

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

5 INTERNATIONAL ASSOCIATION OF
6 FIRE FIGHTERS, LOCAL 731,

7 Complainant,

8 vs.

9 CITY OF RENO,

10 Respondents.

) ITEM NO. 735A

) CASE NO. A1-045985

) **ORDER**

11 For Complainant: International Association of Fire Fighters, Local 731, and their attorney
12 Laurence Peter Digesti, Esq.

13 For Respondents: City of Reno, and their attorney Donald L. Christensen, Esq.

14 This matter came on before the State of Nevada, Local Government Employee-
15 Management Relations Board ("Board"), on September 28, 2010 for consideration and decision
16 pursuant to the provisions of the Local Government Employee-Management Relations Act ("the
17 Act"); NAC Chapter 288, NRS chapter 233B, and was properly noticed pursuant to Nevada's
18 open meeting laws.

19 On October 5, 2010, this Board granted a motion to dismiss the complaint based upon a
20 lack of probable cause. Item No. 735. The Board acknowledges that Complainant has filed a
21 petition for judicial review of that order. Following entry of our prior order, Respondent City of
22 Reno filed a motion for attorney fees on October 12, 2010. Notwithstanding the pending petition
23 for judicial review, it is proper for the Board to decide the City's motion for fees. See Kantor v.
24 Kantor, 116 Nev. 886, 895, 8 P.3d 825, 830 (2000). Therefore the Board denies the motion to
25 stay filed by Complainant on November 1, 2010 and will resolve the City's motion for fees.

26 The Board is expressly authorized to award a reasonable amount of costs, including
27 attorneys' fees, to a prevailing party. NRS 288.110(6). The Board finds that the City of Reno is
28 the prevailing party in this matter as it prevailed on its motion to dismiss. Item No. 735. The

1 Board has considered the allegations raised in this matter and finds that an award of fees is
2 appropriate. The City asserts that a rate of \$250.00 per hour is a reasonable rate for attorney fees.
3 The Board agrees that the City's claimed hourly rate is reasonable. Counsel for the City asserts
4 that it performed 25.15 hours of work in this matter. The Board has reviewed this statement and
5 notes that some of the stated entries relate to activities other than preparing the motion to
6 dismiss. Other entries include large blocks of time. The Board concludes that the City's claimed
7 hours should be reduced and that 20 hours of work is a reasonable amount of time spent in this
8 case. Therefore the Board concludes that the City should be awarded a total of \$5,000.00 for fees
9 incurred in this case.

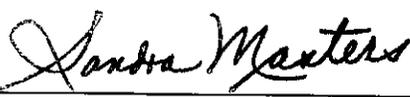
10 Based upon the foregoing, it is hereby ordered that Complainant's motion to stay is
11 denied;

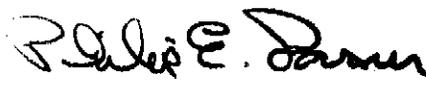
12 It is further ordered that Respondent City of Reno is awarded a total of \$5,000.00 for fees
13 and costs pursuant to NRS 288.110(6).

14 DATED this 24th day of January, 2011.

15 LOCAL GOVERNMENT EMPLOYEE-
16 MANAGEMENT RELATIONS BOARD

17 BY: 
18 SEATON J. CURRAN, ESQ., Chairman

19 BY: 
20 SANDRA MASTERS, Vice-Chairman

21 BY: 
22 PHILIP E. LARSON, Board Member
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8 vs.

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10 Respondents.

CASE NO. A1-045985

NOTICE OF ENTRY OF ORDER

11 TO: International Association of Fire Fighters, Local 731, and their attorney Laurence Peter
12 Digesti, Esq.

13 TO: City of Reno, and their attorney Donald L. Christensen, Esq.

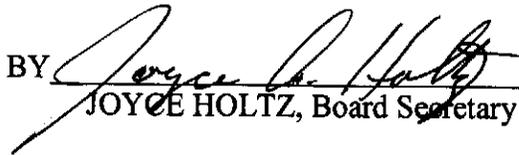
14 PLEASE TAKE NOTICE that an ORDER was entered in the above-entitled matter on
15 January 24, 2011;

16 A copy of said order is attached hereto.

17 DATED this 24th day of January, 2011.

18 LOCAL GOVERNMENT EMPLOYEE-
19 MANAGEMENT RELATIONS BOARD

20 BY

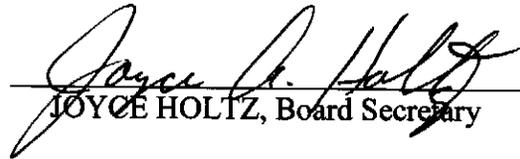

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JOYCE HOLTZ, Board Secretary

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 24th day of January, 2011, I served a copy of the foregoing
4 ORDER by mailing a copy thereof, postage prepaid to:

5 Laurence Peter Digesti, Esq.
6 485 West Fifth Street
7 Reno, NV 89503

8 Donald L. Christensen, Esq.
9 Reno City Attorney's Office
10 PO Box 1900
11 Reno, NV 89505

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JOYCE HOLTZ, Board Secretary