

FILED

AUG 27 2010

TRACIE K. LINDEMAN
CLERK OF SUPREME COURT
[Signature]

IN THE SUPREME COURT OF THE STATE OF NEVADA

ROBERT SCOTLUND VAILE,

Appellant,

vs.

CISILIE A. PORSBOLL,

Respondent.

Supreme Court Case No: **55911**
District Court Case No: 98 D230385

**REQUEST TO STAY BRIEFING
SCHEDULE FOR APPEAL
AND, IN THE ALTERNATIVE,
REQUEST TO ALLOW FULL
BRIEFING OF APPEAL**

I. INTRODUCTION

On April 25, 2010, Plaintiff filed a notice of appeal relative to orders entered on March 25, 2010 and April 5, 2010. Plaintiff hereby requests that the Court stay the briefing of the appeal on this appeal given that a previously consolidated appeal and a writ petition is currently pending before the Court. In the alternative, Plaintiff requests that the Court allow Plaintiff, a litigant in proper person, to file a full brief on the matter.

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AUG 27 2010

TRACIE K. LINDEMAN
CLERK OF SUPREME COURT
DEPUTY CLERK

10-29156

II. FACTS

- 1
2 1. In this case, Ms. Porsboll (Respondent here) filed an appeal numbered
3 53798 which was consolidated and fully briefed in December 2009. On
4 that appeal, Porsboll raised the issue of the proper method for calculation
5 of child support penalties, while Mr. Vaile (Appellant here) raised the
6 threshold issues of lack of subject matter and personal jurisdiction based
7 on this Court's previous pronouncements on those points. That appeal is
8 pending before this Court.
9
- 10
11 2. Appellant filed a Petition for Writ of Mandamus or Prohibition on February
12 16, 2010 raising the issue of the lower court's enforcement of an expired
13 order, and otherwise requiring payment of attorneys fees under threat of
14 contempt. That petition was assigned case number 55446.
15
- 16
17 3. This Court entered an order on February 19, 2010 granting a temporary
18 and partial stay of the case in the writ proceedings.
19
- 20
21 4. In apparent defiance of this Court's stay, the lower court entered further
22 orders on March 25, 2010 and April 5, 2010.
23
- 24
25 5. On April 25, 2010, Mr. Vaile filed a notice of appeal relative to the lower
26 court's March 25, 2010 and April 5, 2010 orders (in the event the writ
27 proceedings were either not taken up by the Court, or did not address the
28 full scope of appealable issues). This appeal is case numbered 55911.

1 6. On July 9, 2010, Petitioner filed a *Renewed Emergency Motion for Stay of*
2 *Lower Court Proceedings During Consideration of Petition for Writ of*
3 *Mandamus or Prohibition and During Consideration of Appeals in this Case.*

4
5 7. This Court entered an order staying the entire case and expediting the writ
6 proceedings on July 20, 2010. See Exhibit 1.

7
8 **III. REQUEST FOR STAY OF BRIEFING**

9 Appellant requests that the Court stay the briefing of this appeal based on
10 the proceedings currently before the Court. The Court's (re)determination of the
11 jurisdictional issues before this Court in case numbered 53798 are likely to
12 resolve the all issues before this Court in pending appeals and writ proceedings.
13 Alternatively, this Court's decision in the writ proceedings are likely to resolve
14 (or render moot) any issues to be raised in the instant appeal. In order to avoid
15 wasting the time of the parties and the Court in addressing issues which are
16 within the scope of consideration already before the Court, Mr. Vaile requests
17 that the Court stay the briefing on this appeal pending this Court's decision in
18 case 53798 and the pending writ proceedings in case 55446.

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20
21
22 **IV. REQUEST FOR FULL BRIEFING ON APPEAL**

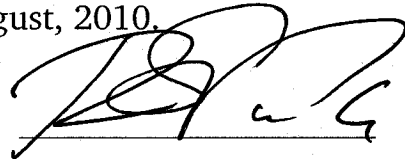
23 If this Court determines that the briefing of the instant appeal should
24 proceed, Appellant requests that he be allowed to provide full briefing on the
25 matters, in order to provide full factual development, relevant legal research,
26
27
28

1 and well-formulated legal arguments under the law. This opportunity is not
2 currently provided to *pro se* litigants under the relevant appellate rules. Mr. Vaile
3 has previously demonstrated his ability to make relevant legal arguments of
4 merit before this Court to help in the adjudication of issues.
5

6
7 **V. CONCLUSION**

8 Accordingly, Appellant Vaile respectfully requests that the Court stay the
9 briefing in the above-captioned appeal until case 53798 and the pending writ
10 proceedings in case 55446 are decided. In the alternative, Appellant requests
11 that the Court allow Appellant to provide a full briefing on the appeal and that
12 the Court establish a schedule for this briefing to take place.
13

14
15
16 Respectfully submitted this 26th day of August, 2010.

17
18 

19
20 Robert Scotlund Vaile
21 PO Box 727
22 Kenwood, CA 95452
23 (707) 833-2350
24 Appellant in Proper Person
25
26
27
28

Exhibit 1

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

JUL 20 2010

TRACIE K. LINDEMAN
CLERK OF SUPREME COURT
BY Cheryl Moss
DEPUTY CLERK

ORDER GRANTING STAY AND GRANTING MOTION TO EXPEDITE

Having reviewed the motion for a stay, the opposition, and the reply,¹ we conclude that a stay is warranted, pending our consideration of this and related matters. NRAP 8(c); Fritz Hansen A/S v. District Ct., 116 Nev. 650, 6 P.3d 982 (2000). Accordingly, we stay all proceedings in District Court Case No. D230385, pending further order of this court. We also grant petitioner's motion to expedite this matter, and we will expedite

¹Petitioner's motion for leave to file a reply is granted. The reply's text was included in the motion, and we direct the clerk of this court to file the motion provisionally received on March 10, 2010. We defer ruling on all other motions at this time.

our resolution of this petition to the extent that this court's docket permits.

It is so ORDERED.

Hardesty, J.
Hardesty

Douglas, J.
Douglas

Pickering, J.
Pickering

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