

ORIGINAL

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

3  
4 ROBERT SCOTLUND VAILE,

5  
6 *Petitioner,*

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

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,

**OPPOSITION TO DEFENDANT'S  
REQUEST FOR PARTIAL OR  
TOTAL LIFTING OF STAY**

16 *Respondent.*

**FILED** ~~PROPER PERSON  
RECEIVED/ENTERED~~  
DEC 27 2011 AUG 11 2010

TRACIE K. LINDEMAN TRACIE K. LINDEMAN  
CLERK OF SUPREME COURT CLERK OF SUPREME COURT  
BY Tracie K. Lindeman  
DEPUTY CLERK

17  
18 **I. INTRODUCTION**

19  
20 In Defendant's opposition to Mr. Vaile's request for a stay of the case below,  
21 Defendant requests that the stay be lifted in order for Defendant's counsel to  
22 pursue Mr. Vaile for child support. Since child support has been and is  
23 continuing to be paid to Defendant, her request is wholly without basis and  
24 should be denied.  
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**RECEIVED**  
AUG 11 2010  
TRACIE K. LINDEMAN  
CLERK OF SUPREME COURT  
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## II. DISCUSSION OF FACTS

When faced with law which does not support Defendant's position, Defendant's counsel have continually reverted to the argument that the law should be set aside so that Plaintiff can be punished, based solely on Defendant's counsel's opinion that Mr. Vaile is "bad." And when faced with facts which do not support Defendant's position, Defendant's counsel simply asserts false facts. Defendant's counsel have employed both techniques in their opposition to the motion for stay. Particularly egregious, however, is Defendant's assertion that Mr. Vaile "has not paid child support since March."<sup>1</sup> Since this false assertion appears to form the basis of Defendant's request for relief, Mr. Vaile is constrained to respond and to demonstrate to this Court that Defendant's statement is wholly false and made with the intent to deceive this Court.

The basis of the "bad guy" status that Defendant attempts to attach to Mr. Vaile is based on the fact that he returned the children to the United States in May 2000 in accordance with a family court pick-up order. Because that order was overturned by this Court in 2002, Defendant's counsel asserts that Mr. Vaile's adherence to the lower court order should be considered "kidnapping," despite the fact that this Court never even mentioned the word "kidnapping" in its decision.

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<sup>1</sup> *Request, 6.*

1 Along these same lines, because this Court appeared to be influenced by  
2 Defendant's counsel's false assertions in 2002 that Mr. Vaile had lied to the lower  
3 court, counsel pretends that this Court held that Mr. Vaile had committed fraud  
4 on the lower court. In actual fact, this Court made no such finding because,  
5 besides counsel's assertions, no evidence provided any basis to overturn the  
6 lower court's finding that Mr. Vaile had not intended any fraud on the lower  
7 court.  
8  
9

10 Finally, rejecting the lesson on jurisdiction that this Court's 2002 decision  
11 provided, Defendant's counsel continue to assert that the out-of-state parties  
12 conferred jurisdiction on the family court – directly contrary to the argument  
13 that Defendant's counsel made to this Court in 2000. While counsel poses as  
14 advocates in support of a noble cause, the actions of Defendant's counsel in  
15 adhering to arguments which reject the rule of law demonstrate a different  
16 agenda aimed at Mr. Vaile personally.  
17  
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19

20 Defendant Porsboll appears to have allowed the Willick Law Group to fund  
21 litigation against Mr. Vaile by allowing them to siphon 40% of the child support  
22 proceeds intended for support of the children. However, the children themselves  
23 are angry that the Willick Law Group has propagated the conflict between the  
24 parties to line their own pockets, and have been permitted to do so by  
25 threatening Defendant Porsboll that she would have to pay all attorneys fees that  
26  
27  
28

1 the Willick Law Group has racked up if she did not allow Willick to pursue Mr.  
2 Vaile. In order to protect the flow of the Willick Law Group's contingency  
3 payments, counsel has represented to both the lower court, and to this Court  
4 that the oldest child did not emancipate on her 18<sup>th</sup> birthday in May 2009. Since  
5 the lower court held that it could only make retroactive modifications to the  
6 parties' agreement, and the Norwegian court has already stated that they do not  
7 “domesticate” or otherwise honor US court orders, counsel's plan was to require  
8 Mr. Vaile to pay child support (and Willick's contingency) in perpetuity. In  
9 response, the parties' oldest child filed a declaration in the family court iterating  
10 that she was indeed emancipated and that the Willick Law Group was not in any  
11 way authorized to represent her.<sup>2</sup> See Exhibit A.  
12  
13  
14  
15

16 As noted in Mr. Vaile's emergency motion, he initiated the action in the  
17 California family court because it is the *only* forum where he could modify the  
18 order of the Nevada family court since that court has rejected prospective  
19 jurisdiction. In asking the lower court to domesticate and modify the Nevada  
20 order, the California domestic court **on its own motion**, stayed the garnishment  
21 of Mr. Vaile's salary for child support based on *this* Court's decision that the  
22 family court below had neither subject matter nor personal jurisdiction. Despite  
23 the stay of garnishment, Mr. Vaile has continued to pay Defendant Porsboll child  
24  
25  
26

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27 <sup>2</sup> In her *Request*, Defendant (through counsel) appears dismissive of the oldest  
28 child's declaration by labeling her “emotionally damaged.”

1 support for the parties' youngest child. The fact that Porsboll is continuing to  
2 receive biweekly support checks was established with the lower court through  
3 the filing of a declaration by Mr. Vaile's wife, Heather V. Vaile, together with a  
4 recent email between Heather and Defendant Porsboll on the topic. See Exhibits  
5 B and C. Since Defendant's counsel received copies of these filings with the  
6 lower court, they are well aware that Porsboll is continuing to receive child  
7 support. Their representation to this Court to the contrary is an outright lie.  
8  
9

10  
11 Contrary to Defendant's counsel's assertions, no other case in California has  
12 anything to do with child support. Although the family court's 2008 child  
13 support order which rejected the statutory guidelines and which instituted a  
14 huge arrearage against Mr. Vaile forced Mrs. Vaile to file bankruptcy because of  
15 the Vaile's inability to meet both the family court order and their non-  
16 discretionary expenses, the current action in the bankruptcy court is not seeking  
17 a discharge of child-support judgments. Since Defendant's counsel is a party to  
18 that action, they know their assertion, that Mrs. Vaile is attempting to "get a  
19 discharge of [Mr. Vaile's] outstanding child support," is also false. That is the  
20 reason that no evidence was submitted in support of their statement.  
21  
22  
23

24  
25 The action in the San Francisco Superior Court also has nothing to do with  
26 child support. This matter began when Defendant, again through current  
27 counsel, served a 2003 attorney fee judgment (which had expired in 2009), on  
28

1 Mr. Vaile's employer. Not only was this judgment expired at the time it was  
2 served, and discharged in Mrs. Vaile's bankruptcy, it was also not registered in  
3 California before enforcement was attempted. Again, despite Defendant's  
4 counsel's slight of hand, this matter has nothing whatsoever to do with child  
5 support.  
6

### 7 8 **III. ARGUMENT**

9 This case has never been simply about child support. Mr. Vaile has for years  
10 attempted, unsuccessfully, to convince Defendant Porsboll either to follow the  
11 parties' agreement<sup>3</sup> submitted with the decree of divorce, or to provide him a  
12 copy of a child support order entered by a Norwegian court. Porsboll, on advice  
13 of current Nevada counsel, has refused both requests.<sup>4</sup> Instead, Porsboll has  
14 dispatched her current counsel to prosecute the matter in Nevada, where neither  
15 party ever lived. Even then, had the issues in the lower court been limited to  
16 institution of prospective child support in accordance with the law, the appeals,  
17 writs, and emergency motions in this Court would have never taken place.  
18  
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22 Instead, Defendant's counsel has rallied the lower court to abandon the  
23 statutory guidelines for prospective support, negate Defendant's waiver, overlook  
24

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25 <sup>3</sup>. This agreement requires Ms. Porsboll to provide Mr. Vaile income information  
26 which would be entered into the agreed-upon formula for child support  
calculations.

27 <sup>4</sup>. As noted in the appeal briefs, the lower court refused to require Porsboll to  
28 produce the Norwegian order, or to make a determination under NRS 130.207.

1 a controlling order from Norway and then institute a massive retroactive support  
2 order in Defendant's favor. If that was not enough, the lower court granted  
3 Defendant additional fees for "contempt"<sup>5</sup> and attorneys fees incurred by  
4 Defendant and her counsel in Nevada and out-of-state cases in amounts  
5 exceeding a hundred thousand dollars. Furthermore, the lower court allowed  
6 Defendant to register out-of-state money judgments - all to be enforced under  
7 threat of contempt and incarceration. It must be evident to this Court that  
8 Defendant's counsel has used the family court (its willing partner) as a tool to  
9 make good on counsel's vendetta against Mr. Vaile, not to collect statutory child  
10 support.  
11  
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14 As noted above, the Defendant is now, and has been receiving child support  
15 checks every two weeks from Mr. Vaile since garnishment of his wages ceased.<sup>6</sup>  
16 Defendant's counsel's assertion to the contrary is a flat out lie.<sup>7</sup> Because Mr. Vaile  
17 has been paying Defendant directly, Defendant's counsel have been hindered in  
18 siphoning off 40% of the child support funds intended for the children.  
19  
20 Nevertheless, the fact that the child support payments are being made directly to  
21  
22

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23 <sup>5.</sup> The contempt was based on failure to retroactively adhere to the family court's  
24 retroactive order for support (an impossibility).

25 <sup>6.</sup> Mr. Vaile intends to continue payment until the California family court or this  
26 Court enters a ruling modifying those payments.

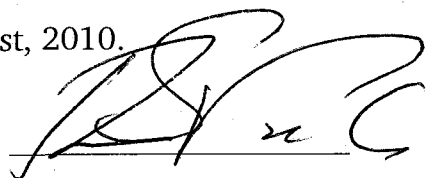
27 <sup>7.</sup> Perhaps it is unreasonable to expect an attorney, whose moral compass allows him  
28 to employ a child predator and self-admitted felon (Richard L. Crane) in a family  
law firm, to refrain from lying to the Court.

1 Defendant completely deflates any basis for requesting that this Court's stay be  
2 lifted. Accordingly, Mr. Vaile requests that the stay remain firmly in place.

3  
4 **IV. CONCLUSION**

5 Defendant's counsel knows that lifting this Court's stay will allow the family  
6 court to continue to abuse its authority in furtherance of counsel's corrupt  
7 agenda. Since the California court has stayed garnishment of Mr. Vaile's wages,  
8 the recourse that Defendant insists the family court pursue is contempt  
9 proceedings against Mr. Vaile. However, since child support is continuing to be  
10 paid to Defendant, contrary to her counsel's misrepresentations to this Court,  
11 Defendant's request to lift the stay is unwarranted. The status quo should  
12 continue until this Court has an opportunity to decide the threshold  
13 jurisdictional issues underlying the appeals.  
14  
15  
16

17  
18  
19 Respectfully submitted this 9<sup>th</sup> day of August, 2010.

20  
21 

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



1 **CERTIFICATE OF SERVICE**

2 I certify that I am the Petitioner in this action, and that on the 9<sup>th</sup> day of  
3 August, 2010, I served a true and correct copy of the foregoing *Opposition to*  
4 *Defendant's Request for Partial or Total Lifting of Stay* by placing the document in:  
5


6  U.S. Mail, first class postage prepaid; or  
7

8  National courier (Fedex or UPS) with expedited delivery prepaid,  
9

10 and addressed as follows:

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

15 Honorable Cheryl B. Moss  
16 Eighth Judicial District Court  
17 Family Division  
18 601 North Pecos Road  
19 Las Vegas, NV 89101-2408  
*Respondent*

20 

21 Robert Scotlund Vaile  
22 PO Box 727  
23 Kenwood, CA 95452  
24 (707) 833-2350  
*Petitioner in Proper Person*

# Exhibit A

1  
2  
3  
4 **IN THE EIGHTH JUDICIAL DISTRICT COURT OF THE**  
5 **STATE OF NEVADA IN AND FOR**  
6 **THE COUNTY OF CLARK**

7  
8 **ROBERT SCOTLUND VAILE,**  
9 **Plaintiff,**

10 **vs.**

11  
12 **CISILIE A. PORSBOLL,**  
13 **fka CISILIE A. VAILE,**  
14 **Defendant.**

**CASE NO: 98 D230385**  
**DEPT. NO: I**

**DATE OF HEARING: July 13, 2010**  
**TIME OF HEARING: 1:30pm**

**DECLARATION OF KAIA LOUISE**  
**VAILE IN SUPPORT OF HEARING**  
**BRIEF**

15  
16 **I, KAIA LOUISE VAILE, declare:**

17  
18 **1.The matters stated herein are within my personal knowledge, and I am**  
19 **competent to testify to such matters if called upon to do so.**

20  
21 **2.This declaration is submitted for purposes of the Hearing to be held on**  
22 **July 13, 2010 at 1:30pm.**

23  
24 **3.I am the oldest child of R. Scotlund Vaile and Cisilie A. Porsboll.**

25  
26 **4.In 2007, at the age of 16, I finished mandatory schooling in Norway.**

27  
28 **5.In 2007, I applied and was accepted at the Toni & Guy Academy in Oslo,**  
**Norway and pursued elective coursework in hair and beauty.**

1 6.I continued schooling at Toni & Guy until March of 2008.

2 7.In the fall of 2008, I elected to enter a three-year costume design program  
3  
4 at Sogn Videregaende in Oslo, Norway.

5 8.I turned eighteen on May 30, 2009.

6  
7 9.My parents, Robert Scotlund Vaile and Cisilie A. Porsboll are not  
8 authorized to speak for me or represent my interests in this litigation or any other  
9 matters.  
10

11 10.I have been informed by the Norwegian Child Support Service office that  
12 upon turning age 18, I was and am entitled to all child support payments and any  
13 arrearages owed by or paid by my father for my support.  
14

15 11.In March 2010, my mother and stepfather asked me to leave their home,  
16 at which point I rented my own apartment in Oslo, Norway and began working  
17 part time.  
18

19  
20 12.My address is Maridalsveien 11C (app. 409), 0178 Oslo, Norway.

21  
22 13.I turned nineteen on May 30, 2010.

23 14.I am and should be considered by this Court to be fully emancipated.

24  
25 15.I have neither requested nor authorized Marshal S. Willick, the Willick  
26 Law Group, the Nevada District Attorney's Office, nor any agency within Nevada  
27 to pursue my father, Scotlund Vaile, for any child support payments or arrears.  
28

1 16.I hereby request dismissal of this action against my father.

2 17.As far as Marshal S. Willick or his law firm, the Willick Law Group,  
3 believes that he has represented or is now representing my interests, he should  
4 cease his representation immediately, consider himself terminated from my case,  
5 and unauthorized to represent me in the future.  
6

7  
8 Respectfully submitted this 12th day of July, 2010.  
9

10  
11 Kaia L. Vaile  
12 Kaia Louise Vaile  
13 Maridalsveien 11C (app. 409)  
14 0178 Oslo, Norway  
15  
16  
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# Exhibit B

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

6 **IN THE EIGHTH JUDICIAL DISTRICT COURT OF THE**  
7 **STATE OF NEVADA IN AND FOR**  
8 **THE COUNTY OF CLARK**

9 **ROBERT SCOTLUND VAILE,**  
10 **Plaintiff,**

11 **vs.**

12  
13 **CISILIE A. PORSBOLL,**  
14 **fka CISILIE A. VAILE,**  
15 **Defendant.**

CASE NO: 98 D230385  
DEPT. NO: I

DATE OF HEARING: July 13, 2010  
TIME OF HEARING: 1:30pm

**DECLARATION OF HEATHER V.**  
**VAILE IN SUPPORT OF HEARING**  
**BRIEF**

16  
17  
18 I, HEATHER V. VAILE, declare:

- 19 1. The matters stated herein are within my personal knowledge, and I am  
20 competent to testify to such matters if called upon to do so.  
21  
22 2. This declaration is submitted in support of R. Scotlund Vaile's Hearing  
23 Brief.  
24  
25 3. After a hearing in the Sonoma County Family Court, garnishment of child  
26 support from Scotlund's paychecks were ordered ceased on March 16, 2010.  
27  
28 4. Garnishment of Mr. Vaile's salary ceased in April 2010.

- 1 5. After garnishment ceased, I began sending Cisilie A. Porsboll child support  
2 payments directly, for Kamilla J. Vaile, every biweekly pay-period,  
3 beginning May, 2010.  
4
- 5 6. I sent an e-mail on June 10, 2010 to Ms. Porsboll to confirm that the support  
6 checks were being received acceptably.  
7
- 8 7. Ms. Porsboll informed me that she was indeed receiving the checks and that  
9 the current payment method was acceptable.  
10
- 11 8. I have sent child support payments to Ms. Porsboll twice a month without  
12 exception.  
13
- 14 9. As of July 11, 2010, every check, except the latest check sent in June, 2010,  
15 has been deposited and cleared our bank account.  
16

17 Respectfully submitted this 11<sup>th</sup> day of July, 2010.

18 

19 Heather V. Vaile  
20 PO Box 727  
21 Kenwood, CA 95452  
22 (707) 833-2350  
23  
24  
25  
26  
27  
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# Exhibit C

**Subject:** Re: Child Support Checks

**From:** Cisilie Porsbøll <cisilie.porsboll@gmail.com>

**Date:** Fri, 11 Jun 2010 17:02:16 +0200

**To:** hvaile@sbcglobal.net

Thank you for you e-mail. I have received both checks and deposited them into my account today. It normally takes about 10 days before it is available on my account, since it's foreign checks. The bank will take a fee, but otherwise it is no problem.

Regards,  
Cisilie

2010/6/10 Heather Vaile <[hvaile@sbcglobal.net](mailto:hvaile@sbcglobal.net)>

Cisilie,

I hope that I have the right e-mail addresses on file. Please let me know if there is a better one to contact you on. Regardless, I was going through my cleared checks and noticed that the last two checks sent for child support have not cleared our checking account. Please confirm that you have received these and that there is no problem cashing or depositing them. If so, we can discuss sending via a different method.

Also, I sent the last check to Cisilie Vaile as opposed to Cisilie Porsboll--I apologize for the mistake. I look forward to hearing from you at your earliest convenience.

Regards,  
Heather

--  
Vennlig hilsen  
Cisilie Porsbøll

97 72 00 62