

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

5 MARY FLYNN-HERRINGTON,

6 Complainant,

7 vs.

8 CLARK COUNTY; and SERVICE
9 EMPLOYEES INTERNATIONAL UNION,
10 LOCAL 1107,

11 Respondents.

ITEM NO. 736

CASE NO. A1-045987

ORDER

12 For Complainant: Mary Flynn-Herrington
Pro se

13 For Respondent: Yolanda T. Givens, Esq.
Clark County District Attorney

14 For Respondent: Michael A. Urban, Esq.
15 The Urban Law Firm

16 On the 20th day of October, 2010, 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 This matter came before the Board on two motions to dismiss the complaint; each
21 Respondent having filed its own motion and Respondent Clark County also joining in the motion
22 filed by Respondent Service Employees International Union, Local 1107 ("SEIU"). The Board
23 noted, in a previous order, that SEIU had not filed the necessary proof of service to its motion,
24 and gave SEIU an opportunity to file an amended proof of service as permitted by NAC
25 288.080(4).

26 SEIU filed an amended proof of service on September 9, 2010, indicating that proper
27 service was made upon Complainant on September 2, 2010.

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1 Complainant has not filed an opposition to SEIU's motion, or to the motion to dismiss
2 filed by Clark County. Pursuant to NAC 288.240(6), the failure to file an opposition to a motion
3 may be construed as an admission that the motion is meritorious, and that the non-moving party
4 has consented to granting the motion.

5 Having considered the above, the Board makes the following findings of fact and
6 Conclusions of Law:

7 **FINDINGS OF THE FACTS**

- 8 1. Respondent Clark County filed and properly served a motion to dismiss on July 29, 2010.
- 9 2. Complainant Mary Flynn-Herrington has not filed any opposition to Clark County's
10 motion.
- 11 3. Respondent SEIU filed a motion to dismiss on July 26, 2010, and has complied with the
12 Board's prior order to file an amended proof of service of that motion.
- 13 4. Respondent SEIU's motion was served on Complainant on September 2, 2010.

14 **CONCLUSIONS OF LAW**

- 15 1. The EMRB has exclusive jurisdiction over claims for unfair labor practices under NRS
16 Chapter 288.
- 17 2. NAC 288.200(1)(c) requires that a complaint filed with the Board must include a clear
18 and concise statement of the facts constituting the alleged practice sufficient to raise a
19 justiciable controversy under chapter 288 of NRS, including the time and place of the
20 occurrence of the particular acts and the names of persons involved.
- 21 3. The complaint filed by Complainant does not satisfy the requirements of NAC
22 288.200(1)(c).
- 23 4. By declining to file and serve a written opposition to the motions to dismiss, Complainant
24 has admitted that the motions are meritorious and has consented to the Board's granting
25 the motions pursuant to NAC 288.240(6).

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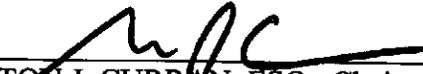
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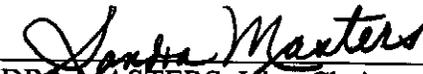
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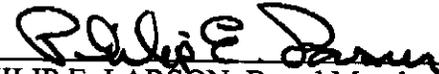
It is hereby ordered that this matter be dismissed.

DATED this 8th day of November, 2010.

LOCAL GOVERNMENT EMPLOYEE-
MANAGEMENT RELATIONS BOARD

BY: 
SEATON J. CURRAN, ESQ., Chairman

BY: 
SANDRA MASTERS, Vice-Chairman

BY: 
PHILIP E. LARSON, Board Member

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 8th day of November, 2010, I served a copy of the foregoing
4 ORDER by mailing a copy thereof, postage prepaid to:

5 Mary Flynn-Herrington
6 5824 Edrene Avenue
7 Las Vegas, NV 89108

8 Yolanda Givens, Esq.
9 Deputy District Attorney
10 PO Box 552215
11 Las Vegas, NV 89155-2215

12 Michael A. Urban, Esq.
13 The Urban Law Firm
14 4270 S. Decatur Blvd., A-9
15 Las Vegas, NV 89103

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JOYCE HOLTZ, Board Secretary