

FILED
December 18, 2025
State of Nevada
E.M.R.B.
9:57 a.m.

1 JEFFREY F. ALLEN, ESQ.
2 Nevada Bar No. 9495
3 2941 Carmelo Drive
4 Henderson, NV 89052
5 Phone: (702) 595-1127
6 Email: jeffreyfallen@aol.com

7 Attorney for Respondent,
8 Water Reclamation District Employees Association

9 STATE OF NEVADA
10 GOVERNMENT EMPLOYEE-MANAGEMENT
11 RELATIONS BOARD

12 * * * *

13 NEVADA SERVICE EMPLOYEES UNION) CASE NO.: 2025-028
14)
15)
16)
17)
18)
19)
20)
21)
22)
23)
24)
25)
26)
27)
28)

Petitioner,
vs.
WATER RECLAMATION DISTRICT
EMPLOYEES ASSOCIATION and CLARK
COUNTY WATER RECLAMATION
DISTRICT,
Respondents.

WRDEA'S MOTION TO DISMISS
SEIU'S PROHIBITED PRACTICES
COMPLAINT

COMES NOW, Respondent Water Reclamation District Employees Association ("WRDEA"), by and through its counsel, Jeffrey F. Allen, Esq., and submits the following Motion to Dismiss Nevada Service Employees Union's ("SEIU") Prohibited Practices Complaint. This Motion is made pursuant to NAC §288.240.

I. INTRODUCTION

NRS §288.140(1) states that "It is the right of every local government employee... to join any employee organization of the employee's choice or to refrain from joining any employee organization." WRDEA was organized on September 28, 2025 because the majority of supervisory employees of the Clark County Water Reclamation District ("CCWRD") no longer

1 wanted to be represented by SEIU. On November 17, 2025, WRDEA petitioned this Board to
2 have WRDEA replace SEIU as the exclusive bargaining agent for such employees. Rather than
3 accept that it no longer speaks for anything close to a majority of bargaining unit members, SEIU
4 has filed the Prohibited Practices Complaint herein against WRDEA. The Complaint is frivolous
5 and merely designed to intimidate and harass the employees that no longer wish to be represented
6 by SEIU. Indeed, SEIU says the quiet part out loud in the proposed remedy portion of its
7 Complaint: It wants to prevent any challenges to its status as the exclusive bargaining agent for
8 bargaining unit employees for 3 years, regardless of the wishes of such employees. (SEIU's
9 Complaint, p. 8, lines 6-9.) However, SEIU cannot usurp the will of the employees to be
10 represented by the employee organization of their choice.

11 SEIU's Prohibited Practices Complaint offers a textbook example of a pleading that
12 should be rejected for failing to state a proper cause of action. Even accepting every single
13 allegation in the Complaint as being truthful and accurate, SEIU hasn't actually pled any sort of
14 actionable wrongdoing by WRDEA (or CCWRD for that matter). Rather, the allegations in the
15 Complaint simply reflect the legitimate process by which the employees at issue are attempting
16 to change bargaining agents from the SEIU to WRDEA.

17 **II. ARGUMENT**

18 Per NAC §288.080, the issuance of a complaint "must be in conformity with the Nevada
19 Rules of Civil Procedure and the rules and regulations of the Board." NRCP Rule 12(b)(5)
20 specifies that a defendant can file a motion to dismiss a complaint for "failure to state a claim
21 upon which relief can be granted." In interpreting NRCP 12(b)(5) motions to dismiss,
22 the Nevada Supreme Court has held that "to survive dismissal, a complaint must contain some
23 set of facts, which, if true, would entitle plaintiff to relief." *See, Kahn v. Dodds (In re AMERCO*
24 *Derivative Litig.)*, 127 Nev. 196, 210-11, 252 P.3d 681, 692 (2011) *citing, Buzz Stew, LLC v.*
25 *City of N. Las Vegas*, 124 Nev. 224, 228, 181 P.3d 670, 672 (2008). All factual assertions made
26 in the plaintiff's complaint shall be deemed true and all reasonable inferences must be drawn in
27 favor of the plaintiff. *Id.*

28 Here, even accepting every allegation in SEIU's Prohibited Practices Complaint as true, it

1 fails to support a claim that WRDEA violated NRS Chapter 288. Rather, SEIU's Complaint
2 simply reflects the legitimate process by which WRDEA organized and has attempted to replace
3 SEIU as the exclusive bargaining agent for supervisory employees of CCWRD. Specifically,
4 allegations 12 through 25 discuss the prior round of negotiations between CCWRD and SEIU
5 that led to the current Collective Bargaining Agreement covering the employees at issue herein.
6 SEIU alleges that it was trying to secure large salary increases for bargaining unit employees but
7 James Eaton ("Eaton")- a bargaining unit member who was on the SEIU negotiation team and
8 who subsequently helped found WRDEA- was only advocating for a "minimal" salary increase.
9 (Complaint, ¶20-21.) SEIU can gloss itself and disparage Eaton all it likes, but the fact is- as
10 SEIU admits in paragraph 22 of its Complaint- SEIU and CCWRD agreed to the two-year
11 Collective Bargaining Agreement that is currently in place. Thus, the position that Eaton took as
12 a member of the SEIU negotiation team certainly does not constitute a prohibited labor practice
13 under NRS §288.270(1).¹

14 Allegations 26 through 44 simply discuss how Eaton founded WRDEA and began to
15 meet with bargaining unit employees to encourage them to join WRDEA and to discontinue their
16 membership with SEIU. More specifically, the allegations reference a luncheon sponsored by
17 WRDEA on October 7, 2025 at CCWRD premises as well as other on-site organizing meetings.
18 Paragraph 32 of the Complaint correctly states: "The purpose of the Association's meeting was to
19 discuss its mission, the plans moving forward and future benefits." Again, per NRS §288.140(1),
20 the employees at issue have the right to join WRDEA and the right to refrain from joining SEIU.
21 Moreover, WRDEA has the right under NRS §288.160 and NAC §288.146 to attempt to replace
22 SEIU as the exclusive bargaining agent for the employees herein. Thus, SEIU's allegation in
23 paragraph 40 of its Complaint that "the Association's Petition seeks to replace Local 1107 as the
24 bargaining agent for bargaining unit employees" simply reflects a right that WRDEA has under

25
26 ¹ Even if Eaton's actions as a member of the SEIU negotiation team could somehow be
27 attributed to WRDEA, such a claim would still fail for running afoul of the 6 months
28 statute of limitations contained in NRS §288.110(4). That is, SEIU specifically
alleges that such conduct occurred between February and August of 2024.
(Complaint, ¶14-22.) Thus, if Eaton's conduct was somehow actionable, SEIU would
have had to file a Complaint no later than February 2025.

1 the law. SEIU's more highly charged regurgitation in paragraph 43 of its Complaint ("The filing
2 of the Petition is the culmination of a continuous and ongoing plan and/or effort to destabilize the
3 Supervisory Bargaining Unit and Local 1107's representation thereof") doesn't change the
4 equation: SEIU is merely complaining about WRDEA's legal right to mobilize support of
5 bargaining unit employees and to become such employees' exclusive bargaining agent. The
6 remaining allegations in SEIU's Complaint are nothing but boilerplate legal conclusions without
7 substance. In short, the sum total of what SEIU has complained about is not actionable.
8 Consequently, its Prohibited Practices Complaint should be dismissed for failing to state a claim
9 upon which relief could be granted.

10 **III. CONCLUSION**

11 For the foregoing reasons, WRDEA respectfully requests that this Board dismiss SEIU's
12 Prohibited Practices Complaint.

13 Dated: December 18, 2025

14 By: 
15 JEFFREY F. ALLEN, ESQ.
16 Nevada Bar No. 9495
17 Attorneys for Respondent,
18 Water Reclamation District Employees Association
19
20
21
22
23
24
25
26
27
28

CCWRD (Respondent)

**Joinder to WRDEA's Motion to Dismiss
SEIU's Prohibited Practices Complaint**

FILED
 January 20, 2026
 State of Nevada
 E.M.R.B.
 1:59 p.m.

1 FISHER & PHILLIPS LLP
 2 MARK J. RICCIARDI, ESQ.
 3 Nevada Bar No. 3141
 4 300 South Fourth Street, Suite 1500
 5 Las Vegas, NV 89101
 6 Telephone: (702) 252-3131
 7 Facsimile: (702) 252-7411
 8 E-Mail Address: mr Ricciardi@fisherphillips.com
 9 Attorneys for Respondent Clark County Water Reclamation District

STATE OF NEVADA
EMPLOYEE-MANAGEMENT RELATIONS BOARD

9 NEVADA SERVICE EMPLOYEES UNION,) Case No.: 2025-028
 10)
 11) Petitioner,)
 12)
 13) vs.) **CLARK COUNTY WATER**
 14) **RECLAMATION DISTRICT'S**
 15) **JOINDER TO WRDEA'S**
 16) **MOTION TO DISMISS SEIU'S**
 17) **PROHIBITED PRACTICES**
 18) **COMPLAINT**
 19)
 20)
 21)
 22)
 23)
 24)
 25)
 26)
 27)
 28)

Respondent, Clark County Water Reclamation District (“CCWRD” or the “Respondent”), by and through its counsel of record, Mark J. Ricciardi, Esq., of the law offices of Fisher & Phillips LLP, hereby joins in the Water Reclamation District Employees Association (“WRDEA”)’s Motion to Dismiss SEIU’s Prohibited Practices Complaint for the reasons set forth in WRDEA’s Motion as well as CCWRD’s Motion to Dismiss, filed Friday, January 16, 2026. This Joinder is made and based upon the pleadings and papers on file herein and any argument presented at the time of hearing on this matter.

By way of this Joinder, Respondent CCWRD hereby incorporates the memorandum of points and authorities contained in CCWRD’s Motion to Dismiss, along with all exhibits thereto, and all arguments made therein. If for any reason, WRDEA’s Motion is rendered moot or withdrawn, then this Joinder shall serve as its

FISHER & PHILLIPS LLP
 300 S Fourth Street, Suite 1500
 Las Vegas, Nevada 89101

1 own stand-alone Motion, and shall in no way impact CCWRD’s intent to proceed with
2 its separate Motion to Dismiss.

3 DATED this 20th day of January 2026.

4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

FISHER & PHILLIPS, LLP

/s Mark J. Ricciardi, Esq.
MARK J. RICCIARDI, ESQ.
300 South Fourth Street
Suite 1500
Las Vegas, Nevada 89101
*Attorneys for Respondent Clark County
Water Reclamation District*

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

CERTIFICATE OF ELECTRONIC SERVICE

This is to certify that on the 20th day of January 2026, the undersigned, an employee of Fisher & Phillips LLP, electronically served the foregoing **CLARK COUNTY WATER RECLAMATION DISTRICT'S JOINDER TO WRDEA'S MOTION TO DISMISS SEIU'S PROHBITED PRACTICES COMPLAINT** to EMRB (emrb@business.nv.gov) and the following:

EVAN L. JAMES, ESQ.
DYLAN J. LAWTER, ESQ.
7440 W. Sahara Avenue
Las Vegas, NV 89117
elj@cjmlv.com
djl@cjmlv.com
Attorneys for Complainant Nevada
Service Employees Union

JEFFREY F. ALLEN, ESQ.
2941 Carmelo Drive
Henderson, NV 89052
jeffreyfallen@aol.com
Attorney for Respondent Water
Reclamation District Employees
Association

By: /s/ Darhyl Kerr
An employee of Fisher & Phillips LLP

NSEU (Complainant)

**Local 1107's Opposition to the
Association's Motion to Dismiss**

1 **CHRISTENSEN JAMES & MARTIN, CHTD.**
2 EVAN L. JAMES, ESQ. (7760)
3 DYLAN J. LAWTER, ESQ. (15947)
4 7440 W. Sahara Avenue
5 Las Vegas, Nevada 89117
6 Telephone: (702) 255-1718
7 Facsimile: (702) 255-0871
8 Email: elj@cjmlv.com, djl@cjmlv.com
9 *Attorneys for Local 1107*

FILED
January 2, 2026
State of Nevada
E.M.R.B.
2:59 p.m.

6 **STATE OF NEVADA**
7 **GOVERNMENT EMPLOYEE-MANAGEMENT**
8 **RELATIONS BOARD**

9 NEVADA SERVICE EMPLOYEES UNION,

10 Complainant,

11 vs.

12 WATER RECLAMATION DISTRICT
13 EMPLOYEES ASSOCIATION, and
14 CLARK COUNTY WATER
15 RECLAMATION DISTRICT,

Respondent.

CASE NO.: 2025-028

**LOCAL 1107'S OPPOSITION TO
THE ASSOCIATION'S MOTION
TO DISMISS**

16 Complainant, Nevada Service Employees Union ("Local 1107"), by and through
17 its counsel, Christensen James & Martin, hereby opposes the Water Reclamation District
18 Employees Association's (the "Association") Motion to Dismiss filed on December 18,
19 2025, in the above-captioned case. This Opposition is based on the following
20 memorandum of points and authorities and any oral argument heard by the Board.

21 **I.**

22 **INTRODUCTION**

23 The Association's motion must be denied. When considering a motion to dismiss,
24 the allegations contained in the nonmovant's *complaint* are taken as true, *not* the
25 allegations made by the movant. The Association's claim that Local 1107 "no longer
26 speaks for anything close to a majority of bargaining unit members" is simply a self-
27 serving recitation of the allegations contained in its petition filed in EMRB Case No.

1 2025-025, and the Board should not consider this or any other allegation from that
2 petition as true for purposes of evaluating the propriety of dismissal. Citing outside
3 sources—let alone mere unsupported allegations—is an entirely inappropriate method of
4 approaching a motion to dismiss. For this reason, and those detailed below, the Board
5 should deny the Association’s motion to dismiss.

6 **II.**

7 **ARGUMENT**

8 **A. Board regulations and decisions outline the standard for dismissal.**

9 There are a limited number of reasons that a prohibited practices complaint may
10 be dismissed by the Board, and all of those reasons are listed in NAC 288.375. For
11 example, a matter may be dismissed for lack of probable cause. NAC 288.375(1). The
12 factual allegations in Local 1107’s prohibited practices complaint are assumed true for
13 the purposes of the Association’s motion to dismiss. *See Thomas D. Richards v. Police*
14 *Managers and Supervisors Association*, Item No. 788, Case No. A1-046094 (August 19,
15 2013). The Association fails to address the probable cause standard, or NAC 288.375
16 more broadly, in its motion.

17 The principal argument made by the Association is based in the text of NAC
18 288.080. However, the Association apparently misses the entire point of NAC 288.080,
19 which is specifically about “[i]ssuance and service of process of papers” in a matter
20 before the Board, and such issuance and service must conform to the standards of the
21 Nevada Rules of Civil Procedure (“NRCP”). Despite citing this provision with apparent
22 confidence, the Association does not challenge Local 1107’s method of serving the
23 prohibited practices complaint, but instead makes an illogical leap to referencing the
24 standards of dismissal under the NRCP. The Association cites this regulatory provision,
25 arguing that Local 1107’s complaint should be dismissed for failure to state a claim. As
26 detailed herein, Board regulations determine the standard by which a complaint may be
27 dismissed, not the NRCP. The Board should ignore the Association’s attempt to apply an

1 inapposite standard for dismissal of a prohibited practices complaint. Due to its failure to
2 address the appropriate standard for dismissal, the Association’s motion is facially
3 defective and must be denied.

4 **B. Local 1107’s complaint is supported by probable cause.**

5 The Association’s motion is entirely deficient for failure to address the correct
6 standard. However, even assuming, for the sake of argument only, that the Association
7 moved the Board to evaluate Local 1107’s complaint under the correct standard of
8 probable cause, the motion should still be denied. In the context of a civil action,
9 probable cause “requires no more than a reasonable belief that there is a chance that a
10 claim may be held valid upon adjudication.” *Prof’l Real Estate Inv’rs, Inc. v. Columbia*
11 *Pictures Indus.*, 508 U.S. 49, 51, 113 S. Ct. 1920, 1923 (1993). Local 1107 asserts one
12 cause of action against the Association in the complaint, for prohibited practices related
13 to (i) interfering, restraining, or coercing employees in the exercise of their rights, and
14 (ii) discrimination because of political or personal reasons or affiliations. This cause of
15 action is supported by allegations, which must be taken as true at this stage, that the
16 Association appears to have conspired with the Water Reclamation District (the “WRD”)
17 to (i) interfere with employees rights under NRS Chapter 288 by holding organizational
18 meetings during work hours (or paid time off) on the WRD work premises¹ and
19 (ii) disparage Local 1107 during work hours (or paid time off), due to personal or
20 political reasons.² These allegations fall squarely in the realm of what may be “held valid
21 upon adjudication” and are supported by a “reasonable belief.” The Association’s motion
22 improperly requests that the Board resolve factual disputes and weigh credibility at this

23
24 _____
25 ¹ See Complaint at ¶¶ 29-35.

26 ² See Complaint at ¶¶ 35, 38-44. Furthermore, the Board should reject the Association’s
27 statute-of-limitations argument as a red herring. The allegations regarding Eaton’s
conduct on Local 1107’s bargaining team provide essential context to expose the deeply
collusive relationship between the WRD and the Association (an organization that Eaton
himself helped establish).

1 juncture. These efforts must be ignored, the motion should be denied, and the prohibited
2 practices complaint ought to proceed to adjudication on its merits.

3 **III.**

4 **CONCLUSION**

5 Based upon the foregoing, the Board should deny the Association's motion to
6 dismiss.

7 DATED this 2nd day of January, 2026. **CHRISTENSEN JAMES & MARTIN, CHTD.**

8 By: /s/ Dylan J. Lawter
9 Dylan J. Lawter, Esq.
10 7440 W. Sahara Avenue
11 Las Vegas, Nevada 89117
12 Telephone: (702) 255-1718
13 *Attorneys for Local 1107*

14
15
16
17
18
19
20
21
22
23
24
25
26
27

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27

CERTIFICATE OF SERVICE

I hereby certify that on January 2, 2026, I caused a true and correct copy of the foregoing Opposition to be filed via email, as follows:

Employee-Management Relations Board
emrb@business.nv.gov

I hereby certify that on January 2, 2026, I served a true and correct copy of the foregoing Opposition on Respondents to the following:

Water Reclamation District Employees Association
c/o Jeffery F. Allen, Esq.
jeffreyfallen@aol.com
Counsel for the Association

Clark County Water Reclamation District
c/o Fisher & Phillips LLP
Mark J. Ricciardi, Esq.
mricciardi@fisherphillips.com
Counsel for WRD

CHRISTENSEN JAMES & MARTIN, CHTD.

By: /s/ Dylan Lawter
Dylan Lawter

WRDEA (Respondent)

**Reply to SEIU's Opposition to Motion to Dismiss
SEIU's Prohibited Practices Complaint**

FILED
January 6, 2026
State of Nevada
E.M.R.B.
10:22 a.m.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

JEFFREY F. ALLEN, ESQ.
Nevada Bar No. 9495
2941 Carmelo Drive
Henderson, NV 89052
Phone: (702) 595-1127
Email: jeffreyfallen@aol.com

Attorney for Respondent,
Water Reclamation District Employees Association

STATE OF NEVADA
GOVERNMENT EMPLOYEE-MANAGEMENT
RELATIONS BOARD

* * * *

NEVADA SERVICE EMPLOYEES UNION)	CASE NO.: 2025-028
)	
Petitioner,)	
)	
vs.)	WRDEA'S REPLY TO SEIU's
)	OPPOSITION TO MOTION TO
WATER RECLAMATION DISTRICT)	DISMISS SEIU'S PROHIBITED
EMPLOYEES ASSOCIATION and CLARK)	PRACTICES COMPLAINT
COUNTY WATER RECLAMATION)	
DISTRICT,)	
)	
Respondents.)	
)	

COMES NOW, Respondent Water Reclamation District Employees Association ("WRDEA"), by and through its counsel, Jeffrey F. Allen, Esq., and submits the following Reply to Nevada Service Employees Union's ("SEIU") Opposition to WRDEA's Motion to Dismiss SEIU's Prohibited Practices Complaint:

I. ARGUMENT

In its Opposition, SEIU takes issue with the standard for deciding a motion to dismiss that was articulated by WRDEA in its moving papers. SEIU contends that a motion to dismiss premised on a failure to state a valid claim pursuant to NRCP 12(b)(5) is inappropriate. Although

1 the undersigned has personally litigated a case where such a motion to dismiss was brought and
2 considered by this Board¹, let us suppose that SEIU is correct on this technical matter. As SEIU
3 points out in its Opposition, NAC 288.375 allows this Board to dismiss a Complaint which is
4 based on claims that are unsupported by probable cause and/or frivolous. Under this standard, it
5 is equally clear that SEIU's Complaint ought to be summarily dismissed.

6 As stated in WRDEA's moving papers, SEIU's Complaint merely recounts legitimate
7 actions taken by WRDEA in order to effectuate a legal change of the exclusive bargaining agent
8 for supervisory employees of the Clark County Water Reclamation District ("CCWRD"). Such
9 employees have the right to choose WRDEA over SEIU in accordance with NRS §288.140(1).
10 Furthermore, WRDEA has the right to organize such employees and petition this Board to be
11 named the exclusive bargaining agent for such employees pursuant to NRS §288.160 and NAC
12 §288.146. SEIU's Opposition offers no explanation for how its Complaint could be construed to
13 transform WRDEA's legitimate organizing actions into prohibited conduct in violation of NRS
14 §288.270(2).

15 In its Opposition, SEIU merely points to the fact that WRDEA had some organizational
16 meetings during business hours on CCWRD's premises- which is entirely proper and not
17 actionable. SEIU also continues to claim that WRDEA somehow disparaged SEIU (although the
18 SEIU offers no specifics in its Opposition). Looking at SEIU's Complaint, the only specifics that
19 it provides regarding supposedly disparaging comments is that WRDEA President James Eaton
20 "has made comments about disliking Local 1107's political activities" and "has made comments
21 about disliking Local 1107's leadership for personal reasons." (SEIU's Complaint, p. 5, ¶40-41.)
22 Even if these allegations were deemed true, they are still not actionable. Expressing
23 dissatisfaction with a union or union leadership is protected free speech and certainly not violative
24 of NRS 288.270(2). Thus, again, as stated in WRDEA's moving papers, even if everything SEIU
25 has alleged in its Complaint is accepted as true, it still fails to state a legitimate claim against
26 WRDEA. Nothing in SEIU's Opposition explains that away. Consequently, this Board should

27
28 ¹ See, *Danser vs. North Las Vegas Police Officers Association*, EMRB Case No. 2017-035 (2018).

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

dismiss SEIU's Prohibited Practices Complaint for failing to state a claim upon which relief could be granted, for being unsupported by probable cause and for being frivolous.

Dated: January 6, 2026

By: 
JEFFREY F. ALLEN, ESQ.
Nevada Bar No. 9495
Attorneys for Respondent,
Water Reclamation District Employees Association

1 **CERTIFICATE OF SERVICE**

2 The undersigned, Jeffrey F. Allen, hereby certifies that on January 6, 2026, he emailed a
3 copy of **WRDEA'S REPLY TO SEIU'S OPPOSITION TO MOTION TO DISMISS**
4 **SEIU'S PROHIBITED PRACTICES COMPLAINT** to the following persons:

5 Evan L. James, Esq.
6 Email: elj@cjmlv.com
7 Dylan J. Lawter, Esq.
8 Email: djl@cjmlv.com
9 Christensen, James & Martin, Chtd.
10 Counsel for Respondent,
11 Service Employees International Union, Local 1107

12 Mark J. Ricciardi, Esq.
13 Fisher & Phillips LLP
14 Email: mricciardi@fisherphillips.com
15 Counsel for Respondent,
16 Clark County Water Reclamation District

17
18
19
20
21
22
23
24
25
26
27
28


Jeffrey F. Allen