

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

2
3 ROBERT SCOTLUND VAILE,

4 Petitioner,

5 vs.

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

12 Respondents,

13 and

14 CISILIE A. PORSBOLL F/K/A CISILIE A.
15 VAILE,

16 Real Party in interest.

SC No.: 55446

DC No.: 98-D-230385-D

Electronically Filed
Sep 14 2010 04:33 p.m.
Tracie K. Lindeman

17 **OPPOSITION TO PETITIONER'S**
18 **"RENEWED EMERGENCY MOTION FOR STAY OF LOWER**
19 **COURT PROCEEDINGS DURING CONSIDERATION OF**
20 **PETITION FOR WRIT OF MANDAMUS OR PROHIBITION**
21 **AND DURING CONSIDERATION OF APPEALS IN THIS**
22 **CASE"**
23 **AND**
24 **REQUEST FOR PARTIAL OR TOTAL LIFTING OF STAY**

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

26 Scotlund's recent filing with this court – as it has been with the dozen or so
27 appeals and writs he has filed just in this Court (among the dozen or so courts to
28 which he has run) – is fraught with inconsistencies, false statements, and out and out
lies. All in an effort to avoid accountability for his actions, and payment of the child
support and judgments he owes to his former spouse and children.

1 Scotlund's recent forays seeking out any court in which to file vexatious
2 pleadings, included two separate actions in the Superior Courts of California.

3 The first was a baseless motion to stop the child support wage assignment
4 initiated by the Clark County District Attorney. He still owes in excess of \$160,000
5 in child support arrearages.¹ Scotlund fraudulently asked the California child support
6 court to amend the Nevada child support order, falsely claiming that Norway is "not
7 a UIFSA state," while never having submitted anything to the court in Norway
8 seeking a modification of the child support as he is required to do.² We are awaiting
9 final dismissal of that action.

10 He also filed an action in the Superior Court of California in San Francisco,
11 which found it was *forum non conveniens* as to the actions filed and specifically
12 deferred them to the Nevada Family Court to decide.³ Because the result was not
13 what he wanted, he appealed that decision to the California Court of Appeals which
14 dismissed his action without a hearing.⁴

15 Scotlund has enlisted his current spouse Heather in the litigation; she has filed
16 an action in the California Bankruptcy Court, in an essentially fraudulent attempt to
17 reopen her bankruptcy and get a discharge of Scotlund's outstanding child support,
18 fee, and tort judgments. At the time of this writing, Scotlund has even stooped to
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22 ¹ Scotlund misrepresented many of the facts of this case, *ex parte*, to a part-time *pro*
23 *tem* child support magistrate of the Superior Court of Sonoma County (which has no
24 jurisdiction to do anything under UIFSA). He did not report to that court that even
25 if one of his children has emancipated, child support remains at the full payment
until 100% of all arrears, penalties, and interest have been paid – which will take
many years. See NRS 125B.100.

26 ² See NRS 130.10179. Norway is a "reciprocating country" under UIFSA.

27 ³ See Exhibit 1, San Francisco Superior Court Order Entered March 2, 2010.

28 ⁴ See Exhibit 2, California Court of Appeal Dismissing Appeal.

1 attempting to enlist the elder, emotionally damaged, and now emancipated child,
2 Kaia⁵ in his efforts.

3 This Court's records will show that Scotlund has now appealed or filed a writ
4 in this Court regarding every order of the District Court, and should reflect his
5 fruitless efforts to get the Ninth Circuit to overturn the rulings of this Court.

6 The immediate situation is that Scotlund has machinated to terminate the
7 small amount of child support he was paying, and this Court's stay order is
8 preventing the district court from doing anything about it. The stay order should be
9 lifted, either entirely, or at least as to any matters relating to Scotlund's obligation
10 of support for his children.

11 12 **II. STATEMENT OF FACTS:**⁶

13 The current filing continues Scotlund's quest to evade responsibility for the
14 hundreds of thousands of dollars in child support, damages, attorney's fees, and
15 penalties assessed against him by multiple courts throughout the country and the
16 world, despite his six-figure income.⁷

17 Most of the facts of this case are detailed in the various orders and opinions
18 – including this Court's *Opinion*,⁸ which Scotlund continues to misrepresent as
19

20 ⁵ Who spent years in therapy after the abduction, who was afraid for years that he
21 was going to take her again in the middle of the night, and who has been diagnosed
22 by Dr. Stephanie Holland as permanently emotionally damaged and in need of long-
23 term psychological help.

24 ⁶ As Petitioner, Scotlund should have used number on his exhibits, and the
25 Respondent would use letters. As he did not comply with this standard rule and to
26 avoid the confusion he has caused, we will number our exhibits.

27 ⁷ Scotlund has admitted that he has over a \$120,000 per year income. This was
28 confirmed by the Answer to Interrogatories provided by his employer, Deloitte &
Touche.

⁸ *Vaile v. Eighth Judicial Dist. Court*, 118 Nev. 262, 44 P.3d 506 (2002).

1 stating that Nevada does not have jurisdiction to impose child support, which this
2 Court did not say and which is not true. As we are only addressing the issues raised
3 in his current motion, this factual statement will only go over those matters, or which
4 we think are central to the issues currently before this Court.

5 What Scotlund left out of his supposed factual history is that:

6 On August 6, 2009, Scotlund began an action in the California Superior Court
7 of San Francisco with a *Complaint for Abuse of Process and Conversion*, naming his
8 employer, Deloitte & Touche, LLP, Cisilie A. Porsboll, Marshal S. Willick, Richard
9 L. Crane, The Willick Law Group, as Defendants.⁹

10 On January 6, 2010, the California Superior Court, issued its tentative rulings
11 on the motions before the court.

12 On January 7, 2010, a hearing was held in the California Superior Court,
13 before the Honorable Charlotte W. Woolard.

14 On February 3, 2010, the Nevada Family court held its hearing on Cisilie's
15 *Motion for Declaratory Relief*, and for a Status Check Re: California Case. At that
16 hearing an *Order to Show Cause* was issued for Scotlund to pay \$4,696.64 for four
17 payments of \$1,174.14 by the next hearing date of March 8, 2010.

18 On February 17, 2010, Scotlund filed a *Petition for Writ of Mandamus*,
19 claiming among other thing that the District Court lacked jurisdiction in the case, and
20 to prevent the court from ordering him to pay funds into the court in satisfaction of
21 any judgment.

22 On February 19, 2010, the Court issued an order staying the requirement for
23 Scotlund to deposit the sum of \$4,696.64 with the court by the March 8, 2010, but
24 providing that all other matters could proceed as scheduled.¹⁰

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27 ⁹ See Exhibit 3.

28 ¹⁰ See Scotlund's Exhibit A, to his *Petition for Writ of Mandamus or Prohibition*
filed February 17, 2010, with this court.

1 On March 2, 2010, the Superior Court of California issued its *Order* deferring
2 all issues back to the Nevada District Court as *Forum Non Conveniens*.¹¹

3 Following Scotlund's usual procedure, he filed a *Notice of Appeal* of the
4 Superior Court of California *Order* on March 5, 2010.¹²

5 On March 25, 2010, the Nevada District Court issued the *Court's Decision*
6 *and Order on Attorney Fees from the March 8, 2010 Hearing*.¹³

7 On April 9, 2010, the Nevada District Court issued its *Order* regarding all
8 other issues decided at the hearing held March 8, 2010.¹⁴

9 On April 25, 2010, Scotlund filed yet another *Notice of Appeal*, appealing the
10 March 25, 2010, and April 9, 2010, orders.

11 On July 12, 2010, Scotlund filed the current *Motion* with the Court,
12 containing multiple mis-statements of the rulings of both the District Court and this
13 Court, false by both omission and commission. The examples are too numerous to
14 exhaust, but for example, he alleges that the District Court's ruling that he would not
15 be allowed to appear telephonically unless represented by local counsel was in some
16 way an "abuse" by the court.

17 Much too conveniently, Scotlund omits that he was allowed to appear
18 telephonically until he complained that by doing so his "due process rights" were
19 being violated. In any event, he cites no rule making such permission mandatory,
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23 ¹¹ See Exhibit 1.

24 ¹² See Exhibit 4.

25 ¹³ See Scotlund's Exhibit C, to his *Petition for Writ of Mandamus or Prohibition*
26 filed February 17, 2010.

27 ¹⁴ See Scotlund's Exhibit D, to his *Petition for Writ of Mandamus or Prohibition*
28 filed February 17, 2010.

1 nor authority for the proposition that the court's denial of his request was
2 inappropriate or abusive, or not within the court's power.¹⁵

3 As of this writing, Scotlund has not paid child support since March and has
4 accrued another \$6,500 in child support arrearages. Contempt proceedings are
5 ongoing in the Family Court. Scotlund decided not to show up for the recent hearing
6 on the Order to Show Cause why he should not be held in contempt; a bench warrant
7 was about to be sought and issued to obtain compliance.

9 **III. OPPOSITION**

10 **A. Scotlund's Motion Fails Procedurally**

11 First, Scotlund's *Motion* fails pursuant to Rule 27(a)(2), in that it does not
12 state with any particularity the grounds for the motion and he includes no legal
13 argument necessary to support any contentions contained in his filing.

14 Second, pursuant to Rule 27(e)(2), Scotlund's so called *Emergency Motion*
15 must – below the caption of the case – contain a statement of the date or event by
16 which action is necessary. No such statement was provided.

17 Third, pursuant to Rule 27(e)(3), Scotlund was required but failed to attach
18 a certificate, entitled "NRAP 27(e) Certificate," which is to contain facts showing

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20 ¹⁵ In fact, this Court's new rules governing appearance by communication equipment
(Part IX), states at Rule 4(3)(b) & 4(4):

21 4(3)(b) *Court may require personal appearances.* Upon a showing of
22 good cause either by motion of a party or upon its own motion, the
23 court may require a party to appear in person at a hearing, conference,
24 or proceeding listed in subsection 1 if the court determines on a
25 hearing-by-hearing basis that a personal appearance would materially
assist in the determination of the proceedings or in the effective
management or resolution of the particular case.

26

27 4(4) *Need for personal appearance.* If, at any time during a hearing,
28 conference, or proceeding conducted by communication equipment,
the court determines that a personal appearance is necessary, the court
may continue the matter and require a personal appearance.

1 the existence and nature of the claimed emergency. In other words there is no
2 emergency and the purpose of this motion is merely to delay collection of *all* of the
3 judgments awarded, included ongoing support of a minor child.

4
5 **B. There Can Be No Serious Question of Child Support Jurisdiction**

6 All of this is gone over in the filings before this Court, but – irrespective of
7 the several other issues now pending – it is worth briefly recounting why the Nevada
8 District Court’s jurisdiction to order, and enforce, child support is irrefutable.

9 It was Scotlund’s multiple frauds upon the Nevada District Court which began
10 the litigation, and led him to kidnap the children in the first place. Having made an
11 appearance in the case he filed, he gave the Court jurisdiction under UIFSA to
12 impose a child support obligation.¹⁶

13 Of *course* the Family Court could construe the existing order for payment of
14 child support as an order for payment of a sum certain. Even if such was not
15 required by statute – as it is¹⁷ – this Court has several times confirmed that a trial
16 court has the inherent authority to construe its orders and judgments, and to ensure
17 they are obeyed.¹⁸ Any claim by Scotlund that this was an “establishment” or a
18 “modification” by the District Court is just another lie.

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¹⁶ NRS 130.201.

22 ¹⁷ NRS 125B.070(1)(b).

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24 ¹⁸ *Halverson v. Hardcastle*, 123 Nev. 245, 163 P.3d 428 (2007); *Grenz v. Grenz*, 78
25 Nev. 394, 274 P.2d 891 (1962) (a trial court has the inherent power to construe its
26 judgments and decrees); *Murphy v. Murphy*, 64 Nev. 440, 183 P.2d 632 (1947);
27 *Lindsay v. Lindsay*, 52 Nev. 26, 280 P. 95 (1929); *Reed v. Reed*, 88 Nev. 329, 497
28 P.2d 896 (1972) (court has inherent power to enforce its orders and judgments); *In re Chartz*, 29 Nev. 110, 85 P. 352 (1907) (“The power of courts to punish for contempt and to maintain decency and dignity in their proceedings is inherent, and is as old as courts are old”).

1 As noted above, there can be no doubt that Norway is a State for purposes of
2 UIFSA, and that it is the *only* place where Scotlund can seek to modify the existing
3 child support order, which can be registered and enforced anywhere. This alone
4 moots his entire argument that California would have any jurisdiction over child
5 support – until and unless Cisilie were to request a modification in that state.

6 Of course, Norway could modify the child support award if Scotlund were to
7 ever file a modification in that jurisdiction. However, he never has and actually fears
8 going to Norway as he may find himself finally (and long overdue) arrested and
9 prosecuted for the kidnaping of his children.

10
11 **C. There Has Been No Violation of this Court's February 19, 2010,
12 Order**

13 The order by this Court issued February 19th is unambiguous and succinct.
14 It granted a stay regarding that portion of the District Court's *Order* of February 3,
15 2010, requiring Scotlund to deposit certain funds. The order emphasized that no
16 other proceedings were stayed.

17 Scotlund's *Motion* says nothing as to what portion of that order was
18 supposedly violated, but merely rambles on about whatever seems to have come to
19 his mind, attempting to reargue every issue that he has raised before this Court and
20 others which have been decided against him, from jurisdiction to child support, and
21 the court's authority to rule on issues before it, not once citing any relevant authority
22 to support his allegations.

23 Scotlund has not been required to interplead any monies into the District
24 Court in violation of this Court's Order. On the contrary, Scotlund's continued
25 vexatious litigation in other inappropriate jurisdictions resulted in a decision of an
26 additional \$100,000 in fees.

27 Cisilie has attempted every means possible to collect on the judgments
28 awarded to her in this State. Scotlund files bogus documents in every jurisdiction

1 that will let him in the door to thwart those attempts. The lower court finally realized
2 that the only way that payment would ever be received by Cisilie was to order direct
3 payment from Scotlund of his child support and money towards all other judgments
4 not to exceed 25% of his gross pay.

5 When Scotlund failed to comply with the lower court's order, an Order to
6 Show Cause was issued. He did not appear at that hearing. The lower Court gave
7 Scotlund yet another bite at the apple and set the matter for a further hearing on July
8 13, 2010. He did not appear at that hearing either, but instead filed the Motion
9 addressed here with this Court.

10 Scotlund is the poster child of a deadbeat dad, way over the thresholds for
11 prosecution for criminal non-support, who should not be rewarded for his disrespect
12 for the legal processes of this and every other State in which he has filed documents.

13
14 **D. Scotlund's Arguments Are Convolutd, Indiscernible, and at Best**
15 **Without Merit**

16 Scotlund's argument as to the collection of attorney's fees was so convoluted
17 and illogical that it was impossible for us to discern what point he was attempting to
18 make. He cites to no case law or to any applicable statute which would aid in
19 understanding him.¹⁹

20 Scotlund makes unsupported statements concerning jurisdiction to determine
21 the merits of general torts and concerning the California determination of *Forum*
22 *Non Conveniens*. All of this without any tie to the relief he is requesting or the issue
23 before the Court in this matter.

24 Scotlund then tries to make this case about something personal between he
25 and counsel when the underlying issue is only about payment of the debts he owes
26 his ex-wife and children. None of his arguments in this vein are relevant to what is
27 currently before the Court.

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¹⁹ As is required under *Rodriguez v. State*, 117 Nev. 800, 32 P.3d 773 (2001).

1 Since Scotlund supports none of his arguments with any relevant case law or
2 statutes, this Court should ignore them and dismiss his motion as meritless.

3
4 **E. The Unintended Consequences of this Court's Stay Order**

5 For the past forty years, this Court has issued a series of opinions stressing the
6 critical importance of enforcement of child support obligations.²⁰

7 But here, this Court has issued a stay order that has had the effect of
8 preventing the Family Court from enforcing Scotlund's obligation to pay support for
9 his remaining minor child, and against the massive arrearages accrued during the
10 decade he stopped paying support after he kidnaped the children.

11 We can certainly understand why this Court might want to eliminate yet
12 further filings on top of the dozens that Scotlund has already inflicted on this Court,
13 while it sorts out everything already before it. But we doubt that this Court wanted
14 to stop the flow of child support to a minor for that, or any other, reason.

15 Scotlund will never voluntarily pay anything he owes. A decade of vexatious
16 litigation around the country has proven that beyond any debate. Unfortunately, and
17 we believe unknowingly, he has now enlisted this Court's assistance in evading all
18 responsibility for support of his children. For reasons explained in the substantive
19 filings now pending before this Court, we do not believe that any stay of any kind is
20 appropriate or warranted.

21 At the very least, however, this Court should immediately rescind its stay
22 order as it relates to all processes for enforcement of the child support obligation and
23 collection of arrearages. To do anything less would abet a scoundrel in evasion of
24 his most basic responsibilities, in contravention of decades of stated public policy.

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26 ²⁰ See, e.g., *Chesler v. Chesler*, 87 Nev. 335, 337, 486 P.2d 1198 (1971); *Prins v.*
27 *Prins*, 88 Nev. 261, 496 P.2d 165 (1972); *Barbagallo v. Barbagallo*, 105 Nev. 546,
28 779 P.2d 532 (1989); *Minnear v. Minnear*, 107 Nev. 495, 814 P.2d 85 (1991); *Scott*
v. Scott, 107 Nev. 837, 822 P.2d 654 (1991); *Rivero v. Rivero*, 125 Nev. ___, 216
P.3d 213 (Adv. Opn. No. 34, Aug. 27, 2009).

1
2 **IV. CONCLUSION**

3 There is no emergency as claimed by Scotlund and there is nothing which
4 needs to be stayed. The California Courts have ruled against him. The Bankruptcy
5 Court for Northern California quite appropriately called his actions and behavior
6 “reprehensible.” And this Court has already found that he had committed multiple
7 frauds upon the District Court, with some justices specifically requesting
8 investigation for prosecution.

9 If anyone has a right to claim there is an emergency, it is Cisilie, as the little
10 child support that the District Attorney had been collecting through garnishment has
11 completely stopped.

12 Scotlund has long passed the point of being a vexatious litigant. His
13 pleadings are riddled with outright lies and are transparently intended for the purpose
14 of evasion of his most basic obligations to his former spouse and children. He has
15 demonstrated complete disregard and disdain for every court in the State of Nevada
16 and elsewhere, not to mention basic tenets of honesty and decency.

17 The stay that has been granted by this Court has only served to delay holding
18 Scotlund accountable for the havoc he has wreaked on his ex-wife and children. He
19 is a very bad man who should be criminally prosecuted, not given procedural
20 advantages and further delays.

21 Scotlund’s so-called *Renewed Motion to Stay* should be denied with
22 prejudice; the existing stay should be lifted, at least as to all proceedings relating to
23 child support, if not entirely for the reasons previously submitted.

24 DATED this _____ day of July, 2010.

25 WILICK LAW GROUP

26 /s/ Marshal S. Willick, Esq.
27 MARSHAL S. WILICK, ESQ.
28 Nevada Bar No. 002515
3591 East Bonanza Road, Suite 200
Las Vegas, Nevada 89110-2101
Attorneys for Real Party in Interest

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ENDORSED
FILED
Superior Court of California
County of San Francisco

MAR 02 2010

CLERK OF THE COURT

BY _____ Deputy Clerk

1 J. Thomas Trombadore, Esq. (State Bar No. 136244)
James S. Monroe, Esq. (State Bar No. 102328)
2 **LAW OFFICES OF J. THOMAS TROMBADORE**
225 Bush Street, Suite 1600
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4 Attorneys Specially Appearing for Defendants
5 Cisilie A. Porsboll, Marshal S. Willick, Richard L. Crane
and Marshal S. Willick P.C. *d.b.a.* Willick Law Group
6

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8 SUPERIOR COURT OF CALIFORNIA
CITY AND COUNTY OF SAN FRANCISCO - UNLIMITED CIVIL CASE
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10 ROBERT S. VAILE,

11 Plaintiff,

12 vs.

13 DELOITTE & TOUCHE LLP, ET AL.,

14 Defendants.
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Case No. CGC-09-490578

[PROPOSED] ORDERS STAYING ENTIRE
ACTION AND ADJUDICATING FOUR
MOTIONS DECIDED JANUARY 7, 2010
ENTITLED:

1. DEFENDANTS CISILIE A. PORSBOLL'S &
RICHARD L. CRANE'S MOTION TO SET
ASIDE AND FOR RELIEF FROM ENTRY OF
DEFAULTS\DEFAULT JUDGMENTS AND
TO QUASH FOR LACK OF JURISDICTION
2. DEFENDANTS' MARSHAL S. WILICK &
MARSHAL S. WILICK, P.C., AMENDED
MOTION AND SECOND AMENDED MOTION
TO QUASH FOR LACK OF PERSONAL
JURISDICTION AND SUBJECT MATTER
JURISDICTION; ALTERNATIVELY FORUM
NON CONVENIENS;
3. PLAINTIFF'S MOTION TO STRIKE
DEFENDANTS CISILIE A. PORSBOLL'S AND
RICHARD L. CRANE'S MOTION TO SET
ASIDE AND FOR RELIEF FROM ENTRY OF
DEFAULTS\DEFAULT JUDGMENTS AND TO
QUASH FOR LACK OF JURISDICTION;
4. PLAINTIFF ROBERT VAILE AMENDED
NOTICE OF MOTION TO STRIKE
DEFENDANTS' NOTICE OF LACK OF
JURISDICTION; DEFENDANTS MARSHAL S.
WILICK AND WILICK LAW GROUP'S

AMENDED MOTION TO QUASH FOR LACK
OF PERSONAL JURISDICTION AND
SUBJECT MATTER JURISDICTION,
ALTERNATIVELY FORUM NON
CONVENIENS, AND ALL OR PORTIONS OF
DEFENDANTS MARSHAL S. WILICK AND
WILICK LAW GROUP'S SECOND
AMENDED MOTION TO QUASH FOR LACK
OF PERSONAL JURISDICTION AND
SUBJECT MATTER JURISDICTION,
ALTERNATIVELY FORUM NON
CONVENIENS AS SPECIFICALLY LAID OUT
IN THE MEMO IN SUPPORT OF MOTION TO
STRIKE.

DATE: JANUARY 7, 2010
TIME: 9:30 A.M.
DEPT: 302
Hon.Charlotte W. Woolard, presiding

TRIAL DATE: None Set.

TO ALL PARTIES AND THEIR ATTORNEYS OF RECORD:

PLEASE TAKE NOTICE that on January 7, 2010 at 9:30 a.m. before the above-entitled Court located at 400 McAllister Street in San Francisco, California Department 302 each of the four above-entitled motions -- filed variously by Defendant Cisilie S. Porsboll, Defendants Marshal S. Willick and Marshal S. Willick P.C., *d.b.a.* Willick Law Group, Defendant Richard L. Crane, and Plaintiff Robert Scotlund Vaile - came on for hearing, the Honorable Charlotte W. Woolard presiding. Neither the parties nor counsel for the Parties either proffering or opposing the Motions appeared because none had requested oral argument pursuant to local rules of this Court following the Court's publication of the same on January 6, 2010. Accordingly at the hearing on these matters and in accordance with applicable rules, the above-entitled Court adopted each of its four tentative rulings as follows:

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ORDERS

Having considered each of the Four Motions and the papers submitted by the moving and opposing parties' and their counsel in support of and in opposition to each of them and good cause appearing:

IT IS HEREBY ORDERED that as to Defendants' Cisilie A. Porsboll's and Richard L. Crane's Motion to Set Aside Default(s)/Default Judgment(s) or Alternatively for Leave to Defend (hereafter "Porsboll\Crane Motion"), the Court adopted its tentative ruling as follows: The Porsboll\Crane Motion to set aside default and default judgment is granted. The service of summons and complaint is quashed for lack of personal jurisdiction.

IT IS FURTHER ORDERED that as to Defendants 'Marshal S. Willick's and Marshal S. Willick, P.C.'s Amended Motion and Second Amended Motion to Quash For Lack of Personal Jurisdiction and Subject Matter Jurisdiction; or Alternatively for Forum *Non Conveniens* (hereafter "Willick Motion"), the Court hereby adopts and amends its tentative ruling as follows: (i) The Willick Motion is denied in part and granted in part. (ii) The Willick Motion to quash is denied. Defendants Marshal S. Willick and Marshal S. Willick P.C. are subject to specific jurisdiction in California in that they instituted a wage garnishment procedure affecting a California resident and his earnings within the state. (iii) However, this Action is stayed (as to the entirety of the action) pending resolution in Nevada on the grounds of forum *non conveniens*. The Nevada proceedings have been lengthy and ongoing, and the garnishment arose from a Nevada judgment. The witnesses, evidence, court files and parties are located in Nevada. The parties are subject to Nevada's jurisdiction.

IT IS FURTHER ORDERED that as to Plaintiff Robert S. Vaile's Motion to Strike Defendants' Cisilie A. Porsboll's and Richard L. Crane's Motion To Set Aside and For Relief From Entry Of Default(s)/Default Judgment(s) (hereafter "Vaile Motion to Strike #1"), the Court hereby adopts its tentative ruling as follows: The Vaile Motion to Strike #1 is denied.

1 **IT IS FURTHER ORDERED** that as to Plaintiff Robert Vaile's Amended Notice Of
2 Motion To Strike Defendants' Notice of Lack of Jurisdiction; Defendants Marshal S. Willick and
3 Willick Law Group's Amended Motion to Quash For Lack of Personal Jurisdiction and Subject
4 Matter Jurisdiction, Alternatively Forum *Non Conveniens*, and All or Portions of Defendants'
5 Marshal S. Willick and Willick Law Group's Second Amended Motion To Quash For Lack of
6 Personal Jurisdiction and Subject Matter Jurisdiction, alternatively Forum *Non Conveniens* as
7 specifically laid out in the Memo In Support Of Motion To Strike (collectively hereafter "Vaile
8 Motion to Strike #2"), the Court hereby adopts its tentative ruling as follows: the Vaile Motion to
9 Strike #2 is hereby denied.

10 **IT IS SO ORDERED.**

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13 MAR 02 2010

By: CHARLOTTE WALTER WOOLARD
Hon. Charlotte W. Woolard,
Judge, San Francisco Superior Court
City and County of San Francisco, California

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PROOF OF SERVICE

CASE NAME: Vaile v. Deloitte & Touche LLP Et al.
COURT: San Francisco County Superior Court
CASE NO.: CGC-09-490578

I, the undersigned, certify that I am employed in the City and County of San Francisco, California; that I am over the age of eighteen years and not a party to the within action; and that my business address is 225 Bush Street, Suite 1600, San Francisco, CA 94104. On this date, I served the following document(s):

NOTICE OF ENTRY FO ORDER STAYING ACTION AND MORE

on the parties stated below, directly or through their attorneys of record, by placing true copies thereof in sealed envelopes addressed as shown below by the following means of service:

X : By First-Class Mail — I am readily familiar with the firm's practice for collection and processing of correspondence for mailing. Under that practice, the correspondence is deposited with the United States Postal Service on the same day as collected, with first-class postage thereon fully prepaid, in San Francisco, California, for mailing to the office of the addressee following ordinary business practices.

____: By Personal Service — I caused each such envelope to be given to a courier messenger to personally deliver to the office of the addressee.

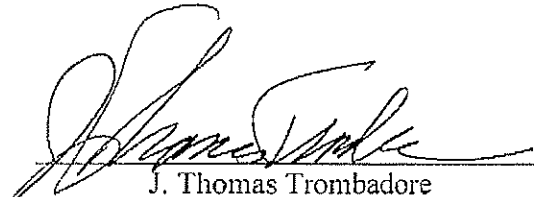
____: By Overnight Courier — I caused each such envelope to be given to an overnight mail service at San Francisco, California, to be hand delivered to the office of the addressee on the next business day.

____: By Facsimile — From facsimile number at __A.M./P.M., I caused each such document to be transmitted by facsimile machine, to the parties and numbers listed below, pursuant to Rule 2008. The facsimile machine I used complied with Rule 2003(3) and no error was reported by the machine. Pursuant to Rule 2008(e)(4), I caused the machine to print a transmission record of the transmission, a copy of which is attached to the original of this declaration.

SERVICE LIST

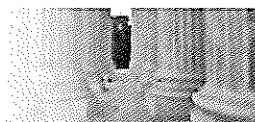
Robert Scotlund Vaile P.O. Box 727 Kenwood, California 95452 <i>Plaintiff, Propria Persona</i>	Debra L. Fischer & Eileen M. O'Brien, Esqs Bingham McCutchen LLP 355 South Grand Avenue, Suite 4400 Los Angeles, California 90071-3106 <i>For Defendant Deloitte Touche LLP</i>
--	--

I declare under penalty of perjury that the foregoing is true and correct. Executed on March 2, 2010 in San Francisco, California.


J. Thomas Trombadore

CALIFORNIA APPELLATE COURTS

Case Information

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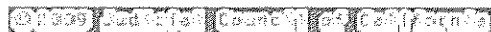
Docket (Register of Actions)

Robert Scotlund Vaile v. Deloitte & Touche, LLP et al.**Division 4****Case Number A127834**

Date	Description	Notes
03/11/2010	Notice of appeal lodged/received.	by Robert Scotlund Vaile (in propria persona); notice of appeal filed in the superior court on 3/5/2010; appeal of order/judgment under 904.1(a)(3) entered 3/2/2010
03/11/2010	Application for waiver of filing fee filed.	
03/11/2010	Notified parties of local rules and procedures.	
03/11/2010	Application for waiver of filing fee filed.	Filed by appellant Vaile
03/15/2010	Order filed.	Appellant Robert Vaile's application for waiver of filing fee, filed on March 11, 2010, is denied. Appellant shall post the \$655.00 filing fee with the clerk of this court before the close of business at 5:00 p.m. on Friday, April 2, 2010, or this appeal may be dismissed.
03/25/2010	Civil case information statement filed.	by appellant Robert Vaile, In Pro Per w/a copy of the order attached.
03/25/2010	Notice per rule 8.124 - with reporter's transcript.	appellant's designation filed in the superior court on 03/12/2010
03/25/2010	Notice per rule 8.124 - with reporter's transcript.	appellant's amended designation filed in the superior court on 03/23/2010
03/25/2010	Proceeding by 8.124 - no reporter's transcript.	respondent's designation; filed in the superior court on 03/18/2010
03/25/2010	70 day letter sent (rule 8.124).	
03/26/2010	Filing fee.	from Robert Scotlund Vaile; check number 1168 dated 03/24/2010
04/06/2010	Notice per rule 8.124 - with reporter's transcript.	appellant's second amended designation filed in the superior court on 04/02/2010

04/06/2010	Notice of record completion received.	
04/06/2010	Record on appeal filed.	r-2 (rule 8.124)
05/17/2010	Appellant's opening brief.	Plaintiff and Appellant: Vaile, Robert Scottlund Pro Per
05/17/2010	Appellant's appendix filed.	2 vols.;
06/01/2010	Motion filed.	1) to dismiss; 2) to declare appellant a pro se vexatious litigant; 3) for sanctions;
06/01/2010	Request for judicial notice filed.	& 1 vol. of exhibits in support of mot. to dismiss....;
06/17/2010	Opposition filed.	oppo to mot. to dismiss....;
06/17/2010	Respondent's brief.	Defendant and Respondent: Porsboll, Cisilie A. Defendant and Respondent: Crane, Richard L. Defendant and Respondent: Willick, Marshal S. Defendant and Respondent: The Willick Law Group entitled: respondents' joint brief on appeal by respondents specially appearing marshall s. willick, marshall s. willick p.c., d.b.a. the willick law group, cisilie a. prosboll & richard l. crane.
06/17/2010	Brief available in electronic format.	Defendant and Respondent: Deloitte & Touche, LLP Attorney: Debra Lynn Fischer Defendant and Respondent: Porsboll, Cisilie A. Attorney: James Thomas Trombadore
06/17/2010	Respondent's appendix filed.	2 volumes; accompanied rb from atty Trombadore;
06/17/2010	Request for judicial notice filed.	from willick respondents' (forum non conveniens); 1 vol. of exhibits;
06/23/2010	Dismissal order filed.	Good cause appearing, respondents' motion to dismiss the appeal is granted and said appeal is hereby dismissed. (Ruvolo, P.J., Reardon, J., and Sepulveda, J. participated in the decision.) The concurrent motions to declare appellant pro se as a vexatious litigant and for sanctions are each denied. The motion filed on June 1, 2010 for this court to take judicial notice is granted. The motion filed on June 17, 2010 for this court to take judicial notice is also granted.

[Click here to request automatic e-mail notifications about this case.](#)



1 Robert Scotlund Vaile
2 PO Box 727
3 Kenwood, CA 95452
4 Tel: (707) 833-2350

5 *Plaintiff in Proper Person*

ENDORSED
FILED
Superior Court of California
County of San Francisco

AUG 06 2009

GORDON PARK, L. Clerk
BY MICHAEL J. FAY, J.D.
Deputy Clerk

7 **SUPERIOR COURT OF CALIFORNIA**
8 **COUNTY OF SAN FRANCISCO**

9 ROBERT SCOTLUND VAILE,
10 Plaintiff,

CASE NO: CGC-89-490578

11
12 vs.

13 **AMENDED COMPLAINT**
14 **FOR ABUSE OF PROCESS**
15 **AND CONVERSION**

14 DELOITTE & TOUCHE, LLP,
15 CISILIE A. PORSBOLL,
16 MARSHAL S. WILICK,
17 RICHARD L. CRANE,
18 THE WILICK LAW GROUP,
19 Defendants.

Amount Demanded Exceeds \$10,000

20
21 Plaintiff, Robert Scotlund Vaile, an individual, complains and alleges as follows:

22 **PARTIES**

- 23 1. Defendant, Deloitte & Touche, LLP, hereinafter ("Deloitte"), is, and at all relevant times
24 was, a limited liability partnership offering professional services and conducting continuous
25 business from and having offices in the City of San Francisco, County of San Francisco,
26 State of California.

2. Deloitte recruited, interviewed, and employed Plaintiff, Robert Scotlund Vaile in California to work in the San Francisco, California offices of Deloitte.
3. Plaintiff has been employed with Deloitte since February 25, 2008.
4. Plaintiff has, at all relevant times, been a resident of Sonoma County, California.
5. Plaintiff has since his hire with Deloitte, worked for several Deloitte clients, all located within driving distance of Deloitte's San Francisco offices, within California.
6. Plaintiff Vaile has never worked in or been paid from any Deloitte office in Nevada, or any Deloitte client in Nevada.
7. Defendant Cisilie A. Porsboll (hereinafter "Porsboll") is a resident and citizen of Norway, and was the defendant in an action for divorce from Plaintiff in Nevada in 1998. She was previously known as Cisilie A. Vaile.
8. Marshal S. Willick and Richard L. Crane are attorneys, agents and employees of the Willick Law Group, based in Las Vegas, Nevada, and at all relevant times, were acting in the course of such agency and employment.
9. The Willick Law Group is, on information and belief, a limited liability company organized under the laws of the state of Nevada.
10. The country of Norway, on Porsboll's behalf, hired the Willick Law Group to represent Porsboll in 2000. Attorneys Willick and Crane, of the Willick Law Group, have represented Porsboll in litigation against Plaintiff in Nevada between 2000 and the present.
11. The Nevada divorce action between Vaile and Porsboll concluded in April 2002 with a holding by the Nevada Supreme Court that the Nevada courts had neither personal jurisdiction of the parties nor subject matter jurisdiction of the case at hand.
12. Subsequently, attorneys Willick and Crane, and the Willick Law Group, were defendants in a defamation action which Plaintiff brought in Virginia in 2007 based on letters written by defendants to Plaintiff's law school, Washington & Lee University, and to the American Bar

1 Association in an attempt to have Mr. Vaile dismissed from school, or to have the law school
2 otherwise sanctioned for allowing Mr. Vaile to attend.

3 13. In that action, Defendants Willick and Crane claimed to have not been working on behalf of
4 their client Ms. Porsboll.

5 14. Following initiation of the defamation action in Virginia, attorneys Willick and Crane
6 attempted successfully to reopen litigation in Nevada (on behalf of Ms. Porsboll) to make
7 retroactive modification of the separation agreement between Porsboll and Vaile in order to
8 retroactively create an arrearage of child support for the benefit of Ms. Porsboll, and for
9 attorney's fees for the Willick Law Group and its attorneys. The Nevada litigation is
10 currently on appeal to the Nevada Supreme Court.

11 15. Plaintiff's motion for summary judgment in the Virginia case resulted in a Memorandum
12 Order and Opinion dated January 24, 2008 by Federal District Court Judge Norman K. Moon
13 finding that the statements by defendants were both capable of being defamatory under
14 Virginia law, and could be construed as *defamatory per se*.

15 16. Following the motion for summary judgment in Virginia, Defendants Willick, Crane and the
16 Willick Law Group offered Plaintiff money in settlement of the action with Plaintiff
17 accepted.

18 17. Immediately after payment of the settlement funds, defendant attorneys attempted to
19 intercept the funds paid in settlement of the Virginia action by filing a false affidavit by
20 Defendant Willick concerning the status of the Nevada litigation.

21 18. Mr. Vaile's Virginia lawyer and Mr. Vaile are plaintiffs in a subsequent action in Virginia
22 state court against attorney Willick for abuse of process. That action is currently pending in
23 Virginia state court.

**FIRST CAUSE OF ACTION
FOR ABUSE OF PROCESS AGAINST ALL DEFENDANTS**

19. Plaintiff incorporates by this reference all of the allegations contained in Paragraphs 1-18 of this complaint into this cause of action.

20. On or about June 11, 2009, Defendant Willick signed a Nevada writ of execution against "any and all" of Plaintiff Vaile's "wages, tips, earnings or commissions . . . from Deloitte & Touche, LLP, 502 E. John Street, Carson City, Nevada, 89706." See Exhibit A.

21. Defendant Cisilie A. Porsboll, formerly known as Cisilie A Vaile, is listed as the judgment creditor on the Nevada writ of execution. See Exhibit A.

22. On or about June 16, 2009, Defendant Crane signed a Nevada writ of garnishment, at the direction of Defendant Willick, commanding "Deloitte & Touche, LLP @ 502 E. John Street, Carson City, Nevada 89707" to retain Plaintiff's "wages, tips, earnings or commissions." See Exhibit A.

23. Attorneys Willick and Crane caused the Las Vegas Township Constable to send the writ of execution and writ of garnishment to Deloitte and Touche, LLP in Carson City, Nevada. See Exhibit A.

24. The Constable's transmittal letter, and the writ of execution and writ of garnishment are attached as Exhibit A and incorporated herein by this reference.

25. Through litigation depositions and hearings prior to 2009 during which Defendants Porsboll, Willick and Crane were present, Mr. Vaile provided details of his employment in the San Francisco, California office of Deloitte & Touche, LLP.

26. At all relevant times, all defendants knew that Plaintiff did not work for Deloitte & Touche, LLP in Carson City, Nevada, but that he is employed with Deloitte & Touche, LLP in San Francisco, California.

27. On or about June 20, 2009, Deloitte employee Judy Roeloftz contacted Plaintiff via email and informed him that Deloitte had received a "garnishment" in the Carson City, Nevada

1 office in the amount of \$172,850.40, and attached to the email a copy of a Nevada writ of
2 execution for a 2003 Nevada judgment against Mr. Vaile for attorneys fees.

3 28. No defendant has provided Mr. Vaile with any service of process of or regarding the Nevada
4 writ of execution or writ of garnishment executed by the defendant attorneys, nor any other
5 process or official notice regarding garnishment of Plaintiff's wages.

6 29. Plaintiff, Mr. Vaile, informed Defendant Deloitte that he had not received any Nevada
7 service of process from Nevada.

8 30. Defendant Porsboll has been law-trained in Norway.

9 31. Defendant Willick obtained a license to practice law in California, which license is now
10 inactive.

11 32. Defendant Crane attended law school in California.

12 33. Defendant Deloitte has access to legal representation in California.

13 34. On or about July 1, 2009 and July 13, 2009, Plaintiff explained to Deloitte's Ms. Roeloftz and
14 Defendant's Assistant General Counsel, Ben Siegel, a summary of earning garnishment
15 procedures under California law that had not been followed and requested that Deloitte not
16 garnish his salary.

17 35. All defendants have knowledge of or access to California law and procedure on the
18 registration of sister-state judgments, but have intentionally ignored the requirements of the
19 law.

20 36. No defendant has registered or otherwise domesticated in California, any Nevada judgment
21 or any writ against Plaintiff.

22 37. No Earnings Withholding Order ("EWO") against Plaintiff has been issued by any California
23 court.

24 38. No writ of execution has been issued by any California court.

25 39. Service of neither an EWO nor a writ of execution was made at the office where Mr. Vaile is
26 employed or where he is paid.

1 40. Defendant Deloitte was not served with a notice of the EWO sent to the employee, Mr. Vaile.

2 41. Defendant Deloitte did not provide Plaintiff employee, Mr. Vaile, with a copy of the EWO
3 within 10 days of service to Defendant Deloitte.

4 42. Defendants Porsboll, Crane, Willick, and the Willick Law Group have attempted to employ
5 Nevada legal process improperly to subvert and avoid proper legal process in California over
6 a California resident.

7 43. Defendant Deloitte has joined, aided, abetted and/or conspired with its co-defendants'
8 actions. After being apprised of the wrongful objective of the other defendants and the
9 resulting injury to Plaintiff, Deloitte agreed, nonetheless, to assist the other defendants by
10 refusing to ensure that Plaintiff received proper legal notice, refused to protect Mr. Vaile
11 from improper legal process or ensure that proper legal process is followed in California, and
12 agreed to redirect Mr. Vaile's earning to the other defendants.

13 44. Defendants Porsboll, Crane, Willick and the Willick Law Group have willfully and
14 maliciously abused California's sister state judgment registration processes for ulterior
15 motives and improper purposes including, on information and belief, the following:

- 16 A. To Harass and Cause mental anguish to Plaintiff in retribution for his bringing to
17 light the fraudulent misrepresentations of attorneys Crane and Willick in Virginia
18 and elsewhere;
- 19 B. To Convert the personal property of Mr. Vaile to the benefit of defendants
20 Porsboll, Crane, Willick, and the Willick Law Group;
- 21 C. To Force Plaintiff to litigate in a forum that is inconvenient for him in Nevada;
- 22 D. To Attempt to Bait Mr. Vaile into opposing the garnishment in Nevada, and
23 thereby to submit to Nevada's jurisdiction in order to overcome the Nevada
24 Supreme Court's holding that the Nevada courts did not have jurisdiction of Mr.
25 Vaile;

- 1 E. To Avoid the jurisdiction and venue of California, and avoid answering to the
2 defenses to registration that Mr. Vaile would bring in a proper court in California
3 such as lack of jurisdiction of the Nevada court and the fraudulent
4 misrepresentations of the Nevada defendants;
- 5 F. To Attempt collection from Mr. Vaile before the Nevada Supreme Court rules
6 against Porsboll and her attorneys;
- 7 G. To Jeopardize Mr. Vaile's employment with defendant Deloitte by instituting
8 unjustified garnishment of his pay;
- 9 H. To Bully Mr. Vaile into settling the ongoing litigation in Virginia; and
- 10 I. To Detrimentially Affect Mr. Vaile's financial ability to provide for his family and
11 to hinder his ability to further litigate the cases in Virginia and Nevada based on
12 defendants' knowledge of Mr. Vaile's limited finances.
- 13 45. Plaintiff communicated with Deloitte, his willingness to pursue any other course of action
14 available to him, other than garnishment or legal recourse, to no avail.
- 15 46. On or about July 14, 2009, Deloitte's Assistant General Counsel, Ben Siegel informed
16 Plaintiff that Deloitte would begin garnishment of Plaintiff's biweekly paycheck.
- 17 47. Defendants' actions in abusing legal processes has directly caused Mr. Vaile harm, including
18 but not limited to mental anguish, monetary injury, and the costs of bringing and litigating
19 this suit.
- 20 48. A Temporary Restraining Order ("TRO") to restrain Defendant Deloitte from garnishing Mr.
21 Vaile's earning was issued on July 22, 2009.
- 22 49. By July 23, 2009, Deloitte's payroll department had instituted garnishment of Mr. Vaile's
23 paycheck and cut a check for delivery to defendants in Nevada. Upon notice of the TRO,
24 Deloitte voided the check and reimbursed Mr. Vaile for the most recent garnishment.
- 25 50. Without the injunction of the Court, Deloitte would have garnished Mr. Vaile's salary and
26 sent the funds to the other defendants in this action.
- 27
28

**SECOND CAUSE OF ACTION
FOR CONVERSION AGAINST ALL DEFENDANTS**

51. Plaintiff incorporates by this reference all of the allegations contained in Paragraphs 1-50 of this complaint into this cause of action.
52. Defendant Deloitte pays the Plaintiff a salary every two weeks for services performed by Plaintiff during that pay period.
53. The salary due and owing to Plaintiff from Deloitte each pay period is Plaintiff's personal property, owned by him as of the pay period end date.
54. Defendant Deloitte does not have any ownership rights in the earnings of Mr. Vaile, and is not legally obligated to redirect his California earnings to the other defendants using processes that are improper or in conflict with California law.
55. Defendant Deloitte intended to and did take possession of Plaintiff's earnings in order to redirect the funds to Defendants Porsboll, Crane, Willick and the Willick Law Group.
56. Defendants Porsboll, Crane, Willick and the Willick Law Group have no right to possession of the earnings of Mr. Vaile for the amounts sought in the Nevada writs.
57. The 2003 Nevada judgment referenced in the Nevada writ of execution was entered by a court specifically directed by the Nevada Supreme Court that it was without personal jurisdiction of the parties, and subject matter jurisdiction of the matter.
58. The Nevada Supreme Court is again considering the jurisdictional aspects of the Nevada case currently on appeal.
59. The 2003 Nevada judgment referenced in the Nevada writ of execution was also the subject of a bankruptcy filing in June 2008, by Heather Vandygriff Vaile, Plaintiff's current wife, for which discharge was granted in December 2008.
60. Defendants Porsboll, Willick and the Willick Law Group were named and received notice in that bankruptcy filing. None of these defendants responded or lodged any objection to the bankruptcy filing. Each of these defendants are listed on the Nevada writ of execution.

- 1 61. The intention of Defendants Porsboll, Crane, Willick and the Willick Law Group in sending
2 Nevada writs to Deloitte offices in Nevada, with full knowledge that Plaintiff is not
3 employed there, was to take possession of the personal property (earnings) of Plaintiff.
- 4 62. The Willick Law Group intercepts at least forty percent (40%) of all collections from Mr.
5 Vaile, including amounts directed to Ms. Porsboll for the support of Mr. Vaile's and Ms.
6 Porsboll's two children. Any amount remaining after deduction by the Willick Law Group is
7 directed to Defendant Porsboll.
- 8 63. Plaintiff Vaile did not consent to the transfer of his earnings to defendants.
- 9 64. Defendants actions in converting his personal property directly caused Mr. Vaile harm,
10 including but not limited to mental anguish, monetary injury, and the costs of bringing and
11 litigating this suit.

12 **NEED FOR INJUNCTIVE RELIEF**

- 13 65. Defendant's wrongful conduct in refusing to abide by California law, unless and until
14 enjoined and restrained by order of this court, will cause great and irreparable injury to
15 Plaintiff in that Mr. Vaile cannot meet his non-discretionary obligations if garnishment of his
16 salary is made, and will put his home, vehicle and livelihood at risk of loss. Garnishment
17 will be particularly injurious given that Mr. Vaile is the sole income provider for his family,
18 which has recently grown to three small children.
- 19 66. If Defendants are not enjoined from garnishing Plaintiff's salary and redirecting it to those
20 who are not legally entitled to the funds, waste will result, and Plaintiff will be forced to
21 institute a multiplicity of suits in out-of-state locations whose courts have disclaimed
22 jurisdiction in order to undo Defendants' unlawful actions.
- 23 67. No adequate remedy at law will compensate Mr. Vaile for these injuries, as the precise
24 amount of damages which Plaintiff will suffer if Defendants' disregard for the law is not
25 restrained.
- 26
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1 68. Defendant Deloitte will suffer no harm whatsoever by not garnishing Mr. Vaile's salary as
2 only California law governs his employment relationship with Defendant.

3 69. Defendants Porsboll, Crane, Willick and the Willick Law Group will suffer no harm by not
4 intercepting Mr. Vaile salary as these parties are not entitled to these funds.

5 WHEREFORE, Plaintiff prays judgment against defendants and each of them, as follows:

6 1. For an order requiring Defendant Deloitte to show cause, if any they have, why they should
7 not be enjoined as hereinafter set forth, during the pendency of this action;

8 2. For a temporary restraining order, a preliminary injunction, and a permanent injunction, all
9 enjoining Defendant Deloitte and its agents, and employees, and all persons acting under, in
10 concert with, or for it:

11 A. From garnishing Plaintiff's salary in any amount based on any out-of-state order which
12 has not been domesticated in California, nor sanctioned by a California court;

13 B. From taking any action in retaliation against Plaintiff, Mr. Vaile, for bringing this action;

14 3. For a preliminary injunction and a permanent injunction enjoining Defendants Porsboll,
15 Crane, Willick and the Willick Law Group and its agents, and employees, and all persons
16 acting under, in concert with them from deploying any legal process to attempt to garnish
17 Plaintiff's salary in any amount based on any out-of-state order which has not been registered
18 in California, nor sanctioned by a California court.

19 4. For damages as may be sustained and as are ascertained before final judgment herein not less
20 than \$10,000 against Defendant Deloitte, and not less than \$50,000 against Defendants
21 Crane, Willick, Porsboll and the Willick Law Group each;

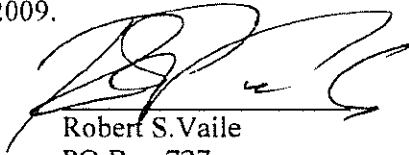
22 5. For punitive damages;

23 6. For attorney fees herein incurred;

24 7. For costs of suit herein incurred; and

25 8. For such other and further relief (including declaratory relief) as the court deems proper.
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27
28

1 Respectfully submitted this 6th day of August, 2009.

2 

3 Robert S. Vaile
4 PO Box 727
5 Kenwood, CA 95452
6 (707) 833-2350
7 *Plaintiff in Proper Person*

8 **VERIFICATION**

9 I, Robert Scotlund Vaile, am the Plaintiff in this action. I have authored the foregoing
10 complaint and know its contents. The matters stated in the complaint are true based on my own
11 knowledge, except as to those matters stated on information and belief, and as to those matters I
12 believe them to be true.

13 I declare under penalty of perjury under the laws of the State of California that the foregoing
14 is true and correct.

15 Executed on Aug 6, 2009, at San Francisco, CA.

16 

17 Robert S. Vaile
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Exhibit A

**CONSTABLE'S OFFICE
LAS VEGAS TOWNSHIP
Robert (Bobby G.) Gronauer, Constable**

June 16, 2009

PN 270232

ATr

Rec 6/23/09

DELOITTE & TOUCHE LLP
502 E JOHN ST
CARSON CITY, NV 89706

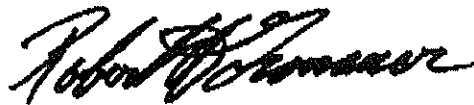
RE: Court Case Number D230385

NAME: CISILIE A VAILE

In accordance with the Court's order, we are sending you a copy of the *Writ of Execution*, and the *Writ of Garnishment* for the above case. Additionally, we are enclosing a \$5.00 Notary Fee in order for the Writ of Garnishment to be notarized.

Please respond and return the notarized Writ of Garnishment to this office within twenty (20) working days. If you have any questions, please do not hesitate to call.

Sincerely,



ROBERT (BOBBY G.) GRONAUER
Las Vegas Township Constable

3 enclosures

Faxed to Ben Siegel 7/1/09

212-653-3688

309 S. Third Street • P.O. Box 552110
Las Vegas, NV 89155-2110
(702) 455-4099 • Fax: (702) 385-2436

District Court

CLARK COUNTY, NEVADA

Make Check Payable to:

Constable
309 S. Third St.
Las Vegas, NV 89101
702-455-4099
Put Case # & Name on Check

R. SCOTLUND VAILE,
Plaintiff,

vs.

CISILIE A. VAILE,
Defendant.

PN 270232

ATR

Rec 6/23/09

Case No: D230385
Dept No: I
Docket No: FAMILY

WRIT OF EXECUTION

- ☒ Earnings
☐ Earnings, Order of Support
☐ Other Property

THE STATE OF NEVADA TO THE CONSTABLE OF LAS VEGAS, GREETINGS:

On July 24, 2003, a judgment upon which there is due in United States Currency the amounts, was entered in this action in Cisilie A. Vaile as judgment creditor and against R. Scotlund Vaile as judgment debtor. Interest and costs have accrued in the amounts shown. Any satisfaction has been credited first against total accrued interest and costs leaving the following net balance which sum bears interest at 5.25% per annum, \$16.79 per day from issuance of this writ to date of levy and to which sum must be added all commissions and costs of executing this Writ.

JUDGMENT BALANCE

Principal	\$116,732.09
Pre-Judgment Interest	
Attorney's Fee	
Costs	
JUDGMENT TOTAL	\$116,732.09
Accrued Costs	\$0.00
Accrued Interest	\$5,183.11
Less Satisfaction	
NET BALANCE	\$171,915.20

AMOUNT TO BE COLLECTED BY LEVY

NET BALANCE	\$171,915.20
Fee this Writ	
Garnishment Fee	5.00
Mileage	0
Levy Fee	18.00
Advertising	
Storage	
Interest From	
Date of Issuance	
Subtotal	171,938.20
Commission	912.20
TOTAL LEVY	172,850.40

NOW, THEREFORE, you are recommended to satisfy the judgment for the total amount due of the following described personal property and if sufficient personal property cannot be found, then out of the following described real property:

Any and all wages, tips, earnings or commissions earned by R. Scotlund Vaile, from Deloitte & Touche, LLP, 502 E. John Street, Carson City, Nevada 89706

(See reverse side for exemptions which may apply)

EXEMPTIONS WHICH APPLY TO THIS LEVY
(Check appropriate paragraph and complete as necessary)

- ☐ **Property Other Than Wages.** The exemption set forth in NRS 21.090 or in other applicable Federal Statutes may apply. Consult an attorney.
- ☒ **Earnings**
The amount subject to garnishment and this writ shall not exceed for any one pay period the lesser of:
A. 25% of the disposable earnings due the judgment debtor for the pay period, or
B. The difference between the disposable earnings for the period and \$100.50 per week for each week of the pay period.
- ☐ **Earnings (Judgment or Order for Support)**
A Judgment was entered for amounts due under a decree or order entered on _____, by the _____ for the support of _____ for the period from _____ through _____, in _____ installments of _____.

The amount of disposable earnings subject to garnishment and this writ shall not exceed for any one pay period:
(check appropriate box)

- ☐ a maximum of 50 percent of the disposable earnings of such judgment debtor who is supporting a spouse or dependant child other than the dependant named above;
- ☐ a maximum of 60 percent of the disposable earnings of such judgment debtor who is supporting a spouse or dependant child other than the dependant named above;
- ☐ plus an additional 5 percent of the disposable earnings of such judgment debtor if and to extent that the judgment is for support due for a period of time more than 12 weeks prior to the beginning of the work period of the judgment debtor during which the levy is made upon the disposable earnings.

NOTE: Disposable earnings are defined as gross earnings less deductions for Federal Income Tax Withholdings, Federal Social Security Tax and Withholding for any State, County or City Taxes.

You are required to return this Writ from date of issuance not less than 10 days or more than 60 days with the results of your levy endorsed thereon.

Issued at direction of: Marshal S. Willick, Esq.

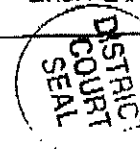
Marshal S. Willick

Attorney for: De Fadda
Willick Law Group
Nevada Bar No. 002515
3591 E. Bonanza Road, Suite 200
Las Vegas, NV 89110-2101
(702) 438-4100

EDWARD FRIEDLAND, CLERK OF COURT
LINDA MARTINEZ - WEBB

By: DEPUTY CLERK

Date



7/1/2009

I hereby certify that I have this date returned the foregoing Writ of Execution with the results of the levy endorsed thereon.

RETURN

_____ not satisfied
_____ satisfied in sum of _____
_____ commission retained
_____ costs incurred
_____ commission incurred
_____ costs received

By: _____

DEPUTY

Date

**REMITTED TO
JUDGMENT CREDITOR**

702-438-5311

District Court

CLARK COUNTY, NEVADA

This WRIT must be answered,
signed, and returned
to: Constable Las Vegas Township
309 S. Third St.
Las Vegas, NV 89101

R. SCOTLUND VAILE,
Plaintiff,

vs.

CISILIE A. VAILE,
Defendant.

*faxed & mailed
7/17/09*

Case No: D-230385
Dept No: I
Docket No: FAMILY

WRIT OF GARNISHMENT

THE STATE OF NEVADA TO:

Deloitte & Touche, LLP @ 502 E. John Street, Carson City, Nevada 89706

Garnishee

You are hereby notified that you are attached as garnishee in the above-entitled action and you are commanded not to pay any debt from yourself to

R. Scotlund Vaile

and that you must retain possession and control of all personal property, money, credits, debts, effects and choses in action of said defendant(s) in order that the same may be dealt with according to law; where such property consists of wages, salaries, commissions or bonuses the amount you shall retain shall be in accordance with 15 U.S. Code 1673 and Nevada Revised Statutes 31.295; Plaintiff believes that you have property, money credits, debts, effects and choses in action in your hands and under your custody and control belonging to said defendant(s) described as:

Wages, tips, earnings or commissions

YOU ARE REQUIRED within 20 days from the date of service of this Writ of Garnishment to answer the interrogatories set forth herein and to return your answers to the office to the Sheriff or Constable which has issued this Writ of Garnishment. In case of your failure to answer the interrogatories within 20 days, a judgment by default in the amount due the Plaintiff may be entered against you.

YOU ARE FURTHER REQUIRED to serve a copy of your answers to the Writ of Garnishment on attorney whose address appears below.

Defendant's

Issued at direction of: Marshal S. Willick, Esq.

Nevada Bar #002515

Attorney for Defendant

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

CONSTABLE, Las Vegas

By: ARMA

DEPUTY

Date

309 S. 3rd Street
3rd Floor
Las Vegas, Nevada 89155

STATE OF NEVADA
COUNTY OF CLARK

The undersigned being duly sworn states that I received the within Writ of Garnishment on _____
and personally served the same on _____ by showing the original Writ of
garnishment, informing of the contents and delivering and leaving a copy, along with the statutory fee of \$5, with
_____ at _____
County of Clark, State of Nevada.

Deputy Constable

INTERROGATORIES TO BE ANSWERED BY THE GARNISHEE UNDER OATH:

1. Are you in manner indebted to the defendant(s) _____

or either of the either in property or money, and is the debt now due? If not due, when is the debt to become due? State fully
all particulars:

Answer: Yes, he is employed by Deloitte

2. Did you have in your possession in your charge or under your control, on the date the Writ of Garnishment was served
upon you any money, property, effects, goods, chattels, rights, credit or choses in action of the defendant(s) or either of them,
or in which defendant(s) is (are) interested? If so, state its value and state fully all particulars.

Answer: We pay him 4807.69 biweekly gross salary

3. Do you know of any debts owing to the defendant(s), whether due or not due or any money, property, effects, goods,
chattels, rights, credits or choses in action, belonging to the defendant(s) or either of them, or in which defendant(s) is (are)
interested, and now in the possession or under the control of others? If so, state particulars.

Answer: We do deduct 660.00 biweekly for his child support

4. State your correct name and address, or the name and address of your attorney upon whom written notice of further
proceedings in this action may be served.

Answer: Judy Roelofs - Deloitte 4022 Sells Dr.
Hermitage TN 37076

Judy Roelofs
Garnishee

STATE OF NEVADA
COUNTY OF CLARK

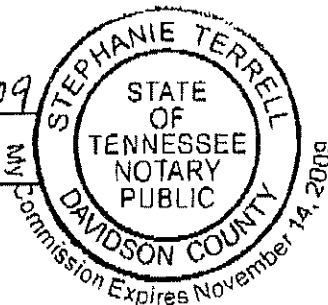
I, Judy Roelofs, do solemnly swear (to affirm) that the answers
to the foregoing interrogatories subscribed by me are true.

Judy Roelofs
Garnishee

SUBSCRIBED AND SWORN to before me this

7 day of July, 2009

Stephanie Terrell
NOTARY PUBLIC



1 Robert Scotlund Vaile
2 PO Box 727
3 Kenwood, CA 95452
4 (707) 833-2350

5 *Plaintiff in Proper Person*

ENDORSED
FILED
San Francisco County Superior Court

MAR 05 2010

CLERK OF THE COURT
BY: MELISSA DONG
Deputy Clerk

7 **SUPERIOR COURT OF CALIFORNIA**
8 **COUNTY OF SAN FRANCISCO**

10 ROBERT SCOTLUND VAILE,
11 Plaintiff,

12 vs.

14 DELOITTE & TOUCHE, LLP,
15 CISILIE A. PORSBOLL,
16 MARSHAL S. WILICK,
17 RICHARD L. CRANE,
18 THE WILICK LAW GROUP,
19 Defendants.

CASE NO: CGC-09-490578

NOTICE OF APPEAL

*Honorable Charlotte Walter Woolard
Department 302*

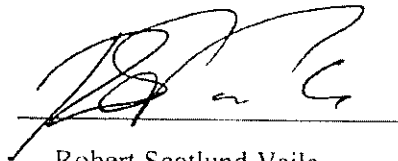
20 To the clerk of the Superior Court of the State of California for the County of San
21 Francisco:

22 PLEASE TAKE NOTICE that Robert Scotlund Vaile, Plaintiff, hereby appeals the order
23 of judgment (under Code of Civil Procedure § 904.1(a)(3)) entered on March 2, 2010, titled
24 *Orders Staying Entire Action and Adjudicating Four Motions Decided January 7, 2010*, except
25 that portion of the orders denying the Willick Motion to quash.

26 Service of this notice on all parties is being made concurrently with this filing.

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Submitted this 5th day of March, 2010.



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

PROOF OF SERVICE BY MAIL

Case Name: Vaile v. Deloitte & Touche LLP, et. al.
Court: San Francisco County Superior Court
Case No.: CGC-09-490578

I, the undersigned, certify that I am over the age of 18 years and not a party to this action. My residence address is 1435 Adobe Canyon Road, Kenwood, California 95452. On this date, I served the following document(s):

Notice of Appeal

on the parties stated below, through their attorneys of record, by placing true copies thereof in sealed envelopes address as shown below by the following means of service:

By First-Class Mail---I enclosed a copy in an envelope and deposited the sealed envelope with the United States Postal Service, with the postage fully prepaid.

For Defendant:

Deloitte & Touche LLP:

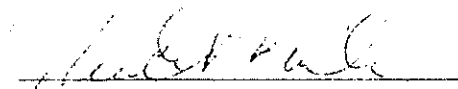
Eileen O'Brien
Bingham McCutchen LLP
355 South Grand Avenue, Suite 400
Los Angeles, CA 90071-3106
Telephone: (213) 680-6400

For Defendants:

The Willick Law Group, Marshal S. Willick, Cisilie A. Porsboll, and Richard L. Crane:

J. Thomas Trombadore, Esq.
Law Offices of J. Thomas Trombadore
225 Bush Street, Suite 1600
San Francisco California 94104
Telephone: (415) 439-8373

I certify and declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct. Executed on March 06, 2010.


Heather V. Vaile