

IN THE SUPREME COURT OF THE STATE OF NEVADA

CISILIE A. VAILE,
Petitioner,

vs.

THE EIGHTH JUDICIAL DISTRICT
COURT OF THE STATE OF NEVADA,
IN AND FOR THE COUNTY OF
CLARK, AND THE HONORABLE
CYNTHIA DIANNE STEEL, DISTRICT
JUDGE, FAMILY COURT DIVISION,
Respondents,

and

R. SCOTLUND VAILE,
Real Party in Interest.

No. 36969

FILED

APR 19 2002

Janette M. Hlubik
JANETTE M. HLUBIK
DEPUTY CLERK

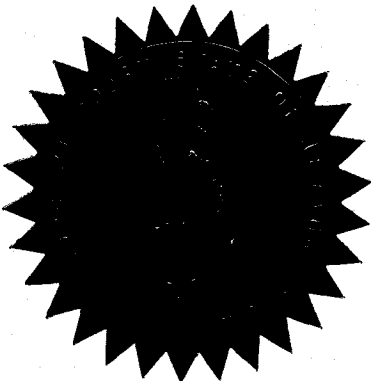
WRIT OF MANDAMUS

TO: The Honorable Cynthia Dianne Steel, Judge of the Eighth
Judicial District Court:

WHEREAS, this Court having made and filed its written decision
that a writ of mandamus issue,

NOW, THEREFORE, you are compelled to vacate those portions of
the decree relating to custody and visitation and to order the children's
return to Norway, where custody determinations can be made, in the case
entitled Vaile vs. Vaile, Case No. D230385.

WITNESS The Honorables Deborah A. Agosti, Robert E. Rose,
Myron E. Leavitt, and Nancy A. Becker, Associate Justices of the Supreme
Court of the State of Nevada, and attested by my hand and seal this 11th
day of April, 2002.



Bruce A. Horstmann

Chief Assistant Clerk

AFFIDAVIT OF SERVICE

CASE NO.: D230385

DISTRICT COURT FAMILY DIVISION

CLARK COUNTY,

STATE OF NEVADA

Vaile

Plaintiff(s)/Petitioner(s)

vs

Vaile

Defendant(s)/Respondent(s)

County of CLARK, State of NEVADA

Barbara Saban, being duly sworn deposes and says: That at all times herein affiant was and is a citizen of the United States, over 18 years of age, licensed to serve civil process in the State of Nevada under license #604, and not a party to or interested in the proceeding in which this affidavit is made. On April 16, 2002 at 7:43am at @ District Court-Family Court, 601 N. Pcos Road, 3rd Floor, Las Vegas, NV affiant served the within Writ of Mandamus and Valle Decision

UPON: Christina Chandler - Court Administrator (herein called recipient) therein named.

INDIVIDUAL by delivering a true copy of each to said recipient personally. CORPORATION A corporation, by delivering thereat a true copy of each to personally, affiant knew said corporation so served to be the corporation, described in same as said recipient and knew said individual to be thereof.

SUITABLE AGE PERSON by delivering a true copy of each to Nancy J. Harrolle a person of suitable age and discretion. Said premises is recipient's actual place of business dwelling house (usual place of abode) within the state.

AFFIXING TO DOOR by affixing a true copy of each to the door of said premises, which is recipient's actual place of business dwelling house (usual place of abode) within the state. Affiant was unable, with due diligence to find recipient or a person of suitable age and discretion, having attempted as follows: Day Date Time Day Date Time

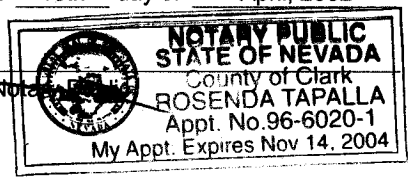
MAILING COPY Affiant caused a copy of same to be enclosed in a first class postpaid sealed wrapper properly addressed to recipient at recipient's last known residence place of employment at: and caused said wrapper to be deposited in a post office official depository under exclusive care and custody of the U. S. Postal Service within the State of Nevada on. The above mailing was made by certified mail (Receipt No.).

DESCRIPTION A description of the Defendant, or other person served, or spoken to on behalf of the Defendant is as follows: Sex Female Color of skin White Color of hair Brown/Grey Approx. Age 60+ Approx. Height 5'3" Approx. weight 110 Other wears glasses/Sect of Ms. Chandler

WITNESS FEES \$ the authorizing traveling expenses and one day's witness fee was paid (tendered) to the recipient. PHOTO Affiant was able to identify recipient from annexed photo. MILITARY SERVICE To the best of my knowledge and belief, said person engaged in the US Military at the time of service.

Sworn to before me on this 16th day of April, 2002

Handwritten signature of Barbara Saban



Barbara Saban

Invoice-Work Order # 0203598

1 **ORDER**

2 LAW OFFICE OF MARSHAL S. WILLYCK, P.C.
3 MARSHAL S. WILLYCK, ESQ.
4 Nevada Bar No. 002515
5 3551 E. Bonanza Road, Suite 101
6 Las Vegas, NV 89110-2198
7 (702) 438-4100
8 Attorney for Defendant

FILED IN OPEN COURT

4/16/2002 20

SHIRLEY B. PARRAGUIRRE, CLERK
BY BLANCA MADRIGAL
DEPUTY

7 **DISTRICT COURT**
8 **FAMILY DIVISION**
9 **CLARK COUNTY, NEVADA**

10 R. SCOTLUND VAILE,

11 Plaintiff,

12 vs.

13 CISILIE A. VAILE,

14 Defendant.

CASE NO: D230385
DEPT. NO: G

DATE OF HEARING: N/A
TIME OF HEARING: N/A

15
16 **ORDER PURSUANT TO WRIT OF MANDAMUS**

17 Pursuant to the decision in *Vaile v. District Court*, 118 Nev. ___, ___ P.2d ___ (Adv. Opn.
18 No. 27, April 11, 2002), the above named Court enters the following orders:

- 19 1. Robert Scotland Vaile ("Scot") shall immediately relinquish physical custody of the
20 minor children to Cisilie, through any intermediaries necessary to effectuate the
21 transfer, including any law enforcement personnel or Cisilie's Nevada or Texas
22 attorneys.
- 23 2. Any and all corresponding agencies and officers of other states, counties, and
24 countries are asked to respect this Order.
- 25 3. By virtue of this order, Cisilie has the exclusive right to the physical and legal
26 custody of the children during the period of time required to return the above-named
27 minors to Norway, the country of the minors' habitual residence.

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4. This order is not a determination of the merits of any custody issues within the meaning of Article 19 of the Convention. Pursuant to Article 16 of the Convention no judicial or administrative authorities in the United States shall decide on the merits of any rights of custody. Court proceedings relating to custody determination issues in this matter shall take place in the courts of Norway.

5. The order of this court is made under the authority of 42 U.S.C. § 11603(a), conferring original and concurrent jurisdiction on state and federal district courts of the United States.

6. **THEREFORE, TO ANY PEACE OFFICER IN THE STATE OF NEVADA, OR TO ANY FEDERAL OFFICER; OR ASSISTING SISTER STATE LAW ENFORCEMENT PERSONNEL:**

You are hereby commanded to enforce the instant order allowing Cisilie to remove the above-named minors from the United States of America, and to allow Cisilie to accompany them to Norway, giving said Cisilie the right, without interference, to have said children in her lawful custody for the purposes described herein.

7. All prior orders of this Court relating to custody and visitation have been declared void for lack of subject matter jurisdiction. Accordingly, all provisions of the *Decree of Divorce* filed August 21, 1998, bearing on custody and visitation of the children at issue, or incorporating the custody and visitation terms of the parties' "agreement" date July 9, 1998, are hereby void and unenforceable, and have been vacated. All aspects of the *Orders* entered April 12, 2000, and October 25, 2000, are invalid and void in their entirety and shall have no further force or effect.

At the time of the prior proceedings in this matter, this Court required counsel for Cisilie to relinquish all of the children's passports in her possession to the Court to be held in the confidential file until the completion of the legal proceedings in the Nevada Supreme Court. ~~These~~ ^{Those} proceedings having been completed, the passports for Kaia Louise Vaile, DOB February 13, 1995, and Kamilla Jane Vaile, DOB May 30, 1991 ("the children"), shall be released to the LAW OFFICE OF MARSHAL

1 S. WILLICK, P.C. to be forwarded to Cisilie Anne Vaile n/k/a Cisilie Porsboll ("Cisilie") and/or her
2 Texas counsel, Michael Gregory, Esq.

3 This order is effective the date below written, and shall continue in force and effect until
4 modified or canceled by a court of competent jurisdiction in Norway.

5 Dated this _____ day of APR 16 2002, 2002.

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7
8 CHERYL B. MOSS
9 DISTRICT COURT JUDGE

10 Respectfully submitted by:
11 LAW OFFICE OF MARSHAL S. WILLICK, P.C.

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14 MARSHAL S. WILLICK, ESQ.
15 Nevada Bar No. 002515
16 ROBERT CERCEO, ESQ.
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18 3551 E. Bonanza, Suite 101
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21 Attorneys for Defendant

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