

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

4 CITY OF RENO,)
5 Complainant,)
6 vs.)
7 INTERNATIONAL ASSOCIATION OF)
8 FIREFIGHTERS, LOCAL 731)
9 Respondent.)

ITEM NO. 360-A

CASE NO. A1-045572

ORDER GRANTING RESPONDENT'S
MOTION TO DISMISS COMPLAINT

10 For Complainant: Carol Cooke, Esq.
11 RENO CITY ATTORNEY'S OFFICE

12 For Respondent: Laurence P. Digesti, Esq.

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14 Pursuant to the Board's deliberations following the
15 hearing on Respondent's Motion to Dismiss Complaint, held
16 September 21, 1995,

17 THE BOARD HEREBY ORDERS AND DECLARES that Respondent's
18 Motion to Dismiss Complaint be, and hereby is, granted, for
19 the following reasons:

20 A. The allegations contained in the verified Complaint
21 have already been litigated. Arbitrator Thomas Angelo, found
22 in favor of Respondent and against Complainant on all salient
23 points at issue in the verified Complaint. Judge Whitehead,
24 in the Second Judicial District Court, subsequently granted
25 Respondent's (Petitioner's) Application and Motion for Order
26 and Judgement Confirming the Arbitrator's Award. Accordingly,
27 the Complaint has already been disposed of, res judicata.

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B. While the Complainant has alleged that it was Respondent's "conduct at the table" and not the matter previously litigated which formed the basis of the instant Complaint, the Complainant's allegations in that regard are so vague, indefinite and lacking in specificity that it is impossible to determine the particular conduct which is alleged to constitute bad faith bargaining, or the date(s) on which said conduct allegedly occurred. Complainant's allegations with respect to "conduct at the table", therefore, must be considered as pretextual and lacking a factual basis.

Each side is to bear its own costs and attorney's fees in the matter addressed hereinabove.

DATED this 4th day of October, 1995.

LOCAL GOVERNMENT EMPLOYEE-
MANAGEMENT RELATIONS BOARD

BY *Christopher W. Voisin*
CHRISTOPHER W. VOISIN, Chairman

BY *Tamara Barengo*
TAMARA BARENGO, Vice Chairman

BY *David Goldwater*
DAVID GOLDWATER, Member