

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

5 TIMOTHY FRABBIELE, )  
6 Complainant, ) ITEM NO. 680A  
7 vs. ) CASE NO. A1-045929  
8 CITY OF NORTH LAS VEGAS; NORTH )  
9 LAS VEGAS POLICE DEPARTMENT AND ) **ORDER**  
10 ASSOCIATION, )  
11 Respondent. )

12 For Complainant: John J. Tofano, Esq.

13 For Respondents: Malani L. Kotchka, Esq.  
14 Lionel Sawyer & Collins

15 John Dean Harper, Esq.

16 On the 10th day of September, 2008, this matter came on before the State of Nevada  
17 Local Government Employee-Management Relations Board ("Board") for deliberations and  
18 discussions. The matter was duly noticed pursuant to NRS and NAC chapters 288, NRS chapter  
19 233B, and Nevada's Open Meeting laws.

20 The complaint in this matter was filed with the Board by Timothy Frabbiele on March 11  
21 2008, complaining of alleged prohibited labor practices by North Las Vegas and the North Las  
22 Vegas Police Department (collectively, the "Police Department") and the North Las Vegas  
23 Police Officers Association ("Association"). Rather than file answers, both the Police  
24 Department and the Association filed motions for dismissal. Frabbiele opposed both motions.  
25 Thereafter, the Association filed a "Motion to Convert Motion to Dismiss to a Motion for  
26 Summary Judgment." Frabbiele did not file an opposition to that motion. The motions were  
27 denied without prejudice. Thereafter, the Association filed its pre-hearing statement.

1 Both the Police Department and Frabbiele filed motions to stay this matter pending the  
2 outcome of a District Court case. The Association filed an answer with a crossclaim against the  
3 Police Department; and the Police Department has filed a motion to dismiss that crossclaim.

4 Based upon the arguments raised in the pleadings and documents filed with the Board, THE  
5 BOARD IS HEREBY ORDERED that the motion to dismiss the crossclaim is denied.

6 IT IS FURTHER ORDERED that the motions to stay filed by the City, the Police  
7 Department, and Frabbiele are granted, including the filing of pre-hearing statements, pending a  
8 ruling from the Eighth Judicial District Court in Case No. A567116, which matter is currently  
9 scheduled for oral arguments on September 23, 2008.

10 DATED this 10th day of September, 2008.

11 LOCAL GOVERNMENT EMPLOYEE  
12 MANAGEMENT RELATIONS BOARD

13 BY:   
14 JOHN E. DICKS, ESQ., Vice-Chairman

15 BY:   
16 JAMES E. WILKERSON, SR., Board Member