

FILED  
November 15, 2024  
State of Nevada  
E.M.R.B.

STATE OF NEVADA  
GOVERNMENT EMPLOYEE-MANAGEMENT  
RELATIONS BOARD

EDWIN MARTIN,

Complainant,

v.

TRUCKEE MEADOWS FIRE PROTECTION  
DISTRICT,

Respondent.

Case No. 2023-036

**NOTICE OF ENTRY OF ORDER**

**PANEL B**

**ITEM NO. 901B**

TO: Complainant and their attorney, Ronald J. Dreher, Esq.; and

TO: Respondent and its attorneys, Christopher J. Hicks, Esq., Wade Carner, Esq., and Brandon Price, Esq. of the Washoe County Deputy District Attorney's Office.

PLEASE TAKE NOTICE that the **ORDER DENYING RESPONDENT'S MOTION FOR ATTORNEYS' FEES AND COSTS** was entered in the above-entitled matter on November 15, 2024.

A copy of said order is attached hereto.

DATED this 15th day of November 2024.

GOVERNMENT EMPLOYEE-  
MANAGEMENT RELATIONS BOARD

BY   
MARISU ROMUALDEZ ABELLAR  
Executive Assistant

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**CERTIFICATE OF MAILING**

I hereby certify that I am an employee of the Government Employee-Management Relations Board, and that on the 15<sup>th</sup> day of November 2024, I served a copy of the foregoing **NOTICE OF ENTRY OF ORDER** by mailing a copy thereof, postage prepaid to:

Ronald J. Dreher, Esq.  
P.O. Box 6494  
Reno, NV 89513

Christopher J. Hicks, Esq.  
Brandon Price, Esq.  
Chaz Lehman, Esq.  
Washoe County District Attorney's Office  
One South Sierra St.  
Reno, NV 89501

GOVERNMENT EMPLOYEE-  
MANAGEMENT RELATIONS BOARD

BY   
MARISU ROMUALDEZ ABELLAR  
Executive Assistant

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v.

TRUCKEE MEADOWS FIRE PROTECTION  
DISTRICT,

Respondent.

Case No. 2023-036

**ORDER DENYING RESPONDENT'S  
MOTION FOR ATTORNEYS' FEES  
AND COSTS**

**PANEL B**

**ITEM NO. 901B**

On November 8, 2024, this matter came before the State of Nevada, Government Employee-Management Relations Board (the "Board") for consideration and decision pursuant to the provisions of the Employee-Management Relations Act (the Act), NRS Chapter 233B, and NAC Chapter 288. At issue was Respondent Truckee Meadows Fire Protection District's (hereinafter "Respondent") Motion for Attorneys' Fees and Costs.

Under NRS 288.110(6), the Board **may** award attorney fees and costs to the prevailing party. The award of attorney fees and costs is entirely discretionary. *See Timothy Frabbiele v. City of North Las Vegas Police Department and North Las Vegas Police Officers Association*, Case No. AI-045929, Item No. 680H at p.1 (EMRB, April 22, 2010) ("[t]he decision of whether or not to award costs and fees is left to the Board's discretion"). Furthermore, under NAC 288.375, the Board may impose sanctions, including attorney fees and costs, when a party fails to comply with the Board's orders, fails to appear for a scheduled hearing or otherwise fails to comply with any applicable provision NRS and NAC Chapters 288.

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1 In this case Respondent is seeking attorney fees on two grounds: (1) because Respondent  
2 prevailed on its oral Motion to Dismiss; and (2) because the underlying complaint was frivolous. There  
3 is no law or rule requiring the Board to award attorney fees simply because a party prevails in a matter.  
4 In addition, the Board determined that there were sufficient allegations set out in the Complaint to  
5 warrant a hearing, and a hearing was in fact held on the matter which mitigates against a finding that  
6 that case was frivolous. If the Board had dismissed the case before a hearing on the grounds that the  
7 case was frivolous Respondent's Motion may have had more traction. Furthermore, just because a  
8 party fails to establish a *prima facie* discrimination case following a hearing does not mean the matter  
9 was frivolous *per se*. Rather such a finding depends on the facts and circumstances.

10 In this case the Complainant presented evidence to the Board about his discrimination claim.  
11 The Board found that there was insufficient evidence to make a *prima facie* showing that  
12 discrimination was a motivating factor in the Respondent's decisions. Thus, the Board dismissed the  
13 case.

14 The Board does not find that the Complaint was frivolous in this matter. The Board also finds  
15 that simply prevailing in a matter does not automatically entitle a party to an award of attorney fees and  
16 costs. Thus, attorney fees and costs under NRS 288.110(6) is not warranted in this matter. Moreover,  
17 no sanctionable conduct occurred in this matter that would warrant the award of attorney fees and costs  
18 under NAC 288.373.

19 Based on the foregoing, it is hereby **ORDERED** that Respondent's Motion for Attorneys' Fees  
20 and Costs is **DENIED**.

21 Dated this 15th day of November 2024.

22 GOVERNMENT EMPLOYEE-  
23 MANAGEMENT RELATIONS BOARD

24 By:   
MICHAEL J. SMITH, Vice-Chair  
25 Presiding Officer

26 By:   
27 SANDRA MASTERS, Board Member

28 By:   
TAMMARA M. WILLIAMS, Board Member