

FILED
June 12, 2026
State of Nevada
E.M.R.B.
4:39 p.m.

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

12 DANIEL WALLACE,

Case No.: 2026-005

Complainant,

Panel:

vs.

13 RENO POLICE PROTECTIVE
14 ASSOCIATION,

Respondent.

15
16 _____ /
17 **MOTION FOR LEAVE TO FILE REPLY TO RESPONSE**
18 **TO MOTION TO DISMISS COMPLAINT**

19 **COMES NOW**, Respondent RENO POLICE PROTECTIVE ASSOCIATION, by and
20 through its undersigned attorney, hereby files its Motion for Leave to File Reply to Response to
21 Motion to Dismiss the Complaint filed by Complainant Daniel Wallace on or about May 23,
22 2026. A copy of the reply is attached hereto as Exhibit 1. This motion is based on the following
23 memorandum of points and authorities, the pleadings and papers on file herein and any other
24 material the Board chooses to consider.

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MEMORANDUM OF POINTS AND AUTHORITIES

I. INTRODUCTION

Respondent Reno Police Protective Association (“RPPA”) is an employee organization as defined in N.R.S. 288.040. It is the recognized bargaining unit for police officers employed by the City of Reno (“City”). Complainant Daniel Wallace (“Wallace”) at all times relevant was a local government employee as defined in NRS 288.050. Wallace was a member of the RPPA during his employment at the Reno Police Department (“RPD”) and faced several disciplinary actions during this time.

Wallace filed an opposition to the RPPA’s motion to dismiss on May 23, 2026. The RPPA inadvertently calendared the reply to be filed on June 12, 2026, when it was actually due on June 8, 2026. Due to this, the RPPA is bringing this motion to obtain leave from the Board to file its reply.

II. LEGAL AUTHORITY

NAC 288.240(4) requires in part that a response to an opposition is due within 14 Days after the opposition is filed. Nevada Rules of Civil Procedure 6(b)(1)(B)(ii) provides that a “court may, for good cause, extend the time . . . on motion made after the time has expired if the party failed to act because of excusable neglect.” In addition, once excusable neglect is shown, relief under Rule 6(b) could be obtained and “the opponent failed to show that undue prejudice would result if the relief was granted.” Moseley v. Eighth Judicial Dist. Court of Nev., 124 Nev. 654, 663-664, 188 P.3d 1136, 1143 (2008).

III. ARGUMENT

Respondent is bringing this motion due to having inadvertently calendared the reply that it could file for four days after the actual due date, June 12, 2026, instead of June 8, 2026. This

1 was purely a scheduling mistake that occurred due to the undersigned counsel miscalculating the
2 due date for the reply to Wallace's response and opposition, and this request and motion are
3 being made in good faith and without any intention to cause an undue delay. In fact, no party
4 will be prejudiced by Respondent's filing of its reply as the matter has yet to have been set by
5 the Board for a decision, and even if the Board were to set the matter for a hearing, it would not
6 be before July 2026, allowing the Board adequate time to review the fully brief motion to
7 dismiss. Wallace cannot demonstrate any prejudice by the Respondent being permitted to file its
8 reply as requested, as there is no further briefing to be done on this motion, and the reply would
9 only serve to complete the briefing on this matter.
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11 As noted above, Respondent's counsel inadvertently calendared the response to be filed
12 to Wallace's opposition for June 12, 2026, and only realized on June 11, 2026, that the reply
13 was actually due on June 8, 2026. Respondent immediately filed its reply while simultaneously
14 filing this motion with the Board in an abundance of caution and to ensure that it had complied
15 with all requirements. Therefore, excusable neglect and lack of prejudice have been shown
16 permitting this reply to be filed after the original deadline. See Nev. R. Civ. P. 6(b)(1)(B)(ii);
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18 see also Moseley, 124 Nev. 654, 663-664, 188 P.3d 1136, 1143 (2008).
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EXHIBIT LIST

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Exhibit Number	Description	Page(s)
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1	Reply in Support of Motion to Dismiss	10
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EXHIBIT 1

EXHIBIT 1

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11 **GOVERNMENT EMPLOYEE-MANAGEMENT RELATIONS BOARD**

12 DANIEL WALLACE,

13 Complainant,

Case No.: 2026-005

Panel:

14 vs.

15 RENO POLICE PROTECTIVE
16 ASSOCIATION,

Respondent.
/

17 **REPLY IN SUPPORT OF MOTION TO DISMISS**

18 **COMES NOW**, Respondent RENO POLICE PROTECTIVE ASSOCIATION, by and
19 through its undersigned attorney, hereby files its Reply in Support of Motion to Dismiss that it
20 filed on May 18, 2026. This reply is based on the following memorandum of points and
21 authorities, the pleadings and papers on file herein and any other material the Board chooses to
22 consider.
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MEMORANDUM OF POINTS AND AUTHORITIES

I. INTRODUCTION

Respondent Reno Police Protective Association (“RPPA”) is an employee organization as defined in N.R.S. 288.040. It is the recognized bargaining unit for police officers employed by the City of Reno (“City”). Complainant Daniel Wallace (“Wallace”) at all times relevant was a local government employee as defined in NRS 288.050. Wallace was a member of the RPPA during his employment at the Reno Police Department (“RPD”) and faced several disciplinary actions during this time.

Wallace filed a complaint against the RPPA on April 9, 2026, in which he is seemingly alleging that the RPPA failed to fairly represent him in the matter related to his termination. The RPPA vehemently denies these claims, and on May 18, 2026, it filed a motion to dismiss this complaint. Wallace filed a response on May 23, 2026, in which he attempts to add new allegations and supporting “facts” that are not present in his complaint in an effort to avoid the matter being dismissed. The RPPA is now filing its reply related to Wallace’s response.

II. LEGAL AUTHORITY

The Board may dismiss a complaint for lack of probable cause under NAC 288.375(1). A complaint must contain a “clear and concise statement of the facts constituting the alleged practice sufficient to raise a justiciable controversy under Chapter 288, including the time and place of the occurrence of the particular acts and the names of persons involved.” See NAC 288.200; see also Clark County Public Employees Association, SEIU Local 1107 vs. Clark County, Case No. A1-045496, EMRB Item 281 (11/21/90). If a complaint lacks sufficient factual allegations to raise a justiciable controversy, it necessarily lacks probable cause and is

1 subject to dismissal. See Thomas D. Richards v. Police Managers and Supervisors Association,
2 Case No. A1-046094, Item No. 788 (08/19/13).

3 The Board must dismiss the Complaint if it determines that no probable cause exists for
4 the Complaint, NAC 288.375(1), or if a complainant files a spurious or frivolous complaint.
5 NAC 288.375(5). In the present matter, the complaint, and response to the motion to dismiss,
6 completely fail to provide any factual allegations and instead contains mere labels and
7 conclusions or a formulaic recitation of the elements of a cause of action, and it must be
8 dismissed. NAC 288.375.
9

10 III. ARGUMENT

11 As detailed in its Motion, the RPPA continues to contend that the complaint was never
12 properly served on the RPPA, and this alone mandates that it be dismissed. NAC 288.080(1)
13 requires that the “issuance and service of process of papers required by this chapter must be in
14 conformity with the Nevada Rules of Civil Procedure and the rules and regulations of the
15 Board.” Nevada Rules of Civil Procedure Rule 4.2(c) provides for how service of process to an
16 entity may be accomplished in Nevada.¹ Wallace has failed to serve the RPPA as he only sent
17 the complaint by certified mail to the RPPA’s business address, and never served it on the
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21 ¹ Nev. R. Civ. P. 4.2(c)(1)(A) defines that “[a]n entity or association that is formed under the
22 laws of this state, is registered to do business in this state, or has appointed a registered agent in
23 this state, may be served by delivering a copy of the summons and complaint to:
24 (i) the registered agent of the entity or association; (ii) any officer or director of a corporation;
25 (iii) any partner of a general partnership; (iv) any general partner of a limited partnership;
26 (v) any member of a member-managed limited-liability company; (vi) any manager of a
27 manager-managed limited-liability company; (vii) any trustee of a business trust;
28 (viii) any officer or director of a miscellaneous organization mentioned in NRS Chapter 81;
(ix) any managing or general agent of any entity or association; or (x) any other agent
authorized by appointment or by law to receive service of process.

1 RPPA in compliance with NRCP 4.2(c)(1)(A) as required by NAC 288.080(1). In an abundance
2 of caution, and to ensure that its rights are protected, the RPPA filed an answer and its motion,
3 but it does not waive any defense or argument related to the failure of Wallace to properly serve
4 the complaint.

5 Turning now to Wallace’s response, it is clear that Wallace has not provided any factual
6 allegations and that his complaint contains no facts to support his allegations. The entire
7 complaint is filled only with conclusory statements that are seemingly brought to fulfill what
8 Wallace appears to believe are the elements of the statute he is alleging was violated. This is
9 further demonstrated by the response in which Wallace attempts to add “facts” that are not
10 contained in his complaint and are improperly included in his response. Regardless of these
11 additional “facts,” Wallace still fails raise a justiciable controversy and his complaint is subject
12 to dismissal. See Thomas D. Richard, Case No. A1-046094, Item No. 788.

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15 This Board addressed in detail in the Woodard v. Sparks Police Protective Association,
16 Case 2018-026, EMRB Item No. 853-A the legal standards it considers when addressing a claim
17 that a union has not fairly represented a member. In the Woodard case, this Board explained that
18 the Nevada Supreme Court has recognized that employee organizations are subject to the duty
19 of fair representation. Weiner v. Beatty, 121 Nev. 243,249, 116 P.3d 829, 832 (2005); Cone v.
20 Nevada Serv. Employees Union/SEIU Local 1107, 116 Nev. 473, 478-79, 998 P.2d 1178, 1182
21 (2000). The Board detailed that the “duty of fair representation requires that when the union
22 represents or negotiates on behalf of a union member, it must conduct itself in a manner that is
23 not ‘arbitrary, discriminatory, or in bad faith.’” Weiner, 121 Nev. at 249, 11 P.3d at 832-33.
24 “Union agents should not be held to a negligence standard of care, when the union for whom
25 they work is liable only if its representation is “arbitrary, discriminatory, or in bad faith.” Id. at
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1 250; Peterson v. Kennedy, 771 F.2d 1244, 1253 (9th Cir. 1985); Vaca v. Sipes, 386 U.S.
2 171(1967). A union's conduct is said to be “‘arbitrary’ if it is ‘without rational basis,’ or is
3 ‘egregious, unfair and unrelated to legitimate union interests.’” Id. (internal citation omitted),
4 citing Johnson v. United States Postal Service, 756 F.2d 1461, 1465 (9th Cir.1985); Demetris v.
5 Transp. Workers Union of Am., AFL-CIO, 862 F.3d 799, 805 (9th Cir. 2017) (will be “deemed
6 arbitrary if it is ‘so far outside [the] ‘wide range of reasonableness,’ that it is wholly
7 ‘irrational.’”).

9 For a union to be said to act arbitrarily, it must be shown that it “simply ignores a
10 meritorious grievance or handles it in a perfunctory manner, for example, by failing to conduct a
11 ‘minimal investigation’ of a grievance that is brought to its attention.” Peterson, 771 F.2d at
12 1254 (internal citation omitted), citing Tenorio v. National Labor Relations Board, 680 F.2d
13 598, 601 (9th Cir.1982) If a union failed to “consider individually the grievances of particular
14 employees where the factual and legal differences among them were significant” or “permit
15 employees to explain the events which led to their discharge before deciding not to submit their
16 grievances to arbitration” it may be said to be acting arbitrarily. Peterson, 771 F.2d at 1254.

19 For a complainant to show bad faith, there must be “substantial evidence of fraud,
20 deceitful action or dishonest conduct.” Bybee & Gingell v. While Pine County Sch. Dist., Item
21 No. 724B (2011), citing Amalgamated Ass’n of St., Elec. Ry. & Motor Coach Emp. of Am. v.
22 Lockridge, 403 U.S. 274, 299 (1971); Crom v. Las Vegas-Clark County Library Dist., Item No.
23 752E (2013). See also Demetris v. Transp. Workers Union of Am., 857 F.3d 803, 812 (2017).
24 To prove discriminatory action, a complainant must “adduce substantial evidence of
25 discrimination that is intentional, severe, and unrelated to legitimate union objections.” Id. citing
26 Amalgamated Ass’n of St., Elec. Ry. & Motor Coach Emp. of Am. v. Lockridge, 403 U.S. at
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1 299. The United States Supreme Court has long recognized that unions “must retain wide
2 discretion to act in what they perceive to be their members’ best interests.” Peterson, 771 F.2d at
3 1253 (9th Cir. 1985). Thus, Supreme Court has “stressed the importance of preserving union
4 discretion by narrowly construing the unfair representation doctrine.” Id. “Because a union
5 balances many collective and individual interests in deciding whether and to what extent it will
6 pursue a particular grievance, courts should ‘accord substantial deference’ to a union’s decisions
7 regarding such matters.” Id.

9 As noted above, Wallace adds additional allegations in his response that were not
10 included in his complaint. In fact, Wallace’s response contains the below additional allegations
11 not contained or detailed in the complaint that should not be considered by the Board as they are
12 conclusory in nature and contain no actual factual allegations:

14 “Complainant alleges that RPPA:

- 15 • failed to meaningfully investigate his grievance;
- 16 • failed to pursue relevant credibility-related evidence;
- 17 • imposed irrational conditions before reconsidering arbitration support;
- 18 • failed to meaningfully process a potentially meritorious grievance; and
- 19 • failed to meaningfully investigate and utilize same-and-similar comparator discipline
20 evidence directly relevant to Complainant’s discipline.
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22 Specifically, Complainant alleged that he received a pay-step reduction arising from first-time
23 body-worn camera and report-writing related violations, despite RPPA’s alleged knowledge that
24 similarly situated officers allegedly did not receive comparable discipline for similar first-time
25 offenses.”
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1 These conclusory statements do not contain any facts that would support the RPPA did not
2 represent Wallace, as he was provided legal counsel when it was requested, or any facts that
3 support these conclusory statements. Moreover, none of these statements support or raise
4 substantial evidence or probable cause that the RPPA's actions were fraudulent, deceitful action
5 or dishonest. Therefore, Wallace has failed to raise a justiciable controversy or to adequately
6 state a claim for which relief may be granted. See Bybee, Item No. 724B (2011); Amalgamated
7 Ass'n of St., Elec. Ry. & Motor Coach Emp. of Am., 403 U.S. 274, 299 (1971); Crom, Item No.
8 752E (2013). See also Demetris, 857 F.3d 803, 812 (2017); Thomas D. Richards, Case No. A1-
9 046094, Item No. 788.

11 Wallace further alleges that the "RPPA failed to meaningfully pursue, investigate, or
12 utilize comparator evidence relevant to progressive discipline and same-and-similar treatment
13 despite such evidence being directly relevant to the merits of the grievance and potential
14 arbitration." Yet he provides no facts to support these statements, no comparators that would
15 support these claims, or any other officer that was treated more favorably by the RPPA. Again,
16 Wallace only makes a general, unsubstantiated claim, with no factual support and for these
17 reasons his complaint cannot survive a motion to dismiss.

20 Further, Wallace alleges in his response that the RPPA's action were "inconsistent
21 treatment compared to similarly situated members; differential handling of credibility-related
22 information; discriminatory bias concerns involving union leadership; and conduct involving a
23 racial slur by a member of RPPA's governing body." Yet here again, Wallace provides no facts
24 to support any of these claims, and as such his complaint and allegations fail. The response
25 continues by alleging that the RPPA ignored actions by supervisory personnel, did not
26 adequately investigate the allegations related to the IA, or otherwise did not represent Wallace.

1 However, the complaint and response are utterly void of any factual statements to support the
2 allegations and conclusions that Wallace has brought in this matter. Without such facts, it is
3 impossible to establish that there is probable cause or that the RPPA's actions were "arbitrary,
4 discriminatory, or in bad faith." Weiner, 121 Nev. at 249, 11 P.3d at 832-33. Wallace's
5 complaint failed to provide any factual basis for this allegation or to show how this supports his
6 claim that the RPPA did not fairly represent him by supporting arbitration.
7

8 Therefore, Wallace has failed to demonstrate or state a claim for relief that the RPPA
9 acted arbitrary, discriminatory, or in bad faith when it denied Wallace's request to be supported
10 by the RPPA at arbitration. Weiner, 121 Nev. at 249, 11 P.3d at 832-33. Without any evidence,
11 much less substantial evidence, Wallace's claims fail, the complaint lacks probable cause, and
12 this matter must be dismissed. NAC 288.200; Clark County Public Employees Association,
13 SEIU Local 1107 vs. Clark County, Case No. A1-045496, EMRB Item 281 (11/21/90); Bybee
14 & Gingell v. While Pine County Sch. Dist., Item No. 724B (2011).
15

16 **IV. CONCLUSION**

17 Based on the foregoing, the RPPA respectfully request that the complaint brought by its
18 former member Danial Wallace be **DISMISSED** with prejudice and Wallace ordered to pay all
19 fees and costs the RPPA has incurred in having to defend this matter.
20

21 DATED this 12th day of June, 2026.

22 /s/ Ronald J. Dreher

23 Ronald J. Dreher

24 NV Bar No. 15726

25 DREHER LAW

26 P.O. Box 6494

27 Reno, NV 89513

28 Telephone: (775) 846-9804

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Attorney for Respondent

CERTIFICATE OF SERVICE

Pursuant to NAC 288.070, the undersigned hereby certifies that I am the counsel for the Reno Police Protective Association and that on this date I served a true and correct copy of the preceding document addressed to the following:

Daniel Wallace
7127 Beacon Dr.
Reno, NV 89506
djwallace1@att.net

by electronic service by transmitting the copy electronically as an attachment to electronic mail in portable document format.

DATED this 12th day of June, 2026.

/s/ Ronald J. Dreher
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Marisu Abellar
Commissioner, EMRB
3300 W. Sahara Avenue
Suite 260
Las Vegas, NV 89102
MAbellar@business.nv.gov

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