

3. Deferred.
4. Denied.
5. Granted in part. No more future filings in proper person unless approved by Chambers.
6. If Pltf doesn't appear on June 11th and provide good reason a warrant for his arrest may be issued by the Court at the July 11th hearing. Deft's request for a Bench Warrant is Deferred.
7. Pltf shall file an AFC before July 11, 2008.
8. Stands.
9. \$1,300.00 - DA to enforce.
10. Deft's counsel shall file an updated billing statement.
11. OK
12. OK
13. Fine.
14. Statement is redundant. Leave in.

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

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

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

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

**INTERIM CONDITIONS:**

**FUTURE HEARINGS:**

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

PRINT DATE:	05/08/2009	Page 11 of 12	Minutes Date:	July 11, 2008
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*Canceled: September 08, 2008 9:30 AM Motion to Strike*

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

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

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

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

98D230385

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

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

Cisilie Vaile, Petitioner, not  
present

Richard Crane, Attorney,  
Attorney, not present

Kaia Vaile, Subject Minor, not  
present

Kamilla Vaile, Subject Minor,  
not present

Robert Vaile, Petitioner, not  
present

Pro Se

<b>JOURNAL ENTRIES</b>
------------------------

**INTERIM CONDITIONS:****FUTURE HEARINGS:**

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

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

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

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



**DISTRICT COURT  
CLARK COUNTY, NEVADA**

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

98D230385

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

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

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

Richard Crane, Attorney,  
Attorney, not present

Pro Se

<b>JOURNAL ENTRIES</b>
------------------------

**INTERIM CONDITIONS:****FUTURE HEARINGS:**

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

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

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

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

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

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

98D230385

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

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

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

Richard Crane, Attorney,  
present

Pro Se

<b>JOURNAL ENTRIES</b>
------------------------

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

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

COURT FINDS, Bar proceedings are completely confidential and anything pertaining to those

proceedings is to be stricken from the record. Atty Muirhead attached Bar proceeding documents to her pleadings; therefore, those documents are to be stricken.

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

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

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

COURT ORDERED:

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

9. Atty Muirhead's request for fees is DEFERRED. She may submit a copy of her billing statement for time in Court at her stated rate of \$300.00 per hour for consideration.

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

**INTERIM CONDITIONS:**

**FUTURE HEARINGS:**

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

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

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

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

**DISTRICT COURT  
CLARK COUNTY, NEVADA****Divorce - Joint Petition****COURT MINUTES****August 15, 2008**

98D230385

In the Matter of the Joint Petition for Divorce of:  
Robert S Vaile and Cisilie A Vaile, Petitioners.**August 15, 2008****8:00 AM****Hearing****HEARD BY:** Moss, Cheryl B**COURTROOM:** Courtroom 13**COURT CLERK:** Connie Kalski**PARTIES:**Cisilie Vaile, Petitioner, not  
presentRichard Crane, Attorney,  
Attorney, not presentKaia Vaile, Subject Minor, not  
presentKamilla Vaile, Subject Minor,  
not presentRobert Vaile, Petitioner, not  
present

Pro Se

**JOURNAL ENTRIES**

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

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

**INTERIM CONDITIONS:**

**FUTURE HEARINGS:**

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

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

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

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

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

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

98D230385

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

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

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

Richard Crane, Attorney,  
Attorney, not present

Pro Se

<b>JOURNAL ENTRIES</b>
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**INTERIM CONDITIONS:****FUTURE HEARINGS:**

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

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





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

98D230385

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

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

Richard Crane, Attorney,  
Attorney, not present

Pro Se

**JOURNAL ENTRIES****INTERIM CONDITIONS:****FUTURE HEARINGS:**

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

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

98D230385

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

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

98D230385

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

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

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

Richard Crane, Attorney,  
Attorney, not present

Pro Se

<b>JOURNAL ENTRIES</b>
------------------------

**INTERIM CONDITIONS:****FUTURE HEARINGS:**

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

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

98D230385

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

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

98D230385

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

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

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

Richard Crane, Attorney,  
Attorney, not present

Pro Se

<b>JOURNAL ENTRIES</b>
------------------------

**INTERIM CONDITIONS:****FUTURE HEARINGS:**

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

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

98D230385

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

98D230385

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

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

Marshal Willick, Attorney,  
present

Pro Se

**JOURNAL ENTRIES**

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

Plaintiff sworn and testified.



Arguments by Plaintiff and Atty Marshall Willick.

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

COURT ORDERED the following:

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

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

**INTERIM CONDITIONS:**

**FUTURE HEARINGS:**

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

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

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

98D230385

In the Matter of the Joint Petition for Divorce of:  
Robert S Vaile and Cisilie A Vaile, Petitioners.**September 18,  
2008****1:30 PM****Evidentiary Hearing****HEARD BY:** Moss, Cheryl B**COURTROOM:** Courtroom 13**COURT CLERK:** Valerie Riggs**PARTIES:**Cisilie Vaile, Petitioner, not  
presentRichard Crane, Attorney,  
Attorney, not presentKaia Vaile, Subject Minor, not  
presentKamilla Vaile, Subject Minor,  
not present

R Vaile, Petitioner, present

Pro Se

**JOURNAL ENTRIES**

- Plaintiff sworn and testified.

Testimony and exhibits presented (see worksheets).

COURT ORDERED, matter UNDER ADVISEMENT. Court will issue a written Decision encompassing the morning Motions, Orders to Show Cause and the Evidentiary Hearing.

**INTERIM CONDITIONS:**

PRINT DATE:	05/08/2009	Page 9 of 10	Minutes Date:	September 18, 2008
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**FUTURE HEARINGS:**

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

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

**DISTRICT COURT  
CLARK COUNTY, NEVADA****Divorce - Joint Petition****COURT MINUTES****April 20, 2009**

98D230385

In the Matter of the Joint Petition for Divorce of:  
Robert S Vaile and Cisilie A Vaile, Petitioners.**April 20, 2009****10:00 AM****Minute Order****HEARD BY:** Moss, Cheryl B**COURTROOM:** Courtroom 13**COURT CLERK:** Valerie Riggs**PARTIES:**Cisilie Vaile, Petitioner, not  
presentRichard Crane, Attorney,  
Attorney, not presentKaia Vaile, Subject Minor, not  
presentKamilla Vaile, Subject Minor,  
not presentRobert Vaile, Petitioner, not  
present

Pro Se

**JOURNAL ENTRIES**

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

**INTERIM CONDITIONS:****FUTURE HEARINGS:***Canceled: May 05, 2009 10:00 AM Motion for Attorney Fees*

98D230385

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Divorce - Joint Petition****COURT MINUTES****April 29, 2009**

98D230385

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

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

**Cicilie Vaile's Motion  
to Reduce to Judgment  
Additional Attorney's  
Fees Awarded and  
Issue a Payment  
Schedule for All  
Attorney's Fees  
Awarded to Date, for a  
Lump Sum Payment  
for Child support  
Arrearages, and  
Attorney's Fees and  
Costs**

**HEARD BY:** Moss, Cheryl B**COURTROOM:** Courtroom 13**COURT CLERK:** Valerie Riggs**PARTIES:**

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

Richard Crane, Attorney,  
present

Pro Se

**JOURNAL ENTRIES**

**PRINT DATE:** 05/08/2009**Page 3 of 5****Minutes Date:**

April 20, 2009

- Plaintiff sworn and testified.

Discussions concerning the Appeals filed by Plaintiff.

Arguments by Plaintiff and Counsel concerning Plaintiff's request to amend Findings pursuant to NRCP 59 and a Motion to Terminate Child Support for a child that will Emancipate and the current and Defendant's current Motion.

COURT ORDERED the following:

1. Plaintiff's request to lift the GOAD Order is DENIED.
2. Plaintiff has permission to file a Motion to Terminate Child Support for a Child that Emancipates and a Motion to Amend Findings Pursuant to NRCP 59.
3. Defendant's request for a Bond on these Motions is DENIED at this time.
4. Defendant shall file a Supplemental Brief on the Bond Issue.
5. Sue sponte, the \$15,000.00 of additional Attorney's Fees that was awarded to Defendant on October 9, 2008, is Reduced to Judgment.
6. Defendant's request to continue with the \$2,000.00 per month payments toward the Attorney's Fees after July 2009, is DENIED. Defendant has other remedies to collect.
7. Defendant's request for \$10,000.00 for the oldest daughter to attend high school in the United States is DENIED as it is optional.
8. Plaintiff is ADMONISHED to prepare documents with double spacing in the future.
9. The GOAD Order remain Status Quo. Plaintiff shall fax or call, matter will be resolved within one (1) week.
10. The \$1,600.00 in Contempt that Plaintiff has/is paying is applied toward Plaintiff's CHILD SUPPORT ARREARS.
11. The \$12,000.00 award of Attorney's Fees from this Court's April Decision is Reduced to Judgment.
12. Defendant's request for Attorney's Fees for today's hearing is DENIED.

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

PRINT DATE:	05/08/2009	Page 4 of 5	Minutes Date:	April 20, 2009
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**INTERIM CONDITIONS:**

**FUTURE HEARINGS:**

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



## Exhibit List

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

Exhibit ID	On Behalf Of	Status/Date	Return/Destroy Date	Type and Description	Exhibit Flag	Source	In Custody Of	Location
0002	Petitioner	Admitted 10/11/2000		AGREEMENT		Vaile, Robert S	Family Domestic 10/11/2000	Evidence Vault
Comment: ExhibitID : 35074								
0004	Petitioner	Admitted 10/11/2000		NEVADA VOTER REGISTRATION CARD		Vaile, Robert S	Family Domestic 10/11/2000	Evidence Vault
Comment: ExhibitID : 35076								
0006	Petitioner	Admitted 10/11/2000		AFFIDAVIT OF RESIDENT WITNESS		Vaile, Robert S	Family Domestic 10/11/2000	Evidence Vault
Comment: ExhibitID : 35078								

## Exhibit List

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

Exhibit ID	On Behalf Of	Status/Date	Return/Destroy Date	Type and Description	Exhibit Flag	Source	In Custody Of	Location
0008	Petitioner	Admitted 10/11/2000		ANSWER IN PROPER PERSON		Vaile, Robert S	Family Domestic 10/11/2000	Evidence Vault
Comment: ExhibitID : 35080								
0010	Petitioner	Admitted 10/11/2000		WEDDING ANNOUNCEMENT		Vaile, Robert S	Family Domestic 10/11/2000	Evidence Vault
Comment: ExhibitID : 35082								
0012	Petitioner	Admitted 10/11/2000		GEN. FORM OF UNDERTAKING, LONDON, ENG.		Vaile, Cisilie A	Family Domestic 10/11/2000	Evidence Vault
Comment: ExhibitID : 35084								
0014	Petitioner	Admitted 10/11/2000		COPY/UNITED AIRLINES BOARD PASS/7-22		Vaile, Cisilie A	Family Domestic 10/11/2000	Evidence Vault
Comment: ExhibitID : 35086								

## Exhibit List

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

Exhibit ID	On Behalf Of	Status/Date	Return/Destroy Date	Type and Description	Exhibit Flag	Source	In Custody Of	Location
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0016	Petitioner	Admitted 10/11/2000		1st DRAFT AGMT RE: DEFT/GIRLS IN NORWAY		Vaile, Cisilie A	Family Domestic 10/11/2000	Evidence Vault
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Comment: ExhibitID : 35088

0018	Petitioner	Admitted 10/11/2000		COPY/MEDIATION CERT.-NORWAY/1-17-2000		Vaile, Cisilie A	Family Domestic 10/11/2000	Evidence Vault
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Comment: ExhibitID : 35090

0020	Petitioner	Admitted 10/11/2000		COPY/NORWAY ORDER FOR RESPONSE/4-17-2000		Vaile, Cisilie A	Family Domestic 10/11/2000	Evidence Vault
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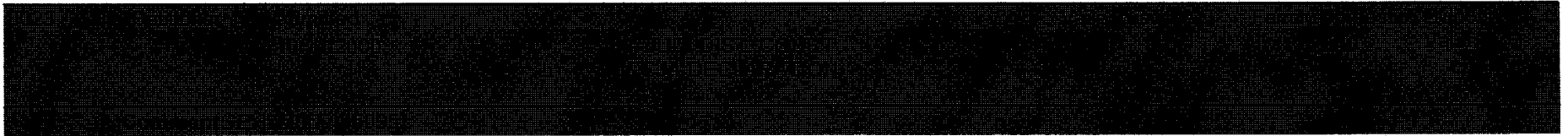
Comment: ExhibitID : 35092

## Exhibit List

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

Exhibit ID	On Behalf Of	Status/Date	Return/Destroy Date	Type and Description	Exhibit Flag	Source	In Custody Of	Location
0022	Petitioner	Admitted 10/11/2000		COPY/RESPONSE TO OSLO MUNI COURT/5-18-00		Vaile, Cisilie A	Family Domestic 10/11/2000	Evidence Vault

Comment: ExhibitID : 35094



# Certification of Copy

State of Nevada }  
County of Clark } SS:

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

NOTICE OF APPEAL; CASE APPEAL STATEMENT; DISTRICT COURT DOCKET ENTRIES; FINDINGS OF FACT, CONCLUSIONS OF LAW, FINAL DECISION AND ORDER RE: CHILD SUPPORT PENALTIES UNDER NRS 125B.095; NOTICE OF ENTRY OF FINDINGS OF FACT, CONCLUSIONS OF LAW, FINAL DECISION AND ORDER RE: CHILD SUPPORT PENALTIES UNDER NRS 125B.095; DISTRICT COURT MINUTES; EXHIBITS LIST

ROBERT SCOTLUND VAILE,

Plaintiff(s),

vs.

CISILIE A. PORSBOLL fna  
CISILIE A. VAILE,

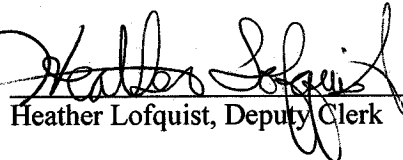
Defendant(s),

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

now on file and of record in this office.

IN WITNESS THEREOF, I have hereunto  
Set my hand and Affixed the seal of the  
Court at my office, Las Vegas, Nevada  
This 11 day of May 2009.

Edward A. Friedland, Clerk of the Court

  
Heather Lofquist, Deputy Clerk

22917



**WILLICK LAW GROUP**

GENERAL ACCOUNT  
3591 E BONANZA RD., SUITE 200  
LAS VEGAS, NV 89110-2101  
(702) 438-4100

WELLS FARGO BANK, N.A.  
LAS VEGAS, NV 89101  
94-7074-3212

5/5/2009

PAY TO THE ORDER OF Clerk of the Supreme Court

\$\*\*250.00

Two Hundred Fifty and 00/100\*\*\*\*\*

DOLLARS

Clerk of the Supreme Court  
Capitol Complex  
Carson City, NV 89710

VOID AFTER 180 DAYS

AUTHORIZED SIGNATURE

MEMO

Vaile

881064 / 04-08

Security features. Details on back.



⑈022917⑈ ⑆321270742⑆0402017331⑈

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

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

**Supreme Court No. 53798**

District Court Case No. D230385

**RECEIPT FOR DOCUMENTS**

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

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

05/14/09	Received Filing Fee. \$250.00 from Willick Law Group check no. 22917.
05/14/09	Filed Certified Copy of Notice of Appeal. Notice of exemption from settlement conference program mailed to all counsel. (Docketing statement mailed to counsel for appellant.)

DATE: May 14, 2009

Tracie Lindeman, Clerk of Court

24  
1 NOTC  
2 WILICK LAW GROUP  
3 MARSHAL S. WILICK, ESQ.  
4 Nevada Bar No. 002515  
5 RICHARD L. CRANE, ESQ.  
6 Nevada Bar No. 009536  
7 3591 E. Bonanza Road, Suite 200  
8 Las Vegas, NV 89110-2101  
9 Phone (702) 438-4100; Fax (702) 438-5311  
10 email@willicklawgroup.com  
11 Attorneys for Defendant/Petitioner

FILED

MAY 6 11 43 AM '09

*E. J. Smith*  
CLERK OF THE COURT

FILED

MAY 14 2009

DISTRICT COURT  
FAMILY DIVISION  
CLARK COUNTY, NEVADA

TRACIE K. LINDEMAN  
CLERK OF SUPREME COURT  
BY *F. J. Smith*  
DEPUTY CLERK

Nb. 53798

12 ROBERT SCOTLUND VAILE,  
13 Plaintiff/Respondent,

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

14 vs.

15 CISILIE A. PORSBOLL f.k.a. CISILIE A. VAILE,  
16 Defendant/Petitioner.

DATE OF HEARING: N/A  
TIME OF HEARING: N/A

NOTICE OF APPEAL

19 TO: ROBERT SCOTLUND VAILE, Plaintiff In Proper Person,

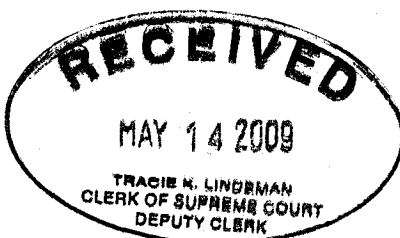
20 TO: GRETA MUIRHEAD, ESQ., Unbundled Attorney for Plaintiff,

21 NOTICE IS HEREBY GIVEN that the WILICK LAW GROUP, attorneys for  
22 Defendant/Petitioner, Cisilie A. Porsboll f.k.a. Cisilie A. Vaile, hereby appeals to the Supreme Court  
23 of Nevada from the *Findings of Fact, Conclusions of Law, Final Decision and Order Re: Child*

24 \*\*\*\*\*

25 \*\*\*\*\*

26 \*\*\*\*\*

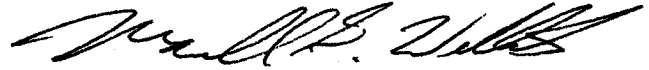




1 *Support Penalties Under NRS 125B.095*, rendered by the Hon. Cheryl B. Moss, and entered the 17<sup>th</sup>  
2 day of April, 2009, a true and correct copy of which is attached hereto.

3 DATED this 2<sup>nd</sup> day of <sup>May</sup>~~April~~, 2009.

4 Respectfully Submitted by:  
5 WILICK LAW GROUP

6 

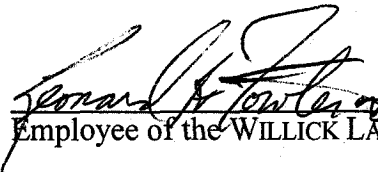
7 MARSHAL S. WILICK, ESQ.  
8 Nevada Bar No. 002515  
9 RICHARD L. CRANE, ESQ.  
10 Nevada Bar No. 009536  
11 3591 East Bonanza Road, Suite 200  
12 Las Vegas, Nevada 89110-2101  
13 (702) 438-4100  
14 Attorneys for Defendant/Petitioner  
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1 **CERTIFICATE OF SERVICE**

2 **I HEREBY CERTIFY** service of the forgoing *Notice of Appeal* was made on this 4<sup>th</sup>  
3 day of May, 2009, pursuant to EDCR 7.26(a), by faxing, and mailing via the United States Postal  
4 Service a true copy of the same addressed as follows:

5 Mr. Robert Scotlund Vaile  
6 P.O. Box 727  
7 Kenwood, California 95452  
8 Plaintiff *In Proper Person*

9 Greta G. Muirhead, Esq.  
10 9811 West Charleston Blvd., Suite 2-242  
11 Las Vegas, Nevada 89117  
12 Fax No. (702) 434-6033  
13 *Unbundled Attorney for Plaintiff*

14   
15 Employee of the WILICK LAW GROUP

16 P:\wp13\VAILEL\F0021.WPD

1 **ASTA**  
2 **WILICK LAW GROUP**  
3 **MARSHAL S. WILICK, ESQ.**  
4 Nevada Bar No. 002515  
5 **RICHARD L. CRANE, ESQ.**  
6 Nevada Bar No. 009536  
7 3591 E. Bonanza Road, Suite 200  
8 Las Vegas, NV 89110-2101  
9 Phone (702) 438-4100; Fax (702) 438-5311  
10 email@willicklawgroup.com  
11 Attorneys for Defendant/Petitioner

**FILED**

**MAY 6 11 54 AM '09**

*E. J. Smith*  
CLERK OF THE COURT

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

**ROBERT SCOTLUND VAILE,**  
**Plaintiff/Respondent,**

**vs.**

**CISILIE A. PORSBOLL f.k.a. CISILIE A. VAILE,**  
**Defendant/Petitioner.**

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

**DATE OF HEARING: N/A**  
**TIME OF HEARING: N/A**

**CASE APPEAL STATEMENT**

1. **Name of appellant filing this case appeal statement:** Cisilie A. Porsboll, Defendant/Petitioner.
2. **Identify the judge issuing the decision, judgment, or order appealed from:** Hon. Cheryl B. Moss, Eighth Judicial District, Family Division, Department I.
3. **Identify all parties to the proceedings in the district court:** Robert Scotlund Vaile, Plaintiff/Respondent; Cisilie A. Porsboll, Defendant/Petitioner.
4. **Identify all parties involved in this appeal:** Robert Scotlund Vaile, Plaintiff/Respondent; Cisilie A. Porsboll, Defendant/Petitioner.

1 5. **Set forth the name, law firm, address, and telephone number of all counsel on appeal**  
2 **and identify the party or parties whom they represent:** Marshal S. Willick, Esq., and  
3 Richard L. Crane, Esq., of the WILICK LAW GROUP, 3591 East Bonanza Road, Suite 200,  
4 Las Vegas, Nevada 89110-2101; phone number (702) 438-4100; attorneys for  
5 Defendant/Petitioner/Appellant. Plaintiff/Respondent, Robert Scotlund Vaile, was In Proper  
6 Person at the hearing from which the appeal is taken, P.O. Box 727, Kenwood, California  
7 95452. Additionally, randomly, there have been appearances throughout this action by Greta  
8 G. Muirhead, Esq., 9811 West Charleston Blvd., Suite 2-242, Las Vegas, Nevada 89117;  
9 phone number (702) 434-6004; Fax No. (702) 434-6033, purporting at those appearances to  
10 be the "*Unbundled Attorney for Plaintiff*."

11 6. **Indicate whether appellant was represented by appointed or retained counsel in the**  
12 **district court:** Appellant retained counsel for the proceedings in district court.

13 7. **Indicated whether appellant was represented by appointed or retained counsel on**  
14 **appeal:** Appellant retained counsel to file the instant appeal.

15 8. **Indicated whether appellant was granted leave to proceed in forma pauperis, and the**  
16 **date of entry of the district court order granting such leave:** No such leave was requested  
17 by Appellant.

18 9. **Indicate the date the proceedings commenced in district court:** Plaintiff filed his  
19 *Complaint for Divorce* on August 7, 1998. The summary disposition was granted August  
20 10, 1998, by Judge Steel; the *Decree of Divorce* was filed on August 21, 1998, and the  
21 *Notice of Entry of Order* was filed and served by mail on August 26, 1998.

22 This These parties have been in essentially continuous litigation since the children  
23 were recovered in 2002, but most of the tortuous history after this Court's *Opinion* ordering  
24 return of the abducted children (*Vaile v. District Court*, 118 Nev. 262, 44 P.3d 506 (2002))  
25 seems irrelevant here, including proceedings below to impose and collect attorney's fees in  
26 2003, the federal tort suit, Mr. Vaile's various unsuccessful appeals at every level, and  
27 assorted proceedings filed by Mr. Vaile throughout the country, including Virginia, Texas,  
28

1 and California, until the round of proceedings seeking collection of child support arrears,  
2 interest, and penalties in the court below in 2007.

3 On November 14, 2007, Appellant filed her *Motion to Reduce Arrears in Child*  
4 *Support to Judgment, to Establish a Sum Certain Due Each Month in Child Support, and for*  
5 *Attorney's Fees and Costs*. On January 15, 2008, the court issued its *Order*, which was  
6 entered on January 15, 2008, finding Mr. Vaile massively in arrears in child support. On  
7 January 23, 2008, Plaintiff/Respondent filed a *Motion to Set Aside the Order of January 15,*  
8 *2008 and To Reconsider and Rehear the Matter, and Motion to Reopen Discovery, and*  
9 *Motion to Stay Enforcement of the January 15, 2008 Order*.

10 On March 20, 2008, the court issued its *Order Amending the Order of January 15,*  
11 *2008* (essentially, correcting the math slightly).

12 On March 31, 2008, Plaintiff/Respondent filed his *Motion for Reconsideration and*  
13 *to Amend Order or Alternatively, for a New Hearing and Request to Enter Objections and*  
14 *Motion to Stay Enforcement of the March 3, 2008 Order*.

15 Mr. Vaile filed many other motions on a variety of topics, including seeking to  
16 disqualify the judge, and undersigned counsel, most of were denied and then appealed by him  
17 to this Court, which appeals were all dismissed. It was during the several hearings on Mr.  
18 Vaile's various motions that the issue of the precise math involved in interest and penalties  
19 on child support arrears was raised by Mr. Vaile. The court below requested and received  
20 briefs from both parties and input from both the Clark County District Attorney for child  
21 support enforcement and the State of Nevada Attorney General's office.

22 On August 15, 2008, the court issued its order for the June 11, 2008, hearing, which  
23 was appealed by Plaintiff/Respondent on September 14, 2008.

24 On August 25, 2008, Plaintiff/Respondent, filed his third petition for *Writ of*  
25 *Certiorari* to the United States Supreme Court, which was again denied.

26 On October 9, 2008, the trial court issued its *Findings of Fact, Conclusions of Law,*  
27 *Final Decision and Order*. Due to Mr. Vaile's then-pending appeal, which the court believed  
28 implicated the penalties issue, the court reserved ruling on the penalties question.

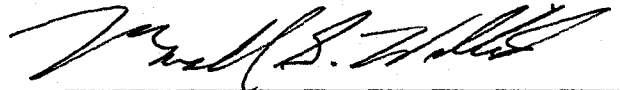
1 On October 13, 2008, this Court issued its *Order Dismissing Appeal*.

2 On April 17, 2009, the District Court issued its *Notice of Entry of Findings of Fact,*  
3 *Conclusions of Law, Final Decision and Order Re: Child Support Penalties NRS 125B.095.*

4 This appeal follows.

5 DATED this 2nd day of <sup>May</sup>~~April~~, 2009.

6 Respectfully submitted by:  
7 WILICK LAW GROUP

8 

9 MARSHAL S. WILICK, ESQ.  
10 Nevada Bar No. 002515  
11 RICHARD L. CRANE, ESQ.  
12 Nevada Bar No. 009536  
13 3591 East Bonanza Road, Suite 200  
14 Las Vegas, Nevada 89110-2101  
15 Attorneys for Petitioner  
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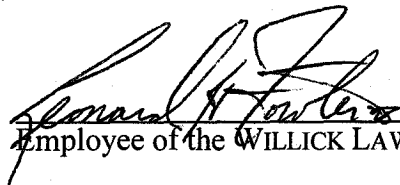
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## CERTIFICATE OF SERVICE

I hereby certify that service of the foregoing *Case Appeal Statement* was made on the 4<sup>th</sup> day of May, 2009, pursuant to EDCR 7.26(a) by mailing a true and correct copy of the same addressed as follows:

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

Greta G. Muirhead, Esq.  
9811 West Charleston Blvd., Suite 2-242  
Las Vegas, Nevada 89117  
Fax No. (702) 434-6033  
*Unbundled Attorney for Plaintiff*

  
Employee of the WILICK LAW GROUP

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**CASE SUMMARY****CASE NO. 98D230385****In the Matter of the Joint Petition for Divorce of:  
Robert S Vaile and Cisilie A Vaile, Petitioners.**§  
§  
§  
§Location: **Department I**  
Judicial Officer: **Moss, Cheryl B**  
Filed on: **08/07/1998****CASE INFORMATION****Statistical Closures**03/20/2008 Decision with Hearing  
01/15/2008 Decision with Hearing**Bonds**Conversion #98D230385\_00264652 \$250  
12/5/2000 Posted**Counts:**Conversion #98D230385\_00258742 \$10000  
10/6/2000 Posted**Counts:**Case Type: **Divorce - Joint Petition**Case Status: **04/01/2008 Reopened**03/20/2008 Closed  
01/24/2008 Reopened  
01/15/2008 Closed  
11/14/2007 Reopened  
07/24/2003 Closed  
04/21/2003 Reopened  
04/16/2002 Closed  
10/17/2000 Reopened  
10/12/2000 Closed  
09/21/2000 Reopened  
04/19/2000 Closed  
02/18/2000 Reopened  
08/07/1998 Open**DATE****CASE ASSIGNMENT****Current Case Assignment**Case Number 98D230385  
Court Department I  
Date Assigned 12/05/2000  
Judicial Officer Moss, Cheryl B**PARTY INFORMATION****Petitioner****Vaile, Cisilie A**  
*NORWAY*  
*NV, NV N/A***Crane, Richard L.** 702-438-4100  
*Retained***Crane, Richard L.** 702-438-4100  
*Retained***Willick, Marshal S.** 702-438-4100  
*Retained***Willick, Marshal S.** 702-438-4100  
*Retained***Vaile, Robert S**  
*P.O. Box 727*  
*Kentwood, CA 95452***Pro Se** 707-833-2350  
**MUIRHEAD, GRETA G.** 7024346004  
*Retained***Subject Minor****Vaile, Kaia L****Vaile, Kamilla J****Conversion****Financial Conversion 98D230385****Extended**

Removed: 03/23/2007

**Connection Type**

Converted From Blackstone

**DATE****EVENTS & ORDERS OF THE COURT**



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

## Converted Disposition:

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

01/15/2008

**Judgment** (Judicial Officer: Moss, Cheryl B)

Judgment (\$226,569.23, In Full)

Judgment (\$5,100.00, In Full)

02/27/2009

**Judgment** (Judicial Officer: Moss, Cheryl B)

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

03/29/2000

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

Events: 02/18/2000 Motion

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

09/29/2000

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

Events: 09/26/2000 Motion

*DEFT'S MOTION FOR RETURN OF CHILDREN*

10/02/2000

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

10/11/2000

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

Events: 10/02/2000 Hearing

*HEARING: JURISDICTIONAL*

10/13/2000

**CANCELED Motion**

Events: 09/21/2000 Motion

*Vacated*

10/17/2000

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

Events: 10/11/2000 Return

*RETURN: MARATHON MEDIATION/JURISDICTION ISSUES*

04/16/2002

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

05/15/2003

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

Events: 05/01/2003 Motion

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

05/21/2003

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

Events: 04/21/2003 Motion

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

06/04/2003

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

01/15/2008

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

Events: 11/14/2007 Motion

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

03/03/2008

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

Events: 01/23/2008 Motion

*Pltf's Motion to Set Aside Order, Reconsider, Reopen Discovery, Stay Enforcement**03/27/2008 Reset by Court to 03/03/2008*

03/03/2008

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

Events: 01/28/2008 Notice of Motion

# CASE SUMMARY

CASE NO. 98D230385

*Pltf's Motion to Dismiss Defendant's Pending Motion and Prohibition on Subsequent Filings and to Declare this Case Closed Based on Final Judgment by the Nevada Supreme Court, Lack of Subject Matter Jurisdiction, Lack of Personal Jurisdiction, Insufficiency of Process, and/or Insufficiency of Service of Process and Res Judicata, and to Issue Sanctions, or, in the Alternative, Motion to Stay Case.*

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

- 03/03/2008      **Opposition & Countermotion (9:30 AM)** (Judicial Officer: Moss, Cheryl B)  
 Events: 02/11/2008 Opposition and Countermotion  
*Deft's Opposition and Countermotion for Dismissal Under EDCR 2.23 and the Fugitive Disentitlement Doctrine, for Fees and Sanctions Under EDCR 7.60, and for a Goad Order Restricting Future Filings*  
 03/27/2008      *Reset by Court to 03/03/2008*
- 03/03/2008      **All Pending Motions (9:30 AM)** (Judicial Officer: Moss, Cheryl B)
- 06/11/2008      **Motion to Reconsider (9:00 AM)** (Judicial Officer: Moss, Cheryl B)  
 Events: 03/31/2008 Motion  
*Robert Vaile's Motion for Reconsideration , Amend Order, New Hearing, Objections, Stay Enforcement of 3-3-08 Order*
- 06/11/2008      **Opposition & Countermotion (9:00 AM)** (Judicial Officer: Moss, Cheryl B)  
 Events: 03/31/2008 Motion  
*Deft's opposition and countermotion for reconsideration and to amend order posting of bond and atty fees*
- 06/11/2008      **Motion (9:00 AM)** (Judicial Officer: Moss, Cheryl B)  
 Events: 05/10/2008 Order  
*Ex Parte Motion for Order Allowing Examination of Judgment Debtor*
- 06/11/2008      **Opposition & Countermotion (9:00 AM)** (Judicial Officer: Moss, Cheryl B)  
 Events: 06/05/2008 Notice of Hearing  
*Pltf's Opposition to Ex-Parte Motion for Order Allowing Examination of Judgment Debtor*
- 06/11/2008      **All Pending Motions (9:00 AM)** (Judicial Officer: Moss, Cheryl B)
- 07/11/2008      **Motion (8:00 AM)** (Judicial Officer: Moss, Cheryl B)  
 Events: 05/05/2008 Motion  
*Robert Vaile's Motion for Sanctions*  
 07/03/2008      *Reset by Court to 07/11/2008*  
 07/11/2008      *Reset by Court to 07/11/2008*
- 07/11/2008      **Opposition & Countermotion (8:00 AM)** (Judicial Officer: Moss, Cheryl B)  
 Events: 05/05/2008 Opposition and Countermotion  
*Cisiie Vaile's Opposition and Countermotion for a Bond, Fees, Sanctions*  
 07/03/2008      *Reset by Court to 07/11/2008*  
 07/11/2008      *Reset by Court to 07/11/2008*
- 07/11/2008      **Return Hearing (8:00 AM)** (Judicial Officer: Moss, Cheryl B)  
*Child Support Penalties and Interest*  
 07/11/2008      *Reset by Court to 07/11/2008*
- 07/11/2008      **Motion to Strike (8:00 AM)** (Judicial Officer: Moss, Cheryl B)  
 Events: 07/09/2008 Notice of Motion  
*Deft's Motion to Strike Plaintiff's Ex-Parte Request to Continue July 11, 2008 Hearing as a Fugitive Document and Request for Sanctions and for Attorney's Fees*  
 09/08/2008      *Reset by Court to 07/11/2008*
- 07/11/2008      **All Pending Motions (8:00 AM)** (Judicial Officer: Moss, Cheryl B)
- 07/21/2008      **Hearing (8:00 AM)** (Judicial Officer: Moss, Cheryl B)  
*Argument: Competing Orders (6/11/08)*
- 07/24/2008      **Motion (1:15 PM)** (Judicial Officer: Moss, Cheryl B)  
 Events: 07/21/2008 Motion  
*Robert Scotlund Vaile's Motion to Disqualify Marshal Willick and The Willick Law Group as Attorney's of Record*
- 07/24/2008      **Opposition & Countermotion (1:15 PM)** (Judicial Officer: Moss, Cheryl B)  
 Events: 07/22/2008 Opposition and Countermotion  
*Deft's Opposition & Countermotion for Disqualification of Great Muirhead as Attorney of Record, Fees and Sanctions*
- 07/24/2008      **All Pending Motions (1:15 PM)** (Judicial Officer: Moss, Cheryl B)

# CASE SUMMARY

CASE NO. 98D230385

## MINUTES

### SCHEDULED HEARINGS

08/15/2008	<b>Hearing (8:00 AM)</b> (Judicial Officer: Moss, Cheryl B) <i>Clarification of March 3, 2008 Order</i>
09/18/2008	<b>Order to Show Cause (8:30 AM)</b> (Judicial Officer: Moss, Cheryl B) Events: 08/01/2008 Order to Show Cause <i>Plaintiff &amp; Defendant</i>
09/18/2008	<b>Motion for Order to Show Cause (8:30 AM)</b> (Judicial Officer: Moss, Cheryl B) Events: 07/23/2008 Motion <i>Deft's Motion for Order to Show Cause Why Robert Scotlund Vaile Should Not be Held in Contempt for Failure to Comply with the Orders of the Court, and for Attorney's Fees</i> 08/27/2008 <i>Reset by Court to 09/18/2008</i>
09/18/2008	<b>Order to Show Cause (8:30 AM)</b> (Judicial Officer: Moss, Cheryl B) Events: 07/23/2008 Order to Show Cause <i>Deft's Order to Show Cause</i>
09/18/2008	<b>Motion to Reconsider (8:30 AM)</b> (Judicial Officer: Moss, Cheryl B) Events: 08/04/2008 Motion <i>RS Vaile's Motion for Reconsideration and/or Set Aside Ruling of 7/24/08, Attorney's Fees, Sanctions</i> 10/07/2008 <i>Reset by Court to 09/18/2008</i>
09/18/2008	<b>All Pending Motions (8:30 AM)</b> (Judicial Officer: Moss, Cheryl B)
09/18/2008	<b>Evidentiary Hearing (1:30 PM)</b> (Judicial Officer: Moss, Cheryl B) <i>Fees and Sanctions</i>
04/20/2009	<b>Minute Order (10:00 AM)</b> (Judicial Officer: Moss, Cheryl B) <i>Re: Decision</i>
04/29/2009	<b>Motion for Attorney Fees (10:30 AM)</b> (Judicial Officer: Moss, Cheryl B) Events: 03/03/2009 Motion <i>Cisilie Vaile's Motion to Reduce to Judgment Additional Attorney's Fees Awarded and Issue a Payment Schedule for All Attorney's Fees Awarded to Date, for a Lump Sum Payment for Child Support Arrearages, and Attorney's Fees and Costs</i> 05/05/2009 <i>Reset by Court to 04/29/2009</i>
08/07/1998	<b>Complaint</b> <i>COMPLAINT FOR DECREE OF DIVORCE Fee \$137.00 SCH/PER Date: Blackstone OC:</i>
08/07/1998	<b>Answer</b> Filed by: Petitioner Vaile, Cisilie A <i>ANSWER IN PROPER PERSON SCH/PER Date: 08/07/1998 Blackstone OC:</i>
08/07/1998	<b>Request</b> Filed by: Petitioner Vaile, Robert S <i>REQUEST FOR SUMMARY DISPOSITION OF AN UNCONTESTED DIVORCE SCH/PER Date: Blackstone OC:</i>
08/07/1998	<b>Notice of Seminar Completion EDCR 5.07</b> <i>NOTICE OF PROGRAM COMPLETION - EDCR 5.07 SCH/PER Date: Blackstone OC:</i>
08/07/1998	<b>Affidavit</b> Filed by: Petitioner Vaile, Robert S <i>AFFIDAVIT OF RESIDENT WITNESS SCH/PER Date: Blackstone OC:</i>
08/21/1998	<b>Judgment</b> Filed by: Petitioner Vaile, Robert S <i>DECREE OF DIVORCE SCH/PER Date: 08/24/1998 Blackstone OC:</i>
08/26/1998	<b>Notice</b> <i>NOTICE OF ENTRY OF DECREE OF DIVORCE SCH/PER Date: Blackstone OC:</i>
02/18/2000	<b>Motion</b> <i>PLTF'S MOTION FOR ORDER DIRECTING DEFT TO APPEAR AND SHOW CAUSE RE: CONTEMPT SCH/PER Date: 03/29/2000 Blackstone OC: GR</i>
02/18/2000	<b>Request</b> Filed by: Petitioner Vaile, Robert S <i>PLAINTIFF'S MOTION FOR AN ORDER DIRECTING DEFENDANT TO APPEAR AND</i>

# CASE SUMMARY

CASE No. 98D230385

*SHOWCAUSE WHY DEFENDANT SHOULD NOT BE HELD IN CONTEMPT OF COURT FOR FAILING TO RETURN THE MINOR CHILDREN TO NEVADA - THE IMMEDIATE RETURN OF THE MINOR CHILDREN TO NEVADA - FOR AN ORDER AWARDING PLAINTIFF PRIMARY PHYSICAL CUSTODY OF THE MINOR CHILDREN - ATTORNEYS FEES AND COSTS SCH/PER Date: Blackstone OC:*

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

# CASE SUMMARY

CASE No. 98D230385

ABDUCTED CHILDREN AND MOTION TO SET ASIDE FRAUDULENTLY OBTAINED  
DIVORCE OR IN THE ALTERNATIVE SET ASIDE ORDERS ENTERED ON APRIL 12 2000  
AND REHEAR THE MATTER AND FOR ATTORNEYS FEES AND COSTS SCH/PER Date:  
Blackstone OC:

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

**CASE SUMMARY**

**CASE No. 98D230385**

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

**CASE SUMMARY**

**CASE No. 98D230385**

*Date: Blackstone OC:*

04/24/2002 Document Filed  
*ESTIMATE OF THE COST OF THE TRANSCRIPT SCH/PER Date: Blackstone OC:*

04/21/2003 Motion  
*DEFT'S MOTION FOR ATTORNEY'S FEES AND COSTS, CERTAIN ANCILLARY RELIEF SCH/PER Date: 06/04/2003 Blackstone OC: GP*

04/21/2003 Family Court Motion Opposition Fee Information Sheet  
Filed by: Petitioner Vaile, Cisilie A  
*FAMILY COURT MOTION OPPOSITION FEE INFORMATION SHEET SCH/PER Date: Blackstone OC:*

04/29/2003 Certificate of Mailing  
Filed by: Petitioner Vaile, Cisilie A  
*CERTIFICATE OF MAILING SCH/PER Date: 04/21/2003 Blackstone OC: TP*

05/01/2003 Motion  
*PETER M. ANGULO'S EMERGENCY MOTION TO WITHDRAW AS COUNSEL SCH/PER Date: 05/15/2003 Blackstone OC: GR*

05/01/2003 Errata  
Filed by: Petitioner Vaile, Cisilie A  
*ERRATA TO CERTIFICATE OF MAILING FILED APRIL 29 2003 SCH/PER Date: Blackstone OC:*

05/01/2003 Notice  
*NOTICE OF NON OPPOSITION TO MOTION SCH/PER Date: 05/01/2003 Blackstone OC:*

05/05/2003 Receipt of Copy  
Filed by: Petitioner Vaile, Robert S  
*RECEIPT OF COPY SCH/PER Date: 05/02/2003 Blackstone OC:*

05/08/2003 Receipt of Copy  
Filed by: Petitioner Vaile, Robert S  
*RECEIPT OF COPY SCH/PER Date: 05/05/2003 Blackstone OC:*

05/23/2003 Supplemental  
Filed by: Petitioner Vaile, Cisilie A  
*SUPPLEMENTAL EXHIBIT SCH/PER Date: Blackstone OC:*

05/28/2003 Converted from Blackstone  
*PLAINTIFF R SCOTLUND VAILES SPECIAL APPEARANCE AND PROPER OF OPPOSITION TO MOTION FOR ATTORNEY FEES AND COSTS AND CERTAIN ANCILLARY RELIEF AND REQUEST FOR SANCTIONS SCH/PER Date: Blackstone OC:*

06/02/2003 Order  
*ORDER SCH/PER Date: 05/15/2003 Blackstone OC: HG*

06/04/2003 Supplemental  
Filed by: Petitioner Vaile, Cisilie A  
*SUPPLEMENTAL EXHIBIT SCH/PER Date: Blackstone OC:*

06/09/2003 Notice  
*NOTICE OF ENTRY OF ORDER SCH/PER Date: 06/09/2003 Blackstone OC:*

06/16/2003 Converted from Blackstone  
*REOPENED DOMESTIC CASE WITH FEE SCH/PER Date: Blackstone OC:*

06/16/2003 Family Court Motion Opposition Fee Information Sheet  
Filed by: Petitioner Vaile, Robert S  
*FAMILY COURT MOTION OPPOSITION FEE INFORMATION SHEET SCH/PER Date: Blackstone OC:*

07/24/2003 Order  
*ORDER FROM JUNE 4, 2003 HEARING SCH/PER Date: 06/04/2003 Blackstone OC: HG*















07/25/2003 Notice  
*NOTICE OF ENTRY OF ORDER FROM JUNE 4 2003 HEARING SCH/PER Date: 07/25/2003 Blackstone OC:*

10/15/2003 Notice  
*NOTICE OF COMPLIANCE WITH COURTS ORDER OF JUNE 4, 2003 SCH/PER Date: 10/15/2003 Blackstone OC:*

11/06/2003 Supplemental

**CASE SUMMARY**



















**CASE NO. 98D230385**

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



# CASE SUMMARY


CASE NO. 98D230385


01/22/2008	Certificate Filed by: Petitioner Vaile, Robert S <i>of Service</i>
01/22/2008	 Certificate Filed by: Petitioner Vaile, Robert S <i>Of Service</i>
01/23/2008	 Motion Filed by: Petitioner Vaile, Robert S For: Petitioner Vaile, Cisilie A
01/25/2008	 Ex Parte Filed by: Petitioner Vaile, Robert S <i>Motion for Order Shortening Time</i>
01/28/2008	 Notice of Motion Filed by: Petitioner Vaile, Cisilie A
01/29/2008	 Certificate Filed by: Petitioner Vaile, Robert S <i>of Service</i>
01/29/2008	 Family Court Motion Opposition Fee Information Sheet Filed by: Petitioner Vaile, Robert S <i>R. Scotlund Vaile</i>
02/11/2008	 Opposition and Countermotion Filed by: Petitioner Vaile, Cisilie A Party 2: Petitioner Vaile, Robert S
02/11/2008	 Family Court Motion Opposition Fee Information Sheet Filed by: Petitioner Vaile, Cisilie A
02/14/2008	 Notice of Entry of Order
02/14/2008	 Receipt of Copy Filed by: Petitioner Vaile, Robert S Party 2: Petitioner Vaile, Cisilie A
02/14/2008	 Order Shortening Time Filed by: Petitioner Vaile, Robert S
02/19/2008	 Reply Filed by: Petitioner Vaile, Robert S <i>in Support of Motion to Set Aside Order of January 15 2008 and to Reconsider</i>
02/26/2008	 Certificate Filed by: Petitioner Vaile, Robert S <i>Of Service</i>
03/06/2008	 Supplemental Filed by: Petitioner Vaile, Cisilie A <i>Supplement To Defendant's Motion To Reduce Arrears In Child Support To Judgment</i>
03/20/2008	 Order <i>Amending The Order Of January 15, 2008</i>
03/25/2008	 Notice of Entry of Order
03/31/2008	 Motion Filed by: Petitioner Vaile, Robert S For: Petitioner Vaile, Cisilie A
04/08/2008	 Motion


## CASE SUMMARY


CASE NO. 98D230385


Filed by: Petitioner Vaile, Robert S  
For: Petitioner Vaile, Cisilie A  
*Ex Parte Motion For Order Shortening Time*


04/08/2008  Certificate of Mailing  
Filed by: Petitioner Vaile, Robert S  
For: Petitioner Vaile, Cisilie A  
*Motion For Reconsideration*


04/14/2008  Family Court Motion Opposition Fee Information Sheet  
Filed by: Petitioner Vaile, Robert S  
*Cisilie A. Vaile*


04/14/2008  Opposition  
Filed by: Petitioner Vaile, Cisilie A  
*To Plaintiff's Motion For Reconsideration And To Amend Order Or Alternatively*


04/22/2008  Reply  
Filed by: Petitioner Vaile, Robert S  
*Memorandum in Support of Motion for Reconsideration and to Amend Order*


05/02/2008  Motion  
Filed by: Petitioner Vaile, Cisilie A  
For: Petitioner Vaile, Robert S  
*Ex Parte Motion for Order Allowing Examination of Judgment Debtor*


05/05/2008  Family Court Motion Opposition Fee Information Sheet  
Filed by: Petitioner Vaile, Cisilie A  
*Cisilie A. Vaile*


05/05/2008  Motion  
Filed by: Petitioner Vaile, Robert S  
For: Petitioner Vaile, Cisilie A


05/05/2008  Opposition and Countermotion  
Filed by: Petitioner Vaile, Cisilie A  
Party 2: Petitioner Vaile, Robert S


05/08/2008  Writ of Execution  
Filed by: Petitioner Vaile, Robert S


05/10/2008  Order  
*For Examination Of Judgment Debtor*

05/12/2008  Certificate  
Filed by: Petitioner Vaile, Robert S  
*Of Service*

05/15/2008  Certificate  
Filed by: Petitioner Vaile, Cisilie A  
*Of Service By Mail*


05/20/2008  Reply  
Filed by: Petitioner Vaile, Robert S  
*Memorandum in Support of Plaintiff's Renewed Motion for Sanctions and Opposition to Countermotions*


05/29/2008  Certificate  
Filed by: Petitioner Vaile, Robert S  
*of Service*

06/05/2008  Opposition  
Filed by: Petitioner Vaile, Robert S  
*To Ex-Parte Motion For Order Allowing Examination Of Judgment Debtor And Supplement To Motion*


## CASE SUMMARY


CASE NO. 98D230385


06/05/2008  Motion  
Filed by: Petitioner Vaile, Robert S  
For: Petitioner Vaile, Cisilie A  
*Ex-Parte Motion To Rescuse*


06/05/2008  Family Court Motion Opposition Fee Information Sheet  
Filed by: Petitioner Vaile, Robert S  
*R. S. Vaile*


06/05/2008 Notice of Hearing  
*on Opposition*


06/05/2008  Notice of Hearing  
*on Opposition*


06/09/2008  Supplemental  
Filed by: Petitioner Vaile, Cisilie A  
*to Defendant's Opposition to Plaintiff's Motion for Reconsideration and to Amend Order or Alternatively, for a New Hearing and Request to Enter Objections and Motion to Stay Enforcement of the March 3, 2008 Order and Countermotion for GOAD Order or Posting of Bond and Attorney's Fees and Costs*


06/23/2008  Supplemental  
Filed by: Petitioner Vaile, Cisilie A  
*Third Supplement to Defendant's Oppositions to Plaintiff's Motion for*


07/01/2008  Order to Show Cause  
Filed by: Petitioner Vaile, Cisilie A


07/07/2008  Request  
Filed by: Petitioner Vaile, Robert S  
*Ex Parte Request to Continue July 11 2008 Hearing*


07/08/2008  Family Court Motion Opposition Fee Information Sheet  
Filed by: Petitioner Vaile, Cisilie A


07/08/2008  Supplemental  
Filed by: Petitioner Vaile, Cisilie A  
*Authorities*


07/08/2008  Motion  
Filed by: Petitioner Vaile, Cisilie A  
For: Petitioner Vaile, Robert S  
*to Strike Plaintiffs Ex Parte Request to Continue July 11, 2008 Hearing as*


07/09/2008  Notice of Motion  
Filed by: Petitioner Vaile, Cisilie A

07/09/2008  Certificate  
Filed by: Petitioner Vaile, Cisilie A  
*Of Service*

07/09/2008  Application  
Filed by: Petitioner Vaile, Cisilie A  
*Ex Parte Application For Order Shortening Time*

07/09/2008  Order Shortening Time  
Filed by: Petitioner Vaile, Cisilie A

















07/09/2008  Brief  
Filed by: Petitioner Vaile, Cisilie A  
*Friend Of The Court Brief*

07/09/2008  Affidavit of Financial Condition  
Filed by: Petitioner Vaile, Robert S

## CASE SUMMARY



















CASE NO. 98D230385

R S Vaile

- 07/11/2008  Opposition  
Filed by: Petitioner Vaile, Robert S  
*To Defendant's Motion To Strike Plaintiff's Ex-Parte Request To Continue July 11, 2008 Hearing As A Fugitive Document And Request For Sanctions*
- 07/11/2008  Brief  
Filed by: Petitioner Vaile, Robert S  
*Plaintiff's Supplemental Brief*
- 07/21/2008  Motion  
Filed by: Petitioner Vaile, Robert S  
For: Petitioner Vaile, Cisilie A
- 07/21/2008  Family Court Motion Opposition Fee Information Sheet  
Filed by: Petitioner Vaile, Robert S
- 07/21/2008  Order Shortening Time  
Filed by: Petitioner Vaile, Robert S
- 07/21/2008  Application  
Filed by: Petitioner Vaile, Robert S  
*for an Order Shortening Time on Motion to Disqualify Marshall Willick and The Willick Law Group as Attorney of Record Pursuant to Rules of Professional Conduct 3.7*
- 07/22/2008  Opposition and Countermotion  
Filed by: Petitioner Vaile, Cisilie A  
Party 2: Petitioner Vaile, Robert S
- 07/22/2008  Family Court Motion Opposition Fee Information Sheet  
Filed by: Petitioner Vaile, Cisilie A  
*Cisilie Vaile*
- 07/23/2008  Motion  
Filed by: Petitioner Vaile, Cisilie A  
For: Petitioner Vaile, Robert S
- 07/23/2008 Order to Show Cause  
Filed by: Petitioner Vaile, Cisilie A
- 07/23/2008  Application  
Filed by: Petitioner Vaile, Cisilie A  
*Ex Parte Application for Order Shortening Time*
- 07/23/2008  Family Court Motion Opposition Fee Information Sheet  
Filed by: Petitioner Vaile, Cisilie A
- 07/23/2008  Order to Show Cause  
Filed by: Petitioner Vaile, Cisilie A
- 07/23/2008  Errata  
Filed by: Petitioner Vaile, Robert S  
*To Ex Parte Motion To Recuse*
- 07/23/2008  Reply  
Filed by: Petitioner Vaile, Cisilie A  
*To Defendant's Opposition To Disqualify Marshal Willick And The Willick Law Group*
- 07/24/2008  Stricken Document  
Filed by: Petitioner Vaile, Robert S  
*7/24/08 per Judge Moss*
- 07/24/2008  Stricken Document  
Filed by: Petitioner Vaile, Robert S  
*07/24/08 Stricken per Judge Moss*




















## CASE SUMMARY

CASE NO. 98D230385

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

# CASE SUMMARY

CASE NO. 98D230385

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

## CASE SUMMARY

CASE NO. 98D230385

	Filed by: Petitioner Vaile, Cisilie A
04/03/2009	NV Supreme Court Clerk's Certificate
04/10/2009	Opposition Filed by: Petitioner Vaile, Robert S <i>To Motion To Reduce To Judgment Additional Attorney's Fees Awarded To Date And For A Lump Sum Payment For Child Support Arrearages And Attorney's Fees And Costs</i>
04/10/2009	Certificate of Service Filed by: Petitioner Vaile, Robert S <i>Second Amended Notice of Appeal and Second Amended Case Appeal Statement</i>
04/10/2009	Case Appeal Statement Filed by: Petitioner Vaile, Robert S <i>Second AMENDED</i>
04/10/2009	Notice of Appeal Filed by: Petitioner Vaile, Robert S <i>Second AMENDED</i>
04/15/2009	Certificate of Service Filed by: Petitioner Vaile, Cisilie A <i>Via U.S Mail</i>
04/17/2009	Findings of Fact, Conclusions of Law and Judgment Filed by: Petitioner Vaile, Robert S; Petitioner Vaile, Cisilie A <i>Order Re: Child Support Penalties under NRS 125b.095</i>
04/17/2009	Notice of Entry Filed by: Petitioner Vaile, Robert S; Petitioner Vaile, Cisilie A <i>of Findings of Fact, Conclusions of Law, Final Decision and Order RE: Child Support Penalties NRS 125B.095</i>
04/21/2009	Certificate of Mailing Filed by: Petitioner Vaile, Robert S For: Petitioner Vaile, Cisilie A
04/23/2009	Supplemental Filed by: Petitioner Vaile, Cisilie A <i>Supplement to Motion to Reduce to Judgment Additional Attorneys Fees</i>
04/24/2009	Reply Filed by: Petitioner Vaile, Cisilie A <i>to Plaintiff's Opposition</i>
04/29/2009	Certificate of Service Filed by: Petitioner Vaile, Cisilie A <i>VIA US Mail</i>
04/29/2009	Request Filed by: Petitioner Vaile, Robert S <i>To File Motions</i>
05/06/2009	Notice of Appeal Filed by: Petitioner Vaile, Cisilie A
05/06/2009	Case Appeal Statement Filed by: Petitioner Vaile, Cisilie A

## DATE

## FINANCIAL INFORMATION

<b>Conversion Extended Connection Type</b>	Financial Conversion 98D230385
<b>Total Charges</b>	

585.00

**CASE SUMMARY****CASE NO. 98D230385**

Total Payments and Credits	585.00
<b>Balance Due as of 5/11/2009</b>	<b>0.00</b>
<b>Petitioner</b> Vaile, Cisilie A	
Total Charges	52.00
Total Payments and Credits	52.00
<b>Balance Due as of 5/11/2009</b>	<b>0.00</b>
<b>Petitioner</b> Vaile, Robert S	
Total Charges	96.00
Total Payments and Credits	96.00
<b>Balance Due as of 5/11/2009</b>	<b>0.00</b>



ORIGINAL

FILED

2007 APR 17 P 4:10

DISTRICT COURT  
CLARK COUNTY, NEVADA

*E. J. [Signature]*  
CLERK OF THE COURT

R. S. VAILE,

Plaintiff,

Case No. 98-D-230385

vs.

Dept. No. I

CISILIE A. VAILE,

Defendant

**FINDINGS OF FACT, CONCLUSIONS OF LAW, FINAL DECISION AND  
ORDER RE: CHILD SUPPORT PENALTIES UNDER NRS 125B.095**

**PROCEDURAL HISTORY:**

1. This matter was taken under advisement on the issue of calculation of the 10% penalty referenced in NRS 125B.095.
2. A pertinent procedural history in this case is summarized as follows:
3. On November 14, 2007, Defendant, Cisilie Vaile, 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.
4. On December 4, 2007, Plaintiff, 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.

5. On December 19, 2007, Defendant filed an Opposition to Plaintiff's Motion and Countermotion for Fees and Sanctions under EDCR 7.60.
6. 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.
7. On January 15, 2008, a hearing was held and Plaintiff failed to appear. As a result, Plaintiff was defaulted and Defendant was granted relief requested in their Motion. Child support was set at \$1,300.00 per month, child support arrears in the amount of \$226,569.23 were reduced to judgment, and Defendant was awarded \$5,100.00 in attorney's fees.
8. On January 23, 2008, Plaintiff filed a Motion to Set Aside Order of January 15, 2008, and to Reconsider and Rehear the Matter, and Motion to Reopen Discovery, and Motion to Stay Enforcement of the January 15, 2008 Order.
9. On February 11, 2008, Defendant filed an Opposition to Plaintiff's Motion to Set Aside Order....and Countermotions for Dismissal under EDCR 2.23 and the Fugitive Disentitlement Doctrine, for Fees and Sanctions under EDCR 7.60 and for a Goad Order Restricting Future Filings.
10. On February 19, 2008, Plaintiff filed a Reply to Opposition to Motion to Set Aside Order....and Opposition to Defendant's Countermotions.
11. On March 3, 2008, a hearing was held to address the above listed motions, oppositions, and countermotions. The Court ordered the following:
  - A. Plaintiff's Motion to Dismiss was denied.
  - B. Plaintiff's Motion to Set Aside was granted.
  - C. Plaintiff's Motion to Reopen Discovery was denied.
  - D. Defendant's Motion for a Goad Order was denied.
  - E. The child support arrears amount was confirmed unless Norway modifies said amount.
  - F. Defendant was awarded \$10,000.00 attorney's fees, and the amount was reduced to judgment.
12. On March 31, 2008, Plaintiff filed a Motion for Reconsideration and to Amend Order or, alternatively for a New Hearing and Request to Enter Objections, and Motion to Stay Enforcement of the March 3, 2008 Order.
13. On April 14, 2008, Defendant filed an Opposition to Plaintiff's Motion for Reconsideration and Countermotion for Goad Order or Posting of Bond and Attorney's Fees and Costs.

14. On April 22, 2008, Plaintiff filed a Reply Memorandum in Support of Motion for Reconsideration....and Opposition to Countermotions.
15. On May 2, 2008, Defendant filed an Ex Parte Motion for Examination of Judgment Debtor. The Order for Examination of Judgment Debtor was filed on May 10, 2008.
16. On May 5, 2008, Plaintiff filed a Renewed Motion for Sanctions.
17. Also on May 5, 2008, Defendant filed an Opposition to Plaintiff's Renewed Motion for Sanctions and Countermotion for Requirement for a Bond, Fees and Sanctions under EDCR 7.60.
18. On May 20, 2008, Plaintiff filed a Reply Memorandum in Support of Plaintiff's Renewed Motion for Sanctions and Opposition to Countermotions.
19. On June 5, 2008, Plaintiff filed an Opposition to Defendant's Ex Parte Motion for Examination of Judgment Debtor.
20. Also on June 5, 2008, Plaintiff filed a Motion to Recuse the undersigned Judge.
21. On June 11, 2008, the Court heard the matter on the various motions before it. The Court ordered the following:
  - A. that it had personal jurisdiction over the parties to order child support;
  - B. that based on part performance and for purposes of determining a sum certain for the District Attorney to enforce, the amount of \$1,300.00 per month for child support was ordered;
  - C. that the child support arrears judgment stands but is subject to modification pursuant to NRCPP 60(a) and for any payments credited on Plaintiff's behalf;
  - D. that the issues of interest and penalties were to be argued at a return hearing on July 11, 2008;
  - E. that attorney's fees were deferred.
22. Each side was permitted to file supplemental points and authorities on the issue of child support penalties.
23. After the hearing was conducted on June 11, 2008, the principal amount was not in dispute based on the Court's Order for enforcing a sum certain of \$1,300.00 per month less any credits for payments applied.

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24. Further, the method of calculating statutory interest on the child support arrears was not disputed by the parties as they agreed the difference in their respective calculations was minimal.
25. What was disputed was the calculation of the 10% penalty on any amounts that remain unpaid.
26. The District Attorney utilizes its NOMADS (Nevada Online Multi-Automated Data Systems) program.
27. The Marshal Law Program calculates penalties differently.
28. In other words, there is a conflict in the interpretation of NRS 125B.095(2) which states:

**125B.095. Penalty for delinquent payment of installment of obligation of support.**

*1. Except as otherwise provided in this section and NRS 125B.012, if an installment of an obligation to pay support for a child which arises from the judgment of a court becomes delinquent in the amount owed for 1 month's support, a penalty must be added by operation of this section to the amount of the installment. This penalty must be included in a computation of arrearages by a court of this state and may be so included in a judicial or administrative proceeding of another state. A penalty must not be added to the amount of the installment pursuant to this subsection if the court finds that the employer of the responsible parent or the district attorney or other public agency in this State that enforces an obligation to pay support for a child caused the payment to be delinquent.*

(Emphasis added).

*2. The amount of the penalty is 10 percent per annum, or portion thereof, that the installment remains unpaid. Each district attorney or other public agency in this state undertaking to enforce an obligation to pay support for a child shall enforce the provisions of this section.*

(Emphasis added).

**NOMADS vs. MARSHAL LAW PROGRAM (MLP):**

29. On July 9, 2008, the State of Nevada, Division of Welfare and Supportive Services, Child Support Enforcement Program (CSEP) filed a Friend of the Court Brief in anticipation of the July 11, 2008, hearing.

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- 30. The State of Nevada, represented by the Attorney General's Office, acknowledged that NRS 125B.095 is ambiguous and subject to more than one interpretation.
- 31. Reference was made to the legislative history of AB 604 (1993 Legislative Session) as well as the history of AB 473 (2005 Legislative Session).
- 32. The State of Nevada asserted that the legislative history indicates that a child support penalty was intended to be a "one time penalty" versus an "ongoing interest charge".
- 33. The Senior Deputy Attorney General, Donald W. Winne, Jr., wrote, "In fact, based on all the comments contained in the record, the intent of the legislation clearly supports CSEP's position that the NCP [noncustodial parent] is encouraged to pay current monthly payments within the month they are due or a one-time penalty will be charged for failure to pay the current child support obligation in full within one month it is due."
- 34. Further, "...just as a business charges fees for late payments, the late penalty on an overdue child support payment was never intended to be an ongoing interest calculation until the sum is paid."
- 35. The State of Nevada essentially argued that the MLP charges the 10% penalty every year, as if it were a continuous interest charge, rather than impose a one-time penalty within a particular month that the child support amount, or a portion thereof, remains unpaid.
- 36. The State of Nevada further argued that based on its interpretation of NRS 125B.095 and how penalties are calculated, child support obligors/payors are treated equally and not disproportionately.
- 37. Under the Marshal Law Program, the State of Nevada contends that obligors who are subject to Income Withholding (IW) by their employers incur penalties because they receive, for instance, biweekly paychecks.
- 38. If, for instance, child support payments are due on the 1<sup>st</sup> day of the month, the method of involuntary wage withholding would draw money only on the biweekly paydays, which is usually twice per month.
- 39. Consequently, the MLP would assign an automatic penalty because the entire child support was not paid on the 1<sup>st</sup> day of that particular month.
- 40. On the other hand, if the child support is due on the last day of the month, it is possible that the obligor will avoid a penalty if all paycheck

1 withholdings received for that month satisfy the entire child support  
2 amount.

3 41. The NOMADS Program, on the other hand, simply imposes a penalty once  
4 at the end of the month.

5 42. Because the NOMADS Program looks only at what amount is left unpaid  
6 at the end of the month, it automatically assigns a penalty.

7 43. The MLP, on the other hand, assigns a penalty on the unpaid amount as  
8 soon as the "due date" is triggered without considering if the obligor pays  
the entire amount in full at the end of the month.

9 44. Attorney Muirhead demonstrated that when Plaintiff paid the entire \$1300  
10 obligation in the month of May 2008, he was still assessed a penalty of  
11 \$976.11 by the MLP Program. She asserted that since the entire month  
was paid in full, the 10% penalty should not have been imposed at all.

12 45. Attorney Muirhead argued that the operative word in Section 1 of NRS  
13 125B.095 was "installment". She believed that "installment" means that  
14 the Court should only look to that one particular month to see if all or any  
15 portion of the child support amount remains unpaid before assessing a  
16 penalty.

17 46. The State of Nevada has argued that it is the administrative agency that is  
18 responsible for developing and interpreting regulations to carry out its  
19 enforcement functions.

20 47. The regulation referred to is NRS 425.365. The State of Nevada asserts  
21 that deference must be given to it when the agency interprets the NRS  
22 statutes pertaining to its functions to enforce and regulate, unless the  
23 interpretation is found to be arbitrary or capricious.

24 48. On July 11, 2008, a return hearing was held on further proceedings on the  
25 penalties issue.

26 49. Also on July 11, 2008, Attorney Muirhead filed in open court Plaintiff's  
27 Supplemental Brief. The Brief was 176 pages long, and included the  
28 legislative histories of AB 604 and AB 473.

50. Extensive oral arguments were taken on the record. The hearing lasted  
several hours.

- 1 51. On August 14, 2008, The Willick Law Group, on behalf of Defendant,  
2 filed a Supplemental Brief on Child Support Principal, Penalties, and for  
3 Attorney's Fees.
- 4 52. Essentially, Attorney Willick asserts that the MLP does not charge double  
5 interest.
- 6 53. Rather, based on their interpretation of NRS 125B.095, the MLP imposes  
7 a 10% penalty on any remaining unpaid amount within a given month.  
8 The amount of the penalty depends on the due date of the child support  
9 obligation, whether it is the 1<sup>st</sup> day of the month, the 15<sup>th</sup> day, or the last  
10 day of the month.
- 11 54. In their brief, Attorney Willick contended that when MLP is applied, the  
12 total amount of the penalty "at the end of the year" actually turns out to be  
13 LESS than what NOMADS calculates.
- 14 55. As an example, on page 11 of their August 14, 2008 Supplemental Brief,  
15 Attorney Willick explains the MLP calculates a year-end penalty of \$89.50  
16 while the State of Nevada CSEP Agency calculates \$230.00 based on  
17 "hypothetical sums due and sums paid" as illustrated in the Welfare  
18 Division's Manual.
- 19 56. However, the amount of the penalties under the MLP calculations grows  
20 much larger than what NOMADS would charge after 23 months. In her  
21 Brief filed August 1, 2008, Attorney Muirhead compared the calculations  
22 after 24 months.
- 23 57. Under MLP, the penalties would be \$3,244.75. Under NOMADS, the  
24 penalties total \$3,120.00.
- 25 58. As more months pass after the 24<sup>th</sup> month, the MLP calculations of the  
26 penalties continue to grow even larger until it reached in excess of \$52,000  
27 by May 2008, while the NOMADS Program assessed penalties in excess  
28 of \$12,000 through the same time frame.
59. Consequently, the different interpretations of the statute have resulted in  
grossly disparate calculations of the 10% penalty.
60. Attorney Willick seemed to suggest that NRS 125B.095 (2) should be  
interpreted to give full meaning to the words "per annum".
61. This means that any remaining child support sums that are unpaid each  
year (and every year thereafter) continue to accrue penalties, albeit at a

1 lesser rate before 24 months elapse, as opposed to NOMADS assessing a  
2 one-time penalty at the end of the month and no further penalties accrue.

3 62. This is the main difference in the calculations between MLP and  
4 NOMADS.

5 63. Attorney Willick argued that the State of Nevada's interpretation ignores  
6 the "per annum" concept by leaving the penalty as a one-time fine at the  
7 end of each month.

8 64. Attorney Willick asserted that the penalty is meant to be applied "per  
9 annum" which should mean "every year".

10 65. Accordingly, the penalty is smaller at year's end, but it continues to accrue  
11 each year thereafter thus giving full consideration to the words "per  
12 annum".

13 66. The MLP also considers the words "or portion thereof" by assessing a  
14 penalty depending on the due date of the child support obligation.

15 67. Attorney Willick submitted that the MLP can automatically calculate the  
16 penalty in this fashion, and NOMADS allegedly cannot do such  
17 calculations.

18 68. Exhibit 1 to the State of Nevada's July 9, 2008 Friend of the Court Brief is  
19 an Attorney General Opinion Letter on NRS 125B.095.

20 69. The AG's Office submitted that the words "per annum" cannot render the  
21 phrase "or portion thereof" as mere surplusage.

22 70. Accordingly, the AG's Office takes the position that the statute, read as a  
23 whole, takes into consideration "per annum" by dividing 10% into 12  
24 months or 8.33%, and takes into consideration "or portion thereof" by  
25 imposing the 8.33% penalty once at the end of each month on any unpaid  
26 sum.

27 71. In the case at bar, the two different interpretations of the statute result in a  
28 marked difference in calculations of the 10% penalty as between MLP and  
NOMADS.

72. NOMADS calculated a penalty of \$12,148.29 through May 2008. MLP  
calculated a penalty of \$52,333.55. There is a difference between the two  
programs of over \$40,000.00.



1  
2 **REVIEW OF AB 604 and AB 473 LEGISLATIVE HISTORY:**

3 73. As to AB 604, during the June 23, 1993 session of the Senate Committee  
4 on Judiciary, page 17, Assemblyman Robert M. Sader said to the  
5 Committee, "You want to motivate somebody to pay on time and have an  
6 enforceable penalty ... that is what this is about."

7 74. The testimony of Attorney Frankie Sue Del Papa before the Committee  
8 states the 10% penalty "will serve as an incentive to parents to remain  
9 current on monthly support obligations."

10 75. As to AB 473, the Assembly Committee on Judiciary met on April 11,  
11 2005. On page 19, Assemblyman Carpenter noted,

12 "I have a concern about the amount of interest that you are going to be  
13 charging. You are charging 10 percent every month so in a year that adds up to  
14 120 percent. If they couldn't pay whatever was due at the end of that first  
15 month, they certainly are not going to be able to pay the amount at the end of  
16 the year. I didn't see anything wrong with the way it was written before when it  
17 was 10 percent a year. But at 10 percent a month, a lot of these people will  
18 never be able to pay that amount. I'm probably one of the biggest sticklers that  
19 people ought to pay their child support, but they can't pay something that is  
20 impossible to pay, and you keep adding penalty upon penalty or interest upon  
21 interest. It really defeats the whole situation."

22 76. Susan Hallahan, Chief Deputy District Attorney, Family Division, Washoe  
23 County, responded:

24 "This bill does not purport to change how penalties are calculated. The penalty  
25 statute as it states right now is 10 percent per annum or a portion thereof. It  
26 has to be added to the portion of the monthly payment that was not paid. If  
27 you were to, for example, charge the penalty at the end of the year, then there  
28 could be a noncustodial parent that doesn't pay anything from January through  
November and then in December pays \$1200 to satisfy their annual child  
support obligation." Interest and penalties are separate. The purpose of  
interest is to make the custodial parent whole for the value of her money that  
she should have received or he should have received today but doesn't receive  
until 6 months from now. The purpose of the penalty is to encourage the  
obligor to pay each and every month as he is ordered to pay. This penalty is a  
one-time snapshot and is charged only during that calendar month for any  
delinquency you have. So if the obligor pays each month, he or she would not  
accrue an additional penalty."

77. Assemblyman Carpenter followed with:

1 "It says a 10 percent penalty must be applied at the end of each calendar month  
2 against the amount of an installment or a portion of the installment that  
3 remains unpaid in the month in which it was due. So it seems to me if they  
4 owed \$100 and there is a 10 percent penalty that month, it would make it \$110.  
5 Then the next month it is going to be another 10 percent of \$110 so that's  
6 \$111. Simple interest would be 120 percent at the end of the year, so instead of  
7 owing \$100, they would owe way over \$200. It's contradictory in trying to get  
8 them to pay, because there is no way they can pay it."

9  
10 78. Chief Deputy District Attorney Hallahan replied:

11 "Logically, you would think that would be the way it would work out. But if you  
12 owe \$100 and I don't pay it this month, I am assessed \$10 at the end of the  
13 month. If I don't pay \$100, I have another \$10 and now it's \$20. If I don't pay  
14 anything for the whole year and I owe \$1,200, I am assessed 10 percent penalty  
15 which is \$120. Whether you calculate it at the end of the month or at the end of  
16 the year, it still is \$120."

17  
18 79. Louise Bush, Chief of Child Support Enforcement, Welfare Division,  
19 Nevada Department of Human Resources, commented:

20 "NRS 125B.095 states that a penalty of 10 percent per annum must be assessed  
21 when an obligation for child support is delinquent. The common usage of "per  
22 annum" means "by the year" and in common application means a fractional  
23 interest calculation. The phrase "per annum" contained in the penalty statute  
24 suggests that the late payment penalty should be calculated like interest.  
25 However, according to the legislative history from the Sixty-Seventh Session and  
26 an Attorney General's Opinion, legislators intended the penalty to be a one-time  
27 late fee, akin to a late fee one would pay for a delinquent credit card payment  
28 rather than another interest assessment. Typically, late payment penalties are  
designed to encourage timely payment while interest charges are intended to  
compensate creditors for loss of use of their money. This concept is highlighted  
by the comments then Assemblyman Robert Sader made during the Sixty-  
Seventh Session while addressing the intent of a child support late payment  
penalty. Mr. Sader said, 'It should be clear in the statutes that there is a penalty  
for not paying on time. You want to motivate somebody to pay on time and  
have an enforceable penalty. That is what this is about.' Mr. Sader further  
commented that the purpose of the penalty was intended to be motivational,  
such as a late payment fee attached to any billing. This bill removes the  
ambiguous language currently found in NRS 125B.095 clearly aligning the  
statutory language with the legislative intent of assessing a one-time late fee."

80. Donald W. Winne, Jr., Deputy Attorney General, Nevada Department of  
Human Resources, offered the following:

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2 "I, frankly, think it leaves some question as to whether or not this is a one-time  
3 late payment fee. I can tell you that when this bill was originally passed, it was  
4 clear they wanted us to be like a credit card. If you don't pay on time, this is  
5 your one-time late fee. I'm not personally comfortable with the current  
6 language as it exists. I don't represent the agency. You asked me here as a  
7 person who got involved in this because I drafted this opinion. I would agree  
8 with you, Mr. Conklin, the language as it appears still needs work in order for me  
9 to feel comfortable, after going through this exercise and making sure they get  
10 the intent correct, that this is just a one-time late fee and it won't be adding up  
11 like Mr. Carpenter was worried about."

12 81. Attorney Willick of the Willick Law Group commented:

13 "By way of background, everything is now clocked in accordance with how the  
14 court sets the child support obligation. Specifically, courts have a great deal of  
15 leeway and exercise a great deal of discretion as to how support should be paid.  
16 For example, all due on the first of the month, due on the 10<sup>th</sup> and 25<sup>th</sup>, or all  
17 due on the last day of the month, et cetera. There are all kinds of untold  
18 variations on that throughout the child support orders currently in effect. I will  
19 start with subsection 2 because it is the bigger problem. If subsection 2 is  
20 altered as stated, it would treat similarly situated people differently. For  
21 example if Person A had a child support order due on the 1<sup>st</sup> and Person B had a  
22 child support obligation due on the 25<sup>th</sup>, Person A would basically have 29 days  
23 within which to pay child support without incurring a penalty. Person B would  
24 only have 5 days. That difference, in my opinion, would rise to the level of a  
25 constitutional concern because it would treat similarly situated people  
26 differently. The problem is shifting the focus from a child support due date  
27 clock to a month-end due date clock. It leads to a great deal of problems. It  
28 would also cause a differential in the calculation date and the due date for how  
much should be paid between those 2 individuals causing a great deal of  
confusion, as a practical matter, in the family courts of this state. It would be  
very difficult to calculate in the real world, although I suppose it would be  
possible. It would lead to an appearance of greater unfairness to similarly  
situated people. .... Finally, the problem here with due respect to the district  
attorneys and the Attorney General's Office, is one of the tail wagging the dog.  
They are attempting to solve a calculation methodology problem left over from  
legacy hardware and software which is inadequate to any modern calculation  
task. It is a particularly difficult calculation problem. We have solved it with a  
microcomputer program for a couple thousand dollars years ago. I have given  
both the software and the source code to the state repeatedly. They have this  
legacy software, NOMADS, that they are trying to make do a job that it is not  
suited to do. They are attempting to conform the law to conform how their  
computer works. I would suggest that this is a bad basis for altering public

1 policy and altering statutes. I suggest it may be time that they just face up to  
2 the fact that they have wasted a huge amount of money on trying to fix  
3 something which may or may not ever be fixable. But certainly they should not  
4 start amending the law to conform to the problems that we know are built into  
that hardware system."

5 **LEGAL DISCUSSION**

6 82. The Nevada Supreme Court in Irving v. Irving, 134 P3d. 718, 720 (2006)  
7 stated,

8 "Because the interpretation of a statute is a question of law, the proper  
9 standard of review is de novo. This court follows the plain meaning of  
10 a statute absent an ambiguity. Whether a statute is deemed  
11 ambiguous depends upon whether the statute's language is susceptible  
12 to two or more reasonable interpretations. When a statute is  
ambiguous, we look to the Legislature's intent in interpreting the  
statute. Legislative intent may be deduced by reason and public  
policy."

13 83. In the instant case, both Attorney Willick and the State of Nevada agree  
14 that NRS 125B.095(2) is ambiguous and open to different interpretations.

15 84. Consequently, the MLP and the NOMADS programs are at odds with each  
16 other in calculating the 10% penalty on Mr. Vaile's past unpaid child  
support amounts to the tune of a \$40,000.00+ difference.

17 85. The Court believes the parties behind the MLP and the NOMADS  
18 program both agree that the legislative intent behind NRS 125B.095 is to  
"motivate" a child support obligor to pay each month in a timely manner.

19 86. The Court therefore FINDS there is no dispute that the legislative intent of  
20 AB 604 and AB 473 is "motivational".

21 87. The trial court in this case, notwithstanding, must also take a closer look at  
22 the legislative history on how to interpret the phrases "installment", "per  
annum", and "or a portion thereof".

23 88. As quoted in Irving, supra, the court may deduce legislative intent "by  
24 reason and public policy".

25 89. Attorney Willick's MLP calculator appears to give more emphasis on the  
26 phrase "per annum" because the 10% penalty is ongoing year after year,  
27 but with a lesser resulting penalty in the first 24 months.  
28

- 1 90. This view heavily supports public policy of "motivating" the obligor  
2 parent to pay timely, but there is a greater financial consequence for the  
3 noncustodial obligor who waits many years beyond the first 24 months.
- 4 91. Attorney Willick argued that a one-time penalty will not necessarily  
5 motivate the obligor parent because that is just what it is, a one-time  
6 penalty that will sit and not grow on the books.
- 7 92. In his Brief filed on August 14, 2008, Attorney Willick writes,  
8 "Welfare then ignores the penalty forever, failing to calculate *any* penalty  
9 for the second (or any later) year a sum remains outstanding. The private  
10 Bar, by contrast, calculates the penalty in accordance with how much of a  
11 year has passed, so that the penalty imposed on an obligation due in  
12 January, is less in February than it is in March, and continues to be assessed  
13 for however many years an installment remains outstanding, giving meaning  
14 to the statutory phrases 'per annum' and 'remains unpaid'."
- 15 93. Certainly, this is a compelling public policy reason, but the Irving case  
16 also directs the trial court to look to "reasoning" to deduce legislative  
17 intent.
- 18 94. Under the "reasoning" factor, apart from the public policy aspect,  
19 Assemblyman Carpenter reasoned that the obligor parent would never be  
20 able to pay an "impossible amount" that grows exponentially.
- 21 95. In addition, the State of Nevada argued that the MLP penalties amount  
22 grows larger and exceeds the NOMADS amount after 23 months.
- 23 96. However, as discussed in more detail below, the technical implementation  
24 of assessing the 10% penalty MUST comport with the Federal Child  
25 Support Enforcement Program.
- 26 97. The State of Nevada pointed out in their Supplemental Friend of the Court  
27 Brief filed September 5, 2008, that MLP starts exceeding the NOMADS  
28 penalty calculations after 23 months. Page 3, lines 3-4.
98. The State of Nevada appears to take a more balanced interpretation of the  
two phrases "per annum" and "portion thereof" by using a fractional  
percentage of 8.33% (10% divided by 12 months) and assessing it on any  
remaining unpaid portion of child support.
99. In other words, both phrases are given equal weight and consideration  
under the State of Nevada's interpretation. "Per annum" is complied with  
by dividing 10% into 12 months. "Portion thereof" is complied with by

1 assessing the fractional 8.33% penalty to the unpaid portion of child  
2 support for a particular calendar month.

3 100. As discussed above, Attorney Muirhead also argued that the word  
4 "installment" in Section 1 of NRS 125B.095 should require the court to  
5 focus on a particular month and that month only.

6 101. She pointed out that even though Mr. Vaile paid \$1300 for the entire  
7 month of May 2008, he was still penalized \$976.11. Consequently, she  
8 believed that the word "installment" is rendered meaningless.

9 102. From a "reasoning" standpoint, the assessment of \$976.11 (when an entire  
10 month of support was paid) appears less reasonable and less logical  
11 because the 10% penalty is only supposed to be imposed on any  
12 "remaining unpaid amount" *for that month only* according to the statute,  
13 thus giving meaning to the word "installment" as well.

14 103. The MLP, however, calculates differently by complying with "per annum"  
15 on an ongoing year after year basis.

16 104. Another illustration of "reasoning" is analyzed and deduced by the Court  
17 here.

18 105. As cited above, the legislative history comments from Louise Bush, Chief  
19 of Child Support Enforcement, Welfare Division, Nevada Department of  
20 Human Resources is worth mentioning again:

21 "NRS 125B.095 states that a penalty of 10 percent per annum must be assessed  
22 when an obligation for child support is delinquent. The common usage of "per  
23 annum" means "by the year" and in common application means a fractional  
24 interest calculation. The phrase "per annum" contained in the penalty statute  
25 suggests that the late payment penalty should be calculated like interest.  
26 However, according to the legislative history from the Sixty-Seventh Session and  
27 an Attorney General's Opinion, legislators intended the penalty to be a one-time  
28 late fee, akin to a late fee one would pay for a delinquent credit card payment  
rather than another interest assessment. Typically, late payment penalties are  
designed to encourage timely payment while interest charges are intended to  
compensate creditors for loss of use of their money. This concept is highlighted  
by the comments then Assemblyman Robert Sader made during the Sixty-  
Seventh Session while addressing the intent of a child support late payment  
penalty. Mr. Sader said, 'It should be clear in the statutes that there is a penalty  
for not paying on time. You want to motivate somebody to pay on time and  
have an enforceable penalty. That is what this is about.' Mr. Sader further  
commented that the purpose of the penalty was intended to be motivational,  
such as a late payment fee attached to any billing. This bill removes the

1 ambiguous language currently found in NRS 125B.095 clearly aligning the  
2 statutory language with the legislative intent of assessing a one-time late fee."

3 106. Attorney Willick offered the following: "[I]f you owe money to Best Buy,  
4 and don't pay on time, they hit you up with a late payment fee. And if you  
5 don't pay the bill by the *next* month? They charge you again – every time  
6 a billing cycle passes without you making the payment you owed  
7 originally."

8 107. Attorney Muirhead, in her Brief filed August 1, 2008, offered this:  
9 "[C]ounsel for Plaintiff has attached a copy of her recent Embarq  
10 telephone bill. You will note that the due date is August 9, 2008 in the  
11 amount of \$15.68. If the \$15.68 is received after August 20, 2008, a  
12 penalty or late payment fee of \$5.00 is imposed as it is now \$20.68 that is  
13 due. (Exhibit 3) In the legislative history in support of AB 604 (NRS  
14 125B.095), page 61, former Attorney General Frankie Sue Del Papa  
15 commented that '...delinquent power bills to late credit card payments are  
16 assessed late fees and penalties, yet missed child support payments are  
17 not...' (Exhibit 4)".

18 108. Louise Bush's comments and Attorney Muirhead's comments appear more  
19 logically congruous.

20 109. Attorney Willick's Best Buy example above is correct to a degree.  
21 However, logically extending the example, if the debtor actually does pay  
22 all or part of the bill, or even at least the minimum monthly amount due  
23 that Best Buy is demanding the following month, *no late fee (penalty) will*  
24 *be charged* for that month.

25 110. What happens, however, is that the amount for the late penalty/fee for the  
26 previous month is added to the total bill and the debtor is charged interest  
27 on the amount with the added penalty/late fee included. The debtor can  
28 never go back and have the late fee eliminated or reversed. This would  
"motivate" the debtor to pay on time the next month or the same penalty  
would apply.

111. On a more technical note, the MLP Program clearly has the capabilities of  
assessing the 10% penalty depending on the due date of the child support  
obligation.

112. From a public policy standpoint, Attorney Willick argued that obligor  
parents who have different due dates, whether early in the month, the  
middle of the month, or the end of the month, will be treated equally via  
the MLP calculations.

1 113. However, according to the State of Nevada, NOMADS is designed to  
2 comply with Federal CSEP requirements, not because it cannot calculate  
3 what the MLP Program can do. The NOMADS calculator has been doing  
4 this since 1995.

5 114. Moreover, the State of Nevada, in their briefing filed September 5, 2008,  
6 page 3 lines 14-23, expressly pointed out that the CSEP agency must  
7 follow federal law.

8 *"CSEP looks at all the payments within the month 45 CFR 302.51(a)(1) requires*  
9 *distribution of child support payments within the month be credited to the child*  
10 *support amount due in the month. Therefore, the monthly payment emphasis*  
11 *rather than a date specific emphasis comes from the federal requirement, not a*  
12 *system requirement. This is even more imperative when more than 75% of all*  
13 *CSEP collections on the 98,853 enforcement cases come from income*  
14 *withholdings (IW) and a majority of those are on a biweekly pay period basis. If*  
15 *CSEP took the defendant's view of the world it would be penalizing all the*  
16 *obligors on IW who are paid on a biweekly pay period with their employers.*  
17 *CSEP must follow the requirements of the Federal Child Support Enforcement*  
18 *Program and provide collection of child support on a massive scale."*

19 115. Under a "reasoning" viewpoint, federal preemption and deference must be  
20 followed by the state trial court.

21 116. This Court, however, concedes that that federal preemption issue was not  
22 raised during the legislative hearings of AB 604 and AB 473, but the  
23 instant proceedings in this case no doubt creates a dilemma for CSEP to  
24 enforce the issuance of penalties that might risk losing federal benefits  
25 across the board.

26 117. This Court, however, believes that while the legislative history is silent on  
27 this issue raised by Deputy Attorney General Winne in his Friend of the  
28 Court Brief, this is an important public policy concern the Court should  
not ignore.

118. While Attorney Willick suggested "the tail is wagging the dog", it does not  
appear that CSEP is refusing to implement a different method of  
calculating child support penalties for convenience of administration.

119. Rather, CSEP has rational reasons for complying with (CFR) federal  
regulations. Otherwise, huge amounts of federal funding would be lost.  
This Court is not aware of how the MLP Program avoids this dilemma.

120. Further, because more than a majority of the Nevada CSEP cases involve  
income withholding on a biweekly pay period basis, it appears that the



MLP calculation methods could never be reconciled with the NOMADS method of calculation because NOMADS is subject to federal regulations.

121. The State of Nevada also argues that the 2005 Legislature did not take any action to change the status quo of how CSEP assesses the 10% penalty.

122. There was a two-year deferment of implementing the penalty from 1993 to October 15, 1995, in order for CSEP to implement the penalty calculation program.

123. Twelve years later, when AB 473 was submitted for consideration in 2005 requesting clarification of NRS 125B.095, the status quo was maintained and no changes were adopted by the Legislature.

124. In the Nevada Supreme Court case of Oliver v. Spitz, 76 Nev. 5, 6, (1960), the Court wrote,

"\* \* \* only in a clear case will the court interfere and say that \* \* \* a rule or regulation is invalid because it is unreasonable or because it is in excess of the authority of the agency promulgating it. Moreover, an administrative rule or regulation must be clearly illegal, or plainly and palpably inconsistent with law, or clearly in conflict with a statute relative to the same subject matter, such as the statute it seeks to implement, in order for the court to declare it void on such ground.

***"It is only where an administrative rule or regulation is completely without a rational basis, or where it is wholly, clearly, or palpably arbitrary, that the court will say that it is invalid for such reason."*** 73 C.J.S., sec. 104(a), p. 424.

***Furthermore acquiescence by the legislature in promulgated administrative rules made pursuant to express authority may be inferred from its silence during a period of years.*** Norwegian Nitrogen Co. v. United States, 288 U.S. 294, 313, 53 S.Ct. 350, 77 L.Ed. 796.

(Emphasis added).

125. As discussed above, the Court FINDS there is a rational basis for why NOMADS calculates penalty in a particular manner (i.e., complying with federal regulations or lose federal funding).

126. The Court further FINDS that CSEP's method of calculating penalties gives equal and balanced consideration to the phrases "installment", "per annum" and "portion thereof" contained in NRS 125B.095.

127. The manner in which the MLP Program does its calculations, on the other hand, puts more emphasis on "per annum" above all the other phrases, and appears to take away the meaning of "installment" (focusing on a

particular month and that month only) by calculating penalties in months where the obligor has paid the full amount of child support.

128. But "public policy" is only half of the equation. The other half of the equation requires the Court to look at "reasoning". *Irving, supra*.

129. This Court believes a more reasonable interpretation of NRS 125B.095 requires giving balanced and equal considerations to the meaning of "installment", "per annum", and "portion thereof".

130. The Court must also follow prior Nevada case law which states that when an administrative agency develops and implements certain regulations and practices, the regulations cannot be invalidated if there was a "rational basis" behind them.

131. Attorney Willick wrote in his Brief filed August 14, 2008, page 14: "Specifically, in 2005 Welfare cooked up AB 473, which would have altered the statutory penalty as follows:

~~[The amount of the penalty is]~~ *If imposed*, a 10 percent [per annum, or portion thereof, that the] *penalty must be applied at the end of each calendar month against the amount of an installment or portion of an installment that remains unpaid[.] in the month in which it was due.*

All aspects of the calculation of interest and penalties were discussed at length in the resulting hearing held before the Assembly Judiciary Committee. After hearing and reading everything about why the law was the way it was, why the Welfare Division was trying to change the law to conform to their outdated computer capabilities, and why it would be a really terrible idea to do so, the Legislature left the "how-to-compute penalties" portion of the statute exactly as it was, knowing how the private Bar had been doing the calculations for 17 years (as to interest) and 10 years (as to penalties)."

132. However, Attorney Willick's argument is contrary to case law established by the Nevada Supreme Court in *Oliver v. Spitz, supra*.

133. Rather, as dictated by *Oliver*, because the Legislature did not enact the Welfare's proposal to revise NRS 125B.095 and essentially remained silent on the instant penalties issue since 1993, thus leaving the CSEP's method of calculating penalties status quo, this Court can infer that the Legislature has given "express authority" to CSEP. *Oliver, supra*.

134. The Court also has viewed the instant case from another "reasoning" perspective. When one looks at the total end result of Mr. Vaile's final

1 assessment of child support arrears consisting of principal in the amount of  
2 \$114,469.96 and interest of \$43,444.42 through May 31, 2008 according  
3 to the NOMADS calculations (which is minimally different from the MLP  
4 calculations), and looking at the marked differences in penalties  
5 \$12,148.29 (NOMADS) versus \$52,333.55 (MLP), the NOMADS  
6 calculated penalties are approximately 10% of the principal amount of  
7 \$114,469.96 while the MLP calculated penalties are approximately 50% of  
8 the same amount. The "end result" is that the noncustodial obligor is  
9 really being charged 50% in penalties under the MLP Program.

10 135. Attorney Willick's view that "deadbeat" parents should be motivated to  
11 pay is not unreasonable public policy given the frustration of custodial  
12 parents waiting for child support money that is supposed to go to the  
13 children.

14 136. However, the Court believes that in reality, an end result of penalties  
15 amounting to 50% of the amount of the principal arrears (at least after the  
16 first 23 months of nonpayment), leads to an unreasonable financial impact  
17 on the noncustodial obligor.

18 137. The Court, however, does not in any way condone a course of conduct of  
19 nonpayment or late payments. There are additional remedies for the  
20 custodial obligee parent such as contempt, sanctions, attorney's fees and  
21 incarceration.

22 138. The Court FINDS that the MLP Program is not flawed. The MLP  
23 Program merely uses a different interpretation of NRS 125B.095.

24 139. Accordingly, this Court believes that all prior calculations under the MLP  
25 in other cases in this department, and possibly other departments, should  
26 not be rendered void because this was an "issue of first impression" and  
27 both sides of the instant case agree the statute is clearly ambiguous.

28 140. The Court notes that Attorney Willick expressed that he would recalibrate  
his MLP Program if this Court found a different interpretation.

141. Finally, the Court is cognizant that the penalties issue is a very important  
issue to both Plaintiff and Defendant, as well as the Attorney General's  
Office and the District Attorney for the Child Support Division.

142. Therefore, IT IS HEREBY ORDERED that this Findings of Fact,  
Conclusions of Law, and Decision and Order Re: Child Support Penalties  
NRS 125B.095 shall be certified as a final order for purposes of any  
appeal to the Nevada Supreme Court.

1 143. IT IS FURTHER ORDERED that Plaintiff's request for relief and request  
2 for reconsideration of the penalties amount is granted.

3 144. IT IS FURTHER ORDERED that through May 2008, the child support  
4 penalties amount is \$12,148.29.

5 145. IT IS FURTHER ORDERED that because NRS 125B.095 is ambiguous  
6 and subject to different interpretations, and because this Court required  
7 extensive legal briefing and oral argument on the issue of calculating child  
8 support penalties, each party shall bear their own attorney's fees and costs.

9 146. IT IS FURTHER ORDERED that there is a separate issue of attorney's  
10 fees requested by Attorney Willick pursuant to NRS 125B.140 which  
11 states:

12 **Enforcement of order for support.**

13 **1. Except as otherwise provided in chapter 130 of NRS and NRS**  
14 **125B.012:**

15 **(a)** If an order issued by a court provides for payment for the support of  
16 a child, that order is a judgment by operation of law on or after the date a  
17 payment is due. Such a judgment may not be retroactively modified or  
18 adjusted and may be enforced in the same manner as other judgments of  
19 this state.

20 **(b)** Payments for the support of a child pursuant to an order of a court  
21 which have not accrued at the time either party gives notice that he has  
22 filed a motion for modification or adjustment may be modified or adjusted  
23 by the court upon a showing of changed circumstances, whether or not the  
24 court has expressly retained jurisdiction of the modification or adjustment.

25 **2. Except as otherwise provided in subsection 3 and NRS 125B.012; ,**  
26 **125B.142; and 125B.144:**

27 **(a)** Before execution for the enforcement of a judgment for the support  
28 of a child, the person seeking to enforce the judgment must send a notice  
by certified mail, restricted delivery, with return receipt requested, to the  
responsible parent:

**(1)** Specifying the name of the court that issued the order for support  
and the date of its issuance;

**(2)** Specifying the amount of arrearages accrued under the order;

**(3)** Stating that the arrearages will be enforced as a judgment; and

**(4)** Explaining that the responsible parent may, within 20 days after  
the notice is sent, ask for a hearing before a court of this state concerning  
the amount of the arrearages.

1  
2 (b) The matters to be adjudicated at such a hearing are limited to a  
3 determination of the amount of the arrearages and the jurisdiction of the  
4 court issuing the order. At the hearing, the court shall take evidence and  
5 determine the amount of the judgment and issue its order for that amount.

6 (c) The court shall determine and include in its order:

7 (1) Interest upon the arrearages at a rate established pursuant to NRS  
8 99.040, from the time each amount became due; and

9 (2) A reasonable attorney's fee for the proceeding,

10 unless the court finds that the responsible parent would experience an  
11 undue hardship if required to pay such amounts. Interest continues to  
12 accrue on the amount ordered until it is paid, and additional attorney's fees  
13 must be allowed if required for collection.

14 (d) The court shall ensure that the social security number of the  
15 responsible parent is:

16 (1) Provided to the Division of Welfare and Supportive Services of the  
17 Department of Health and Human Services.

18 (2) Placed in the records relating to the matter and, except as  
19 otherwise required to carry out a specific statute, maintained in a  
20 confidential manner.

21 3. Subsection 2 does not apply to the enforcement of a judgment for  
22 arrearages if the amount of the judgment has been determined by any  
23 court.

24 (Emphasis added).

25 147. The Court reviewed the Willick Law Group billing statements for the time  
26 period June 10, 2008 through July 6, 2008. This was attached to their  
27 Motion to Strike filed on July 8, 2008 as Exhibit A.

28 148. The Willick Law Group charged a total of \$20,443.11 for the above  
billing. However, some of the charges did not pertain to the issues of child  
support arrears and interest.

149. Therefore, the Court only looked at billing charges relevant to the issues  
on this Decision and Order. As noted above, under NRS  
125B.140(2)(c)(2), the Court shall determine and include a "reasonable  
attorney's fee".

150. Here, the Court FINDS the Plaintiff, Mr. Vaile, is in arrears in the amount  
of \$114,469.96 through the end of May 2008. Under the statute, the  
Defendant is entitled to a reasonable attorney's fee.

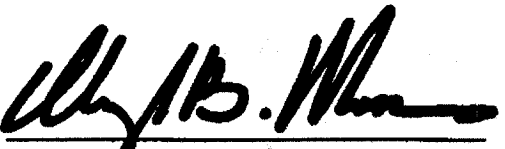
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151. IT IS FURTHER ORDERED that the Defendant, Cisilie A. Porsboll, f/k/a  
Cisilie A. Vaile, shall be awarded the sum of \$12,000.00 as and for  
attorney's fees in accordance with NRS125B.140.

152. A copy of this Findings of Fact, Conclusions of Law and Final Decision  
and Order shall be provided to Greta Muirhead, Esq., Marshal Willick,  
Esq., Deputy Attorney General Donald W. Winne, Jr., and the Clark  
County District Attorney, Child Support Division.

153. SO ORDERED.

Dated this 17 day of April, 2009.

  
CHERYL B. MOSS  
District Court Judge

CHERYL B. MOSS  
DISTRICT JUDGE

FAMILY DIVISION, DEPT. I  
LAS VEGAS, NV 89101

ORIGINAL

FILED

DISTRICT COURT  
FAMILY DIVISION  
CLARK COUNTY, NEVADA

2009 APR 17 P 4:14

*E. J. [Signature]*  
CLERK OF THE COURT

R. S. VAILE,

Plaintiff,

vs.

Case No. 98-D-230385

Dept. No. "T"

CISILIE A. VAILE,

Defendant

**NOTICE OF ENTRY OF FINDINGS OF FACT, CONCLUSIONS OF  
LAW, FINAL DECISION AND ORDER RE: CHILD SUPPORT  
PENALTIES NRS. 125B.095**

TO: R. S. VAILE, Plaintiff In Proper Person  
TO: GRETA MUIRHEAD, ESQ., Unbundled Attorney for Plaintiff  
TO: MARSHAL S. WILICK, ESQ., Attorney for Defendant  
TO: DONALD W. WINNE, JR, ESQ., Attorney General's Office  
TO: TERESA LOWRY, ESQ., Clark County District Attorney, Child Support  
Division

**PLEASE TAKE NOTICE** that a Findings of Fact, Conclusions of Law,  
Final Decision and Order was entered in the above-entitled matter on the 17<sup>th</sup> day  
of April, 2009, a true and correct copy of which is attached hereto.

Dated this 17 day of April, 2009.

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

**CHERYL B. MOSS**  
DISTRICT JUDGE

FAMILY DIVISION, DEPT. I  
LAS VEGAS, NV 89101

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**CERTIFICATE OF MAILING**

I hereby further certify that on this 17 day of April, 2009, I caused to be mailed to Plaintiff/Defendant Pro Se a copy of the Notice of Entry of Findings of Fact, Conclusions of Law, Final Decision and Order at the following address:

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

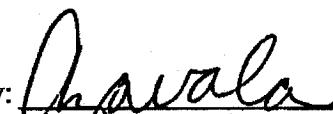
I hereby certify that on this 17 day of April, 2009, I caused to be delivered to the Clerk's Office a copy of the Notice of Entry of Findings of Fact, Conclusions of Law, Final Decision and Order which was placed in the folders to the following attorneys:

**GRETA G. MUIRHEAD, ESQ.**  
9811 W. Charleston Blvd, Ste. 2-242  
Las Vegas, Nevada 89117  
Unbundled Attorney for Plaintiff

**MARSHAL S. WILLICK, ESQ.**  
3591 E. Bonanza Rd., Suite 200  
Las Vegas, Nevada 89101  
Attorney for Defendant

**DONALD W. WINNE, JR, ESQ.**  
100 North Carson Street  
Carson City, NV 89701  
Senior Deputy Attorney General

**TERESA LOWRY, ESQ.**  
Clark County District Attorney, Child Support Division  
301 Clark Avenue, Suite 100  
Las Vegas, Nevada 89101

By:   
**AZUCENA ZAVALA**  
Judicial Executive Assistant



FILED

2009 APR 17 P 4:10

DISTRICT COURT  
CLARK COUNTY, NEVADA  
CLERK OF THE COURT

R. S. VAILE,

Plaintiff,

Case No. 98-D-230385

vs.

Dept. No. I

CISILIE A. VAILE,

Defendant

**FINDINGS OF FACT, CONCLUSIONS OF LAW, FINAL DECISION AND  
ORDER RE: CHILD SUPPORT PENALTIES UNDER NRS 125B.095**

**PROCEDURAL HISTORY:**

1. This matter was taken under advisement on the issue of calculation of the 10% penalty referenced in NRS 125B.095.
2. A pertinent procedural history in this case is summarized as follows:
3. On November 14, 2007, Defendant, Cisilie Vaile, 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.
4. On December 4, 2007, Plaintiff, 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.

5. On December 19, 2007, Defendant filed an Opposition to Plaintiff's Motion and Countermotion for Fees and Sanctions under EDCR 7.60.
6. 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.
7. On January 15, 2008, a hearing was held and Plaintiff failed to appear. As a result, Plaintiff was defaulted and Defendant was granted relief requested in their Motion. Child support was set at \$1,300.00 per month, child support arrears in the amount of \$226,569.23 were reduced to judgment, and Defendant was awarded \$5,100.00 in attorney's fees.
8. On January 23, 2008, Plaintiff filed a Motion to Set Aside Order of January 15, 2008, and to Reconsider and Rehear the Matter, and Motion to Reopen Discovery, and Motion to Stay Enforcement of the January 15, 2008 Order.
9. On February 11, 2008, Defendant filed an Opposition to Plaintiff's Motion to Set Aside Order....and Countermotions for Dismissal under EDCR 2.23 and the Fugitive Disentitlement Doctrine, for Fees and Sanctions under EDCR 7.60 and for a Goad Order Restricting Future Filings.
10. On February 19, 2008, Plaintiff filed a Reply to Opposition to Motion to Set Aside Order....and Opposition to Defendant's Countermotions.
11. On March 3, 2008, a hearing was held to address the above listed motions, oppositions, and countermotions. The Court ordered the following:
  - A. Plaintiff's Motion to Dismiss was denied.
  - B. Plaintiff's Motion to Set Aside was granted.
  - C. Plaintiff's Motion to Reopen Discovery was denied.
  - D. Defendant's Motion for a Goad Order was denied.
  - E. The child support arrears amount was confirmed unless Norway modifies said amount.
  - F. Defendant was awarded \$10,000.00 attorney's fees, and the amount was reduced to judgment.
12. On March 31, 2008, Plaintiff filed a Motion for Reconsideration and to Amend Order or, alternatively for a New Hearing and Request to Enter Objections, and Motion to Stay Enforcement of the March 3, 2008 Order.
13. On April 14, 2008, Defendant filed an Opposition to Plaintiff's Motion for Reconsideration and Countermotion for Goad Order or Posting of Bond and Attorney's Fees and Costs.

14. On April 22, 2008, Plaintiff filed a Reply Memorandum in Support of Motion for Reconsideration....and Opposition to Countermotions.
15. On May 2, 2008, Defendant filed an Ex Parte Motion for Examination of Judgment Debtor. The Order for Examination of Judgment Debtor was filed on May 10, 2008.
16. On May 5, 2008, Plaintiff filed a Renewed Motion for Sanctions.
17. Also on May 5, 2008, Defendant filed an Opposition to Plaintiff's Renewed Motion for Sanctions and Countermotion for Requirement for a Bond, Fees and Sanctions under EDCR 7.60.
18. On May 20, 2008, Plaintiff filed a Reply Memorandum in Support of Plaintiff's Renewed Motion for Sanctions and Opposition to Countermotions.
19. On June 5, 2008, Plaintiff filed an Opposition to Defendant's Ex Parte Motion for Examination of Judgment Debtor.
20. Also on June 5, 2008, Plaintiff filed a Motion to Recuse the undersigned Judge.
21. On June 11, 2008, the Court heard the matter on the various motions before it. The Court ordered the following:
  - A. that it had personal jurisdiction over the parties to order child support;
  - B. that based on part performance and for purposes of determining a sum certain for the District Attorney to enforce, the amount of \$1,300.00 per month for child support was ordered;
  - C. that the child support arrears judgment stands but is subject to modification pursuant to NRCP 60(a) and for any payments credited on Plaintiff's behalf;
  - D. that the issues of interest and penalties were to be argued at a return hearing on July 11, 2008;
  - E. that attorney's fees were deferred.
22. Each side was permitted to file supplemental points and authorities on the issue of child support penalties.
23. After the hearing was conducted on June 11, 2008, the principal amount was not in dispute based on the Court's Order for enforcing a sum certain of \$1,300.00 per month less any credits for payments applied.

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24. Further, the method of calculating statutory interest on the child support arrears was not disputed by the parties as they agreed the difference in their respective calculations was minimal.
25. What was disputed was the calculation of the 10% penalty on any amounts that remain unpaid.
26. The District Attorney utilizes its NOMADS (Nevada Online Multi-Automated Data Systems) program.
27. The Marshal Law Program calculates penalties differently.
28. In other words, there is a conflict in the interpretation of NRS 125B.095(2) which states:

**125B.095. Penalty for delinquent payment of installment of obligation of support.**

*1. Except as otherwise provided in this section and NRS 125B.012, if an installment of an obligation to pay support for a child which arises from the judgment of a court becomes delinquent in the amount owed for 1 month's support, a penalty must be added by operation of this section to the amount of the installment. This penalty must be included in a computation of arrearages by a court of this state and may be so included in a judicial or administrative proceeding of another state. A penalty must not be added to the amount of the installment pursuant to this subsection if the court finds that the employer of the responsible parent or the district attorney or other public agency in this State that enforces an obligation to pay support for a child caused the payment to be delinquent.*

(Emphasis added).

*2. The amount of the penalty is 10 percent per annum, or portion thereof, that the installment remains unpaid. Each district attorney or other public agency in this state undertaking to enforce an obligation to pay support for a child shall enforce the provisions of this section.*

(Emphasis added).

**NOMADS vs. MARSHAL LAW PROGRAM (MLP):**

29. On July 9, 2008, the State of Nevada, Division of Welfare and Supportive Services, Child Support Enforcement Program (CSEP) filed a Friend of the Court Brief in anticipation of the July 11, 2008, hearing.

- 1
- 2
- 3 30. The State of Nevada, represented by the Attorney General's Office,
- 4 acknowledged that NRS 125B.095 is ambiguous and subject to more than
- 5 one interpretation.
- 6
- 7 31. Reference was made to the legislative history of AB 604 (1993 Legislative
- 8 Session) as well as the history of AB 473 (2005 Legislative Session).
- 9
- 10 32. The State of Nevada asserted that the legislative history indicates that a
- 11 child support penalty was intended to be a "one time penalty" versus an
- 12 "ongoing interest charge".
- 13
- 14 33. The Senior Deputy Attorney General, Donald W. Winne, Jr., wrote, "In
- 15 fact, based on all the comments contained in the record, the intent of the
- 16 legislation clearly supports CSEP's position that the NCP [noncustodial
- 17 parent] is encouraged to pay current monthly payments within the month
- 18 they are due or a one-time penalty will be charged for failure to pay the
- 19 current child support obligation in full within one month it is due."
- 20
- 21 34. Further, "...just as a business charges fees for late payments, the late
- 22 penalty on an overdue child support payment was never intended to be an
- 23 ongoing interest calculation until the sum is paid."
- 24
- 25 35. The State of Nevada essentially argued that the MLP charges the 10%
- 26 penalty every year, as if it were a continuous interest charge, rather than
- 27 impose a one-time penalty within a particular month that the child support
- 28 amount, or a portion thereof, remains unpaid.
30. The State of Nevada further argued that based on its interpretation of NRS 125B.095 and how penalties are calculated, child support obligors/payors are treated equally and not disproportionately.
37. Under the Marshal Law Program, the State of Nevada contends that obligors who are subject to Income Withholding (IW) by their employers incur penalties because they receive, for instance, biweekly paychecks.
38. If, for instance, child support payments are due on the 1<sup>st</sup> day of the month, the method of involuntary wage withholding would draw money only on the biweekly paydays, which is usually twice per month.
39. Consequently, the MLP would assign an automatic penalty because the entire child support was not paid on the 1<sup>st</sup> day of that particular month.
40. On the other hand, if the child support is due on the last day of the month, it is possible that the obligor will avoid a penalty if all paycheck

1 withholdings received for that month satisfy the entire child support  
2 amount.

3 41. The NOMADS Program, on the other hand, simply imposes a penalty once  
4 at the end of the month.

5 42. Because the NOMADS Program looks only at what amount is left unpaid  
6 at the end of the month, it automatically assigns a penalty.

7 43. The MLP, on the other hand, assigns a penalty on the unpaid amount as  
8 soon as the "due date" is triggered without considering if the obligor pays  
the entire amount in full at the end of the month.

9 44. Attorney Muirhead demonstrated that when Plaintiff paid the entire \$1300  
10 obligation in the month of May 2008, he was still assessed a penalty of  
11 \$976.11 by the MLP Program. She asserted that since the entire month  
was paid in full, the 10% penalty should not have been imposed at all.

12 45. Attorney Muirhead argued that the operative word in Section 1 of NRS  
13 125B.095 was "installment". She believed that "installment" means that  
14 the Court should only look to that one particular month to see if all or any  
15 portion of the child support amount remains unpaid before assessing a  
penalty.

16 46. The State of Nevada has argued that it is the administrative agency that is  
17 responsible for developing and interpreting regulations to carry out its  
enforcement functions.

18 47. The regulation referred to is NRS 425.365. The State of Nevada asserts  
19 that deference must be given to it when the agency interprets the NRS  
20 statutes pertaining to its functions to enforce and regulate, unless the  
interpretation is found to be arbitrary or capricious.

21 48. On July 11, 2008, a return hearing was held on further proceedings on the  
22 penalties issue.

23 49. Also on July 11, 2008, Attorney Muirhead filed in open court Plaintiff's  
24 Supplemental Brief. The Brief was 176 pages long, and included the  
legislative histories of AB 604 and AB 473.

25 50. Extensive oral arguments were taken on the record. The hearing lasted  
26 several hours.  
27  
28

- 1 51. On August 14, 2008, The Willick Law Group, on behalf of Defendant,  
2 filed a Supplemental Brief on Child Support Principal, Penalties, and for  
3 Attorney's Fees.
- 4 52. Essentially, Attorney Willick asserts that the MLP does not charge double  
5 interest.
- 6 53. Rather, based on their interpretation of NRS 125B.095, the MLP imposes  
7 a 10% penalty on any remaining unpaid amount within a given month.  
8 The amount of the penalty depends on the due date of the child support  
9 obligation, whether it is the 1<sup>st</sup> day of the month, the 15<sup>th</sup> day, or the last  
10 day of the month.
- 11 54. In their brief, Attorney Willick contended that when MLP is applied, the  
12 total amount of the penalty "at the end of the year" actually turns out to be  
13 LESS than what NOMADS calculates.
- 14 55. As an example, on page 11 of their August 14, 2008 Supplemental Brief,  
15 Attorney Willick explains the MLP calculates a year-end penalty of \$89.50  
16 while the State of Nevada CSEP Agency calculates \$230.00 based on  
17 "hypothetical sums due and sums paid" as illustrated in the Welfare  
18 Division's Manual.
- 19 56. However, the amount of the penalties under the MLP calculations grows  
20 much larger than what NOMADS would charge after 23 months. In her  
21 Brief filed August 1, 2008, Attorney Muirhead compared the calculations  
22 after 24 months.
- 23 57. Under MLP, the penalties would be \$3,244.75. Under NOMADS, the  
24 penalties total \$3,120.00.
- 25 58. As more months pass after the 24<sup>th</sup> month, the MLP calculations of the  
26 penalties continue to grow even larger until it reached in excess of \$52,000  
27 by May 2008, while the NOMADS Program assessed penalties in excess  
28 of \$12,000 through the same time frame.
- 29 59. Consequently, the different interpretations of the statute have resulted in  
30 grossly disparate calculations of the 10% penalty.
- 31 60. Attorney Willick seemed to suggest that NRS 125B.095 (2) should be  
32 interpreted to give full meaning to the words "per annum".
- 33 61. This means that any remaining child support sums that are unpaid each  
34 year (and every year thereafter) continue to accrue penalties, albeit at a

1 lesser rate before 24 months elapse, as opposed to NOMADS assessing a  
2 one-time penalty at the end of the month and no further penalties accrue.

3 62. This is the main difference in the calculations between MLP and  
4 NOMADS.

5 63. Attorney Willick argued that the State of Nevada's interpretation ignores  
6 the "per annum" concept by leaving the penalty as a one-time fine at the  
7 end of each month.

8 64. Attorney Willick asserted that the penalty is meant to be applied "per  
9 annum" which should mean "every year".

10 65. Accordingly, the penalty is smaller at year's end, but it continues to accrue  
11 each year thereafter thus giving full consideration to the words "per  
12 annum".

13 66. The MLP also considers the words "or portion thereof" by assessing a  
14 penalty depending on the due date of the child support obligation.

15 67. Attorney Willick submitted that the MLP can automatically calculate the  
16 penalty in this fashion, and NOMADS allegedly cannot do such  
17 calculations.

18 68. Exhibit 1 to the State of Nevada's July 9, 2008 Friend of the Court Brief is  
19 an Attorney General Opinion Letter on NRS 125B.095.

20 69. The AG's Office submitted that the words "per annum" cannot render the  
21 phrase "or portion thereof" as mere surplusage.

22 70. Accordingly, the AG's Office takes the position that the statute, read as a  
23 whole, takes into consideration "per annum" by dividing 10% into 12  
24 months or 8.33%, and takes into consideration "or portion thereof" by  
25 imposing the 8.33% penalty once at the end of each month on any unpaid  
26 sum.

27 71. In the case at bar, the two different interpretations of the statute result in a  
28 marked difference in calculations of the 10% penalty as between MLP and  
NOMADS.

72. NOMADS calculated a penalty of \$12,148.29 through May 2008. MLP  
calculated a penalty of \$52,333.55. There is a difference between the two  
programs of over \$40,000.00.



1  
2 **REVIEW OF AB 604 and AB 473 LEGISLATIVE HISTORY:**

3 73. As to AB 604, during the June 23, 1993 session of the Senate Committee  
4 on Judiciary, page 17, Assemblyman Robert M. Sader said to the  
5 Committee, "You want to motivate somebody to pay on time and have an  
6 enforceable penalty ... that is what this is about."

7 74. The testimony of Attorney Frankie Sue Del Papa before the Committee  
8 states the 10% penalty "will serve as an incentive to parents to remain  
9 current on monthly support obligations."

10 75. As to AB 473, the Assembly Committee on Judiciary met on April 11,  
11 2005. On page 19, Assemblyman Carpenter noted,

12 "I have a concern about the amount of interest that you are going to be  
13 charging. You are charging 10 percent every month so in a year that adds up to  
14 120 percent. If they couldn't pay whatever was due at the end of that first  
15 month, they certainly are not going to be able to pay the amount at the end of  
16 the year. I didn't see anything wrong with the way it was written before when it  
17 was 10 percent a year. But at 10 percent a month, a lot of these people will  
18 never be able to pay that amount. I'm probably one of the biggest sticklers that  
19 people ought to pay their child support, but they can't pay something that is  
20 impossible to pay, and you keep adding penalty upon penalty or interest upon  
21 interest. It really defeats the whole situation."

22 76. Susan Hallahan, Chief Deputy District Attorney, Family Division, Washoe  
23 County, responded:

24 "This bill does not purport to change how penalties are calculated. The penalty  
25 statute as it states right now is 10 percent per annum or a portion thereof. It  
26 has to be added to the portion of the monthly payment that was not paid. If  
27 you were to, for example, charge the penalty at the end of the year, then there  
28 could be a noncustodial parent that doesn't pay anything from January through  
November and then in December pays \$1200 to satisfy their annual child  
support obligation." Interest and penalties are separate. The purpose of  
interest is to make the custodial parent whole for the value of her money that  
she should have received or he should have received today but doesn't receive  
until 6 months from now. The purpose of the penalty is to encourage the  
obligor to pay each and every month as he is ordered to pay. This penalty is a  
one-time snapshot and is charged only during that calendar month for any  
delinquency you have. So if the obligor pays each month, he or she would not  
accrue an additional penalty."

77. Assemblyman Carpenter followed with:

1 "It says a 10 percent penalty must be applied at the end of each calendar month  
2 against the amount of an installment or a portion of the installment that  
3 remains unpaid in the month in which it was due. So it seems to me if they  
4 owed \$100 and there is a 10 percent penalty that month, it would make it \$110.  
5 Then the next month it is going to be another 10 percent of \$110 so that's  
6 \$111. Simple interest would be 120 percent at the end of the year, so instead of  
7 owing \$100, they would owe way over \$200. It's contradictory in trying to get  
8 them to pay, because there is no way they can pay it."

9  
10 78. Chief Deputy District Attorney Hallahan replied:

11 "Logically, you would think that would be the way it would work out. But if you  
12 owe \$100 and I don't pay it this month, I am assessed \$10 at the end of the  
13 month. If I don't pay \$100, I have another \$10 and now it's \$20. If I don't pay  
14 anything for the whole year and I owe \$1,200, I am assessed 10 percent penalty  
15 which is \$120. Whether you calculate it at the end of the month or at the end of  
16 the year, it still is \$120."

17  
18 79. Louise Bush, Chief of Child Support Enforcement, Welfare Division,  
19 Nevada Department of Human Resources, commented:

20 "NRS 125B.095 states that a penalty of 10 percent per annum must be assessed  
21 when an obligation for child support is delinquent. The common usage of "per  
22 annum" means "by the year" and in common application means a fractional  
23 interest calculation. The phrase "per annum" contained in the penalty statute  
24 suggests that the late payment penalty should be calculated like interest.  
25 However, according to the legislative history from the Sixty-Seventh Session and  
26 an Attorney General's Opinion, legislators intended the penalty to be a one-time  
27 late fee, akin to a late fee one would pay for a delinquent credit card payment  
28 rather than another interest assessment. Typically, late payment penalties are  
designed to encourage timely payment while interest charges are intended to  
compensate creditors for loss of use of their money. This concept is highlighted  
by the comments then Assemblyman Robert Sader made during the Sixty-  
Seventh Session while addressing the intent of a child support late payment  
penalty. Mr. Sader said, 'It should be clear in the statutes that there is a penalty  
for not paying on time. You want to motivate somebody to pay on time and  
have an enforceable penalty. That is what this is about.' Mr. Sader further  
commented that the purpose of the penalty was intended to be motivational,  
such as a late payment fee attached to any billing. This bill removes the  
ambiguous language currently found in NRS 125B.095 clearly aligning the  
statutory language with the legislative intent of assessing a one-time late fee."

80. Donald W. Winne, Jr., Deputy Attorney General, Nevada Department of  
Human Resources, offered the following:

1  
2 "I, frankly, think it leaves some question as to whether or not this is a one-time  
3 late payment fee. I can tell you that when this bill was originally passed, it was  
4 clear they wanted us to be like a credit card. If you don't pay on time, this is  
5 your one-time late fee. I'm not personally comfortable with the current  
6 language as it exists. I don't represent the agency. You asked me here as a  
7 person who got involved in this because I drafted this opinion. I would agree  
8 with you, Mr. Conklin, the language as it appears still needs work in order for me  
9 to feel comfortable, after going through this exercise and making sure they get  
10 the intent correct, that this is just a one-time late fee and it won't be adding up  
11 like Mr. Carpenter was worried about."

12 81. Attorney Willick of the Willick Law Group commented:

13 "By way of background, everything is now clocked in accordance with how the  
14 court sets the child support obligation. Specifically, courts have a great deal of  
15 leeway and exercise a great deal of discretion as to how support should be paid.  
16 For example, all due on the first of the month, due on the 10<sup>th</sup> and 25<sup>th</sup>, or all  
17 due on the last day of the month, et cetera. There are all kinds of untold  
18 variations on that throughout the child support orders currently in effect. I will  
19 start with subsection 2 because it is the bigger problem. If subsection 2 is  
20 altered as stated, it would treat similarly situated people differently. For  
21 example if Person A had a child support order due on the 1<sup>st</sup> and Person B had a  
22 child support obligation due on the 25<sup>th</sup>, Person A would basically have 29 days  
23 within which to pay child support without incurring a penalty. Person B would  
24 only have 5 days. That difference, in my opinion, would rise to the level of a  
25 constitutional concern because it would treat similarly situated people  
26 differently. The problem is shifting the focus from a child support due date  
27 clock to a month-end due date clock. It leads to a great deal of problems. It  
28 would also cause a differential in the calculation date and the due date for how  
much should be paid between those 2 individuals causing a great deal of  
confusion, as a practical matter, in the family courts of this state. It would be  
very difficult to calculate in the real world, although I suppose it would be  
possible. It would lead to an appearance of greater unfairness to similarly  
situated people. .... Finally, the problem here with due respect to the district  
attorneys and the Attorney General's Office, is one of the tail wagging the dog.  
They are attempting to solve a calculation methodology problem left over from  
legacy hardware and software which is inadequate to any modern calculation  
task. It is a particularly difficult calculation problem. We have solved it with a  
microcomputer program for a couple thousand dollars years ago. I have given  
both the software and the source code to the state repeatedly. They have this  
legacy software, NOMADS, that they are trying to make do a job that it is not  
suited to do. They are attempting to conform the law to conform how their  
computer works. I would suggest that this is a bad basis for altering public

1 policy and altering statutes. I suggest it may be time that they just face up to  
2 the fact that they have wasted a huge amount of money on trying to fix  
3 something which may or may not ever be fixable. But certainly they should not  
4 start amending the law to conform to the problems that we know are built into  
5 that hardware system."

6 **LEGAL DISCUSSION**

7 82. The Nevada Supreme Court in Irving v. Irving, 134 P3d. 718, 720 (2006)  
8 stated,

9 "Because the interpretation of a statute is a question of law, the proper  
10 standard of review is de novo. This court follows the plain meaning of  
11 a statute absent an ambiguity. Whether a statute is deemed  
12 ambiguous depends upon whether the statute's language is susceptible  
13 to two or more reasonable interpretations. When a statute is  
14 ambiguous, we look to the Legislature's intent in interpreting the  
15 statute. Legislative intent may be deduced by reason and public  
16 policy."

17 83. In the instant case, both Attorney Willick and the State of Nevada agree  
18 that NRS 125B.095(2) is ambiguous and open to different interpretations.

19 84. Consequently, the MLP and the NOMADS programs are at odds with each  
20 other in calculating the 10% penalty on Mr. Vaile's past unpaid child  
21 support amounts to the tune of a \$40,000.00+ difference.

22 85. The Court believes the parties behind the MLP and the NOMADS  
23 program both agree that the legislative intent behind NRS 125B.095 is to  
24 "motivate" a child support obligor to pay each month in a timely manner.

25 86. The Court therefore FINDS there is no dispute that the legislative intent of  
26 AB 604 and AB 473 is "motivational".

27 87. The trial court in this case, notwithstanding, must also take a closer look at  
28 the legislative history on how to interpret the phrases "installment", "per  
annum", and "or a portion thereof".

As quoted in Irving, supra, the court may deduce legislative intent "by  
reason and public policy".

89. Attorney Willick's MLP calculator appears to give more emphasis on the  
phrase "per annum" because the 10% penalty is ongoing year after year,  
but with a lesser resulting penalty in the first 24 months.

- 1 90. This view heavily supports public policy of "motivating" the obligor  
2 parent to pay timely, but there is a greater financial consequence for the  
3 noncustodial obligor who waits many years beyond the first 24 months.
- 4 91. Attorney Willick argued that a one-time penalty will not necessarily  
5 motivate the obligor parent because that is just what it is, a one-time  
6 penalty that will sit and not grow on the books.
- 7 92. In his Brief filed on August 14, 2008, Attorney Willick writes,  
8 "Welfare then ignores the penalty forever, failing to calculate *any* penalty  
9 for the second (or any later) year a sum remains outstanding. The private  
10 Bar, by contrast, calculates the penalty in accordance with how much of a  
11 year has passed, so that the penalty imposed on an obligation due in  
12 January, is less in February than it is in March, and continues to be assessed  
13 for however many years an installment remains outstanding, giving meaning  
14 to the statutory phrases 'per annum' and 'remains unpaid'."
- 15 93. Certainly, this is a compelling public policy reason, but the *Irving* case  
16 also directs the trial court to look to "reasoning" to deduce legislative  
17 intent.
- 18 94. Under the "reasoning" factor, apart from the public policy aspect,  
19 Assemblyman Carpenter reasoned that the obligor parent would never be  
20 able to pay an "impossible amount" that grows exponentially.
- 21 95. In addition, the State of Nevada argued that the MLP penalties amount  
22 grows larger and exceeds the NOMADS amount after 23 months.
- 23 96. However, as discussed in more detail below, the technical implementation  
24 of assessing the 10% penalty MUST comport with the Federal Child  
25 Support Enforcement Program.
- 26 97. The State of Nevada pointed out in their Supplemental Friend of the Court  
27 Brief filed September 5, 2008, that MLP starts exceeding the NOMADS  
28 penalty calculations after 23 months. Page 3, lines 3-4.
98. The State of Nevada appears to take a more balanced interpretation of the  
two phrases "per annum" and "portion thereof" by using a fractional  
percentage of 8.33% (10% divided by 12 months) and assessing it on any  
remaining unpaid portion of child support.
99. In other words, both phrases are given equal weight and consideration  
under the State of Nevada's interpretation. "Per annum" is complied with  
by dividing 10% into 12 months. "Portion thereof" is complied with by

1 assessing the fractional 8.33% penalty to the unpaid portion of child  
2 support for a particular calendar month.

3 100. As discussed above, Attorney Muirhead also argued that the word  
4 "installment" in Section 1 of NRS 125B.095 should require the court to  
5 focus on a particular month and that month only.

6 101. She pointed out that even though Mr. Vaile paid \$1300 for the entire  
7 month of May 2008, he was still penalized \$976.11. Consequently, she  
8 believed that the word "installment" is rendered meaningless.

9 102. From a "reasoning" standpoint, the assessment of \$976.11 (when an entire  
10 month of support was paid) appears less reasonable and less logical  
11 because the 10% penalty is only supposed to be imposed on any  
12 "remaining unpaid amount" *for that month only* according to the statute,  
13 thus giving meaning to the word "installment" as well.

14 103. The MLP, however, calculates differently by complying with "per annum"  
15 on an ongoing year after year basis.

16 104. Another illustration of "reasoning" is analyzed and deduced by the Court  
17 here.

18 105. As cited above, the legislative history comments from Louise Bush, Chief  
19 of Child Support Enforcement, Welfare Division, Nevada Department of  
20 Human Resources is worth mentioning again:

21 "NRS 125B.095 states that a penalty of 10 percent per annum must be assessed  
22 when an obligation for child support is delinquent. The common usage of "per  
23 annum" means "by the year" and in common application means a fractional  
24 interest calculation. The phrase "per annum" contained in the penalty statute  
25 suggests that the late payment penalty should be calculated like interest.  
26 However, according to the legislative history from the Sixty-Seventh Session and  
27 an Attorney General's Opinion, legislators intended the penalty to be a one-time  
28 late fee, akin to a late fee one would pay for a delinquent credit card payment  
rather than another interest assessment. Typically, late payment penalties are  
designed to encourage timely payment while interest charges are intended to  
compensate creditors for loss of use of their money. This concept is highlighted  
by the comments then Assemblyman Robert Sader made during the Sixty-  
Seventh Session while addressing the intent of a child support late payment  
penalty. Mr. Sader said, 'It should be clear in the statutes that there is a penalty  
for not paying on time. You want to motivate somebody to pay on time and  
have an enforceable penalty. That is what this is about.' Mr. Sader further  
commented that the purpose of the penalty was intended to be motivational,  
such as a late payment fee attached to any billing. This bill removes the

1 ambiguous language currently found in NRS 125B.095 clearly aligning the  
2 statutory language with the legislative intent of assessing a one-time late fee."

3 106. Attorney Willick offered the following: "[I]f you owe money to Best Buy,  
4 and don't pay on time, they hit you up with a late payment fee. And if you  
5 don't pay the bill by the *next* month? They charge you again – every time  
6 a billing cycle passes without you making the payment you owed  
7 originally."

8 107. Attorney Muirhead, in her Brief filed August 1, 2008, offered this:  
9 "[C]ounsel for Plaintiff has attached a copy of her recent Embarq  
10 telephone bill. You will note that the due date is August 9, 2008 in the  
11 amount of \$15.68. If the \$15.68 is received after August 20, 2008, a  
12 penalty or late payment fee of \$5.00 is imposed as it is now \$20.68 that is  
13 due. (Exhibit 3) In the legislative history in support of AB 604 (NRS  
14 125B.095), page 61, former Attorney General Frankie Sue Del Papa  
15 commented that '...delinquent power bills to late credit card payments are  
16 assessed late fees and penalties, yet missed child support payments are  
17 not...' (Exhibit 4)".

18 108. Louise Bush's comments and Attorney Muirhead's comments appear more  
19 logically congruous.

20 109. Attorney Willick's Best Buy example above is correct to a degree.  
21 However, logically extending the example, if the debtor actually does pay  
22 all or part of the bill, or even at least the minimum monthly amount due  
23 that Best Buy is demanding the following month, *no late fee (penalty) will*  
24 *be charged* for that month.

25 110. What happens, however, is that the amount for the late penalty/fee for the  
26 previous month is added to the total bill and the debtor is charged interest  
27 on the amount with the added penalty/late fee included. The debtor can  
28 never go back and have the late fee eliminated or reversed. This would  
"motivate" the debtor to pay on time the next month or the same penalty  
would apply.

111. On a more technical note, the MLP Program clearly has the capabilities of  
assessing the 10% penalty depending on the due date of the child support  
obligation.

112. From a public policy standpoint, Attorney Willick argued that obligor  
parents who have different due dates, whether early in the month, the  
middle of the month, or the end of the month, will be treated equally via  
the MLP calculations.

1 113. However, according to the State of Nevada, NOMADS is designed to  
2 comply with Federal CSEP requirements, not because it cannot calculate  
3 what the MLP Program can do. The NOMADS calculator has been doing  
4 this since 1995.

5 114. Moreover, the State of Nevada, in their briefing filed September 5, 2008,  
6 page 3 lines 14-23, expressly pointed out that the CSEP agency must  
7 follow federal law.

8 *"CSEP looks at all the payments within the month 45 CFR 302.51(a)(1) requires*  
9 *distribution of child support payments within the month be credited to the child*  
10 *support amount due in the month. Therefore, the monthly payment emphasis*  
11 *rather than a date specific emphasis comes from the federal requirement, not a*  
12 *system requirement. This is even more imperative when more than 75% of all*  
13 *CSEP collections on the 98,853 enforcement cases come from income*  
14 *withholdings (IW) and a majority of those are on a biweekly pay period basis. If*  
15 *CSEP took the defendant's view of the world it would be penalizing all the*  
16 *obligors on IW who are paid on a biweekly pay period with their employers.*  
17 *CSEP must follow the requirements of the Federal Child Support Enforcement*  
18 *Program and provide collection of child support on a massive scale."*

19 115. Under a "reasoning" viewpoint, federal preemption and deference must be  
20 followed by the state trial court.

21 116. This Court, however, concedes that that federal preemption issue was not  
22 raised during the legislative hearings of AB 604 and AB 473, but the  
23 instant proceedings in this case no doubt creates a dilemma for CSEP to  
24 enforce the issuance of penalties that might risk losing federal benefits  
25 across the board.

26 117. This Court, however, believes that while the legislative history is silent on  
27 this issue raised by Deputy Attorney General Winne in his Friend of the  
28 Court Brief, this is an important public policy concern the Court should  
not ignore.

118. While Attorney Willick suggested "the tail is wagging the dog", it does not  
appear that CSEP is refusing to implement a different method of  
calculating child support penalties for convenience of administration.

119. Rather, CSEP has rational reasons for complying with (CFR) federal  
regulations. Otherwise, huge amounts of federal funding would be lost.  
This Court is not aware of how the MLP Program avoids this dilemma.

120. Further, because more than a majority of the Nevada CSEP cases involve  
income withholding on a biweekly pay period basis, it appears that the



MLP calculation methods could never be reconciled with the NOMADS method of calculation because NOMADS is subject to federal regulations.

121. The State of Nevada also argues that the 2005 Legislature did not take any action to change the status quo of how CSEP assesses the 10% penalty.

122. There was a two-year deferment of implementing the penalty from 1993 to October 15, 1995, in order for CSEP to implement the penalty calculation program.

123. Twelve years later, when AB 473 was submitted for consideration in 2005 requesting clarification of NRS 125B.095, the status quo was maintained and no changes were adopted by the Legislature.

124. In the Nevada Supreme Court case of Oliver v. Spitz, 76 Nev. 5, 6, (1960), the Court wrote,

"\* \* \* only in a clear case will the court interfere and say that \* \* \* a rule or regulation is invalid because it is unreasonable or because it is in excess of the authority of the agency promulgating it. Moreover, an administrative rule or regulation must be clearly illegal, or plainly and palpably inconsistent with law, or clearly in conflict with a statute relative to the same subject matter, such as the statute it seeks to implement, in order for the court to declare it void on such ground.

***"It is only where an administrative rule or regulation is completely without a rational basis, or where it is wholly, clearly, or palpably arbitrary, that the court will say that it is invalid for such reason."*** 73 C.J.S., sec. 104(a), p. 424.

***Furthermore acquiescence by the legislature in promulgated administrative rules made pursuant to express authority may be inferred from its silence during a period of years.*** Norwegian Nitrogen Co. v. United States, 288 U.S. 294, 313, 53 S.Ct. 350, 77 L.Ed. 796.

(Emphasis added).

125. As discussed above, the Court FINDS there is a rational basis for why NOMADS calculates penalty in a particular manner (i.e., complying with federal regulations or lose federal funding).

126. The Court further FINDS that CSEP's method of calculating penalties gives equal and balanced consideration to the phrases "installment", "per annum" and "portion thereof" contained in NRS 125B.095.

127. The manner in which the MLP Program does its calculations, on the other hand, puts more emphasis on "per annum" above all the other phrases, and appears to take away the meaning of "installment" (focusing on a

particular month and that month only) by calculating penalties in months where the obligor has paid the full amount of child support.

128. But “public policy” is only half of the equation. The other half of the equation requires the Court to look at “reasoning”. *Irving, supra*.

129. This Court believes a more reasonable interpretation of NRS 125B.095 requires giving balanced and equal considerations to the meaning of “installment”, “per annum”, and “portion thereof”.

130. The Court must also follow prior Nevada case law which states that when an administrative agency develops and implements certain regulations and practices, the regulations cannot be invalidated if there was a “rational basis” behind them.

131. Attorney Willick wrote in his Brief filed August 14, 2008, page 14: “Specifically, in 2005 Welfare cooked up AB 473, which would have altered the statutory penalty as follows:

~~[The amount of the penalty is]~~ *If imposed*, a 10 percent [per annum, or portion thereof, that the] *penalty must be applied at the end of each calendar month against the amount of an installment or portion of an installment that remains unpaid[.] in the month in which it was due.*

All aspects of the calculation of interest and penalties were discussed at length in the resulting hearing held before the Assembly Judiciary Committee. After hearing and reading everything about why the law was the way it was, why the Welfare Division was trying to change the law to conform to their outdated computer capabilities, and why it would be a really terrible idea to do so, the Legislature left the “how-to-compute penalties” portion of the statute exactly as it was, knowing how the private Bar had been doing the calculations for 17 years (as to interest) and 10 years (as to penalties).”

132. However, Attorney Willick’s argument is contrary to case law established by the Nevada Supreme Court in *Oliver v. Spitz, supra*.

133. Rather, as dictated by *Oliver*, because the Legislature did not enact the Welfare’s proposal to revise NRS 125B.095 and essentially remained silent on the instant penalties issue since 1993, thus leaving the CSEP’s method of calculating penalties status quo, this Court can infer that the Legislature has given “express authority” to CSEP. *Oliver, supra*.

134. The Court also has viewed the instant case from another “reasoning” perspective. When one looks at the total end result of Mr. Vaile’s final

1 assessment of child support arrears consisting of principal in the amount of  
2 \$114,469.96 and interest of \$43,444.42 through May 31, 2008 according  
3 to the NOMADS calculations (which is minimally different from the MLP  
4 calculations), and looking at the marked differences in penalties  
5 \$12,148.29 (NOMADS) versus \$52,333.55 (MLP), the NOMADS  
6 calculated penalties are approximately 10% of the principal amount of  
\$114,469.96 while the MLP calculated penalties are approximately 50% of  
the same amount. The "end result" is that the noncustodial obligor is  
really being charged 50% in penalties under the MLP Program.

7 135. Attorney Willick's view that "deadbeat" parents should be motivated to  
8 pay is not unreasonable public policy given the frustration of custodial  
9 parents waiting for child support money that is supposed to go to the  
children.

10 136. However, the Court believes that in reality, an end result of penalties  
11 amounting to 50% of the amount of the principal arrears (at least after the  
12 first 23 months of nonpayment), leads to an unreasonable financial impact  
on the noncustodial obligor.

13 137. The Court, however, does not in any way condone a course of conduct of  
14 nonpayment or late payments. There are additional remedies for the  
15 custodial obligee parent such as contempt, sanctions, attorney's fees and  
incarceration.

16 138. The Court FINDS that the MLP Program is not flawed. The MLP  
17 Program merely uses a different interpretation of NRS 125B.095.

18 139. Accordingly, this Court believes that all prior calculations under the MLP  
19 in other cases in this department, and possibly other departments, should  
20 not be rendered void because this was an "issue of first impression" and  
both sides of the instant case agree the statute is clearly ambiguous.

21 140. The Court notes that Attorney Willick expressed that he would recalibrate  
22 his MLP Program if this Court found a different interpretation.

23 141. Finally, the Court is cognizant that the penalties issue is a very important  
24 issue to both Plaintiff and Defendant, as well as the Attorney General's  
Office and the District Attorney for the Child Support Division.

25 142. Therefore, IT IS HEREBY ORDERED that this Findings of Fact,  
26 Conclusions of Law, and Decision and Order Re: Child Support Penalties  
27 NRS 125B.095 shall be certified as a final order for purposes of any  
appeal to the Nevada Supreme Court.

1  
2 143. IT IS FURTHER ORDERED that Plaintiff's request for relief and request  
for reconsideration of the penalties amount is granted.

3 144. IT IS FURTHER ORDERED that through May 2008, the child support  
4 penalties amount is \$12,148.29.

5 145. IT IS FURTHER ORDERED that because NRS 125B.095 is ambiguous  
6 and subject to different interpretations, and because this Court required  
7 extensive legal briefing and oral argument on the issue of calculating child  
support penalties, each party shall bear their own attorney's fees and costs.

8 146. IT IS FURTHER ORDERED that there is a separate issue of attorney's  
9 fees requested by Attorney Willick pursuant to NRS 125B.140 which  
states:

10 **Enforcement of order for support.**

11 1. Except as otherwise provided in chapter 130 of NRS and NRS  
12 125B.012:

13 (a) If an order issued by a court provides for payment for the support of  
14 a child, that order is a judgment by operation of law on or after the date a  
payment is due. Such a judgment may not be retroactively modified or  
15 adjusted and may be enforced in the same manner as other judgments of  
this state.

16 (b) Payments for the support of a child pursuant to an order of a court  
17 which have not accrued at the time either party gives notice that he has  
18 filed a motion for modification or adjustment may be modified or adjusted  
by the court upon a showing of changed circumstances, whether or not the  
court has expressly retained jurisdiction of the modification or adjustment.

19 2. Except as otherwise provided in subsection 3 and NRS 125B.012; ,  
125B.142; and 125B.144:

20 (a) Before execution for the enforcement of a judgment for the support  
21 of a child, the person seeking to enforce the judgment must send a notice  
22 by certified mail, restricted delivery, with return receipt requested, to the  
responsible parent:

23 (1) Specifying the name of the court that issued the order for support  
and the date of its issuance;

24 (2) Specifying the amount of arrearages accrued under the order;

25 (3) Stating that the arrearages will be enforced as a judgment; and

26 (4) Explaining that the responsible parent may, within 20 days after  
27 the notice is sent, ask for a hearing before a court of this state concerning  
the amount of the arrearages.

1  
2 (b) The matters to be adjudicated at such a hearing are limited to a  
3 determination of the amount of the arrearages and the jurisdiction of the  
4 court issuing the order. At the hearing, the court shall take evidence and  
5 determine the amount of the judgment and issue its order for that amount.

6 (c) The court shall determine and include in its order:

7 (1) Interest upon the arrearages at a rate established pursuant to NRS  
8 99.040, from the time each amount became due; and

9 (2) A reasonable attorney's fee for the proceeding,

10 unless the court finds that the responsible parent would experience an  
11 undue hardship if required to pay such amounts. Interest continues to  
12 accrue on the amount ordered until it is paid, and additional attorney's fees  
13 must be allowed if required for collection.

14 (d) The court shall ensure that the social security number of the  
15 responsible parent is:

16 (1) Provided to the Division of Welfare and Supportive Services of the  
17 Department of Health and Human Services.

18 (2) Placed in the records relating to the matter and, except as  
19 otherwise required to carry out a specific statute, maintained in a  
20 confidential manner.

21 3. Subsection 2 does not apply to the enforcement of a judgment for  
22 arrearages if the amount of the judgment has been determined by any  
23 court.

24 (Emphasis added).

25 147. The Court reviewed the Willick Law Group billing statements for the time  
26 period June 10, 2008 through July 6, 2008. This was attached to their  
27 Motion to Strike filed on July 8, 2008 as Exhibit A.

28 148. The Willick Law Group charged a total of \$20,443.11 for the above  
billing. However, some of the charges did not pertain to the issues of child  
support arrears and interest.

149. Therefore, the Court only looked at billing charges relevant to the issues  
on this Decision and Order. As noted above, under NRS  
125B.140(2)(c)(2), the Court shall determine and include a "reasonable  
attorney's fee".

150. Here, the Court FINDS the Plaintiff, Mr. Vaile, is in arrears in the amount  
of \$114,469.96 through the end of May 2008. Under the statute, the  
Defendant is entitled to a reasonable attorney's fee.


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151. IT IS FURTHER ORDERED that the Defendant, Cisilie A. Porsboll, f/k/a  
Cisilie A. Vaile, shall be awarded the sum of \$12,000.00 as and for  
attorney's fees in accordance with NRS125B.140.

152. A copy of this Findings of Fact, Conclusions of Law and Final Decision  
and Order shall be provided to Greta Muirhead, Esq., Marshal Willick,  
Esq., Deputy Attorney General Donald W. Winne, Jr., and the Clark  
County District Attorney, Child Support Division.

153. SO ORDERED.

Dated this 17 day of April, 2009.

  
CHERYL B. MOSS  
District Court Judge

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Divorce - Joint Petition****COURT MINUTES****March 29, 2000**

98D230385

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

**March 29, 2000****9:30 AM****Motion****HEARD BY:** Steel, Cynthia Dianne**COURTROOM:** Courtroom 02**COURT CLERK:****PARTIES:**

Cisilie Vaile, Petitioner, not  
present

Richard Crane, Attorney,  
Attorney, not present

Kaia Vaile, Subject Minor, not  
present

Kamilla Vaile, Subject Minor,  
not present

R Vaile, Petitioner, present

Pro Se

<b>JOURNAL ENTRIES</b>
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- There being no opposition COURT ORDERED PLAINTIFF'S MOTION GRANTED IN FULL.

**INTERIM CONDITIONS:**

**FUTURE HEARINGS:**

*Canceled: October 13, 2000 12:00 AM Motion  
Reason: Canceled as the result of a hearing cancel, Hearing Canceled Reason: Vacated  
Steel, Cynthia Dianne  
Courtroom 02*

*Canceled: March 27, 2008 10:00 AM Motion to Set Aside*

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

*Canceled: March 27, 2008 10:00 AM Opposition & Countermotion*

*Canceled: July 03, 2008 9:30 AM Motion*

*Canceled: July 03, 2008 9:30 AM Opposition & Countermotion*

*Canceled: July 11, 2008 8:30 AM Motion*

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

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

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

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

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

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



**DISTRICT COURT  
CLARK COUNTY, NEVADA****Divorce - Joint Petition****COURT MINUTES****September 29, 2000**

98D230385

In the Matter of the Joint Petition for Divorce of:  
Robert S Vaile and Cisilie A Vaile, Petitioners.**September 29,  
2000****9:00 AM****Motion****HEARD BY:** Steel, Cynthia Dianne**COURTROOM:** Courtroom 02**COURT CLERK:****PARTIES:**Cisilie Vaile, Petitioner, not  
presentRichard Crane, Attorney,  
Attorney, not presentKaia Vaile, Subject Minor, not  
presentKamilla Vaile, Subject Minor,  
not presentRobert Vaile, Petitioner, not  
present

Pro Se

**JOURNAL ENTRIES**

- Mr. Dempsey stated he did not receive notice of today's hearing and is unprepared to proceed. COURT STATED it wishes to proceed in the matter. COURT FINDS, it needs to ascertain whether or not the Decree is accurate, and if it needs to be set aside. The Court will need to set a Residency Hearing to determine whether Plaintiff had residency at the time he filed the Decree. Parties stipulated to Nevada, and now a year later Defendant is claiming she did it under duress. If Plaintiff can not prove residency, then this Court does not have jurisdiction over these parties at all. Mr. Willick stated his concerns that the Court needs to act immediately because the children are located in Pilot Point, TX, a small RV stop north of Dallas close to the Mexico border, and the Mexico entry

point near Pilot Point does not require passports. Mr. Willick requested the Court return the children here to Las Vegas.

COURT ORDERED, a PICK UP ORDER is to issue, and the Courts and law enforcement agencies of Texas are asked to pick up the children for them to be returned to the State of Nevada and placed in this Court's custody. Upon return to Las Vegas the children are to be placed in Child Haven, and immediately upon receiving the children, Child Haven is to call this Court's chambers to set up an immediate FMC Interview for the girls and to schedule a court hearing. All other matters will be deferred until return on jurisdictional matters. The Court will notify counsel of the children's return and the next hearing date and time. Mr. Willick will prepare the pick up Order.

#### INTERIM CONDITIONS:

#### FUTURE HEARINGS:

*Canceled: October 13, 2000 12:00 AM Motion  
Reason: Canceled as the result of a hearing cancel, Hearing Canceled Reason: Vacated  
Steel, Cynthia Dianne  
Courtroom 02*

*Canceled: March 27, 2008 10:00 AM Motion to Set Aside*

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

*Canceled: March 27, 2008 10:00 AM Opposition & Countermotion*

*Canceled: July 03, 2008 9:30 AM Motion*

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

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

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

**DISTRICT COURT  
CLARK COUNTY, NEVADA****Divorce - Joint Petition****COURT MINUTES****October 02, 2000**

98D230385

In the Matter of the Joint Petition for Divorce of:  
Robert S Vaile and Cisilie A Vaile, Petitioners.**October 02, 2000 3:00 PM****Telephone Conference****HEARD BY:** Steel, Cynthia Dianne**COURTROOM:** Courtroom 02**COURT CLERK:****PARTIES:**Cisilie Vaile, Petitioner, not  
presentRichard Crane, Attorney,  
Attorney, not presentKaia Vaile, Subject Minor, not  
presentKamilla Vaile, Subject Minor,  
not present

R Vaile, Petitioner, present

Pro Se

**JOURNAL ENTRIES**

- Colloquy between Court and counsel. Arguments. COURT ORDERED, due to allegations against Dad the Court is adopting his suggestion that he post a Bond on the title to his farm valued at \$300,000.00. The Court will hold any and all original passports on the kids. Mom is on her way to Nevada from Norway. Children are to be released from Child Haven under the guardianship of Grandmother, as soon as Dad secures the bond. Dad can be with the children at grandmothers. Mom to find an LDS Family upon her arrival that can supervise her visitation with the children. The Court will revisit the issue of visitation when Mom comes to town.

**INTERIM CONDITIONS:**

**FUTURE HEARINGS:**

*Canceled: October 13, 2000 12:00 AM Motion  
Reason: Canceled as the result of a hearing cancel, Hearing Canceled Reason: Vacated  
Steel, Cynthia Dianne  
Courtroom 02*

*Canceled: March 27, 2008 10:00 AM Motion to Set Aside*

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

*Canceled: March 27, 2008 10:00 AM Opposition & Countermotion*

*Canceled: July 03, 2008 9:30 AM Motion*

*Canceled: July 03, 2008 9:30 AM Opposition & Countermotion*

*Canceled: July 11, 2008 8:30 AM Motion*

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

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

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

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

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

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

**DISTRICT COURT  
CLARK COUNTY, NEVADA****Divorce - Joint Petition****COURT MINUTES****October 11, 2000**

98D230385

In the Matter of the Joint Petition for Divorce of:  
Robert S Vaile and Cisilie A Vaile, Petitioners.**October 11, 2000****3:00 PM****Hearing****HEARD BY:** Steel, Cynthia Dianne**COURTROOM:** Courtroom 02**COURT CLERK:****PARTIES:**Cisilie Vaile, Petitioner,  
presentMarshal Willick, Attorney,  
presentKaia Vaile, Subject Minor, not  
presentKamilla Vaile, Subject Minor,  
not present

R Vaile, Petitioner, present

Pro Se

**JOURNAL ENTRIES**

- Court convened. Preliminary matters. Opening statements. Parties STIPULATE to admittance of all exhibits by both sides (see worksheet). Testimony of Plaintiff. COURT FINDS it does not have enough time today to complete this hearing. COURT ORDERED, MATTER taken UNDER SUBMISSION. Counsel are to submit written closing arguments on JURISDICTION ONLY to the Court by Friday October 13th, and briefs are limited to 10 pages. The Court will need the following information; (1) Date of arrival of SICI staff in Las Vegas. (2) Date of SICI residence declaration. (3) All papers filed in London regarding passports. (4) Records of Plaintiff's travel itinerary. (5) Did Virginia continue to take out state taxes? BOND is EXONERATED. Parties are not to remove the child from this jurisdiction, and they are to mediate in good faith with the child's best interest. Parties REFERRED to Family Mediation Center (FMC) for MARATHON MEDIATION with a return

hearing on October 17th. If the Court wishes to hold a phone conference tomorrow it will contact counsel.

10/17/00 3:00 PM RETURN: MARATHON MEDIATION/JURISDICTION ISSUES

**INTERIM CONDITIONS:**

**FUTURE HEARINGS:**

*Canceled: October 13, 2000 12:00 AM Motion  
Reason: Canceled as the result of a hearing cancel, Hearing Canceled Reason: Vacated  
Steel, Cynthia Dianne  
Courtroom 02*

*Canceled: March 27, 2008 10:00 AM Motion to Set Aside*

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

*Canceled: March 27, 2008 10:00 AM Opposition & Countermotion*

*Canceled: July 03, 2008 9:30 AM Motion*

*Canceled: July 03, 2008 9:30 AM Opposition & Countermotion*

*Canceled: July 11, 2008 8:30 AM Motion*

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

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

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

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

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

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

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Divorce - Joint Petition****COURT MINUTES****October 17, 2000**

98D230385

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

**October 17, 2000****3:00 PM****Return Hearing****HEARD BY:** Steel, Cynthia Dianne**COURTROOM:** Courtroom 02**COURT CLERK:****PARTIES:**

Cisilie Vaile, Petitioner,  
present

Kaia Vaile, Subject Minor, not  
present

Kamilla Vaile, Subject Minor,  
not present

R Vaile, Petitioner, present

Marshal Willick, Attorney,  
Attorney, not present

Pro Se

<b>JOURNAL ENTRIES</b>
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- COURT FINDS, parties FAILED TO MEDIATE. Mr. Dempsey submitted tax returns discussed at last hearing. Arguments by Mr. Cerceo regarding jurisdiction and the estoppel argument. Mr. Cerceo stated Virginia was Plaintiff's state of residence for '98 tax return, and he was a resident of VA until 7/14/00, the date he applied for a Nevada Driver's License. Argument by Mr. Dempsey regarding Plaintiff's understanding of the Nevada residency requirements, and by filing an answer Defendant submitted personal jurisdiction to this Court. Rebuttal by Mr. Cerceo regarding issue of subject matter and personal jurisdiction.

After reviewing the issues, COURT FINDS, both parties wanted a divorce and did not want to wait another year to achieve it. It was the intention of Mr. Vaile to remove his residence from Virginia to Nevada, and he could not be in Nevada because of the custodial issues happening. This Court is

going with the intent to be here and is relying on the changing of address to move here. The Court DOES NOT FIND Plaintiff intentionally trying to defraud this Court. Nevada did have subject and personal jurisdiction in order to achieve the Decree of Divorce and the separation of property. Regarding the Haig Convention, if the Court were to make a Decision it would find the habitual state of residence would be the state of Nevada, and Defendant was wrongfully obtaining the children from Plaintiff at the time Mr. Vaile secured his children. On Equitable Estoppel, Defendant did not sign the Decree under duress. These parties were not in Virginia and neither one had intentions of going back to Virginia. It was the desire of the parties to relocate to Nevada and they came here and Plaintiff didn't know when he was going to leave at the time he signed the Decree.

COURT FINDS, it never had jurisdiction over the children, they never lived in the state of Nevada.

At the time the Motion for the Pick Up Order was before the Court, the Court knew nothing.

COURT ORDERED, this Court will keep emergency jurisdiction until another Court states it relieves Nevada and takes jurisdiction. The Courts in Texas and Norway need to talk to one another and decide who has jurisdiction, and this Court will relinquish jurisdiction to that Court. Counsel is to contact Norway and Texas Courts as to who has jurisdiction to make the custodial decisions in this case. In the interim, the children are to remain here until 10/25/00, the date mom must return to Norway, and then the children are to return to Texas to attend school until a decision is made by the Norway and Texas Courts. The Court encouraged parties to continue mediating, and if parties stipulate they need to take the stipulation to the Court who takes jurisdiction.

The Court has ruled in what it believes is in the best interest of the children, and does NOT FIND any INTENTIONAL FRAUD on the State of Nevada by either of these parties. Defendant (mom) is to have significant visitation with the children before they return to Texas. The children are to remain here in Las Vegas until 10/25/00.

#### **INTERIM CONDITIONS:**

#### **FUTURE HEARINGS:**

*Canceled: March 27, 2008 10:00 AM Motion to Set Aside*

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

*Canceled: March 27, 2008 10:00 AM Opposition & Countermotion*

*Canceled: July 03, 2008 9:30 AM Motion*

*Canceled: July 03, 2008 9:30 AM Opposition & Countermotion*

*Canceled: July 11, 2008 8:30 AM Motion*

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

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



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

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

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

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

**DISTRICT COURT  
CLARK COUNTY, NEVADA****Divorce - Joint Petition****COURT MINUTES****April 16, 2002**

98D230385

In the Matter of the Joint Petition for Divorce of:  
Robert S Vaile and Cisilie A Vaile, Petitioners.**April 16, 2002****8:30 AM****Converted From  
Blackstone****HEARD BY:** Moss, Cheryl B**COURTROOM:** Courtroom 13**COURT CLERK:****PARTIES:**Cisilie Vaile, Petitioner, not  
present  
Kaia Vaile, Subject Minor, not  
present  
Kamilla Vaile, Subject Minor,  
not present  
Robert Vaile, Petitioner, not  
presentRichard Crane, Attorney,  
Attorney, not present

Pro Se

**JOURNAL ENTRIES****- At request of counsel, COURT ORDERED, CLOSED HEARING.**

Following arguments by counsel regarding the Nevada Supreme Court's directive and Mr. Angulo's request for a one-week stay of this Court's decision, COURT ORDERED, it will comply with the Supreme Court decision and hereby VACATES the portion of the Decree relating to CUSTODY and VISITATION. This Court shall Order the RETURN of the children to Norway. Court EXECUTED the Order Pursuant to Writ of Mandamus and FILED Order IN OPEN COURT.

Court delivered four (4) United States and two (2) Norwegian passports to Attorney Willick. A Receipt of Copy of Passports was SIGNED by Attorney Willick and FILED IN OPEN COURT.

PRINT DATE: 05/08/2009

Page 1 of 10

Minutes Date:

April 16, 2002

CASE CLOSED.

**INTERIM CONDITIONS:**

**FUTURE HEARINGS:**

*Canceled: March 27, 2008 10:00 AM Motion to Set Aside*

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

*Canceled: March 27, 2008 10:00 AM Opposition & Countermotion*

*Canceled: July 03, 2008 9:30 AM Motion*

*Canceled: July 03, 2008 9:30 AM Opposition & Countermotion*

*Canceled: July 11, 2008 8:30 AM Motion*

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

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

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

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

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

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

**DISTRICT COURT  
CLARK COUNTY, NEVADA****Divorce - Joint Petition****COURT MINUTES****May 15, 2003**

98D230385

In the Matter of the Joint Petition for Divorce of:  
Robert S Vaile and Cisilie A Vaile, Petitioners.**May 15, 2003****9:00 AM****Motion****HEARD BY:** Moss, Cheryl B**COURTROOM:** Courtroom 13**COURT CLERK:****PARTIES:**Cisilie Vaile, Petitioner, not  
presentRichard Crane, Attorney,  
Attorney, not presentKaia Vaile, Subject Minor, not  
presentKamilla Vaile, Subject Minor,  
not presentRobert Vaile, Petitioner, not  
present

Pro Se

**JOURNAL ENTRIES**

- There being no Opposition, COURT ORDERED, Motion GRANTED. Counsel to submit an Order. Defendant's Motion set for 5/21/03 is CONTINUED to 6/4/03. Plaintiff's Opposition is due by 5:00 p.m. 5/28/03.

**INTERIM CONDITIONS:**

**FUTURE HEARINGS:**

*Canceled: March 27, 2008 10:00 AM Motion to Set Aside*

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

*Canceled: March 27, 2008 10:00 AM Opposition & Countermotion*

*Canceled: July 03, 2008 9:30 AM Motion*

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*Canceled: July 11, 2008 8:30 AM Motion*

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

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

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

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

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

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

98D230385

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

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

Cisilie Vaile, Petitioner, not  
present

Richard Crane, Attorney,  
Attorney, not present

Kaia Vaile, Subject Minor, not  
present

Kamilla Vaile, Subject Minor,  
not present

Robert Vaile, Petitioner, not  
present

Pro Se

<b>JOURNAL ENTRIES</b>
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**INTERIM CONDITIONS:****FUTURE HEARINGS:**

*Canceled: March 27, 2008 10:00 AM Motion to Set Aside*

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

*Canceled: March 27, 2008 10:00 AM Opposition & Countermotion*

*Canceled: July 03, 2008 9:30 AM Motion*

*Canceled: July 03, 2008 9:30 AM Opposition & Countermotion*

*Canceled: July 11, 2008 8:30 AM Motion*

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

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

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

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

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

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

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

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

98D230385

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

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

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

Richard Crane, Attorney,  
Attorney, not present  
  
  
  
Pro Se

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

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

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



information would be used for the Tort Action in Federal Court, therefore, a Federal Court Judge should sign the Order.

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

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

**INTERIM CONDITIONS:**

**FUTURE HEARINGS:**

*Canceled: March 27, 2008 10:00 AM Motion to Set Aside*

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

*Canceled: March 27, 2008 10:00 AM Opposition & Countermotion*

*Canceled: July 03, 2008 9:30 AM Motion*

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*Canceled: July 11, 2008 8:30 AM Motion*

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

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

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

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

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

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

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

98D230385

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

**January 15, 2008****9:00 AM****Motion to Reduce Arrears  
to Judgment****Deft's Motion to  
Reduce Arrears to  
Judgment, to Establish  
a sum Certain due ea.  
month in/child  
Support, and for Atty's  
Fees****HEARD BY:** Moss, Cheryl B**COURTROOM:** Courtroom 13**COURT CLERK:** Valerie Riggs**PARTIES:**

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

Richard Crane, Attorney,  
Attorney, not present

Pro Se

<b>JOURNAL ENTRIES</b>
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- Discussion by Counsel.

There being no Opposition and no appearances, COURT ORDERED, Plaintiff is DEFAULTED. Court will ADOPT all legal and factual requests. Defendant's CHILD SUPPORT is SET at \$1,300.00 per

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month for the minor children. Defendant's CHILD SUPPORT ARREARS are SET at \$226,569.23, Reduced to Judgment. Defendant is AWARDED \$5,100.00 in Attorney's Fees, Reduced to Judgment. Order SIGNED IN OPEN COURT.

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

**INTERIM CONDITIONS:**

**FUTURE HEARINGS:**

*Canceled: March 27, 2008 10:00 AM Motion to Set Aside*

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

*Canceled: March 27, 2008 10:00 AM Opposition & Countermotion*

*Canceled: July 03, 2008 9:30 AM Motion*

*Canceled: July 03, 2008 9:30 AM Opposition & Countermotion*

*Canceled: July 11, 2008 8:30 AM Motion*

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

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

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

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

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

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

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

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

98D230385

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

**March 03, 2008****9:30 AM****Motion to Dismiss****HEARD BY:** Moss, Cheryl B**COURTROOM:** Courtroom 13**COURT CLERK:****PARTIES:**

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

Richard Crane, Attorney,  
Attorney, not present

Pro Se

<b>JOURNAL ENTRIES</b>
------------------------

**INTERIM CONDITIONS:****FUTURE HEARINGS:**

*Canceled: March 27, 2008 10:00 AM Motion to Set Aside*

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

*Canceled: March 27, 2008 10:00 AM Opposition & Countermotion*

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

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

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

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

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

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

98D230385

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

**March 03, 2008****9:30 AM****Motion to Set Aside****HEARD BY:** Moss, Cheryl B**COURTROOM:** Courtroom 13**COURT CLERK:****PARTIES:**

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

Richard Crane, Attorney,  
Attorney, not present

Pro Se

<b>JOURNAL ENTRIES</b>
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**INTERIM CONDITIONS:****FUTURE HEARINGS:**

*Canceled: March 27, 2008 10:00 AM Motion to Set Aside*

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

*Canceled: March 27, 2008 10:00 AM Opposition & Countermotion*

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

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

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

98D230385

**In the Matter of the Joint Petition for Divorce of:  
Robert S Vaile and Cisilie A Vaile, Petitioners.****March 03, 2008****9:30 AM****Opposition &  
Counter-motion****HEARD BY:** Moss, Cheryl B**COURTROOM:** Courtroom 13**COURT CLERK:****PARTIES:**Cisilie Vaile, Petitioner, not  
presentRichard Crane, Attorney,  
Attorney, not presentKaia Vaile, Subject Minor, not  
presentKamilla Vaile, Subject Minor,  
not presentRobert Vaile, Petitioner, not  
present

Pro Se

**JOURNAL ENTRIES****INTERIM CONDITIONS:****FUTURE HEARINGS:***Canceled: March 27, 2008 10:00 AM Motion to Set Aside**Canceled: March 27, 2008 10:00 AM Motion to Dismiss**Canceled: March 27, 2008 10:00 AM Opposition & Counter-motion***PRINT DATE:**

05/08/2009

**Page 5 of 11****Minutes Date:**

March 03, 2008



*Canceled: July 03, 2008 9:30 AM Motion*

*Canceled: July 03, 2008 9:30 AM Opposition & Countermotion*

*Canceled: July 11, 2008 8:30 AM Motion*

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

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

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

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

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

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

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

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

98D230385

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

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

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

Richard Crane, Attorney,  
Attorney, not present

Pro Se

**JOURNAL ENTRIES**

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

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

Plaintiff present by telephone. Plaintiff sworn and testified.

Arguments.

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

COURT ORDERED the following:

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

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

**INTERIM CONDITIONS:**

**FUTURE HEARINGS:**

*Canceled: March 27, 2008 10:00 AM Motion to Set Aside*

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

*Canceled: March 27, 2008 10:00 AM Opposition & Countermotion*

*Canceled: July 03, 2008 9:30 AM Motion*

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

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

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

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

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

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

98D230385

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

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

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

Richard Crane, Attorney,  
Attorney, not present

Pro Se

<b>JOURNAL ENTRIES</b>
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**INTERIM CONDITIONS:****FUTURE HEARINGS:**

*Canceled: July 03, 2008 9:30 AM Motion*

*Canceled: July 03, 2008 9:30 AM Opposition & Countermotion*

*Canceled: July 11, 2008 8:30 AM Motion*

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

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

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

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

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

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

98D230385

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

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

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

Richard Crane, Attorney,  
Attorney, not present

Pro Se

<b>JOURNAL ENTRIES</b>
------------------------

**INTERIM CONDITIONS:****FUTURE HEARINGS:**

*Canceled: July 03, 2008 9:30 AM Motion*

*Canceled: July 03, 2008 9:30 AM Opposition & Counter-motion*

*Canceled: July 11, 2008 8:30 AM Motion*

<b>PRINT DATE:</b>	05/08/2009	<b>Page 1 of 12</b>	<b>Minutes Date:</b>	June 11, 2008
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*Canceled: July 11, 2008 8:31 AM Opposition & Countermotion*

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

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

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

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

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



**DISTRICT COURT  
CLARK COUNTY, NEVADA**

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

98D230385

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

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

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

Richard Crane, Attorney,  
Attorney, not present

Pro Se

<b>JOURNAL ENTRIES</b>
------------------------

**INTERIM CONDITIONS:****FUTURE HEARINGS:**

*Canceled: July 03, 2008 9:30 AM Motion*

*Canceled: July 03, 2008 9:30 AM Opposition & Countermotion*

*Canceled: July 11, 2008 8:30 AM Motion*

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

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

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

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

June 11, 2008

98D230385

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

June 11, 2008

9:00 AM

**Opposition &  
Counter-motion****HEARD BY:** Moss, Cheryl B**COURTROOM:** Courtroom 13**COURT CLERK:****PARTIES:**Cisilie Vaile, Petitioner, not  
presentRichard Crane, Attorney,  
Attorney, not presentKaia Vaile, Subject Minor, not  
presentKamilla Vaile, Subject Minor,  
not presentRobert Vaile, Petitioner, not  
present

Pro Se

**JOURNAL ENTRIES****INTERIM CONDITIONS:****FUTURE HEARINGS:***Canceled: July 03, 2008 9:30 AM Motion**Canceled: July 03, 2008 9:30 AM Opposition & Counter-motion**Canceled: July 11, 2008 8:30 AM Motion*

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

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

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

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

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

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

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

98D230385

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

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

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

Richard Crane, Attorney,  
present

Pro Se

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

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

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

PRINT DATE:	05/08/2009	Page 7 of 12	Minutes Date:	June 11, 2008
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COURT ORDERED, based on the Virginia proceedings where this Court is listed in the Interrogatories as a potential witness and the fact that Plaintiff's unbundled Counsel is this Court's only Judicial opponent in this year's election, this Court has no objective or subjective bias, therefore, there is no basis to recuse, Plaintiff's Motion is DENIED.

Further arguments by Counsel concerning jurisdiction and child support.

COURT FINDS:

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

COURT ORDERED the following:

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

8. Plaintiff to brief Loadstar.

9. Court will notify the District Attorney's Office to appear at the next hearing to testify as to penalties and interest on CHILD SUPPORT ARREARS.

10. An ORDER TO SHOW CAUSE is ISSUED to Plaintiff for failure to follow the Court Order for the Examination of Judgment Debtor. Atty Muirhead will accept service for Plaintiff. Plaintiff is REQUIRED to APPEAR IN PERSON.

11. Defendant's request for a BENCH WARRANT is DEFERRED.

12. Paragraph 15 of the 3-20-08 Order STANDS, as it is just a recitation of the Statute.

13. Plaintiff's willful knowing and non-payment of CHILD SUPPORT is DEFERRED.

14. Court will acknowledge credit for any CHILD SUPPORT payment that Plaintiff has made, with proof of payments.

15. Return hearing date SET.

16. Plaintiff's Motion and Deft's Opposition and Countermotion scheduled for 7-3-08 is CONTINUED to 7-11-08 at 8:00 a.m.

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

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

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

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

**INTERIM CONDITIONS:**

**FUTURE HEARINGS:**

PRINT DATE:	05/08/2009	Page 9 of 12	Minutes Date:	June 11, 2008
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*Canceled: July 03, 2008 9:30 AM Motion*

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

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

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



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

98D230385

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

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

Richard Crane, Attorney,  
Attorney, not present

Pro Se

**JOURNAL ENTRIES****INTERIM CONDITIONS:****FUTURE HEARINGS:***Canceled: July 11, 2008 8:30 AM Motion**Canceled: July 11, 2008 8:31 AM Opposition & Countermotion**Canceled: July 11, 2008 8:30 AM Return Hearing*

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

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

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

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

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

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

98D230385

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

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

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

Richard Crane, Attorney,  
Attorney, not present

Pro Se

<b>JOURNAL ENTRIES</b>
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**INTERIM CONDITIONS:****FUTURE HEARINGS:**

*Canceled: July 11, 2008 8:30 AM Motion*

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

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

<b>PRINT DATE:</b>	05/08/2009	<b>Page 1 of 12</b>	<b>Minutes Date:</b>	July 11, 2008
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*Canceled: August 27, 2008 9:00 AM Motion for Order to Show Cause*

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

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

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

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

98D230385

In the Matter of the Joint Petition for Divorce of:  
Robert S Vaile and Cisilie A Vaile, Petitioners.**July 11, 2008****8:00 AM****Opposition &  
Countermotion****See All Pending  
Motions 7/11/08****HEARD BY:** Moss, Cheryl B**COURTROOM:** Courtroom 13**COURT CLERK:****PARTIES:**Cisilie Vaile, Petitioner, not  
present  
Kaia Vaile, Subject Minor, not  
present  
Kamilla Vaile, Subject Minor,  
not present  
Robert Vaile, Petitioner, not  
presentRichard Crane, Attorney,  
Attorney, not present

Pro Se

**JOURNAL ENTRIES****INTERIM CONDITIONS:****FUTURE HEARINGS:***Canceled: July 11, 2008 8:30 AM Motion**Canceled: July 11, 2008 8:31 AM Opposition & Countermotion**Canceled: July 11, 2008 8:30 AM Return Hearing*

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Robert S Vaile and Cisilie A Vaile, Petitioners.**July 11, 2008****8:00 AM****Motion to Strike****See All Pending  
Motions 7/11/08****HEARD BY:** Moss, Cheryl B**COURTROOM:** Courtroom 13**COURT CLERK:****PARTIES:**Cisilie Vaile, Petitioner, not  
presentRichard Crane, Attorney,  
Attorney, not presentKaia Vaile, Subject Minor, not  
presentKamilla Vaile, Subject Minor,  
not presentRobert Vaile, Petitioner, not  
present

Pro Se

**JOURNAL ENTRIES****INTERIM CONDITIONS:****FUTURE HEARINGS:***Canceled: July 11, 2008 8:30 AM Motion**Canceled: July 11, 2008 8:31 AM Opposition & Countermotion**Canceled: July 11, 2008 8:30 AM Return Hearing*

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**DISTRICT COURT  
CLARK COUNTY, NEVADA**

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

98D230385

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

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

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

Richard Crane, Attorney,  
present

Pro Se

**JOURNAL ENTRIES**

- Courtroom clerk, Connie Kalski, present.

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

Deputy District Attorneys Mr. Robert Teuton, Esq and Mr. Edward Ewart, Esq, present on behalf of the State of Nevada child welfare program. Mr. Leonard Fowler, case manager from Mr. Willick's

office present. Ms. Muirhead stated she was present today in an unbundled capacity. Mr. Willick objected and stated Ms. Muirhead has filed many pleadings in this case and for all intents and purposes is counsel of record.

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

Petitioner Robert Scotlund Vaile's Supplemental Brief FILED IN OPEN COURT. Petitioner Robert Scotlund Vaile's Opposition to Petitioner Cisile's Motion to Strike Petitioner Robert Vaile's Exparte Request to Continue July 11, 2008 Hearing as a Fugitive Document and Request for Sanctions and Attorney's fees and Petitioner Robert Vaile's Countermotion for Sanctions and Attorney's fees against the Willick Law Group FILED IN OPEN COURT

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

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

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

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

#### **INTERIM CONDITIONS:**

#### **FUTURE HEARINGS:**

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**DISTRICT COURT  
CLARK COUNTY, NEVADA**

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

98D230385

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

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

Cisilie Vaile, Petitioner, not  
present

Richard Crane, Attorney,  
present

Kaia Vaile, Subject Minor, not  
present

Kamilla Vaile, Subject Minor,  
not present

Robert Vaile, Petitioner, not  
present

Pro Se

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

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

2. Denied.