

IN THE SUPREME COURT OF THE STATE OF NEVADA

ROBERT SCOTLUND VAILE,
Appellant,
vs.
CISILIE A. VAILE N/K/A CISILIE A.
PORSBOLL,
Respondent.

No. 61415

ROBERT SCOTLUND VAILE,
Appellant,
vs.
CISILIE A. VAILE N/K/A CISILIE A.
PORSBOLL,
Respondent.

No. 61626 ✓

FILED

OCT 22 2012

TRACIE K. LINDEMAN
CLERK OF SUPREME COURT
BY *Angel*
DEPUTY CLERK

ORDER

These are two proper person appeals challenging district court post-divorce decree orders regarding child support.

Administrative closure of Docket No. 61626

In Docket No. 61415, appellant appeals from a July 10, 2012, order reducing arrearages and interest on child support to judgment and redetermining appellant's monthly support payment in accordance with the parties' divorce decree. Because this order did not resolve the entry of child support penalties against appellant, however, it did not fully resolve all of the child support issues remanded to the district court by this court's opinion in Vaile v. Porsboll, 128 Nev. ___, 268 P.3d 1272 (2012), and thus, this notice of appeal was premature. The district court subsequently entered an order awarding attorney fees and costs to respondent on August 16, 2012, and, on August 17, 2012, it resolved the last remaining child support issue pending below by entering an order reducing child support penalties to judgment. This August 17 order perfected this court's jurisdiction, under NRAP 4(a)(6), over the premature notice of appeal in

Docket No. 61415. Appellant later filed an amended notice of appeal from the August 16 and August 17 orders. Upon this court's receipt of this amended notice of appeal, that document was inadvertently docketed as a new case, Docket No. 61626. Accordingly, the clerk of this court is directed to administratively close the appeal pending in Docket No. 61626 and to transfer the September 5, 2012, notice of appeal filed under that docket number to Docket No. 61415.¹ As a result, this court will consider appellant's challenges to the July 10, August 16, and August 17 orders in the context of that appeal.

Transmission of record on appeal

Having reviewed the documents on file in this proper person appeal, we conclude that our review of the complete record is warranted. See NRAP 10(a)(1). Accordingly, within 30 days from the date of this order, the clerk of the district court shall transmit to the clerk of this court a certified copy of the trial court record in District Court Case No. D230385. See NRAP 11(a)(2) (providing that the complete record shall contain each and every paper, pleading and other document filed, or submitted for filing, in the district court, as well as any previously prepared transcripts of the district court proceedings). The record shall not include any exhibits filed in the district court.

Motions filed in Docket No. 61415

Appellant has filed a number of motions in this appeal, which we address in turn. First on August 15, 2012, appellant filed a motion to defer payment of cost bond and to allow full briefing, which respondent

¹In light of this order, we deny as moot all requests for relief pending in Docket No. 61626.

opposes.² With regard to the bonds for costs on appeal, requests to vary the amount of the \$500 bond required to cover costs on appeal must be made in the district court. NRAP 7(b). Accordingly, appellant's motion to defer payment of that bond is denied. As for the motion for full briefing, having considered the motion and opposition, we grant appellant's motion in part, for the limited purpose of allowing appellant to file an opening brief. Appellant's opening brief shall comply with NRAP 28³ and NRAP 31(c), except that, with regard to NRAP 28(e), the brief may cite to either the record on appeal or any appendices submitted with the opening brief. Appellant shall have 50 days from the date of this order to file and serve his opening brief. Respondent need not file an answering brief unless directed to do so by this court. We note that this court will generally not grant relief without providing respondent with an opportunity to respond.

On September 4, 2012, appellant filed a motion to stay enforcement of the orders he challenges in this appeal and to stay any further activity in the underlying matter. Respondent opposes the motion and appellant has submitted a reply.⁴ Having considered the parties'

²On September 12, 2012, appellant filed in Docket No. 61415 a motion seeking to consolidate Docket Nos. 61415 and 61626 and to defer payment of the filing fee and cost bond in Docket No. 61626. As we have directed that the appeal pending in Docket No. 61626 be administratively closed, this motion is denied as moot.


³Proper person parties need not file the attorney certificate required by NRAP 28(a)(11).


⁴The clerk of this court is directed to file appellant's reply, which was provisionally received in this court on September 20, 2012, and appellant's supplemental reply, which was provisionally received on September 26, 2012. As we have directed the filing of these documents, we deny as moot appellant's October 1, 2012, motion to waive deficiency in reply brief or to authorize the filings of an amended reply brief.

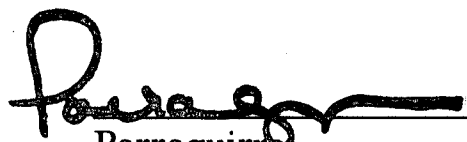
filings in light of the factors set forth in NRAP 8(c), we conclude that a stay is not warranted and we therefore deny appellant's motion for a stay.

Finally, on September 26, 2012, appellant submitted a motion for leave to proceed on appeal in forma pauperis.⁵ Respondent has not opposed the motion. Nonetheless, having considered the motion for leave to proceed in forma pauperis, we conclude that it should be denied.

It is so ORDERED.⁶


_____, J.
Saitta


_____, J.
Hardesty


_____, J.
Parraguirre

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

⁵The clerk of this court is directed to file appellant's motion, which was provisionally received in this court on September 26, 2012.

⁶With regard to the relief requested by appellant through a letter filed in this court on September 4, 2012, as relief must ordinarily be requested by way of a motion filed in this court in accordance with NRAP 27, In re Petition to Recall Dunleavy, 104 Nev. 784, 769 P2d 1271 (1988), no action will be taken on appellant's letter.