

STATE OF NEVADA
LOCAL GOVERNMENT EMPLOYEE-MANAGEMENT
RELATIONS BOARD

TRACY FAILS,

Complainant,

vs.

CITY OF MESQUITE AND MESQUITE
POLICE OFFICERS ASSOCIATION,

Respondents.

ITEM NO. 739A

CASE NO. A1-045983

ORDER

For Complainant: Tracy Fails & his attorney David R. Ford, Esq,

For Respondents: City of Mesquite & their attorney Rebecca Bruch, Esq.

For Respondents: Mesquite Police Officers Association & their attorney Andrew F. Dixon, Esq.

On the 15th day of February, 2011, this matter came on before the State of Nevada, Local Government Employee-Management Relations Board ("Board"), for consideration and decision pursuant to the provisions of NRS and NAC chapters 288, NRS chapter 233B, and was properly noticed pursuant to Nevada's open meeting laws.

The Board has previously dismissed Respondent City of Mesquite from this matter. On January 18, 2010 Complainant Tracy Fails and the remaining respondent Mesquite Police Officers Association filed a Stipulation to Dismiss and requested that this Board dismiss the complaint with prejudice.

The Board, having duly considered the pleadings filed herein, and having fully considered the law and being fully advised in the premises makes its Findings of Fact, Conclusions of Law and Order as follows:

FINDINGS OF FACT

1. Complainant Tracy Fails and Respondent Mesquite Police Officers Association have entered into a written stipulation to dismiss the Association from this matter.

- 1 2. Respondent City of Mesquite has previously been dismissed from this matter.
2 3. If any of the foregoing findings is more appropriately construed a conclusion of law, it
3 may be so construed.

4 **CONCLUSIONS OF LAW**

- 5 1. NAC 288.375(1) states that the Board may dismiss a matter if the complaint has been
6 settled and notice of settlement has been received by the Board.
7 2. The Stipulation for Dismissal of a Party complies with the provisions of NAC
8 288.375(1), and the Board accepts the same.
9 3. The Motion for Summary Judgment filed by Mesquite Police Officers Association on
10 December 30, 2010 is rendered moot by the Stipulation for Dismissal.
11 4. If any of the foregoing conclusions is more appropriately construed a finding of fact, it
12 may be so construed.

13 **ORDER**

14 IT IS HEREBY ORDERED that this action is dismissed with prejudice, each party to
15 bear its own fees and costs.

16 DATED this 17th day of February, 2011.

17 LOCAL GOVERNMENT EMPLOYEE-
18 MANAGEMENT RELATIONS BOARD

19 BY: *Sandra Masters*
20 SANDRA MASTERS, Vice-Chairman

21 BY: *Philip E. Larson*
22 PHILIP E. LARSON, Board Member

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

5 TRACY FAILS,

6 Complainant,

7 vs.

8 CITY OF MESQUITE AND MESQUITE
9 POLICE OFFICERS ASSOCIATION,

10 Respondents.

) CASE NO. A1-045983

) **NOTICE OF ENTRY OF ORDER**

11 TO: Tracy Fails & his attorney David R. Ford, Esq,

12 TO: City of Mesquite & their attorney Rebecca Bruch, Esq.

13 TO: Mesquite Police Officers Association & their attorney Andrew F. Dixon, Esq.

14
15 PLEASE TAKE NOTICE that an ORDER was entered in the above-entitled matter on
16 February 17, 2011.

17 A copy of said order is attached hereto.

18 DATED this 18th day of February. 2011.

19 LOCAL GOVERNMENT EMPLOYEE-
20 MANAGEMENT RELATIONS BOARD

21 BY

22 
23 JOYCE HOLTZ, Executive Assistant

24
25
26
27
28

1 **CERTIFICATE OF MAILING**

2 I hereby certify that I am an employee of the Local Government Employee-Management
3 Relations Board, and that on the 18th day of February, 2011, I served a copy of the foregoing
4 ORDER by mailing a copy thereof, postage prepaid to:

5 David R. Ford, Esq.
6 330 E. Warm Springs Road
7 Las Vegas, NV 89119

8 Rebecca Bruch, Esq.
9 Erickson, Thorpe, & Swainston, LTD
10 99 West Arroyo St.
11 Reno, NV 89521

12 Andrew F. Dixon, Esq.
13 BOWLER DIXON & TWITCHELL LLP
14 400 North Stephanie St. #235
15 Henderson, NV 89014

16
17
18
19
20
21
22
23
24
25
26
27
28


JOYCE HOLTZ, Executive Assistant