

1 STATE OF NEVADA  
2 LOCAL GOVERNMENT EMPLOYEE-MANAGEMENT  
3 RELATIONS BOARD  
4

5 DENNIS BAHAM and CONNIE WILLIAMS, )

6 Complainants, )

ITEM NO. 580

7 vs. )

CASE NO. A1-045798

8 LAS VEGAS CITY EMPLOYEES BENEFIT )  
9 AND PROTECTIVE ASSOCIATION aka )  
10 LAS VEGAS CITY EMPLOYEES )  
11 ASSOCIATION, )

**ORDER**

Respondent.

12 For Complainant: Dennis Baham  
13 Connie Williams

14 For Respondent: Bruce K. Snyder, Esq.

15 On April 21, 2004, Complainants DENNIS BAHAM and CONNIE WILLIAMS filed a  
16 complaint with the LOCAL GOVERNMENT EMPLOYEE-MANAGEMENT RELATIONS  
17 BOARD (hereafter "Board").

18 On May 11, 2004, Respondent LAS VEGAS CITY EMPLOYEES BENEFIT AND  
19 PROTECTIVE ASSOCIATION aka LAS VEGAS CITY EMPLOYEES ASSOCIATION filed  
20 an Omnibus Motion to Quash and to Dismiss for Insufficiency of Service of Process.  
21 Complainants filed an opposition on May 24, 2004 and Respondent filed their reply on June 3,  
22 2004.

23 The Board held deliberations on said motion on August 4, 2004, noticed in accordance  
24 with Nevada's Open Meeting Law. Based upon the Board's deliberations,

25 IT IS HEREBY ORDERED that Respondent's Motion pending before the Board is  
26 denied on the grounds that the failure to timely serve a complaint pursuant to NAC 288.080(5),  
27 does not require automatic dismissal of the complaint. Cf. Scrimmer v. Eighth Judicial District  
28 Court, 116 Nev. 507, 998 P.2d 1190 (2000) (construing NRCP 4(i)'s time limit for service

1 provision); NAC 288.080(1). Regardless of whether Respondent had actual notice of the  
2 Complaint within the time limits of NAC 288.080(5), which it does not deny, the Complaint  
3 appears to have been properly served in person on May 7, 2004, which is only 9 days beyond the  
4 time limit of NAC 288.080(5). See also NAC 288.090. Respondent has not demonstrated any  
5 prejudice stemming from the short delay in service. Additionally, it appears that the initial  
6 failure to properly serve was due to inadvertence and that Complainants were diligent in re-  
7 serving the Complaint by proper means once notified of the ineffective service. It further  
8 appears that the statute of limitations for the filing of a new Complaint has now run. For all of  
9 the foregoing reasons, the Board hereby denies Respondent's Omnibus Motion to Quash and to  
10 Dismiss for Insufficiency of Service of Process.

11 IT IS FURTHER ORDERED that Respondent shall file its Answer to the Complaint  
12 within twenty (20) days from the date of this order. See NAC 288.220.

13 DATED this 4<sup>th</sup> day of August, 2004.

14 LOCAL GOVERNMENT EMPLOYEE-  
15 MANAGEMENT RELATIONS BOARD

16 BY:   
17 JANET TROST, ESQ., Chairman

18 BY:   
19 TAMARA E. BARENGO, Vice-Chairman  
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