

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

5 TAL HAREL,

6 Complainant,

7 vs.

8 CLARK COUNTY, NEVADA; ex. Rel.,  
9 Department of Real Property Management;  
10 DOES I thru V, inclusive; ROE  
11 CORPORATIONS, I thru V, Inclusive,

Respondents,

ITEM NO. 772

CASE NO. A1-046037

**ORDER**

12 For Complainant: Andrew L. Rempfer, Esq.

13 For Respondent: Yolanda T. Givens, Esq.

14 This matter came on before the State of Nevada, Local Government Employee-  
15 Management Relations Board ("Board"), on November 3, 2011 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 10, 2011, Respondent Clark County filed a motion to dismiss with this  
20 Board. The motion included a proper certificate of service indicating that it had been served on  
21 counsel for complainant the same day. NAC 288.240(4) states in part: "[w]ithin 10 days after  
22 service of any motion, all parties wishing to respond to the points raised in the motion shall file  
23 their opposition to the motion." NAC 288.240(6) states: "[i]f a party fails to file and serve his  
24 written opposition to a motion, that failure to respond may be construed as an admission that the  
25 motion is meritorious and as consent to granting the motion."

26 When this matter came before the Board on November 3, 2011 no opposition to the  
27 motion had been filed with the Board. Therefore, pursuant to the provisions of NAC 288.240(6),  
28 the Board will grant the motion to dismiss.

1 Having considered the above, the Board unanimously finds as follows:

2 1. Pursuant to NRS 288.110(2) and NRS 288.280, the Board has jurisdiction over  
3 violations of NRS Chapter 288.

4 2. Respondent Clark County filed a motion to dismiss on October 10, 2011.

5 3. Respondent Clark County properly served the motion to dismiss on counsel for  
6 Complainant Harel on October 10, 2011 as evidenced by the certificate of service attached to the  
7 motion.

8 4. At the time of the Board's deliberation on this motion on November 3, 2011,  
9 Complainant Harel has not filed an opposition to the motion.

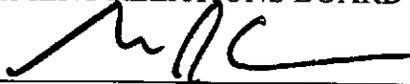
10 5. The Board construes the lack of opposition from Harel as consent to granting the  
11 County's motion to dismiss pursuant to NAC 288.240(6).

12 Based upon the foregoing, and good cause appearing therefore:

13 IT IS HEREBY ORDERED that this matter is dismissed without prejudice.

14 DATED this 14th day of November, 2011.

15 LOCAL GOVERNMENT EMPLOYEE-  
16 MANAGEMENT RELATIONS BOARD

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

19 BY:   
20 PHILIP E. LARSON, Vice-Chairman

21 BY:   
22 SANDRA MASTERS, Board Member  
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Respondents,

**NOTICE OF ENTRY OF ORDER**

12 To: Andrew L. Rempfer, Esq.

13 To: Yolanda T. Givens, Esq.

14 PLEASE TAKE NOTICE that an ORDER was entered in the above-entitled matter on  
15 November 14, 2011.

16 A copy of said order is attached hereto.

17 DATED this 14<sup>th</sup> day of November, 2011.

18 LOCAL GOVERNMENT EMPLOYEE-  
19 MANAGEMENT RELATIONS BOARD

20 BY   
21 JOYCE A. HOLTZ, Executive Assistant  
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23  
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