</i>
09/11/2008	 Notice of Entry of Order
09/15/2008	 Notice of Appeal







CASE SUMMARY

CASE NO. 98D230385

09/17/2008	 Case Appeal Statement Filed by: Petitioner Vaile, Robert S
09/17/2008	 Financial Disclosure Form Filed by: Petitioner Vaile, Robert S <i>Robert Vaile</i>
09/17/2008	 Document Filed Filed by: Petitioner Vaile, Robert S <i>Attachment Of Exhibit</i>
09/17/2008	 Certificate of Mailing Filed by: Petitioner Vaile, Robert S For: Petitioner Vaile, Cisilie A <i>Motion To Reconsider and/or Set Aside Ruling Of 07/24/08 and Attachment Of Exhibit To Motion To Reconsider</i>
10/08/2008	 Financial Disclosure Form Filed by: Petitioner Vaile, Robert S <i>Cisilie A. Porsboll</i>
10/09/2008	 Order <i>Findings of Fact, Conclusions of Law, Final Decision and Order</i>
10/09/2008	 Notice of Entry Filed by: Petitioner Vaile, Robert S <i>of Findings of Fact, Conclusions of Law Final Decision and Order</i>
10/10/2008	 Case Appeal Statement Filed by: Petitioner Vaile, Robert S
10/10/2008	 Notice of Appeal <i>RENEWED</i>
10/13/2008	 NV Supreme Court Clerk's Certificate
10/14/2008	 Case Appeal Statement Filed by: Petitioner Vaile, Robert S
11/13/2008	 NV Supreme Court Clerk's Certificate/Judgment -Remanded USJR
02/27/2009	 Order Filed by: Petitioner Vaile, Cisilie A <i>for Hearing Held July 24, 2008</i>
03/02/2009	 Notice of Entry of Order Filed by: Petitioner Vaile, Cisilie A <i>For hearing held July 24, 2008</i>
03/03/2009	 Motion Filed by: Petitioner Vaile, Cisilie A For: Petitioner Vaile, Robert S
03/03/2009	 Family Court Motion Opposition Fee Information Sheet Filed by: Petitioner Vaile, Cisilie A
03/04/2009	 Certificate of Service Filed by: Petitioner Vaile, Cisilie A <i>Via U.S. Mail</i>
03/13/2009	 Application Filed by: Petitioner Vaile, Cisilie A <i>Ex Parte Application for Order Shortening Time</i>
03/26/2009	 Order Shortening Time

CASE SUMMARY

CASE NO. 98D230385

	Filed by: Petitioner Vaile, Cisilie A
04/03/2009	 NV Supreme Court Clerk's Certificate
04/10/2009	 Opposition Filed by: Petitioner Vaile, Robert S <i>To Motion To Reduce To Judgment Additional Attorney's Fees Awarded To Date And For A Lump Sum Payment For Child Support Arrearages And Attorney's Fees And Costs</i>
04/10/2009	 Certificate of Service Filed by: Petitioner Vaile, Robert S <i>Second Amended Notice of Appeal and Second Amended Case Appeal Statement</i>
04/10/2009	 Case Appeal Statement Filed by: Petitioner Vaile, Robert S <i>Second AMENDED</i>
04/10/2009	 Notice of Appeal Filed by: Petitioner Vaile, Robert S <i>Second AMENDED</i>
04/15/2009	 Certificate of Service Filed by: Petitioner Vaile, Cisilie A <i>Via U.S Mail</i>

DATE

FINANCIAL INFORMATION

Conversion Extended Connection Type Financial Conversion 98D230385

Total Charges	585.00
Total Payments and Credits	585.00
Balance Due as of 4/22/2009	0.00

Petitioner Vaile, Cisilie A

Total Charges	28.00
Total Payments and Credits	28.00
Balance Due as of 4/22/2009	0.00

Petitioner Vaile, Robert S

Total Charges	96.00
Total Payments and Credits	96.00
Balance Due as of 4/22/2009	0.00

ORIGINAL

FILED

FEB 27 11 42 AM '09

E. J. Smith
CLERK OF THE COURT

1: **ORDR**
2: WILICK LAW GROUP
3: MARSHAL S. WILICK, ESQ.
4: Nevada Bar No: 002515
3591 E. Bonanza Road, Suite 200
Las Vegas, NV 89110-2101
(702) 438-4100
Attorneys for Defendant

**DISTRICT COURT
FAMILY DIVISION
CLARK COUNTY, NEVADA**

ROBERT SCOTLUND VAILE,

Plaintiff,

vs.

CISILIE A. VAILE,

Defendant.

CASE NO: 98-D-230385-D
DEPT. NO: I

DATE OF HEARING: 07/24/2008
TIME OF HEARING: 1:45 P.M.

ORDER FOR HEARING HELD JULY 24, 2008

This matter came before the Hon. Cheryl B. Moss, at the time and date above, on Plaintiff's *Motion to Disqualify Marshal Willick and the Willick Law Group as Attorney's of Record Pursuant to Rules of Professional Conduct 3.7, and Defendant's Countermotion for Disqualification of Greta Muirhead as Attorney of Record, For Fees, and For Sanctions Against Both Ms. Muirhead and Her Client.* Defendant, Cisilie A. Porsboll, f.k.a. Cisilie A. Vaile was not present, but was represented by her attorneys of the WILICK LAW GROUP, and Plaintiff was not present, but was represented by Greta G. Muirhead, Esq., in an unbundled capacity. The Court having read the papers and pleadings on file herein by counsel and being fully advised, and for good cause shown:

1 **FINDS AND CONCLUDES:**

2 1. Pertaining to documents presented as Exhibits to Plaintiff's *Motion*, that these
3 documents are part of proceedings before the Bar and are completely confidential.

4 2. As to Ms. Muirhead appearing in an unbundled capacity before this court, there are
5 no rules as to how many times an attorney may appear *unbundled*.

6 3. As to any litigation currently in progress in Virginia, the Court does not need to have
7 information on the case to resolve issues in the Nevada case.

8 4. Attorney Willick's statements on the record as to the Marshal Law Program are not
9 testimony, and had to do only with the design and function of the software, and are completely
10 irrelevant to the Court's decision as to the interpretation of the Statute (NRS 125B.095) at issue.

11 5. The Willick Law Group and Mr. Willick have been counsel of record on this case for
12 a substantial amount of time.
13

14 **ORDERS AS FOLLOWS:**

15 1. Exhibit 4 of Attorney Muirhead's original *Motion*, a letter dated June 16, 2008, to the
16 State Bar of Nevada from the WILICK LAW GROUP Re: Bar Complaint concerning Greta G.
17 Muirhead, Bar No. 3957, shall be STRICKEN from the record. This document has not been read
18 by the Court.

19 2. Exhibit 1 of Attorney Muirhead's *Reply to Defendant's Opposition*, a copy of a letter
20 dated July 8, 2008, to Attorney Willick from the State Bar of Nevada referencing Grievance file No.
21 08-100-1012/Marshal Willick, shall be STRICKEN from record.

22 3. Exhibit 2 of Attorney Muirhead's *Reply to Defendant's Opposition*, a copy of a letter
23 dated July 7, 2008 to Phillip J. Pattee, Assistant Bar Counsel, State Bar of Nevada, referencing
24 Grievance File No. 08-100-1012/Marshal Willick, shall be STRICKEN from the record.

25 4. Plaintiff's *Motion to Disqualify Marshal Willick and the WILICK LAW GROUP* is
26 DENIED.
27
28

-3-

ORIGINAL

FILED

MAR 2 4 24 PM '09

E. J. Willick
CLERK OF THE COURT

NEOJ
WILICK LAW GROUP
MARSHAL S. WILICK, ESQ.
Nevada Bar No. 002515
3591 E. Bonanza Road, Suite 200
Las Vegas, NV 89110-2101
(702) 438-4100
Attorneys for Defendant

DISTRICT COURT
FAMILY DIVISION
CLARK COUNTY, NEVADA

ROBERT SCOTLUND VAILE,

Plaintiff,

vs.

CISILIE A. PORSBOLL F.K.A. CISILIE A VAILE,

Defendant.

CASE NO: 98-D-230385-D
DEPT. NO: 1

DATE OF HEARING: 07/24/2008
TIME OF HEARING: 1:45 P.M.

NOTICE OF ENTRY OF ORDER FOR HEARING
HELD JULY 24, 2008

TO: ROBERT SCOTLUND VAILE, Plaintiff, in Proper Person.

PLEASE TAKE NOTICE that an *Order* for the above referenced hearing was duly entered on March 2, 2009, by filing with the Clerk, and the attached is a true and correct copy thereof.

DATED this 2nd day of March, 2009.

WILICK LAW GROUP

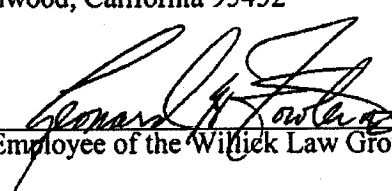
Marshal S. Willick
MARSHAL S. WILICK, ESQ.
Nevada Bar No. 002515
RICHARD L. CRANE, ESQ.
Nevada Bar No. 009536
3591 East Bonanza Road, Suite 200
Las Vegas, Nevada 89110-2101
(702) 438-4100
Attorneys for Defendant

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CERTIFICATE OF MAILING

I hereby certify that service of the foregoing *Notice of Entry of Order* was made on the 2nd day of March, 2009, pursuant to NRCp 5(b), by depositing a copy of same in the United States Mail in Las Vegas, Nevada, postage prepaid, addressed as follows:

Mr. Robert Scotlund Vaile
P.O. Box 727
Kenwood, California 95452


Employee of the Willick Law Group

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1 **ORDR**
2 **WILICK LAW GROUP**
3 **MARSHAL S. WILICK, ESQ.**
4 Nevada Bar No. 002515
5 3591 E. Bonanza Road, Suite 200
6 Las Vegas, NV 89110-2101
7 (702) 438-4100
8 Attorneys for Defendant

FILED

FEB 27 11 42 AM '09

E. J. Smith
CLERK OF COURT

**DISTRICT COURT
FAMILY DIVISION
CLARK COUNTY, NEVADA**

10 **ROBERT SCOTLUND VAILE,**

11 Plaintiff,

12 vs.

13 **CISILIE A. VAILE,**

14 Defendant.

CASE NO: 98-D-230385-D
DEPT. NO: I

DATE OF HEARING: 07/24/2008
TIME OF HEARING: 1:45 P.M.

16 **ORDER FOR HEARING HELD JULY 24th, 2008**

17 This matter came before the Hon. Cheryl B. Moss, at the time and date above, on Plaintiff's
18 *Motion to Disqualify Marshal Willick and the Willick Law Group as Attorney's of Record Pursuant*
19 *to Rules of Professional Conduct 3.7, and Defendant's Countermotion for Disqualification of Greta*
20 *Muirhead as Attorney of Record, For Fees, and For Sanctions Against Both Ms. Muirhead and Her*
21 *Client.* Defendant, Cisilie A. Porsboll, f.k.a. Cisilie A. Vaile was not present, but was represented
22 by her attorneys of the WILICK LAW GROUP, and Plaintiff was not present, but was represented by
23 Greta G. Muirhead, Esq., in an unbundled capacity. The Court having read the papers and pleadings
24 on file herein by counsel and being fully advised, and for good cause shown:

25 *****

26 *****

27 *****

1 **FINDS AND CONCLUDES:**

2 1. Pertaining to documents presented as Exhibits to Plaintiff's *Motion*, that these
3 documents are part of proceedings before the Bar and are completely confidential.

4 2. As to Ms. Muirhead appearing in an unbundled capacity before this court, there are
5 no rules as to how many times an attorney may appear *unbundled*.

6 3. As to any litigation currently in progress in Virginia, the Court does not need to have
7 information on the case to resolve issues in the Nevada case.

8 4. Attorney Willick's statements on the record as to the Marshal Law Program are not
9 testimony, and had to do only with the design and function of the software, and are completely
10 irrelevant to the Court's decision as to the interpretation of the Statute (NRS 125B.095) at issue.

11 5. The Willick Law Group and Mr. Willick have been counsel of record on this case for
12 a substantial amount of time.

13
14 **ORDERS AS FOLLOWS:**

15 1. Exhibit 4 of Attorney Muirhead's original *Motion*, a letter dated June 16, 2008, to the
16 State Bar of Nevada from the WILICK LAW GROUP Re: Bar Complaint concerning Greta G.
17 Muirhead, Bar No. 3957, shall be STRICKEN from the record. This document has not been read
18 by the Court.

19 2. Exhibit 1 of Attorney Muirhead's *Reply to Defendant's Opposition*, a copy of a letter
20 dated July 8, 2008, to Attorney Willick from the State Bar of Nevada referencing Grievance file No.
21 08-100-1012/Marshal Willick, shall be STRICKEN from record.

22 3. Exhibit 2 of Attorney Muirhead's *Reply to Defendant's Opposition*, a copy of a letter
23 dated July 7, 2008 to Phillip J. Pattee, Assistant Bar Counsel, State Bar of Nevada, referencing
24 Grievance File No. 08-100-1012/Marshal Willick, shall be STRICKEN from the record.

25 4. Plaintiff's *Motion to Disqualify Marshal Willick and the WILICK LAW GROUP* is
26 DENIED.

1 5. Defendant's *Countermotion for Disqualification of Greta Muirhead* is DENIED.
2 This *Order* shall be CERTIFIED as the FINAL ORDER. Attorney Willick may choose to take the
3 issue to disqualify Attorney Muirhead to the Supreme Court.

4 6. Under 18.010, the WILICK LAW GROUP is entitled to fees as the prevailing party and
5 is, therefore, awarded \$2,000 in Attorneys Fees. Said amount is reduced to judgment and collectable
6 by all legal means.

7 7. Defendant's oral request for a Bond is DENIED.

8 8. Plaintiff is to file the new *Financial Disclosure Form* forthwith.

9 9. The Defendant's request for Sanctions under NRCP 11 and EDCR 7.60 is
10 DEFERRED.

11 10. Attorney Muirhead's oral request for fees is DEFERRED. She may submit a copy
12 of her billing statement for time in Court at her stated rate of \$300 per hour for consideration.

13 11. Evidentiary hearing is set for September 18, 2008, commencing at 1:30 p.m.

14 12. Hearings on all motions and orders to show cause are set for September 18, 2008,
15 commencing at 8:30 a.m.

16 DATED this _____ day of FEB 26 2009,
17

18 **CHERYL B. MOSS**

19 DISTRICT COURT JUDGE

20 Respectfully Submitted by:
21 WILICK LAW GROUP

Approved as to form and content by:

22 **SIGNATURE
REFUSED**

23 MARSHAL S. WILLICK, ESQ.
24 Nevada Bar No. 002515
25 RICHARD L. CRANE, ESQ.
26 Nevada Bar No. 009536
27 3591 East Bonanza Road, Suite 200
28 Las Vegas, Nevada 89110-2101
 (702) 438-4100
 Attorneys for Defendant

GRETA MUIRHEAD, ESQ.
Nevada Bar No. 003957
9811 West Charleston Avenue
Las Vegas, Nevada 89117
(702) 434-6004
Attorney for Plaintiff (Unbundled)

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DISTRICT COURT
CLARK COUNTY, NEVADA

CLERK OF THE COURT

R. S. VAILE,

Plaintiff,

Case No. 98-D-230385

vs.

Dept. No. I

CISILIE A. VAILE,

Defendant

**FINDINGS OF FACT, CONCLUSIONS OF LAW, FINAL DECISION AND
ORDER**

1. The procedural history in this case is as follows:
2. On November 14, 2007 Plaintiff, Cisilie Vaile n/k/a Porsboll, through counsel, filed a Motion to Reduce Arrears in Child Support to Judgment, to Establish a Sum Certain Due Each Month in Child Support, and for Attorney's Fees and Costs.
3. On December 4, 2007 Defendant, Robert Scotlund Vaile, filed a Motion to Dismiss Defendant's Pending Motion and Prohibition on Subsequent Filings and to Declare This Case Closed Based on Final Judgment by the Nevada Supreme Court, Lack of Subject Matter Jurisdiction, Lack of Personal Jurisdiction, Insufficiency of Process and/or Insufficiency of Service of Process and Res Judicata and to Issue Sanctions or, in the Alternative, Motion to Stay Case.
4. On December 19, 2007 Defendant filed an Opposition to Plaintiff's Motion and Countermotion for Fees and Sanctions under EDCR 7.60.
5. On January 10, 2008, Plaintiff filed a Response Memorandum in Support of Motion to Dismiss Defendant's Pending Motion....and Opposition to Defendant's Countermotion for Fees and Sanctions.

1
2 **January 15, 2008 Hearing**

- 3 6. On January 15, 2008 a hearing was held. Plaintiff, Mr. Vaile, failed to
4 appear.
- 5 7. As a result, Plaintiff was defaulted, and Defendant was granted relief
6 requested in their Motion as follows:
- 7 A. Child support was set as a fixed amount at \$1,300.00 per month.
8 B. Child support arrears in the amount of \$226,569.23 were reduced
9 to judgment.
10 C. Defendant was awarded \$5,100.00 in attorney's fees.
- 11 8. On January 23, 2008 Plaintiff filed a Motion to Set Aside Order of January
12 15, 2008, and to Reconsider and Rehear the Matter, Motion to Reopen
13 Discovery, and Motion to Stay Enforcement of the January 15, 2008
14 Order.
- 15 9. On February 11, 2008 Defendant filed an Opposition to Plaintiff's Motion
16 to Set Aside Order of January 15, 2008....and Countermotion for
17 Dismissal under EDCR 2.23 and the Fugitive Disentitlement Doctrine, for
18 Fees and Sanctions under EDCR 7.60 and for a Goad Order Restricting
19 Future Filings.
- 20 10. On February 19, 2008 Plaintiff filed a Reply to Opposition to Motion to
21 Set Aside Order....and Opposition to Defendant's Countermotions.

22 **March 3, 2008 Hearing**

- 23 11. On March 3, 2008 a hearing was held to address the above listed Motions,
24 Oppositions, and Countermotions. The Court ruled as follows:
- 25 A. Plaintiff's Motion to Dismiss was denied.
26 B. Plaintiff's Motion to Set Aside Order of January 15, 2008 was
27 granted.
28 C. Plaintiff's Motion to Reopen Discovery was denied.
D. Defendant's Motion for a Goad Order was denied.
E. The child support arrears amount was confirmed unless Norway
modifies it.
F. Defendant was awarded \$10,000.00 attorney's fees which were
reduced to judgment.

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12. On March 31, 2008 Plaintiff filed a Motion for Reconsideration and to Amend Order or, Alternatively, for a New Hearing and Request to Enter Objections, and Motion to Stay Enforcement of the March 3, 2008 Order.
 13. On April 14, 2008 Defendant filed an Opposition to Plaintiff's Motion for Reconsideration and Countermotion for Goad Order or Posting of Bond and Attorney's Fees and Costs.
 14. On April 22, 2008 Plaintiff filed a Reply Memorandum in Support of Motion for Reconsideration....and Opposition to Countermotions.
 15. On May 2, 2008 Defendant filed an Ex Parte Motion for Examination of Judgment Debtor. The Ex Parte Order was filed on May 10, 2008.
 16. On May 5, 2008 Plaintiff filed a Renewed Motion for Sanctions.
 17. Also on May 5, 2008 Defendant filed an Opposition to Plaintiff's Renewed Motion for Sanctions and Countermotion for Requirement for a Bond, Fees and Sanctions under EDCR 7.60.
 18. On May 20, 2008 Plaintiff filed a Reply Memorandum in Support of Plaintiff's Renewed Motion for Sanctions and Opposition to Countermotions.
 19. On June 5, 2008 Plaintiff filed an Opposition to Defendant's Ex Parte Motion for Examination of Judgment Debtor.
 20. Also on June 5, 2008 Plaintiff filed a Motion to Recuse the undersigned Judge.

June 11, 2008 Hearing

21. On June 11, 2008, the Court heard the matter on the various motions, oppositions, countermotions, and replies. The Court ordered the following:
 - A. The Motion to Recuse was denied.
 - B. The Court had personal jurisdiction over the parties to order child support at the time of entry of the Decree.
 - C. Based on part performance and for purposes of determining a sum certain for the District Attorney to enforce, the fixed amount of \$1,300.00 per month for child support was ordered.
 - D. The child support arrears judgment stands but is subject to modification pursuant to NRCP 60(a) and for any payments credited on Plaintiff's behalf.

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- E. The issue of interest and penalties was to be argued at a return hearing on July 11, 2008.
 - F. An evidentiary hearing was set for Plaintiff to show cause why he should not be held in contempt for failure to pay child support since April 2000.
 - G. Both parties' requests for attorney's fees were deferred.

22. The Evidentiary Hearing on the Order Show Cause for non-payment of child support went forward on September 18, 2008.

23. This Final Decision and Order follows.

Findings of Fact, Conclusions of Law and Final Decision

24. NRS 125B.020 (1) states, Obligation of parents.

1. The parents of a child (in this chapter referred to as "the child") have a duty to provide the child necessary maintenance, health care, education and support.

25. NRS 125.210 states, Powers of court respecting property and support of spouse and children.

1. Except as otherwise provided in subsection 2, in any action brought pursuant to NRS 125.190, the court may:

(a) Assign and decree to either spouse the possession of any real or personal property of the other spouse;

(b) Order or decree the payment of a fixed sum of money for the support of the other spouse and their children;

(c) Provide that the payment of that money be secured upon real estate or other security, or make any other suitable provision; and

(d) Determine the time and manner in which the payments must be made.

2. The court may not:

(a) Assign and decree to either spouse the possession of any real or personal property of the other spouse; or

(b) Order or decree the payment of a fixed sum of money for the support of the other spouse,

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2 if it is contrary to a premarital agreement between the spouses which is
3 enforceable pursuant to chapter 123A of NRS.

4 3. Except as otherwise provided in chapter 130 of NRS, the court may
5 change, modify or revoke its orders and decrees from time to time.

6 4. No order or decree is effective beyond the joint lives of the husband and
7 wife.

8 **26. NRS 130.10111 states, "Duty of support" defined.**

9 "Duty of support" means an obligation imposed or imposable by law to
10 provide support for a child, spouse or former spouse, including an
11 unsatisfied obligation to provide support.

12 **27. NRS 425.350 states, Duty of parent to support child; assignment of**
13 **right to support upon acceptance of assistance; appointment of**
14 **administrator as attorney in fact; enforceability of debt for support;**
15 **notice of assignment.**

16 1. A parent has duties to support his children which include any duty
17 arising by law or under a court order.

18 2. If a court order specifically provides that no support for a child is due,
19 the order applies only to those facts upon which the decision was based.

20 3. By accepting assistance in his own behalf or in behalf of any other
21 person, the applicant or recipient shall be deemed to have made an
22 assignment to the division of all rights to support from any other person
23 which the applicant or recipient may have in his own behalf or in behalf of
24 any other member of the family for whom the applicant or recipient is
25 applying for or receiving assistance. Except as otherwise required by
26 federal law or as a condition to the receipt of federal money, rights to
27 support include, but are not limited to, accrued but unpaid payments for
28 support and payments for support to accrue during the period for which
assistance is provided. The amount of the assigned rights to support must
not exceed the amount of public assistance provided or to be provided. If a
court order exists for the support of a child on whose behalf public
assistance is received, the division shall attempt to notify a located
responsible parent as soon as possible after assistance begins that the child
is receiving public assistance. If there is no court order for support, the
division shall with service of process serve notice on the responsible
parent in the manner prescribed in subsection 2 of NRS 425.3822 within
90 days after the date on which the responsible parent is located.

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2 4. The recipient shall be deemed, without the necessity of signing any
3 document, to have appointed the administrator as his attorney in fact with
4 power of substitution to act in his name and to endorse all drafts, checks,
5 money orders or other negotiable instruments representing payments for
6 support which are received as reimbursement for the public assistance
7 previously paid to or on behalf of each recipient.

8 5. The rights of support assigned under subsection 3 constitute a debt for
9 support owed to the division by the responsible parent. The debt for
10 support is enforceable by any remedy provided by law. The division,
11 through the prosecuting attorney, may also collect payments of support
12 when the amount of the rights of support exceeds the amount of the debt
13 for support.

14 6. The assignment provided for in subsection 3 is binding upon the
15 responsible parent upon service of notice of the assignment. After
16 notification, payments by the responsible parent to anyone other than the
17 division must not be credited toward the satisfaction of the debt for
18 support. Service of notice is complete upon:

19 (a) The mailing, by first-class mail, of the notice to the responsible
20 parent at his last known address;

21 (b) Service of the notice in the manner provided for service of civil
22 process; or

23 (c) Actual notice.

24 28. NRS 31A.280, states, Effect of order for assignment; duty of employer
25 to cooperate; modification of amount assigned; reimbursement of
26 employer; refusal of employer to honor assignment; discharge of
27 employer's liability to pay amount assigned.

28 1. An order for an assignment issued pursuant to NRS 31A.250 to
31A.330, inclusive, operates as an assignment and is binding upon any
existing or future employer of an obligor upon whom a copy of the order is
served by certified mail, return receipt requested. The order may be
modified or revoked at any time by the court.

2. To enforce the obligation for support, the employer shall cooperate with
and provide relevant information concerning the obligor's employment to
the person entitled to the support or that person's legal representative. A
disclosure made in good faith pursuant to this subsection does not give rise
to any action for damages for the disclosure.

1
2 3. If the order for support is amended or modified, the person entitled to
3 the payment of support or that person's legal representative shall notify the
4 employer of the obligor to modify the amount to be withheld accordingly.

5 4. To reimburse the employer for his costs in making the payment pursuant
6 to the assignment, he may deduct \$3 from the amount paid to the obligor
7 each time he makes a payment.

8 5. If an employer wrongfully refuses to honor an assignment or knowingly
9 misrepresents the income of an employee, the court, upon request of the
10 person entitled to the support or that person's legal representative, may
11 enforce the assignment in the manner provided in NRS 31A.095 for the
12 enforcement of the withholding of income.

13 6. Compliance by an employer with an order of assignment operates as a
14 discharge of the employer's liability to the employee as to that portion of
15 the employee's income affected.

16 **Contempt and the Order to Show Cause**

17 29. There is presently a wage withholding on Mr. Vaile's wages for \$1,300.00
18 per month plus \$130.00 towards child support arrears.

19 30. Mr. Vaile testified he presently earns a salary of \$120,000.00 per year. In
20 early 2008, he received a \$10,000.00 signing bonus.

21 31. Therefore, his gross monthly income is \$130,000.00 divided by 12 months
22 equals \$10,833.00 gross per month rounded down.

23 32. The Plaintiff, now known as Cisilie Porsboll, has alleged that her ex-
24 husband, Robert Scotlund Vaile, willfully failed to pay child support since
25 April 2000.

26 33. In Defendant's Fourth Supplement filed on July 30, 2008 the District
27 Attorney began involuntary wage withholding on July 3, 2006.

28 34. From April 2000 to July 3, 2006 there were no payments from Mr. Vaile
to Mrs. Porsboll for child support.

35. After July 3, 2006 payments withheld for child support did not total the
full amount of \$1,300.00 per month.

36. Also, after July 3, 2006 there were gaps in payments where no monies
were collected over a span of several months.

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37. Some of the gaps of zero payments are as follows:

9/1/06-11/1/06 (2 months)

12/1/06-2/1/07 (2 months)

6/1/07-3/1/08 (9 months)

38. At the commencement of the September 18, 2008 trial, the accuracy of Defendant's Schedule of Arrearages filed on July 30, 2008, as it pertains to Amounts Due, Amount of Payment Received, and Interest was not at issue. (The Court's decision on the Penalties issue is presently on hold based on a recent filing by Mr. Vaile of a Petition for Writ of Mandamus on the denial of Plaintiff's Motion to Disqualify Attorney Marshal Willick).

Contempt

39. NRS 22.030 states, Summary punishment of contempt committed in immediate view and presence of court; affidavit or statement to be filed when contempt committed outside immediate view and presence of court; disqualification of judge.

1. If a contempt is committed in the immediate view and presence of the court or judge at chambers, the contempt may be punished summarily. If the court or judge summarily punishes a person for a contempt pursuant to this subsection, the court or judge shall enter an order that:

(a) Recites the facts constituting the contempt in the immediate view and presence of the court or judge;

(b) Finds the person guilty of the contempt; and

(c) Prescribes the punishment for the contempt.

2. If a contempt is not committed in the immediate view and presence of the court or judge at chambers, an affidavit must be presented to the court or judge of the facts constituting the contempt, or a statement of the facts by the masters or arbitrators.

3. Except as otherwise provided in this subsection, if a contempt is not committed in the immediate view and presence of the court, the judge of the court in whose contempt the person is alleged to be shall not preside at the trial of the contempt over the objection of the person. The provisions of this subsection do not apply in:

(a) Any case where a final judgment or decree of the court is drawn in question and such judgment or decree was entered in such court by a

predecessor judge thereof 10 years or more preceding the bringing of contempt proceedings for the violation of the judgment or decree.

(b) Any proceeding described in subsection 1 of NRS 3.223, whether or not a family court has been established in the judicial district.

40. In the instant case, NRS 22.010 subsection 2 applies as this is an "indirect contempt".

41. Defendant is required under the statute to submit an affidavit or a petition for order show cause.

42. The Court finds Defendant has complied with this provision in several ways.

43. First, Mrs. Porsboll's counsel filed a Countermotion on December 19, 2007 and requested that Mr. Vaile "be detained until he pays a significant amount of the monies he is in arrears". Opposition and Countermotion, page 8.

44. An affidavit of attorney was attached on page 10 attesting to the facts in the Countermotion in Defendant's absence due to her residing in Norway.

45. Second, on February 11, 2008 Mrs. Porsboll's counsel filed an Opposition and Countermotion asserting the same claims that Mr. Vaile has "refused to honor and obey" court orders.

46. An affidavit of attorney was attached on page 14 attesting to the facts in the Countermotion in Defendant's absence due to her residing in Norway.

47. Third, on April 11, 2008 Mrs. Porsboll's counsel filed an Opposition and Countermotion.

48. This pleading contained a more extensive recitation of her claims against Mr. Vaile that he, among other things, "has not voluntarily paid a dime of child support", that he is in "massive arrears" and that "a bench warrant be issued for his arrest for felony arrearages in child support".

49. An affidavit of attorney was attached on page 19 attesting to the facts in the Countermotion in Defendant's absence due to her residing in Norway.

50. Fourth, on May 2, 2008 Mrs. Porsboll's counsel filed an Ex Parte Motion for Order Allowing Examination of Judgment Debtor. Mrs. Porsboll's counsel requested such an Order for the purpose of satisfying judgments for child support arrears and attorney's fees.

1 51. Mrs. Porsboll's counsel further claimed that Mr. Vaile has not honored the
2 court orders and his arrearages "continue to grow on a daily basis." Page
3 3.

4 52. An affidavit of attorney was attached on page 4 attesting to the facts in the
5 Motion.

6 53. Fifth, on May 5, 2008 Mrs. Porsboll's counsel filed an Opposition and
7 Countermotion. Counsel made the same claims against Mr. Vaile and
8 requested he be detained for nonpayment of child support.

9 54. Mrs. Porsboll's counsel also requested that Mr. Vaile post a \$10,000.00
10 bond.

11 55. An affidavit of attorney was attached on page 8 attesting to the facts in the
12 Countermotion in Defendant's absence due to her residing in Norway.

13 56. Sixth, on July 23, 2008 a written Order Show Cause was filed with the
14 Court and subsequently served on the Plaintiff.

15 57. Based on the above, the Court finds that Mr. Vaile clearly has been put on
16 notice of the claims of nonpayment of child support and of Mrs. Porsboll's
17 requests for contempt sanctions.

18 58. An order must be reduced to writing, signed by a Judge, and filed with the
19 Clerk of the Court. Division of Child Family Svcs. v. Eighth Judicial Dist.
20 Ct. of Nevada, 92 P.3d 1239 (2004).

21 59. Here, prior Orders signed by the Court have been filed relating to child
22 support arrears judgments against Mr. Vaile.

23 60. Although the amount of child support arrears has been challenged in
24 previous hearings, the Court finds the amount of arrears nonetheless is
25 very substantial such that Mr. Vaile cannot claim he is current with his
26 child support obligation for purposes of this Court determining contempt.

27 61. It should be noted that Mr. Vaile presently has an appeal pending on the
28 validity of the child support arrears judgments due to lack of jurisdiction.

62. Mr. Vaile also presently has a Petition of Writ of Mandamus pending as to
the Court's denial of his request to disqualify attorney Marshal Willick.

63. Notwithstanding, Mr. Vaile had no objection going forward with the
Evidentiary Hearing on September 18, 2008.

- 1 64. The Court also ruled that the trial would go forward as the appeal does not
2 result in an automatic stay.
- 3 65. Mr. Vaile made an oral request to stay the trial, but the Court denied his
4 oral request as there was no basis to grant a stay.
- 5 66. In McCormick v. Sixth Judicial Dist. Ct. ex rel. Humboldt County, 67
6 Nev. 318, 218 P.2d 939 (1950), the Nevada Supreme Court stated, "[T]he
7 inability of the contemnors to obey the order (without fault on their part)
8 would be a complete defense and sufficient to purge them of the contempt
9 charged. But in connection with this well-recognized defense two
10 comments are necessary. Where the contemnors have voluntarily or
11 contumaciously brought on themselves the disability to obey the order or
12 decree, such defense is not available." (citations omitted).
- 13 67. One of Mr. Vaile's defenses at the September 18, 2008 trial was that he
14 believed the District Court had no jurisdiction to enforce the child support
15 provisions of the Decree of Divorce based on the Nevada Supreme Court's
16 2002 opinion.
- 17 68. Mr. Vaile testified that in the Texas proceedings following the Nevada
18 Supreme Court's decision in April 2002, Mrs. Porsboll and her Texas
19 attorneys allegedly requested that the Decree of Divorce not be enforced as
20 a whole.
- 21 69. Mrs. Porsboll's Nevada counsel asserted in Closing Arguments there was
22 no such request by Mrs. Porsboll's Texas counsel.
- 23 70. The Court finds there was no substantial evidence at trial to support Mr.
24 Vaile's contention.
- 25 71. Further, the Court finds that the Nevada Supreme Court appeal filed by
26 Mr. Vaile on September 15, 2008 does not "retroactively excuse" him
27 from paying his child support obligation since April 2000.
- 28 72. Mr. Vaile should not be able to "hide behind" his illogical rationalization
that he is not required to pay any child support at all because of alleged
lack of jurisdiction.
73. Under Nevada law, every parent, including Mr. Vaile, has a BASIC duty
to financially support their children.
74. Mr. Vaile did not pay child support for six years and three months between
April 2000 and July 2006.

- 1 75. Even after July 2006 only partial payments were collected via involuntary
2 wage assignment. Mr. Vaile has never paid voluntary child support since
3 April 2000.
- 4 76. While it is true there are custodial parents who, for many years, do not
5 actively seek collection of child support for a number of reasons, the Vaile
6 case is different.
- 7 77. Mrs. Porsboll testified she always anticipated receiving child support from
8 Mr. Vaile. As discussed below, Mrs. Porsboll did not waive her right to
9 receive child support.
- 10 78. The procedural history in this case is tortuous.
- 11 79. Mr. Vaile is highly intelligent and now legally trained. He even admitted
12 he entered law school because of the Nevada case. He has a Master's
13 degree. He has a Juris Doctor degree from Washington and Lee University
14 in Virginia. He passed the California Bar Exam on the first try and is
15 awaiting issuance of a license to practice law in that state.
- 16 80. Mrs. Porsboll, who lives in Norway, would not have had the resources or
17 skills to maneuver through the legal system that Mr. Vaile has
18 demonstrated.
- 19 81. From November 2007 to September 18, 2008, it took approximately 10
20 months to get to trial.
- 21 82. During this time period, Mr. Vaile filed several intervening motions and
22 two Petitions for Writ of Mandamus to the Nevada Supreme Court.
- 23 83. As noted above, the Court finds there have been no direct or voluntary
24 payments from Mr. Vaile from April 2000 to the present. There have only
25 been involuntary wage withholdings by the District Attorney's Office
26 since July 3, 2006.
- 27 84. The Nevada Revised Statutes clearly contemplate a BASIC obligation and
28 duty of a parent to support their children.
85. Mrs. Porsboll has provided 100% of the children's financial support from
April 2000 until an involuntary wage withholding was instituted in July
2006.
86. The involuntary wage withholding did not consistently result in full
collection of the \$1,300.00 amount each month until recently in 2008.

- 1 87. Financial support should not have been borne by one parent alone,
2 especially for over six years, as has occurred in this case.
- 3 88. The better logic would be to submit the child support payments, even
4 under protest, and vigorously pursue any appeals.
- 5 89. And even if Mr. Vaile prevails and claims a refund (had he paid the child
6 support under protest but that is not the case here), the children would
7 likely be entitled to such monies no matter what.
- 8 90. Mr. Vaile also submitted a defense argument that because Mrs. Porsboll
9 was receiving government child assistance from Norway, he would be
10 "excused" from paying child support.
- 11 91. The Court finds this argument irrelevant. The Court is not aware of any
12 statute or case law that says an obligor parent is excused from paying child
13 support based on government assistance from a foreign country.
- 14 92. NRS 201.020 criminalizes the "persistent" refusal to pay court-ordered
15 child support. One persists in refusing to pay child support *whenever* there
16 are two or more consecutive months during which the supporting parent
17 willfully, and without legal excuse, refuses to remit the full amount
18 required by court order. Any such willful refusal to remit the full amount
19 required by court order constitutes a refusal to pay "support and
20 maintenance" for that month. Any such willful refusal to pay the full
21 amount required persisting for more than one year would violate the felony
22 provisions of the statute. We emphasize, however, that NRS 201.020 is
23 inapplicable whenever a parent's persistent *failure* to provide support does
24 not rise to the statutory standard of "willfully" *refusing* to comply with
25 court-ordered support. Thus, the standard for nonsupport is objectively
26 defined, and a conviction under the statute depends upon a factual finding
27 of a persistent, willful refusal, without legal excuse, to pay court-ordered
28 support during the relevant time period. Sheriff, Washoe County, Nevada
v. Vlasak, 111 Nev. 59; 888 P.2d 41 (1995).
93. Here, the Court finds the definition of "willful" to mean two or more
consecutive months that an obligor parent willfully does not pay the full
amount in the court order.
94. However, this is different from "failure" to pay. An obligor parent might
not be able to pay due to a number of reasons such as involuntary
temporary loss of a job (but not willful underemployment) or for medical
reasons and inability to work.

1 95. As discussed above, the Court finds it unreasonable that Mr. Vaile would
2 go six years and three months without paying child support to Mrs.
3 Porsboll because of his belief that he was not jurisdictionally and legally
4 required to do so.

5 96. Mr. Vaile could have paid the monies under protest. In this way, at least
6 their two daughters would have received financial support.

7 97. The Court finds Mr. Vaile did not pay for over six years. Under NRS
8 201.020, "persistent refusal" occurs when an obligor parent willfully
9 refuses to pay two or more consecutive months of support.

10 98. The length of time that Mr. Vaile did not pay indicates willful conduct.
11 Mr. Vaile could have paid the child support under protest until his
12 jurisdictional arguments could be resolved in the appellate court.

13 99. Mrs. Porsboll testified that Mr. Vaile has the ability to earn substantial
14 income based on his educational background and prior history of earning
15 over \$100,000.00 per year.

16 100. Mr. Vaile testified to his employment history.

17 101. In 1998, he was working in England earning 70 British pounds per hour as
18 a contractor or about \$100.00 US per hour. This translated into an income
19 in excess of \$100,000 per year.

20 102. In 1999, Mr. Vaile earned the same income.

21 103. In May 2000, he relocated to Texas and ceased doing consulting work as
22 of February 2000.

23 104. Mr. Vaile did not work from February to May 2000.

24 105. Subsequently, he consulted for Bank of America and a staffing company in
25 Dallas. He was earning about \$50.00 per hour.

26 106. Mr. Vaile worked in Texas during all of 2001. His wages were \$53,700
27 annually.

28 107. In 2002, he earned \$67,000.

108. In 2003, he earned \$87,000 or \$106,000 if Medicare earnings are included.

109. In 2004, he earned \$62,400.

- 1 110. In 2005, he earned nothing. He entered law school in August 2004. His
2 first year was in McGeorge Law School in Sacramento, California.
- 3 111. Mr. Vaile then transferred to Washington and Lee University in Virginia
4 and graduated in May 2007.
- 5 112. Mr. Vaile worked while a law student at Washington and Lee University.
- 6 113. During law school, he was employed part time in early 2006 doing Sober
7 Driving, a program sponsored by the university. He earned \$75.00 for a 4-
8 hour shift and worked one shift approximately every two weeks.
- 9 114. Mr. Vaile also had summer employment before his third year of law
10 school working for Baker Botts. By that time, the District Attorney's
11 Office began withholding.
- 12 115. The withholding was \$936 monthly. He earned \$2500.00 per week for six
13 weeks or \$15,000.
- 14 116. In Fall 2006, he worked for the Sober Driving program again until final
15 exams period at the end of March 2007.
- 16 117. Mr. Vaile graduated in May 2007.
- 17 118. From May 2007 to February 2008, he did not work.
- 18 119. Mr. Vaile was hired by Deloitte & Touche in February 2008.
- 19 120. Based on the above, Mr. Vaile earned significant income until he entered
20 law school.
- 21 121. From April 2000 forward, when child support payments stopped, he
22 clearly earned at least \$50,000 per year.
- 23 122. The Court finds Mr. Vaile had the ability and financial resources to pay
24 child support. He could have even paid the child support under protest.
- 25 123. The Court finds based on Mr. Vaile's employment history the lack of child
26 support payments shows willful conduct.
- 27 124. "An order on which a judgment of contempt is based must be clear and
28 unambiguous, and must spell out the details of compliance in clear,
specific and unambiguous terms so that the person will readily know
exactly what duties or obligations are imposed on him. Cunningham v.
Eighth Judicial Dist. Court, 102 Nev. 551 (1986).

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125. In the case at bar, the Court finds Mr. Vaile was on notice in the Decree of Divorce of his basic obligation to pay child support.
126. However, Mr. Vaile would argue that the child support provision in the Decree was convoluted and confusing based on the fact that the parties had to exchange tax returns yearly and had to apply a complicated mathematical formula.
127. This Court later decided at the June 11, 2008 hearing that \$1,300.00 amount was the "sum certain" to be enforced.
128. Under contract principles, specifically rescission and reformation, the convoluted portions of the Decree were vacated and modified by the Court to reflect \$1,300.00 per month as a "sum certain" unless one party files a motion to modify in the appropriate jurisdiction, either Norway or California depending on who the moving party is.
129. Neither Mr. Vaile nor Mrs. Porsboll complied with exchanging their tax returns each year following entry of the Decree of Divorce. Neither party made any effort to apply and utilize the convoluted mathematical formula.
130. It is therefore possible that the child support order was not clear or unambiguous for purposes of the Court's authority to find Mr. Vaile in contempt.
131. However, the Court finds Mr. Vaile nevertheless paid nothing for over six years.
132. The Court finds his conduct willful because Mr. Vaile understood he had a BASIC duty and obligation to pay child support. In fact, Mr. Vaile voluntarily paid child support from the time the Decree was entered until April 2000.
133. The Court believes its authority to find him in contempt is not merely eradicated by the fact that the Decree of Divorce contained a convoluted formula for purposes of determining his child support amount each year.
134. To find otherwise would be contrary to the policy behind NRS 125B.020(1) which states that a parent has a duty to support their children.
135. Mr. Vaile submitted another defense argument at trial. He claimed that he and Mrs. Porsboll had an "agreement" and that she allegedly believed she could not enforce the Decree of Divorce because of the Nevada Supreme Court decision.

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136. First, the Court finds the Nevada Supreme Court decision only vacated those portions of the decree relating to child custody and visitation, not child support.
137. Second, the Court finds there was "colorable jurisdiction" because Mr. Vaile sought the divorce in Nevada, and he submitted himself to jurisdiction for purposes of paying child support.
138. Third, Mr. Vaile actually paid child support from August 1998 to April 2000. This means he understood during this time period that he had a duty to support their children.
139. When Mr. Vaile claimed he had physical custody of the children from May 2000 to April 2002 and therefore should not be obligated to pay, this Court denied his request because there were already findings by the Hague Court that he wrongfully removed the children from Norway. The children were placed back in their mother's custody in 2003.
140. Fourth, it is inconceivable that Mrs. Porsboll had the legal training to understand her legal rights to collect child support. She lives in a foreign country. She retained the Willick Law Group to represent her. The Willick Law Group has never withdrawn as her counsel.
141. Mrs. Porsboll signed no written agreements for waiver of child support. She would have consulted with her lawyers if she were to sign any agreements. No agreements were ever signed or presented to the Court.
142. Mrs. Porsboll had Texas attorneys representing her. Her Nevada counsel argued in Closing Arguments at the September 18, 2008 trial that no such representation of waiver or desire not to enforce child support was made before a Texas tribunal.
143. The Court finds any waiver on Mrs. Porsboll's part would have to have been intentional, knowing, and voluntary. There was no evidence or testimony at the trial to support an intentional, knowing, and voluntary waiver in Texas or in Nevada. Moreover, such a waiver would have been placed on the court record by her counsel.
144. To the contrary, Mrs. Porsboll contacted the Norwegian government for child support. She testified her understanding was that if there were no efforts taken for collection of child support in Nevada, the Norwegian government would step in to enforce and collect.

1 145. In addition, Mrs. Porsboll asked her Nevada counsel to go forward with
2 federal court proceedings to seek a judgment for arrearages.

3 146. In her trial testimony, Mrs. Porsboll denied ever telling Mr. Vaile she
4 would not collect child support from him.

5 147. She also testified Mr. Vaile was educated and capable of earning a
6 substantial income.

7 148. Further, she testified she was suspicious of his efforts to hide money just
8 before the divorce was filed in Nevada.

9 149. Based on all of the above, the Court FINDS AND ORDERS AS
10 FOLLOWS:

11 150. Mr. Vaile willfully refused to pay child support from April 2000 to July
12 2006.

13 151. Mr. Vaile is in contempt of the Decree of Divorce.

14 152. Mr. Vaile was on notice under the Decree of Divorce to pay child support.

15 153. Mr. Vaile paid \$1,300.00 per month from August 1998 to April 2000.

16 154. There were no payments until the District Attorney's Office commenced
17 wage withholding on July 3, 2006.

18 155. All child support payments since July 3, 2006 have been collected
19 involuntarily.

20 156. Under NRS 22.010, the Court, in its discretion, could monetarily sanction
21 Mr. Vaile up to \$500.00 for every month he willfully did not pay child
22 support. He did not pay from April 2000 to July 2006 or a total of 76
23 months. $\$500.00 \times 76 = \$38,000.00$.

24 157. However, the Court will NOT issue monetary sanctions for the 76 months
25 of zero child support payments based on its finding above that the original
26 child support provision in the Decree of Divorce was not clear and
27 specific.

28 158. If the original child support order contained in the Decree is not exactly
clear and specific, then the Court cannot find Mr. Vaile in contempt.

1 159. At the June 11, 2008 hearing, the Court subsequently clarified the child
2 support order declaring a sum certain of \$1,300.00 per month and
3 eliminated the complex mathematical formula.

4 160. Mr. Vaile is obligated to continue to pay child support of \$1,300.00 per
5 month until it is modified.

6 161. The Nevada Court does not presently have authority to modify child
7 support because both parents no longer live in the State of Nevada.

8 162. This child support order is now clear, specific, and unambiguous for
9 purposes of any claims of future contempt.

10 163. The Court also noted above that its authority to find Mr. Vaile in contempt
11 for zero payments of child support is **NOT** merely because of a convoluted
12 mathematical formula contained in the Decree of Divorce.

13 164. The Court still finds Mr. Vaile in contempt for non-payment of child
14 support for over six years.

15 165. As previously stated, he could have paid ANY amount of child support
16 (other than ZERO) and expressed he was doing so under protest.

17 166. Under NRS 22.010, the Court has discretion to impose up to 25 days
18 incarceration for every month Mr. Vaile willfully refused to pay child
19 support. A total of 76 months could result in a maximum total of 1900
20 days of jail time.

21 167. However, the Court has consistently imposed much lower sanctions if
22 there are reasons to support lesser sanctions.

23 168. First, this is essentially the first time Mrs. Porsboll has requested contempt
24 against Mr. Vaile for non-payment of child support before the Court. The
25 Court would treat this as a "first offense" type case.

26 169. Second, the Court anticipates that so long as Mr. Vaile continues to work
27 at his present employment with Deloitte & Touche earning substantial
28 income in excess of \$100,000.00 per year, Mrs. Porsboll would continue
to receive child support payments from him.

170. Third, the Court typically allows for "purging" of contempt by giving Mr.
Vaile the power to take himself out of contempt by paying a portion of his
arrearages and maintaining steady payments in the future.

1 171. If he complies and purges the contempt, any prior contempt findings
2 would be dismissed completely and retroactively.

3 172. The Court is aware that Mr. Vaile has a pending application for a license
4 to practice law in the State of California, having passed the bar exam
5 already.

6 173. If Mr. Vaile elects to purge himself from contempt with this Court and
7 comply with the child support order in the future, the contempt finding
8 would be retroactively "erased" or "expunged" from the record.

9 174. Here, the child support PRINCIPAL ARREARS total \$118,369.96 as of
10 August 1, 2008.

11 175. The STATUTORY INTEREST on the arrears amounts to a total of
12 \$45,089.27.

13 176. The combined total is \$163,459.23.

14 177. Therefore, IT IS ORDERED that Mr. Vaile may purge out of his contempt
15 if he pays approximately 10 percent of the total child support arrears,
16 exclusive of statutory penalties. The Court sets a reasonable purge amount
17 at \$16,000.00.

18 178. IT IS FURTHER ORDERED that Mr. Vaile shall be given a reasonable
19 time and a reasonable payment schedule to purge out of contempt and pay
20 the amount of \$16,000.00 to the Clark County District Attorney's Office.

21 179. Mr. Vaile shall pay in eight monthly installments as follows:

22 \$2,000.00 due no later than November 15, 2008
23 \$2,000.00 due no later than December 15, 2008
24 \$2,000.00 due no later than January 15, 2009
25 \$2,000.00 due no later than February 15, 2009
26 \$2,000.00 due no later than March 15, 2009
27 \$2,000.00 due no later than April 15, 2009
28 \$2,000.00 due no later than May 15, 2009
\$2,000.00 due no later than June 15, 2009

180. IT IS FURTHER ORDERED that the above payment schedule is
reasonable, and if Mr. Vaile fails to comply with the payments and
deadlines set, the finding of contempt shall stand retroactive to the date of
filing of this Decision and Order.

1 181. IT IS FURTHER ORDERED that the wage withholding by the District
2 Attorney for the payments of \$1,300.00 for current support and \$130.00
3 for arrears shall continue. This Decision and Order shall have no impact
4 on the involuntary wage assignment for CURRENT support.

5 182. IT IS FURTHER ORDERED that if Mr. Vaile fails to purge out of
6 contempt, the Court shall hold a hearing to determine compliance or lack
7 thereof and the potential imposition of contempt sanctions, including
8 incarceration.

9 183. If Mr. Vaile fails to appear in the Nevada courtroom, the Clark County
10 District Attorney shall then refer the matter to the California District
11 Attorney in the county where Mr. Vaile resides for enforcement of this
12 Court's Orders, for issuance of a bench warrant, and/or for incarceration.

13 184. IT IS FURTHER ORDERED that if Mr. Vaile's physical and mailing
14 addresses change in the future, he shall file his new address(es) in Case
15 Number D230385 no later than 30 days from the date he moved.

16 185. IT IS FURTHER ORDERED that if Mr. Vaile's telephone number(s)
17 change in the future, he shall file his new telephone number(s) in Case
18 Number D230385 no later than 30 days from the date he acquired the new
19 number(s).

20 **PLAINTIFF'S RENEWED MOTION FOR SANCTIONS**

21 186. On May 5, 2008 Plaintiff filed a Renewed Motion for Sanctions.

22 187. Also on May 5, 2008 Defendant filed an Opposition to Plaintiff's
23 Renewed Motion for Sanctions and Countermotion for Requirement for a
24 Bond, Fees and Sanctions Under EDCR 7.60.

25 188. On May 20, 2008 Plaintiff filed a Reply Memorandum in Support of
26 Plaintiff's Renewed Motion for Sanctions and Opposition to
27 Countermotions.

28 189. In his Renewed Motion for Sanctions, Mr. Vaile alleges that Mrs.
Porsboll's counsel misrepresented to the Court there was a fixed amount
of \$1,300.00 per month for child support in the Decree of Divorce.

190. The Court did not establish the sum certain of \$1,300.00 per month until
the hearing of June 11, 2008.

191. A misrepresentation to the Court must be knowing and intentional.

- 1 192. The Court finds Mrs. Porsboll's counsel's statements to the Court were not
2 knowing and intentional.
- 3 193. Rather, counsel argued that a fixed amount must be determined for
4 purposes of collection and enforcement by the District Attorney. This is
5 what they requested in their original motion filed on November 14, 2007.
- 6 194. Second, Mr. Vaile asserts that Mrs. Porsboll's counsel stated that he (Mr.
7 Vaile) knowingly refused to honor the federal court judgment and refused
8 to pay child support despite the fact that involuntary wage withholding
9 commenced on July 3, 2006.
- 10 195. The Court finds there was no knowing and intentional misrepresentation
11 if, at the time of the filing of their November 14, 2007, Motion, there was
12 a then valid federal court judgment for arrears.
- 13 196. The Ninth Circuit Court of Appeals later vacated the child support arrears
14 judgment contained in the Federal District Court judgment.
- 15 197. Mrs. Porsboll's counsel relied on the federal court judgment until it was
16 later vacated by the Ninth Circuit. This does not constitute a knowing and
17 intentional misrepresentation.
- 18 198. As to Mr. Vaile's claim that Mrs. Porsboll's counsel represented that he
19 (Mr. Vaile) knowingly refused to pay child support, the Court finds there
20 was no knowing or intentional misrepresentation.
- 21 199. It is true that Mr. Vaile failed to make any direct or voluntary child support
22 payments from April 2000 to the present.
- 23 200. It is also true that Mr. Vaile commenced paying child support, albeit
24 involuntarily, through wage assignment, as of July 3, 2006.
- 25 201. Obviously, the statement made by Mrs. Porsboll's counsel is subject to
26 having two interpretations. As such, there can be no finding of a knowing
27 and intentional misrepresentation if there is more than one meaning behind
28 the statement.
202. Third, Mr. Vaile alleges that Mrs. Porsboll's counsel made a
misrepresentation that he (Mr. Vaile) earned in excess of \$100,000.00 per
year.
203. The Court finds there is no knowing or intentional misrepresentation if
Mrs. Porsboll's counsel had limited information about Mr. Vaile's income
at the time they filed their Motion on November 14, 2007.

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204. As was established at trial, Mr. Vaile did initially earn in excess of \$100,000.00 annually from the date of filing of the Decree of Divorce until 2000.
205. In 2001, Mr. Vaile earned \$53,700.00. But Mrs. Porsboll's counsel did not have the benefit of this information available to them at the time they filed their November 14, 2007 Motion.
206. Counsel also did not have Mr. Vaile's financial earnings for 2002 forward until the information was made available to them in preparation for the Order Show Cause Evidentiary Hearing.
207. Mrs. Porsboll's counsel had limited information. After the Decree was filed on August 21, 1998 neither party exchanged tax returns on a yearly basis forward. Accordingly, there was no information available to Mrs. Porsboll or her counsel as to Mr. Vaile's income.
208. Fourth, Mr. Vaile alleges that Mrs. Porsboll's counsel failed to inform the Court at the January 15, 2008 hearing that he (Mr. Vaile) filed a Motion to Dismiss on December 4, 2007.
209. It should be noted that when he filed his Motion to Dismiss on December 4, 2007 Mr. Vaile did not request a hearing date. There was no Notice of Motion Hearing filed, and therefore the Motion was accepted by the Clerk of Court without setting a court date.
210. The Court finds no knowing and intentional misrepresentation. Mrs. Porsboll's counsel was not required to disclose or discuss Mr. Vaile's Motion to Dismiss during the January 15, 2008 hearing because it was not before the Court for adjudication that day.
211. Further, the fact that Mrs. Porsboll's counsel filed an Opposition to the Motion to Dismiss prior to the January 15, 2008 hearing does not indicate they had a duty to inform the Court.
212. Counsel had an ethical duty to file the Opposition in a timely manner in accordance with the 10-day rule or the Motion to Dismiss would have gone unopposed.
213. However, none of the above findings demonstrate a knowing and intentional misrepresentation to the Court.
214. Mrs. Porsboll's counsel discussed only what was properly before the Court and what orders and judgments have already been obtained in the federal

1 court (although the child support judgment was later vacated by the Ninth
2 Circuit).

3 215. Fifth, Mr. Vaile contends that Mrs. Porsboll's counsel allegedly
4 misrepresented that he (Mr. Vaile) was not paying child support when
5 counsel admitted that the District Attorney's Office had collected
\$9,000.00 from wage withholdings.

6 216. As discussed above, Mrs. Porsboll's counsel made a statement that Mr.
7 Vaile knowingly refused to pay child support. The statement was not
8 knowing and intentional. It could be subject to differing interpretations.

9 217. The statement could mean that there were no direct or voluntary payments
by Mr. Vaile. Under this interpretation, this would be a true statement.

10 218. The statement could also mean that the amount collected (\$9,000.00) was
11 trivial (in Mrs. Porsboll's counsel's opinion) in relation to what counsel
12 termed as "massive arrears." Under this interpretation, counsel could have
made the statement to make a point.

13 219. Sixth, Mr. Vaile asserts that Mrs. Porsboll handed over collection and
14 enforcement of child support to Norway and that her counsel was merely
15 attempting to advance their own interests.

16 220. Mr. Vaile attached a letter to his Motion from the National Insurance
17 Collection Agency in Norway, as well as the response letter from the
Willick Law Group dated April 13, 2007.

18 221. The Court reviewed the contents of both letters.

19 222. The Norwegian agency's letter is clear as to their intent. The agency was
20 inquiring if payments have been collected and that such payments should
be forwarded from the United States to Norway.

21 223. The Norwegian agency also acknowledged there was a collections case in
22 Nevada, but was merely asking if the case was passive. If so, the agency
23 requests the case be transferred to Virginia.

24 224. The Court finds the letter does not indicate the agency wanted to actively
25 enforce collection in Norway if the State of Virginia were to take the case
from the State of Nevada.

26 225. Accordingly, there was no knowing and intentional misrepresentation by
27 Mrs. Porsboll's counsel because there was nothing in the agency's letter
affirmatively stating that Norway would actively pursue collection.

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2 226. Rather, the agency was merely inquiring as to which state would handle
3 collection of child support.

4 227. Seventh, Mr. Vaile also alleges that Mrs. Porsboll's counsel advised the
5 Court there were no simultaneous proceedings in Norway for collection of
6 child support.

7 228. The Court finds this statement accurate based on the contents of the
8 Norwegian agency's letter.

9 229. As noted above, the agency was asking if the Nevada case was active.
10 Otherwise, Norway would ask that the case be transferred to Virginia
11 (where Mr. Vaile was residing and attending law school at the time).

12 230. The agency's statement that Mrs. Porsboll "handed over collection to this
13 office" is interpreted to plainly mean that she assigned her rights to the
14 agency for the purpose of receiving the child support payments, not to
15 actively pursue collection.

16 231. The agency was aware Nevada was doing the collections but was unsure if
17 the Nevada case was active. If not, the agency wanted the State of
18 Virginia to handle collection of payments.

19 232. This process is similar to custodial parents assigning their rights to the
20 District Attorney's Office for purposes of receiving and distributing
21 payments.

22 233. Based on the above, IT IS ORDERED that Mr. Vaile's Motion for
23 Renewed Sanctions is hereby denied in its entirety.

24 **ATTORNEY'S FEES**

25 234. The Court is aware this is highly contested litigation.

26 235. Both parties requested attorney's fees and costs.

27 236. *Brunzell v. Golden Gate National Bank*, 85 Nev. 345, 349 (1969), applies.
28 "Under *Brunzell*, when courts determine the appropriate fee to award in
civil cases, they must consider various factors, including the qualities of
the advocate, the character and difficulty of the work performed, the work
actually performed by the attorney, and the result obtained.

237. In family law cases, trial courts are required to evaluate the Brunzell
factors when deciding attorney fee awards. Additionally, in *Wright v.*

1 Osburn, this court stated that family law trial courts must also consider the
2 disparity in income of the parties when awarding fees. Therefore, parties
3 seeking attorney fees in family law cases must support their fee request
4 with affidavits or other evidence that meets the factors in Brunzell and
Wright.

5 238. The first factor considered is the quality of the advocate. Here, the Court
6 finds that Mrs. Porsboll's counsel has been diligent and prepared
7 throughout these proceedings, as well as prompt in court appearances.

8 239. Mrs. Porsboll's counsel has qualities of competency and experience in
9 conducting trials in Family Court.

10 240. The second factor is the character and difficulty of the work performed.

11 241. The Court finds Mrs. Porsboll's attorneys have tackled all the issues in this
12 case with competence. This case was highly contentious.

13 242. Mr. Vaile filed numerous motions leading to a *Goad* Order. The Willick
14 Law Group has had to file numerous pleadings to respond to Mr. Vaile's
15 Motions.

16 243. Mr. Vaile is legally trained having graduated from a prestigious law school
17 and having passed the California Bar Exam on the first try.

18 244. As a result, the character and difficulty of the work increased significantly
19 as the Willick Law Group had to respond to all of Mr. Vaile's legal claims.

20 245. The third factor is the work actually performed by the attorney. The
21 Willick Law Group has filed several updated billing statements.

22 246. The amount of work actually performed was astronomical.

23 247. The fourth factor is the result obtained. The Court finds Mrs. Porsboll and
24 her counsel prevailed on the issue of contempt as it pertains to Mr. Vaile
25 failing to pay child support from April 2000 to July 3, 2006.

26 248. The Court also finds that Mrs. Porsboll and her counsel prevailed in
27 successfully defending Mr. Vaile's Motion for Renewed Sanctions.

28 249. The Court also finds that Mr. Vaile prevailed on the issue of monetary
contempt sanctions because NRS 22.010 required a clear and
unambiguous order as to a fixed amount of \$1,300.00 per month for child
support. The amount was not determined as fixed until the hearing of June
11, 2008.

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250. However, as discussed in detail above, the Court's authority to make a finding of contempt was not eradicated merely because the Decree of Divorce contained a convoluted mathematical formula.

251. Mr. Vaile had a "basic" duty and obligation to financially support their two minor children.

252. Mr. Vaile paid no voluntary or direct payments for over 6 years. The facts and testimony at trial established he had the means and resources to pay the child support in years where he earned in excess of at least \$50,000.00 (years 1999-2001).

253. Mrs. Porsboll was the primary prevailing party at trial. The Willick Law Group attorneys obtained favorable results for her. Mrs. Porsboll is entitled to attorney's fees and costs in this regard under NRS 18.010.

254. The fifth factor considered by this Court is the disparity in income between the parties. The trial court must evaluate the incomes of the parties in family law cases as noted above.

255. The Court viewed both parties' historical and present financial conditions and finds there have been past and present gross disparities in income.

256. The Court reviewed the attorney billing statement from Mrs. Porsboll's counsel in their Fourth Supplement filed on July 30, 2008. The fees totaled over \$53,000.00.

257. However, the bill includes charges relating to the issue of judgment debtor examination, the issue of child support penalties, the issue of the Motion to Strike, and the issue of the Motion to Reconsider. These issues are not the subjects of this decision.


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258. Accordingly, IT IS ORDERED that Mrs. Porsboll shall be awarded the sum of \$15,000.00 as and for ATTORNEY'S FEES AND COSTS.

259. SO ORDERED.

Dated this 9 day of October, 2008.


CHERYL B. MOSS
District Court Judge

ORIGINAL

FILED

DISTRICT COURT
FAMILY DIVISION
CLARK COUNTY, NEVADA

OCT 9 3 32 PM '08

CR. J. Moss
CLERK OF THE COURT

R. S. VAILE,

Plaintiff,

vs.

Case No. 98-D-230385

Dept. No. "I"

CISILIE A. VAILE,

Defendant

NOTICE OF ENTRY OF FINDINGS OF FACT, CONCLUSIONS OF LAW,
FINAL DECISION AND ORDER

TO: R. S. VAILE, Plaintiff In Proper Person

TO: MARSHAL S. WILLOCK, ESQ., Attorney for Defendant

PLEASE TAKE NOTICE that a Findings of Fact, Conclusions of Law, Final Decision and Order was entered in the above-entitled matter on the 9th day of October, 2008, a true and correct copy of which is attached hereto.

Dated this 9 day of October, 2008.

By: *A. Zavala*
AZUCENA ZAVALA
Judicial Executive Assistant to the
Honorable Cheryl B. Moss

CERTIFICATE OF MAILING

I hereby further certify that on this 9 day of October, 2008, I caused to be mailed to Plaintiff/Defendant Pro Se a copy of the Notice of Entry of Findings of Fact, Conclusions of Law, Final Decision and Order at the following address:

R. S. VAILE, Plaintiff In Proper Person
P.O. Box 727, Kenwood, CA 95452

I hereby certify that on this 9 day of October, 2008, I caused to be delivered to the Clerk's Office a copy of the Notice of Entry of Findings of Fact, Conclusions of Law, Final Decision and Order which was placed in the folders to the following attorneys:

MARSHAL S. WILLOCK, ESQ., Attorney for Defendant

By: *A. Zavala*
AZUCENA ZAVALA
Judicial Executive Assistant

CHERYL B. MOSS
DISTRICT JUDGE

FAMILY DIVISION, DEPT. I
LAS VEGAS, NV 89101

FILED

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DISTRICT COURT
CLARK COUNTY, NEVADA

Cheryl B. Moss
CLERK OF THE COURT

R. S. VAILE,

Plaintiff,

Case No. 98-D-230385

vs.

Dept. No. I

CISILIE A. VAILE,

Defendant

**FINDINGS OF FACT, CONCLUSIONS OF LAW, FINAL DECISION AND
ORDER**

1. The procedural history in this case is as follows:
2. On November 14, 2007 Plaintiff, Cisilie Vaile n/k/a Porsboll, through counsel, filed a Motion to Reduce Arrears in Child Support to Judgment, to Establish a Sum Certain Due Each Month in Child Support, and for Attorney's Fees and Costs.
3. On December 4, 2007 Defendant, Robert Scotlund Vaile, filed a Motion to Dismiss Defendant's Pending Motion and Prohibition on Subsequent Filings and to Declare This Case Closed Based on Final Judgment by the Nevada Supreme Court, Lack of Subject Matter Jurisdiction, Lack of Personal Jurisdiction, Insufficiency of Process and/or Insufficiency of Service of Process and Res Judicata and to Issue Sanctions or, in the Alternative, Motion to Stay Case.
4. On December 19, 2007 Defendant filed an Opposition to Plaintiff's Motion and Countermotion for Fees and Sanctions under EDCR 7.60.
5. On January 10, 2008, Plaintiff filed a Response Memorandum in Support of Motion to Dismiss Defendant's Pending Motion....and Opposition to Defendant's Countermotion for Fees and Sanctions.

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2 **January 15, 2008 Hearing**

3 6. On January 15, 2008 a hearing was held. Plaintiff, Mr. Vaile, failed to
4 appear.

5 7. As a result, Plaintiff was defaulted, and Defendant was granted relief
6 requested in their Motion as follows:

- 7 A. Child support was set as a fixed amount at \$1,300.00 per month.
8 B. Child support arrears in the amount of \$226,569.23 were reduced
9 to judgment.
C. Defendant was awarded \$5,100.00 in attorney's fees.

10 8. On January 23, 2008 Plaintiff filed a Motion to Set Aside Order of January
11 15, 2008, and to Reconsider and Rehear the Matter, Motion to Reopen
12 Discovery, and Motion to Stay Enforcement of the January 15, 2008
Order.

13 ~~9. On February 11, 2008 Defendant filed an Opposition to Plaintiff's Motion~~
14 ~~to Set Aside Order of January 15, 2008....and Countermotion for~~
15 ~~Dismissal under EDCR 2.23 and the Fugitive Disentitlement Doctrine, for~~
Fees and Sanctions under EDCR 7.60 and for a Goad Order Restricting
Future Filings.

16 10. On February 19, 2008 Plaintiff filed a Reply to Opposition to Motion to
17 Set Aside Order....and Opposition to Defendant's Countermotions.

18 **March 3, 2008 Hearing**

19 11. On March 3, 2008 a hearing was held to address the above listed Motions,
20 Oppositions, and Countermotions. The Court ruled as follows:

- 21 A. Plaintiff's Motion to Dismiss was denied.
22 B. Plaintiff's Motion to Set Aside Order of January 15, 2008 was
granted.
23 C. Plaintiff's Motion to Reopen Discovery was denied.
24 D. Defendant's Motion for a Goad Order was denied.
25 E. The child support arrears amount was confirmed unless Norway
modifies it.
26 F. Defendant was awarded \$10,000.00 attorney's fees which were
27 reduced to judgment.
28

- 1 12. On March 31, 2008 Plaintiff filed a Motion for Reconsideration and to
2 Amend Order or, Alternatively, for a New Hearing and Request to Enter
3 Objections, and Motion to Stay Enforcement of the March 3, 2008 Order.
4 13. On April 14, 2008 Defendant filed an Opposition to Plaintiff's Motion for
5 Reconsideration and Countermotion for Goad Order or Posting of Bond
6 and Attorney's Fees and Costs.
7 14. On April 22, 2008 Plaintiff filed a Reply Memorandum in Support of
8 Motion for Reconsideration....and Opposition to Countermotions.
9 15. On May 2, 2008 Defendant filed an Ex Parte Motion for Examination of
10 Judgment Debtor. The Ex Parte Order was filed on May 10, 2008.
11 16. On May 5, 2008 Plaintiff filed a Renewed Motion for Sanctions.
12 17. Also on May 5, 2008 Defendant filed an Opposition to Plaintiff's
Renewed Motion for Sanctions and Countermotion for Requirement for a
Bond, Fees and Sanctions under EDCR 7.60.

- 13 18. On May 20, 2008 Plaintiff filed a Reply Memorandum in Support of
14 Plaintiff's Renewed Motion for Sanctions and Opposition to
15 Countermotions.
16 19. On June 5, 2008 Plaintiff filed an Opposition to Defendant's Ex Parte
17 Motion for Examination of Judgment Debtor.
18 20. Also on June 5, 2008 Plaintiff filed a Motion to Recuse the undersigned
19 Judge.

20 **June 11, 2008 Hearing**

- 21 21. On June 11, 2008, the Court heard the matter on the various motions,
22 oppositions, countermotions, and replies. The Court ordered the
23 following:
24 A. The Motion to Recuse was denied.
25 B. The Court had personal jurisdiction over the parties to order child
26 support at the time of entry of the Decree.
27 C. Based on part performance and for purposes of determining a sum
28 certain for the District Attorney to enforce, the fixed amount of
\$1,300.00 per month for child support was ordered.
D. The child support arrears judgment stands but is subject to
modification pursuant to NRCPP 60(a) and for any payments
credited on Plaintiff's behalf.

- 1 E. The issue of interest and penalties was to be argued at a return
2 hearing on July 11, 2008.
3 F. An evidentiary hearing was set for Plaintiff to show cause why he
4 should not be held in contempt for failure to pay child support
5 since April 2000.
6 G. Both parties' requests for attorney's fees were deferred.

7
8 22. The Evidentiary Hearing on the Order Show Cause for non-payment of
9 child support went forward on September 18, 2008.

10 23. This Final Decision and Order follows.

11 **Findings of Fact, Conclusions of Law and Final Decision**

12 24. NRS 125B.020 (1) states, Obligation of parents.

13 1. The parents of a child (in this chapter referred to as "the child") have a
14 duty to provide the child necessary maintenance, health care, education
15 and support.

16 25. NRS 125.210 states, Powers of court respecting property and support
17 of spouse and children.

18 1. Except as otherwise provided in subsection 2, in any action brought
19 pursuant to NRS 125.190, the court may:

20 (a) Assign and decree to either spouse the possession of any real or
21 personal property of the other spouse;

22 (b) Order or decree the payment of a fixed sum of money for the support
23 of the other spouse and their children;

24 (c) Provide that the payment of that money be secured upon real estate or
25 other security, or make any other suitable provision; and

26 (d) Determine the time and manner in which the payments must be
27 made.

28 2. The court may not:

(a) Assign and decree to either spouse the possession of any real or
personal property of the other spouse; or

(b) Order or decree the payment of a fixed sum of money for the support
of the other spouse,

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2 if it is contrary to a premarital agreement between the spouses which is
3 enforceable pursuant to chapter 123A of NRS.

4 3. Except as otherwise provided in chapter 130 of NRS, the court may
5 change, modify or revoke its orders and decrees from time to time.

6 4. No order or decree is effective beyond the joint lives of the husband and
7 wife.

8 **26. NRS 130.10111 states, "Duty of support" defined.**

9 "Duty of support" means an obligation imposed or imposable by law to
10 provide support for a child, spouse or former spouse, including an
11 unsatisfied obligation to provide support.

12 **27. NRS 425.350 states, Duty of parent to support child; assignment of
13 right to support upon acceptance of assistance; appointment of
14 administrator as attorney in fact; enforceability of debt for support;
15 notice of assignment.**

16 1. A parent has duties to support his children which include any duty
17 arising by law or under a court order.

18 2. If a court order specifically provides that no support for a child is due,
19 the order applies only to those facts upon which the decision was based.

20 3. By accepting assistance in his own behalf or in behalf of any other
21 person, the applicant or recipient shall be deemed to have made an
22 assignment to the division of all rights to support from any other person
23 which the applicant or recipient may have in his own behalf or in behalf of
24 any other member of the family for whom the applicant or recipient is
25 applying for or receiving assistance. Except as otherwise required by
26 federal law or as a condition to the receipt of federal money, rights to
27 support include, but are not limited to, accrued but unpaid payments for
28 support and payments for support to accrue during the period for which
assistance is provided. The amount of the assigned rights to support must
not exceed the amount of public assistance provided or to be provided. If a
court order exists for the support of a child on whose behalf public
assistance is received, the division shall attempt to notify a located
responsible parent as soon as possible after assistance begins that the child
is receiving public assistance. If there is no court order for support, the
division shall with service of process serve notice on the responsible
parent in the manner prescribed in subsection 2 of NRS 425.3822 within
90 days after the date on which the responsible parent is located.

1
2 4. The recipient shall be deemed, without the necessity of signing any
3 document, to have appointed the administrator as his attorney in fact with
4 power of substitution to act in his name and to endorse all drafts, checks,
5 money orders or other negotiable instruments representing payments for
6 support which are received as reimbursement for the public assistance
7 previously paid to or on behalf of each recipient.

8 5. The rights of support assigned under subsection 3 constitute a debt for
9 support owed to the division by the responsible parent. The debt for
10 support is enforceable by any remedy provided by law. The division,
11 through the prosecuting attorney, may also collect payments of support
12 when the amount of the rights of support exceeds the amount of the debt
13 for support.

14 6. The assignment provided for in subsection 3 is binding upon the
15 responsible parent upon service of notice of the assignment. After
16 notification, payments by the responsible parent to anyone other than the
17 division must not be credited toward the satisfaction of the debt for
18 support. Service of notice is complete upon:

19 (a) The mailing, by first-class mail, of the notice to the responsible
20 parent at his last known address;

21 (b) Service of the notice in the manner provided for service of civil
22 process; or

23 (c) Actual notice.

24 28. NRS 31A.280, states, Effect of order for assignment; duty of employer
25 to cooperate; modification of amount assigned; reimbursement of
26 employer; refusal of employer to honor assignment; discharge of
27 employer's liability to pay amount assigned.

28 1. An order for an assignment issued pursuant to NRS 31A.250 to
31A.330, inclusive, operates as an assignment and is binding upon any
existing or future employer of an obligor upon whom a copy of the order is
served by certified mail, return receipt requested. The order may be
modified or revoked at any time by the court.

2. To enforce the obligation for support, the employer shall cooperate with
and provide relevant information concerning the obligor's employment to
the person entitled to the support or that person's legal representative. A
disclosure made in good faith pursuant to this subsection does not give rise
to any action for damages for the disclosure.

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2 3. If the order for support is amended or modified, the person entitled to
3 the payment of support or that person's legal representative shall notify the
4 employer of the obligor to modify the amount to be withheld accordingly.

5 4. To reimburse the employer for his costs in making the payment pursuant
6 to the assignment, he may deduct \$3 from the amount paid to the obligor
7 each time he makes a payment.

8 5. If an employer wrongfully refuses to honor an assignment or knowingly
9 misrepresents the income of an employee, the court, upon request of the
10 person entitled to the support or that person's legal representative, may
11 enforce the assignment in the manner provided in NRS 31A.095 for the
12 enforcement of the withholding of income.

6. Compliance by an employer with an order of assignment operates as a
discharge of the employer's liability to the employee as to that portion of
the employee's income affected.

13 Contempt and the Order to Show Cause

14 29. There is presently a wage withholding on Mr. Vaile's wages for \$1,300.00
15 per month plus \$130.00 towards child support arrears.

16 30. Mr. Vaile testified he presently earns a salary of \$120,000.00 per year. In
17 early 2008, he received a \$10,000.00 signing bonus.

18 31. Therefore, his gross monthly income is \$10,000.00 divided by 12 months
19 equals \$833.33 gross per month rounded down.

20 32. The Plaintiff, now known as Cisilie Porsboll, has alleged that her ex-
21 husband, Robert Scotlund Vaile, willfully failed to pay child support since
22 April 2000.

23 33. In Defendant's Fourth Supplement filed on July 30, 2008 the District
24 Attorney began involuntary wage withholding on July 3, 2006.

25 34. From April 2000 to July 3, 2006 there were no payments from Mr. Vaile
26 to Mrs. Porsboll for child support.

27 35. After July 3, 2006 payments withheld for child support did not total the
28 full amount of \$1,300.00 per month.

36. Also, after July 3, 2006 there were gaps in payments where no monies
were collected over a span of several months.

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37. Some of the gaps of zero payments are as follows:

9/1/06-11/1/06 (2 months)

12/1/06-2/1/07 (2 months)

6/1/07-3/1/08 (9 months)

38. At the commencement of the September 18, 2008 trial, the accuracy of Defendant's Schedule of Arrearages filed on July 30, 2008, as it pertains to Amounts Due, Amount of Payment Received, and Interest was not at issue. (The Court's decision on the Penalties issue is presently on hold based on a recent filing by Mr. Vaile of a Petition for Writ of Mandamus on the denial of Plaintiff's Motion to Disqualify Attorney Marshal Willick).

Contempt

39. NRS 22.030 states, Summary punishment of contempt committed in immediate view and presence of court; affidavit or statement to be filed when contempt committed outside immediate view and presence of court; disqualification of judge.

1. If a contempt is committed in the immediate view and presence of the court or judge at chambers, the contempt may be punished summarily. If the court or judge summarily punishes a person for a contempt pursuant to this subsection, the court or judge shall enter an order that:

(a) Recites the facts constituting the contempt in the immediate view and presence of the court or judge;

(b) Finds the person guilty of the contempt; and

(c) Prescribes the punishment for the contempt.

2. If a contempt is not committed in the immediate view and presence of the court or judge at chambers, an affidavit must be presented to the court or judge of the facts constituting the contempt, or a statement of the facts by the masters or arbitrators.

3. Except as otherwise provided in this subsection, if a contempt is not committed in the immediate view and presence of the court, the judge of the court in whose contempt the person is alleged to be shall not preside at the trial of the contempt over the objection of the person. The provisions of this subsection do not apply in:

(a) Any case where a final judgment or decree of the court is drawn in question and such judgment or decree was entered in such court by a

predecessor judge thereof 10 years or more preceding the bringing of contempt proceedings for the violation of the judgment or decree.

(b) Any proceeding described in subsection 1 of NRS 3.223, whether or not a family court has been established in the judicial district.

40. In the instant case, NRS 22.010 subsection 2 applies as this is an "indirect contempt".

41. Defendant is required under the statute to submit an affidavit or a petition for order show cause.

42. The Court finds Defendant has complied with this provision in several ways.

43. First, Mrs. Porsboll's counsel filed a Countermotion on December 19, 2007 and requested that Mr. Vaile "be detained until he pays a significant amount of the monies he is in arrears". Opposition and Countermotion, page 8.

44. An affidavit of attorney was attached on page 10 attesting to the facts in the Countermotion in Defendant's absence due to her residing in Norway.

45. Second, on February 11, 2008 Mrs. Porsboll's counsel filed an Opposition and Countermotion asserting the same claims that Mr. Vaile has "refused to honor and obey" court orders.

46. An affidavit of attorney was attached on page 14 attesting to the facts in the Countermotion in Defendant's absence due to her residing in Norway.

47. Third, on April 11, 2008 Mrs. Porsboll's counsel filed an Opposition and Countermotion.

48. This pleading contained a more extensive recitation of her claims against Mr. Vaile that he, among other things, "has not voluntarily paid a dime of child support", that he is in "massive arrears" and that "a bench warrant be issued for his arrest for felony arrearages in child support".

49. An affidavit of attorney was attached on page 19 attesting to the facts in the Countermotion in Defendant's absence due to her residing in Norway.

50. Fourth, on May 2, 2008 Mrs. Porsboll's counsel filed an Ex Parte Motion for Order Allowing Examination of Judgment Debtor. Mrs. Porsboll's counsel requested such an Order for the purpose of satisfying judgments for child support arrears and attorney's fees.

1 51. Mrs. Porsboll's counsel further claimed that Mr. Vaile has not honored the
2 court orders and his arrearages "continue to grow on a daily basis." Page
3 3.

4 52. An affidavit of attorney was attached on page 4 attesting to the facts in the
5 Motion.

6 53. Fifth, on May 5, 2008 Mrs. Porsboll's counsel filed an Opposition and
7 Countermotion. Counsel made the same claims against Mr. Vaile and
8 requested he be detained for nonpayment of child support.

9 54. Mrs. Porsboll's counsel also requested that Mr. Vaile post a \$10,000.00
10 bond.

11 55. An affidavit of attorney was attached on page 8 attesting to the facts in the
12 Countermotion in Defendant's absence due to her residing in Norway.

13 56. Sixth, on July 23, 2008 a written Order Show Cause was filed with the
14 Court and subsequently served on the Plaintiff.

15 57. Based on the above, the Court finds that Mr. Vaile clearly has been put on
16 notice of the claims of nonpayment of child support and of Mrs. Porsboll's
17 requests for contempt sanctions.

18 58. An order must be reduced to writing, signed by a Judge, and filed with the
19 Clerk of the Court. Division of Child Family Svcs. v. Eighth Judicial Dist.
20 Ct. of Nevada, 92 P.3d 1239 (2004).

21 59. Here, prior Orders signed by the Court have been filed relating to child
22 support arrears judgments against Mr. Vaile.

23 60. Although the amount of child support arrears has been challenged in
24 previous hearings, the Court finds the amount of arrears nonetheless is
25 very substantial such that Mr. Vaile cannot claim he is current with his
26 child support obligation for purposes of this Court determining contempt.

27 61. It should be noted that Mr. Vaile presently has an appeal pending on the
28 validity of the child support arrears judgments due to lack of jurisdiction.

62. Mr. Vaile also presently has a Petition of Writ of Mandamus pending as to
the Court's denial of his request to disqualify attorney Marshal Willick.

63. Notwithstanding, Mr. Vaile had no objection going forward with the
Evidentiary Hearing on September 18, 2008.

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2 64. The Court also ruled that the trial would go forward as the appeal does not
3 result in an automatic stay.

4 65. Mr. Vaile made an oral request to stay the trial, but the Court denied his
5 oral request as there was no basis to grant a stay.

6 66. In McCormick v. Sixth Judicial Dist. Ct. ex rel. Humboldt County, 67
7 Nev. 318, 218 P.2d 939 (1950), the Nevada Supreme Court stated, "[T]he
8 inability of the contemnors to obey the order (without fault on their part)
9 would be a complete defense and sufficient to purge them of the contempt
10 charged. But in connection with this well-recognized defense two
11 comments are necessary. Where the contemnors have voluntarily or
12 contumaciously brought on themselves the disability to obey the order or
13 decree, such defense is not available." (citations omitted).

14 67. One of Mr. Vaile's defenses at the September 18, 2008 trial was that he
15 believed the District Court had no jurisdiction to enforce the child support
16 provisions of the Decree of Divorce based on the Nevada Supreme Court's
17 2002 opinion.

18 68. Mr. Vaile testified that in the Texas proceedings following the Nevada
19 Supreme Court's decision in April 2002, Mrs. Porsboll and her Texas
20 attorneys allegedly requested that the Decree of Divorce not be enforced as
21 a whole.

22 69. Mrs. Porsboll's Nevada counsel asserted in Closing Arguments there was
23 no such request by Mrs. Porsboll's Texas counsel.

24 70. The Court finds there was no substantial evidence at trial to support Mr.
25 Vaile's contention.

26 71. Further, the Court finds that the Nevada Supreme Court appeal filed by
27 Mr. Vaile on September 15, 2008 does not "retroactively excuse" him
28 from paying his child support obligation since April 2000.

72. Mr. Vaile should not be able to "hide behind" his illogical rationalization
that he is not required to pay any child support at all because of alleged
lack of jurisdiction.

73. Under Nevada law, every parent, including Mr. Vaile, has a BASIC duty
to financially support their children.

74. Mr. Vaile did not pay child support for six years and three months between
April 2000 and July 2006.

1 75. Even after July 2006 only partial payments were collected via involuntary
2 wage assignment. Mr. Vaile has never paid voluntary child support since
3 April 2000.

4 76. While it is true there are custodial parents who, for many years, do not
5 actively seek collection of child support for a number of reasons, the Vaile
6 case is different.

7 77. Mrs. Porsboll testified she always anticipated receiving child support from
8 Mr. Vaile. As discussed below, Mrs. Porsboll did not waive her right to
9 receive child support.

10 78. The procedural history in this case is tortuous.

11 79. Mr. Vaile is highly intelligent and now legally trained. He even admitted
12 he entered law school because of the Nevada case. He has a Master's
degree. He has a Juris Doctor degree from Washington and Lee University
in Virginia. He passed the California Bar Exam on the first try and is
awaiting issuance of a license to practice law in that state.

13 80. Mrs. Porsboll, who lives in Norway, would not have had the resources or
14 skills to maneuver through the legal system that Mr. Vaile has
15 demonstrated.

16 81. From November 2007 to September 18, 2008, it took approximately 10
17 months to get to trial.

18 82. During this time period, Mr. Vaile filed several intervening motions and
19 two Petitions for Writ of Mandamus to the Nevada Supreme Court.

20 83. As noted above, the Court finds there have been no direct or voluntary
21 payments from Mr. Vaile from April 2000 to the present. There have only
22 been involuntary wage withholdings by the District Attorney's Office
23 since July 3, 2006.

24 84. The Nevada Revised Statutes clearly contemplate a BASIC obligation and
25 duty of a parent to support their children.

26 85. Mrs. Porsboll has provided 100% of the children's financial support from
27 April 2000 until an involuntary wage withholding was instituted in July
28 2006.

86. The involuntary wage withholding did not consistently result in full
collection of the \$1,300.00 amount each month until recently in 2008.

1 87. Financial support should not have been borne by one parent alone,
2 especially for over six years, as has occurred in this case.

3 88. The better logic would be to submit the child support payments, even
4 under protest, and vigorously pursue any appeals.

5 89. And even if Mr. Vaile prevails and claims a refund (had he paid the child
6 support under protest but that is not the case here), the children would
likely be entitled to such monies no matter what.

7 90. Mr. Vaile also submitted a defense argument that because Mrs. Porsboll
8 was receiving government child assistance from Norway, he would be
"excused" from paying child support.

9 91. The Court finds this argument irrelevant. The Court is not aware of any
10 statute or case law that says an obligor parent is excused from paying child
11 support based on government assistance from a foreign country.

12 92. NRS 201.020 criminalizes the "persistent" refusal to pay court-ordered
13 child support. ~~One persists in refusing to pay child support whenever there~~
14 are two or more consecutive months during which the supporting parent
willfully, and without legal excuse, refuses to remit the full amount
15 required by court order. Any such willful refusal to remit the full amount
required by court order constitutes a refusal to pay "support and
16 maintenance" for that month. Any such willful refusal to pay the full
amount required persisting for more than one year would violate the felony
17 provisions of the statute. We emphasize, however, that NRS 201.020 is
inapplicable whenever a parent's persistent *failure* to provide support does
18 not rise to the statutory standard of "willfully" *refusing* to comply with
court-ordered support. Thus, the standard for nonsupport is objectively
19 defined, and a conviction under the statute depends upon a factual finding
of a persistent, willful refusal, without legal excuse, to pay court-ordered
20 support during the relevant time period. Sheriff, Washoe County, Nevada
21 v. Vlasak, 111 Nev. 59; 888 P.2d 41 (1995).

22 93. Here, the Court finds the definition of "willful" to mean two or more
23 consecutive months that an obligor parent willfully does not pay the full
amount in the court order.

24 94. However, this is different from "failure" to pay. An obligor parent might
25 not be able to pay due to a number of reasons such as involuntary
26 temporary loss of a job (but not willful underemployment) or for medical
reasons and inability to work.
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1 95. As discussed above, the Court finds it unreasonable that Mr. Vaile would
2 go six years and three months without paying child support to Mrs.
3 Porsboll because of his belief that he was not jurisdictionally and legally
4 required to do so.

5 96. Mr. Vaile could have paid the monies under protest. In this way, at least
6 their two daughters would have received financial support.

7 97. The Court finds Mr. Vaile did not pay for over six years. Under NRS
8 201.020, "persistent refusal" occurs when an obligor parent willfully
9 refuses to pay two or more consecutive months of support.

10 98. The length of time that Mr. Vaile did not pay indicates willful conduct.
11 Mr. Vaile could have paid the child support under protest until his
12 jurisdictional arguments could be resolved in the appellate court.

13 99. Mrs. Porsboll testified that Mr. Vaile has the ability to earn substantial
14 income based on his educational background and prior history of earning
15 over \$100,000.00 per year.

16 100. Mr. Vaile testified to his employment history.

17 101. In 1998, he was working in England earning 70 British pounds per hour as
18 a contractor or about \$100.00 US per hour. This translated into an income
19 in excess of \$100,000 per year.

20 102. In 1999, Mr. Vaile earned the same income.

21 103. In May 2000, he relocated to Texas and ceased doing consulting work as
22 of February 2000.

23 104. Mr. Vaile did not work from February to May 2000.

24 105. Subsequently, he consulted for Bank of America and a staffing company in
25 Dallas. He was earning about \$50.00 per hour.

26 106. Mr. Vaile worked in Texas during all of 2001. His wages were \$53,700
27 annually.

28 107. In 2002, he earned \$67,000.

108. In 2003, he earned \$87,000 or \$106,000 if Medicare earnings are included.

109. In 2004, he earned \$62,400.

1 110. In 2005, he earned nothing. He entered law school in August 2004. His
2 first year was in McGeorge Law School in Sacramento, California.

3 111. Mr. Vaile then transferred to Washington and Lee University in Virginia
4 and graduated in May 2007.

5 112. Mr. Vaile worked while a law student at Washington and Lee University.

6 113. During law school, he was employed part time in early 2006 doing Sober
7 Driving, a program sponsored by the university. He earned \$75.00 for a 4-
8 hour shift and worked one shift approximately every two weeks.

9 114. Mr. Vaile also had summer employment before his third year of law
10 school working for Baker Botts. By that time, the District Attorney's
11 Office began withholding.

12 115. The withholding was \$936 monthly. He earned \$2500.00 per week for six
13 weeks or \$15,000.

14 116. In Fall 2006, he worked for the Sober Driving program again until final
15 exams period at the end of March 2007.

16 117. Mr. Vaile graduated in May 2007.

17 118. From May 2007 to February 2008, he did not work.

18 119. Mr. Vaile was hired by Deloitte & Touche in February 2008.

19 120. Based on the above, Mr. Vaile earned significant income until he entered
20 law school.

21 121. From April 2000 forward, when child support payments stopped, he
22 clearly earned at least \$50,000 per year.

23 122. The Court finds Mr. Vaile had the ability and financial resources to pay
24 child support. He could have even paid the child support under protest.

25 123. The Court finds based on Mr. Vaile's employment history the lack of child
26 support payments shows willful conduct.

27 124. "An order on which a judgment of contempt is based must be clear and
28 unambiguous, and must spell out the details of compliance in clear,
specific and unambiguous terms so that the person will readily know
exactly what duties or obligations are imposed on him. Cunningham v.
Eighth Judicial Dist. Court, 102 Nev. 551 (1986).

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2 125. In the case at bar, the Court finds Mr. Vaile was on notice in the Decree of
3 Divorce of his basic obligation to pay child support.

4 126. However, Mr. Vaile would argue that the child support provision in the
5 Decree was convoluted and confusing based on the fact that the parties had
6 to exchange tax returns yearly and had to apply a complicated
7 mathematical formula.

8 127. This Court later decided at the June 11, 2008 hearing that \$1,300.00
9 amount was the "sum certain" to be enforced.

10 128. Under contract principles, specifically rescission and reformation, the
11 convoluted portions of the Decree were vacated and modified by the Court
12 to reflect \$1,300.00 per month as a "sum certain" unless one party files a
13 motion to modify in the appropriate jurisdiction, either Norway or
14 California depending on who the moving party is.

15 129. Neither Mr. Vaile nor Mrs. Porsboll complied with exchanging their tax
16 returns each year following entry of the Decree of Divorce. Neither party
17 made any effort to apply and utilize the convoluted mathematical formula.

18 130. It is therefore possible that the child support order was not clear or
19 unambiguous for purposes of the Court's authority to find Mr. Vaile in
20 contempt.

21 131. However, the Court finds Mr. Vaile nevertheless paid nothing for over six
22 years.

23 132. The Court finds his conduct willful because Mr. Vaile understood he had a
24 BASIC duty and obligation to pay child support. In fact, Mr. Vaile
25 voluntarily paid child support from the time the Decree was entered until
26 April 2000.

27 133. The Court believes its authority to find him in contempt is not merely
28 eradicated by the fact that the Decree of Divorce contained a convoluted
formula for purposes of determining his child support amount each year.

134. To find otherwise would be contrary to the policy behind NRS
125B.020(1) which states that a parent has a duty to support their children.

135. Mr. Vaile submitted another defense argument at trial. He claimed that he
and Mrs. Porsboll had an "agreement" and that she allegedly believed she
could not enforce the Decree of Divorce because of the Nevada Supreme
Court decision.

1
2 136. First, the Court finds the Nevada Supreme Court decision only vacated
3 those portions of the decree relating to child custody and visitation, not
4 child support.

5 137. Second, the Court finds there was "colorable jurisdiction" because Mr.
6 Vaile sought the divorce in Nevada, and he submitted himself to
7 jurisdiction for purposes of paying child support.

8 138. Third, Mr. Vaile actually paid child support from August 1998 to April
9 2000. This means he understood during this time period that he had a duty
10 to support their children.

11 139. When Mr. Vaile claimed he had physical custody of the children from May
12 2000 to April 2002 and therefore should not be obligated to pay, this Court
13 denied his request because there were already findings by the Hague Court
14 that he wrongfully removed the children from Norway. The children were
15 placed back in their mother's custody in 2003.

16 140. Fourth, it is inconceivable that Mrs. Porsboll had the legal training to
17 understand her legal rights to collect child support. She lives in a foreign
18 country. She retained the Willick Law Group to represent her. The
19 Willick Law Group has never withdrawn as her counsel.

20 141. Mrs. Porsboll signed no written agreements for waiver of child support.
21 She would have consulted with her lawyers if she were to sign any
22 agreements. No agreements were ever signed or presented to the Court.

23 142. Mrs. Porsboll had Texas attorneys representing her. Her Nevada counsel
24 argued in Closing Arguments at the September 18, 2008 trial that no such
25 representation of waiver or desire not to enforce child support was made
26 before a Texas tribunal.

27 143. The Court finds any waiver on Mrs. Porsboll's part would have to have
28 been intentional, knowing, and voluntary. There was no evidence or
testimony at the trial to support an intentional, knowing, and voluntary
waiver in Texas or in Nevada. Moreover, such a waiver would have been
placed on the court record by her counsel.

144. To the contrary, Mrs. Porsboll contacted the Norwegian government for
child support. She testified her understanding was that if there were no
efforts taken for collection of child support in Nevada, the Norwegian
government would step in to enforce and collect.

1 145. In addition, Mrs. Porsboll asked her Nevada counsel to go forward with
2 federal court proceedings to seek a judgment for arrearages.

3 146. In her trial testimony, Mrs. Porsboll denied ever telling Mr. Vaile she
4 would not collect child support from him.

5 147. She also testified Mr. Vaile was educated and capable of earning a
6 substantial income.

7 148. Further, she testified she was suspicious of his efforts to hide money just
8 before the divorce was filed in Nevada.

9 149. Based on all of the above, the Court FINDS AND ORDERS AS
10 FOLLOWS:

11 150. Mr. Vaile willfully refused to pay child support from April 2000 to July
12 2006.

13 151. Mr. Vaile is in contempt of the Decree of Divorce.

14 152. Mr. Vaile was on notice under the Decree of Divorce to pay child support.

15 153. Mr. Vaile paid \$1,300.00 per month from August 1998 to April 2000.

16 154. There were no payments until the District Attorney's Office commenced
17 wage withholding on July 3, 2006.

18 155. All child support payments since July 3, 2006 have been collected
19 involuntarily.

20 156. Under NRS 22.010, the Court, in its discretion, could monetarily sanction
21 Mr. Vaile up to \$500.00 for every month he willfully did not pay child
22 support. He did not pay from April 2000 to July 2006 or a total of 76
23 months. $\$500.00 \times 76 = \$38,000.00$.

24 157. However, the Court will NOT issue monetary sanctions for the 76 months
25 of zero child support payments based on its finding above that the original
26 child support provision in the Decree of Divorce was not clear and
27 specific.

28 158. If the original child support order contained in the Decree is not exactly
clear and specific, then the Court cannot find Mr. Vaile in contempt.

1 159. At the June 11, 2008 hearing, the Court subsequently clarified the child
2 support order declaring a sum certain of \$1,300.00 per month and
3 eliminated the complex mathematical formula.

4 160. Mr. Vaile is obligated to continue to pay child support of \$1,300.00 per
5 month until it is modified.

6 161. The Nevada Court does not presently have authority to modify child
7 support because both parents no longer live in the State of Nevada.

8 162. This child support order is now clear, specific, and unambiguous for
9 purposes of any claims of future contempt.

10 163. The Court also noted above that its authority to find Mr. Vaile in contempt
11 for zero payments of child support is **NOT** merely because of a convoluted
12 mathematical formula contained in the Decree of Divorce.

13 164. The Court still finds Mr. Vaile in contempt for non-payment of child
14 support for over six years.

15 165. As previously stated, he could have paid ANY amount of child support
16 (other than ZERO) and expressed he was doing so under protest.

17 166. Under NRS 22.010, the Court has discretion to impose up to 25 days
18 incarceration for every month Mr. Vaile willfully refused to pay child
19 support. A total of 76 months could result in a maximum total of 1900
20 days of jail time.

21 167. However, the Court has consistently imposed much lower sanctions if
22 there are reasons to support lesser sanctions.

23 168. First, this is essentially the first time Mrs. Porsboll has requested contempt
24 against Mr. Vaile for non-payment of child support before the Court. The
25 Court would treat this as a "first offense" type case.

26 169. Second, the Court anticipates that so long as Mr. Vaile continues to work
27 at his present employment with Deloitte & Touche earning substantial
28 income in excess of \$100,000.00 per year, Mrs. Porsboll would continue
to receive child support payments from him.

170. Third, the Court typically allows for "purging" of contempt by giving Mr.
Vaile the power to take himself out of contempt by paying a portion of his
arrearages and maintaining steady payments in the future.

171. If he complies and purges the contempt, any prior contempt findings would be dismissed completely and retroactively.

172. The Court is aware that Mr. Vaile has a pending application for a license to practice law in the State of California, having passed the bar exam already.

173. If Mr. Vaile elects to purge himself from contempt with this Court and comply with the child support order in the future, the contempt finding would be retroactively "erased" or "expunged" from the record.

174. Here, the child support PRINCIPAL ARREARS total \$118,369.96 as of August 1, 2008.

175. The STATUTORY INTEREST on the arrears amounts to a total of \$45,089.27.

176. The combined total is \$163,459.23.

177. Therefore, IT IS ORDERED that Mr. Vaile may purge out of his contempt if he pays approximately 10 percent of the total child support arrears, exclusive of statutory penalties. The Court sets a reasonable purge amount at \$16,000.00.

178. IT IS FURTHER ORDERED that Mr. Vaile shall be given a reasonable time and a reasonable payment schedule to purge out of contempt and pay the amount of \$16,000.00 to the Clark County District Attorney's Office.

179. Mr. Vaile shall pay in eight monthly installments as follows:

\$2,000.00 due no later than November 15, 2008
\$2,000.00 due no later than December 15, 2008
\$2,000.00 due no later than January 15, 2009
\$2,000.00 due no later than February 15, 2009
\$2,000.00 due no later than March 15, 2009
\$2,000.00 due no later than April 15, 2009
\$2,000.00 due no later than May 15, 2009
\$2,000.00 due no later than June 15, 2009

180. IT IS FURTHER ORDERED that the above payment schedule is reasonable, and if Mr. Vaile fails to comply with the payments and deadlines set, the finding of contempt shall stand retroactive to the date of filing of this Decision and Order.

1 181. IT IS FURTHER ORDERED that the wage withholding by the District
2 Attorney for the payments of \$1,300.00 for current support and \$130.00
3 for arrears shall continue. This Decision and Order shall have no impact
4 on the involuntary wage assignment for CURRENT support.

5 182. IT IS FURTHER ORDERED that if Mr. Vaile fails to purge out of
6 contempt, the Court shall hold a hearing to determine compliance or lack
7 thereof and the potential imposition of contempt sanctions, including
8 incarceration.

9 183. If Mr. Vaile fails to appear in the Nevada courtroom, the Clark County
10 District Attorney shall then refer the matter to the California District
11 Attorney in the county where Mr. Vaile resides for enforcement of this
12 Court's Orders, for issuance of a bench warrant, and/or for incarceration.

13 184. IT IS FURTHER ORDERED that if Mr. Vaile's physical and mailing
14 addresses change in the future, he shall file his new address(es) in Case
15 Number D230385 no later than 30 days from the date he moved.

16 185. IT IS FURTHER ORDERED that if Mr. Vaile's telephone number(s)
17 change in the future, he shall file his new telephone number(s) in Case
18 Number D230385 no later than 30 days from the date he acquired the new
19 number(s).

20 **PLAINTIFF'S RENEWED MOTION FOR SANCTIONS**

21 186. On May 5, 2008 Plaintiff filed a Renewed Motion for Sanctions.

22 187. Also on May 5, 2008 Defendant filed an Opposition to Plaintiff's
23 Renewed Motion for Sanctions and Countermotion for Requirement for a
24 Bond, Fees and Sanctions Under EDCR 7.60.

25 188. On May 20, 2008 Plaintiff filed a Reply Memorandum in Support of
26 Plaintiff's Renewed Motion for Sanctions and Opposition to
27 Countermotions.

28 189. In his Renewed Motion for Sanctions, Mr. Vaile alleges that Mrs.
Porsboll's counsel misrepresented to the Court there was a fixed amount
of \$1,300.00 per month for child support in the Decree of Divorce.

190. The Court did not establish the sum certain of \$1,300.00 per month until
the hearing of June 11, 2008.

191. A misrepresentation to the Court must be knowing and intentional.

192. The Court finds Mrs. Porsboll's counsel's statements to the Court were not knowing and intentional.

193. Rather, counsel argued that a fixed amount must be determined for purposes of collection and enforcement by the District Attorney. This is what they requested in their original motion filed on November 14, 2007.

194. Second, Mr. Vaile asserts that Mrs. Porsboll's counsel stated that he (Mr. Vaile) knowingly refused to honor the federal court judgment and refused to pay child support despite the fact that involuntary wage withholding commenced on July 3, 2006.

195. The Court finds there was no knowing and intentional misrepresentation if, at the time of the filing of their November 14, 2007, Motion, there was a then valid federal court judgment for arrears.

196. The Ninth Circuit Court of Appeals later vacated the child support arrears judgment contained in the Federal District Court judgment.

197. Mrs. Porsboll's counsel relied on the federal court judgment until it was later vacated by the Ninth Circuit. This does not constitute a knowing and intentional misrepresentation.

198. As to Mr. Vaile's claim that Mrs. Porsboll's counsel represented that he (Mr. Vaile) knowingly refused to pay child support, the Court finds there was no knowing or intentional misrepresentation.

199. It is true that Mr. Vaile failed to make any direct or voluntary child support payments from April 2000 to the present.

200. It is also true that Mr. Vaile commenced paying child support, albeit involuntarily, through wage assignment, as of July 3, 2006.

201. Obviously, the statement made by Mrs. Porsboll's counsel is subject to having two interpretations. As such, there can be no finding of a knowing and intentional misrepresentation if there is more than one meaning behind the statement.

202. Third, Mr. Vaile alleges that Mrs. Porsboll's counsel made a misrepresentation that he (Mr. Vaile) earned in excess of \$100,000.00 per year.

203. The Court finds there is no knowing or intentional misrepresentation if Mrs. Porsboll's counsel had limited information about Mr. Vaile's income at the time they filed their Motion on November 14, 2007.

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204. As was established at trial, Mr. Vaile did initially earn in excess of \$100,000.00 annually from the date of filing of the Decree of Divorce until 2000.

205. In 2001, Mr. Vaile earned \$53,700.00. But Mrs. Porsboll's counsel did not have the benefit of this information available to them at the time they filed their November 14, 2007 Motion.

206. Counsel also did not have Mr. Vaile's financial earnings for 2002 forward until the information was made available to them in preparation for the Order Show Cause Evidentiary Hearing.

207. Mrs. Porsboll's counsel had limited information. After the Decree was filed on August 21, 1998 neither party exchanged tax returns on a yearly basis forward. Accordingly, there was no information available to Mrs. Porsboll or her counsel as to Mr. Vaile's income.

208. Fourth, Mr. Vaile alleges that Mrs. Porsboll's counsel failed to inform the Court at the January-15, 2008 hearing that he (Mr. Vaile) filed a Motion to Dismiss on December 4, 2007.

209. It should be noted that when he filed his Motion to Dismiss on December 4, 2007 Mr. Vaile did not request a hearing date. There was no Notice of Motion Hearing filed, and therefore the Motion was accepted by the Clerk of Court without setting a court date.

210. The Court finds no knowing and intentional misrepresentation. Mrs. Porsboll's counsel was not required to disclose or discuss Mr. Vaile's Motion to Dismiss during the January 15, 2008 hearing because it was not before the Court for adjudication that day.

211. Further, the fact that Mrs. Porsboll's counsel filed an Opposition to the Motion to Dismiss prior to the January 15, 2008 hearing does not indicate they had a duty to inform the Court.

212. Counsel had an ethical duty to file the Opposition in a timely manner in accordance with the 10-day rule or the Motion to Dismiss would have gone unopposed.

213. However, none of the above findings demonstrate a knowing and intentional misrepresentation to the Court.

214. Mrs. Porsboll's counsel discussed only what was properly before the Court and what orders and judgments have already been obtained in the federal

1 court (although the child support judgment was later vacated by the Ninth
2 Circuit).

3 215. Fifth, Mr. Vaile contends that Mrs. Porsboll's counsel allegedly
4 misrepresented that he (Mr. Vaile) was not paying child support when
5 counsel admitted that the District Attorney's Office had collected
\$9,000.00 from wage withholdings.

6 216. As discussed above, Mrs. Porsboll's counsel made a statement that Mr.
7 Vaile knowingly refused to pay child support. The statement was not
8 knowing and intentional. It could be subject to differing interpretations.

9 217. The statement could mean that there were no direct or voluntary payments
10 by Mr. Vaile. Under this interpretation, this would be a true statement.

11 218. The statement could also mean that the amount collected (\$9,000.00) was
12 trivial (in Mrs. Porsboll's counsel's opinion) in relation to what counsel
termed as "massive arrears." Under this interpretation, counsel could have
made the statement to make a point.

13 219. Sixth, Mr. Vaile asserts that Mrs. Porsboll handed over collection and
14 enforcement of child support to Norway and that her counsel was merely
15 attempting to advance their own interests.

16 220. Mr. Vaile attached a letter to his Motion from the National Insurance
17 Collection Agency in Norway, as well as the response letter from the
Willick Law Group dated April 13, 2007.

18 221. The Court reviewed the contents of both letters.

19 222. The Norwegian agency's letter is clear as to their intent. The agency was
20 inquiring if payments have been collected and that such payments should
be forwarded from the United States to Norway.

21 223. The Norwegian agency also acknowledged there was a collections case in
22 Nevada, but was merely asking if the case was passive. If so, the agency
23 requests the case be transferred to Virginia.

24 224. The Court finds the letter does not indicate the agency wanted to actively
25 enforce collection in Norway if the State of Virginia were to take the case
from the State of Nevada.

26 225. Accordingly, there was no knowing and intentional misrepresentation by
27 Mrs. Porsboll's counsel because there was nothing in the agency's letter
affirmatively stating that Norway would actively pursue collection.

1
2 226. Rather, the agency was merely inquiring as to which state would handle
3 collection of child support.

4 227. Seventh, Mr. Vaile also alleges that Mrs. Porsboll's counsel advised the
5 Court there were no simultaneous proceedings in Norway for collection of
6 child support.

7 228. The Court finds this statement accurate based on the contents of the
8 Norwegian agency's letter.

9 229. As noted above, the agency was asking if the Nevada case was active.
10 Otherwise, Norway would ask that the case be transferred to Virginia
11 (where Mr. Vaile was residing and attending law school at the time).

12 230. The agency's statement that Mrs. Porsboll "handed over collection to this
13 office" is interpreted to plainly mean that she assigned her rights to the
14 agency for the purpose of receiving the child support payments, not to
15 actively pursue collection.

16 231. The agency was aware Nevada was doing the collections but was unsure if
17 the Nevada case was active. If not, the agency wanted the State of
18 Virginia to handle collection of payments.

19 232. This process is similar to custodial parents assigning their rights to the
20 District Attorney's Office for purposes of receiving and distributing
21 payments.

22 233. Based on the above, IT IS ORDERED that Mr. Vaile's Motion for
23 Renewed Sanctions is hereby denied in its entirety.

24 **ATTORNEY'S FEES**

25 234. The Court is aware this is highly contested litigation.

26 235. Both parties requested attorney's fees and costs.

27 236. Brunzell v. Golden Gate National Bank, 85 Nev. 345, 349 (1969), applies.
28 "Under Brunzell, when courts determine the appropriate fee to award in
civil cases, they must consider various factors, including the qualities of
the advocate, the character and difficulty of the work performed, the work
actually performed by the attorney, and the result obtained.

237. In family law cases, trial courts are required to evaluate the Brunzell
factors when deciding attorney fee awards. Additionally, in Wright v.

1 Osburn, this court stated that family law trial courts must also consider the
2 disparity in income of the parties when awarding fees. Therefore, parties
3 seeking attorney fees in family law cases must support their fee request
4 with affidavits or other evidence that meets the factors in Brunzell and
Wright.

5 238. The first factor considered is the quality of the advocate. Here, the Court
6 finds that Mrs. Porsboll's counsel has been diligent and prepared
throughout these proceedings, as well as prompt in court appearances.

7 239. Mrs. Porsboll's counsel has qualities of competency and experience in
8 conducting trials in Family Court.

9 240. The second factor is the character and difficulty of the work performed.

10 241. The Court finds Mrs. Porsboll's attorneys have tackled all the issues in this
11 case with competence. This case was highly contentious.

12 242. Mr. Vaile filed numerous motions leading to a *Goad* Order. The Willick
13 Law Group has had to file numerous pleadings to respond to Mr. Vaile's --
Motions.

14 243. Mr. Vaile is legally trained having graduated from a prestigious law school
15 and having passed the California Bar Exam on the first try.

16 244. As a result, the character and difficulty of the work increased significantly
17 as the Willick Law Group had to respond to all of Mr. Vaile's legal claims.

18 245. The third factor is the work actually performed by the attorney. The
19 Willick Law Group has filed several updated billing statements.

20 246. The amount of work actually performed was astronomical.

21 247. The fourth factor is the result obtained. The Court finds Mrs. Porsboll and
22 her counsel prevailed on the issue of contempt as it pertains to Mr. Vaile
failing to pay child support from April 2000 to July 3, 2006.

23 248. The Court also finds that Mrs. Porsboll and her counsel prevailed in
24 successfully defending Mr. Vaile's Motion for Renewed Sanctions.

25 249. The Court also finds that Mr. Vaile prevailed on the issue of monetary
26 contempt sanctions because NRS 22.010 required a clear and
27 unambiguous order as to a fixed amount of \$1,300.00 per month for child
support. The amount was not determined as fixed until the hearing of June
28 11, 2008.

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250. However, as discussed in detail above, the Court's authority to make a finding of contempt was not eradicated merely because the Decree of Divorce contained a convoluted mathematical formula.

251. Mr. Vaile had a "basic" duty and obligation to financially support their two minor children.

252. Mr. Vaile paid no voluntary or direct payments for over 6 years. The facts and testimony at trial established he had the means and resources to pay the child support in years where he earned in excess of at least \$50,000.00 (years 1999-2001).

253. Mrs. Porsboll was the primary prevailing party at trial. The Willick Law Group attorneys obtained favorable results for her. Mrs. Porsboll is entitled to attorney's fees and costs in this regard under NRS 18.010.

254. The fifth factor considered by this Court is the disparity in income between the parties. The trial court must evaluate the incomes of the parties-in-family-law-cases-as-noted-above.

255. The Court viewed both parties' historical and present financial conditions and finds there have been past and present gross disparities in income.

256. The Court reviewed the attorney billing statement from Mrs. Porsboll's counsel in their Fourth Supplement filed on July 30, 2008. The fees totaled over \$53,000.00.

257. However, the bill includes charges relating to the issue of judgment debtor examination, the issue of child support penalties, the issue of the Motion to Strike, and the issue of the Motion to Reconsider. These issues are not the subjects of this decision.


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258. Accordingly, IT IS ORDERED that Mrs. Porsboll shall be awarded the sum of \$15,000.00 as and for ATTORNEY'S FEES AND COSTS.

259. SO ORDERED.

Dated this 9 day of October, 2008.


CHERYL B. MOSS
District Court Judge

CHERYL B. MOSS
DISTRICT JUDGE

FAMILY DIVISION, DEPT. I
LAS VEGAS, NV 89101

ORIGINAL

FILED IN OPEN COURT

8-15 20 08

CHARLES J. SHORT
CLERK OF THE COURT

BY

CONNIE KALSIO

DEPUTY

1 **ORDER**

2 WILICK LAW GROUP
3 MARSHAL S. WILICK, ESQ.
4 Nevada Bar No. 002515
5 3591 E. Bonanza Road, Suite 200
6 Las Vegas, NV 89110-2101
7 (702) 438-4100
8 Attorneys for Defendant

9 **DISTRICT COURT**
10 **FAMILY DIVISION**
11 **CLARK COUNTY, NEVADA**

12 ROBERT SCOTLUND VAILE,

13 Plaintiff,

14 vs.

15 CISILIE VAILE PORSBOLL,

16 Defendant.

CASE NO: 98-D-230385

DEPT. NO: I

DATE OF HEARING: 06/11/2008

TIME OF HEARING: 9:00 A.M.

17 **ORDER FOR HEARING HELD JUNE 11, 2008**

18 This matter came before the Court on Plaintiff's *Motion For Reconsideration and To Amend*
19 *Order or Alternatively, For A New Hearing and Request to Enter Objections and Motion to Stay*
20 *Enforcement of the March 3, 2008 Order, Plaintiff's Renewed Motion For Sanctions, and Plaintiff's*
21 *Ex Parte Motion to Recuse, and Defendant's Oppositions.* Defendant, Cisilie A. Porsboll, f.k.a.
22 Cisilie A. Vaile was not present ~~as she resides in Norway~~ ^{Ca}, but was represented by her attorneys of
23 the WILICK LAW GROUP, and Plaintiff was not present but was represented by Greta G. Muirhead,
24 Esq., in an unbundled capacity for this hearing only, having been duly noticed, and the Court having
25 read the papers and pleadings on file herein by counsel and being fully advised, and for good cause
26 shown:
27
28

1 **IT IS HEREBY ORDERED** that:

2 1. An *Order to Show Cause* is issued as to why the Plaintiff failed to attend the
3 Judgment Debtor Examination, Plaintiff's counsel will accept service on behalf of Plaintiff.

4 2. Plaintiff's *Motion to Recuse* is DENIED.

5 3. Plaintiff's *Motion for Sanctions* is DEFERRED.

6 4. Defendant's *Motion* for the posting of a bond is DENIED.

7 5. A GOAD Order is GRANTED IN PART, Plaintiff is not to file any further Motions
8 filed in proper person due to the ~~inordinate~~ ^{excessive} number of filings, unless it is pre-approved through
9 chambers first, and copied to Defendant prior to being filed with the clerk.

10 6. If Robert Scotlund Vaile does not appear on July 11, 2008, at 8:00 A.M. and provide
11 good cause for failure to appear on June 11, 2008, for his examination of judgment debtor, a warrant
12 for his arrest may be issued.

13 7. Plaintiff, Robert Scotlund Vaile, shall file an *Affidavit of Financial Condition* with
14 the Court in accordance with current Nevada Law before July 11, 2008.

15 8. Plaintiff is not allowed to make any further appearances via telephone and must
16 appear in person for all hearings where he is not represented by counsel.

17 9. Based upon equitable considerations and contract principles, the sum certain for the
18 child support obligation is set at \$1,300.00 per month from August 1998, the date of the Decree.

19 10. Defendant's counsel shall file with the Court an updated billing statement, and the
20 request for reconsideration of prior fees, and further attorney's fees, is deferred to the hearing set for
21 July 11, 2008.

22 11. Plaintiff, Robert Scotlund Vaile, shall be given the opportunity at the next hearing
23 to offer explanation as to why he has failed to pay child support since April, 2000.

24 12. Child support arrears, which were reduced to judgment at the March 3, 2008, hearing
25 remain in effect, but are subject to revision under NRCP 60(a), as to the issue of interest and
26 penalties, if it is discovered that there has been a mathematical error in their computation.

27 13. Plaintiff's request for child support credit from May 2000 until April 2002, is
28 DENIED.

1 14. At the next hearing in this matter, the Court requires the input of the District
2 Attorneys Office, either by direct testimony, affidavit, or letter, as to the calculations for penalties
3 on a child support obligation.

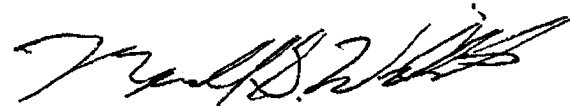
4 15. Plaintiff's request to strike the statement of the law concerning criminal thresholds
5 for failure to pay child support, contained in the March 3, 2008, *Order* is DENIED, as it just recites
6 a statute.

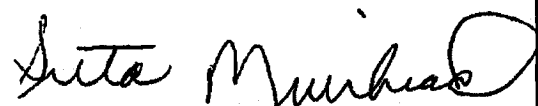
7 DATED this 15 day of August, 2008.

8
9 
10 DISTRICT COURT JUDGE

11 Respectfully Submitted By:
12 WILICK LAW GROUP

Approved as to Form and Content By:
GRETA G. MUIRHEAD, ATTORNEY AT LAW

13 
14 MARSHAL S. WILICK, ESQ.
15 Nevada Bar No. 002515
16 RICHARD CRANE, ESQ.
17 Nevada Bar No. 009536
3591 East Bonanza Road, Suite 200
Las Vegas, Nevada 89110-2101
Attorneys for Defendant

18 
GRETA G. MUIRHEAD, ESQ.
Nevada Bar No. 003957
9811 West Charleston Blvd., Suite 2-242
Las Vegas, Nevada 89117
(702) 434-6004
Attorney for Plaintiff

18 P:\wp131\VAILE\BLF0365.WPD

1 **NEO**
2 **WILICK LAW GROUP**
3 **MARSHAL S. WILICK, ESQ.**
4 Nevada Bar No. 002515
5 3551 E. Bonanza Road, Suite 101
6 Las Vegas, NV 89110-2198
7 (702) 438-4100
8 Attorneys for Defendant

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DISTRICT COURT
FAMILY DIVISION
CLARK COUNTY, NEVADA

ROBERT SCOTLUND VAILE,
Plaintiff,

vs.

CISILIE A. PORSBOLL, FNA CISILIE A. VAILE,
Defendant.

CASE NO: 98-D-230385-D
DEPT. NO: 1

DATE OF HEARING: 06/11/2008
TIME OF HEARING: 9:00 A.M.

NOTICE OF ENTRY OF ORDER

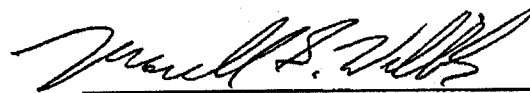
TO: ROBERT SCOTLUND VAILE, Plaintiff; and

TO: GRETA G. MUIRHEAD, ESQ., attorney representing Plaintiff.

PLEASE TAKE NOTICE that the *Order For Hearing Held June 11, 2008*, was filed in open court on August 15, 2008, and has been duly entered on the above file stamped date, by filing with the Clerk, and the attached is a true and correct copy thereof.

DATED this 10th day of September, 2008.

WILICK LAW GROUP



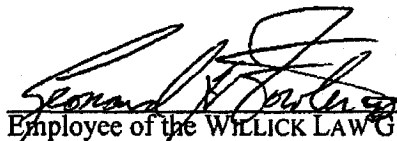
MARSHAL S. WILICK, ESQ.
Nevada Bar No. 002515
3591 East Bonanza Road, Suite 200
Las Vegas, Nevada 89110-2101
(702) 438-4100
Attorneys for Defendant

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CERTIFICATE OF MAILING

I hereby certify that service of the foregoing *Notice of Entry of Order* was made on the ____ day of 11th, September 2008, pursuant to NRCP 5(b), by depositing a copy of same in the United States Mail in Las Vegas, Nevada, postage prepaid, addressed as follows:

Greta G. Muirhead, Esq.
9811 West Charleston Blvd., Suite 2-242
Las Vegas, Nevada 89117
Attorney for Plaintiff


Employee of the WILICK LAW GROUP

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ORIGINAL

FILED IN OPEN COURT

8-15 20 08

CHARLES J. SHORT
CLERK OF THE COURT

BY

CONNIE KALSIO

DEPUTY

1 ORDER
2 WILICK LAW GROUP
3 MARSHAL S. WILICK, ESQ.
4 Nevada Bar No. 002515
5 3591 E. Bonanza Road, Suite 200
6 Las Vegas, NV 89110-2101
7 (702) 438-4100
8 Attorneys for Defendant
9
10

11 DISTRICT COURT
12 FAMILY DIVISION
13 CLARK COUNTY, NEVADA
14
15
16

11 ROBERT SCOTLUND VAILE,
12 Plaintiff,
13 vs.
14 CISILIE VAILE PORSBOLL,
15 Defendant.
16

CASE NO: 98-D-230385
DEPT. NO: I

DATE OF HEARING: 06/11/2008
TIME OF HEARING: 9:00 A.M.

17 ORDER FOR HEARING HELD JUNE 11, 2008

18 This matter came before the Court on Plaintiff's *Motion For Reconsideration and To Amend*
19 *Order or Alternatively, For A New Hearing and Request to Enter Objections and Motion to Stay*
20 *Enforcement of the March 3, 2008 Order, Plaintiff's Renewed Motion For Sanctions, and Plaintiff's*
21 *Ex Parte Motion to Recuse, and Defendant's Oppositions.* Defendant, Cisilie A. Porsboll, f.k.a.
22 Cisilie A. Vaile was not present ~~as she resides in Norway~~ ^{Ch}, but was represented by her attorneys of
23 the WILICK LAW GROUP, and Plaintiff was not present but was represented by Greta G. Muirhead,
24 Esq., in an unbundled capacity for this hearing only, having been duly noticed, and the Court having
25 read the papers and pleadings on file herein by counsel and being fully advised, and for good cause
26 shown:
27
28

1 **IT IS HEREBY ORDERED** that:

2 1. An *Order to Show Cause* is issued as to why the Plaintiff failed to attend the
3 Judgment Debtor Examination, Plaintiff's counsel will accept service on behalf of Plaintiff.

4 2. Plaintiff's *Motion to Recuse* is DENIED.

5 3. Plaintiff's *Motion for Sanctions* is DEFERRED.

6 4. Defendant's *Motion* for the posting of a bond is DENIED.

7 5. A GOAD Order is GRANTED IN PART, Plaintiff is not to file any further Motions
8 filed in proper person due to the ~~inordinate~~ ^{excessive} number of filings, unless it is pre-approved through
9 chambers first, and copied to Defendant prior to being filed with the clerk.

10 6. If Robert Scotlund Vaile does not appear on July 11, 2008, at 8:00 A.M. and provide
11 good cause for failure to appear on June 11, 2008, for his examination of judgment debtor, a warrant
12 for his arrest may be issued.

13 7. Plaintiff, Robert Scotlund Vaile, shall file an *Affidavit of Financial Condition* with
14 the Court in accordance with current Nevada Law before July 11, 2008.

15 8. Plaintiff is not allowed to make any further appearances via telephone and must
16 appear in person for all hearings where he is not represented by counsel.

17 9. Based upon equitable considerations and contract principles, the sum certain for the
18 child support obligation is set at \$1,300.00 per month from August 1998, the date of the Decree.

19 10. Defendant's counsel shall file with the Court an updated billing statement, and the
20 request for reconsideration of prior fees, and further attorney's fees, is deferred to the hearing set for
21 July 11, 2008.

22 11. Plaintiff, Robert Scotlund Vaile, shall be given the opportunity at the next hearing
23 to offer explanation as to why he has failed to pay child support since April, 2000.

24 12. Child support arrears, which were reduced to judgment at the March 3, 2008, hearing
25 remain in effect, but are subject to revision under NRCPP 60(a), as to the issue of interest and
26 penalties, if it is discovered that there has been a mathematical error in their computation.

27 13. Plaintiff's request for child support credit from May 2000 until April 2002, is
28 DENIED.

1 14. At the next hearing in this matter, the Court requires the input of the District
2 Attorneys Office, either by direct testimony, affidavit, or letter, as to the calculations for penalties
3 on a child support obligation.

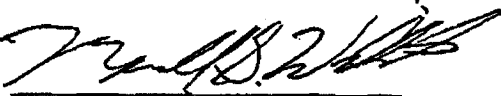
4 15. Plaintiff's request to strike the statement of the law concerning criminal thresholds
5 for failure to pay child support, contained in the March 3, 2008, Order is DENIED, as it just recites
6 a statute.

7 DATED this 15 day of August, 2008.

8
9 
10 DISTRICT COURT JUDGE

11 Respectfully Submitted By:
12 WILICK LAW GROUP

Approved as to Form and Content By:
GRETA G. MUIRHEAD, ATTORNEY AT LAW

13 

14 MARSHAL S. WILICK, ESQ.
15 Nevada Bar No. 002515
16 RICHARD CRANE, ESQ.
17 Nevada Bar No. 009536
3591 East Bonanza Road, Suite 200
Las Vegas, Nevada 89110-2101
Attorneys for Defendant

18 

GRETA G. MUIRHEAD, ESQ.
Nevada Bar No. 003957
9811 West Charleston Blvd., Suite 2-242
Las Vegas, Nevada 89117
(702) 434-6004
Attorney for Plaintiff

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CLERK OF THE COURT

1 REQT
2 WILICK LAW GROUP
3 MARSHAL S. WILICK, ESQ.
4 Nevada Bar No. 002515
5 3591 E. Bonanza Road, Suite 200
6 Las Vegas, NV 89110-2101
7 (702) 438-4100
8 Attorneys for Defendant

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**DISTRICT COURT
FAMILY DIVISION
CLARK COUNTY, NEVADA**

ROBERT SCOTLUND VAILE,
Plaintiff,

vs.

CISILIE A. PORSBOLL, FNA CISILIE A. VAILE,
Defendant.

CASE NO: 98D230385D
DEPT. NO: 1

DATE OF HEARING: 03/03/2008
TIME OF HEARING: 09:30 A.M.

**ORDER
AMENDING THE ORDER OF JANUARY 15, 2008**

This matter having come before the Court on Plaintiff's *Motion to Set Aside Order of January 15, 2008, and to Reconsider and Rehear the Matter, and Motion to Reopen Discovery, and Motion To Stay Enforcement Of The January 15, 2008 Order*, and Defendant's *Opposition and Countermotion For Fees and Sanctions Under EDCR 7.60*, Defendant and Plaintiff having been duly noticed, and the Court having read the papers and pleadings on file herein by counsel and being fully advised, and for good cause shown:

FINDS AND CONCLUDES:

1. The Court had personal jurisdiction and subject matter jurisdiction over the original child support order, and has jurisdiction to state the child support due as a sum certain amount as required by state law.

**RECEIVED
MAR 10 2008
DISTRICT COURT
DEPT 1**

DISPOSITIONS

- ☐ Converted to Blackstone
 - ☐ Involuntary Dismissal
 - ☐ Transferred
 - ☐ Voluntary Dismissal
 - ☐ Decision w/out Trial/Hearing
 - ☒ Decision w/ Trial/Hearing
 - ☐ Decision w/ Trial/Evidentiary Hearing
 - ☐ Guardianship
 - ☐ Death
 - ☐ Age of Majority
 - ☐ Restoration of Competency
 - ☐ Order Terminating Guardianship
 - ☐ Final Acct.
- WILICK LAW GROUP
3591 East Bonanza Road
Suite 200
Las Vegas, NV 89110-2101
(702) 438-4100

- 1 2. The parties were divorced as of August, 1998.
- 2 3. Statutory and case law regulating child custody and visitation do not have an impact
- 3 on the issue before the court. As to the original child support provisions Scotlund
- 4 had caused to be drafted and filed in the original divorce, the mixing of custody and
- 5 visitation with child support is against public policy, and the court does not have
- 6 jurisdiction over custody or visitation.
- 7 4. The *Decree of Divorce* required Scotlund to pay child support on a monthly basis to
- 8 Cisilie; Scotlund himself determined the sum due to be \$1,300 per month, and
- 9 apparently paid that sum, per his determination, for an extended period of time after
- 10 the parties divorced prior to the child abduction.¹
- 11 5. Scotlund's child support obligation *should* have been set at 25% of his gross income,
- 12 pursuant to 125B.070 as it read at the time of the parties' divorce in 1998; the fact
- 13 that Scotlund submitted himself to the jurisdiction of the Court for purposes of being
- 14 obligated to pay child support does not bind the Court, or the State of Nevada, to
- 15 accept his erroneous methodology of calculating that child support.
- 16 6. Scotlund has never provided the Court with an Affidavit of Financial Condition.
- 17 7. No order altering the \$1,300 per month child support obligation has ever been
- 18 entered by any court of competent jurisdiction.
- 19 8. Since entry of the original *Decree*, Nevada law has been clarified to require court
- 20 orders to express child support due as a dollar sum certain due each month.
- 21 9. Neither of the parties are living in Nevada. Cisilie and the children are residents of
- 22 Norway, and Scotlund now lives in California.
- 23 10. The Nevada Supreme Court found that the District Court of this State has jurisdiction
- 24 to order and collect child support; the Court continues to maintain jurisdiction to
- 25 enforce its support order under UIFSA.
- 26
- 27

28 ¹ Scotlund paid this amount for approximately two years before he kidnapped the children from their home in Norway.

- 1 11. Under UIFSA, if both parties are outside the State of Nevada, each party would be
2 required to seek a modification by way of registering the Nevada support order where
3 the other party lived, and seeking a modification there. This has not, apparently, ever
4 been done, although the record indicates that Norway is independently attempting to
5 seek support for the children, who are located there. Nevada does not have
6 jurisdiction at this time to entertain a motion to modify the existing support order, but
7 the Court has inherent authority both to enforce its orders, and to clarify its prior
8 orders, as required by statute.
- 9 12. On February 27, 2006, the matter came before the United States District Court,
10 District of Nevada, and on March 13, 2006, that Court issued its *Findings of Fact*
11 *and Conclusions of Law and Decision*, and *Judgment*, in the course of that litigation
12 calculating the sum due to Cisilie in arrears in child support payments, including
13 interest and penalties as of February, 2006, of \$138,500.
- 14 13. That calculation is not binding on this Court, which *could* recalculate support based
15 on the 1998 presumptive maximum of \$1,000 per month. The Court also *could* find
16 that the parties had agreed to exceed the cap based on the uncontroverted statement
17 that Scotlund was earning in excess of a six figure income at that time, and acted in
18 partial performance of that agreement for a period of years by his offering, and her
19 accepting, of the \$1,300 per month payments. The Court chooses the latter and, since
20 all calculations performed by the federal court, and previously by this Court, were
21 based on that number, the prior calculations remain correct.
- 22 14. Scotlund has refused to provide support for his children for a period of several years.
- 23 15. Under NRS 201.020(2)(a), a person who knowingly fails to provide for support of
24 his child is guilty of a category C felony and is to be punished as provided in NRS
25 193.130 if his arrearages for nonpayment of the child support total \$10,000 or more
26 and have accrued over any period since the date that a court first ordered the
27 defendant to provide for such support.
- 28

- 1 16. Under any conceivable calculation methodology, Scotlund's child support arrearages
2 have exceeded the criminal prosecution threshold many times over.
- 3 17. The sums found as a matter of fact to be due and unpaid in the *Judgment* issued by
4 the United States District Court have continued to increase, and to accrue interest and
5 penalties and have grown to an overall arrearage of \$226,569.23 as of January 15,
6 2008.
- 7 18. While the Court finds Scotlund's filings in this action for this hearing unpersuasive,
8 they have not been so utterly frivolous or clearly intended solely to harass that a
9 *Goad* order would be appropriate at this juncture.

10 Based upon the above findings this Court,

11
12 **IT IS HEREBY ORDERED:**

- 13 1. Scotlund is in arrears in child support, inclusive of interest and penalties, of
14 \$226,569.23 as of January 15, 2008, the entirety of which is reduced to judgment and
15 ordered collectable by all lawful means.
- 16 2. Child support shall continue to be due in the sum certain dollar amount of \$1,300 per
17 month, until the emancipation of the children or further order of a court of competent
18 jurisdiction modifying this child support order.
- 19 3. Scotlund's arrears are in excess of the threshold set out in NRS 201.020(2), and he
20 is subject to criminal prosecution accordingly.
- 21 4. The Court's *Order* of January 15, 2008, is set aside, the orders and finding of this
22 order are substituted therefor.²
- 23 5. *Motion to Dismiss* is DENIED.
- 24 6. *Motion to Reopen Discovery* is DENIED.
- 25 7. *Motion for Insufficiency of Process, and/or Insufficiency of Service of Process* is
26 DENIED.

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²The prior *Order* is attached as Exhibit A.

1 8. *Motion to Stay Case* is DENIED.

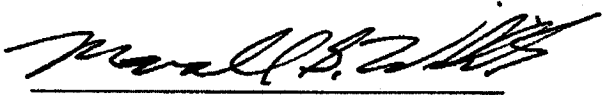
2 9. *Motion for Prohibition on Subsequent Filings and To Declare This Case Closed* is
3 not granted at this time, although this *Order* does constitute the final order in these
4 proceedings, and this case can be and is re-closed accordingly.

5 10. Cisilie was awarded the sum of \$5,100 in and for attorney's fees for the hearing held
6 January 15, 2008. That order has been set aside, however; under NRS 18.010, NRS
7 125B.140(c)(2), and EDCR 7.60, and because a child support arrearage has been
8 found to exist, Cisilie is awarded and Scotlund is ordered to pay forthwith the sum
9 of \$10,000 in and for attorney's fees and costs, which sum is reduced to judgment as
10 of March 3, 2008, and is collectable by all lawful means.

11 DATED this 17 day of March, 2008.

12 
13 DISTRICT COURT JUDGE VR

14 Submitted by:
15 WILICK LAW GROUP


16 
17 MARSHAL S. WILICK, ESQ.
18 Nevada Bar No. 002515
19 RICHARD L. CRANE, ESQ.
20 Nevada Bar No. 009536
21 3591 East Bonanza Road, Suite 200
22 Las Vegas, Nevada 89110-2101
23 Attorneys for Defendant
24 (702) 438-4100

25 P:\wp13\VAILEU\F0092.WPD

EXHIBIT A

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CLERK OF COURT

1 **ORDR**

2 WILICK LAW GROUP
3 MARSHAL S. WILICK, ESQ.
4 Nevada Bar No. 002515
5 3591 E. Bonanza Road, Suite 200
6 Las Vegas, NV 89110-2101
7 (702) 438-4100
8 Attorneys for Defendant

9
10 **DISTRICT COURT**
11 **FAMILY DIVISION**
12 **CLARK COUNTY, NEVADA**

13 ROBERT SCOTLUND VAILE,

14 Plaintiff,

15 vs.

16 CISILIE A. PORSBOL, fna CISILIE A. VAILE,

17 Defendant.

CASE NO: 98D230385D
DEPT. NO: 1

DATE OF HEARING: 01/15/08
TIME OF HEARING: 9:00 a.m.

18 **ORDER**

19 This matter came before the Hon. Cheryl B. Moss, at the date and time above, on Defendant's
20 *Motion to Reduce Arrears in Child Support to Judgment, to Establish a Sum Certain Due Each*
21 *Month in Child Support, and for Attorney's Fees and Costs.* Plaintiff, Robert Scotlund Vaile, was
22 not present. Defendant, Cisilie A. Porsbol, was not present, but was represented by her attorneys, the
23 WILICK LAW GROUP.

24 **FINDINGS:**

- 25 1. There was no Opposition filed.
26 2. Mr. Vaile has not moved for a reduction in child support in any jurisdiction.
27 3. This Court has continuing jurisdiction over the subject matter of this case.
28 4. Mr. Vaile established the current \$1,300 of child support due each month.

- 1 5. The Federal District Court for the District of Nevada found that Mr. Vaile was in arrears in
2 child support as of February, 2006, in the amount of \$138,500.
3 6. Mr. Vaile has continued to incur arrearages, interest, and penalties on this amount equalling
4 a total due as of the date of hearing of \$226,661.23.
5 7. Mr. Vaile's refusal to pay child support to his children has forced the Defendant to return to
6 Court to have the amount reduced to judgment.

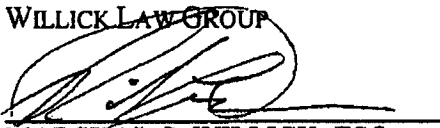
7 ORDERS:

- 8 1. Mr. Vaile is to pay \$1,300 per month in child support for his two minor children.
9 2. Arrearages in the amount of \$226,569.23 are immediately reduced to judgment and
10 collectible by all lawful means.
11 3. Mr. Vaile is to pay Cisilie's reasonable attorney fees for having to bring this action to the
12 Court. As such, the amount of 5100⁰⁰ is immediately reduced to judgment and is collectible
13 by all lawful means.
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18 CHERYL B. MOSE
19 DISTRICT COURT JUDGE
20

21 Submitted by:

22 WILICK LAW GROUP
23

24 
25 MARSHAL S. WILICK, ESQ.
26 Nevada Bar No. 002515
27 RICHARD L. CRANE, ESQ.
28 Nevada Bar No. 009536
3591 East Bonanza Road, Suite 200
Las Vegas, Nevada 89110-2101
(702) 438-4100
Attorneys for Defendant

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CLERK OF THE COURT

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CERTIFIED COPY
DOCUMENT ATTACHED IS A
TRUE AND CORRECT COPY
OF THE DOCUMENT ON FILE

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Cliff G. [Signature]
CLERK OF THE COURT

1 NEO
2 WILICK LAW GROUP
3 MARSHAL S. WILICK, ESQ.
4 Nevada Bar No. 002515
5 3551 E. Bonanza Road, Suite 101
6 Las Vegas, NV 89110-2198
7 (702) 438-4100
8 Attorneys for Defendant

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10
11 **DISTRICT COURT**
12 **FAMILY DIVISION**
13 **CLARK COUNTY, NEVADA**
14

15 ROBERT SCOTLUND VAILE,
16
17 Plaintiff,

18 vs.

19 CISILIE A. PORSBOLL, FNA CISILIE A. VAILE,
20 Defendant.

CASE NO: 98-D-230385-D
DEPT. NO: I

DATE OF HEARING: 03/03/2008
TIME OF HEARING: 9:30 A.M.

21 **NOTICE OF ENTRY OF ORDER**

22 TO: ROBERT SCOTLUND VAILE, Plaintiff, In Proper Person.

23 PLEASE TAKE NOTICE that the *Order Amending the Order of January 15, 2008*, was
24 duly entered on March 24, 2008, by filing with the Clerk, and the attached is a true and correct copy
25 thereof.

26 DATED this 23rd day of March, 2008.

27 WILICK LAW GROUP

28 

MARSHAL S. WILICK, ESQ.
Nevada Bar No. 002515
RICHARD L. CRANE, ESQ.
Nevada Bar No. 009536
3591 East Bonanza Road, Suite 200
Las Vegas, Nevada 89110-2101
(702) 438-4100
Attorneys for Defendant

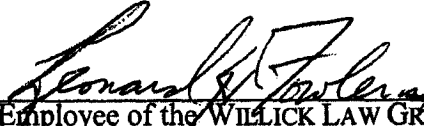
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CERTIFICATE OF MAILING

I hereby certify that service of the foregoing *Notice of Entry of Order* was made on the ____ day of 25th March 2008, pursuant to NRCP 5(b), by depositing a copy of same in the United States Mail in Las Vegas, Nevada, postage prepaid, addressed as follows:

Mr. Robert Scotlund Vaile
P.O. Box 727
Kenwood, California 95452

Mr. Robert Scotlund Vaile
1435 Adobe Canyon Road
Kenwood, California 95452



Employee of the WILICK LAW GROUP

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1 **REQT**
2 **WILICK LAW GROUP**
3 **MARSHAL S. WILICK, ESQ.**
4 Nevada Bar No. 002515
5 3591 E. Bonanza Road, Suite 200
6 Las Vegas, NV 89110-2101
7 (702) 438-4100
8 Attorneys for Defendant

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CLERK OF THE COURT

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**DISTRICT COURT
FAMILY DIVISION
CLARK COUNTY, NEVADA**

ROBERT SCOTLUND VAILE,
Plaintiff,

vs.

CISILIE A. PORSBOLL, FNA CISILIE A. VAILE,
Defendant.

CASE NO: 98D230385D
DEPT. NO: I

DATE OF HEARING: 03/03/2008
TIME OF HEARING: 09:30 A.M.

**ORDER
AMENDING THE ORDER OF JANUARY 15, 2008**

This matter having come before the Court on Plaintiff's *Motion to Set Aside Order of January 15, 2008, and to Reconsider and Rehear the Matter, and Motion to Reopen Discovery, and Motion To Stay Enforcement Of The January 15, 2008 Order*, and Defendant's *Opposition and Countermotion For Fees and Sanctions Under EDCR 7.60*, Defendant and Plaintiff having been duly noticed, and the Court having read the papers and pleadings on file herein by counsel and being fully advised, and for good cause shown:

FINDS AND CONCLUDES:

1. The Court had personal jurisdiction and subject matter jurisdiction over the original child support order, and has jurisdiction to state the child support due as a sum certain amount as required by state law.

- 1 2. The parties were divorced as of August, 1998.
- 2 3. Statutory and case law regulating child custody and visitation do not have an impact
- 3 on the issue before the court. As to the original child support provisions Scotlund
- 4 had caused to be drafted and filed in the original divorce, the mixing of custody and
- 5 visitation with child support is against public policy, and the court does not have
- 6 jurisdiction over custody or visitation.
- 7 4. The *Decree of Divorce* required Scotlund to pay child support on a monthly basis to
- 8 Cisilie; Scotlund himself determined the sum due to be \$1,300 per month, and
- 9 apparently paid that sum, per his determination, for an extended period of time after
- 10 the parties divorced prior to the child abduction.¹
- 11 5. Scotlund's child support obligation *should* have been set at 25% of his gross income,
- 12 pursuant to 125B.070 as it read at the time of the parties' divorce in 1998; the fact
- 13 that Scotlund submitted himself to the jurisdiction of the Court for purposes of being
- 14 obligated to pay child support does not bind the Court, or the State of Nevada, to
- 15 accept his erroneous methodology of calculating that child support.
- 16 6. Scotlund has never provided the Court with an Affidavit of Financial Condition.
- 17 7. No order altering the \$1,300 per month child support obligation has ever been
- 18 entered by any court of competent jurisdiction.
- 19 8. Since entry of the original *Decree*, Nevada law has been clarified to require court
- 20 orders to express child support due as a dollar sum certain due each month.
- 21 9. Neither of the parties are living in Nevada. Cisilie and the children are residents of
- 22 Norway, and Scotlund now lives in California.
- 23 10. The Nevada Supreme Court found that the District Court of this State has jurisdiction
- 24 to order and collect child support; the Court continues to maintain jurisdiction to
- 25 enforce its support order under UIFSA.

26

27

28 ¹ Scotlund paid this amount for approximately two years before he kidnapped the children from their home in Norway.

- 1 11. Under UIFSA, if both parties are outside the State of Nevada, each party would be
2 required to seek a modification by way of registering the Nevada support order where
3 the other party lived, and seeking a modification there. This has not, apparently, ever
4 been done, although the record indicates that Norway is independently attempting to
5 seek support for the children, who are located there. Nevada does not have
6 jurisdiction at this time to entertain a motion to modify the existing support order, but
7 the Court has inherent authority both to enforce its orders, and to clarify its prior
8 orders, as required by statute.
- 9 12. On February 27, 2006, the matter came before the United States District Court,
10 District of Nevada, and on March 13, 2006, that Court issued its *Findings of Fact*
11 *and Conclusions of Law and Decision*, and *Judgment*, in the course of that litigation
12 calculating the sum due to Cisilie in arrears in child support payments, including
13 interest and penalties as of February, 2006, of \$138,500.
- 14 13. That calculation is not binding on this Court, which *could* recalculate support based
15 on the 1998 presumptive maximum of \$1,000 per month. The Court also *could* find
16 that the parties had agreed to exceed the cap based on the uncontroverted statement
17 that Scotlund was earning in excess of a six figure income at that time, and acted in
18 partial performance of that agreement for a period of years by his offering, and her
19 accepting, of the \$1,300 per month payments. The Court chooses the latter and, since
20 all calculations performed by the federal court, and previously by this Court, were
21 based on that number, the prior calculations remain correct.
- 22 14. Scotlund has refused to provide support for his children for a period of several years.
- 23 15. Under NRS 201.020(2)(a), a person who knowingly fails to provide for support of
24 his child is guilty of a category C felony and is to be punished as provided in NRS
25 193.130 if his arrearages for nonpayment of the child support total \$10,000 or more
26 and have accrued over any period since the date that a court first ordered the
27 defendant to provide for such support.
- 28

16. Under any conceivable calculation methodology, Scotlund's child support arrearages have exceeded the criminal prosecution threshold many times over.

17. The sums found as a matter of fact to be due and unpaid in the *Judgment* issued by the United States District Court have continued to increase, and to accrue interest and penalties and have grown to an overall arrearage of \$226,569.23 as of January 15, 2008.

18. While the Court finds Scotlund's filings in this action for this hearing unpersuasive, they have not been so utterly frivolous or clearly intended solely to harass that a *Goad* order would be appropriate at this juncture.

Based upon the above findings this Court,

IT IS HEREBY ORDERED:

1. Scotlund is in arrears in child support, inclusive of interest and penalties, of \$226,569.23 as of January 15, 2008, the entirety of which is reduced to judgment and ordered collectable by all lawful means.
2. Child support shall continue to be due in the sum certain dollar amount of \$1,300 per month, until the emancipation of the children or further order of a court of competent jurisdiction modifying this child support order.
3. Scotlund's arrears are in excess of the threshold set out in NRS 201.020(2), and he is subject to criminal prosecution accordingly.
4. The Court's *Order* of January 15, 2008, is set aside, the orders and finding of this order are substituted therefor.²
5. *Motion to Dismiss* is DENIED.
6. *Motion to Reopen Discovery* is DENIED.
7. *Motion for Insufficiency of Process, and/or Insufficiency of Service of Process* is DENIED.

²The prior *Order* is attached as Exhibit A.

1 8. *Motion to Stay Case* is DENIED.


2 9. *Motion for Prohibition on Subsequent Filings and To Declare This Case Closed* is
3 not granted at this time, although this *Order* does constitute the final order in these
4 proceedings, and this case can be and is re-closed accordingly.

5 10. Cisilie was awarded the sum of \$5,100 in and for attorney's fees for the hearing held
6 January 15, 2008. That order has been set aside, however; under NRS 18.010, NRS
7 125B.140(c)(2), and EDCR 7.60, and because a child support arrearage has been
8 found to exist, Cisilie is awarded and Scotlund is ordered to pay forthwith the sum
9 of \$10,000 in and for attorney's fees and costs, which sum is reduced to judgment as
10 of March 3, 2008, and is collectable by all lawful means.

11 DATED this 17 day of March, 2008.

12
13 **CHERYL B. MOSS**
14 **DISTRICT COURT JUDGE**

15 Submitted by:
16 WILICK LAW GROUP


17 
18 **MARSHAL S. WILICK, ESQ.**
19 Nevada Bar No. 002515
20 **RICHARD L. CRANE, ESQ.**
21 Nevada Bar No. 009536
22 3591 East Bonanza Road, Suite 200
23 Las Vegas, Nevada 89110-2101
24 Attorneys for Defendant
25 (702) 438-4100

26 P:\wp13\VAILE\LF0092.WPD

EXHIBIT A

FILED

JAN 15 9 13 AM '08


CLERK OF COURT

ORDER

WILICK LAW GROUP
MARSHAL S. WILICK, ESQ.
Nevada Bar No. 002515
3591 E. Bonanza Road, Suite 200
Las Vegas, NV 89110-2101
(702) 438-4100
Attorneys for Defendant

**DISTRICT COURT
FAMILY DIVISION
CLARK COUNTY, NEVADA**

ROBERT SCOTLUND VAILE,

Plaintiff,

vs.

CISILIE A. PORSBOL, fna CISILIE A. VAILE,

Defendant.

CASE NO: 98D230385D

DEPT. NO: I

DATE OF HEARING: 01/15/08

TIME OF HEARING: 9:00 a.m.

ORDER

This matter came before the Hon. Cheryl B. Moss, at the date and time above, on Defendant's *Motion to Reduce Arrears in Child Support to Judgment, to Establish a Sum Certain Due Each Month in Child Support, and for Attorney's Fees and Costs*. Plaintiff, Robert Scotlund Vaile, was not present. Defendant, Cisilie A. Porsbol, was not present, but was represented by her attorneys, the WILICK LAW GROUP.

FINDINGS:

1. There was no Opposition filed.
2. Mr. Vaile has not moved for a reduction in child support in any jurisdiction.
3. This Court has continuing jurisdiction over the subject matter of this case.
4. Mr. Vaile established the current \$1,300 of child support due each month.

- 1 5. The Federal District Court for the District of Nevada found that Mr. Vaile was in arrears in
2 child support as of February, 2006, in the amount of \$138,500.
3 6. Mr. Vaile has continued to incur arrearages, interest, and penalties on this amount equalling
4 a total due as of the date of hearing of \$226,661.23.
5 7. Mr. Vaile's refusal to pay child support to his children has forced the Defendant to return to
6 Court to have the amount reduced to judgment.


7 ORDERS:

- 8 1. Mr. Vaile is to pay \$1,300 per month in child support for his two minor children.
9 2. Arrearages in the amount of \$226,569.23 are immediately reduced to judgment and
10 collectible by all lawful means.
11 3. Mr. Vaile is to pay Cisilie's reasonable attorney fees for having to bring this action to the
12 Court. As such, the amount of 5100⁰⁰ is immediately reduced to judgment and is collectible
13 by all lawful means.
14
15
16
17


18 CHERYL B. MOSS
19 DISTRICT COURT JUDGE

20 Submitted by:

21 WILICK LAW GROUP

22 
23 MARSHAL S. WILICK, ESQ.
24 Nevada Bar No. 002515
25 RICHARD L. CRANE, ESQ.
26 Nevada Bar No. 009536
27 3591 East Bonanza Road, Suite 200
28 Las Vegas, Nevada 89110-2101
(702) 438-4100
Attorneys for Defendant

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CLERK OF THE COURT

JAN 15 9 26 AM '08

CERTIFIED COPY
DOCUMENT ATTACHED IS A
TRUE AND CORRECT COPY
OF THE DOCUMENT ON FILE

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Divorce - Joint Petition**COURT MINUTES****March 29, 2000**

98D230385

In the Matter of the Joint Petition for Divorce of:
Robert S Vaile and Cisilie A Vaile, Petitioners.

March 29, 2000**9:30 AM****Motion****HEARD BY:** Steel, Cynthia Dianne**COURTROOM:** Courtroom 02**PARTIES:**

Cisilie Vaile, Petitioner, not present

Marshal Willick, Attorney, Attorney, not present

Kaia Vaile, Subject Minor, not present

Kamilla Vaile, Subject Minor, not present

R Vaile, Petitioner, present

Pro Se

COURT CLERK:

JOURNAL ENTRIES

- There being no opposition COURT ORDERED PLAINTIFF'S MOTION GRANTED IN FULL.

INTERIM CONDITIONS:**FUTURE HEARINGS:***Canceled: October 13, 2000 12:00 AM Motion**Reason: Canceled as the result of a hearing cancel, Hearing Canceled Reason: Vacated**Steel, Cynthia Dianne**Courtroom 02*

PRINT DATE: 04/22/2009

Page 1 of 72

Minutes Date:

March 29, 2000

Canceled: March 27, 2008 10:00 AM Motion to Set Aside

Canceled: March 27, 2008 10:00 AM Motion to Dismiss

Canceled: March 27, 2008 10:00 AM Opposition & Countermotion

Canceled: July 03, 2008 9:30 AM Motion

Canceled: July 03, 2008 9:30 AM Opposition & Countermotion

Canceled: July 11, 2008 8:30 AM Motion

Canceled: July 11, 2008 8:31 AM Opposition & Countermotion

Canceled: July 11, 2008 8:30 AM Return Hearing

Canceled: August 27, 2008 9:00 AM Motion for Order to Show Cause

Canceled: September 08, 2008 9:30 AM Motion to Strike

Canceled: October 07, 2008 10:00 AM Motion to Reconsider

April 29, 2009 10:30 AM Motion for Attorney Fees

Moss, Cheryl B

Courtroom 13

Canceled: May 05, 2009 10:00 AM Motion for Attorney Fees

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Divorce - Joint Petition**COURT MINUTES****September 29, 2000**

98D230385

In the Matter of the Joint Petition for Divorce of:
Robert S Vaile and Cisilie A Vaile, Petitioners.

**September 29,
2000****9:00 AM****Motion****HEARD BY:** Steel, Cynthia Dianne**COURTROOM:** Courtroom 02**PARTIES:**

Cisilie Vaile, Petitioner, not present
Kaia Vaile, Subject Minor, not present
Kamilla Vaile, Subject Minor, not present
Robert Vaile, Petitioner, not present

Marshal Willick, Attorney, present

Pro Se

COURT CLERK:
JOURNAL ENTRIES

- Mr. Dempsey stated he did not receive notice of today's hearing and is unprepared to proceed. COURT STATED it wishes to proceed in the matter. COURT FINDS, it needs to ascertain whether or not the Decree is accurate, and if it needs to be set aside. The Court will need to set a Residency Hearing to determine whether Plaintiff had residency at the time he filed the Decree. Parties stipulated to Nevada, and now a year later Defendant is claiming she did it under duress. If Plaintiff can not prove residency, then this Court does not have jurisdiction over these parties at all. Mr. Willick stated his concerns that the Court needs to act immediately because the children are located in Pilot Point, TX, a small RV stop north of Dallas close to the Mexico border, and the Mexico entry point near Pilot Point does not require passports. Mr. Willick requested the Court return the children here to Las Vegas.

COURT ORDERED, a PICK UP ORDER is to issue, and the Courts and law enforcement agencies of Texas are asked to pick up the children for them to be returned to the State of Nevada and placed in this Court's custody. Upon return to Las Vegas the children are to be placed in Child Haven, and immediately upon receiving the children, Child Haven is to call this Court's chambers to set up an immediate FMC Interview for the girls and to schedule a court hearing. All other matters will be deferred until return on jurisdictional matters. The Court will notify counsel of the children's return and the next hearing date and time. Mr. Willick will prepare the pick up Order.

INTERIM CONDITIONS:**FUTURE HEARINGS:**

Canceled: October 13, 2000 12:00 AM Motion
Reason: Canceled as the result of a hearing cancel, Hearing Canceled Reason: Vacated
Steel, Cynthia Dianne
Courtroom 02

Canceled: March 27, 2008 10:00 AM Motion to Set Aside

Canceled: March 27, 2008 10:00 AM Motion to Dismiss

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Canceled: October 07, 2008 10:00 AM Motion to Reconsider

April 29, 2009 10:30 AM Motion for Attorney Fees
Moss, Cheryl B
Courtroom 13

Canceled: May 05, 2009 10:00 AM Motion for Attorney Fees

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Divorce - Joint Petition**COURT MINUTES****October 02, 2000**

98D230385

In the Matter of the Joint Petition for Divorce of:
Robert S Vaile and Cisilie A Vaile, Petitioners.

October 02, 2000**3:00 PM****Telephone Conference****HEARD BY:** Steel, Cynthia Dianne**COURTROOM:** Courtroom 02**PARTIES:**

Cisilie Vaile, Petitioner, not present

Marshal Willick, Attorney, present

Kaia Vaile, Subject Minor, not present

Kamilla Vaile, Subject Minor, not present

R Vaile, Petitioner, present

Pro Se

COURT CLERK:

JOURNAL ENTRIES

- Colloquy between Court and counsel. Arguments. COURT ORDERED, due to allegations against Dad the Court is adopting his suggestion that he post a Bond on the title to his farm valued at \$300,000.00. The Court will hold any and all original passports on the kids. Mom is on her way to Nevada from Norway. Children are to be released from Child Haven under the guardianship of Grandmother, as soon as Dad secures the bond. Dad can be with the children at grandmothers. Mom to find an LDS Family upon her arrival that can supervise her visitation with the children. The Court will revisit the issue of visitation when Mom comes to town.

INTERIM CONDITIONS:**FUTURE HEARINGS:***Canceled: October 13, 2000 12:00 AM Motion**Reason: Canceled as the result of a hearing cancel, Hearing Canceled Reason: Vacated**Steel, Cynthia Dianne**Courtroom 02*

PRINT DATE: 04/22/2009

Page 5 of 72

Minutes Date:

March 29, 2000

Canceled: March 27, 2008 10:00 AM Motion to Set Aside

Canceled: March 27, 2008 10:00 AM Motion to Dismiss

Canceled: March 27, 2008 10:00 AM Opposition & Countermotion

Canceled: July 03, 2008 9:30 AM Motion

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Canceled: August 27, 2008 9:00 AM Motion for Order to Show Cause

Canceled: September 08, 2008 9:30 AM Motion to Strike

Canceled: October 07, 2008 10:00 AM Motion to Reconsider

April 29, 2009 10:30 AM Motion for Attorney Fees

Moss, Cheryl B

Courtroom 13

Canceled: May 05, 2009 10:00 AM Motion for Attorney Fees

**DISTRICT COURT
CLARK COUNTY, NEVADA****Divorce - Joint Petition****COURT MINUTES****October 11, 2000**

98D230385

In the Matter of the Joint Petition for Divorce of:
Robert S Vaile and Cisilie A Vaile, Petitioners.**October 11, 2000****3:00 PM****Hearing****HEARD BY:** Steel, Cynthia Dianne**COURTROOM:** Courtroom 02**PARTIES:**

Cisilie Vaile, Petitioner, present

Marshal Willick, Attorney, present

Kaia Vaile, Subject Minor, not present

Kamilla Vaile, Subject Minor, not present

R Vaile, Petitioner, present

Pro Se

COURT CLERK:**JOURNAL ENTRIES**

- Court convened. Preliminary matters. Opening statements. Parties STIPULATE to admittance of all exhibits by both sides (see worksheet). Testimony of Plaintiff. COURT FINDS it does not have enough time today to complete this hearing. COURT ORDERED, MATTER taken UNDER SUBMISSION. Counsel are to submit written closing arguments on JURISDICTION ONLY to the Court by Friday October 13th, and briefs are limited to 10 pages. The Court will need the following information; (1) Date of arrival of SICI staff in Las Vegas. (2) Date of SICI residence declaration. (3) All papers filed in London regarding passports. (4) Records of Plaintiff's travel itinerary. (5) Did Virginia continue to take out state taxes? BOND is EXONERATED. Parties are not to remove the child from this jurisdiction, and they are to mediate in good faith with the child's best interest. Parties REFERRED to Family Mediation Center (FMC) for MARATHON MEDIATION with a return hearing on October 17th. If the Court wishes to hold a phone conference tomorrow it will contact counsel.

10/17/00 3:00 PM RETURN: MARATHON MEDIATION/JURISDICTION ISSUES

INTERIM CONDITIONS:**FUTURE HEARINGS:**

Canceled: October 13, 2000 12:00 AM Motion
Reason: Canceled as the result of a hearing cancel, Hearing Canceled Reason: Vacated
Steel, Cynthia Dianne
Courtroom 02

Canceled: March 27, 2008 10:00 AM Motion to Set Aside

Canceled: March 27, 2008 10:00 AM Motion to Dismiss

Canceled: March 27, 2008 10:00 AM Opposition & Countermotion

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Canceled: September 08, 2008 9:30 AM Motion to Strike

Canceled: October 07, 2008 10:00 AM Motion to Reconsider

April 29, 2009 10:30 AM Motion for Attorney Fees
Moss, Cheryl B
Courtroom 13

Canceled: May 05, 2009 10:00 AM Motion for Attorney Fees

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Divorce - Joint Petition**COURT MINUTES****October 17, 2000**

98D230385

In the Matter of the Joint Petition for Divorce of:
Robert S Vaile and Cisilie A Vaile, Petitioners.

October 17, 2000**3:00 PM****Return Hearing****HEARD BY:** Steel, Cynthia Dianne**COURTROOM:** Courtroom 02**PARTIES:**

Cisilie Vaile, Petitioner, present

Marshal Willick, Attorney, Attorney, not present

Kaia Vaile, Subject Minor, not present

Kamilla Vaile, Subject Minor, not present

R Vaile, Petitioner, present

Pro Se

COURT CLERK:
JOURNAL ENTRIES

- COURT FINDS, parties FAILED TO MEDIATE. Mr. Dempsey submitted tax returns discussed at last hearing. Arguments by Mr. Cerceo regarding jurisdiction and the estoppel argument. Mr. Cerceo stated Virginia was Plaintiff's state of residence for '98 tax return, and he was a resident of VA until 7/14/00, the date he applied for a Nevada Driver's License. Argument by Mr. Dempsey regarding Plaintiff's understanding of the Nevada residency requirements, and by filing an answer Defendant submitted personal jurisdiction to this Court. Rebuttal by Mr. Cerceo regarding issue of subject matter and personal jurisdiction.

After reviewing the issues, COURT FINDS, both parties wanted a divorce and did not want to wait another year to achieve it. It was the intention of Mr. Vaile to remove his residence from Virginia to Nevada, and he could not be in Nevada because of the custodial issues happening. This Court is going with the intent to be here and is relying on the changing of address to move here. The Court DOES NOT FIND Plaintiff intentionally trying to defraud this Court. Nevada did have subject and personal jurisdiction in order to achieve the Decree of Divorce and the separation of property. Regarding the Haig Convention, if the Court were to make a Decision it would find the habitual state of residence would be the state of Nevada, and Defendant was wrongfully obtaining the children from Plaintiff at the time Mr. Vaile secured his children. On Equitable Estoppel, Defendant did not sign the Decree under duress. These parties were not in Virginia and neither one had intentions of going back to Virginia. It was the desire of the parties to relocate to Nevada and they came here and

Plaintiff didn't know when he was going to leave at the time he signed the Decree. COURT FINDS, it never had jurisdiction over the children, they never lived in the state of Nevada. At the time the Motion for the Pick Up Order was before the Court, the Court knew nothing. COURT ORDERED, this Court will keep emergency jurisdiction until another Court states it relieves Nevada and takes jurisdiction. The Courts in Texas and Norway need to talk to one another and decide who has jurisdiction, and this Court will relinquish jurisdiction to that Court. Counsel is to contact Norway and Texas Courts as to who has jurisdiction to make the custodial decisions in this case. In the interim, the children are to remain here until 10/25/00, the date mom must return to Norway, and then the children are to return to Texas to attend school until a decision is made by the Norway and Texas Courts. The Court encouraged parties to continue mediating, and if parties stipulate they need to take the stipulation to the Court who takes jurisdiction. The Court has ruled in what it believes is in the best interest of the children, and does NOT FIND any INTENTIONAL FRAUD on the State of Nevada by either of these parties. Defendant (mom) is to have significant visitation with the children before they return to Texas. The children are to remain here in Las Vegas until 10/25/00.

INTERIM CONDITIONS:

FUTURE HEARINGS:

Canceled: March 27, 2008 10:00 AM Motion to Set Aside

Canceled: March 27, 2008 10:00 AM Motion to Dismiss

Canceled: March 27, 2008 10:00 AM Opposition & Countermotion

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Canceled: September 08, 2008 9:30 AM Motion to Strike

Canceled: October 07, 2008 10:00 AM Motion to Reconsider

April 29, 2009 10:30 AM Motion for Attorney Fees
Moss, Cheryl B
Courtroom 13

98D230385

Canceled: May 05, 2009 10:00 AM Motion for Attorney Fees

**DISTRICT COURT
CLARK COUNTY, NEVADA****Divorce - Joint Petition****COURT MINUTES****April 16, 2002**

98D230385

**In the Matter of the Joint Petition for Divorce of:
Robert S Vaile and Cisilie A Vaile, Petitioners.****April 16, 2002****8:30 AM****Converted From
Blackstone****HEARD BY:** Moss, Cheryl B**COURTROOM:** Courtroom 13**PARTIES:**

Cisilie Vaile, Petitioner, not present
Kaia Vaile, Subject Minor, not present
Kamilla Vaile, Subject Minor, not present
Robert Vaile, Petitioner, not present

Marshal Willick, Attorney, present

Pro Se

COURT CLERK:**JOURNAL ENTRIES**

- At request of counsel, COURT ORDERED, CLOSED HEARING.

Following arguments by counsel regarding the Nevada Supreme Court's directive and Mr. Angulo's request for a one-week stay of this Court's decision, COURT ORDERED, it will comply with the Supreme Court decision and hereby VACATES the portion of the Decree relating to CUSTODY and VISITATION. This Court shall Order the RETURN of the children to Norway. Court EXECUTED the Order Pursuant to Writ of Mandamus and FILED Order IN OPEN COURT.

Court delivered four (4) United States and two (2) Norwegian passports to Attorney Willick. A Receipt of Copy of Passports was SIGNED by Attorney Willick and FILED IN OPEN COURT.
CASE CLOSED.

INTERIM CONDITIONS:

FUTURE HEARINGS:

Canceled: March 27, 2008 10:00 AM Motion to Set Aside

Canceled: March 27, 2008 10:00 AM Motion to Dismiss

Canceled: March 27, 2008 10:00 AM Opposition & Countermotion

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Canceled: October 07, 2008 10:00 AM Motion to Reconsider

April 29, 2009 10:30 AM Motion for Attorney Fees
Moss, Cheryl B
Courtroom 13

Canceled: May 05, 2009 10:00 AM Motion for Attorney Fees

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Divorce - Joint Petition**COURT MINUTES****May 15, 2003**

98D230385

In the Matter of the Joint Petition for Divorce of:
Robert S Vaile and Cisilie A Vaile, Petitioners.

May 15, 2003**9:00 AM****Motion****HEARD BY:** Moss, Cheryl B**COURTROOM:** Courtroom 13**PARTIES:**

Cisilie Vaile, Petitioner, not present

Marshal Willick, Attorney, present

Kaia Vaile, Subject Minor, not present

Kamilla Vaile, Subject Minor, not present

Robert Vaile, Petitioner, not present

Pro Se

COURT CLERK:

JOURNAL ENTRIES

- There being no Opposition, COURT ORDERED, Motion GRANTED. Counsel to submit an Order. Defendant's Motion set for 5/21/03 is CONTINUED to 6/4/03. Plaintiff's Opposition is due by 5:00 p.m. 5/28/03.

INTERIM CONDITIONS:**FUTURE HEARINGS:***Canceled: March 27, 2008 10:00 AM Motion to Set Aside**Canceled: March 27, 2008 10:00 AM Motion to Dismiss*

Canceled: March 27, 2008 10:00 AM Opposition & Countermotion

Canceled: July 03, 2008 9:30 AM Motion

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Canceled: July 11, 2008 8:30 AM Motion

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Canceled: October 07, 2008 10:00 AM Motion to Reconsider

April 29, 2009 10:30 AM Motion for Attorney Fees
Moss, Cheryl B
Courtroom 13

Canceled: May 05, 2009 10:00 AM Motion for Attorney Fees