

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

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. 680B

) 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 18th day of November, 2008, this matter came on before the State of Nevada,
17 Local 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 North Las Vegas and the North Las
22 Vegas Police Department (collectively, the "Police Department") and the North Las Vegas
23 Police Officers Association ("Association"). Rather than file answers, both the Police
24 Department and the Association filed motions for dismissal. Frabbiele opposed both motions.
25 Thereafter, the Association filed a "Motion to Convert Motion to Dismiss to a Motion for
26 Summary Judgment." Frabbiele did not file an opposition to that motion. The motions were
27 denied without prejudice. Thereafter, the Association filed its prehearing statement.
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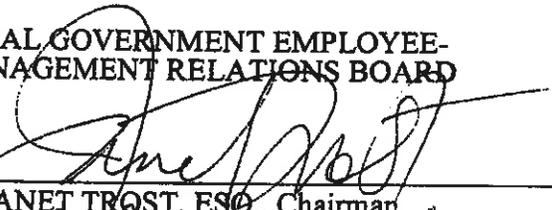
1 Both the Police Department and Frabbiele filed motions to stay this matter pending the outcome
2 of a District Court case. The Association filed an answer with a cross-claim against the Police
3 Department; and the Police Department has filed a motion to dismiss that cross-claim.

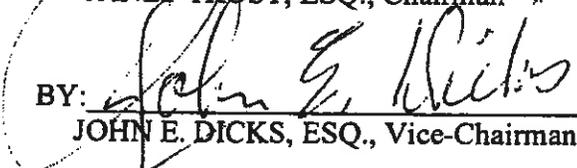
4 The District Court has rendered a decision in the action filed by the Police Department
5 against Frabbiele and others, finding in favor of the local government employees and against the
6 Police Department. An appeal has not yet been taken by any of the parties to the action.

7 IT IS THEREFORE ORDERED that Frabbiele and the City of North Las Vegas/the
8 North Las Vegas Police Department shall file their prehearing statements within twenty (20)
9 days after written notice of the entry of this order. Failure to do so, in compliance with this
10 Order, may result in sanctions.

11 DATED this 18th day of November, 2008.

12 LOCAL GOVERNMENT EMPLOYEE-
13 MANAGEMENT RELATIONS BOARD

14 BY: 
15 JANET TROST, ESQ., Chairman

16
17 BY: 
18 JOHN E. DICKS, ESQ., Vice-Chairman

19 BY: 
20 JAMES E. WILKERSON, SR., Board Member