

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

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3 \* \* \* \* \*

4 ROBERT SCOTLUND VAILE,

5 Petitioner,

6 vs.

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

11 Respondents,

12 and

13 CISILIE A. PORSBOLL F/K/A CISILIE A.  
VAILE,

14 Real Party in Interest.

Electronically Filed  
S.C. NO. 60502  
Apr 05 2012 08:57 a.m.  
D.C. NO. 98-D-230385-D  
Tracie K. Lindeman  
Clerk of Supreme Court

15 **MOTION REQUESTING LEAVE TO FILE AN OPPOSITION TO**  
16 **“EMERGENCY PETITION FOR WRIT OF MANDAMUS OR**  
17 **PROHIBITION”**

18 **I. RELIEF SOUGHT**

19 Leave to file an opposition to Petitioner’s Application for Writ.

20  
21 **II. INTRODUCTION**

22 Scot’s current filing is just another of his attempts to forestall, delay, and avoid  
23 paying any of the judgments and obligations he has avoided now for more than ten  
24 years.

25 Scot’s petition for writ includes both “facts” and alleged law so far removed  
26 from either the *actual* facts of this case or applicable law that a response is warranted  
27 just to provide the Court with an idea of what facts and law are in issue, so it can  
28 make an appropriate decision.

1     **III. ISSUES**

2             Should this Court bar the district court from holding the hearing this Court's  
3     *Opinion* filed a few weeks ago directed that same court to hold.

4  
5     **IV. FACTS NECESSARY TO THE APPROPRIATE DETERMINATION OF**  
6     **PETITION**

7             This Court on January 26, 2012, issued its *Order of Reversal and Remand*. The  
8     Court stated:

9             Because we conclude that the district court's establishment of a \$1,300  
10             per month sum certain for Vaile's child support obligation constitutes  
11             an impermissible modification fo the original support obligation, we  
12             reverse the district court's order setting Vaile's support payment at  
13             \$1,300, and we further reverse the arrearages calculated using the  
14             \$1,300 support obligation and the penalties imposed on those arrearages.  
15             We remand the matter to the district court for further proceedings  
16             consistent with this opinion.

17     The Court also noted in a footnote that the parties' appellate filings and the record  
18     alluded to a possible child support order entered by Norway, and so directed the  
19     family court, on remand, to determine whether any such order exists and if so assess  
20     its bearing, if any, on enforcement of the Nevada support order.

21             These are the only facts relevant to the determination of the motion for leave  
22     to file an opposition now before the Court.

23  
24     **V. LAW**

25             Under NRAP 21(b) the court may deny the petition without an answer, or it  
26             may order the respondent or real party in interest to answer. In the case before this  
27     Court, Scotlund raises a question as to matters of fact essential to the determination  
28     of the request writ, and upon supposed truth of the allegation on which his application  
   for writ is based.

1 Here, Scot’s goal for a decade has been to delay while costing everyone  
2 pursuing him for support as much time and money as possible. He should not be  
3 further indulged. On the basis of this Court’s own file, the petition should be  
4 summarily dismissed without requiring an answer, the request to further delay district  
5 court proceedings should be denied, and Scot should be deemed a “vexatious litigant”  
6 as requested in the proposed *Opposition*.

7 After Scot has been found in contempt for a decade’s non-support, he will  
8 undoubtedly seek further review by this Court (his 12 or so appellate filings all  
9 around the United States are ample evidence), and if this Court has any desire to once  
10 again review the allegations from him it has already twice rejected in formal opinions,  
11 it can do so then.<sup>1</sup> But it makes no sense for this Court to be involved before the  
12 hearing on contempt – the “further proceedings” for which it just remanded this  
13 matter to family court – has even been held.

14  
15 **VI. CONCLUSION**

16 Real Party In Interest believes that if this Court intends to do anything other  
17 than dismiss Scot’ writ petition *sua sponte*, the proposed *Opposition* should be  
18 reviewed. Respectfully submitted,

19 WILLYCK LAW GROUP

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26 <sup>1</sup> See *Houston v. Eighth Judicial Dist. Court ex rel. County of Clark*, 122 Nev.  
27 544 (2006).

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## CERTIFICATION OF COMPLIANCE

1. I hereby certify that this brief complies with the formatting requirements of NRAP 32(a)(4), the typeface requirements of NRAP 32(a)(5) and the type style requirements of NRAP 32(a)(6) because:

This brief has been prepared in a proportionally spaced typeface using Corel WordPerfect Office X3, Standard Edition in font size 14, and the type style of Times New Roman; or

This brief has been prepared in a monospaced typeface using [*state name and version of word processing program*] with [*state number of characters per inch and name of type style*].

2. I further certify that this brief complies with the page or type-volume limitations of NRAP 32(a)(7) because, excluding the parts of the brief exempted by NRAP 32(a)(7)(C), it is either:

Proportionately spaced, has a typeface of 14 points or more and contains \_\_\_\_\_ words; or

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Does not exceed 10 pages.

3. Finally, I hereby certify that I have read this Motion, and to the best of my knowledge, information, and belief, it is not frivolous or interposed for any improper purpose. I further certify that this brief complies with all applicable Nevada Rules of Appellate Procedure, in particular NRAP 28(e)(1), which requires every assertion in the brief regarding matters in the record to be supported by a reference to the page and volume number, if any, of the

1 transcript or appendix where the matter relied on is to be found. I understand  
2 that I may be subject to sanctions in the event that the accompanying brief is  
3 not in conformity with the requirements of the Nevada Rules of Appellate  
4 Procedure.

5 **DATED** this 4<sup>th</sup> day of April, 2012 .

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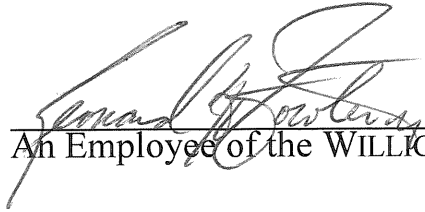
CERTIFICATE OF SERVICE

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I hereby certify that service of the foregoing was made on the 4<sup>th</sup> day of September, 2009, pursuant to EDCR 7.26(a), by U.S. Mail addressed as follows:

Mr. Robert Scotlund Vaile  
P.O. Box 727  
Kenwood, California 95452  
*Respondent In Proper Person*

That there is regular communication between the place of mailing and the place so addressed.

  
An Employee of the WILLICK LAW GROUP

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