

1 STATE OF NEVADA
2 LOCAL GOVERNMENT EMPLOYEE-MANAGEMENT
3 RELATIONS BOARD
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5 TIMOTHY FRABBIELE,

6 Complainant,

7 vs.

8 CITY OF NORTH LAS VEGAS; NORTH
9 LAS VEGAS POLICE DEPARTMENT AND
ASSOCIATION,

10 Respondent.

) ITEM NO. 680

) CASE NO. A1-045929

) **ORDER**

11 For Complainant: John J. Tofano, Esq.

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13 For Respondents: Malani L. Kotchka, Esq.
Lionel Sawyer & Collins

14 John Dean Harper, Esq.
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16 On the 23rd day of June, 2008, this matter came on before the State of Nevada, Local
17 Government Employee-Management Relations Board ("Board") for deliberations and
18 discussions. The matter was duly noticed pursuant to NRS and NAC chapters 288, NRS chapter
19 233B, and Nevada's Open Meeting laws.

20 The complaint in this matter was filed with the Board by Timothy Frabbiele on March 11,
21 2008, complaining of alleged prohibited labor practices by the North Las Vegas Police
22 Department ("Police Department") and the North Las Vegas Police Officers Association
23 ("Association"). Rather than file answers, both the Police Department and the Association filed
24 motions for dismissal. Frabbiele opposed both motions. Thereafter, the Association filed a
25 "Motion to Convert Motion to Dismiss to a Motion for Summary Judgment." Frabbiele did not
26 file an opposition to this motion, and the time within which to file an opposition has expired.

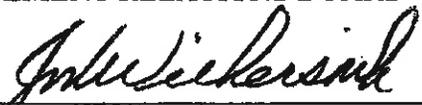
27 Based upon the arguments raised in the motions to dismiss filed by the Respondents, IT
28 IS HEREBY ORDERD that they are denied without prejudice.

1 Based upon the arguments raised in the pleadings and documents filed with the Board,
2 dismissal at this early stage appears premature and the Board reserves the right to review this
3 case again after the pre-hearing statements are filed by the parties.

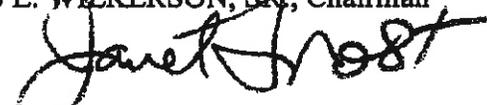
4 IT IS FURTHER ORDERED that the Association may file an answer within ten (10)
5 days of service of this order and the parties shall file pre-hearing statements within thirty (30)
6 days of service of this order. Failure to comply with this Order may result in sanctions. See
7 NAC 288.373 and NAC 288.375.

8 DATED this 25th day of June, 2008.

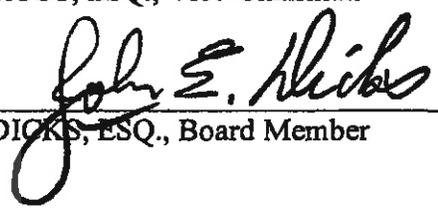
9 LOCAL GOVERNMENT EMPLOYEE-
10 MANAGEMENT RELATIONS BOARD

11 BY: 

12 JAMES E. WILKERSON, SR., Chairman

13 BY: 

14 JANET TROST, ESQ., Vice-Chairman

15 BY: 

16 JOHN E. DICKS, ESQ., Board Member
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