

STATE OF NEVADA
LOCAL GOVERNMENT EMPLOYEE-MANAGEMENT
RELATIONS BOARD

TIMOTHY FRABBIELE,
Complainant,
vs.
CITY OF NORTH LAS VEGAS; NORTH
LAS VEGAS POLICE DEPARTMENT AND
NORTH LAS VEGAS POLICE OFFICERS
ASSOCIATION,
Respondent.

ITEM NO. 680
CASE NO. A1-045929
ORDER

For Complainant: John J. Tofano, Esq.

For Respondents: Malani L. Kotchka, Esq.
Lionel Sawyer & Collins
John Dean Harper, Esq.

On the 23rd day of June, 2008, this matter came on before the State of Nevada, Local Government Employee-Management Relations Board ("Board") for deliberations and discussions. The matter was duly noticed pursuant to NRS and NAC chapters 288, NRS chapter 233B, and Nevada's Open Meeting laws.

The complaint in this matter was filed with the Board by Timothy Frabbiele on March 11, 2008, complaining of alleged prohibited labor practices by the North Las Vegas Police Department ("Police Department") and the North Las Vegas Police Officers Association ("Association"). Rather than file answers, both the Police Department and the Association filed motions for dismissal. Frabbiele opposed both motions. Thereafter, the Association filed a "Motion to Convert Motion to Dismiss to a Motion for Summary Judgment." Frabbiele did not file an opposition to this motion, and the time within which to file an opposition has expired.

Based upon the arguments raised in the motions to dismiss filed by the Respondents, I **HEREBY ORDER** that they are denied without prejudice.

1 Based upon the arguments raised in the pleadings and documents filed with the Board
2 dismissal at this early stage appears premature and the Board reserves the right to review this
3 case again after the pre-hearing statements are filed by the parties.

4 IT IS FURTHER ORDERED that the Association may file an answer within ten (10)
5 days of service of this order and the parties shall file pre-hearing statements within thirty (30)
6 days of service of this order. Failure to comply with this Order may result in sanctions. See
7 NAC 288.373 and NAC 288.375.

8 DATED this 25th day of June, 2008.

9 LOCAL GOVERNMENT EMPLOYEE-
MANAGEMENT RELATIONS BOARD

10
11 BY: 

12 JAMES E. WILKERSON, SR., Chairman

13
14 BY: 

15 JANET TROST, ESQ., Vice-Chairman

16
17 BY: 

18 JOHN E. DICKS, ESQ., Board Member