

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

5 DANIEL M. JENNINGS, a Local Government
6 Employee and member of the Employee
7 Organization, BOULDER CITY POLICE
8 PROTECTIVE ASSOCIATION,

9 Complainant,

10 vs.

11 CITY OF BOULDER CITY; and BOULDER
12 CITY POLICE DEPARTMENT,

13 Respondents.

ITEM: 780A

CASE NO. A1-045991

ORDER

14 For Complainant: Daniel M. Jennings, and his attorney Amy Rose, Esq.

15 For Respondents: City of Boulder City & Boulder City Police Department and their attorney
16 Ann M. Alexander, Ph.D., Esq.

17 On the 11th day of January, 2013, this matter came on before the State of Nevada, Local
18 Government Employee-Management Relations Board ("Board"), for consideration and decision
19 pursuant to the provisions of NRS and NAC chapters 288, NRS chapter 233B, and was properly
20 noticed pursuant to Nevada's open meeting laws.

21 Respondent City of Boulder City and Boulder City Police Department (City) seek an
22 award of costs and attorneys' fees pursuant to NRS 288.110(6). Complainant Daniel Jennings
23 opposed the City's motion, and the City replied to Jennings's opposition.

24 Under NRS 288.110(6), this Board retains the discretion over whether to award costs and
25 fees to the prevailing party. The Board has previously expressed a reluctance to use its power to
26 award costs where the parties present a genuine legal dispute. Retail Clerks Union, Local 1434 v.
27 Ogren, Item No. 82, Case No. A1-045312 (1978); Serv. Emp. Int'l Union, Local 1107 v. Clark
28 County, Item No. 713A, Case No. A1-045965 (2010). In this case, Complainant raised a

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1 genuine legal dispute and we therefore conclude that an award of costs and fees is not warranted.
2 Respondent's motion is therefore denied.

3 DATED this 28th day of January, 2013.

4 LOCAL GOVERNMENT EMPLOYEE-
5 MANAGEMENT RELATIONS BOARD

6 BY: 
7 PHILIP E. LARSON, Vice-Chairman

8 BY: 
9 SANDRA MASTERS, Board Member
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CASE NO. A1-045991

NOTICE OF ENTRY OF ORDER

14 TO: Daniel M. Jennings, and his attorney Amy Rose, Esq.

15 TO: City of Boulder City & Boulder City Police Department and their attorney Ann M.
16 Alexander, Ph.D., Esq.

17 PLEASE TAKE NOTICE that an ORDER was entered in the above-entitled matter on
18 January 28, 2013;

19 A copy of said order is attached hereto.

20 DATED this 28th day of January, 2013.

21 LOCAL GOVERNMENT EMPLOYEE-
22 MANAGEMENT RELATIONS BOARD

23 BY


JOYCE HOLTZ, Executive Assistant

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 28th day of January, 2013, I served a copy of the foregoing
4 ORDER by mailing a copy thereof, postage prepaid to:

5 Amy Rose, Esq.
6 4315 North Rancho Drive, Suite 110
7 Las Vegas, NV 89130

8 Richard P. McCann, J.D.
9 970 Empire Mesa Way
10 Henderson, NV 89011

11 Ann M. Alexander, Ph.D., Esq.
12 Erickson, Thorpe & Swainston, LTD.
13 PO Box 3559
14 Reno, NV 89505

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JOYCE HOLTZ, Executive Assistant