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FILED
August 29, 2023
State of Nevada
E.M.R.B.
4:20 p.m.

STATE OF NEVADA

GOVERNMENT EMPLOYEE-MANAGEMENT RELATIONS BOARD

CLARK COUNTY SCHOOL DISTRICT, Petitioner/Counter-Respondent, vs. CLARK COUNTY EDUCATION ASSOCIATION, Respondent/Counter-Petitioner.	Case No. 2023-020 **JOINT STATUS REPORT**

Pursuant to the State of Nevada Government Employee-Management Relations Board's Order dated August 16, 2023, the CLARK COUNTY EDUCATION ASSOCIATION ("CCEA") and CLARK COUNTY SCHOOL DISTRICT (the "School District", and together with CCEA, the "Parties"), by and through their respective counsel of record, hereby submit the following Joint Status Report.

Status of District Court Action

On August 1, 2023, the School District filed an Emergency Motion for Temporary Restraining Order and Preliminary Injunction on Order Shortening Time ("Motion for TRO") with the Eighth Judicial District Court of the State of Nevada ("District Court") in the case entitled *Clark County School District v. Clark County Education Association, et al.*, Case No. A-23-874996-C ("District Court Action").

BRAVO SCHRAGER LLP

On August 21, CCEA filed an Anti-SLAPP Special Motion to Dismiss ("Motion to Dismiss") in the District Court Action; the Parties have not completed briefing on the Motion to Dismiss.

On August 22, the District Court held a hearing on the School District's Motion for TRO, and on August 25, the District Court entered an order denying the Motion for TRO. A true and accurate copy of the notice of entry of order filed on August 28 is attached hereto as Exhibit "A".

On September 19, the District Court is scheduled to hold a hearing on CCEA's Motion to Dismiss

DATED this 29th day of August, 2023.

By: */s/ Bradley S. Schrager*
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By: */s/ Crystal J. Herrera*
CRYSTAL J. HERRERA, ESQ.
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Attorney for Petitioner,
Clark County School District

CERTIFICATE OF SERVICE

I hereby certify that on this 29th day of August, 2023, a true and correct copy of **JOINT STATUS REPORT** was served via ELECTRONIC MAIL to the below:

Crystal J. Herrera, Esq.
OFFICE OF THE GENERAL COUNSEL
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herrec4@nv.ccsd.net
Attorneys for Petitioner,
Clark County School District

By: */s/ Dannielle Fresquez*
Dannielle Fresquez, an Employee of
BRAVO SCHRAGER LLP

Exhibit A

Electronically Filed
8/28/2023 11:55 AM
Steven D. Grierson
CLERK OF THE COURT

NEOJ
BRADLEY S. SCHRAGER, ESQ. (SBN 10217)
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Attorneys for Defendants

IN THE EIGHTH JUDICIAL DISTRICT COURT

OF THE STATE OF NEVADA IN AND FOR CLARK COUNTY

CLARK COUNTY SCHOOL DISTRICT, Plaintiff, vs. CLARK COUNTY EDUCATION ASSOCIATION; MARIE NEISESS, in her capacity as President of the Clark County Education Association; JAMES FRAZEE, in his capacity as Vice President of the Clark County Education Association; JOHN VELLARDITA, in his capacity as Executive Director of the Clark County Education Association; and DOES 1-10, inclusive,, Defendant.	Case No. A-23-874996-C Dept. No.: 8 **NOTICE OF ENTRY OF ORDER**

NOTICE IS HEREBY GIVEN that an ORDER DENYING PLAINTIFF CLARK COUNTY SCHOOL DISTRICT'S EMERGENCY MOTION FOR TEMPORARY RESTRAINING ORDER AND PRELIMINARY INJUNCTION was

/ / /

entered in the above-captioned matter on the 25th day of August, 2023. A true and correct copy is attached hereto as Exhibit 1.

DATED this 28th day of August, 2023.

BRAVO SCHRAGER LLP

By: */s/ Bradley S. Schrager*

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Attorneys for Defendants

CERTIFICATE OF SERVICE

I hereby certify that on this 28th day of August, 2023, a true and correct copy of the **NOTICE OF ENTRY OF ORDER** was served by electronically filing with the Clerk of the Court using the Odyssey eFileNV system and serving all parties with an email-address on record, pursuant to Administrative Order 14-2 and Rule 9 of the N.E.F.C.R.

By: */s/ Dannielle Fresquez*
Dannielle Fresquez, an Employee of
BRAVO SCHRAGER LLP

Exhibit 1

ELECTRONICALLY SERVED
8/25/2023 7:32 PM

Electronically Filed
08/25/2023 7:30 PM
CLERK OF THE COURT

ORDR

DISTRICT COURT
CLARK COUNTY, NEVADA

CLARK COUNTY SCHOOL DISTRICT;

Plaintiff,

vs.

CLARK COUNTY EDUCATION ASSOCIATION; MARIE NEISESS, in her capacity as President of the Clark County Education Association; JAMES FRAZEE, in his capacity as Vice President of the Clark County Education Association; JOHN VELLARDITA, in his capacity as Executive Director of the Clark County Education Association; and DOES 1-10, inclusive,

Defendants.

CASE NO: A-23-874996-C

DEPT NO: 8

ORDER DENYING PLAINTIFF CLARK COUNTY SCHOOL DISTRICT'S EMERGENCY MOTION FOR TEMPORARY RESTRAINING ORDER AND PRELIMINARY INJUNCTION

On August 1, 2023, Plaintiff CLARK COUNTY SCHOOL DISTRICT ("the District" or "Plaintiff") filed an Emergency Motion for Temporary Restraining Order and Preliminary Injunction on Order Shortening Time ("Motion") seeking to enjoin Defendants CLARK COUNTY EDUCATION ASSOCIATION, MARIE NEISESS, JAMES FRAZEE, and JOHN VELLARDITA (collectively, "CCEA" or "Defendants") from striking against the District, and mandating that CCEA communicate to its members not to engage in any such work stoppage. On August 8, Defendants filed an Opposition to the Motion. On August 15, Plaintiff filed a Reply in support of the Motion.

On August 22, 2023, the Court heard oral argument from counsel. Ethan D. Thomas, Esq. and Andrew S. Clark, Esq. of Littler Mendelson, P.C. and Crystal J. Herrera, Esq. from the Office

of the General Counsel for the District appeared on behalf of Plaintiff. Bradley S. Schrager, Esq. of Bravo Schrager LLP appeared on behalf of Defendants. Having considered the Motion and related briefs, all pleadings and papers on file, and argument of counsel, the Court **DENIES** the Emergency Motion for Temporary Restraining Order and Preliminary Injunction, consistent with the following:

NRS 288.705 states as follows:

> 1. If a strike occurs against the State or a local government employer, the State or local government employer shall, and if a strike is threatened against the State or a local government employer, the State or local government employer may, apply to a court of competent jurisdiction to enjoin such strike. The application shall set forth the facts constituting the strike or threat to strike.
>
> 2. If the court finds that an illegal strike has occurred or unless enjoined will occur, it shall enjoin the continuance or commencement of such strike. The provisions of N.R.C.P. 65 and of the other Nevada Rules of Civil Procedure apply generally to proceedings under this section, but the court shall not require security of the State or of any local government employer.

NRS 288.705.

"Strike" as used in NRS Chapter 288 is further defined by NRS 288.074 as:

> 1. Stoppage of work, slowdown or interruption of operations by employees of the State of Nevada or local government employees;
>
> 2. Absence from work by employees of the State of Nevada or local government employees upon any pretext or excuse, such as illness, which is not founded in fact; or
>
> 3. Interruption of the operations of the State of Nevada or any local government employer by any employee organization or labor organization.

NRS 288.074.

For the Court to issue an injunction pursuant to NRS 288.705, it must find that a strike against the State or a local government employer has occurred or unless enjoined **will** occur. Although the Court is concerned about certain statements made by the Defendants, at this point in time, the Court finds that it has insufficient evidence that a strike will occur within the meaning of the statute, and therefore cannot issue the requested injunction. Should additional actions by the Defendants result in further evidence of a strike or threat of strike in violation of NRS 288 *et seq.*, Plaintiff may move for a hearing on order shortening time to be heard within one judicial day.

BASED ON THE FOREGOING, the Court ORDERS that Plaintiff's Emergency Motion for Temporary Restraining Order and Preliminary Injunction is DENIED.

Dated this 25th day of August, 2023

Jessica K Peterso

873 B2C 5E1C 904D
Jessica K. Peterson
District Court Judge

AFFIRMATION
Pursuant to NRS 239B.030
The undersigned does hereby affirm that the preceding Order filed in District Court case number A874996 **DOES NOT** contain the social security number of any person.
/s/ Jessica K Peterson

CSERV

DISTRICT COURT
CLARK COUNTY, NEVADA

Clark County School District, Plaintiff(s) vs. Clark County Education Association, Defendant(s)	CASE NO: A-23-874996-C DEPT. NO. Department 8

AUTOMATED CERTIFICATE OF SERVICE

This automated certificate of service was generated by the Eighth Judicial District Court. The foregoing Order was served via the court's electronic eFile system to all recipients registered for e-Service on the above entitled case as listed below:

Service Date: 8/25/2023

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