

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

5 LAS VEGAS POLICE PROTECTIVE
6 ASSOCIATION METRO, INC.; THE CITY
7 OF LAS VEGAS DEPUTY CITY
8 MARSHALS; and THE CITY OF LAS
9 VEGAS MUNICIPAL COURT MARSHALS,

10 Complainants,

11 vs.

12 CITY OF LAS VEGAS,

13 Respondent.

14) ITEM NO. 614

15) CASE NO. A1-045785

16 **ORDER**

17 For Complainants: Kathryn A. Werner, Esq.
18 John Dean Harper, Esq.

19 For Respondent: Morgan Davis, Esq.

20 On January 16, 2004, Complainants LAS VEGAS POLICE PROTECTIVE
21 ASSOCIATION METRO, INC.; THE CITY OF LAS VEGAS DEPUTY CITY MARSHALS;
22 and THE CITY OF LAS VEGAS MUNICIPAL COURT MARSHALS ("Association") filed a
23 Complaint with the LOCAL GOVERNMENT EMPLOYEE-MANAGEMENT RELATIONS
24 BOARD ("Board").

25 On June 10, 2005, Respondent CITY OF LAS VEGAS ("City") filed a Motion to
26 Dismiss. The Association filed its opposition on July 8, 2005 and on September 2, 2005, the
27 City filed their reply.

28 The Board held deliberations on said motion on October 10, 11, 2005, tabled the hearing
of the matter on January 11, 2006, and held deliberations again on February 1, 2006, noticed in
accordance with Nevada's Open Meeting Law. Pursuant to the Board's deliberations at its
meeting on February 1, 2006, the Board decides and rules as follows:

Pursuant to NAC 288.240(3), a Motion to Dismiss must be filed within the time frame
that an Answer or response is due. "A motion directed at a complaint or petition must be written

1 and filed before the answer or response is due." NAC 288.240(3). Pursuant to NAC 288. 220(1),
2 Answers to Complaints must be filed within 20 days of receipt of the Complaint. "The
3 respondent may file an answer in the form of a pleading and not later than 20 days after the
4 receipt of a complaint." NAC 288.220(1).

5 Respondent filed their Motion to Dismiss in this matter approximately 18 months after
6 the filing of the Complaint by the Petitioner. As such, the Motion to dismiss is deemed untimely
7 pursuant to NAC 288.200 and NAC 288.240. Therefore, based upon the Board's deliberations,

8 IT IS HEREBY ORDERED that Respondent's Motion to Dismiss is DENIED.

9 DATED this 21st day of March, 2006.

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11 LOCAL GOVERNMENT EMPLOYEE-
12 MANAGEMENT RELATIONS BOARD

13 BY: 
14 JOHN E. DICKS, ESQ., Vice-Chairman

15 BY: 
16 JANET TROST, ESQ., Board Member

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