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IN THE SUPREME COURT OF THE STATE OF NEVADA

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ROBERT SCOTLUND VAILE,

Petitioner,

vs.

CISILIE A. PORSBOLL F/K/A CISILIE A.
VAILE,

Respondent.

Electronically Filed
S.C. No. 19-2014 AN-3 a.m.
D.C. No. 62797
Nacie Lindeman
Clerk of Supreme Court
98-D-230385-D

RESPONDENT’S SUPPLEMENTAL AUTHORITY FOR THE RECORD

I. SUPPLEMENTAL AUTHORITY

In accordance with NRAP 31(e) Respondent provides the following supplemental authority in support of their position in the above captioned cases: *Holdaway-Foster v. Brunell*, 130 Nev. ___, ___ P.3d ___ (Adv. Opn. No. 51, June 26, 2014).

This case held that the district court erred in determining that Nevada lacked jurisdiction over a child support order issued in this State and instead honored a purported modification of support entered in another State.

More specifically, the case dealt with whether a Hawaii child support order purporting to modify the Nevada order was valid, or if Nevada maintained continuing, exclusive jurisdiction over the child support matter. The Court determined that Nevada had jurisdiction when it issued the original order, and that while the father moved to Hawaii, the mother and children remained in Nevada, including the time during which the Hawaii court purported to modify the order.

Therefore, as a matter of federal law, the Hawaii court could have properly modified the Nevada order *only* if the mother and father had filed written consent in

1 Nevada to give Hawaii exclusive, continuing jurisdiction over the Nevada order.¹
2 Neither party filed such consent; thus, Hawaii did not have jurisdiction to modify the
3 1989 Nevada child support order, and the Hawaii court's orders had no legal effect.²

4 The mother's failure to formally object to the Hawaii modification was
5 immaterial because a challenge to a court's subject matter jurisdiction is not waivable,
6 unless by written consent, and can be raised at any time, and may be reviewed *sua*
7 *sponte* by an appellate court.³

8 Since Respondent does not have a brief on file in either of the cases captioned
9 above as directed in the *Order* filed October 22, 2012, we provide this limited
10 explanation.⁴

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16 ¹ See 28 U.S.C. § 1738B(e)(2)(B), part of the Full Faith and Credit for Child
17 Support Orders Act ("FFCCSOA").

18 ² See *Swan v. Swan*, 106 Nev. 464, 469, 796 P.2d 221, 224 (1990) (a district
19 court's custody ruling is void where the court lacks subject matter jurisdiction).

20 ³ *Id.* See 28 U.S.C. § 1738B(f)(2) (providing that when two courts issue a child
21 support order but only one has continuing, exclusive jurisdiction under the Act, that
22 court's order must be recognized).

23 ⁴ Normally, argument in a supplemental authorities filing is not authorized
24 under NRAP31(e), which directs counsel to point out the portion of the brief on file
25 to which the supplemental authority relates. However, Respondent does not have a
26 brief on file – this case has stood submitted on the record since December 20, 2013,
27 according to the Appellate Case Management System web site. Because the facts of
28 the case cited are not exactly the same as those in this case, it seems necessary to
point out how and why the case applies.

1 **II. RELEVANCE OF AUTHORITY**

2 This recently-decided case addresses a key argument in the case currently
3 before the Court. Specifically, Mr. Vaile argues that the Norwegian child support
4 orders modified the valid Nevada child support order entered in 1998.

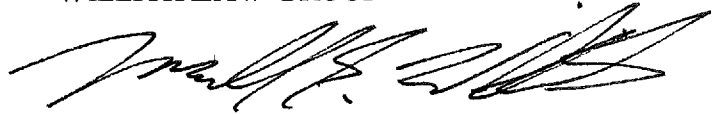
5 Mr. Vaile did not live in Norway, nor did he move for a modification of the
6 Nevada child support order in Norway. Additionally, neither he nor Ms. Porsboll
7 filed a consent in the Nevada District Court to allow Norway to take continuing,
8 exclusive jurisdiction over this case. Norway simply, independently, issued a support
9 order as part of its welfare laws.

10 As pointed out in *Holdaway*, absent compliance with UIFSA procedure, a
11 foreign order is meaningless. For the Norwegian Court to take jurisdiction when Mr.
12 Vaile was not a resident, a formal filing by *both* he and Ms. Porsboll in Nevada
13 would have been required to allow Norway to modify the Nevada order. This was
14 never done.

15 As the District Court found in its *Order* entered July 10, 2012, the Norwegian
16 orders do not comply with UIFSA and thus did not modify the Nevada child support
17 order.

18 Respectfully submitted,

19 WILLICK LAW GROUP

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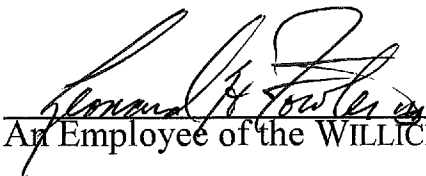
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25 (702) 438-4100
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27 Attorneys for Respondent

1 **CERTIFICATE OF SERVICE**

2 I hereby certify that service of the foregoing was made on the 18th day of
3 August, 2014, pursuant to EDCR 7.26(a), by U.S. Mail addressed as follows:

4 Mr. Robert Scotlund Vaile
5 2201 McDowell Avenue
6 Manhattan, Kansas 66502
7 scotlund@vaile.info
8 legal@infosec.privacyport.com
9 *Appellant In Proper Person*

10 That there is regular communication between the place of mailing and the place
11 so addressed.

12 
13 An Employee of the WILLICK LAW GROUP

14 P:\wp16\VAILE,CNVSCPLEADINGS\00061336.WPD/rfc