

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

5 NYE COUNTY LAW ENFORCEMENT
6 ASSOCIATION,

7 Complainant,

ITEM NO. 684D

CASE NO. A1-045927

8 vs.

ORDER RE MOTION TO RECONSIDER

9 COUNTY OF NYE and NYE COUNTY
10 SHERIFF'S OFFICE,

11 Respondents.

12 For Complainant: Richard Segerblom, Esq.
13 C. Conrad Claus, Esq.

14 For Respondents: Jeffrey D. Winchester, Esq.
15 Fisher & Phillips LLC

16 On the 19th day of January, 2010, this matter came on before the State of Nevada, Local
17 Government Employee-Management Relations Board ("Board"), for consideration and decision
18 pursuant to the provisions of the NRS and NAC chapters 288, NRS chapter 233B, and was
19 properly noticed pursuant to Nevada's open meeting laws.

20 The Board previously entered an order on November 18, 2009 dismissing the above
21 entitled matter pursuant to NAC 288.375(3) due to a failure to prosecute. In that order, we noted
22 that pre-hearing statements were due no later than November 1, 2008, but that no pre-hearing
23 statements had been filed.

24 Following our order of November 18, 2009, Complainant filed a motion to reconsider,
25 reopen and/or set aside the order on December 2, 2009. On December 10, 2009, the Board
26 convened to consider Complainant's motion, and on that same day ordered Complainant to show
27 cause why the matter should not be dismissed and to state facts to support Complainant's
28 allegation that good cause existed for setting aside our November 18, 2009 order.

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1 Complainant filed a Response to our order to show cause asking to withdraw its prior
2 motion and asking that the Board change its prior order to identify the dismissal of this matter as
3 being "without prejudice."

4 The Board has considered the motion and the response to the order to show cause which
5 was a motion to amend the order to specify a dismissal without prejudice. The Board finds that
6 Complainant's response to our order to show cause does not address any reason why the Board
7 should reconsider its prior order to dismiss the case.

8 The Board therefore finds that Complainant has not shown cause why this matter should
9 not be dismissed. Having reviewed our previous order to dismiss, we find that the order
10 adequately reflects sufficient reasons to dismiss this matter, and we deny Complainant's request
11 to amend the language of the order.

12 Based upon the foregoing, and good cause appearing therefore:

13 IT IS HEREBY ORDERED that the Board's order of November 18, 2009 stands as
14 entered.

15 DATED this 29th day of January, 2010.

16 LOCAL GOVERNMENT EMPLOYEE-
17 MANAGEMENT RELATIONS BOARD

18 BY: 
19 SEATON J. CURRAN, ESQ., Chairman

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