

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

5 NYE COUNTY LAW ENFORCEMENT  
6 ASSOCIATION, )

7 Complainant, )

8 vs. )

9 COUNTY OF NYE and NYE COUNTY  
10 SHERIFF'S OFFICE, )

11 Respondents. )

ITEM NO. 684B

CASE NO. A1-045927

**ORDER**

12 For Complainants: Leonard H. Stone, Esq.  
Shook & Stone, CHTD.

13 C. Conrad Claus, Esq.

14 For Respondent: Jeffrey D. Winchester, Esq.  
15 Fisher & Phillips LLP

16 On the 28th day of October, 2009, this matter came on before the State of Nevada, Local  
17 Government Employee-Management Relations Board ("Board"), for consideration and decision  
18 pursuant to the provisions of NRS and NAC chapters 288, NRS chapter 233B, and was properly  
19 noticed pursuant to Nevada's open meeting laws.

20 The Board, having duly considered the pleadings on file, fully considered the law and  
21 being fully advised in the premises makes its Findings of Fact, Conclusions of Law and Order as  
22 follows:

23 **FINDINGS OF FACT**

- 24 1. The Complaint in this matter was filed on January 29, 2008 by Complainant Nye County  
25 Law Enforcement Association.
- 26 2. Respondent County of Nye and Nye County Sheriffs Office did not file an Answer to the  
27 Complaint.
- 28

- 1 3. On July 16, 2008 the Board ordered the parties to file pre-hearing statements within 20  
2 days of the date said order.
- 3 4. The parties requested additional time to file pre-hearing statements. Subsequently the  
4 Board, in an order dated September 10, 2008, ordered that the parties submit pre-hearing  
5 statements to the Board no later than November 1, 2008.
- 6 5. The Board has not received from any party the pre-hearing statements that were ordered  
7 to be filed by November 1, 2008.
- 8 6. More than one year has passed since the parties requested additional time to file pre-  
9 hearing statements, and during that time Complainant has failed to prosecute its  
10 Complaint.
- 11 7. If any of the foregoing findings is more appropriately construed a finding of fact, it may  
12 be so construed.

13 **CONCLUSIONS OF LAW**

- 14 1. Pursuant to NAC 288.375(3), the Board may dismiss a Complaint if the Complainant  
15 fails to prosecute its complaint within a reasonable time.
- 16 2. By failing to file pre-hearing statements by the November 2008 deadline imposed by the  
17 Board and by failure to otherwise prosecute the Complaint for more than one year,  
18 Complainant has failed to prosecute its Complaint within a reasonable time under NAC  
19 288.375(3).
- 20 3. Dismissal of the Complaint due to failure to prosecute is appropriate.

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1 4. If any of the foregoing conclusions is more appropriately construed a finding of fact, it  
2 may be so construed.

3 **ORDER**

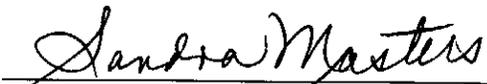
4 IT IS HEREBY ORDERED that this matter be Dismissed.

5 DATED this 18th day of November, 2009.

6 LOCAL GOVERNMENT EMPLOYEE-  
7 MANAGEMENT RELATIONS BOARD

8 BY:   
9 SEATON J. CURRAN, ESQ., Chairman

10 BY:   
11 JAMES E. WILKERSON, SR., Vice-Chairman

12 BY:   
13 SANDRA MASTERS, Board Member  
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7 Complainant, )

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CASE NO. A1-045927

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10 SHERIFF'S OFFICE, )

11 Respondents. )

**NOTICE OF ENTRY OF ORDER**

12 To: Leonard H. Stone, Esq.  
13 Shook & Stone, CHTD.

14 C. Conrad Claus, Esq.

15 To: Jeffrey D. Winchester, Esq.  
16 Fisher & Phillips LLP

17 PLEASE TAKE NOTICE that an ORDER was entered in the above-entitled matter on  
18 November 18, 2009.

19 A copy of said order is attached hereto.

20 DATED this 19th day of November, 2009.

21 LOCAL GOVERNMENT EMPLOYEE-  
22 MANAGEMENT RELATIONS BOARD

23 BY

  
24 JOYCE HOLTZ, Board Secretary  
25  
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28

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 19th day of November, 2009, 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 C. Conrad Claus, Esq.  
10 528 South Casino Center, #207  
11 Las Vegas, NV 89101

12 Jeffrey D. Winchester, Esq.  
13 Fisher & Phillips LLP  
14 3993 Howard Hughes Pkwy. #650  
15 Las Vegas, NV 89169

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17 JOYCE HOLTZ, Board Secretary  
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