

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

5 AIRPORT AUTHORITY POLICE
6 OFFICERS' PROTECTIVE ASSOCIATION,)

7 Complainant,)

8 vs.)

9 RENO-TAHOE AIRPORT AUTHORITY,)

10 Respondents,)
11

CASE NO. A1-046040

ITEM: 776

ORDER

12 For Complainant: Airport Authority Police Officers' Protective Association and Greg Clish,
13 Vice President, AAPOPA and in Proper Person

14 For Respondents: Reno-Tahoe Airport Authority and their attorney Mark J. Ricciardi, Esq.

15 On the 8th day of February, 2012, this matter came on before the State of Nevada, Local
16 Government Employee-Management Relations Board ("Board"), for consideration and decision
17 pursuant to the provisions of NRS and NAC chapters 288, NRS chapter 233B, and was properly
18 noticed pursuant to Nevada's open meeting laws.

19 A number of motions have come before the Board for consideration. Complainant
20 Airport Authority Police Officers' Protective Association has moved to be able to amend the
21 verification of the original complaint and to include the second page of an exhibit that was
22 attached to the complaint. Respondent Reno-Tahoe Airport Authority has filed a "Motion for
23 Summary Judgment," which was opposed by Complainant. Complainant also moved to strike
24 Respondent's Reply Brief to the "Motion for Summary Judgment." Finally, Respondent has
25 filed a motion to extend the deadline for filing pre-hearing statements. Each motion is addressed
26 separately.

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1 Motion to Amend Verification

2 This motion, filed by Complainant, seeks to amend the verification page of the original
3 complaint, and to attach page 2 to Exhibit # 4 to the original complaint which was not included
4 in the original filing. Respondent did not file an opposition to this motion. NAC 288.240(6).

5 It is hereby ordered that the motion to amend verification and to attach missing Exhibit 4,
6 page 2 is granted.

7 Motion to Strike Respondent's Reply Brief in Support of Motion for Summary Judgment

8 Complainant seeks to strike the Reply Brief that Respondent filed in support of its
9 "Motion for Summary Judgment." The Reply Brief was filed on December 12, 2011.
10 Complainant asserts that the Reply Brief was not timely filed under the provisions of NAC
11 288.240(4).

12 NAC 288.235(2) states that this Board may overlook insignificant defects in pleadings
13 that do not affect the substantial rights of the parties. Complainant has not shown any affect on
14 its substantial rights. Accordingly, the motion to strike Respondent's Reply Brief is denied. The
15 Board will consider the Reply Brief when deciding the "Motion for Summary Judgment."

16 Respondent's "Motion for Summary Judgment"

17 This motion seeks a judgment in favor of Respondent pursuant to NRCP 56. However,
18 NRCP 56 has no application to the administrative proceedings before this Board. Therefore we
19 construe Respondent's motion as a motion to dismiss. Motions to dismiss are governed by NAC
20 288.375.

21 Respondent's motion does not demonstrate a basis to dismiss this matter under NAC
22 288.375. There are unresolved factual issues which are sufficient at this stage to defeat
23 Respondent's request to dismiss the matter. Accordingly, Respondent's "Motion for Summary
24 Judgment" is hereby denied.

25 Motion to Extend Deadline for Pre-Hearing Statements

26 Respondent has not filed a pre-hearing statement, but has requested an extension of time
27 to file its pre-hearing statement after the Board has decided the "Motion for Summary
28 Judgment." It is hereby ordered that this motion is granted.

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Having decided Respondent's motion, as set forth above, it is hereby ordered that Respondent shall have 20 days from the date of this order to file its pre-hearing statement.

DATED this 14th day of February, 2012.

LOCAL GOVERNMENT EMPLOYEE-
MANAGEMENT RELATIONS BOARD

BY: 

SEATON J. CURRAN, ESQ., Chairman

1 STATE OF NEVADA
2 LOCAL GOVERNMENT EMPLOYEE-MANAGEMENT
3 RELATIONS BOARD
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5 AIRPORT AUTHORITY POLICE
6 OFFICERS' PROTECTIVE ASSOCIATION,)

7 Complainant,)

CASE NO. A1-046040

8 vs.)

9 RENO-TAHOE AIRPORT AUTHORITY,)

NOTICE OF ENTRY OF ORDER

10 Respondents,)
11

12 To: Airport Authority Police Officers' Protective Association and Greg Clish, Vice President,
13 AAPOPA and in Proper Person

14 To: Reno-Tahoe Airport Authority and their attorney Mark J. Ricciardi, Esq.

15 PLEASE TAKE NOTICE that an ORDER was entered in the above-entitled matter on
16 February 14, 2012.

17 A copy of said order is attached hereto.

18 DATED this 14th day of February, 2012.

19 LOCAL GOVERNMENT EMPLOYEE-
20 MANAGEMENT RELATIONS BOARD

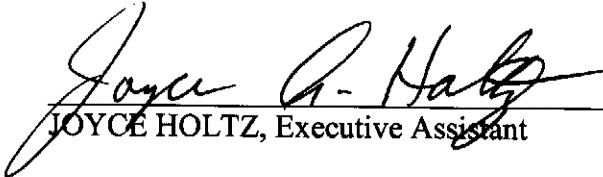
21 BY 
22 JOYCE A. HOLTZ, Executive Assistant
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1 **CERTIFICATE OF MAILING**

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 February, 2012, I served a copy of the foregoing
4 ORDER by mailing a copy thereof, postage prepaid to:

5 Greg Clish, Vice President AAPOPA
6 C/O Ronald P. Dreher
7 Advocacy Investigation Services
8 PO Box 40502
9 Reno, NV 89504

10 Mark J. Ricciardi, Esq.
11 Fisher and Phillips, LLP
12 3800 Howard Hughes Pkwy. #950
13 Las Vegas, NV 89169

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15 JOYCE HOLTZ, Executive Assistant
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