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11 Attorneys for Respondent

FILED  
April 3, 2026  
State of Nevada  
E.M.R.B.  
1:00 p.m.

**STATE OF NEVADA**

**EMPLOYEE-MANAGEMENT RELATIONS BOARD**

10 JUSTIN DARLING, a Local Government Employee,  
11 Complainant,  
12 vs.  
13 LAS VEGAS VALLEY WATER DISTRICT,  
14 a Political Subdivision of the State of Nevada,  
15 Respondent.  
16  
17 ) Case No.: 2025-005  
18 )  
19 ) **RESPONDENT LVVWD’S**  
20 ) **MOTION TO EXTEND TIME**  
21 ) **TO FILE ITS REPLY IN**  
22 ) **SUPPORT OF ITS MOTION**  
23 ) **TO DEFER TO**  
24 ) **ARBITRATOR’S AWARD**  
25 ) **AND DISMISS THE**  
26 ) **COMPLAINT**  
27 )  
28 )

18 COMES NOW, Respondent, the Las Vegas Valley Water District (“LVVWD”  
19 or the “Respondent”), by and through its counsel of record, Mark J. Ricciardi, Esq. and  
20 Allison L. Kheel, Esq., of the law offices of Fisher & Phillips LLP, and hereby moves  
21 the Board for a one (1) week extension of time to file its Reply in Support of its Motion  
22 to Defer to Arbitrator’s Award and Dismiss the Complaint (hereinafter the “Reply”).  
23 The Reply is currently due on April 3, 2026, and Respondent requests an extension to  
24 Friday, April 10, 2026, to file its Reply.

**MEMORANDUM OF POINTS AND AUTHORITIES**

26 Currently, the LVVWD has filed a Motion to Defer to Arbitrator’s Award and  
27 Dismiss the Complaint (hereinafter the “Motion”). On March 20, 2026, Mr. Darling  
28 filed his Opposition to the Motion, which was the first time Darling has provided any

1 detail regarding the basis of his claims in this matter. Most of these arguments appear  
2 to be the same arguments and evidence Darling already presented at Arbitration, but  
3 require a detailed review of Darling’s proffered evidence to verify and adequately  
4 respond.

5 Additionally, Counsel for Respondent has been in the middle of preparing for a  
6 5-day trial as well as been tied up with several other legal matters, including  
7 negotiations over collective bargaining agreements for several clients, analysis of  
8 payroll data and two new arbitration cases.

9 On April 2, 2026, Counsel for Respondent contacted *pro se* Complainant, Justin  
10 Darling, in good faith to attempt to obtain an agreed stipulation for a one-week  
11 extension in accordance with Adopted Regulation R010-15 to file its Reply. The short  
12 extension would not delay the Board hearing on the Motion. The request also explained  
13 that April 3 was Good Friday, which affected the childcare situation for Counsel for  
14 Respondent. Complainant ultimately responded and indicated that he will not stipulate  
15 to an extension, forcing Respondent to file the instant Motion.<sup>1</sup>

16 Accordingly, Respondent requests a one-week extension to April 10, 2026, to  
17 file its Reply.

18 DATED this 3<sup>rd</sup> day of April, 2026.

19 FISHER & PHILLIPS, LLP

20 /s/ Allison L. Kheel Esq.  
21 MARK J. RICCIARDI, ESQ.  
22 ALLISON L. KHEEL, ESQ.  
23 300 South 4th Street, Suite 1500  
24 Las Vegas, Nevada 89101  
25 *Attorneys for Respondent*

26  
27 <sup>1</sup> A copy of correspondence with Complainant refusing good faith extension request is attached hereto as  
28 **Exhibit 1**. Respondent notes that Complainant has never requested an extension in this matter. Absent  
unusual circumstances, Counsel for Respondent is always willing to grant reasonable requests for  
extension of time as a matter of common courtesy.

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

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**CERTIFICATE OF ELECTRONIC SERVICE**

This is to certify that on the 3rd day of April, 2026, the undersigned, an employee of Fisher & Phillips LLP, electronically served the foregoing **RESPONDENT LVVWD’S MOTION TO EXTEND TIME TO FILE ITS REPLY IN SUPPORT OF ITS MOTION TO DEFER TO ARBITRATOR’S AWARD AND DISMISS THE COMPLAINT** to EMRB (emrb@business.nv.gov) and the following:

JUSTIN DARLING  
1610 Rocking Horse Drive  
Henderson, NV 89002  
Jwdwj713@gmail.com

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

# **EXHIBIT 1**

**E-mail Trail With Justin Darling**

**From:** [Justin Darling](#)  
**To:** [Kheel, Allison](#)  
**Subject:** Re: EMRB Case No. 2025-005 (Darling adv. LVVWD)  
**Date:** Friday, April 3, 2026 10:20:07 AM

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**CAUTION: This email originated from outside of the Firm. Do not click links or open attachments unless you recognize the sender and know the content is safe.**

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Ms. Kheel,

Im just seeing your email as I was traveling yesterday.

I understand the District's position that the requested extension does not affect the Board's decision timeline. The issue is not the Board's schedule, it is the parties' ability to prepare and present their arguments.

I have respected the process and complied with all deadlines, even when doing so required proceeding under time constraints. The District, represented by counsel, has made multiple requests for additional time. Each extension provides additional opportunity to refine arguments and adjust strategy. If I had been afforded similar additional time to refine my opposition, it would have provided a meaningful advantage in presenting my position.

The repeated extensions create an imbalance that is prejudicial.

Accordingly, I do not consent to the requested extension and remain prepared to proceed under the current schedule.

Justin Darling

On Thu, Apr 2, 2026 at 3:44 PM Kheel, Allison <[akheel@fisherphillips.com](mailto:akheel@fisherphillips.com)> wrote:

Dear Mr. Darling,

I was looking at the calendar and just realized that tomorrow is Good Friday and this weekend is Easter. I was wondering if you would be willing to grant the District a one week extension of time (up until April 10, 2026) to submit its Reply in Support of Deferral so we can avoid the holiday. This short extension should not delay the Board's consideration of this matter in any way.

If you wish to discuss this matter further, please do not hesitate to contact me directly.

Very truly yours,



**Allison Kheel**  
**Attorney at Law**

**Fisher Phillips**  
300 South Fourth Street Suite 1500  
Las Vegas, NV 89101

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*This message may contain confidential and privileged information.  
If it has been sent to you in error, please reply to advise the sender of the error, then  
immediately delete this message.*

**Justin Darling (Complainant)**

**Response in Opposition to Motion to Extend  
Time to File Reply**

STATE OF NEVADA  
EMPLOYEE-MANAGEMENT RELATIONS BOARD

JUSTIN DARLING,  
a Local Government Employee,

Complainant,  
vs.

FILED  
April 3, 2026  
State of Nevada  
E.M.R.B.  
2:14 p.m.

LAS VEGAS VALLEY WATER DISTRICT,  
a Political Subdivision of the State of Nevada,

Respondent.

Case No. 2025-005

COMPLAINANT JUSTIN DARLING'S RESPONSE IN OPPOSITION TO  
RESPONDENT'S MOTION TO EXTEND TIME

Complainant Justin Darling, appearing pro se, respectfully opposes Respondent Las Vegas Valley Water District's Motion to Extend Time.

This response is submitted to oppose the requested extension and to correct the record regarding the parties communications. Respondent's motion states that, on April 2, 2026 at 3:44 pm, counsel contacted Complainant "in good faith" to seek a one-week extension, and that Complainant refused, "forcing Respondent to file the instant Motion," after being advised that April 3 was Good Friday and that this affected childcare for counsel. In counsel's April 2, 2026 email to Complainant however, the explanation given for the requested extension was limited to upcoming holiday weekend and did not disclose any specific childcare hardship. Complainants' written response addressed the

reasons that were actually provided to him and expressed concern about repeated last minute extension requests.

Complainant's refusal to stipulate did not create Respondent's timing issue. Respondent remains responsible for managing its own deadline and could've filed its Reply within the existing schedule regardless of Complainant's Position.

This is not the first time Respondent has sought last-minute relief and then referenced Complainant's lack of consent in connection with a timing issue. On a prior motion, Respondent filed after the original deadline had already passed, following a reminder from the EMRB, and requested an adjustment to the schedule over Complainant's objection. Respondent again waited until the eve of its deadline to seek an extension and now point to Complainant's refusal to stipulate as part of its explanation.

The requested extension is prejudicial. Respondent has already had the benefit of drafting its Motion and reviewing Complainant's timely opposition. Extending the reply deadline after receiving Complainant's opposition affords additional time to refine arguments and adjust strategy, while Complainant has complied with all deadlines set by the Board without requesting extensions. Allowing repeated, last-minute extensions under these circumstances creates an imbalance in the parties' ability to prepare and present their arguments.

For these reasons Complainant respectfully requests that Respondent's Motion to Extend Time be Denied.

Dated this third day of April 2026

/s/ Justin Darling

Complainant, Pro Se

## **CERTIFICATE OF SERVICE**

I hereby certify that on this 3rd day of April, 2026, I served a true and correct copy of the foregoing Complainant's Response in Opposition to Respondent's Motion to Extend Time upon the following by electronic mail:

Mark J. Ricciardi, Esq.

Allison L. Kheel, Esq.

David Dornak, Esq.

FISHER & PHILLIPS LLP

300 South Fourth Street, Suite 1500

Las Vegas, Nevada 89101

Email: akheel@fisherphillips.com

I declare under penalty of perjury under the laws of the State of Nevada that the foregoing is true and correct.

DATED this 3rd day of April, 2026

Justin Darling

Complainant, Pro Se

**LVVWD (Respondent)**

**Reply in Support of Its Motion to Extend Time to  
File Reply in Support of Motion to Defer to  
Arbitrator's Award and Dismiss the Complaint**

FILED  
April 15, 2026  
State of Nevada  
E.M.R.B.  
5:01 p.m.

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9 Facsimile: (702) 252-7411  
10 E-Mail Address: [akheel@fisherphillips.com](mailto:akheel@fisherphillips.com)  
11 Attorneys for Respondent

8 STATE OF NEVADA

9 EMPLOYEE-MANAGEMENT RELATIONS BOARD

10 JUSTIN DARLING, a Local Government ) Case No.: 2025-005  
11 Employee, )  
12 ) **RESPONDENT LVVWD'S**  
13 ) **REPLY IN SUPPORT OF ITS**  
14 ) **MOTION TO EXTEND TIME**  
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18 COMES NOW, Respondent, the Las Vegas Valley Water District ("LVVWD"  
19 or the "Respondent"), by and through its counsel of record, Mark J. Ricciardi, Esq. and  
20 Allison L. Kheel, Esq., of the law offices of Fisher & Phillips LLP, and hereby files this  
21 Reply in Support of Its Motion to Extend Time to File Its Reply in Support of its  
22 Motion to Defer to Arbitrator's Award and Dismiss the Complaint (hereinafter the  
23 "Reply"). Respondent requested an extension to Friday, April 10, 2026, to file its  
24 Reply, and filed its Reply on that date.

25 The requested extension did not prejudice Darling as the requested extension did  
26 not change the date upon which the Board would hear the matter. The Board's primary  
27 interest should be in obtaining all the arguments and evidence so the Board can make a  
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1 full and fair determination on the merits, and the requested extension enables the Board  
2 to do this.

3 Darling's Opposition to the District's Motion to Defer to Arbitrator's Award and  
4 Dismiss the Complaint was once again a regurgitation of the same arguments and  
5 evidence Darling already presented at Arbitration. This required the District to spend a  
6 great deal of time combing through the significant Arbitration record to find where each  
7 issue raised was already presented to and ruled upon by the Arbitrator. It also was the  
8 first time Darling choose to expand on any of the legal theories (or facts supporting  
9 those theories) set forth in Darling's original Complaint. Additionally, Counsel for the  
10 District had several other matters pending at the time, including preparation for a five-  
11 day trial and required additional time to address the matters raised in Darling's  
12 Opposition. It was not the intent of Counsel for the District to gain an unfair advantage,  
13 rather it was Counsel's intent to seek additional time to enable it to focus on the current  
14 matter. The requested extension enabled the District to provide a thorough response so  
15 the Board could properly consider every argument.

16 Accordingly, Respondent requests that the Board grant the request for a one-  
17 week extension to April 10, 2026, to file its Reply.

18 DATED this 15th day of April, 2026.

19 FISHER & PHILLIPS, LLP

20 /s/ Allison L. Kheel Esq.  
21 MARK J. RICCIARDI, ESQ.  
22 ALLISON L. KHEEL, ESQ.  
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25 *Attorneys for Respondent*  
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JUSTIN DARLING  
1610 Rocking Horse Drive  
Henderson, NV 89002  
Jwdwj713@gmail.com

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