

1 Robert Scotlund Vaile
2 2201 McDowell Avenue
3 Manhattan, KS 66502
4 (707) 633-4550
5 *Appellant in Proper Person*

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

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10 ROBERT SCOTLUND VAILE,
11 Appellant,

12 vs.

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14 CISILIE A. PORSBOLL,
15 Respondent.

Supreme Court Case No: 61415, 62797
District Court Case No: 98D230385

FILED

DEC 03 2013

TRACIE K. LINDEMAN
CLERK OF SUPREME COURT
BY *R. Malone*
DEPUTY CLERK

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20 **MOTION TO CONSOLIDATE**

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27 **RECEIVED**

28 **MAR 27 2013**

TRACIE K. LINDEMAN
CLERK OF SUPREME COURT
DEPUTY CLERK

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I. INTRODUCTION

Appellant's opening brief in case number 61415 was filed with this Court on December 11, 2012. Since that brief was filed, Appellant has provided notice, both here and below, that district courts in two states have independently concluded that the Nevada district court's rulings at issue on appeal are contrary to UIFSA. Because the Nevada district court had made clear its intention to continue prosecution below of the same matters submitted to this Court on appeal, Appellant requested a stay of both the enforcement and proceedings in the court below – pending resolution of the appeal. Presumably, this Court denied Appellant's requests for a stay of the case because the lower court had not yet actually entered further rulings touching on matters before this Court on appeal. This motion now comes because the district court has presently made further orders on matters overlapping issues before this Court on appeal. These most recent orders of the district court have been appealed and docketed as case number 62797. Absent a stay, these new matters should logically be comprehensively addressed on appeal by consolidating them with appeal #61415. This motion requests that consolidation.

II. RECENT PROCEEDINGS IN THE DISTRICT COURT

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On April 9, 2012, in one of the two hearings prior to appeal #61415, Appellant requested from the district court to be allowed to appear telephonically in subsequent hearings due to the hardship in terms of time and expense that long-distance travel to Las Vegas would require. The matter before the district court at that time was Respondent's Show Cause motion seeking to hold Mr. Vaile in contempt of court. Although Appellant was expected to testify at subsequent hearings, the district court had never required Respondent to appear personally for any hearing, even when her testimony was required. As such, the Court granted Mr. Vaile's request to appear telephonically as well. See minutes of April

1 9, 2012 hearing attached as Exhibit 1. The Court instructed Mr. Vaile to file a
2 notice of telephonic appearance three days prior to subsequent hearings.

3 More than three days prior to the January 22, 2013 hearing, Mr. Vaile filed a
4 Notice of Intent to Appear by Telephone. Respondent's counsel objected to Mr.
5 Vaile's telephonic appearance because 1) Mr. Vaile was expected to testify, and
6 2) because Respondent sought Mr. Vaile's immediate incarceration on the
7 contempt allegation. On Thursday evening, the 18th of January, sometime after
8 5pm, the district court reversed its earlier decision and issued a minute order
9 requiring Mr. Vaile to appear in person in Las Vegas on January 22, 2013 – the
10 following Tuesday. Because Monday was a holiday, the district court's order
11 allowed Mr. Vaile only a single business day (Friday) to request leave from work
12 and make arrangements to travel to Nevada if he could. Because Mr. Vaile was
13 not able to get leave and make travel arrangements in this short time frame, Mr.
14 Vaile requested a continuance of the hearing.¹

15 At the hearing on January 22nd, the district court summarily denied Mr.
16 Vaile's request for a continuance, and refused to admit him to the hearing
17 telephonically. The district court entered orders on a variety of topics, together
18 with a bench warrant for Mr. Vaile's arrest.² Independent of the matters before
19 this Court on appeal, the district court held Mr. Vaile in contempt of court for not
20 notifying the Court and Respondent of Mr. Vaile's recent procurement of
21 employment.³ Furthermore, addressing the matters currently before this Court on
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23 ¹ Mr. Vaile also requested reconsideration of the decision not to allow Mr. Vaile
24 to appear by telephone.

25 ² The district court ordered Mr. Vaile “to serve 275 days of incarceration in the
26 Clark County Detention Center, **without bail**, on the accumulated charges of
27 contempt.” (Emphasis added.) See Exhibit 2.

28 ³ On appeal, Mr. Vaile will demonstrate that the district court has never issued an
order requiring Mr. Vaile to notify **anyone** of a change in his employment at
any time. No evidence of any order was submitted at the hearing or otherwise,
nor did Respondent argue that such an order existed.

1 appeal #61415, the district court A) held again that Mr. Vaile was in contempt of
2 court for not timely notifying the court of his change in address;⁴ B) the district
3 court held that the California determination of controlling order was *not binding*
4 as a sister-state judgment simply because Respondent *argued* fraud;⁵ C) the
5 district court held Mr. Vaile in contempt of court for failure to pay child support
6 for 11 months, because his payments during those periods were made directly to
7 Respondent, and not through Respondent's law firm; and D) the district court
8 instituted monthly payment demands for the monetary awards of sanctions and
9 attorney's fees that it ordered in its July 10, 2012 order (currently on appeal) on
10 pain of contempt.⁶

11 The district court's order was noticed as to entry of the order on February 20,
12 2013 and is attached as Exhibit 2. Appellant filed a notice of appeal on March
13 11, 2013, which appeal was docketed under number 62797.

14 **III. ARGUMENT**

15 When an appeal is perfected, the district court is divested of jurisdiction to
16 act on issues pending before the Nevada Supreme Court. *Foster v. Dingwall*, 228
17 P. 3d 453 (Nev. 2010). A district court may only enter orders on matters that are
18 collateral to and independent from the appealed order. *Id.* Here, the district
19 court's February 15, 2013 order addresses the core issues that are currently on
20 appeal in case #61415 relative to the following issues:

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23 ⁴ Mr. Vaile's notice of change of address, dated December 3, 2012, indicated that
24 Mr. Vaile acquired a new residence in Kansas on November 9, 2012. The
25 district court found that an unauthenticated Internet position announcement
26 dated September 19, 2012 which contained Mr. Vaile's anticipated employment
27 start date of November 1, 2012 was determinative over Mr. Vaile's sworn
28 statement of his actual move date.

⁵ As outlined below, Respondent did not, in fact, argue fraud below.

⁶ The district also ordered additional attorneys fees for attorney time since the
last hearing, in a separate order.

1 A. THE ISSUE OF WHETHER THE DISTRICT COURT COULD HOLD
2 MR. VAILE IN CONTEMPT OF COURT BASED ON A REVERSED
3 ORDER IS CURRENTLY BEFORE THIS COURT ON APPEAL

4 In his Opening Brief in case #61415, Appellant detailed the facts
5 surrounding the district court holding Mr. Vaile in contempt of court for not
6 violating the stay on this case as ordered by this Court. Mr. Vaile recounted that
7 while this case was previously stayed, Mr. Vaile notified Respondent's counsel of
8 his change in address, but did not file that notice in the district court until after the
9 stay was lifted, to avoid violation of this Court's order. Furthermore, the district
10 court order which Mr. Vaile was alleged to have violated by not filing the notice
11 was reversed by this Court in its January 26, 2012 decision. Nevertheless, the
12 district court found Mr. Vaile in contempt of court in its July 10, 2012 order for
13 not filing the notice of address change during the stay. The underlying theme of
14 every issue in Appellant's pending appeal of that order is that the district court
15 simply refused to give effect to this Court's several mandates in its decisions in
16 this case, and is continuing below in direct defiance of this Court's orders.

17 The district court has newly held Mr. Vaile in contempt of court by
18 fabricating⁷ a violation of the same district court order which this Court
19 overturned in its January 2012 decision. Because that issue was fully before this
20 Court on appeal, it was not within the jurisdiction of the district court to
21 determine further. A decision on this matter in the first appeal will resolve the
22 district court's continuing violation of this Court's mandates – which is the issue
23 in the second appeal. As such, it would be logical and expedient to consider both
24 issues together on appeal.

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27 ⁷ The only evidence of Mr. Vaile's change in address is his sworn statement that
28 his address was changed on November 9, 2012. The filing of his Notice of
Address Change on December 3, 2012 was within the 30 days ordered by the
district court – even if its order had not been overturned.

1 B. THE ISSUE OF WHETHER THE DISTRICT COURT MAY ENFORCE
2 FABRICATED DEFENSES TO REGISTRATION AND ENFORCEMENT OF A
3 FOREIGN JUDGMENT IS CURRENTLY BEFORE THIS COURT ON APPEAL

4 In its July 10, 2012 order, the district court held that a Norwegian tribunal's
5 failure to follow Nevada law, specifically NRS 130.611,⁸ when it modified the
6 1998 Nevada child support order, was fatal to its enforcement in Nevada. Of
7 course, the alleged failure of a foreign tribunal to follow Nevada law is not a valid
8 defense to enforcement of a foreign order under UIFSA, but rather was a defense
9 that Respondent's counsel invented, and which the district court enforced as valid.
10 Not only was the district court's holding contrary to UIFSA, it also runs counter
11 to the federal mandate that a foreign order issued by a Foreign Reciprocating
12 Country is subject to enforcement by all states. This matter is briefed before this
13 Court in appeal 61415.

14 After the district court entered its order in July 2012, a California tribunal
15 with jurisdiction over the parties in the action held that the Norwegian order was
16 indeed controlling. Because the district court did not like that result, it held that
17 this particular sister-state judgment was not binding because Respondent *argued*⁹
18 fraud. Again, the foreign judgment which the district court rejected is also
19 entitled to enforcement under federal law, specifically 28 U.S.C. 1738B. And
20 again, the district court entertained an invalid defense, based merely on an
21 argument of fraud in the California action.

22 In actual fact, a detailed review of the transcript¹⁰ of the hearing on January
23 22, 2013 will show that not only did Respondent not submit a single shred of
24 evidence to show the slightest inkling of any irregularity in the proceedings
25 before the California court, but the word "fraud" was also *not uttered* a single

26 ⁸ As it turns out, the Norwegian tribunal did indeed follow Nevada law when it
27 issued its 2002 child support order, as outlined in appeal #61415.

28 ⁹ See Exhibit 2, para. 6.

¹⁰ The audio transcript is attached as Exhibit 3.

1 time by anyone during the hearing – not even in mere argument. Neither did
2 Respondent argue fraud in any filing before that court. Not only did Respondent
3 invent that merely arguing fraud is a complete defense to enforcement of a sister-
4 state judgment, she also invented the fact¹¹ that fraud was argued at all.
5 Nevertheless, the district court again adopted Respondent's fabricated defense
6 which is without basis under any law.

7 The question of whether a district court may avoid enforcement of a foreign
8 judgment by adopting concocted defenses is already before this Court on appeal.
9 Furthermore, that “federal law preempts the district court's rejection of the child
10 support order issued by a foreign reciprocating country” is an issue on appeal
11 #61415, precisely the same way as 'federal law requiring recognition of sister-
12 state judgments' is an issue under appeal #62797. Under *Foster*, the district court
13 lacked jurisdiction to decide a matter currently before this Court on appeal.
14 However, since the district court has provided the Court with two nearly identical
15 violations of the same laws, deciding one issue will necessarily resolve the other.
16 As such, Appellant requests that the issues be heard together by consolidating the
17 matters in the two appeals.

18 C. THE ISSUE OF WHETHER THE DISTRICT COURT COULD LAWFULLY MODIFY
19 THE 1998 DIVORCE DECREE IS CURRENTLY BEFORE THE COURT ON APPEAL

20 As the district court forecasted in its July 2012 decision, that court newly
21 held Mr. Vaile in contempt of court for failure to pay child support for 11 months,
22 because he made child support payments during those periods directly to
23 Respondent, and not through Respondent's law firm. Of course, the district
24 court's July 2012 decision wherein the court held that the payments during those
25 periods “didn't count,” is currently on appeal #61415. Despite the fact that the
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27 ¹¹ Respondent's counsel has shown a repeated propensity to invent facts and
28 holdings, and surreptitiously place them in proposed orders to be accepted in
nunc pro tunc manner, especially by this district court.

1 underlying matter is on appeal, the district court continues to assert jurisdiction to
2 make further orders directly related to the appealed decision.

3 Although this Court's January 2012 decision stated with clarity that the
4 district court did not have jurisdiction to modify the parties' 1998 decree, the
5 district court modified the decree anyway in July 2012 as to amount,¹² the
6 duration,¹³ and to whom the child support payments were to be paid.¹⁴ The
7 district court gave those modifications retroactive effect, and is now enforcing
8 those modifications with its contempt power. Because the question as to whether
9 the district court may modify the 1998 decree is on appeal to this Court in case
10 #61415, the district court lacked jurisdiction to make further modifications or to
11 hold Mr. Vaile in contempt for alleged violations of new modifications.

12 Although this Court already instructed the district court that modification in
13 this case is unlawful, the district court was not convinced. Because the district
14 court is also unwilling to adhere to limitations on its jurisdiction while the same
15 matters are before this Court on appeal, Appellant requests that the issue of
16 whether the former modifications are impermissible, be consolidated with the
17 issue as to whether the latter modifications are likewise impermissible.

22 ¹² After this Court's January 2012 decision prohibiting the district court from
23 modifying the 1998 decree, the district court more than doubled the monthly
24 child support previously ordered, and far in excess of the formula in the decree.

25 ¹³ Contrary to the tenets of the 1998 decree, the district court retroactively ordered
26 Mr. Vaile to pay child support to Respondent for periods when he was the legal
27 residential parent for the children, adding an extra two years to the beginning of
28 when his child support obligations would have begun under the decree.

¹⁴ The 1998 decree clearly states that the payments are to be made directly to
Respondent. Respondent's counsel requested the modification by the district
court in order to siphon off 40% as his contingency fee.

1 D. THE ISSUE OF WHETHER A DISTRICT COURT MAY REFUSE TO
2 OVERTURN ATTORNEY FEE AWARDS TO A NON-PREVAILING
3 PARTY IS CURRENTLY BEFORE THIS COURT ON APPEAL

4 In its July 10, 2012 order, the district court refused to overturn the attorney
5 fee awards that it provided to Respondent's counsel, despite the fact that each and
6 every argument Respondent submitted on appeal was rejected by this Court, and
7 each of the district court's orders overturned. Notwithstanding the fact that this
8 issue is squarely before the Court on appeal #61415, the district court has
9 continued to award attorneys fees to Respondent, and is enforcing its July 2012
10 order of attorneys fees by demanding monthly payments from Mr. Vaile on pain
11 of contempt. Although the district court lacks jurisdiction over issues before this
12 Court on appeal, the district court appears to believe that this Court's authority
13 does not deprive it of new or continuing violations of this Court's mandates.

14 It is, perhaps, unsurprising that this district court is unwilling to overturn
15 attorney awards in favor of Respondent's local attorneys given the district court's
16 reputation¹⁵ in this area. Indeed, although a \$500 contempt sanction is not
17 normally worth an appeal to this Court, the continual infractions against
18 Appellant found by the district court, each with an incredible award of attorneys
19 fees (\$20,000 for the most recent hearing) require appellate action.

20 Because the district court's February 2013 decision continues to award
21 attorney's fees to the non-prevailing party, and because the issue is currently
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23 ¹⁵ The Las Vegas newspapers widely reported that this district court's former law
24 clerks signed sworn statements declaring that this district court judge required
25 them to write decisions in favor of local attorneys who contributed to the
26 district court judge's political campaigns. It is also broadly known that this
27 particular judge has one of the lowest average retention scores in recent history,
28 and is one of the most preempted family court judges on the bench. Clearly
Appellant is not the first to point out the court's outrageous bias and
unbelievable disregard for the law. However, the district court's outright
defiance of this Court's mandates continue to astound.

1 before this Court on appeal, it makes sense for this Court to decide the separate
2 violations of the same mandate together by consolidating the appeals.

3 **IV. CONCLUSION**

4 Although this Court has prudently intervened on a number of occasions in
5 the course of the case proceedings¹⁶ in the district court, this Court has expressed
6 confidence that the district court would ultimately follow the mandates as
7 outlined in the decisions of this Court.¹⁷ This confidence appears to be misplaced.
8 Not only has the district court directly defied this Court's January 2012 decision
9 in its July 2012 orders, but it has also shown in its February 2013 order that it will
10 not honor the jurisdiction that this Court preserves unto itself while matters are on
11 appeal. Furthermore, the district court has rejected federal mandates relative to
12 Norway's child support order, and has rejected sister-state judgments from two
13 different states on the same matter.

14 Although a stay of proceedings and the enforcement of the district court's
15 judgments still appears to be the most effective means to contain the damage
16 caused by the district court's version of justice, Appellant requests here the
17 alternative relief of consolidating the district court's most recent errors on appeal
18 with those previously outlined in Appellant's opening brief in case #61415,
19 because they directly overlap.

20 The damage being caused by the wayward district court is significant.
21 "Indeed, the prospect of imprisonment for however short a time will seldom be
22 viewed by the accused as a trivial or 'petty' matter and may well result in quite
23 serious repercussions affecting his career and his reputation."¹⁸ Obviously,
24

25 ¹⁶ Respondent reopened the case in November of 2007, dissatisfied with the child
26 support order she requested and was granted in Norway.

27 ¹⁷ As surmised above, the hope that the district court would self-correct may have
28 been the motivator behind not granting Appellant's requested stay previously.

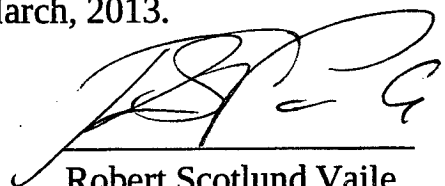
¹⁸ Baldwin v. New York, 399 US 66, 73 (1970).

1 “imprisonment is the most serious deprivation of liberty”¹⁹ that exists. However,
2 the harm is not to Mr. Vaile alone, but also to the federal scheme which Norway
3 joined as a Foreign Reciprocating Country, as well as to inter-state comity and
4 deference which the district court has rejected relative to two additional US states.

5 Except when this Court had stayed the district court's actions below, that
6 court entertained motions from Respondent's counsel every other month for the
7 last (nearly) six years in order to allow her favored attorney to pointlessly run up
8 fees and costs assessed against Mr. Vaile. In the district court's recent order, it
9 makes clear that it will again entertain additional requests for fees and sanctions
10 in June, continuing the pattern. The district court's actions have made clear that it
11 will continue to reject any limit on its power (or abuse thereof) which either this
12 Court, or Federal or State law requires. As such, the cycle – of issuance of
13 district court orders rejecting this Court's mandates, followed by appeal – will
14 continue endlessly even while the matter is on appeal. Indeed, all the issues
15 outlined in Appellant's opening brief can be amalgamated into a single request –
16 that this Court simply require the district court to follow this Court's mandates.

17 In order to mitigate the effects of the district court continuing as if no appeal
18 was pending, Appellant requests the Court to consolidate the overlapping issues.
19 In the alternative, Appellant requests permission to fully brief appeal #62797, and
20 any further appeals that are taken while the underlying matter is before this Court.

21 Respectfully submitted this 25th day of March, 2013.

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23 

24 Robert Scotlund Vaile
25 2201 McDowell Avenue
26 Manhattan, KS 66502
27 (707) 633-4550
28 *Appellant in Proper Person*

¹⁹ Lewis v. United States, 518 US 322, 334 (1996).

Exhibit 1

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Divorce - Complaint

COURT MINUTES

April 09, 2012

98D230385

Robert S Vaile, Plaintiff.

vs.

Cisilie A Vaile, Defendant.

April 09, 2012

10:30 AM

All Pending Motions

HEARD BY: Moss, Cheryl B

COURTROOM: Courtroom 13

COURT CLERK: Valerie Riggs

PARTIES:

Cisilie Vaile, Defendant, not present
Deloitte & Touche, LLP, Other, not present

Marshal Willick, Attorney, present
Raleigh Thompson, Attorney, not present

Frank England, Other, not present
Kaia Vaile, Subject Minor, not present
Kamilla Vaile, Subject Minor, not present

Parties Receiving Notice, Other, not present

Robert Vaile, Plaintiff, present

Pro Se

JOURNAL ENTRIES

- DEFT'S MOTION FOR ORDER TO SHOW CAUSE FOR FAILURE TO PAY CHILD SUPPORT & CHANGING ADDRESS WITHOUT NOTIFICATION; REDUCE CURRENT ARREARAGES TO JUDGMENT; ATTORNEY'S FEES & COSTS...ORDER TO SHOW CAUSE

R. Crane, Law Clerk, present with Atty Willick.

Plaintiff sworn and testified.

Arguments by Counsel and Plaintiff.

COURT ORDERED the following:

1. Plaintiff shall file and serve electronically, a Rebuttal Brief on NRS 130.207 and 130.611 by May 9, 2012 5:00 p.m.
2. Plaintiff shall also Brief, Montana vs Lopez and Parkinson vs Parkinson.
3. Defendant shall file and serve electronically, a Responsive Brief by May 23, 2012 5:00 p.m.
4. Plaintiff shall file and serve electronically, a Sur-Rebuttal by May 30, 2012, 5:00 p.m.
5. Both Parties shall file updated Financial Disclosure Forms with the last three (3) paystubs attached, within two (2) weeks, by April 23, 2012.
6. Plaintiff shall request an Audit from the District Attorney's Office forthwith.
7. Plaintiff's request for telephonic appearances is GRANTED. Court prefers a landline telephone with a handset.
8. Hearing SET.

Plaintiff and Counsel STIPULATE pursuant to EDCR 7.50 that the minutes shall stand as an Order.

6-4-2012 1:30 PM HEARING

INTERIM CONDITIONS:

FUTURE HEARINGS:

*Canceled: October 22, 2012 1:30 PM Evidentiary Hearing
Reason: Canceled as the result of a hearing cancel, Hearing Canceled Reason: Vacated - per Judge
Moss, Cheryl B
Courtroom 13
Riggs, Valerie*

*Canceled: November 26, 2012 10:30 AM Motion to Reconsider
Reason: Canceled as the result of a hearing cancel, Hearing Canceled Reason: Vacated - Moot
Moss, Cheryl B
Courtroom 13
Riggs, Valerie*

January 22, 2013 1:30 PM Evidentiary Hearing
Moss, Cheryl B
Courtroom 13

Exhibit 2

1 **NEOJ**
2 **WILICK LAW GROUP**
3 **MARSHAL S. WILLICK, ESQ.**
4 Nevada Bar No. 002515
5 3591 E. Bonanza Road, Suite 200
6 Las Vegas, NV 89110-2101
7 Phone (702) 438-4100; Fax (702) 438-5311
8 email@willicklawgroup.com
9 Attorneys for Defendant

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

ROBERT SCOTLUND VAILE,

Plaintiff,

vs.

CISILIE A. PORSBOLL, f/k/a CISILIE A. VAILE,

Defendant.

CASE NO: 98-D-230385-D
DEPT. NO: I

DATE OF HEARING: 01/22/2013
TIME OF HEARING: 1:30 P.M.

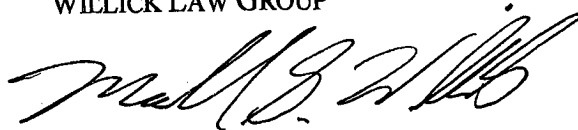
NOTICE OF ENTRY OF ORDER

TO: ROBERT SCOTLUND VAILE, Plaintiff, *In Proper Person.*

PLEASE TAKE NOTICE that the *Order For Hearing Held January 22, 2013*, was duly entered by the Court on the 20th day of February, 2013, and the attached are true and correct copies.

DATED this 20th day of February, 2013.

WILICK LAW GROUP



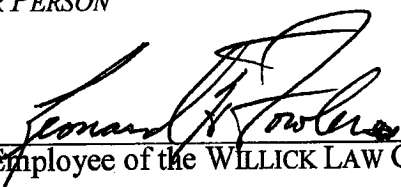
MARSHAL S. WILLICK, ESQ.
Nevada Bar No. 002515
3591 East Bonanza Road, Suite 200
Las Vegas, Nevada 89110-2101
Attorneys for Defendant

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CERTIFICATE OF MAILING

I hereby certify that service of the foregoing *Notice of Entry of Order* was made on the 20th day of February, 2013, pursuant to NRCP 5(b), via electronic transmission to the email address of: legal@inforsec.privacyport.com, rct@morrislawgroup.com, and by depositing a copy in the United States Mail in Las Vegas, Nevada, postage prepaid and addressed as follows:

Mr. Robert Scotlund Vaile
2201 McDowell Avenue
Manhattan, Kansas 66502
Plaintiff in *PROPER PERSON*


Employee of the WILLYCK LAW GROUP

P:\wp13\VAILE\00011126.WPD\LF


CLERK OF THE COURT

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ORDER
WILLICK LAW GROUP
MARSHAL S. WILLICK, ESQ.
Nevada Bar No. 002515
3591 E. Bonanza Road, Suite 200
Las Vegas, NV 89110-2101
(702) 438-4100
Attorneys for Defendant

DISTRICT COURT
FAMILY DIVISION
CLARK COUNTY, NEVADA

ROBERT SCOTLUND VAILE,

Plaintiff,

vs.

CISILIE VAILE PORSBOLL,

Defendant.

CASE NO: 98-D-230385-D
DEPT. NO: I

DATE OF HEARING: 01/22/2013
TIME OF HEARING: 1:30 P.M.

ORDER FOR HEARING HELD JANUARY 22, 2013

This matter came before the Court on Defendant's *Motion For Order to Show Cause Why Robert Scotlund Vaile Should Not Be Held In Contempt For Failure To Pay child Support and For Changing Address Without Notifying The Court; To Reduce Current Arrearages to Judgment; and For Attorney's Fees and Costs, and Defendant's Oppositions.* Defendant, Cisilie A. Porsboll, f.k.a. Cisilie A. Vaile was not present as she resides in Norway, but was represented by her attorneys of the WILLICK LAW GROUP, and Plaintiff was not present, nor represented by counsel, having been duly noticed, and the Court having read the papers and pleadings on file herein by counsel and being fully advised, and for good cause shown:

FINDS AS FOLLOWS:

RECEIVED
FEB 04 2013
DISTRICT COURT
DEPT I

1 1. That Plaintiff had filed a *Notice of Intent to Appear By Telephone* on January 15th,
2 an *Objection to Notice of Intent to Appear by Telephone* was filed by Defendant on January 16th, and
3 the Court Denied Plaintiff's request to appear by telephone on January 17th.

4 2. That pursuant to Nevada Supreme Court Rule 4(2)(b)(2), personal appearance is
5 required for this Evidentiary Hearing for Contempt. (Time Index: 14:30:00 - 14:33:01)

6 3. The Court is also aware of the Plaintiff's filing requesting a continuance of this
7 hearing, which is denied, and his request that Cisilie be physically present at the hearing, which the
8 court finds as being moot, as he has failed to appear. (Time Index: 14:33:20 - 14:37:20)

9 4. The Supreme Court DENIED Mr. Vaile's request for a Stay of this hearing. (Time
10 Index: 14:40:20; 14:44:44)

11 5. Mr. Vaile began his new employment on November 1st, in Kansas, it is reasonable
12 that he relocated to Kansas at least the day before he began his employment, and that he had a duty
13 to inform the Court and the parties of the relocation within 30 days of the move. Further, Mr. Vaile
14 is aware of the continuing duty to update his *Financial Disclosure Form*, to reflect a change of
15 employment and income. (Time Index: 14:56:40 - 14:53:16)

16 6. Mr. Vaile's notice of change of address was untimely. (Time Index: 15:30:08)

17 7. Mr. Vaile is in Default and is found to be in Contempt for failure to pay child support
18 as order for a total of 11 months. (Time Index: 15:27:40)

19 8. Mr. Vaile is a high income earner, and due to the nature of this case he needs to file
20 the *Detailed Financial Disclosure Form*. (Time Index: 15:36:10 - 15:38:34)

21
22 **IT IS HEREBY ORDERED** that:

23 1. Mr. Vaile was NOT granted approval to appear telephonically. (Time Index:
24 14:33:01; 15:27:15)

25 2. Cisilie's Exhibits A thru G, are admitted. (Time Index 14:43:35)

26 3. Mr. Vaile's *Motion to Continue* is DENIED. (Time Index: 14:33:38)

27 4. Mr. Vaile is in DEFAULT for failing to appear for today's hearing. (Time Index:
28 15:27:40)

1 5. Cisilie was not required to appear at this hearing as her attendance is moot. (Time
2 Index: 14:37:20)

3 6. Defendant argued that the Court *Order* from California stating that a child support
4 order from Norway was controlling, was obtained by fraud by Mr. Vaile. The Court orders that the
5 California order is not binding in this matter. (Time Index: 14:39:07)

6 7. Cisilie's *Motion and Request for Relief* are GRANTED. (Time Index: 14:42:55)

7 8. Mr. Vaile is found to be in CONTEMPT for failure to pay child support in the months
8 of May through October, 2010; July through September, 2011; and May through June 2012. (Time
9 Index: 15:27:40)

10 9. Mr. Vaile has failed to pay child support in the amount of \$2,870.13 per month, for
11 the 11 months specified, totaling a principal arrearage of \$31,571.43, accumulated interest in the
12 amount of \$62,466.86, and penalties in the amount of \$15,162.41. (Time Index: 15:28:10)

13 10. Mr. Vaile may purge the Civil Contempt charge for the specified months by making
14 a lump sum payment of \$40,000.00. (Time Index: 15:44:13)

15 11. Mr. Vaile is ADMONISHED that he is required to inform the Court and Counsel of
16 any change of address or employment. (Time Index: 15:35:15)

17 12. Mr. Vaile is in CONTEMPT for failure to notify the Court and counsel of having
18 obtained new employment. (Time Index: 15:30:08)

19 13. Mr. Vaile is sanctioned in the amount of \$500.00, said amount is to be paid no later
20 than 30 days from the Notice of Entry of this *Order*. (Time Index: 15:31:30)

21 14. Mr. Vaile is directed to provide written notification to the WILICK LAW GROUP and
22 the Court of any change in employment within 10 days of the date of hire. (Time Index: 15:33:00)

23 15. Mr. Vaile is to provide the WILICK LAW GROUP and the Court written notice of any
24 change in his address within 10 days of the relocation. (Time Index: 15:32:20)

25 16. Mr. Vaile is to file an updated *Detailed Financial Disclosure Form*, and serve on
26 counsel no later than March 15, 2013, at 5:00 p.m. (Time Index: 15:37:01)

27 17. Mr. Vaile shall commence payment of the \$38,000.00 in sanctions specified in the
28 July 10, 2012, *Order* at a rate of \$1,000.00 per month, due by the 15th of each month, commencing

1 February 15, 2013, until paid in full. Once the sanctions have been paid in full the payments are then
2 to be applied to the previous award of Attorney's fees in the amount of \$100,000.00 until paid in full.
3 Failure to make timely payments as ordered until paid in full is under the pain of contempt. (Time
4 Index: 15:41:25)

5 18. Cisilie is awarded attorney's fees, yet to be determined; WILLICK LAW GROUP is to
6 file a *Memorandum of Cost and Fees* for the period of July 2012 to January 2013. (Time Index:
7 15:45:35)


8 19. WILLICK LAW GROUP specifically reserved the right to seek additional findings of
9 contempt for July, 2012 forward. (Time Index: 15:45:55)

10 20. The Court issued a Bench Warrant for Mr. Robert Scotlund Vaile to serve 275 days
11 of incarceration in the Clark County Detention Center, without bail, on the accumulated charges of
12 CONTEMPT. (Time Index: 15:28:35)

13 21. WILLICK LAW GROUP shall prepare the *Order* for today's hearing, and prepare a
14 separate *Order* for additional fees and costs.

15 DATED this ___ day of FEB 12 2013, 2013.

16
17 
18 DISTRICT COURT JUDGE AL

19 Respectfully Submitted By:
20 WILLICK LAW GROUP
21 
22 MARSHAL S. WILLICK, ESQ.
23 Nevada Bar No. 002515
24 3591 East Bonanza Road, Suite 200
25 Las Vegas, Nevada 89110-2101
26 Attorneys for Defendant

27 P:\wp13\VAILE\00018806.WPD\LF

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Exhibit 3

