

IN THE SUPREME COURT OF THE STATE OF NEVADA

\* \* \* \* \*

THE STATE OF NEVADA, DEPARTMENT  
OF HEALTH AND HUMAN SERVICES,  
DIVISION OF WELFARE AND  
SUPPORTIVE SERVICES, CHILD  
SUPPORT ENFORCEMENT PROGRAM,  
AND KIERSTEN GALLAGHER, (SOCIAL  
SERVICES MGR II),  
Appellant,

vs.

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

SC NO:  
DC NO:

Electronically Filed  
77070 2019 03:43 p.m.  
Elizabeth A. Brown  
Clerk of Supreme Court

**RESPONDENT'S APPENDIX  
VOLUME II**

**Attorney for Respondent:**  
MARSHAL S. WILICK, ESQ.  
Nevada Bar No. 2515  
WILICK LAW GROUP  
3591 East Bonanza Road, Suite 200  
Las Vegas, Nevada 89110-2101  
(702)438-4100  
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**Attorneys for Appellant:**  
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Nevada Attorney General  
GREGORY L. ZUNINO  
Nevada Bar No. 4805  
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## APPENDIX INDEX

### DATE ORDER

EXHIBIT	DOCUMENT	FILE STAMP DATE	PAGE NUMBER
1.	Notice of Entry of Order of Mandamus	4/16/2018	RA000001 - RA000008
2.	Court Minutes	6/7/2018	RA000009 - RA000011
3.	Court Minutes	7/24/2018	RA000012 - RA000013
4.	Order for Hearing Held July 24, 2018	8/6/2018	RA000014 - RA000017
5.	Notice of Entry for Hearing Held July 24, 2018	8/7/2018	RA000018 - RA000024
6.	Domestic Notice to Statistically Close Case	9/12/2018	RA000025
7.	Ex Parte Application for an Order to Show Cause Why Dept. of Health and Human SVCS Child Support Enforcement Program and Kiersten Gallagher, Should Not Be Held in Contempt for Their Failure to Comply with the Terms of the Order of Mandamus Filed September 5, 2018	10/9/2018	RA000026 - RA000029
8.	Court Minutes	11/6/2018	RA000030 - RA000031
9.	Estimated Cost of Transcript	12/5/2018	RA000032
10.	Final Billing of Expedited Transcripts	12/24/2018	RA000033
11.	Receipt of Copy	12/24/2018	RA000034 - RA000035

12.	Certification of Transcripts/Notification of Completion	12/24/2018	RA000036
13.	Transcript Re: All Pending Motions; Tuesday, July 24, 2018 Hearing	12/24/2018	RA000037 - RA000098
14.	Order from the November 6, 2018, Hearing	1/4/2019	RA000099 - RA000101
15.	Notice of Entry of Order from the November 6, 2018, Hearing	1/7/2019	RA000102 - RA000107
16.	Report to Court on Order of Mandamus	3/7/2019	RA000108 - RA000110
17.	Report to Court on Order of Mandamus	4/1/2019	RA000111 - RA000113
18.	State of California's Court of Appeal's Unpublished Decision from May 22, 2015	5/22/2015	RA000114 - RA000145
19.	Report to Court on Order of Mandamus	5/3/2019	RA000146 - RA000148
20.	Report to Court on Order of Mandamus	6/3/2019	RA0000149 - RA000151
21.	Report to Court on Order of Mandamus	7/1/2019	RA000152 - RA000162
22.	Report to Court on Order of Mandamus	8/1/2019	RA000163 - RA000165
23.	Report to Court on Order of Mandamus	9/4/2019	RA000166 - RA000168

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ALPHABETICAL ORDER**

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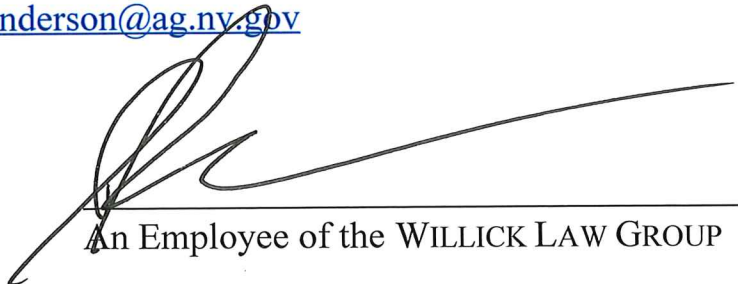


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## CERTIFICATE OF SERVICE

Pursuant to NRAP 25(d), I certify that I am an employee of the WILLICK LAW GROUP and that on this 30<sup>th</sup> day of September, 2019, documents entitled *Respondent's Appendix - Volume II* were e-mailed, and were filed electronically with the Clerk of the Nevada Supreme Court, and therefore electronic service was made in accordance with the master service list, to the attorney listed below at the address, email address, and/or facsimile number indicated below:

Aaron D. Ford  
Gregory L. Zunino  
Linda C. Anderson  
100 N. Carson Street  
Carson City, Nevada 89701  
(775)684-1237  
[Gzunino@ag.nv.gov](mailto:Gzunino@ag.nv.gov)  
[Landerson@ag.nv.gov](mailto:Landerson@ag.nv.gov)



An Employee of the WILLICK LAW GROUP



AARON D. FORD  
Attorney General  
Linda C. Anderson  
Chief Deputy Attorney General  
Nevada Bar No. 4090  
555 E. Washington Ave., #3900  
Las Vegas, NV 89101  
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E-mail: landerson@ag.nv.gov

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

ROBERT SCOTLUND VAILE,

Plaintiff,

vs.

CISILE A. PORSBOLL,

Defendant.

Case No.: 98D230385

Dept. No.: I

**REPORT TO COURT ON ORDER OF MANDAMUS**

The State of Nevada, Department of Health and Human Services, Division of Welfare and Supportive Services, Child Support Enforcement Program and Kiersten Gallagher (hereinafter "the State") by and through counsel, AARON D. FORD, Attorney General, and Chief Deputy Attorney General, LINDA C. ANDERSON, hereby files this report pursuant to the Order of Mandamus filed on September 5, 2018. The State is ordered to provide a monthly status report of the actions taken and the results of those actions to the Court with a copy to counsel.

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12 The State requested three orders from the District Court and four orders from the Nevada  
13 Supreme Court. On January 18, 2019, all orders were received and forwarded to OJUR.  
14 In February of 2019, the State responded to a request from Kansas to provide a missing  
15 page.

16 In a phone call on February 25, 2019, Kansas indicated that it would attempt to  
17 have the injunction set aside. Kansas reports that the petition to set aside the injunction  
18 was filed and served on Robert Vaile. A hearing on the petition is scheduled for May  
19 17, 2019 at 2:30. The State will continue to monitor and report to the Court.

20 Dated: May 3, 2019

21 AARON D. FORD  
22 Attorney General

23 By: /s/ Linda C. Anderson  
24 Linda C. Anderson  
25 Chief Deputy Attorney General  
26  
27  
28



1                                   **AFFIRMATION PURSUANT TO NRS 239B.030**

2           The undersigned does hereby affirm that the preceding document does not contain  
3 the social security number of any person.

4           Dated: May 3, 2019

5                                   AARON D. FORD  
6                                   Attorney General

7                                   By: /s/ Linda C. Anderson  
8                                   Linda C. Anderson  
9                                   Chief Deputy Attorney General

10                                   **CERTIFICATE OF SERVICE**

11           I hereby certify that I electronically filed the foregoing *REPORT TO COURT ON*  
12 *ORDER OF MANDAMUS* by using the electronic filing system on May 3, 2019. The  
13 following participants in this case are registered electronic filing system users and will  
14 be served electronically:

15   Marshall S. Willick, Esq.  
16   3591 E. Bonanza Road, Suite 200  
17   Las Vegas, NV 89110-2101

18   Robert Scotlund Vaile  
19   8121 Lincoln Street  
20   Wamego, Kansa 66547

21                                   /s/ Linda Aouste  
22                                   Employee of the Office of the Attorney General  
23  
24  
25  
26  
27  
28



AARON D. FORD  
Attorney General  
Linda C. Anderson  
Chief Deputy Attorney General  
Nevada Bar No. 4090  
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E-mail: landerson@ag.nv.gov

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

ROBERT SCOTLUND VAILE,  
  
Plaintiff,  
  
vs.  
  
CISILE A. PORSBOLL,  
  
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16 The petition to set aside the injunction was filed in Kansas and served on Robert  
17 Vaile. At the hearing scheduled on May 17, 2019 at 2:30, the matter was set for trial on  
18 May 28, 2019 at 9 a.m. before the District Judge. The Kansas Court took it under  
19 advisement with each side to submit their proposed findings of fact and conclusions of  
20 law and order by 5 p.m. on June 3, 2019. The Court anticipated making a ruling by June  
21 7, 2019 before the Judge begins a weeklong jury trial starting June 10, 2019 and then  
22 retires from the bench on June 17, 2019.

23 Dated: June 3, 2018.

24 AARON D. FORD  
25 Attorney General

26 By: /s/ Linda C. Anderson  
27 Linda C. Anderson  
28 Chief Deputy Attorney General

1                                   **AFFIRMATION PURSUANT TO NRS 239B.030**

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4           Dated: June 3, 2019

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13 Kansas.

14 Kansas filed a petition to set aside the injunction and served Robert Vaile. At the  
15 hearing on May 17, 2019, the matter was set for trial on May 28, 2019 before the District  
16 Judge. In an order filed on June 6, 2019, the Riley County District Court ruled that the  
17 Nevada order is entitled to full faith and credit in Kansas and set aside the injunction.  
18 See, Exhibit 1. Vaile filed a motion to amend the order and for a stay pending appeal.  
19 Kansas also filed a separate registration action because Vaile moved to Pottawatomie  
20 County.

21 Dated: July 1, 2019

22 AARON D. FORD  
23 Attorney General

24 By: /s/ Linda C. Anderson  
25 Linda C. Anderson  
26 Chief Deputy Attorney General  
27  
28

1                                   **AFFIRMATION PURSUANT TO NRS 239B.030**

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4           Dated: July 1, 2019

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23                                   Employee of the Office of the Attorney General  
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26  
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28

# EXHIBIT 1



K#427876

ELECTRONICALLY FILED  
2019 Jun 06 PM 2:50  
CLERK OF THE RILEY COUNTY DISTRICT COURT  
CASE NUMBER: 2012-DM-000775



Court: Riley County District Court  
Case Number: 2012-DM-000775  
Case Title: Robert S Vaile, Petitioner vs. Cisilie A Porsboll,  
Respondent  
Type: ORDER

SO ORDERED.

A handwritten signature in black ink, appearing to read "Meryl D. Wilson".

/s/ Honorable Meryl D. Wilson, District Court Judge

**IN THE DISTRICT COURT OF RILEY COUNTY, KANSAS**

<b>ROBERT S. VAILE,</b>	)	
	)	<b>Case No. 12 DM 775</b>
<b>Petitioner,</b>	)	
	)	<b>Division II</b>
<b>v.</b>	)	
	)	
<b>CISILIE A. PORSBOLL,</b>	)	
	)	
<b>Respondent.</b>	)	

**ORDER**

This case has a tortured procedural and litigation history.

On or about August 21, 1998, the parties hereto were divorced in Clark County, Nevada District Court, case number 98D230385. The decree of divorce adopted provisions of the parties' separation agreement, which specified the method by which child support was to be calculated, but not the specific amount of child support to be paid.

In November 2007, defendant, Cisilie A. Porsboll (hereafter "Porsboll") motioned the Clark County District Court, to establish a specific child support amount and determine arrearages owed by the plaintiff, Robert S. Vaile (hereafter "Vaile"). The court subsequently determined Vaile's child support to be \$1,300.00 per month and determined the amount of arrears owed based on this monthly

amount. Vaile subsequently appealed the court's determination, arguing the Nevada courts lacked jurisdiction.

On January 26, 2012, the Nevada Supreme Court remanded the case to the District Court for further determinations and instructed the District Court to determine whether a child support order for this family was issued by Norway and, if so, to assess its bearing on enforcement of the Nevada support order as the parties' alluded to, but did not include the Norway order, as part of the Nevada record.

On July 12, 2012, the Clark County District Court ruled the Nevada divorce decree was controlling and entered findings regarding the child support, arrearages, interest and penalties owed by Vaile under the parties' divorce decree. Vaile subsequently appealed the courts controlling order determination and financial calculations.

On December 20, 2012, while the controlling order determination was pending before the Nevada Court of Appeals, Vaile filed the instant action requesting registration of an order issued by the Superior Court of Sonoma County, California, which contradicted the findings of the Nevada. Vaile also sought a permanent injunction prohibiting enforcement of the Clark County, Nevada orders by any entity, including the State of Kansas.

The California order was subsequently set aside and held for naught by the California Court of Appeals and Vaile's request for review was denied by the

California Supreme Court. On October 5, 2015, Vaile sought and obtained an order herein reaffirming this court's determination that the child support order issued by Norway was controlling, that Vaile had fulfilled his obligations under the Norwegian order and that the permanent injunction issued herein, remained in place.

On December 29, 2015, the Nevada Court of Appeals affirmed the Clark County District Court's determination that the Nevada divorce was the controlling order. Vaile filed a timely appeal with the Supreme Court of Nevada challenging the controlling order determination.

On June 22, 2017, the Supreme Court of Nevada affirmed the lower courts determinations that Nevada was the controlling order, not the Norwegian support order. Vaile v. Vaile, 133 Nev.Adv.Op 30, 396 P.3d 781 (2017). Vaile filed a Writ of Certiorari in the Supreme Court of the United States, which denied the same on November 6, 2017.

There have been no further appeals filed as to the issues of jurisdiction, child support, arrearages, interest or penalty determinations in Clark County, Nevada District Court case number 98D230385.

Vaile, having fully exhausted his appellate remedies before the Nevada courts, may not utilize this court to avoid his child support obligation.

That on November 14, 2018, the Nevada Department of Health and Human Services, Division of Welfare and Supportive Services (hereinafter "Nevada DHS"),



submitted a request to the State of Kansas Department of Children and Families Child Support Services unit, pursuant to K.S.A. 23-36, 307.

The Nevada DHS request was submitted on behalf of Porsboll seeking registration and enforcement of orders issued in Clark County, Nevada District Court case number 98D230385.

That by virtue of the injunction granted to Vaile, herein, the State of Kansas Department for Children and Families is a proper party to this matter and has standing to seek relief from the orders and injunction, filed herein.

That the defense of laches is not applicable to actions brought by the State of Kansas to establish and/or enforce child support. Wheat Farmers Insurance, 137 Kan. 697, 22 p.2d 1093 (1933) and Kucree v. State of Kansas, 160 Kan. 624, 164 P.2d 115 (1948).

That the State of Kansas Department for Children and Families has alleged facts sufficient to support its claim for relief, therefore, Vaile's motion to dismiss is denied.

That the instant action was instituted by Vaile seeking a controlling order determination after a determination on the same issue was rendered in Clark County, Nevada District Court case number 98D230385.

That the findings sought by Vaile in this matter constitute an impermissible collateral attack on the Clark County District Court's finding that the Norwegian

child support order was an impermissible modification of the parties' divorce decree and separation agreement and determination that the divorce decree was the controlling order.

That Vaile has fully exhausted his remedies before the Nevada courts and the orders entered in the District Court of Clark County, Nevada, case number 98D230385, have been finally and conclusively determined to be controlling orders regarding Vaile's support obligation for the parties' children, Kamilla Vaile and Kaia Vaile.

That, due to resolution of the jurisdictional issues in Clark County, Nevada case number 98D230385, it is no longer equitable to prospectively apply the prior orders in this action.

That the order confirming registration is set aside and the permanent injunction vacated.

The orders issued in Clark County District Court, Nevada, case number 98D230385, are entitled to be given in full faith and credit pursuant to Article IV, Section 1, of the United States Constitution, K.S.A. 60-3001 and K.S.A. 23-36,603(c).

**IT IS SO ORDERED.**

**CERTIFICATE OF SERVICE**

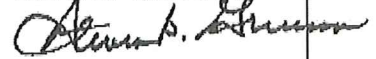
I certify that after the ORDER was electronically efiled, that a copy of the above and foregoing ORDER was served through eflex filing system to:

Christine M. Smith  
Contract Attorney  
Young Williams CSS  
711 Southwind Drive  
Junction City, Kansas

By First-Class mail service:

Robert S. Vaile  
812 Lincoln Street  
Wamego, Kansas 66547

/s/ PAM CLARK  
Riley County District Court



AARON D. FORD  
Attorney General  
Linda C. Anderson  
Chief Deputy Attorney General  
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16 Judge. In an order filed on June 6, 2019, the Riley County District Court ruled that the  
17 Nevada order is entitled to full faith and credit in Kansas and set aside the injunction.  
18 Vaile filed a motion to amend the order and for a stay pending appeal. Kansas also filed  
19 a separate registration action because Vaile moved to Pottawatomie County.

20 The Court ruled in favor of Kansas at a hearing on their petition for registration in  
21 Pottawatomie County and a copy of the order will be mailed to Vaile as soon as it is  
22 approved by the Court. Kansas plans to proceed with an income withholding once the  
23 order is filed. Vaile's motion to amend, for a new trial and a stay are still pending in  
24 Riley County. Kansas filed their response on July 18, 2019. Kansas anticipates that  
25 Vaile will appeal the orders in both Riley and Pottawatomie counties.

26 ...

27 ...

28 ...

1                                   **AFFIRMATION PURSUANT TO NRS 239B.030**

2           The undersigned does hereby affirm that the preceding document does not contain  
3 the social security number of any person.

4           Dated: August 1, 2019

5                                   AARON D. FORD  
6                                   Attorney General

7                                   By: /s/ Linda C. Anderson  
8                                   Linda C. Anderson  
9                                   Chief Deputy Attorney General

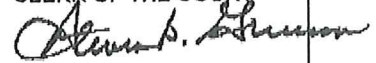
10  
11                                   **CERTIFICATE OF SERVICE**

12           I hereby certify that I electronically filed the foregoing *REPORT TO COURT ON*  
13 *ORDER OF MANDAMUS* by using the electronic filing system on August 1, 2019. The  
14 following participants in this case are registered electronic filing system users and will  
15 be served electronically:

16 Marshall S. Willick, Esq.  
17 3591 E. Bonanza Road, Suite 200  
18 Las Vegas, NV 89110-2101

19 Robert Scotlund Vaile  
20 8121 Lincoln Street  
21 Wamego, Kansa 66547

22                                   /s/ Linda Aouste  
23                                   Employee of the Office of the Attorney General  
24  
25  
26  
27  
28



AARON D. FORD  
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**DISTRICT COURT  
FAMILY DIVISION  
CLARK COUNTY, NEVADA**

ROBERT SCOTLUND VAILE,

Plaintiff,

vs.

CISILE A. PORSBOLL,

Defendant.

Case No.: 98D230385

Dept. No.: I

**REPORT TO COURT ON ORDER OF MANDAMUS**

The State of Nevada, Department of Health and Human Services, Division of Welfare and Supportive Services, Child Support Enforcement Program and Kiersten Gallagher (hereinafter "the State") by and through counsel, AARON D. FORD, Attorney General, and Chief Deputy Attorney General, LINDA C. ANDERSON, hereby files this report pursuant to the Order of Mandamus filed on September 5, 2018. According to the order of this Court, the State provides a monthly status report of the actions taken and the results of those actions to the Court with a copy to counsel.

Initially, the State corresponded with Porsboll and her counsel to obtain an updated application so they could take all necessary steps under NRS 130.307. After the



1 hearing on the motion for contempt on November 6, 2018, Counsel for Porsboll emailed  
2 an application for child support that had been signed by Porsboll on October 23, 2018.  
3 The case was opened on November 13, 2018 with a request for certified copies of  
4 Nevada orders. The case was audited beginning with the Nevada Order filed July 10,  
5 2012 for principle and interest judgements and the Nevada Order filed August 17, 2012  
6 for penalties judgement. The State received copies of the certified order on November  
7 14, 2018 and transmitted all necessary information to Kansas.

8 The report to the Court that was due on December 5, 2018 was filed early on  
9 November 19, 2018 and no report was filed on January 5, 2019. On December 20, 2018,  
10 the State received a request from Kansas requesting certified copies of additional orders.  
11 The State requested three orders from the District Court and four orders from the Nevada  
12 Supreme Court. On January 18, 2019, all orders were received and forwarded to  
13 Kansas.

14 Kansas filed a petition to set aside the injunction and served Robert Vaile. At the  
15 hearing on May 17, 2019, the matter was set for trial on May 28, 2019 before the District  
16 Judge. In an order filed on June 6, 2019, the Riley County District Court ruled that the  
17 Nevada order is entitled to full faith and credit in Kansas and set aside the injunction.  
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22 approved by the Court. Kansas plans to proceed with an income withholding once the  
23 order is filed. Vaile's motion to amend, for a new trial and a stay are still pending in  
24 Riley County. Kansas filed their response on July 18, 2019. Kansas anticipates that  
25 Vaile will appeal the orders in both Riley and Pottawatomie counties and his appeal  
26 period will run on September 11, 2019.

27 Vaile contacted the Kansas customer service department to inquire about  
28 payments and to report that he was not working at that time. If this Court grants the



1 garnishment sought by counsel for Porsboll on September 5, 2019, the State will notify  
2 Kansas. If a private garnishment proceeds, Kansas may decide to cease their  
3 enforcement activity to avoid duplicate efforts or exceed any garnishment limits in  
4 Kansas. Collection of child support arrears should receive priority over other debt owed  
5 by Vaile.

6 **AFFIRMATION PURSUANT TO NRS 239B.030**

7 The undersigned does hereby affirm that the preceding document does not contain  
8 the social security number of any person.

9 Dated: September 4, 2019

10 AARON D. FORD  
11 Attorney General

12 By: /s/ Linda C. Anderson  
13 Linda C. Anderson,  
14 Chief Deputy Attorney General

15  
16 **CERTIFICATE OF SERVICE**

17 I hereby certify that I electronically filed the foregoing *REPORT TO COURT ON*  
18 *ORDER OF MANDAMUS* by using the electronic filing system on September 4, 2019.  
19 The following participants in this case are registered electronic filing system users and  
20 will be served electronically:

21 Marshall S. Willick, Esq.  
22 3591 E. Bonanza Road, Suite 200  
23 Las Vegas, NV 89110-2101

24 Robert Scotlund Vaile  
25 8121 Lincoln Street  
26 Wamego, Kansa 66547

27 /s/ Linda Aouste  
28 Employee of the Office of the Attorney General