

IN THE SUPREME COURT OF THE STATE OF NEVADA

ROBERT SCOTLUND VAILE,
Appellant(s),
vs.

CISILIE A. VAILE nka CISILIE A.
PORSBOLL,
Respondent(s),

ROBERT SCOTLUND VAILE,
Appellant(s),
vs.

CISILIE A. VAILE nka CISILIE A.
PORSBOLL,
Respondent(s),

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Robert S Vaile, Plaintiff.
vs.
Cisilie A Vaile, Defendant.

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98D230385

Robert S Vaile, Plaintiff.
vs.
Cisilie A Vaile, Defendant.

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1 A I think that that probably accurately lists my income
2 for '06.

3 Q Well, actually there's nothing here for '06.

4 A I'm not exactly sure. I also had summer employment
5 between my second and third year. So that was in --

6 Q Okay. Well, let -- let's take it one piece at a time.
7 So during the school year '06, you said you had this \$75 per
8 shift thing and that's a weekly thing?

9 A It was a -- it was typically biweekly, but on
10 occasion, I could work more often. The -- another way that you
11 could check the actual income is to look at the -- the district
12 attorney's withholding --

13 THE COURT: So you got --

14 A -- because --

15 THE COURT: -- a paycheck for it, not cash?

16 A Yes, because it was -- because the child support was
17 deducted from each paycheck. So --

18 THE COURT: Did you get tips, cash tips?

19 A No.

20 THE COURT: Okay.

21 Q Well, I'll represent to you that there's no DA
22 collection shown through July of '06, although often their
23 records are time shifted somewhat from the date of the salary
24 that they're attaching, because they're recording receive dates

1 and that's always later in time than pay dates.

2 A Okay. There is, in that same document before you, a -
3 - an -- an example of my Washington and Lee pay slip that shows
4 the deduction taken out.

5 Q Well, you know, I'll just -- I'll -- I'll make a
6 representation that your exhibits contain a piece of paper from
7 Baker Botts. Now that was the Texas job you were about to get
8 to?

9 A Yes. But there was another one from W&L in there.

10 Q I'm sorry, I didn't hear that.

11 A There's another document -- there's another exhibit --

12 Q Okay.

13 A -- from Washington and Lee.

14 Q Before I get to that, the -- the Baker Botts --

15 THE COURT: For the record, there was no withholding
16 in your schedule of arrearages -- well, according to Marshal's
17 schedule of arrearages from January '06 till \$468.18 was taken
18 out in July of '06.

19 MR. WILLICK: That's right where I was going, Your
20 Honor.

21 Q The Baker Botts letter indicates that they are going
22 to start withholding \$468.18 beginning June 30th, 2006. Does
23 that comport with your recollection?

24 A Of when withholding began?

1 Q Yes.

2 THE COURT: In other words spring semester '06 --

3 Q That's the summer?

4 THE COURT: -- there were no withholdings.

5 MR. WILICK: Exactly.

6 THE COURT: But you said there was another document to
7 contradict that?

8 A No.

9 MR. WILICK: Actually, if -- if I can -- if I can ask
10 the witness to --

11 THE COURT: All right.

12 MR. WILICK: -- show me what he's talking about?

13 This --

14 A Exhibit D, earning statement of Mr. Vaile's income
15 from W& L.

16 Q And again, I -- I don't want to waste a lot of time.
17 If it would refresh your recollection to glance at your own
18 documents to -- to tell us. Could you just tell us what you
19 made at that part time job in '06 into --

20 A So I'm not exactly sure when I started in '06, but it
21 was approximately \$75 every two weeks.

22 Q Okay. So roughly 150 a month, maybe a little more,
23 because there's more than 4 weeks in a month. So during the
24 school year, we're dealing with about 750 to \$1,000; right? Not

1 -- not a large amount of money,

2 A No.

3 Q Okay. And then during the summer, you were -- had
4 this job with Baker Botts?

5 A Correct.

6 Q Doing what?

7 A I was a summer associate there. So --

8 Q Well, this indicates that they were withholding 936.36
9 monthly. So what -- if that's the amount they were withholding,
10 what were you making?

11 A \$2,500 a week for six weeks.

12 THE COURT: What kind of law firm was it? What kind
13 of law did you do?

14 A That was in the intellectual property law section.

15 Q So for that summer job, about 15 grand combined with
16 the \$1,000 in driving income. It's about 16 grand for the year
17 and that's what you're going to say that your '06 income was?

18 A No.

19 Q I'm -- I'm not trying to put words into your mouth.
20 Just give us a number. What are you saying?

21 THE COURT: I mean -- well, how many weeks did you
22 work at Baker Botts?

23 A Six weeks.

24 THE COURT: That's 15 grand; right --

1 Q It was --

2 THE COURT: -- gross?

3 Q Six times 2,500 I'll represent is 15,000.

4 A Okay.

5 Q So can you estimate your income for the whole year
6 including this?

7 A Well, I like said, I'm not exactly sure when the sober
8 driving program started, but it was probably along those lines
9 somewhere.

10 Q Okay. And then let's turn to '07. So we get to
11 January '07. Were you employed?

12 A The same -- I did the same thing. I did work for
13 Washington and Lee in their sober driving program.

14 Q For the four or five months until you graduated?

15 A Yeah, and I think finals were --

16 THE COURT: I'm sorry, he didn't work fall 2007. Fall
17 semester third year law school he did not work.

18 MR. WILLICK: He graduated in the summer of '07. So
19 he wouldn't have been there in the fall. Fall of '06.

20 THE COURT: Fall '06. I was a year off.

21 MR. WILLICK: That's right.

22 A Yes.

23 THE COURT: Yeah. What happened after the Baker Botts
24 summer job?

1 A Yes, I -- I did work.
2 THE COURT: You did work in the --
3 A Yes.
4 THE COURT: -- fall semester? I missed that. So
5 where did you work?
6 A Again, I just -- I work for the university doing the
7 same --
8 THE COURT: Oh, doing the sober -- sober driving.
9 A -- doing the same job.
10 THE COURT: Okay.
11 A Yes.
12 Q And that continued into '07?
13 A Yes.
14 Q Through May of course when you graduated?
15 A No, I stopped working there when finals started, which
16 was I think end of March.
17 Q Okay. So three months. Either way, we're talking
18 about fairly small amounts of money; right? When did you --
19 when were you next employed?
20 A I worked -- work in my current job.
21 Q Which is what?
22 A I work for Deloitte and Touche.
23 Q When did you start there?
24 A End of February. I think the last week of February.

1 Q Of '08?

2 A Of '08.

3 Q So no employment income of any kind between March of
4 '07 and February of '08?

5 A Correct -- sorry. No, that's correct. So I took out
6 a bar loan, of course.

7 Q I'm sorry, I didn't -- I couldn't hear you.

8 A I took out a loan for the -- to study for the bar.

9 Q All right. And in February of '08, you hired on at
10 what rate of pay?

11 A Pardon?

12 Q February of '08, you were hired on at what rate of
13 pay, please?

14 A At 120 a year.

15 THE COURT: Salary or hourly or commission, bonuses,
16 vacation pay?

17 A Salary.

18 THE COURT: Strictly one --

19 A Straight salary, yeah.

20 Q Okay. Now, you went to law school why?

21 A A couple of reasons. One was that in my previous job
22 -- well, in my -- my current career, but my previous profession,
23 I was doing a lot in the area of security and privacy, which is
24 a field that's driven largely by laws and regulations.

1 Q Okay. I'm sorry, I asked the question in-artfully.
2 Let me rephrase. Were you forced to go to law school?
3 A No.
4 Q You weren't drafted?
5 A Can that happen?
6 Q You chose to go to law school.
7 THE COURT: Nobody's ever force to go to law -- unless
8 you're my mother.
9 Q My point is if it was your choice.
10 A Correct. Yes.
11 Q Now you knew about the terms of the divorce decree
12 based on that 23 agreement which you had worked with a lawyer
13 and then went to have drafted; right?
14 A Can you restate the question?
15 Q Sure. You -- you read the divorce documents?
16 A Sure.
17 Q You knew what they said?
18 A Yes.
19 Q Okay. And you actually paid \$1,300 a month to Cisilie
20 between August of '98 and March of 2000?
21 A Did I pay \$1,300 a month?
22 Q Yes, sir. That was my question.
23 A No.
24 Q Okay. Then I'll -- I'll break it up. Starting at the

1 time of divorce, August of '98, did you pay any money at all in
2 child support.

3 A Yes.

4 Q What did you pay?

5 A I don't -- I don't have the exact receipts, but I paid
6 in -- I paid in British pounds and she received them in kroners.
7 So if you're asking for a translation into U.S. dollars, that's
8 a bit difficult. It would have changed every month.

9 Q Well, you're familiar with the pleadings in this case
10 that indicate that -- Cisilie indicated that the amount of child
11 support paid was \$1,300 per month, give or take currency
12 fluctuation amounts. Are you disputing that that's what you
13 were paying?

14 A Well, Cisilie had just testified that she doesn't know
15 where 1,300 came from.

16 Q Right.

17 A She accredited that to you.

18 Q The question that I'm asking you is what did you pay
19 in child support from August of '98 forward?

20 A And that's what I answered? I paid in British pounds.

21 Q How much?

22 A I don't know, but it was whatever we agreed on.
23 Whatever is in the separation agreement.

24 Q Well, if you're familiar with that document, it

1 doesn't have a specific recitation of numbers in it. So have
2 you in the -- and we've been going around and around in this
3 case for eight years, have you had an opportunity to go back to
4 your financial records and figure out what you were paying in
5 child support?

6 A In U.S. dollars?

7 Q In any currency. Have you checked to see what you
8 actually paid?

9 A No, I don't think issue was disputed.

10 Q So you don't know what you paid?

11 A I know I was current.

12 Q But you don't have any idea how much?

13 A Like I said, they would have been different every
14 month based on whatever the exchange rate was.

15 Q And you did the math on that? I mean, who determined
16 the amount that you paid every month in child support?

17 A I believe that the -- the initial amount was
18 determined by our mediator. What that amount equated to in U.S.
19 dollars, you can figure out based on the calculation that's in
20 the separation agreement.

21 Q And you just indicated that it changed every month.
22 Who determined that? Did you get a bill from somebody?

23 A No, the -- the -- the amount changed, the amount in
24 U.S. dollars changed based on the exchange rate between the

1 British pound, the U.S. dollar and the Norwegian kroner and the
2 U.S. dollar.

3 Q So you were trying to pay the same amount every month,
4 but it actually would be a slightly different numerical dollar
5 amount based on exchange rate fluctuations is what I --

6 A Yeah.

7 Q -- think you just said?

8 A If I remember correctly, our -- we modified the amount
9 that I was paying. I believe it increased.

10 THE COURT: Who's we?

11 A Cisilia and I. After the first year.

12 Q Okay.

13 A And of course I paid more what I could for the kids'
14 birthdays or --

15 Q I'm talking about presents and such. I'm talking
16 about regular recurring monthly child support. You just have no
17 idea how much it was? I'm -- I'm not trying to force you into
18 this. I'm trying to actually get you to say what you believe to
19 be true.

20 A And -- and I think I've answered that question. I
21 mean --

22 THE COURT: You didn't keep records, a ledger, a book?

23 A Yeah, I -- I wasn't asked to bring records --

24 THE COURT: Yeah.

1 A -- about this -- about this issue. This isn't in
2 dispute; right? I mean, I was current through April
3 of 2000. That's -- that's not disputed.

4 Q I was getting to that next. First I was trying to
5 figure out when it started.

6 THE COURT: Oh, that's your -- okay. He's lodging
7 that objection.

8 MR. WILLICK: I'm not sure that was an objection, but
9 I -- I'm again, I'm not trying to be argumentative.

10 THE COURT: Well, he's -- that's kind of hard. He's
11 sitting there --

12 MR. WILLICK: Sure.

13 THE COURT: -- being a witness, but he can also object
14 to the questions, because he's representing himself.

15 MR. WILLICK: He can if he wishes to. I -- I don't
16 know if that was really an objection.

17 THE COURT: Okay.

18 Q You -- you indicated --

19 THE COURT: Are you interested in pre-April 2000?

20 MR. WILLICK: Only in terms of establishing the
21 baseline history.

22 THE COURT: Baseline history. Okay, then I'd overrule
23 that.

24 MR. WILLICK: But -- but I'm -- I'm not -- I'm not

1 concern with trying to prove it. I just really wanted his
2 recollection to see if it was in variance from our court
3 records.

4 THE COURT: We'll just go with your recollection.

5 MR. WILICK: Okay.

6 THE COURT: You're not required to bring records --

7 MR. WILICK: Okay.

8 THE COURT: -- up to 2000.

9 MR. WILICK: Very good.

10 Q Then let me go to the matter that you just raised.
11 You don't dispute that you made child support payments through
12 March of 2000?

13 A That's correct.

14 Q And you know that Cisilie has not disputed that you
15 made child support payments through March of 2000. And the two
16 of you are in agreement that support in whatever amount you're
17 talking about were paid between '98 and 2000?

18 A Yeah, there's probably some dispute with regard to the
19 particular month.

20 THE COURT: That's accurate with your schedule of
21 arrears, Mr. Willick.

22 MR. WILICK: It is.

23 THE COURT: Yeah.

24 MR. WILICK: And that's -- I'm just -- I'm trying to

1 find out --

2 THE COURT: Oh.

3 MR. WILLOCK: -- if there is a dispute. That's what
4 I'm --

5 THE COURT: Oh, okay. Is there a dispute?

6 A I -- I think the only thing that's disputed with
7 regard to that is when did -- when did support payments end?
8 Cisilie has said she was paid through March. Typically, I made
9 payments for the next month at the end of the month previous.
10 So I believe that she was paid through April --

11 THE COURT: I understand that argument now.

12 A -- but given the -- the large amount of arrears,
13 that's probably fairly insignificant.

14 THE COURT: Okay.

15 Q And -- and I'll reflect that the -- the due dates and
16 the payment dates that we've been reflecting here are shown on
17 the first of the month. So it's possible that you made a
18 payment just prior to that which isn't reflected here, because
19 we're considering -- she didn't have exact receipt records --

20 THE COURT: Well --

21 MR. WILLOCK: -- as you know.

22 Q So since you didn't have any records of what you paid
23 exactly or when you paid it and she didn't have any records of
24 what she received or when she received it, we simply credited on

1 the first of the month which gave you the maximum potential
2 benefit to pay --

3 THE COURT: Well, you know my policy. If the order is
4 silent and if it ambiguous and I had to clarify it, it's due by
5 the last day of the month unless there's a set deadline there.

6 MR. WILLICK: Sure.

7 THE COURT: Would that change the figures?

8 MR. WILLICK: No.

9 THE COURT: Okay.

10 MR. WILLICK: It just -- for interest purposes, Your
11 Honor, if we credit a payment, if it's received anywhere during
12 the month --

13 THE COURT: On the --

14 MR. WILLICK: -- like the first day of the month --

15 THE COURT: Yeah.

16 MR. WILLICK: -- it gives the maximum possible credit
17 for a payment paid.

18 THE COURT: To -- it would benefit him more.

19 MR. WILLICK: Exactly.

20 THE COURT: Yeah, than the last day.

21 MR. WILLICK: Because that way no interest can be
22 shown to run for that month.

23 Q Okay. Getting to April of 2000 and putting aside for
24 the moment whether you paid April in March or whether it was

1 considered March's payment received, because I can't resolve
2 that as we sit here today. Do you agree that you paid no child
3 support directly from April 1st, 2000 to the present?

4 A Yes.

5 Q And you have reviewed the district attorney's
6 garnishment records?

7 A Yes.

8 Q And the comparison of those as put on the matrix for
9 the computer program which just copied those numbers.

10 A Okay.

11 Q Have you looked at that?

12 A There was a discrepancy; wasn't there? I -- I haven't
13 reviewed them since July 8th. At that time, there was -- or
14 July 11th. At that time, there was a discrepancy as I -- as I
15 --

16 Q The final number, yes. And one typographical error
17 that we discussed at the prior hearing, but I -- I really don't
18 want to revisit that at this moment. My -- those were
19 foundational questions. I was trying to get to are you aware of
20 any payments of support that have not been credited on the
21 calculation summaries either by the DA or by us copying the DA
22 summaries?

23 A I actually haven't done that comparison of -- of the
24 DA's records to mine. Absent that, I -- I can't say that

1 they're accurate.

2 Q Okay. Well, the reason I asked that question is you -
3 - you testified on direct that you thought that the school,
4 meaning your law school, was paying some garnish amounts --

5 A They were.

6 Q -- before you started your summer employment. And the
7 very first amounts that show up in the DA records is the 468.18,
8 which was being deducted by Baker Botts. So my question was if
9 you think amounts were being deducted, do you have any records
10 of any kind saying that there was any further wage assignment or
11 garnishment? Because we don't --

12 A I have all -- all my pay -- I have all my pay slips
13 during the time I was at W&L. So --

14 Q Are you planning on putting those into evidence?

15 A I could.

16 Q Okay.

17 A Not today.

18 Q Oh.

19 A In that I don't have them printed.

20 Q Okay. Going back in time to 2002, May of 2002. You
21 were served with the federal tort suit complaint.

22 A Correct.

23 Q You read it, I presume?

24 A I did.

1 Q You knew that part of that complaint for damages was
2 for nonpayment of child support from the time that child support
3 terminated in 2000; right?

4 A My recollection is that is nowhere in the complaint.

5 Q I'll get back to that. Do you remember the May -- May
6 14th, 2003 deposition we were talking about a minute ago in
7 Boise?

8 A Yes.

9 Q Do you remember being asked at that time whether you
10 were paying child support and if not, why not?

11 A I don't remember the question, but that's -- I
12 remember the deposition.

13 Q You don't recall being asked about child support about
14 that time?

15 A No.

16 Q I'll represent to you that I asked that question and
17 you answered that you weren't paying any child support to
18 anybody anywhere. Does that refresh your recollection in any
19 way?

20 A Can you just --

21 Q Form of the question was are you paying any form of
22 alimony or child support to any person anywhere?

23 A And what did I say?

24 Q No.

1 A Okay.

2 Q I remember I asked why and you gave your explanation.
3 You don't have rec- -- independent recollection. I'm not -- it
4 is --

5 A I do not.

6 Q -- it's not a test. Okay. Well -- okay.

7 MR. WILICK: Court's indulgence for one moment.

8 THE COURT: Sure. Do you have ice water up there?

9 A I'm actually fine. Thank you.

10 THE COURT: Okay. We usually have one up on the
11 witness stand.

12 A There is one there.

13 THE COURT: Okay.

14 Q Going forward then to 2006, do you remember the course
15 of events that eventually led to the entry of the federal
16 district court judgment?

17 A Which events specifically?

18 Q The settlement conferences with Judge Johnston
19 (phonetic), the ultimate calendar call, your telephone
20 conversations with court staff, your nonappearance, the entry of
21 the order by default.

22 A Yeah, some of those events I weren't -- I wasn't
23 present for. So --

24 Q Right, but you are aware --

1 A -- I don't know.

2 Q -- that they occurred? Well, you're aware of the
3 phone calls that were made to you? You're aware of the
4 conferences that you participated in?

5 A Absolutely.

6 Q Okay. And you know that ultimately, there's a
7 calendar call at which you weren't present and that a default
8 judgment was subsequently entered?

9 A That I'm not sure. I don't believe a de- -- a default
10 judgment was ever requested.

11 Q Okay. You read the findings of fact, conclusions of
12 law and judgment entered in the federal case?

13 A I have.

14 Q Okay. So you know those things happened?

15 A I know what things happened?

16 Q The findings of fact, conclusions of law and judgment
17 were entered.

18 A Yes.

19 Q You know that inside there is a finding of nonpayment
20 of child support for an extended period of time and the
21 calculations leading up to an arrearage judgment, that 138
22 number?

23 A I didn't see any calculations.

24 Q They're in the findings of fact. The \$1,300 a month,

1 the 138,5, you -- you don't remember that? Okay. The -- the
2 record will speak for itself. The court will take judicial
3 notice of an existing court order which I think is part of this
4 record anyway. And that's the same 138,5 that ultimately was
5 calculated and then wasn't calculated in the NLA (phonetic)
6 calculations that we've been dealing with here today. Do you
7 remember those numbers? You were arguing about them a few hours
8 ago.

9 A Yeah, I understand I had a -- a question of
10 clarification for the judge with regard to your statement on
11 taking of judicial notice of that particular judgment given that
12 the Ninth Circuit has thrown out the --

13 Q Yes, I know. The -- the -- and that's where I was
14 going next. The Ninth Circuit has ultimately decided that the
15 district court should not have reduced child support arrearages
16 to judgment which is the reason for the alteration of the
17 calculations. That's what we went over this morning.

18 A Okay.

19 Q All right. But certainly you knew as of the date of
20 entry of the findings of fact that Cisilie was making a claim
21 for child support arrearages, which is why they were in the
22 findings of fact, conclusions of law and judgment by the federal
23 court?

24 A That does not follow for me. There was no claim made

1 in any filing that I know of. This judge -- this relief only
2 just appeared in the findings of fact and conclusions of law.

3 Q You don't remember discussing the matter at length
4 along with exchange rates and monthly amounts during the
5 settlement conferences with Judge Johnston in which you
6 participated? You don't remember going through the calculations
7 for how much in support had been paid, hadn't been paid, was
8 going to be paid, how much in arrears was going to be paid and
9 on what schedule? You -- you don't recall all of that?

10 MR. VAILE: I would object, Your Honor.

11 THE COURT: Sustained.

12 MR. VAILE: I mean, settlement discussions are --

13 THE COURT: Sustained.

14 MR. WILLICK: Well --

15 THE COURT: Any topics -- or I -- you can tell me
16 they're -- they existed but I won't -- I can't hear the --

17 MR. WILLICK: Exactly. I'm not going to hold him to
18 settlement conversations. The only question is whether he's
19 aware that these numbers were being calculated --

20 THE COURT: That's --

21 MR. WILLICK: -- in the settlement conversation.

22 THE COURT: Well, that's another way of putting it
23 that you're discussing what was discussed.

24 MR. WILLICK: Exactly.

1 THE COURT: I can't hear it, it's a settlement
2 conference. I'll acknowledge they took place before a judge.

3 MR. WILLICK: Johnston.

4 THE COURT: Judge Johnson, yes. Or I think it's
5 Johnston.

6 MR. WILLICK: Johnston, yeah.

7 THE COURT: Yeah.

8 MR. WILLICK: Okay. Then I'll -- then I'll move on to
9 the next topic.

10 THE COURT: All right.

11 MR. WILLICK: One moment.

12 THE COURT: Okay.

13 Q Your -- your AFC has the same numbers in it, that
14 you're making 10,000 a month or 120 a year; right?

15 A I believe so.

16 Q Okay.

17 MR. WILLICK: Pass the witness, Your Honor.

18 THE COURT: Okay. Now since he's sitting there, he
19 can't obviously -- I don't know, cross examine himself. I'll
20 see if I have any questions for him.

21 VOIR DIRE EXAMINATION

22 BY THE COURT:

23 Q I did a full -- a thorough chronology of your payments
24 even pre or post -- pre or post April 2000, you did not keep a

1 log of your payments of child support, like cancelled checks or
2 --

3 A No, I --

4 Q -- deposit receipts?

5 A After 2000?

6 Q Before and after, you can --

7 A I -- I did.

8 MR. WILLICK: Your Honor, he -- he said that he made
9 no payments after April of 2000.

10 Q Is that correct?

11 MR. WILLICK: So you wouldn't have check copies.

12 A No, I didn't -- I didn't say that. I mean, obviously
13 I made payments --

14 MR. WILLICK: Garnished.

15 Q You were current through April 2000 -- March -- at
16 least March 2000, I think conceded that.

17 A I believe I was -- I was current through April 2000.

18 Q Okay. No, I mean either way -- okay. Let's look
19 after April 2000. Did you keep records, payments?

20 A Of all of -- all of my payments after that time were
21 made directly through the Nevada District Attorney's Office. So
22 I have a record of all -- at all times that I was paid and they
23 show the garnishment that was taken out at that time.

24 Q And the garnishments commenced in what month, what

1 year?

2 A They -- they commenced after the -- the federal court
3 order was entered in March of 2006.

4 Q So what happened between '00 and '06?

5 A That is the period that I believe there was no child
6 support order.

7 Q Okay. So that is why you did not make any payments?

8 A That's correct.

9 Q Is there any other reason, because you have -- your
10 propounding of claim of defense of waiver --

11 A Yes, ma'am.

12 Q -- why don't you explain to me -- when it happened and
13 what kind of agreement you and Cisilie had and if Cisilie said
14 anything.

15 A Can I -- shall we proceed as if I am calling myself as
16 a witness or am I limited to the direct questioning?

17 Q You would get a little leeway for both.

18 A Okay. Can I use my notes?

19 THE COURT: For testimony purposes, do you object?

20 MR. WILLICK: No.

21 Q Well, he doesn't object. Okay.

22 A Would you like to testify from the --

23 Q You can -- from there is fine. But remember, this is
24 testimony, not -- not argument really. I just want your

1 recollection, your testimony historically.

2 A So --

3 Q You believe you did not have to pay child support
4 between April 2000 forward?

5 A Yeah, and I'd be happy to explain that.

6 Q Okay. Please explain.

7 A When -- when the -- the divorce decree was issued --
8 of course, I -- I signed my name to the separation agreement as
9 well. And I did everything in my power to adhere to every
10 tenant of that, including the child support. Like I said, not
11 only did I pay what was -- what we agreed to, but I paid extra
12 several months. Now when this court gave me custody of my
13 daughters, I understood that the --

14 Q That's Judge Steel?

15 A Yes, ma'am.

16 Q Yeah.

17 A I understood that the -- the residential parent, if
18 you will, using the terms existed in our 23 page agreement, was
19 not required to pay child support to the other party. And of
20 course the children lived with me at that time. Additionally --

21 Q Can you give me the time period?

22 A This time period was between May of 2000 and April of
23 2002.

24 Q Okay.

1 A And as -- I was going to say, the -- the social
2 security system in Norway provides funds to all parents that
3 have children. It's kind of like government sponsored child
4 support. And Cisilia was receiving funds for my daughters
5 despite the fact that they lived with me.

6 Q During '00 to '02?

7 A That's correct. Actually, at all -- at all times. So
8 from the time they went to visit Norway in 1998 until the
9 present. So after the Nevada Supreme Court made its
10 determination, I understood from my counsel in Texas, her
11 reading of it, that -- that the agreement was thrown out after -
12 - this is the child support agreement I'm talking.

13 Q You -- who believed the agreement was thrown out?

14 A Well, let me -- let me give a little background on --

15 Q Okay.

16 A -- on how this came about.

17 Q Okay.

18 A After the Nevada Supreme Court entered their decision
19 that -- that the children would be -- that Norway should make
20 custody --

21 Q Norway has jurisdiction.

22 A -- determinations.

23 Q Yeah.

24 A The order was domesticated in Texas. In the Texas

1 court, the attorney that was representing me at the time asked
2 the court to continue to enforce the 23 page agreement.

3 Q Whose attorney?

4 A Pardon?

5 Q Who -- the Texas attorney requested continued
6 enforcement?

7 A Both -- both Cisilia and I were represented by counsel
8 in Texas.

9 Q Oh --

10 A Okay.

11 Q -- the Texas attorney represented both of you.

12 A Yes, because we -- we -- Judge Steel gave --

13 MR. WILLICK: I'm sorry, Your Honor, I -- I believe
14 that you may of misperceived what he just said.

15 THE COURT: Okay. If you have an objection, tell me
16 why that might have been misperceived.

17 MR. WILLICK: I think what you just said is the Texas
18 attorney represented both of you. The parties had no joint
19 representation in Texas.

20 A The parties --

21 Q It must be your counsel.

22 A The parties had individual representation in Texas,
23 I'm sorry.

24 Q Okay. Each had your own attorneys. It was

1 domesticated in Texas, they each had their own attorneys. And
2 who requested continued enforcement --

3 A So --

4 Q -- of the Nevada Supreme Court?

5 A -- after the Nevada Supreme Court made their
6 determination with regard to custody, my attorney in Texas asked
7 that the remaining parts of the separation agreement, including
8 the child support provisions, be -- you know, continued to be
9 enforced, because, you know, there is a possible reading under -
10 - of the Nevada Supreme Court decision that only parts of the
11 separation agreement were thrown out.

12 Q Okay.

13 A And Cisilia's attorney opposed that and argued to the
14 judge that a -- that sort of an agreement could not be enforced
15 unless it was a part of a -- a valid decree. And the judge
16 ruled in Cisilie's favor. So basically my understanding of that
17 issue at the time was that, based on what the judge held in
18 Texas --

19 Q But the whole thing was --

20 A -- but the whole agreement was -- was thrown out. And
21 that is precisely what Cisilie's attorney argued.

22 Q Is there any -- was there a judgment, an actual Texas
23 judge signing an order to that effect?

24 A I'm not sure what findings --

1 Q Or he just --
2 A -- are included in the judgment, but --
3 Q Or he just refused to enforce?
4 A It was a she. And yes --
5 Q Or she just refused to enforce.
6 A -- she -- she did refused to -- to enforce the
7 agreement.
8 Q Anything in any minutes to reflect that? Court
9 minutes, transcripts, anything of that sort in Texas? No?
10 Okay. So then that means if --
11 A I can check on that.
12 Q Okay. It's ruled in her -- if you're saying if it was
13 ruled in Cisilia's favor, then she could not enforce anything in
14 Texas, because the whole thing was thrown out?
15 A That's correct.
16 Q Okay. Continue.
17 A So as, you know, Cisilia indicated in her -- in her
18 testimony today, it was -- it was -- I was actually having
19 trouble finding work, contracts in that Dallas Metro area. And
20 at the same time, I was incurring significant attorney's fees
21 because we had Texas proceedings taking place and we had of
22 course the appeals in Nevada taking place. And of course, that
23 was the reason that I didn't get representation in the Nevada
24 tort suit and here today. And so I was having a very hard time

1 making ends meet and that is what kept me from, you know,
2 volunteering -- volunteering additional money after the children
3 were returned to Norway in 2000 -- 2002.

4 Q Okay.

5 A So -- so my belief was that there was -- there was no
6 order enforcing it and that my ability to volunteer it was --
7 was severely limited based on my difficult financial situation.

8 Q Question. What about your kids, your children, your
9 daughters? Were you concerned at all about their financial
10 support? One thing you told me was that social security system
11 in Norway gave her -- gave Cisilie government sponsored child
12 support payments?

13 A That's correct.

14 Q At all times?

15 A At all times. So -- so she had been of course
16 collecting those for the entire period that the children --

17 Q Did you know those amounts? Can you prove that she
18 was receiving them?

19 A It would be in the deposition. If you'll give me a
20 moment, I'll look that up.

21 Q Okay. Cisilia's deposition?

22 A Yeah, in the federal court case.

23 Q Okay.

24 THE COURT: Can I take a two minute break? Let's take

1 a two minute break.

2 (Off record)

3 (On record)

4 THE CLERK: We're on.

5 Q Okay. Did you find it?

6 A I did. On page 287 of the 332 pages of deposition,
7 the question was the Norwegian government provides to you a
8 subcer- -- subsidy called barnetrygd -- I used the Norwegian
9 word for child support -- every month for your -- for your
10 children, is that correct? Yes. I then asked her if they -- if
11 they provided this the whole time that they were in Texas. Yes.
12 I also asked her if she knew that I was unemployed during much
13 of the time that the children were with me in Texas. She says
14 yes.

15 Q Okay.

16 A So that was really the -- the period that -- covering
17 the period that I lived in Texas. And just to continue on the
18 time line that we kind of established earlier if I could. From
19 there I -- I moved to Idaho and --

20 Q When did you move to Idaho?

21 A That was in July of 2000.

22 Q Okay.

23 A And I was making a -- a good salary in comparison to --
24 - to the time I lived in Texas --

1 Q Yeah.

2 A -- from a previous --

3 Q Yeah.

4 A And I think I started at 90,000 or something when I
5 first got there. And during that period, we were actually
6 making double payments. I had a -- I had purchased property in
7 Texas when I lived there and was having a very hard time selling
8 it when we left. So --

9 Q Oh, okay.

10 A -- we were making farm payments and -- and, you know,
11 payments in -- housing payments in -- in Boise.

12 Q Two mortgages. Okay.

13 A And -- and again, if -- if I had thought that I was
14 under an order to pay, I would have paid, but the reason I
15 didn't volunteer money at that time was -- was because the
16 attorney's fees of course were continuing and I owed half a
17 dozen -- dozen attorneys money at that time. And -- and then
18 the double mortgage from that. So it was during that time that
19 -- that I lived in Idaho that we actually conducted the
20 depositions in the federal court case here in Las Vegas.

21 Q Oh, did you jump a couple of years? Because we were
22 in 2002 in Idaho.

23 A We're -- we're in July of 2002.

24 Q Okay.

1 A The depositions took place in 2003.

2 Q Okay.

3 A And -- and that is when I asked Cisilia if she was
4 pursuing child support through the Norwegian system. She said
5 yes. And I asked her if she had provided them the 23 page
6 agreement that contained child support provisions. You know,
7 just in the event that she -- she believed that the -- the
8 agreement was still valid. And she said that it was void, that
9 it didn't exist anymore. And that -- that put me on notice that
10 she wasn't seeking child support in accordance with the -- the
11 Nevada order. And -- and again, it was -- it was communicated
12 that she also as we discussed earlier wouldn't be providing me
13 any of the income information that I needed to have in order to
14 calculate child support under our agreement. So the -- the
15 first notice I was given that Cisilia wanted to, you know, from
16 -- from that -- that whole time, you know, that whole time
17 period that we discussed, the first notice I was given that she
18 wanted to -- or that she had changed her mind and decided to --
19 to ask for support under the Nevada agreement that she
20 previously said had been thrown out was in -- in 2 -- in
21 November of 2007 when the first -- it was -- the first filing
22 was made in this case. You know, the federal -- the federal
23 court complaint didn't ask for anything to do with child support
24 or arrears. And during this time, I -- I might just mention

1 that even during the periods when I was not earning income, my -
2 - my federal income tax returns, you know -- so I got -- we got
3 child income credits for our -- our two children between Heather
4 and I -- and our entire income tax return has also been going
5 through the Nevada DA to Cisilia. So --

6 Q Yes, they're called tax intercepts.

7 A So even -- I mean, you know, during the some years, I
8 think it's been, you know, since 2006, between 2006, 2007,
9 Cisilia actually made, you know, practically more money than I
10 did in the year based on the -- the amount that was intercepted,
11 because she -- she intercepted off --

12 Q Did she ever raise the issue with you?

13 A No.

14 Q She didn't communicate much with you?

15 A But -- but I did in -- in February 2008 reach out to
16 her as this case started going along. And -- and that was the
17 e-mail that I provided earlier.

18 Q Oh, okay. Now, will you authenticate that e-mail?

19 THE COURT: Do you have the e-mail, sticker number --

20 THE CLERK: You didn't give it back to me.

21 A I -- I sent this e-mail to her, to Cisilia, in 2008.

22 THE COURT: Do you have any objection, Mr. Willick?

23 He wants to make this part of the record.

24 A Well, I'd like to -- I'd like to provide some

1 testimony from it if I could.

2 Q Oh, we can. Let's -- let me find it first. Let me
3 authenticate it. Here it is. Plaintiff's exhibit number 1.
4 You wrote this?

5 A I did.

6 Q That's your e-mail? Is that your e-mail address?

7 A Yes, it is.

8 Q And that -- that's an e-mail address:
9 legal@infosec.privacyport.com (phonetic)? Okay. And it's
10 addressed to whose -- Chateau (phonetic).

11 A Chateau is the way you pronounce it. It's Cisilia's
12 husband.

13 Q Oh.

14 A Cisilia --

15 Q And her address is hotmail. Okay.

16 A I mean, historically, Cisilia has never actually
17 responded to me.

18 Q Okay.

19 A And only Chateau (phonetic) responds. So I copy him
20 as a courtesy now.

21 Q Oh, okay.

22 THE COURT: Mr. Willick, any objection before he can
23 start testifying about the exhibit?

24 MR. WILLICK: I'm having difficulty finding the copy.

1 THE COURT: Did he not give it to you earlier?

2 MR. WILICK: He did.

3 THE COURT: Oh, okay.

4 MR. WILICK: Somewhere in the going to lunch and
5 getting back --

6 THE COURT: Faster if you copy this?

7 MR. WILICK: Possibly, I'm sorry, Your Honor.

8 THE COURT: Go ahead.

9 A May I? I can testify without being admitted.

10 Q I want him to look at it. If he has no objection, I'm
11 going to admit it. If he has an objection, I have to deal with
12 that, but we're -- we're on authentication right now.

13 MR. WILICK: I apologize. I just misplaced the
14 paper.

15 THE COURT: No problem. It's only one page.

16 (WHEREUPON THE COURT CONFERS WITH THE BAILIFF AND CLERK)

17 THE COURT: Any objection to Plaintiff's Exhibit 1?

18 MR. WILICK: I don't believe so.

19 THE COURT: Thank you. That will be admitted.

20 (Plaintiff's Exhibit 1 admitted)

21 Q Okay. Now you can talk about the contents.

22 A Okay. It's -- really the relevant part is -- is
23 section -- or paragraph three. And -- and I just reiterated to
24 her that I understood from her deposition that she wasn't

1 seeking support under the -- under the Nevada order, but the --
2 that -- that she was going to pursue it through -- through
3 Norwegian channels. And I -- I think I've communicated fairly
4 openly in my willingness to adhere to our original agreement. I
5 said if you hadn't wanted to determine child support under our
6 original agreement, you need only to have notified me of this.
7 I'm happy for us to continue to uphold all aspects of this
8 agreement. And then, I go onto ask -- ask for her to please
9 provide all the documentation regarding her gross income. And -
10 - and I said that I would be happy to provide the same to her.
11 I mean, I would have liked to have resolved this through
12 amicable channels.

13 Q Okay.

14 A Basically, like she said, she didn't -- she chose not
15 to -- not to respond. So when -- when this court issued an
16 order -- I mean, I -- I've adhered it at all times when I
17 believe that -- that a -- a valid child support order was
18 issued, I -- I have adhered -- I have adhered to that order.

19 Q Any payments that you made voluntarily at any time
20 since the divorce?

21 A When you're -- when you -- when you say voluntarily,
22 are you --

23 Q Post April 2000 other than garnishment, did you
24 voluntarily --

1 A Once --- once your -- your wages are garnished, then
2 are you -- are you asking if I --

3 Q It's called involuntary wage assignment.

4 A Well --

5 Q Did you make any voluntary wage --

6 A The garnishments took place --

7 Q -- voluntary payments?

8 A The garnishments took place immediately after any
9 valid order was entered.

10 Q Okay.

11 A So I mean, I -- I didn't make payments on top of the
12 garnishment. Is that what you're asking?

13 Q Yeah, that's what I was asking. Correct.

14 A The -- the only time that I was in a, you know,
15 financial position, I felt to pay more than -- than was ordered
16 was -- was during the '98 to 2000 time period, because I was
17 working and earning -- earning more --

18 Q Do you know what the mother and your daughter's
19 financial situation was I would say post April 2000 until
20 garnishment in '06?

21 A Yes, well --

22 Q Okay..

23 A -- I have only indications and --

24 Q What was your understanding?

1 A -- and soon after -- actually, I'm not exactly sure
2 when the time frame was, but I know that the -- they were --
3 they had Cisilia and Chateau (phonetic) had purchased a -- one
4 house and then they had upgraded and purchased another house.
5 And the kids told me that they were traveling to Greece and to
6 Spain and to Germany and to London on a regular basis. And so I
7 concluded that their financial situation must be -- must be
8 pretty good. I didn't -- I didn't worry that they weren't --
9 that they didn't have the monies they needed to -- to meet their
10 needs based on that.

11 Q How often did you communicate with your children?

12 A I -- I kind of have a standing time of to -- to call
13 them on Sunday -- on Sundays, but I also communicate with them
14 now through e-mail now that they're coming internet savvy.

15 Q How old are they now?

16 A Well, Kaia is -- she's 17. She's actually visiting me
17 just now in -- in California.

18 Q 17?

19 A Yes. And this has been really her first -- the -- the
20 first time that she and I have been able to spend time together
21 in six and some odd years. And Kamilla is --

22 Q What was the child's name?

23 A The first one was Kaia, K-A-I-A.

24 Q Oh, K-A-I-A. Okay.

1 A She's the 17 year old. And she's --

2 Q Yeah.

3 A -- she's in California right now.

4 Q And the younger child?

5 A And her name is Kamilla, K-A-M-I-L-L-A.

6 Q How old is she?

7 A She's 13.

8 Q 13. Okay. Okay. Anything further?

9 THE COURT: Any followup, Mr. Willick?

10 MR. WILLICK: A bit, Your Honor. In terms of the --

11 THE COURT: Re- --

12 MR. WILLICK: -- e-mail.

13 THE COURT: Redirect.

14 **DIRECT EXAMINATION CONTINUED**

15 BY MR. WILLICK:

16 Q To make sure the record is clear, Mr. Vaile, did you
17 ever file a child support modification motion in any
18 jurisdiction from 2000 through the present?

19 THE COURT: Motion to modify.

20 A No, I didn't think there was an order to modify.

21 Q Okay. During your deposition from the United States
22 Trustee and the bankruptcy action in California, you made
23 reference to a severance payment of \$50,000. When was that?

24 A That was when I left Idaho Power. So that was January

1 of 2004.

2 THE COURT: You received a severance payment?

3 A Yes.

4 Q So that's in addition to your salary for that year?

5 A No, that would be included in -- in the numbers I
6 provided.

7 Q Well, your -- the numbers you provided were 62,4 for
8 your social security earning statement. Are you now saying that
9 for all of your income for that year was only \$12,000 and the
10 rest of it was this single lump sum severance payment?

11 A The severance payment was actually a -- a consulting
12 contract for six months.

13 THE COURT: So was there was 1099 for that, form 1099
14 that was --

15 A It's on -- it's on -- it was included on my taxes. I
16 don't know -- I didn't do --

17 THE COURT: Then they would withhold. If there was
18 not with -- withheld, then you have to pay employment tax on
19 that, income tax on that.

20 A I didn't -- didn't do my own taxes, but that is
21 included in the -- in the 62 --

22 THE COURT: Okay.

23 A -- thousands dollars. The -- that was -- was the year
24 that I started law school, so this -- so that consulting

1 contract went through June and then I started school in -- in
2 August.

3 Q You see, that's where I'm -- that's where I'm going.
4 You testified that you were employed for most of the year. And
5 you testified that your total income was 62,000 and you've
6 testified that you had, according to what you told the
7 bankruptcy trustee, a severance payment of 50,000. So I'm
8 having a lot of trouble figuring out that those are all the same
9 money. It sounds like one is in addition to the other. And you
10 have no tax records with you here today to be able to establish
11 that. Just your social security wages form which wouldn't
12 necessarily include any overseas income, bonus income or special
13 income.

14 A I don't -- I don't believe that's true, but I can say
15 that that 62,000 includes the 50,000. I didn't work after I
16 started school and the only -- and that was the only money I had
17 in all -- all that year. So --

18 Q And you mentioned during one of the recent depositions
19 to a \$10,000 signing bonus. When was that?

20 A That was in February of this year.

21 Q And that in addition to your regular salary?

22 A Yes.

23 Q So for 2008, your salary isn't really 120, it's at
24 least 130.

1 A Well, you just said a -- a signing bonus is not a part
2 of salary so --

3 Q I asked you on direct earlier what your total income
4 was.

5 A I don't believe you did. I believe you asked me what
6 my salary was.

7 Q Okay. So that we don't have any cuteness in the
8 record, is there money of any sort from any source that you
9 received that you haven't previously disclosed in the answers to
10 the questions that I asked?

11 THE COURT: Income or inheritance or what?

12 MR. WILLICK: I don't care if he held up a bank. I
13 want to know if he got any money between 2000 --

14 THE COURT: Our statute says income is defined from
15 any source.

16 MR. WILLICK: -- between 2000 and 2008 that you did
17 not completely cover in your prior answers, all the way through
18 today.

19 THE COURT: For '08. You got the 120 plus the 10.
20 Anything else?

21 A A -- well, I -- I sold my farm finally in 2004, but
22 that was a -- a break even endeavor.

23 THE COURT: That was in '04. Did -- does that have
24 anything to do with '08?

1 A Oh, sorry. Was that limited to '08?

2 Q No, I was asking from 2000 to 2008. I want to know if
3 you've got any money from any source that he -- that didn't --

4 THE COURT: Oh, from '00 to '08 other than what was
5 testified to today.

6 MR. WILLICK: Other than what he already testified to
7 so we can get a total income.

8 THE COURT: He listens better than me. Okay. In '04,
9 you sold the farm. And was there any profits from that?

10 A I don't believe so. I borrowed heavily from family
11 members to make those payments, because of the --

12 THE COURT: All right.

13 A -- difficulty I had finding work. So --

14 THE COURT: You made no profits.

15 A -- when that was sold, I -- I paid them back and -- we
16 did have a -- I mean, I don't know how particular you want to
17 get, but we had a -- a garage sale in 2004.

18 THE COURT: Okay.

19 A Also, my mother passed away in -- my mother passed
20 away in 2004. And so we got a couple of thousand dollars from
21 sale of her car. She didn't have any significant assets. But
22 my farm sale, it was 2003, I think, as opposed to 2004.

23 THE COURT: Okay.

24 A And like I said, we did a garage sale in 2004.

1 THE COURT: How much did you net from that?
2 A I really don't remember, but it was maybe a hundred or
3 so.
4 THE COURT: Okay.
5 Q No other money --
6 THE COURT: Anything else?
7 Q -- for anyone on your behalf from 2000 through today?
8 THE COURT: Gambling winnings or what could possibly
9 else be defined as --
10 MR. WILLICK: Wait until I get an answer and then I'll
11 ask the followup.
12 A So what do you mean on my behalf?
13 Q To you, to your wife, to any of agent, money paid to
14 you or anyone on your behalf from 2000 to 2008 as we sit here
15 today?
16 A Oh, yes. There was the -- the settlement of my suit
17 against you.
18 Q So within the last seven days --
19 THE COURT: A lawsuit against him.
20 Q -- agents on your behalf have received how much money?
21 I didn't ask anything about any particular action. I just asked
22 about total income paid to you or anyone on your behalf. Is it
23 not true that within the last three weeks, agents on your behalf
24 have received \$50,000?

1 A That is true. Those agents were all attorneys acting
2 on my behalf.

3 THE COURT: Where? In what state?

4 A Virginia is where this action was.

5 Q That's in addition to your 120 plus 10 salary in 2008?

6 A Yeah, I'm not exactly sure how that relates to income.
7 Like I said, I'm not a tax guy, but --

8 THE COURT: That's for me to interpret.

9 Q Any other money from any source payable to you or your
10 spouse or any agent on your behalf from 2000 to 2008 not
11 otherwise previously testified to?

12 A I can't think of anything else.

13 Q Okay. Switching topics then. On question from the
14 court as to whether or not you provided financial information
15 and were asked to provide financial information, is it not true
16 that in 2003, the Norwegian government explicitly made request
17 to you asking Mr. Vaile to send us information about his
18 economical situation and you refused to answer for purposes of
19 applying child support?

20 A So are you -- are you -- are you talking about a -- a
21 child support order?

22 Q No. Isn't it true that in 2003 the Norwegian
23 government made demand on you for information for the purpose of
24 setting a child support amount and you refused to provide it?

1 A That may be true.
2 MR. WILLOCK: Okay. I think I can pass the witness --
3 (WHEREUPON MR. WILLOCK CONFERS WITH MR. RICCIO BRIEFLY)
4 MR. WILLOCK: Pass the witness and I think --
5 THE COURT: Yeah.
6 MR. WILLOCK: -- with the exception of argument and
7 perhaps a rebuttal, we're ready to rest.
8 THE COURT: Okay. Now moving on to your case in
9 chief. Yes?

10 SCOTLUND VAILE

11 having been called as a witness on his own behalf and being
12 first duly sworn, testified as follows:

13 DIRECT EXAMINATION

14 A I just want to make one other point and that is that
15 throughout these proceedings -- when I say these
16 proceedings, I mean those that started in 2000, maybe 1990
17 -- as soon as Mr. Willock started representing my -- my ex-
18 wife, he has, you know, kind of held him out in my view --
19 held himself out in my view as -- of being a kind of a
20 family law guru; right? I -- I (indiscernible). So when
21 Cisilia told me in her deposition that the agreement, the
22 child support agreement had been thrown out, Willock of
23 course had been representing her for three years --

24 THE COURT: Which -- the November '03 deposition?

1 A Yes. You know, I -- I relied upon that to a higher degree,
2 because she was represented by Mr. Willick.

3 MR. WILICK: That sounds like we're getting into
4 closing argument.

5 THE COURT: No.

6 MR. VAILE: This is -- this is my testimony.

7 THE COURT: No, this would be his testimony.

8 MR. WILICK: All right.

9 THE COURT: In November when she had her deposition
10 taken, you relied on --

11 A The fact that she was -- was --

12 THE COURT: The fact that she told you that her
13 attorney told her --

14 MR. WILICK: Oh, no. He didn't say that.

15 THE COURT: Okay.

16 A I did not say that.

17 THE COURT: Okay. Because that would be hearsay.

18 A I -- I relied on the fact that Mr. Willick who -- who
19 -- like I said, holds himself out as a -- a family law guru has
20 been representing her through this whole period. And so after --
21 - a year and a half after the Nevada Supreme Court she tells me
22 that the Nevada Supreme Court threw out her agreement, that, you
23 know, that carries much more weight, because she's -- she's
24 represented by someone who -- who would know. That's what I

1 wanted to add.

2 THE COURT: So one and a half years after the Nevada
3 Supreme Court decision was issued, she was having her deposition
4 taken, you understood from the context of the situation --

5 A No. No, I didn't understand from the context --

6 THE COURT: Oh.

7 A -- of the situation. I understood from her direct --

8 THE COURT: From her --

9 A -- statement that --

10 THE COURT: She made a direct statement in her
11 deposition or to you?

12 A In her deposition --

13 THE COURT: In her deposition.

14 A -- to me that the -- the child support agreement did
15 not exist anymore and that it was void --

16 THE COURT: Oh, okay.

17 A -- by the Nevada Supreme Court.

18 THE COURT: The 23 page agreement was void entirely.

19 A She said that sitting right next to Mr. Willick.

20 THE COURT: Did she take the same position in Texas?

21 A In --

22 THE COURT: Oh, this would have been after Texas -- or
23 well, I don't know, simultaneous.

24 A In the Texas proceedings, she -- her attorney argued -

1
2 THE COURT: Did the deposition come before or after
3 the Texas proceedings?

4 A After.

5 THE COURT: So prior in the Texas proceedings, she
6 took the same position?

7 A That's correct.

8 THE COURT: Okay. Anything else on your testimony?

9 MR. VAILE: All the rest is argument, Your Honor.

10 THE COURT: Would be argument. Okay. Did you want to
11 testify on the other issues of attorney's fees?

12 MR. VAILE: I think you tabled that issue.

13 VOIR DIRE EXAMINATION

14 BY THE COURT:

15 Q Do you take a position at all if I were to pose a
16 question to you in -- in terms of testimony, you know, what's
17 your understanding of the attorney's fees judgment?

18 A The -- the only thing that I would add with regard to
19 the -- the attorney's fees specifically is that, you know, as --
20 as I was going to law school and reading a little bit about my
21 case, you know, I -- one of my -- one of the reasons for me
22 going to law school was because of the events that transpired in
23 this case.

24 Q Okay.

1 A And -- and so I read, you know, I read a lot,
2 everything I could about this case and what legal people were
3 thinking. And -- and there were some articles that concluded
4 the same as I did that -- that the Nevada Supreme Court held
5 that it -- it did not have jurisdiction. I think that the
6 language was pretty clear. One article that comes to mind is --
7 was one written by Mary Anne Decaria --
8 Q Nevada -- Reno attorney.
9 A -- and -- yeah, and you know --
10 Q We know her, yeah.
11 A -- and she came to the same conclusion. So if -- if --
12 -
13 Q What article? Where did you find the article?
14 A Online somewhere.
15 Q Was it in The Communique or the Nevada Family Law
16 Journal or --
17 A I don't think it was a mag- -- it was an online -- it
18 was -- it was an --
19 Q Do you have --
20 A -- online article.
21 Q Did you save it, print it?
22 A I probably could find it again. It could be
23 interesting.
24 Q If it's permissible, I'm not sure yet. Okay.

1 MR. WILLICK: It's permissible. I would consider it a
2 -- a statement --

3 THE COURT: If you don't object, I'd read it.

4 MR. WILLICK: -- of written authority, sure.

5 THE COURT: Yeah.

6 MR. WILLICK: I mean, the -- the articles in the
7 Nevada lawyer and in The Communique and then the NFLR --

8 THE COURT: Yeah.

9 MR. WILLICK: -- are the closest thing we have to a
10 standing --

11 THE COURT: That's what I would --

12 MR. WILLICK: -- law journal in terms of -- it's
13 secondary authority. It's persuasive authority --

14 THE COURT: Secondary.

15 MR. WILLICK: -- but it's certainly --

16 THE COURT: Okay.

17 MR. WILLICK: -- it's certainly citable.

18 Q Since no objection, if you can find it and print it,
19 you -- well, try to take a look at it. Did it have to do with
20 personal jurisdiction?

21 A You know, I think it kind of surveyed the -- the whole
22 thing. You know, my point is, as far as testimony goes is that
23 --

24 Q Well, you know that won't be decided today? The

END PAGE

1 jurisdiction is up on appeal from the June 11th order. Okay.

2 A My point is -- is that -- that I, you know -- at
3 -- at best I'm a legal novice. I mean, it was -- it -- it's not
4 unreasonable for me to have concluded the way I did given that
5 much more brilliant legal minds have -- have decided the same
6 way. And that Cisilia, you know, represented by a family law
7 guru also, you know, came out the same way.

8 Q Well, let me ask you bluntly. I mean -- okay. So you're
9 operating on this understanding as you have now stated -- and I
10 reduced it to your testimony here in my trial notes -- I don't
11 know. Maybe I don't have a question. All right. I guess I
12 would just take your testimony as is taken and then I'll have to
13 weigh in on it. Was there anything else you wanted to add on
14 that?

15 A Not by way of testimony, Your Honor.

16 THE COURT: I'm burning to -- have a desire to ask it.
17 I don't know if I should ask it or not.

18 MR. WILICK: Are you talking to me, Your Honor?

19 THE COURT: To myself.

20 MR. WILICK: When you -- oh, okay.

21 Q I got dads who get divorced, they're under orders to
22 pay child support, I mean, a lot of them don't have masters
23 degrees or kind of, you know, in your -- in your sort. Dads are
24 ordered to pay child support. The question is months and years

1 go by and this is normally how I see it in my -- my usual cases.
2 Maybe this case either fits or doesn't fit in that category.
3 Years go by, you know, to try to portray you as a dad who just
4 does -- is working off -- either working off the legal system or
5 working on these theories to, you know, supposedly what they're
6 alleging, get out of an obligation. If kids -- there's --
7 there's a basic duty to support children and orders or no orders
8 or jurisdiction or no jurisdiction set aside, I want to know if
9 -- if there was any intentions there about your concerns about
10 your children's financial needs. I -- that's kind of the
11 mildest way I can put it.
12 MR. WILLICK: Well --
13 THE COURT: In other words, you know, why do these
14 dads -- these dads don't want to pay child support. If it's
15 willful, then they should be, you know, incarcerated. If it's -
16 - if it's non-willful, that's from -- that's what I got to
17 determine today. You went years without paying your children
18 because, yes, you understood Norwegian -- was giving support. I
19 asked if he knew what that amount was and I would translate it
20 from kroners to dollars. I don't have that information. And so
21 I'm kind of -- I'm working off of that vacuum. Basically, why
22 didn't you pay child support? Was it just because of your
23 understanding of the order or really were -- what was your
24 interest on hand about your children?

1 A Well, I think that you've asked me three -- three
2 questions. And I -- and I can answer --

3 Q I'm sorry if it was triple compound.

4 A No, that's okay.

5 Q All right.

6 A But --

7 Q In other words --

8 A -- and I --

9 Q -- I mean, I tell dads in the courtroom look, you went
10 all this time without paying child support, you couldn't pay 50
11 cents, \$5, \$20 at least something so that your kids will get
12 something. And it's not about the mother, it's for the
13 children's support and benefit. How should I portray this case?
14 How should I perceive it?

15 A I think that's -- well, let me answer -- let me try to
16 answer the three questions that you've asked.

17 Q Okay.

18 A The first one of those is why -- why have I not
19 worried about their -- their financial well being.

20 Q Yes.

21 A Is that, you know, Norway is one of the -- the richest
22 countries in the world and one of the most socialized. So their
23 -- you know, Kaia was just telling me the other day there are no
24 homeless, there are no -- no -- there is no want. I mean it's

1 free health care, free everything. If you -- if you claim
2 disability, you -- you never -- you never have to work. I mean,
3 it has all the aspects of a complete socialized system. I mean,
4 free education, free everything. I mean, the -- the second
5 thing that affected, you know, that was that, you know, both
6 Cisilia and -- and Chateau (phonetic) have been working and, you
7 know, earning -- earning great -- great salaries and -- and the
8 children --

9 Q I don't know what they work as; do you know?

10 A I think that they've changed position sometimes. I do
11 not know where they work at.

12 Q What industry, what field? She said she supported
13 you when you went to get your masters degree six years ago.

14 A Yeah, I would -- I would object to that
15 characterization, but --

16 Q Okay.

17 A -- you know, staying -- staying on --

18 Q Is she college educated?

19 A Yes, she -- she -- when we lived in London, she went
20 to Le Cordon Bleu which is one of the best cooking schools in
21 the world.

22 Q A culinary school, right?

23 A And --

24 Q She attended as a student there?

1 A Yeah, she -- she did the -- the whole French cuisine
2 and the French pastry line and -- and, you know, I -- I paid for
3 that. I mean, I took --

4 Q You met her in London?

5 A No, I met her in Norway.

6 Q You met her where?

7 A I met Cisilia in Norway.

8 Q In Norway. Okay.

9 A But we lived in London for that year and I, you know,
10 when we -- when we divorced, I took -- she had two student
11 loans, one very large one and one rather small one. I took the
12 very large one and small one and that was the only debt that she
13 took on. All of the rest of the debts were -- were mine I took
14 on and -- and worked to repay. And, you know, at that time, it
15 wasn't a -- a big deal. I mean, it wasn't, you know, the -- the
16 end of the world financially for me, because I was, you know, I
17 was making a -- a decent salary. But, I mean, once the children
18 returned to Norway, they were -- they were going on, you know,
19 like I said, exotic vacations, you know, telling me about, you
20 know, their huge house and remodeled rooms and whatnot. And
21 frankly, I didn't -- I didn't worry about their financial
22 condition from that respect. Now, if you're -- if you're asking
23 why I didn't volunteer more funds during that period, I would
24 have liked to have been in the position to done more. I would

1 like to be in position to do more now. And, you know, if --

2 Q Okay.

3 A -- if I could have foreseen these events --

4 Q Throughout the years -- I mean, we don't discuss
5 proceedings, domestic relations proceedings with the children,
6 but I was just curious and not getting into any child hearsay,
7 where their request from the children for financial support from
8 you at -- post April 2000. They never -- okay.

9 A The only thing that -- the only thing I've heard, and
10 this is Kaia this trip, is that she would like for me to -- to
11 pay for her to return more often. And --

12 Q Is that the first time she's asked you to pay for
13 something for her? What was it, to pay for her to -- to --

14 A To come back here like for Christmas and -- and that
15 sort of thing.

16 MR. WILLICK: Your Honor, I -- I realized that I've
17 already rested, but you're opening up a new area of testimony.
18 There are blatant false statements being made. So I'm willing -
19 - if you are --

20 THE COURT: That will be cross.

21 MR. WILLICK: -- going to be concerned about this --

22 THE COURT: This is his direct on his testimony. I'm
23 taking it as testimony.

24 MR. WILLICK: All right.

1 THE COURT: Oh, I thought you were going to object on
2 child hearsay, which I -- I'll -- I didn't rely on that.

3 MR. WILLICK: No. No, no. I try not to object to any
4 questions the court asks.

5 Q The children have never really made any requests like
6 hey dad, can you pay us child support, we're, you know,
7 struggling here or what?

8 A Unh-unh. (Negative)

9 Q Okay. So it might be that the mother shielded them
10 from such adult issues; right? There was no mention of support
11 -- child support from your kids. And this is the first time
12 Kamila has asked you to --

13 A It was Kaia actually.

14 Q Huh?

15 A It was Kaia actually.

16 Q Oh, Kaia has asked you to -- is --

17 A She said that she would like --

18 Q Have they asked you for anything in the past,
19 financial -- monetary wise?

20 A No -- yeah, I -- I asked them what they want for
21 birthdays and Christmas, but not really more than that.

22 Q Okay. Have you given them birthday, Christmas
23 presents?

24 A Yeah.

1 Q Monetary or otherwise?

2 A No, I try to send something --

3 Q Material items. Okay.

4 THE COURT: All right. Let's go to cross exam. Do
5 you want to do some cross examination?

6 MR. WILLICK: Sure.

7 THE COURT: I --

8 MR. WILLICK: And only because the court opened it up.
9 I wasn't going to get into what I consider collateral issues.

10 THE COURT: It could be. It could be not. I don't
11 know, but I'm usually inquisitive. We'll have you back on the
12 stand, Mr. Vaile. This will be your cross examination.

13 MR. WILLICK: Well, that's okay. I -- I have no
14 objection if he wants to sit at counsel table, make it easier.

15 THE COURT: He can stay there. That's fine too. He
16 can look at his notes. Okay.

17 CROSS EXAMINATION

18 BY MR. WILLICK:

19 Q Kaia is not actually in the United States to visit
20 you. She's actually staying with your estranged sister in San
21 Francisco and is here to confront you about her continuing
22 psychological problems as fallout from the post traumatic stress
23 disorder that the psychologists have been unable to free her
24 from leading to suicidal ideation, poor school performance, poor

1 socialization and general maladaptation in all of her social
2 environments. All of which Stephanie Holland's report indicated
3 are the direct result of your kidnap of the child; correct?

4 THE COURT: Long question.

5 A You couldn't be more incorrect, Mr. Willick.

6 Q You know that Cisilie assisted Kaia in getting this
7 plane ticket to visit your estranged sister so that you would
8 have a safe base of operations from which to confront.

9 THE COURT: Wait a minute, Kaia's coming here to visit
10 --

11 A Kaia --

12 MR. WILICK: Kaia is at this moment --

13 A Kaia --

14 MR. WILICK: -- in San Francisco.

15 A -- is here right now.

16 THE COURT: His sister -- his sister, dad's sister the
17 paternal --

18 MR. WILICK: That's -- it's a half-sister or
19 stepsister. I forget the exact relation.

20 THE COURT: For the purpose of what?

21 A I'd like to answer the question.

22 THE COURT: Well, first of all, I want to make sure
23 his question was correct. Kaia was coming here --

24 MR. WILICK: I'll break it up.

1 THE COURT: Yeah.
2 MR. WILLICK: I'll break it up.
3 THE COURT: Okay.
4 Q Kaia is at this moment in San Francisco?
5 THE COURT: Yes or no?
6 A Yes.
7 THE COURT: Okay.
8 Q Staying with a sister of some sort of yours?
9 Stepsister, half-sister, I don't know the name.
10 A She is. She is.
11 Q What is her name?
12 A Amy (phonetic).
13 Q Amy. Right.
14 THE COURT: And how's she related to you, sir?
15 A She is -- she is actually my stepsister.
16 THE COURT: Okay. Stepsister. Okay. Okay.
17 Q The money for this visit was put together primarily by
18 Kaia with some assistance by her mom. You attributed nothing;
19 correct?
20 A That's an interesting interpretation.
21 THE COURT: Is this correct; yes or no?
22 A No.
23 THE COURT: Okay.
24 A I'll say incorrect.

1 THE COURT: Okay.

2 Q All right. Are you familiar with the Stephanie
3 Holland report which was commissioned by the defense, basically
4 your side of the case, during the tort suit in federal court?

5 MR. VAILE: I'm going to object -- object, Your Honor,
6 on relevance. We're not relitigating Kaia's mental health here.

7 MR. WILLOCK: We're not relitigating. I am showing
8 that he is just a liar for what he just said --

9 THE COURT: Try to -- well --

10 MR. WILLOCK: -- was a wonderful -- wonderful reunion.

11 THE COURT: -- you can tone it down a little. You can
12 say it goes to credibility.

13 MR. WILLOCK: Fine.

14 THE COURT: I will overrule it and give you a little
15 leeway, Mr. Willock. So --

16 Q Are you familiar with the Stephanie Holland report?

17 A Yes.

18 Q Do you remember the diagnosis that post traumatic
19 stress disorder and panic disorder were psychological problems
20 Kaia suffered as a result of the kidnaping in Norway that will
21 likely to be long term?

22 A First of all, the -- the answer to your question is
23 no.

24 Q You don't remember that?

1 A There is no post traumatic stress syndrome discussed
2 in Stephanie Holland's report and it was not conclusively tied
3 to my actions toward Kaia. And we'll leave it there.

4 Q You don't remember the psychologist reporting that she
5 kept a cell phone with her at all times in case she needed to
6 call the police in case you showed up, that she couldn't go to
7 bed at night without checking all of the doors and windows and
8 all of the locks on the house to make sure she wouldn't be
9 snatched away in the middle of the night? You don't remember
10 any of that from the report?

11 MR. VAILE: Your Honor, this doesn't have any
12 relevance to --

13 THE COURT: Objection is relevance?

14 MR. WILLICK: He just denied that it's in there.

15 THE COURT: Give me an offer of proof. She here for
16 treatment or something?

17 MR. WILLICK: She's here as part of ongoing
18 psychological therapy which is still continuing from 2002 to the
19 present, because --

20 THE COURT: That would sound like a better question.

21 MR. WILLICK: -- this guy messed her up so badly --

22 THE COURT: No --

23 MR. WILLICK: -- that she is virtually incapable --

24 THE COURT: -- I won't take testimony from counsel, so

1 --

2 MR. VAILE: Your Honor, I'd like to give testimony on
3 this topic if you'll allow me.

4 MR. WILLICK: The only reason I didn't ask my client
5 about it --

6 THE COURT: I don't -- I want to shorten the
7 proceedings.

8 MR. WILLICK: -- is that it wasn't raised -- what?

9 THE COURT: I don't -- I want to shorten the
10 proceedings.

11 MR. WILLICK: Okay. Then I'll --

12 THE COURT: And --

13 MR. WILLICK: -- terminate and make the offer of proof

14 --

15 THE COURT: Oh, okay.

16 MR. WILLICK: -- that she's here as part of ongoing
17 psychological --

18 THE COURT: That's the question.

19 MR. WILLICK: -- treatment --

20 THE COURT: It's your understanding.

21 MR. WILLICK: -- which includes a confrontation of her
22 father now that she's 17 about to become 18, so she can try to
23 put this --

24 THE COURT: You mean a confrontation in a therapeutic

1 setting?

2 MR. WILLICK: No, unfortunately, and against counsel's
3 advice, this is not being supervised by a professional
4 psychologist.

5 THE COURT: This is the child's choice?

6 MR. WILLICK: The child is suffering continuing
7 suicidal ideation --

8 THE COURT: I can't --

9 MR. WILLICK: -- as a matter of --

10 THE COURT: -- I just want to know if that is he
11 understanding of the purpose of the trip.

12 A Absolutely not. Kaia called me on Saturday and said,
13 dad, I really need to come and see you. And I said, you know, I
14 was a little bit surprised by this. I mean, I haven't really
15 seen her for six and a half years. And -- and I said okay, I'm
16 going to see if I can get off work and we -- we're going to
17 spend time together. And she said well, I -- I thought this
18 might be a problem and so I've arranged with Amy for you to stay
19 there. We --

20 THE COURT: You live near San Francisco?

21 A I live an -- an hour from Amy.

22 THE COURT: Okay.

23 A All last year -- all last semester, Heather and I --
24 Heather is in school at -- at -- in San Francisco -- we lived

1 with my sister, Amy. So I don't know what -- he's talking about
2 that somehow she's my estranged --

3 THE COURT: Sister, yeah.

4 A -- sister of some type. And --

5 THE COURT: Okay.

6 A -- I mean, everything that he said is completely
7 incorrect. Kaia said that she is -- is conflicted, because our
8 mother has spent so many years trying to convince her that I'm a
9 bad guy. And -- and she knows that the opposite is true.

10 THE COURT: She wanted to come here to find out for
11 herself?

12 A Exactly. And she told me -- I mean, she told me
13 herself that she wants a -- a relationship with me. And -- and
14 like I said, that's why he said she wants -- she wants to come
15 back at Christmas, she wants to come back regularly. Mr.
16 Willick doesn't have any -- any clue as to what is going on in
17 my daughter's mind.

18 THE COURT: Question, Mr. Willick?

19 MR. WILLICK: I'll make this representation, Your
20 Honor, from Cisilie on her behalf. It's in writing --

21 A No, it's --

22 MR. WILLICK: -- and she would verify --

23 A -- it's hearsay.

24 THE COURT: No, it's cross exam. Isn't it true what?

1 MR. WILLOCK: That she would verify this if recalled
2 to the stand.
3 THE COURT: You want to call her for rebuttal?
4 MR. WILLOCK: It's in the middle of night
5 unfortunately at this time.
6 THE COURT: Do you -- it's 1:00 o'clock in the morning
7 there.
8 MR. WILLOCK: So I'll just make the representation
9 that if called to the stand, she would say she is not there to
10 visit with Scotlund.
11 MR. VAILE: I -- I object.
12 MR. WILLOCK: She is there --
13 MR. VAILE: This is hearsay.
14 MR. WILLOCK: -- primary to visit with him. She's not
15 there --
16 THE COURT: It's an offer of proof.
17 MR. WILLOCK: -- primarily to visit with him either.
18 THE COURT: Until I get her on the stand for rebuttal
19 which means we have to wait for that.
20 MR. WILLOCK: It's a long story, but the action
21 Scotlund has done in the past to Kaia has caused her great
22 trauma. She is diagnosed with post traumatic stress syndrome
23 because of the --
24 THE COURT: Again, you know I don't want to create a

1 trial within a trial. This is not a child custody case.

2 MR. WILLICK: Okay.

3 THE COURT: I -- my -- primarily my -- and you had
4 every right to go, you know, I opened the door, maybe I did, if
5 there was any pattern, or history of the children asking him for
6 support.

7 MR. WILLICK: There -- there is no substantive --

8 THE COURT: And it could be because the mother
9 shielded them from those issues -- or both parents shielded them
10 from the issues and the children were not exposed to those adult
11 issues.

12 MR. WILLICK: For child support purposes --

13 THE COURT: That was just my point.

14 MR. WILLICK: -- Your Honor, that's the -- that's the
15 only relevant record.

16 THE COURT: That was just my point.

17 MR. WILLICK: Very good.

18 THE COURT: Did you want to add to that anything?

19 A Well, I will just say that, you know, that -- that is
20 not --

21 THE COURT: I just want to know if your kids --

22 A -- that is not --

23 THE COURT: -- bugged you all the time about paying
24 support, we need money, dad.

1 A No, like I --

2 THE COURT: And they might not know, they might know,
3 but apparently my impression from both sides here is they were
4 shielded from those issues which is -- which is what I would
5 like to hear and -- rather than kids getting involved in these
6 proceedings or dragging them in these proceedings. And I don't
7 intend to do that especially with -- even in Kaia's present
8 situation. Whatever the reasons are, that wasn't my point of
9 inquiry.

10 MR. WILICK: Very good, Your Honor.

11 THE COURT: Okay.

12 A There -- there is another explanation, Your Honor.

13 THE COURT: You can finish your thought on that.

14 A And -- and that is that they simply were not wanting
15 for anything. And that would be --

16 THE COURT: And that was testimony because --

17 A -- and that would be consistent with --

18 THE COURT: -- because of the socialist system in
19 Norway.

20 A -- that would be consistent with the -- the numerous -

21 -

22 THE COURT: And I asked --

23 A -- modifications.

24 THE COURT: -- and I asked -- did I ask the same of

1 Cisilia -- Cisilie?

2 MR. WILLICK: Did you ask what, Your Honor?

3 THE COURT: If she bugged him for child support from I
4 would say anything post April 2000?

5 A She gave -- she gave testimony --

6 MR. WILLICK: I don't believe you asked that question
7 precisely. What you asked --

8 THE COURT: Would you want to ask it in your -- would
9 you want to ask in --

10 MR. WILLICK: She said that she always expected it,
11 that she made multiple efforts to get it.

12 THE COURT: Okay.

13 MR. WILLICK: And when she couldn't get it through the
14 district attorney after repeated efforts, she asked the
15 Norwegian government if they could try to collect.

16 MR. VAILE: I'm sorry. That was not her testimony
17 today.

18 THE COURT: I can go back and review it on my -- my PC
19 here.

20 MR. VAILE: She said specifically that she did not ask
21 for it, that she relied on Mr. Willick to make those
22 determinations for her.

23 MR. WILLICK: Exactly.

24 THE COURT: Okay. You want to rebut that or offer any

1 testimony contradicting that or discrediting that?

2 MR. VAILE: She -- she definitely -- she definitely
3 did not ask for it. And that's -- that is the -- that is the
4 gist of the -- the waiver argument. I mean, the --

5 THE COURT: She didn't ask for it directly from you?

6 MR. VAILE: Well -- I mean, the -- the law to set a
7 sum certain was passed in what, 2002? And here it is 2007 --

8 THE COURT: How about --

9 MR. VAILE: -- 2008 before -- before she, through Mr.
10 Willick, is asking that this be changed to a sum certain.

11 THE COURT: Yeah.

12 MR. VAILE: I mean, if that's not sitting on your
13 rights, if that's not sitting on -- if that's not waiving, I
14 don't know what is.

15 THE COURT: Okay. Let me ask it another way.

16 BY THE COURT:

17 Q Did she ever tell you she waived them, that indicated
18 a waiver? Did she ever tell you anything indicating a waiver?

19 A She --

20 Q Like did -- I mean, I -- did she say I don't want
21 child support from you? Did she say --

22 A She told me directly during deposition, I was asking
23 the questions, she said that agreement is -- is void.

24 Q That was -- and you're just relying on the deposition?

1 Okay. Anything outside of the deposition is my
2 question?

3 A Is the -- the -- the deposition and of course the --
4 the representations that her attorney made in -- in Texas. And
5 that's --

6 Q In Texas. Right.

7 A -- that isn't an argument for -- for estoppel. I mean
8 --

9 THE COURT: Anything further, Mr. Willick?

10 MR. WILICK: Just argument, Your Honor. But I -- I
11 believe when we talked about witnesses and we've been a little
12 scattered, because we -- I had rested --

13 THE COURT: Yes.

14 MR. WILICK: -- and then you asked some further
15 questions and you reopened cross.

16 THE COURT: Yes.

17 MR. WILICK: But we are at Mr. Vaile's case in chief
18 and he indicated he had another witness to call.

19 THE COURT: You have another witnesses?

20 MR. VAILE: I do not.

21 THE COURT: Okay. You rest?

22 MR. VAILE: I rest on this issue. Will you take a
23 brief argument or --

24 THE COURT: Close. -- we're -- the next would be

1 closing statements.

2 MR. VAILE: Could I just ask a -- a couple of
3 housekeeping questions?

4 THE COURT: Sure.

5 MR. VAILE: There -- there are two other issues that I
6 understood that we were going to address. One was whether
7 attorney fees were properly awarded and the other was sanctions.
8 Could I request that we -- that we handle these on -- on briefs
9 alone? I'd like to --

10 THE COURT: The one on fees -- okay, and this is my
11 understanding. They got a fees judgment and it was for a
12 hundred and --

13 MR. WILLOCK: 16.

14 MR. VAILE: Yeah.

15 THE COURT: Nobody's, -- no.

16 MR. WILLOCK: I think he's talking about different
17 fees than you're talking about.

18 MR. VAILE: I'm talking about --

19 THE COURT: The 1,500?

20 MR. VAILE: No, I'm talking about attorney's fees that
21 have been awarded as a result of -- of our --

22 MR. WILLOCK: These proceedings.

23 MR. VAILE: -- these proceedings here --

24 THE COURT: Okay.

1 MR. VAILE: -- over the last hearings.

2 THE COURT: Well, that's just an overall request on
3 both sides. Okay.

4 MR. VAILE: And -- and I guess what I would propose is
5 that on both issues that we --

6 THE COURT: Brief those?

7 MR. VAILE: -- we be -- just brief those and allow you
8 to decide without --

9 THE COURT: Since --

10 MR. VAILE: -- oral argument, if that's acceptable.

11 THE COURT: Are there any objection?

12 MR. WILICK: I have an argument to present. I'll be
13 brief, but I've got something to say on that.

14 THE COURT: They usually don't take that long, because
15 I follow the factors in Brunzell.

16 MR. WILICK: Sure. Exactly.

17 THE COURT: I probably gave you a preview on that and
18 flirted (phonetic) out the case last time.

19 MR. WILICK: Yeah.

20 THE COURT: So you would have had that available. And
21 you can brief that. Brunzell versus Golden National Bank. I
22 mean, I plan on taking a break before I do our full closing
23 arguments and I can tell you how we go about doing that. You
24 can look up Brunzell in the meantime and I think you can orally

1 argue it. That's most -- I don't usually bifurcate. Everything
2 is done all by oral argument. And I need to figure out what
3 your times are going to be. The ground rules are they go first,
4 because it's their request and they tell me how many minutes
5 they want, plus they get to reserve a -- they get to save five
6 minutes, 10 minutes, whatever for a rebuttal. Whatever they
7 get, you get an equivalent amount of time. Now, unless you have
8 any counter motions on the issue of the order to show cause,
9 they get the last rebuttal. They just get the one rebuttal. On
10 the motion for the attorney's fees, that's all covered by this.
11 We apply 18. -- it's getting late -- 010 -- 20 -- 7.60. And I
12 think that's pretty much it. And 22.010 for attorney's fees;
13 okay? That would be what I'd be looking at. Now you have a
14 renewed motion for sanctions about misrepresentations?

15 MR. VAILE: Yes.

16 THE COURT: Sort of intertwined with the testimony
17 that came out that was given today. Yeah, I can evaluate those
18 just based on the testimony. And that would be based on Rule 11
19 and 7.60 and 18.010, if there's a prevailing party on that
20 issue. Is there a third motion out there? The -- well, the
21 attorney's fees -- the attorney's fees -- I already told Mr.
22 Willick earlier that they -- there was no deadline or
23 installment payment for you to pay. The only thing you can
24 request today is if he has the ability to pay and should he

1 paying an installment payment, which would stay any kind of
2 execution if I do an installment payment. Otherwise, if they
3 don't get the installment payment and I just deny his request --
4 and I don't know if he is actually requesting any, I need to ask
5 him that -- then I would -- yeah, he would just simply have a
6 collect -- collectable by any lawful means, meaning a writ of
7 execution. Did you follow that? What are you asking for? You
8 just want to leave that alone or do you want to ask him to pay
9 something towards the fees?

10 MR. WILLICK: I'm --

11 THE COURT: And I just --

12 MR. WILLICK: I'm sorry, Your Honor, we're using the
13 same word to describe two different things. Which fees are you
14 talking about?

15 THE COURT: The judgment, the big --

16 MR. WILLICK: The judgment? I -- I have a specific
17 request I'm going to be making about that.

18 THE COURT: Okay. Then that's on the table. The --
19 the general fees request, that's the Brunzell factors --

20 MR. WILLICK: Yes.

21 THE COURT: -- for these proceedings. The other big
22 judgment you got --

23 MR. WILLICK: Is an existing --

24 THE COURT: -- you can make the request.

1 MR. WILLICK: -- judgment and the question is what to
2 do with it. Right. That's the --
3 THE COURT: Make sure that's --
4 MR. WILLICK: -- that's Reed (phonetic) matter.
5 THE COURT: You sure that's on the table today?
6 MR. WILLICK: Yes.
7 THE COURT: Okay.
8 MR. WILLICK: Because you -- you explicitly put it on
9 the court calendar. You quashed the motion to show -- the order
10 to show cause regarding contempt --
11 THE COURT: I reversed that.
12 MR. WILLICK: -- at Mr. Vaile's request --
13 THE COURT: I reversed that.
14 MR. WILLICK: -- because there was no specific
15 provision in the existing order for a payment which he hasn't
16 made.
17 THE COURT: A deadline or installment.
18 MR. WILLICK: And then you said you would revisit that
19 at the end of the day.
20 THE COURT: Any other issues on the table?
21 MR. VAILE: I just would revisit my -- my request for
22 a stay on that issue until the federal bankruptcy court makes
23 its determination.
24 THE COURT: I think I've ruled on that, because

1 Heather filed her own bankruptcy, and I know it's a community
2 property state, you're not a party in the bankruptcy and it
3 won't impact on my case. That would be one reason. And the
4 second reason is that example I gave about creditors coming
5 after the other spouse on a joint or a -- well, it's not really
6 a joint thing. It was against you personally. And you haven't
7 filed a bankruptcy. So I doubt creditors will be BK'd out if
8 you didn't file your own personal bankruptcy or join in
9 Heather's bankruptcy.

10 MR. VAILE: So in -- in the event that they are
11 discharged --

12 THE COURT: There is a discharge there now. Is
13 anybody going to undo or challenge the discharge? There's an
14 official discharge.

15 MR. VAILE: The -- the time frame for challenge has
16 passed.

17 THE COURT: Okay.

18 MR. VAILE: The discharge has been granted.

19 THE COURT: Okay.

20 MR. VAILE: In -- if you're -- if you're not willing
21 to stay the -- the case ba- --

22 THE COURT: Based on bankruptcy, no. The answer is
23 no. That request is denied.

24 MR. VAILE: Will you be willing to revisit the issue

1 once the bankruptcy order does issue and the -- and the fees are
2 in fact stayed?

3 THE COURT: You would have to, one, make sure that
4 request has merit; and two, possibly add some additional
5 expertise from a bankruptcy attorney. Get an affidavit or a
6 letter maybe that shows that this supercedes or takes
7 precedence. I've never had that situation before, so I can't
8 really give you an answer on that, but that's kind of what I
9 would be looking for.

10 MR. VAILE: Okay.

11 MR. WILLOCK: If any such briefing --

12 MR. VAILE: In any new information enlight -- ensues
13 after that.

14 MR. WILLOCK: If any such briefing was made, we would
15 be --

16 THE COURT: I've come close a couple of times. I
17 mean, I've had -- I've had to actually request a BK attorney to
18 appear in court to explain, you know, what's going on here. All
19 right. Any other requests so I have an idea what we're going to
20 be having closing arguments on and motion arguments?

21 MR. VAILE: So, Your Honor, one of the things, you
22 know, with -- with regard to fees, not the -- the show cause on
23 fees, but the other fees --

24 THE COURT: Yeah, the general request for fees.

1 MR. VAILE: -- is that there was a request for fees
2 based on a -- a motion to oppose -- or an opposition to a motion
3 for disqualification. That was requested --

4 THE COURT: The \$1,500.

5 MR. VAILE: -- that was requested by Mr. Willick to
6 oppose Ms. Muirhead's motion for disqualification of Mr.
7 Willick; correct?

8 THE COURT: Okay. There was an oral -- I thought
9 there was an oral pronouncement denying that request.

10 MR. VAILE: And he -- he prevailed on -- on that --

11 THE COURT: On that issue.

12 MR. VAILE: -- on that issue.

13 THE COURT: And that's --

14 MR. VAILE: However --

15 THE COURT: -- yeah.

16 MR. VAILE: -- he also made a motion to disqualify Ms.
17 Muirhead and she prevailed on that issue. We have also
18 prevailed, if -- if I'm understanding this correctly, on our
19 motion for reconsideration. The court did entertain a
20 reconsideration and has in fact amended the order. No fees have
21 been granted to Ms. Muirhead in --

22 THE COURT: Oh, he wants to know if the fees were
23 reversed.

24 MR. VAILE: -- in favor of that.

1 MR. WILLICK: The fees have nothing to do with the
2 provision in question. It's why we didn't care about the
3 finding.

4 THE COURT: Yeah.

5 MR. VAILE: Yeah, I'm not --

6 MR. WILLICK: We -- we've been over this a couple of
7 times.

8 MR. VAILE: I'm not talking about that -- that issue.
9 I'm talking about our motion to reconsider --

10 THE COURT: So apparently --

11 MR. VAILE: -- and amend which brought up this --

12 THE COURT: Greta had request fees. No amount was
13 determined, because she prevailed on that particular issue. And
14 that was their motion to amend -- amend an order or something or
15 amend the arrearages, the princ- --

16 MR. VAILE: That -- that was -- that was our motion to
17 amend the March 20th order itself. And -- and of course, that
18 was amended in the June 11th order that issued. And --

19 THE COURT: Okay.

20 MR. VAILE: -- and again, Ms. Muirhead pushed that
21 Local Rule, 5.33 that established a, you know, a thorough
22 statement of review -- of arrears be established. It finally
23 was established. We prevailed on that. And so I think that
24 attorney fees are -- are proper on that point.

1 THE COURT: Is that on the table?
2 MR. WILICK: I guess it's on the table.
3 THE COURT: I guess it is.
4 MR. WILICK: But it's --
5 THE COURT: All right. You'll include that in your
6 closing arguments. Your request is noted. Anything else? All
7 right. I'd like to regroup -- oh, could I explain more the
8 house rules here? We don't -- when we do the closing arguments,
9 we do not -- and attorneys still violate the rules, some of them
10 do -- we do not interrupt or object or -- or intercede at anytime
11 during the closing arguments. They run from start to end. And
12 this is one of the part of the trial where the judge is just
13 pretty squeamish about that. So I'm giving everybody advanced
14 warning. Please do not interrupt the other opposing counsel
15 even if you have a burning desire to object. You can save it
16 for your -- your part of the closing argument; okay? I don't
17 take -- I don't take any interruptions during closing argument.
18 All right. Quick break. How many minutes do you want to
19 reserve? What do you -- how much do you need, 15?
20 MR. WILICK: I think I can be done in 15 minutes.
21 THE COURT: And five rebuttal?
22 MR. WILICK: Sure.
23 THE COURT: You can have a full 20 minutes. Do you
24 feel you need more than 20 minutes?

1 MR. VAILE: I tend to be --
2 THE COURT: You might?
3 MR. VAILE: --- quite succinct. I doubt I will use 20
4 minutes.
5 THE COURT: Really? Okay. Well, I'll be impressed by
6 both of you. Okay. 15 and five and 20 for his. You go first,
7 Mr. Willick. And that will be at -- how long do you guys need
8 to regroup, just -- about 4:10?
9 MR. WILICK: I -- I'm -- I'm pretty much ready to go
10 right now. So whenever the court pleases.
11 THE COURT: What about 4:10?
12 MR. WILICK: Okay.
13 (Off record)
14 (On record)
15 THE CLERK: And we're back on.
16 THE COURT: The only person allowed to interject is
17 Johnny. He gives you the one minute warning; okay? This is the
18 time set for closing arguments in this case and all issues that
19 are on the table. Plain- -- defendant's counsel will go first
20 in their closing argument.
21 *MR. WILICK: Thank you, Your Honor. If it please the
22 court, I'll probably stay seated for most of this so I can refer
23 to my notes. First as to whether the child support obligation
24 remained -- in the decree, remained valid after the kidnaping,

1 you've already expressly found twice that it did. There is no
2 relief as a matter of public policy for a period in which you
3 are unlawfully holding the children. The question is whether
4 the child support obligation in the decree remained valid after
5 the Nevada Supreme Court ordered the children returned. As to
6 that, I turn to the words in the Nevada Supreme Court. 44 P.3d
7 506, 118 Nev. 262. Ironically, were we to adopt the reasoning
8 of either descent and the fears of Justice Young that Scotlund
9 might profit from a fraud upon the court would become a reality.
10 As we will discuss next, we do declare void that portion of the
11 decree which purports to determine the custody and visitation
12 rights of the parties. However, because the decree is voidable
13 and because we declined to declare it void, we are able to
14 require the district court to make a Hague Convention
15 determination as we will also discuss in this opinion.
16 Scotlund, as noted, resides now in Texas and he has possession
17 of the children. Were we to set aside the decree in its
18 entirety, he would not be in a position -- we would not be in a
19 position -- excuse me -- to order the Hague determination.
20 Cisilie would be put in the position of having to begin anew and
21 commence, if she can, a proceeding against Scotlund in Texas.
22 So yes, everything except what they set aside remained valid.
23 The Texas proceedings. I have reviewed every court order
24 coming out of the Texas proceedings. There is no mention

1 anywhere in them of any request by Cisilie or Scotlund for that
2 matter to affect the child support order made by the Nevada
3 court. What Scotlund has danced around and attempted to
4 persuade the court is that when his attorney said that he wanted
5 to enforce that 23 page British agreement which our court found
6 null and void as to custody, which he tried to use to supercede
7 your order to pick up the children. And Cisilie's attorney of
8 course said no, it has no effect to supercede the Nevada custody
9 order. He's attempting to quietly bootstrap that to child
10 support. There is nothing in those orders about support. The
11 only monetary orders are for tens of thousands of dollars in
12 attorney's fees which Scotlund was ordered to pay Cisilie's
13 attorneys and of course has not paid a dime. That was 2002. In
14 2002, certainly once the children were recovered, regardless of
15 whether he was under the mis-impression that he didn't have to
16 pay child support if he snatched the kids, once the kids have
17 been recovered by court order and sent back to Norway, he of
18 course would know that he had an obligation of support.

19 That brings us to 2003 where he knew perfectly well that
20 Cisilie was seeking child support. He knew because of what we
21 did in the federal court action, he knew what the DA was doing
22 and he knew that Norway was requesting information trying to
23 get a child support order established and he refused to give
24 them any information. It is impossible for him to assert today

1 with a straight face that he didn't know that she was seeking
2 child support within weeks of the time she recovered the
3 children, nevertheless months, and continuously from that time
4 to this time. He made a point of making sure he didn't have a
5 bank account that could be garnished. We tried to collect on
6 the judgment that this court issued in 2003 for years. We hired
7 private investigators. We tried to issue garnishments. He made
8 a point of keeping his income under the table, consultations,
9 private payment, no bank accounts, no employers, nobody that we
10 can tag to actually execute on any order of this court. And he
11 may have kept it up for years, which is why we're going to ask
12 you to take direct action against him, because he's a con artist
13 from a long history of con artists. And he is very good of
14 hiding from normal processes of law. We are actually pretty
15 good at collections. The court knows this. So you can tell
16 from five years of stymied collection actions that the efforts
17 on the other side to evade collection must have been pretty
18 astute and pretty continuous.

19 He claimed in this action that November of 2007 was his
20 first notice that she wanted child support. Of course, he
21 didn't pay then either. If you'll look at the child support
22 arrearage calculation, you get to November '07 -- and there's
23 nothing. November, December, January, February, March, April,
24 nothing, except for intermittent trivial two digit garnishments

1 from the district attorney's office. So if he really was on
2 notice here that he was supposed to be paying full support, then
3 why is there this long range of zeros until we managed to
4 actually get to an income where we could garnish? Answer: he
5 didn't give a damn. Didn't want to pay, wasn't going to pay
6 until and unless we took the money by force. The calculation
7 summary speaks for itself.

8 And of course, he's lying about November '07. He certainly
9 knew that child support was being collected from him by the time
10 the DA garnished from him in early 2006. And in this court
11 action, he said he knew before that when he was in law school,
12 because he says some of his campus money was intercepted and
13 taken. He -- with that level of education and a modicum of
14 intelligence, you can't not know that somebody is trying to get
15 child support once your wages are being garnished for child
16 support. Nobody is that stupid. He knew about it in '02, he
17 knew about it in '03, he knew about it in '06. He's known all
18 of this time. That's why he's kept his income hidden.

19 That brings us to law school. As of 2003, when the -- we
20 and the DA and Norway were all trying to get money from this
21 guy, he was making a six figure income, 106,000 according to his
22 testimony today. We don't know what the truth is. I think
23 there's a lot of underground income that we can't prove. We
24 know some of it is off the books. We know some it's not social

1 security money. We believe that he's paid in cash for a good
2 number of these consulting jobs. But of course, no bank
3 accounts, refusal to produce any financial information for the
4 last several years of discovery. So we can't prove too much,
5 because he's completely stonewalled our effort to get accurate
6 information. He voluntarily quits his job and goes to law
7 school for three years. Voluntary underemployment under Minnear
8 is not an excuse for nonpayment of child support. He chose to
9 relinquish a six figure income for his own gratification and
10 future employment goals. That isn't a re- -- a basis for a
11 child support modification, even if he had made a child support
12 modification motion. And he didn't. He never bothered to. He
13 figured he could just skate under the radar and nobody would
14 ever tag him. He had a masters then, he's now got a law degree,
15 his wife is now in law school, so let's not feel too sorry for
16 the Vailes. They're going to have two six figure incomes in
17 their household for the perceivable future and they're paying
18 zip, except what can be involuntarily extracted from him. They
19 didn't need it has never been an excuse in any court of law
20 relating to child support that I have ever heard. The fact that
21 Norway has a social net which gives the family a few hundred
22 bucks to try to eek by on, and when they are working taxes the
23 heck out of them to pay for all that, is not a reason for him to
24 not pay his child support obligation. If he thought so, then it

1 was his burden to file a legitimate child support modification
2 motion. The Norwegian social welfare net is irrelevant. And if
3 he was being honest, he would say -- which he didn't say -- that
4 he knows that Cisilie is a long term stay at home housewife who
5 is conducting bake sales to try to pay her Texas attorneys
6 during the effort to recover the children. She has worked
7 intermittently. Her income has been trivial at best. Her
8 existing affidavits in the earlier actions to recover the
9 children speak for themselves. And he income position hasn't
10 changed. Luxury vacations. The parties drive. They live in
11 Europe, so yeah, they get to vacation in Europe. That's where
12 they live. It's not a long drive to get to the coast. For us,
13 a European vacation might be a big deal, but if you're living in
14 Norway, going to Sweden is not exactly a big trip.

15 Let's see. He wants to do more. That's his quote. This
16 is his opportunity since he can't quite get up the gumption to
17 do it himself, the court should assist him. He says I want to
18 do more. He's \$120,000 in salary, a \$10,000 bonus, and within
19 the last few days has come into possession of a lump sum 50,000
20 extra bucks for free. This is an opportunity that the court
21 should seize upon to let him do more. Let's talk about money.
22 Even without the penalties which are going to be settled, some
23 at 10, at 50 or whatever they're going to be, you've got child
24 support arrearages of \$114,279.96 and \$45,000 in interest which

1 continues to increase daily at the rate of \$53 a day. Even if
2 interest stayed at the ridiculously low rate of five percent
3 because of current market conditions, the 2003 judgment that we
4 have for 216 which is now with interest at 266 -- oh, wait a
5 minute. Yeah, excuse me, 166. Pardon me. I -- I'm sorry. I
6 slipped a digit. 116 with interest through date is now
7 \$166,439.69. That's how much he owes from the 2003 attorney's
8 fee order to pay the cost of recovering the children that he
9 kidnaped from Norway. If he paid \$5,000 a month against that
10 judgment, it would take him three years -- the court can take
11 judicial notice of math -- to pay off the judgment
12 (indiscernible). If he paid \$4,000 a month, that amount would
13 go up to nearly four years. If he was paying \$3,000 a month
14 against his 2003 judgment, just that, it would take 5.3 years
15 for him to pay off the judgment that has been sitting
16 outstanding with zero collections for the last five years. If
17 that payment was reduced to \$2,000 a month, it would take him
18 almost nine years, assuming he paid each and every month without
19 fail and interest rates never went up, just to pay off your
20 order from five years ago.

21 The point of this math exercise is that any payment to be
22 made has got to be substantial, there has to be a massive lump
23 sum payable against it, and a Draconian penalty for any missed
24 payment. I suggest that this court order Mr. Vaile to pay

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\$50,000 before he can leave the courthouse. And if he doesn't pay the \$50,000, he's held until he comes up with it, because he's got it and he owes it. And he's owed it for years and we actually have him here. He has managed to evade every collection effort made against him for half a decade. And that has got to come to a close. He should have been prosecuted for felony non-support years ago, but our prosecutors have better things to do with their time. He passed the \$10,000 felony threshold in 2000 by November. He's been in standing contempt of the child support order from that day to this day.

As on aside, you ask me to address his request for fees about amending the arrears judgment. The arrears judgment that we submitted was correct when we submitted it. It wasn't until the Ninth Circuit said that they weren't going to honor the reduction to judgment that that amount became incorrect. In these proceedings, we did an amended calculation. The monthly amounts that he's owed are exactly the same. The only thing that's changed is the arrearage total. He should be held in contempt on the child support matter, because the court can hold him support -- contempt on the child support matter. Even if there had been no order setting child support, he would have had a duty and obligation to pay under Smith versus County of San Diego, 109 Nev. 302. This court called it a basic duty. It is a basic duty. He can't have not known that. His argument that

1 he didn't believe he had a support obligation lacks merit.
2 Under that case in Lara versus County of Yolo, a parent has a
3 legal obligation to support his child from the moment the child
4 is born. The fact that no prior support order has been entered
5 does not prevent a court from enforcing a legal duty of support.
6 There simply is no possibility that he didn't know about it. As
7 to attorney's fees? Everything that he has raised and
8 everything that we have fought over in this action have been
9 basically meaningless.

10 THE COURT: Well, finish your sentence on your amount
11 you're requesting on this proceedings for attorney's fees.

12 MR. WILLOCK: The total amount of fees incurred in
13 dealing with Mr. Vaile from the time he snatched the kids to
14 present has been \$495,000. The total amount incurred in these
15 proceedings, that's in each action, the garnishment, the post
16 trial, the federal, the tort and the U.S. Supreme Court. Some
17 of those amounts have been reduced to judgment, they're part of
18 the existing order. But the discrepancy between that number and
19 this number is what I wanted to point out. In this action, you
20 have awarded a total of \$15,000. 5,100 January 15th. \$10,000
21 on March 3rd. Total amount, actually incurred in trying to
22 pursue child support has been --

23 MR. FOWLER: Almost 30.

24 MR. WILLOCK: About that double that, 30 some odd

1 thousand dollars. And the case law that the court should
2 entertain is Edgington. It's not really a matter of discretion.
3 Denial of attorney's fees to a custodial mother is an abusive
4 discretion under Edgington versus Edgington, 119 Nev. 577.
5 Under 125B.140, the district court must award fees to the party
6 seeking to enforce a child support obligation unless the court
7 finds that the responsible parent would experience an undue
8 hardship and that the district court is therefore required to
9 either award fees or to make an express finding of an undue
10 hardship if he was required to pay it. Because the amount of
11 fees owed is so massive, the court should hold Mr. Vaile in
12 contempt indefinitely until he pays a lump sum of 50 and put him
13 on a payment plan of not less than \$5,000 per month, every
14 month, until both of his existing outstanding judgments have
15 been paid off. That is the only way he should be able to evade
16 a standing contempt citation and indefinite incarceration.
17 Somebody has to pay for what he that. And that somebody has got
18 to be him. It can't Cisilie and it can't be made us.

19 THE COURT: Plaintiff's closing argument. You've got
20 20 minutes.

21 MR. VAILE: Pardon?

22 THE COURT: You have 20 minutes. Well, what do you --

23 MR. VAILE: Thank you, Your Honor.

24 THE COURT: 20 minutes; okay? Proceed.

1 *MR. VAILE: As I understand this issue, this is whether or
2 not I should be held in contempt for failing to pay child
3 support under the divorce decree that was incorporated into the
4 decree of divorce -- or the 23 page agreement, I could say, that
5 was incorporated into the -- the decree of divorce. That
6 divorce decree was very clear about what should happen with
7 regard to child support payments. I paid -- I paid according to
8 that agreement. I have communicated to Cisilia that I was
9 willing to pay at all relevant times according to that
10 agreement. This is not whether or not I paid child support that
11 Norway would have liked for me to pay. This is not about
12 whether I should have paid voluntarily outside an order. It's
13 whether I complied with the divorce decree specifically. Once
14 this court has changed the order to establish a sum certain, I
15 have -- I have paid again according to that sum certain. Since
16 the court has held that -- that the Nevada divorce decree with
17 regard to child support is still in place, then the waiver
18 argument comes in. Cisilia has -- had indicated the opposite.
19 She had also not asked for child support under this agreement
20 for a period for at least -- at least six years. This -- this
21 -- this agreement I want to point out is -- is still not final.
22 The sum certain is still not final. It has a -- a modification
23 that we have agreed on today. It was -- the principal was in
24 excess of over \$46,000. If Cisilia and her attorney and legal

1 scholars all understood that this child support agreement was
2 thrown out, how -- how could I be expected to understand the
3 opposite? It doesn't make sense. With regard to estoppel, you
4 can't argue it both ways. That's the principal of estoppel.
5 You can't argue in a Texas court that the agreement is not valid
6 and then come to Nevada and say oh, it's still valid. And we're
7 going to reach back eight years, ten years and enforce it.

8 Testimony today was clear. Cisilia said she didn't send
9 any of the information that was required. I have provided
10 testimony and documentary proof that I was willing to exchange
11 this information and adhere to our agreement. If the -- if the
12 agreement is based in contract principle, which this court
13 indicated earlier, contract principles indicated that when one
14 party materially breaches, the other party is not held to the
15 agreement.

16 Just briefly responding to the arguments of Mr. Willick, he
17 basically doesn't know what he's talking about with regard to
18 bank accounts. I've had bank accounts the -- the whole time.
19 These are -- it's important to remember, made up arguments by
20 Mr. Willick, not evidence. There was no documentary evidence
21 presented by Mr. Willick today for any of the assertions that --
22 that he put forward. Now, although it would be nice if I had
23 been in a position where I could have voluntarily paid, when you
24 are not employed, hoping to improve your future employment, it's

1 not possible to pay. The -- the amount of child support that
2 was taken from my paychecks during the period following the
3 federal -- federal court order was half, half of what I was
4 making during that period. Certainly, that is -- is a -- is a
5 sufficient amount.

6 With regard to Cisilia not being -- taking lavish
7 vacations, I don't know if Mr. Willick has ever driven from
8 Norway to London, but it's quite difficult. Norway to Greece,
9 same. Difficult.

10 I like to point out that the motion to reconsider this
11 court has heard, that these hearings have followed the motion to
12 reconsider and amend, Ms. Muirhead has defended -- successfully
13 defended a motion to disqualify. She was instrumental in
14 ensuring that -- that Rule 5.33 was enforced, which revealed an
15 error in the amount of \$46,000 as I pointed out in principal
16 that has been corrected only because of that. Attorney's fees
17 are appropriate in that case. And again, the penalty issue that
18 Ms. Muirhead brought up. These are not trivial issues. It's
19 not appropriate to -- to grant attorney's fees on these.

20 With regard to sanctions, Mr. Willick has continually
21 presented facts that again were pulled out of the air as the
22 truth. These are material facts. He has said that I have
23 earned in excess of \$100,000 for decades. Not only did the
24 evidence not show this, Cisilia said she had no knowledge of

1 that. And again, no evidentiary proof presented by counsel to
2 defend this, that's because it was made up. When you make up
3 facts that are material in a case, those are sanctionable.
4 That's what Rule 11(b) was for. Mr. Willick also represented
5 that there was no relevant Norwegian order. And again, his --
6 his client gave testimony today that oh, yeah, actually there is
7 a relevant Norwegian order which af- -- which directly affects
8 the posture of this case. I ask, Your Honor, that based on what
9 I've shown as my willingness to pay when it is clear that a
10 relevant order is in place, that I not be held in contempt of
11 court.

12 THE COURT: Thank you.

13 MR. VAILE: And I'll close with that.

14 THE COURT: Okay. One moment. Five minute rebuttal
15 on the defendant's end.

16 MR. WILLICK: Sure. First, his defense. Our
17 assertion of facts to date had been based on what information we
18 could pry out of Mr. Vaile. The Norwegian order is irrelevant.
19 Our guesses as to his income after he stonewalled all discovery
20 is irrelevant. The facts are he's owed \$116,000 for five years
21 and has paid nothing while having a six figure income. He's
22 owed child support for eight years and has paid nothing since
23 the day he snatched the kids other than what we can pry out of
24 him involuntarily. Those are the facts. Those are the only

1 facts which are relevant to what this court should do. On his
2 willing to pay. He didn't. He had \$106,000 in income in 2003.
3 He paid zero. Zero. Not a single good faith nickel. I have
4 paid currently. Bull. He's being involuntarily garnished by
5 the district attorney now that he finally has a job that he
6 can't hide from the DA. That is not paying. That is having
7 money removed. Waiver. Parkinson defines it as the intentional
8 relinquishment of a known right, not an imputation, not an
9 implication, not a best guess. A voluntary relinquishment of a
10 known right has to be knowing, intelligent and clear so that it
11 can't be possibly mis-perceived. That's the burden under
12 Parkinson. His asking an evasive and irrelevant question during
13 a deposition during a tort suit for which he was found liable
14 for a million dollars, which he also hasn't paid, is not a basis
15 to not pay child support for eight years. And no sensible
16 thinking person could believe otherwise. There is no evidence
17 that anyone other than Scotlund ever believed that child support
18 was not due. Not this court, not the Texas court, not by any
19 order that I've seen, not in the federal court, not in the
20 federal proceedings, not anywhere. No lawyer, no special
21 interest group, no expert opinion, nothing, except Scotlund's
22 internal opinion that I've got kids, huge costs have been
23 overrun, but I don't have to send any money. I'm free to go.
24 Out of all the people in the world, of all the kids in the

1 world, I don't have to pay child support. That's what he has
2 said since 2000. 2000 to 2008.

3 We started to extract money in 2006, finally. He says it
4 wasn't possible for me to pay. This is what the Ninth Circuit
5 had to say about that. Willfully means either having the money
6 and refusing to use it for child support -- he's guilty of that
7 -- or not having the money because one has failed to avail
8 himself of the ability -- the available means of obtaining it.
9 He's guilty of that too. That's what voluntary underemployment
10 means. This is from our brief filed July 8th, 2008. NRS
11 201.070(3) says that failure of the defendant to provide for the
12 support of his spouse, child or children is prima facie evidence
13 that the failure was knowing. We've got that here. So we've
14 got willfulness, we've got knowingness. Willingness means by
15 showing by neglect or refusal to provide child support during
16 the period in question. That satisfies a criminal standard of
17 proof. It's way adequate for a civil judgment. That's Epp.
18 Vlasak follows up. Willful and legally unexcused refusal to
19 provide required support is prohibited and according to the
20 Nevada Supreme Court will not be countenanced against under
21 Nevada law. Well, this is where the rubber hits the road.
22 Because if you let him walk out of here, you are countenancing
23 an eight year failure to pay child support. It simply can't be
24 permitted. This is the only court which has an opportunity to

1 actually do something about it.

2 THE BAILIFF: One minute.

3 MR. WILLICK: And I suggest that the court take
4 advantage of that opportunity. There is no way he should be
5 able to keep the windfalls in his possession without penalty.
6 And if you let him walk out that door, that money will never be
7 paid.

8 THE COURT: Thank you. Based on that request, I was
9 planning on taking it under advisement, because the issues you
10 are so intricate, I wanted to make sure I gave a comprehensive
11 decision. Leave that up to me. I was planning on taking it
12 under advisement. Should I entertain arguments about securing
13 his appearance in court again if -- depending on the decision?

14 MR. WILLICK: We had requested a bond previously,
15 which request has been deferred.

16 THE COURT: No, I denied the request for stay.

17 MR. WILLICK: No. No, no, not that. We -- we
18 requested --

19 THE COURT: Oh, the bond itself?

20 MR. WILLICK: -- a -- a bond for execution for
21 nonperformance or nonappearance, and the court elected not to do
22 so.

23 THE COURT: Do you have any legal arguments?

24 MR. VAILE: I'm sorry, I -- I didn't understand what

1 your -- your question was.

2 THE COURT: Okay. I was planning on taking this under
3 advisement and just issuing an minute decision order. They want
4 me to make a decision today, because they don't want you to walk
5 out of that courtroom and they would -- if there is a finding of
6 contempt that you would be immediately taken down to the local
7 jail.

8 MR. VAILE: No, I rather you not do that.

9 THE COURT: I understand. I figured that. Is there
10 any kind of assurance you can give the court that if you were
11 required to come back at a hearing that you would come back
12 personally?

13 MR. VAILE: Your -- the --

14 THE COURT: And I haven't decided one way or the other
15 yet.

16 MR. VAILE: Ms. Muirhead reminded me to -- to remind
17 the court that there is a -- what she calls a working wage
18 withholding and, I mean, this is my --

19 THE COURT: Working wage withholding.

20 MR. VAILE: -- avenue, meaning my -- my salary is
21 being deducted. This is my avenue. This is -- this is how I am
22 enabled to pay. Effecting my ability to move will of course
23 affect my ability to pay, right?

24 THE COURT: By the way --

1 MR. VAILE: I mean, if --
2 THE COURT: -- have you been con- -- encountered with
3 D -- any kind of California DA's office? Any proceedings there?
4 MR. VAILE: I have not.
5 THE COURT: Have you ever been submitted to the -- our
6 case, the UIFSA case? Is there a UIFSA case here? Is there a
7 nine, 10 digit control number from the child support court that
8 -- there would be if there's collections to the DA.
9 MR. WILICK: Could you give me the DA paperwork?
10 THE COURT: So there is no active child support case
11 which would have hearings in another court down the hallway.
12 The --
13 MR. WILICK: There is an open file. There must be,
14 because they're garnishing.
15 THE COURT: Well, let's check the calendar real quick
16 for a related case.
17 MR. WILICK: We have the DA's paperwork. Is this on
18 this case or --
19 THE COURT: What he's saying, Mr. Willick, he's under
20 wage withholding already, so he is not in any --
21 MR. WILICK: Ah, there is a case ID if -- if I can --
22 THE COURT: Well, are -- but it's probably a nine or
23 10 digit control number.
24 MR. WILICK: Yeah; 522604100A.

1 THE COURT: 522604100A?
2 MR. WILLOCK: 1000A as in apple.
3 THE COURT: Yeah. In other words, my question is how
4 can we secure your appearance at the next hearing if I require
5 one?
6 MR. WILLOCK: We need cash. At -- at 130 --
7 THE COURT: I know what you're saying. You don't want
8 him to leave -- I'm asking him --
9 MR. WILLOCK: Oh, I see. If -- it has --
10 THE COURT: -- if he can convince me there -- he --
11 there would be -- he would appear if --
12 MR. WILLOCK: Well --
13 THE COURT: -- required to do so.
14 MR. WILLOCK: -- his statement was the wage
15 withholding is adequate security, but at \$130 --
16 THE COURT: Oh.
17 MR. WILLOCK: -- a month, it would take 137 years just
18 to pay off the child support arrearage.
19 THE COURT: Are you just exaggerating or are you --
20 MR. WILLOCK: No.
21 THE COURT: -- actually literally --
22 MR. WILLOCK: I calculated it. That's 137 years.
23 THE COURT: Knowing you, I figured you would. Okay.
24 Mr. Vaile.

1 MR. VAILE: Your -- Your Honor, I -- I've actually
2 presented my --

3 THE COURT: Your --

4 MR. VAILE: -- an AFC and my financial disclosure
5 statement to the court. And --

6 THE COURT: And the reason why I asked the last
7 questions was has anybody taken action to take, you know, or
8 indicated any action to take your driver's license or anything
9 like that? Without an R case, definitely not. So I've just
10 answered my own question. So --

11 MR. VAILE: No, but I guess what my point is, is that
12 I -- I -- being actively employed is the way that I can
13 overcome, you know, pay back these issues. I mean --

14 THE COURT: But that's only for current obligations
15 and --

16 MR. VAILE: And --

17 THE COURT: -- \$130 a month, 10 percent.

18 MR. VAILE: And arrear- -- and arrearages. If -- if
19 you believe that they're --

20 THE COURT: They're looking more to collateral assets,
21 a bond, any kind of security.

22 MR. VAILE: We -- we have -- we have -- after the --
23 the federal court judgment came down --

24 THE COURT: First of all, do you have the \$50,000 --

1 MR. VAILE: No, as I -- as I gave --

2 THE COURT: Where has that been dis- --

3 MR. VAILE: -- in testimony, that has been -- that
4 went 100 percent to attorneys.

5 THE COURT: And how -- how can you account for that?
6 You wrote checks from an account?

7 MR. VAILE: No, the -- the -- the attorneys --

8 THE COURT: It went straight to the -- your agents?

9 MR. VAILE: -- the attorneys dis- -- distributed it.
10 I haven't -- I didn't see one penny of it.

11 THE COURT: And they were all Virginia attorneys?

12 MR. VAILE: No, Virginia attorneys, Ms. Muirhead and -
13 - and a California attorney.

14 THE COURT: You know -- so there were two -- two
15 California attorneys and one Nevad- --

16 MR. VAILE: One California attorney, two Virginia
17 attorneys who -- who handled the case and -- and Ms. Muirhead.

18 THE COURT: So you're not sitting on \$50,000?

19 MR. VAILE: No, I'm not. And -- and we -- the -- we -
20 - we filed bankruptcy for a reason. We're -- we are empty. We
21 are -- we are struggling to -- to catch up. I mean, what --
22 whatever is due, we can only do what -- what you see there in --
23 in my financial affidavit.

24 THE COURT: Ah.

1 MR. WILLOCK: On information and belief, if you posted
2 a 50,000 --

3 THE COURT: Where do you bank at?

4 MR. VAILE: I -- I -- I have a Wachovia account and --

5 THE COURT: And how much is sitting in that account?

6 MR. VAILE: Right now? \$14. I have a --

7 THE COURT: Are you sitting on any liquid assets?

8 MR. VAILE: No, I'm complete -- Your Honor, like I
9 said, all -- all of these issues, all of my assets have --

10 THE COURT: Do you have a copy of Heather's bankruptcy
11 petition?

12 MR. VAILE: I do.

13 THE COURT: Okay.

14 MR. VAILE: The pages I provided were from that. If
15 you would like the whole petition, I'm happy to -- to provide it
16 to the court.

17 THE COURT: Okay. Well, other than security or
18 collateral or any kind of assets, if I asked you to come back to
19 court, you would come back and appear here?

20 MR. VAILE: Yes..

21 THE COURT: Mr. Willock, he's appeared here for the
22 trial. He's appeared here when I ordered him to. Now, in the
23 other show cause, that's on the examination of judgment debtor.
24 By the way, are you mooting -- is that moot -- are you going to

1 withdraw your petition? Or who -- it's your petition.

2 MR. WILICK: He -- he can try, but I'm not even sure
3 the Nevada Supreme Court would accept a voluntary motion to
4 dismiss. It's --

5 THE COURT: Why not?

6 MR. WILICK: Well, because they took it up as a --

7 THE COURT: Issue.

8 MR. WILICK: -- as a novel question of law that they
9 hadn't ruled on.

10 THE COURT: Petition for a writ of mandamus on the
11 examination of judgment debtor?

12 MR. WILICK: Yeah, I mean, I -- I never seen --

13 THE COURT: Oh.

14 MR. WILICK: -- anybody attempt to --

15 THE COURT: Withdraw it?

16 MR. WILICK: -- attempt to withdraw one of those
17 after it's been submitted.

18 THE COURT: Or withdraw and dismiss appeals; right?

19 MR. WILICK: I know.

20 THE COURT: Yeah.

21 MR. WILICK: I -- I just --

22 THE COURT: But not petitions.

23 MR. WILICK: -- I -- I -- I've never -- procedurally,
24 the rules don't -- the rules of --

1 THE COURT: Do we want to --
2 MR. WILLICK: -- appellate procedure --
3 THE COURT: -- send a --
4 MR. WILLICK: -- don't explicitly say you can or
5 can't, so I don't know what would happen.
6 THE COURT: Well, maybe they don't want to have to
7 bother with the issue. Do you want to send some kind of notice
8 up for a -- that the issue became moot at trial since you
9 testified in trial?
10 MR. VAILE: Well --
11 THE COURT: They might moot it out that way.
12 MR. VAILE: Well what -- I mean, the --
13 THE COURT: And it -- request if possible to dis- --
14 withdraw your petition. Do you plan on pursuing it?
15 MR. VAILE: The count -- the counter argument made
16 here was that it's not been discharged. So if that's the case,
17 then -- then the --
18 THE COURT: No, because they wanted a show cause for
19 your failure to appear. What typically would have happened was
20 under an examination of judgment debtor, you would come in here,
21 take the oath, swear to tell the truth and you would go to the
22 anteroom and they -- then they sort of take your --
23 MR. WILLICK: And it may still be relevant, Your
24 Honor, because a normal examination of judgment --

1 THE COURT: I think it's moot.

2 MR. WILICK: -- that it would be much more in depth
3 than what we did here. We would be inquiry into jewelry. We
4 were going to want to know about where this \$120,000 a year --

5 THE COURT: Well --

6 MR. WILICK: -- has been going. We would be looking
7 at --

8 THE COURT: What's your position on that?

9 MR. WILICK: -- dad's credit card stuff. We would be
10 subpoenaing all of that. So I'm -- I'm not sure the writ --

11 THE COURT: You want --

12 MR. WILICK: -- is really moot just because we were
13 able to get him into a courtroom.

14 THE COURT: Do you want to just leave it where it is?

15 MR. VAILE: Our -- our whole financial life is -- is
16 -- is in this -- this bankruptcy petition on pay certain.
17 Accounts, amounts --

18 THE COURT: Are treated separately then.

19 MR. VAILE: -- assets, everything.

20 THE COURT: Okay. I won't take any positions on that.
21 We're not going to send anything up to the Supreme Court. The
22 petition is still active there. I'm not taking any -- I'm --
23 I'm not taking any representations today that anybody takes any
24 petitions. Just leave it the way it was, leave it at the way it

1 is as it is now.

2 MR. WILLICK: At the very --

3 THE COURT: Okay.

4 MR. WILLICK: -- I understand what the court said.
5 You did want me to remind you that -- if -- well, if -- if
6 you're -- if you're not going to decide the contempt issue
7 today, then maybe you need to reserve that, but you did ask me
8 to remind you that under Reed (phonetic) you wanted to talk
9 about payment schedules on the thing that you took off calendar
10 --

11 THE COURT: Yeah.

12 MR. WILLICK: -- as a contempt on a payment schedule.
13 Obviously, your decision of whether or not to order a lump sum
14 would bear on that, so I can understand if you need to reserve
15 it.

16 THE COURT: Because the issues -- yeah, this wasn't
17 just like a one issue deal. Typically, I'd issue an oral
18 decision off the bench. It's been -- been awhile since I've
19 issued an oral decision off the bench. Typically, I've done
20 them now by minute decision orders or actually just type and
21 file the decision myself.

22 MR. WILLICK: I -- I can say --

23 THE COURT: I don't -- I don't feel I have the time
24 constraints --

1 MR. WILLICK: I understand.

2 MR. WILLICK: -- today -- with the time constraints, I
3 don't feel I have the time today to address that. So just on
4 the issue, I mean, my -- my inclination -- I have -- my ruling
5 is I'm going to take it under advisement and given my
6 impressions of his attendance at these court hearings and his --
7 well, we know where he's located and all of that, I would just
8 have to say that if I asked him to come back to court, if there
9 is -- whatever decision comes out to be, then he would have to
10 come back to court and advise him and admonish him that there
11 would be severe repercussions if you willfully disobey a court
12 order for you to appear. But that's why I'm going to put this
13 matter under advisement; okay?

14 MR. WILLICK: I thank the Court for its time and
15 trouble. Do you need anything else?

16 THE COURT: Thank you. Any questions? I asked -- the
17 last minute, if you had any -- there was only one exhibit. The
18 rest you gave me here, these amortization schedules, those are
19 demonstrative.

20 MR. WILLICK: Those are demonstratives. The rest of
21 the file -- the court typically --

22 THE COURT: And the file --

23 MR. WILLICK: -- but this court has --

24 THE COURT: -- anything filed in file or anything that

1 has a file stamp on it is permissible for me to look at, any
2 procedural history, the minutes.

3 MR. WILLICK: Exactly. You've been -- you've made
4 that ruling previously. So we --

5 THE COURT: But what about the federal court decision?
6 That's probably filed --

7 MR. WILLICK: It's filed in this action.

8 THE COURT: -- it's filed in the file as a
9 supplemental exhibit; right. The deposition.

10 MR. WILLICK: Findings of fact, conclusion of law and
11 federal court judgment. I'm sure there -- there's something --

12 THE COURT: Now I know you didn't have the full 332
13 pages.

14 MR. WILLICK: I'm sorry?

15 THE COURT: The deposition.

16 MR. WILLICK: What about it?

17 THE COURT: He relies on it, but he only -- he has not
18 published it. And he only had a PDF version of it.

19 MR. WILLICK: I'm not sure it's admissible for any
20 purpose. I'm not sure --

21 MR. VAILE: I -- I believe -- I believe that the
22 information it contains, Your Honor, Cisilia or I or both
23 testified to it. So it's not a problem if -- if it's not
24 admitted.

1 THE COURT: I'll go with what I have.
2 MR. WILLICK: I agree with him on that point.
3 THE COURT: Going what I have.
4 MR. WILLICK: The exact words that he wanted to bring
5 the court's attention have been repeated over and over.
6 THE COURT: So noted. Okay. No, I don't have
7 anything further. The matter is under advisement. My 60 days
8 starts to run -- what's today? September 18th. Okay. Well, I
9 get it down -- I'll get it out sooner. First, the Vaile
10 penalties thing was on the top of my list. I started working on
11 it and then I saw the writ come down. And the writ on the --
12 MR. WILLICK: The writ come down?
13 THE COURT: The petition for writ --
14 MR. WILLICK: Oh;
15 THE COURT: -- came down and now I'm taking myself off
16 the under advisement on that and waiting to see if the petition
17 for writ is decided and if any -- has any impact on the
18 penalties decision.
19 MR. WILLICK: So you're going to want another --
20 THE COURT: And I advise you there was a September 5th
21 filing from the Attorney General's Office. No further briefings
22 are expected on the case. I will just rule on NRS Rule 123.095.
23 MR. WILLICK: Five.
24 THE COURT: Oh, 125.095?

1 MR. WILLICK: I -- I did have, you know, you asked me
2 not to so I didn't address it, but I do have some arguments if
3 you do -- if you -- if it -- if you decide that it's still
4 relevant and you're going to make a ruling, then I would like
5 the opportunity to address that in argument.

6 THE COURT: What? What do you mean the --

7 MR. WILLICK: Issue of the proper method of
8 calculations and --

9 THE COURT: Oh, the penalty?

10 MR. WILLICK: Yeah. I understand you took it off the
11 table. That's why we didn't address it in argument.

12 THE COURT: My impression is the Nevada attorney
13 general would just simply friend of the court briefs. They do
14 not want to do any oral argument.

15 MR. WILLICK: I know.

16 THE COURT: And the district attorney takes a neutral
17 position, because they're merely an enforcement agency. Your
18 input on that, Mr. Vaile? I don't know if I'd want to
19 additional --

20 MR. VAILE: I'm --

21 THE COURT: I've been briefed so much.

22 MR. VAILE: -- I'm --

23 THE COURT: I've got all the legislative history.
24 I'll be frank with you, I did not expect another friend of the

1 ke- -- friend of the court brief, but with no objection from Mr.
2 Willick, I'll accept it and read it. I've got your opposition.
3 Ms. Muirhead filed her supplemental brief with the legislative
4 history attached. I mean, I'm -- I've got this much information
5 to work with. And I already previously reviewed it and --

6 MR. WILICK: It was just set for argument. What I
7 was going to add in argument was my comments on the stuff that -
8 -

9 THE COURT: We don't have any future dates in --

10 MR. WILICK: -- was filed after I filed my written
11 submission.

12 THE COURT: There are no future dates in this case; is
13 there?

14 MR. WILICK: No.

15 THE CLERK: No.

16 THE COURT: Because yeah. I'm not going to worry
17 about it today. The petition for writ that you filed, wait for
18 that to hear. The Supreme Court has no dire emergency with
19 that. And it's a matter of the penalties, that can always be
20 bifurcated out. They have their judgment that they stated on
21 the record. That's reaffirmed or renewed, that judgment. The
22 principal and interest, the amended principal and interest --
23 and you have it through what date?

24 MR. WILICK: That was through July 1.

1 THE COURT: Well, today's a current trial. Shall I
2 request one through September --

3 MR. WILICK: You --

4 THE COURT: -- 18th of '08?

5 MR. WILICK: -- you can have us updated, but the
6 numbers are so large it hardly makes any difference. The next
7 time we calculate arrears it will be a simple matter.

8 THE COURT: If you want me to just go up till July,
9 that's fine.

10 MR. WILICK: Wait a minute.

11 MR. VAILE: Could I -- could I make a --

12 THE COURT: And of course you have that on appeal as
13 well.

14 MR. VAILE: Can I make a request along those lines?
15 One -- one of the things that --

16 THE COURT: Yeah.

17 MR. VAILE: -- is that the DA provided what they
18 called a -- an unofficial version of the calculations.

19 THE COURT: Yes.

20 MR. VAILE: And they said that they couldn't provide
21 an official one until the court specifically ordered --

22 THE COURT: Rules on the penalties.

23 MR. VAILE: No, until the court actually requests it
24 or -- or makes an order that they're supposed to be provided.

1 THE COURT: Oh, an official audit. It's not critical.
2 MR. WILLICK: We always have those in arrears, because
3 they collect the information, they don't even tabulate it until
4 on a monthly basis --
5 THE COURT: Yeah.
6 MR. WILLICK: -- and then for them to send it for us
7 is always a month behind that.
8 THE COURT: My point --
9 MR. WILLICK: They're always behind.
10 THE COURT: -- is anybody on either side can collect
11 audits from the DA at any time. They provide them. Even I
12 request them and they just provide -- they can simply provide it
13 and generate it.
14 MR. WILLICK: But they're always behind, which is --
15 THE COURT: Does it have anything to do with this
16 case? No, on this --
17 MR. VAILE: No, I -- I think it's relevant to -- to
18 the new -- the new calculation that I assume will -- will issue
19 as an order from this court.
20 THE COURT: Well --
21 MR. WILLICK: Well, I concur --
22 THE COURT: Oh.
23 MR. WILLICK: -- that the order from this proceeding
24 should amend your prior order, because that was still based on

1 the 138 lump sum which we've all agreed --
2 THE COURT: Oh, yes. Yes. Yes.
3 MR. WILICK: -- is not relevant.
4 THE COURT: Oh, now I remember. Oh, okay. Yeah.
5 MR. WILICK: So the -- the order from this proceeding
6 should --
7 THE COURT: It's the once --
8 MR. WILICK: -- definitely amend that down to the
9 117.07.
10 THE COURT: You took the numbers down; didn't you?
11 What did you get?
12 THE CLERK: Yeah. 162,510.22.
13 THE COURT: Thank you.
14 THE CLERK: That's the -- that's (indiscernible)
15 interest.
16 THE COURT: Yes. That's reduced to judgment --
17 confirmed and reduced to judgment.
18 MR. WILICK: Oh, all right.
19 THE COURT: Okay.
20 MR. WILICK: You added those two numbers together.
21 MR. RICCIO: Yeah, I already --
22 THE CLERK: Just the principal and interest.
23 THE COURT: Yeah, but that's not what I'm ruling on
24 today. I'm ruling on the contempt issues.

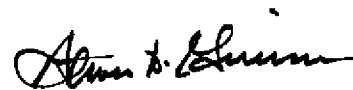
1 THE CLERK: Without the penalties.
2 MR. WILLOCK: That will be as of July 1, 2008.
3 THE CLERK: Yes.
4 THE COURT: Okay.
5 MR. VAILE: When -- when will that -- that number --
6 or that figure be reflected in a -- in a order from this court?
7 MR. WILLOCK: The question is whether you want more
8 than one order. In order to keep things relatively simple, I
9 think it might be best for you to finish ruling on the things
10 you heard today --
11 THE COURT: And combine it all in one order?
12 MR. WILLOCK: -- and simply include that as a line
13 item and whatever order you enter.
14 THE COURT: No objections. So ordered. It will be
15 done by way of a minute -- I'm thinking a minute decision.
16 MR. WILLOCK: As you wish.
17 THE CLERK: Shall I go off the record?
18 THE COURT: Okay. Yeah. That's fine. Thank you.

19 (THE PROCEEDINGS ENDED AT 17:08:15.)

20 * * * * *

21 ATTEST: I do hereby certify that I have truly and
22 correctly transcribed the video proceedings in the above-
entitled case to the best of my ability.

23 _____
24 /s/ Kimberly C. McCright



CLERK OF THE COURT

SUPP
WILICK LAW GROUP
MARSHAL S. WILICK, ESQ.
Nevada Bar No. 002515
3591 E. Bonanza Road, Suite 200
Las Vegas, NV 89110-2101
Phone (702) 438-4100; Fax (702) 438-5311
email@willicklawgroup.com
Attorneys for Defendant

**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.

**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**

This *Supplement* is provided to inform the Court of additional contemptuous conduct by Scotlund. We provide this information to the Court as a means of ensuring all of his KNOWN contemptuous behavior is before the Court on the date of the scheduled Evidentiary Hearing, so it can be addressed in a single proceeding without having to hear claims of any unfair surprise that it was raised and examined.

1 **I. SCOTLUND HAS AGAIN STOPPED PAYING SUPPORT**

2 Scotlund has yet again stopped paying support for his minor child and is not paying anything
3 toward his massive arrears. He made three \$150 payments, which he unilaterally deemed were for
4 the months of July through September, 2012, and then stopped making payments at all. We suspect
5 that it is his intention not to make any further payments in accordance with this Court's *Orders*.

6
7 **II. SCOTLUND HAS OBTAINED A FRAUDULENT (AND UNENFORCEABLE)
8 ORDER FROM A CALIFORNIA COURT**

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

12 On information and belief, Scotlund did not inform that court that Nevada had already ruled
13 that the Norwegian orders were not controlling, *or* that he had a pending case before the Nevada
14 Supreme Court.¹ Scotlund never served Cisilie with any of the initiating documents in the case in
15 California, and she was not afforded the opportunity to object or to make an appearance in the action.
16 The order that Scotlund obtained is fraudulent at best and completely unenforceable under UIFSA
17 in any event.

18 In accordance with well-established Nevada precedent,² we will ask this Court at the time
19 of the contempt Evidentiary Hearing to formally declare any California orders addressing the
20 Norwegian support orders unenforceable under UIFSA, and to hold Scotlund in contempt of this
21 Court's Order that declared the Norwegian child support orders as not controlling in this case.

22
23

24 ¹ See Order from Sonoma County Superior Court attached as Exhibit A.

25 ² *Vaile v. Porsboll*, 128 Nev. ___, ___ P.3d ___ (Adv. Opn. No. 3, Jan. 26, 2012) (setting out the law of the
26 case, in this case, that Nevada has exclusive continuing jurisdiction over child support orders until and unless one of the
27 parties establishes modification jurisdiction where the other is living); *Adams v. Adams*, 107 Nev. 790, 820 P.2d 752
28 (1991) (California proceedings held to not deserve recognition under Full Faith and Credit Clause, UCCJA, or PKPA,
 since the father was forum shopping, and the California proceeding could and should have been litigated in Nevada; the
 uniform acts "require each state to afford full faith and credit to another state's preexisting . . . decrees if the preexisting
 decree was made consistently with the provisions of [those acts]," so where Nevada maintains jurisdiction second state
 cannot issue any lawful orders); *see also* *Lewis v. District Court*, 113 Nev. 106, 930 P.2d 770 (1997) (discussing
 continuing exclusive jurisdiction); *Swan v. Swan*, 106 Nev. 464, 796 P.2d 221 (1990) (same).

1 **III. SCOTLUND HAS YET AGAIN MOVED WITHOUT PROVIDING AN ADDRESS**
2 **TO THE COURT**

3 On information and belief, Scotlund relocated from California to Manhattan, Kansas, where
4 he has a new job as the Chief Information Security Officer at Kansas State University.³ His first
5 official day on the job was to be November 1, 2012, and he apparently gained the job back in
6 September.

7 It is clear that Scotlund made this move without notifying this Court of his intentions to
8 relocate and it appears that he has again failed – despite repeated warnings – to keep this Court
9 informed as to his location.

10 He has not informed this Court or the Willick Law Group of his current address and thus is
11 again in contempt of this Court's October 9, 2008, *Order* requiring him to file a Notice of Change
12 of Address within 30 days of his relocation to a new address. This additional count should be
13 assessed against him.

14 **IV. SANCTIONS AND OTHER JUDGMENTS**

15 It should be pointed out to the Court that Scotlund has not paid *one penny* toward *any* of the
16 hundreds of thousands of dollars in sanctions and attorney's fee award issued in this case. It is his
17 intent to avoid such payments forever. On information and belief, the order obtained in California
18 purports to try to interfere with the collection of any sanctions or fees from the order of this Court.
19 If this is true, it leaves us with no remedy to collect these judgments and ask the Court to
20 immediately set a payment schedule under pain of contempt (and indefinite coercive incarceration)
21 for *all* such judgments.

22 *****

23 *****

24 *****

25 *****

26 *****

27
28

³ See internet documents that show "Robert Vaile's" job.

1 The Nevada Supreme Court has held "that the liquidation of any judgment for arrearages may
2 be scheduled in any manner the district court deems proper. . . ."⁴ Quoting *Reed*, the Court stated
3 in *Kennedy* that a judgment should be satisfied by "a payment schedule which will allow for
4 liquidation of arrearages on a reasonable basis."⁵ In other words, sums awarded must be actually
5 *paid*. This Court has an obligation to the innocent party to ensure that it actually happens, and with
6 as treacherous and duplicitous a contemnor as Scotlund Vaile, that means issuing a warrant for his
7 arrest and physically locking him up until he complies with the Court's orders.

8 Over twelve years into this litigation, it is indisputable that Scotlund will continue to ignore
9 this Court's orders until he is *forced* to pay what he owes. We ask the Court to do so.

10 Dated this 22nd day of November, 2012.

11 WILLYCK LAW GROUP

12 

13 MARSHAL S. WILLYCK, ESQ.
14 Nevada Bar No. 002515
15 3591 East Bonanza Road, Suite 200
16 Las Vegas, Nevada 89110-2101
17 (702) 438-4100

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⁴ *Reed v. Reed*, 88 Nev. 329, 497 P.2d 896 (1972).

⁵ *Kennedy v. Kennedy*, 98 Nev. 318, 646 P.2d 1226 (1982).

1 **CERTIFICATE OF SERVICE**

2 I hereby certify that a copy of Defendant's *Supplement to Defendant's Clarification of*
3 *Motion for Order to Show Cause Why Robert Scotlund Vaile Should Not Be Held in Contempt*
4 *for Failure to Pay Child Support and for Changing Address Without Notifying the Court; to*
5 *Reduce Current Arrearages to Judgment; and for Attorney's Fees and Costs* in the above-
6 captioned case was made on the 26th day of November, 2012, pursuant to NRCP 5(b)(2)(D) via
7 United States Postal Service, via first class mail with postage fully pre-paid, and addressed as
8 follows:

9 Mr. Robert Scotlund Vaile
10 P.O. Box 727
11 Kenwood, California 95452
12 *Plaintiff In Proper Person*

13 
14 Employee of the WILICK LAW GROUP

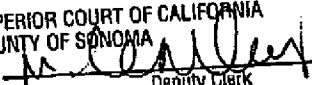
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EXHIBIT A

1 Robert Scotlund Vaile
2 PO Box 727
3 Kenwood, CA 95452
4 (707) 833-2350
5 Plaintiff/Petitioner in Proper Person

FILED

NOV - 1 2012

SUPERIOR COURT OF CALIFORNIA
COUNTY OF SONOMA
By 
Deputy Clerk

6
7 **SUPERIOR COURT OF CALIFORNIA**
8 **COUNTY OF SONOMA**

10 CASE NO: SFL 49802

12 ROBERT SCOTLUND VAILE,
13 Plaintiff/Petitioner,

15 vs.

18 CISILIE A. PORSBOLL,
19 Respondent.

11
12 **ORDER**
13 **ON REGISTRATION OF**
14 **RECIPROCATING FOREIGN**
15 **COUNTRY'S CHILD SUPPORT**
16 **ORDER**
17 **AND DETERMINATION OF**
18 **CONTROLLING ORDER**

Honorable Nancy Case Shaffer
Dept. 23

Hearing Date: 10/12/2012
Hearing Time: 9:30 AM
Date Action Filed: 02/09/2010

24 This matter was heard by this Court on July 2, 2012 and October 12, 2012 in
25 Department 23, before the Honorable Judge Nancy Shaffer on ROBERT
26 SCOTLUND VAILE's (hereafter Husband) Registration of Reciprocating Foreign
27 Country's Child Support Order and Request for Determination of Controlling
28

1 Order. Present at each hearing was Petitioner, but Respondent CISILIE A.
2 PORSBOLL (hereafter Wife) was not present.

3 **PROCEDURAL HISTORY:**

4 The parties were divorced in Clark County Nevada on August 21, 1998.
5 Their Decree of Divorce included an agreement that provided a precise formula
6 for calculating child support. Wife sought a child support order from the
7 appropriate agency in Norway in 2003 when neither party lived in Nevada. In
8 November 2007, Wife also asked the Nevada District Court to establish the child
9 support and arrears in accordance with the parties' 1998 agreement and to
10 establish a retroactive sum certain for child support, i.e. modify the agreement
11 that was set forth in the parties' Decree of Divorce. The Nevada Court issued an
12 order on October 9, 2008, modifying the child support agreement without taking
13 into account the Norwegian child support order.

14 In response to a request by Husband to register and modify the Nevada child
15 support order in 2010, ^{*Koruse Bayles - flight master*} ~~this~~ Sonoma County Commissioner held that the Nevada
16 Court did not have jurisdiction to modify, and that the Nevada child support
17 orders that purported to do so were unenforceable in California. Eventually, the
18 Nevada Supreme Court similarly held that the Nevada Court did not have
19 continuous and exclusive jurisdiction to modify. Having been newly provided the
20 Norwegian child support order, and subsequent modifications, Husband now
21 requests this Court to both register and to declare the Norwegian orders
22 controlling under UIFSA.
23

24 After reviewing the pleadings, declarations, and other documents, listening
25 to oral argument and reviewing the law regarding interstate child support
26 jurisdiction and enforcement, the Court makes the following findings and orders:
27
28

1 **PERSONAL JURISDICTION**

2 As Petitioner resides within the state of California and submitted himself to
3 the jurisdiction of the Court, this Court has personal jurisdiction over him.
4 Likewise, given that Respondent requested services from the local child support
5 agency, attempted registration of the Nevada support order in California, and
6 reached into the state to garnish monies from Petitioner's salary, the Court finds
7 that the exercise of personal jurisdiction over Respondent is proper.

8 **CONTROLLING ORDER DECLARATION**

9 Under section 207 of the Uniform Interstate Family Support Act (UIFSA)
10 (Family Code § 4900, et seq.), a tribunal of this state having personal jurisdiction
11 over both the obligor and individual obligee shall determine which order controls
12 when two child support orders have been issued by UIFSA states. See F.C. §
13 4911. Norway is a foreign reciprocating country whose orders are entitled to
14 enforcement. (See *Willmer v. Willmer* (2006) 144 Cal.App.4th 951, 956-957.)
15 The Nevada Supreme Court held that the Nevada Court does not have continuing
16 and exclusive jurisdiction to modify the child support provisions of the 1998
17 divorce decree. Because the child in question lives in Norway, Norway is the
18 "only state *as defined in U.I.F.S.A.* with continuing and exclusive jurisdiction. Under section 207 of
19 UIFSA as contained in Family Code § 4911, a child support order from the
20 tribunal with continuing and exclusive jurisdiction controls. As such, the 2003
21 Norwegian child support orders together with its subsequent modifications are
22 indeed controlling ~~as of April 1, 2002.~~

23 **CHILD SUPPORT PAYMENTS DUE**

24 Having reviewed the sworn statement and evidence provided by Petitioner,
25 taking into account the arrearages due under the Norwegian order, and child
26 support payments paid through the Nevada system, Petitioner has an outstanding
27 balance of \$3,919.00 in child support arrearages due. After payment of this
28

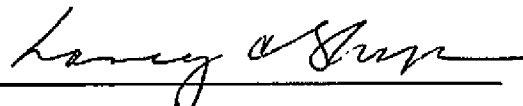
1 balance, Petitioner will have fulfilled his child support obligations under the
2 Norwegian child support orders. Additionally, so long as Petitioner makes
3 payments in accordance with this order, he will remain current in his child
4 support obligations.

5 **CONCLUSION**

6 **WHEREFORE, IT IS HEREBY ORDERED:**

- 7
- 8 1. The court has personal jurisdiction over both parties to this action;
9 *The 2003 Norwegian child support order shall be registered in Sonoma County.*
- 10 2. The 2003 Norwegian child support order is controlling over the 1998 Nevada
11 divorce decree *on the issue of child support.*
- 12 3. Petitioner is ordered to pay \$841.00 by the 15th of each month beginning
13 November 15, 2012 through February 15, 2013, and \$555.00 by March 1,
14 2013 in order to fully satisfy the child support arrearages due;
15 *Petitioner's request for an order that*
- 16 4. The California Department of Child Support Services is ordered to facilitate
17 such payments; *is denied without prejudice. Petitioner should*
18 *contact Sonoma County DCSS if he wishes to request a*
- 19 5. No agency, enforcement officer, or employer shall collect or demand child *change*
20 support from Petitioner contrary to this order, or based *on* child support orders *value.*
21 *other than the 2003 Norwegian child support order*
22 *issued by other states or tribunals; registered in Sonoma County*
23 *pursuant to this order.*
- 24 6. Petitioner shall provide certified copies of this order to the relevant tribunals
25 in Norway and Nevada.

26 Dated this *30th* day of October, 2012.

27 
28 Honorable Judge Nancy Case Shaffer
Superior Court Judge

PROOF OF SERVICE BY MAIL

I certify that I am an employee of the Superior Court of California, County of Sonoma, and that my business address is 3055 Cleveland Avenue, Santa Rosa, CA 95403; that I am not a party to this cause; that I am over the age of 18 years; that I am readily familiar with this office's practice for collection and processing of correspondence for mailing with the United States Postal Service; and that on the date shown below I placed a true copy of the foregoing attached papers in an envelope, sealed and addressed as shown below, for collection and mailing at Santa Rosa, California, first class, postage fully prepaid, following ordinary business practices.

Date: November 1, 2012

JOSÉ OCTAVIO GUILLÉN
COURT EXECUTIVE OFFICER

by 

Deputy Clerk

--ADDRESSEES--

VAILE, ROBERT SCOTLUND
PO BOX 727
KENWOOD, CA 95452

EXHIBIT B

Search web, people, directories

K-State home » Division of Communications and Marketing » K-State Today » Vaile named chief information security officer

K-State Today

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Division of Communications and Marketing

Kansas State University
128 Dole Hall
Manhattan, KS 66506
785-532-2535
vpcm@k-state.edu

**Vaile named chief information security officer**

By Ken Stafford

Robert Vaile has been selected as the chief information security officer effective Nov. 1.

As the director of the information security and compliance office, Vaile will be responsible for leading information systems security while protecting unauthorized access, working collaboratively with the campus community on the development and implementation of university IT security policies, IT security architecture, policies, and standards; risk management including assessment, incident management, IT security systems management and security awareness and training. Vaile will also lead K-State's security incident response team.

Vaile has a vast background in information security. He served as director of information risk and compliance with Consumers Energy in Michigan, manager of security and privacy enterprise risk services with Deloitte and Touche in Dallas, and corporate manager for information security with IDAcop/Idaho Power.

"I am excited for the opportunity to bring my family to Manhattan and to apply my skills and abilities at Kansas State University," said Vaile.

Vaile earned a bachelor's in mechanical engineering and master's in engineering management from Ohio State University and a law degree from Washington and Lee University School of Law.

In this Issue News

- Search for interim vice president for administration and finance begins as Shubert announces move to athletics

Events

- The art and science of teaching: Lecture by distinguished undergraduate professor from North Carolina State University
- Bakery Science Club to host weekly bake sale today
- K-State Libraries' gala features K-State bands
- Forest Service branches out to public with open house in October

Kudos

- Another reason to be proud: Annual student campaign, K-State Proud, earns national award

Publications and presentations

- Philosophy professor will present Sept. 19-20 in London
- DePaoli presents in Sydney, Australia
- Michel lab publishes review article on serpins

New hires/exits

- Vaile named chief information security officer

Maintenance

- Service interruption: Call Hall, 90 pound steam, morning of Sept. 24

Contact us Emergency Statements and disclosures

Kansas State University Manhattan, KS 66506 785-532-6013 © Kansas State University Updated: 8/24/12

Information Technology Services



K-State Office of Information Security and Compliance

Robert Vaile

Chief Information Security Officer

vaile@k-state.edu

(785) 532-2985

Office: Hale 12A

The CISO leads the Office of Information Security and Compliance and oversees the development and implementation of new security policies and procedures as well as chairing the Security Incident Response Team (SIRT) for K-State.

Duties include:

- Supervise the Office of Information Security and Compliance
- Chair the SIRT
- Develop new IT security policies, procedures, standards and guidelines
- Respond to and manage high severity incidents
- Develop and maintain K-State security architecture
- Provide guidance on information security
- Assess security risks to K-State information and information systems
- Oversee Information Security awareness and training campaigns
- Alerting campus to new vulnerabilities, threats and attacks

Richard Becker

Network Security Analyst

rlb@k-state.edu

(785) 532-0033

Office: Hale 12A

Richard assists the Chief Information Security Officer with all aspects of K-State's IT security program with particular emphasis on managing network security technologies, performing network forensics, and handling security incidents. Richard's duties include:

- Manage security technologies such as firewalls, VPN service IDS/IPS, and Packeteer Packetshaper
- Monitor, investigate and respond to abuse involving K-State systems
- Perform network forensic analysis for security incidents
- Work with other K-State IT teams to assess potential vulnerabilities
- Assist with campus-wide awareness and training campaigns
- Participate in the SIRT

Josh McCune

Network Security Analyst

mccunej@k-state.edu

(785) 532-2598

Office: Hale 9B

Josh assists the Chief Information Security Officer with all aspects of K-State's IT security program with particular emphasis on managing network security technologies, performing network forensics, and handling security incidents. Josh's duties include:

- Manage security technologies such as firewalls, VPN service IDS/IPS, and Packeteer Packetshaper
- Monitor, investigate and respond to abuse involving K-State systems
- Perform network forensic analysis for security incidents
- Work with other K-State IT teams to assess potential vulnerabilities
- Assist with campus-wide awareness and training campaigns
- Participate in the SIRT
- Serve as backup for CISO when needed

Anthony Phillips**Computer Security Analyst****anthony@k-state.edu****(785) 532-3341**

Office: Hale 12A

The focus of Anthony's responsibility is managing K-State's program for securing computer systems (i.e., servers, desktops, and laptops). This includes establishing standards and best practices, assessing vulnerabilities, managing host-based security technologies, and recommending appropriate security tools.

Anthony's duties include:

- Manage and provide guidance to the campus on securing K-State's computer systems
- Perform computer forensic analysis for security incidents
- Monitor, investigate and respond to abuse reports involving K-State systems
- Work with other K-State IT teams to assess and mitigate security vulnerabilities
- Manage K-State's PGP Whole Disk Encryption program
- Assist with campus-wide awareness and training campaigns
- Participate in the SIRT

Elizabeth Shannon**Security Assessment and Compliance Specialist****eshann@k-state.edu****(785) 532-2540**

Office: Hale 12A

Elizabeth is responsible for coordinating and/or performing risk and security assessments, and working with departments and colleges on campus to ensure compliance with relevant state, federal, and industry regulatory requirements.

Elizabeth's duties include:

- Perform regular and on-demand security assessments
- Oversee on-going compliance with the technological security requirements of the PCI DSS
- Handle notices of alleged copyright infringement per the DMCA
- Coordinate development and maintenance of IT security-related policies and procedures
- Recommend adoption of a security standard and develops and maintains a plan for compliance
- Track IT security incidents and analyzes incident statistics
- Participate in the SIRT

Vacant**Cyber-Security Analyst**

Office: Hale 12A

Responsible for implementing Information Security awareness and training campaigns for faculty, staff and students at K-State. Assists with the creation and delivery of new university policies and procedures for increasing IT security. Duties include:

- Develop awareness and training projects
- Develop and deliver the SSN awareness campaign
- Assist with development of security policies, procedures, standards and guidelines
- Create and deliver an annual P2P education campaign for K-State
- Develop new student and new faculty/staff security training
- Assist in planning and documentation of the laptop encryption program
- Assist with the documentation and publishing of VPN service procedures
- Assist with development of forensics procedures
- Assist with forensics analysis
- Participate in the SIRT

Kansas State University • Manhattan, KS • 66506 • 785-532-6011

© Kansas State University

November 5, 2012

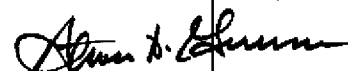
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1 **NCOA**

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

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

Electronically Filed
12/02/2012 06:21:16 PM



CLERK OF THE COURT

10 ROBERT SCOTLUND VAILE,
11 Plaintiff,

CASE NO: 98 D230385
DEPT. NO: I

12 vs.

13 CISILIE A. PORSBOLL,
14 fka CISILIE A. VAILE,
15 Defendant.

**NOTICE OF
CHANGE OF ADDRESS**

16
17 **NOTICE**

18 Plaintiff hereby provides notice to the Court and parties that as of November 9, 2012, he
19 has relocated physical and mailing address to the following:

20 **2201 McDowell Avenue, Manhattan, Kansas 55602**

21 Submitted this 3rd day of December, 2012.

22 /s/ R.S. Vaile

23 Robert Scotlund Vaile
24 2201 McDowell Avenue
25 Manhattan, KS 55602
26 (707) 633-4550
27 *Plaintiff in Proper Person*

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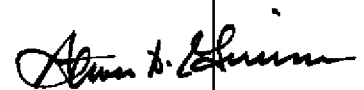
CERTIFICATE OF SERVICE

Plaintiff Robert Scotlund Vaile hereby certifies that I served a true and correct copy of the foregoing *Notice of Change of Address* by depositing the same in the U.S. Mail at Manhattan, Kansas 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
Attorney for Defendant

Dated this 3rd day of December, 2012.

/s/ R.S. Vaile
Robert Scotlund Vaile
2201 McDowell Avenue
Manhattan, KS 55602
(707) 633-4550
Plaintiff in Proper Person



CLERK OF THE COURT

NCOA

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

**IN THE EIGHTH JUDICIAL DISTRICT COURT OF THE
STATE OF NEVADA IN AND FOR
THE COUNTY OF CLARK**

ROBERT SCOTLUND VAILE,
Plaintiff,

vs.

CISILIE A. PORSBOLL,
fka CISILIE A. VAILE,
Defendant.

CASE NO: 98 D230385
DEPT. NO: I

**(CORRECTED) NOTICE OF
CHANGE OF ADDRESS**

NOTICE

Plaintiff hereby provides notice to the Court and parties that as of November 9, 2012, he
has relocated physical and mailing address to the following:

2201 McDowell Avenue, Manhattan, Kansas 66502

Submitted this 12th day of December 2012.

/s/ R.S. Vaile
Robert Scotlund Vaile
2201 McDowell Avenue
Manhattan, KS 66502
(707) 633-4550
Plaintiff in Proper Person

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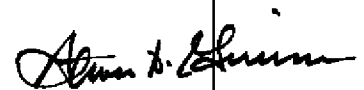
CERTIFICATE OF SERVICE

Plaintiff Robert Scotlund Vaile hereby certifies that I served a true and correct copy of the foregoing *Notice of Change of Address* by depositing the same in the U.S. Mail at Manhattan, Kansas 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
Attorney for Defendant

Dated this 12th day of December 2012.

/s/ R.S. Vaile
Robert Scotlund Vaile
2201 McDowell Avenue
Manhattan, KS 66502
(707) 633-4550
Plaintiff in Proper Person



CLERK OF THE COURT

NOTC

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

**IN THE EIGHTH JUDICIAL DISTRICT COURT OF THE
STATE OF NEVADA IN AND FOR
THE COUNTY OF CLARK**

ROBERT SCOTLUND VAILE,
Plaintiff,

vs.

CISILIE A. PORSBOLL,
fka CISILIE A. VAILE,
Defendant.

CASE NO: 98 D230385
DEPT. NO: I

**NOTICE OF CALIFORNIA
DETERMINATION OF
CONTROLLING NORWEGIAN
CHILD SUPPORT ORDER**

NOTICE

On October 30, 2012, the Superior Court of California entered an order registering in that county the Norwegian child support order and its subsequent modifications. It also entered an order determining that the "2003 Norwegian child support order is controlling over the 1998 Nevada divorce decree on the issue of child support." See *Order*, 4. The order requires that Appellant Vaile provide this tribunal a certified copy of this decision, which is attached as Exhibit 1. *Id.*

Attached as Exhibit 2 is a "REQUEST FOR PAYMENT" from the National Insurance Collection Agency of Norway, the Norwegian agency with oversight for child support. The California court specifically relied on this document in ordering Mr. Vaile to make payments

1 of \$841 until the child support arrears are paid in full as requested by the agency of Norway, a
2 Foreign Reciprocating Country to the United States. The agency requested enforcement of the
3 Norwegian order "in accordance with the Agreement between The United States of America
4 and the Government of the Kingdom of Norway for the enforcement of maintenance
5 obligations dated 10 June 2012." See *Request*, 1, Exhibit 2.
6
7

8 Respectfully submitted this 18th day of December, 2012.
9
10

11 /s/ R.S. Vaile
12 Robert Scotlund Vaile
13 2201 McDowell Avenue
14 Manhattan, KS 66502
15 (707) 633-4550
16 *Plaintiff in Proper Person*
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Marshal S. Willick, Esq.
Willick Law Group
3591 E. Bonanza Road, Suite 200
Las Vegas, NV 89110-2101
Attorney for Defendant

/s/ R.S. Vaile
Robert Scotlund Vaile
2201 McDowell Avenue
Manhattan, KS 66502
(707) 633-4550

Exhibit 1

1 Robert Scotlund Vaile
2 PO Box 727
3 Kenwood, CA 95452
4 (707) 833-2350
5 Plaintiff/Petitioner in Proper Person

I HEREBY CERTIFY THAT THE WITHIN INSTRUMENT IS A FULL, TRUE AND CORRECT COPY OF THE ORIGINAL ON FILE IN THIS OFFICE

ATTEST: DEC 11 2012



Clerk of the Superior Court of
County of Sonoma
By [Signature]

FILED

NOV - 1 2012

SUPERIOR COURT OF CALIFORNIA
COUNTY OF SONOMA
By [Signature]
Deputy Clerk

**SUPERIOR COURT OF CALIFORNIA
COUNTY OF SONOMA**

CASE NO: SFL 49802

12 ROBERT SCOTLUND VAILE,
13 Plaintiff/Petitioner,

15 vs.

18 CISILIE A. PORSBOLL,
19 Respondent.

**ORDER
ON REGISTRATION OF
RECIPROCATING FOREIGN
COUNTRY'S CHILD SUPPORT
ORDER
AND DETERMINATION OF
CONTROLLING ORDER**

Honorable Nancy Case Shaffer
Dept. 23

Hearing Date: 10/12/2012
Hearing Time: 9:30 AM
Date Action Filed: 02/09/2010

24 This matter was heard by this Court on July 2, 2012 and October 12, 2012 in
25 Department 23, before the Honorable Judge Nancy Shaffer on ROBERT
26 SCOTLUND VAILE's (hereafter Husband) Registration of Reciprocating Foreign
27 Country's Child Support Order and Request for Determination of Controlling
28

1 Order. Present at each hearing was Petitioner, but Respondent CISILIE A.
2 PORSBOLL (hereafter Wife) was not present.

3 **PROCEDURAL HISTORY:**

4 The parties were divorced in Clark County Nevada on August 21, 1998.
5 Their Decree of Divorce included an agreement that provided a precise formula
6 for calculating child support. Wife sought a child support order from the
7 appropriate agency in Norway in 2003 when neither party lived in Nevada. In
8 November 2007, Wife also asked the Nevada District Court to establish the child
9 support and arrears in accordance with the parties' 1998 agreement and to
10 establish a retroactive sum certain for child support, i.e. modify the agreement
11 that was set forth in the parties' Decree of Divorce. The Nevada Court issued an
12 order on October 9, 2008, modifying the child support agreement without taking
13 into account the Norwegian child support order.

14 In response to a request by Husband to register and modify the Nevada child
15 support order in 2010, ^{House Bayles - Flightmaster} ~~this~~ Sonoma County Commissioner held that the Nevada
16 Court did not have jurisdiction to modify, and that the Nevada child support
17 orders that purported to do so were unenforceable in California. Eventually, the
18 Nevada Supreme Court similarly held that the Nevada Court did not have
19 continuous and exclusive jurisdiction to modify. Having been newly provided the
20 Norwegian child support order, and subsequent modifications, Husband now
21 requests this Court to both register and to declare the Norwegian orders
22 controlling under UIFSA.
23

24 After reviewing the pleadings, declarations, and other documents, listening
25 to oral argument and reviewing the law regarding interstate child support
26 jurisdiction and enforcement, the Court makes the following findings and orders:
27
28

1 **PERSONAL JURISDICTION**

2 As Petitioner resides within the state of California and submitted himself to
3 the jurisdiction of the Court, this Court has personal jurisdiction over him.
4 Likewise, given that Respondent requested services from the local child support
5 agency, attempted registration of the Nevada support order in California, and
6 reached into the state to garnish monies from Petitioner's salary, the Court finds
7 that the exercise of personal jurisdiction over Respondent is proper.

8 **CONTROLLING ORDER DECLARATION**

9 Under section 207 of the Uniform Interstate Family Support Act (UIFSA)
10 (Family Code § 4900, et seq.), a tribunal of this state having personal jurisdiction
11 over both the obligor and individual obligee shall determine which order controls
12 when two child support orders have been issued by UIFSA states. See F.C. §
13 4911. Norway is a foreign reciprocating country whose orders are entitled to
14 enforcement. (See *Willmer v. Willmer* (2006) 144 Cal.App.4th 951, 956-957.)
15 The Nevada Supreme Court held that the Nevada Court does not have continuing
16 and exclusive jurisdiction to modify the child support provisions of the 1998
17 divorce decree. Because the child in question lives in Norway, Norway is the
18 "only state *as defined in U.I.F.S.A.* with continuing and exclusive jurisdiction. Under section 207 of
19 UIFSA as contained in Family Code § 4911, a child support order from the
20 tribunal with continuing and exclusive jurisdiction controls. As such, the 2003
21 Norwegian child support orders together with its subsequent modifications are
22 indeed controlling ~~as of April 1, 2002~~.

23 **CHILD SUPPORT PAYMENTS DUE**

24 Having reviewed the sworn statement and evidence provided by Petitioner,
25 taking into account the arrearages due under the Norwegian order, and child
26 support payments paid through the Nevada system, Petitioner has an outstanding
27 balance of \$3,919.00 in child support arrearages due. After payment of this
28

1 balance, Petitioner will have fulfilled his child support obligations under the
2 Norwegian child support orders. Additionally, so long as Petitioner makes
3 payments in accordance with this order, he will remain current in his child
4 support obligations.

5
6 **CONCLUSION**

7 **WHEREFORE, IT IS HEREBY ORDERED:**

- 8 1. The court has personal jurisdiction over both parties to this action;
9 *The 2003 Norwegian child support order shall be registered in Sonoma County.*
10 2. The 2003 Norwegian child support order is controlling over the 1998 Nevada
11 divorce decree *on the issue of child support.*
12 3. Petitioner is ordered to pay \$841.00 by the 15th of each month beginning
13 November 15, 2012 through February 15, 2013, and \$555.00 by March 1,
14 2013 in order to fully satisfy the child support arrearages due;
15 *Petitioner's request for an order that*
16 4. The California Department of Child Support Services is ordered to facilitate
17 such payments; *is denied without prejudice. Petitioner should*
18 *contact Sonoma County DCSS if he wishes to request a*
19 5. No agency, enforcement officer, or employer shall collect or demand child *change*
20 support from Petitioner contrary to this order, or based *on* child support orders *value.*
21 *other than the 2003 Norwegian child support order*
22 *issued by other states or tribunals; registered in Sonoma County*
23 *pursuant to this order.*
24 6. Petitioner shall provide certified copies of this order to the relevant tribunals
25 in Norway and Nevada.

26
27 Dated this *30th*
28 12th day of October, 2012.

Nancy Case Shaffer
Honorable Judge Nancy Case Shaffer
Superior Court Judge

Exhibit 2



ROBERT SCOTLUND VAILE
406 CLIFFWOOD DRIVE
DUNCANVILLE, TX 75116
USA

NAVI
NO-9917 Kirkenes
NORWAY

Your ref:
Officer in charge: Kim V S Johansen

Our ref: 033854

Our date: 16.08.12

REQUEST FOR PAYMENT

Always quote your case number when contacting our office.

RE: CHILD SUPPORT ORDER

Non-custodial parent:	ROBERT SCOTLUND VAILE	05.01.69
Custodial parent:	CISILIE ANNE PORSBØLL	05.01.69
Child:	RAMONA LOUISE VAILE	30.05.91
Child:	KAMILLA JANE VAILE	13.02.95

The child support ceased by the end of March 2009, there are still arrears in your case totalling to NOK 528 140 (approx. \$ 88 832) in your case.

Due to the arrears, we kindly require that you pay NOK 5 000 (approx. \$ 841) per month until the arrears have been paid in full. Your next payment is due by 25.09.12.

In our accounts the maintenance is converted to Norwegian kroner according to an average exchange rate, which is updated each month. Therefore, fluctuations in the exchange rate may occur.

CONCERNING NON-PAYMENT:

Should you not pay according to this request, or should your payments cease, we will refer this matter to the authorities in the USA. We will request that the authorities there enforce the collection in accordance with the Agreement between The United States of America and the Government of the Kingdom of Norway for the enforcement of maintenance obligations dated 10 June 2002.

National Insurance Collection Agency
Mailing address: NO- 9917 Kirkenes, Norway

Office address: Grubevn 4, 9910 Bjørnevæn
Tel: +47 21 05 11 08 // Fax: +47 21 05 11 01

www.nav.no // nav@nav.no

Account no.: IBAN: NO 88 8276 01 01636
BIC/SWIFT: DNBANOKK

PAYMENT INFORMATION:

You will have to cover the costs of transferring the money yourself, both in the country where you live and in Norway. We request that you pay the child support to:

Address: NAV Innkreving NO - 9917 Kirkenes NORWAY	Bank account/bank: IBAN: NO 88 8276 01 01636 Swift: DNBANOKK DnBNOR BANK ASA NO-0021 Oslo NORWAY
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Important!


Please mark the payments with your name and case number (0008744), or your Norwegian personal ID number 05216900695.

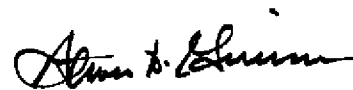
If you would like to make the payment from a Norwegian account, we ask you to use our account number 8276 01 00435 when you make your payment. You can also use the following Customer Identification Number (KID-nummer): 203385404.

If you have any questions, please do not hesitate to contact our office on telephone no +47 21 05 11 08 or fax no. +47 21 05 11 01.

NAV Innkreving
National Insurance Collection Agency


for Torborg Rue
Department Manager


Kim V S Johansen
Executive Officer



CLERK OF THE COURT

1 **NOT**

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

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

10 ROBERT SCOTLUND VAILE,
11 Plaintiff,

12 vs.

13
14 CISILIE A. PORSBOLL,
15 Defendant.

CASE NO: 98 D230385
DEPT. NO: I

DATE OF HEARING: 01/22/2013
TIME OF HEARING: 1:30 PM

**NOTICE OF INTENT TO APPEAR
BY TELEPHONE**

16
17
18 **NOTICE**

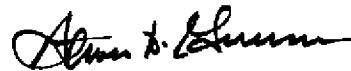
19 In accordance with Part IX of the Nevada Supreme Court Rules, Plaintiff
20 hereby provides notice to the Court and opposing counsel that he intends to
21 appear by telephone at the hearing set for January 22, 2013 at 1:30pm Pacific
22 Time in the above captioned case.
23
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1 For the purposes of this appearance I can be reached at the following
2 telephone number, (785) 532-2985. I understand that it is my responsibility to
3 ensure that I can be reached at this telephone number on the date and time of the
4 hearing. I also understand that due to the unpredictable nature of court
5 proceedings, my hearing may be called at a time, other than the scheduled time.
6 Further, I understand that my failure to be available at the above stated telephone
7 number will constitute a nonappearance.
8
9

10
11 Respectfully submitted this 15th day of January, 2013.

12 /signed/ R.S. Vaile

13
14 Robert Scotlund Vaile
15 2201 McDowell Avenue
16 Manhattan, KS 66502
17 (707) 633-4550
18 *Plaintiff in Proper Person*
19
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CLERK OF THE COURT

OBJ

WILICK LAW GROUP
MARSHAL S. WILICK, ESQ.
Nevada Bar No. 002515
3591 E. Bonanza Road, Suite 200
Las Vegas, NV 89110-2101
Phone (702) 438-4100; Fax (702) 438-5311
email@wilicklawgroup.com
Attorneys for Defendant

**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: 01/22/12
TIME OF HEARING: 1:30 p.m.

**OBJECTION
TO NOTICE OF INTENT TO APPEAR BY TELEPHONE**

I. INTRODUCTION

Scotlund has sent an e-mail transmission to this office indicating his intention to appear at the above captioned evidentiary hearing by telephone in accordance with Part IX of the Nevada Supreme Court Rules. His request should be denied for the reasons outlined below.

II. ARGUMENT

A. Scot's Request Must Be Denied

Part IX Rule 4, of the Supreme Court Rules specifically states that "a personal appearance is required for hearings, conferences, and proceedings not listed in subsection 1, including the following:

(1) Trials and hearings at which witnesses are expected to testify"

1 This is an evidentiary hearing where at least Scot will be required to testify as he is to show
2 cause why he should not be held in contempt and possibly incarcerated for his contemptuous
3 behavior.

4
5 **B. This Court Has Discretion To Deny Scot's Notice**

6 Under Part IX Rule 4(3) of the Supreme Court Rules, the District Court retains discretion to
7 deny a request to appear by telecommunications equipment. Though the Court is to favor such a
8 request, upon good cause showing, the Court can still deny the request and order that the party
9 appear.

10 Here, Scot has been afforded the opportunity in the past to appear telephonically but later
11 claimed that such appearance affected his due process rights as he claimed he was unable to hear the
12 proceedings. This Court later ordered that Scot would not be afforded this option in the future as
13 they could not guarantee his ability to hear and participate in the hearing.

14 Part IX Rule 4(8) of the Supreme Court Rules requires that:

15 (a) The court must ensure that the statements of participants are audible to all other
16 participants and the court staff and that the statements made by a participant are identified
as being made by that participant.

17 Since Scot has complained of his ability to hear the proceedings and thus made an assertion
18 that his due process rights were violated by that inability to hear, this Court can't guarantee that the
19 same problem would occur again and his personal appearance is the only way to assure his rights are
20 not violated.

21 Additionally, since the sanction that is sought for his contempt is his immediate incarceration,
22 for not less than 400 days, it *would not* be appropriate to allow him to appear telephonically at this
23 hearing.¹

24 *****

25 *****

26 *****

27
28


¹ See NSCR Part IX Rule 4(3)(c).

1 **III. CONCLUSION**

2 Scot should be immediately notified – at least two Court days before the hearing – that his
3 *Notice Of Intent To Appear By Telephone* is denied and that his presence at the above captioned
4 hearing is required.

5 DATED this 16th day of January, 2013.

6 WILICK LAW GROUP

7 

8 MARSHALL S. WILICK, ESQ.

9 Nevada Bar No. 002515

10 TREVOR M. CREEL, ESQ.

11 Nevada Bar No. 011943

12 3591 East Bonanza Road, Suite 200

13 Las Vegas, Nevada 89110-2101

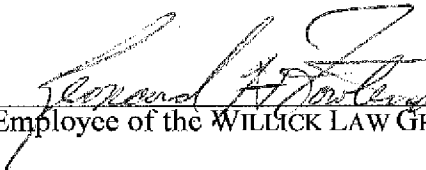
14 (702) 438-4100

15 Attorneys for Defendant

1 **CERTIFICATE OF SERVICE**

2 I hereby certify that a copy of Defendant's *Objection To Notice Of Intent To Appear By*
3 *Telephone* in the above-captioned case was made on the 16th day of January, 2013, pursuant to
4 NRCP 5(b)(2)(D) via United States Postal Service, via first class mail with postage fully pre-paid,
5 and addressed as follows:

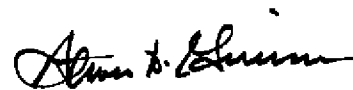
6 Mr. Robert Scotlund Vaile
7 2201 McDowell Ave.
8 Manhattan, KS 66502
9 Plaintiff In Proper Person
10 and via email to
11 scotlund@vaile.info and legal@infosec.privacyport.com

12 
13 Employee of the WILLICK LAW GROUP

14 P:\wp13\VAILE\00017931.WPD/rle

Leonard Fowler

From: Leonard Fowler
Sent: Wednesday, January 16, 2013 10:01 AM
To: Robert Scotlund Vaile (scotlund@vaile.info); Robert Scotlund Vaile (legal@infosec.privacyport.com)
Subject: Objection to Notice of Intent to Appear by Telephone
Attachments: Objection to Notice of Intent to Appear by Phone 1-16-13 (00017934).PDF



CLERK OF THE COURT

REQC

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

**IN THE EIGHTH JUDICIAL DISTRICT COURT OF THE
STATE OF NEVADA IN AND FOR
THE COUNTY OF CLARK**

ROBERT SCOTLUND VAILE,
Plaintiff,

vs.

CISILIE A. PORSBOLL,
Defendant.

CASE NO: 98 D230385
DEPT. NO: I

DATE OF HEARING: 01/22/2013
TIME OF HEARING: 1:30 PM

REQUEST FOR CONTINUANCE

I. BACKGROUND

During the hearing on April 9, 2012, Plaintiff requested to be allowed to appear telephonically due to the long distance that he would be required to travel to attend hearings in Las Vegas. At that time, it was anticipated that Mr. Vaile would have incurred some considerable cost in traveling from Sonoma County, California to Las Vegas, Nevada in order to attend further hearings. Although the matter before the Court at that time was Defendant's Show Cause motion to hold Mr. Vaile in contempt, the Court granted Mr. Vaile's request to appear

1 telephonically. The Court instructed Mr. Vaile to file a notice of telephonic
2 appearance three days prior to subsequent hearings.

3
4 More than three days prior to the January 22, 2013 hearing, Mr. Vaile filed a
5 Notice of Intent to Appear by Telephone. Mr. Vaile now resides more than twice
6 the distance to Las Vegas than he did when he lived in California, and the matter
7 before the Court remains Defendant's motion to hold Mr. Vaile in contempt.
8
9 However, Defendant objected to Mr. Vaile's telephonic appearance because 1)
10 Mr. Vaile is expected to testify,¹ and 2) because Defendant seeks Mr. Vaile's
11 immediate incarceration. The Court sustained Defendant's objection, and issued a
12 minute order requiring Mr. Vaile to appear in person in Las Vegas on January 22,
13 2013. On Thursday evening of January 18, after 5pm, the Court provided Mr.
14 Vaile its order via email, less than two² business days before the hearing.
15
16

17 **II. NEED FOR A CONTINUANCE**

18
19 Because Mr. Vaile relied on the Court's April 9, 2013 order, he planned only
20 to make himself available via telephone on January 22, 2013. He did not budget
21 for travel costs to Nevada,³ make travel arrangements,⁴ request leave from work,⁵
22
23
24

25 ¹ Even when Porsboll was required to give testimony, the Court has never required her to
26 appear except by telephone.

27 ² Since Monday, January 21 is a holiday, Mr. Vaile would have only one business day to
28 make arrangements to travel to Nevada.

³ The Vaile's are still trying to catch up after six months being unemployed.

⁴ Mr. Vaile's immediate search for airline arrangements turned up little availability and
seats at prohibitive costs.

1 or make family arrangements⁶ for his absence during this time frame. In order to
2 make arrangements to travel to Nevada for a hearing, Mr. Vaile requires much
3 more than two day's notice. As such, Plaintiff requests a continuance for at least
4 30 days. Additionally, Plaintiff requests the Court to reconsider the requirement
5 that Mr. Vaile appear in person for the hearing.
6

7 **III. CONCLUSION**

8
9 The reasons which justified Mr. Vaile's request to appear telephonically in
10 April 2012 are more pronounced since his relocation to Kansas. The matter
11 before the Court is precisely the same as it was when the Court granted Mr.
12 Vaile's request in April 2012. Since the Court has allowed Defendant to appear
13 telephonically to provide her testimony, it would be consistent to allow Mr. Vaile
14 to do so now.
15
16

17 If the Court requires Mr. Vaile to appear in person, he simply asks for
18 sufficient time to make arrangements to do so. Furthermore, if the Court requires
19 Mr. Vaile to appear in person to testify, Plaintiff requests that the Court require
20 Porsboll to similarly appear in person to testify. Porsboll's testimony that she did,
21 in fact, receive child support payments during the relevant period is essential to
22
23
24

25
26 ⁵ Because Mr. Vaile did not anticipate having to use vacation time for the January 22,
27 2013 hearing because of the Court's previous concession, Mr. Vaile depleted his
28 vacation time during the holidays with family.

⁶ As noted in previous filings, the Vailes have five young children, two of whom have special needs. In order to manage the needs of the family without the help of Mr. Vaile requires careful planning and help from extended family.

1 Mr. Vaile's proof and clearly demonstrates why Mr. Vaile should not be held in
2 contempt for non-payment.

3
4 Respectfully submitted this 19th day of January, 2013.

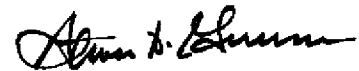
5 /s/ R.S. Vaile
6 Robert Scotlund Vaile
7 2201 McDowell Avenue
8 Manhattan, KS 66502
9 (707) 633-4550
10 *Plaintiff in Proper Person*
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Marshal S. Willick, Esq.
Willick Law Group
3591 E. Bonanza Road, Suite 200
Las Vegas, NV 89110-2101
Attorney for Defendant

Respectfully submitted this 19th day of January, 2013.

- 5 -



CLERK OF THE COURT

BNCH
WILICK LAW GROUP
MARSHAL S. WILICK, 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
DEPT. NO: I

DATE OF HEARING: 1/22/13
TIME OF HEARING: 1:30 p.m.

BENCH WARRANT

THE STATE OF NEVADA,

TO: Any Sheriff, Constable, Marshal, Policeman, or Peace Officer in this State:

IT APPEARS to the Court that ROBERT SCOTLUND VAILE, has failed and refused to, appear at a properly noticed hearing on an *Order to Show Cause* and to participate in the Evidentiary Hearing set for the above time. As a result ROBERT SCOTLUND VAILE has been found in contempt of this Court and its proceedings. Due to the Plaintiff's contemptuous actions; ROBERT SCOTLUND VAILE's willful disregard for this Court's *Order* to appear, the Court has found that ROBERT SCOTLUND VAILE is in Contempt of Court and a warrant is issued forthwith;

NOW, THEREFORE, YOU ARE COMMANDED that you are to arrest and place into custody the said person of ROBERT SCOTLUND VAILE, and bring the said person of ROBERT

1 SCOTLUND VAILE before the Court, or, if the Court has adjourned, to deliver said person into the
2 custody of the Sheriff of Clark County.

3 **YOU ARE FURTHER COMMANDED** that ROBERT SCOTLUND VAILE is to be held
4 in custody without bail.

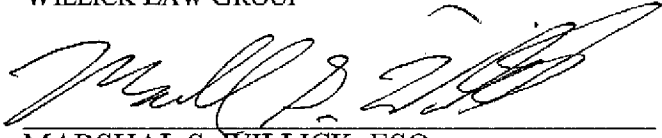
5 **YOU ARE FURTHER COMMANDED** that in the event that ROBERT SCOTLUND
6 VAILE has served 275 days in the Clark County Detention Center, he shall be produced
7 before this Court for further proceedings. Warrant may be served on any day and at any time of day
8 and in any place where he may be found.

9 **GIVEN** under my hand this 22nd day of January, 2013.

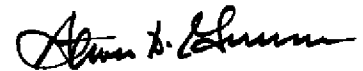
10
11 
12 DISTRICT COURT JUDGE

13 Submitted by:

14 WILICK LAW GROUP

15 
16 MARSHAL S. WILICK, ESQ.
17 Nevada Bar No. 002515
18 3591 East Bonanza Road, Suite 200
19 Las Vegas, Nevada 89110-2198
20 Attorneys for Defendant

21 P:\wp13\VAILE\00018244.WPD
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CLERK OF THE COURT

MEMO
WILICK LAW GROUP
MARSHAL S. WILICK, ESQ.
Nevada Bar No. 002515
3591 E. Bonanza Road, Suite 200
Las Vegas, NV 89110-2101
Phone (702) 438-4100; Fax (702) 438-5311
email@willicklawgroup.com
Attorneys for Defendant

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

ROBERT SCOTLUND VAILE,

Plaintiff,

vs.

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

Defendant.

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

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

MEMORANDUM OF FEES AND COSTS

As directed by the Court in the hearing held January 22, 2013, the WILICK LAW GROUP is to provide this *Memorandum of Fees and Costs* in the above referenced case is provided to the Court indicating fees and costs expended from July 10, 2012, to January 22, 2013.

1. The Defendant's billing records in the above referenced case from July 10, 2012 to present:

a. Time entries for staff on this case: Attached as Exhibit A.

Paralegal time:	.30	hr.	@	\$150.00	\$45.00
Paralegal time:	58.50	hr.	@	\$175.00	\$10,237.50
Law Clerk time:	46.70	hr.	@	\$250.00	\$11,675.00
Attorney time:	.2	hr.	@	\$325.00	\$65.00
Attorney time:	7.40	hr.	@	\$550.00	\$4,070.00

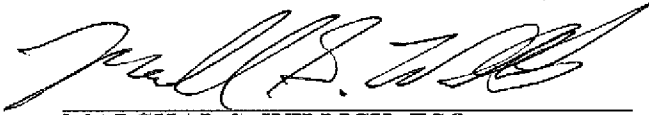
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Total Professional Services:	\$26,092.50
Filing Fees and Messenger Services:	\$101.25
4% Cost Charge	\$1,043.70

2.	Fees and costs total:	\$27,237.45
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DATED this 3/5th day of January, 2013.

WILLICK LAW GROUP

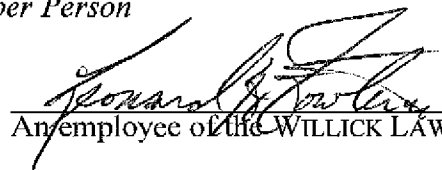


MARSHAL S. WILLICK, ESQ.
Nevada Bar No. 002515
3591 E. Bonanza Road, Suite 200
Las Vegas, NV 89110-2101
Phone (702) 438-4100; Fax (702) 438-5311
email@willicklawgroup.com
Attorneys for Defendant

CERTIFICATE OF SERVICE

I hereby certify that the Defendant's *Memorandum of Fees and Costs*, was duly served on the 31st day of January, 2013, pursuant to NRCP 5(b), via Email, and by depositing a true and correct copy in the United States Mail, first class mail, postage prepaid, addressed as follows:

Mr. Robert Scotlund Vaile
2201 McDowell Avenue
Manhattan, KS 66502
scotlund@vaile.info
legal@infosec.privacyport.com
Plaintiff In Proper Person


An employee of the WILICK LAW GROUP

P:\wp13\VAILE\00018998.WPD\LF

Leonard Fowler

From: Leonard Fowler
Sent: Thursday, January 31, 2013 3:25 PM
To: Robert Scotlund Vaile (scotlund@vaile.info); Robert Scotlund Vaile (legal@infosec.privacyport.com)
Subject: Memorandum of Fees and Costs
Attachments: Memorandum of Fees and Costs 1-31-13 (00019039).PDF

EXHIBIT A

Willick Law Group
3591 E. Bonanza Rd., Suite 200
Las Vegas, Nevada 89110-2101
Web page: www.willicklawgroup.com
Billing Q&A faith@willicklawgroup.com

January 29, 2013

Ms. Cisilie Anne Vaile Porsboll
Email: [REDACTED]

File Number: 00-050.POST

RE: Vaile v. Vaile, Robert

Statement of Account for Services Rendered Through January 22, 2013

Previous Balance Due \$642,624.35

Professional Services

<u>Emp</u>	<u>Description</u>	<u>Hours</u>	<u>Amount</u>
Friday, June 1, 2012			
RLC	Complete review of financial calculations and modify order and hearing outline.	[REDACTED]	
LF	Order copy of billing and redacting.	[REDACTED]	
LF	Hearing preps, revising tables and recalculations.	[REDACTED]	
Saturday, June 2, 2012			
MSW	Prep. for Monday hearing.	[REDACTED]	
Monday, June 4, 2012			
RLC	Review of document [REDACTED]	[REDACTED]	
RLC	Sent email to client [REDACTED]		
RLC	Hearing prep for today's hearing.		
RLC	Attend hearing.		
LF	Hearing preps, assembling document and pleading for hearing.		
LF	Received child support charts from Scotlund.		
LF	Drafted and assembled supplement for filing.		
LF	Filed and transmitted supplement to court and opposing party.		
LF	Reviewed chart provided by Scotlund, [REDACTED]		
LF	Attended hearing.	[REDACTED]	
MSW	Review and Revise proposed order; prepare for and attend hearing in Dept. I.	[REDACTED]	
Tuesday, June 5, 2012			
LF	Requested hearing video.	[REDACTED]	
LF	File maintenance and organization.		
LF	Reviewing scotlund's filing with supreme court.		

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 January 29, 2013
 Ms. Cisilie Anne Vaile Porsboll
 Vaile v. Vaile, Robert

<u>Emp</u>	<u>Description</u>	<u>Hours</u>	<u>Amount</u>
Wednesday, June 6, 2012			
RLC	Review of docs from client and prepare supplemental Exhibit to Court.		
LF	Filed Supplemental with court.		
LF	Received filed copy of Supplement, emailed copy to Scotlund.		
Friday, June 8, 2012			
RLC	Reviewed document		
Monday, June 18, 2012			
LF	Reviewed		
LF	Reviewed emails		
Tuesday, June 19, 2012			
RLC	Forward of pleading and email		
LF	Reviewed emails		
Wednesday, June 20, 2012			
LF	Drafting table of case history		
Monday, June 25, 2012			
RLC	Draft		
LF	Reviewed hearing video for 5/9/12 and 6/4/12 hearings		
LF	Received and filed		
Tuesday, June 26, 2012			
LF	Received filed Responsive Brief and Emailed and mailed to Scot.		
LF	Drafted and Filed Certificate of Service of Brief.		
LF	Discussion with staff and attorney.		
Wednesday, June 27, 2012			
LF	Received notarized Affidavit		
Friday, June 29, 2012			
LF	Downloaded file and assembled, developed pleading index		
Monday, July 16, 2012			
RLC	Review of Order and meeting with MSW.	1.00	250.00
RLC	Draft letter to Vaile.	0.30	75.00
LF	Discussion with staff and attorney.	0.30	52.50
LF	Reviewing court decision and order.	0.40	70.00
LF	Drafted and fax cover sheet to District Attorneys Office with a copy of the court's decision and order.	0.30	52.50
LF	Emailed copy of decision to client.	0.10	17.50
LF	Fax order to District Attorney.	0.20	35.00

<u>Emp</u>	<u>Description</u>	<u>Hours</u>	<u>Amount</u>
LF	Calendaring events and hearings.	0.30	52.50
Tuesday, July 17, 2012			
LF	Emailed demand letter for payment of support and attorney fees.	0.10	17.50
LF	Transmitted Demand letter by mail, and reviewed filing by Scot.	0.20	35.00
Wednesday, July 18, 2012			
LF	Drafting Memorandum of Fees and Costs which is due by Aug. 10, 2012.	2.00	350.00
Friday, July 20, 2012			
LF	Received hard copy of Decision and Order from court.	0.10	17.50
LF	Received hard copy of Notice of Entry of Decision and Order from court.	0.10	17.50
LF	Received Notice of filing in Supreme Court of WRIT by Scot, however no copy of the WRIT was available.	0.30	52.50
LF	Discussion with attorney and staff.	0.30	52.50
Monday, July 23, 2012			
LF	Received Supreme Court Order Denying WRIT.	0.20	35.00
LF	Reviewing file [REDACTED]	2.00	350.00
Tuesday, July 24, 2012			
LF	Received and reviewing Emergency Petition for WRIT.	1.40	245.00
Wednesday, July 25, 2012			
RLC	Draft letter to Scotlund.	0.60	150.00
RLC	Calculate contempt sanctions.	0.50	125.00
RLC	Phone call with DA's Office.	0.30	75.00
LF	Discussion with staff hearing preps.	0.20	35.00
Thursday, July 26, 2012			
LF	Transmitted 5.11 letter by US Mail and email.	0.20	35.00
LF	Discussion of case with staff.	0.40	70.00
LF	File maintenance and organization. NO CHARGE	1.40	N/C
Monday, July 30, 2012			
LF	Reviewing billing for Memorandum of fees and costs.	3.00	525.00
LF	Drafting Memorandum of fees and costs.	1.00	175.00
Tuesday, July 31, 2012			
LF	Drafting memo of fees and costs passed to staff for review.	1.30	227.50
Wednesday, August 1, 2012			
LF	Finalized memo of fees and costs passed to attorney.	1.00	175.00
LF	Received and reviewing District Attorney's letter and calculation	1.30	227.50

<u>Emp</u>	<u>Description</u>	<u>Hours</u>	<u>Amount</u>
	report.		
Thursday, August 2, 2012			
LF	Emailed client for income information that was to be provided as of July.	0.20	35.00
LF	Discussion with staff.	0.20	35.00
Friday, August 3, 2012			
LF	Received notice of appeal hard copy - Scot	0.10	17.50
LF	Emailed client copy of notice of appeal.	0.10	17.50
LF	Reviewing DA calculations.	1.00	175.00
LF	Reviewing Notice of Appeal.	0.40	70.00
Monday, August 6, 2012			
RLC	Draft Order.	0.50	125.00
RLC	Review emails.	0.50	125.00
RLC			
RLC	Re-review of Decision and check on completion of tasks by us and Vaile.	0.90	225.00
LF	Transmitted proposed Order for 6/4/12 Hearing to court.	0.10	17.50
LF	Downloading and reviewing Scot's last Supreme court filings.	1.20	210.00
Thursday, August 9, 2012			
RLC	Review of Appeal and Order for penalties.	1.30	325.00
Friday, August 10, 2012			
LF			
Monday, August 13, 2012			
LF			
Wednesday, August 15, 2012			
LF	Received and reviewing various filings by Scot in the Supreme Court.	1.00	175.00
RLC	Review of docs received from Vaile. [REDACTED]	1.20	300.00
Thursday, August 16, 2012			
LF			
LF			
LF			
LF			
RLC	Review of orders [REDACTED]	1.40	350.00

<u>Emp</u>	<u>Description</u>	<u>Hours</u>	<u>Amount</u>
Friday, August 17, 2012			
LF	[REDACTED]		
LF	[REDACTED]		
RLC	Draft Opposition to Motion to Proceed in Forma pauperis and Opposition to Supreme Court filing requesting deferrment of Cost Bond.	4.50	1,125.00
Monday, August 20, 2012			
LF	Receive hard copy of remittitur from Supreme Court.	0.10	17.50
Thursday, August 23, 2012			
LF	Proofreading oppositions and filed with district court and supreme court.	1.10	192.50
LF	Drafted motion fee information sheet and filed with court.	0.20	35.00
LF	Transmitted Oppositions to Scot.	0.20	35.00
LF	[REDACTED]		
Friday, August 24, 2012			
LF	[REDACTED]		
LF	[REDACTED]		
Monday, August 27, 2012			
LF	[REDACTED]		
Tuesday, August 28, 2012			
LF	[REDACTED]		
Wednesday, August 29, 2012			
LF	Reviewed Notice of filing of Amended Notice of Appeal filed with Supreme Court by Scot.	0.20	35.00
LF	Downloaded and reviewed Scot's Supreme Court filings.	0.50	87.50
LF	[REDACTED]		
Thursday, August 30, 2012			
LF	[REDACTED]		
LF	[REDACTED]		
Friday, August 31, 2012			
LF	File maintenance and organization. NO CHARGE	4.00	N/C
Monday, September 3, 2012			
LF	[REDACTED]		
	[REDACTED]		

<u>Emp</u>	<u>Description</u>	<u>Hours</u>	<u>Amount</u>
LF	[REDACTED]		
LF	[REDACTED]		
Tuesday, September 4, 2012			
LF	Received case appeal statement and reviewed - filed by Scot.	0.70	122.50
LF	Received Motion for Stay and letter send to Supreme Court by Scot.	0.60	105.00
LF	Discussed need for a reply with law clerk.	0.20	35.00
LF	[REDACTED]		
Wednesday, September 5, 2012			
LF	[REDACTED]		
LF	Drafting Opposition to Motion for Stay - SC 61415.	3.20	560.00
LF	Received Notice of Appeal SC 61626.	0.20	35.00
LF	Drafting opposition and passed to law clerk for review.	1.20	210.00
Thursday, September 6, 2012			
RLC	Complete draft of Opposition to Emergency Motion to Stay.	3.60	900.00
LF	Drafting opposition to Emergency Motion for Stay - SC 61415.	1.10	192.50
Friday, September 7, 2012			
LF	Received notice to pay supreme court filing fee and to file case appeal statement directed to Scot.	0.30	52.50
Monday, September 10, 2012			
MSW	Review and Revise Opposition to most recent motion for stay on appeal.	0.90	495.00
LF	[REDACTED]		
Tuesday, September 11, 2012			
LF	Proofread opposition and filed with SC Case 61415.	0.50	87.50
LF	Drafted Notice of Entry of Order for Fees and Cost.	0.20	35.00
LF	Transmitted opposition and Notice of Entry to Scot.	0.20	35.00
RLC	Review of Opposition.	0.50	125.00
RLC	Phone call with Dept I on In Forma Pauperis Order.	0.10	25.00
Wednesday, September 12, 2012			
LF	Received and downloaded Scot's filing in SC 61415 - Motion to Consolidate.	0.10	17.50
LF	Received and downloaded Scot's filing in SC 61626 - Motion to Consolidate.	0.10	17.50
LF	Reviewing Scot's filing and drafting Opposition to Motion to Consolidate.	2.10	367.50

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 January 29, 2013
 Ms. Cisilie Anne Vaile Porsboll
 Vaile v. Vaile, Robert

<u>Emp</u>	<u>Description</u>	<u>Hours</u>	<u>Amount</u>
Friday, September 14, 2012			
RLC	Review of Motion to Consolidate.	0.40	100.00
RLC	Phone call to Dept I on Status of In Forma Pauperis Order.	0.10	25.00
Tuesday, September 18, 2012			
RLC	Phone call to Court Staff on status of Order on In Forma Pauperis.	0.10	25.00
LF	Discussion of case with Staff, on the need to responded to latest filing by Scotlund in Supreme Court.	0.20	35.00
Wednesday, September 19, 2012			
RLC	Completed draft of Order Denying In Forma Pauperis.	0.40	100.00
RLC	Review and edit Supplement to Opposition filed in the Supreme Court.	0.30	75.00
LF			
LF	Received and reviewed Minute Order from court.	0.20	35.00
LF	Transmitted Order to court for Judge's signature.	0.10	17.50
LF	Drafted Supplement to Opposition in Supreme Court Case 61415.	0.50	87.50
LF			
Thursday, September 20, 2012			
RLC			
LF			
Monday, September 24, 2012			
LF			
Tuesday, September 25, 2012			
LF	Reviewing filings by Scotlund in supreme court.	1.00	175.00
RLC			
Wednesday, September 26, 2012			
LF	Received several notifications of filing by Scot in the supreme court.	0.20	35.00
Thursday, September 27, 2012			
LF	Received Scot's Motion filing in case SC 61415.	0.10	17.50
Monday, October 1, 2012			
LF	Received and reviewed filing by Scott in SC 61415.	0.30	52.50
Tuesday, October 2, 2012			
LF			
LF	Ran recalculations table with inputs of Cisilie's income and the order setting Scott's income for July.	0.60	105.00
LF	Transmitted Cisilie's income information and copy of last order	0.20	35.00

<u>Emp</u>	<u>Description</u>	<u>Hours</u>	<u>Amount</u>
	to Scott.		
LF	Drafted and filed Notice of Entry of Order for 9/18/12.	0.30	52.50
RLC	[REDACTED]		
	[REDACTED]		
Friday, October 5, 2012			
LF	[REDACTED]		
	[REDACTED]		
Wednesday, October 10, 2012			
RLC	[REDACTED]		
RLC	[REDACTED]		
RLC	[REDACTED]		
Monday, October 15, 2012			
LF	Received and reviewed documents from client, [REDACTED]	0.20	35.00
	[REDACTED]		
RLC	Review email [REDACTED]	0.30	75.00
Tuesday, October 16, 2012			
LF	Received copy of the California filing by Scot. Discuss the document with the law clerk.	0.20	35.00
RLC	Phone call [REDACTED]	0.30	75.00
	[REDACTED]		
	[REDACTED]		
Wednesday, October 17, 2012			
LF	Drafted Motion/Opposition Fee Information Sheet.	0.10	17.50
LF	Proofread and filed motion for reconsideration of minute order.	0.40	70.00
LF	Drafted certificate of mailing and transmitted motion and certificate of mailing to opposing party.	0.20	35.00
LF	File motion and certificate of mailing with court.	0.10	17.50
RLC	Complete Motion for Reconsideration of minute order of October 11, 2012.	3.40	850.00
Thursday, October 18, 2012			
LF	Drafting Order Shortening Time for Motion to Reconsider.	0.10	17.50
LF	Drafting Ex Parte Application for Order shortening Time for Motion to Reconsider.	1.00	175.00
RLC	[REDACTED]		
Friday, October 19, 2012			
LF	Received filed motion for reconsideration.	0.10	17.50
LF	Reviewed and transmitted Ex Parte Application for Order Shortening Time and Order Shortening Time to court.	0.20	35.00

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 January 29, 2013
 Ms. Cisilie Anne Vaile Porsboll
 Vaile v. Vaile, Robert

<u>Emp</u>	<u>Description</u>	<u>Hours</u>	<u>Amount</u>
Monday, October 22, 2012			
RLC	Review SC Orders.	0.30	75.00
LF	Received call from supreme court that orders regarding Case no.s 61415 and 61626 had been issued.	0.20	35.00
LF	Downloaded orders and reviewed.	0.40	70.00
LF	Discussion with staff and attorney on supreme court orders.	0.20	35.00
LF	Calendaring event dates as indicated by supreme court orders.	0.20	35.00
Tuesday, October 23, 2012			
LF	Downloading filing in Supreme Court.	0.40	70.00
LF	Reviewing Scot's filing in Supreme court.	0.40	70.00
Wednesday, October 24, 2012			
LF	Received and reviewed Scot's Opposition to Motion for Reconsideration.	0.30	52.50
LF	Drafting reply to opposition. NO CHARGE	0.60	N/C
LF	Discussion with attorney [REDACTED]	0.20	35.00
Monday, October 29, 2012			
RLC	Review of Opposition. [REDACTED]	0.50	125.00
Tuesday, October 30, 2012			
RLC	Phone calls to DA [REDACTED]	0.60	150.00
Thursday, November 1, 2012			
LF	Received court minutes from court, and calendar events.	0.20	35.00
Thursday, November 8, 2012			
LF	Received notification of filing of Record on Appeal.	0.10	17.50
Friday, November 9, 2012			
LF	Download Record on Appeal filed with the Supreme Court by District Court Clerk, printed Volume 1 of 24.	0.60	105.00
LF	Downloading Record on Appeal filed with Supreme Court volumes 2 thru 24.	1.60	280.00
Tuesday, November 13, 2012			
LF	[REDACTED]		
LF	[REDACTED]		
Wednesday, November 14, 2012			
LF	File research in support of support of Evidentiary Hearing.	0.60	105.00
LF	File research in support of evidentiary hearing.	0.60	105.00
RLC	Complete first draft of Evidentiary examination for contempt.	4.00	1,000.00

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 January 29, 2013
 Ms. Cisilie Anne Vaile Porsboll
 Vaile v. Vaile, Robert

<u>Emp</u>	<u>Description</u>	<u>Hours</u>	<u>Amount</u>
Thursday, November 15, 2012			
LF	[REDACTED]		
LF	[REDACTED]		
Friday, November 16, 2012			
LF	Reviewed outline for Evidentiary Hearing and supporting documents.	0.60	105.00
RLC	Draft Supplement to Motion for Order to Show Cause.	0.60	150.00
Monday, November 19, 2012			
RLC	Complete modification and edit of Examination Outline for Evidentiary hearing.	0.20	50.00
RLC	Complete draft of Second Supplement to Motion for Order to Show Cause.	0.50	125.00
LF	Downloaded and reviewed transcripts.	1.50	262.50
LF	File maintenance and organization. NO CHARGE	2.50	N/C
Tuesday, November 20, 2012			
RLC	Review documents received [REDACTED]	1.00	250.00
Wednesday, November 21, 2012			
RLC	Make modifications to Supplement.	1.50	375.00
LF	Reviewed copy of California Order, [REDACTED]	0.50	87.50
Thursday, November 22, 2012			
MSW	Review and Revise Second Supplementn to Clarification of OSC.	0.90	495.00
Monday, November 26, 2012			
MES	Discuss filing 2nd supplement with Rick.	0.10	15.00
MES	Copy, scan, and mail 2nd supplement.	0.10	15.00
MES	Prepare and efile 2nd supplement.	0.10	15.00
Wednesday, November 28, 2012			
RLC	Modify Examination outline and Exhibits for Evidentiary hearing.	1.40	350.00
Friday, November 30, 2012			
RLC	[REDACTED]		
Monday, December 3, 2012			
LF	[REDACTED]		

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 January 29, 2013
 Ms. Cisilie Anne Vaile Porsboll
 Vaile v. Vaile, Robert

<u>Emp</u>	<u>Description</u>	<u>Hours</u>	<u>Amount</u>
Friday, December 7, 2012			
	Reviewing filing with supreme court.	0.30	0.00
Thursday, December 13, 2012			
LF	Received and reviewed opening brief filed by Scot, called Supreme Court to verify that we did not need respond to this document until directed by court.	0.60	105.00
Monday, December 17, 2012			
LF	Downloading recent filings and calendaring event, updating address information.	0.50	87.50
LF	Reviewing recent filing by Scot in the Supreme Court and district court.	0.40	70.00
LF	Reviewed hearing transcript which just showed up in record of the district court.	0.60	105.00
Tuesday, December 18, 2012			
LF	[REDACTED]		
Thursday, December 20, 2012			
LF	Discussion of case with staff.	0.30	52.50
Wednesday, December 26, 2012			
RLC	Complete draft of Opposition to Motion to Stay in SC.	3.50	875.00
LF	Discussion with staff - Law Clerk on drafting of opposition to request for stay in the Supreme Court.	0.20	35.00
LF	Discussion with staff - Law Clerk - [REDACTED]	0.20	35.00
Thursday, December 27, 2012			
LF	Checking status of case with courts.	0.30	52.50
Wednesday, January 2, 2013			
MSW	Review and Revise Opposition to "renewed Emergency Motion for Stay".	1.40	770.00
Thursday, January 3, 2013			
LF	[REDACTED]		
Friday, January 4, 2013			
RLC	[REDACTED]		
LF	[REDACTED]		

<u>Emp</u>	<u>Description</u>	<u>Hours</u>	<u>Amount</u>
Monday, January 7, 2013			
RLC	Review of Evidentiary materials. Prepare to update.	0.80	200.00
LF			
LF	Received and reviewed filing by Scotlund in Supreme Court.	0.60	105.00
Tuesday, January 8, 2013			
RLC	Complete update of Examination outline.	1.80	450.00
LF	Reviewing Reply filed by Scotlund in Supreme Court.	0.70	122.50
Thursday, January 10, 2013			
LF			
LF			
Monday, January 14, 2013			
LF	Reviewing status of all open cases.	0.70	122.50
Wednesday, January 16, 2013			
TMC	Review and Revise Objection to Notice of Intent to Appear by Telephone.	0.20	65.00
RLC	Draft Objection to Scot's Notice to Appear Telephonically.	1.30	325.00
RLC	Draft cover letter to Judge Moss.	0.30	75.00
RLC	Review of Supreme Court denial of Scot's Motion for Stay.	0.10	25.00
LF	Received Notice of Appearance by Phone.	0.10	17.50
LF	Discussion with staff.	0.10	17.50
LF	Drafted objection to appearance by phone.	0.40	70.00
LF	Proofread cover letter to Court and Objection and transmitted to court and opposing party.	0.30	52.50
LF	Filed Objection with Court.	0.20	35.00
LF	Transmitted documents to Scot.	0.20	35.00
LF	Received Order in SC 6145 Denying Stay.	0.20	35.00
LF	Discussion of order with staff pass copy to attorney.	0.20	35.00
LF	Telephone conversation with Dept. I's clerk.	0.10	17.50
LF	Received and reviewed Minute Order denying appearance by telephone.	0.30	52.50
LF	Forwarded a copy of the court's minute order to Scot denying his appearance by telephone.	0.20	35.00
Thursday, January 17, 2013			
MSW	HEARING PREP. AND OUTLINE REVIEW FOR CONTEMPT HEARING.	0.60	330.00
Friday, January 18, 2013			
LF	Preparing exhibits for hearing.	0.50	87.50
LF			
LF	Hearing Preps - copying exhibits.	0.50	87.50
LF	Discussion with staff on recent filing by Scotlund.	0.30	52.50
LF	Telephone conversation with court on email addresses for	0.20	35.00

<u>Emp</u>	<u>Description</u>	<u>Hours</u>	<u>Amount</u>
Scotlund.			
Monday, January 21, 2013			
RLC	Review of Scot's Request and email with MSW.	0.50	125.00
Tuesday, January 22, 2013			
MSW	Prepare for and attend hearing in Dept. I.	3.60	1,980.00
RLC	Complete Hearing prep.	1.00	250.00
RLC	Meeting with MSW prior to hearing.	1.20	300.00
RLC	Attend hearing.	2.30	575.00
LF	Hearing Preps - Assembling Exhibit Books and proposed orders.	1.20	210.00

Summary of Services

LF	Leonard Fowler III	58.5 hr @ 175.00	\$ 10,237.50
LF	Leonard Fowler III	8.5 hr @ 0.00	N/C
MES	Mary Steele	0.30 hr @ 150.00	\$ 45.00
MSW	Marshal S. Willick	7.4 hr @ 550.00	\$ 4,070.00
RLC	Rick L. Crane	46.7 hr @ 250.00	\$ 11,675.00
TMC	Trevor M. Creel	0.20 hr @ 325.00	\$ 65.00
	Unspecified atty	0.30 hr @ 0.00	N/C

Total Professional Services	\$ 26,092.50
4% Cost charge	1,043.70
Total Including Costs Charge	\$ 27,136.20

Costs and Disbursements

<u>Date</u>	<u>Description</u>	<u>Amount</u>
06/06/12	Efiling of document. Supplemental exhibit	3.50
06/25/12	Efiling of document. Defendant's responsive brief	3.50
08/01/12	Efiling of document. Memo of Fees & Costs	3.50
08/07/12	Runners on a Dime (legal delivery): Delivery to Dept. I	5.00
08/09/12	Runners on a Dime (legal delivery): Order to Dept. I	5.00
08/17/12	Efiling of document. Order for Fees & Costs	3.50
08/17/12	Efiling of document. Order on C/S penalties	3.50
08/23/12	Efiling of document. (\$3.50 to efile; \$25.75 for motion fee) Opposition	29.25
08/23/12	Runners on a Dime (legal delivery): court run	5.00
09/11/12	Runners on a Dime (legal delivery): court run	5.00
09/11/12	Efiling of document. Memo of Fees	3.50
09/18/12	Runners on a Dime (legal delivery): court run	5.00
10/02/12	Efiling of document. Order	3.50
10/03/12	Efiling of document. NEOJ	3.50
10/17/12	Efiling of document. Cert of Mailing	3.50

Page fourteen
 January 29, 2013
 Ms. Cisilie Anne Vaile Porsboll
 Vaile v. Vaile, Robert

<u>Date</u>	<u>Description</u>	<u>Amount</u>
10/17/12	Efiling of document. Motion for reconsideration	3.50
10/22/12	Runners on a Dime (legal delivery): court run	5.00
11/26/12	Efiling of document. 2nd Supp re Motion for OSC	3.50
01/16/13	Efiling of document. Objection	3.50
	Total Costs and Disbursements	<u>\$ 101.25</u>

Interest Charge

TOTAL NEW CHARGES	<u>\$ 27,237.45</u>
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PAYMENTS AND CREDITS

08/24/12	Applied from Retainer to fee charges	-3,674.23
08/24/12	Applied from Retainer to cost charges	-43.50
09/14/12	\$150 Check from Scotlund; 40% to WLG toward fees	-60.00
	Total Payments and Credits	<u>\$ -3,777.73</u>

SUMMARY OF ACCOUNT

Balance Forward	\$642,624.35
Total New Charges	283,190.19
Payments and Credits	<u>-3,777.73</u>
TOTAL BALANCE DUE *** Plus Retainer Due Below ***	<u>\$677,814.37</u>

Retainer Account

Retainer Balance Forward	\$ 0.00	
08/24/12	Garnishment of Scotlund by DA 40%; client received 60%	3,717.73
08/24/12	Applied from Retainer to fee charges	-3,674.23
08/24/12	Applied from Retainer to cost charges	-43.50
01/17/13	Garnishment of Scotlund (\$1,324.68) by DA 40%; client portion 60%	519.87
New Retainer Account Balance	\$ 519.87	

PREBILL FOR FILE 00-050.POST PREPARED 01/29/13 FOR ACTIVITY FROM 06/01/12 THROUGH 01/22/13

Ms. Cisilie Anne Vaile Porsboll
Email: cisilie.porsboll@gmail.com

RE: Vaile v. Vaile, Robert

Home Telephone: (011) 472-2617 153
Business Telephone: (011) 472-2579 350

ORIGINATING ATTY: MSW

Hourly Rate using Rate Schedule 17. Statement Format 1
Retainer Funds will be applied against all charges

File Opened 08/07/00. Last Billed 01/25/13 for Activity through 01/25/13
Last Payment: 01/25/13 - \$519.87

Previous Balance Due \$686,443.00

Unpaid Balance Forward \$686,443.00

TOTAL NEW CHARGES \$ 0.00

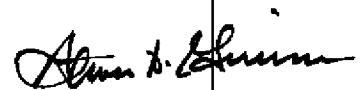
SUMMARY OF ACCOUNT

Balance Forward	\$686,443.00
Total New Charges	0.00
Payments and Credits	<u>0.00</u>

TOTAL BALANCE DUE *** Plus Retainer Due Below *** \$686,443.00

Aged Balance	Current	Over 30	Over 60	Over 90	Total
Fees	9145.00	1030.00	4260.00	437121.80	451556.80
Costs	3.50	0.00	0.00	0.00	3.50
4% Costs	0.00	0.00	0.00	1816.76	1816.76
Interest	<u>0.00</u>	<u>0.00</u>	<u>0.00</u>	<u>233065.94</u>	<u>233065.94</u>
TOTAL	9148.50	1030.00	4260.00	672004.50	686443.00

Total Hours to Date	2,313.75
Total Fees Case to Date	\$512,803.50
Total Costs Case to Date	\$ 10,061.47
Total 4% Costs to Date	\$ 3,635.88
Total Interest Case to Date	\$233,639.61
Total Payments Case to Date	\$ 72,580.46
Total Credits Case to Date	\$ 1,117.00



CLERK OF THE COURT

NOTC

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

**IN THE EIGHTH JUDICIAL DISTRICT COURT OF THE
STATE OF NEVADA IN AND FOR
THE COUNTY OF CLARK**

ROBERT SCOTLUND VAILE,
Plaintiff,

vs.

CISILIE A. PORSBOLL,
fka CISILIE A. VAILE,
Defendant.

CASE NO: 98 D230385
DEPT. NO: I

**NOTICE OF KANSAS ORDER
CONFIRMING CALIFORNIA'S
DETERMINATION OF
CONTROLLING CHILD
SUPPORT ORDER**

NOTICE

On February 11, 2013 the Riley County District Court of Kansas entered an order confirming the registration as well as the conclusion of the California determination of controlling child support order, previously provided to this Court. This order is attached as Exhibit 1.

Submitted this 15th day of February, 2013.

/s/ R.S. Vaile
Robert Scotlund Vaile
2201 McDowell Avenue
Manhattan, KS 66502
(707) 633-4550
Plaintiff in Proper Person

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

/s/ R.S. Vaile
Robert Scotlund Vaile
2201 McDowell Avenue
Manhattan, KS 66502
(707) 633-4550

Exhibit 1

FILED

2013 FEB 11 AM 9:13

DISTRICT COURT
RILEY CO., KS.

TWENTY-FIRST JUDICIAL DISTRICT
DISTRICT COURT FOR RILEY COUNTY, KANSAS

CASE NO: 2012-DM-000775

ROBERT S. VAILE,

Plaintiff / Petitioner,

vs.

CISILIE A. PORSBOLL,

Defendant / Respondent.

**ORDER ON
REGISTRATION OF SISTER
STATE CHILD SUPPORT
ORDER WITH
DETERMINATION OF
CONTROLLING ORDER
AND
PERMANENT INJUNCTION**

Judge: Honorable Meryl D. Wilson

Division: II

Hearing Date: 02/11/2013

Hearing Time: 9:00AM

CERTIFIED COPY

The above is a true and correct
copy of the document which is
on file or of record in this Court.
Dated this _____ day of _____

Feb 11 2013
Stacy Penell

Clerk of the District Court of
Riley County, Kansas



INTRODUCTION

This matter was heard by this Court on January 14, 2013 and February 11, 2013 before the Honorable Judge Meryl D. Wilson on ROBERT VAILE's *MOTION FOR REGISTRATION OF SISTER STATE CHILD SUPPORT ORDER WITH DETERMINATION OF CONTROLLING ORDER AND MOTION FOR PERMANENT INJUNCTION*. Petitioner was present at the hearings. Respondent CISILIE A. PORSBOLL was properly served but was not present at the hearings.

Mr. Vaile has requested registration in accordance with the Uniform Interstate Family Support Act (K.S.A. 23-36,601 et. al.) and the Full Faith and Credit of Child Support Orders Act (28 U.S.C. §1738B) of a California child support order file-dated November 1, 2012. The California order contains a determination of controlling child support order finding that a Norwegian child support order with an effective date of April 1, 2002 *is controlling* over a 1998 Nevada decree of divorce containing provisions for child support. The California order also sets forth remaining child support payments due under the Norwegian order. Because the Nevada tribunal has not honored the California order as a sister state judgment and has continued to attempt enforcement of its order by intercepting Mr. Vaile's salary in Kansas, Mr. Vaile has also requested an injunction in support of the California order.

ORDER

Having reviewed the filings and evidence provided by Petitioner, and having received no contest from Respondent under K.S.A. 23-36,606-607, the Court hereby confirms the registration of the California child support order as a valid sister state judgment. Furthermore, having reviewed the California order, the Norwegian orders, and the relevant law, the Court finds that the California court properly determined that the Norwegian child support order is controlling over the Nevada decree in accordance with the Uniform Interstate Family Support Act

1 (UIFSA) (see K.S.A. 23-36,101 to 23-36,903). As such, the California order shall be
2 honored and enforced as if issued originally in Kansas.

3 **A. CHILD SUPPORT FULFILLMENT**

4 The November 1, 2012 California child support order found that Mr. Vaile
5 owed child support under the Norwegian order in the amount of \$3,919.00. On
6 December 21, 2012, Mr. Vaile paid \$1,682.00 in child support leaving a balance of
7 \$2237.00. On January 4, 2013, (prior to implementation of this Court's injunction)
8 Mr. Vaile's employer withheld \$1,324.68 from his salary for child support leaving a
9 balance of \$912.32. On February 8, 2013, Mr. Vaile made his last payment in the
10 amount of \$912.32, and has, therefore, fulfilled his child support obligations under
11 the controlling Norwegian order.
12

13 **B. PERMANENT INJUNCTION**

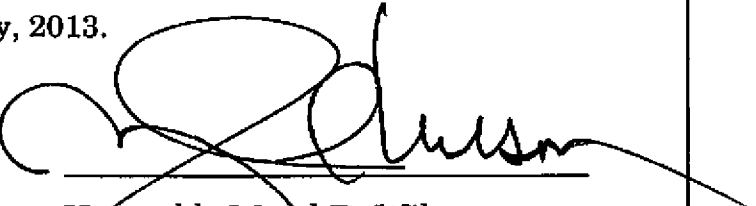
14 The California order recites a number of prohibitions on the enforcement of
15 child support orders contrary to the Norwegian child support order which it found
16 to be controlling. Those prohibitions shall be incorporated into this order, relative
17 to Kansas. While this Court has no jurisdiction to decide matters before the
18 Nevada courts, it is apparent that the Nevada court lost jurisdiction in this matter
19 when the Norwegian order sought by Porsboll in Norway became effective on April
20 1, 2002. As such, orders from the Nevada district court contrary to the California
21 order shall not be enforceable in Kansas.
22

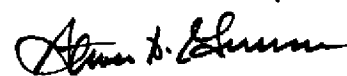
23 **WHEREFORE, IT IS HEREBY ORDERED:**

- 24 1. Petitioner's request to register the November 1, 2012 California child support
25 order with a determination of controlling order is granted;
26 2. The California child support order shall be honored as if issued originally in
27 the State of Kansas;
28 3. Petitioner's request for a permanent injunction is granted; and

1 4. No agency, enforcement officer, or employer in the State of Kansas shall
2 demand or collect child support from Petitioner contrary to this order, or
3 based on child support orders other than the California child support order
4 registered in Riley County pursuant to this order.
5

6 Dated this 11th day of February, 2013.

7
8 
9 _____
10 Honorable Meryl D. Wilson
11 Chief Judge
12 RILEY COUNTY DISTRICT COURT
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CLERK OF THE COURT

DISTRICT COURT
CLARK COUNTY, NEVADA

ROBERT SCOTLUND VAILE,

Plaintiff,

Case No. 98-D-230385

vs.

Dept. No. I

CISILIE A. VAILE nka PORSBOLL,

Defendant.

DECISION AND ORDER ON ATTORNEY'S FEES

On January 22, 2013, Plaintiff Mr. Vaile was defaulted based on his failure to appear at the Evidentiary Hearing. The Court directed counsel for Defendant Ms. Porsboll to submit a Memorandum of Fees and Costs which was filed on January 31, 2013.

After review of Defendant's Memorandum of Fees and Costs, and counsel's Brunzell analysis in their Motion for Order Show Cause filed on February 27, 2012, the Court makes the following findings and orders.

The Nevada Supreme Court in Brunzell v. Golden Gate National Bank, 85 Nev. 345, 349 (1969), discussed factors to be applied in determining attorney's fees and costs.

1 Under Brunzell, when courts determine the appropriate fee to award in civil cases,
2 they must consider various factors, including:
3

- 4 a. the qualities of the advocate,
5 b. the character and difficulty of the work performed,
6 c. the work actually performed by the attorney, and
7 d. the result obtained.

8 “Furthermore, good judgment would dictate that each of these factors be given
9 consideration by the trier of fact and that no one element should predominate or be given
10 undue weight.” (Emphasis by court.)” Brunzell, 85 Nev. at 350, quoting Schwartz v.
11 Schwerin, 336 P.2d 144, 146 (1959).

12 The first factor is the qualities of the advocate. Ms. Porsboll’s attorneys, The
13 Willick Law Group, are experienced domestic relations litigators who have practiced for
14 many years. Ms. Porsboll’s attorneys practice primarily in the area of family law. The
15 attorneys have conducted and litigated several dozen trials in Family Court, including the
16 undersigned Judge’s department.
17

18 The second factor is the character and difficulty of the work performed. The
19 Court finds that the work performed was complex and substantial considering the
20 numerous pleadings filed, the number of hearings held, the lengthy history of the case, the
21 hours spent preparing for hearings and the evidentiary hearing, and the high conflict
22 litigation.
23

24 The third factor is the work actually performed by the attorneys. Here, Ms.
25 Porsboll’s counsel submitted detailed billing statements. The billing breakdown for the
26 Motion for Order Show Cause indicates most of the entries are reasonable. Some entries
27
28

1 were administrative in nature. Therefore, the Court exercised discretion as to the
2 reasonableness of the amounts.
3

4 The fourth factor is the result obtained. The Defendant was the prevailing
5 party based on Plaintiff's failure to appear at the Evidentiary Hearing.

6 **Based on the above and foregoing:**

7 The Court finds that an award of **\$20,000.00** as and for attorney's fees and
8 costs to Defendant Ms. Porsboll is reasonable and appropriate based on this court's
9 review of the detailed billing statements and under a Brunzell analysis.
10

11 IT IS HEREBY ORDERED that Defendant Cisilie A. Porsboll is awarded the
12 sum of **\$20,000.00** as and for attorney's fees and costs.

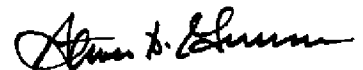
13 SO ORDERED.

14 Dated this 15th day of February, 2013.
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18 **CHERYL B. MOSS**
19 **District Court Judge**
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CHERYL B. MOSS
DISTRICT JUDGE

FAMILY DIVISION, DEPT. I
LAS VEGAS NV 89101



CLERK OF THE COURT

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

ROBERT SCOTLUND VAILE,

Plaintiff,

vs.

Case No. 98-D-230385

Dept. No. "T"

CISILIE A. VAILE,

Defendant

**NOTICE OF ENTRY OF DECISION AND ORDER ON ATTORNEY'S
FEES**

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

TO: **MARSHAL S. WILICK, ESQ.**, Attorney for Defendant

PLEASE TAKE NOTICE that a Decision and Order on Attorney's Fees was entered in the above-entitled matter on the 15th day of February, 2013, a true and correct copy of which is attached hereto.

Dated this 15th day of February, 2013.



AZUCENA ZAVALA

Judicial Executive Assistant to the
Honorable Cheryl B. Moss

CHERYL B. MOSS
DISTRICT JUDGE

FAMILY DIVISION, DEPT. 1
LAS VEGAS NV 89101

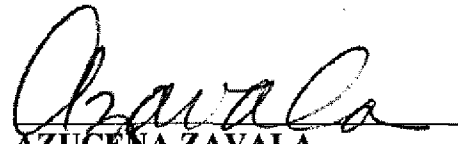
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3 **CERTIFICATE OF SERVICE**

4 I hereby further certify that on this 15th day of February, 2013, I caused to be
5 mailed to Plaintiff/Defendant Pro Se a copy of the **Notice of Entry of Decision and**
6 **Order on Attorney's Fees** at the following address:

7 **ROBERT SCOTLUND VAILE**
8 2201 McDowell Avenue
9 Manhattan, KS 66502
10 Plaintiff In Proper Person

11 I hereby certify that on this 15th day of February, 2013, I caused to be
12 delivered to the Clerk's Office a copy of the **Notice of Entry of Decision and Order**
13 **on Attorney's Fees** which was placed in the folders to the following attorneys:

14 **MARSHAL S. WILICK, ESQ.**
15 3591 E. Bonanza Rd., Suite 200
16 Las Vegas, Nevada 89101
17 Attorney for Defendant

18
19 
20 **AZUCENA ZAVALA**
21 Judicial Executive Assistant to the
22 Honorable Cheryl B. Moss
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CHERYL B. MOSS
DISTRICT JUDGE

FAMILY DIVISION, DEPT. I
LAS VEGAS NV 89101


CLERK OF THE COURT

DISTRICT COURT
CLARK COUNTY, NEVADA

ROBERT SCOTLUND VAILE,

Plaintiff,

vs.

CISILIE A. VAILE nka PORSBOLL,
Defendant.

Case No. 98-D-230385

Dept. No. I

DECISION AND ORDER ON ATTORNEY'S FEES

On January 22, 2013, Plaintiff Mr. Vaile was defaulted based on his failure to appear at the Evidentiary Hearing. The Court directed counsel for Defendant Ms. Porsboll to submit a Memorandum of Fees and Costs which was filed on January 31, 2013.

After review of Defendant's Memorandum of Fees and Costs, and counsel's Brunzell analysis in their Motion for Order Show Cause filed on February 27, 2012, the Court makes the following findings and orders.

The Nevada Supreme Court in Brunzell v. Golden Gate National Bank, 85 Nev. 345, 349 (1969), discussed factors to be applied in determining attorney's fees and costs.

CHERYL B. MOSS
DISTRICT JUDGE

FAMILY DIVISION, DEPT. I
LAS VEGAS NV 89101

1 Under Brunzell, when courts determine the appropriate fee to award in civil cases,
2 they must consider various factors, including:

- 3
4 a. the qualities of the advocate,
5 b. the character and difficulty of the work performed,
6 c. the work actually performed by the attorney, and
7 d. the result obtained.

8 "Furthermore, good judgment would dictate that each of these factors be given
9 consideration by the trier of fact and that no one element should predominate or be given
10 undue weight.' (Emphasis by court.)" Brunzell, 85 Nev. at 350, quoting Schwartz v.
11 Schwerin, 336 P.2d 144, 146 (1959).

12 The first factor is the qualities of the advocate. Ms. Porsboll's attorneys, The
13 Willick Law Group, are experienced domestic relations litigators who have practiced for
14 many years. Ms. Porsboll's attorneys practice primarily in the area of family law. The
15 attorneys have conducted and litigated several dozen trials in Family Court, including the
16 undersigned Judge's department.

17 The second factor is the character and difficulty of the work performed. The
18 Court finds that the work performed was complex and substantial considering the
19 numerous pleadings filed, the number of hearings held, the lengthy history of the case, the
20 hours spent preparing for hearings and the evidentiary hearing, and the high conflict
21 litigation.

22 The third factor is the work actually performed by the attorneys. Here, Ms.
23 Porsboll's counsel submitted detailed billing statements. The billing breakdown for the
24 Motion for Order Show Cause indicates most of the entries are reasonable. Some entries
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CHERYL B. MOSS
DISTRICT JUDGE

FAMILY DIVISION, DEPT. I
LAS VEGAS NV 89101

1 were administrative in nature. Therefore, the Court exercised discretion as to the
2 reasonableness of the amounts.
3

4 The fourth factor is the result obtained. The Defendant was the prevailing
5 party based on Plaintiff's failure to appear at the Evidentiary Hearing.

6 **Based on the above and foregoing:**

7 The Court finds that an award of \$20,000.00 as and for attorney's fees and
8 costs to Defendant Ms. Porsboll is reasonable and appropriate based on this court's
9 review of the detailed billing statements and under a Brunzell analysis.
10

11 IT IS HEREBY ORDERED that Defendant Cisilie A. Porsboll is awarded the
12 sum of \$20,000.00 as and for attorney's fees and costs.

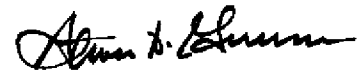
13 SO ORDERED.

14 Dated this 15th day of February, 2013.
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18 CHERYL B. MOSS
19 District Court Judge
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CHERYL B. MOSS
DISTRICT JUDGE

FAMILY DIVISION, DEPT. I
LAS VEGAS NV 89101



CLERK OF THE COURT

ORDER
WILICK LAW GROUP
MARSHAL S. WILICK, 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 WILICK 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; WILICK 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. WILICK LAW GROUP specifically reserved the right to seek additional findings of
9 contempt for July, 2012 forward. (Time Index: 15:45:55)

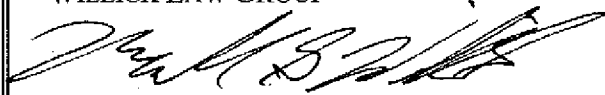
10 20. The Court issued a Bench Warrant for Mr. Robert Scotlund Vaile to serve 275 days
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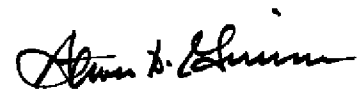
15 DATED this ____ day of FEB 12 2013, 2013.

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17 
18 DISTRICT COURT JUDGE AL

19 Respectfully Submitted By:
20 WILICK LAW GROUP

21 
22 MARSHAL S. WILICK, ESQ.
23 Nevada Bar No. 002515
24 3591 East Bonanza Road, Suite 200
25 Las Vegas, Nevada 89110-2101
26 Attorneys for Defendant
27
28

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CLERK OF THE COURT

NEOJ
WILICK LAW GROUP
MARSHAL S. WILICK, ESQ.
Nevada Bar No. 002515
3591 E. Bonanza Road, Suite 200
Las Vegas, NV 89110-2101
Phone (702) 438-4100; Fax (702) 438-5311
email@wilicklawgroup.com
Attorneys for Defendant

**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.

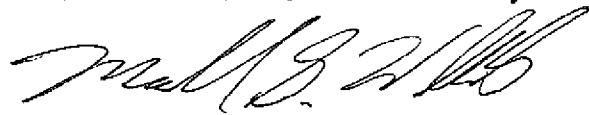
NOTICE OF ENTRY OF ORDER

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

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


Employee of the WILICK LAW GROUP

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


CLERK OF THE COURT

ORDER
WILICK LAW GROUP
MARSHAL S. WILICK, 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 WILICK 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; WILICK 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. WILICK 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. WILICK LAW GROUP shall prepare the *Order* for today's hearing, and prepare a
14 separate *Order* for additional fees and costs.

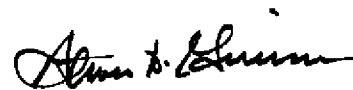
15 DATED this ____ day of FEB 12 2013, 2013.

16
17 
18 DISTRICT COURT JUDGE AL

19 Respectfully Submitted By:
20 WILICK LAW GROUP

21 
22 MARSHAL S. WILICK, 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\00018306.WPD\LF
28



CLERK OF THE COURT

NOAS

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

**IN THE EIGHTH JUDICIAL DISTRICT COURT OF THE
STATE OF NEVADA IN AND FOR
THE COUNTY OF CLARK**

ROBERT SCOTLUND VAILE,
Plaintiff,

vs.

CISILIE A. PORSBOLL,
Defendant.

CASE NO: 98 D230385
DEPT. NO: I

NOTICE OF APPEAL

Notice is hereby given that Plaintiff Robert Scotlund Vaile, Plaintiff in Proper Person, appeals to the Supreme Court of Nevada from the orders rendered by Hon. Cheryl B. Moss titled *Order for Hearing Held January 22, 2013*, electronically filed on February 20, 2013, together with *Notice of Entry of Decision and Order on Attorney's Fees* entered February 15, 2013. A true and correct copy of the orders are attached hereto.

Dated this 12th day of March, 2013.

/s/ R.S. Vaile

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

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

/s/ R.S. Vaile
Robert Scotlund Vaile
2201 McDowell Avenue
Manhattan, KS 66502
(707) 633-4550
Plaintiff in Proper Person

1 **NEOJ**
2 **WILICK LAW GROUP**
3 **MARSHAL S. WILICK, 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@wilicklawgroup.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.

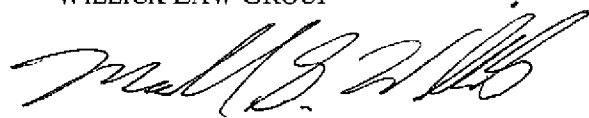
NOTICE OF ENTRY OF ORDER

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



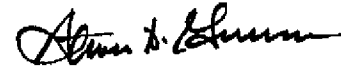
MARSHAL S. WILICK, ESQ.
Nevada Bar No. 002515
3591 East Bonanza Road, Suite 200
Las Vegas, Nevada 89110-2101
Attorneys for Defendant

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


Employee of the WILICK LAW GROUP

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


CLERK OF THE COURT

ORDER
WILICK LAW GROUP
MARSHAL S. WILICK, 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 WILICK 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
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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
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5 18. Cisilie is awarded attorney's fees, yet to be determined; WILICK LAW GROUP is to
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8 19. WILICK LAW GROUP specifically reserved the right to seek additional findings of
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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. WILICK LAW GROUP shall prepare the *Order* for today's hearing, and prepare a
14 separate *Order* for additional fees and costs.

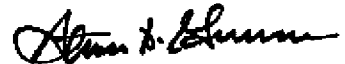
15 DATED this ____ day of FEB 12 2013, 2013.

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17 
18 DISTRICT COURT JUDGE AL

19 Respectfully Submitted By:
20 WILICK LAW GROUP

21 
22 MARSHAL S. WILICK, ESQ.
23 Nevada Bar No. 002515
24 3591 East Bonanza Road, Suite 200
25 Las Vegas, Nevada 89110-2101
26 Attorneys for Defendant

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CLERK OF THE COURT

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

ROBERT SCOTLUND VAILE,

Plaintiff,

vs.

Case No. 98-D-230385

Dept. No. "T"

CISILIE A. VAILE,

Defendant

NOTICE OF ENTRY OF DECISION AND ORDER ON ATTORNEY'S

FEES

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

TO: **MARSHAL S. WILICK, ESQ.**, Attorney for Defendant

PLEASE TAKE NOTICE that a Decision and Order on Attorney's Fees was entered in the above-entitled matter on the 15th day of February, 2013, a true and correct copy of which is attached hereto.

Dated this 15th day of February, 2013.



AZUCENA ZAVALA

Judicial Executive Assistant to the
Honorable Cheryl B. Moss

CHERYL B. MOSS
DISTRICT JUDGE

FAMILY DIVISION, DEPT. I
LAS VEGAS NV 89101

**PLEADING
CONTINUES
IN NEXT
VOLUME**