

FILED

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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,

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

12 vs.

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14 CISILIE A. PORSBOLL,
15 Respondent.

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20 **CORRECTION TO STATEMENT OF FACT**
21 **IN SUPPORT OF**

22 **MOTION TO CONSOLIDATE**
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27 **RECEIVED**

28 APR 15 2013

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CLERK OF SUPREME COURT
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13-11419

I. INRODUCTION

Appellant filed a Motion to Consolidate on March 28, 2013. In that filing, Appellant reported a fact that was inaccurate. This filing is intended to correct that fact. Although the fact appears to be unimportant to the relief requested, Appellant felt obligated to correct the mis-statement since he filed an affidavit in support of his motion.

II. CORRECTION

In his motion to consolidate before this Court, Appellant relayed the fact that the lower court held that a California child support order was unenforceable in Nevada merely because Respondent *argued*, without any evidence, that fraud had been committed in the California proceedings in which she chose not to participate. Appellant observed that “the word ‘fraud’ was also **not uttered** a single time by anyone during the hearing – not even in mere argument. Neither did Respondent argue fraud in any filing before that court.” See pages 5-6.

Appellant was correct in his statement that fraud was not mentioned during the hearing. However, in reviewing the materials in preparation for appeal, Appellant discovered that Respondent had, in fact, previously asserted that fraud had been committed in the California proceedings. In a filing titled “*Second Supplement to Defendant's Clarification of 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,*” filed with the lower court on November 26, 2012, Respondent claimed:

Through fraud and subterfuge, Scotlund “forgot” to tell a California court about the years-long proceedings here, and misled it into believing that the Norwegian Support Orders are controlling; he then asked that Court to stop any collections under the orders from this Court.

On information and belief, Scotlund did not inform that court that Nevada had already ruled that the Norwegian orders were not controlling, **or** that he had a pending case before the Nevada Supreme

1 Court. Scotlund never served Cisilie with any of the initiating
2 documents in the case in California, and she was not afforded the
3 opportunity to object or to make an appearance in the action. The
4 order that Scotlund obtained is fraudulent at best and completely
5 unenforceable under UIFSA in any event.

6 As such, Appellant's statement in his *Motion to Consolidate* that Respondent
7 had not argued fraud in any filing before the lower court was incorrect.

8 Of course, Respondent's claims of fraud were completely wrong. It is
9 possible that when Respondent's counsel made these claims, he simply "forgot"
10 that he had previously received and filed on June 6, 2012 in the Nevada District
11 Court, Appellant's California motion. This act shows that Respondent was indeed
12 properly served with that filing, and that five months before the California court
13 entered a final order, both she and her Nevada attorneys had the documents in
14 hand, but chose not to respond in those proceedings in any way.

15 Furthermore, California's final order reveals that the court had been fully
16 versed on the proceedings in Nevada because that court specifically mentioned
17 the 1998 divorce decree, the opening of proceedings by Respondent again in
18 2007, the 2008 orders by the Nevada District Court, and this Court's 2012
19 decision and overturn of the lower court. Clearly, the California court was well-
20 versed with the ongoing proceedings before the Nevada courts.

21 The only proof of "fraud" in the California proceedings which formed the
22 basis of the Nevada district court rejecting California's order was Respondent's
23 false argument made above. Although only marginally relevant to consolidation,
24 Appellant's mis-statement of fact has now been made clear.

25 Submitted this 12th day of April, 2013.



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Appellant in Proper Person
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CERTIFICATE OF MAILING

I hereby certify that on this date, I deposited in the United States Mail, postage prepaid, at Manhattan, KS, a true and correct copy of *Correction to Statement of Fact in Support of Motion to Consolidate*, 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 12th day of April, 2013.



Robert Scotlund Vaile
2201 McDowell Avenue
Manhattan, KS 66502
(707) 633-4550