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

3 \* \* \* \* \*

4 ROBERT SCOTLUND VAILE,

5 Petitioner,

6 vs.

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

10 Respondents,

11 and

12 CISILIE A. PORSBOLL f/k/a CISILIE A. VAILE,

13 Real Party In Interest.  
14

S.C. NO. 55446  
D.C. NO. 98-002385-D  
Electronically Filed  
Mar 02 2010 11:53 a.m.  
Tracie K. Lindeman

15 Opposition to Motion for Stay of Order Directing Interpleading of Funds in the  
16 Eighth Judicial District Court Family Division  
17

18 **RESPONDENT REAL PARTY IN**  
19 **INTEREST'S APPENDIX**  
20  
21  
22  
23

24 MARSHAL S. WILLICK, ESQ.  
25 Attorneys for *Real Party In Interest*  
Nevada Bar No. 002515  
26 3551 East Bonanza Road, Suite 101  
Las Vegas, Nevada 89110-2198  
27 (702) 438-4100  
28

MR. ROBERT SCOTLUND VAILE  
Petitioner *In Proper Person*  
P.O. Box 727  
Kenwood, California 95452  
(707) 833-2350

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# **EXHIBIT A**

FILED

UNITED STATES COURT OF APPEALS

MAY 28 2008

FOR THE NINTH CIRCUIT

MOLLY C. DWYER, 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

District of Nevada,

Las Vegas

ORDER

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

The panel has voted to deny the petition for panel rehearing.

The full court has been advised of the petition for rehearing en banc and no judge has requested a vote on whether to rehear the matter en banc. *See* Fed. R. App. P. 35.

The petition for panel rehearing and the petition for rehearing en banc are denied.

No further filings will be accepted in this closed case.

/Research

CAP 00001

## **EXHIBIT B**

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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

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.

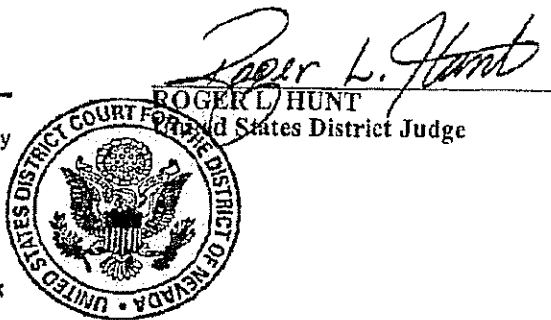
2. Minor Plaintiff Daia Louise Vaile is awarded \$150,000.00 as and for injury, pain and suffering, including emotional and psychological pain, suffering and distress caused by R. Scotlund Vaile's abduction or kidnaping, false imprisonment, acts of fraud and conspiracy, and negligent or intentional infliction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

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



## **EXHIBIT C**



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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 )  
11 KAIA LOUISE VAILE and )  
12 DAMILLA JANE VAILE, minor children, )  
13 Plaintiff(s), )  
14 vs. )  
15 ROBERT SCOTLUND VAILE, )  
16 Defendant(s). )

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,<sup>1</sup> 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

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<sup>1</sup>

*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.<sup>2</sup>

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  
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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 \$95,819.47<sup>3</sup> in the Texas proceedings, another \$20,395<sup>4</sup>  
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.

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<sup>3</sup>

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

26 <sup>4</sup>

\$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

orders scheduling deadlines for trial preparation.

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

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

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

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

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<sup>5</sup>

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

<sup>6</sup>

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

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10 **ROGER L. HUNT**  
11 United States District Judge  
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## **EXHIBIT D**

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6 UNITED STATES DISTRICT COURT  
7 DISTRICT OF NEVADA

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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). )  
18

2:02-cv-0706-RLH-RJJ

JUDGMENT

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

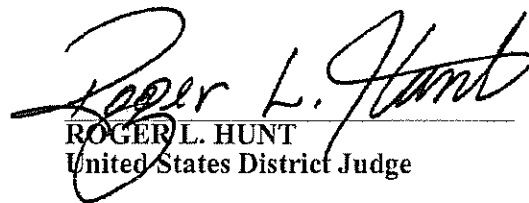
22 IT IS HEREBY ORDERED, ADJUDGED AND DECREED that judgment enter in  
23 favor of the Plaintiffs Cisilie Vaile Porsboll individually, and as Guardian of Kaia Louise Vaile  
24 and Kamilla Jane Vaile, minor children, and against Defendant Robert Scotlund Vaile as follows:

- 25 1. Plaintiff Cisilie Vaile Porsboll is awarded \$150,000.00 as and for injury, pain and suffer-  
26 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 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 E**

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.,

No. 06-15731

Plaintiffs - Appellees,

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

v.

MEMORANDUM\*

ROBERT SCOTLUND VAILE,

Defendant - Appellant,

and

KELLENE BISHOP; et al.,

Defendants.

RECEIVED  
FILED  
2008 MAR 28 P 12:31  
U.S. COURT OF APPEALS  
FOR THE NINTH CIRCUIT  
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/Research

CAP 00017



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 F**

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@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

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

16 ROBERT SCOTLUND VAILE,  
17  
18 Plaintiff,

Case No.: D-98-230385-D  
Dept. No.: 1

19 vs.

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

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

22 Defendant.

23 **ORDER**

24 This matter having come before the Hon Cheryl B. Moss, on Defendant's *Motion for Order*  
25 *to Show Cause Why Employer Should Not Be Subject to Penalties Pursuant to NRS 31.297 For*  
26 *Noncompliance with Writ of Garnishment and For Attorney's Fee and Cost, and Defendant's Motion*  
27 *to Order Dismissal of California Action on Pain of Contempt, to Issue A Payment Schedule For All*  
28 *Judgments Awarded to Date, and For Attorney's Fees and Costs.* Present at the hearing was,  
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:

- 1 1. The WILICK 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,<sup>1</sup> 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 WILICK 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,<sup>2</sup> 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)

---

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

28 <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 WILLOCK 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 \* \* \* \* \*
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1 18. Status check is set for February 3, 2010 at 1:30 P.M.

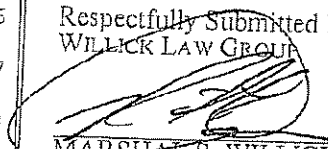
2 Dated this \_\_\_\_\_ day of DEC 17 2009, 2009.

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. WILLICK, ESQ.

10 Nevada Bar No. 002515

11 RICHARD L. CRANE, ESQ.

12 Nevada Bar No. 009836

13 3591 E. Bonanza Rd., Suite 200

14 Las Vegas, Nevada 89101

15 (702) 438-4100

16 Attorneys for Defendant

17 Approved as to form and content by:

18  
19 SIGNATURE  
20 REFUSED

21 ROBERT SCOTTLUND VAILE

22 P.O. Box 727

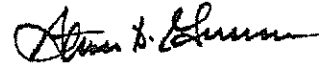
23 Kenwood, California 95452

24 Plaintiff *In Proper Person*

25 P w6131VAILELFG704 WPD

## **EXHIBIT G**

ORIGINAL



CLERK OF THE COURT

1 **ORDR**

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@willicklawgroup.com  
10 (702) 438-4100  
11 (702) 438-5311 Fax  
12 Attorneys for Defendant

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

16 ROBERT SCOTLUND VAILE,  
17  
18 Plaintiff,

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

19 vs.

20 CISILIE A. PORSBOLL, f/k/a CISILIE A  
21 VAILE,  
22  
23 Defendant.

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

24 **ORDER**

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

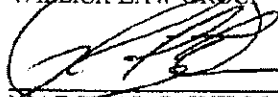
1. Scotlund's request to appear by telephone at future hearings is DENIED. (Time Index:  
13:46:45)

- 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.
- 23       \*\*\*\*\*  
24       \*\*\*\*\*  
25       \*\*\*\*\*  
26       \*\*\*\*\*  
27       \*\*\*\*\*  
28       \*\*\*\*\*

1 8. Scotlund has agreed in open court to receiving service by e-mail. (Time Index: 15:21:00)  
2 Dated this \_\_\_\_\_ day of FEB 25 2010, 2010.  
3  
4

5   
6 DISTRICT COURT JUDGE VR

7 Respectfully Submitted By:  
8 WILLICK LAW GROUP

9   
10 MARSHAL S. WILICK, ESQ.  
11 Nevada Bar No. 002515  
12 RICHARD L. CRANE, ESQ.  
13 Nevada Bar No. 009836  
14 3591 E. Bonanza Rd., Suite 200  
15 Las Vegas, Nevada 89101  
16 (702) 438-4100  
17 Attorneys for Defendant

18 Approved as to form and content by:

19 **SIGNATURE**  
20 **REFUSED**  
21 ROBERT SCOTLUND VAILE  
22 P.O. Box 727  
23 Kenwood, California 95452  
24 Plaintiff *In Proper Person*  
25 P:\wp13\VAILE\LF0893.WPD

## **EXHIBIT H**



31

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

FILED

2009 NOV 30 A 11: 26

*E. Scott*  
CLERK OF THE COURT

DISTRICT COURT  
FAMILY DIVISION  
CLARK COUNTY, NEVADA

ROBERT SCOTLUND VAILE,  
Plaintiff,

vs.

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

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

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

**SUPPLEMENTAL FILING AS DIRECTED BY COURT**

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

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

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

17



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  
\$272,255.56, plus interest until paid.<sup>1</sup>

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

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

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

26  
27 <sup>1</sup> 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.

<sup>2</sup> See Exhibit 2, *Memorandum Decision*, filed March 26, 2008.

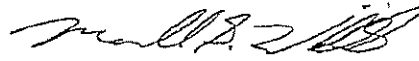
1 As noted above, that should have resulted in removal of the 2003 judgment from the list of  
2 judgments requiring renewal in our calendaring system, but it did not, and when the previously-  
3 calendared renewal date came around, it looks like someone initiated the process, although it may  
4 have 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 27<sup>th</sup> day of November, 2009.

16 WILICK LAW GROUP

17 

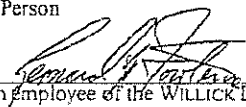
18 MARSHAL S. WILICK, ESQ.  
19 Nevada Bar No. 002515  
20 RICHARD L. CRANE, ESQ.  
21 Nevada Bar No. 009536  
22 3591 East Bonanza Road, Suite 200  
23 Las Vegas, Nevada 89110-2101  
24 Attorneys for Defendant  
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CERTIFICATE OF SERVICE VIA U.S. MAIL

I hereby certify that the *Supplemental Filing as Directed by Court*, was duly served on the  
30<sup>th</sup> day of November, 2009, pursuant to NRCp 5(b), by depositing a true and correct copy in the  
United States Mail, first class mail, postage prepaid, addressed as follows:

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

  
An employee of the WILICK LAW GROUP

P:\ep13\VAILE\EP0719 W2D

EXHIBIT 1

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

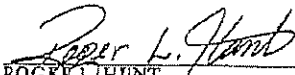
  
ROGER L. HUNT  
United States District Judge

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\*\*

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\* 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 Scotland 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 Mettel, Inc. v. Greiner & Hausser GmbH*, 354 F.3d 857, 863-68 (9th Cir. 2003) (concluding that second action "sufficiently a[rose] out of or

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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

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*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

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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.

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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 I**

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

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

4 Respectfully Submitted By:  
5 WILICK LAW GROUP

6 

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

15 P:\wp13\VAILE\LF0498.WPD



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

**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.

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