

CLERK OF THE COURT

Electronically Filed
Jun 16 2016 02:07 p.m.
Tracie K. Lindeman
Clerk of Supreme Court

NOAP
ADAM PAUL LAXALT
Nevada Attorney General
GREGORY L. ZUNINO
Bureau Chief
Nevada State Bar No. 4805
DONALD J. BORDELOVE
Deputy Attorney General
Nevada Bar No. 12561
555 E. Washington Ave. #3900
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Attorneys for State of Nevada
Local Government Employee-
Management Relations Board

DISTRICT COURT
CLARK COUNTY, NEVADA

EDUCATION SUPPORT EMPLOYEES)
ASSOCIATION,)
)
Petitioner,)
)
v.)
)
STATE OF NEVADA, LOCAL)
GOVERNMENT EMPLOYEE-)
MANAGEMENT RELATIONS BOARD;)
INTERNATIONAL BROTHERHOOD OF)
TEAMSTERS LOCAL 14; and CLARK)
COUNTY SCHOOL DISTRICT)
)
Respondents.)

Case No.: A-15-715577-J

Dept. No.: I

NOTICE OF APPEAL

NOTICE IS HEREBY GIVEN that Respondent STATE OF NEVADA, LOCAL
GOVERNMENT EMPLOYEE-MANAGEMENT RELATIONS BOARD hereby appeals to the
Nevada Supreme Court from the final order entered in this action on the 17th day of May, 2016

1 and served by mail on or about May 17, 2016.

2 DATED this 9th day of June, 2016

3 ADAM PAUL LAXALT
4 Attorney General

5 By: /s/ Donald J. Bordelove
6 Gregory L. Zunino
7 Bureau Chief
8 Donald J. Bordelove
9 Deputy Attorney General
10 *Attorneys for the State of Nevada,*
11 *Local Government Employee-Management*
12 *Relations Board*
13
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CERTIFICATE OF SERVICE

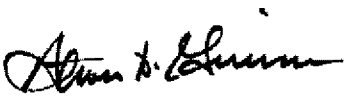
I hereby certify that I am an employee of the State of Nevada, Office of the Attorney General and that on the 9th day of June, 2016, I served the foregoing Notice of Appeal by serving a copy via Wiznet Electronic Service to the following:

Francis C. Flaherty, Esq.
Sue Matuska, Esq.
Dyer Lawrence Flaherty Donaldson & Prunty
2805 Mountain Street
Carson City, Nevada 89703
falaherty@dyerlawrence.com

Kristin Martin, Esq.
McCracken Stemmerman & Hoslberry
1630 S. Commerce St.
Las Vegas, Nevada 89102
klm@dcbsf.com

Scott Greenberg, Esq.
Clark County School District
5100 W. Sahara Avenue
Las Vegas, Nevada 89146
sgreenberg@interact.ccsd.net

/s/ Marilyn Millam
An Employee of the Attorney General's Office


CLERK OF THE COURT

ASTA
ADAM PAUL LAXALT
Nevada Attorney General
GREGORY L. ZUNINO
Bureau Chief
Nevada State Bar No. 4805
DONALD J. BORDELOVE
Deputy Attorney General
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dbordelove@ag.nv.gov
Attorneys for *State of Nevada*
Local Government Employee-
Management Relations Board

DISTRICT COURT
CLARK COUNTY, NEVADA

EDUCATION SUPPORT EMPLOYEES
ASSOCIATION,

Petitioner,

v.

STATE OF NEVADA, LOCAL
GOVERNMENT EMPLOYEE-
MANAGEMENT RELATIONS BOARD;
INTERNATIONAL BROTHERHOOD OF
TEAMSTERS LOCAL 14; and CLARK
COUNTY SCHOOL DISTRICT

Respondents.

Case No.: A-15-715577-J

Dept. No.: I

CASE APPEAL STATEMENT

1. Name of appellant filing this case appeal statement:

State of Nevada, Local Government Employee-Management Relations Board.

2. Identify the judge issuing the decision, judgment, or order appealed from:

Honorable Kenneth C. Cory, of the Eight Judicial District Court, Department I, issued
the order being appealed.

1 **3. Identify each appellant and the name and address of counsel for each**
2 **appellant:**

3 Appellant:

4 State of Nevada, Local Government Employee-Management Relations Board.

5 Counsel for Appellant:

6 Gregory L. Zunino

7 Bureau Chief

8 Donald J. Bordelove

9 Deputy Attorney General

10 Office of the Attorney General

11 555 E. Washington Ave., Ste. 3900

12 Las Vegas, Nevada 89101

13 Telephone: (702) 486-3420

14 Email: dbordelove@ag.nv.gov

15 **4. Identify each respondent and the name and address of appellate counsel,**
16 **if known, for each respondent: (if the name of a respondent's appellate counsel is**
17 **unknown, indicate as much and provide the name and address of that respondent's**
18 **trial counsel):**

19 Respondent:

20 Education Support Employees Association

21 Counsel for Respondent:

22 Francis C. Flaherty, Esq.

23 Sue S. Matuska, Esq.

24 Dyer, Lawrence, Flaherty, Donaldson & Prunty

25 2805 Mountain Street

26 Carson City, Nevada 89703

27 Telephone: (775) 885-1896

28 Email: fflaherty@dyerlawrence.com

29 **5. Indicate whether any attorney identified above in response to question 3 or**
30 **4 is not licensed to practice law in Nevada and, if so, whether the district court granted**
31 **that attorney permission to appear under SCR 42 (attach a copy of any district court**
32 **order granting such permission):**

33 All attorneys identified above are licensed to practice law in Nevada.

1 **6. Indicate whether appellant was represented by appointed or retained**
2 **counsel in the district court:**

3 Appellant was represented by retained counsel in the district court.

4 **7. Indicate whether appellant is represented by appointed or retained counsel**
5 **on appeal:**

6 Appellant is represented by retained counsel on appeal.

7 **8. Indicate whether appellant was granted leave to proceed in forma**
8 **pauperis, and the date of entry of the district court order granting such leave:**

9 Appellant was not granted leave to proceed in forma pauperis.

10 **9. Indicate the date the proceedings commenced in the district court:**

11 The initial Petition for Judicial Review was filed on March 19, 2016.

12 **10. Provide a brief description of the nature of the action and result in the**
13 **district court, including the type of judgment or order being appealed and the relief**
14 **granted by the district court:**

15 In its Petition for Judicial Review, Education Support Employees Association ("ESEA")
16 challenged an order issued by the Employee-Management Relations Board ("EMRB") on
17 January 20, 2016, wherein the EMRB determined that the International Brotherhood of
18 Teamsters, Local 14 ("Local 14") is entitled to act the exclusive bargaining agent for non-
19 teacher support staff employed by the Clark County School District ("CCSD"). ESEA had
20 formerly acted as the exclusive bargaining agent for the CCSD employees in question.

21 The issue before the court was whether, following an election pursuant to NRS 288.160
22 and NAC 288.110(10), the EMRB was required to leave ESEA in place as the bargaining
23 agent for CCSD employees even though the election returns demonstrated overwhelming
24 support for Local 14. ESEA argued, among other things, that the election was without force
25 and effect because the election returns failed to prove with mathematical certainty that Local
26 14 is supported by a majority of all potential voters, as opposed to a majority of those who
27
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1 actually cast votes in the election. The EMRB maintains that the election was well attended
2 and “demonstrates” overwhelming support for Local 14, albeit not to a mathematical certainty.

3 According to NAC 288.110(10), an employee organization is entitled to official
4 recognition when an election conducted by the EMRB “demonstrates” that the organization
5 enjoys the support of a majority of the members of a bargaining unit. The plain meaning of
6 NAC 288.110(10) contemplates an election at which a winner is declared in reference to the
7 number of votes cast. As such, based on the results of a second run-off election conducted
8 by the EMRB pursuant to its statutory discretion under NRS 288.160, the EMRB properly
9 determined that Local 14 is entitled to act as the bargaining agent for the bargaining unit
10 formerly controlled by ESEA.

11 On May 17, 2016, the District Court entered an Order Granting ESEA’s Petition for
12 Judicial Review (the “Order”), thereby nullifying the results of the election at which Local 14
13 was chosen to replace ESEA as the bargaining agent for the CCSD employees in question. A
14 true and correct copy of the Order is attached hereto as Exhibit 1 and incorporated by
15 reference. The EMRB now appeals.

16 **11. Indicate whether the case has previously been the subject of an appeal to**
17 **or original writ proceeding in the Supreme Court and, if so, the caption and Supreme**
18 **Court docket number of the prior proceeding:**

19 This case arises from a struggle between ESEA and Local 14 for control of a
20 bargaining unit consisting of CCSD employees. The underlying dispute between ESEA and
21 Local 14 was previously the subject of an appeal and writ proceeding to the Supreme Court as
22 follows: (1) *Education Support Employees Ass’n v. State of Nevada, Local Government*
23 *Employee-Management Relations Board et al.*, Docket Nos. 42315 and 42338; (2)
24 *International Brotherhood of Teamsters, Local 14 v. Education Support Ass’n et al.*, Docket
25 No. 51010; (3) *The State of Nevada, Local Government Employee-Management Relations*
26 *Board v. The Eighth Judicial District Court of the State of Nevada et al.*, Docket No. 62719.
27 Although this appeal concerns the conduct and outcome of an election that had not taken
28

place when these other matters were decided, this appeal has facts in common with the other matters.

12. Indicate whether this appeal involves child custody or visitation:

This case does not involve child custody or visitation.

13. If this is a civil case, indicate whether this appeal involves the possibility of settlement:

This case involves statutory interpretation, and therefore, it does not appear that there is a possibility of settlement.

DATED this 9th day of June, 2016

ADAM PAUL LAXALT
Attorney General

By: /s/ Donald J. Bordelove
Gregory L. Zunino
Bureau Chief
Donald J. Bordelove
Deputy Attorney General
*Attorneys for the State of Nevada,
Local Government Employee-Management
Relations Board*

CERTIFICATE OF SERVICE

I hereby certify that I am an employee of the State of Nevada Office of the Attorney General and that on the 9th day of June, 2016, I served the foregoing Case Appeal Statement via Wiznet Electronic Service as follows:

Francis C. Flaherty, Esq.
Sue Matuska, Esq.
Dyer Lawrence Flaherty Donaldson & Prunty
2805 Mountain Street
Carson City, Nevada 89703
falaherty@dyerlawrence.com

Kristin Martin, Esq.
McCracken Stemmerman & Hoslberry
1630 S. Commerce St.
Las Vegas, Nevada 89102
klm@dcbsf.com

Scott Greenberg, Esq.
Clark County School District
5100 W. Sahara Avenue
Las Vegas, Nevada 89146
sgreenberg@interact.ccsd.net

/s/ Marilyn Millam
An Employee of the Attorney General's Office

CASE SUMMARY
CASE SUMMARY
CASE NO. A-15-715577-J

Education Support Employees Association, Petitioner(s)
vs.
Nevada Local Government Employee Management
Relations Board, Respondent(s)

§
§
§
§
§

Location: **Department 1**
Judicial Officer: **Cory, Kenneth**
Filed on: **03/19/2015**
Cross-Reference Case Number: **A715577**

CASE INFORMATION

Statistical Closures

06/08/2015 Motion to Dismiss (By Defendant)

Case Type: **Other Nevada State Agency Appeal**

Case Flags: **Appealed to Supreme Court**

DATE

CASE ASSIGNMENT

Current Case Assignment

Case Number A-15-715577-J
Court Department 1
Date Assigned 03/19/2015
Judicial Officer Cory, Kenneth

PARTY INFORMATION

Petitioner

Education Support Employees Association

Lead Attorneys

Flaherty, Francis C
Retained
7758851896(W)

Respondent

Clark County School District

Removed: 06/08/2015
Dismissed

Greenberg, Scott, ESQ
Retained
702-799-5373(W)

International Brotherhood of Teamsters Local 14

Removed: 06/08/2015
Dismissed

Martin, Kristin, ESQ
Retained
702-386-5162(W)

Nevada Local Government Employee Management Relations Board

Davis, Scott R.
Retained
702-486-3094(W)

DATE

EVENTS & ORDERS OF THE COURT

INDEX

03/19/2015



Petition for Judicial Review
Filed by: Petitioner Education Support Employees Association
Petition for Judicial Review

03/19/2015



Notice of Motion
Filed By: Petitioner Education Support Employees Association
Petitioner's Notice of Motion and Motion for Stay of a Final Decision of a State Agency Pending Petition for Judicial Review

03/19/2015



Affidavit in Support
Filed By: Petitioner Education Support Employees Association
Affidavit of Francis C. Flaherty in Support of Motion for Stay

03/19/2015



Disclosure Statement
Party: Petitioner Education Support Employees Association
Nevada Rule of Civil Procedure Rule 7.1 Disclosure Statement

CASE SUMMARY
CASE SUMMARY
CASE NO. A-15-715577-J


03/19/2015	 Initial Appearance Fee Disclosure Filed By: Petitioner Education Support Employees Association <i>Initial Appearance Fee Disclosure (NRS Chapter 19)</i>
03/19/2015	Case Opened
03/20/2015	 Notice of Hearing Filed By: Petitioner Education Support Employees Association <i>Notice of Hearing</i>
03/27/2015	 Notice of Intent to Participate Filed By: Respondent Clark County School District <i>Statement of Intent to Participate</i>
04/02/2015	 Statement Filed by: Respondent Nevada Local Government Employee Management Relations Board <i>Statement of Intent to Participate</i>
04/06/2015	 Opposition to Motion Filed By: Respondent Nevada Local Government Employee Management Relations Board <i>Opposition to Motion for Stay and Countermotion to Dismiss</i>
04/16/2015	 Stipulation and Order Filed by: Petitioner Education Support Employees Association <i>Stipulation and Order Resetting Hearing on Petitioner's Motion for Stay and Setting Hearing on Respondent, State of Nevada, Local Government Employee-Management Relations Board's Counter-Motion to Dismiss</i>
04/23/2015	 Opposition to Motion Filed By: Petitioner Education Support Employees Association <i>Opposition to Respondent, State of Nevada, Local Government Employee-Management Relations Board's Counter-Motion to Dismiss Petition for Judicial Review</i>
04/29/2015	 Reply in Support Filed By: Respondent Nevada Local Government Employee Management Relations Board <i>Reply in Support of Countermotion to Dismiss</i>
05/11/2015	 Consent to Service By Electronic Means Filed By: Petitioner Education Support Employees Association <i>Consent to Service by Electronic Means</i>
05/11/2015	 Reply in Support Filed By: Petitioner Education Support Employees Association <i>Reply in Support of Petitioner's Motion for Stay of Final Decision of a State Agency Pending Petition for Judicial Review</i>
05/19/2015	Motion For Stay (9:00 AM) (Judicial Officer: Cory, Kenneth) <i>Petitioner's Notice of Motion and Motion for Stay of a Final Decision of a State Agency Pending Petition for Judicial Review</i>
05/19/2015	Opposition and Countermotion (9:00 AM) (Judicial Officer: Cory, Kenneth) <i>Respondent's Opposition to Motion for Stay and Countermotion to Dismiss</i>
05/19/2015	 All Pending Motions (9:00 AM) (Judicial Officer: Cory, Kenneth) <i>Petitioner's Notice of Motion and Motion for Stay of a Final Decision of a State Agency Pending Petition for Judicial Review...Respondent's Opposition to Motion for Stay and</i>

CASE SUMMARY
CASE SUMMARY
CASE NO. A-15-715577-J

Countermotion to Dismiss

Parties Present: Attorney Flaherty, Francis C
Attorney Davis, Scott R.
Attorney Martin, Kristin, ESQ

05/21/2015

 Transcript of Proceedings

Recorder's Transcript Re: Petitioner's Notice of Motion and Motion for Stay of a Final Decision of a State Agency Pending Petition for Judicial Review Respondent's Opposition to Motion for Stay and Countermotion to Dismiss 05-19-15

06/08/2015

 Order

Filed By: Respondent Nevada Local Government Employee Management Relations Board
Order Granting Countermotion to Dismiss

06/08/2015


Order of Dismissal Without Prejudice (Judicial Officer: Cory, Kenneth)
Debtors: Education Support Employees Association (Petitioner)
Creditors: Nevada Local Government Employee Management Relations Board (Respondent), International Brotherhood of Teamsters Local 14 (Respondent), Clark County School District (Respondent)
Judgment: 06/08/2015, Docketed: 06/15/2015

06/09/2015

 Notice of Entry of Order


Filed By: Respondent Nevada Local Government Employee Management Relations Board
Notice of Entry of Order Granting Countermotion to Dismiss

06/24/2015

 Notice


Filed By: Petitioner Education Support Employees Association
Notice of Verified Petition and Verified Petition for Writ of Certiorari and Writ of Prohibition

06/25/2015

 Notice of Hearing

Filed By: Petitioner Education Support Employees Association
Notice of "In Chambers" Hearing

07/27/2015

 **Petition for Writ of Certiorari** (3:00 AM) (Judicial Officer: Cory, Kenneth)

Petitioner's Notice of Verified Petition and Verified Petition for Writ of Certiorari and Writ of Prohibition

09/11/2015

 Order


Filed By: Respondent Nevada Local Government Employee Management Relations Board
Order Denying Petition for Writ of Certiorari and for Writ of Prohibition

09/14/2015

 Notice of Entry of Order


Filed By: Respondent Nevada Local Government Employee Management Relations Board
Notice of Entry of Order Denying Petition for Writ of Certiorari and For Writ of Prohibition

01/20/2016

 Petition for Judicial Review

Filed by: Petitioner Education Support Employees Association
Petition for Judicial Review

01/20/2016

 Notice of Motion

Filed By: Petitioner Education Support Employees Association
Notice of Motion and Motion for Stay of Final Decision of State Agency Pending Petition for Judicial Review

01/20/2016

 Ex Parte Application

CASE SUMMARY
CASE SUMMARY
CASE NO. A-15-715577-J

Party: Petitioner Education Support Employees Association
Ex Parte application for Order Accelerating Hearing Date

01/22/2016



Application

Filed By: Petitioner Education Support Employees Association
Notice of Application and Motion and Application for Temporary Restraining Order and Motion for Stay of Final Decision of State Agency Pending Petition for Judicial Review

01/22/2016



Ex Parte Application

Party: Petitioner Education Support Employees Association
Ex Parte Motion for Order Shortening Time

01/26/2016



Notice

Filed By: Petitioner Education Support Employees Association
Notice of Entry of Order Accelerating Hearing Date and Notice of Hearing Date and Briefing Schedule

01/26/2016



Statement

Filed by: Respondent Clark County School District
Statement of Intent to Participate

01/26/2016



Ex Parte Order

Filed By: Petitioner Education Support Employees Association
Order Granting Ex Parte Motion to Accelerate Hearing Date

02/08/2016



Opposition

Filed By: Respondent International Brotherhood of Teamsters Local 14
International Brotherhood of Teamsters Local 14's Opposition to the Motion for Stay

02/08/2016



Affidavit

Filed By: Respondent International Brotherhood of Teamsters Local 14
Declaration of Kristin L. Martin In Support of International Brotherhood of Teamsters 14's Opposition to the Motion for Stay

02/09/2016



Statement

Filed by: Respondent Nevada Local Government Employee Management Relations Board
Statement of Intent to Participate

02/09/2016



Joinder

Filed By: Respondent Nevada Local Government Employee Management Relations Board
Respondent, State of Nevada, Local Government Employee-Management Relations Board's (EMRB) Joinder in Respondent International Brotherhood of Teamsters Local 14's Opposition to the Motion for Stay

02/12/2016



Reply

Filed by: Petitioner Education Support Employees Association
Reply in Support of Petitioner's Motion for Stay of a Final Decision of a State Agency Pending Petition for Judicial Review

02/17/2016






Motion For Stay (9:00 AM) (Judicial Officer: Cory, Kenneth)

Petitioner's Motion for Stay of Final Decision of State Agency Pending Petition for Judicial Review and Notice of Motion






*Parties Present: Attorney Flaherty, Francis C
Attorney Davis, Scott R.
Attorney Greenberg, Scott, ESQ*

CASE SUMMARY
CASE SUMMARY
CASE NO. A-15-715577-J

02/18/2016	 Order <i>Order Granting Motion for Stay</i>
02/18/2016	 Minute Order (3:00 PM) (Judicial Officer: Cory, Kenneth)
02/18/2016	 Notice of Entry of Order Filed By: Petitioner Education Support Employees Association <i>Notice of Entry of Order Granting Motion for Stay of Final Decision of State Agency Pending Petition for Judicial Review</i>
02/19/2016	 Notice of Posting Bond Filed By: Petitioner Education Support Employees Association <i>Notice Of Posting Bond</i>
02/19/2016	 Notice of Posting Bond Filed By: Petitioner Education Support Employees Association <i>Notice Of Posting Bond</i>
02/22/2016	 Motion for Temporary Restraining Order (3:00 AM) (Judicial Officer: Cory, Kenneth) <i>Petitioner's Application and Motion and Application for Temporary Restraining Order and Motion for Stay of Final Decision of State Agency Pending Petition for Judicial Review and Notice of Application</i>
02/26/2016	 Transcript of Proceedings <i>Petitioner's Motion for Stay of Final Decision of State Agency Pending Petition for Judicial Review and Notice of Motion February 17, 2016</i>
02/29/2016	 Minute Order (8:00 AM) (Judicial Officer: Cory, Kenneth)
03/02/2016	 Record on Appeal Party: Respondent Nevada Local Government Employee Management Relations Board <i>Supplement to Administrative Record</i>
03/17/2016	 Brief Filed By: Petitioner Education Support Employees Association <i>Petitioner's Opening Memorandum of Points and Authorities in Support of Petition for Judicial Review</i>
04/01/2016	 Opposition Filed By: Respondent International Brotherhood of Teamsters Local 14 <i>Opposition to the Petition for Judicial Review</i>
04/01/2016	 Opposition Filed By: Respondent Nevada Local Government Employee Management Relations Board <i>Respondent Employee-Management Relations Board's Reply Memorandum of Points and Authorities in Opposition to Petition for Judicial Review</i>
04/08/2016	 Reply Filed by: Petitioner Education Support Employees Association <i>Reply in Support of Petitioner's Opening Memorandum of Points and Authorities in Support of Petition for Judicial Review</i>
04/20/2016	 Petition for Judicial Review (9:00 AM) (Judicial Officer: Cory, Kenneth) <i>Education Support Employees Association's Petition for Judicial Review</i>

CASE SUMMARY
CASE SUMMARY
CASE NO. A-15-715577-J

*Parties Present: Attorney Flaherty, Francis C
Attorney Zunino, LTJG Gregory L.*

04/26/2016	 Transcript of Proceedings <i>Transcript of Proceedings Education Support for Employees Association's Petition for Judicial Review 04-20-16</i>
05/16/2016	 Order Granting Judicial Review of Administrative Decision Filed by: Petitioner Education Support Employees Association <i>Order Granting Petition for Judicial Review</i>
05/16/2016	Order Granting Judicial Review (Judicial Officer: Cory, Kenneth) Debtors: Nevada Local Government Employee Management Relations Board (Respondent) Creditors: Education Support Employees Association (Petitioner) Judgment: 05/16/2016, Docketed: 05/23/2016
05/17/2016	 Notice of Entry of Order Filed By: Petitioner Education Support Employees Association <i>Notice of Entry of Order</i>
06/09/2016	 Case Appeal Statement Filed By: Respondent Nevada Local Government Employee Management Relations Board <i>Case Appeal Statement</i>
06/09/2016	 Notice of Appeal Filed By: Respondent Nevada Local Government Employee Management Relations Board

DATE

FINANCIAL INFORMATION

Petitioner Education Support Employees Association	
Total Charges	270.00
Total Payments and Credits	270.00
Balance Due as of 6/10/2016	0.00
Petitioner Education Support Employees Association	
Stay Bond Balance as of 6/10/2016	1,000.00

DISTRICT COURT CIVIL COVER SHEET

Clark County, Nevada
Case No. A-15-715577-J Dept I
(Assigned by Clerk's Office)

I. Party Information (provide both home and mailing addresses if different)

Plaintiff(s) (name/address/phone): <u>Education Support Employees Association, 3505 East Flamingo, Suite 2, Las Vegas, Nevada 89121 (702) 794-2537</u>	Defendant(s) (name/address/phone): <u>State of Nevada, Local Government Employee-Management Relations Board, International Brotherhood of Teamsters Local 14, Clark County School District</u>
Attorney (name/address/phone): <u>Francis C. Flaherty & Sue M. Matuska Dyer, Lawrence, Flaherty, Donaldson & Prunty, 2805 Mountain Street, Carson City, Nevada 89703 (775) 885-1896</u>	Attorney (name/address/phone):

II. Nature of Controversy (please select the one most applicable filing type below)

Civil Case Filing Types

Real Property Landlord/Tenant <input type="checkbox"/> Unlawful Detainer <input type="checkbox"/> Other Landlord/Tenant Title to Property <input type="checkbox"/> Judicial Foreclosure <input type="checkbox"/> Other Title to Property Other Real Property <input type="checkbox"/> Condemnation/Eminent Domain <input type="checkbox"/> Other Real Property	Negligence <input type="checkbox"/> Auto <input type="checkbox"/> Premises Liability <input type="checkbox"/> Other Negligence Malpractice <input type="checkbox"/> Medical/Dental <input type="checkbox"/> Legal <input type="checkbox"/> Accounting <input type="checkbox"/> Other Malpractice	Torts Other Torts <input type="checkbox"/> Product Liability <input type="checkbox"/> Intentional Misconduct <input type="checkbox"/> Employment Tort <input type="checkbox"/> Insurance Tort <input type="checkbox"/> Other Tort
Probate <small>(select case type and estate value)</small> <input type="checkbox"/> Summary Administration <input type="checkbox"/> General Administration <input type="checkbox"/> Special Administration <input type="checkbox"/> Set Aside <input type="checkbox"/> Trust/Conservatorship <input type="checkbox"/> Other Probate Estate Value <input type="checkbox"/> Over \$200,000 <input type="checkbox"/> Between \$100,000 and \$200,000 <input type="checkbox"/> Under \$100,000 or Unknown <input type="checkbox"/> Under \$2,500	Construction Defect & Contract Construction Defect <input type="checkbox"/> Chapter 40 <input type="checkbox"/> Other Construction Defect Contract Case <input type="checkbox"/> Uniform Commercial Code <input type="checkbox"/> Building and Construction <input type="checkbox"/> Insurance Carrier <input type="checkbox"/> Commercial Instrument <input type="checkbox"/> Collection of Accounts <input type="checkbox"/> Employment Contract <input type="checkbox"/> Other Contract	Judicial Review/Appeal Judicial Review <input type="checkbox"/> Foreclosure Mediation Case <input type="checkbox"/> Petition to Seal Records <input type="checkbox"/> Mental Competency Nevada State Agency Appeal <input type="checkbox"/> Department of Motor Vehicle <input type="checkbox"/> Worker's Compensation <input checked="" type="checkbox"/> Other Nevada State Agency Appeal Other <input type="checkbox"/> Appeal from Lower Court <input type="checkbox"/> Other Judicial Review/Appeal
Civil Writ <input type="checkbox"/> Writ of Habeas Corpus <input type="checkbox"/> Writ of Mandamus <input type="checkbox"/> Writ of Quo Warrantum <input type="checkbox"/> Writ of Prohibition <input type="checkbox"/> Other Civil Writ		Other Civil Filing <input type="checkbox"/> Compromise of Minor's Claim <input type="checkbox"/> Foreign Judgment <input type="checkbox"/> Other Civil Matters

Business Court filings should be filed using the Business Court civil coversheet.

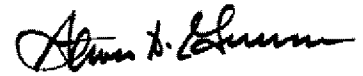
3/19/15

Date

[Signature]

Signature of initiating party or representative

See other side for family-related case filings.



CLERK OF THE COURT

1 ORDR
2 FRANCIS C. FLAHERTY
3 Nevada Bar No. 5303
4 SUE S. MATUSKA
5 Nevada Bar No. 6051
6 DYER, LAWRENCE, FLAHERTY,
7 DONALDSON & PRUNTY
8 2805 Mountain Street
9 Carson City, Nevada 89703
10 (775) 885-1896 telephone
11 (775) 885-8728 facsimile
12 fflaherty@dyerlawrence.com

13 Attorneys for Petitioner

14 DISTRICT COURT
15 CLARK COUNTY, NEVADA

16 EDUCATION SUPPORT
17 EMPLOYEES ASSOCIATION,
18 an employee organization

Case No. A-15-715577-J

19 Petitioner,

Dept. No. I

20 vs.

21 STATE OF NEVADA, LOCAL GOVERNMENT
22 EMPLOYEE-MANAGEMENT RELATIONS BOARD,
23 an agency of the State of Nevada;
24 INTERNATIONAL BROTHERHOOD OF
25 TEAMSTERS LOCAL 14, an employee organization; and
26 CLARK COUNTY SCHOOL DISTRICT,
27 a county school district,

28 Respondents.

ORDER GRANTING PETITION FOR JUDICIAL REVIEW

 Petitioner Education Support Employees Association's ("ESEA") Petition for Judicial Review, filed January 20, 2016, came before the Court on April 20, 2016. Respondent State of Nevada, Local Government Employee-Management Relations Board ("the Board") and the International Brotherhood of Teamsters, Local 14 ("Local 14") filed separate oppositions. ESEA was represented by Francis C. Flaherty, Esq., who appeared before the Court. Local 14 was represented by Kristin L. Martin, Esq. and Thomas Pitaro, Esq., and the Board was represented by Gregory Zunino, Esq., Bureau Chief of the Office of Attorney General, who all appeared before the

1 Court. The Clark County School District (“the District”) is represented by S. Scott Greenberg, Esq.,
2 who did not file a responsive pleading or appear before the Court at this particular hearing.

3 The Petition for Judicial Review challenged the Board’s 2016 Board Order wherein the
4 Board certified the results of a second runoff representation election between ESEA and Local 14
5 based on a majority-of-the-votes-cast standard and declared that Local 14 would become the
6 recognized bargaining agent of the support staff employees of the District. ESEA argued that the
7 Board had no authority to hold such second runoff election to be determined by a majority of the
8 votes cast because of two prior Nevada Supreme Court Orders in this case.¹ Local 14 and the Board
9 argued that the Supreme Court orders are not controlling, do not limit the EMRB’s discretion to
10 resolve the good-faith doubt about whether ESEA or Local 14 has majority support that caused the
11 EMRB to order an election, and that exceptions, including for “manifest injustice”, to the law of the
12 case doctrine apply.

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26
27 ¹ See *Education Support Employees Ass’n. v. Employee-Management Relations Board*,
28 Docket Nos. 42315/42338 (December 21, 2005) (“2005 Order”); *International Brotherhood of Teamsters, Local 14 v. Education Support Employees Ass’n.*, Docket No. 51010 (December 21, 2009) (“2009 Order”).

1 Having considered the pleadings and arguments of counsel presented at the April 20, 2016,
2 hearing, IT IS HEREBY ORDERED:

3 1. The Petition for Judicial Review is GRANTED, and the 2016 Board Order is
4 VACATED.

5 2. The matter is remanded to the Board to make the determination as to what, if any,
6 further action is appropriate.

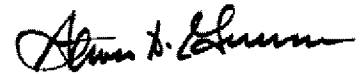
7 DATED this 4 day of May, 2016.

8
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10 
DISTRICT COURT JUDGE

11 Submitted by:
12 DYER, LAWRENCE, FLAHERTY,
DONALDSON & PRUNTY

13 By: /s/ Francis C. Flaherty

14 Francis C. Flaherty
15 Nevada Bar No. 5303
16 Sue S. Matuska
Nevada Bar No. 6051
Attorneys for Petitioner


CLERK OF THE COURT

1 NOE
2 FRANCIS C. FLAHERTY
3 Nevada Bar No. 5303
4 SUE S. MATUSKA
5 Nevada Bar No. 6051
6 DYER, LAWRENCE, FLAHERTY,
7 DONALDSON & PRUNTY
8 2805 Mountain Street
9 Carson City, Nevada 89703
10 (775) 885-1896 telephone
11 (775) 885-8728 facsimile
12 fflaherty@dyerlawrence.com

13 Attorneys for Petitioner

14 DISTRICT COURT
15 CLARK COUNTY, NEVADA

16 EDUCATION SUPPORT
17 EMPLOYEES ASSOCIATION,
18 an employee organization

Case No. A-15-715577-J

19 Petitioner,

Dept. No. I

20 vs.

21 STATE OF NEVADA, LOCAL GOVERNMENT
22 EMPLOYEE-MANAGEMENT RELATIONS BOARD,
23 an agency of the State of Nevada;
24 INTERNATIONAL BROTHERHOOD OF
25 TEAMSTERS LOCAL 14, an employee organization; and
26 CLARK COUNTY SCHOOL DISTRICT,
27 a county school district,


28 Respondents.

NOTICE OF ENTRY OF ORDER

PLEASE TAKE NOTICE that on May 17, 2016, the Court in the above-entitled matter entered its Order Granting Petition for Judicial Review. A true and correct copy of the Order is attached hereto as Exhibit 1 and incorporated herein by reference.

DATED this 17th day of May, 2016.

DYER, LAWRENCE, FLAHERTY
DONALDSON & PRUNTY


Francis C. Flaherty
Nevada Bar No. 5303
Sue S. Matuska
Nevada Bar No. 6051
Attorneys for Petitioner

CERTIFICATE OF SERVICE

I hereby certify pursuant to NRCP 5(b) that I am an employee of DYER, LAWRENCE, FLAHERTY, DONALDSON AND PRUNTY and that on the 17th day of May, 2016, I caused a true and correct copy of the foregoing **NOTICE OF ENTRY OF ORDER GRANTING PETITION FOR JUDICIAL REVIEW** to be deposited in the U.S. Mail, first-class postage prepaid and to be sent electronically to each of the following:

EMRB
2501 East Sahara Avenue, Suite 203
Las Vegas, Nevada 89104

emrb@business.nevada.gov
Bsnyder@business.nevada.gov

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McCracken, Stemerman, Bowen & Holsberry
1630 Commerce Street, Suite A-1
Las Vegas, NV 89102

klm@dcbsf.com

S. Scott Greenberg, Esq.
Office of General Counsel
Clark County School District
5100 W. Sahara Ave.
Las Vegas, NV 89146

sgreenberg@interact.ccsd.net

Gregory L. Zunino, Esq.
Bureau Chief
Attorney General's Office
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Attorney General's Office
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dbordelove@ag.ng.gov


Debora McEachin

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EXHIBIT 1

EXHIBIT 1


CLERK OF THE COURT

1 ORDR
2 FRANCIS C. FLAHERTY
3 Nevada Bar No. 5303
4 SUE S. MATUSKA
5 Nevada Bar No. 6051
6 DYER, LAWRENCE, FLAHERTY,
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13 Attorneys for Petitioner

14
15 DISTRICT COURT
16 CLARK COUNTY, NEVADA

17 EDUCATION SUPPORT
18 EMPLOYEES ASSOCIATION,
19 an employee organization

Case No. A-15-715577-J

20 Petitioner,

Dept. No. I

21 vs.

22 STATE OF NEVADA, LOCAL GOVERNMENT
23 EMPLOYEE-MANAGEMENT RELATIONS BOARD,
24 an agency of the State of Nevada;
25 INTERNATIONAL BROTHERHOOD OF
26 TEAMSTERS LOCAL 14, an employee organization; and
27 CLARK COUNTY SCHOOL DISTRICT,
28 a county school district,

Respondents.

ORDER GRANTING PETITION FOR JUDICIAL REVIEW

Petitioner Education Support Employees Association's ("ESEA") Petition for Judicial Review, filed January 20, 2016, came before the Court on April 20, 2016. Respondent State of Nevada, Local Government Employee-Management Relations Board ("the Board") and the International Brotherhood of Teamsters, Local 14 ("Local 14") filed separate oppositions. ESEA was represented by Francis C. Flaherty, Esq., who appeared before the Court. Local 14 was represented by Kristin L. Martin, Esq. and Thomas Pitaro, Esq., and the Board was represented by Gregory Zunino, Esq., Bureau Chief of the Office of Attorney General, who all appeared before the

1 Court. The Clark County School District ("the District") is represented by S. Scott Greenberg, Esq.,
2 who did not file a responsive pleading or appear before the Court at this particular hearing.

3 The Petition for Judicial Review challenged the Board's 2016 Board Order wherein the
4 Board certified the results of a second runoff representation election between ESEA and Local 14
5 based on a majority-of-the-votes-cast standard and declared that Local 14 would become the
6 recognized bargaining agent of the support staff employees of the District. ESEA argued that the
7 Board had no authority to hold such second runoff election to be determined by a majority of the
8 votes cast because of two prior Nevada Supreme Court Orders in this case.¹ Local 14 and the Board
9 argued that the Supreme Court orders are not controlling, do not limit the EMRB's discretion to
10 resolve the good-faith doubt about whether ESEA or Local 14 has majority support that caused the
11 EMRB to order an election, and that exceptions, including for "manifest injustice", to the law of the
12 case doctrine apply.

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26 ¹ See *Education Support Employees Ass'n. v. Employee-Management Relations Board*,
27 Docket Nos. 42315/42338 (December 21, 2005) ("2005 Order"); *International Brotherhood of*
28 *Teamsters, Local 14 v. Education Support Employees Ass'n.*, Docket No. 51010 (December 21,
2009) ("2009 Order").

Dyer, Lawrence, Flaherty, Donaldson & Prunty
2805 Mountain Street
Carson City, Nevada 89703
(775) 885-1896

1 Having considered the pleadings and arguments of counsel presented at the April 20, 2016,
2 hearing, IT IS HEREBY ORDERED:

3 1. The Petition for Judicial Review is GRANTED, and the 2016 Board Order is
4 VACATED.

5 2. The matter is remanded to the Board to make the determination as to what, if any,
6 further action is appropriate.

7 DATED this 4 day of May, 2016.

8
9
10 
DISTRICT COURT JUDGE
11

12 Submitted by:
DYER, LAWRENCE, FLAHERTY,
DONALDSON & PRUNTY

13 By: /s/ Francis C. Flaherty

14 Francis C. Flaherty
15 Nevada Bar No. 5303
16 Sue S. Matuska
Nevada Bar No. 6051
Attorneys for Petitioner
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**DISTRICT COURT
CLARK COUNTY, NEVADA**

**Other Nevada State Agency
Appeal**

COURT MINUTES

May 19, 2015

A-15-715577-J Education Support Employees Association, Petitioner(s)
vs.
Nevada Local Government Employee Management Relations Board,
Respondent(s)

May 19, 2015 9:00 AM All Pending Motions

HEARD BY: Cory, Kenneth **COURTROOM:** RJC Courtroom 16A

COURT CLERK: Michele Tucker

RECORDER: Lisa Lizotte

REPORTER:

PARTIES

PRESENT: Davis, Scott R. Attorney
 Flaherty, Francis C Attorney
 Martin, Kristin, ESQ Attorney

JOURNAL ENTRIES

- ALL PENDING - Petitioner's Notice of Motion and Motion for Stay of a Final Decision of a State Agency Pending Petition for Judicial Review...Respondent's Opposition to Motion for Stay and Countermotion to Dismiss

Mr. Davis argued the petition filed is not within the Court's jurisdiction as it is regarding holding another election. Mr. Flaherty requested the Court put a stop to the election. Statements by the Court as to the Supreme Court's Order regarding members. Court inquired how much the election would cost. Mr. Davis stated approximately \$20,000.00. Mr. Flaherty argued as to jurisdiction. Mr. Davis further argued this Court has no jurisdiction. Court read the Supreme Court's Order granting the petition filed on 12/18/13. Statements by the Court regarding the Order. COURT ORDERED, Petitioner's Notice of Motion and Motion for Stay of a Final Decision of a State Agency Pending Petition for Judicial Review DENIED and Respondent's Opposition to Motion for Stay and Countermotion to Dismiss GRANTED. Mr. Davis to prepare the Order.

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Other Nevada State Agency
Appeal

COURT MINUTES

July 27, 2015

A-15-715577-J Education Support Employees Association, Petitioner(s)
vs.
Nevada Local Government Employee Management Relations Board,
Respondent(s)

July 27, 2015 3:00 AM Petition for Writ of
Certiorari

HEARD BY: Cory, Kenneth

COURTROOM: RJC Courtroom 16A

COURT CLERK: Michele Tucker

RECORDER:

REPORTER:

PARTIES

PRESENT:

JOURNAL ENTRIES

- Regarding the disputed second run-off election, the Court finds that the Petitioner s right to judicial review upon certification of the election results is a plain, speedy, and adequate remedy, and that extraordinary writ relief is not appropriate at this time. Accordingly, COURT ORDERED Petitioner s Verified Petition for Writ of Certiorari and Writ of Prohibition DENIED. Mr. Davis to prepare the Order.

CLERK'S NOTE: The above minute order has been distributed to: Scott Davis, Esq. and Francis Flaherty, Esq. via e-mail. /mlt

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Other Nevada State Agency
Appeal

COURT MINUTES

February 17, 2016

A-15-715577-J Education Support Employees Association, Petitioner(s)
vs.
Nevada Local Government Employee Management Relations Board,
Respondent(s)

February 17, 2016 9:00 AM Motion For Stay

HEARD BY: Cory, Kenneth COURTROOM: RJC Courtroom 16A

COURT CLERK: Michele Tucker

RECORDER: Lisa Lizotte

REPORTER:

PARTIES

PRESENT: Davis, Scott R. Attorney
 Flaherty, Francis C Attorney
 Greenberg, Scott, ESQ Attorney

JOURNAL ENTRIES

- Ms. Martin, Esq. present on behalf Teamsters Union Local 14.

Mr. Flaherty gave history and summary of petition. Mr. Flaherty argued it would be harmful is a stay is not imposed; they would lose revenue. Further argued the Supreme Court has issued two orders which would prevent an election to be held using any counting method other than the majority of the employee members. Mr. Davis argued there is no irreparable harm and the lost revenue is not enough to cause irreparable harm. Further arguments by counsel. COURT ORDERED, Petitioner's Motion for Stay of Final Decision of State Agency Pending Petition for Judicial Review and Notice of Motion GRANTED and a BOND in the amount of \$1,000.00. COURT FURTHER ORDERED, Brief due March 17, 2016, Opposition due April 1, 2016, Reply due April 8, 2016 and Matter SET for Judicial Review. Mr. Flaherty to prepare the Order.

4/27/16 9:00 AM PETITION FOR JUDICIAL REVIEW

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Other Nevada State Agency
Appeal

COURT MINUTES

February 18, 2016

A-15-715577-J Education Support Employees Association, Petitioner(s)
vs.
Nevada Local Government Employee Management Relations Board,
Respondent(s)

February 18, 2016 3:00 PM Minute Order

HEARD BY: Cory, Kenneth COURTROOM: RJC Courtroom 16A

COURT CLERK: Michele Tucker

RECORDER:

REPORTER:

PARTIES

PRESENT:

JOURNAL ENTRIES

- Please take NOTE: Due to this Court's schedule, the Petition for Judicial Review has been RESCHEDULED from Wednesday, April 27, 2016 to Tuesday, April 26, 2016 at 9:00 am.

RESCHEDULED TO: 4/26/16 9:00 AM PETITION FOR JUDICIAL REVIEW

CLERK'S NOTE: The above minute order has been distributed to: Scott Davis, Esq., Francis Flaherty, Esq., Scott Greenberg, Esq., and Kristin Martin, Esq. via e-mail. /mlt

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Other Nevada State Agency
Appeal

COURT MINUTES

February 22, 2016

A-15-715577-J Education Support Employees Association, Petitioner(s)
vs.
Nevada Local Government Employee Management Relations Board,
Respondent(s)

February 22, 2016 3:00 AM Motion for Temporary
Restraining Order

HEARD BY: Cory, Kenneth COURTROOM: RJC Courtroom 16A

COURT CLERK: Michele Tucker

RECORDER:

REPORTER:

PARTIES
PRESENT:

JOURNAL ENTRIES

- COURT ORDERS, Petitioner's Application and Motion and Application for Temporary Restraining Order and Motion for Stay of Final Decision of State Agency Pending Petition for Judicial Review and Notice of Application DENIED as moot as the Court granted the Petitioner s Motion for Stay on February 18, 2016. Mr. Flaherty to prepare the Order.

CLERK'S NOTE: The above minute order has been distributed to: Gregory L. Zunino, Esq., Francis Flaherty, Esq., and Kristin Martin, Esq. via e-mail. /mlt

**DISTRICT COURT
CLARK COUNTY, NEVADA**

**Other Nevada State Agency
Appeal**

COURT MINUTES

February 29, 2016

A-15-715577-J Education Support Employees Association, Petitioner(s)
vs.
Nevada Local Government Employee Management Relations Board,
Respondent(s)

February 29, 2016 8:00 AM Minute Order

HEARD BY: Cory, Kenneth **COURTROOM:** RJC Courtroom 16A

COURT CLERK: Michele Tucker

RECORDER:

REPORTER:

PARTIES

PRESENT:

JOURNAL ENTRIES

- PLEASE NOTE: Due to this Court's schedule the Petition for Judicial Review has been
RESCHEDULED from Tuesday, April 26, 2016 to Tuesday, April 19, 2016 at 9:00 am.

RESCHEDULED TO: 4/19/16 9:00 AM

CLERK'S NOTE: The above minute order has been distributed to: Frances Flaherty, Esq. and Gregory
Zunino, Esq. via e-mail. /mlt

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Other Nevada State Agency
Appeal

COURT MINUTES

April 20, 2016

A-15-715577-J Education Support Employees Association, Petitioner(s)
vs.
Nevada Local Government Employee Management Relations Board,
Respondent(s)

April 20, 2016 9:00 AM Petition for Judicial Review

HEARD BY: Cory, Kenneth COURTROOM: RJC Courtroom 16A

COURT CLERK: Michele Tucker

RECORDER: Lisa Lizotte

REPORTER:

PARTIES

PRESENT: Flaherty, Francis C Attorney
Zunino, LTJG Gregory L. Attorney

JOURNAL ENTRIES

- Ms. Kristin Martin, Esq. and Mr. Thomas Pitaro, Esq. present on behalf of Brotherhood of Teamsters Local 14.

Following arguments by Mr. Zunino and Ms. Martin as to their respective positions, COURT STATED THE FOLLOWING FINDS:

The Court is influenced by the argument of Local 14 about manifest injustice. All of those arguments find some resonance in the Court, no doubt because of the sequitious path that has led the Court to this point. We often, in the criminal cases, are talking about people s constitutional rights. We are often talking about doing justice and it s sort of a vague term but it s what compels one in one s heart to take a certain action, Notwithstanding, being touched by the argument about manifest injustice, The Court persist in the notion that it cannot get around the Supreme Court s decision that seemed to indicate that it has to be the way the statute is written. It is extremely difficult for all of these various parties to try and use this process. It s a very cumbersome process to try and arrive at what passes for justice, but to arrive at a process that s known, understood, and everybody can simply play by those

rules and find out where they stand. You have not only the employer and the employees, then you superimpose the two unions over that, and then you superimpose the EMRB over them, and then you superimpose not one, but at least two courts and maybe three and it becomes a very cumbersome process. This Court believes that the law is written in such a way and the Supreme Court's opinions on this very matter are written in such a way that the Court is to consider it to be, perhaps as the EMRB, sort of a scaffolding around the competing unions. It's ever present in the law regarding petitions for judicial review that the Court not monkey too much with what the agency has determined. It is only when the Court sees that not only has the Supreme Court spoken out seemingly against what the EMRB did, at least as this Court views it, but it has done so in the context of this very case. I accept the ESEA's argument that this does present law of the case and the Court has to say that notwithstanding the compelling argument about manifest injustice, this is not a case where the Court feels that it's this Court's best function to step out in the rights of compelling opinion trying to persuade the Supreme Court that they were wrong and they created a manifest injustice, if there is manifest injustice. In this case, I believe that answer will have to come from the Supreme Court. It's just as difficult for this Court as it is Local 14 and, indeed, even now the EMRB, to seem to sacrifice the democratic process of voting to some rigid, seemingly technical requirement in the law as interpreted by the Supreme Court that says: But it must be a majority of the unit, not just a representative sample. But, the Court is persuaded by Mr. Flaherty's argument that labor stability played an important role in the creation of this statutory framework by our Legislature and whether they're right or wrong, the Supreme Court spoke in 2005 and you could almost implicitly read into that an invitation to the Legislature to review this process and see if they really want to continue to make such a high standard for a change of representation of unions, but the Legislature has not taken up that challenge. It is for them to determine. It's for the Supreme Court to determine how to interpret this law. The Court's best function is to adhere to the interpretation of the Supreme Court on this very point and have to tell the EMRB that while the Court maintains its previous orders, that they do have jurisdiction, and that they do have a lot of discretion, and they may act in accordance with that discretion, that it is circumscribed by the law itself regarding this point on majority of the unit, not majority of those who vote, as written and as interpreted by the Supreme Court in this very case. I don't see that this Court has the discretion to upset that card. This Court doesn't do the process any favors if it throws out what seems to have been determined by our Supreme Court in this case. If the objective of the courts is to try and bring this to a close, then this Court thinks that the proper role for this Court is to simply apply what it views to be the law of the case and the specific holding of the Supreme Court and leave it for the Supreme Court if they want to change their view of the statute or if they want to accept a manifest injustice argument, or any of the other several arguments that were advanced by Local 14 for altering their interpretation of the statute. This Court adheres to the notion that the law is designed to give to the EMRB a broad discretion within the statutory limits and that this Court does not accept the ESEA's argument here that the EMRB has its hands tied and it has to simply accept the status quo and move on. It's up to the EMRB to make its own determination within its discretion of whether this is an instance in which they feel the law allows and that justice demands, that they hold yet another election. It's up to them to make that determination and this Court does not tie their hands.

COURT ORDERED, the case is REMANDED to the EMRB for their further action on determination or

interpretation.

Court STATED it really appreciates the involvement, the dedication of these people. It reminds the Court of who the Court needs to keep in mind when it issues decisions. It s not the lawyers that stand there and can take one side one day and another side the next day in different cases. It is these people who are dramatically affected by whatever the Court decides.

Certification of Copy

State of Nevada }
County of Clark } SS:

I, Steven D. Grierson, the Clerk of the Court of the Eighth Judicial District Court, Clark County, State of Nevada, does hereby certify that the foregoing is a true, full and correct copy of the hereinafter stated original document(s):

NOTICE OF APPEAL; CASE APPEAL STATEMENT; DISTRICT COURT DOCKET ENTRIES; CIVIL COVER SHEET; ORDER GRANTING PETITION FOR JUDICIAL REVIEW; NOTICE OF ENTRY OF ORDER; DISTRICT COURT MINUTES

EDUCATION SUPPORT EMPLOYEES
ASSOCIATION,

Plaintiff(s),

vs.

STATE OF NEVADA, LOCAL
GOVERNMENT EMPLOYEE-
MANAGEMENT RELATIONS BOARD;
INTERNATIONAL BROTHERHOOD OF
TEAMSTERS LOCAL 14; CLARK COUNTY
SCHOOL DISTRICT,

Defendant(s),

Case No: A-15-715577-J

Dept No: I

now on file and of record in this office.

IN WITNESS THEREOF, I have hereunto
Set my hand and Affixed the seal of the
Court at my office, Las Vegas, Nevada
This 10 day of June 2016.

Steven D. Grierson, Clerk of the Court



Heather Ungermann, Deputy Clerk