

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

3
4 **ROBERT SCOTLUND VAILE,**

5 *Petitioner,*

6
7 vs.

8
9 **THE EIGHTH JUDICIAL DISTRICT**
10 **COURT OF THE STATE OF**
11 **NEVADA, IN AND FOR THE**
12 **COUNTY OF CLARK, AND THE**
13 **HONORABLE CHERYL B. MOSS,**
14 **DISTRICT JUDGE, FAMILY COURT**
15 **DIVISION,**

16 *Respondent.*

Supreme Court Case No: 55446
District Court Case No: 98 D230385

FILED

DEC 27 2011

TRACIE K. LINDEMAN
CLERK OF SUPREME COURT
BY *Angela*
DEPUTY CLERK

RENEWED EMERGENCY
MOTION FOR STAY OF LOWER
COURT PROCEEDINGS DURING
CONSIDERATION OF PETITION
FOR WRIT OF MANDAMUS OR
PROHIBITION AND DURING
CONSIDERATION OF APPEALS
IN THIS CASE

PROPER PERSON
RECEIVED/ENTERED

JUL 12 2010

TRACIE K. LINDEMAN
CLERK OF SUPREME COURT

17
18 **I. INTRODUCTION**

19
20 Despite this Court's recent order prohibiting the lower court from requiring
21 Petitioner to pay sums of money under threat of imprisonment, the Respondent
22 lower court, on the insistence of Real Party in Interest's counsel, has ordered
23 Petitioner to show cause why he should not be held in contempt of court and
24 imprisoned for his inability to pay the sums ordered by the lower court.
25
26 Petitioner requests, once again, that this Court intercede to enforce its order and
27
28 prohibit the abuse of the lower court.

FILED
JUL 12 2010
TRACIE K. LINDEMAN
CLERK OF SUPREME COURT
DEPUTY CLERK

10-17825

II. FACTUAL HISTORY

- 1
2 1. In response to Petitioner's request for Writ of Mandamus or Prohibition
3 concerning the lower court's ruling requiring Petitioner to pay funds on
4 threat of contempt, this Court entered an order on February 19, 2010
5 stating "we temporarily stay that portion of the district court's ruling that
6 requires petitioner to deposit funds with the district court, pending further
7 order from this court." See Exhibit A.
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- 9
10 2. Despite this Court's ruling, on February 25, 2010, the family court entered
11 a written order requiring Mr. Vaile to deposit funds with the district court
12 on threat of contempt. See Exhibit B.
13
- 14 3. On March 25, 2010, the family court entered another written order against
15 Mr. Vaile for attorneys fees in the amount of \$100,000 to be collected via
16 involuntary wage assignment. See Exhibit C.
17
- 18 4. On April 5, 2010 the lower court entered a second order requiring 25% of
19 Mr. Vaile's gross income to be involuntarily deducted from his salary and
20 sent directly to Real Party in Interest, Ms. Porsboll's counsel, the Willick
21 Law Group. See Exhibit D.
22
- 23 5. Having been enjoined by the California courts from garnishing Mr. Vaile's
24 salary, Deloitte & Touche, LLP, Mr. Vaile's employer, refused to garnish his
25 salary in accordance with the Nevada orders.
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1 6. In response, Porsboll's counsel demanded, and the lower court entered,
2 Show Cause orders as to why Mr. Vaile should not be held in contempt of
3 court, incarcerated, and sanctioned for failure to pay in accordance with
4 the lower court orders. See Exhibits E and F.

6 7. This Court's February 19, 2010 order and stay is still in place and has not
7 been modified by subsequent orders from this Court.

9 8. On April 25, 2010, Mr. Vaile filed a notice of appeal of the March 25, 2010
10 and April 5, 2010 orders.

11
12 **III. ARGUMENT**

13 **A. THE LOWER COURT'S BASIS FOR COLLECTION OF ATTORNEY'S FEES IS**
14 **IMPROPER**

15 As outlined in Petitioner's previous filings regarding the instant writ
16 petition, the family court below has determined in this case that not only does it
17 have jurisdiction to determine the merits of general torts, it could also decide the
18 merits of torts pending in the California courts. In the March 8, 2010 hearing
19 below, the family court asserted that it could decide the merits of Mr. Vaile's
20 California causes of action in tort which are based on Porsboll counsel's refusal
21 to domesticate¹ the Nevada judgments in that state prior to enforcement there.

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¹ Porsboll's counsel is well aware that Mr. Vaile would challenge the domestication
26 of the family court orders in Nevada based on the fact that this Court previously
27 held that the family court had neither subject matter jurisdiction of the case, or
28 personal jurisdiction of the parties. Additionally, foreign orders that are currently
on appeal are not enforceable in California.

1 The lower court reasoned that because the California action was stayed based on
2 *Forum Non Conveniens*, the family court was authorized to decide the California
3 case. Even though (1) the parties to the California action were not before the
4 lower court, (2) Mr. Vaile did not assert his tort claims in Nevada, and (3) Mr.
5 Vaile was not given the opportunity to present any evidence on the matter, the
6 family court still found that these legal deficiencies did not prevent her from
7 summarily adjudicating the California causes of action. See Exhibit D, 2.
8
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10
11 The defendants to the California action are: Mr. Vaile's employer, Ms.
12 Porsboll, the Willick Law Group, Marshal Willick, and Richard Crane.² Only
13 Porsboll is a party to this action. The attorneys fees awarded by the Nevada
14 court were for attorneys fees that both Porsboll and the Willick Law Group
15 attorneys *incurred in California* for the case still pending there. The family
16 court has wrongfully concluded that it has the authority to compel payment of a
17 non-party's attorneys fees in a non-domestic relations case still pending in
18
19

20
21 ² Richard Crane is the lead attorney from the Willick Law Group who is the
22 signatory on papers continually multiplying this action in the family court.
23 Ironically, Mr. Crane pled guilty to felony sexually motivated coercion of a minor
24 on June 3, 2010. However, since his arrest about August 1, 2009 for attempting to
25 solicit sex with a 15 year old girl, and even after his guilty plea last month, he has
26 continued to practice *family* law under the tutelage of Marshal Willick at the
27 Willick Law Group. When Mr. Vaile objected to Crane's continued appearances in
28 court on behalf of Mr. Porsboll (and his 15 year old daughter), Mr. Willick
asserted that Crane's issues were "personal" and the lower court refused to
disqualify him because he was still licensed to practice law. Upon inquiry with the
Nevada bar association, they informed that neither Mr. Willick nor Mr. Crane
reported Crane's arrest, guilty plea or "personal" issues to that organization.

1 another state on threat of contempt and incarceration. Petitioner requests this
2 Court to step in to prevent the lower court's actions by staying the case until this
3 writ petition and pending appeal are resolved.
4

5 **B. THE LOWER COURT'S BASIS FOR CONTEMPT ACTIONS AGAINST PETITIONER**
6 **ARE IMPROPER**

7 In the lower court's October 9, 2008 order retroactively establishing a child
8 support amount, the lower court stated in paragraph 128 and 161:
9

10 Under contract principles, specifically rescission and reformation, the
11 convoluted portions of the Decree were vacated and modified by the
12 Court to reflect \$1,300.00 per month as a "sum certain" unless one
13 party files a motion to modify in the appropriate jurisdiction, either
14 Norway or California depending on who the moving party is.

15 The Nevada Court does not presently have authority to modify child
16 support because both parents no longer live in the State of Nevada.³

17 Norway is, of course, not a UIFSA state. Not only did Ms. Porsboll testify in
18 the court below that Norway had entered its own child support order (which she
19 refused to produce in those proceedings), but the Norwegian courts have also
20 previously pronounced that they **do not honor** US court judgments. There is, of
21 course, no possibility to modify a Nevada child support judgment in that country.

22 California, however, does allow residents to register a foreign child support
23 judgment in the state. In fact, when the issuing court has disclaimed
24 modification jurisdiction, as here, California law allows a California court to
25 modify an out-of-state order. See California Family Code § 4964. Because Mr.
26

27 ³. According to this Court's 2002 decision, neither party or children *ever* lived in
28 Nevada.

1 Vaile's oldest daughter turned 19 years old in May, 2010 and lives on her own,
2 and because the family court in Nevada disclaimed authority to modify its own
3 retroactive order, Mr. Vaile sought relief from the California court – the only
4 venue in the world where he could seek modification. Mr. Vaile requested the
5 California court to either disregard the Nevada lower court's order based on this
6 Court's pronouncement that the family court did not have jurisdiction, and to
7 enter its own child support order in favor of the parties' youngest child only, or
8 alternatively, to register the Nevada family court order and to modify it in light
9 of the oldest child's emancipation.
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13 The California court immediately stayed Nevada garnishment of Mr. Vaile's
14 salary for child support based on the Nevada lower court's lack of jurisdiction,
15 but encouraged Mr. Vaile to make payments directly to Ms. Porsboll until it
16 enters a final decision on the matter. Mr. Vaile has made biweekly child support
17 payments directly to Ms. Porsboll for the benefit of the parties' youngest child
18 since the California court authorized this course of action.
19
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22 Because the Willick Law Group has not been receiving the child support
23 payments, from which they have siphoned off a 40% contingency since the lower
24 court reopened this case in 2008, they inserted into the April 5, 2010 judgment
25 that the California court “does not have jurisdiction to modify the current
26 support order.” See Exhibit D, ¶ 6. The lower court signed the order, this time,
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1 deciding the jurisdictional boundaries of the California family court. The court
2 then issued an Order to Show Cause as to why Mr. Vaile should not be held in
3 contempt of court, incarcerated, and sanctioned for not paying child support
4 through Nevada. Petitioner requests that this Court intervene in the matter.
5

6 **C. THIS COURT'S IMMEDIATE ACTION IS NECESSARY TO ADDRESS THE LOWER**
7 **COURT'S CONTINUED DEFIANCE OF THIS COURT**

8 The lower court has established a pattern of disregarding this Court's
9 binding decisions. On April 11, 2002, this Court held that the Nevada courts
10 lacked subject matter jurisdiction of the matter and personal jurisdiction of the
11 parties. On October 9, 2008, the family court held that "[t]he Court had
12 personal jurisdiction over the parties to order child support at the time of entry
13 of the Decree."
14

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17 On October 13, 2008, this Court held in an *Order Dismissing Appeal* that
18 "the district court's March 20, 2008 order and the August 15, 2008 order . . . are
19 *temporary* orders that may not be appealed." (emphasis added). In the April 5,
20 2010 order, the family court found that "[t]he Court restates that its *Order of*
21 *March 20, 2008*, was a *final*, valid, and enforceable order of the Court."
22 (emphasis added).
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25 On February 19, 2010, this Court stayed the lower court's wrongful
26 collection attempts against Mr. Vaile under threat of contempt and incarceration.
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1 On February 25, March 25, April 5, and June 21, 2010, the lower court entered
2 orders defying this Court's order.

3
4 Despite this Court's instructions⁴ to allow parties to appear telephonically,
5 the lower court has held that these rules do not apply to Mr. Vaile and has forced
6 him to fly to Las Vegas from Northern California whenever the Willick Law
7 Group requests a hearing. The family court also has Mr. Vaile's financial affidavit
8 that demonstrates his inability to meet his non-discretionary expenses each
9 month, let alone the additional travel expenses. The lower court has been made
10 aware of the financial difficulty that his family faces in trying to meet the
11 medical expenses associated with the serious genetic disease of two of his small
12 children. And the lower court has been made aware the adverse impact to Mr.
13 Vaile's employment that continuous appearances in the Nevada courts (and
14 absences from work) have had on him. Yet the lower court continues to assist
15 Ms. Porsboll's counsel's abuse⁵ of the legal system. Because it is now a financial
16 impossibility for Mr. Vaile to travel to Nevada on July 13, 2010, he asks that this
17 Court please intercede in this matter by staying the lower court's actions against
18 him while this court finishes review of the merits of the pending issues.
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25 ⁴ See Part IX of the Nevada Supreme Court titled Rules Governing Appearance by
26 Audiovisual Transmission Equipment, Rule 4(5)(a)(2).

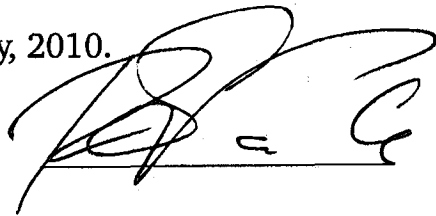
27 ⁵ As detailed in previous filings with this Court, Marshal Willick has personally
28 threatened Mr. Vaile and has relentlessly pursued his sworn vendetta against Mr.
Vaile using the family court in Las Vegas.

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IV. CONCLUSION

Porsboll's counsel is well aware that the children involved in this case are together making their first visit to Mr. Vaile since this Court allowed Ms. Porsboll to remove them to Norway over eight years ago. Ms. Porsboll and her counsel have schemed to attempt to humiliate Mr. Vaile in front of his children by having him held in contempt and incarcerated while the children are visiting. The lower court has appeared eager to allow Porsboll and her counsel to repeatedly abuse Mr. Vaile through the family courts of Nevada, and has repeatedly defied this Court in order to accomplish these ends. Mr. Vaile respectfully requests that this Court stay the actions of the lower court in this case until the substantive issues before this Court are determined.

Respectfully submitted this 9th day of July, 2010.



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

1 **CERTIFICATE OF SERVICE**

2 I certify that I am the Petitioner in this action, and that on the 9th day of
3
4 July, 2010, I served a true and correct copy of the foregoing *Renewed Emergency*
5 *Motion for Stay of Lower Court Proceedings During Consideration of Petition for*
6 *Writ of Mandamus or Prohibition and During Consideration of Appeals in This*
7
8 Case by placing the document in:

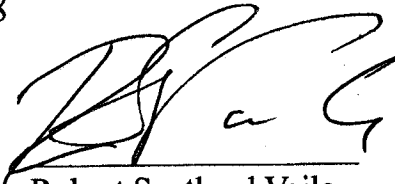
9
10 U.S. Mail, first class postage prepaid; or

11 National courier (Fedex or UPS) with expedited delivery prepaid,

12 and addressed as follows:

13
14 Marshal S. Willick
15 Willick Law Group
16 3591 E. Bonanza Road, Suite 200
17 Las Vegas, NV 89110-2101
Attorneys for Real Party in Interest

18 Honorable Cheryl B. Moss
19 Eighth Judicial District Court
20 Family Division
21 601 North Pecos Road
22 Las Vegas, NV 89101-2408
Respondent

23
24 

25 Robert Scotlund Vaile
26 PO Box 727
27 Kenwood, CA 95452
28 (707) 833-2350
Petitioner in Proper Person

Exhibit A

IN THE SUPREME COURT OF THE STATE OF NEVADA

ROBERT SCOTLUND VAILE,
Petitioner,

vs.

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

Respondents,

and

CISILIE A. PORSBOLL F/K/A CISILIE
A. VAILE,
Real Party in Interest.

No. 55446

FILED

FEB 19 2010

TRACIE K. LINDEMAN
CLERK OF SUPREME COURT
BY S. Young
DEPUTY CLERK

ORDER GRANTING TEMPORARY STAY
AND DIRECTING ANSWER

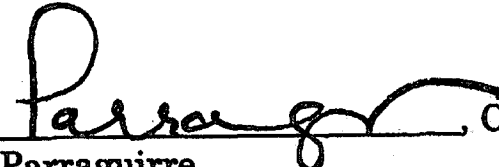
This original proper person petition for a writ of mandamus or prohibition challenges a district court oral ruling that requires petitioner to deposit funds with the court or be held in contempt. Petitioner has also submitted an emergency motion to expedite consideration of the petition in light of a March 8, 2010, deadline for depositing the funds, as well as a hearing set for that date.¹ Having reviewed the petition, motion, and exhibits, we conclude that a temporary stay of the district court's requirement that petitioner deposit funds with the district court is warranted, pending receipt and review of real party in interest's opposition. Accordingly, we temporarily stay that portion of the district


¹We direct the clerk of this court to file the proper person motion provisionally received on February 17, 2010.


court's ruling that requires petitioner to deposit funds with the district court, pending further order of this court.² No other proceedings are stayed, and the hearing currently set for March 8, 2010, may be held as scheduled.

Also, having reviewed the petition, it appears that petitioner has set forth issues of arguable merit and that petitioner may have no plain, speedy, and adequate remedy in the ordinary course of the law. Therefore, the real party in interest, on behalf of respondents, shall have 30 days from the date of this order within which to file an answer, including authorities, against issuance of the requested writ, limited to the issue of whether the 2003 attorney fees judgment was properly renewed as required by statute and this court's precedent.

It is so ORDERED.


Parraguirre, C.J.


Saitta, J.


Gibbons, J.

²Real party in interest's opposition to the stay motion is due by March 2, 2010.

cc: Hon. Cheryl B. Moss, District Judge, Family Court Division
Robert Scotlund Vaile
Willick Law Group
Eighth District Court Clerk

Exhibit B

ORIGINAL

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

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

12 **ROBERT SCOTLUND VAILE,**

13 Plaintiff,

14 vs.

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

17 Defendant.

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

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

ORDER

18
19 This matter having come before the Hon Cheryl B. Moss, on Defendant's *Motion for*
20 *Declaratory Relief*, and Status Check Re: California Case. Present at the hearing was, Raleigh C.
21 Thompson, Esq. of the law firm of MORRIS PETERSON representing DELOITTE & TOUCHE, LLP,
22 Robert Scotlund Vaile, in *Pro Per*, and Richard L. Crane, Esq., and Marshal S. Willick, Esq., of the
23 WILICK LAW GROUP, representing Cisilie Porsboll. Based upon the pleadings on file and oral
24 argument, the Court makes the following findings, conclusions, and orders:

- 25 1. Scotlund's request to appear by telephone at future hearings is DENIED. (Time Index:
26 13:46:45)
27
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1 2. The *Order to Show Cause* regarding the failure to garnish by Deloitte and Touche, LLP is
2 WITHDRAWN, and the parties signed a stipulation and order to that effect in open court.
3 (Time Index: 14:24:30)

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

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

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

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

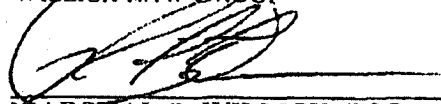
14 7. The following issue have been continued by the Court to the hearing on March 8, 2010, at
15 1:30 p.m. (Time Index: 15:02:10):

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

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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.

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5 
6 DISTRICT COURT JUDGE VR

6 Respectfully Submitted By:
7 WILLICK LAW GROUP
8 

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

13 Approved as to form and content by:

14 **SIGNATURE**
15 **REFUSED**

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

20 P:\wp13\VAILE\LF0803 WPD

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Exhibit C

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FILED

MAR 25 3 31 PM '10

DISTRICT COURT
CLARK COUNTY, NEVADA
CLERK OF THE COURT

R. S. VAILE,

Plaintiff,

Case No. 98-D-230385

vs.

Dept. No. I

CISILIE A. VAILE,

Defendant.

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

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

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

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15. Ms. Porsboll, through her attorneys, requested that the Court's prior award of fees in the amount of \$15,000.00 be reduced to judgment.
 16. The request was granted at the April 29, 2009 hearing.
 17. The Willick Law Group requested installment payments from Mr. Vaile at the rate of \$2,000.00 per month to go towards the attorney's fees judgments.
 18. The Court denied the request and stated that all judgments against Mr. Vaile were "collectible by any lawful means" thereby implying that The Willick Law Group would have to pursue garnishment of Mr. Vaile's paychecks through a Writ of Execution pursuant to Nevada statutory law.
 19. The Willick Law Group initiated a Writ of Execution and served Mr. Vaile's employer, Deloitte and Touche, through its Resident Agent located in Northern Nevada.
 20. Subsequently, Mr. Vaile filed an action in California disputing The Willick Law Group's actions in serving his employer in Nevada because he was a California resident.
 21. The California lawsuit proceeded, and the California Judge ultimately deferred the matter back to Nevada for adjudication after holding several hearings.
 22. The final hearing on this case took place on March 8, 2010, wherein the Nevada Court ordered an involuntary wage assignment on Mr. Vaile's paychecks as payment for all prior judgments for attorney's fees.
 23. The amount to be deducted as allowed by Nevada statutory law is \$541.92 per pay period.

21 **Discussion**

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24. The first factor considered is the qualities of the advocate.
 25. Here, the Court finds that The Willick Law Group has been diligent and prepared throughout these proceedings, as well as prompt for court appearances.
 26. It should also be noted that Mr. Vaile is a law school graduate and trained in the law.

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

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41. Ms. Porsboll was charged \$67,796.33 in fees and costs from her Nevada counsel.

42. The total combined amount for attorney's fees and costs is \$112,349.97.

43. The Willick Law Group bill also reflects several "No Charges" as a courtesy to Ms. Porsboll.

44. The fourth factor is the result obtained.

45. As noted above, the Nevada Court was presented with a request from The Willick Law Group to collect on the attorney's fees judgments stemming back to the original filing of the divorce action on August 7, 1998.

46. The parties and counsel have frequently returned to court to litigate a whole myriad of legal issues.

47. In the instant proceeding, this specific matter involved a straightforward request for payment on attorney's fees judgments totaling over \$135,000.00.

48. The Nevada Court initially directed The Willick Law Group to pursue all legal means to collect under Nevada law.

49. The result obtained was an involuntary wage assignment for a specific amount to the extent of Nevada statutory law -- \$1,174.16 per month.

50. This is the amount The Willick Law Group would have been entitled to anyway had a Writ of Execution been processed.

51. The Court took into consideration Mr. Vaile's conduct in unnecessarily amplifying litigation in this case.

52. The Court is aware Mr. Vaile is a law school graduate, and he possesses skills to file pleadings on his behalf and to orally argue in the courtroom. Indeed, he is highly intelligent and articulate.

53. However, the Court finds Mr. Vaile's actions in filing suit in California and the additional litigation that ensued was unnecessary and superfluous.

54. The Court also finds Mr. Vaile's legal arguments and requests for relief had no merit pursuant to EDCR 7.60.

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55. The Court also reviewed both parties' historical and present financial conditions.
56. Lastly, the Court believes an appropriate award of attorney's fees in this case should serve the purposes of EDCR 7.60 and NRS 18.010 – to caution parties and counsel to bring forth meritorious issues and to discourage needless litigation.
57. Accordingly, **IT IS ORDERED** that Ms. Porsboll and her attorneys shall be awarded the sum of \$100,000.00 as and for attorney's fees and costs.
58. **IT IS FURTHER ORDERED** that said amount is reduced to judgment and shall be collected via involuntary wage assignment on Mr. Valle's paychecks as previously ordered by this Court at the March 8, 2010 hearing.

SO ORDERED.

Dated this 25 day of March, 2010.


CHERYL B. MOSS
District Court Judge

Exhibit D

ORIGINAL

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

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

ROBERT SCOTLUND VAILE,

Plaintiff,

vs.

CISILIE A. PORSBOL f/k/a CISILIE A. VAILE,

Defendant.

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

DATE OF HEARING: 03/08/2010
TIME OF HEARING: 1:30 P.M.

ORDER FOR HEARING HELD MARCH 8, 2010

This matter having come before the Hon. Cheryl B. Moss, on Defendant's *Motion for Declaratory Relief, Plaintiff's Motion to Vacate Judgment or in the Alternative, For New Hearing On the Matter*, and Status Check Re: California Case. 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 Per*, and Richard L. Crane, Esq., and Marshal S. Willick, Esq., of the WILLICK LAW GROUP, representing Cisilie Porsboll. Based upon the pleadings on file and oral argument, the Court makes the following findings, conclusions, and orders:

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MAR 26 2010
DISTRICT COURT
DEPT I

1 **FINDINGS:**

- 2 1. The entirety of the California case was deferred to Nevada, as all of the evidence, witnesses,
3 and pleadings, are in Nevada as stated in the language of the California Order. (Time Index:
4 16:34:34)
- 5 2. The Court takes notice that Scotlund has filed an *Appeal* in his California actions on March
6 5, 2010, and that defense counsel has just been made aware of the filing; however, this Court
7 finds that the filing of a Notice of Appeal in California has no effect on the case currently
8 before this Court, which may proceed to make findings related to the case. (Time Index:
9 16:34:04)
- 10 3. As to Scotlund's California claims for the *Abuse of Process* and *Conversion*. These claims
11 are before this Court. Though this Court does not have the authority to order the California
12 court to do anything, the matter is stayed in California on the basis of a finding of *Forum*
13 *Non Conveniens*, in favor of this Court. In accordance with the *Order* from California, and
14 this Court's close familiarity with the lengthy history, facts, evidence, procedures, and
15 parties, and after hearing argument on the merits of the matter, this Court finds there is no
16 valid cause of action for *Abuse of Process* or *Conversion* against Richard L. Crane, Esq.,
17 Marshal S. Willick, Esq., Cisilie Porsboll, the WILICK LAW GROUP, or DELOITTE & TOUCHE
18 related to the attempted collection of judgments against Mr. Vaile. (Time Index: 16:35:14
19 and 17:19:04)
- 20 4. The reason this Court stayed its decisions in this matter earlier was to find out what the
21 California court was going to do regarding the issue of the garnishment. The California court
22 deferred the case back to Nevada on the basis of a finding of *Forum Non Conveniens* in favor
23 of this Court. This has allowed this Court to proceed on the merits and to make the above
24 findings. (Time Index: 16:35:28)
- 25 5. As to the garnishment previously attempted by the WILICK LAW GROUP to collect on the
26 various judgments against Mr. Vaile, the Court finds that this approach is not viable. The
27 Court is not barred from setting installment payments, for what the Court sees as equitable
28 reasons. This Court has issued installment orders in the past and considering the cost of

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garnishment and other equitable issues, the Court has sufficient reasons to require installment payments by Mr. Vaile on the various judgments against him. (Time Index: 16:35:50)

6. As to the action filed by Mr. Vaile in Sonoma, California, pursuant to NRS 125A.225, a Court of this state shall treat a foreign country as if it were a State of the United States, and under UIFSA, Norway is considered a State. California is subject to UIFSA as well, codified under the statutory code there, and thus does not have jurisdiction to modify the current support order. (Time Index: 16:41:20)

7. The issue regarding providing of a certified copy of the *Affidavit of Renewal* to Scotlund is moot, and was not required. (Time Index: 16:43:25)

8. The Court restates that its *Order* of March 20, 2008, was a final, valid, and enforceable order of the Court. The order remained enforceable until an order setting it aside, or an order modifying the support order was issued by this Court. In this case, the March 20, 2008, *Order* was not modified until issuance of the *Order* of October 9, 2008, and thus was final, valid, and enforceable throughout that time.¹ (Time Index: 16:44:32) Any motions filed in this Court between March 20, 2008, and October 9, 2008, or proceedings elsewhere, did not affect the validity, finality, or enforceability of the March 20, 2008, *Order*. Lastly, the Supreme Court of the State of Nevada, by implication, has also found that the *Order* of March 20, 2008, was a final, valid and enforceable *Order*. (Time Index: 16:44:32 and 16:52:46)

9. Deloitte & Touche, LLP, pursuant to NRS 31A.100, as an employer which complies with a notice to withhold income that is regular on its face, may not be held liable in any civil action for any conduct taken in compliance with the notice. Further, compliance by an employer with a notice to withhold income is a discharge of the employer's liability to the obligor as to that portion of the income affected. (Time Index: 16:49:50)

¹ Under oath, Mr Vaile stated that "I never claimed that the March 20, 2008, *Order* was not valid or enforceable in Nevada as soon as it was entered." (Time Index 14:40:00)

- 1 10. Pursuant to NRS 31.480, the Court does not have the authority to have a party arrested for
2 monies owed. However, the Court will allow the Defendant to revisit NRS 31.480 at a later
3 date if money is not actually paid in accordance with this *Order*. (Time Index: 16:38:42)
- 4 11. The United State District Court's *Order* of March 13, 2006, subsumed the June 24, 2003,
5 *Order* of this Court. NRS 3.223 is not violated, and *Landreth* does not apply, in seeking
6 enforcement of the March 13, 2006, Federal Court *Order* properly filed in this Court. The
7 Court finds that the federal action arose directly out of the domestic relations action and the
8 Hague action for the return of the kidnaped children. *Landreth* does not disallow this Court
9 from making rulings on issues that stem directly from the action before this Court. (Time
10 Index: 16:40:20)
- 11 12. Pursuant to NRS 31.295, which is the garnishment statute, which this Court applies by
12 analogy as a guideline for a court ordered involuntary wage assignment, the installment
13 amount shall be limited to 25% of Mr. Vaile's total gross wages, after subtracting the sum
14 being collected for child support, as it would be used for the purposes of garnishment.²
15 (Time Index: 16:37:30)
- 16 13. The Court notes that under NRCP 19, 20, and 21, the Court has broad discretion to allow or
17 deny joinder of parties, and finds that Marshal S. Willick, Esq., WILICK LAW GROUP, and
18 Deloitte & Touche, LLP, need not be made parties or joined in this action to make the
19 findings and rulings herein. (Time Index: 16:49:30)

20
21 **ORDERS:**

- 22 1. *An Involuntary Wage Assignment* shall be implemented against Scotlund pursuant to NRS
23 31.295. The installment payment shall not exceed 25% of Scotlund's gross income each
24 month, collecting against combined current child support, child support arrearages, attorney's
25 fees, and federal tort judgments. Scotlund's employer shall deduct \$541.92 per pay period

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27
28 ² The total amount that Mr. Vaile is to pay each month will always be 25% of his gross income, against the sums he owes for current child support, child support arrearages, attorney's fees, and for the remainder of the federal tort judgments awarded against him, plus interest and penalties, until all those judgments have been paid.

- 1 from Scotlund's wages, for a total of \$1,174.16 per month to be sent directly to the WILICK
2 LAW GROUP, beginning with the first pay period on or after April 15, 2010, and continuing
3 within five days of each pay period thereafter. (Time Index: 16:38:00)
- 4 2. If the wage assignment has not begun by April 15, 2010, for whatever reason, Scotlund shall
5 be responsible for making the payments directly to the WILICK LAW GROUP until the wage
6 assignment begins or indefinitely if no wage assignment begins. If Scotlund fails to ensure
7 the payments are in the hands of the WILICK LAW GROUP at least 5 days after any pay
8 period, he shall become subject to the penalties, sanctions, and remedies provided by NRS
9 22.010 and NRS 31.480. (Time Index: 16:38:42 and 17:03:50)
- 10 3. Scotlund's *Motion to Vacate Judgment* is STAYED, due to his *Appeal* of the October 26,
11 2009 *Order*. (Time Index: 16:39:52)
- 12 4. The March 20, 2008, *Order* was a *Final, Valid, and Enforceable Order* until the Court issued
13 its *Order* of October 9, 2008.³ (Time Index: 16:44:32)
- 14 5. The March 13, 2006, Federal District Court *Judgment* subsumed and incorporated this
15 Court's June 2003, attorney's fee *Order*; NRS 3.223 was not violated and the Supreme
16 Court's decision in *Landreth* does not apply to the filing and seeking enforcement of the
17 Federal Court *Order*. (Time Index: 16:40:10)
- 18 6. Pursuant to NRS 17.340, the filing of any order of a court of the United States is proper and
19 enforceable and does not violate *Landreth*. The Federal Court Judgment was properly filed
20 in the Family Division of the District Court. (Time Index: 16:40:10 & 17:00:38)
- 21 7. Pursuant to *Brunzell*, NRS 18.010, and 18.005(16), Cisilie is AWARDED Attorney's Fees.
22 Cisilie shall file a *Memorandum of Costs*. This issue is under advisement and the Court will
23 issue a minute order as to the attorney's fees or any clarification of findings. (Time Index:
24 17:30:10)
- 25 8. An award of attorney's fees to DELOITTE & TOUCHE, LLP, is reserved. (Time Index:
26 17:28:04)
- 27

28 ³ The United States Constitution's requirement that all orders from sister states shall receive full faith and credit applies.

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9. The WILLYCK LAW GROUP shall prepare the *Order* from today's hearing within ten days,
Scotlund shall have five days to sign as to form and content.

DATED this APR 05 2010 day of ~~March~~, 2010.



DISTRICT COURT JUDGE UR

Respectfully submitted by:

Approved as to form and content:

WILLYCK LAW GROUP

**SIGNATURE
REFUSED**

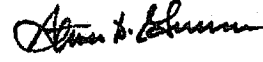


ROBERT SCOTLUND VAILE
P.O. BOX
Kenwood, California 95452
Plaintiff In Proper Person

MARSHAL S. WILLYCK, ESQ.
Nevada Bar No. 002515
RICHARD L. CRANE, ESQ.
Nevada Bar No. 009536
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Las Vegas, Nevada 89110-2101
(702) 438-4100
Attorneys for the Defendant

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Exhibit E


CLERK OF THE COURT

1 **ORDER**
2 **WILICK LAW GROUP**
3 **MARSHAL S. WILLICK, ESQ.**
4 Nevada Bar No. 002515
5 **RICHARD CRANE, ESQ.**
6 Nevada Bar No. 009536
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9 Phone (702) 438-4100; Fax (702) 438-5311
10 email@willicklawgroup.com
11 Attorneys for Defendant

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

15 **ROBERT SCOTLUND VAILE,**

16 Plaintiff,

17 vs.

18 **CISILIE A. PORSBOLL, f/k/a CISILIE A. VAILE,**

19 Defendant.

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

DATE OF HEARING: 06/08/2010
TIME OF HEARING: 9:30 A.M.

20 **ORDER TO SHOW CAUSE**

21 Plaintiff, Robert Scotlund Vaile, having failed to comply with this Court's orders, failure to
22 pay payments toward valid Nevada Child Support Order as required by this Court, to wit:

- 23 1. Failure to pay child support as ordered, beginning with the January 15, 2008, and amended
24 by the March 20, 2008 *Order* entered on March 25, 2008, directing:

25 Mr. Vaile is to pay \$1,300 per month in child support for his two minor children. (January
26 15, 2008, *Order*).

27 Child support shall continue to be due in the sum certain dollar amount of \$1,300 per month,
28 until the emancipation of the children or further order of a court of competent jurisdiction
modifying this child support order. (March 20, 2008, *Order*).

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DISTRICT COURT
DEPT 1

1 **IT IS HEREBY ORDERED** that Robert Scotlund Vaile shall appear before the Hon. Cheryl
2 B. Moss, District Court Judge, Family Division, on the 13th day of July, 2010, at 1:30 o'clock, p.m.
3 to show cause, if any, why he should not be held in contempt (multiple counts) for his refusal to
4 comply with this Court's orders.¹

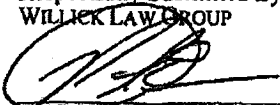
5 To further show cause, if any, why this Court should not immediately have Mr. Vaile
6 incarcerated, and why sanctions above and beyond the arrearage in ordered payments, should not be
7 imposed.

8 **IT IS FURTHER ORDERED** that if Robert Scotlund Vaile does not appear at said time
9 for said hearing, 25 days of incarceration will result as a minimum sanction for his contempt.

10 DATED this ___ day of JUN 17 2010, 2010.

11
12 
13 DISTRICT COURT JUDGE

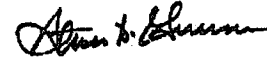
14 Respectfully Submitted By:
15 WILLYCK LAW GROUP

16 
17 MARSHAL S. WILLYCK, ESQ.
18 Nevada Bar No. 002515
19 RICHARD CRANE, ESQ.
20 Nevada Bar No. 009536
21 3591 East Bonanza Road, Suite 200
22 Las Vegas, Nevada 89110-2101
23 Attorneys for Defendant

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28 ¹ As of this writing, Scotlund has not made a child support payment since April 9, 2009, thus has failed to pay
at least three payments toward child support for a total of three counts of contempt.

Exhibit F



CLERK OF THE COURT

1 **ORDR**
2 **WILLICK LAW GROUP**
3 **MARSHAL S. WILLICK, ESQ.**
4 Nevada Bar No. 002515
5 **RICHARD CRANE, ESQ.**
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11 Attorneys for Defendant

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

15 **ROBERT SCOTLUND VAILE,**

16 Plaintiff,

17 vs.

18 **CISILIE A. PORSBOLL, f/k/a CISILIE A. VAILE,**

19 Defendant.

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

DATE OF HEARING: 06/08/2010
TIME OF HEARING: 9:30 A.M.

20 **ORDER TO SHOW CAUSE**

21 Plaintiff, Robert Scotlund Vaile, having failed to comply with this Court's orders, failure to
22 pay payments toward valid Nevada judgments as required by this Court, to wit:

- 23 1. Failure to follow the *Court's Decision and Order on Attorney's Fees From March 8, 2010,*

24 *Hearing*, entered on March 25, 2010, directing;

25 Ms. Porsboll and her attorneys shall be awarded the sum of \$100,000.00 as and for
26 attorney's fees and costs.

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

- 1 2. Failure to follow the *Order* for the March 8, 2010 hearing, entered on April 9, 2010,
2 requiring him to make payment to the WILLICK LAW GROUP of 25% of his total gross wages
3 for a total of \$1,174.16 per month;

4 An *Involuntary Wage Assignment* shall be implemented against Scotlund pursuant
5 to NRS 31.295. The installment payment shall not exceed 25% of Scotlund's gross
6 income each month, collecting against combined current child support, child support
7 arrearages, attorney's fees, and federal tort judgments. Scotlund's employer shall
8 deduct \$541.92 per pay period from Scotlund's wages, for a total of \$1,174.16 per
9 month to be sent directly to the WILLICK LAW GROUP, beginning with the first pay
10 period on or after April 15, 2010, and continuing within five days of each pay period
11 thereafter.¹

12 If the wage assignment has not begun by April 15, 2010, for whatever reason, Scotlund shall
13 be responsible for making the payments directly to the WILLICK LAW GROUP until the wage
14 assignment begins or indefinitely if no wage assignment begins.

- 15 3. Failure to follow the *Order* of July 27, 2008, registered as a foreign judgment with this Court
16 on February 1, 2010, to pay:

17 Attorney's fees in the amount of - \$272,255.56 plus interest until paid.

18 Tort award to Kamilla in the amount of - \$150,000 plus interest until paid.

19 Tort award to Kaia in the amount of - \$150,000 plus interest until paid.

20 Tort award to Cisilie in the amount of - \$150,000 plus interest until paid.

21 Punitive damages to Cisilies in the amount of - \$100,000 plus interest until paid.

22 The total owed as of this writing on this judgment alone is: \$1,103,475.54.

- 23 4. Failure to follow the *Order* of October 9, 2008, to pay \$15,000 in attorney's fees.

- 24 5. Failure to follow the *Order* of February 27, 2009, to pay \$2,000 in attorney's fees.

- 25 6. Failure to follow the *Order* of April 17, 2009, to pay \$12,000 in attorney's fees.

26 The total attorney's fee awards excluding the February 1, 2010, *Order* as of this writing, is
27 \$132,546.46.²

28 **IT IS HEREBY ORDERED** that Robert Scotlund Vaile shall appear before the Hon. Cheryl
B. Moss, District Court Judge, Family Division, on the 13th day of July, 2010, at 1:30 o'clock, p.m.

¹ This order combined all judgments issued by this Court and the foreign judgments registered with this Court.

² This order does not imply or hold that there are not additional attorney's fees and cost outstanding against Mr.
Vaile.

1 to show cause, if any, why he should not be held in contempt (multiple counts) for his refusal to
2 comply with this Court's orders.³


3 To further show cause, if any, why this Court should not immediately have Mr. Vaile
4 incarcerated, and why sanctions above and beyond the arrearage in ordered payments, should not be
5 imposed.

6 **IT IS FURTHER ORDERED** that if Robert Scotlund Vaile does not appear at said time
7 for said hearing, 25 days of incarceration will result as a minimum sanction for his contempt.

8 DATED this ___ day of JUN 17 2010, 2010.

9
10 
11 **DISTRICT COURT JUDGE** UK

12 Respectfully Submitted By:
13 **WILICK LAW GROUP**

14 
15 **MARSHAL S. WILICK, ESQ.**
16 Nevada Bar No. 002515
17 **RICHARD CRANE, ESQ.**
18 Nevada Bar No. 009536
19 3591 East Bonanza Road, Suite 200
20 Las Vegas, Nevada 89110-2101
21 Attorneys for Defendant

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³ As of this writing, Scotlund has missed two installment payments as ordered by this Court.