

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

5 CRYSTAL PATTERSON)

6 Complainant,)

7 vs.)

CASE NO. A1-046032

8 TEAMSTERS LOCAL 14 and CITY OF)
9 NORTH LAS VEGAS,)

ITEM: 771

10 Respondents,)
11)

ORDER

12 For Complainant: Crystal Patterson, In Proper Person

13 For Respondents: Teamsters Local 14 and their attorney David T. Spurlock, Jr., Esq.

14 For Respondents: City of North Las Vegas and their attorney Richard I. Dreitzer, Esq.

15 On the 3rd day of November, 2011, this matter came on before the State of Nevada,
16 Local Government Employee-Management Relations Board ("Board"), for consideration and
17 decision pursuant to the provisions of NRS and NAC chapters 288, NRS chapter 233B, and was
18 properly noticed pursuant to Nevada's open meeting laws.

19 Respondent Teamsters Union Local No. 14 ("Teamsters") has filed a motion to dismiss
20 this matter, which was joined by Respondent City of North Las Vegas ("City"). The motion
21 requests that the Board dismiss this matter pursuant to NAC 288.375(1) as the allegations in the
22 complaint do not assert matters arising to violations of NRS Chapter 288. Complainant Crystal
23 Patterson did not file an opposition to the motion, see NAC 288.240(6), but has separately filed
24 her own motion to dismiss.

25 Based upon the allegations asserted in the complaint and the arguments presented in the
26 motion to dismiss, the Board agrees that dismissal of this case is warranted under NAC
27 288.375(1). We are unable to discern from the complaint, at least as presently written, a
28 justiciable controversy arising under NRS Chapter 288. See NAC 288.200(1)(c).

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

4 **FINDINGS OF FACT**

- 5 1. Complainant Crystal Patterson filed a complaint with this Board on August 23, 2011.
- 6 2. On September 16, 2011, Respondent Teamsters Union Local No. 14 filed a motion to
7 dismiss asserting that the complaint was not supported by probable cause.
- 8 3. Teamsters' motion to dismiss was properly served on all parties as evidenced by the
9 certificate of mailing attached to the motion.
- 10 4. Respondent City of North Las Vegas joined in the motion to dismiss on October 3, 2011.
- 11 5. Complainant Crystal Patterson has not filed any opposition to the motion to dismiss.
- 12 6. As a result of this order and dismissal, all other motions are rendered moot.
- 13 7. If any of the foregoing findings is more appropriately construed a conclusion of law, it
14 may be so construed.

15 **CONCLUSIONS OF LAW**

- 16 1. NAC 288.200(1) states that a complaint must contain facts sufficient to state a justiciable
17 controversy under NRS Chapter 288.
- 18 2. This Board may dismiss any complaint that is not supported by probable cause pursuant
19 to NAC 288.375(1).
- 20 3. This Board may construe the failure to timely oppose a motion as "as an admission that
21 the motion is meritorious and as consent to granting the motion." NAC 288.240(6).
- 22 4. A review of the complaint, as presently drafted and filed in this matter, does not show a
23 justiciable controversy arising under NRS Chapter 288.
- 24 5. As the complaint does not present a justiciable controversy under Chapter 288, there is no
25 probable cause to support the complaint before this Board and dismissal is warranted
26 under NAC 288.375(1).
- 27 6. If any of the foregoing conclusions is more appropriately construed a finding of fact, it
28 may be so construed.

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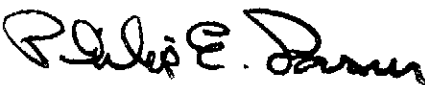
ORDER

IT IS HEREBY ORDERED that this action is dismissed in its entirety without prejudice;
each party to bear its own fees and costs.

DATED this 14th day of November, 2011.

LOCAL GOVERNMENT EMPLOYEE-
MANAGEMENT RELATIONS BOARD

BY: 
SEATON J. CURRAN, ESQ., Chairman

BY: 
PHILIP E. LARSON, Vice-Chairman

BY: 
SANDRA MASTERS, Board Member

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9 NORTH LAS VEGAS,

10 Respondents,
11

CASE NO. A1-046032

NOTICE OF ENTRY OF ORDER

12 To: Crystal Patterson, In Proper Person

13 To: Teamsters Local 14 and their attorney David T. Spurlock, Jr., Esq.

14 To: City of North Las Vegas and their attorney Richard I. Dreitzer, Esq.

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

17 A copy of said order is attached hereto.

18 DATED this 14th day of November, 2011.

19 LOCAL GOVERNMENT EMPLOYEE-
20 MANAGEMENT RELATIONS BOARD

21
22 BY 
23 JOYCE A. HOLTZ, Executive Assistant
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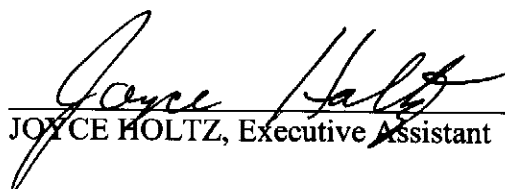
1 CERTIFICATE OF MAILING

2 I hereby certify that I am an employee of the Local Government Employee-Management
3 Relations Board, and that on the 14th day of November, 2011, I served a copy of the foregoing
4 ORDER by mailing a copy thereof, postage prepaid to:

5 Crystal Patterson
6 2559 Velez Valley Way
7 Henderson, NV 89002

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

11 Richard I. Dreitzer, Esq.
12 Fox Rothschild, LLP
13 3800 Howard Hughes Parkway #500
14 Las Vegas, NV 89169

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16 JOYCE HOLTZ, Executive Assistant
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