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FILED

NOV 12 2009

TRACIE K. LINDEMAN
CLERK OF SUPREME COURT
BY S. Young
DEPUTY CLERK

IN THE SUPREME COURT OF THE STATE OF NEVADA

CISILIE A. PORSBOLL
fka, CISILIE A. VAILE,

Appellant,

vs.

R. SCOTLUND VAILE,

Respondent.

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

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EMERGENCY MOTION TO STAY LOWER COURT PROCEEDINGS PENDING APPEAL

I. INTRODUCTION

Since the September 18, 2008 final hearing on the merits of this thrice[1] reopened case, Ms. Porsboll's attorneys have presented the lower court with three additional demands for relief. Two of the motions that are still pending below ask the family court to create new law and to expand the scope of family court jurisdiction to decide active litigation in a sister state. Since the scope of the jurisdiction of the family court is already before this Court on appeal, Mr. Vaile requests this Court to stay the lower court proceedings, pausing the filing of serial motions in the court below, until the jurisdictional questions are resolved (once again) by this Court.

1. Ms. Porsboll's attorneys have reopened the proceedings three times since 1998, and twice since this Court made its final decision in 2002 holding that the court had neither subject matter jurisdiction or personal jurisdiction of the parties.

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Vaile's California employer with a writ of garnishment in order to effect seizure of his California earnings. Mr. Vaile was not served with the writ of garnishment before it was served on this Nevada branch of his employer or since then. Because a California employer is bound by California law with regard to garnishment of earnings,[2] Mr. Vaile was granted an injunction against his employer in California from garnishing until any Nevada order was properly domesticated in California.[3] See Exhibit A.

The second in the series of motions by Porsboll's attorneys, filed September 17, 2009, is an ex parte motion for ***Mr. Vaile*** to show cause why *his employer* should not be subject to penalties for not garnishing Mr. Vaile's California earnings in accordance with the Nevada writ of garnishment. See Exhibit B. This motion was made to the same family court where Mr. Vaile and Ms. Porsboll had litigated, despite the fact that 1) Mr. Vaile's employer is not a party to that litigation or a respondent on the motion, 2) enforcement of a writ of garnishment for attorney's fees lies outside the jurisdiction of the family court under NRS 3.223, and 3) Mr. Vaile's employer was enjoined by the California court from garnishing Mr. Vaile's California earnings without a judgment domesticated in California.[4] The hearing on this matter is currently scheduled for October 27, 2009 in the Clark County family court below.

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2. See California Code of Civil Procedure § 706.010 et. al.

3. Nevada has adopted the Uniform Enforcement of Foreign Judgments Act and has similar requirements for registration of judgments as California. See NRS §§ 17.330 – 17.400.

4. Ms. Porsboll has offered no reason for the continuing refusal to follow California registration procedures.

C. THIRD MOTION: TO ORDER DISMISSAL OF CALIFORNIA LITIGATION AND TO IMPOSE A PAYMENT SCHEDULE

When the California court enjoined Mr. Vaile's employer from garnishing his California earnings absent a domesticated order, it also required Mr. Vaile to amend his complaint and to serve Ms. Porsboll and her attorneys. Mr. Vaile complied with this order. Ms. Porsboll and one of her Nevada attorneys has since defaulted in that action, and another one of her attorneys is challenging the California court's jurisdiction to enforce its own laws.

Ms. Porsboll's third recent motion, filed September 18, 2009, is a motion for the family court below to 1) order dismissal of the California action requiring Mr. Vaile's employer to follow California law, 2) order Mr. Vaile to pay $20,000 in order to file anything in the lower court, 3) impose a payment schedule on Mr. Vaile for attorney's fees, the exact same relief as the first motion. See Exhibit C. Except for Ms. Porsboll, the defendants in the California action are different than those before the family court. And none of the issues in the California litigation (whether California law regarding execution against California earnings) had been brought to the attention of or litigated before the family court, prior to Porsboll's motion (no parallel proceedings were taking place). Because Porsboll's attorneys may be merely inconvenienced if they must register the Nevada judgment in California, they are asking the family court to order dismissal of the action in that sister state.

The family court agreed to hear this motion on shortened time, and the hearing is scheduled for next Monday, October 26, 2009. See Exhibit D.

III. ARGUMENT

A. WHY A STAY HAS NOT BEEN REQUESTED IN THE FAMILY COURT

NRAP 8(a) states that application for a stay must ordinarily be made in the first instance in the family court, unless the application to the district court is not practical. In this case, application to the district court is not only not practical, it is not possible. On Ms. Porsboll's attorney's request, the family court issued what it calls a *Goad* order against Mr. Vaile which prevents him from filing *any motion* for relief in the district court unless the lower court pre-approves the request first. See Exhibit E, ¶ 5.[5] The only explanation for instituting the order against Mr. Vaile was "due to the number of filings" in the case, although the vast majority of those filings were made by Porsboll's attorneys. Like most the relief sought by Ms. Porsboll in the lower court, provision for institution of a *Goad* order does not exist under Nevada law, either by rule or by statute, and the lower court seemed unphased by Mr. Vaile's objection to the order based on unequal treatment under the law.

Because of the *Goad* order, Mr. Vaile is forced to raise his motions for relief verbally at a hearing. During the September 18, 2008 hearing, Mr. Vaile made just such a request to the family court and his request was denied. See Exhibit E, ¶ 65.[6] Since the first opportunity to request a stay is the hearing which this emergency motion is

5. *Order for Hearing Held June 11, 2008,* dated August 15, 2008. This Court previously dismissed the appeal of this order because it was not a final order. This *Goad* order is still in effect, even though it was not mentioned or included in either of the two recent final orders, effectively making the order non-appealable.

6. *Findings of Fact, Conclusions of Law, Final Decision and Order,* dated October 9, 2009. Only the cover and signature pages and pages containing the cites have been included, for brevity. The entirety of this order is in the Court's record.

intended to freeze, on Monday October 26th, it would be quite impossible to request a stay from the lower court prior to making the request from this Court.

B. THE NEED FOR THE COURT TO ACT IMMEDIATELY

Ms. Porsboll and her attorneys have aptly demonstrated the intent to never let this case die a peaceful death, or to even pause serial filings of motions in the lower court until the appeal has ended. Ms. Porsboll has reopened this case three times since a divorce was granted over 11 years ago, and has filed new motions continuously since the last final judgment. There is an apparent belief on the part of Porsboll's counsel[7] that if they can convince a family court judge to modify a child support order with retroactive effect reaching back ten years, then they can convince that court to do anything, regardless of Nevada law on the subject. This abuse of the judicial process causes an utter waste of judicial resources both in the lower court, and in this Court which will certainly be forced to entertain ongoing appeals. These types of requests also attack the civility of the judicial system as a whole. All this in a case which this Court disposed of in 2002 as begun without jurisdiction in the first place.

The motions to be heard on a shortened time frame before the lower court threaten the foundational principles of due process of individuals and comity between states. This is illustrated by requesting a party to show cause why a separate non-party should not be sanctioned, completely depriving the non-party of due process. Likewise, instituting a payment plan on a party who does not have the ability to pay, on pain of

7. The lead attorney on this case, responsible for the recent filings in the family court, is out of jail on bail, after being arrested for soliciting sex over the Internet with a child. See Exhibit G for details.

contempt of incarceration, is the equivalent to instituting debtor's prison in Nevada, a bygone of a wholly uncivilized time. Continuing requests to apply unjust legal principles against party and non-party alike demonstrates a profound lack of respect for the rule of law in Nevada.

Furthermore, allowing a Nevada court to order dismissal of a sister state proceeding which in no way threatens the jurisdiction of courts within the state, would act to obliterate the comity that this State shares with its neighbors, and open the door for foreign jurisdictions to act similarly against the law of Nevada. The fact that California institutes and enforces protections against its employees is not unusual; Nevada has instituted extensive protections on behalf of employees in the state. See, for example, NRS Chapter 613: Employment Practices. The fact that a business operating in Nevada has branches in other states, does not mean that Nevada law no longer applies to Nevada employees. The laws of sister states certainly may not deprive Nevada employees the protection of the laws where they are employed.

The same principle applies to California law. A writ of garnishment issued by Porsboll's attorneys in Nevada may not deprive a California employee (Mr. Vaile) of the protection of the law on earnings withholdings in the state he is employed. The fact that Mr. Vaile's employer has a branch office in Nevada does not alter this result. In the same way that a foreign state would not be allowed to subvert Nevada laws protecting the employees working and living in Nevada, a Nevada court should not undermine the due processes established in another state.

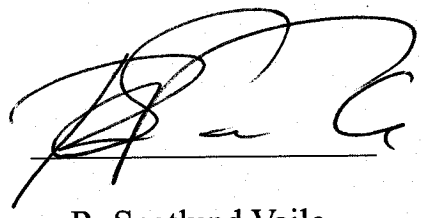
The lack of consideration for the comity between states and respect for the rule of law, focusing instead on the convenience and pecuniary gain of the attorneys in this case is a continuing theme in this action and has extended this litigation for more than a decade. Only this Court's immediate action can pause this abuse of the judicial system.

IV. CONCLUSION

The motions pending before the lower court are clearly deserving of this Court's mandamus power. If allowed to go forward, the relief requested in those cases will offend both the judicial institutions of this state and those of sister states. As such, Mr. Vaile respectfully requests that this Court stay the proceedings in the family court until this Court has an opportunity to decide the jurisdictional matters raised in Respondent's Answering Brief on appeal. This will serve to maintain the status quo, and to prevent further erosion of the judicial processes.

Mr. Vaile requests any alternative relief which this Court deems necessary to impose.

Respectfully submitted this 17th day of October, 2009.



R. Scotlund Vaile
PO Box 727
Kenwood, CA 95452
(707) 833-2350
Respondent in Proper Person

CERTIFICATE OF SERVICE

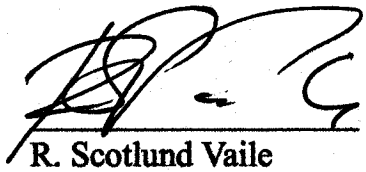
I certify that I am the Respondent in this action, and that on the 19th day of OCTOBER, 2009, I served a copy of the foregoing *Emergency Motion to Stay Lower Court Proceedings Pending Appeal*, by placing the document in

✓ 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 Appellant



R. Scotlund Vaile
PO Box 727
Kenwood, CA 95452
(707) 833-2350
Respondent in Proper Person

Exhibit A

Robert S. Vaile
PO Box 727
Kenwood, CA 95452
Plaintiff in Proper Person

SUPERIOR COURT OF THE STATE OF CALIFORNIA

IN AND FOR THE COUNTY OF SAN FRANCISCO

Robert S. Vaile, Plaintiff, vs. Deloitte & Touche, LLP, Defendant	Case No.: No. CGC-89-490578 **ORDER TO SHOW CAUSE AND TEMPORARY RESTRAINING ORDER**

The amended *Ex Parte* application of Plaintiff, Robert S. Vaile, for 1) an order to show cause as to why a preliminary injunction should not issue and 2) for a temporary restraining order, came before this Court on July 22, 2009. Upon consideration of the *Ex Parte* application, and for good cause shown, IT IS HEREBY ORDERED AS FOLLOWS:

ORDER TO SHOW CAUSE

Defendant, **Deloitte & Touche, LLP, IS ORDERED** to appear in this court at the date, time and place shown below to give any legal reason why a preliminary injunction should not issue to enjoin Defendant from garnishing the salary of Plaintiff contrary to the laws of the State of California. Any opposition shall be filed and mail served by 8/10/09. Any reply shall be filed and mail served by 8/19/09. Plaintiff shall file and serve this OSC by 7/24/09. Mail service on Defendant and real party in Interest Cisile A. Porsbull and her counsel Marshal Willick is ordered.

NOTICE OF HEARING

The hearing on this matter will be heard as follows:

Date: 8/27/09 Time: 9:30 a.m. Dept: 302 ~~Room:~~

TEMPORARY RESTRAINING ORDER

After considering the papers and arguments of the applicant, THE COURT FINDS:

1. Plaintiff has established that there is an immediate danger that waste, and/or serious irreparable harm will result to Plaintiff unless an immediate injunction issues;
2. Plaintiff has provided adequate notice to Defendant of the date, place and time that the application would be heard by this Court;
3. Plaintiff has established the substantial likelihood of succeeding on the merits of his claims; and
4. The balance of harm tips sharply in favor of Plaintiff.

THE COURT ORDERS UNTIL THE TIME OF THE HEARING:

1. Defendant is restrained from garnishing, transferring to anyone other than Plaintiff, or otherwise disposing of the salary or other personal property of Plaintiff in any amount.
2. Defendant shall not take any action in retaliation against Plaintiff for bringing this action.
3. Plaintiff shall serve a copy of this application and complaint on real party in interest Cisilie A. Porsboll and her counsel Marshal S. Willick. *

Dated this 22nd day of July, 2009

Dated: July 22, 2009

Charlotte W. Woolard

Honorable Charlotte W. Woolard
Superior Court Judge

4. Service of the application and complaint on the real party in interest and her counsel shall be effectuated by express mail.
5. Plaintiff shall add real party in interest as a defendant in this case and serve the amended complaint by 8/21/09.
6. All parties and interested non parties to provide courtesy copies with Dept. 302.

Exhibit B

0024
WILLICK LAW GROUP
MARSHAL S. WILLICK, ESQ.
Nevada Bar No. 002515
RICHARD L. CRANE, ESQ.
Nevada Bar No. 009536
3591 E. Bonanza Road, Suite 200
Las Vegas, NV 89110-2101
Phone (702) 438-4100; Fax (702) 438-5311
email@willicklawgroup.com
Attorneys for Defendant

DISTRICT COURT

CLARK COUNTY, NEVADA

ROBERT SCOTLUND VAILE

Plaintiff,

vs.

CISILIE PORSBOLL f/k/a CISILIE VAILE

Defendant.

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

DATE OF HEARING: **10/27/2009**
TIME OF HEARING: **10:30 AM**

ORAL ARGUMENT REQUESTED: Yes X No ____

NOTICE: YOU ARE REQUIRED TO FILE A WRITTEN RESPONSE TO THIS MOTION WITH THE CLERK OF THE COURT AND TO PROVIDE THE UNDERSIGNED WITH A COPY OF YOUR RESPONSE WITHIN TEN (10) DAYS OF YOUR RECEIPT OF THIS MOTION. FAILURE TO FILE A WRITTEN RESPONSE WITH THE CLERK OF THE COURT WITHIN TEN (10) DAYS OF YOUR RECEIPT OF THIS MOTION MAY RESULT IN THE REQUESTED RELIEF BEING GRANTED BY THE COURT WITHOUT HEARING PRIOR TO THE SCHEDULED HEARING DATE.

EX PARTE MOTION FOR ORDER TO SHOW CAUSE WHY EMPLOYER SHOULD NOT BE SUBJECT TO PENALTIES PURSUANT TO NRS 31.297 FOR NONCOMPLIANCE WITH WRIT OF GARNISHMENT AND FOR ATTORNEY'S FEES AND COSTS

I. INTRODUCTION

Defendant, CISILIE PORSBOLL, by and through his attorneys, the WILLICK LAW GROUP, moves this honorable Court for sanctions against Deloitte & Touche LLP, for their failure to comply with the Writ of Garnishment with respect to their employee, Robert Scotlund Vaile ("Scott").[1]

[1] *See* Exhibit A, *Writ of Garnishment.*

MC

This motion is made and based upon the Affidavit of Richard L. Crane, Esq., Points and Authorities contained herein, attached exhibits, and with all other papers and pleadings on file herein.

NOTICE OF MOTION

TO: DELOITTE & TOUCHE, LLP, Plaintiff's Employer; and

TO: ROBERT SCOTLUND VAILE, Plaintiff *In Proper Person.*

YOU AND EACH OF YOU will please take notice that the foregoing Motion will be heard in Clark County Family Courthouse, 601 North Pecos (at Bonanza), Las Vegas, Nevada 89101, on the ___ day of _ **10/27/2009 10:30 AM** 2009, at the hour of ____ o'clock __.M. or as soon thereafter as counsel can be heard in Department __**I**__ of said Court.

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TABLE OF CONTENTS

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POINTS AND AUTHORITIES

II. ARGUMENT

A. Facts

On July 24, 2003, the Court issued its *Order from June 4, 2003, Hearing* awarding attorneys fees in this matter of $116,732.09, reducing them to judgment as of June 4, 2003, and to bear interest at the legal rate, enforceable by all lawful means.

On March 20, 2008, the Court awarded additional attorneys fees of $10,000, which was reduced to judgment and collectable by all legal means.

On October 9, 2008, the Court awarded attorneys fees of $15,000, which was reduced to judgment and collectable by all legal means.

On February 27, 2009, the Court awarded an additional $2,000 in attorneys fees, reduced to judgment and collectable by all legal means.

On April 17, 2009, the Court in its *Findings of Fact, Conclusions of Law, Final Decision and Order Re: Child Support Penalties Under NRS 125B.095* awarded attorney fees of $12,000, which was reduced to judgment and collectable by all legal means.

On April 29, 2009, the Court heard argument concerning setting a periodic payment schedule for the multiple attorney's fees judgments it has rendered against Scot. The Court denied our request for a payment schedule and directed us to use the legal remedy of garnishment to collect on prior judgments. The Court also authorized a briefing on the posting of a cash bond for future filings by Scot.

On June 15, 2009, we issued a *Writ of Garnishment* via the Constable of Las Vegas and caused the same to be served upon Deloitte & Touche, LLP's resident agent in Nevada.

On July 7, 2009, a Deloitte & Touche representative signed the interrogatories admitting that Scot worked for Deloitte and that a garnishment of $660 bi-weekly was currently being withdrawn from Scot's $4,807.69 bi-weekly pay check.

On July 22, 2009 – even though the California courts had no subject matter jurisdiction – Scot filed a temporary restraining order in the Superior Court of California in the County of San

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Francisco, restraining Deloitte & Touche, LLP from garnishing his wages in satisfaction of the Nevada garnishment action.[2]

On August 10, 2009, we were served with a purported "Complaint for Abuse of Process and Conversion" naming Deloitte & Touche, LLP, Cisilie Porsboll, Marshal Willick, Richard Crane, and The WILLICK LAW GROUP as Defendants.[3] This action was also filed in the California Superior Court County of San Francisco.[4]

On August 27, 2009, a hearing was held in the Superior Court of California for the County of San Francisco, on the extension of the temporary restraining order. We were in attendance telephonically. Deloitte & Touche, LLP – the garnishee – did not file any opposition or objection to the restraining order.

As of September 1, 2009, the attorney fee judgment has risen to $215,667.58.

This *Motion* follows.

B. Deloitte & Touche Are Subject to the Jurisdiction of This Court

Deloitte & Touche are a Delaware corporation with their corporate offices located in New York, New York. Their personnel and pay department appears to reside in Hermitage, Tennessee. They also conduct business in all 50 states.

Deloitte & Touche have an office in Nevada and a registered agent on which service of process is proper. The office is located at 502 East John Street, Carson City, Nevada 89706.

Deloitte & Touche have conducted business in Nevada since 1968 and continue to have substantial and significant connections to the state.[5]

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[2] *See* Exhibit B, California Temporary Restraining Order.

[3] *See* Exhibit C, California Complaint.

[4] We have since made a special appearance and filed a Notice of lack of personal and subject matter jurisdiction with that Court. We doubt that will dissuade Scot from continuing with his pattern of vexatious litigation.

[5] *See* Exhibit D, press release of Deloitte & Touche's business in Nevada.

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For a Court to exercise jurisdiction, the jurisdiction must be deemed reasonable under the facts of the case at bar.[6]

Here, Deloitte & Touche have significant contacts with Nevada. They have a resident agent and have over 130 employees. The judgments against Scott were all rendered in Nevada. Scott had subjected himself to the protection of the Court and participated in every action where the judgments were made.

Minimum contacts is the test for jurisdiction over parties in a particular state. Nevada has dealt directly with this on many occasions.[7] Deloitte & Touche as well as Scott have had substantial contact with Nevada and are both subject to the Court's jurisdiction.

Since the Court has personal jurisdiction over both Scott and Deloitte & Touche, and since the subject matter is a garnishment action based upon Nevada judgments – this Court also has subject matter jurisdiction – an Order to Show Cause can and should be issued.

Deloitte & Touche's failure to act on the valid *Writ of Garnishment* is in violation of NRS 31.297, which states:

> 1. If without legal justification an employer of the defendant refuses to withhold earnings of the defendant demanded in a writ of garnishment or knowingly misrepresents the earnings of the defendant, the court may order the employer to appear and show cause why he should not be subject to the penalties prescribed in subsection 2.
>
> 2. If after a hearing upon the order to show cause, the court determines that an employer, without legal justification, refused to withhold the earnings of a defendant demanded in a writ of garnishment or knowingly misrepresented the earnings of the defendant, ***the court shall order the employer to pay the plaintiff***, if the plaintiff has received a judgment against the defendant, ***the amount of arrearage caused by the***

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[6] *Arbella Mut. Ins. Co.v. Eighth Judicial Dist. Court*, 122 Nev. 509, 134 P.3d 710 (2006), Arbella purposefully availed itself of the Nevada forum by way of its policy's territory clause. Moreover, the fact that the accident occurred in Nevada, where the Mendeses resided and continue to reside, coupled with Arbella's territory clause, make personal jurisdiction in a Nevada forum reasonable.

[7] There are two types of personal jurisdiction: general and specific. *Trump v. District Court*, 109 Nev. 687, 699, 857 P.2d 740, 748 (1993). "General jurisdiction occurs where a defendant is held to answer in a forum for causes of action unrelated to the defendant's forum activities." "General jurisdiction over the defendant is appropriate where the defendant's forum activities are so "substantial" or "continuous and systematic" that it may be deemed present in the forum." (quoting *Budget Rent-A-Car v. District Court*, 108 Nev. 483, 485, 835 P.2d 17, 19 (1992)). "Specific personal jurisdiction over a defendant may be established only where the cause of action arises from the defendant's contacts with the forum." *Trump*, 109 Nev. at 699, 857 P.2d at 748. To subject a defendant to specific jurisdiction, this court must determine if the defendant "purposefully established minimum contacts" so that jurisdiction would "comport with fair play and substantial justice." *Burger King Corp. v. Rudzewicz*, 471 U.S. 462, 476-77, 85 L. Ed. 2d 528, 105 S. Ct. 2174 (1985) (quoting *International Shoe Co. v. Washington*, 326 U.S. 310, 320, 90 L. Ed. 95, 66 S. Ct. 154 (1945)); *see also Trump*, 109 Nev. at 699-700, 857 P.2d at 748-49.

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employer's refusal to withhold or his misrepresentation of the defendant's earnings. In addition, the court may order the employer to pay the plaintiff punitive damages in an amount not to exceed $1,000.00 for each pay period in which the employer has, without legal justification, refused to withhold the defendant's earnings or has misrepresented the earnings.
[Emphasis added.]

C. California Temporary Restraining Order is Irrelevant

Deloitte & Touche may try to claim that they were enjoined from honoring the valid Nevada garnishment due to a fraudulent Temporary Restraining Order obtained by Scott in California. This restraining order was issued based on Scott's misrepresentation that Nevada did not have jurisdiction to issue the judgments or any other orders. He also made a specious argument that the harm of the garnishment reached across state lines giving jurisdiction over the matter to California.

It is basic horn book law that an order in Nevada granting the right to garnish served upon a garnishee within Nevada, concerning a person who has subjected himself to the jurisdiction of the courts of Nevada, is a valid garnishment. California has no subject matter jurisdiction in this case.

When we were informed by attorneys for Deloitte that they would not be honoring the garnishment, we advised them of the lack of subject matter jurisdiction in California and expected them to take the appropriate action at the hearing for the extension of the restraining order to get it dismissed.[8]

However, on the date of the hearing – though present with attorneys – we found that Deloitte did not file an opposition/objection nor did they make any argument contrary to the restraining order.[9]

---

[8] Mr. Benjamin Siegel, Assistant General Counsel | Office of General Counsel, Deloitte LLP, was contacted by this office. He informed us that their attorneys would be present at the restraining order extension hearing. We advised him of all of the facts needed to proffer a SMJ argument and offered to assist their attorneys if need be. Our offer was refused.

[9] The Deloitte attorneys did nothing at this hearing but listen. We were allowed to attend the hearing telephonically. When we discovered that Deloitte did not intend to oppose the restraining order, we interceded as real parties of interest and were granted permission to file an Objection. The next hearing is set for September 22, 2009, where the California court will rule on whether the restraining order should be extended or dissolved.

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Not only should Deloitte & Touche be held responsible under the garnishment laws of this state for failure to garnish Mr. Vaile's pay, they should be held accountable for not opposing or objecting to the restraining order in California.

Deloitte was aware of the legal argument of lack of subject matter jurisdiction in California, but took no action to limit the damages caused by their failure to proffer this argument to the California court. They had their opportunity to argue that the California court lacked jurisdiction in this case and decided to ignore the problem. Their refusal to object has caused substantial harm to Cisilie and this firm. They should be held accountable for their inaction.

III. CONCLUSION

Therefore, based on the foregoing, Cisilie Porsboll respectfully requests that this Court issue its Order to Show Cause requiring Deloitte & Touche LLP, to appear and explain why they have refused to withhold the earnings of Scott demanded in the Writ of Garnishment served upon them on June 15, 2009.[10]

Further, Cisilie requests that Deloitte & Touche LLP, be required to pay the amount of arrearage caused by their refusal to withhold as provided by law. Additionally, per statute, order Deloitte & Touche to pay $1,000 for each pay period that they refused/continue to refuse to withhold Scott's earnings along with a reasonable sum as and for attorney's fees.[11]

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Nevada Bar No. 002515
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(702) 438-4100 Fax (702) 438-5311
Attorneys for Defendant

[10] The Writ of Garnishment was and is a valid garnishment. Deloitte's failure to even file an objection to get the Restraining Order dissolved, has exacerbated the harm done to Cisilie and to this firm. Exhibit E, Order to show Cause.

[11] An updated billing statement will be provided at the time of the hearing on this matter.

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AFFIDAVIT OF RICHARD L. CRANE, ESQ.

STATE OF NEVADA)
)
COUNTY OF CLARK)

RICHARD L. CRANE, ESQ., being first duly sworn deposes and says:

1. I am an attorney duly licensed to practice law in the State of Nevada.

2. I am the Defendant's attorney in the above-captioned matter.

3. I have read the forgoing motion and the same is true of my own personal knowledge except for those facts based on information and belief, and as to those facts I believe them to be true.

4. Plaintiff received a judgment against Robert Scotlund Vaile on June 4, 2003.

5. On or about June 15, 2009, I signed and had filed a Writ of Garnishment with the Las Vegas Constable's office directing that the Deloitte & Touche LLP begin garnishing Scott's wages in an attempt to satisfy the judgment.

6. On June 16, 2009, the Las Vegas Constable's Office, served Deloitte & Touche LLP at 502 East John Street, Carson City, Nevada 89706, the Writ of Garnishment and the Writ of Execution.

7. Deloitte & Touche LLP, did respond to the interrogatories on July 7, 2009, and began the garnishment action.

8. Deloitte & Touche LLP, failed to complete the garnishment action due to the filing of a foreign and fraudulent restraining order in California.

9. California has no jurisdiction over the subject matter in this case.

10. Deloitte & Touche LLP, failed to file an opposition or an objection to the restraining order.

*****

*****

*****

*****

*****

*****

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11. Deloitte & Touche LLP, have failed to garnish Scott's wages for the required amount as required by law since June, 2009.

Further your affiant sayeth naught.

DATED this 17th day of September, 2009.

RICHARD L. CRANE, ESQ.

SUBSCRIBED & SWORN to before me
this 17th day of September, 2009.

NOTARY PUBLIC in and for said County
and State.

NOTARY PUBLIC
STATE OF NEVADA
County of Clark
LEONARD H. FOWLER III
Appt. No. 01-68851-1
My Appt. Expires Jan. 16, 2013

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Exhibit C

MOT
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DISTRICT COURT
FAMILY DIVISION
CLARK COUNTY, NEVADA

ROBERT SCOTLUND VAILE,

Plaintiff,

vs.

CISILIE A. PORSBOLL,

Defendant.

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

DATE OF HEARING: 11/02/2009
TIME OF HEARING: 10:30 AM

ORAL ARGUMENT REQUESTED: Yes X No ____

NOTICE: YOU ARE REQUIRED TO FILE A WRITTEN RESPONSE TO THIS MOTION WITH THE CLERK OF THE COURT AND TO PROVIDE THE UNDERSIGNED WITH A COPY OF YOUR RESPONSE WITHIN TEN (10) DAYS OF YOUR RECEIPT OF THIS MOTION. FAILURE TO FILE A WRITTEN RESPONSE WITH THE CLERK OF THE COURT WITHIN TEN (10) DAYS OF YOUR RECEIPT OF THIS MOTION MAY RESULT IN THE REQUESTED RELIEF BEING GRANTED BY THE COURT WITHOUT HEARING PRIOR TO THE SCHEDULED HEARING DATE.

MOTION
TO ORDER DISMISSAL OF CALIFORNIA ACTION ON PAIN OF CONTEMPT, TO ISSUE A PAYMENT SCHEDULE FOR ALL JUDGMENTS AWARDED TO DATE, AND FOR ATTORNEY'S FEES AND COSTS

INTRODUCTION

On April 29, 2009, this Court heard argument on the issue of setting a monthly payment schedule for Scot to begin paying down the $173,113.88 in attorney's fees. The Court denied our request at that time, instructing us to instead use the legal remedy of garnishment to effect collection.

MC

We followed the Court's direction and have, yet again, run headlong into the vexatious litigation tactics of Scotlund Vaile. Even though it was he who argued that we should use the power of execution/garnishment to obtain payment for the judgments he owes, he filed a temporary restraining order in California which has stopped our legal garnishment here in Nevada.

We now ask this Court to take action to stop the vexatious litigation in California and to force Scot to begin paying on the over $1,000,000 in judgments currently outstanding. We also ask for this Court to ensure ***actual payment*** of attorney's fees for not only this hearing, but for the last hearing, the attempted garnishment action, and ***all of the costs*** for the defense of the frivolous action filed in California in an effort to thwart this Court's orders. Additionally, we ask that this Court not allow Scot to file another document in this Court without depositing with the Court a minimum cash amount of 10% of the total amount of attorney's fees he owes at the time of his proposed filing.[1]

NOTICE OF MOTION

TO: ROBERT SCOTLUND VAILE, Plaintiff in Proper Person.

PLEASE TAKE NOTICE that the Defendant's *Motion to Issue a Payment Schedule for all Judgments Awarded to Date and Attorney's Fees and Costs*, will be heard at the Family Law Courthouse, 601 North Pecos, Las Vegas, Nevada 89110, on the _____ day of __ **11/02/2009 10:30 AM** 2009, at the hour of _____ o'clock ____.m., or as soon thereafter as counsel may be heard in Department I of said Court.

[1] At this time, Scot would be required to put on deposit with the Court a minimum of $21,566.

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TABLE OF CONTENTS

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POINTS AND AUTHORITIES

I. FACTS

The facts are limited to those relevant to this *Motion*.

On July 24, 2003, the Court issued its *Order from June 4, 2003, Hearing* awarding attorneys fees in this matter of $116,732.09, reducing them to judgment as of June 4, 2003, and to bear interest at the legal rate, enforceable by all lawful means.

On March 20, 2008, the Court awarded additional attorneys fees of $10,000, which was reduced to judgment and collectable by all legal means.

On October 9, 2008, the Court awarded attorneys fees of $15,000, which was reduced to judgment and collectable by all legal means.

On February 27, 2009, the Court awarded an additional $2,000 in attorneys fees, reduced to judgment and collectable by all legal means.

On April 17, 2009, the Court in its *Findings of Fact, Conclusions of Law, Final Decision and Order Re: Child Support Penalties Under NRS 125B.095* awarded attorney fees of $12,000, which was reduced to judgment and collectable by all legal means.

On April 29, 2009, the Court heard argument concerning setting a periodic payment schedule for the multiple attorney's fees judgments it has rendered against Scot. The Court denied our request for a payment schedule and directed us to use the legal remedy of garnishment to collect on prior judgments. The Court also authorized a briefing on the posting of a cash bond for future filings by Scot.

On June 15, 2009, we issued a *Writ of Garnishment* via the Constable of Las Vegas and caused the same to be served upon Deloitte & Touche, LLP's resident agent in Nevada.[2]

On July 7, 2009, a Deloitte & Touche representative signed the interrogatories admitting that Scot worked for Deloitte and that a garnishment of $660 bi-weekly was currently being withdrawn from Scot's $4,807.69 bi-weekly pay check.

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[2] *See* Exhibit A, *Writ of Garnishment.*

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On July 22, 2009 – even though the California courts had no subject matter jurisdiction – Scot filed a temporary restraining order in the Superior Court of California in the County of San Francisco, restraining Deloitte & Touche, LLP from garnishing his wages in satisfaction of the Nevada garnishment action.[3]

On August 10, 2009, we were served with a purported "Complaint for Abuse of Process and Conversion" naming Deloitte & Touche, LLP, Cisilie Porsboll, Marshal Willick, Richard Crane, and The WILLICK LAW GROUP as Defendants.[4] This action was also filed in the California Superior Court County of San Francisco.[5]

We have since made a special appearance – notifying the California court that it lacks both personal and subject matter jurisdiction over the matter. The first hearing on this matter was held on August 27, 2009, at 9:30 a.m.[6]

This *Motion* follows.

II. ARGUMENT

As is obvious to ***everyone***, Scot will never voluntarily pay a penny toward any judgments made by this Court or any other court in this State. The ***only*** money he has paid to date is a small part of the long overdue child support, garnished by the D.A. from his wages each month for child support and a tiny sum toward child support arrears.[7] Scot, held in contempt by this Court, was ordered to pay an additional $2,000 per month for eight months or spend time in jail; that was paid.[8]

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[3] *See* Exhibit B, California Temporary Restraining Order.

[4] *See* Exhibit C, California Complaint.

[5] We have since made a special appearance and filed a Notice of lack of personal and subject matter jurisdiction with that Court. We doubt that will dissuade Scot from continuing with his pattern of vexatious litigation.

[6] See Exhibit D, copy of the minutes of August 27, 2009, hearing in Dept. 302, of the Superior Court of California County of San Francisco. At the time of this writing there is a hearing scheduled in the California Superior Court on September 22, 2009, on our objection to the Temporary Restraining Order, as the Real Party in Interest.

[7] On information and belief this amount is $1,300 per month in child support, plus $130 per month towards arrears.

[8] These funds were collected and applied to the child support arrears.

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As to the collection of attorney's fees, this Court's proposed remedy of garnishment has only resulted in causing this firm to incur the absurd costs of still ***further*** litigation in a foreign Court.[9] We therefore ask this Court to order Scot to dismiss any action in a foreign Court related to this matter under penalty of contempt, to enforce its own orders, issuing a payment schedule under threat of contempt in the ***minimum*** sum of the amount we would have legally received under the garnishment – $1,174.16 per month until all of the current judgments are satisfied, to assess all costs we have incurred in defending the frivolous suit in California and award attorney's fees for the last hearing, the costs of filing the garnishment action, and for filing this *Motion* and attending the resulting hearing.[10]

A. SCOT SHOULD BE ORDERED TO DISMISS HIS ACTION IN CALIFORNIA

This Court has the authority to enjoin Scot's action in California and require that he dismiss his suit in a foreign jurisdiction.[11] It is well settled law that a court of equity having jurisdiction of the person may enjoin such person from prosecuting a suit in a foreign jurisdiction.[12] Here, Scot has instituted ligation in California to block the collection of the Nevada judgment in Nevada.

In *Brunzell*, Harrah's moved the Nevada court for an injunction restraining Brunzell from proceeding against it in California. Though the Supreme Court found that the resulting injunction was improper in that particular case, the Court verified that such injunctions could issue in appropriate cases, and the four-part analysis of what is required to obtain such an injunction in Nevada is compelling in this case.

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[9] The California Court allowed us to orally object, but required that we file our objections formally, costing this office $370.00 in a filing fee, and over $200.00 in a service fee.

[10] This amount would be revisited based upon his satisfaction of all current child support and child support arrearages and any change in income. As he pays off other judgments and arrearages, the money should be redirected to pay the remaining judgements which include attorney's fees and tort damages.

[11] *See Brunzell Construction Co., Inc. v. Harrah's Club*, 81 Nev. 414; 404 p.2d 902 (1965).

[12] *See State ex rel. New York, C & ST. L. R. Co. v. Nortoni*, 331 Mo. 764, 55 S.W.2d 272 (1932).

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1. Attitude and Discretion of Court

> The question as to when a court of equity will exercise jurisdiction to restrain parties from prosecuting judicial proceedings in other states is one of great delicacy, since it may frequently lead to a conflict of jurisdiction. On general principles and on grounds of comity, the power is sparingly and reluctantly exercised, and the relief is not granted except for grave reasons and under very special circumstances. * * * The power [to enjoin the action in the foreign state] should be exercised only when necessary and equitable in the orderly administration of justice, and the complainant must, as on other applications for injunction, have sufficient equitable grounds for the relief. He must make a clear showing that it would be inequitable, unfair, and unjust to permit {81 Nev. 424} the prosecution of the suit in the foreign jurisdiction, for ordinarily, a court of equity will not exercise its discretion to restrain the prosecution of a suit in another state unless a clear equity is made out requiring the interposition of the court to prevent a manifest wrong and injustice.
> "The power of restraining the prosecution of a suit already begun in another jurisdiction is one which should be exercised with care and with just regard to the comity which ought to prevail among co-ordinate sovereignties, and in many instances the courts have declined to exercise such power because the complainant failed to make out a clear case requiring interposition of the court to prevent manifest wrong or injustice, that is, failed to show sufficient equitable grounds for stopping the progress of that suit."[13]

In other words, we are required to show how an injunction against proceeding in a foreign jurisdiction will serve to prevent a manifest wrong or injustice. This is easiest done by looking at the arguments in *Brunzell* and comparing them to the facts of this case. We think it would be hard to conceive of a clearer case of a "manifest wrong or injustice" than a vexatious suit there specifically filed for the purpose of interfering with this Court's existing orders.

2. Filing of Alternate Security in Lieu of Bond Under NRCP 65(c) is Appropriate

In *Brunzell*, the Supreme Court found that Harrah's did not file a bond when it requested the injunction. The Court determined that the requirement for a bond is mandatory under NRCP 65(c). We understand that a bond is necessary to obtain the requested injunction, but note that it is in the sound discretion of the Court to determine the amount of the bond considering what it "deems proper."

In this case, Scot has judgments in the amount of over $1,000,000, and owes attorney's fees in the amount of over $200,000. The Court can easily determine that these judgments more than

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[13] *See Brunzell v. Harrah's Club*, 81 Nev. 424, citing 28 Am.Jur., Injunctions § 218, pages 724, 725.

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adequately provide security for the underlying injunction, and of course the Court has the inherent authority to substitute security whenever doing so effects substantial justice.[14]

3. Filing In California Was to Vex and Harass

In *Brunzell*, Harrah's contended that the action was brought in California only to inconvenience, vex, harass, and oppress Harrah's while trying to gain an inequitable advantage. However, the Court found that California was the only State in which Brunzell could find and serve all the California defendants.

In this case, the ***entirety*** of the case has been in the State of Nevada and all parties are subject to the jurisdiction of the Nevada Courts. Scot, Deloitte, Cisilie, Marshal Willick, Richard Crane, and the Willick Law Group, are all subject to the jurisdiction of this Court. Additionally, the entirety of the action arose in Nevada with ***no*** acts occurring elsewhere that could create subject matter jurisdiction in California.

Additionally, in *Brunzell*, the California case was the ***original*** action. Our Court reviewed the in-depth inquiry into the question of jurisdiction performed by the California court, and noted with approval the findings that the various parties were there at all relevant times, and that the contract at issue was explicitly governed by California law.

In this case, of course, Nevada has had this case in near-continuous litigation for nearly a decade before Scot's frivolous California filing, and this Court has already directed the garnishment that Scot is trying to prevent from occurring. This Court has a duty to protect the validity of its own orders.

California has no jurisdiction over any of the parties residing in Nevada or in Norway.[15] None of the underlying actions took place in California and the only resident of California is Scot (he moved there many years ***after*** this litigation commenced here), and he has already subjected himself to the jurisdiction of the Nevada courts, as this Court has directly found.

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[14] *See, e.g.*, NRCP 62; *McCulloch v. Jeakins*, 99 Nev. 122, 659 P.2d 302 (1983); *Ries v. Olympian, Inc.*, 103 Nev. 709, 747 P.2d 910 (1987).

[15] Cisilie Porsboll resides in Norway and is a client of the Willick Law Group.

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4. None of the Relevant Participants Is Doing Business In California

In *Brunzell*, Harrah's contended that the litigation was over the question of whether Harrah's Club had done or is doing business in California. Our Supreme Court approved the California court's conclusion that Harrah's was indeed conducting business in California.

In ***this*** case, there is zero nexus between our Nevada garnishment of a Nevada judgment, and the State of California. It is true that Deloitte is a national firm, with branches in California (as in all other States), but that fact is completely irrelevant to the garnishment action in Nevada. Deloitte does business in Nevada and has since the 1960s. They have a registered agent here, and that agent was properly served in this State. California has no jurisdiction over or connection with this issue.

The Supreme Court went on in *Brunzell* to find other reasons why Harrah's request for an injunction should be denied. However, none of these are relevant to the facts of this case,[16] and *Brunzell* is most useful here as published authority giving this Court a mechanism with which to remedy Scot's outrageous collateral attack on its existing judgment and direction.

It would only "serve injustice and create a manifest wrong" for this Court to allow Scot to continue ***any*** collateral attack on its existing orders anywhere. An order should be immediately issued enjoining Scot from proceeding with the California action under penalty of contempt and indefinite, coercive incarceration until he fully complies.

B. A PAYMENT PLAN SHOULD BE PUT IN PLACE FOR ALL JUDGMENTS AWARDED

1. Scot Has the Ability to Pay

Based upon the responses to the interrogatories that were provided by Deloitte & Touche, LLP, Scot has a monthly income of $10,416.66 and only $1,430 per month is being deducted for his mandatory child support.

Since garnishment actions on judgments are to not take more than 25% of a person's gross monthly wages, we were required to compute the amount of monthly payments that Scot could be

[16] They include: Considering California unfriendly to gaming; the wrongful assertion that California would apply its laws contrary to those of Nevada; that the filing in California was vexatious even though the California courts had found it was meritorious; and the cost of transportation of witnesses.

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garnished.[17] Using the numbers provided by his employer, 25% of his monthly gross pay is $2,604.16. Since $1,430 per month is already being removed from his pay, $1,174.16 remains as the amount that garnishment could rightfully take from the remaining gross pay. This is the amount that ***would*** have been garnished had Scot not created a fraudulent and legally deficient roadblock to the garnishment action in a foreign jurisdiction.

As such, this is the amount we seek to be established as a recurring payment from Scot directly to us – under penalty of contempt and indefinite coercive incarceration if he fails to comply.

Any ***other*** bills/debts that Scot claims to have to pay are irrelevant to the issue of the legal requirement to pay no more than 25% of his gross income to satisfy his judgments. Scot can afford to make the payments and this Court should enforce it's orders.[18]

2. Scot Intends to Never Pay

As this Court is fully aware, Scot ***never*** intends to pay any of the judgments that have been made against him. At every turn he will run to even a foreign Court to interfere with, slow, or stop collection on the orders from this or any other Nevada court. His efforts need to be seen for what they are – ***contempt*** for the final, unappealable orders of the State and federal courts of this State.

Scot's actions speak for themselves. In the ***DECADE*** that has passed since he kidnaped the children, he has never voluntarily paid a penny toward any judgment, including the child support that any decent father would provide. If it were not for the D.A., no money would be collected for his children and he would just go on with life, making over $124,000 a year, paying nothing. Additionally, Scot has run to every Court that will let him in, in an attempt to avoid ever paying

[17] *See* NRS 21.090(1)(g).

[18] *See* NRS 125.040. *See also Grenz v. Grenz,* 78 Nev. 394, 274 P.2d 891 (1962) (a trial court has the inherent power to construe its judgments and decrees); *Murphy v. Murphy*, 64 Nev. 440, 183 P.2d 632 (1947); *Lindsay v. Lindsay,* 52 Nev. 26, 280 P. 95 (1929); *Reed v. Reed*, 88 Nev. 329, 497 P.2d 896 (1972) (court has inherent power to enforce its orders and judgments); *In re Chartz*, 29 Nev. 110, 85 P. 352 (1907) ("The power of courts to punish for contempt and to maintain decency and dignity in their proceedings is inherent, and is as old as courts are old").

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another dime, and grossly inflicting costs and burdens upon this firm,[19] his ex-wife, and his own children.[20]

This Court was successful in collecting $16,000 in child support arrearages ***only*** by threatening Scot with 20 days of jail time for every child support payment he had missed.[21] This appears to be the only way in which to get Scot to open his wallet. So that is what should be ordered, until they are ***all*** paid.

The attorney's fees reduced to judgment on July 24, 2003, have grown from $116,732.09 to $171,915.20 as May 5, 2009.[22] The addition of the award of fees plus interest of the $39,000 awarded in subsequent hearings, brings his total due as of September 1, 2009, to $215,667.58.[23] This Court's failure to actually force ***payment*** of sums ordered makes those judgments worthless, and further injures the victims of the wrongful behavior.

The Supreme Court has held "that the liquidation of any judgment for arrearages may be scheduled in any manner the district court deems proper...."[24] Quoting *Reed*, the Court stated in *Kennedy* that a judgment should be satisfied by "a payment schedule which will allow for liquidation of arrearages on a reasonable basis."[25] In other words, sums awarded must be actually ***paid***. This Court has an obligation to the innocent party to ensure that it is done.

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[19] The value of the fees this deadbeat has caused this law firm to run up are far in excess of half a million dollars.

[20] The Ninth Circuit has told him to not file with them again on this issue and the United States Supreme Court has refused to hear him at least twice. Even this Court has issued a modified *Goad* order to limit the vexatious litigation he has caused in Nevada.

[21] The Court found that Scot had not paid any child support for 6 years 3 months. This equates to 75 missed child support payments or 1,500 days in jail. Maybe four years in jail would wake him up. He will never be a model citizen, but perhaps four years inside would get him to be less of a pain to everyone else.

[22] *See* Exhibit E, MLAW calculation of arrearages.

[23] *See* Exhibit F, MLAW calculation of arrearages.

[24] *Reed v. Reed*, 88 Nev. 329, 497 P.2d 896 (1972).

[25] *Kennedy v. Kennedy*, 98 Nev. 318, 646 P.2d 1226 (1982).

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Here, Scot has made no attempt to satisfy any of his judgments. He has voluntarily made ***no*** payments toward child support, tort judgments, or attorney's fees without a direct threat of incarceration hanging over his head.

There is absolutely zero reason to believe that such an attitude of defiance will ever change. that Scot will continue to ignore judgments until this Court demonstrates that it is serious and ***compels*** his compliance.

Lastly, Scot has impeded this Court's ordered remedy in this matter by stopping a valid Nevada garnishment action with a foreign restraining order. The Court ***MUST*** see this as direct contempt on its face,[26] and hold Scot accountable for the judgments awarded, fully reimbursing the innocent victims of his contemptuous act – this law firm and our client.

The interest continues to accrue and he will not be able to satisfy the judgments in a reasonable time unless the Court compels him to begin payments ***now***.[27]

3. The Court Has An *Obligation* to Force Payment Under the Hague Convention

Pursuant to Article 26 of the Convention, and 42 U.S.C. § 11607,[28] the left-behind parent of internationally kidnaped children is to be reimbursed all fees and costs incurred as a result of the wrongful removal of the children.

As a treaty entered into by the United States, the Hague Convention is on par with the Constitution of the United States, and supersedes any conflicting statute, case, or rule. The Convention provides explicit authority for an award to Petitioner of all her attorney's fees, costs, and

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[26] Scot stood in open Court and stated that garnishment should be our only remedy. When we attempt to garnish, *as he suggested*, he throws up additional roadblocks. He is doing nothing but laughing at this Court believing that the Court will believe any lie he tells and will continue to support him in his goal of never paying a dime.

[27] At the current statutory interest rate – which is sure to change in the future – even with this payment schedule, it will take Scot a minimum of 373 months or over 31 years to satisfy just the attorney's fee award. *See* Exhibit G.

[28] The International Child Abduction Remedies Act ("ICARA").

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necessary expenses incurred in recovery of such children.[29] It thus envisions the person who wrongfully removed a child be required to bear the costs of the child's return, and provides the deciding court (this Court) with the ability to place the burden of the financial harm resulting on the kidnapper.

ICARA – the federal law enacted to enforce the Convention – goes further, making the award ***mandatory*** in the absence of certain express findings. Section 11607(b)(3) of ICARA ***mandates*** any court ordering the return of a child under the Convention award fees and costs to the Petitioner:

> Any court ordering the return of a child pursuant to an action brought under section 4 ***shall*** order the respondent to pay necessary expenses incurred by or on behalf of the petitioner, including court costs, legal fees, foster home or other care during the course of proceedings in the action, and transportation costs related to the return of the child, unless the respondent establishes that such order would be clearly inappropriate.[30] (Emphasis added.)

Thus, the Convention states that a court ***may*** make an award when appropriate, and ICARA ***compels*** the court to make an award to the Petitioner, unless the Respondent can demonstrate the "inappropriateness" of such an award. No such finding was made when this Court awarded those fees in 2003.

The purpose behind the award is twofold: to place the parties in the condition in which they were prior to the wrongful removal (or retention), and to provide deterrence against future similar conduct by the wrongdoing party.[31]

But those purposes are unfulfilled, and this Court's obligation to satisfy the purposes of the Convention are entirely frustrated, unless this Court takes steps to ensure that the fees awarded under the Convention are actually ***paid***. The victims are left uncompensated, and the wrongdoer is effectively rewarded. That is intolerable.

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[29] Article 26 provides, in relevant part:
Upon ordering the return of a child or issuing an order concerning rights of access under this Convention, the judicial or administrative authorities may, where appropriate, direct the person who removed or retained the child, or who prevented the exercise of rights of access, to pay necessary expenses incurred by or on behalf of the applicant, including travel expenses, any costs incurred or payments made for locating the child, the costs of legal representation of the applicant, and those of returning the child.

[30] *See also Feder v. Evans-Feder*, 63 F.3d 217, 226 (3d Cir. 1995).

[31] *See* Text & Legal Analysis, 51 Fed. Reg. 10494, 10511 (1986); *Roszkowski v. Roszkowska*, 644 A.2d 1150, 1160 (N.J. Super. 1993) (provisions of ICARA relating to fees referred to as a "sanction").

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The Courts – all of them – have met the obligation of awarding the fees incurred in the lengthy litigation that has taken place as a result of Scot's kidnaping of his children so many years ago. However, the award of fees is ***meaningless*** unless those awards are enforced.

As noted above, this Court has the inherent authority to enforce its orders. But this is not a matter of discretion. This Court has an ***obligation*** to the United States' Treaty commitment, and to the federal law making this Court the enforcing authority for that Treaty, to satisfy its purpose and directions. And that means doing whatever is necessary to ensure that the fees awarded in 2003 are ***paid***, without failure or excuse of any kind.

Any failure by this Court to actually do so only weakens and injures the respect for the Convention and the courts in the eyes of litigants and discourages attorneys from participating in Hague actions to recover kidnaped children. This would result in massive injustice for kidnaped children and the left behind parents.

This case is a perfect example. Over $100,000 in attorney time was required to recover the two children kidnaped in this case. Those fees did not come from "nowhere" – Cisilie was forced to resort to bake sales to bear any part of the lawyer fees incurred (that money went to Texas counsel), and ***I*** effectively have suffered the costs of the Nevada actions so far.

That is an insane result, when the kidnapper has a six figure income. Scot counts on this Court to do nothing. He is confident that Nevada lacks the fortitude to actually make him pay. The Court has the obligation to prove him wrong, not only to Cisilie, but to every other parent who has suffered the kidnap of a child by a scoundrel. Failure to enforce the order with a payment ***schedule***, enforced by way of an immediate contempt order if a payment is missed, would violate the purpose and intent of the Convention and ICARA. We ask – and demand – that the Court fulfill its obligation to actually enforce both the Treaty and the federal law.

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C. CISILIE SHOULD BE AWARDED ATTORNEY'S FEES AND COSTS

Since Scot continually forces Cisilie to seek the assistance of the Court to satisfy judgments already rendered against him, and should be awarded 100% of the fees and costs incurred for having to do so – the burden must fall on the wrongful party, if any improvement in his behavior is to be expected.

The Nevada Legislature amended NRS 18.010, dealing with awards of attorney's fees. The revised rule states that fees may be awarded:

> 2. In addition to the cases where an allowance is authorized by specific statute, the court may make an allowance of attorney's fees to a ***prevailing party***:
>
> (a) When he has not recovered more than $20,000; or
>
> (b) Without regard to the recovery sought, when the court finds that the claim, counterclaim, cross-claim or third-party complaint or defense of the opposing party was brought or maintained without reasonable ground or to harass the prevailing party. The court shall liberally construe the provisions of this paragraph in favor of awarding attorney's fees in all appropriate situations. ***It is the intent of the Legislature that the court award attorney's fees pursuant to this paragraph and impose sanctions pursuant to Rule 11 of the Nevada Rules of Civil Procedure in all appropriate situations to punish for and deter frivolous or vexatious claims and defenses because such claims and defenses overburden limited judicial resources, hinder the timely resolution of meritorious claims and increase the costs of engaging in business and providing professional services to the public.***

(Emphasis added.)[32]

In short, this *Motion* has been necessitated by Scot's wilful refusal to pay any monies toward any judgment and his continued vexatious litigation now in a foreign jurisdiction in deliberate defiance of this Court's orders. Any defense to this *Motion* that could possibly be proffered by Scot in this matter would certainly be frivolous and is exactly the situation that the Nevada Legislature envisioned when they modified the statute.

Cisilie seeks fees and costs in the full amount required to file and prosecute the previous attempt to have this Court issue a payment schedule, this *Motion*, the garnishment action, to defend against the outrageous foreign action, and for having to appear at oral argument in this matter and in California. The total costs to the date of this writing are over $8,000 and this number will be updated at the time of hearing on this matter.

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[32] *See also Trustees v. Developers Surety*, 120 Nev. 56, 84 P.3d 59 (2004) (discussing the legislative intent of the quoted language).

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Since this Court is aware that Scot will not satisfy any judgments including one rendered here, we ask that Scot not be allowed to leave Court until he has satisfied the attorney's fee award granted at the hearing in full. He should be incarcerated if he does not come to the hearing prepared to pay this full amount, and his failure to appear should be met with a bench warrant and a request for interstate enforcement.

With specific reference to Family Law matters, the Supreme Court has recently re-adopted "well-known basic elements," which in addition to hourly time schedules kept by the attorney, are to be considered in determining the reasonable value of an attorney's services qualities, commonly referred to as the *Brunzell* factors:[33]

1. *The Qualities of the Advocate:* his ability, his training, education, experience, professional standing and skill.

2. *The Character of the Work to Be Done:* its difficulty, its intricacy, its importance, time and skill required, the responsibility imposed and the prominence and character of the parties where they affect the importance of the litigation.

3. *The Work Actually Performed by the Lawyer:* the skill, time and attention given to the work.

4. *The Result:* whether the attorney was successful and what benefits were derived.

Each of these factors should be given consideration, and no one element should predominate or be given undue weight. *Miller v. Wilfong.*[34] Additional guidance is provided by reviewing the "attorney's fees" cases most often cited in Family Law.[35]

The *Brunzell* factors require counsel to rather immodestly make a representation as to the "qualities of the advocate," the character and difficulty of the work performed, and the work ***actually*** performed by the attorney.

---

[33] *Brunzell v. Golden Gate National Bank*,85 Nev. 345, 349, 455 P.2d 31, 33 (1969).

[34] 121 Nev. 119, P.3d 727 (2005).

[35] Discretionary Awards: Awards of fees are neither automatic nor compulsory, but within the sound discretion of the Court, and evidence must support the request. *Fletcher v. Fletcher*, 89 Nev. 540, 516 P.2d 103 (1973); *Levy v. Levy*, 96 Nev. 902, 620 P.2d 860 (1980); *Hybarger v. Hybarger*, 103 Nev. 255, 737 P.2d 889 (1987).

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First, respectfully, we suggest that the supervising counsel is A/V rated, a peer-reviewed and certified (and re-certified) Fellow of the American Academy of Matrimonial Lawyers, and a Certified Specialist in Family Law.[36]

As to the "character and quality of the work performed," we believe this *Motion* is adequate, both factually and legally; we have diligently reviewed the applicable law, explored the relevant facts, and believe that we have properly applied one to the other.

The work actually performed is detailed on the billing summary attached as Exhibit H (redacted as to confidential information), consistent with the requirements under *Love*.[37] This will be updated at the time of hearing on this matter.

D. A COURT ORDERED SCHEDULE IS REQUIRED TO ALLOW A REMEDY OF CONTEMPT IN THE FUTURE

This Court has established the law of the case in this matter when discussing arrearages in child support. The Court found that a person could not be held in contempt for failure to pay child support in the absence of specific orders for a sum certain due by a specific date.

As such, Cisilie seeks a sum certain payment schedule for the outstanding judgments so if Scot fails to make the payments, she has a remedy through the court to seek a charge of contempt.

Scot's past behavior and payment history indicate that absent a clear and unambiguous order, he will just refuse to pay. This was evidenced by his refusal to directly address his child support arrearages until the Court found him in contempt and threatened him with incarceration if he did not purge the contempt charge.

It is long past time that the victims in this case are compensated for the harm Scot inflicted. Payment enforcement is required – ***now***.

---

[36] Per direct enactment of the Board of Governors of the Nevada State Bar, and independently by the National Board of Trial Advocacy. Mr. Willick was privileged (and tasked) by the Bar to write the examination that other would-be Nevada Family Law Specialists must pass to attain that status.

[37] *Love v. Love*, 114 Nev. 572, 959 P.2d 523 (1998).

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E. SCOT SHOULD BE COMPELLED TO POST A BOND

As argued above and at every hearing held in this case, Scotlund Vaile refuses to pay anything ordered by this Court. As a result, his attorney's fees judgments have risen to over $200,000, and he has not even thought about satisfying the nearly $750,000 in tort judgments.

The Nevada legislature has contemplated such a scoundrel and instituted a statute that allows this Court to demand a bond be submitted with the Court. Specifically:

> Nev. Rev. Stat. § 18.130 permits a defendant in an action instituted by an out-of-state plaintiff to make a demand for security for the costs and charges that the defendant might be awarded. The district court may dismiss the action if the security is not posted within 30 days from the date that the demand's notice is served or from the date of an order for new or additional security. § 18.130(1). A dismissal for failure to post security will be overturned only upon the finding of an abuse of discretion.

Here, Scotlund has abused the legal system of Nevada enough. He has thumbed his nose at us, this Court, and the Judge. He refuses to comply with payment of judgments and a posting of a bond to cover the costs associated with any further hearing in this State is appropriate.

As such, we ask that the Court modify the existing ***Goad*** order to include a posting of a bond equal to 10% of the attorney's fee judgment before he is allowed to file a single document in this Court.[38]

III. CONCLUSION

Scot has proven that he will not pay a single penny absent a court order coupled with a threat of contempt and incarceration. He will also continue to file purely vexatious actions in any court in which he can find the doorway. This Court has determined that he is responsible for over $215,667 in attorney's fees and costs of which Scot has paid ***nothing***. This does not include the other judgments which Scot has ignored and refused to pay.[39]

As such, Cisilie prays the Court order:

---

[38] We actually would like to make this 10% of the total amount of all judgments currently against him, but that amount would exceed $100,000. This absurd amount of money stands as a testament to Scott's lack of concern with this Court's orders or the amount of money he actually owes.

[39] This is in excess of $750,000 in tort judgments awarded by the United States District Court for the District of Nevada and affirmed by the United States Court of Appeals for the 9th Circuit.

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1. Scot, under penalty of contempt, to dismiss his California action immediately.

2. A payment schedule of $1,174.16 per month beginning on September 30, 2009, in satisfaction of his massive judgments.

3. Failure to pay the ordered $1,174.16 per month, by the 30th day of each month until ***all*** judgments are satisfied, is prima facie evidence of contempt.

4. 20 days of incarceration for every payment that is not received in our offices by close of business on the 30th of each month or the first business day thereafter if the 30th falls on a holiday or weekend.

5. Award Cisilie actual attorney's fees and costs for the previous request for a payment schedule, this *Motion*, the failed garnishment action, and being dragged to a foreign jurisdiction to defend against proceedings attacking an order this Court made, payable at the next hearing on pain of immediate confinement.

6. For the posting of a bond equal to 10% of the current attorney's fee judgment still outstanding before Scott is allowed to file any papers with this Court.

7. For any other relief the Court deems just and proper.

DATED this 17th day of September, 2009.

Respectfully submitted,
WILLICK LAW GROUP

MARSHAL S. WILLICK, ESQ.
Nevada Bar No. 002515
RICHARD L. CRANE, ESQ.
Nevada Bar No. 009536
3591 E. Bonanza Rd.., Suite 200
Las Vegas, Nevada 89110
(702) 438-4100
Attorneys for Defendant

AFFIDAVIT OF ATTORNEY

STATE OF NEVADA)
)
COUNTY OF CLARK)

Richard L. Crane, Esq., first being duly sworn, deposes and says that:

1 I am an attorney licensed to practice law in the State of Nevada, I am employed by the WILLICK LAW GROUP and am one of the Nevada attorneys for Cisilie Porsboll, the Defendant in this action.

2 That pursuant to NRS 15.010, and because Cisilie is a resident of Norway, I make this affidavit in her absence.

3 I have read the preceding *Motion* and know the contents thereof as true, except as to the matters that are stated therein on my information and belief, and as to those matters, I believe them to be true. The factual averments contained in the *Motion* are incorporated by reference as if set forth in full herein.

4 I declare under penalties of perjury under the laws of the State of Nevada that the foregoing is true and correct.

RICHARD L. CRANE, ESQ.

SIGNED and SWORN to before me
this 18 day of September 2009.

Tisha D Wells
NOTARY PUBLIC in and for
said County and State

NOTARY PUBLIC
STATE OF NEVADA
County of Clark
TISHA A. WELLS
Appt. No. 08-6704-1
My Appt. Expires Oct. 10, 2012

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Exhibit D

APP
WILLICK LAW GROUP
MARSHAL S. WILLICK, ESQ.
Nevada Bar No. 002515
3591 E. Bonanza Rd., Suite 200
Las Vegas, NV 89110
email@willicklawgroup.com
(702) 438-4100
(702) 438-5311
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: I

DATE OF HEARING:
TIME OF HEARING:

EX PARTE APPLICATION FOR ORDER SHORTENING TIME

Defendant, Cisilie A. Porsboll f/k/a Cisilie A. Vaile, by and through her attorneys, WILLICK LAW GROUP, pursuant to EDCR 2.26, hereby files her *Ex Parte Application for an Order Shortening Time*, wherein she requests that this Court expedite the time in which to hear matters pertaining to her *Motion To Order Dismissal Of California Action On Pain Of Contempt, To Issue A Payment Schedule For All Judgments Awarded To Date, And For Attorney's Fees And Costs,* filed September 18, 2009, and currently set for hearing on November 2, 2009, at the hour of 10:30 A.M.

I. ARGUMENT

A. California Action

The hearing on the California lawsuit is currently set for December 18, 2009. However, Scott has sought a *Default Judgment* in that case since we have not made a General Appearance. A General Appearance would subject us to personal jurisdiction of the California courts which would substantially increase the costs of continued litigation and would then frustrate this Court's ability to enforce its own orders within the boundaries of the State of Nevada.

This Court is well aware that Scott is a litigious individual who files in any court that will let him, seeking to frustrate the execution of judgments and to frustrate the ruling of this Court. His California action is nothing more than a furtherance of his desire to keep Cisilie from actually collecting the judgments this Court has ordered.

Failure to hear our *Motion* on an *Order Shortening Time* will certainly result in increased litigation costs that Scott will continue to refuse to pay and may frustrate the ability of this Court to enforce its orders over a judgment debtor.

Additionally, and probably more importantly, failure to hear our *Motion* immediately may render the *Motion* moot, as the California Courts may move ahead absent intervention by this Court and/or an order telling Scott that the only forum appropriate to hear any claims relating to his Nevada Judgment and efforts to enforce that judgment is this Nevada Court.

B. Scott Should Be Ordered to Appear

We fully expect that if this OST is approved, Scott will request to not appear in person to avoid any possible chance of incarceration or an order from the Court to make immediate payment on pain of contempt. The Court is reminded of the last time Scott was allowed to appear

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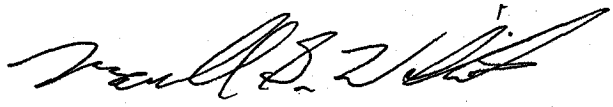
telephonically. Afterwards, after lying about being on speakerphone, he claimed that he could not properly hear the proceedings and that this Court therefore "deprived him of his due process rights."

We would hate to have Scott deprived of his due process rights, and as such ask the Court to demand his presence at any hearing on this matter.

This application is based upon the above argument, the pleadings and papers on file herein, and the Affidavit of Richard L. Crane, Esq., attached hereto.

DATED this 30th day of September, 2009.

Respectfully submitted,
WILLICK LAW GROUP



MARSHAL S. WILLICK, ESQ.
Nevada Bar No. 002515
RICHARD L. CRANE, ESQ.
Nevada Bar No. 0009536
3591 E. Bonanza Rd., Suite 200
Las Vegas, Nevada 89101

AFFIDAVIT OF RICHARD L. CRANE, ESQ.

STATE OF NEVADA)
)
COUNTY OF CLARK)

Richard L. Crane, Esq. being first duly sworn, deposes and says:

1. I am one of the attorneys for Defendant, Cisilie A. Porsboll, in this action and am duly licensed to practice law in the State of Nevada.

2. I have read the *Motion To Order Dismissal Of California Action On Pain Of Contempt, To Issue A Payment Schedule For All Judgments Awarded To Date, And For Attorney's Fees And Costs*, and know the contents thereof and the same are true to my knowledge, except as to those matters therein stated on information and belief, and as to those matters, I believe them to be true. The factual averments contained in the preceding filing are incorporated herein as if set forth in full.

3. Scott has filed a lawsuit in California claiming *Abuse of Process and Conversion* based upon our garnishment action in the State of Nevada.

4. Scott now seeks a *Default* in that lawsuit since we have not made a general appearance in the case in California.

5. It is clear that California does not have personal or subject matter jurisdiction in this matter and that the lawsuit was filed only to harass Cisilie and the WILLICK LAW GROUP and to defy the orders of this Court.

6. A refusal to hear this case immediately could result in the California Courts moving forward on this case, possibly entering a Default Judgment, and interfering in the business of this Court and its judicial authority, and rendering our *Motion* moot.

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7. In the best interest of the parties involved, the WILLICK LAW GROUP and Cisilie Porsboll, respectfully submit that the time for hearing their pending *Motion* should be shortened or set to be heard as soon as possible to avoid the frustration of justice and additional litigation costs that will prove to be unrecoverable from Scott.

DATED this 30th day of September, 2009.

RICHARD L. CRANE, ESQ.

SIGNED and SWORN to before me this 30th day of ~~March~~ Sept., 2009.

NOTARY PUBLIC in and for said County and State

NOTARY PUBLIC
STATE OF NEVADA
County of Clark
LEONARD H. FOWLER III
Appt. No. 01-68651-1
My Appt. Expires Jan. 16, 2013

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

FILED
OCT 5 10 59 AM '09
CLERK OF THE COURT

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: I

DATE OF HEARING: 10-26-09
TIME OF HEARING: 9:30Am

ORDER SHORTENING TIME

Upon application of the WILLICK LAW GROUP, and good cause appearing therefor:

IT IS HEREBY ORDERED that the request for an Order Shortening Time is hereby granted.

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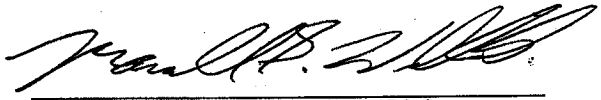
IT IS FURTHER ORDERED that the time for hearing Defendant's *Motion To Order Dismissal Of California Action On Pain Of Contempt, To Issue A Payment Schedule For All Judgments Awarded To Date, And For Attorney's Fees And Costs*, is hereby shortened, and that said *Motion* shall be heard on the 26 day of October, 2009, at the hour of 9:30 Am. o'clock .m. in Department I.

DATED this 1 day of ~~September~~ October, 2009

CHERYL B. MOSS
DISTRICT COURT JUDGE

Respectfully Submitted By:

WILLICK LAW GROUP



MARSHAL S. WILLICK, ESQ.
Nevada Bar No. 002515
RICHARD L. CRANE, ESQ.
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3591 E. Bonanza Rd., Suite 200
Las Vegas, Nevada 89101
(702) 438-4100
Attorneys for Defendant

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Exhibit E

ORIGINAL

FILED IN OPEN COURT
8-15 2008
CHARLES J. SHORT
CLERK OF THE COURT
BY Connie Kalsho DEPUTY
CONNIE KALSHO

ORDR
WILLICK LAW GROUP
MARSHAL S. WILLICK, 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 VAILE PORSBOLL,

Defendant.

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

DATE OF HEARING: 06/11/2008
TIME OF HEARING: 9:00 A.M.

ORDER FOR HEARING HELD JUNE 11, 2008

This matter came before the Court on 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*, Plaintiff's *Renewed Motion For Sanctions*, and Plaintiff's *Ex Parte Motion to Recuse*, and Defendant's *Oppositions*. Defendant, Cisilie A. Porsboll, f.k.a. Cisilie A. Vaile was not present ~~as she resides in Norway~~, but was represented by her attorneys of the WILLICK LAW GROUP, and Plaintiff was not present but was represented by Greta G. Muirhead, Esq., in an *unbundled capacity* for this hearing only, 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:

IT IS HEREBY ORDERED that:

1. An *Order to Show Cause* is issued as to why the Plaintiff failed to attend the Judgment Debtor Examination, Plaintiff's counsel will accept service on behalf of Plaintiff.

2. Plaintiff's *Motion to Recuse* is DENIED.

3. Plaintiff's *Motion for Sanctions* is DEFERRED.

4. Defendant's *Motion* for the posting of a bond is DENIED.

5. A GOAD Order is GRANTED IN PART, Plaintiff is not to file any further Motions filed in proper person due to the ~~inordinate~~ number of filings, unless it is pre-approved through chambers first, and copied to Defendant prior to being filed with the clerk.

6. If Robert Scotlund Vaile does not appear on July 11, 2008, at 8:00 A.M. and provide good cause for failure to appear on June 11, 2008, for his examination of judgment debtor, a warrant for his arrest may be issued.

7. Plaintiff, Robert Scotlund Vaile, shall file an *Affidavit of Financial Condition* with the Court in accordance with current Nevada Law before July 11, 2008.

8. Plaintiff is not allowed to make any further appearances via telephone and must appear in person for all hearings where he is not represented by counsel.

9. Based upon equitable considerations and contract principles, the sum certain for the child support obligation is set at $1,300.00 per month from August 1998, the date of the Decree.

10. Defendant's counsel shall file with the Court an updated billing statement, and the request for reconsideration of prior fees, and further attorney's fees, is deferred to the hearing set for July 11, 2008.

11. Plaintiff, Robert Scotlund Vaile, shall be given the opportunity at the next hearing to offer explanation as to why he has failed to pay child support since April, 2000.

12. Child support arrears, which were reduced to judgment at the March 3, 2008, hearing remain in effect, but are subject to revision under NRCP 60(a), as to the issue of interest and penalties, if it is discovered that there has been a mathematical error in their computation.

13. Plaintiff's request for child support credit from May 2000 until April 2002, is DENIED.

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14. At the next hearing in this matter, the Court requires the input of the District Attorneys Office, either by direct testimony, affidavit, or letter, as to the calculations for penalties on a child support obligation.

15. Plaintiff's request to strike the statement of the law concerning criminal thresholds for failure to pay child support, contained in the March 3, 2008, *Order* is DENIED, as it just recites a statute.

DATED this 15 day of August, 2008.

DISTRICT COURT JUDGE

Respectfully Submitted By:
WILLICK LAW GROUP

MARSHAL S. WILLICK, ESQ.
Nevada Bar No. 002515
RICHARD CRANE, ESQ.
Nevada Bar No. 009536
3591 East Bonanza Road, Suite 200
Las Vegas, Nevada 89110-2101
Attorneys for Defendant

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Approved as to Form and Content By:
GRETA G. MUIRHEAD, ATTORNEY AT LAW

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

Exhibit F

DISTRICT COURT
CLARK COUNTY, NEVADA

R. S. VAILE,

Plaintiff,

vs.

CISILIE A. VAILE,

Defendant

/

Case No. 98-D-230385

Dept. No. I

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.

CHERYL B. MOSS
DISTRICT JUDGE
FAMILY DIVISION, DEPT. I
LAS VEGAS, NV 89101

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

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

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

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

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

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

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

71. Further, the Court finds that the Nevada Supreme Court appeal filed by Mr. Vaile on September 15, 2008 does not "retroactively excuse" him 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.

CHERYL B. MOSS
DISTRICT JUDGE
FAMILY DIVISION, DEPT. I
LAS VEGAS, NV 89101

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

Exhibit G

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

IN THE EIGHTH JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA IN AND FOR THE COUNTY OF CLARK

ROBERT SCOTLUND VAILE, Plaintiff, vs. CISILIE A. PORSBOLL, fka CISILIE A. VAILE, Defendant.	CASE NO: 98 D230385 DEPT. NO: I DATE OF HEARING: 11/02/09 TIME OF HEARING: 10:30 AM

Oral Argument Requested

OPPOSITION TO DEFENDANT'S "MOTION TO ORDER DISMISSAL OF CALIFORNIA ACTION ON PAIN OF CONTEMPT, TO ISSUE A PAYMENT SCHEDULE FOR ALL JUDGMENTS AWARDED TO DATE, AND FOR ATTORNEY'S FEES AND COSTS

I. INTRODUCTION

Plaintiff herein responds to the latest in a series of motions filed by Defendant's counsel seeking relief that is, once again, contrary to Nevada and US law.

II. INITIAL OBJECTIONS

A. RICHARD L. CRANE, WHILE OUT OF JAIL ON BAIL, SHOULD BE ENJOINED FROM APPEARING OR FILING PAPERS IN THE FAMILY COURT

On August 2, 2009, the Las Vegas Review Journal reported that Richard Lee Crane has been arrested for soliciting sex with a 15 year old female child. See Exhibit 1. Police apprehended Mr. Crane when he appeared at the site where he had lured the young girl to meet him for their encounter over Craigslist Internet service. Shortly after his arrest, all indication of Mr. Crane's existence disappeared from the Willick Law Group web site, including his profile and journalistic works.[1] On August 5, 2009, Mr. Crane posted bail and was released from jail pending trial. See Exhibit 2. Shortly thereafter, Mr. Crane reappeared on the Willick Law Group website, this time as "Rick Crane." At the same time, all other Willick Law Group attorneys were removed from the site.[2] While out on bail, and between criminal hearings held on the 16th and 22nd of September under the charge of "Using Technology to Lure Children," Mr. Crane filed the pending motions.

It is frankly revolting that days after pandering to a child, Mr. Crane would file papers in a court of law in supposed advocacy of Ms. Porsboll and the parties' two children. It is obvious that Mr. Crane has complete disregard for the rule of

---

[1] Mr. Vaile has previously pointed out Mr. Crane's article titled "How Low Does the Bar Go" published in the *Nevada Lawyer* in April 2007. Mr. Crane has indeed demonstrated how low the bar goes.

[2] The reason for the departure of the other attorneys in the firm is not difficult to surmise.

law and the rules of ethical conduct in Nevada, as any sanctionable conduct will be wholly irrelevant when he is permanently remanded to the custody of the state for his criminal acts. Mr. Vaile requests Mr. Crane be removed from this case and that all filings by him be struck since under any state's ethical rules, Crane is wholly unqualified to represent himself as a lawyer in Nevada, or anywhere else.[3]

B. OBJECTION TO PORSBOLL'S REPRESENTATION BY CRANE AND WILLICK

The defendant real party in interest in this case is Ms. Porsboll. She has already defaulted in the California litigation. No attorney from the Willick Law Group or elsewhere filed an answer in that litigation on her behalf. Clearly, she has no interest in that litigation. However, Mr. Crane, Mr. Willick, and the Willick Law Group are still named defendants in that case. This motion is made in Ms. Porsboll's case, but only her attorneys are beneficiaries if the litigation in California is dismissed. Defendant's counsel are effectively holding her up in front of them in an effort to shield them from answering for their evasion of the law in California.

Under Nevada Rules of Professional Conduct, Rule 1.8(i), "A lawyer shall not acquire a proprietary interest in the cause of action or subject matter of litigation the lawyer is conducting for a client." Since her attorneys clearly have an interest which the instant motion is intended to protect, it should be stricken.

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[3] Nevada Rules of Professional Conduct, Rule 8.4(b): It is professional misconduct for a lawyer to commit a criminal act that reflects adversely on the lawyer's honesty, trustworthiness or fitness as a lawyer in other respects.

C. Objection to Delayed Service of Motion

Although Defendant's motion was filed on September 18, 2009, it was not deposited in the mail until a week later, September 25, 2009. See Exhibit C. The motion did not have attached a certificate of service, and no explanation was provided as to why Defendant's counsel waited a week before serving the motion.

During the last hearing on April 29, 2009, Mr. Crane offered argument in support of documents which he filed with the Court immediately prior to the hearing. The Court noted that Mr. Vaile's copies of that paperwork were likely waiting in his mailbox at home. Alas, no paperwork was ever received by Mr. Vaile, and no certificate of service of these documents was ever filed. Mr. Crane never served them on Mr. Vaile at all.

Obviously, Mr. Crane is repeatedly having a problem observing the rules of court in providing notice and service to Mr. Vaile. It is abundantly obvious that Defendant's attorneys are taking this conflict personally, and are working to prolong conflict in order to extract revenge on Mr. Vaile for requiring them to answer for their illegal and unethical conduct. Mr. Vaile requests that the Court put an end to Defendant's counsel's abuse of the judicial system in furtherance of their wrongful designs through the court's sanction power.

POINTS AND AUTHORITIES

III. PROCEDURAL HISTORY

In April of this year, Defendant through counsel requested that the Court order Plaintiff to pay attorney's fees incurred in this case on a payment schedule of their choosing. Defendant's counsel cited no law on point in support of its request for that relief and argued instead that no law needed to provide a remedy, and that the Court had authority to do "whatever it wanted." In opposition to Defendant's request, Plaintiff demonstrated that Nevada law, specifically NRS 21.050, requires that judgments for the payment of money or the delivery of real or personal property, shall be enforced *by execution,* not through a court-ordered payment schedule.[4] Ultimately, this Court agreed that the Nevada law cited was on point and controlling in this matter, and denied Defendant's request.

Instead of obtaining a writ of execution and domesticating the order in California in order to garnish Plaintiff's earnings there, Defendant's counsel attempted to serve a Nevada branch of his employer, Deloitte & Touche LLP (hereinafter "Deloitte"), in order to affect garnishment of Mr. Vaile's California property (his earnings). Plaintiff is not an employee of the Nevada branch, has never worked in Nevada for Deloitte, and has earned no wages in Nevada. Since Mr. Vaile and Deloitte's employment relationship is based in California, Mr.

[4] When the court orders a payment schedule which it knows that the payee cannot meet on pain of contempt, it is equivalent to making an order of contempt against the payee.

Vaile requested a California court to ensure that garnishment takes place in accordance with California law, namely, California Code of Civil Procedure § 1710.15 et. seq.

At the first hearing on Mr. Vaile's request for a temporary restraining order, the California court required that Mr. Vaile amend his complaint and to serve Defendant Ms. Porsboll and her counsel. Mr. Vaile complied. At the hearing in California on the preliminary injunction on September 22, 2009, the California court explained to Mr. Willick that the California Code requirements provide the scope of due process with which an individual is entitled in California and pointed out that Mr. Vaile was indeed a resident of California. The Court held that Willick did not properly domesticate the order in California, and that his actions were therefore improper.

IV. ARGUMENT

A. THE CALIFORNIA ACTION DOES NOT THREATEN THE NEVADA GARNISHMENT ORDER

Mr. Vaile has made no challenge (other than the jurisdictional challenges previously presented to this Court) to Defendant's right to garnish Mr. Vaile's property in Nevada, in accordance with Nevada processes. Mr. Vaile has caused no impediment to the Nevada order being enforced against his property within the state. In fact, Defendant has previously seized funds in a bank account from a Nevada branch, without objection from Mr. Vaile.

Furthermore, Mr. Vaile has taken no action to prevent Defendant from following the proper processes in California to execute a valid Nevada order there. In fact, the motivation of that suit was to encourage Mr. Vaile's employer to ensure that the proper garnishment procedures were followed in California. The procedures[5] outlined in California statute which allow domestication of a sister-state judgment in California are simple; Defendant's counsel has simply refused to follow them.

The California action does not prohibit Defendant from executing her judgment against Mr. Vaile's property, and is not a collateral attack. In fact, the California action does not currently enjoin Defendant or her attorneys in any way. The California action and the orders issued by the California court only require that the relevant statutes be followed with regard to execution of the Nevada judgment against Mr. Vaile's California property. Defendant provides no inkling of excuse as to why she continues to refuse to follow the processes that the California court instructed Defendant's counsel to follow. Instead of complying with that court's orders, Defendant seeks to have this Court sanction her breach of the California statutes and procedures, by forcing him to dismiss the action there.

[5] Nevada also has foreign judgment registration procedures which the courts enforce. See Trubenbach v. Amstadter, 109 Nev. 297, 849 P.2d 288 (1993).

The California action does not threaten the enforcement of the Nevada judgment, and on that basis alone, Defendant's request is unjustified and should be denied.

B. RES JUDICATA PREVENTS DEFENDANT FROM MAKING THE INSTANT REQUEST

Defendant uses the California litigation, which her own attorney's actions prompted, as an excuse to regurgitate the same proposition that she presented to this Court in April of this year, namely for the Court to impose a payment plan[6] for attorney's fees on Mr. Vaile. That issue was fully and fairly litigated before this Court on April 29, 2009, and is now subject to *res judicata*. *Res judicata* applies when 1) the issue decided in the prior adjudication was identical with the one presented in this action, 2) there is a final judgment on the merits, and 3) the complaining party was a party to the prior adjudication. York v. York, 99 Nev. 491, 493 (1983).

Defendant's ability to formulate a few more arguments in support of her request, or to deride Mr. Vaile in a few new ways, does not change the *res judicata* effect of the payment plan question. The cases Defendant repeats (once again) in support of a payment plan[7] still are *child support* cases, and still don't apply to awards of *attorney's fees,* as this Court decided in April. And NRS

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[6] We note that Defendant is collecting $1430.00 per month, of which the Willick Law Group is intercepting 40%.

[7] Even if ICARA required a court to order a payment plan (IT DOES NOT), Defendant cannot revive an argument that she waived in 2003, and again in April, to overcome the effects of *res judicata* on this issue.

21.050, which requires judgments for the payment of money to be enforced by execution, is still the law. The issue was correctly decided in the previous hearing, with finality, for the same parties. *Res Judicata* is in effect and the law of the case has been established on this issue.

Defendant labels Mr. Vaile as a vexatious litigant, yet her counsel has now filed three serial[8] motions *after* final judgment in this case. These motions are not only unjustified, they have all been clearly contrary to the law. Defendant's ability to create a more impassioned argument, or assert a new false theory on what Mr. Vaile's intent must be, do not justify the relief sought. Defendant's counsel's intents to collect fees for itself, to harass Mr. Vaile, to inflict payments on him which he cannot pay, or to find a way to have him held in contempt of court, should all be transparent to the Court at this point. Defendant's relief must be denied because the issue is subject to *res judicata* and precluded from further consideration.

C. BRUNZELL IS NOT THE LAW IN NEVADA

Defendant argues that *Brunzell*[9] stands for the proposition that a Nevada state court may enjoin proceedings in another jurisdiction. Since this proposition was not necessary to the decision in that case, the proposition is, at best, dicta. In

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[8] Although it is understandable that a family law firm will take a hit to business when one of its attorneys is arrested for sex crimes against children, Mr. Vaile should not be responsible for supporting the firm through repeated filings by counsel seeking ridiculous amounts of attorneys fees each time.

[9] Brunzell Construction Co., Inc. v. Harrah's Club, 81 Nev. 414; 404 P.2d 902 (1965).

fact, Defendant did not present a single case where the Nevada Supreme Court has sanctioned barring a litigant from proceeding in another jurisdiction. Dicta from a case in 1965 does not govern the actions of the current court.

But even if the proposition which Defendant cites was the law, the matter presented before the court in *Brunzell* was one in which the same litigants in Nevada were litigating the same case or controversy in California, addressing a dispute as to in which state the issue arose. None of these issues in the *Brunzell* case are present here. Firstly, there is not an ongoing case or controversy in both jurisdictions. This case has progressed to final judgment in Nevada. It is only being litigated inasmuch as Defendant continues to file frivolous motions. It does not fit within the considerations of the *Brunzell* proposition.

Secondly, the same case or controversy is not at issue in both jurisdictions. The matter before the court in California is whether Defendant and her attorneys must follow California law with regard to attachment of Mr. Vaile's California property. The subject of the Nevada garnishment action is obviously garnishment of Mr. Vaile's assets in Nevada. These issues are completely independent of one another. Although Defendant's counsel attempts to make the issues sound the same by implying that Mr. Vaile's property (earnings) are somehow in Nevada because his employer has a branch here, the argument is vacuous of reason, and void of evidence.

If Defendant's argument that Mr. Vaile's salary is also somehow located in Nevada had any validity, she would have cited law in support of her theory. Any research on topic would have uncovered binding precedent, such as Princess Lida of Thurn and Taxes v. Thompson, 305 U.S. 456 (1939), which stands for the proposition that when two courts are in conflict in actions involving attachment of the same property, the court having jurisdiction over the property has priority. In that case, that court is California's. Furthermore, despite the federal law[10] which allows garnishment up to a certain percentage, the United States Code recognizes that garnishment must also comply with the laws of the States.[11] If it had been valid, the *Brunzell* proposition would not be on point because the controversy in each jurisdiction is different.

Thirdly, *Brunzell* is inapplicable because the litigants are not the same in both cases. In California, the suit is between Mr. Vaile and his employer, with Defendant and her attorneys being added only by order of the California court. Only Mr. Vaile and the Defendant (who has defaulted in the California litigation) are parties to the garnishment action, leaving Mr. Vaile as the only active litigants in both cases. Defendant's attorneys in Nevada have no standing, even under the *Brunzell* proposition, to challenge the California proceedings. No relief could be

[10] Defendant references the law without cite in her discussion of the 25% cap on page 9 of her motion.

[11] See 15 U.S.C. § 1677.

granted in their behalf as they are not parties to this case. Since the parties remaining in the litigation are different, *Brunzell* would not apply.

Finally, *Brunzell* does not apply because there is not dispute as to where the cause of actions arose. The Nevada garnishment action arose based on Nevada orders issued here. The California action arose in California based on the situs of Mr. Vaile's employment relationship with Deloitte, and where his residence and earnings are located. Despite Defendant's claims to the contrary, no jurisdictional findings or holdings dependent on jurisdiction have been made by the California court (and Defendant produces none). Mr. Willick has only just recently filed a motion to challenge the California jurisdiction. The hearing on that motion is scheduled for December 18, 2009. The temporary restraining order and preliminary injunction against Deloitte have not been dependent in any way on a jurisdictional determination by the California court, much less one which questions where the cause of action in either case arose.

For the reasons stated above, the *Brunzell* case is not applicable to the facts before the court, and cannot, therefore, support a proposition that the California action should be dismissed.

D. THE BRUNZELL CONSIDERATIONS WEIGH AGAINST DEFENDANT'S REQUEST

The bar that *Brunzell* sets, "a clear showing that it would be inequitable, unfair, and unjust to permit the prosecution of the suit in the foreign jurisdiction"[12] is so high that no situation has ever warranted its invocation. Obviously, enjoining the action in a foreign court risks offending the comity between sister-state courts. Despite the inapplicability of the facts in *Brunzell* to the current case, even if the facts were the same, relief under *Brunzell* would not be justified.

Since the California court is only enforcing its own statutes, and still allows Defendant to take actions to register any judgment in California, there is no threat to the jurisdiction of this Court. In fact, Nevada has no interest in what California's processes are for registration of judgments there, or the manner in which California courts enforce those processes. There is no possibility of inconsistent judgments in each case since the California action is not challenging garnishment in Nevada. It is fully logical for California to expect compliance with its laws, just as Nevada does.

Furthermore, Defendant has presented no evidence in support of her theory that Mr. Vaile initiated the California action to vex or harass anyone. In fact, Defendant does not present any argument in her motion on that point.[13] The simple facts suggest the opposite. Mr. Vaile did not name the Defendant or her

[12] Brunzell, 81 Nev. at 414.

attorneys in the original complaint in California. Mr. Vaile would have been happy for them not to have been a part of that case. Defendant was added at the instruction of the California court. As was demonstrated to this Court on September 18, 2008, Mr. Vaile has repeatedly tried to communicate with Defendant and resolve this matter outside litigation, only to be rebuffed by Defendant (presumably on advice of counsel) on each request. No actions on Mr. Vaile's part suggest that by requesting California processes be followed, so that he could make his arguments or defenses to the California court as to how much earnings withholding was appropriate in this case, that Mr. Vaile intended to vex or harass Defendant.

No facts support Defendant's request that *Brunzell* should be applied in this case, even if *Brunzell* was valid law in Nevada. Actually, the facts alleged by Defendant in this case fall far below those alleged by the plaintiff in Brunzell. As observed, the *Brunzell* plaintiff did not reach the bar established by the court in *Brunzell*, and Defendant does not come close here. Mr. Vaile's initiation of suit in California has been to ensure his ability to continue to provide for his family. It does not come close to causing a "manifest wrong of injustice."

[13] Defendant uses that section of her brief to argue that the California court does not have subject matter jurisdiction in the case before it. Surely Defendant does not suggest that this Court should rule on the subject matter jurisdiction of a California court?

E. THIS FAMILY COURT DOES NOT HAVE JURISDICTION OVER GARNISHMENT ACTIONS

The legislature has defined the scope of cases that may be heard before this Family Court in NRS 3.223. Actions in request of payment plans for attorneys fees, or regarding challenges to garnishment actions for attorneys fees, do not fall within any of the categories of cases listed in the statute. As such, the Nevada legislature has not conferred judicial authority for those actions on this court. For this reason, Defendant's motion in this court must be dismissed.

CONCLUSION

The matter before the California court is whether Defendant and her counsel abused process in California by refusing to follow California law in the domestication of a Nevada order. Defendant's counsel, who are parties to that action, are certainly not qualified to make that decision on behalf of the California court. Their attempts to use the processes of this Court to exculpate them is a veiled attempt to make this Court a party to their wrongful conduct. Mr. Vaile respectfully requests this Court to deny Defendant's request in whole.

Respectfully submitted this 8th day of October, 2009.

/signed R.S. Vaile/

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

Aug. 02, 2009

Seven using craigslist face sex charges

By LAWRENCE MOWER
LAS VEGAS REVIEW-JOURNAL


Richard Lee Crane


John Douglas Dignan


Thomas Doucette


Thomas Giannetti


Rogan Ison

Henderson police have been arresting men seeking to meet underage boys and girls on the Web site craigslist, nabbing six locals and one tourist since the effort began in February.

The operation, which relies on a little-used state law, is the first of its kind for the department.

One detective has been assigned to respond to advertisements by people who often post in the site's "casual encounters" section, a meeting place for those looking for casual sex.

Police say one of the most blatant ads was posted in January by 47-year-old Thomas Doucette, a Las Vegas man. According to his arrest report, he offered to perform sexual acts on "all bi str8 boys and guys" in a bathroom stall at a Lowe's store.

Assuming the identity of a 15-year-old boy, Detective Wayne Nichols responded that he saw the ad while looking for lawn mowers with his dad at the store.

Doucette then asked Nichols his age and weight, to which Nichols replied that he was 15.

From there, Doucette balked, but then began sending graphic pictures and began asking for some in return.

Investigators don't comply with such requests, but in Doucette's case Nichols continued the correspondence and an eventual meeting place was arranged.

Doucette showed up at the meeting place and, according to his arrest report, upon his arrest he told police he was HIV positive.

"They think they won't get caught," Nichols said. "They've made up their mind that they want sexual conduct with a child."

Investigators and prosecutors are pursuing the suspects under the state's law prohibiting using technology to lure children or persons with mental illness, a felony that carries a maximum sentence of 15 years in prison.

Under the law, a suspect merely has to have intent to have sexual contact with somebody he believes is under 16.

Clark County District Attorney David Roger and defense attorney Robert Draskovich said the law is far more often prosecuted on the federal level.

Draskovich, who handles many cases involving people facing child sex crimes, said he has never seen the law used as the primary charge against someone in Clark County. Usually, someone is facing more serious charges in which there are actual victims, not just theoretical ones, Draskovich said.

He is handling the cases of three of the defendants arrested by Henderson police.

None of the defendants have criminal histories relating to sexual conduct with minors, according to


Robert Mygatt


Craig Thomas Tiffee

police.

Messages left with the suspects were not returned.

Among those arrested are the former director of entertainment at Planet Hollywood, 34-year-old Craig Thomas Tiffee, and a local attorney, 50-year-old Richard Lee Crane.

Crane did not respond to a message left at his home phone seeking comment.

Tiffee disputes that there was any sexual conduct involved, according to Draskovich, who is representing him.

According to Tiffee's arrest report, he actively pursued Nichols' character over the course of two weeks, urging Nichols on multiple occasions to "sneak out" of his grandmother's house for a "quickie."

After being arrested at an arranged meeting place, Tiffee told police he was "unsure of the person's age of whom he was meeting," the report states.

In Crane's arrest report, he believed he was speaking to a 15-year-old girl, asking Nichols when she would turn 16. He asked questions about the girl's sexual history and asked on several occasions to "hang out."

After he was arrested at the meeting place, Crane denied any involvement in what police allege he did.

Henderson police believe they are doing justice by prosecuting people who are looking to have sex with minors. The cases have yet to go to trial.

"When these people place these ads, their minds are already made up," Nichols said. "We don't push the meeting."

Draskovich has yet to see the online conversations between his clients and the police, so he doesn't know yet what legal issues might arise.

"You have a police officer posing as a 15-year-old homosexual, which raises some red flags," he said.

Nichols said he responds to "suspicious" ads on craigslist and other sites, and most people quickly state they're not interested once they find out his character is a minor. He saves the correspondence and ends the conversation there.

But some change their minds.

John Douglas Dignan, whom Draskovich is also representing, posted an ad looking for a teenage female. When Nichols responded, he stated he wasn't interested in anyone under 18, his arrest report states.

Ten days later he asked, "r u a law enforcement person trying to entrap people? if so, forget it. if not, ok send me a pic," the report states.

When Dignan was arrested more than two weeks later, he had rented a hotel room on Boulder Highway and purchased two six packs of wine coolers and a box of condoms, the report states.

None of the arrests, which involve multiple officers, have turned violent so far. The common reaction from people has been, "What am I going to tell my work? What am I going to tell my family?" Nichols said.

One would think that people looking for sex would have learned a lesson from TV shows such as Dateline NBC's "To Catch a Predator," which uses volunteers in chat rooms to locate potential predators.

But Capt. Robert Wamsley compared the situation to a shark's mouth: When sharks lose teeth, a new row of teeth moves forward. People still using the Internet for inappropriate sexual contact are that new row, he said.

"Offenders like this start in baby steps, and this is one of their stepping stones."

Contact reporter Lawrence Mower at lmower@reviewjournal.com or 702-383-0440.

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Name:

Email:

09CRH001475-0000 STATE OF NEVADA VS CRANE, RICHARD L

File Date	08/04/2009	Case Status	OPEN	Case Status Date	08/04/2009
		Case Disposition	UNDISPOSED	Case Disposition Date	

Party Information

Party Name	Party Alias(es)	Party Type	Attorney(s)	Attorney Phone
CRANE, RICHARD L		DEFENDANT CR/TR TERRY, WILLIAM B		
BB BAIL BONDS, INC.		BONDING COMPANY		
BEDSON, BROOKE		SURETY AGENT		
UNITED STATES FIRE INSURANCE COMPANY		BOND INSURANCE COMPANY		

Case Schedule

Date	Start Time	Event Type	Result
01/07/2010	09:30 AM	PRELIMINARY HEARING HND	
10/07/2009	09:00 AM	STATUS CHECK HND	

Party Charge(s)

CRANE, RICHARD L

Case Party	Count	Code	Description	Disposition	Disposition Date
	1	5152	USING TECHNOLOGY TO LURE CHILDREN		

Financial Entries

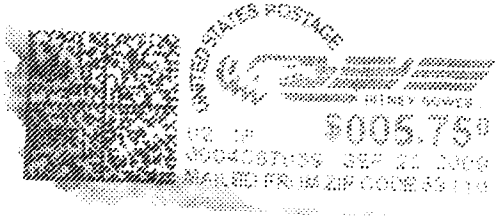
Receipt #	Date	Received From	Amount Paid
6071594	08/05/2009	BB BAIL BONDS INC	40.00

Payment		Fee	
CASH	40.00	COST	40.00

Docket Entries

Date	Text
09/22/2009	SET FOR COURT APPEARANCE Event: STATUS CHECK HND Date: 10/07/2009 Time: 9:00 am Judge: GEORGE, STEPHEN L Location: DEPARTMENT 2
09/22/2009	HEARING HELD The following event: MOTIONS HND scheduled for 09/22/2009 at 9:00 am has been resulted as follows: Result: CRIMINAL HEARING HELD Judge: GEORGE, STEPHEN L Location: DEPARTMENT 2
09/22/2009	MOTION: DEFENDANT NOT PRESENT MOTION FOR RETURN OF PROPERTY AND DISCOVERY SUBMITTED. CONTINUED FOR STATUS CHECK ON PROPERTY TO BE RETURNED. SURETY BOND CONTINUES
09/22/2009	S.L. GEORGE, JP B. KEELER, DDA W. TERRY, ESQ. C. DAY, CLK L. BRENSKE, CR
09/16/2009	MOTION FOR RETURN OF PROPERTY AND FOR DISCOVERY FILED
09/16/2009	SET FOR COURT APPEARANCE Event: MOTIONS HND Date: 09/22/2009 Time: 9:00 am Judge: GEORGE, STEPHEN L Location: DEPARTMENT 2 Result: CRIMINAL HEARING HELD
08/05/2009	SET FOR COURT APPEARANCE Event: PRELIMINARY HEARING HND Date: 01/07/2010 Time: 9:30 am Judge: GEORGE, STEPHEN L Location: DEPARTMENT 2
08/05/2009	MOTION: DEFENDANT PRESENT IN CUSTODY ADVISED. DEFENSE COUNSEL ACKNOWLEDGES. WAIVED READING OF THE COMPLAINT BY AND THROUGH HIS ATTORNEY DEFENDANT REQUESTS DATE CERTAIN FOR HEARING WAIVED 15 DAY RULE MOTION BY DEFENSE TO REDUCE BAIL STATE REQUESTS TIME TO RESPOND BAIL RE-SET: $5,000 CASH OR SURETY BOND PRELIMINARY HEARING DATE SET REMAND TO METRO
08/05/2009	MOTION GRANTED The following event: MOTIONS HND scheduled for 08/05/2009 at 9:00 am has been resulted as follows: Result: MOTION GRANTED Judge: GIBSON SR, DAVID S Location: DEPARTMENT 3
08/05/2009	D. S. GIBSON SR, JP D. WESTMEYER, DDA W. TERRY, ESQ B. STEELE, CLK

	S. GRAHAM, CR
08/05/2009	BAIL BOND/$40 FILING FEE - CRIMINAL Charge #1: USING TECHNOLOGY TO LURE CHILDREN Receipt: 6071594 Date: 08/05/2009
08/05/2009	BAIL POSTED Bond Amount: 5000 Charge #1: USING TECHNOLOGY TO LURE CHILDREN
08/04/2009	SET FOR COURT APPEARANCE Event: MOTIONS HND Date: 08/05/2009 Time: 9:00 am Judge: GIBSON SR, DAVID S Location: DEPARTMENT 3 Result: MOTION GRANTED
08/03/2009	SET FOR COURT APPEARANCE Event: MOTIONS HND Date: 08/05/2009 Time: 9:00 am Judge: GIBSON SR, DAVID S Location: DEPARTMENT 3
08/03/2009	DEFENDANT, RICHARD LEE CRANE'S MOTION FOR O.R. RELEASE OR IN THE ALTERNATIVE FOR A REDUCTION IN BAIL SETTING FILED BY ATTY MANDY J. MCKELLAR, ESQ.
07/30/2009	FIRST APPEARANCE HELD BAIL SET: $50,000 TOTAL CASH ONLY The following event: 72 HOUR HEARING (VIDEO) HND scheduled for 07/30/2009 at 8:30 am has been resulted as follows: Result: FIRST APPEARANCE HELD Judge: GIBSON SR, DAVID S Location: DEPARTMENT 3
07/30/2009	FORM GENERATED CRIMINAL FIRST APPEARANCE Sent on: 07/30/2009 07:14:37
07/29/2009	SET FOR FIRST APPEARANCE Event: 72 HOUR HEARING (VIDEO) HND Date: 07/30/2009 Time: 8:30 am Judge: GIBSON SR, DAVID S Location: DEPARTMENT 3 Result: FIRST APPEARANCE HELD



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