

STATE OF NEVADA
LOCAL GOVERNMENT EMPLOYEE-MANAGEMENT
RELATIONS BOARD

THOMAS G. GLAZIER, JR.,
Complainant,
vs.
CITY OF NORTH LAS VEGAS; NORTH
LAS VEGAS POLICE DEPARTMENT,
Respondents.

ITEM NO. 624B
CASE NO. A1-045876

For Complainant: Leonard H. Stone, Esq., for Thomas G. Glazier, Jr.
For Respondents: Malani L. Kotchka, Esq., for City of North Las Vegas; North Las Vegas Police Department

This matter came on before the State of Nevada, Local Government Employee-Management Relations Board ("Board") on April 10, 2012 for consideration and decision pursuant to the provisions of the Local Government Employee-Management Relations Act ("the Act"); NAC Chapter 288, NRS chapter 233B, and was properly noticed pursuant to Nevada's open meeting laws.

On March 13, 2007, this Board entered an order in favor of Complainant Thomas Glazier and against Respondent City of North Las Vegas, finding that the City had violated NRS 288.270. See Item No. 624A. That same order stated "...Glazier is hereby awarded attorneys fees and costs. A detailed and comprehensive motion for such fees and costs shall be filed by Glazier within twenty (20) days from the date of service of our order..."

Glazier filed his motion for fees and costs as directed in our order on April 2, 2007. The motion requested a total of \$14,836.70. This motion claimed \$7,336.70 in costs/expenses and \$7,500.00 in attorney fees. Two days later, on April 4, 2007, the City filed a petition for judicial review of the Board's decision in the Eighth Judicial District Court. On April 11, 2007, the City filed with the Board an "Unopposed Motion to Extend Deadline to Respond to Complainant's

1 Motion for Attorney Fees.” This document requested that the deadline for the City’s response to
2 the motion for attorney’s fees be extended until after the District Court had ruled on a motion for
3 a stay and the petition for judicial review. The Board took no action on either the motion for
4 attorney’s fees or the motion for an extension of time during the pendency of the judicial review
5 and thereafter until Complainant filed a petition for an award of fees and costs with this Board on
6 February 14, 2012. The City then responded by filing an opposition to the petition for an award
7 of fees and costs and a motion to dismiss due to a perceived lack of subject matter jurisdiction.
8 We will first address the City’s motion to dismiss Glazier’s request for fees and costs.
9

10 Motion to Dismiss
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12 The City’s motion to dismiss argues that this Board cannot now award Glazier costs and
13 fees because the City filed a petition for judicial review and the result of the petition was that the
14 Board’s decision was affirmed by the District Court and subsequently by the Nevada Supreme
15 Court.

16 The Board is expressly granted jurisdiction by NRS 288.110(6) over an award of costs,
17 including attorney fees, to a prevailing party. The Board directed Glazier to submit a motion
18 detailing his fees and costs, and Glazier timely complied with that direction. The City does not
19 point to any applicable rule which states the Board must act on the motion within a specified
20 time or else lose jurisdiction over the award. Further, the Board notes that the process now being
21 followed is the process that the City desired when it filed its Motion for Extension of Time with
22 this Board on April 11, 2007. That motion requested that the Board refrain from further
23 proceedings on the award of attorney’s fees until there had been a decision from the court on the
24 City’s petition for judicial review. Accordingly, the Board has subject matter jurisdiction to
25 award costs pursuant to NRS 28.110(6) and the City has not demonstrated that our jurisdiction
26 was somehow lost. As such, the City’s motion to dismiss is denied.

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1 Laches

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3 The City also argues against an award of costs on the basis of laches, pointing to the
4 elapse of time from Glazier's successful outcome before the Supreme Court to the current
5 petition for award. The City argues that it would be inequitable for the Board to continue with an
6 award of costs. The Board rejects this argument for two reasons. First, Glazier did not simply let
7 this matter languish – Glazier had long since complied with the Board's directions by filing his
8 motion for fees and costs on April 2, 2007. There was no Board order that imposed any new
9 obligation on Glazier to duplicate that filing upon conclusion of the petition for judicial review.
10 In short, Glazier did not delay in meeting his obligation to request fees and costs. Second, it was
11 the City that requested that the award of costs be deferred until after the petition for judicial
12 review was concluded. The City presented this to the Board by representing that Glazier's
13 counsel had agreed to the City's request. Thus there appears to be neither a delay on the part of
14 Glazier, nor a disadvantage to the City which might implicate the doctrine of laches.

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16 Award of Costs

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18 The Board previously found that an award of costs, including attorney's fees, is
19 appropriate. In considering the memorandum and the opposition, the Board has considered the
20 factors listed in Brunzell v. Golden Gate National Bank, 85 Nev. 345, 455 P.2d 31 (1969). The
21 Board finds that Glazier's total costs in the amount of \$14, 836.70 based upon his original
22 submission dated April 2, 2007 are reasonable and awards the same to Glazier. This total award
23 represents \$7, 3667.70 in costs and \$7,500.00 in fees.

24 Glazier's original submission of April 2, 2007 contains a detailed breakdown of actual
25 costs/expenses incurred in this matter. The Board has reviewed the breakdown of costs, and finds
26 that each listed cost was reasonable. Therefore an award of costs/expenses in the amount of \$7,
27 3667.70 is appropriate.

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1 6. In making this award this Board has considered the factors listed in Brunzell v. Golden
2 Gate National Bank, 85 Nev. 345, 455 P.2d 31 (1969).

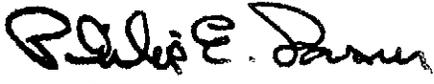
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4 **ORDER**

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6 Having considered the foregoing, it is hereby ordered that Complainant Thomas G.
7 Glazier, Jr. is awarded a total of \$14,836.70 for costs and attorneys fees to be paid by the City of
8 North Las Vegas.

9 DATED this 25th day of April, 2012.

10 LOCAL GOVERNMENT EMPLOYEE-
11 MANAGEMENT RELATIONS BOARD

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13 BY: 
14 SEATON J. CURRAN, ESQ., Chairman

15 BY: 
16 PHILIP E. LARSON, Vice-Chairman

17 BY: 
18 SANDRA MASTERS, Board Member
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NOTICE OF ENTRY OF ORDER

To: Leonard H. Stone, Esq., for Thomas G. Glazier, Jr.

To: Malani L. Kotchka, Esq., for City of North Las Vegas; North Las Vegas
Police Department

PLEASE TAKE NOTICE that an ORDER was entered in the above-entitled matter on
April 25, 2012.

A copy of said order is attached hereto.

DATED this 25th day of April, 2012.

LOCAL GOVERNMENT EMPLOYEE-
MANAGEMENT RELATIONS BOARD

BY

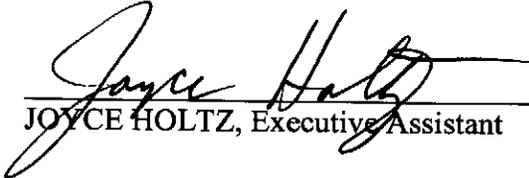

JOYCE HOLTZ, Executive Assistant

1 **CERTIFICATE OF MAILING**

2 I hereby certify that I am an employee of the Local Government Employee-Management
3 Relations Board, and that on the 25th day of April, 2012, I served a copy of the foregoing
4 ORDER by mailing a copy thereof, postage prepaid to:

5 Leonard H. Stone, Esq.
6 Shook & Stone, CHTD.
7 710 South Fourth Street
8 Las Vegas, Nevada 89101

9 Malani L. Kotchka, Esq.
10 Lionel, Sawyer & Collins
11 1700 Bank of America Plaza
12 300 South Fourth Street
13 Las Vegas, Nevada 89101

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17 JOYCE HOLTZ, Executive Assistant
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