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Brotherhood of Teamsters, Local 14*

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

**INTERNATIONAL BROTHERHOOD OF
TEAMSTERS LOCAL 14'S OPPOSITION
TO ESEA'S MOTION TO STRIKE ITS
ANSWERING BRIEF**

Respondent Education Support Employees Association's motion to strike Local 14's answering brief is frivolous. The Court's July 27, 2016 Order states "Local 14 may file an answering brief *conceding district court error*, but may not seek to alter the judgment." Doc. No. 16-23333 (emphasis added). That is exactly what Local 14's answering brief does. It asserts, in the introduction and conclusion, that the District Court erred in granting ESEA's petition for judicial review and vacating the Employee Management Relations Board's order. In the body of the brief, Local 14 explained why the District Court erred. But the brief stops short of affirmatively asking the Court to alter the judgment. Local 14 left the task of "seek[ing] to alter the judgment" to Appellant Employee Management Relations Board. Local 14 could not have followed the Court's order any more precisely.

1 ESEA's motion disregards the Court's July 2016 Order. ESEA's argument boils down to its
2 conclusory assertion that there is no difference between what Local 14 did (concede that the District
3 Court erred) and what Local 14 did not do (seek to alter the Court's judgment). But this is the
4 distinction that this Court drew when it said that Local 14 could concede district court error but not
5 seek to alter the judgment.

6 Perhaps ESEA thinks that all Local 14 was permitted to file was a statement that says, "Local
7 14 concedes district court error" without explaining why the district court erred. That is not what the
8 Court's July 2016 Order says. It says that Local 14 may file an "answering brief." Nevada Rule of
9 Appellate Procedure 28 explains what sections must be included in a Respondent's brief and among
10 those sections are an "argument, which must contain" the party's "contentions and reasons for them."
11 Nev. R. App. P. 28(a)(10) & (b). This is consistent with the meaning of the term "brief." Black's Law
12 Dictionary, 192 (6th ed. 1990) (defining "brief" as a "written statement prepared by the counsel arguing
13 a case in court" that "contains a summary of the facts of the case, the pertinent laws, and an argument
14 of how the law applies to the facts supporting counsel's position").

15 For all of the foregoing reasons, ESEA's motion to strike Local 14's answering brief should be
16 denied.

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18 Dated: June 26, 2017

MCCRACKEN STEMERMAN & HOLSBERRY, LLP

19
20 /s/Kristin L. Martin

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CERTIFICATE OF SERVICE

I hereby certify that I am an employee of McCracken, Stemerman & Holsberry and that on the 26th day of June, 2017 I served the foregoing **INTERNATIONAL BROTHERHOOD OF TEAMSTERS LOCAL 14'S OPPOSITION TO ESEA'S MOTION TO STRIKE ITS ANSWERING BRIEF** via electronic service to the following:

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