

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

5 **WHITE PINE ASSOCIATION OF**
6 **CLASSROOM TEACHERS,**
7 **Complainant,**

8 **vs.**

9 **WHITE PINE COUNTY SCHOOL DISTRICT;**
10 **and SUPERINTENDENT MARK SHELLINGER,**
11 **Respondents.**

ITEM NO. 462

CASE NO. A1-045668

ORDER

12 **WHITE PINE COUNTY SCHOOL DISTRICT,**
13 **Counter-Claimant,**

14 **vs.**

15 **WHITE PINE ASSOCIATION OF**
16 **CLASSROOM TEACHERS,**
17 **Counter-Respondent.**

18 **For Complainant/Counter-Respondent: Thomas J. Donaldson, Esq.**
19 **Dyer, Lawrence, Cooney & Penrose**

20 **For Respondents/Counter-Claimant: C. Robert Cox, Esq.**
21 **Walther, Key, Maupin, Oats, Cox, Klaich & LeGoy**

22 On January 7, 2000, the Complainant, White Pine Association of Classroom Teachers
23 (hereafter "Association"), filed its Motion for Partial Summary Judgement and Motion to Strike
24 Affirmative Defenses of Respondents.

25 On January 27, 2000, the Respondents, White Pine County School District and
26 Superintendent Mark Shellinger (hereafter "District"), opposed the same; and on February 9, 2000,
27 the Association filed its reply in support of the motion.

28 On February 18, 2000, the District filed a Motion for Leave to File Amended Answer and
Counterclaim, or in the Alternative, for Order Liberally Construing Respondents' Answer and on
January 27, 2000, filed a Cross-Motion to File Affirmative Defenses. The Association filed its
Opposition on February 9, 2000 and further replied on February 28, 2000, that it "is not opposed"

1 to the granting of the Motion for Leave to File Amended Answer and Counterclaim as well as
2 opposed the Cross-Motion for Leave to File Affirmative Defenses.

3 On January 7, 2000, the Association filed a Motion to Strike Affirmative Defenses; an
4 opposition was filed on January 27, 2000; and on February 9, 2000, the Association filed its reply
5 in support of the motion.

6 Pursuant to the Board's deliberations at its meeting on February 29, 2000, noticed in
7 accordance with Nevada's Open Meeting Law, and

8 Based upon a review of the pleading and documents filed to date, and the fact that a motion
9 for summary judgement should be construed in a light most favorable to the non-movant, it appears
10 genuine issues of material fact exists. It is hereby ordered that the Motion for Summary Judgement
11 is denied without prejudice.

12 Based upon the above, it is ordered that the Motion for Leave to File an Amended Answer
13 and Counterclaim and the Motion for Leave to File Affirmative Defenses are granted.

14 Further, it is ordered that the Motion to Strike is denied.

15 DATED this 29th day of February 2000.

16 LOCAL GOVERNMENT EMPLOYEE-
17 MANAGEMENT RELATIONS BOARD

18 By *David Goldwater*
19 DAVID GOLDWATER, Chairman

20 By *Karen L. McKay*
21 KAREN L. MCKAY, Vice-Chairperson

22 By *James E. Wilkerson, Sr.*
23 JAMES E. WILKERSON, SR., Member