

***Robert Scottlund Vaile v. The Eighth Judicial
District Court of the State of Nevada,
In and for the County of Clark,
and
The Honorable Cheryl Moss, District Judge,
Family Court Division
and
Cisilie A. Porsboll f/k/a Cisilie A. Vaile***

Electronically Filed
Mar 30 2010 08:50 a.m.
Tracie K. Lindeman

Supreme Court Case No. 55446

EXHIBIT LIST

Exhibit	Description of Exhibit	Date	Bate Stamp No.
A.	Supplemental Filing As Directed By Court	11/30/2009	00001-00017
B.	Real Party In Interest's Opposition to Petitioner's Motion to Stay Interpleading of Funds to The District Court	03/02/2010	00018-00029
C.	Order From June 4, 2003, Hearing	07/24/2003	00030-00033
D.	United States District Court District of Nevada Findings of Fact and Conclusions of Law and Decision	03/13/2006	00034-00044
E.	United States District Court District of Nevada Judgment	03/13/2006	00045-00046
F.	United States Court of Appeals for The Ninth Circuit Memorandum	03/28/2008	00047-00052
G.	United States District Court District of Nevada Amended Judgment Nunc Pro Tunc	07/23/2008	00053-000054
H.	Judgment Renewal	05/26/2009	00055-00057
I.	Notice of Entry of Judgment Renewal	06/19/2009	00058-00059
J.	Register of Actions (Court Minutes)	10/26/2009	00060
K.	Notice of Entry of Order For Hearing Held October 26, 2009	12/23/2009	00061-00066
L.	Filing of Foreign Order/Judgment	02/01/2010	00067-00070
M.	Stipulation and Order To Quash WRIT of Garnishment	02/03/2010	00071-00072

N.	Notice of Entry of Court's Decision and Order on Attorney's Fees from March 8, 2010 Hearing	03/25/2010	00073-00080
----	--	------------	-------------

Exhibit A

1 **SUPP**

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

2009 NOV 30 AM 11:26

12 **DISTRICT COURT**
13 **FAMILY DIVISION**
14 **CLARK COUNTY, NEVADA**

15 ROBERT SCOTLUND VAILE,

16 Plaintiff,

17 vs.

18 CISILIE A. VAILE N.K.A. CISILIE A. PORSBOLL,

19 Defendant.

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

DATE OF HEARING: 10/26/2009
TIME OF HEARING: 9:30 A.M.

20 **SUPPLEMENTAL FILING AS DIRECTED BY COURT**

21 At the hearing held October 26, 2009, the Court directed that the WILICK LAW GROUP
22 investigate questions relating to enforcement of this Court's 2003 attorney's fee award in favor of
23 Cisilie and against Scot, and specifically questions raised as to service of the *Affidavit of Defendant*
24 *In Support of Renewal of Judgment*, and *Judgment Renewal*.

25 We have completed an NRCP 11 investigation as to the correctness of our ongoing efforts
26 to enforce that collection. It revealed that our conclusion was correct (the judgment remains valid,
27 outstanding, and open to collection) but our explanation was incomplete, and for that reason
28 incorrect.

1 Specifically, the United States District Court, District of Nevada, *Amended Judgment Nunc*
2 *Pro Tunc*, of July 23, 2008, consolidated this Court's 2003 attorney's fee award within the various
3 categories and classes of damages awarded to Cisilie and against Scot, including them (at 10) in the
4 cumulative formal attorney's fee award:

5 Plaintiff Cisilie Vaile Porsboll is awarded damages of attorneys fees and costs, awarded in
6 other cases as a result of her having to come to the United States to recover her children,
7 overturn fraudulently obtained orders, and regain custody of her children, in the amount of
8 \$272,255.56, plus interest until paid.¹

9 Unlike a state court-issued judgment, such a federal order does not have to be served upon
10 the obligor and, once registered in the local district, the judgment has "the same effect as a judgment
11 of the district court of the district where registered and may be enforced in like manner." (28 U.S.C.
12 § 1963). In other words, any need to renew the 2003 judgment was mooted by the 2008 federal court
13 judgment, which need not be renewed until either 2012 or 2014, as explained below, and the prior
14 judgment of this Court should have been removed from our judgment-renewal scheduling calendar,
15 but was not.

16 The federal district court's March 13, 2006, *Judgment* was the basis of the 2008 filing. As
17 has been discussed at great length during the proceedings in this Court, the only difference between
18 them is the removal of child support arrearages by the 9th Circuit on the ground that those damages
19 had not been specifically pled in the tort suit; all other awards of damages, including the brought-
20 forward attorney's fees, were specifically affirmed.²

21 We have not fully researched the matter yet, but since the 2008 judgment was issued "nunc
22 pro tunc" to the 2006 original *Judgment*, there is some question whether the six-year renewal-of-
23 judgment statute will call for renewal of that judgment in 2012 (six years from the original judgment)
24 or 2014 (six years from the *nunc pro tunc* judgment), but that question is academic for the moment;
25 the only relevant point here is that there was nothing to do to renew the judgment in 2009, because
26 it had been renewed by incorporation into the federal judgment in 2006 (or 2008).

27 ¹ See Exhibit 1, *Amended Judgment Nunc Pro Tunc*, filed July 23, 2008. The *Findings of Fact, and*
28 *Conclusions of Law and Decision* entered the same day as the original *Judgment* recited (at 6) the \$116,732.09 awarded
by this Court, and noted the other awards added to it to constitute the \$272,255.56 attorney's fee total.

² See Exhibit 2, *Memorandum Decision*, filed March 26, 2008.

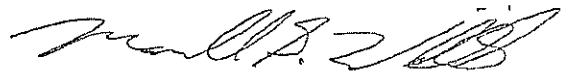
1 As noted above, that should have resulted in removal of the 2003 judgment from the list of
2 judgments requiring renewal in our calendaring system, but it did not, and when the previously-
3 calendared renewal date came around, it looks like someone initiated the process, although it may
4 have been abandoned at some point in the process, as someone here picked up on the fact that it was
5 unnecessary, although the renewal was put in the file anyway.

6 My error was in not noticing the sequence of events, and putting in front of this Court the
7 "renewed" 2003 order, instead of the federal 2006 order into which it had been incorporated, for
8 which misperception I apologize.

9 Bottom line, however, is that this Court's 2003 order for payment of \$116,732.09 is alive and
10 well and a component of the attorney's fees found to be owing as of March 13, 2006, in the sum of
11 \$272,255.56, plus interest until paid. Collection should be enforced, by way of a regular payment
12 schedule, and on pain of contempt if any payments are missed, until the judgment has been paid in
13 full.

14
15 Dated this 27th day of November, 2009.

16 WILLYCK LAW GROUP

17 

18 MARSHAL S. WILLYCK, ESQ.
19 Nevada Bar No. 002515
20 RICHARD L. CRANE, ESQ.
21 Nevada Bar No. 009536
22 3591 East Bonanza Road, Suite 200
23 Las Vegas, Nevada 89110-2101
24 Attorneys for Defendant
25
26
27
28

1
2
3
4
5
6
7
8
9
0
.
.

Robert Scotlund Vaile
P.O. Box 727
Kenwood, California 95452
Plaintiff In Proper Person

An employee of the WILICK LAW GROUP

PAWPL31VAILELF0719 WPD

EXHIBIT 1

1
2
3
4
5
6 UNITED STATES DISTRICT COURT
7 DISTRICT OF NEVADA

8 * * *

9 CISILIE VAILE PORSBOLL,
10 finA CISILIE A. VAILE,
11 individually and as Guardian of
12 KAIA LOUISE VAILE and
13 DAMILLA JANE VAILE, minor children,

14 Plaintiff(s),

15 vs.

16 ROBERT SCOTLUND VAILE,

17 Defendant(s).

2:02-cv-0706-RLH-RJJ

AMENDED JUDGMENT
NUNC PRO TUNC

18 This matter having come on for trial, as duly scheduled and noticed, before the
19 Honorable Roger L. Hunt, U.S. District Judge, on February 27, 2006; and pursuant to the Findings
20 of Fact and Conclusions of Law and Decision filed herein;

21 IT IS HEREBY ORDERED, ADJUDGED AND DECREED that judgment enter in
22 favor of the Plaintiffs Cisilie Vaile Porsboll individually, and as Guardian of Kaia Louise Vaile
23 and Kamilla Jane Vaile, minor children, and against Defendant Robert Scotlund Vaile as follows:

- 24 1. Plaintiff Cisilie Vaile Porsboll is awarded \$150,000.00 as and for injury, pain and suffer-
25 ing, including emotional and psychological pain, suffering and distress caused by R.
26 Scotlund Vaile's abduction or kidnaping, false imprisonment, acts of fraud and conspiracy,
and negligent or intentional infliction of emotional distress.

....

2. Minor Plaintiff Daia Louise Vaile is awarded \$150,000.00 as and for injury, pain and suffering, including emotional and psychological pain, suffering and distress caused by R. Scotlund Vaile's abduction or kidnaping, false imprisonment, acts of fraud and conspiracy, and negligent or intentional infliction of emotional distress.
3. Minor Plaintiff Kamilla Jane Vaile is awarded \$150,000.00 as and for injury, pain and suffering, including emotional and psychological pain, suffering and distress caused by R. Scotlund Vaile's abduction or kidnaping, false imprisonment, acts of fraud and conspiracy, and negligent or intentional infliction of emotional distress.
4. Plaintiff Cisilie Vaile Porsboll is awarded damages of attorneys fees and costs, awarded in other cases as a result of her having to come to the United States to recover her children, overturn fraudulently obtained orders, and regain custody of her children, in the amount of \$272,255.56, plus interest until paid.
5. Plaintiff Cisilie Vaile Porsboll is awarded punitive damages against Defendant R. Scotlund Vaile in the amount of \$100,000.00.
6. Plaintiff Cisilie Vaile Porsboll is awarded attorneys fees and costs in this action in an amount to be determined upon submission of sufficient documentation and verification as required by the Local Rules.

Dated: July 23, 2008.

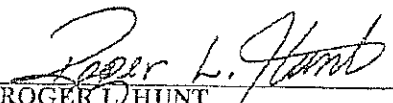

ROGER L. HUNT
United States District Judge

EXHIBIT 2

FILED

NOT FOR PUBLICATION

MAR 26 2008

UNITED STATES COURT OF APPEALS

MOLLY DWYER, ACTING CLERK
U.S. COURT OF APPEALS

FOR THE NINTH CIRCUIT

CISILIE VAILE PORSBOLL; et al.,

Plaintiffs - Appellees,

v.

ROBERT SCOTLUND VAILE,

Defendant - Appellant,

and

KELLENE BISHOP; et al.,

Defendants.

No. 06-15731

D.C. No. CV-02-00706-RLH/RJJ

MEMORANDUM*

Appeal from the United States District Court
for the District of Nevada

Roger L. Hunt, District Judge, Presiding

Submitted March 18, 2008**

* This disposition is not appropriate for publication and is not precedent except as provided by 9th Cir. R. 36-3.

** The panel unanimously finds this case suitable for decision without oral argument. See Fed. R. App. P. 34(a)(2).

JS/Research

06-15731

Before: CANBY, T.G. NELSON, and BEA, Circuit Judges.

Robert Scotlund Vaile appeals pro se from the district court's judgment in favor of plaintiffs following a bench trial in this action alleging violations of the federal Racketeer Influenced and Corrupt Organizations Act ("RICO") and various state laws. We have jurisdiction under 28 U.S.C. § 1291. We affirm in part, vacate in part, and remand.

Contrary to Vaile's contention that the district court lacked jurisdiction over the state law claims, the district court had supplemental jurisdiction because the operative facts for the RICO and state law claims were the same. *See Brady v. Brown*, 51 F.3d 810, 815-16 (9th Cir. 1995).

The Nevada district court properly concluded that it had personal jurisdiction over Vaile because plaintiffs' claims arose from the custody order that Vaile obtained in Nevada state court. *See Thompson v. Thompson*, 798 F.2d 1547, 1549 (9th Cir. 1986) (concluding, in action under Parental Kidnapping Prevention Act, that California district court had personal jurisdiction over defendant who had previously filed for divorce and custody in California state court), *aff'd*, 484 U.S. 174 (1988); *see also Mattel, Inc. v. Greiner & Hausser GmbH*, 354 F.3d 857, 863-68 (9th Cir. 2003) (concluding that second action "sufficiently a[rose] out of or

06-15731

result[ed] from” first action); *Baker v. Eighth Judicial Dist. Court*, 999 P.2d 1020, 1023 (Nev. 2000) (“Nevada’s long-arm statute . . . reaches the limits of due process set by the United States Constitution.”).

Appellees’ failure to bring their tort claims against Vaile in the Nevada or Texas family law proceedings does not bar their claims under the doctrine of res judicata or the rules governing compulsory counterclaims. *See Noel v. Hall*, 341 F.3d 1148, 1166 (9th Cir. 2003) (requiring federal courts to apply state law in determining preclusive effect of state court judgments); *In re J.G.W.*, 54 S.W.3d 826, 833 (Tex. App. 2001) (holding that tort claims based on ex-spouse’s wrongful taking of children were “ancillary to” prior custody proceedings and thus not barred by res judicata). The issue of whether Vaile’s false statements were intentional is not subject to collateral estoppel because Vaile’s intent was not “actually litigated and essential to” the state court judgment. *Getty Oil Co. v. Ins. Co. of N. Am.*, 845 S.W.2d 794, 801 (Tex. 1992); *LaForge v. State*, 997 P.2d 130, 133 (Nev. 2000) (defining collateral estoppel under Nevada law). Moreover, to the extent Vaile argues that the Nevada Supreme Court concluded that he did not make false statements to obtain the custody order, his argument is unpersuasive. *See*

06-15731

Vaile v. Eighth Judicial Dist. Court, 44 P.3d 506, 519 (Nev. 2002) (discussing Vaile's "untruthful representations" to the state court).

The district court did not err by concluding that Vaile was liable for intentional infliction of emotional distress. First, to the extent the district court judgment can be construed as a default judgment based on Vaile's consent, the intentional infliction of emotional distress claim was adequately pleaded in the Second Amended Complaint. *See Benny v. Pipes*, 799 F.2d 489, 495 (9th Cir. 1986), *amended*, 807 F.2d 1514 (9th Cir. 1987). Second, there was evidence that (1) Vaile made false statements to obtain both a custody order from the Nevada state court and new passports for Vaile and Porsboll's two children; and (2) then, without notice to Porsboll, Vaile took the children from Porsboll in Norway and brought them to the United States. *See Dillard Dep't Stores, Inc. v. Beckwith*, 989 P.2d 832, 886 (Nev. 1999) (outlining elements of intentional infliction of emotional distress claim under Nevada law); *see also Lentini v. Cal. Ctr. for the Arts*, 370 F.3d 837, 843 (9th Cir. 2004) (reviewing findings of fact for clear error). Because damages were properly awarded under the intentional infliction of emotional distress claim, we do not address Vaile's challenge to the RICO and

06-15731

related state law claims. *See Lentini*, 370 F.3d at 850 (“We may affirm a district court's judgment on any ground supported by the record[.]” (citation omitted)).

The district court did not abuse its discretion by denying Vaile's motion for leave to file a counterclaim because Vaile's motion was filed six months after he filed his original answer and the record “does not reflect any reasonable explanation” for the delay. *Ralston-Purina Co. v. Bertie*, 541 F.2d 1363, 1367 (9th Cir. 1976).

Further, the district court did not abuse its discretion by denying Vaile's request to continue the pretrial conference on the eve of trial. *See Danjaq LLC v. Sony Corp.*, 263 F.3d 942, 961 (9th Cir. 2001) (explaining that a district court's decision concerning a continuance is entitled to great deference and will be reversed only if there is a clear abuse of discretion).

However, the district court improperly decided the issue of child support. The Second Amended Complaint does not allege a claim for unpaid child support and there is no evidence in the record of express or implied consent to try the issue. *See Consol. Data Terminals v. Applied Digital Data Sys., Inc.*, 708 F.2d 385, 396 (9th Cir. 1983). Accordingly, we vacate the award of damages for unpaid child support and remand to the district court for further proceedings. *See id.* at 397.

06-15731

We deny Vaile's request to remand this case to a different judge because the record does not indicate that the case presents the rare circumstances necessary to warrant reassignment. *See Hernandez v. City of El Monte*, 138 F.3d 393, 402-03 (9th Cir. 1998).

Appellees' request for an order prohibiting Vaile from future filings is denied.

The parties shall bear their own costs on appeal.

AFFIRMED in part, VACATED in part, and REMANDED.

United States Court of Appeals for the Ninth Circuit
Office of the Clerk
95 Seventh Street; San Francisco, California 94103

General Information
Judgment and Post-Judgment Proceedings

Judgment

- This Court has filed and entered the attached judgment in your case. Fed. R. App. P. 36. Please note the file stamp date on the attached decision because all of the dates described below run from that date, not from the date you receive this notice.

Mandate (Fed. R. App. P. 41; 9th Cir. R. 41-1, 2)

- The mandate will issue seven (7) calendar days after the expiration of the time for filing a petition for rehearing or seven (7) calendar days from the denial of a petition for rehearing, unless the court directs otherwise. If a stay of mandate is sought, an original and four (4) copies of the motion must be filed. The mandate is sent only to the district court or agency, we do not provide a copy to the parties.

Publication of Unpublished Disposition (9th Cir. R. 40-2)

- An order to publish a previously unpublished memorandum disposition extends the time to file a petition for rehearing to 14 days after the date of the order of publication or, in all civil cases in which the United States or an agency, or officer thereof is a party, 45 days after the date of the order of publication. 9th Cir. R. 40-2.

Petition for Panel Rehearing (Fed. R. App. P. 40; 9th Cir. R. 40-1)

Petition for Rehearing En Banc (Fed. R. App. P. 35; 9th Cir. R. 35-1 to 4)

(1) A. Purpose (Panel Rehearing):

- A petition for panel rehearing should only be made to direct the Court's attention to one or more of the following situations:
 - A material point of fact or law overlooked in the decision;
 - A change in the law which occurred after the case was submitted and which appears to have been overlooked by the panel;
 - An apparent conflict with another decision of the court which was not addressed in the opinion.
- Petitions which merely reargue the case should not be filed.

- If a petition for panel rehearing does not include a petition for rehearing en banc, the movant shall file an original and 3 copies.
- If the petition for panel rehearing includes a petition for rehearing en banc, the movant shall file an original and 50 copies.

Bill of Costs (Fed. R. App. P. 39, 9th Cir. R. 39-1)

- The bill of costs must be filed within 14 days after entry of judgment.
- See attached form for additional information.

Attorney's Fees

- Circuit Rule 39-1 describes the content and due dates for attorney fee applications.
- Any relevant forms are available on our website www.ca9.uscourts.gov or by telephoning 415 355-7806.

Petition for Writ of Certiorari

- Please refer to the Rules of the United States Supreme Court at www.supremecourtus.gov

Counsel Listing in Published Opinions

- Please check counsel listing on the attached decision.
- If there are any errors in a published opinion, please notify in writing within 10 days:
 - West Publishing Company; 610 Opperman Drive; PO Box 64526; St. Paul, MN 55164-0526 (Attn: Kathy Blesener, Senior Editor), and
 - Clerk, U.S. Court of Appeals; PO Box 193939; San Francisco, CA 94119-3939 (Attn: Opinions Clerk).

Form 10. Bill of Costs - Continued

Other: Any other requests must be accompanied by a statement explaining why the item(s) should be taxed pursuant to Circuit Rule 39-1. Additional items without such supporting statements will not be considered.

Attorneys fees cannot be requested on this form.

* If more than 7 excerpts or 20 briefs are requested, a statement explaining the excess number must be submitted.

** Costs per page may not exceed .10 or actual cost, whichever is less. Circuit Rule 39-1.

I, _____, swear under penalty of perjury that the services for which costs are taxed were actually and necessarily performed, and that the requested costs were actually expended as listed.

Signature: _____

Date: _____

Name of Counsel (printed or typed): _____

Attorney for: _____

Date: _____ Costs are taxed in the amount of \$ _____

Clerk of Court

By: _____, Deputy Clerk

Exhibit B

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

2 * * * * *

3 ROBERT SCOTLUND VAILE,

4 Petitioner,

5 vs.

6 THE EIGHTH JUDICIAL DISTRICT COURT OF
7 THE STATE OF NEVADA, IN AND FOR THE
8 COUNTY OF CLARK, AND THE HONORABLE
9 CHERYL MOSS, DISTRICT JUDGE, FAMILY
10 COURT DIVISION,

11 Respondents,

12 and

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

14 Real Party in Interest.

S.C. DOCKET NO.: 55446

D.C. CASE: 98-D-230385-D

15 **REAL PARTY IN INTEREST'S OPPOSITION**
16 **TO PETITIONER'S MOTION TO STAY INTERPLEADING OF FUNDS TO THE**
17 **DISTRICT COURT**

18 **I. INTRODUCTION; SCOPE OF ISSUES:**

19 Scot's filing in this Court goes beyond "mischaracterization," to overt lies. The
20 bottom line is that he *still* owes Cisilie nearly \$1,500,000 in judgments for attorney's fees
21 incurred in recovering the kidnaped children, penalties, tort damages and back child support.
22 He has not voluntarily paid a single dime since those judgments were issued by various State
23 and federal courts over the past ten years.

24 Scot has run from jurisdiction to jurisdiction seeking out any court in which to file
25 vexatious and frivolous pleadings in an attempt to avoid paying the judgments rendered
26 against him. We have just been informed that within the past week or so, he has filed yet
27 another action, this time in Sonoma County, California, consisting of a baseless motion to
28 stop the wage assignment initiated by the Clark County District Attorney for the child
 support he still owes and the pittance that he paying toward the \$160,000 he owes in child

1 support arrearages.¹ As this Court knows, since Cisilie and the children reside in Norway,
2 the Sonoma Court does not have jurisdiction to hear any request to modify child support.²
3 He also has not served either us or our California counsel with that frivolous filing.

4 The Ninth Circuit Court of Appeals, having “had it” with Scot’s repetitive, baseless,
5 and fraudulent filings, tersely banned Scot from any further filings in the case in that Court.³
6 The United States Supreme Court has refused certiorari on at least two occasions, and the
7 District Court, Family Division, has required that Scot obtain permission from the Court
8 before any filing is allowed.⁴ Scot is the epitome of the vexatious litigant regarding whom
9 this Court has indicated such steps are appropriate.⁵

10 The reason for such orders being entered in those courts is fairly illustrated by Scot’s
11 current filing in this Court; each and every one of the supposed “facts” in Scot’s *Statement*
12
13

14 ¹ His lies to the California courts in an effort to try to undo the Nevada child support orders
15 include the false statements that one of the children had emancipated, omitting the fact that
16 the child remains in high school. Of course, even if she *had* emancipated, child support
17 remains at the full monthly amount until 100% of all arrears, penalties, and interest have been
18 paid – which will take many years. *See* NRS 125B.100.

19 ² UIFSA (2001) “Prefatory Note,” at “Basic Principles of UIFSA,” “Modifying a Support
20 Order,” “Modification Statutorily Restricted”: . . . the party petitioning for modification must
21 be a nonresident of the responding State and must submit himself or herself to the forum
22 State, which must have personal jurisdiction over the respondent, Section 611. The vast
23 majority of the time this is the State in which the respondent resides. A colloquial short-hand
24 summary of the principle is that ordinarily the movant for modification of a child support
25 order “must play an away game.”

26 ³ *See* Exhibit A, Real Party In Interest’s Appendix (RPIA) page 1.

27 ⁴ Scot’s filing in this Court falsely claims that the family court order requires him to obtain
28 approval from the this law firm before making any filings. *Petition For WRIT [etc.]* at 5,
item 19. Actually, the family court’s direction was that Scot was to get approval of the court,
if he was unrepresented by counsel, in proper person, before making any future filings, and
that he was to notice the Willick Law Group of any such request (which, of course, he would
be required to do in any case).

⁵ *See Jordan v. DMV*, 121 Nev. 44, 110 P.3d 30 (2005).

1 *of The Facts* is either incorrect, inaccurate by way of commission or omission, or an out-and-
2 out lie.

3 This Court has directed us to respond to Scot's *Motion to Stay* the interpleading of
4 funds with the District Court as ordered by the Hon. Judge Cheryl Moss on February 3, 2010.
5 We will limit the argument here to just that issue and reserve the remainder of our argument
6 to his filing to our Answer to his Petition for Writ of Mandamus, which will be filed at a later
7 date. As detailed below, the 2003 attorney fees judgment was not so much "renewed" as
8 subsumed, replaced, and thus mooted, and Scot is barred by statute from seeking a stay.

9 The motion now before this Court is nothing more than a continuation of Scot's shuck
10 and jive attempts to avoid paying the judgments against him while trying to force others to
11 expend as much time, energy, and money as possible. He has misrepresented what the lower
12 court ordered and lied about the facts surrounding the case in an effort to convince this Court
13 to effectively aid him in his ongoing fraudulent evasions. It is for this reason that the bigger
14 picture of what is going on overall – and the steps that should be taken by this Court to put
15 an end to it – will be specifically addressed in our Answer to his Petition.

16 17 **II. STATEMENT OF FACTS:**

18 The current filing continues Scot's quest to evade responsibility for the hundreds of
19 thousands of dollars in damages, attorney's fees, and penalties assessed against him by
20 multiple courts throughout the country and the world, despite his six-figure income.⁶

21 Most of the facts of this case are detailed in the various orders and opinions –
22 including this Court's *Opinion*.⁷ As we are only addressing the one issue, this factual
23 statement will only go over matters not appearing in the record known to this Court, or which
24 we think are central to the issue currently before this Court.

25
26
27 ⁶ Scot has admitted that he makes over \$120,000 per year. This was confirmed by the
28 Answer to Interrogatories provided by his employer, Deloitte & Touche.

⁷ *Vaile v. Eighth Judicial Dist. Court*, 118 Nev. 262, 44 P.3d 506 (2002).

1 The reason we are in this case in the first place is that this office is the Nevada contact
2 for the National Center for Missing and Exploited Children; when an internationally-
3 abducted child is traced to Nevada, they call us, whether the case is funded, partly funded,
4 or entirely *pro bono*, to try to obtain recovery of the child.⁸

5 In this case, it took over two years of litigation, in the family court, in this Court, back
6 in family court on remand, and in the United States Supreme Court, to recover the kidnaped
7 children. As noted in the Family Court's *Order* filed July 24, 2003, over \$116,000 in fees
8 and costs were incurred in that recovery just in the Nevada part of the proceedings. Cisilie
9 had no capacity to pay any portion of the costs incurred, and Scot has ducked every collection
10 effort attempted since entry of the judgments.

11 This amount, plus the attorney's fees in related litigation in other jurisdictions
12 (particularly Texas), were consolidated by the United States District Court as part of the
13 comprehensive damages award against Scot and in favor of Cisilie and two child-victims.
14 Part of that damages award was for \$272,255.56 in attorney's fees incurred across the
15 country, plus interest until paid.⁹

16 The award was entered by the federal court in 2006. Scot appealed to the Ninth
17 Circuit, which affirmed, and the matter came back before the federal District Court for a final
18 order in 2008. Specifically, the United States District Court, District of Nevada, *Amended*
19 *Judgment Nunc Pro Tunc*, of July 23, 2008, consolidated the Nevada family court's 2003

20
21 ⁸ The U.S. is signatory to "The Convention on the Civil Aspects of International Child
22 Abduction, done at the Hague on 25 Oct. 1980" [commonly referred to as "the Hague
23 Convention"], and has passed implementing legislation, the International Child Abduction
24 Remedies Act ("ICARA"). The United States, unlike some other countries, has no State-
25 supported program to pay attorneys in civil cases, and so complies with its treaty obligations
 under the Hague Convention by finding volunteers to recover internationally abducted
 children. I am the responsive attorney in Nevada.

26 ⁹ *Amended Judgment Nunc Pro Tunc*, Case No. 2:02-cv-0706-RLH-RJJ, filed July 23, 2008,
27 Exhibit B, RPIA pages 2-3. This relates back to the same case in the U.S. District Court's
28 *Findings of Fact and Conclusions of Law and Decision* filed March 13, 2006, Exhibit C,
 RPIA pages 4-14, and the *Judgment* filed March 13, 2006, Exhibit D, RPIA pages 15-16.

1 attorney's fee award within the various categories and classes of damages awarded to Cisilie
2 and against Scot, including them (at 10) in the cumulative formal attorney's fee award:

3 Plaintiff Cisilie Vaile Porsboll is awarded damages of attorneys fees and costs,
4 awarded in other cases as a result of her having to come to the United States
5 to recover her children, overturn fraudulently obtained orders, and regain
custody of her children, in the amount of \$272,255.56, plus interest until
paid.¹⁰

6 Unlike a state court-issued judgment, such a federal order does not have to be served
7 upon the obligor and, once registered in the local district, the judgment has "the same effect
8 as a judgment of the district court of the district where registered and may be enforced in like
9 manner." (28 U.S.C. § 1963). The federal judgment was filed in the family court action in
10 2007.

11 Because of these proceedings, any need to renew the 2003 family court judgment was
12 mooted by the federal court judgment, which need not be renewed until at least 2012,¹¹ and
13 the 2003 order should have been removed from our judgment-renewal scheduling calendar,
14 but was not.

15 The federal district court's 2006 and 2008 orders are nearly identical. As discussed
16 at great length during the proceedings in the family court, the only difference between them
17 was the removal of child support arrearages by the Ninth Circuit on the ground that those
18 damages had not been specifically pled in the tort suit. All other awards of damages,
19 including the brought-forward attorney's fees, were specifically affirmed by the Ninth Circuit
20

21
22 ¹⁰ See Exhibit B, *Amended Judgment Nunc Pro Tunc*, filed July 23, 2008. The *Findings of*
23 *Fact, and Conclusions of Law and Decision* entered the same day as the original *Judgment*
24 recited (at 7) the \$116,732.09 awarded by this Court, and noted the other awards added to it
to constitute the \$272,255.56 attorney's fee total.

25 ¹¹ We have not fully researched the matter yet, but since the 2008 judgment was issued "nunc
26 pro tunc" to the 2006 original *Judgment*, there is some question whether the six-year
27 renewal-of-judgment statute will call for renewal of that judgment in 2012 (six years from
28 the original judgment) or 2014 (six years from the *nunc pro tunc* judgment), but that question
is academic for the moment; the only relevant point here is that there was nothing to do to
renew the judgment in 2009, because it had been incorporated and subsumed into the federal
judgment in 2006 (or 2008).

1 Court of Appeals.¹² The United States Supreme Court refused Scot's request to review the
2 award.

3 As noted above, that sequence of events should have resulted in removal of the 2003
4 judgment from the list of judgments requiring renewal in our calendaring system, but it did
5 not. When the previously-calendared renewal date came around, it looks like someone in this
6 office initiated the process. It was apparently abandoned at some point when someone here
7 picked up on the fact that it was unnecessary, although the renewal was put in the file
8 anyway.

9 We knew we had a valid and fully-enforceable judgment for the fees involved, and
10 sought collection. My error was in not remembering the full sequence of events, and (in late
11 2009) putting in front of the family court the "renewed" 2003 order, instead of the federal
12 2006 order into which it had been incorporated, but that point is irrelevant – the family
13 court's 2003 order for payment of \$116,732.09 is alive and well and a component of the
14 attorney's fees found to be owing as of March 13, 2006, in the sum of \$272,255.56, plus
15 interest until paid.

16 Recently, Scot filed a bogus action in the state of California to prevent the collection
17 of attorney's fees he has owed for recovery of the kidnaped children since 2003 – after earlier
18 demanding that formal garnishment of those fees be initiated. As will be explained in our
19 Answer to his writ petition, we are attempting to cut through the various layers of nonsense
20 he continually churns up,¹³ and are asking the family court to directly enforce its orders
21 pursuant to this Court's precedents.¹⁴

22
23 ¹² See Exhibit E, pages 17-22, *Memorandum Decision*, filed March 26, 2008.

24 ¹³ Scot's antics have caused *another* \$39,000 in attorney's fees to be assessed against him
25 in family court during the proceedings he has dragged out interminably during the past two
26 years. He has (of course) paid not a penny of the fees assessed against him, and has declared
27 that he will never comply with any order to pay anything.

28 ¹⁴ See, e.g., *Reed v. Reed*, 88 Nev. 329, 497 P.2d 896 (1972) (a court has inherent power to
enforce its orders and judgments); *Kennedy v. Kennedy*, 98 Nev. 318, 646 P.2d 1226 (1982)
(a judgment *must* actually be satisfied to have any meaning, by "a payment schedule which

1 Scot is keenly aware that there is a limited pool of counsel willing to seek recovery
2 on behalf of an impecunious client such as Cisilie against an opponent like him, who files
3 endless actions in multiple courts for the purpose of driving up costs and trying to exhaust
4 his pursuers. To date, the total value of time and costs expended in recovering the children
5 from Scot, and trying to recover damages and support arrearages from him, significantly
6 exceeds half a million dollars.¹⁵ Counsel's out-of-pocket costs are nearly \$100,000.

7 On February 3, 2010, the court held a hearing and found that Scot was in violation of
8 the order issued at the last hearing, and directed that he pay \$4,696.64 for the four payments
9 of \$1,174.14 by the next hearing date of March 8, 2010. The court also ruled that it would
10 decide what to do with that money at the March 8, hearing.¹⁶ The other related issues have
11 not been decided by the court.¹⁷

12 13 **III. ARGUMENT**

14 **A. The Filing of the Federal Judgment Establishes An Enforceable Order**

15 Scot has requested a *Stay* of the interpleading of funds to the district court. At the
16 hearing on October 26, 2009, he complained to the Court (for the first time) that he believed
17 that the judgment had not been renewed timely and thus did not owe the money. Judge Moss,
18 wanting to verify if there was actually a valid judgment, ordered Scot to interplead the funds.

19 During the time between the October 26, 2009, hearing and the hearing held on
20 February 3, 2010, as detailed above, we went back over the file, and found out that the

21 _____
22 will allow for liquidation of arrearages on a reasonable basis").

23 ¹⁵ This includes about \$200,000 in the value of time expended in the Family Court matter,
24 and more than \$300,000 worth of time expended in the Federal District Court, Ninth Circuit,
25 and United States Supreme Court. In addition to last week's filings in California, Scot has
sued this law firm in Virginia for trying to collect child support from him.

26 ¹⁶ The family court is aware that there are multiple judgments available to which this money
27 could be credited and deferred as to how to apply that money until the March 8, 2010,
28 hearing.

¹⁷ See Exhibit F, RPIA pages 23-26, and Exhibit G, RPIA pages 27-29.

1 normal judgment renewal process had not been followed because the fees order had been
2 subsumed in the comprehensive federal court judgment. The whole history was explained
3 to the family court in Cisilie's Supplement filed November 30, 2009.¹⁸

4 In this context, the judgment renewal statute is irrelevant – as Scot knew perfectly
5 well but neglected to tell this Court when he filed the current writ petition and motion. The
6 2003 payment order as to the fees incurred in recovery of the kidnaped children is valid, as
7 part of the federal judgment, with no renewal required for years.

8 We originally filed the federal judgment with the Court as Exhibit A to Cisilie's
9 *Motion to Reduce Arrears in Child Support to Judgment, To Establish A Sum Certain Due*
10 *Each Month In Child Support, and For Attorney's Fees and Costs*, filed November 14, 2007.
11 The judgment was valid and enforceable by that court at that time. Scot's failure to object
12 in a timely manner to that filing is a waiver to any legitimate objection that might have
13 existed – and there *is* no legitimate objection.

14 Before the February 3, 2010, hearing, we re-filed the federal judgment (as amended
15 in 2008) in the district court to avoid any further hyper-technical objections and to make it
16 crystal clear that it remains as fully enforceable as any judgment issued by that court.¹⁹

17 Fairly straightforward Nevada statutes determine if a judgment issued by some other
18 court can be filed and enforced here. NRS 17.340 states:

19 As used in NRS 17.330 to 17.400 inclusive, unless the context otherwise
20 requires, "foreign judgment" means *any* judgment of a court of the United
21 States or of any other court which is entitled to full faith and credit in this
22 state, except:

- 23 1. A judgment to which chapter 130 of NRS applies; and
24 2. An order for protection issued for the purpose of preventing violent or
25 threatening acts or harassment against, or contact or communication with or
26 physical proximity to, another person, including temporary and final orders.

27 None of the statutory exceptions apply. Since full faith and credit is specifically
28 delineated in the United States Constitution, it would be very hard to argue that any judgment

27 ¹⁸ See Exhibit H, RPIA pages 30-43.

28 ¹⁹ See Exhibit I, pages 44-47.

1 issued by a federal court – no matter where it was located – is not entitled to full faith and
2 credit in, and enforcement by, any court of this State.²⁰

3 Scot's ramblings about the filing of the federal judgment are just noise. Both the
4 district court and this Court *must* give full faith and credit to the judgment of the federal
5 district court and enforce that judgment in its entirety.

6 The family court heard this argument at the February 3, 2010, hearing and deferred
7 decision on the matter until the March 8, 2010, hearing. The deferral was only to allow Scot
8 the opportunity to file an *Opposition* to our argument that the judgment is still valid due to
9 the United States District Court's ruling. Scot has not filed such an *Opposition*. He did file
10 an objection to the filing of the foreign judgment, but nowhere in that objection does it
11 address the fact that NRS 17.340 is controlling and certainly does not cite to any authority
12 from this State that is contrary.

13 In other words, at Scot's demand, Judge Moss gave Scot the opportunity to file an
14 *Opposition*, but ordered him to continue to interplead the funds, since it is crystal clear he is
15 just stalling payment of the money he owes by any and all means he can concoct. The
16 decision as to what to do with those funds was also to be deferred to the March 8, 2010,
17 hearing.²¹

20
21 ²⁰ See U.S. Const., art. IV, § 1. This would be true even if the judgment was granted for a
22 cause of action not recognized in this State. See, e.g., *Burdick v. Nicholson*, 100 Nev. 284,
23 680 P.2d 589 (1984) (full faith and credit clause required Nevada to give effect to the North
24 Carolina judgment). Of course, in this case, the judgments are for massive child support
25 arrears, interest, penalties, tort damages, and attorney's fees incurred in recovering kidnaped
26 children – collection of all of which are strongly favored by Nevada public policy). An
27 action to enforce the judgment is an action to enforce a debt, not the underlying cause of
28 action. *Id.*

²¹ See Exhibit G, RPIA pages 27-29, Judge Moss knows there are many thousands of dollars
of judgments and arrearages to which this money can be applied. She never said that
WILLICK LAW GROUP was going to get the money, only that a decision as to what to do with
the money was deferred.

1 **B. The Stay Should Be Denied Because Scot Owes The Money**

2 The simplest reason that the Stay should be lifted is that Scot owes the money. He
3 owes over \$1,500,000 through federal tort judgments, child support arrears, penalties and
4 interest, attorney's fees, and costs, and as the result of his litigation in the courts of this State
5 and in Texas.

6 The U.S. District Court alone has awarded Cisilie and her children \$822,255.56 in tort
7 damages, attorney's fees, and punitive damages – of which Scot has paid *nothing*.²² These
8 awards have been upheld on appeal and are a final judgment by the federal court. This
9 *Judgment* has been properly filed in the Nevada State district court and is completely
10 enforceable by that court.²³

11 In fact, and with respect, the Nevada Legislature has stated that *no* stay of
12 enforcement of such a judgment is appropriate in these circumstances. Since 1979, NRS
13 17.370 has stated that a stay of enforcement of such a final, unappealable, and filed judgment
14 of a U.S. District Court is not available. Even if a stay *was* available, it would issue *only*
15 after posting "security for the satisfaction of the judgment." Scot has never posted a dime
16 in security of any kind. He is merely a million-plus dollar deadbeat seeking to evade justice.

17 In short, Scot's motion for Stay should be summarily denied as *he owes the money*.
18

19 **IV. CONCLUSION**

20 Scot has not voluntarily paid a single dime toward any judgment imposed against him,
21 or support of his children, since he kidnaped them in 2000; the damage he caused –and
22 continues to inflict all around – exceeds a million and a half dollars. Each opportunity at
23 collection in favor of his victims – his children and former spouse – has been met with new
24 litigation for the past ten years.
25
26

27 ²² See Exhibit B, RPIA pages 2-3.

28 ²³ See Exhibit H, RPIA pages 30-43.

1 The Motion to Stay interpleading the funds into the District Court should be denied
2 with prejudice as Scot owes the money and the payment of these funds will be used to reduce
3 at least some of the interest that continues to accrue on all of the valid judgments.

4 We will address why the writ petition should be dismissed in its entirety, and Scot
5 barred from filing any further papers in this Court seeking to evade justice, in the requested
6 *Answer*.

7 DATED this 2nd day of March, 2010.

8 WILICK LAW GROUP

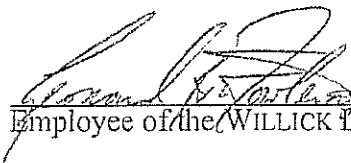
9
10 /s/ Marshal S. Willick, Esq.
11 MARSHAL S. WILLICK, ESQ.
12 Nevada Bar No. 002515
13 3591 East Bonanza Road, Suite 200
14 Las Vegas, Nevada 89110-2101
15 (702) 438-4100
16 Attorneys for Real Party in Interest
17
18
19
20
21
22
23
24
25
26
27
28

1 CERTIFICATE OF MAILING

2 I hereby certify that I am an employee of WILICK LAW GROUP, and on the 2nd day
3 of March, 2010, I send via electronic transmission to scotlund@vaile.info and
4 legal@infosec.privacyport.com, as well as deposited in the United States Mails, postage
5 prepaid, at Las Vegas, Nevada, a true and correct copy of the *Real Party Interest's*
6 *Opposition to Petitioner's Motion to Stay Interpleading of Funds to District Court*, and
7 *Respondent Real Party In Interest's Appendix*, addressed to:

8 Robert Scotlund Vaile
9 P.O. Box 727
10 Kenwood, California 95452
11 Petitioner *In Proper Person*

12 There is regular communication between the place of mailing and the places so
13 addressed.

14 
Employee of the WILICK LAW GROUP

15 P:\wp13\VAILE\MSW6062.WPD

Exhibit C

1 ORDER
2 LAW OFFICE OF MARSHAL S. WILICK, P.C.
3 MARSHAL S. WILICK, ESQ.
4 Nevada Bar No. 002515
5 3551 E. Bonanza Road, Suite 101
6 Las Vegas, NV 89110-2198
7 (702) 438-4100
8 Attorney for Defendant

FILED

JUL 24 1 26 PM '03

Shirley S. Ruggine
CLERK

DISTRICT COURT
FAMILY DIVISION
CLARK COUNTY, NEVADA

10 R. SCOTLUND VAILE,
11 Plaintiff,

12 vs.

13 CISILIE A. VAILE,
14 Defendant.

CASE NO: D230385
DEPT. NO: I

DATE OF HEARING: 6/4/03
TIME OF HEARING: 1:30 p.m.

ORDER FROM JUNE 4, 2003, HEARING

16 This matter came on for hearing before the Hon. Cheryl B. Moss, Nevada District Court
17 Judge, Family Division, at the above date and time, on Defendant's *Motion For Attorney Fees and*
18 *Costs Pursuant to 42 U.S.C. 11601, et seq. and 42 U.S.C. 11607(b)(3), and Certain Ancillary Relief.*
19 Defendant, Cisilie A. Vaile, was not present, but was represented by her attorneys, the LAW OFFICE
20 OF MARSHAL S. WILICK, P.C. Plaintiff, R. Scotlund Vaile, was permitted to appear telephonically
21 in proper person. The Court having reviewed the papers and pleadings on file and having entertained
22 oral argument, enters the following findings and orders.
23
24
25
26
27
28

LAW OFFICE OF
MARSHAL S. WILICK, P.C.
3551 E. Bonanza Road
Suite 101
Las Vegas, NV 89110-2198
(702) 438-4100

THE COURT HEREBY FINDS THAT:

1. Service of Cisille's *Motion* on Mr. Angulo as Scotland's counsel of record was proper.
2. The Hague Convention is a international treaty and takes precedence over any state laws.
3. There can be only one Hague Court, pursuant to the Hague Convention, and the Nevada trial court is the Hague Court in this instance.
4. The venue argument brought forward by Scotland is inapplicable, as the Nevada Court has jurisdiction over this matter pursuant to international law.
5. I.C.A.R.A. (a federal statute) enables the Hague Convention in the United States, and it mandates the trial court to issue fees unless certain findings are made. As the Hague Court, this Court has jurisdiction to order fees in this matter.
6. The Nevada Supreme Court reversed the earlier order in the trial court, which effectively reversed the decisions made by the trial court, including any implied denial of fees; thus, there is no res judicata argument.
7. Scotland's argument of "unclean hands" is irrelevant to the matter before the Court.
8. There will be no double dipping or double collections. Measures will be taken to keep the amounts clearly identified and separate.
9. In the Nevada Federal District Court tort action, safeguards can be met to prevent any double collections.
10. The fees awarded in the Texas orders related only to the Texas proceedings. Because Texas was not the Hague Court, it had no jurisdiction to order fees from Nevada in the Texas proceedings.

1 11. This Court recognizes its ability, as the Hague court, to include the Texas award
2 amounts in its order, but prefers to keep the amounts separate.

3 12. Under normal appellate rules and procedures, there is no stay of the Texas orders; the
4 Texas judgment remains enforceable until and unless some court with jurisdiction to do so states
5 otherwise.
6

7 13. Cisilie's request to issue an order to the State Department relates to the matters
8 pending in Federal District Court, and therefore should be issued by that court. Further, this case is
9 technically closed, and the Court does not think it appropriate to issue active orders that could lead
10 to further proceedings, unless required.
11

12
13 IT IS HEREBY ORDERED:

14 1. Cisilie's request to have an order issued by this Court permitting the State Department
15 to release information is denied; Cisilie shall apply to the Federal District Court for issuance of the
16 requested order.

17 2. Cisilie's request to have the Texas awards rolled into the Nevada order is denied.

18 3. Scotland is to pay Cisilie's attorney's fees, as and for sums expended by Nevada
19 counsel on her behalf in this matter, in the amount of \$116,732.09. This award is reduced to
20 judgment as of June 4, 2003, will bear interest at the legal rate, and is enforceable by all lawful
21 means.

22 4. Cisilie shall give notice to the Federal District Court of the Order issued from this
23 Court on fees, and file in this Court some documentary evidence of having done so.

24 5. Mr. Willick shall prepare the order from this hearing; pursuant to his request, Mr.
25 Veile shall be given the opportunity to sign off on this order.
26
27
28

6. The Court seeing no remaining matters requiring intervention of the Nevada State courts in this matter, this case is closed.

DATED this 20 day of July 2003.

CHERYL B. MOSS
DISTRICT COURT JUDGE

Submitted by:
LAW OFFICE OF MARSHAL S. WILICK, P.C.

Approved as to form and content:

MARSHAL S. WILLICK, ESQ.
Nevada Bar No. 002513
ROBERT CERCEO, ESQ.
Nevada Bar No. 005247
3551 E. Bonanza Rd., Suite 101
Las Vegas, Nevada 89110
(702) 438-4100
Attorneys for Defendant

R. SCOTLUND VAILE
IN PROPER PERSON
P.O. Box 6699
Boise, Idaho 83707
(208) 363-0333

FM79040VF412 WPD

LAW OFFICE OF
MARSHAL E. VALLOX P.C.
2551 East Bonanza Road
Suite 101

Exhibit D

1
2
3
4
5 UNITED STATES DISTRICT COURT
6 DISTRICT OF NEVADA

7 * * *

8 CISILIE VAILE PORSBOLL,)
9 fna CISILIE A. VAILE,)
10 individually and as Guardian of)
KAIA LOUISE VAILE and)
DAMILLA JANE VAILE, minor children,)

11 Plaintiff(s),)

12 vs.)

13 ROBERT SCOTLUND VAILE,)

14 Defendant(s).)
15

2:02-cv-0706-RLH-RJJ

**FINDINGS OF FACT and
CONCLUSIONS OF LAW
and DECISION**

16 This matter came on for trial, as duly scheduled and noticed, before the Honorable
17 Roger L. Hunt, U.S. District Judge, on February 27, 2006. Plaintiffs were represented by and
18 through their attorneys, the Willick Law Group. Defendant Robert Scotlund Vaile did not
19 appear. He had filed a "Notice of Cessation of Defense" (#303, filed February 21, 2006), noting
20 that he would not oppose an eventual judgment entered against him in this matter, and did not
21 appear at the Calendar Call on February 22, 2006, as ordered by the Court.

22 Having reviewed all the pleadings, exhibits, written affidavits, and being fully
23 advised of the facts and the law, the Court makes the following Findings of Fact and Conclusions
24 of Law and Decision, and renders the Judgment filed separately herein:

25

26

FINDINGS OF FACT

1. The findings of fact contained within the *Opinion* issued by the Nevada Supreme Court on April 11, 2002,¹ are entitled to recognition by this Court; this Court exercises its discretion to take judicial notice of the factual findings contained within that Opinion, which are adopted and relied upon herein to the degree not otherwise specifically addressed in these Findings of Fact.
2. Plaintiff Cisilie Porsboll, formerly known as Cisilie Vaile, is a citizen and resident of Norway. Defendant R. Scotlund Vaile is a citizen of the United States who currently claims residence in the State of Virginia, where he has indicated he is enrolled in law school. Plaintiffs Kaia and Kamilla Vaile are the minor children of Cisilie and Scotlund, and are residents of Norway, having dual citizenship.
3. As of August 1998, when the parties were divorced, Cisilie had physical custody of both children, in Norway.
4. Defendant Scotlund intentionally committed a fraud upon the Eighth Judicial District Court in and for the County of Clark, State of Nevada in his initial "Complaint for Divorce," in *Vaile v. Vaile*, Case No. D230385. He made further and other false assertions of fact in his later *Motion* filed in that case, under which he fraudulently induced Judge Steel of that court to issue a change in custody. That Order was never domesticated in Norway, and was ultimately set aside by the Nevada courts.
5. Defendant Scotlund violated federal law in seeking and obtaining "replacement" passports for the children that were subsequently utilized as part of their abduction or kidnap from Norway.
6. Defendant Scotlund conspired with his friend, Anne Fonde DeBorggraaf, his brother-in-law, Scott Bishop, and his parents, Buck and Janitye Vaile, to abduct the children from

¹ See *Vaile v. District Court*, 118 Nev. 262, 44 P.3d 506 (2002).

1 their mother's custody. Scotlund executed his plan in May 2000, kidnaping or abducting
2 both children in Norway and smuggling them across international borders and State lines
3 using the fraudulently-obtained passports, under color of authority of the fraudulently-
4 obtained Nevada State Family Court Order.

5 7. Ultimately, the children were brought by Scotlund to Texas, where they remained until
6 they were recovered and returned to Cisilie in April 2002.

7 8. On April 11, 2002, the Nevada Supreme Court issued its *Opinion* in *Vaile v. District*
8 *Court*, 118 Nev. 262, 44 P.3d 506 (2002), in which the court found that Scotlund was
9 never a resident of the State of Nevada, and had falsely so claimed in both his original
10 divorce paperwork and his later motion seeking custody of the children. The court also
11 found that the children never lived in Nevada, and that the lower court never had subject
12 matter or personal jurisdiction to enter any kind of order relating to child custody. The
13 court found that the children are habitual residents of Norway, that Scotlund wrongfully
14 removed them from Norway, and that Scotlund took custody of the children under an
15 invalid order. The Nevada Supreme Court issued a writ of mandamus compelling the
16 district court to vacate those portions of its decree relating to custody and visitation and to
17 order the children's return to Norway. The *Order* filed April 12, 2000 (from the hearing
18 of March 29, 2000) was set aside in its entirety as invalid in all respects.²

19 9. On April 16, 2002, the Nevada district court issued its order pursuant to the Writ of
20 Mandamus, stating in part that "all provisions of the *Decree of Divorce* filed August 21,
21 1998, bearing on custody and visitation of the children at issue, or incorporating the
22 custody and visitation terms of the parties' 'agreement' dated July 9, 1998, are hereby
23

24 2

25 Judge Steel has filed an affidavit in this action, indicating that she never would have issued that
26 *Order* if she had been told the truth, and that she was tricked by the multiple false statements in
 Scotlund's written and oral presentation into entering the invalid *Order*.

1 void and unenforceable, and have been vacated. All aspects of the *Orders* entered April
2 12, 2000, and October 25, 2000, are invalid and void in their entirety.”

3 10. The April 16 Nevada *Order* was domesticated in Texas on April 17, 2002, and given full
4 faith and credit by the Texas Court; Cisilie was given custody of the children and
5 permission to return to Norway with them. Scotlund was assessed \$45,419 (attorney’s
6 fees of \$20,359 and costs of \$25,060), which were to incur interest at 10% per year
7 compounded annually, in compensation for the damages he caused Cisilie to incur in
8 Texas in recovering the children. Scotlund has never complied with any part of that court
9 order to make payment.

10 11. Scotlund filed further Petitions in the appellate courts of Texas, which were finally denied
11 on May 9, 2002. On June 13, a “Rule 11 Agreement” was filed, in which Scotlund
12 stipulated to the costs Cisilie had incurred in responding to his Petitions in Texas. The
13 Texas trial court denied his motion for a new trial on June 18, 2002, and assessed
14 Scotlund \$23,797.90 in additional fees, in accordance with the Rule 11 Agreement, to
15 incur interest at 10% per year compounded annually. To date, Scotlund has never
16 complied with any part of the court order to make those payments, either.

17 12. On December 3, 2002, Scotlund filed a *Petition for Writ of Certiorari* in the United States
18 Supreme Court, attacking the Nevada Supreme Court *Opinion*.

19 13. On March 10, 2003, the United States Supreme Court denied Scotlund’s *Writ*.

20 14. On May 15, 2003, the Texas Court of Appeals dismissed Scotlund’s appeal as untimely.

21 15. In July, 2003, the Nevada Family Court issued an *Order* requiring that Scotlund pay
22 \$116,732.09 to Cisilie in compensation for the costs and fees incurred in Nevada for the
23 recovery of the children. Scotlund has never complied with any part of that court order.

24 16. The Nevada *Decree of Divorce* required Scotlund to pay child support on a monthly basis
25 to Cisilie, under a complex formula. Scotlund never supplied the income and other
26 information necessary for such calculations, but he consistently earned income in excess

- 1 of \$100,000 per year.
- 2 17. Scotlund unilaterally determined that the formula in the *Decree* required him to pay
- 3 11,000 Norwegian Kroners in child support, a sum equivalent to approximately \$1,300
- 4 (U.S.) per month. He paid that amount to Cisilie from August 1998, through March
- 5 2000, but has not paid any support for the children since that time.
- 6 18. No valid United States court order has ever altered the obligation imposed by the Nevada
- 7 *Decree of Divorce*, and the Nevada Supreme Court *Opinion* verified that, as a matter of
- 8 State law, when a person such as Scotlund has submitted himself to the jurisdiction of a
- 9 court, such a support obligation can and does stay in effect even if the court entering it did
- 10 not have jurisdiction to make an award of custody of the subject children.
- 11 19. Assuming that Scotlund correctly calculated the amount of child support due under the
- 12 Nevada order back in 1998, and disregarding the cost of living adjustment called for in
- 13 that order, and Scotlund's various increases in salary over the years, a minimum sum of
- 14 \$138,500 in arrears in child support principal, interest, and penalties has accrued under
- 15 the Nevada child support order from the time Scotlund stopped paying child support in
- 16 March 2000, through February 2006.
- 17 20. After the recovery of the children, Norway independently issued temporary custody,
- 18 support, and visitation orders (effective as of April 2002). Scotlund has acknowledged
- 19 receipt of those orders, but has not paid any support for the children in accordance with
- 20 those orders, either. Even without taking into account the cost of living adjustment in the
- 21 Norwegian orders, the minimum amount of arrears that accrued thereunder between April
- 22 2002, and February 2006, converted into U.S. dollars, is approximately \$48,000.
- 23 21. Beginning with the kidnaping or abduction of the children, and continuing for the two
- 24 years required to recover the children, and thereafter, Cisilie experienced severe emo-
- 25 tional and psychological trauma, including physical symptoms requiring medical atten-
- 26 tion. She missed many weeks of work as a result of both the resulting symptoms, and as

1 a matter of time necessary to deal with the American legal proceedings, incurring further
2 financial loss.

3 22. Beginning with the kidnaping or abduction of the children, and continuing for the two
4 years required to recover them, and thereafter, the children experienced emotional and
5 psychological trauma as a result of Scotlund's removal of them from their home, family,
6 and country, including nightmares and severe anxiety attacks. The children have been in
7 counseling and therapy, and have exhibited ongoing symptoms of psychological trauma,
8 including physical manifestations of stress. The expert psychological opinion is that the
9 damage was significant and can reasonably be expected to require continuing therapeutic
10 intervention indefinitely into the future.

11 23. The actual damages caused by Scotlund's actions have been extraordinary. Cisilie
12 incurred \$116,732.09 in costs, fees, and expenses in the Nevada State court proceedings
13 to recover the children, another \$95,819.47³ in the Texas proceedings, another \$20,395⁴
14 in the proceedings in the United States Supreme Court, and a sum equal to some \$15,512
15 in the courts of Norway. Scotlund has never paid any part of any judgment of any court
16 that has found him liable.

17 24. The litigation expenses incurred by Cisilie in bringing the current action in this Court
18 purportedly include \$26,939 in costs, and more than \$312,000 worth of attorney and staff
19 time. Travel and other costs have totaled an additional approximate \$10,000.

20 25. Scotlund's conduct and actions were intended to and did cause the infliction of emotional
21 distress upon all three Plaintiffs, and were the actual and proximate cause of that damage.

22

23 _____
24 ³
25 \$69,398.90 reduced to judgment by the Texas courts, and simple interest at 10%, in accordance
26 with those orders from entry, through February 27, 2006.

⁴
\$16,548 in fees, and \$3,847 in costs.

- 1 26. Scotlund had a duty to Plaintiffs, including but not limited to not abducting the children,
2 and not giving false testimony to and abusing the process of the courts. Scotlund
3 breached all those duties.
- 4 27. Scotlund's conduct and actions negligently caused the infliction of emotional distress
5 upon all three Plaintiffs, and were the actual and the proximate cause of that damage.
- 6 28. Scotlund intentionally confined the children without actual or implied consent by the
7 children or Cisilie, and without legitimate authority, constituting the false imprisonment
8 of the children.
- 9 29. Scotlund's planning and execution of the kidnap, and subsequent false imprisonment of
10 the children, intentionally interfered with the custodial rights of Cisilie.
- 11 30. Scotlund had a duty not to violate the law, abuse process, abduct the children, conceal
12 the children, and withhold the children from Cisilie's custody. Scotlund's violations of
13 those duties were the actual and the proximate cause of Plaintiffs' damages.
- 14 31. Scotlund has committed, or aided and abetted the commission of, acts with the same or
15 similar pattern, intents, results, accomplices, victim, or methods of commission, and/or
16 which are otherwise interrelated by distinguishing characteristics and are not isolated
17 incidents, and which would constitute crimes related to a pattern of racketeering activity
18 including at least two racketeering acts. These acts include Scotlund's kidnap of the
19 children, and Scotlund's obtaining passports for the children with falsified documenta-
20 tion.
- 21 32. Scotlund's conduct constituted willful and malicious injury to Cisilie and the children,
22 which conduct is encompassed by within the range set out in 11 U.S.C. § 523(6).
- 23 33. Scotlund failed to comply with the *Order Regarding Trial* filed February 13, 2006, since
24 he (1) failed to timely file trial briefs, suggested voir dire questions and proposed jury
25 instructions, as prescribed by the Pretrial Order; (2) failed to appear for Calendar Call
26 without first having been excused by the Court; and (3) failed to timely comply with

1 orders scheduling deadlines for trial preparation.

2 34. Scotlund filed a "Notice of Cessation of Defense" on February 21, 2006, and explained
3 that he would not oppose a default, although that document further claims that an appeal
4 is an eventuality.

5 35. Scotlund was required to attend Calendar Call in this action on February 22, 2006, and
6 produce documents pertaining to trial preparations for this Court's review prior to trial.
7 The mandatory nature of his attendance at Calendar Call was telephonically verified with
8 Scotlund. Scotlund nevertheless failed to appear at Calendar Call.

9 36. Scotlund's actions, failures to act, and communications have amply demonstrated
10 contempt of this Court and its processes, as well as contempt for the orders of various
11 courts in the United States and elsewhere in the world.

12 37. Scotlund has knowingly refused to provide support for his children for a period of some
13 six years. Under any conceivable mathematics, the sum he owes in arrearages exceeds
14 the thresholds set out in NRS 201.020(2)⁵ and Title 18, Chapter 11A, Section 228 of the
15 United States Code ("Failure to pay legal child support obligation")⁶ for felony non-
16 support under state and federal law.

17

18 _____
19 ⁵

20 On multiple grounds. There is a court ordered support obligation that Scotlund has knowingly
21 failed to pay, arrearages in the amount of \$10,000 or more have accrued since the time a court first
22 ordered him to pay support, there has been a second or subsequent violation in that additional
23 arrearages totaling \$5,000 or more have accrued since the time a court first ordered him to provide
24 support, and arrearages totaling \$5,000 or more have accrued since the time a court in another
25 jurisdiction first ordered him to provide support.

26 ⁶

27 Again, on multiple bases. The child to whom support is owed resides in another state, there is a
28 court-ordered support obligation, there has been a willful failure to pay the support obligation for a
29 period longer than two years, and there are arrearages of more than \$10,000. Scotlund has used
30 interstate or foreign commerce with the intent to evade a support obligation that has been unpaid
31 for over a year and that is greater than \$5,000.

1 38. As a direct and proximate result of Scotlund's wrongful acts, Cisilie has been caused to
2 expend hundreds of thousands of dollars to locate, visit, and ultimately litigate to recover
3 custody of her children. Scotlund's disregard of all orders entered by all courts to date
4 purportedly required the expenditure of costs and time worth over \$349,000 to bring this
5 matter to trial.

6 39. If any of these Findings of Fact are more properly considered Conclusions of Law, they
7 should be so construed.

8 CONCLUSIONS OF LAW

- 9 1. Scotlund has committed fraud, conspiracy, kidnaping or abduction, intentional and
10 negligent infliction of emotional distress upon all three Plaintiffs, false imprisonment of
11 the children, and intentional interference with Cisilie's custodial rights.
- 12 2. Scotlund's intentional perjury and offering false evidence in the Eighth Judicial District
13 Court, in and for the County of Clark, State of Nevada, in *Vaile v. Vaile*, Case No.
14 D230385, his kidnaping or abduction of the children, and his obtaining passports for the
15 children with falsified documentation, renders Scotlund liable for punitive damages.
- 16 3. This judgment shall be considered non-dischargeable in bankruptcy pursuant to 11 U.S.C.
17 § 523(6) as Scotlund has, by virtue of his conduct, committed a willful and malicious
18 injury against all three Plaintiffs.
- 19 4. Scotlund is guilty of non-support of his children under applicable state and federal law.
- 20 5. Scotlund is in direct contempt of this Court for violation of the Orders of Judge Hunt
21 regarding Calendar Call, and for violation of directions set forth in the Order Regarding
22 Trial.
- 23 6. Scotlund's course of conduct in the actions noted above, and the amount of economic and
24 other harm inflicted by Scotlund, is shocking to the conscience and demonstrates a
25 wanton and malicious conduct, or a conscious disregard for the wrongfulness of his
26 actions, entitling Plaintiffs to imposition of punitive damages.

1 7. Plaintiffs are entitled to an award of attorney's fees and costs in this action.

2 8. If any of these Conclusions of Law are more properly considered Findings of Fact, they
3 should be so construed.

4 DECISION

5 Based upon the foregoing Findings of Fact, Conclusions of Law, and the evidence
6 elicited at trial, it is the decision of the Court that judgment enter in favor of the Plaintiffs and
7 against Defendant Robert Scotlund Vaile as follows:

8 1. Plaintiff Cisilie Vaile Porsboll is awarded \$150,000.00 as and for injury, pain and
9 suffering, including emotional and psychological pain, suffering and distress caused by R.
10 Scotlund Vaile's abduction or kidnaping, false imprisonment, acts of fraud and conspir-
11 acy, and negligent or intentional infliction of emotional distress.

12 2. Minor Plaintiff Daia Louise Vaile is awarded \$150,000.00 as and for injury, pain and
13 suffering, including emotional and psychological pain, suffering and distress caused by R.
14 Scotlund Vaile's abduction or kidnaping, false imprisonment, acts of fraud and conspir-
15 acy, and negligent or intentional infliction of emotional distress.

16 3. Minor Plaintiff Kamilla Jane Vaile is awarded \$150,000.00 as and for injury, pain and
17 suffering, including emotional and psychological pain, suffering and distress caused by R.
18 Scotlund Vaile's abduction or kidnaping, false imprisonment, acts of fraud and conspir-
19 acy, and negligent or intentional infliction of emotional distress.

20 4. Plaintiff Cisilie Vaile Porsboll is awarded damages of attorneys fees and costs, awarded
21 in other cases as a result of her having to come to the United States to recover her
22 children, overturn fraudulently obtained orders, and regain custody of her children, in the
23 amount of \$272,255.56, plus interest until paid.

24 5. Plaintiff Cisilie Vaile Porsboll is awarded judgment against Defendant R. Scotlund Vaile
25 for arrears in child support payments, including interest and penalties, as of February
26 2006, in the amount of \$138,500.00.

1 6. Plaintiff Cisilie Vaile Porsboll is awarded punitive damages against Defendant R.
2 Scotlund Vaile in the amount of \$100,000.00.

3 7. Plaintiff Cisilie Vaile Porsboll is awarded attorneys fees and costs in this action in an
4 amount to be determined upon submission of sufficient documentation and verification as
5 required by the Local Rules.

6 Dated: March 13, 2006.

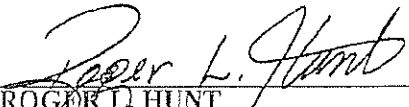
7
8
9 
10 ROGER L. HUNT
United States District Judge
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26

Exhibit E

1
2
3
4
5
6 UNITED STATES DISTRICT COURT
7 DISTRICT OF NEVADA

8 * * *

9 CISILIE VAILE PORSBOLL,
10 fna CISILIE A. VAILE,
11 individually and as Guardian of
12 KAIA LOUISE VAILE and
13 DAMILLA JANE VAILE, minor children,

14 Plaintiff(s),

15 vs.

16 ROBERT SCOTLUND VAILE,

17 Defendant(s).

2:02-cv-0706-RLH-RJJ

JUDGMENT

18 This matter having come on for trial, as duly scheduled and noticed, before the
19 Honorable Roger L. Hunt, U.S. District Judge, on February 27, 2006; and pursuant to the Findings
20 of Fact and Conclusions of Law and Decision filed herein;

21 IT IS HEREBY ORDERED, ADJUDGED AND DECREED that judgment enter in
22 favor of the Plaintiffs Cisilie Vaile Porsboll individually, and as Guardian of Kaia Louise Vaile
23 and Kamilla Jane Vaile, minor children, and against Defendant Robert Scotlund Vaile as follows:

- 24 1. Plaintiff Cisilie Vaile Porsboll is awarded \$150,000.00 as and for injury, pain and suffer-
25 ing, including emotional and psychological pain, suffering and distress caused by R.
26 Scotlund Vaile's abduction or kidnaping, false imprisonment, acts of fraud and conspiracy,
and negligent or intentional infliction of emotional distress.

2. Minor Plaintiff Daia Louise Vaile is awarded \$150,000.00 as and for injury, pain and suffering, including emotional and psychological pain, suffering and distress caused by R. Scotlund Vaile's abduction or kidnaping, false imprisonment, acts of fraud and conspiracy, and negligent or intentional infliction of emotional distress.
3. Minor Plaintiff Kamilla Jane Vaile is awarded \$150,000.00 as and for injury, pain and suffering, including emotional and psychological pain, suffering and distress caused by R. Scotlund Vaile's abduction or kidnaping, false imprisonment, acts of fraud and conspiracy, and negligent or intentional infliction of emotional distress.
4. Plaintiff Cisilie Vaile Porsboll is awarded damages of attorneys fees and costs, awarded in other cases as a result of her having to come to the United States to recover her children, overturn fraudulently obtained orders, and regain custody of her children, in the amount of \$272,255.56, plus interest until paid.
5. Plaintiff Cisilie Vaile Porsboll is awarded judgment against Defendant R. Scotlund Vaile for arrears in child support payments, including interest and penalties, as of February 2006, in the amount of \$138,500.00.
6. Plaintiff Cisilie Vaile Porsboll is awarded punitive damages against Defendant R. Scotlund Vaile in the amount of \$100,000.00.
7. Plaintiff Cisilie Vaile Porsboll is awarded attorneys fees and costs in this action in an amount to be determined upon submission of sufficient documentation and verification as required by the Local Rules.

Dated: March 13, 2006.

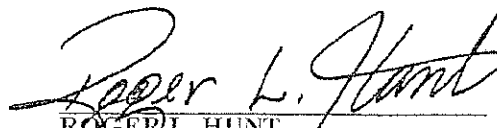

ROGER L. HUNT
United States District Judge

Exhibit F

FILED

NOT FOR PUBLICATION
UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT

MAR 26 2008

MOLLY DWYER, ACTING CLERK
U.S. COURT OF APPEALS

CISILIE VAILE PORSBOLL; et al.,

Plaintiffs - Appellees,

v.

ROBERT SCOTLUND VAILE,

Defendant - Appellant,

and

KELLENE BISHOP; et al.,

Defendants.

No. 06-15731

D.C. No. CV-02-00706-RLH/RJJ

MEMORANDUM*

RECEIVED
FILED
SERVED ON
2008 MAR 28 P 12:31
U.S. COURT OF APPEALS
DISTRICT OF NEVADA
DEPUTY

Appeal from the United States District Court
for the District of Nevada
Roger L. Hunt, District Judge, Presiding

Submitted March 18, 2008**

* This disposition is not appropriate for publication and is not precedent except as provided by 9th Cir. R. 36-3.

** The panel unanimously finds this case suitable for decision without oral argument. See Fed. R. App. P. 34(a)(2).

JS/Rcs:rarch

06-15731

Before: CANBY, T.G. NELSON, and BEA, Circuit Judges.

Robert Scotlund Vaile appeals pro se from the district court's judgment in favor of plaintiffs following a bench trial in this action alleging violations of the federal Racketeer Influenced and Corrupt Organizations Act ("RICO") and various state laws. We have jurisdiction under 28 U.S.C. § 1291. We affirm in part, vacate in part, and remand.

Contrary to Vaile's contention that the district court lacked jurisdiction over the state law claims, the district court had supplemental jurisdiction because the operative facts for the RICO and state law claims were the same. *See Brady v. Brown*, 51 F.3d 810, 815-16 (9th Cir. 1995).

The Nevada district court properly concluded that it had personal jurisdiction over Vaile because plaintiffs' claims arose from the custody order that Vaile obtained in Nevada state court. *See Thompson v. Thompson*, 798 F.2d 1547, 1549 (9th Cir. 1986) (concluding, in action under Parental Kidnapping Prevention Act, that California district court had personal jurisdiction over defendant who had previously filed for divorce and custody in California state court), *aff'd*, 484 U.S. 174 (1988); *see also Mattel, Inc. v. Greiner & Hausser GmbH*, 354 F.3d 857, 863-68 (9th Cir. 2003) (concluding that second action "sufficiently a[rose] out of or

06-15731

result[ed] from” first action); *Baker v. Eighth Judicial Dist. Court*, 999 P.2d 1020, 1023 (Nev. 2000) (“Nevada’s long-arm statute . . . reaches the limits of due process set by the United States Constitution.”).

Appellees’ failure to bring their tort claims against Vaile in the Nevada or Texas family law proceedings does not bar their claims under the doctrine of res judicata or the rules governing compulsory counterclaims. *See Noel v. Hall*, 341 F.3d 1148, 1166 (9th Cir. 2003) (requiring federal courts to apply state law in determining preclusive effect of state court judgments); *In re J.G.W.*, 54 S.W.3d 826, 833 (Tex. App. 2001) (holding that tort claims based on ex-spouse’s wrongful taking of children were “ancillary to” prior custody proceedings and thus not barred by res judicata). The issue of whether Vaile’s false statements were intentional is not subject to collateral estoppel because Vaile’s intent was not “actually litigated and essential to” the state court judgment. *Getty Oil Co. v. Ins. Co. of N. Am.*, 845 S.W.2d 794, 801 (Tex. 1992); *LaForge v. State*, 997 P.2d 130, 133 (Nev. 2000) (defining collateral estoppel under Nevada law). Moreover, to the extent Vaile argues that the Nevada Supreme Court concluded that he did not make false statements to obtain the custody order, his argument is unpersuasive. *See*

06-15731

Vaile v. Eighth Judicial Dist. Court, 44 P.3d 506, 519 (Nev. 2002) (discussing Vaile's "untruthful representations" to the state court).

The district court did not err by concluding that Vaile was liable for intentional infliction of emotional distress. First, to the extent the district court judgment can be construed as a default judgment based on Vaile's consent, the intentional infliction of emotional distress claim was adequately pleaded in the Second Amended Complaint. *See Benny v. Pipes*, 799 F.2d 489, 495 (9th Cir. 1986), *amended*, 807 F.2d 1514 (9th Cir. 1987). Second, there was evidence that (1) Vaile made false statements to obtain both a custody order from the Nevada state court and new passports for Vaile and Porsboll's two children; and (2) then, without notice to Porsboll, Vaile took the children from Porsboll in Norway and brought them to the United States. *See Dillard Dep't Stores, Inc. v. Beckwith*, 989 P.2d 882, 886 (Nev. 1999) (outlining elements of intentional infliction of emotional distress claim under Nevada law); *see also Lentini v. Cal. Ctr. for the Arts*, 370 F.3d 837, 843 (9th Cir. 2004) (reviewing findings of fact for clear error). Because damages were properly awarded under the intentional infliction of emotional distress claim, we do not address Vaile's challenge to the RICO and

06-15731

related state law claims. *See Lentini*, 370 F.3d at 850 (“We may affirm a district court’s judgment on any ground supported by the record[.]” (citation omitted)).

The district court did not abuse its discretion by denying Vaile’s motion for leave to file a counterclaim because Vaile’s motion was filed six months after he filed his original answer and the record “does not reflect any reasonable explanation” for the delay. *Ralston-Purina Co. v. Bertie*, 541 F.2d 1363, 1367 (9th Cir. 1976).

Further, the district court did not abuse its discretion by denying Vaile’s request to continue the pretrial conference on the eve of trial. *See Danjaq LLC v. Sony Corp.*, 263 F.3d 942, 961 (9th Cir. 2001) (explaining that a district court’s decision concerning a continuance is entitled to great deference and will be reversed only if there is a clear abuse of discretion).

However, the district court improperly decided the issue of child support. The Second Amended Complaint does not allege a claim for unpaid child support and there is no evidence in the record of express or implied consent to try the issue. *See Consol. Data Terminals v. Applied Digital Data Sys., Inc.*, 708 F.2d 385, 396 (9th Cir. 1983). Accordingly, we vacate the award of damages for unpaid child support and remand to the district court for further proceedings. *See id.* at 397.

06-15731

We deny Vaile's request to remand this case to a different judge because the record does not indicate that the case presents the rare circumstances necessary to warrant reassignment. *See Hernandez v. City of El Monte*, 138 F.3d 393, 402-03 (9th Cir. 1998).

Appellees' request for an order prohibiting Vaile from future filings is denied.

The parties shall bear their own costs on appeal.

AFFIRMED in part, VACATED in part, and REMANDED.

Exhibit G

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

CISILIE VAILE PORSBOLL,
fna CISILIE A. VAILE,
individually and as Guardian of
KAIA LOUISE VAILE and
DAMILLA JANE VAILE, minor children,

Plaintiff(s),

vs.

ROBERT SCOTLUND VAILE,

Defendant(s).

2:02-cv-0706-RLH-RJJ

AMENDED JUDGMENT
NUNC PRO TUNC

This matter having come on for trial, as duly scheduled and noticed, before the Honorable Roger L. Hunt, U.S. District Judge, on February 27, 2006; and pursuant to the Findings of Fact and Conclusions of Law and Decision filed herein;

IT IS HEREBY ORDERED, ADJUDGED AND DECREED that judgment enter in favor of the Plaintiffs Cisilie Vaile Porsboll individually, and as Guardian of Kaia Louise Vaile and Kamilla Jane Vaile, minor children, and against Defendant Robert Scotlund Vaile as follows:

1. Plaintiff Cisilie Vaile Porsboll is awarded \$150,000.00 as and for injury, pain and suffering, including emotional and psychological pain, suffering and distress caused by R. Scotlund Vaile's abduction or kidnaping, false imprisonment, acts of fraud and conspiracy, and negligent or intentional infliction of emotional distress.

2. Minor Plaintiff Daia Louise Vaile is awarded \$150,000.00 as and for injury, pain and suffering, including emotional and psychological pain, suffering and distress caused by R. Scotlund Vaile's abduction or kidnaping, false imprisonment, acts of fraud and conspiracy, and negligent or intentional infliction of emotional distress.
3. Minor Plaintiff Kamilla Jane Vaile is awarded \$150,000.00 as and for injury, pain and suffering, including emotional and psychological pain, suffering and distress caused by R. Scotlund Vaile's abduction or kidnaping, false imprisonment, acts of fraud and conspiracy, and negligent or intentional infliction of emotional distress.
4. Plaintiff Cisilie Vaile Porsboll is awarded damages of attorneys fees and costs, awarded in other cases as a result of her having to come to the United States to recover her children, overturn fraudulently obtained orders, and regain custody of her children, in the amount of \$272,255.56, plus interest until paid.
5. Plaintiff Cisilie Vaile Porsboll is awarded punitive damages against Defendant R. Scotlund Vaile in the amount of \$100,000.00.
6. Plaintiff Cisilie Vaile Porsboll is awarded attorneys fees and costs in this action in an amount to be determined upon submission of sufficient documentation and verification as required by the Local Rules.

Dated: July 23, 2008.

I hereby attest and certify on 1-27-10
that the foregoing document is a full, true
and correct copy of the original on file in my
legal custody.

CLERK, U.S. DISTRICT COURT
DISTRICT OF NEVADA

By [Signature] Deputy Clerk



[Signature]
ROGER L. HUNT
United States District Judge

Exhibit H



8661C1
980007086

71
FILED

MAY 26 11 19 AM '09

[Signature]
CLERK OF DISTRICT COURT

1 JUDGE
2 WILKICK LAW GROUP
3 MARSHAL S. WILKICK, ESQ.
4 Nevada Bar No. 002515
5 3591 E. Bonanza Road, Suite 200
6 Las Vegas, NV 89110-2101
7 Phone (702) 438-4100; Fax (702) 438-5311
8 email@willicklawgroup.com

DISTRICT COURT
CLARK COUNTY, NEVADA

9 R. SCOTLUND VAILE,
10 Plaintiff,

11 vs.

12 CISILIE A. VAILE,
13 Defendant.

CASE NO: D230385
DEPT. NO: I

DATE OF HEARING:
TIME OF HEARING:

14 JUDGMENT RENEWAL

15 Defendant, Cisilie A. Vaile, by and through her attorney, Marshal S. Willick, Esq., hereby
16 submits the foregoing Affidavit in Support of Judgment Renewal pursuant to NRS 17.214.

17 DATED this 5th Day of May, 2009.

18 Respectfully submitted,
19 WILKICK LAW GROUP

20 *[Signature]*

21 MARSHAL S. WILKICK, ESQ.
22 Nevada Bar No. 002515
23 3591 E. Bonanza Rd., Suite 200
24 Las Vegas, Nevada 89110-2101
25 (702) 438-4100
26 Attorney for Defendant

27
28
WILKICK LAW GROUP
3591 East Bonanza Road
Suite 200
Las Vegas, NV 89110-2101
(702) 438-4100

1 AFFT
2 WILICK LAW GROUP
3 MARSHAL S. WILICK, ESQ.
4 Nevada Bar No. 002515
5 3591 E. Bonanza Road, Suite 200
6 Las Vegas, NV 89110-2101
7 Phone (702) 438-4100; Fax (702) 438-5311
8 email@willicklawgroup.com
9 Attorney for Defendant

10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
**DISTRICT COURT
FAMILY DIVISION
CLARK COUNTY, NEVADA**

R. SCOTLUND VAILE,

Plaintiff,

vs.

CISILIE A. VAILE,

Defendant.

CASE NO: D230385
DEPT. NO: 1

DATE OF HEARING:
TIME OF HEARING:

**AFFIDAVIT OF DEFENDANT IN SUPPORT OF RENEWAL OF
JUDGMENT**

STATE OF NEVADA)
COUNTY OF CLARK) ss:

Marshal S. Willick, being first duly sworn, deposes and says:

1. I am the attorney for the Defendant in the above-referenced matter, and I know the facts set forth herein of my own personal knowledge.

2. I herewith provide the following facts in support of a renewal of judgment in the above-referenced matter.

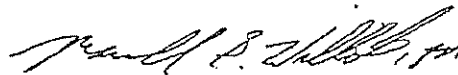
1 3. The name of the parties are: R. Scotlund Vaile, Plaintiff and judgment debtor; Cisilie A.
2 Vaile, Defendant and judgment creditor; and Marshal S. Willick, Attorney for Defendant.

3 4. The date the judgment was entered was July 24, 2003, in the amount of \$116,732.09 as
4 and for attorney fees, that was never paid by Defendant. Said judgment resides in the Order After
5 Hearing, currently residing in Family Court, Department "I", Case No. D230385, Family Division
6 docket, Eighth Judicial District Court, State of Nevada, in the County of Clark.

7 6. No payments have ever been received from R. Scotlund Vaile in satisfaction of his debt.

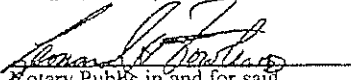
8 7. The exact balance remaining on the judgment is \$171,915.20, inclusive of interest
9 (\$55,183.11) as of May 5, 2009.

10 FURTHER AFFIANT SAYETH NAUGHT

11
12 

13 Cisile A. Vaile
14 POA Marshal S. Willick, Esq.

15 SUBSCRIBED AND SWORN to before me
16 this 5th day of May, 2009.

17 
18 Notary Public in and for said
19 State and County



20 P:\wp\131VAILENSAW7412.WPD

Exhibit I



197062
980230385

FILED

JUN 19 2 54 PM '09

E. J. Smith
CLERK OF THE COURT

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

9
10 DISTRICT COURT
11 FAMILY DIVISION
12 CLARK COUNTY, NEVADA

13 ROBERT SCOTLUND VAILE,
14 Plaintiff,

15 vs.

16 CISILIE A. PORSBOLL F.K.A. CISILIE A VAILE,
17 Defendant.

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

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

18 NOTICE OF ENTRY OF JUDGMENT RENEWAL

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

20 PLEASE TAKE NOTICE that an *Judgment Renewal* for the above referenced hearing was
21 duly entered on May 26, 2009, by filing with the Clerk, and the attached is a true and correct copy
22 thereof.

23 DATED this 19th day of June, 2009.

24 WILICK LAW GROUP

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

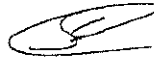
WILICK LAW GROUP
3591 East Bonanza Road
Suite 200
Las Vegas, NV 89110-2101
(702) 438-4100

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

CERTIFICATE OF MAILING

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

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



Employee of the Willick Law Group

P:\wp13\VAILE\DLF0156 WPD

Exhibit J

Logout My Cases Search Menu New Family Record Search Back

Location : Family Images Help

REGISTER OF ACTIONSCASE No. 98D230385

Robert S Vaile, Plaintiff. vs. Cisilie A Vaile, Defendant.

§
§
§
§
§
§
§
§

Case Type: Divorce - Complaint
 Date Filed: 08/07/1998
 Location: Department I
 Conversion Case Number: D230385
 Supreme Court No.: 53798
 55396

PARTY INFORMATION

Conversion EFinancial Conversion 98D230385 Removed: 03/23/2007 Converted From Blackstone		Lead Attorneys
Defendant	Vaile, Cisilie A Also Known As Porsboll, Cisilie NORWAY NV, NV N/A	Willick, Marshal S. Retained
Plaintiff	Vaile, Robert S P.O. Box 727 Kentwood, CA 95452	Pro Se Retained
Subject Minor/Vaile, Kaia L		
Subject Minor/Vaile, Kamilla J		

EVENTS & ORDERS OF THE COURT

10/26/2009 All Pending Motions (9:30 AM) (Judicial Officer Moss, Cheryl B)

Minutes

10/26/2009 9:30 AM

- CILIE PORSBOLL'S MOTION FOR ORDER TO SHOW CAUSE WHY EMPLOYER SHOULD NOT BE SUBJECT TO PENALTIES PURSUANT TO NRS 31.297 FOR NONCOMPLIANCE WITH WRIT OF GARNISHMENT AND FOR ATTY'S FEES AND COSTS.. CILIE A. PORSBOLL'S MOTION TO ORDER DISMISSAL OF CALIFORNIA ACTION ON PAIN OF CONTEMPT, TO ISSUE A PAYMENT SCHEDULE FOR ALL JUDGMENTS AWARDED TO DATE, AND FOR ATTY'S FEES AND COSTS Raleigh C. Thompson, Bar #11296, present for Deloitte and Touch, LLP, Court noted Atty Willick has a Motion to Quash and a Motion to Dismiss scheduled for December 18, 2009 in California before Judge Charlotte Woolard. Arguments by Counsel and Plaintiff. Plaintiff sworn and testified. COURT ORDERED the following: 1. Under the Mack-Manley case, the issues today are not stayed as the Honeycutt case does not apply. The issues are independent of the Supreme Court Appeal that is pending, as these issues have nothing to do with the Penalties Calculations. 2. Plaintiff's request to disqualify Atty Richard Crane is DENIED, as Atty Crane is still actively practicing law and there is no impact on this case. 3. This Court CANNOT order the California Court to dismiss a case. 4. Atty Willick's request pursuant to Brunzell, to issue an Injunction stopping Plaintiff from proceeding in the California action is DENIED. 5. Pursuant to NRS 31.294, due to the pending action in California, this Court MUST stay these proceedings. 6. In the interim, PLAINTIFF shall INTERPLEAD \$1174.16 per month, to the Clark County, Clerk of the Court, Steven Grierson, until the December 18, 2009 hearing in California. Plaintiff shall mail the checks to the Clerk of the Court. Court noted, Plaintiff is seven (7) pay periods behind. 7. Pursuant to NRS 21.075 Notice of Writ of Execution, Court finds the requirement has been met but will direct the Constable to resend the Notice to Plaintiff. 8. Pursuant to NRS 11.190, Court finds the six (6) year limitation on the Money Judgment has not tolled. The Judgment Renewal was filed 5/26/09. Atty Willick shall file proof of the certified mailing of the Judgment Renewal and serve a copy to Plaintiff. 9. Court WILL NOT issue an ORDER TO SHOW CAUSE to Deloitte and Touche, pending the California Order. Court will defer on fees and costs. Atty Thompson shall prepare the Order for this issue. 10. Plaintiff's request to STAY the Interplead payments is DENIED. 11. Court makes no ruling nor order on property location. 12. The California Court to make the decision as to the domestication of the Judgment. 13. Court will reserve on Atty Willick's request for Attorney's Fees and Costs for today's hearing. 14. Status Check hearing date SET. Atty Willick shall prepare the Order from today's hearing, Plaintiff to sign as to form and content within five days of receipt. 2-3-2010 1:30 PM STATUS CHECK RE: CALIFORNIA CASE

[Parties Present](#)[Return to Register of Actions](#)

Exhibit K



ORIGINAL

FILED

DEC 23 2009

At 1:10 p.m.
CLERK OF COURT

1 WILICK LAW GROUP
2 MARSHAL S. WILICK, ESQ.
3 Nevada Bar No. 002515
4 RICHARD L. CRANE, ESQ.
5 Nevada Bar No. 009536
6 3591 E. Bonanza Road, Suite 200
7 Las Vegas, NV 89110-2101
8 (702) 438-4100
9 Attorneys for Defendant

DISTRICT COURT
FAMILY DIVISION
CLARK COUNTY, NEVADA

10 ROBERT SCOTLUND VAILE,

11 Plaintiff,

12 vs.

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

14 Defendant.

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

DATE OF HEARING: 10/26/2009
TIME OF HEARING: 9:30 A.M.


16 NOTICE OF ENTRY OF ORDER FOR HEARING
17 HELD OCTOBER 26, 2009

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

19 PLEASE TAKE NOTICE that an Order for the above referenced hearing was duly entered
20 on December 23, 2009, by filing with the Clerk, and the attached is a true and correct copy thereof.

21 DATED this 23rd day of December, 2009.

22 WILICK LAW GROUP

23 
24 MARSHAL S. WILICK, ESQ.

25 Nevada Bar No. 002515

26 RICHARD L. CRANE, ESQ.

27 Nevada Bar No. 009536

28 3591 East Bonanza Road, Suite 200

Las Vegas, Nevada 89110-2101

(702) 438-4100

Attorneys for Defendant

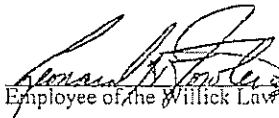
WILICK LAW GROUP
3591 East Bonanza Road
Suite 200
Las Vegas, NV 89110-2101
(702) 438-4100

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

CERTIFICATE OF MAILING

I hereby certify that service of the foregoing *Notice of Entry of Order* was made on the 22nd day of December, 2009, pursuant to NRCP 5(b), by depositing a copy of same in the United States Mail in Las Vegas, Nevada, postage prepaid, addressed as follows:

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



Employee of the Willick Law Group

P:\wp13\VAJLE\L\F0840 WPD

1 **ORDER**

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 Rd., Suite 200
8 Las Vegas, Nevada 89110-2101
9 email@wilicklawgroup.com
10 (702) 438-4100
11 (702) 438-5311 Fax
12 Attorneys for Defendant

FILED
DEC 22 2009
CLERK OF COURT

13 **DISTRICT COURT**
14 **FAMILY DIVISION**
15 **CLARK COUNTY, NEVADA**

16 ROBERT SCOTLUND VAILE,

17 Plaintiff,

18 vs.

19 CISILIE A. PORSBOLL, f/k/a CISILIE A
20 VAILE,

21 Defendant.

Casc No.: D-98-230385-D
Dept. No.: I

Hearing Date: 10/26/2009
Hearing Time: 9:30 AM

22 **ORDER**

23 This matter having come before the Hon Cheryl B. Moss, on Defendant's *Motion for Order*
24 *to Show Cause Why Employer Should Not Be Subject to Penalties Pursuant to NRS 31.297 For*
25 *Noncompliance with Writ of Garnishment and For Attorney's Fee and Cost*, and Defendant's *Motion*
26 *to Order Dismissal of California Action on Pain of Contempt, to Issue A Payment Schedule For All*
27 *Judgments Awarded to Date, and For Attorney's Fees and Costs.* Present at the hearing was,
28 Raleigh C. Thompson, Esq. of the law firm of MORRIS PETERSON representing DELOITTE &
TOUCHE, LLP, Robert Scotlund Vaile, in *Pro Se*, and Marshal S. Willick, Esq., of the WILICK LAW
GROUP, representing Cisilie Porsboll, the Court makes the following findings, conclusions, and
orders:

WILICK LAW GROUP
3591 East Bonanza Road
Suite 200
Las Vegas, NV 89110-2101
(702) 438-4100

MC

- 1 1. The WILLYCK LAW GROUP has a *Motion to Quash* and a *Motion to Dismiss* in the California
2 Court scheduled to be heard on December 18, 2009, before the Hon. Charlotte Walter
3 Woolard. (Time-Index - 09:41:30)
- 4 2. Under the *Mack-Manley* case,¹ the issues before the Court are not stayed as the *Honeycutt*
5 case does not apply. The issues are independent of the Supreme Court Appeal that is
6 pending, as these issues have nothing to do with the Penalties Calculations. (Time-Index -
7 10:00:20 & 11:38:43)
- 8 3. Scotlund's request to disqualify Richard L. Crane, Esq., of the WILLYCK LAW GROUP is
9 DENIED, as Mr. Crane is still an actively practicing attorney, and there is no impact on this
10 case. (Time Index - 11:39:50)
- 11 4. This Court cannot order the California Court to dismiss a case. (Time Index - 11:41:24)
- 12 5. Cisilie's request pursuant to Brunzell,² to issue an Injunction stopping Scotlund from
13 proceedings in the California action is DENIED. (Time Index - 11:43:25)
- 14 6. Pursuant to NRS 31.294, due to the pending action in California, this Court must stay these
15 proceedings concerning the Writ of Garnishment, against Deloitte & Touche, LLP. (Time
16 Index - 11:43:50)
- 17 7. In the interim, Scotlund is to interplead \$1,174.16 per month, beginning with his next pay
18 cycle, which he indicates is October 30, 2009, to the Clark County, Clerk of the Court,
19 Steven Grierson, until the December 18, 2009, hearing in California. Scotlund shall mail
20 these checks to the Clerk of The Court. (Time Index - 11:45:41)
- 21 8. The Court notes that Scotlund is seven pay periods behind at the time of this hearing. (Time
22 Index - 11:48:00)
- 23 9. Pursuant to NRS 21.075, Notice of Writ of Execution, the Court finds that the requirement
24 has been met, but will direct the Constable to resend the Notice to Scotlund. (Time Index -
25 12:03:00)

26
27 ¹ *Mack-Manley v. Mack*, 122 Nev. Adv.Rep. 75, 138 P.3d 525 (2006).

28 ² 85 Nev. 345, 455 P.2d 31 (1969).

- 1 10. Pursuant to NRS 11.190, the Court finds the six year statute of limitation on the money
2 judgment has not been tolled. (Time Index - 11:56:13)
- 3 11. The Court finds no deficiency with that the Judgment Renewal that was filed on May 26,
4 2009. (Time Index - 11:53:20)
- 5 12. Pursuant to NRS 17.214, The WILICK LAW GROUP is responsible for filing proof of service
6 by certified mail of the Judgment Renewal on Scotlund. (Time Index - 11:51:06)
- 7 13. Scotlund indicated that he does not have a copy of the judgment renewal, the Court provided
8 him with a copy in open court. (Time Index - 11:56:40)
- 9 14. The Court will not issue an *Order to Show Cause* to DELOITTE & TOUCHE, pending the
10 outcome of the California action. (Time Index - 11:56:45)
- 11 15. The Court makes no ruling or orders regarding property location, as the payment center is
12 located in Tennessee, Scotlund works in California, the judgment is from Nevada, and
13 normally a garnishment is done before the net pay is paid to Scotlund in California. (Time
14 Index - 11:58:10)
- 15 16. The Court makes no decision as to the domestication of the Judgment in California, and will
16 wait and see what the California Court does. (Time Index - 11:58:40)
- 17 17. Cisilie's request for Attorney's Fees and Cost for today's hearing and for the costs expended
18 in the California action is reserved. (Time Index - 11:57:20)
- 19 * * * * *
- 20 * * * * *
- 21 * * * * *
- 22 * * * * *
- 23 * * * * *
- 24 * * * * *
- 25 * * * *
- 26 * * *
- 27 * *
- 28

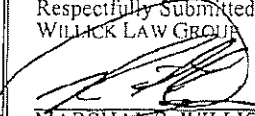
1 18. Status check is set for February 3, 2010 at 1:30 P.M.

2 Dated this _____ day of DEC 17 2009, 2009.

3
4 STEVEN E. JONES

5 *for* DISTRICT COURT JUDGE
6 CHERYL B. MOSS

7 Respectfully Submitted By:
8 WILLICK LAW GROUP

9 
MARSHAL S. WILICK, ESQ.
10 Nevada Bar No. 002515
RICHARD L. CRANE, ESQ.
11 Nevada Bar No. 009836
3591 E. Bonanza Rd., Suite 200
12 Las Vegas, Nevada 89101
(702) 438-4100
Attorneys for Defendant

13 Approved as to form and content by:

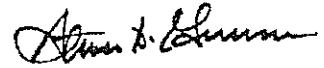
14 SIGNATURE
15 REFUSED

16 ROBERT SCOTLUND VAILE
17 P.O. Box 727
Kenwood, California 95452
Plaintiff *In Proper Person*

18 P:\wp\13\VAILE\LF0704.WPD

Exhibit L

ORIGINAL


CLERK OF THE COURT

FORJ
WILICK LAW GROUP
MARSHAL S. WILICK, ESQ.
Nevada Bar No. 002515
3591 E. Bonanza Road, Suite 200
Las Vegas, NV 89110-2101
email@wilicklawgroup.com
(702) 438-4100; FAX 438-5311
Attorneys for Defendant/Petitioner

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-D
Dept. No.: I

Hearing Date: N/A
Hearing Time: N/A

FILING OF FOREIGN ORDER/JUDGMENT

TO: Steven D. Grierson, Clerk of the Eighth Judicial District Court, Family Division, Clark County, Nevada

Defendant/Petitioner, Cisilie A. Porsboll, by and through her attorneys, the WILICK LAW GROUP, and pursuant to NRS 17.350 and NRS 130.601 - 604, inclusive, requests that the attached certified copy of the *Judgment*, entered on August 4, 2008, in the United States District Court, District of Nevada, Case No. 2:02-cv-0706-RLH-RJJ, be filed and given full faith and credit by the Eighth Judicial District Court of the State of Nevada for enforcement,

...

...

...

...

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

and that in the interest of equity and economy, said *Judgment* be domesticated and jurisdictionally accepted by the Eighth Judicial District Court.

DATED this 3/5th day of January, 2010.

Respectfully Submitted By:
WILICK LAW GROUP



MARSHAL S. WILICK, ESQ.
Nevada Bar No. 002515
RICHARD L. CRANE, ESQ.
Nevada Bar No. 009536
3591 E. Bonanza Rd., Suite 200
Las Vegas, Nevada 89110-2101
(702) 438-4100
Attorneys for Defendant/Petitioner

P:\wp13\VAILEL\F0498.WPD

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

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

* * *

CISILIE VAILE PORSBOLL,
fna CISILIE A. VAILE,
individually and as Guardian of
KAIA LOUISE VAILE and
DAMILLA JANE VAILE, minor children,

Plaintiff(s),

vs.

ROBERT SCOTLUND VAILE,

Defendant(s).

2:02-cv-0706-RLH-RJJ

**AMENDED JUDGMENT
NUNC PRO TUNC**

This matter having come on for trial, as duly scheduled and noticed, before the
Honorable Roger L. Hunt, U.S. District Judge, on February 27, 2006; and pursuant to the Findings
of Fact and Conclusions of Law and Decision filed herein;

IT IS HEREBY ORDERED, ADJUDGED AND DECREED that judgment enter in
favor of the Plaintiffs Cisilie Vaile Porsboll individually, and as Guardian of Kaia Louise Vaile
and Kamilla Jane Vaile, minor children, and against Defendant Robert Scotlund Vaile as follows:

1. Plaintiff Cisilie Vaile Porsboll is awarded \$150,000.00 as and for injury, pain and suffer-
ing, including emotional and psychological pain, suffering and distress caused by R.
Scotlund Vaile's abduction or kidnaping, false imprisonment, acts of fraud and conspiracy,
and negligent or intentional infliction of emotional distress.

2. Minor Plaintiff Daia Louise Vaile is awarded \$150,000.00 as and for injury, pain and suffering, including emotional and psychological pain, suffering and distress caused by R. Scotlund Vaile's abduction or kidnaping, false imprisonment, acts of fraud and conspiracy, and negligent or intentional infliction of emotional distress.
3. Minor Plaintiff Kamilla Jane Vaile is awarded \$150,000.00 as and for injury, pain and suffering, including emotional and psychological pain, suffering and distress caused by R. Scotlund Vaile's abduction or kidnaping, false imprisonment, acts of fraud and conspiracy, and negligent or intentional infliction of emotional distress.
4. Plaintiff Cisilie Vaile Porsboll is awarded damages of attorneys fees and costs, awarded in other cases as a result of her having to come to the United States to recover her children, overturn fraudulently obtained orders, and regain custody of her children, in the amount of \$272,255.56, plus interest until paid.
5. Plaintiff Cisilie Vaile Porsboll is awarded punitive damages against Defendant R. Scotlund Vaile in the amount of \$100,000.00.
6. Plaintiff Cisilie Vaile Porsboll is awarded attorneys fees and costs in this action in an amount to be determined upon submission of sufficient documentation and verification as required by the Local Rules.

Dated: July 23, 2008.

I hereby attest and certify on 6-27-10
that the foregoing document is a full, true
and correct copy of the original on file in my
legal custody.

CLERK, U.S. DISTRICT COURT
DISTRICT OF NEVADA

By [Signature] Deputy Clerk



[Signature]
ROGER L. HUNT
United States District Judge

Exhibit M

ORIGINAL

FILED IN OPEN COURT

2/3/2010

STEVEN D. GRIERSON
CLERK OF THE COURT

BY

Valerie Riggs
VALERIE RIGGS DEPUTY

1 SAO
2 MORRIS PETERSON
3 Steve Morris, Bar No. 1543
4 Email: sm@morrislawgroup.com
5 Raleigh C. Thompson, Bar No. 11296
6 Email: rct@morrislawgroup.com
7 900 Bank of America Plaza
8 300 South Fourth Street
9 Las Vegas, Nevada 89101
10 Telephone: (702) 474-9400
11 Facsimile: (702) 474-9422

Attorneys for Deloitte & Touche LLP

DISTRICT COURT
CLARK COUNTY, NEVADA

12 ROBERT SCOTLUND VAILE,
13
14 Plaintiff,

15 vs.

16 CISILIE PORSBOLL f/k/a CISILIE
17 VAILE,
18 Defendant.

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

STIPULATION AND ORDER
TO QUASH WRIT OF
GARNISHMENT

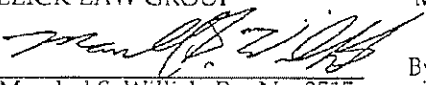
19 Defendant Cisilie Porsboll f/k/a Cisilie Vaile ("Porsboll") and non-
20 party garnishee Deloitte & Touche, LLP ("Deloitte") stipulate to quash the writ of
21 garnishment issued on June 15, 2009 by Porsboll's counsel Marshal S. Willick for
22
23
24
25
26
27
28

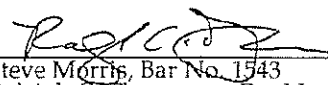
MORRIS PETERSON
ATTORNEYS AT LAW
900 BANK OF AMERICA PLAZA
300 SOUTH FOURTH STREET
LAS VEGAS, NEVADA 89101
702/474-9400
FAX 702/474-9422

1 the wages of Deloitte's employee, plaintiff Robert S. Vaile. Deloitte, as a non-party
2 no longer subject to the writ of garnishment, shall be dismissed from this action.

3 WILLICK LAW GROUP

MORRIS PETERSON

4 By: 
5 Marshal S. Willick, Bar No. 2515
3591 E. Bonanza Road, Suite 200
6 Las Vegas, NV 89110


By: 
7 Steve Morris, Bar No. 1543
Raleigh C. Thompson, Bar No. 11296
900 Bank of America Plaza
300 South Fourth Street
Las Vegas, NV 89101

7 Attorneys for Defendant

Attorneys for Deloitte & Touche LLP

8
9 ORDER


10 IT IS SO ORDERED. The writ of garnishment is quashed and
11 Deloitte & Touche, LLP is dismissed from this action.

12
13
14 
15 CHERYL B. MOSS
DISTRICT COURT JUDGE

16 DATED 2/3/10

17 Submitted by:

18 MORRIS PETERSON

19
20
21 By: 
22 Steve Morris, Bar No. 1543
Raleigh Thompson, Bar No. 11296
900 Bank of America Plaza
23 300 South Fourth Street
Las Vegas, Nevada 89101

24 Attorneys for Deloitte & Touche LLP

Exhibit N

DISTRICT COURT
FAMILY DIVISION
CLARK COUNTY, NEVADA
MAR 25 4 55 PM '10

[Signature]
Clerk of Court

R. S. VAILE,

Plaintiff,

vs.

Case No. 98-D-230385

Dept. No. "I"

CISILIE A. VAILE,

Defendant

**NOTICE OF ENTRY OF COURT'S DECISION AND ORDER ON
ATTORNEY'S FEES FROM MARCH 8, 2010 HEARING**

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

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

TO: RICHARD CRANE, ESQ., Attorney for Defendant

PLEASE TAKE NOTICE that a Court's Decision and Order on Attorney's Fees From March 8, 2010 Hearing was entered in the above-entitled matter on the 25 day of March, 2010, a true and correct copy of which is attached hereto.

Dated this 25 day of March, 2010.

By: *[Signature]*
AZUCENA ZAVALA
Judicial Executive Assistant to the
Honorable Cheryl B. Moss

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


CERTIFICATE OF MAILING

I hereby further certify that on this 25 day of March, 2010, I caused to be mailed to Plaintiff/Defendant Pro Se a copy of the **Notice of Entry of Court's Decision and Order on Attorney's Fees from March 8, 2010 Hearing** at the following address:

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

I hereby certify that on this 25 day of March, 2010, I caused to be delivered to the Clerk's Office a copy of the **Notice of Entry of Court's Decision and Order on Attorney's Fees from March 8, 2010 Hearing** which was placed in the folders to the following attorneys:

MARSHAL S. WILICK, ESQ.
RICHARD CRANE, ESQ.
3591 E. Bonanza Rd., Suite 200
Las Vegas, Nevada 89101
Attorney for Defendant

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

FILED

MAR 25 3 31 PM '10

[Signature]
CLERK OF THE COURT

DISTRICT COURT
CLARK COUNTY, NEVADA

R. S. VAILE,

Plaintiff,

Case No. 98-D-230385

vs.

Dept. No. I

CISILIE A. VAILE,

Defendant.

COURT'S DECISION AND ORDER ON ATTORNEY'S FEES
FROM MARCH 8, 2010 HEARING

1. "The district court may award attorney fees in a post-divorce action as part of its continuing jurisdiction. Moreover, under NRS 18.010(2)(b), a court may award attorney fees to the prevailing party if the court finds that the opposing party's claim was brought or maintained without reasonable grounds." Mack-Manley v. Manley, 122 Nev. 849, 859-60 (2006).
2. The Nevada Supreme Court in Brunzell v. Golden Gate National Bank, 85 Nev. 345, 349 (1969) discussed factors to be applied in determining attorney's fees and costs.
3. Under Brunzell, when courts determine the appropriate fee to award in civil cases, they must consider various factors, including the qualities of the advocate, the character and difficulty of the work performed, the work actually performed by the attorney, and the result obtained.
4. "Furthermore, good judgment would dictate that each of these factors be given consideration by the trier of fact and that no one element should predominate or be given undue weight." (Emphasis by court.)" Brunzell, 85 Nev. at 350, quoting Schwartz v. Schwerin, 336 P.2d 144, 146 (1959).

5. "Additionally, in Wright v. Osburn, this court stated that family law trial courts must also consider the disparity in income of the parties when awarding fees. Therefore, parties seeking attorney fees in family law cases must support their fee request with affidavits or other evidence that meets the factors in Brunzell and Wright." Miller v. Wilfong, 121 Nev. 619, 623-624, 119 P.3d 727, 730 (2005).
6. "The wife must be afforded her day in court without destroying her financial position. This would imply that she should be able to meet her adversary in the courtroom on an equal basis. [W]ithout the court's assistance, the wife would have had to liquidate her savings and ... her future subsistence still without gaining parity with her husband." Sargeant v. Sargeant, 88 Nev. 223, 227, 495 P.2d 618, 621 (1972).
7. First, there is a statute (NRS 125.040) and case law that provide for the award of attorney's fees.
8. Second, there is a gross disparity in incomes between Mr. Vaile and Ms. Porsboll.
9. This Decision and Order pertains to an original request by the Ms. Porsboll attorneys to enforce and collect several attorney's fees judgments by way of a Motion filed on March 3, 2009 entitled, "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".
10. In such Motion, Attorney Marshal Willick represented the judgments total over \$135,000.00.
11. Without going in-depth into the extensive procedural history of this case, litigation on Ms. Porsboll's Motion lasted one year.
12. The litigation consisted of several hearings in Nevada and a lawsuit being filed in California over the same issues. Several hearings also took place before the California judge.
13. The California Court ultimately deferred jurisdiction to the Nevada Court to hear these issues.
14. Presently before the Court is Ms. Porsboll's request for additional attorney's fees incurred from March 3, 2009, to March 8, 2010.

1 15. Ms. Porsboll, through her attorneys, requested that the Court's prior award
2 of fees in the amount of \$15,000.00 be reduced to judgment.

3 16. The request was granted at the April 29, 2009 hearing.

4 17. The Willick Law Group requested installment payments from Mr. Vaile at
5 the rate of \$2,000.00 per month to go towards the attorney's fees
6 judgments.

7 18. The Court denied the request and stated that all judgments against Mr.
8 Vaile were "collectible by any lawful means" thereby implying that The
9 Willick Law Group would have to pursue garnishment of Mr. Vaile's
paychecks through a Writ of Execution pursuant to Nevada statutory law.

10 19. The Willick Law Group initiated a Writ of Execution and served Mr.
11 Vaile's employer, Deloitte and Touche, through its Resident Agent located
in Northern Nevada.

12 20. Subsequently, Mr. Vaile filed an action in California disputing The
13 Willick Law Group's actions in serving his employer in Nevada because
14 he was a California resident.

15 21. The California lawsuit proceeded, and the California Judge ultimately
16 deferred the matter back to Nevada for adjudication after holding several
hearings.

17 22. The final hearing on this case took place on March 8, 2010, wherein the
18 Nevada Court ordered an involuntary wage assignment on Mr. Vaile's
paychecks as payment for all prior judgments for attorney's fees.

19 23. The amount to be deducted as allowed by Nevada statutory law is \$541.92
20 per pay period.

21 **Discussion**

22 24. The first factor considered is the qualities of the advocate.

23 25. Here, the Court finds that The Willick Law Group has been diligent and
24 prepared throughout these proceedings, as well as prompt for court
appearances.

25 26. It should also be noted that Mr. Vaile is a law school graduate and trained
26 in the law.
27
28

- 1 27. Mr. Vaile has the legal skills to research the law in any jurisdiction, he is
2 able to file pleadings on his behalf, and he is able to present oral
3 arguments in the courtroom.
- 4 28. Each time a hearing was conducted, the Court had to address complex and
5 lengthy legal arguments from both sides of the case.
- 6 29. The Court finds Attorney Willick has qualities of competency and
7 experience in arguing motions and conducting trials in Family Court.
- 8 30. His specialty is domestic relations law and he practices exclusively in
9 family law matters.
- 10 31. Therefore, the amount of fees should be reasonably commensurate with
11 the level of advocacy skills Attorney Willick possesses.
- 12 32. The second factor is the character and difficulty of the work performed.
- 13 33. The Court finds The Willick Law Group expended numerous hours
14 pertaining to their Motion.
- 15 34. The law firm was required to draft and file pleadings to respond to Mr.
16 Vaile's pleadings in Nevada.
- 17 35. In addition, the law firm was required to hire and retain California counsel
18 to defend against Mr. Vaile's lawsuit there.
- 19 36. What the Nevada Court perceived to be a simple issue of collection of
20 attorney's fees escalated into two separate litigations in two different
21 states, involving several claims, several defendants, and court hearings that
22 lasted from April 2009 to March 2010.
- 23 37. Clearly, the nature and complexity of the total legal work involved are to
24 be considered in deciding the attorney's fees issue in this matter.
- 25 38. The third factor is the work actually performed by the attorney.
- 26 39. According to the Memorandum of Costs and Attorney's Fees filed with
27 this Court shortly after the March 8, 2010 hearing, The Willick Law Group
28 was charged \$44,553.64 by their California counsel, Attorney J. Thomas
Trombadore. Attorney Willick received a discounted hourly rate of
\$385.00 per hour.
40. Because the California Judge deferred all rulings to the Nevada Court, the
Nevada Court considered the California attorney's fees in this case.

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

41. Ms. Porsboll was charged \$67,796.33 in fees and costs from her Nevada counsel.
42. The total combined amount for attorney's fees and costs is \$112,349.97.
43. The Willick Law Group bill also reflects several "No Charges" as a courtesy to Ms. Porsboll.
44. The fourth factor is the result obtained.
45. As noted above, the Nevada Court was presented with a request from The Willick Law Group to collect on the attorney's fees judgments stemming back to the original filing of the divorce action on August 7, 1998.
46. The parties and counsel have frequently returned to court to litigate a whole myriad of legal issues.
47. In the instant proceeding, this specific matter involved a straightforward request for payment on attorney's fees judgments totaling over \$135,000.00.
48. The Nevada Court initially directed The Willick Law Group to pursue all legal means to collect under Nevada law.
49. The result obtained was an involuntary wage assignment for a specific amount to the extent of Nevada statutory law -- \$1,174.16 per month.
50. This is the amount The Willick Law Group would have been entitled to anyway had a Writ of Execution been processed.
51. The Court took into consideration Mr. Vaile's conduct in unnecessarily amplifying litigation in this case.
52. The Court is aware Mr. Vaile is a law school graduate, and he possesses skills to file pleadings on his behalf and to orally argue in the courtroom. Indeed, he is highly intelligent and articulate.
53. However, the Court finds Mr. Vaile's actions in filing suit in California and the additional litigation that ensued was unnecessary and superfluous.
54. The Court also finds Mr. Vaile's legal arguments and requests for relief had no merit pursuant to EDCR 7.60.

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

55. The Court also reviewed both parties' historical and present financial conditions.

56. Lastly, the Court believes an appropriate award of attorney's fees in this case should serve the purposes of EDCR 7.60 and NRS 18.010 – to caution parties and counsel to bring forth meritorious issues and to discourage needless litigation.

57. Accordingly, **IT IS ORDERED** that Ms. Porsboll and her attorneys shall be awarded the sum of \$100,000.00 as and for attorney's fees and costs.

58. **IT IS FURTHER ORDERED** that said amount is reduced to judgment and shall be collected via involuntary wage assignment on Mr. Vaile's paychecks as previously ordered by this Court at the March 8, 2010 hearing.

SO ORDERED.

Dated this 25 day of March, 2010.


CHERYL B. MOSS
District Court Judge