

FILED

AUG 15 2012

TRACIE K. LINDEMAN  
CLERK OF SUPREME COURT  
BY *H. Wilcap*  
DEPUTY CLERK

1 Robert Scotlund Vaile  
2 PO Box 727  
3 Kenwood, CA 95452  
4 (707) 633-4550  
5 Appellant in Proper Person

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

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8  
9 ROBERT SCOTLUND VAILE,  
10 Appellant,

11 vs.

12  
13 CISILIE A. PORSBOLL,  
14 Respondent.

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

**MOTION TO DEFER PAYMENT OF  
COST BOND AND TO ALLOW  
FULL BRIEFING ON APPEAL**

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18 **I. MOTION TO DEFER PAYMENT OF COST BOND**

19 On this day, Appellant filed the attached *Motion for Leave to Proceed in*  
20 *Forma Pauperis* with the district court because of his involuntary unemployment  
21 status, and his inability to pay the cost bond required on appeal. Based on that  
22 pending motion, and the affidavit attached thereto, Appellant requests that the  
23 Court defer the requirement to pay the cost bond until his motion has been  
24 adjudicated by the district court.

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26 **II. MOTION TO ALLOW FULL BRIEFING ON APPEAL**

27 Appellant is proceeding in proper person in his appeal to this Court, raising  
28 issues generally outlined in his recent petition for writ of mandamus. As this

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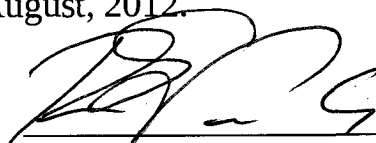
1 Court is well aware, the matters involved in the current litigation are complex and  
2 may require significant explanation and argument. Although the Pilot Program in  
3 Civil Appeals allows *pro se* litigants to set forth matters in a few typed or  
4 handwritten pages, this case will require more thorough discussion of the issues  
5 and errors of the Court below.

6 Furthermore, the pilot program forms are intended for litigants who may  
7 lack legal training and would not typically be expected to research or argue  
8 relevant legal precedent. Mr. Vaile is law-trained, and intends to present legal  
9 arguments based on relevant precedent if given the opportunity. Both the district  
10 court below and this Court have previously found merit in Mr. Vaile's arguments  
11 and he has demonstrated the capability to present well-formed arguments based  
12 on the relevant legal precedent. As such, Mr. Vaile requests that he be allowed to  
13 proceed with the briefing expected of represented litigants as outlined in the  
14 Nevada Rules of Appellate Procedure.

### 15 **III. CONCLUSION**

16  
17 Until Appellant's *Motion for Leave to Proceed in Forma Pauperis* has been  
18 determined, Appellant requests deferment of the requirement to provide a cost  
19 bond or other bond on appeal. Additionally, Appellant respectfully requests that  
20 he be allowed to proceed with full briefing on appeal.

21  
22 Respectfully submitted this 13<sup>th</sup> day of August, 2012.

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25 Robert Scotlund Vaile  
26 PO Box 727  
27 Kenwood, CA 95452  
28 (707) 633-4550  
*Appellant in Proper Person*

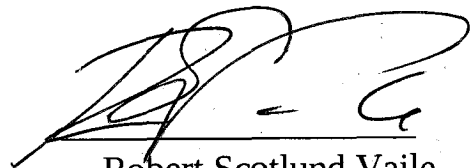
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## CERTIFICATE OF MAILING

I hereby certify that on August 13, 2012, I deposited in the United States Mail, postage prepaid, at Kenwood, California, a true and correct copy of *MOTION TO DEFER PAYMENT OF COST BOND AND TO ALLOW FULL BRIEFING ON APPEAL*, addressed as follows:

Marshal S. Willick, Esq.  
Willick Law Group  
3591 E. Bonanza Road, Suite 200  
Las Vegas, NV 89110-2101  
*Attorney for Respondent*

Respectfully submitted this 13<sup>th</sup> day of August, 2012.



Robert Scotlund Vaile  
PO Box 727  
Kenwood, CA 95452  
(707) 633-4550  
*Appellant in Proper Person*

1 **MPFP**

2 Robert Scotlund Vaile

3 PO Box 727

4 Kenwood, CA 95452

(707) 833-2350

*Plaintiff in Proper Person*

5  
6 **IN THE EIGHTH JUDICIAL DISTRICT COURT OF THE**  
7 **STATE OF NEVADA IN AND FOR**  
8 **THE COUNTY OF CLARK**

9 ROBERT SCOTLUND VAILE,

10 Plaintiff,

11 vs.

12 CISILIE A. PORSBOLL,

13 fka CISILIE A. VAILE,

14 Defendant.

CASE NO: 98 D230385

DEPT. NO: I

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17 **MOTION FOR LEAVE TO PROCEED IN FORMA PAUPERIS**

18 Plaintiff, Robert Scotlund Vaile, hereby requests leave to proceed in *forma*  
19 *pauperis* on appeal of this Court's Decision and Order, dated July 10, 2012. As  
20 this Court was fully briefed on April 9, 2012, Mr. Vaile lost his job in April, and  
21 has not yet secured employment. As attested by the attached affidavit, Mr. Vaile  
22 is unable to pay further fees, costs and bonds required on appeal.

23 Dated this 13<sup>th</sup> day of August, 2012.

24 /s/ R. S. Vaile

25 Robert Scotlund Vaile

26 PO Box 727

27 Kenwood, CA 95452

(707) 833-2350

*Plaintiff in Proper Person*

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State of Nevada }  
 } ss.  
County of Clark. }

I, Robert Scotlund Vaile, being first duly sworn, depose and say that I am the Plaintiff in the above-entitled case; that in support of my motion to proceed on appeal without being required to prepay fees, cost or give security therefor, I state that because of my poverty I am unable to pay the costs of said proceeding or to give security therefor; that I believe I am entitled to redress; and that the issues which I desire to present on appeal are the following:

1. Whether the district court is required to apply NRS 130.207 to make a determination as to the priority of the superseding Norwegian child support orders issued by the foreign country home state of the children which was previously declared a foreign reciprocating country by both the State of Nevada and the federal Department of State.
2. Whether the district court may apply a new standard for waiver of child support.
3. Whether the district court may modify the child support provisions contained in the 1998 decree of divorce.
4. Whether the district court must reverse the award of attorney's fees and sanctions in support of district court awards in judgments reversed by the Nevada Supreme Court.
5. Whether the district court allowed the parties an opportunity to be heard and correctly calculated the appropriate amount of child support due for two children (now grown) based on the formula in the 1998 decree of divorce.

1 I further swear that the responses which I have made to the questions and  
2 instructions below relating to my ability to pay the cost of prosecuting the appeal  
3 are true.

4 1. **Are you presently employed?** I am not presently employed. The  
5 date of my last employment was April 3, 2012. My wages had been  
6 approximately \$11,900 per month with my last employer. I received a total of  
7 \$86,878.20 in gross earnings in salary and wages in 2012 prior to my position  
8 being eliminated. This includes severance pay and health care allowance  
9 provided by the company.

10 2. **Have you received within the past twelve months any income**  
11 **from a business, profession or other form of self-employment, or in the form**  
12 **of rent payments, interest, dividends, or other source?** Other than my salary, I  
13 have not received income from any other source in the last twelve months. I have  
14 cashed in the entirety of my 401k from my last employer (my only retirement  
15 savings) in order to meet the family's ongoing expenses during my  
16 unemployment.

17 3. **Do you own any cash or checking or savings account?** I have a  
18 total of \$10 in cash, \$672.96 in checking, and \$3.31 in savings accounts.

19 4. **Do you own any real estate, stocks, bonds, notes, automobiles, or**  
20 **other valuable property (excluding ordinary household furnishings and**  
21 **clothing)?**

22 I do not own any real estate, stocks, bonds, notes, automobiles or other  
23 valuable property. I am currently leasing two vehicles whose values are each less  
24 than the respective payoff amount.  
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1           5. List the persons who are dependent upon you for support and  
2 state your relationship to those persons. I am my family's only source of  
3 income. The following persons are dependent on me for support:

4           Heather Vandygriff Vaile – wife

5           Robert Lunden Vaile – son

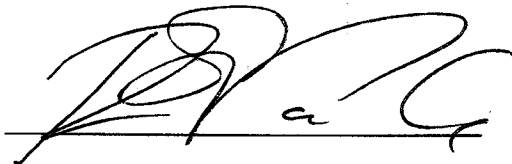
6           Alexa Liberty Vaile – daughter

7           Madison Elizabeth Vaile – daughter

8           Mark Austin Vaile – son

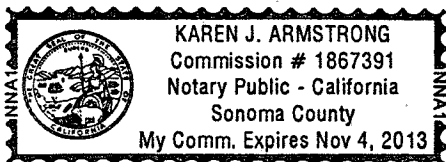
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10           I understand that a false statement or answer to any question in this  
11 affidavit will subject me to penalties for perjury.

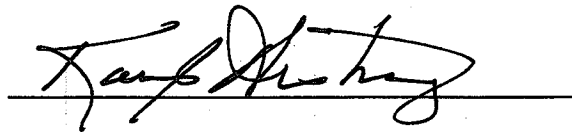
12  
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14 Signed:

15           

16           Robert Scotlund Vaile

17           SUBSCRIBED AND SWORN to before me this 13 day of August,  
18 2012.



29           

30           Notary Public

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## CERTIFICATE OF SERVICE

Plaintiff Robert Scotlund Vaile hereby certifies that I served a true and correct copy of the foregoing *Motion to for Leave to Proceed In Forma Pauperis* by depositing a true and correct copy in the U.S. Mail at Kenwood, California in a sealed envelope, with first-class postage pre-paid and addressed as follows:

Marshal S. Willick  
Willick Law Group  
3591 E. Bonanza Road, Suite 200  
Las Vegas, NV 89110-2101  
*Attorneys for Defendant*

Dated this 13<sup>th</sup> day of August, 2012.

/s/ R.S. Vaile  
Robert Scotlund Vaile  
PO Box 727  
Kenwood, CA 95452  
(707) 833-2350  
*Plaintiff in Proper Person*