

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

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

ROBERT SCOTLUND VAILE,

*Appellant,*

vs.

CISILIE A. PORSBOLL  
fka, CISILIE A. VAILE,

*Respondent.*

Supreme Court Case No: 53687 / 53798  
District Court Case No: 98 D230385

**FILED**

**DEC 17 2009**

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

**MOTION FOR WITHDRAWAL OF APPEAL**

Robert Scotlund Vaile, Appellant in the above mentioned appeal, hereby moves to voluntarily withdraw this appeal.

The notice of appeal for this case was filed on or about March 31, 2009. The order underlying this appeal was from a July 24, 2008 hearing, for which notice of entry was mailed on March 2, 2009. While this appeal was pending, Respondent Porsboll filed a notice of appeal for an order entered on April 17, 2009. Subsequently, Respondent Porsboll filed an opening brief in that case, #53798. Mr. Vaile filed an answer and Ms. Porsboll replied.

In his answer to Respondent's appeal, Mr. Vaile raised both jurisdictional threshold issues, and primary substantive matters that require this Court's attention. Since the Court has accepted Mr. Vaile's answer, most of the issues which would have been raised

**RECEIVED**  
DEC 17 2009  
TRACIE K. LINDEMAN  
CLERK OF SUPREME COURT  
DEPUTY CLERK

179-21161610

1 in appeal number 53687 are now already before the Court in Respondent's appeal  
2 number 53798. So as not to dilute the focus from the issues already raised in this case,  
3 and to aid in the timely and efficient decision of these issues, Mr. Vaile withdraws his  
4 appeal of the order underlying appeal number 53687.  
5

6       Having read Appellant Porsboll's Reply Brief in appeal number 53798, Mr. Vaile  
7 continues to be concerned<sup>1</sup> with Ms. Porsboll's counsel's persistence in the wholesale  
8 fabrication of facts, even to the point of contradicting the testimony of his own client.  
9 However, Mr. Vaile believes that another opening brief, answer and reply brief will  
10 likely not cure these deficiencies. Especially when a careful reading of the actual record  
11 presented with Mr. Vaile's Answering Brief will reveal the actual truth. The vindictive,  
12 inflammatory tone evident in Porsboll's reply brief demonstrates her counsel's true  
13 retaliatory interest in this litigation. And although her counsel's self-interest continues  
14 to motivate the ethical conflict that would also have been the subject of appeal number  
15 53687, the threshold issues and substantive defenses raised in Mr. Vaile's answer to  
16 appeal number 53798 are of greatest importance and deserve this Court's undivided  
17 focus.  
18  
19  
20  
21  
22  
23

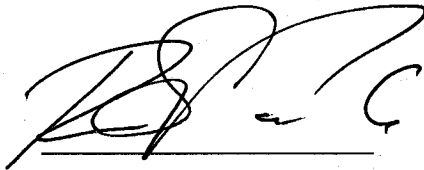
---

24 <sup>1</sup> Mr. Vaile's concerns along these lines are well-founded. The recitation of facts in  
25 this Court's decision on this same case in April 2002 did not in any way resemble  
26 the findings of fact made by the lower court in October 2000. Instead, this Court  
27 (or rather its staff at the time) repeated almost verbatim the facts alleged by Ms.  
28 Porsboll's counsel on appeal, which were not, and could not have been, proved in  
the trial below. The recitation of facts based on Porsboll's false allegations  
villainized Mr. Vaile and appeared to justify this Court 2002 decision. They were  
not, as Porsboll suggests, proved at any time or in any way.

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

For the reasons stated above, Mr. Vaile moves to withdraw his appeal of case number 53687, but continues his defense as Respondent in case number 53798.

Respectfully submitted this 14<sup>th</sup> day of December, 2009.



Robert Scotlund Vaile  
PO Box 727  
Kenwood, CA 95452  
(707) 833-2350  
*Appellant in Proper Person*

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

## CERTIFICATE OF SERVICE

I certify that I am the Appellant in this action, and that on the 14th day of December, 2009, I served a copy of the foregoing *Motion for Withdrawal of Appeal*, by placing the document in:

U.S. Mail, postage prepaid; or

National courier (Fedex or UPS) with expedited delivery prepaid,

and addressed as follows:

Marshal S. Willick, Esq.  
Willick Law Group  
3591 E. Bonanza Road, Suite 200  
Las Vegas, NV 89110-2101  
*Attorney for Respondent Porsboll*



Robert Scotlund Vaile  
PO Box 727  
Kenwood, CA 95452  
(707) 833-2350  
*Appellant in Proper Person*