

1 IN THE SUPREME COURT OF THE STATE OF NEVADA
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4 CISILIE A. VAILE,

5 Petitioner,

6 vs.

7 EIGHTH JUDICIAL DISTRICT
8 COURT OF THE STATE OF
9 NEVADA, IN AND FOR THE
10 COUNTY OF CLARK; FAMILY LAW
11 DIVISION, THE HONORABLE
12 CYNTHIA DIANE STEEL, DISTRICT
13 JUDGE,

14 Respondent.

15 and

16 R. SCOTLUND VAILE,

17 Real Party in Interest.

S.C. DOCKET NO. 36969
D.C. CASE NO. D 230385

FILED

FEB 26 2001

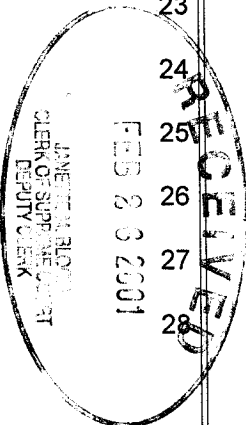
BY *[Signature]*
JANETTE M. BLOOM
CLERK OF SUPREME COURT
DEPUTY CLERK

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18 **R. SCOTLUND VAILE'S OPPOSITION TO**
19 **PETITIONER'S MOTION FOR PERMISSION TO SUBMIT**
20 **SUPPLEMENTAL EXHIBITS, POST ORAL ARGUMENT,**
21 **RELATING TO PETITIONS FOR WRIT OF MANDAMUS**
22 **AND WRIT OF PROHIBITION**

23 Following a tactic which has become all too disturbing through the course of the
24 instant Petitions for Writ, Petitioner once again comes before this Court seeking to
25 supplement the factual record and engaging in unsupported argument. What should be of
26 import to this Court is the factual record that was brought before Judge Steel and the
27 conclusions she was able to reach on that factual record after hearing the living testimony of
28 the involved parties. It is respectfully submitted the instant Motion to Supplement provides
no further insight on any of those concerns.

Despite the chimerical assertions about what light the Norway decision sheds upon
the veracity of Mr. Vaile, the simple truth is the Order of the appellate court simply finds
the municipal court in Oslo has jurisdiction to consider that allegations raised by Petitioner



61-03560

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1 before that Court. It does not establish the habitual residence of the children. It does not
2 establish that Mr. Vaile never intended to live in Las Vegas.

3 Interestingly, however, on the issue of veracity, it does establish Petitioner lied to
4 this Court, and to Judge Steel, when she asserted Norwegian court proceedings were in
5 place prior to Mr. Vaile seeking a declaration from Judge Steel that the children should be
6 given to him because of the unilateral breach of their agreement by Petitioner. This Court
7 will recall the assertion made to it was that this Norwegian court proceeding was started in
8 November of 1999 and that Mr. Vaile lied to Judge Steel when, in February of 2000, he
9 requested the return of his children but failed to mention the Norwegian "court"
10 proceeding. On page 2 of the translated opinion of the Appellant Court,¹ specifically noted
11 that while Mr. Vaile made his request to the Eighth Judicial District Court on February 18,
12 2000, *it was not until over a month later* that Petitioner made her first complaint through the
13 Oslo Municipal Court that the children should live with her. Thus the representations by
14 Mr. Vaile made to Judge Steel and to this Court on Petition were completely appropriate.
15 There was no pending court action in a foreign jurisdiction to be discussed to the Judge at
16 the time she entered her proper ruling regarding the propriety of Petitioner's behavior.

17 In addition, the proposed exhibit fails to address the fundamental issues to be
18 determined as it relates to the Hague Convention determination which Judge Steel properly
19 declined to issue. As indicated in the moving papers² it was argued a fundamental factor of
20 a court--in order to make a proper Hague Convention determination--is that the children be
21 physically within the ambit of the court's jurisdiction. Nothing in the translated Norwegian
22 Appellate Decision sheds any light on those allegations or on those factors. At best, it was

23 _____
24 ¹It should be noted, at this point, the allegedly translated opinion fails to contain
25 an affidavit from the translator indicating their ability or competency to make a
translation and, therefore, its accuracy is subject to question.

26 ²Petitioner asserts to this Court the matter has not been fully briefed and yet the
27 Court has before it legal pleadings replete with citations to appropriate jurisprudential
28 decisions and evidentiary exhibits, upon which it is requested to rely in rendering its
decision.

1 established that the children did not live in Las Vegas and, therefore, Judge Steel was
2 correct in declining to issue a Hague Convention determination when she did not have
3 jurisdiction over the physical person of the children.

4 CONCLUSION

5 Plaintiff is, once again, simply attempting to muddy the waters regarding the proper
6 decision by Judge Steel. The proposed citation is not only irrelevant, Petitioner's argument
7 as to what light will be shed by these documents is also inaccurate and irrelevant.
8 Accordingly, this request should be denied.

9 DATED this 20 day of February, 2001.

10 Respectfully submitted,

11 RAWLINGS, OLSON, CANNON,
12 GORMLEY & DESRUISSEAUX

13 By 

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16 Las Vegas, Nevada 89101
17 Attorneys for Real Party in Interest
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CERTIFICATE OF MAILING

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I HEREBY CERTIFY that on the 22nd day of February, 2001, I mailed a copy of the foregoing R. SCOTLUND VAILE'S OPPOSITION TO PETITIONER'S MOTION FOR PERMISSION TO SUBMIT SUPPLEMENTAL EXHIBITS, POST ORAL ARGUMENT, RELATING TO PETITIONS FOR WRIT OF MANDAMUS AND WRIT OF PROHIBITION to the following parties at their last known address, postage fully prepaid thereon:

MARSHAL S. WILLYCK, ESQ.
3551 E. Bonanza Road, Suite 101
Las Vegas, Nevada 89110
Attorney for Cisilie A. Vaile


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