

1 **NOAS**

2 LAW OFFICE OF MARSHAL S. WILLOCK, P. C.

3 MARSHAL S. WILLOCK, ESQ.

4 Nevada Bar No. 002515

5 3551 E. Bonanza Road, Suite 101

6 Las Vegas, NV 89110-2198

7 (702) 438-4100

8 Attorneys for Plaintiff

FILED

Nov 22 2 25 PM '00

Shirley S. Paragaine
CLERK

FILED

9 **DISTRICT COURT**
10 **FAMILY DIVISION**
11 **CLARK COUNTY, NEVADA**

DEC 01 2000

BY *Janette M. Bloom*
JANETTE M. BLOOM
CLERK OF SUPREME COURT
DEPUTY CLERK

12 R. SCOTLUND VAILE,

13 Plaintiff,

14 vs.

15 CISILIE A VAILE,

16 Defendant.

CASE NO: D 230385
DEPT NO: G

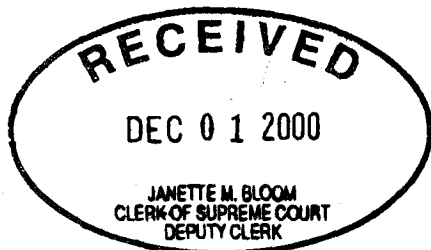
No. 37082

DATE OF HEARING: n/a
TIME OF HEARING: n/a

17 **NOTICE OF APPEAL**

18 **NOTICE IS HEREBY GIVEN** that Cisilie A. Vaile, Defendant above named, hereby
19 appeals to the Supreme Court of Nevada from the Order rendered by Judge Cynthia Diane Steel, and
20 entered on 25th day of October, 2000.

21 DATED this 22nd day of November, 2000.



27 Respectfully submitted by:
28 LAW OFFICE OF MARSHAL S. WILLOCK, P.C.

Marshal S. Willock

MARSHAL S. WILLOCK, ESQ.

Nevada Bar No. 002515

ROBERT CERCEO, ESQ.

Nevada Bar No. 005247

3551 East Bonanza, Suite 101

Las Vegas, Nevada 89110

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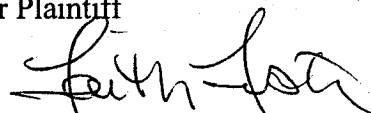
Attorneys for Defendant

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that service of the foregoing *Notice of Appeal* was made this 20th day of November, 2000, pursuant to EDCR 7.26(a), via facsimile to (702) 388-2514 and by first class U.S. mail, and addressed as follows:

JOSEPH F. DEMPSEY, ESQ.
Dempsey, Roberts & Smith, Ltd.
520 South Fourth Street
Las Vegas, NV 89101
Attorney for Plaintiff



An employee of the
LAW OFFICE OF MARSHAL S. WILICK, P. C.

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Job	Start Time	Usage	Phone Number or ID	Type	Pages	Mode	Status
63	11/22 2:00PM	0'00"	3882514.....	Send.....	0	Remote Fax was Busy..... 961
63	11/22 2:03PM	0'31"	702+388+2514	Send.....	2 / 2	EC144	Completed.....

Total 0'31" Pages Sent: 2 Pages Printed: 0

1 NOAS
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**DISTRICT COURT
FAMILY DIVISION
CLARK COUNTY, NEVADA**

R. SCOTLUND VAILF,
Plaintiff,
vs.
CISILIE A VAILE,
Defendant.

CASE NO: D 230385
DEPT NO: G

DATE OF HEARING: n/a
TIME OF HEARING: n/a

NOTICE OF APPEAL

NOTICE IS HEREBY GIVEN that Cisilie A. Vaile, Defendant above named, hereby
appeals to the Supreme Court of Nevada from the Order rendered by Judge Cynthia Diane Siecl, and
entered on 25th day of October, 2000.

DATED this 23rd day of November, 2000.

Respectfully submitted by:
LAW OFFICE OF MARSHAL S. WILICK, P.C.

Marshal S. Wilick
MARSHAL S. WILICK, ESQ.
Nevada Bar No. 002515
ROBERT CERCEO, ESQ.
Nevada Bar No. 005247
3551 East Bonanza, Suite 101
Las Vegas, Nevada 89110
(702) 438-4100
Attorneys for Defendant

DATE: 11/28/00
CASE NO. 98-D-230385-D

I N D E X

TIME 8:46 AM
JUDGE: STEEL, CYNTHIA D

Vaile, R S [] vs Vaile, Cisilie A []

001 P1 R S Vaile
004585 Dempsey, Joseph F.
NO. 1 Dempsey & Roberts
520 S Fourth #370
Las Vegas, NV 89101

002 D1 Cisilie A Vaile
NORWAY
002515 Willick, Marshal S.
NO. 1 330 S. Third St. Ste. 960
Las Vegas, NV 89101

003 SM Kaia L Vaile
000052 Smith, James E.
NO. 1 214 S. Maryland Pkwy.
Las Vegas, NV 89101

004 SM Kamilla J Vaile
000052 Smith, James E.
NO. 1 214 S. Maryland Pkwy.
Las Vegas, NV 89101

NO.	FILED/REC CODE	REASON/DESCRIPTION	FOR	OC	SCH/PER	C
0001	08/07/98	COMP/COMPLAINT FOR DECREE OF DIVORCE	001			
		Fee \$137.00	001			
0002	08/07/98	ANS /ANSWER IN PROPER PERSON	002		08/07/98	
0003	08/07/98	REQT/REQUEST FOR SUMMARY DISPOSITION OF AN UNCONTESTED DIVORCE	PD			
			PD			
0004	08/07/98	NOPC/NOTICE OF PROGRAM COMPLETION - EDCR 5.07	001			
0005	08/07/98	AFFD/AFFIDAVIT OF RESIDENT WITNESS	001			
0006	08/21/98	JMNT/DECREE OF DIVORCE	0002		08/24/98	
0007	08/26/98	NOTC/NOTICE OF ENTRY OF DECREE OF DIVORCE	002			
0008	02/18/00	CASO/CASE (RE)ACTIVATED ON				
0009	02/18/00	MOT /PLTF'S MOTION FOR ORDER DIRECTING DEFT TO APPEAR AND SHOW CAUSE RE: CONTEMPT	002	GR	03/29/00	
			002			
0010	02/18/00	REQT/PLAINTIFF'S MOTION FOR AN ORDER DIRECTING DEFENDANT TO APPEAR AND SHOW	001			Y
			001			
CAUSE WHY DEFENDANT SHOULD NOT BE HELD IN CONTEMPT OF COURT FOR FAILING TO RETURN THE MINOR CHILDREN TO NEVADA - THE IMMEDIATE RETURN OF THE MINOR CHILDREN TO NEVADA - FOR AN ORDER AWARDING PLAINTIFF PRIMARY PHYSICAL CUSTODY OF THE MINOR CHILDREN - ATTORNEYS FEES AND COSTS						
0011	03/28/00	VERF/VERIFICATION OF SERVICE	001			
0012	04/04/00	RSPN/RESPONSE TO PLAINTIFFS MOTION	002			
0013	04/12/00	ORDR/ORDER	001	HG	03/29/00	
0014	04/19/00	NOTC/NOTICE OF ENTRY OF ORDER	001	GR	04/19/00	
0015	09/21/00	CASO/CASE (RE)ACTIVATED ON				
0016	09/21/00	MOT /DEFT'S MOTION FOR RETURN OF CHILDREN (VS 9-26-00 MC)	001	VC	10/13/00	
			001			
0017	09/25/00	NOTC/NOTICE OF EXHIBIT TO MOTION FOR RETURN OF CHILDREN IN THE VAULT (VIDEO TAPE)			09/21/00	
0018	09/21/00	EXPT/EX PARTE APPLICATION FOR ORDER SHORTENING TIME	002			
			002			
0019	09/26/00	MOT /DEFT'S MOTION FOR RETURN OF CHILDREN	001	GR	09/29/00	
0020	09/25/00	SUPP/SUPPLEMENTAL EXHIBITS	001			
0021	09/26/00	ORDR/ORDER SHORTENING TIME	002			
0022	09/26/00	NOTC/NOTICE OF ENTRY OF ORDER	PD		09/26/00	

NO.	FILED/REC CODE	REASON/DESCRIPTION	FOR	OC	SCH/PER	C
0023	09/28/00	CC13/DECLARATION UNDER UNIFORM CHILD CUSTODY JURISDICTION ACT	002			
0024	10/02/00	TELE/TELEPHONE CONFERENCE		MH	10/02/00	
0025	10/02/00	HEAR/HEARING: JURISDICTIONAL		RM	10/11/00	
0026	09/29/00	ORDR/ORDER FROM HEARING	002	HG	09/29/00	
0027	09/29/00	ORDR/ORDER	002	HG	09/29/00	
0028	10/03/00	NOTC/NOTICE OF ENTRY OF ORDER	002		10/03/00	
0029	10/03/00	NOTC/NOTICE OF ENTRY OF ORDER FROM HEARING	002		10/03/00	
0030	10/03/00	CRTF/CERTIFICATE OF SERVICE	001	TP	10/02/00	
0031	10/05/00	SUPP/SUPPLEMENTAL TO MOTION FOR IMMEDIATE RETURN OF INTERNATIONALLY ABDUCTED CHILDREN AND MOTION TO SET ASIDE FRAUDULENTLY OBTAINED DIVORCE OR IN THE ALTERNATIVE SET ASIDE ORDERS ENTERED ON APRIL 12 2000 AND REHEAR THE MATTER AND FOR ATTORNEYS FEES AND COSTS	002			Y
0032	10/06/00	NOTC/NOTICE OF POSTING CASH BOND	002		10/06/00	
0033	10/09/00	ROP /RECEIPT	002		10/05/00	
0034	10/09/00	OPPS/OPPOSITION TO DEFENDANTS MOTION TO SET ASIDE DECREE OF DIVORCE	001			
0035	10/10/00	MEMO/EVIDENTIARY HEARING TRIAL MEMORANDUM	002			
0036	10/10/00	CRTF/CERTIFICATE OF SERVICE	001	TP	10/10/00	
0037	10/10/00	RPLY/REPLY TO PLAINTIFFS OPPOSITION TO DEFENDANTS MOTION TO SET ASIDE DECREE OF DIVORCE	002			Y
0038	10/10/00	NCA /COURTESY COPY OF REQUESTED AUTHORITIES	001			
0039	10/10/00	ORDR/STIPULATION AND ORDER	AL	SO	10/10/00	
0040	10/10/00	AFFD/DOMESTIC RELATIONS AFFIDAVIT OF FINANCIAL CONDITION	002			
0041	10/12/00	NOTC/NOTICE OF ENTRY OF ORDER	002	GR	10/12/00	
0042	10/11/00	ORDR/ORDER FOR FAMILY MEDIATION CENTER SERVICES	AL			
0043	10/11/00	RET /RETURN: MARATHON MEDIATION/JURISDICTION ISSUES		MH	10/17/00	
0044	10/17/00	CASO/CASE (RE)ACTIVATED ON				
0045	10/13/00	MEMO/PLAINTIFFS POST HEARING MEMORANDUM	001			
0046	10/13/00	MEMO/POST EVIDENTIARY HEARING TRIAL MEMO	002			
0047	10/18/00	ORDR/ORDER EXONERATING BOND	001	HG	10/11/00	
0048	10/25/00	ORDR/ORDER	001	HG	10/17/00	
0049	10/25/00	ROP /RECEIPT OF PASSPORTS	002		10/25/00	
0050	10/26/00	NOTC/NOTICE OF ENTRY OF ORDER	001		10/26/00	
0051	11/03/00	NCA /INTERNATIONAL INFORMATION	002			
0052	11/16/00	NCA /DIRECTIONS FROM CENTRAL AUTHORITY	002			
0053	11/17/00	ERR /ERRATA TO DIRECTIONS FROM CENTRAL AUTHORITY	001			
0054	11/22/00	NOAS/NOTICE OF APPEAL	002	AP	11/22/00	

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FILED

OCT 23 2 40 PM '00

90

CLERK

ORDER

JOSEPH F. DEMPSEY, Esq.
Nevada Bar No. 004585
DEMPSEY, ROBERTS & SMITH, LTD.
Attorneys at Law
520 S. Fourth St., Suite 360
Las Vegas, NV 89101
(702) 388-1216
Attorney for Plaintiff
R. SCOTLUND VAILE

**DISTRICT COURT
FAMILY DIVISION
CLARK COUNTY, NEVADA**

R. SCOTLUND VAILE,
Plaintiff,

vs.

CISILIE A. VAILE,
Defendant.

CASE NO: D 230385
DEPT. NO: G

DATE OF HEARING: 10-17-2000
TIME OF HEARING: 3:30 p.m.

ORDER

The DEFENDANT'S MOTION FOR IMMEDIATE RETURN OF INTERNATIONALLY ABDUCTED CHILDREN AND MOTION TO SET ASIDE FRAUDULENTLY OBTAINED DIVORCE, OR IN THE ALTERNATIVE, SET ASIDE ORDERS ENTERED ON APRIL 12, 2000, AND REHEAR THE MATTER, AND FOR ATTORNEY'S FEES AND COSTS having come on for hearing on the above indicated date, the Plaintiff present and represented by his attorney, JOSEPH F. DEMPSEY, ESQ., of the law firm of DEMPSEY, ROBERTS & SMITH, LTD., and the Defendant present and represented by her attorneys, LAW OFFICE OF MARSHAL S. WILICK, P.C., appearing before the HONORABLE CYNTHIA DIANNE STEEL and the Court having reviewed al the papers, pleadings and records on file herein, together with the oral argument of counsel and good cause appearing; **the Court finds:**

COUNTY CLERK

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1. This Court finds no support restricting it from looking at other issues first before making a Hague Convention decision. This Court makes no Hague Convention determination, but if it did make such a determination, the Court would find that the habitual residence and contracting state for the children would be the State of Nevada ^{pursuant to the Decree of Divorce} and that the Plaintiff, Scotlund Vaile, did not wrongfully take the children, but instead, Defendant, Cisilie Vaile, was wrongfully retaining the children in Norway beyond those agreements which were in place between the parties at that time. Those agreements had not been objected to by anyone at that point in time when Mr. Vaile resecured his children.

2. There is no case that says "If you are living out of country and you want to move from one place to another, that moving your address was not enough." That based upon testimony of the witnesses, that these parties both wanted a divorce and didn't want to wait another year to achieve it. That Mr. Vaile took sufficient steps to change his residence from the State of Virginia to the State of Nevada prior to May 12, 1998. If a billing statement from a credit card company was mailed May 12, 1998, it is absolutely imperative that Mr. Vaile write them a letter long before that time to make certain that the address change is made. Just because a billing statement does not state May 12, 1998, it does not mean that there was no prior conduct by Mr. Vaile to change his address from the State of Virginia to the State of Nevada. Therefore, the Court believes it was Mr. Vaile's intention to remove his residence from the State of Virginia, and move it to the State of Nevada. Since Mr. Vaile's body was neither in Virginia nor Nevada, and because he was restrained by the British authorities in London, he could not be physically present in Nevada. But for those things, Mr. Vaile would have been physically present in Nevada sooner than he was actually present in Nevada. Therefore, the Court believes that it was Mr. Vaile's intent to be physically present in Nevada and the Court relies on Mr. Vaile's changing of address of his legal residence from one place to another.

3. That the Court does not find that Mr. Vaile has intentionally tried to defraud the Court, as the Court does not find Ms. Vaile intentionally trying to defraud the Court. The Court believes that both parties just wanted to be anywhere, without the other. Therefore, the Court finds that there was both personal jurisdiction and subject matter jurisdiction in order to achieve the Decree of Divorce and the separating of whatever properties were separated.

1 4. That the Court also finds merit in the argument of Judicial Estoppel. The Court does not
2 believe that Ms. Vaile signed the Decree of Divorce under duress. The timing is not appropriate for
3 Ms. Vaile to claim duress. The Court does not believe Ms. Vaile felt that Mr. Vaile would take the
4 children from her under some American Law. Ms. Vaile already had forces under British law
5 preventing Mr. Vaile from taking the children and Ms. Vaile had the Decree of Divorce domesticated
6 in Norway as soon as she received a copy of it. The Court believes that Ms. Vaile was pretty
7 comfortable with her legal surroundings in Europe. Therefore, the Court does not believe that Ms.
8 Vaile had any feelings of duress at the time she signed the admissions in the Answer. Further, if Ms.
9 Vaile felt that she had been under duress, or that there was a lack of jurisdiction, at that time, her
10 redress would have been to immediately file something in Norway, England or elsewhere to try to
11 correct it. Ms. Vaile did nothing in this regard. The Court simply does not believe Ms. Vaile was
12 coerced or under any duress whatsoever.

13 5. That when the Court considers the full faith and credit with regard to the residency laws, the
14 Court believes that the Court does not want citizens of the United States forum shopping. This Court
15 does not want somebody who actually lives in Virginia and who could run to the courthouse there,
16 flying to Las Vegas and in a half an hour obtaining a divorce, and flying back to Virginia saying "I
17 beat the rap!" That is the full faith and credit this Court is trying to achieve by adhering to the
18 residency statutes. However, in this case, the Court finds that these parties had left Virginia and
19 neither of them had any intention of ever returning to Virginia. Therefore, the Court believes it was
20 the intent of the parties to relocate to Nevada, be it for tax purposes, or any other purpose. Because
21 Mr. Vaile's mother lived here and he needed some time to "catch his breath," whatever the reason
22 is, they came here and Mr. Vaile had no idea when he was going to leave when he signed the Decree.

23 6. That the Court finds that Ms. Vaile took advantage of the Decree of Divorce, immediately
24 moved to Norway with the children for a year, then decided after a year that she didn't want to live
25 up to the agreement. The appropriate thing for the parties would be to file a motion.

26 7. The Court further finds that the Court never had jurisdiction over the Children, because the
27 children were never present in this state. The Court had jurisdiction over the parties' conduct toward
28 each other with regard to the agreement under a contract theory. He (Mr. Vaile) promised to do

1 certain things and she (Ms. Vaile) promised to do certain things and they did not do those things.
2 When the parties came back to Court the Court, after Ms. Vaile was properly served and the Court
3 gave her extra time to respond, the Court issued the Order that Mr. Vaile could retrieve the children.
4 That Order is a "Pick Up" Order, which are normally followed by another hearing. That didn't
5 happen. The Court had jurisdiction over the conduct of the parties, but it did not have jurisdiction
6 over the children.

7 8. The Court is going to keep emergency jurisdiction over the children until some other court
8 says "I have jurisdiction over the children and I will relinquish you of that responsibility." The two
9 judges from the State of Texas and Norway need to talk to each other and decide who has
10 jurisdiction. The victor court will call this Court and advise of the jurisdictional decision. This
11 Court will then relinquish jurisdiction. This Court will return the children to the State of Texas until
12 it receives the call from Texas or Norway. The court with jurisdiction needs to sign an order,
13 cosigned by the other court, and this Court must receive the countersigned order before it releases
14 jurisdiction. This Court will retain the children's passports and will return Mr. and Ms. Vaile's
15 individual passports. The children are not to be shuttled continually back and forth between Texas
16 and Norway. Whatever visitation Ms. Vaile wants, she can have while the children reside in Texas
17 with Mr. Vaile. This subject matter jurisdiction on behalf of the children is not waivable. The
18 parties have to start a custody and visitation decision "from scratch." What they have now is a
19 contract, but this Court cannot say what to do with the children.

20 The Court having been fully advised in the premises, and good cause appearing therefore;

21 **IT IS HEREBY ORDERED** the Defendant's *MOTION TO SET ASIDE FRAUDULENTLY*
22 *OBTAINED DIVORCE, OR IN THE ALTERNATIVE, SET ASIDE ORDERS ENTERED ON APRIL*
23 *12, 2000, AND REHEAR THE MATTER, AND FOR ATTORNEY'S FEES AND COSTS* is DENIED
24 and the Court makes no Hague Convention determination on the Defendant's *MOTION FOR*
25 *IMMEDIATE RETURN OF INTERNATIONALLY ABDUCTED CHILDREN.*

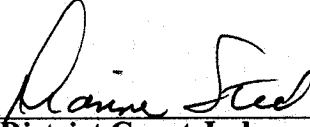

26 **IT IS FURTHER ORDERED** that the children are to be returned to Texas in the custody
27 of Plaintiff, Scotlund Vaile, on October 25, 2000. That the children's passports will remain in the
28 Custody of this Court until a court of competent jurisdiction issues an order regarding custody of the

1 children. The passports of the Plaintiff and the Defendant, Cisilie Vaile, will be immediately
2 returned by the Court.

3 **IT IS FURTHER ORDERED** that Defendant, Cisilie Vaile, is awarded liberal visitation
4 with the children while Defendant is in Las Vegas, until October 25, 2000, and then later in Texas
5 while this Court awaits word from another court that will assert jurisdiction over the children.

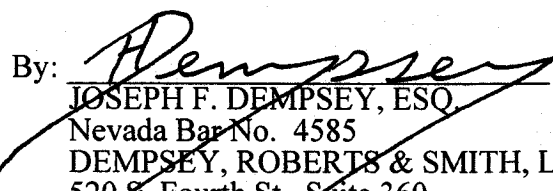
6 **IT IS FURTHER ORDERED** that the children shall remain in Plaintiff's temporary custody
7 in Texas until this Court receives and Order from whichever court is deemed to have jurisdiction
8 over the children.

9 DATED and DONE this 25th day of October 2000.

10
11 
12 District Court Judge 

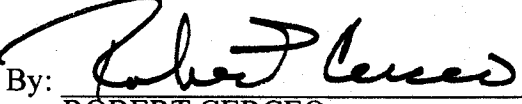
13 Respectfully Submitted By:

14 DEMPSEY, ROBERTS & SMITH, LTD.

15
16 By: 
17 JOSEPH F. DEMPSEY, ESQ.
18 Nevada Bar No. 4585
19 DEMPSEY, ROBERTS & SMITH, LTD.
20 520 S. Fourth St., Suite 360
21 Las Vegas, Nevada 89101
22 Attorney for Plaintiff
23 R. SCOTLUND VAILE

24 Approved as to Form and Content by:

25 LAW OFFICE OF MARSHAL S. WILICK, P.C.

26 By: 
27 ROBERT CERCEO
28 Nevada Bar No. 5247
3551 E. Bonanza Road, #101
Las Vegas, Nevada 89110
Attorney for Defendant
CISILIE A. VAILE

ORIGINAL

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JOSEPH F. DEMPSEY, ESQ.
Nevada Bar No. 4585
DEMPSEY, ROBERTS & SMITH, LTD.
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Las Vegas, Nevada 89101
(702) 388-1216
Attorney for Plaintiff
R. SCOTLUND VAILE


DISTRICT COURT
FAMILY DIVISION
CLARK COUNTY, NEVADA

R. SCOTLUND VAILE,)	
)	CASE NO. : D 230385
Plaintiff,)	DEPT. NO. : G
)	
vs.)	
)	
CISILIE A. VAILE,)	Hearing date: 10-17-2000
)	Hearing time: 3:30 P.M.
Defendant.)	

NOTICE OF ENTRY OF ORDER

PLEASE TAKE NOTICE that an Order was duly entered on October 25, 2000, by filing with the Clerk of Eight Judicial District Court, Family Division, a copy of which is attached hereto.

DATED this 26th day of October, 2000.

By: 
JOSEPH F. DEMPSEY, ESQ.
Nevada Bar No. 4585
DEMPSEY, ROBERTS & SMITH, LTD.
520 S. Fourth St., Suite 360
Las Vegas, Nevada 89101
Attorney for Plaintiff

DEMPSEY, ROBERTS & SMITH, LTD.

ATTORNEYS AT LAW

520 South Fourth Street, Suite 360

Las Vegas, Nevada 89101

(702) 388-1216 • Fax: (702) 388-2514

COUNTY CLERK

OCT 26 2000


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CERTIFICATE OF MAILING

I HEREBY CERTIFY that on October 26, 2000, a copy of the foregoing NOTICE OF ENTRY OF ORDER was deposited in the United States Mail, First Class Mail, Postage prepaid, addressed to the following:

MARSHAL S. WILLICK, P.C.
3551 E. Bonanza Road, #101
Las Vegas, Nevada 89110


An Employee of
DEMPSEY, ROBERTS & SMITH, LTD.

1 **ORDR**

2 JOSEPH F. DEMPSEY, Esq.
3 Nevada Bar No. 004585
4 DEMPSEY, ROBERTS & SMITH, LTD.
5 Attorneys at Law
6 520 S. Fourth St., Suite 360
7 Las Vegas, NV 89101
8 (702) 388-1216
9 Attorney for Plaintiff
10 R. SCOTLUND VAILE

FILED

OCT 25 2 40 PM '00

Shirley S. Langione
CLERK

11 **DISTRICT COURT**
12 **FAMILY DIVISION**
13 **CLARK COUNTY, NEVADA**

14 R. SCOTLUND VAILE,

15 Plaintiff,

16 vs.

17 CISILIE A. VAILE,

18 Defendant.

CASE NO: D 230385

DEPT. NO: G

DATE OF HEARING: 10-17-2000
TIME OF HEARING: 3:30 p.m.

19 **ORDER**

20 The DEFENDANT'S *MOTION FOR IMMEDIATE RETURN OF INTERNATIONALLY*
21 *ABDUCTED CHILDREN AND MOTION TO SET ASIDE FRAUDULENTLY OBTAINED*
22 *DIVORCE, OR IN THE ALTERNATIVE, SET ASIDE ORDERS ENTERED ON APRIL 12, 2000,*
23 *AND REHEAR THE MATTER, AND FOR ATTORNEY'S FEES AND COSTS* having come on for
24 hearing on the above indicated date, the Plaintiff present and represented by his attorney, JOSEPH
25 F. DEMPSEY, ESQ., of the law firm of DEMPSEY, ROBERTS & SMITH, LTD., and the
26 Defendant present and represented by her attorneys, LAW OFFICE OF MARSHAL S. WILICK, P.C.,
27 appearing before the **HONORABLE CYNTHIA DIANNE STEEL** and the Court having reviewed
28 al the papers, pleadings and records on file herein, together with the oral argument of counsel and
good cause appearing; **the Court finds:**

1 certain things and she (Ms. Vaile) promised to do certain things and they did not do those things.
2 When the parties came back to Court the Court, after Ms. Vaile was properly served and the Court
3 gave her extra time to respond, the Court issued the Order that Mr. Vaile could retrieve the children.
4 That Order is a "Pick Up" Order, which are normally followed by another hearing. That didn't
5 happen. The Court had jurisdiction over the conduct of the parties, but it did not have jurisdiction
6 over the children.

7 8. The Court is going to keep emergency jurisdiction over the children until some other court
8 says "I have jurisdiction over the children and I will relinquish you of that responsibility." The two
9 judges from the State of Texas and Norway need to talk to each other and decide who has
10 jurisdiction. The victor court will call this Court and advise of the jurisdictional decision. This
11 Court will then relinquish jurisdiction. This Court will return the children to the State of Texas until
12 it receives the call from Texas or Norway. The court with jurisdiction needs to sign an order,
13 cosigned by the other court, and this Court must receive the countersigned order before it releases
14 jurisdiction. This Court will retain the children's passports and will return Mr. and Ms. Vaile's
15 individual passports. The children are not to be shuttled continually back and forth between Texas
16 and Norway. Whatever visitation Ms. Vaile wants, she can have while the children reside in Texas
17 with Mr. Vaile. This subject matter jurisdiction on behalf of the children is not waivable. The
18 parties have to start a custody and visitation decision "from scratch." What they have now is a
19 contract, but this Court cannot say what to do with the children.

20 The Court having been fully advised in the premises, and good cause appearing therefore:

21 **IT IS HEREBY ORDERED** the Defendant's *MOTION TO SET ASIDE FRAUDULENTLY*
22 *OBTAINED DIVORCE, OR IN THE ALTERNATIVE, SET ASIDE ORDERS ENTERED ON APRIL*
23 *12, 2000, AND REHEAR THE MATTER, AND FOR ATTORNEY'S FEES AND COSTS* is DENIED
24 and the Court makes no Hague Convention determination on the Defendant's *MOTION FOR*
25 *IMMEDIATE RETURN OF INTERNATIONALLY ABDUCTED CHILDREN.*

26 **IT IS FURTHER ORDERED** that the children are to be returned to Texas in the custody
27 of Plaintiff, Scotlund Vaile, on October 25, 2000. That the children's passports will remain in the
28 Custody of this Court until a court of competent jurisdiction issues an order regarding custody of the

1 children. The passports of the Plaintiff and the Defendant, Cisilie Vaile, will be immediately
2 returned by the Court.

3 **IT IS FURTHER ORDERED** that Defendant, Cisilie Vaile, is awarded liberal visitation
4 with the children while Defendant is in Las Vegas, until October 25, 2000, and then later in Texas
5 while this Court awaits word from another court that will assert jurisdiction over the children.

6 **IT IS FURTHER ORDERED** that the children shall remain in Plaintiff's temporary custody
7 in Texas until this Court receives and Order from whichever court is deemed to have jurisdiction
8 over the children.

9 DATED and DONE this 25th day of October 2000.

10
11 CYNTHIA DIANNE STEEL
12 District Court Judge

13 Respectfully Submitted By:

14 DEMPSEY, ROBERTS & SMITH, LTD.

15
16 By: 

17 JOSEPH F. DEMPSEY, ESQ.
18 Nevada Bar No. 4585
19 DEMPSEY, ROBERTS & SMITH, LTD.
20 520 S. Fourth St., Suite 360
21 Las Vegas, Nevada 89101
22 Attorney for Plaintiff
23 R. SCOTLUND VAILE

24 Approved as to Form and Content by:

25 LAW OFFICE OF MARSHAL S. WILICK, P.C.

26 By: 

27 ROBERT CERCEO
28 Nevada Bar No. 5247
3551 E. Bonanza Road, #101
Las Vegas, Nevada 89110
Attorney for Defendant
CISILIE A. VAILE

ORIGINAL

NOEJ
JOSEPH F. DEMPSEY, ESQ.
Nevada Bar No. 4585
DEMPSEY, ROBERTS & SMITH, LTD.
Attorneys at Law
520 S. Fourth St., Suite 360
Las Vegas, Nevada 89101
(702) 388-1216
Attorney for Plaintiff
R. SCOTLUND VAILE

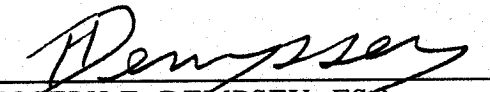
DISTRICT COURT
FAMILY DIVISION
CLARK COUNTY, NEVADA

R. SCOTLUND VAILE,)	
)	CASE NO. : D 230385
Plaintiff,)	DEPT. NO. : G
)	
vs.)	
)	
CISILIE A. VAILE,)	Hearing date: 10-17-2000
)	Hearing time: 3:30 P.M.
Defendant.)	

NOTICE OF ENTRY OF ORDER

PLEASE TAKE NOTICE that an Order was duly entered on October 25, 2000, by filing with the Clerk of Eight Judicial District Court, Family Division, a copy of which is attached hereto.

DATED this 26th day of October, 2000.

By: 
JOSEPH F. DEMPSEY, ESQ.
Nevada Bar No. 4585
DEMPSEY, ROBERTS & SMITH, LTD.
520 S. Fourth St., Suite 360
Las Vegas, Nevada 89101
Attorney for Plaintiff

DEMPSEY, ROBERTS & SMITH, LTD.

ATTORNEYS AT LAW

520 South Fourth Street, Suite 360

Las Vegas, Nevada 89101

(702) 388-1216 • Fax: (702) 388-2514

CLARK COUNTY

OCT 26 2000

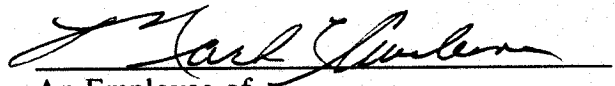
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CERTIFICATE OF MAILING

I HEREBY CERTIFY that on October 26, 2000, a copy of the foregoing NOTICE OF ENTRY OF ORDER was deposited in the United States Mail, First Class Mail, Postage prepaid, addressed to the following:

MARSHAL S. WILLICK, P.C.
3551 E. Bonanza Road, #101
Las Vegas, Nevada 89110


An Employee of
DEMPSEY, ROBERTS & SMITH, LTD.

1 **ORDR**

2 JOSEPH F. DEMPSEY, Esq.
3 Nevada Bar No. 004585
4 DEMPSEY, ROBERTS & SMITH, LTD.
5 Attorneys at Law
6 520 S. Fourth St., Suite 360
7 Las Vegas, NV 89101
8 (702) 388-1216
9 Attorney for Plaintiff
10 R. SCOTLUND VAILE

FILED

OCT 25 2 40 PM '00

Shirley J. Langione
CLERK

11 **DISTRICT COURT**
12 **FAMILY DIVISION**
13 **CLARK COUNTY, NEVADA**

14 R. SCOTLUND VAILE,

15 Plaintiff,

16 vs.

17 CISILIE A. VAILE,

18 Defendant.

CASE NO: D 230385

DEPT. NO: G

DATE OF HEARING: 10-17-2000

TIME OF HEARING: 3:30 p.m.

19 **ORDER**

20 The DEFENDANT'S *MOTION FOR IMMEDIATE RETURN OF INTERNATIONALLY*
21 *ABDUCTED CHILDREN AND MOTION TO SET ASIDE FRAUDULENTLY OBTAINED*
22 *DIVORCE, OR IN THE ALTERNATIVE, SET ASIDE ORDERS ENTERED ON APRIL 12, 2000,*
23 *AND REHEAR THE MATTER, AND FOR ATTORNEY'S FEES AND COSTS* having come on for
24 hearing on the above indicated date, the Plaintiff present and represented by his attorney, JOSEPH
25 F. DEMPSEY, ESQ., of the law firm of DEMPSEY, ROBERTS & SMITH, LTD., and the
26 Defendant present and represented by her attorneys, LAW OFFICE OF MARSHAL S. WILICK, P.C.,
27 appearing before the **HONORABLE CYNTHIA DIANNE STEEL** and the Court having reviewed
28 al the papers, pleadings and records on file herein, together with the oral argument of counsel and
good cause appearing; **the Court finds:**

1. This Court finds no support restricting it from looking at other issues first before making a Hague Convention decision. This Court makes no Hague Convention determination, but if it did make such a determination, the Court would find that the habitual residence and contracting state for the children would be the State of Nevada ^{pursuant to the Decree of Divorce} and that the Plaintiff, Scotlund Vaile, did not wrongfully take the children, but instead, Defendant, Cisilie Vaile, was wrongfully retaining the children in Norway beyond those agreements which were in place between the parties at that time. Those agreements had not been objected to by anyone at that point in time when Mr. Vaile resecured his children.

2. There is no case that says "If you are living out of country and you want to move from one place to another, that moving your address was not enough." That based upon testimony of the witnesses, that these parties both wanted a divorce and didn't want to wait another year to achieve it. That Mr. Vaile took sufficient steps to change his residence from the State of Virginia to the State of Nevada prior to May 12, 1998. If a billing statement from a credit card company was mailed May 12, 1998, it is absolutely imperative that Mr. Vaile write them a letter long before that time to make certain that the address change is made. Just because a billing statement does not state May 12, 1998, it does not mean that there was no prior conduct by Mr. Vaile to change his address from the State of Virginia to the State of Nevada. Therefore, the Court believes it was Mr. Vaile's intention to remove his residence from the State of Virginia, and move it to the State of Nevada. Since Mr. Vaile's body was neither in Virginia nor Nevada, and because he was restrained by the British authorities in London, he could not be physically present in Nevada. But for those things, Mr. Vaile would have been physically present in Nevada sooner than he was actually present in Nevada. Therefore, the Court believes that it was Mr. Vaile's intent to be physically present in Nevada and the Court relies on Mr. Vaile's changing of address of his legal residence from one place to another.

3. That the Court does not find that Mr. Vaile has intentionally tried to defraud the Court, as the Court does not find Ms. Vaile intentionally trying to defraud the Court. The Court believes that both parties just wanted to be anywhere, without the other. Therefore, the Court finds that there was both personal jurisdiction and subject matter jurisdiction in order to achieve the Decree of Divorce and the separating of whatever properties were separated.

1 4. That the Court also finds merit in the argument of Judicial Estoppel. The Court does not
2 believe that Ms. Vaile signed the Decree of Divorce under duress. The timing is not appropriate for
3 Ms. Vaile to claim duress. The Court does not believe Ms. Vaile felt that Mr. Vaile would take the
4 children from her under some American Law. Ms. Vaile already had forces under British law
5 preventing Mr. Vaile from taking the children and Ms. Vaile had the Decree of Divorce domesticated
6 in Norway as soon as she received a copy of it. The Court believes that Ms. Vaile was pretty
7 comfortable with her legal surroundings in Europe. Therefore, the Court does not believe that Ms.
8 Vaile had any feelings of duress at the time she signed the admissions in the Answer. Further, if Ms.
9 Vaile felt that she had been under duress, or that there was a lack of jurisdiction, at that time, her
10 redress would have been to immediately file something in Norway, England or elsewhere to try to
11 correct it. Ms. Vaile did nothing in this regard. The Court simply does not believe Ms. Vaile was
12 coerced or under any duress whatsoever.

13 5. That when the Court considers the full faith and credit with regard to the residency laws, the
14 Court believes that the Court does not want citizens of the United States forum shopping. This Court
15 does not want somebody who actually lives in Virginia and who could run to the courthouse there,
16 flying to Las Vegas and in a half an hour obtaining a divorce, and flying back to Virginia saying "I
17 beat the rap!" That is the full faith and credit this Court is trying to achieve by adhering to the
18 residency statutes. However, in this case, the Court finds that these parties had left Virginia and
19 neither of them had any intention of ever returning to Virginia. Therefore, the Court believes it was
20 the intent of the parties to relocate to Nevada, be it for tax purposes, or any other purpose. Because
21 Mr. Vaile's mother lived here and he needed some time to "catch his breath," whatever the reason
22 is, they came here and Mr. Vaile had no idea when he was going to leave when he signed the Decree.

23 6. That the Court finds that Ms. Vaile took advantage of the Decree of Divorce, immediately
24 moved to Norway with the children for a year, then decided after a year that she didn't want to live
25 up to the agreement. The appropriate thing for the parties would be to file a motion.

26 7. The Court further finds that the Court never had jurisdiction over the Children, because the
27 children were never present in this state. The Court had jurisdiction over the parties' conduct toward
28 each other with regard to the agreement under a contract theory. He (Mr. Vaile) promised to do

1 certain things and she (Ms. Vaile) promised to do certain things and they did not do those things.
2 When the parties came back to Court the Court, after Ms. Vaile was properly served and the Court
3 gave her extra time to respond, the Court issued the Order that Mr. Vaile could retrieve the children.
4 That Order is a "Pick Up" Order, which are normally followed by another hearing. That didn't
5 happen. The Court had jurisdiction over the conduct of the parties, but it did not have jurisdiction
6 over the children.

7 8. The Court is going to keep emergency jurisdiction over the children until some other court
8 says "I have jurisdiction over the children and I will relinquish you of that responsibility." The two
9 judges from the State of Texas and Norway need to talk to each other and decide who has
10 jurisdiction. The victor court will call this Court and advise of the jurisdictional decision. This
11 Court will then relinquish jurisdiction. This Court will return the children to the State of Texas until
12 it receives the call from Texas or Norway. The court with jurisdiction needs to sign an order.
13 cosigned by the other court, and this Court must receive the countersigned order before it releases
14 jurisdiction. This Court will retain the children's passports and will return Mr. and Ms. Vaile's
15 individual passports. The children are not to be shuttled continually back and forth between Texas
16 and Norway. Whatever visitation Ms. Vaile wants, she can have while the children reside in Texas
17 with Mr. Vaile. This subject matter jurisdiction on behalf of the children is not waivable. The
18 parties have to start a custody and visitation decision "from scratch." What they have now is a
19 contract, but this Court cannot say what to do with the children.

20 The Court having been fully advised in the premises, and good cause appearing therefore:

21 **IT IS HEREBY ORDERED** the Defendant's *MOTION TO SET ASIDE FRAUDULENTLY*
22 *OBTAINED DIVORCE, OR IN THE ALTERNATIVE, SET ASIDE ORDERS ENTERED ON APRIL*
23 *12, 2000, AND REHEAR THE MATTER, AND FOR ATTORNEY'S FEES AND COSTS* is DENIED
24 and the Court makes no Hague Convention determination on the Defendant's *MOTION FOR*
25 *IMMEDIATE RETURN OF INTERNATIONALLY ABDUCTED CHILDREN.*

26 **IT IS FURTHER ORDERED** that the children are to be returned to Texas in the custody
27 of Plaintiff, Scotlund Vaile, on October 25, 2000. That the children's passports will remain in the
28 Custody of this Court until a court of competent jurisdiction issues an order regarding custody of the

1 children. The passports of the Plaintiff and the Defendant, Cisilie Vaile, will be immediately
2 returned by the Court.

3 **IT IS FURTHER ORDERED** that Defendant, Cisilie Vaile, is awarded liberal visitation
4 with the children while Defendant is in Las Vegas, until October 25, 2000, and then later in Texas
5 while this Court awaits word from another court that will assert jurisdiction over the children.

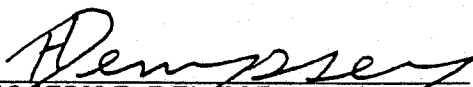
6 **IT IS FURTHER ORDERED** that the children shall remain in Plaintiff's temporary custody
7 in Texas until this Court receives and Order from whichever court is deemed to have jurisdiction
8 over the children.

9 DATED and DONE this 25th day of October 2000.

10
11 CYNTHIA DIANNE STEEL
12 District Court Judge

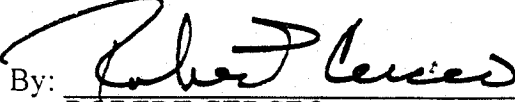
13 Respectfully Submitted By:

14 DEMPSEY, ROBERTS & SMITH, LTD.

15
16 By: 
17 JOSEPH F. DEMPSEY, ESQ.
18 Nevada Bar No. 4585
19 DEMPSEY, ROBERTS & SMITH, LTD.
20 520 S. Fourth St., Suite 360
21 Las Vegas, Nevada 89101
22 Attorney for Plaintiff
23 R. SCOTLUND VAILE

24 Approved as to Form and Content by:

25 LAW OFFICE OF MARSHAL S. WILICK, P.C.

26 By: 
27 ROBERT CERCEO
28 Nevada Bar No. 5247
3551 E. Bonanza Road, #101
Las Vegas, Nevada 89110
Attorney for Defendant
CISILIE A. VAILE

DOMESTIC COURT MINUTES

98-D-230385-D

Vaile, R S

vs Vaile, Cisilie A

03/29/00 09:30 AM 00 PLTF'S MOTION FOR ORDER DIRECTING DEFT
TO APPEAR AND SHOW CAUSE RE: CONTEMPT

HEARD BY: CYNTHIA D STEEL, Judge; Dept. G

OFFICERS: DONNA MCGINNIS, Court Clerk

PARTIES: 001 P1 Vaile, R S
004585 Dempsey, Joseph F.

Y
Y

There being no opposition COURT ORDERED PLAINTIFF'S MOTION GRANTED IN FULL.

09/29/00 09:00 AM 00 DEFT'S MOTION FOR RETURN OF CHILDREN

HEARD BY: CYNTHIA D STEEL, Judge; Dept. G

OFFICERS: ALICE LAIZURE, Relief Clerk

PARTIES: 001 P1 Vaile, R S
004585 Dempsey, Joseph F.

N
Y

002 D1 Vaile, Cisilie A
002515 Willick, Marshal S.
005247 Cerceo, Robert

N
Y
Y

Mr. Dempsey stated he did not receive notice of today's hearing and is unprepared to proceed. COURT STATED it wishes to proceed in the matter. COURT FINDS, it needs to ascertain whether or not the Decree is accurate, and if it needs to be set aside. The Court will need to set a Residency Hearing to determine whether Plaintiff had residency at the time he filed the Decree. Parties stipulated to Nevada, and now a year later Defendant is claiming she did it under duress. If Plaintiff can not prove residency, then this Court does not have jurisdiction over these parties at all. Mr. Willick stated his concerns that the Court needs to act immediately because the children are located in Pilot Point, TX, a small RV stop north of Dallas close to the Mexico border, and the Mexico entry point near Pilot Point does not require passports. Mr. Willick requested the Court return the children here to Las Vegas.

COURT ORDERED, a PICK UP ORDER is to issue, and the Courts and law enforcement agencies of Texas are asked to pick up the children for them to be returned to the State of Nevada and placed in this Court's custody. Upon return to Las Vegas the children are to be placed in Child Haven, and immediately upon receiving the children, Child Haven is to call this Court's chambers to set up an immediate FMC Interview for the girls and to schedule a court hearing. All other matters will be deferred until return on jurisdictional matters. The Court will notify counsel of the children's return and the next hearing date and time. Mr. Willick will prepare the pick up Order.

DOMESTIC COURT MINUTES

98-D-230385-D Vaile, R S

vs Vaile, Cisilie A

CONTINUED FROM PAGE: 001

10/02/00 03:00 PM 00 TELEPHONE CONFERENCE

HEARD BY: CYNTHIA D STEEL, Judge; Dept. G

OFFICERS: DONNA MCGINNIS, Court Clerk

PARTIES:	001 P1	Vaile, R S	Y
	004585	Dempsey, Joseph F.	Y
	002 D1	Vaile, Cisilie A	N
	002515	Willick, Marshal S.	Y
	005603	Cercos, Theodore R.	Y

Colloquy between Court and counsel. Arguments. COURT ORDERED, due to allegations against Dad the Court is adopting his suggestion that he post a Bond on the title to his farm valued at \$300,000.00. The Court will hold any and all original passports on the kids. Mom is on her way to Nevada from Norway. Children are to be released from Child Haven under the guardianship of Grandmother, as soon as Dad secures the bond. Dad can be with the children at grandmothers. Mom to find an LDS Family upon her arrival that can supervise her visitation with the children. The Court will revisit the issue of visitation when Mom comes to town.

10/11/00 03:00 PM 00 HEARING: JURISDICTIONAL

HEARD BY: CYNTHIA D STEEL, Judge; Dept. G

OFFICERS: ALICE LAIZURE, Relief Clerk

PARTIES:	001 P1	Vaile, R S	Y
	004585	Dempsey, Joseph F.	Y
	004729	Roberts, Kenneth M.	Y
	002 D1	Vaile, Cisilie A	Y
	002515	Willick, Marshal S.	Y
	005247	Cerceo, Robert	Y

Court convened. Preliminary matters. Opening statements. Parties STIPULATE to admittance of all exhibits by both sides (see worksheet). Testimony of Plaintiff. COURT FINDS it does not have enough time today to complete this hearing. COURT ORDERED, MATTER taken UNDER SUBMISSION. Counsel are to submit written closing arguments on JURISDICTION ONLY to the Court by Friday October 13th, and briefs are limited to 10 pages. The Court will need the following information; (1) Date of arrival of SICI staff in Las Vegas. (2) Date of SICI residence declaration. (3) All papers filed in London regarding passports. (4) Records of Plaintiff's travel itinerary. (5) Did Virginia continue to take out state taxes? BOND is EXONERATED. Parties are not to remove the child from this jurisdiction, and they are to mediate in good faith with the child's best interest. Parties REFERRED to

CONTINUED ON PAGE: 003

DOMESTIC COURT MINUTES

98-D-230385-D Vaile, R S

vs Vaile, Cisilie A

CONTINUED FROM PAGE: 002

Family Mediation Center (FMC) for MARATHON MEDIATION with a return hearing on October 17th. If the Court wishes to hold a phone conference tomorrow it will contact counsel.

10/17/00 3:00 PM RETURN: MARATHON MEDIATION/JURISDICTION ISSUES

10/17/00 03:00 PM 00 RETURN: MARATHON MEDIATION/JURISDICTION ISSUES

HEARD BY: CYNTHIA D STEEL, Judge; Dept. G

OFFICERS: ALICE LAIZURE, Relief Clerk

PARTIES:	001 P1	Vaile, R S	Y
	004585	Dempsey, Joseph F.	Y
	002 D1	Vaile, Cisilie A	Y
	005247	Cerceo, Robert	Y

COURT FINDS, parties FAILED TO MEDIATE. Mr. Dempsey submitted tax returns discussed at last hearing. Arguments by Mr. Cerceo regarding jurisdiction and the estoppel argument. Mr. Cerceo stated Virginia was Plaintiff's state of residence for '98 tax return, and he was a resident of VA until 7/14/00, the date he applied for a Nevada Driver's License. Argument by Mr. Dempsey regarding Plaintiff's understanding of the Nevada residency requirements, and by filing an answer Defendant submitted personal jurisdiction to this Court. Rebuttal by Mr. Cerceo regarding issue of subject matter and personal jurisdiction.

After reviewing the issues, COURT FINDS, both parties wanted a divorce and did not want to wait another year to achieve it. It was the intention of Mr. Vaile to remove his residence from Virginia to Nevada, and he could not be in Nevada because of the custodial issues happening. This Court is going with the intent to be here and is relying on the changing of address to move here. The Court DOES NOT FIND Plaintiff intentionally trying to defraud this Court. Nevada did have subject and personal jurisdiction in order to achieve the Decree of Divorce and the separation of property.

Regarding the Haig Convention, if the Court were to make a Decision it would find the habitual state of residence would be the state of Nevada, and Defendant was wrongfully obtaining the children from Plaintiff at the time Mr. Vaile secured his children. On Equitable Estoppel, Defendant did not sign the Decree under duress. These parties were not in Virginia and neither one had intentions of going back to Virginia. It was the desire of the parties to relocate to Nevada and they came here and Plaintiff didn't know when he was going to leave at the time he signed the Decree.

COURT FINDS, it never had jurisdiction over the children, they never lived in the state of Nevada. At the time the Motion for the Pick Up Order was

CONTINUED ON PAGE: 004

DOMESTIC COURT MINUTES

98-D-230385-D Vaile, R S

vs Vaile, Cisilie A

CONTINUED FROM PAGE: 003

before the Court, the Court knew nothing.

COURT ORDERED, this Court will keep emergency jurisdiction until another Court states it relieves Nevada and takes jurisdiction. The Courts in Texas and Norway need to talk to one another and decide who has jurisdiction, and this Court will relinquish jurisdiction to that Court. Counsel is to contact Norway and Texas Courts as to who has jurisdiction to make the custodial decisions in this case. In the interim, the children are to remain here until 10/25/00, the date mom must return to Norway, and then the children are to return to Texas to attend school until a decision is made by the Norway and Texas Courts. The Court encouraged parties to continue mediating, and if parties stipulate they need to take the stipulation to the Court who takes jurisdiction.

The Court has ruled in what it believes is in the best interest of the children, and does NOT FIND any INTENTIONAL FRAUD on the State of Nevada by either of these parties. Defendant (mom) is to have significant visitation with the children before they return to Texas. The children are to remain here in Las Vegas until 10/25/00.

eff: 9/1/96

COUNTY CLERK'S OFFICE
NOTICE OF DEFICIENCY
ON APPEAL TO NEVADA SUPREME COURT

TO: MARSHAL S. WILICK, P.C.
3551 E. BONANZA ROAD SUITE 101
LAS VEGAS, NEVADA 89110-2198

DATE: November 28, 2000

CASE: D230385

RE CASE: R. SCOTLUND VAILE VS CISILIE A. VAILE

NOTICE OF APPEAL FILED: 11-22-00

RULE 3(e) DOCUMENTS TRANSMITTED: 11-28-00

RULE 3(e) DOCUMENTS NOT TRANSMITTED/MISSING:

Case Appeal Statement

District Court Filing Fee

Cost Bond

Supreme Court Filing Fee

District Court Docket Entries

Judgment(s) or Order(s) Appealed from

Notice of Entry of the Judgment(s) or Order(s) Appealed from

Certification Order Directing entry of Judgment Pursuant to NRCP 54(b)

Minutes of District Court Proceedings

List of Exhibits Offered Into Evidence

DOCUMENT:

REFER TO:

PROCEDURE:

NOTICE OF APPEAL

NRAP 3(a)

\$24.00 District Court Filing Fee (if applicable).

CASE APPEAL STATEMENT

NRAP 3(a)(1)

To be filed with Notice of Appeal:
Lists information necessary for docketing in the supreme court: district court case number; party names; counsel names; trial judge; whether trial or appellate counsel was appointed; whether appellant is proceeding in forma pauperis; date the proceedings commenced in the district court {NRAP Form 2}.

COST ON APPEAL BOND

NRAP 7

**To be posted with Notice of Appeal
\$250 (Civil) {No personal checks}**

\$200.00 FILING FEE

NRAP 12

**Check or money order payable to the
Clerk of the Supreme Court for the
docket filing fee. Submit with Notice
of Appeal.**

Certification of Copy

**STATE OF NEVADA,
COUNTY OF CLARK,**

I, SHIRLEY B. PARRAGUIRRE, the duly elected, qualifying and acting Clerk of Clark County, in the State of Nevada, and Ex-Officio Clerk of the District Court, do hereby certify that the foregoing is a true, full and correct copy of the original:

NOTICE OF APPEAL; DISTRICT COURT DOCKET ENTRIES;
ORDER; NOTICE OF ENTRY OF ORDER; DISTRICT COURT MINUTES; NOTICE OF DEFICIENCY;

R. SCOTLUND VAILE,

Plaintiff(s),

vs.

CISILIE A. VAILE,

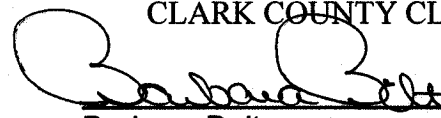
Defendant(s).

**D.C. CASE D230385
Department G**

now on file and of record in this office.

IN WITNESS THEREOF, I have hereunto set my hand and Affixed the seal of the Court at my office, Las Vegas, Nevada, this 28th day of November, 2000 .

**SHIRLEY B. PARRAGUIRRE
CLARK COUNTY CLERK**



Barbara Belt

Deputy Clerk