

IN THE SUPREME COURT OF THE STATE OF NEVADA

\*\*\*\*\*

CISILIE A. VAILE

Appellant,

vs.

R. SCOTLUND VAILE,

Respondent.

S.C. NO. 37082  
D.C. NO: D230385

**FILED**

FEB 7 2002

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

**MOTION TO SUSPEND BRIEFING SCHEDULE**

Petitioner, CISILIE A. VAILE, by and through her attorneys, the LAW OFFICE OF MARSHAL S. WILLOCK, P.C., and pursuant to NRAP 27 and NRAP 1(c), hereby moves this Court to suspend the filing of a Docketing Statement and the briefing of this appeal.

This case is presently before this Court, pending decision on an emergency Petition for two writs which were fully briefed, and argued on February 7, 2001.<sup>1</sup> No formal briefing on the appeal has been done. On December 13, 2001, Settlement Judge, Jennifer Elliott-Tavano reversed her former stance and informed both counsel that she wished to go forward with the appellate settlement procedures in an effort to eliminate the need to wait for a decision from the Court on the pending writ petitions.<sup>2</sup>

After much discussion with both Ms. Tavano and Ms. Ronetta Clark in the Supreme Court Clerk's Office, the settlement conference was held with the parties telephonically on January 7, 2002. As predicted, no progress was made, as all issues involved in the appeal depend upon the decision to be reached by the Court on the Petitions for Writ of Mandamus and Writ of Prohibition.

<sup>1</sup> Currently before the Court as Docket Number 36969.

<sup>2</sup> In her letter to Ms. Ronetta Clark, Ms. Tavano stated: "I felt that the clients may be so tired of the conflict and waiting for a decision, that they may choose themselves to agree to something that would make all issues before the court moot."

**RECEIVED**  
FEB 07 2002  
JANETTE M. BLOOM  
CLERK OF SUPREME COURT  
DEPUTY CLERK

1 (Since there is an “all or nothing” question pending before the Court, neither side should have, or  
2 could have, “negotiated” anything substantive.) Ms. Tavano entered her Settlement Conference  
3 Status Report on January 10, 2002, and the Court issued an administrative Order Reinstating  
4 Briefing on January 24, 2002.

5 For reasons of judicial and other economy, and logistics, briefing should be suspended until  
6 after the decision on the pending writ petitions issues. This Motion is based upon the following  
7 Points and Authorities.

### 8 9 POINTS AND AUTHORITIES

10 The Appellant, Ms. Cisilie Vaile of Norway (“Cisilie”), filed her Emergency Petition for a  
11 Writ of Mandamus and Writ of Prohibition on November 8, 2000. The Supreme Court heard oral  
12 argument *en banc* on February 7, 2001; no decision has been rendered in that matter.

13 The writs and appeal were filed contemporaneously, and involve essentially identical subject  
14 matter; the appeal was largely a “place-holder,” since writs are always discretionary, and it was  
15 necessary to not allow the time to appeal to run while we waited to see what the Court would, or  
16 would not, choose to address by way of writ application. The outcome of the writs may nullify all  
17 State of Nevada orders and prevent the courts of this state from doing anything else on the matter.

18 Both counsel<sup>3</sup> agreed that if the Court *granted* Cisilie’s writ applications, the appeal would  
19 be mooted, and if the Court *denied* those applications, the appeal might be moot as well. Only some  
20 in-between resolution by the Court requiring briefing and argument by way of regular appeal would  
21 leave any issues at all for resolution in the appeal proceeding, since the writs are based on a question  
22 of subject matter jurisdiction.

23 In other words, the decision on the writs is a condition precedent to any action on the appeal,  
24 which is strictly secondary and dependent upon the resolution, or non-resolution, of the legal

25 \_\_\_\_\_  
26 <sup>3</sup> It should be noted here that on December 4, 2000, Peter M. Angulo, Esq. of RAWLINGS, OLSON, CANNON,  
27 GORMLEY & DESRUISSEAU filed a substitution of attorney for the Respondent, apparently listing only the Writ Case  
28 Number, 36969. Both former counsel Mr. Dempsey, and current counsel Mr. Angulo, have informed me that Mr. Angulo  
is Scotlund Vaile’s attorney for the appeal as well. We have therefore copied him with everything sent to this office.  
As Mr. Dempsey is still listed as attorney of record in the Court’s records, however, he will also be copied with this  
Motion.

1 questions in the writs. If the Court decides that Nevada never had jurisdiction to grant the divorce,  
2 then the children will be returned to Norway, where all future legal action will take place, and the  
3 appeal will be dismissed. Only if the Court decides the writs in such a way that the proceedings  
4 below are still relevant will the appeal proceed in any way; the precise form of the Court's decision  
5 would shape what questions are still relevant for litigation.

6 Therefore, it would be impossible to prepare an opening brief in this matter at this time, as  
7 the Court has not yet identified if or what issues will remain to be addressed in an appeal. Any brief  
8 that was prepared now would necessarily duplicate the arguments submitted in the writ petitions, and  
9 would be rendered meaningless when the writ decisions issue. We respectfully request that any  
10 briefing schedule be delayed until the Court has rendered a decision on the writs.

11 DATED this 6th day of February, 2002.

12  
13 Respectfully submitted by:  
LAW OFFICE OF MARSHAL S. WILLICK, P.C.

14 

15 MARSHAL S. WILLICK, ESQ.  
16 Nevada Bar No. 002515  
17 3551 East Bonanza, Suite 101  
18 Las Vegas, Nevada 89110  
Attorneys for Appellant

19 P:\WP9\vaile\FF2332.WPD

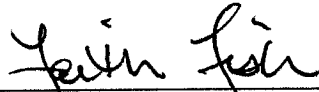
1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

### CERTIFICATION OF SERVICE

I hereby certify that service of the foregoing was made on the 6<sup>th</sup> day of, pursuant to EDCR 7.26(a), by faxing a true copy of the same to fax number (702) 383-0701 and additionally by U.S. Mail addressed as follows:

Peter M. Angulo, Esq.  
RAWLINGS, OLSON, CANNON,  
GORMLEY & DESRUISSEAUX  
301 E. Clark Avenue, #1000  
Las Vegas, NV 89101  
Attorney for Respondent

Joseph F. Dempsey, Esq.  
DEMPSEY, ROBERTS, & SMITH, LTD.  
520 S. Fourth Street, #360  
Las Vegas, NV 89101  
Courtesy Copy



An Employee of the LAW OFFICE OF MARSHAL S. WILLYCK, P. C.

P:\WP9\vaile\FF2332.WPD

Job	Start Time	Usage	Phone Number or ID	Type	Pages	Mode	Status
802	2/ 6 1:45PM	1'19"	Mr. Dempsey 702+388+2514	Send.....	4/ 4	144	Completed.....

Total 1'19" Pages Sent: 4 Pages Printed: 0

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

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

CISILIE A. VAILE  Appellant,  vs.  R. SCOTLUND VAILE,  Respondent.	S.C. NO: 37082 D.C. NO: D230385
--	------------------------------------

**MOTION TO SUSPEND BRIEFING SCHEDULE**

Petitioner, CISILIE A. VAILE, by and through her attorneys, the LAW OFFICE OF MARSHAL S. WILLYCK, P.C., and pursuant to NRAP 27 and NRAP 1(c), hereby moves this Court to suspend the filing of a Docketing Statement and the briefing of this appeal.

This case is presently before this Court, pending decision on an emergency Petition for two writs which were fully briefed, and argued on February 7, 2001.<sup>1</sup> No formal briefing on the appeal has been done. On December 13, 2001, Settlement Judge, Jennifer Elliott-Tavano reversed her former stance and informed both counsel that she wished to go forward with the appellate settlement procedures in an effort to eliminate the need to wait for a decision from the Court on the pending writ petitions.<sup>2</sup>

After much discussion with both Ms. Tavano and Ms. Ronetta Clark in the Supreme Court Clerk's Office, the settlement conference was held with the parties telephonically on January 7, 2002. As predicted, no progress was made, as all issues involved in the appeal depend upon the decision to be reached by the Court on the Petitions for Writ of Mandamus and Writ of Prohibition.

<sup>1</sup> Currently before the Court as Docket Number 36969.

<sup>2</sup> In her letter to Ms. Ronetta Clark, Ms. Tavano stated: "I felt that the clients may be so tired of the conflict and waiting for a decision, that they may choose themselves to agree to something that would make all issues before the court moot."

Job	Start Time	Usage	Phone Number or ID	Type	Pages	Mode	Status
803	2/ 6 1:46PM	1'21"	702 383 0701	Send.....	4/ 4	EC144	Completed.....

Total 1'21" Pages Sent: 4 Pages Printed: 0

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

CISILIE A. VAILE

Appellant,

vs.

R. SCOTLUND VAILE,

Respondent.

S.C. NO. 37082  
D.C. NO: D230385

**MOTION TO SUSPEND BRIEFING SCHEDULE**

Petitioner, CISILIE A. VAILE, by and through her attorneys, the LAW OFFICE OF MARSHAL S. WILLICK, P.C., and pursuant to NRAP 27 and NRAP 1(c), hereby moves this Court to suspend the filing of a Docketing Statement and the briefing of this appeal.

This case is presently before this Court, pending decision on an emergency Petition for two writs which were fully briefed, and argued on February 7, 2001.<sup>1</sup> No formal briefing on the appeal has been done. On December 13, 2001, Settlement Judge, Jennifer Elliott-Tavano reversed her former stance and informed both counsel that she wished to go forward with the appellate settlement procedures in an effort to eliminate the need to wait for a decision from the Court on the pending writ petitions.<sup>2</sup>

After much discussion with both Ms. Tavano and Ms. Ronetta Clark in the Supreme Court Clerk's Office, the settlement conference was held with the parties telephonically on January 7, 2002. As predicted, no progress was made, as all issues involved in the appeal depend upon the decision to be reached by the Court on the Petitions for Writ of Mandamus and Writ of Prohibition.

<sup>1</sup> Currently before the Court as Docket Number 36969.

<sup>2</sup> In her letter to Ms. Ronetta Clark, Ms. Tavano stated: "I felt that the clients may be so tired of the conflict and waiting for a decision, that they may choose themselves to agree to something that would make all issues before the court moot."