

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

5 LAS VEGAS POLICE PROTECTIVE
6 ASSOCIATION METRO, INC. and
7 CORRECTIONS OFFICER DAVID
8 DEVANEY,

9 Complainants,

10 vs.

11 LAS VEGAS METROPOLITAN POLICE
12 DEPARTMENT,

13 Respondent.

ITEM NO. 599

CASE NO. A1-045817

ORDER

14 For Complainant: John Dean Harper, Esq.
15 Kathryn A. Werner, Esq.

16 For Respondent: James T. Winkler, Esq.
17 Littler Mendelson

18 On November 12, 2004, Complainants LAS VEGAS POLICE PROTECTIVE
19 ASSOCIATION METRO, INC. and CORRECTIONS OFFICER DAVID DEVANEY (hereafter
20 "Complainants"). Complainants assert various causes of action related to the placement of
21 Devaney on restricted duty status.

22 On December 15, 2004, Respondent LAS VEGAS METROPOLITAN POLICE
23 DEPARTMENT (hereafter "LVMPD") filed a Motion to Dismiss Verified Complaint. On
24 January 25, 2005, Complainants filed their opposition and on February 07, 2005, LVMPD filed
25 its reply.

26 This matter was scheduled for deliberations pursuant to Nevada's Open Meeting Law and
27 the Board conducted such deliberations on February 23, 2005.

28 BASED upon the arguments raised in the above-described documents filed by the parties
and good cause appearing there from, IT IS HEREBY ORDERED, ADJUDGED AND
DECREEED that the LVMPD's motion to dismiss is GRANTED and the complaint in this matter

1 is dismissed with prejudice as it was not timely filed as required by NRS 288.110(4), i.e., within
2 six (6) months from the date of the occurrence which is the subject of the complaint. According
3 to the Complaint, Devaney was placed on restricted duty status in September of 2003. Devaney
4 alleges that he wrote a letter on June 22, 2004, requesting to be placed on full duty status and that
5 this request was denied on June 28, 2004. However, Complainants cannot resurrect a cause of
6 action outside the statute of limitations by writing a letter and thereby triggering a new six-month
7 period.

8 IT IS FURTHER ORDERED that each party shall bear its own attorney's fees and costs.

9 DATED this 23rd day of February, 2005.

10 LOCAL GOVERNMENT EMPLOYEE-
11 MANAGEMENT RELATIONS BOARD

12 BY: 

13 JANET TROST, ESQ., Chairman

14 BY: 

15 JOHN E. DICKS, ESQ., Board Member
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