

STATE OF NEVADA
LOCAL GOVERNMENT EMPLOYEE-MANAGEMENT
RELATIONS BOARD

JAMES CROM,

Complainant,

vs.

LAS VEGAS-CLARK COUNTY LIBRARY
DISTRICT; TEAMSTERS LOCAL 14; DOE
INDIVIDUALS 1-300; ROE INDIVIDUALS
1-300,

Respondents,

CASE NO. A1-046004

ORDER MODIFYING ITEM NO. 752

For Complainant: Phillip Trenchak, Esq.

For ~~Respondent~~ Respondents: Scott M. Abbott, Esq.
David T. Spurlock, Esq.

On the 13th day of June, 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.

Having reviewed the pleadings and evidence filed by all parties, the Board finds that modification of our prior order dated May 16, 2011 (Item No. 752) and which dismissed this matter warrants a modification. NAC 288.200(2) requires a verified original and four copies of a complaint to be filed with the Board. Crom asserts that a copy of the complaint was provided to the EMRB by facsimile transmission on December 13, 2010, and again on January 3, 2011. The evidence submitted by the parties also indicates that the Library District and the Teamsters were ~~also sent~~ received copies of the original complaint on or before January 3, 2011. An amended complaint was filed with the EMRB by providing an original and three copies to the EMRB on January 18, 2011.

1 NAC 288.235 provides, “[p]leadings, motions and other papers will be liberally
2 construed, and any defects which do not affect substantial rights of any party may be disregarded
3 by the Board.” While there are defects with Crom’s filing the complaint on Decebmer 13, 2010
4 and January 3, 2011 by fax, the Board will liberally construe them as they do not affect the
5 substantial rights of the parties.

6 The earlier dates of Crom’s faxes to the EMRB as discussed above raise a question of
7 fact sufficient to defeat the motions to dismiss.

8 Based upon the foregoing, it is hereby ordered that the Board’s Order, Item No. 752,
9 dated May 16, 2011, is hereby amended from an order granting the motions to dismiss to an
10 order denying the motions to dismiss, as discussed herein.

11 DATED this 28 day of July, 2011.

12 LOCAL GOVERNMENT EMPLOYEE-
13 MANAGEMENT RELATIONS BOARD

14 BY: 
15 SEATON J. CURRAN, ESQ., Chairman

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NOTICE OF ENTRY OF ORDER

To: Philip J. Trenchak, Esq. for James Crom

To: Scott M. Abbott, Esq. for Las Vegas-Clark County Library District

To: David T. Spurlock, Jr., Esq. for Teamsters Local 14

PLEASE TAKE NOTICE that an ORDER was entered in the above-entitled matter on
July 28, 2011.

A copy of said order is attached hereto.

DATED this 28 day of July, 2011.

LOCAL GOVERNMENT EMPLOYEE-
MANAGEMENT RELATIONS BOARD

BY 
BRIAN SCROGGINS, Commissioner

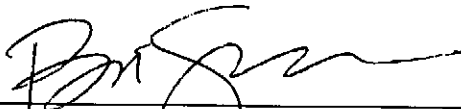
1 **CERTIFICATE OF MAILING**

2 I hereby certify that I am an employee of the Local Government Employee-Management
3 Relations Board, and that on the 28 day of July, 2011, I served a copy of the foregoing
4 ORDER by mailing a copy thereof, postage prepaid to:

5 Philip J. Trenchak, Esq.
3470 E. Russell Road #215
6 Las Vegas, NV 89120

7 Scott M. Abbott, Esq.
Kramer Zucker Abbott
8 3000 W. Charleston Blvd. #3
Las Vegas, NV 89102

9 David T. Spurlock, Jr., Esq.
10 7121 West Craig Rd. #113
Las Vegas, NV 89129

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14 BRIAN SCROGGINS, Commissioner
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