

FILED

MAR 22 2012

TRACIE K. LINDEMAN
CLERK OF SUPREME COURT
BY *[Signature]*
DEPUTY CLERK

1 Robert Scotlund Vaile
2 1163 South Main Street, #202
3 Chelsea, MI 48118
4 (707) 633-4550
5 *Petitioner in Proper Person*

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

7
8 ROBERT SCOTLUND VAILE,

9
10 Petitioner,

11 vs.

12
13 THE EIGHTH JUDICIAL DISTRICT
14 COURT OF THE STATE OF
15 NEVADA, IN AND FOR THE
16 COUNTY OF CLARK, AND THE
17 HONORABLE CHERYL B. MOSS,
18 DISTRICT JUDGE, FAMILY COURT
19 DIVISION,

20 Respondents,

21 CISILIE A. PORSBOLL,

22 Real Party in Interest.

Supreme Court Case No: 60502

District Court Case No: 98D230385

**EMERGENCY PETITION FOR
WRIT OF MANDAMUS OR
PROHIBITION UNDER NRAP 27(e)**

ACTION REQUIRED prior to Show
Cause Hearing on Calendar
for *April 9, 2012.*

23 Petitioner, Robert Scotlund Vaile files this Petition for Writ of Mandamus or
24 Prohibition seeking an Order from this Honorable Court mandating that
25 Honorable Cheryl B. Moss, District Court Judge, Dept. I, Eighth Judicial District
26 Court Judge, Family Division follow the dictates of the decision issued by this
27 Court on January 26, 2012. Specifically, Petitioner¹ requests that the Court
28

¹ In so far as necessary, Petitioner requests permission to file these papers in proper person.

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12-09151

1 prohibit the district court from enforcing previous orders entered by the district
2 court which were reversed by this Court's decision, mandate that the district court
3 follow its instructions relative to recognizing the controlling effect of Norwegian
4 child support orders that relieved the district court of jurisdiction, and otherwise
5 prohibit the district court from incarcerating Mr. Vaile on April 9, 2012.

6 Instead of following this Court's recently delivered decision, the district
7 court has ordered Mr. Vaile to show cause why he should not be held in contempt
8 based on alleged violations of the district court's *previous* orders that were clearly
9 in the scope of the appeal decision just issued and therefore, no longer valid. This
10 Court has had to intercede on a number of previous occasions to prevent the
11 district court from imprisoning Mr. Vaile based on unlawful grounds. Petitioner
12 respectfully requests that this Honorable Court or a single Justice of this
13 Honorable Court review and rule on this motion immediately in accordance with
14 NRAP 27(c) in order to prevent this particular district court from committing an
15 incurable injustice and irreparable harm as well as directly defying this Court's
16 mandates.

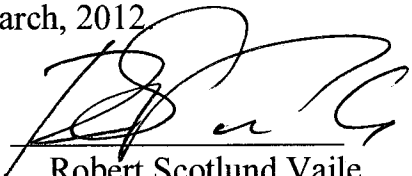
17 Petitioner Vaile submits this petition on an Emergency Basis under NRAP
18 21(a)(6) because the family court in question has issued an order to Show Cause
19 to be heard on April 9, 2012.² The district court did not wait for an opposition to
20 be filed to the motion for show cause prior to issuing its order. The show cause
21 order specifically requires Mr. Vaile to appear on threat of incarceration, and
22 threatens immediate imprisonment if Mr. Vaile is unsuccessful in showing that
23 cause existed. The show cause order itself is based on orders previously entered
24 by the district court which were overturned on appeal, and directly conflict with
25 the decision entered by this Court on January 26, 2012.

27 ² Although the Order to Show Cause was signed by the district court on March 6, 2012, Mr.
28 Vaile was not provided a copy of this order (and only via email) until March 16, 2012. No
Notice of Entry of Order has yet been provided. Mr. Vaile responded immediately with this
filing upon learning of the order.

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Accordingly, Petitioner requests this Court to issue emergency stay orders and to otherwise act on the Petition urgently.

Respectfully submitted this 20th day of March, 2012



Robert Scotlund Vaile
1163 South Main Street, #202
Chelsea, MI 48118
(707) 633-4550
Petitioner in Proper Person

1 **MEMORANDUM OF POINTS AND AUTHORITIES IN SUPPORT OF**
2 **EMERGENCY PETITION FOR WRIT OF MANDAMUS OR**
3 **PROHIBITION UNDER NRAP 27(e)**

4 **I. STATEMENT OF THE FACTS:**

- 5 1. In April, 2002, this Court issued a decision that held that the parties divorce
6 decree issued by the Nevada district court in 1998 was voidable, but not void,
7 because “neither the children nor the parents have ever lived here or have a
8 significant relationship with Nevada, virtually no information is available in
9 this state to even arguably create jurisdiction ...” *Vaile v. Eighth Judicial*
10 *Dist. Court*, 118 Nev. 262, 268, 275 (Nev. 2002).
- 11 2. This same month, April 2002, the children of the parties below were
12 relocated to Norway where they have resided ever since.
- 13 3. On March 17, 2003, the Norwegian authorities issued a child support order
14 relative to the children, but Petitioner was not served with this Norwegian
15 child support order. See attachment to Exhibit 1.
- 16 4. On November 9, 2007, Defendant Porsboll asked the district court for the
17 first time that the child support order in the decree be enforced, to reduce
18 arrears to judgment, and to enter a prospective and retroactive child support
19 modification and for penalties, interest and attorneys fees. Defendant
20 Porsboll and her counsel concealed the fact that a controlling Norwegian
21 order had been entered four years prior.
- 22 5. Between 2007 and 2009, Mr. Vaile requested via motion and in hearing that
23 the district court order Porsboll to produce any Norwegian child support
24 orders, which requests the district court refused each time.
- 25 6. Between 2007 and 2009, the district court entered orders instituting a
26 retroactive arrearage, penalties, interest and attorneys fees of nearly half a
27 million dollars - all contrary to Nevada law. The district court continued to
28 grant Porsboll's counsels' several requests to order Mr. Vaile to make

1 payments for non-child support judgments on threat of contempt and
2 imprisonment, which led to several writs or other emergency motions before
3 this Court.

- 4 7. In response to Mr. Vaile's request, this Court entered an order on February
5 19, 2010 stating "we temporarily stay that portion of the district court's ruling
6 that requires petitioner to deposit funds with the district court, pending
7 further order from this court."
- 8 8. Despite this Court's ruling, on February 25, 2010, the family court entered a
9 written order requiring Mr. Vaile to deposit funds with the district court on
10 threat of contempt, and then additional orders on March 25, 2010, and April
11 5, 2010 requiring payments not involving child support.
- 12 9. After notice through emergency motion, this Court stayed the case in its
13 entirety on July 20, 2010 while the Court determined the merits of the appeal
14 pending at that time.
- 15 10. On January 26, 2012, this Court determined that the retroactive modifications
16 made to the child support provisions of the decree by the district court were
17 entered without jurisdiction, and directed the district court to determine
18 whether a Norwegian order exists and to assess its bearing on the district
19 court's enforcement of the Nevada support order. See Exhibit 5.
- 20 11. At all times since litigation on this matter began, Mr. Vaile has made child
21 support payments on time either through garnishment, or directly to Porsboll
22 or her attorneys when garnishment did not take place. Mr. Vaile has paid
23 over \$86,000 since the District Attorney began to garnish his salary at
24 Porsboll's request; approximately \$35,000 of which has been intercepted by
25 Porsboll's Nevada counsel.
- 26 12. During the pendency of the appeal in this case, Mr. Vaile contacted the
27 Norwegian authorities and obtained copies of the Norwegian child support
28

1 orders which, it turns out, were issued in 2003 and modified at Porsboll's
2 request in 2005 and 2008. See Exhibits 2 and 3.

3 13. Mr. Vaile filed a notice and copies of the 2003 child support order with the
4 district court on March 6, 2012, and attached the 2005 and 2008 to his
5 subsequent filing on the matter. See Exhibit 8.

6 14. Despite this Court's decision negating the orders granting the demands of
7 Porsboll's counsel in the District court, Porsboll filed a *Motion for Order to*
8 *Show Cause Why Robert Scotlund Vaile Should Not Be Held in Contempt for*
9 *Failure to Pay Child Support and for Changing Address Without Notifying*
10 *the Court, to Reduce Arrearages to Judgment, and for Attorney's Fees and*
11 *Costs* on February 24, 2012, arguing that despite the fact that they were the
12 non-prevailing party, they are still entitled to over \$130,000 in attorneys fees,
13 and that these fees should be collected, again, on threat of contempt and
14 incarceration. See Exhibit 6.

15 15. On March 6, 2012, the District court signed an order which was submitted *Ex*
16 *Parte* to the District court granting the Order to Show Cause, requiring Mr.
17 Vaile to appear on April 9, 2012 and show cause why the district court
18 should not immediately incarcerate Mr. Vaile for not adhering to the orders
19 (now reversed) previously issued by the district court. Mr. Vaile was not
20 provided this order until 10 days later, on March 16, 2012. See Exhibit 7.

21
22 **II. STATEMENT OF THE ISSUES:**

23 A. May the District Court Continue to Enforce the Child Support Provisions
24 Contained in the Nevada Decree in Light of Notice of the Controlling Norwegian
25 Child Support Orders?

26 B. May the District Court Grant Attorneys Fees to the Non-Prevailing Party
27 Based on Orders Reversed by the Nevada Supreme Court?
28

1 C. May the District Court Order Attorneys Fees Collectible on Threat of
2 Contempt and Imprisonment?

3 D. May the District Court Enforce a Federal Court Judgment in Violation of a
4 Bankruptcy Court Injunction?

5 E. May a District Court Hold a Party in Contempt for Not Notifying the Court of
6 a Change in Address Until After a Stay of the Case Was Lifted?
7

8 **III. ARGUMENT**

9
10 **A. MAY THE DISTRICT COURT CONTINUE TO ENFORCE THE CHILD**
11 **SUPPORT PROVISIONS CONTAINED IN THE NEVADA DECREE IN LIGHT**
12 **OF NOTICE OF THE CONTROLLING NORWEGIAN CHILD SUPPORT**
13 **ORDERS?**

14 **ANSWER: NO.**

15 This Court's recent decision provided clear instruction on this particular
16 question. This Court explained in simple detail that NRS 130.202 grants the
17 district court personal jurisdiction relating to a support order in two scenarios: 1)
18 when the court has continuing and exclusive jurisdiction to modify its order, or 2)
19 when the court has continuing jurisdiction to enforce its order. This Court has
20 already held that since the parties and children do not live in Nevada, the district
21 court does not have continuing and exclusive jurisdiction and cannot modify the
22 Nevada child support order. However, this Court correctly held that jurisdiction
23 could continue under scenario #2 in this case, so long as a Nevada order "is the
24 controlling order and has not been modified by another state in accordance with
25 UIFSA." Vaile v. Porsboll, 128 Nev. Adv. Op. No. 3 (Nev., 2012), Exhibit 5.
26 Because the uniform act "creates a single-order system for child support orders,
27 which is designed so that *only one state's support order is effective at any given*
28

1 *time,*" (*Id.*, emphasis added), the Norwegian order and Nevada order could not be
2 effective concurrently.

3 The March 2003 Norwegian child support order was entered almost a year
4 after the children returned to Norway in accordance with this Court's mandate of
5 April 2002. Of course, the moment that the Norwegian authorities issued the
6 2003 child support order, superseding the child support agreement contained in
7 the Nevada decree of divorce, the Norwegian order became the controlling order.
8 Had there been any question, as to which child support order is controlling, NRS
9 130.207(2) resolves the matter simply by specifying that priority³ must be given
10 to the order from the tribunal with continuing and exclusive jurisdiction, which
11 only Norway has.

12 The fact that the district court judge has not only entertained, but signed
13 Porsboll's Order to Show Cause, demonstrates that the district court continues to
14 refuse to follow this Court's recent mandate and the supporting law. If the family
15 court had been willing to follow this Court's instruction, the district court would
16 have dismissed the case for lack of jurisdiction in accordance with this Court's
17 instructions. Instead, the court is a willing partner in the bullying tactics of
18 Porsboll's counsel to use the district court to continue to persecute Mr. Vaile.

19 In her Reply brief in support of her motion to show cause, Porsboll has
20 (unbelievably)⁴ argued that Norway's orders are actually not controlling. See
21 Exhibit 9. The reasons that she assert for this proposition are that 1) the
22 Norwegian orders were entered and signed by just an agency tasked by the
23

24 ³ If there had been two courts with continuing and exclusive jurisdiction, the second factor in
25 priority goes to the tribunal in the home state of the children (Norway) or thirdly, to the most
recently issued order (Norway's).

26 ⁴ This fact demonstrates that Porsboll's Nevada attorney's are working only for the benefit of
27 the 40% contingency that they continue to intercept of the child support proceeds collected
28 from Mr. Vaile. Porsboll, herself, has twice gone to the Norwegian authorities to request a
modification of the 2003 child support order, which demonstrates that Porsboll recognizes
the authority of Norway to enter controlling orders on this matter. See comments within the
2005 and 2008 orders for details.

1 Norwegian government with this responsibility and 2) that the Norwegian agency
2 purportedly did not follow Nevada law (specifically NRS 130.611) when they
3 entered the orders. See Exhibit 9.

4 This logic is wholly unsound. UIFSA defines a “foreign support order” as a
5 “support order of a foreign tribunal.” NRS 130.10117. A foreign tribunal means
6 “a court, *administrative agency*, or quasi-judicial entity of a foreign country
7 which is authorized to establish, enforce, or modify support order or to determine
8 parentage of a child.” NRS 130.10118 (emphasis added). Furthermore, “a
9 tribunal of this State shall apply this chapter [UIFSA] to a support proceeding
10 involving: (a) a foreign support order, (b) a foreign tribunal; or (c) an obligee,
11 obligor or child residing in a foreign country.” NRS 130.105. Under UIFSA, an
12 order issued by an administrative agency in Norway is controlling.

13 The argument that Norway did not follow Nevada law in modifying the
14 order is also without merit. This claim is particularly disingenuous when at
15 Porsboll's urging the District court previously held in its October 9, 2008
16 *Findings of Fact, Conclusions of Law, Final Decision and Order* in paragraph 11:

17 On March 3, 2008 a hearing was held to address the above listed
18 Motions, Oppositions, and Countermotions. The Court ruled as
19 follows:

20 ...
21 E: The child support arrears amount was confirmed *unless Norway*
22 *modifies it.*

(emphasis added)

23 In an April 9, 2010 order, drafted by Porsboll's counsel, the district court
24 held that “pursuant to NRS 125A.225, a Court of this state shall treat a foreign
25 country as if it were a State of the United States, and *under UIFSA, Norway is*
26 *considered a State.*”⁵ Petitioner concedes these assertions put forth by Porsboll.
27 As a state under UIFSA, Norway's order must be recognized. If a district court

28

⁵ Since both parties concede this point, it can be used as the basis for decision.

1 could reject a controlling foreign order so easily, the goals and objectives of
2 UIFSA and of comity would be rendered a nullity. There is no requirement under
3 UIFSA for a foreign court or agency to follow Nevada's (or any other US state's)
4 law in the creation of a controlling order.

5 Previously, Porsboll argued (and the district court accepted) that Norway
6 could enter a controlling order that modified or replaced the Nevada decree.
7 Once it was revealed that Norway actually took this action, Porsboll now argues
8 the contrary. The assertion that Norway, which has been the home state of the
9 children since 2003, and the only country that can make child support
10 determinations, does not actually have authority to enter controlling child support
11 orders, is simply absurd.

12 The Norwegian orders are in the process of being registered in Michigan.
13 Since the district court has disregarded the controlling effect of the Norwegian
14 orders, and is continuing to enforce the Nevada decree, Mr. Vaile is forced into a
15 situation where he must pay under both states or face contempt and imprisonment
16 by the Nevada district court, or contempt in Michigan. Mr. Vaile cannot afford to
17 pay twice,⁶ necessitating urgent action by this Court.

18 The district court's actions in defiance of this Court's directive as well as
19 Nevada law not only frustrates the "single order" goals of UIFSA, it propagates
20 an abuse of the court system below. When a court of this state acts outside the
21 bounds of the law, this Court may act to prohibit the conduct, or mandate that the
22 law be followed. See Round Hill Gen. Imp. Dist. v. Newman, 97 Nev. 601, 637
23 P.2d 534 (1981). Petitioner requests that this Court direct the district court here
24

25 ⁶ Resolution of this issue makes moot the contention of Porsboll's counsel that Mr. Vaile failed
26 to pay child support since March 2002 based on the fact that the several payments made
27 directly to Porsboll when garnishment was not in effect "don't count" (presumably since
28 counsel cannot intercept their 40% contingency of the child support payments). Porsboll also
contends that Mr. Vaile should be held in contempt for failure to pay because the District
Attorney's office is not forwarding payments collected to Porsboll's attorney in light of this
Court's January decision, until further orders are entered.

1 to dismiss the action in light of the revelation that Norway entered a controlling
2 order four years prior to the initiation of this action.

3
4 **B. MAY THE DISTRICT COURT GRANT ATTORNEYS FEES TO THE NON-**
5 **PREVAILING PARTY BASED ON ORDERS REVERSED BY THE NEVADA**
6 **SUPREME COURT?**

7 **ANSWER: NO.**

8 The district court, and Porsboll's counsel, are proceeding as if this Court's
9 January decision has no bearing whatsoever on the previous orders⁷ entered by
10 the district court, when in fact, those previous orders were reversed by this Court.
11 The district court's Order to Show Cause makes this clearly evident. The order
12 begins:

13 Plaintiff, Robert Scotlund Vaile, having failed to comply with this
14 Court's orders and failure to pay anything toward valid Nevada
15 Judgments as required by *prior orders*, specifically:

16 ...

17 3. Failure to make any restitution towards the judgments for attorney's
18 fees ordered by this Court.

19 See Exhibit 7.

20 Porsboll's underlying assumption, accepted by the district court, is that all
21 awards of attorneys fees granted by the district court are still valid, even though
22 the legal arguments put forth by Porsboll's counsel were wholly rejected on
23 appeal. Not a single point of law asserted by Porsboll on appeal was accepted by
24 this Court. As such, Porsboll was not the prevailing party, and cannot be awarded
25 attorneys fees.

26 ⁷ This Court's January decision did not specifically mention attorneys fees awards, and it
27 should not have to do so. The Court's summary "REVERSED AND REMANDED" or the
28 explicit directive: "We remand the matter to the district court for further proceedings
consistent with this opinion," is normally enough direction for a district court to address these
types of issues. Since that is not the case with this particular district court, Mr. Vaile
respectfully requests more explicit mandates to the district court.

1 NRS 130.313 allows a UIFSA court to assess fees only “[i]f an obligee
2 prevails” Porsboll did not prevail. In fact, Porsboll and her counsel
3 concealed the fact that a Norwegian order existed years before they restarted the
4 instant action back in 2007. This fact would have been revealed had the district
5 court accepted Mr. Vaile's request for discovery, request to order production of
6 the Norwegian orders, or request for judicial notice of the Norwegian order based
7 on testimony by Porsboll, and this case would have ended right after it started,
8 saving Nevada courts untold dollars. The district court supported the
9 concealment of the Norwegian order, and now appears intent on awarding
10 Porsboll's counsel for this deception.

11 This Court agreed that the district court was required to determine whether
12 there was a controlling order under NRS 130.207, precisely as Mr. Vaile argued
13 below. This Court agreed that the district court did not have jurisdiction to
14 modify a child support order, just as Mr. Vaile argued below. This Court agreed
15 that contract principles were inapplicable to the amount of child support that
16 should be due, as Mr. Vaile argued in the district court. Each of Mr. Vaile's
17 legally correct arguments were opposed by Porsboll, and resolved in Mr. Vaile's
18 favor on appeal. Each of Porsboll's arguments were rejected by this Court.
19 Porsboll cannot be awarded attorneys fees for attempting to deceive the Nevada
20 courts, and for having each argument rejected by this Court.

21 Although the award of attorneys fees would not typically be the subject of a
22 writ filing, the fact that the district court intends to hold Mr. Vaile in contempt
23 and imprison him for not having made payments towards these (now void)
24 awards of fees makes the matter one of urgent attention. Mr. Vaile requests that
25 this Court direct the district court to reverse all awards of attorneys fees in favor
26 of Porsboll, and to award attorneys fees to Mr. Vaile for the unbundled
27 appearance of counsel on his behalf below.
28

1 **C. MAY THE DISTRICT COURT ORDER ATTORNEYS FEES COLLECTIBLE**
2 **ON THREAT OF CONTEMPT AND IMPRISONMENT?**

3 **ANSWER: NO.**

4 Even if attorneys fees could be lawfully granted to the non-prevailing party,
5 those fees cannot be lawfully collected on threat of contempt. NRS 21.050 states
6 that “[w]here a judgment requires the payment of money or the delivery of real or
7 personal property, the same shall be enforced in those respects *by execution.*”
8 The statute continues by providing the detailed steps a judgment creditor must
9 follow in order to execute on a judgment. By limiting enforcement of money
10 judgments to execution, this statute effectively eliminated debtors' prisons in
11 Nevada; a creditor may execute judgment against a debtor's property, but not
12 persecute him or have him imprisoned. No other statute provides for enforcement
13 of attorney fee awards, and no statute provides for payment of money judgments
14 for attorney's fees on threat of criminal contempt.

15 If a family court were authorized to order payment attorneys fees on threat
16 of imprisonment, any obligee's attorney could effect the imprisonment of an ex-
17 spouse obligor who does not have sufficient or liquid assets to pay immediately.
18 The courts of the state would effectively have the power to force obligors in any
19 case into bankruptcy protection in order to avoid imprisonment. Petitioner
20 requests that this Court prevent this abuse of discretion which strays far from the
21 judicial power authorized by Nevada's legislature.

22 The previous orders of the district court, which this Court has now agreed
23 were entered unlawfully, directly caused Petitioner's spouse, Mrs. Vaile, to file
24 bankruptcy because of the inability of the Vailes to meet both their outstanding
25 obligations and as well as the massive retroactive child support principal and
26 arrearages established by the family court. After causing the bankruptcy, the
27 lower court further ordered Mr. Vaile to pay \$16,000 to purge the contempt that
28

1 the court imposed on Mr. Vaile for not retroactively adhering to the child support
2 modifications. This order, in turn, caused Mrs. Vaile to cash in the entirety of her
3 teacher retirement benefit in order to pay the contempt judgment issued by lower
4 court.

5 At this point, Mr. Vaile simply does not have the ability to pay the massive
6 attorneys fees awarded by the district court and continue to meet his child support
7 obligations. If he did, he would use these funds to retain counsel for himself.
8 The district court is effectively forcing Mr. Vaile to file bankruptcy. This effect
9 is certainly the reason that Nevada law prevents judgments to be collected on
10 threat of imprisonment. Mr. Vaile requests that this Court act expeditiously to
11 prevent this manifest injustice.

12
13 **D. MAY THE DISTRICT COURT ENFORCE A FEDERAL COURT JUDGMENT**
14 **IN VIOLATION OF A BANKRUPTCY COURT INJUNCTION?**

15 **ANSWER: NO.**

16 Ms. Porsboll and her attorneys have, since 2007, attempted to use the district
17 court below as a vehicle to collect on a default judgment that Porsboll's counsel
18 secured against Mr. Vaile in the U.S. District Court in Las Vegas. This behavior
19 continued after Mrs. Vaile's bankruptcy discharge in September 2009.

20 Because Porsboll and her counsel believed that they were immune from the
21 bankruptcy court orders, Mrs. Vaile requested and was granted an even more
22 specific permanent injunction against Porsboll and her counsel less than a year
23 ago on May 27, 2011 to address the default judgment against Mr. Vaile. This
24 injunction applies not only to Porsboll and her counsel, but also "local
25 government officials charged with enforcing and collecting judgments." See
26 Exhibit 4. The federal court stated that these parties

27 "are hereby permanently enjoined from collecting or attempting to
28 collect any judgment of the United States District Court for the

1 District of Nevada entered against Robert Scotlund Vaile from the
2 community property of said person and his wife, Heather V. Vaile,
including, but not limited to the wages of said person.”

3 Of course, given the financial statements submitted to the district court
4 below, that court, as well as Porsboll and her counsel well know that Mr. Vaile's
5 only source of income is his salary. Yet, despite the injunction, the Order to
6 Show Cause includes in its claims, “Failure to make any payment toward the tort
7 judgments rendered against him in the Federal Court.” *Id.*

8 Although it is expected that Porsboll and her counsel will have to answer to
9 the bankruptcy court for their blatant violation of that permanent injunction,
10 Petitioner requests that this Court prevent the district court in this state from
11 becoming a party to that violation. Petitioner requests that this Court act
12 judiciously to immediately stop the ongoing violation of federal law by a court
13 within its purview.
14

15 **E. MAY A DISTRICT COURT HOLD A PARTY IN CONTEMPT FOR NOT**
16 **NOTIFYING THE COURT OF A CHANGE IN ADDRESS UNTIL AFTER A STAY**
17 **OF THE CASE WAS LIFTED?**

18 **ANSWER: NO.**

19 At Porsboll's urging, the district court also intends to hold Mr. Vaile in
20 contempt of court for not submitting a Notice of Address Change while the
21 proceedings below were stayed by this Court. During the stay, Mr. Vaile
22 obtained a new job in the state of Michigan, and relocated there with his family.
23 Because Mr. Vaile was concerned that the district court⁸ would sanction him if he
24 made filings during the stay, Mr. Vaile arranged for his legal counsel in Virginia
25 to provide the Willick law firm's Virginia counsel with Mr. Vaile's new address in
26 Michigan. In order to be doubly sure that all legal correspondence reached Mr.
27

28 ⁸ No-one with knowledge or experience with this case could suggest that Mr. Vaile's caution is
unwarranted with this particular district court.

1 Vaile, he also enabled mail forwarding at his previous address in California.
2 Additionally, all previous email addresses and telephone numbers continued to
3 reach Mr. Vaile.

4 Porsboll's counsel, the Willick law firm, sent their current motion for order
5 to show cause and associated documents to the new address Mr. Vaile provided,
6 and used the same email address as before. There has been absolutely no gap in
7 communications, and no damage to any party. Clearly, Porsboll's counsel
8 continues to grasp for any harm that they can convince the district court to inflict
9 on Mr. Vaile, and have resorted to complaining about his address even though
10 they have had that information at all relevant times. Because the district court is
11 fully complicit with Porsboll's efforts by issuing the Order to Show Cause,
12 Petitioner requests this Court to intercede.

13 **IV. NECESSITY FOR AN EXTRAORDINARY WRIT**

14 Over the last years, Mr. Vaile has made this Court aware of repeated abuses
15 of this particular district court. This Court has found merit in most of the issues
16 raised by Mr. Vaile via either writ, appeal, or emergency motion. This Court was
17 previously forced to stay the case in order to prevent the district court from
18 continuing these tactics. After this Court issued a decision in this case and the
19 stay was lifted, the shenanigans have begun anew. Instead of following the
20 mandates laid out by this Court in the January decision, the district court has
21 determined to pretend that its previous orders had not been overturned, and to
22 hold Mr. Vaile in contempt for not adhering to those reversed orders.

23 Because the district court is specifically threatening immediate
24 imprisonment of Mr. Vaile on April 9, 2011, this Court's urgent action is
25 necessary. This cannot wait for the normal course of appeal. Additionally, this
26 Court has already made determinations relative to the substantive law involved in
27
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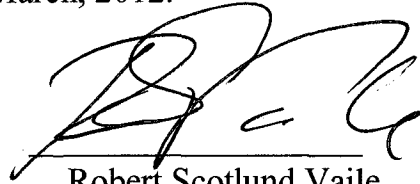
1 this case – the lower court simply refuses to follow those mandates. Accordingly,
2 Mr. Vaile submits the following requests for relief.

3 **V. REQUESTS FOR RELIEF**

4 Petitioner respectfully requests based upon the facts and argument presented
5 above, that this Honorable Court issue an order on an emergency basis that
6 includes:

- 7 1. Immediately staying the proceedings in the lower court until the Court
8 can fully address the issues raised in this Petition;
- 9 2. Directing the district court to dismiss this case for want of jurisdiction
10 under UIFSA based on the controlling child support order issued in
11 Norway in March 2003;
- 12 3. Explicitly directing the district court to vacate all orders and judgments
13 previously entered by the court since March 2003;
- 14 4. Prohibiting the district court from issuing attorneys fees to the non-
15 prevailing party and directing the district court to reverse all attorney fee
16 awards in favor of Defendant Porsboll or her attorneys;
- 17 5. Mandating that the district court enforce valid judgments only as
18 dictated by the Nevada statutes, namely by execution against a debtor's
19 property within the state of Nevada;
- 20 6. Prohibiting the district court from enforcing any judgment prohibited by
21 federal law;
- 22 7. Mandating that this family court case be reassigned to another family
23 law judge given the blatant bias and refusal of the particular district court
24 to follow this Court's mandates; and
- 25 8. Directing the Clark County District Attorney to cease withholding of
26 Mr. Vaile's salary and to remove any related tax return intercepts in place.
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1 Respectfully submitted this 20th day of March, 2012.

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5 Robert Scotlund Vaile
6 1163 South Main Street, #202
7 Chelsea, MI 48118
8 (707) 633-4550
9 *Petitioner in Proper Person*

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CERTIFICATE OF MAILING

I hereby certify that on March 20, 2012, I deposited in the United States Mail, postage prepaid, at Jackson Michigan, a true and correct copy of *Emergency Petition for Writ of Mandamus or Prohibition under NRAP 27(e), Affidavit of Robert Scotlund Vaile in Support of Emergency Petition for Writ of Mandamus or Prohibition under NRAP 27(e), and Appendix of Exhibits*, addressed as follows:

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Honorable Cheryl B. Moss
Eighth Judicial District Court
Dept. I
601 North Pecos Road
Las Vegas, NV 89101-2408

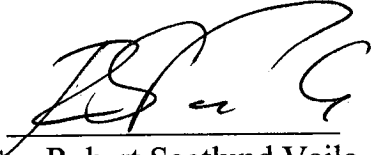
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Marshal S. Willick, Esq.
Willick Law Group
3591 E. Bonanza Road, Suite 200
Las Vegas, NV 89110-2101
Attorney for Real Party in Interest Porsboll

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Respectfully submitted this 20th day of March, 2012.

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Robert Scotlund Vaile
1163 South Main Street, #202
Chelsea, MI 48118
(707) 633-4550
Petitioner in Proper Person

1 Robert Scotlund Vaile
1163 South Main Street, #202
2 Chelsea, MI 48118
3 (707) 633-4550
4 *Petitioner in Proper Person*

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

6
7 ROBERT SCOTLUND VAILE,

8 Petitioner,

9
10 vs.

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

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

17 Respondents,

18
19 CISILIE A. PORSBOLL,

20 Real Party in Interest.

21
22 **AFFIDAVIT OF ROBERT SCOTLUND VAILE IN SUPPORT OF**
23 **EMERGENCY PETITION FOR WRIT OF MANDAMUS OR**
24 **PROHIBITION UNDER NRAP 27(e)**

25 Robert Scotlund Vaile, under penalty of perjury under the laws of the State
26 of Nevada, declares as follows:

- 27 1. I am the Plaintiff in the District Court case.
28

RECEIVED

MAR 22 2012

TRACIE K. LINDEMAN
CLERK OF SUPREME COURT
DEPUTY CLERK

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2. I am making this Declaration in support of the *EMERGENCY PETITION FOR WRIT OF MANDAMUS OR PROHIBITION UNDER NRAP 27(e)*.
3. I am familiar with the contents of the petition and those matters that I do not have personal knowledge of, I state on information and belief.
4. I reside in Chelsea, Michigan.
5. On August 21, 1998 the parties obtained a divorce in Nevada. The divorce decree entered contains a separation agreement which includes child support provisions for the parties' two children.
6. Ms. Porsboll took the children to live with her in Norway in accordance with this Court's decision in April 2002. They have remained in Norway since that time.
7. On March 17, 2003, Norway issued a Child Support order for the support of the parties' two minor children, Kaia Louise Vaile and Kamilla Jane Vaile.
8. On November 7, 2003, Ms. Porsboll told Mr. Vaile that she had contacted the Norwegian authorities regarding child support because this Court had voided the Nevada separation agreement containing the child support provisions.
9. At no point in time did Porsboll or her counsel provide Mr. Vaile a copy of any child support order entered in Norway.
10. On April 7, 2005, Norway granted Porsboll's request for modification of the 2003 Norwegian child support order.
11. On November 9, 2007, Defendant Porsboll asked the district court for the first time that the child support order in the decree be enforced, to reduce arrears to judgment, and to enter a prospective and retroactive child support modification and for penalties, interest and attorneys fees.
12. On February 13, 2008, Norway granted Porsboll's request for modification of the 2005 child support order.

1 13. On January 26, 2012, this Court issued a decision stating that the lower court
2 impermissibly modified the child support obligation set out in the original
3 divorce decree due to lack of subject matter jurisdiction. The Court
4 reversed and remanded the lower courts' orders to the contrary.

5 14. On February 27, 2012, Porsboll filed a "*Motion for Order to Show Cause*
6 *Why Robert Scotlund Vaile Should Not be Held in Contempt for Failure to*
7 *Pay Child Support and for Changing Address Without Notifying the Court;*
8 *to Reduce Current Arrearages to Judgment; and for Attorney's Fees and*
9 *Costs*" wherein Porsboll asked that I be held in contempt of court for failing
10 to adhere to the reversed orders.

11 15. On March 6, 2012, the district court signed an Order for Show Cause as to
12 why Plaintiff should not be held in contempt for failure to comply with court
13 orders, threatening my incarceration, currently scheduled for April 9, 2012.

14 16. Because the district court has, many times previously, threatened to imprison
15 me if I could not pay attorneys fees or other judgments, only to be prevented
16 from doing so by this Court's intercession, I firmly believe that the court will
17 in fact incarcerate me.

18 17. I am respectfully requesting that the district court be directed by this
19 Honorable Court to recognize the Norwegian child support orders as
20 controlling and to prevent the district court taking further action against me.

21 18. Further I say not.

22 Under penalty of perjury, State of Nevada.

23 
24 _____
25

26 Robert Scotlund Vaile
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