

FILED

JUN 18 2019

STATE OF NEVADA
E.M.R.B.

STATE OF NEVADA
LOCAL GOVERNMENT EMPLOYEE-MANAGEMENT
RELATIONS BOARD

INTERNATIONAL UNION OF OPERATING
ENGINEERS LOCAL 501, AFL-CIO,

Complainant,

vs.

ESMERALDA COUNTY NV BOARD OF
COMMISSIONERS MICHELLE BATES,
COMMISSIONER DISTRICT 1, DE WINSOR,
COMMISSIONER DISTRICT 2, RALPH
KEYES, COMMISSIONER DISTRICT 3,

Respondents.

CASE NO. 2018-014

NOTICE OF ENTRY OF ORDER

TO: International Union of Operating Engineers Local 501, AFL-CIO and its attorney, Justin M. Crane of The Myers Law Group, APC;

TO: Esmeralda County, Other Named Respondents, and their attorney, Robert E. Glennen III, Esq., of the Esmeralda District Attorney's Office;

PLEASE TAKE NOTICE that the **ORDER ON COMPLAINANT'S MEMORANDUM OF FEES AND COSTS** was entered on the 18th day of June 2019, a copy of which is attached hereto.


DATED this 18th of June 2019.

LOCAL GOVERNMENT EMPLOYEE-
MANAGEMENT RELATIONS BOARD

BY:


MARISU ROMUALDEZ ABELLAR
Executive Assistant

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Respondents.

Case No. 2018-014

PANEL A

**ORDER ON COMPLAINANT'S
MEMORANDUM OF FEES AND
COSTS**

ITEM NO. 838-A

On May 29, 2019, this matter came before the State of Nevada, Local Government Employee-
Management Relations Board ("Board") for consideration and decision pursuant to the provisions of the
Local Government-Management Relations Act (the "Act"); NAC Chapter 288 and NRS Chapter 233B.

At issue was Complainant's Memorandum of Fees and Costs. In this case, the Board previously
found in favor of Complainant. Pursuant to the Board's findings of fact and conclusions of law, the
Board awarded costs and fees. As such, the Board ordered that, pursuant to NRS 288.110(6),
Complainant in this matter be reimbursed all reasonable attorney's fees and costs incurred in bringing
this claim before the Board. Complainant filed with the Board a memorandum for fees and costs
detailing those expenses incurred in this matter, consistent with the factors set forth in *Brunzell v.*
Golden Gate Nat'l Bank, 85 Nev. 345, 455 P.2d 31 (1969). Respondents thereafter had 10 days from
service thereof to oppose said memorandum, if deemed appropriate. The moving party was entitled to
respond to the points raised in the opposition.

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1 Respondents failed to file any response or opposition. NAC 288.240(6) provides: "If a party
2 fails to file and serve a written opposition to a motion, that failure to respond may be construed as an
3 admission that the motion is meritorious and as consent to granting the motion." The Board construes
4 as such. In any event, the Board has considered Complainant's Memorandum of Fees and Costs in full,
5 consistent with the factors stated in *Brunzell* which are:

6 (1) the qualities of the advocate: his ability, his training, education, experience,
7 professional standing and skill; (2) the character of the work to be done: its difficulty, its
8 intricacy, its importance, time and skill required, the responsibility imposed and the
9 prominence and character of the parties where they affect the importance of the litigation;
(3) the work actually performed by the lawyer: the skill, time and attention given to the
work; (4) the result: whether the attorney was successful and what benefits were derived.

10 *Brunzell*, 85 Nev. at 349, 455 P.2d at 33. The Board finds the factors above, as supported by exhibits
11 and declarations provided by Complainant, favor the finding of reasonable amount of costs and fees
12 incurred in this matter with the following exception. Complainant's counsel spent a total of 53.25 hours
13 in this matter, at \$350 an hour, equaling \$18,637.50. In addition, costs of \$1,660.14 were incurred. As
14 such, Complainant requested \$20,297.64. However, according to the declaration, there was 1 hour
15 included in anticipation of drafting a Reply memorandum. However, since there was no Reply filed in
16 this case (as there was no opposition which could not have been anticipated), the Board deducts this 1
17 hour of attorney time. Therefore, the Board awards, fees in the amount of \$18,287.50 plus costs of
18 \$1,660.14, for a total of \$19,947.64.

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1 ORDER


2 IT IS, THEREFORE, ORDERED that Complainant is awarded \$19,947.64 in fees and costs in
3 this matter. As a stay has been granted by the District Court, the amount will not be due until either 30
4 days after notice of entry of the District Court's Order on either the Board's Motion to Dismiss or the
5 merits of the Petition for Judicial Review.

6 DATED this ____ day of June, 2019.

7 LOCAL GOVERNMENT EMPLOYEE-
8 MANAGEMENT RELATIONS BOARD

9 By: 
10 BRENT ECKERSLEY, ESQ., Chair

11 By: 
12 PHILIP LARSON, Board Member

13 By: 
14 GARY COTTINO, Board Member
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