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Tracie K. Lindeman
Clerk of Supreme Court

IN THE SUPREME COURT OF THE STATE OF NEVADA

THE STATE OF NEVADA LOCAL
GOVERNMENT EMPLOYEE-
MANAGEMENT RELATIONS BOARD,

Appellant,

vs.

EDUCATION SUPPORT EMPLOYEES
ASSOCIATION; INTERNATIONAL
BROTHERHOOD OF TEAMSTERS, LOCAL
14; AND CLARK COUNTY SCHOOL
DISTRICT,

Respondents.

Supreme Court No. 70586

District Court Case No. A715577

**LOCAL 14'S REPLY IN SUPPORT OF
MOTION FOR LEAVE TO FILE
OPENING AND REPLY BRIEFS; AND
RESPONSE TO ESEA'S OBJECTION TO
THE CAPTION**

There can be no reasonable dispute that International Brotherhood of Teamsters Local 14 is a party to this action. Local 14 was a party to the administrative proceeding where this case began, and it was a party to the district court case, where the decision challenged on appeal was issued.

Seizing on Local 14's candid acknowledgement in its motion for leave to file opening and reply briefs that Local 14 supports the EMRB's position, Education Support Employees ("ESEA") asserts that Local 14 cannot be a respondent because a respondent must oppose the appellant's position in all respects. No such rule exists. Adopting that rule now would require a host of new, cumbersome procedures for determining which of the parties below can properly be named on the caption and

1 allowed to file briefs.¹ For this reason, the Nevada Administrative Procedures Act defines as
2 “respondents” to a petition for judicial review all parties to the administrative proceeding, regardless of
3 what position the party might take in response to the petition. *See* NRS 233B.130(2)(a).

4 ESEA asserts that if Local 14 wanted to be heard on the issues in this appeal, Local 14 was
5 required to file a separate appeal. Such a rule would lead unnecessarily to multiple appeals in cases
6 with multiple parties below, wasting this Court’s resources. Local 14 seeks to participate in this appeal,
7 just as it did in the district court.

8 Local 14 recognized that if it filed an answering brief, ESEA would not have the opportunity to
9 respond to Local 14’s briefing, and so proposed an equitable resolution that primarily benefits ESEA.
10 Local 14 proposed to file an opening brief at the same time as the EMRB, instead of an answering brief.
11 One would have expected ESEA to support Local 14’s motion. This solution would also enable Local
12 14 to join the EMRB’s brief instead of filing a separate brief, thereby reducing the pages of briefing
13 before this Court.

14 For these reasons, Local 14’s motion for leave to file opening and reply briefs should be
15 granted; and the ESEA’s objection to the caption should be denied.

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17 Dated: July 14, 2016

MCCRACKEN STEMERMAN & HOLSBERRY

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19 */s/ Kristin L. Martin*

20 _____
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27 ¹ For example, the Court would have to develop procedures for requiring potential respondents
28 to disclose their positions so it could assess the adequacy of their opposition. The Clark County School
District is also named as a respondent in this case, even though the District did not take a position in the
district court proceeding. If ESEA’s new rule for defining who is a respondent were adopted, how
would the Court determine whether the District is a respondent in this action?

CERTIFICATE OF SERVICE

I hereby certify that I am an employee of the McCracken, Stemerman & Holsberry and that on the 14TH day of July, 2016 I served the foregoing **LOCAL 14'S REPLY IN SUPPORT OF MOTION FOR LEAVE TO FILE OPENING AND REPLY BRIEFS; AND RESPONSE TO ESEA'S OBJECTION TO THE CAPTION** via electronic service to the following:

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/s/ Lesley E. Phillips