

**FILED**

**FEB 17 2010**

TRACIE K. LINDEMAN  
CLERK OF SUPREME COURT  
BY A. Ingerson  
DEPUTY CLERK

1 Robert Scotlund Vaile  
2 PO Box 727  
3 Kenwood, CA 95452  
4 (707) 833-2350  
5 *Petitioner in Proper Person*

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

7 ROBERT SCOTLUND VAILE,  
8

9 Petitioner,

Supreme Court Case No: 55446

District Court Case No: 98D230385

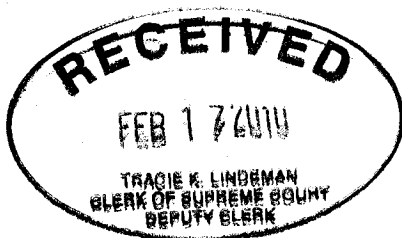
10 vs.  
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12 THE EIGHTH JUDICIAL DISTRICT  
13 COURT OF THE STATE OF  
14 NEVADA, IN AND FOR THE  
15 COUNTY OF CLARK, AND THE  
16 HONORABLE CHERYL B. MOSS,  
17 DISTRICT JUDGE, FAMILY COURT  
18 DIVISION,

19 Respondents.  
20

21  
22 **PETITION FOR WRIT OF MANDAMUS OR PROHIBITION**

23 **APPENDIX OF EXHIBITS**  
24



# Exhibit A

1 **ORDER**  
2 LAW OFFICE OF MARSHAL S. WILLICK, P.C.  
3 MARSHAL S. WILLICK, 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 B. Panagium*  
CLERK

7 **DISTRICT COURT**  
8 **FAMILY DIVISION**  
9 **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.

16 **ORDER FROM JUNE 4, 2003, HEARING**

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

25 \*\*\*\*\*

26 \*\*\*\*\*  
27 \*\*\*\*\*

28

1 THE COURT HEREBY FINDS THAT:

2 1. Service of Cisilie's *Motion* on Mr. Angulo as Scotlund's counsel of record was  
3 proper.

4 2. The Hague Convention is a international treaty and takes precedence over any state  
5 laws.

6 3. There can be only one Hague Court, pursuant to the Hague Convention, and the  
7 Nevada trial court is the Hague Court in this instance.

8 4. The venue argument brought forward by Scotlund is inapplicable, as the Nevada  
9 Court has jurisdiction over this matter pursuant to international law.

10 5. I.C.A.R.A. (a federal statute) enables the Hague Convention in the United States, and  
11 it mandates the trial court to issue fees unless certain findings are made. As the Hague Court, this  
12 Court has jurisdiction to order fees in this matter.

13 6. The Nevada Supreme Court reversed the earlier order in the trial court, which  
14 effectively reversed the decisions made by the trial court, including any implied denial of fees; thus,  
15 there is no res judicata argument.

16 7. Scotlund's argument of "unclean hands" is irrelevant to the matter before the Court.

17 8. There will be no double dipping or double collections. Measures will be taken to  
18 keep the amounts clearly identified and separate.

19 9. In the Nevada Federal District Court tort action, safeguards can be met to prevent any  
20 double collections.

21 10. The fees awarded in the Texas orders related only to the Texas proceedings. Because  
22 Texas was not the Hague Court, it had no jurisdiction to order fees from Nevada in the Texas  
23 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. Scotlund 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 Vaile shall be given the opportunity to sign off on this order.  
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1                 6.         The Court seeing no remaining matters requiring intervention of the Nevada State  
2 courts in this matter, this case is closed.

3                         DATED this 28 day of July, 2003.  
4  
5

6   CHERYL B. MOSS  
7   DISTRICT COURT JUDGE

8                 Submitted by:  
9                 LAW OFFICE OF MARSHAL S. WILLYCK, P.C.

                       Approved as to form and content:  
                       /

10                 /

11   MARSHAL S. WILLYCK, ESQ.  
12   Nevada Bar No. 002515  
13   ROBERT CERCEO, ESQ.  
14   Nevada Bar No. 005247  
15   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

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# Exhibit B

1 **ORDER**  
2 WILLICK LAW GROUP  
3 MARSHAL S. WILLICK, 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@willicklawgroup.com  
10 (702) 438-4100  
11 (702) 438-5311 Fax  
12 Attorneys for Defendant

**FILED**  
**DEC 22 2009**  
*Cheryl B. Moss*  
CLERK OF COURT

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

12 ROBERT SCOTLUND VAILE,  
13 Plaintiff,

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

14 vs.

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

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

18 **ORDER**

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



1. The WILLYCK LAW GROUP has a *Motion to Quash* and a *Motion to Dismiss* in the California Court scheduled to be heard on December 18, 2009, before the Hon. Charlotte Walter Woolard. (Time-Index - 09:41:30)
2. Under the *Mack-Manley* case,<sup>1</sup> the issues before the Court 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. (Time-Index - 10:00:20 & 11:38:43)
3. Scotlund's request to disqualify Richard L. Crane, Esq., of the WILLYCK LAW GROUP is DENIED, as Mr. Crane is still an actively practicing attorney, and there is no impact on this case. (Time Index - 11:39:50)
4. This Court cannot order the California Court to dismiss a case. (Time Index - 11:41:24)
5. Cisilie's request pursuant to *Brunzell*,<sup>2</sup> to issue an Injunction stopping Scotlund from proceedings in the California action is DENIED. (Time Index - 11:43:25)
6. Pursuant to NRS 31.294, due to the pending action in California, this Court must stay these proceedings concerning the Writ of Garnishment, against Deloitte & Touche, LLP. (Time Index - 11:43:50)
7. In the interim, Scotlund is to interplead \$1,174.16 per month, beginning with his next pay cycle, which he indicates is October 30, 2009, to the Clark County, Clerk of the Court, Steven Grierson, until the December 18, 2009, hearing in California. Scotlund shall mail these checks to the Clerk of The Court. (Time Index - 11:45:41)
8. The Court notes that Scotlund is seven pay periods behind at the time of this hearing. (Time Index - 11:48:00)
9. Pursuant to NRS 21.075, Notice of Writ of Execution, the Court finds that the requirement has been met, but will direct the Constable to resend the Notice to Scotlund. (Time Index - 12:03:00)

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<sup>1</sup> *Mack-Manley v. Mack*, 122 Nev. Adv.Rep. 75, 138 P.3d 525 (2006).

<sup>2</sup> 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 WILLICK 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)

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

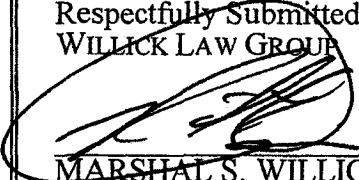
Dated this \_\_\_\_\_ day of DEC 17 2009, 2009.

**STEVEN E. JONES**

**DISTRICT COURT JUDGE**  
**CHERYL B. MOSS**

*for*

Respectfully Submitted By:  
WILICK LAW GROUP



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

Approved as to form and content by:

**SIGNATURE  
REFUSED**

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

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# Exhibit C

VALERIE RIGGS

STEVEN D. GRIERSON  
CLERK OF THE COURT

BY FEB 03 2010

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

12 Attorneys for Deloitte & Touche LLP

13 DISTRICT COURT

14 CLARK COUNTY, NEVADA

15 ROBERT SCOTLUND VAILE,  
16 Plaintiff,

17 vs.

18 CISILIE PORSBOLL f/k/a CISILIE  
19 VAILE,  
20 Defendant.

) CASE NO. 98-D-230385

) DEPT NO. I

) **STIPULATION AND ORDER**  
) **TO QUASH WRIT OF**  
) **GARNISHMENT**

21 Defendant Cisilie Porsboll f/k/a Cisilie Vaile ("Porsboll") and non-  
22 party garnishee Deloitte & Touche, LLP ("Deloitte") stipulate to quash the writ of  
23 garnishment issued on June 15, 2009 by Porsboll's counsel Marshal S. Willick for  
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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  
6 3591 E. Bonanza Road, Suite 200  
Las Vegas, NV 89110

By: 

7 Steve Morris, Bar No. 1543  
8 Raleigh C. Thompson, Bar No. 11296  
9 900 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 **CHERYL B. MOSS**

14 CHERYL B. MOSS  
15 DISTRICT COURT JUDGE

16 DATED FEB 03 2010

17 Submitted by:

18 MORRIS PETERSON

19  
20 By: 

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

24 Attorneys for Deloitte & Touche LLP

# Exhibit D

1 **ORDER**  
2 WILLICK LAW GROUP  
3 MARSHAL S. WILLICK, 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@willicklawgroup.com  
10 (702) 438-4100  
11 (702) 438-5311 Fax  
12 Attorneys for Defendant

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

12 ROBERT SCOTLUND VAILE,  
13 Plaintiff,

14 vs.

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

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

Hearing Date: 02/03/2010  
Hearing Time: 1:30 P.M.

18 **ORDER**

19 This matter having come before the Hon Cheryl B. Moss, on Defendant's *Motion for*  
20 *Declaratory Relief*, and Status Check Re: California Case. Present at the hearing was, Raleigh C.  
21 Thompson, Esq. of the law firm of MORRIS PETERSON representing DELOITTE & TOUCHE, LLP,  
22 Robert Scotlund Vaile, in *Pro Per*, and Richard L. Crane, Esq., and Marshal S. Willick, Esq., of the  
23 WILLICK LAW GROUP, representing Cisilie Porsboll. Based upon the pleadings on file and oral  
24 argument, the Court makes the following findings, conclusions, and orders:

- 25 1. Scotlund's request to appear by telephone at future hearings is DENIED. (Time Index:  
26 13:46:45)  
27  
28



1 2. The *Order to Show Cause* regarding the failure to garnish by Deloitte and Touche, LLP is  
2 WITHDRAWN, and the parties signed a stipulation and order to that effect in open court.  
3 (Time Index: 14:24:30)

4 3. An *Order to Show Cause* is ISSUED to Scotlund to pay \$4,696.64 for four payments of  
5 \$1,174.14 by the next hearing date of March 8, 2010. If the funds are not paid Scotlund will  
6 be subject to Contempt of up to 25 days in jail and sanctions for each payment missed.  
7 (Time Index: 15:09:40)

8 4. The *Opposition to Motion for Declaratory Relief*, entitled *Amicus Brief* submitted by a  
9 Virginia attorney is STRICKEN from the court's file. (Time Index: 14:42:56)

10 5. Parties are to file updated Financial Disclosure Forms prior to the next Court date. (Time  
11 Index: 15:17:55)

12 6. Any and all Briefs are due by close of business Monday, March 1, 2010, there will be no  
13 further brief accepted after this date. (Time Index: 15:10:14)

14 7. The following issue have been continued by the Court to the hearing on March 8, 2010, at  
15 1:30 p.m. (Time Index: 15:02:10):

- 16 a. The California conversion and abuse of process claims made by Scotlund;
- 17 b. Cisilie's *Motion for Declaratory Relief*;
- 18 c. Scotlund's *Motion to Vacate*;
- 19 d. What is to be done with the interpled funds;
- 20 e. Ruling on the renewal of judgment;
- 21 f. Cisilie's *Motion for A Payment Schedule and Direct Payment*; and
- 22 g. Additional awards of Attorney's Fees, and those of out of state counsel.

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8. Scotlund has agreed in open court to receiving service by e-mail. (Time Index: 15:21:00)

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 2010.

**DISTRICT COURT JUDGE**

Respectfully Submitted By:  
WILLICK LAW GROUP

\_\_\_\_\_  
MARSHAL S. WILLICK, ESQ.  
Nevada Bar No. 002515  
RICHARD L. CRANE, ESQ.  
Nevada Bar No. 009836  
3591 E. Bonanza Rd., Suite 200  
Las Vegas, Nevada 89101  
(702) 438-4100  
Attorneys for Defendant

Approved as to form and content by:

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

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# Exhibit E

## Video Transcript of 02/03/2010 Hearing